

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

3  
4 JEFFREY WRIGHT and REBECCA WRIGHT,  
5 *Petitioners,*

6  
7 vs.

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9 MARION COUNTY,  
10 *Respondent,*

11 and

12  
13  
14 STANLEY KLOPFENSTEIN  
15 and DONALD W. ZERKEL,  
16 *Intervenors-Respondents.*

17  
18 LUBA No. 2010-088

19  
20 FINAL OPINION  
21 AND ORDER

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23 Appeal from Marion County.

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25 Daniel J. Rice, Salem, represented petitioners.

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27 Jane Ellen Stonecipher, Marion County Legal Counsel, Salem, represented  
28 respondent.

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30 Alan M. Sorem, Salem, represented intervenors-respondents.

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

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35 DISMISSED

02/17/2011

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

Opinion by Ryan.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Marion County withdrew the decision challenged in this appeal for reconsideration on December 28, 2010. On January 24, 2011, the Board received Marion County's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until February 14, 2011 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).