

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

3  
4                                   NORMAN McDOUGAL,  
5   *Petitioner,*

11/26/18 AM 10:05 LUBA

6  
7   vs.

8  
9                                   LANE COUNTY,  
10    *Respondent,*

11  
12   and

13  
14                                   LANDWATCH LANE COUNTY,  
15    *Intervenor-Respondent.*

16  
17   LUBA No. 2018-025

18  
19   FINAL OPINION  
20   AND ORDER

21  
22                                   Appeal from Lane County.

23  
24                                   Bill Kloos, Eugene, represented petitioner.

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26                                   H. Andrew Clark, Lane County Counsel, Eugene, represented respondent.

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28                                   Andrew Mulkey, Eugene, represented intervenor-respondent.

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30                                   RYAN, Board Chair; BASSHAM, Board Member; ZAMUDIO, Board  
31 Member, participated in the decision.

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33                                   DISMISSED

11/26/2018

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

1 Opinion by Ryan.

2 Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Lane County  
3 withdrew the decision challenged in this appeal for reconsideration on April 4,  
4 2018. On October 23, 2018, the Board received the County's decision on  
5 reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until  
6 November 11, 2018, to either refile its original notice of intent to appeal in this  
7 matter, or file an amended notice of intent to appeal. The Board has not received  
8 a refiled original notice of intent to appeal or an amended notice of intent to  
9 appeal in accordance with OAR 661-010-0021(5)(a).<sup>1</sup>

10 OAR 661-010-0021(5)(e) provides "[i]f no amended notice of intent to  
11 appeal is filed or no original notice of intent to appeal is refiled, as provided in  
12 [OAR 661-010-0021(5)(a)], the appeal will be dismissed."

13 This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or  
14 LUBA 557 (1993).

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<sup>1</sup> Landwatch Lane County appealed the county's decision on reconsideration, and that appeal is LUBA No. 2018-134.