

1 intervenor-respondent requests that the deadline by which she must file record objections be
2 extended to September 6, 2012.

3 Some extension of the deadline for filing record objections is warranted in this case,
4 to ensure that intervenor-respondent has an adequate opportunity to file record objections.
5 However, the requested September 6, 2012 deadline is 56 days after the July 5, 2012 deadline
6 for the county to transmit the record and 33 days after intervenor-respondent expects to return
7 to the country. Intervenor-respondent offers no reason for granting such a lengthy extension
8 of the deadline for filing record objections.

9 Intervenor-respondent shall have 14 days from July 23, 2012, the date she expects to
10 return to the country, to file record objections. Intervenor-respondent's record objections
11 shall be due no later than August 6, 2012.

12 **DEADLINE FOR FILING PETITION FOR REVIEW**

13 Finally, the 21-day deadline for filing the petition for review begins on the date the
14 record is received by LUBA or the date the record is settled. Therefore, depending on when
15 the county actually transmits the record, the deadline for petitioners to file their petition for
16 review could expire before the August 6, 2012 deadline for intervenor-respondent to file
17 record objections. For obvious reasons, the record should be received and settled before the
18 petition for review is filed.

19 Pursuant to OAR 661-010-0067(2), "[w]ritten consent to extend the deadline for
20 filing record objections shall automatically extend the deadline for filing the petition for
21 review for the same number of days granted to extend the deadline for filing record
22 objections." If we had petitioners' and respondent's consent to intervenor-respondent's
23 request for an extension of time to file record objections, our extension of that deadline to
24 August 6, 2012 would also automatically extend the deadline for filing the petition for review
25 to August 27, 2012. On June 22, 2012, lead petitioner Hart filed a response to intervenor-
26 respondent's request in which he advised LUBA that he "conferred with the co-petitioner and

1 we have no objection to an extension of time to file objections” to August 7, 2012.”
2 Petitioner Warren did not sign that June 22, 2012 response. Petitioner Warren and petitioner
3 Hart are not represented by an attorney in this appeal. Petitioner Hart has been designated as
4 lead petitioner for purposes of service of documents on petitioners in this appeal. OAR 661-
5 010-0075(2)(b)(A); 661-010-0075(7). However, petitioner Hart is not an attorney and he
6 does not represent petitioner Warren in this appeal. OAR 661-010-0075(7)(a). Petitioner
7 Hart may not take positions for petitioner Warren in this appeal. Petitioner Hart’s June 22,
8 2012 response is sufficient to constitute written consent under OAR 661-010-0067(2) for
9 petitioner Hart, but his representation that petitioner Warren also consents is not sufficient to
10 constitute written consent by petitioner Warren.

11 Petitioner Warren and respondent County shall have seven days from the date of this
12 order to submit their written consent that intervenor-respondent shall have until August 6,
13 2012 to file record objections. If petitioner Warren or respondent fail to file their written
14 consent by that date, petitioners may file a motion asking LUBA to take appropriate action to
15 prevent the deadline for filing the petition for review from expiring before the record is
16 settled.

17 Dated this 25th day of June, 2012.
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24 Michael A. Holstun
Board Member