BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

SHANNON SMITH,
Petitioner,

vs.

CITY OF GEARHART,
Respondent,

LUBA No. 2012-049

FINAL OPINION
AND ORDER

Appeal from City of Gearhart.

John W. Shonkwiler, Tigard, represented petitioner

Jeffrey J. Bennett, Lake Oswego, represented respondent.

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

DISMISSED 02/28/2014

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

Opinion by Bassham.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Gearhart withdrew the decision challenged in this appeal for reconsideration on August 3, 2012. On October 31, 2012, the Board received the City of Gearhart decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until November 21, 2012, 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).