

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 WILLIAM BECKER,
5 *Petitioner,*

04/24/19 PM12:14 LUBA

6
7 vs.

8
9 JACKSON COUNTY,
10 *Respondent.*

11
12 LUBA No. 2019-020

13
14 FINAL OPINION
15 AND ORDER

16
17 Appeal from Jackson County.

18
19 William Becker, Central Point, represented himself.

20
21 Joel Benton, Jackson County Counsel, Medford, represented respondent.

22
23 RYAN, Board Chair; RUDD, Board Member, participated in the decision.

24
25 ZAMUDIO, Board Member, did not participate in the decision.

26
27 DISMISSED

04/24/2019

28
29 You are entitled to judicial review of this Order. Judicial review is
30 governed by the provisions of ORS 197.850.

1 Opinion by Ryan.

2 **DISMISSAL OF ONE PETITIONER**

3 The Notice of Intent to Appeal was filed on behalf of petitioner and Brophy
4 Ranch LLC (Brophy) by their attorney. Their attorney subsequently withdrew as
5 counsel. In an Order dated March 19, 2019, we allowed Brophy until March 26,
6 2019 to file a Notice of Representation on behalf of Brophy, and stated that if a
7 Notice of Representation was not filed by that date, we would dismiss Brophy as
8 a petitioner.¹ *Becker v. Jackson County*, __ Or LUBA __ (LUBA No. 2019-020,
9 Order, Mar 19, 2019). No Notice of Representation has been filed, and
10 accordingly, Brophy is dismissed as a petitioner.

11 **PETITION FOR REVIEW**

12 Pursuant to a stipulated extension of the deadline for filing the petition for
13 review, the petition for review in this appeal was due not later than April 10,
14 2019. The petition for review has not been filed, nor has an additional extension
15 of time to file the petition for review been granted.

¹ OAR 661-010-0075(6) provides in relevant part:

“Appearances Before the Board: An individual shall either appear on his or her own behalf or be represented by an attorney. A corporation or other organization shall be represented by an attorney. In no event may a party be represented by someone other than an active member of the Oregon State Bar. * * *”

1 ORS 197.830(11) requires that a petition for review be filed within the
2 deadlines established by Board rule or any extensions of that time under OAR
3 661-010-0067(2). OAR 661-010-0030(1) provides, in relevant part:

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

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

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

16 Because a petition for review was not filed within the time established by
17 the stipulated extension, and petitioner did not obtain written consent to extend
18 the time for filing the petition for review under OAR 661-010-0067(2) beyond
19 April 10, 2019, ORS 197.830(11) and OAR 661-010-0030(1) require that we
20 dismiss this appeal.

21 This appeal is dismissed.