

1                                   BEFORE THE LAND USE BOARD OF APPEALS  
2                                   OF THE STATE OF OREGON  
3

4 JOE WINNINGHAM and LINDA           )  
5 WINNINGHAM,                           )  
6    )  
7                    Petitioners,        )  
8    )  
9                vs.                            )  
10    )  
11 JACKSON COUNTY,                        )  
12    )  
13                    Respondent.         )

LUBA No. 93-127  
  
FINAL OPINION  
AND ORDER

14  
15  
16            Appeal from Jackson County.

17  
18            Joe Winningham and Linda Winningham, petitioners,  
19 represented themselves.

20  
21            Arminda J. Brown, County Counsel, Medford, represented  
22 respondent.

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

26  
27                           DISMISSED                           10/15/93

28  
29            You are entitled to judicial review of this Order.  
30 Judicial review is governed by the provisions of ORS  
31 197.850.

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

15 The petition for review in this appeal was due on  
16 September 17, 1993. No extension of time for filing the  
17 petition for review has been requested or granted. As of  
18 this date, no petition for review has been filed.

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

26 This appeal is dismissed.