

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

3
4 KEVIN BLUM,
5 *Petitioner,*

6
7 vs.

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9 JACKSON COUNTY,
10 *Respondent,*

08/29/18 AM 8:27 LUBA

11
12 and

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14 BUDGET TRUCK STOP, INC. PROFIT
15 SHARING AND PENSION PLAN,
16 *Intervenor-Respondent.*

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18 LUBA No. 2018-065

19
20 FINAL OPINION
21 AND ORDER

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23 Appeal from Jackson County.

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25 Kevin Blum, Medford, represented himself.

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27 Joel C. Benton, County Counsel, Medford, represented respondent.

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29 E. Michael Connors, Portland, represented intervenor-respondent.

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31 ZAMUDIO, Board Member; RYAN, Board Chair; BASSHAM, Board
32 Member, participated in the decision.

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34 DISMISSED

08/29/2018

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

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MOTION TO INTERVENE

Budget Truck Stop, Inc. Profit Sharing and Pension Plan (intervenor) moves to intervene on the side of respondent. No party opposes the motion, and it is granted.

DECISION

The petition for review in this appeal was due August 6, 2018. The petition for review has not been filed, nor has an extension of time to file the petition for review been granted.

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).

1 Because a petition for review was not filed within the time required by
2 our rules, and petitioner did not obtain written consent to extend the time for
3 filing the petition for review under OAR 661-010-0067(2) beyond August 6,
4 2018, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss
5 this appeal.¹

6 This appeal is dismissed.

¹ Intervenor filed a motion to dismiss the appeal on the basis that the notice of intent to appeal was untimely filed. We need not address that motion because we dismiss the appeal based on petitioner's failure to file a petition for review.