

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

3
4 MARVIN FLEMING and)
5 VIRGINIA FLEMING,)
6)
7 Petitioners,)
8)
9 vs.)
10)
11 MARION COUNTY,)
12)
13 Respondent.)
14

LUBA No. 92-224

FINAL OPINION
AND ORDER

15
16 Appeal from Marion County.

17
18 Wallace W. Lien, Salem, represented petitioner.

19
20 Jane Ellen Stonecipher, Assistant County Counsel,
21 Salem, represented respondent.

22
23 KELLINGTON, Referee; SHERTON, Chief Referee; HOLSTUN,
24 Referee, participated in the decision.

25
26 DISMISSED 03/17/93

27
28 You are entitled to judicial review of this Order.
29 Judicial review is governed by the provisions of ORS
30 197.850.

1 Kellington, Referee.

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 only be extended with the
14 written consent of all parties.

15 Pursuant to a stipulation of the parties, the petition
16 for review in this appeal was due on March 5, 1993. No
17 additional extension of time for filing the petition for
18 review has been requested or granted. As of this date, no
19 petition for review has been filed.

20 Because petitioners have 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.