

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 NOYES DEVELOPMENT COMPANY,

5 *Petitioner,*

6
7 vs.

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9 WASHINGTON COUNTY,

10 *Respondent,*

11
12 and

13
14 MARY LOU OBERSON

15 and RENATA TORELLI,

16 *Intervenors-Respondents.*

17
18 LUBA No. 2013-068

19
20 FINAL OPINION

21 AND ORDER

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23 Appeal from Washington County.

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25 David J. Peterson, Portland, represented petitioner.

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27 Jacquilyn Saito-Moore, Senior Assistant County Counsel, Hillsboro, represented
28 respondent.

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30 Mary Lou Oberson and Renata Torelli, Portland, represented themselves.

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32 RYAN, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member,
33 participated in the decision.

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35 DISMISSED

01/10/2014

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

Opinion by Ryan.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the county withdrew the decision challenged in this appeal for reconsideration on September 6, 2013. On December 10, 2013, the Board received the county's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until December 31, 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).