

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 POLK COUNTY,

11 *Respondent,*

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13 and

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15 KENNETH STINSON and SALLY STINSON,

16 *Intervenors-Respondents.*

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18 LUBA No. 2006-049

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20 FINAL OPINION

21 AND ORDER

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23 Appeal from Polk County.

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

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27 Dave Doyle, Dallas, represented respondent.

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29 Stephen F. Mannenbach, Dallas, represented intervenors-respondents.

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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

07/09/2008

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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.

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**MOTION TO INTERVENE**

Kenneth Stinson and Sally Stinson (intervenors), the applicants below, move to intervene on the side of the respondent in this appeal. There is no opposition to the motion and it is granted.

**DECISION**

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Polk County withdrew the decision challenged in this appeal for reconsideration on February 25, 2008. On June 13, 2008, the Board received Polk County’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until July 5, 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).