

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

DEPARTMENT OF LAND CONSERVATION)
AND DEVELOPMENT)
)
Petitioner,)
)
vs.)
)
CITY OF CANYONVILLE,)
)
Respondent,)
)
and)
)
EAGLE PLACE, LLC, a Washington)
Limited liability corporation,)
)
Intervenor-Respondent.)

LUBA No. 96-244

FINAL OPINION
AND ORDER

Appeal from City of Canyonville.

Richard M. Whitman, Salem, and Celeste J. Doyle, Salem, represented the petitioner.

Bruce Coalwell, Roseburg, represented the respondent.

Corinne C. Sherton, Salem, represented the intervenor-respondent.

GUSTAFSON, Board Chair; HANNA, Board Member, participated in the decision.

DISMISSED 07/07/98

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

1 Opinion by Gustafson.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the
3 City of Canyonville withdrew the decision challenged in this
4 appeal for reconsideration on January 17, 1997. On April 28,
5 1998, the board received the city's decision on
6 reconsideration. Pursuant to OAR 661-10-021(5)(a), petitioner
7 had until May 19, 1998 to (1) refile its original notice of
8 intent to appeal in this matter, or (2) file an amended notice
9 of intent to appeal. The Board has not received a refiled
10 original notice of intent to appeal or an emended 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 of
13 intent to appeal is filed or no original notice of intent to
14 appeal is refiled, as provided in [OAR 661-10-021(5)(a)], the
15 appeal will be dismissed."

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