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

MILDRED ANNE FRASER,)
)
Petitioner,)
)
vs.)
)
WALLOWA COUNTY,)
)
Respondent,)
)
and)
)
GARY PARMENTER, RAMON PARMENTER,)
and WGK DEVELOPMENT CORPORATION)
dba PK Joint Venture,)
)
Intervenors-Respondent.)

LUBA No. 93-069
FINAL OPINION
AND ORDER

Appeal from Wallowa County.

Mildred Anne Fraser, Joseph, represented herself.

William R. Kirby, Enterprise, represented respondent.

D. Rahn Hostetter, Enterprise, represented intervenors-respondent.

SHERTON, Chief Referee; HOLSTUN, Referee; KELLINGTON, Referee, participated in the decision.

DISMISSED 08/30/93

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, the
3 county withdrew the decision challenged in this appeal for
4 reconsideration. On July 14, 1993, the Board received the
5 county's decision on reconsideration. On August 11, 1993,
6 intervenors-respondent filed a motion to dismiss pursuant to
7 OAR 661-10-021(5)(d), on the basis that petitioner did not
8 file an amended notice of intent to appeal, or refile her
9 original notice of intent to appeal, within the time allowed
10 by the Board's rules.

11 Pursuant to OAR 661-10-021(5)(a), petitioner had until
12 August 4, 1993 to (1) file an amended notice of intent to
13 appeal, or (2) refile her original notice of intent to
14 appeal in this matter. The Board has not received an
15 amended notice of intent to appeal or a refiled original
16 notice of intent to appeal in accordance with
17 OAR 661-10-021(5)(a).

18 OAR 661-10-021(5)(d) provides "[i]f no amended notice
19 of intent to appeal is filed or no original notice of intent
20 to appeal is refiled, as provided in [OAR 661-10-021(5)(a)],
21 the appeal will be dismissed."

22 This appeal is dismissed.