

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

MARVIN FLEMING and)
VIRGINIA FLEMING,)
)
Petitioners,)
)
vs.)
)
MARION COUNTY,)
)
Respondent.)

LUBA No. 94-005

FINAL OPINION
AND ORDER

Appeal from Marion County.

Bobby J. Shannon, Salem, represented petitioners.

Jane Ellen Stonecipher, Assistant County Counsel,
Salem, represented respondent.

SHERTON, Referee; HOLSTUN, Referee, participated in the
decision.

DISMISSED 03/24/94

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

1 Opinion by Sherton.

2 ORS 197.830(10) provides that a petition for review
3 must be filed within the deadlines established by Board
4 rule. OAR 661-10-030(1) provides, in relevant part:

5 " * * * The petition for review shall be filed with
6 the Board within 21 days after the date the record
7 is received by the Board. * * * Failure to file a
8 petition for review within the time required by
9 this section, and any extensions of that time
10 under * * * OAR 661-10-067(2), shall result in
11 dismissal of the appeal * * *."

12 OAR 661-10-067(2) provides that the time limit for filing
13 the petition for review may be extended only with the
14 written consent of all parties.

15 Under OAR 661-10-030(1), the petition for review in
16 this appeal was due on March 2, 1994. No extension of time
17 for filing the petition for review has been requested or
18 granted. As of this date, no petition for review has been
19 filed, and respondent moves for dismissal of this appeal.

20 Because petitioner has neither filed a petition for
21 review within the time required by our rules, nor obtained
22 an extension of time for filing the petition for review,
23 ORS 197.830(10) and OAR 661-10-030(1) require that we
24 dismiss this appeal. McCauley v. Jackson County, 20 Or LUBA
25 176 (1990); Piquette v. City of Springfield, 16 Or LUBA 47
26 (1987); Hutmacher v. Marion County, 15 Or LUBA 514 (1987).

27 This appeal is dismissed.