

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

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4                   RANDY SIMPSON and GAYLE ASHFORD,  
5                                   *Petitioners,*

6  
7                                   vs.

01/15/18 PM 2:24 LUBA

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9                                   CITY OF BROWNSVILLE,  
10                                   *Respondent.*

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12                                   LUBA No. 2017-097

13  
14                                   FINAL OPINION  
15                                   AND ORDER

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17                   Appeal from City of Brownsville.

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19                   Sean T. Malone, Eugene, and Brian Michaels, Eugene, represented  
20 petitioners.

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22                   Ross M. Williamson, Eugene, represented respondent.

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

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27                   DISMISSED                   01/16/2018

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29                   You are entitled to judicial review of this Order. Judicial review is  
30 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 withdrew the decision challenged in this appeal for reconsideration on November 2, 2017. On December 14, 2017, the Board received the city's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until January 4, 2018 to either refile their 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).