BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON
CLACKAMAS EDUCATION SERVICE DISTRICT, Petitioner,
and
JIM YOUNG and JAMES BERNARD, Intervenors-Petitioner,
vs.
CITY OF MILWAUKIE, Respondent,
and
FORRIS FRICK, Intervenor-Respondent.

LUBA No. 2000-037
FINAL OPINION
AND ORDER
Appeal from City of Milwaukie.
John H. Hammond, Jr., Portland, and Heather A. Brinton, Portland, represented petitioner.

Jim Young, Milwaukie, and James Bernard, Milwaukie, represented themselves.
Gary F. Firestone, Portland, represented respondent.
Forris Frick, Milwaukie, represented himself.
BASSHAM, Board Member; BRIGGS, Board Chair; HOLSTUN, Board Member, participated in the decision.

DISMISSED 07/10/2001
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 withdrew the decision challenged in this appeal for reconsideration on July 18, 2000. On June 1, 2001, the Board received the city's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until June 22, 2001 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).

