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

OREGON DEPARTMENT OF LAND)
CONSERVATION AND DEVELOPMENT,)
Petitioner,)
vs.)
BAKER COUNTY,)
Respondent.)

LUBA No. 98-163
FINAL OPINION
AND ORDER

Appeal from Baker County.
Roger A. Alfred, Assistant Attorney General, Salem, represented petitioner.
Sarah Johnston, County Counsel, Baker City, represented respondent.
HOLSTUN, Board Chair.

DISMISSED 04/26/99

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, Baker County withdrew
3 the decision challenged in this appeal for reconsideration on October 9, 1998. On December
4 11, 1998, the Board received the county's decision on reconsideration. Pursuant to
5 OAR 661-010-0021(5)(a), petitioner had until January 1, 1999 to either refile its original
6 notice of intent to appeal in this matter, or 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)(e) 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).