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BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

JULIE DANIESLON TRUST  
and WILLIAM DANIELSON,  
*Petitioners,*

vs.

JACKSON COUNTY,  
*Respondent,*

and

MARK EBERLE,  
*Intervenor-Respondent.*

LUBA No. 2011-103

FINAL OPINION  
AND ORDER

Appeal from Jackson County.

Douglas McGeary, Medford, filed the petition for review on behalf of petitioners.

Ryan Kirchoff, County Counsel, Medford, represented respondent.

Mark Eberle, Medford, filed the response brief on his own behalf.

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

DISMISSED

02/01/2012

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

**NATURE OF THE DECISION**

Petitioners appeal a county decision denying their application for verification of a nonconforming use.

**JURISDICTION**

The petition for review in this appeal was due on December 19, 2011. On December 16, 2011, petitioners filed a motion to extend the deadline for filing the petition for review for two additional weeks, but failed to provide the written consent of the other parties to this appeal, the county and intervenor-respondent (intervenor), as required by OAR 661-010-0067(2). Petitioners later obtained the county’s written consent to the requested extension, but have not obtained intervenor’s consent. In an order dated December 20, 2011, we denied the motion to extend the deadline to file the petition for review, for failure to provide the written consent of all parties. Petitioners filed the petition for review on December 28, 2011. In an order dated January 6, 2012, denying petitioners’ motion to reconsider our December 20, 2011 order, we advised the parties that we would dismiss this appeal pursuant to OAR 661-010-0030(1) unless petitioners obtained intervenor’s written consent to the extension within 14 days of the date of that order. On January 11, 2012, intervenor filed a response indicating that intervenor did not intend to consent to the extension.

OAR 661-010-0030(1) provides:

“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 661-010-0045(9) or 661-010-0067(2), shall result in dismissal of the appeal and forfeiture of the filing fee and deposit for costs to the governing body. See OAR 661 010 0075(1)(c).”

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).

1           Because the petition for review was not filed within the time required by our rules,  
2 and petitioners did not obtain written consent from all parties to extend the time for filing the  
3 petition for review under OAR-661-010-0067(2) beyond December 19, 2011, ORS  
4 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

5           This appeal is dismissed.