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

CLAIR F. BUTTON and KATHRYN A.)
BULINSKI,)
)
Petitioners,)
)
vs.)
)
CITY OF BAKER CITY,)
)
Respondent.)

LUBA No. 98-211
FINAL OPINION
AND ORDER

Appeal from city of Baker City.
Raymond S. Baum, La Grande, represented petitioners.
Timothy Collins, 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, the city of Baker City
3 withdrew the decision challenged in this appeal for reconsideration on December 24, 1998.
4 On March 29, 1999, the Board received the city's decision on reconsideration. Pursuant to
5 OAR 661-010-0021(5)(a), petitioner had until April 19, 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).