

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 MERILYN REEVES and JIM LUDWICK,
5 *Petitioners,*

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7 and

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9 FRIENDS OF YAMHILL COUNTY,
10 *Intervenor-Petitioner,*

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12 vs.

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14 YAMHILL COUNTY,
15 *Respondent,*

16
17 and

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19 CHARMA VAAGE, DEAN VAAGE
20 and MARY ZOLENE VAAGE,
21 *Intervenor-Respondents.*

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23 LUBA No. 2008-002

24
25 FINAL OPINION
26 AND ORDER

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28 Appeal from Yamhill County.

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30 Marianne Dugan, Eugene, filed the petition for review and represented petitioners
31 and intervenor-petitioner.

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33 Fredric Sanai, McMinnville, represented respondent.

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35 Dorothy S. Cofield, Portland, represented intervenor-respondents.

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37 RYAN, Board Chair; HOLSTUN, Board Member; BASSHAM, Board Member,
38 participated in the decision.

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40 DISMISSED

05/06/2008

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42 You are entitled to judicial review of this Order. Judicial review is governed by the
43 provisions of ORS 197.850.

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MOTION TO DISMISS

Respondent and intervenor-respondents (respondents) move to dismiss this appeal because the petition for review was not timely filed. The petition for review in this appeal was due April 1, 2008. The petition for review was filed on April 2, 2008. Petitioner subsequently filed a motion to withdraw the petition for review.

ORS 197.830(11) requires that a petition for review be filed within the deadlines established by Board rule. OAR 661-010-0030(1) provides, in relevant part:

“* * * The petition for review together with four copies shall be filed with the Board within 21 days after the date the record is received or settled by the Board. * * * Failure to file a petition for review within the time required by this section, and any extensions of that time under * * * OAR 661-010-0067(2), shall result in dismissal of the appeal * * *.”

OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be extended only by written consent of all the parties.

The deadline for filing the petition for review is strictly enforced. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd* 138 Or App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987).

Because a petition for review was not filed within the time required by our rules, and petitioner did not obtain written consent to extend the time for filing the petition for review under OAR-661-010-0067(2) beyond April 1, 2008, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

This appeal is dismissed.