

MAY 15 4 25 PM '84

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

3 HAROLD R. SCHOENEMAN and )  
4 BERNICE M. SCHOENEMAN, )  
5 husband and wife, )  
6 )  
7 Petitioners, )  
8 vs. )  
9 LINN COUNTY, )  
10 Respondent. )

LUBA No. 84-011

FINAL OPINION AND  
ORDER OF DISMISSAL

Appeal from Linn County.

10 Thomas J. Reuter  
11 Morley, Thomas,  
12 Kingsley & Reuter  
13 P.O. Box 98  
14 Lebanon, OR 97355  
15 Attorney for  
16 Petitioners

Allison Smith  
Linn County District  
Attorney's Office  
P.O. Box 100  
Albany, OR 97321  
Attorney for  
Respondent

14 John R. Wittwer  
15 Wittwer & Merzenich  
16 P.O. Box 447  
17 Sweet Home, OR 97386  
18 Attorney for

Intervenors Edward M. and Ann M. Sorensen

18 BAGG, Chief Referee; DuBAY, Referee; KRESSEL, Referee;  
19 participated in this decision.

20 DISMISSED

05/15/84

21 You are entitled to judicial review of this Order.  
22 Judicial review is governed by the provisions of Oregon Laws  
23 1983, ch 827.  
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1 Opinion by Bagg.

2 This matter is before the Board on motion of Intervenors  
3 Edward M. and Ann M. Sorensen for an order dismissing the  
4 appeal because petitioners failed to file a petition for review.

5 By stipulation of the parties, the petition for review was  
6 due April 26, 1984. No petition was filed. OAR 661-10-030(1)  
7 provides that failure to file a timely petition for review will  
8 result in dismissal.

9 IT IS HEREBY ORDERED, this appeal is dismissed.

10 Pursuant to ORS 197.830(7), petitioners' deposit for costs  
11 and the filing fee shall be awarded to Respondent Linn County.

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