

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

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4                                   NORTHWEST ALLIANCE CORVALLIS,  
5   *Petitioner,*

6  
7   vs.

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9                                   CITY OF CORVALLIS,  
10   *Respondent,*

11   and

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13  
14                                   GPA 1 LLC and FOREST HEIGHTS, LLC,  
15   *Intervenors-Respondents.*

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17   LUBA No. 2017-105

18  
19   FINAL OPINION  
20   AND ORDER

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22                                   Appeal from city of Corvallis.

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24                                   Sean T. Malone, Eugene, represented petitioner.

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26                                   David E. Coulombe, Corvallis, represented respondent.

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28                                   Bill Kloos, Eugene, represented intervenors-respondents.

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

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33                                   DISMISSED                                   02/05/2018

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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.

1 Opinion by Ryan.

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  
4 November 22, 2017. On January 8, 2018, the Board received the city’s  
5 decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner  
6 had until 21 days from January 8, 2018, to either refile its original notice of  
7 intent to appeal in this matter, or file an amended notice of intent to appeal.  
8 The Board has not received a refiled original notice of intent to appeal or an  
9 amended notice of intent to appeal in accordance with OAR 661-010-  
10 0021(5)(a).

11 OAR 661-010-0021(5)(e) provides “[i]f no amended notice of intent to  
12 appeal is filed or no original notice of intent to appeal is refiled, as provided in  
13 [OAR 661-010-0021(5)(a)], the appeal will be dismissed.”

14 This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or  
15 LUBA 557 (1993).