1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	SUM PROPERTIES, LLC,
5	Petitioner,
6	vs.
7	CITY OF GEARHART 11/03/17 AM SIGG LUSA
8	CITY OF GEARHART,
9	Respondent.
10	
11	LUBA No. 2017-049
12	
13	FINAL OPINION
14	AND ORDER
15	
16	Appeal from City of Gearhart.
17	
18	Gregory S. Hathaway, Portland, represented petitioner.
19	
20	Peter O. Watts, Lake Oswego, represented respondent.
21	
22	BASSHAM, Board Member; HOLSTUN, Board Member; RYAN, Board
23	Chair, participated in the decision.
24	TYGE (1901)
25	DISMISSED 11/03/2017
26	
27	You are entitled to judicial review of this Order. Judicial review is
28	governed by the provisions of ORS 197.850.

Opinion by Bassham.

2	Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city
3	withdrew the decision challenged in this appeal for reconsideration on May 25,
4	2017. On August 24, 2017, the Board received the city's decision on
5	reconsideration. Pursuant to OAR 661-010-0021(5)(1), petitioner had until
6	September 14, 2017, to either refile its original notice of intent to appeal in this
7	matter, or file an amended notice of intent to appeal. The Board has not
8	received a refiled original notice of intent to appeal or an amended notice of
9	intent to appeal in accordance with OAR 661-010-0021(5)(a).
10	OAR 661-010-0021(5)(e) provides "[i]f no amended notice of intent to
11	appeal is filed or no original notice of intent to appeal is refiled, as provided in
12	[OAR 661-010-0021(5)(a)], the appeal will be dismissed."
13	This appeal is dismissed. Matrix Development v. City of Tigard, 25 Or
14	LUBA 557 (1993).

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