

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 HOME BUILDERS ASSOCIATION OF
5 METROPOLITAN PORTLAND,

6 *Petitioner,*

7
8 vs.

9
10 CITY OF TIGARD,

11 *Respondent.*

12
13 LUBA No. 2008-094

14
15 FINAL OPINION
16 AND ORDER

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18 Appeal from City of Tigard.

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20 William L. Rasmussen, Portland, represented petitioner.

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22 Timothy V. Ramis, Lake Oswego, represented respondent.

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

26
27 DISMISSED

06/08/2011

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

1 Opinion by Bassham.

2 Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the
3 decision challenged in this appeal for reconsideration on June 14, 2010. On September 13,
4 2010, the Board received the city's decision on reconsideration. Pursuant to
5 OAR 661-010-0021(5)(a), petitioner had until October 14, 2010 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).