

1                                   BEFORE THE LAND USE BOARD OF APPEALS  
2                                   OF THE STATE OF OREGON

3  
4                                   CLIFFORD BEDDOW,  
5   *Petitioner,*

6  
7   vs.

8  
9                                   CLACKAMAS COUNTY,  
10    *Respondent,*

11    and

12  
13  
14                                   RACHEL MCCART AND ERIN MCCART,  
15    *Intervenors-Respondents.*

16  
17    LUBA No. 2017-057

18  
19    FINAL OPINION  
20    AND ORDER

21  
22                                   Appeal from Clackamas County.

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24                                   Clifford S. Davidson, Portland, represented petitioner.

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26                                   Nathan K. Boderman, Assistant County Counsel, Oregon City,  
27 represented respondent.

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29                                   Rachel E. Kosmal McCart, Beavercreek, represented intervenors-  
30 respondents.

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

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35    DISMISSED                                   08/01/2017

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

1 Opinion by Ryan.

2 The petition for review in this appeal was due not later than July 13,  
3 2017. The petition for review has not been filed, nor has an extension of time to  
4 file the petition for review been granted.

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

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

14 OAR 661-010-0067(2) provides that the time limit for filing the petition for  
15 review may be extended only by written consent of all the parties. Petitioner  
16 moved to extend the time limit for filing the petition for review, but  
17 intervenors-respondents did not consent to the extension, and in an order dated  
18 July 14, 2017, the Board denied petitioner’s motion for an extension. *Beddow*  
19 *v. Clackamas County*, \_\_Or LUBA\_\_ (LUBA No. 2017-057, Order, July 14,  
20 2017).

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

1           Because a petition for review was not filed within the time required by  
2 our rules, and petitioner did not obtain written consent from all parties to  
3 extend the time for filing the petition for review under OAR 661-010-0067(2)  
4 beyond July 13, 2017, ORS 197.830(11) and OAR 661-010-0030(1) require  
5 that we dismiss this appeal.

6           This appeal is dismissed.