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1
                BEFORE THE LAND USE BOARD OF APPEALS
 2
                       OF THE STATE OF OREGON
 3
    P.R. MARSH, and ADAIR HOMES, INC.,
                                                    )
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 6
              Petitioners,
                                     )
 7
                                     )
 8
         vs.
                                             LUBA No. 94-035
 9
                                     )
10
    WASHINGTON COUNTY,
                                     )
11
                                     )
                                              FINAL OPINION
12
              Respondent,
                                     )
                                                AND ORDER
13
                                     )
14
         and
15
16
    TRI-COUNTY METROPOLITAN
17
    TRANSPORTATION DISTRICT, HOWARD E.
                                                    )
18
    WILSON, and ELLEN B. WILSON,
19
20
              Intervenors-Respondent.
                                                    )
2.1
22
         Appeal from Washington County.
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24
25
         Jack B. Schwartz and Calvin W. Collins, Portland,
26
    represented petitioners.
27
28
         David C. Noren, Assistant County Counsel, Hillsboro,
29
    represented respondent.
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31
         Gregory S. Hathaway, Portland, represented intervenor-
    respondent Tri-County Metropolitan Transportation District.
32
33
34
         Robert
                  Α.
                       Browning,
                                  Forest
                                            Grove,
                                                     represented
35
    interevnors-respondent Howard E. Wilson and Ellen B. Wilson.
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37
         SHERTON, Referee; KELLINGTON, Chief Referee; HOLSTUN,
    Referee, participated in the decision.
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39
40
                                    08/02/94
              DISMISSED
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42
         You are entitled to judicial review of this Order.
43
    Judicial review is governed by the provisions of
44
    197.850.
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- 1 Opinion by Sherton.
- 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
- 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.
- Under OAR 661-10-030(1), the petition for review in
- 16 this appeal was originally due on April 25, 1994. Based on
- 17 stipulations of the parties, the Board extended the time for
- 18 filing the petition for review to July 18, 1994.
- 19 OAR 661-10-067(2). No additional extension of time for
- 20 filing the petition for review has been requested or
- 21 granted. As of this date, no petition for review has been
- 22 filed.
- 23 Because petitioners have not filed a petition for
- 24 review within the time required under our rules,
- 25 ORS 197.830(10) and OAR 661-10-030(1) require that we
- 26 dismiss this appeal. McCauley v. Jackson County, 20 Or LUBA
- 27 176 (1990); Piquette v. City of Springfield, 16 Or LUBA 47
- 28 (1987); Hutmacher v. Marion County, 15 Or LUBA 514 (1987).
- This appeal is dismissed.