

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

3  
4   SUNNYSIDE CHURCH OF THE NAZARENE,    )  
5    )  
6                           Petitioner,    )  
7    )  
8                           vs.    )  
9    )  
10   CLACKAMAS COUNTY,    )  
11    )  
12                           Respondent.    )  
13

LUBA No. 96-089  
FINAL OPINION  
AND ORDER

14  
15           Appeal from Clackamas County.

16  
17           Michael C. Robinson, Portland, represented petitioner.

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19           Michael E. Judd, Chief Assistant County Counsel, Oregon  
20   City, represented respondent.

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

24  
25                           DISMISSED   10/07/96

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 Opinion by Gustafson.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the  
3 county withdrew the decision challenged in this appeal for  
4 reconsideration on May 29, 1996. On September 6, 1996, the  
5 Board received the county's decision on reconsideration.  
6 Pursuant to OAR 661-10-021(5)(a), petitioner had until  
7 September 27, 1996 to (1) refile its original notice of  
8 intent to appeal in this matter, or (2) file an amended  
9 notice of intent to appeal. The Board has not received a  
10 refiled original notice of intent to appeal or an amended  
11 notice of intent to appeal in accordance with  
12 OAR 661-10-021(5)(a).

13 OAR 661-10-021(5)(d) provides "[i]f no amended notice  
14 of intent to appeal is filed or no original notice of intent  
15 to appeal is refiled, as provided in [OAR 661-10-021(5)(a)],  
16 the appeal will be dismissed."

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