

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

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4 ROLLING HILLS  
5 COMMUNITY CHURCH,  
6 *Petitioner,*

7  
8 vs.

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10 CLACKAMAS COUNTY,  
11 *Respondent,*

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13 and

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15 OREGON DEPARTMENT  
16 OF TRANSPORTATION,  
17 *Intervenor-Respondent.*

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19 LUBA No. 2002-169

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21 FINAL OPINION  
22 AND ORDER

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24 Appeal from Clackamas County.

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26 Wendie Kellington, Lake Oswego, represented petitioner.

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28 Michael E. Judd, Oregon City, represented respondent.

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30 Bonnie E. Heitsch, Salem, represented intervenor-respondent.

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

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35 DISMISSED

05/21/2003

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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.

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**MOTION TO INTERVENE**

Oregon Department of Transportation moves to intervene on the side of respondent. There is no opposition to the motion, and it is allowed.

**DECISION**

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the county withdrew the decision challenged in this appeal for reconsideration on January 13, 2003. On April 17, 2003, the Board received the county’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until May 8, 2003 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent to appeal.

OAR 661-010-0021(5)(e) provides that “[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.” 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). Accordingly, this appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or LUBA 557 (1993).