

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

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4 FRIENDS OF MALLARD BAY,
5 BENJAMIN T. ADAMS, KATHERINE ADAMS,
6 EDWARD J. CUNION, PATRICIA M. CUNION,
7 CHESTER MANN, CHARLES MATUK,
8 AMMA L. McDONALD, FRANCIS L. McDONALD
9 JAMES H. McPHAIL, HUGH H. NULL,
10 GEORGE R. PEDRANTI, JR.; SHARON PEDRANTI
11 DAVID H. PETERSEN, JOYCE M. RAMOSS,
12 TOM RAMOSS, GILBERT L. THOMPSON,
13 JEAN C. THOMPSON, CHARLES H. WELLS, JR.;
14 SALOME S. WELLS, AND ROBERT WITHERELL
15 *Petitioners,*

16
17 vs.

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19 KLAMATH COUNTY,
20 *Respondent.*

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22 LUBA No. 2003-169

23
24 FINAL OPINION
25 AND ORDER

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27 Appeal from Klamath County.

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29 Corinne C. Sherton, Salem, represented petitioners.

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31 Reginald R. Davis, County Counsel, Klamath Falls, represented respondent.

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33 BASSHAM, Board Member; HOLSTUN, Board Chair; DAVIES, Board Member,
34 participated in the decision.

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36 DISMISSED

08/31/2004

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

Opinion by Bassham.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Klamath County withdrew the decision challenged in this appeal for reconsideration on November 17, 2003. On July 14, 2004, the Board received the Klamath County decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until August 8, 2004 to either refile the 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).