

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

3
4 DESCHUTES COUNTY FARM BUREAU,
5 CENTRAL OREGON INDUSTRY ADVOCACY,
6 dba CELEBRATE CANNABIS, INC.,
7 COVERED360, INC., GLAS HUIS, INC.,
8 dba GLASS HOUS GROWN, COLE BREIT
9 ENGINEERING, LLC, McKENZIE CANYON
10 PROPERTIES, LLC, HAPPY HARVESTING, LLC,
11 CANNABIS NATION, INC., AUSTIN DILLING,
12 LINDSEY PATE, EDWIN PRICE,
13 and MICHAEL HAYES,
14 *Petitioners,*

15
16 vs.

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18 DESCHUTES COUNTY,
19 *Respondent,*

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21 LUBA No. 2018-136

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23 FINAL OPINION
24 AND ORDER

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26 Appeal from Deschutes County.

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28 Jennifer Clinton, Bend, filed the petition for review on behalf of
29 petitioners. With her on the brief were Stephanie Marshall and Clifton Cannabis
30 Law, LLC.

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32 D. Adam Smith, Deschutes County Assistant Legal Counsel, Bend,
33 represented respondent.

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35 ZAMUDIO, Board Chair; RUDD, Board Member; RYAN, Board
36 Member, participated in the decision.

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38 DISMISSED

10/09/2019

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

Opinion by Zamudio.

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2 On February 28, 2019, the county withdrew for reconsideration the
3 decision challenged in this appeal pursuant to ORS 197.830(13)(b) and OAR
4 661-010-0021. On September 5, 2019, the Board received the county's decision
5 on reconsideration, repealing the original decision challenged in this appeal.
6 Petitioners had until September 26, 2019 to file an amended notice of intent to
7 appeal. OAR 661-010-0021(5)(a). OAR 661-010-0021(5)(e) provides "[i]f no
8 amended notice of intent to appeal is filed or no original notice of intent to appeal
9 is refiled, as provided in [OAR 661-010-0021(5)(a) and (b)], the appeal will be
10 dismissed." The Board has not received an amended notice of intent to appeal.
11 This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or LUBA
12 557 (1993).