

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

3
4 THE RELIEF NURSEY,
5 *Petitioner,*

6
7 vs.

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9 CITY OF SPRINGFIELD,
10 *Respondent,*

11 and

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14 VERIZON WIRELESS,
15 *Intervenor-Respondent.*

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17 LUBA No. 2015-062

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19 FINAL OPINION
20 AND ORDER

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22 Appeal from City of Springfield.

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24 Rohn M. Roberts, Eugene, represented petitioner.

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26 Joseph J. Leahy, Springfield, represented respondent.

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28 Phillip E. Grillo, Portland, represented intervenor-respondent.

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30 BASSHAM, Board Member; RYAN, Board Chair; HOLSTUN, Board
31 Member, participated in the decision.

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33 DISMISSED 08/23/2017

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

Opinion by Bassham.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Springfield withdrew the decision challenged in this appeal for reconsideration on September 17, 2015. On November 12, 2015, the Board received the City of Springfield decision on reconsideration. Pursuant to OAR 661-010-0021(5)(1), petitioner had until December 3, 2015 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).