

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

3  
4 SCOTT SHEARER and SUSAN SHEARER,  
5 *Petitioners,*

6  
7 vs.

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9 LINN COUNTY,  
10 *Respondent,*

11  
12 and

13  
14 ROCK PRODUCTS, INC.,  
15 *Intervenor-Respondent.*

16  
17 LUBA No. 99-035

18  
19 FINAL OPINION  
20 AND ORDER

21  
22 Appeal from Linn County.

23  
24 Edward F. Schultz, Albany, represented petitioner.

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26 Thomas N. Corr, Albany, represented respondent.

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28 Michael E. Farthing and H. Andrew Clark, Eugene, represented intervenor-  
29 respondent.

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31 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,  
32 participated in the decision.

33  
34 DISMISSED

02/18/2000

35  
36 You are entitled to judicial review of this Order. Judicial review is governed by the  
37 provisions of ORS 197.850.

**MOTION TO INTERVENE**

Rock Products, Inc., the applicant below, moves to intervene on the side of the county. There is no objection to the motion, and it is allowed.

**MOTION TO DISMISS**

The petition for review in the appeal was due January 12, 2000. The petition for review has not been filed, nor has an extension of time to file the petition for review been granted. On January 28, 2000 intervenor moved to dismiss this appeal, on the basis that the petition for review was not timely filed. Petitioner has not responded to the motion.

ORS 197.830(10) requires that a petition for review must be filed within the deadlines established by Board rule. OAR 661-010-0030(1) provides, in relevant part:

"\* \* \* The petition for review together with four copies shall be filed with the Board within 21 days after the date the record is received by the Board. \* \* \* Failure to file a petition for review within the time required by this section, and any extensions of that time under \* \* \* OAR 661-010-0067(2), shall result in dismissal of the appeal \* \* \*."

OAR 661-010-0067(2) provides that the time limit for filing the petition for review may be extended only by written consent of all the parties.

The deadline for filing the petition for review is strictly enforced. *See Terrace Lakes Homeowners Assn. v. City of Salem*, 29 Or LUBA 532, *aff'd* 138 Or App 188 (1995); *Bongiovanni v. Klamath County*, 29 Or LUBA 351 (1995). Because a petition for review was not filed within the time required by our rules, and petitioner did not obtain written consent to extend the time for filing the petition for review under OAR-661-010-0067(2) beyond January 12, 2000, this appeal is dismissed.