2 OF THE STATE OF OREGON 3 4 DEPARTMENT OF LAND 5 CONSERVATION AND DEVELOPMENT, 6 Petitioner, 7 8 vs. 9 10 DESCHUTES COUNTY,	1	BEFORE THE LAND USE BOARD OF APPEALS
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, Petitioner, vs. DESCHUTES COUNTY,	2	OF THE STATE OF OREGON
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, Petitioner, vs. DESCHUTES COUNTY,		of the state of oregoty
5 CONSERVATION AND DEVELOPMENT, 6 Petitioner, 7 8 vs. 9 10 DESCHUTES COUNTY,		DEPARTMENT OF LAND
6 Petitioner, 7 8 vs. 9 10 DESCHUTES COUNTY,		
7 8 vs. 9 10 DESCHUTES COUNTY,		,
8 vs. 9 DESCHUTES COUNTY,		Temonor,
9 10 DESCHUTES COUNTY,		VS
DESCHUTES COUNTY,		, 5.
· ·		DESCHUTES COUNTY.
11 Respondent,	11	
12		Respondent,
13 and		and
14		
JOHN ARNETT,		JOHN ARNETT
16 Intervenor-Respondent.		,
17		2. Well rener 2. Cospendent
18 LUBA No. 2007-095		LUBA No. 2007-095
19		
20 FINAL OPINION		FINAL OPINION
21 AND ORDER		
22		
23 Appeal from Deschutes County.		Appeal from Deschutes County.
24		
Steven E. Shipsey, Assistant Attorney General, Salem, represented petitioner.	25	Steven E. Shipsey, Assistant Attorney General, Salem, represented petitioner.
26		
Laurie E. Craghead, Assistant County Counsel, Bend, represented respondent.		Laurie E. Craghead, Assistant County Counsel, Bend, represented respondent.
28	28	
Edward P. Fitch, Redmond, represented intervenor-respondent.	29	Edward P. Fitch, Redmond, represented intervenor-respondent.
30		
RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member	31	RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
participated in the decision.		
33	33	
34 DISMISSED 05/06/2008		DISMISSED 05/06/2008
35		
		You are entitled to judicial review of this Order. Judicial review is governed by the
provisions of ORS 197.850.	37	

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- 2 Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the county withdrew the 3 decision challenged in this appeal for reconsideration on July 24, 2007. The Board received 4 the county's decision on reconsideration on April 10, 2008. Pursuant to 5 OAR 661-010-0021(5)(a), petitioner had until May 1, 2008 to either refile its original notice 6 of intent to appeal in this matter, or file an amended notice of intent to appeal. The Board 7 has not received a refiled original notice of intent to appeal or an amended notice of intent to 8 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).