1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	JAN ENGLAND,
5	Petitioner,
6	
7	VS.
8	
9	CITY OF HAPPY VALLEY,
10	Respondent.
11	
12	LUBA No. 2005-128
13	
14	FINAL OPINION
15	AND ORDER
16	
17	Appeal from City of Happy Valley.
18	
19	D. Daniel Chandler, Portland, represented petitioner.
20	
21	Pamela J. Beery, Portland, represented respondent.
22	
23	HOLSTUN, Board Member; DAVIES, Board Chair; BASSHAM, Board Member,
24	participated in the decision.
25	
26	DISMISSED 03/20/2006
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 Happy Valley
3	withdrew the decision challenged in this appeal for reconsideration on November 16, 2005.
4	On February 10, 2006, the Board received the city's decision on reconsideration. Pursuant to
5	OAR 661-010-0021(5)(a), petitioner had until March 3, 2006 to either refile its original
6	notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The
7	Board has not received a refiled original notice of intent to appeal or an amended notice of
8	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
13	(1993).