

1 BEFORE THE LAND USE BOARD OF APPEALS  
2 OF THE STATE OF OREGON  
3

4 MARK EASLEY and RUTH EASLEY,  
5 *Petitioners,*  
6

7 vs.  
8

9 CITY OF ADAMS,  
10 *Respondent.*  
11

12 LUBA No. 2008-138  
13

14 FINAL OPINION  
15 AND ORDER  
16

17 Appeal from City of Adams.  
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19 Carrie Richter, Portland, represented petitioners.  
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21 Douglas Hojem, Pendleton, represented respondent.  
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23 HOLSTUN, Board Member; BASSHAM, Board Chair; RYAN, Board Member,  
24 participated in the decision.  
25

26 DISMISSED

03/03/2009  
27

28 You are entitled to judicial review of this Order. Judicial review is governed by the  
29 provisions of ORS 197.850.

Opinion by Holstun.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Adams withdrew the decision challenged in this appeal for reconsideration on November 6, 2008. On January 28, 2009, the Board received the City of Adams decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until February 18, 2009 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).