

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

3  
4                   FRIENDS OF YAMHILL COUNTY,  
5                   *Petitioner,*

6  
7                   vs.

8  
9                   YAMHILL COUNTY,  
10                  *Respondent,*

11  
12                  and

13  
14                  KELLAN LANCASTER  
15                  and 15660 GROUND, LLC,  
16                  *Intervenors-Respondents.*

17  
18                  LUBA No. 2022-090

19                  ORDER

20                On January 11, 2023, the Board issued an order settling the record in this  
21                appeal and establishing the briefing schedule. The petition for review was due  
22                February 1, 2023.

23                On January 31, 2023, the parties filed a “Stipulated Motion for Extension  
24                of Time to File Petition” that is signed by all parties (Motion). The Motion  
25                stipulates to a briefing schedule that requires the petition for review to be filed  
26                on “June 30, 2023 or 21 days after the Court of Appeals renders its decision in  
27                [*Friends of Yamhill County v. Yamhill County*, \_\_\_\_ Or LUBA \_\_\_\_ (LUBA No  
28                2022-081, Dec 27, 2022), *rev pending*, CA A180472 (*Grange Hill*)], whichever  
29                date is sooner.” The Motion stipulates that the response briefs are due 21 days  
30                after the date the petition for review is due. Motion 2. The Motion requires

1 petitioner to “promptly notify the parties and LUBA when it receives a copy of  
2 the Court of Appeals opinion in A180472.” *Id.*

3 However, the Motion recites that, “for ease of memorializing their  
4 agreement, the parties have included section 3 below.” *Id.* Section 3 is titled  
5 “Stipulated Scope of Issues on Appeal” and describes the parties’ private  
6 agreement regarding the issues that petitioner may raise when it files the petition  
7 for review. This section is not the proper subject of a motion for an extension of  
8 time, which is governed by our rule at OAR 661-010-0067. OAR 661-010-  
9 0067(2) does not provide any authority for the parties to limit LUBA’s scope of  
10 review in a motion for an extension of time. LUBA’s review of the arguments in  
11 this appeal is not affected by the parties’ agreement.<sup>1</sup>

12 Accordingly, the stipulated briefing schedule included in the Motion is  
13 granted.

14 Dated this 6th day of February 2023.  
15  
16  
17  
18

19 \_\_\_\_\_  
20 Melissa M. Ryan  
Board Chair

---

<sup>1</sup> LUBA’s scope of review is set out at ORS 197.835 and is cabined by other statutes at ORS 197.797(1) and ORS 197.835(2) and (3).