1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	MEDIA ART, INC.
5	Petitioner,
6	
7	VS.
8	
9	CITY OF TIGARD,
10	Respondent.
11	
12	LUBA No. 2003-086
13	
14	FINAL OPINION
15	AND ORDER
16	
17	Appeal from City of Tigard.
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19	Steven W. Abel, Portland, represented petitioner.
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21	Timothy Ramis, Portland, represented respondent.
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23	BASSHAM, Board Chair; BRIGGS, Board Member; HOLSTUN, Board Member,
24	participated in the decision.
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26	DISMISSED 09/25/2003
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28	You are entitled to judicial review of this Order. Judicial review is governed by the
29	provisions of ORS 197.850.

Opinion by Bassham.

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## NATURE OF THE DECISION

Petitioner appeals a document entitled "Public Hearing Notice." The document provides notice of a public hearing before the city council on June 10, 2003.

## **MOTION TO DISMISS**

On May 29, 2003, the city filed a motion to dismiss this appeal, arguing that the challenged decision is simply notice of a public hearing and not a final decision subject to LUBA's jurisdiction. See E & R Farm Partnership v. City of Gervais, 37 Or LUBA 702, 705 (2000) (land use decisions subject to LUBA's jurisdiction must be final decisions); CBH

Company v. City of Tualatin, 16 Or LUBA 399, 405 n 7 (1988) (same).

- Petitioner has not responded to the city's motion to dismiss. We agree with the city that the challenged decision, to the extent it is a decision at all, is not a final decision, and thus not subject to our jurisdiction. ORS 197.015(10)(a)(A).
- 14 This appeal is dismissed.