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

KAREN E. MCKINNEY, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 CITY OF OREGON CITY, )  
 )  
 Respondent. )

LUBA No. 97-171  
  
FINAL OPINION  
AND ORDER

Appeal from City of Oregon City.

Paul D. Schultz, Oregon City, represented petitioner.

Edward J. Sullivan, Portland, represented respondent.

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

DISMISSED 10/14/98

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 City of Oregon City  
3 withdrew the decision challenged in this appeal for reconsideration on October 16, 1997. On  
4 December 18, 1997, the Board received the county's decision on reconsideration. Pursuant to  
5 OAR 661-10-021(5)(a), petitioner had until January 5, 1998, to (1) refile its original notice of  
6 intent to appeal in this matter, or (2) file an amended notice of intent to appeal. The Board  
7 has not received a refiled original notice of intent to appeal or an amended notice of intent to  
8 appeal in accordance with OAR 661-10-021(5)(a).

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

12           This appeal is dismissed. Matrix Development v. City of Tigard, 25 Or LUBA 557  
13 (1993).