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

HOMEBUILDERS ASSOCIATION OF )  
JACKSON COUNTY, OREGON STATE )  
HOME BUILDERS ASSOCIATION, and )  
MEDFORD BOARD OF REALTORS, )  
Petitioners, )  
vs. )  
CITY OF JACKSONVILLE, )  
Respondent. )

LUBA No. 96-064  
FINAL OPINION  
AND ORDER

Appeal from City of Jacksonville.

John R. Hassen and Richard H. Berman, Medford,  
represented petitioners.

Tonia L. Moro, Medford, represented respondent.

HANNA, Referee; LIVINGSTON, Chief Referee; GUSTAFSON,  
Referee, participated in the decision.

DISMISSED 07/30/96

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

1 Opinion by Hanna.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the  
3 city withdrew the decision challenged in this appeal. On  
4 July 1, 1996, the Board received the city's decision on  
5 reconsideration. Pursuant to OAR 661-10-021(5)(a),  
6 petitioner had until July 22, 1996 to (1) refile its  
7 original notice of intent to appeal in this matter, or (2)  
8 file an amended notice of intent to appeal. The Board has  
9 not received a refiled original notice of intent to appeal  
10 or an amended notice of intent to appeal in accordance with  
11 OAR 661-10-021(5)(a).

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

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