

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

3
4 KATHRYN PHILLIPS,
5 *Petitioner,*

6
7 vs.

8
9 DESCHUTES COUNTY,
10 *Respondent.*

11
12 LUBA No. 2013-056

13
14 FINAL OPINION
15 AND ORDER

16
17 Appeal from Deschutes County.

18
19 Kathryn Phillips, Corvallis, represented herself.

20
21 Laurie E. Craghead, Legal Counsel, Bend, represented respondent.

22
23 BASSHAM, Board Member; HOLSTUN, Board Chair; RYAN, Board Member,
24 participated in the decision.

25
26 DISMISSED

10/24/2013

27
28 You are entitled to judicial review of this Order. Judicial review is governed by the
29 provisions of ORS 197.850.

1 petitioner from reviewing the record.¹

2 The county objects to the motion to extend the deadline for filing record objections.
3 We agree with the county that the motion provides no cognizable basis under LUBA's rules
4 to extend the deadline for filing record objections or, more to the point, to effectively extend
5 the deadline for filing the petition for review without the written consent of the parties. The
6 motion to extend the deadlines to file record objections is denied.

7 The deadline for filing the petition for review is strictly enforced. *Terrace Lakes*
8 *Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532, 535, *aff'd* 138 Or App 188, 906 P2d
9 871 (1995); *Hutmacher v. Marion County*, 15 Or LUBA 514, 515 (1987).

10 Because a petition for review was not filed within the time required by our rules, and
11 petitioner did not obtain written consent to extend the time for filing the petition for review
12 under OAR-661-010-0067(2) beyond September 30, 2013, ORS 197.830(11) and OAR
13 661-010-0030(1) require that we dismiss this appeal.

14 This appeal is dismissed.

¹ On October 18, 2013, petitioner filed an amendment to her motion for extension of time to review the record. In the amendment, petitioner alleges that county counsel delayed responding to petitioner's e-mails to counsel that were sent on October 11, 2013. However, nothing in the Amendment responds to the county's motion to dismiss, or assists the Board in resolving either motion.

On October 21, 2013, petitioner filed Exhibits A, B, C, D and E to what the certificate of service describes as a Motion to Take Evidence. However, no motion to take evidence accompanies the exhibits. The exhibits are apparently the extra-record evidence that petitioner wishes the Board to consider. From those exhibits, it appears that petitioner wishes to assert that the county committed error with respect to providing the Department of Land Conservation and Development with the notice of adoption for the challenged decision. However, as far as we can tell, none of the exhibits has any bearing on the county's motion to dismiss pursuant to OAR 661-010-0030(1), which is the dispositive matter before the Board. To the extent petitioner has filed a motion to take evidence, the motion is denied as moot.