1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	ROSS ISLAND SAND & GRAVEL CO.,
5	Petitioner,
6	
7	VS.
8	CUTIV OF DODITI AND
9	CITY OF PORTLAND,
10	Respondent.
11	**************************************
12	LUBA No. 2002-062
13	
14	FINAL OPINION
15	AND ORDER
16	
17	Appeal from City of Portland.
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19	Steven P. Hultberg, Portland, represented petitioner.
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21	Linly F. Rees and Kathryn S. Beaumont, Portland, represented respondent.
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23	HOLSTUN, Board Chair; BASSHAM, Board Member; BRIGGS, Board Member,
24	participated in the decision.
25	
26	DISMISSED 09/23/2002
27	
28	You are entitled to judicial review of this Order. Judicial review is governed by the
29	provisions of ORS 197.850.

1	Opinion by Holstun
2	Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Portland
3	withdrew the decision challenged in this appeal for reconsideration on June 12 <sup>th</sup> , 2002. Or
4	August 13 <sup>th</sup> , 2002, the Board received the City of Portland decision on reconsideration
5	Pursuant to OAR 661-010-0021(5)(a), petitioner had until September 3 <sup>rd</sup> 2002, to either refile
6	its original notice of intent to appeal in this matter, or file an amended notice of intent to
7	appeal. The Board has not received a refiled original notice of intent to appeal or an
8	amended notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).
9	OAR 661-010-0021(5)(e) provides "[i]f no amended notice of intent to appeal is filed
10	or no original notice of intent to appeal is refiled, as provided in [OAR 661-010-0021(5)(a)]
11	the appeal will be dismissed."
12	This appeal is dismissed. Matrix Development v. City of Tigard, 25 Or LUBA 557

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(1993).