

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

3  
4                   MARION COUNTY HOUSING AUTHORITY,  
5                   and SILVERPLACE APARTMENT HOMES, LLC,  
6                   dba SILVER PLACE APARTMENTS, LLC,  
7                   SILVERPLACE APARTMENTS, LLC,  
8                                   *Petitioners,*

9  
10                                   vs.

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12                   CITY OF SILVERTON,  
13                                   *Respondent.*

14  
15                                   LUBA No. 2015-086

16  
17                                   FINAL OPINION  
18                                   AND ORDER

19  
20                   Appeal from City of Silverton.

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

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24                   Christopher D. Crean, Portland, represented respondent.

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26                   RYAN, Board Member; BASSHAM, Board Chair; HOLSTUN Board  
27                   Member, participated in the decision.

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29                                   DISMISSED                                   02/22/2016

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

Opinion by Ryan.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Silverton withdrew the decision challenged in this appeal for reconsideration on November 20, 2015. On January 19, 2016, the Board received the city's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until February 9, 2016 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).