

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 JOHN ATKINSON, HILDA JONES, EMERSON HALL,  
5 MIKE ANDERSON, CHARLES VAUGHN and  
6 ROBERTA WOLDT,  
7 *Petitioners,*

8  
9 vs.

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11 CITY OF WINSTON,  
12 *Respondent,*

13  
14 and

15  
16 SAFARI ESTATES, LLC, and BEN BYRD,  
17 *Intervenors-Respondent.*

18  
19 LUBA No. 99-164

20  
21 FINAL OPINION  
22 AND ORDER

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24 Appeal from City of Winston.

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26 Douglas M. DuPriest, Eugene, represented petitioners.

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28 Bruce R. Coalwell, Roseburg, represented respondent.

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30 Allen L. Johnson, Eugene, represented intervenors-respondent.

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32 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,  
33 participated in the decision.

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35 DISMISSED

06/13/2000

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37 You are entitled to judicial review of this Order. Judicial review is governed by the  
38 provisions of ORS 197.850.  
39

Opinion by Holstun.

Pursuant to ORS 197.830(12)(b) and OAR 661-010-0021, the City of Winston withdrew the decision challenged in this appeal for reconsideration on March 15, 2000. On March 23, 2000, the Board received the City of Winston's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until April 13, 2000 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The Board has not received a refiled original notice of intent to appeal or an amended notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).

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

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