

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

3  
4 BRUCE MORGAN,                           )  
5    )  
6                    Petitioner,                           )  
7    )                   LUBA No. 95-211  
8            vs.    )  
9    )                   FINAL OPINION  
10 LANE COUNTY,                           )                   AND ORDER  
11    )  
12                    Respondent.                           )

13  
14  
15            Appeal from Lane County.

16  
17            Joseph J. Leahy, Springfield, represented petitioner.

18  
19            Stephen L. Vorhes, Assistant County Counsel, Eugene,  
20 represented respondent.

21  
22            LIVINGSTON, Referee; HANNA, Chief Referee; GUSTAFSON,  
23 Referee, participated in the decision.

24  
25                    DISMISSED                           01/27/97

26  
27            You are entitled to judicial review of this Order.  
28 Judicial review is governed by the provisions of ORS  
29 197.850.

1           Livingston, Referee.

2           Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, Lane  
3 County withdrew the decision challenged in this appeal for  
4 reconsideration on August 21, 1996. On December 20, 1996,  
5 the Board received the county's decision on reconsideration.  
6 Pursuant to OAR 661-10-021(5)(a), petitioner had until  
7 January 10, 1997 to (1) refile its original notice of intent  
8 to appeal in this matter, or (2) file an amended notice of  
9 intent to appeal. The Board has not received a refiled  
10 original notice of intent to appeal or an amended notice of  
11 intent to 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."

16           This appeal is dismissed.