

1                                   BEFORE THE LAND USE BOARD OF APPEALS

2                                   OF THE STATE OF OREGON

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4                                   THOMAS F. GENTLE,  
5                                             *Petitioner,*

6  
7                                             vs.

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9                                   CITY OF LOSTINE,  
10                                             *Respondent.*

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12                                   LUBA No. 2013-053

13  
14                                   FINAL OPINION  
15                                   AND ORDER

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17                   Appeal from City of Lostine.

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19                   D. Zachary Hostetter, Enterprise, represented petitioner.

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21                   Alyssa D. Slater-Mullarkey, Enterprise, represented respondent.

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

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26                                   DISMISSED

                                          10/24/2013

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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 Holstun.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Lostine withdrew the decision challenged in this appeal for reconsideration on June 24, 2013. On September 23, 2013, the Board received the City of Lostine decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until October 14, 2013 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).