

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 DEPARTMENT OF LAND
5 CONSERVATION AND DEVELOPMENT,

6 *Petitioner,*

7
8 vs.

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10 DESCHUTES COUNTY,

11 *Respondent,*

12
13 and

14
15 JOHN ARNETT,
16 *Intervenor-Respondent.*

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18 LUBA No. 2007-095

19
20 FINAL OPINION
21 AND ORDER

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23 Appeal from Deschutes County.

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25 Steven E. Shipsey, Assistant Attorney General, Salem, represented petitioner.

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

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29 Edward P. Fitch, Redmond, represented intervenor-respondent.

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31 RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
32 participated in the decision.

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34 DISMISSED

05/06/2008

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

Opinion by Ryan.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the county withdrew the decision challenged in this appeal for reconsideration on July 24, 2007. The Board received the county's decision on reconsideration on April 10, 2008. Pursuant to OAR 661-010-0021(5)(a), petitioner had until May 1, 2008 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).