

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

DEBRA BRANSON, EFFIE OGAN,  
CORBY WILSON, and BRENDA WILSON,  
*Petitioners,*

vs.

LINN COUNTY,  
*Respondent,*

and

RONALD HENTHORNE, VIRGINIA HENTHORNE,  
and LYNN MERRILL,  
*Intervenors-Respondents.*

LUBA Nos. 2019-099/100

FINAL OPINION  
AND ORDER

Appeal from Linn County.

John W. Ogan, Sisters, represented petitioners.

Kevin McCulloch, Deputy County Attorney, Albany, represented respondent.

Wendie L. Kellington, Lake Oswego, represented intervenors-respondents.

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

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

DISMISSED

05/08/2020

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

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**NATURE OF THE DECISIONS**

In these appeals, petitioners appeal a board of county commissioners’ Ordinance adopting a plan amendment and zone change from Farm Forest to Non-Resource 5 Acre Minimum and a board of county commissioners’ Resolution and Order in support of the Ordinance.

**MOTION TO DISMISS**

In a previous order, the board consolidated these appeals with two other appeals of the same county decisions, LUBA Nos. 2019-103 and 104. The petitions for review in this appeal were due on March 6, 2020. Petitioners did not file a petition for review. On March 26, 2020, the Board received intervenors’ motion to dismiss for failure of petitioners to file a petition for review. In a separate order issued this date, we bifurcated these appeals from the appeals with which they were previously consolidated. We now dismiss the appeals.

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:

“[T]he 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 \* \* \*.”

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

3 The deadline for filing the petition for review is strictly enforced. *Terrace*  
4 *Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd*, 138 Or  
5 App 188, 906 P2d 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514,  
6 515 (1987).

7 Because petitioners did not file a petition for review within the time  
8 required by our rules, and petitioners did not obtain written consent to extend the  
9 time for filing the petition for review under OAR 661-010-0067(2) beyond March  
10 6, 2020, ORS 197.830(11) and OAR 661-010-0030(1) require that we dismiss  
11 these appeals.

12 The appeals are dismissed.