

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

3  
4 NEWTON CREEK CITIZENS COMMITTEE,                               )  
5 FRANK CARL, FRED L. CHEEK,                                )  
6 HOWARD CRINKLAW, ANTHONY MILLER,                               )  
7 ADA RATHAI, RANDALL B. SMITH and                                )  
8 PHILLIP WITTENBORN,    )

9    )   LUBA Nos. 96-212 and 96-213

10                               Petitioners,                                )

11    )                       FINAL OPINION  
12                               vs.                                        )                       AND ORDER

13    )  
14 CITY OF ROSEBURG,    )  
15    )  
16                               Respondent.                                )

17  
18  
19       Appeal from City of Roseburg.

20  
21       Corinne C. Sherton, Salem, represented petitioners.

22  
23       Bruce Coalwell, Roseburg, represented respondent.

24  
25       LIVINGSTON, Administrative Law Judge; GUSTAFSON, Chief  
26 Administrative Law Judge; HANNA, Administrative Law Judge;  
27 participated in the decision.

28  
29                               DISMISSED                               11/26/97

30  
31       You are entitled to judicial review of this Order.  
32 Judicial review is governed by the provisions of ORS  
33 197.850.

1 Opinion by Livingston.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the  
3 City of Roseburg withdrew the decision challenged in this  
4 appeal for reconsideration. On October 13, 1997, the Board  
5 received the city's decision on reconsideration. Pursuant  
6 to OAR 661-10-021(5)(a), petitioners had until November 3,  
7 1997 to (1) refile its original notice of intent to appeal  
8 in 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."

16 This appeal is dismissed. Matrix Development v. City  
17 of Tigard, 25 Or LUBA 557 (1993).