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

DEPARTMENT OF LAND CONSERVATION)
AND DEVELOPMENT,)
Petitioner,)
vs.)
KLAMATH COUNTY,)
Respondent.)

LUBA No. 94-164
FINAL OPINION
AND ORDER

Appeal from Klamath County.

Celeste J. Doyle, Assistant Attorney General, SALEM
represented petitioner.

Reginald R. Davis, County Counsel, Klamath Falls,
represented respondent.

Sherton, Chief Referee, participated in the decision.

DISMISSED 04/06/95

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

1 Opinion by Sherton.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021,
3 Klamath County withdrew the decision challenged in this
4 appeal for reconsideration. On March 9, 1995, the Board
5 received the county's decision on reconsideration. Pursuant
6 to OAR 661-10-021(5)(a), petitioner had until March 30, 1995
7 to (1) refile its original notice of intent to appeal in
8 this matter, or (2) file an amended notice of intent to
9 appeal. The Board has not received a refiled original
10 notice of intent to appeal or an amended notice of intent to
11 appeal in accordance with OAR 661-10-021(5)(a).

12 OAR 661-10-021(5)(d) provides "[i]f no amended notice
13 of intent to appeal is filed or no original notice of intent
14 to appeal is refiled, as provided in [OAR 661-10-021(5)(a)],
15 the appeal will be dismissed." See Matrix Development v.
16 City of Tigard, 25 Or LUBA 557 (1993).

17 This appeal is dismissed.