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

DAVID BENNETT,)
)
Petitioner,) LUBA No. 98-048
)
vs.) FINAL OPINION
) AND ORDER
CITY OF TROUTDALE,)
)
Respondent.)

Appeal from City of Troutdale.

Gregory S. Hathaway and Christopher C. Brand, Portland,
represented petitioner.

Timothy J. Sercombe, Portland, represented respondent.

GUSTAFSON, Board Chair; HANNA, Board Member, participated
in the decision.

DISMISSED 09/11/98

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

1 Opinion by Gustafson.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the
3 City of Troutdale withdrew the decision challenged in this
4 appeal for reconsideration on May 22, 1998. On June 30, 1998,
5 the board received the city's decision on reconsideration.
6 Pursuant to OAR 661-10-021(5)(a) and (b), petitioner had until
7 July 21, 1998 to (1) refile its original notice of intent to
8 appeal in this matter, or (2) file an amended notice of intent
9 to appeal. The Board has not received a refiled original
10 notice of intent to appeal or an amended notice of intent to
11 appeal.

12 OAR 661-10-021(5)(e) provides "[i]f no amended notice of
13 intent to appeal is filed or no original notice of intent to
14 appeal is refiled, as provided in [OAR 661-10-021(5)(a) and
15 (b)], the appeal will be dismissed."

16 This appeal is dismissed. Matrix Development v. City of
17 Tigard, 25 or LUBA 557 (1993).