

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 KEVIN SPENCER, JERRY FREUND,  
5 POWELL BUTTE VISTAS, LLC,  
6 and RONALD A. RAASCH,  
7 *Petitioners,*

8  
9 vs.

10  
11 CROOK COUNTY,  
12 *Respondent,*

13  
14 and

15  
16 GARY EDER, MOLLIE EDER,  
17 MARK McKINNON, CASEY McKINNON,  
18 H. CURTISS, PATRICIA BURRELL,  
19 TOM ALEXANDER and  
20 CENTRAL OREGON LANDWATCH,  
21 *Intervenors-Respondents.*

22  
23 LUBA No. 2008-199

24  
25 FINAL OPINION  
26 AND ORDER

27  
28 Appeal from Crook County.

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30 Peter Livingston, Portland, represented petitioners.

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32 David M. Gordon, County Counsel, Prineville, represented respondent.

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34 Jannett Wilson, Eugene, represented intervenor-respondents Eder et al. Pamela  
35 Hardy, Bend, represented intervenor-respondent Central Oregon Landwatch.

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

39  
40 DISMISSED

04/03/2009

41  
42 You are entitled to judicial review of this Order. Judicial review is governed by the  
43 provisions of ORS 197.850.

1 Opinion by Holstun.

2 The petition for review in this appeal was due February 26, 2009. The petition for  
3 review has not been filed, nor has an extension of time to file the petition for review been  
4 granted. Respondent moves to dismiss this appeal, and petitioners have not responded to that  
5 motion.

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

8 “\* \* \* The petition for review together with four copies shall be filed with the  
9 Board within 21 days after the date the record is received or settled by the  
10 Board. \* \* \* Failure to file a petition for review within the time required by  
11 this section, and any extensions of that time under \* \* \* OAR 661-010-  
12 0067(2), shall result in dismissal of the appeal \* \* \*.”

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

15 The deadline for filing the petition for review is strictly enforced. *Terrace Lakes*  
16 *Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff’d* 138 Or App 188, 906 P2d  
17 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987).

18 Because a petition for review was not filed within the time required by our rules, and  
19 petitioner did not obtain written consent to extend the time for filing the petition for review  
20 under OAR-661-010-0067(2) beyond February 26, 2009, ORS 197.830(11) and OAR  
21 661-010-0030(1) require that we dismiss this appeal.

22 This appeal is dismissed.