

Nov 5 4 24 AM '88

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

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2  
3 RICHARD L. WALTON and )  
JEAN H. WILKINSON, )  
4 )  
Petitioners, )  
5 )  
vs. )  
6 CLACKAMAS COUNTY, )  
7 )  
Respondent, )  
8 )  
JOHN L. and BETTY J. KINMAN, )  
9 MARIEL J. KOBERSTEIN, )  
WINIFRED L. ORMAE, )  
10 )  
Intervenors- )  
11 Respondent. )

LUBA No. 88-064

FINAL OPINION  
AND ORDER OF DISMISSAL

12 Appeal from Clackamas County.

13 Richard L. Walton  
14 Jean H. Wilkinson  
15 13240 SE Laurie Ave.  
Milwaukie, OR 97222

Michael E. Judd  
Chief Assistant Counsel  
Clackamas County  
906 Main Street  
Oregon City, OR 97045  
Attorney for Respondent

16 Petitioners

17 Richard A. Cantlin  
18 Miller, Nash, Wiener, et al  
3500 U.S. Bancorp Tower  
19 111 SW Fifth Avenue  
Portland, OR 97204

20 Attorney for Intervenors-Respondent

21 SHERTON, Referee; BAGG, Referee; HOLSTUN, Chief Referee,  
participated in the decision.

22 DISMISSED 11/04/88

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

1 Respondent Clackamas County moves for dismissal of this  
2 review proceeding on the ground that petitioners failed to file  
3 the petition for review. The petition for review was due on  
4 October 6, 1988, and as of the date of respondent's motion,  
5 October 20, 1988, the petition for review had not been filed.

6 OAR 661-10-030(1) provides in part that the petition for  
7 review is to be filed within 21 days after the date the record  
8 is received by the Board. The record was received September  
9 15, 1988. The rule also provides that

10 "[F]ailure to file a petition for review within the  
11 time required by this section, and any extensions of  
12 that time under OAR 661-10-045(7) or  
13 OAR 661-10-067(2), shall result in dismissal of the  
14 appeal and forfeiture of the filing fee and deposit  
15 for costs to the governing body."

16 No extensions of time were granted pursuant to our rules, and  
17 our rule requires dismissal of this review proceeding.

18 This appeal is dismissed, and petitioners' deposit for  
19 costs and filing fee shall be awarded to Clackamas County.  
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