

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 GRETCHEN L. GRIVEL
5 and THOMAS C. HERRNBERGER,
6 *Petitioners,*

7
8 vs.

9
10 DESCHUTES COUNTY,
11 *Respondent.*

12
13 LUBA No. 2004-061

14
15 FINAL OPINION
16 AND ORDER

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18 Appeal from Deschutes County.

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20 Gretchen L. Grivel and Thomas C. Herrnberger, Bend, represented themselves.

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22 Laurie E. Craghead, Assistant County Counsel, Bend, represented respondent.

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24 HOLSTUN, Board Member; DAVIES, Board Chair; BASSHAM, Board Member,
25 participated in the decision.

26
27 DISMISSED

11/29/2005

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

Opinion by Holstun.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Deschutes County withdrew the decision challenged in this appeal for reconsideration on April 6, 2005. On October 7, 2005, the Board received Deschutes County's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until October 28, 2005 to either refile their 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).