

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

3
4 EVENING STAR LLC and
5 WILLIAM EDDINGS,
6 *Petitioners,*

7
8 vs.

9
10 CITY OF MILLERSBURG,
11 *Respondent,*

12
13 LUBA No. 2019-069

14
15 FINAL OPINION
16 AND ORDER

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18 Appeal from City of Millersburg.

19
20 Michael M. Reeder, Eugene, represented petitioners.

21
22 Forrest Reid, Tangent, and Wallace W. Lien, Salem, represented
23 respondent.

24
25 RYAN, Board Chair; RUDD, Board Member; ZAMUDIO, Board
26 Member, participated in the decision.

27
28 DISMISSED 08/28/2019

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

1 Opinion by Ryan.

2 The petition for review in this appeal was due on August 14, 2019. The
3 petition for review has not been filed, nor has an extension of time to file the
4 petition for review been granted. Respondent moves to dismiss the appeal.

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 relevant
7 part:

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

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

16 The deadline for filing the petition for review is strictly enforced. *Terrace*
17 *Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd*, 138 Or
18 App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514,
19 515 (1987).

20 Because a petition for review was not filed within the time required by our
21 rules, and petitioner did not obtain written consent to extend the time for filing
22 the petition for review under OAR 661-010-0067(2) beyond August 14, 2019,
23 ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss this appeal.

24 This appeal is dismissed.