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

MARINERS VILLAGE HOMEOWNERS' )  
ASSOCIATION, SHELTER COVE )  
HOMEOWNERS' ASSOCIATION, and )  
WOODLAND TERRACE HOMEOWNERS' )  
ASSOCIATION, )  
Petitioners, )  
vs. )  
CITY OF FLORENCE, )  
Respondent, )  
and )  
WILLIAM BARNETT, SR., )  
Intervenor-Respondent. )

LUBA Nos. 97-038  
FINAL OPINION  
AND ORDER

Appeal from City of Florence.

Douglas M. DuPriest, Eugene, represented petitioners.

Glenn Klein, Eugene, represented respondent.

Allen L. Johnson, Eugene, represented intervenor-respondent.

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

DISMISSED 06/09/97

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

1 Gustafson, Referee.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the  
3 City of Florence withdrew the decision challenged in this  
4 appeal for reconsideration on May 3, 1997. On May 13, 1997,  
5 the Board received the city's decision on reconsideration.  
6 Pursuant to OAR 661-10-021(5)(a), petitioner had until June  
7 3, 1997 to (1) refile its original notice of intent to  
8 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. Matrix Development v. City  
17 of Tigard, 25 Or LUBA 557 (1993).