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BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

NOBLE BUILT HOMES LLC.,

Petitioner,

vs.

CITY OF SILVERTON,

Respondent.

LUBA No. 2009-122

FINAL OPINION

AND ORDER

Appeal from Silverton.

Owen Von Flue, Silverton, represented petitioner.

Richard D. Rodeman, Washougal, represented respondent.

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

DISMISSED

04/22/2010

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

1 Opinion by Bassham

2 The petition for review in the appeal was due March 2, 2010. The petition for review
3 has not been filed, nor has an extension of time to file the petition for review been granted.

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

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

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

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

16 Because a petition for review was not filed within the time required by our rules, and
17 petitioner did not obtain written consent to extend the time for filing the petition for review
18 under OAR-661-010-0067(2) beyond March 2, 2010, ORS 197.830(11) and OAR
19 661-010-0030(1) require that we dismiss this appeal.

20 This appeal is dismissed.