

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 R.K. WILSON CORPORATION,
5 *Petitioner,*

6
7 vs.

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9 CITY OF BEAVERTON,
10 *Respondent.*

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12 LUBA No. 2007-075

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14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of Beaverton.

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19 Stuart K. Cohen, Portland, represented petitioner.

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21 Alan A. Rappleyea, Assistant City Attorney, Beaverton, represented respondent.

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23 RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
24 participated in the decision.

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26 DISMISSED

05/06/2008

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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 Ryan.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the decision challenged in this appeal for reconsideration on June 21, 2007. The Board received the city's decision on reconsideration on April 10, 2008. Pursuant to OAR 661-010-0021(5)(a), petitioner had until May 1, 2008 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).