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

DALE K. FISCHER, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
COLUMBIA COUNTY, )  
 )  
Respondent, )  
 )  
and )  
 )  
RICHARD J. GROSS, )  
 )  
Intervenor-Respondent. )

LUBA No. 98-189  
FINAL OPINION  
AND ORDER

Appeal from Columbia County.  
David Brian Williamson, St. Helens, represented petitioner.  
John K. Knight, St. Helens, represented respondent.  
Peggy Hennessy, Portland, represented intervenor-respondent.  
HOLSTUN, Board Chair, participated in the decision.

DISMISSED 04/16/99

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

1           Opinion by Holstun.

2           Pursuant to ORS 197.830(12)(b) and OAR 661-010-0021, the county withdrew the  
3 decision challenged in this appeal for reconsideration on November 27, 1998. On January  
4 13, 1999, the Board received the county's decision on reconsideration. Pursuant to  
5 OAR 661-010-0021(5)(a), petitioner had until February 3, 1999 to (1) refile its original  
6 notice of intent to appeal in this matter, or (2) file an amended notice of intent to appeal. The  
7 Board has not received a refiled original notice of intent to appeal or an amended notice of  
8 intent to appeal in accordance with OAR 661-010-0021(5)(a).

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

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