

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

3
4 JASON R. COREY and ERIC T. NERDIN,
5 *Petitioners,*

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7 vs.

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9 CITY OF THE DALLES,
10 *Respondent,*

11 and

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13 OREGON MILITARY DEPARTMENT
14 *Intervenor-Respondent.*

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16 LUBA No. 2009-076

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19 FINAL OPINION
20 AND ORDER

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22 Appeal from City of The Dalles.

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24 Jason R. Corey and Eric T. Nerdin, The Dalles, represented themselves.

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26 Gene E. Parker, City Attorney, The Dalles, represented respondent.

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28 Steven E. Shipsey, Assistant Attorney General, Salem, represented intervenor-
29 respondent.

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

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34 DISMISSED

10/29/2009

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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.

Opinion by Ryan.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city of The Dalles withdrew the decision challenged in this appeal for reconsideration on July 14, 2009. On October 1, 2009, the Board received the city's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until October 22, 2009 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).