

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

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

MARV DURHAM and BELINDA SANDERS, )  
 )  
Petitioners, ) LUBA No. 92-052  
 )  
vs. ) FINAL OPINION  
 ) AND ORDER  
CITY OF PHILOMATH, )  
 )  
Respondent. )

Appeal from City of Philomath.  
George B. Heilig, Corvallis, represented petitioners.  
Scott A. Fewell, Corvallis, represented respondent.

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

DISMISSED 4/28/92

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

1           Opinion by Holstun.

2           ORS 197.830(8) requires that a notice of intent to  
3 appeal be filed within 21 days after the challenged decision  
4 becomes final.    On April 3, 1992, respondent moved to  
5 dismiss this appeal, alleging the notice of intent to appeal  
6 in this proceeding was not filed within the time limit  
7 established by ORS 197.830(8).  In addition, no petition for  
8 review was filed within 21 days after the record was  
9 received by the Board in this matter, as required by ORS  
10 197.830(10) and OAR 661-10-030(1).

11          Petitioners have neither responded to the motion to  
12 dismiss nor submitted a request for extension of time in  
13 which to file the petition for review in accordance with OAR  
14 661-10-067(2).

15          Accordingly, this appeal is dismissed.