BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

JAMES TAYLOR,
Petitioner,

vs.

CITY OF MOLALLA,
Respondent.

LUBA Nos. 2018-010 and 2018-011

FINAL OPINION
AND ORDER

07/13/18 AM 9:40 LUBA

Appeal from City of Molalla.

T. Beau Ellis, Lake Oswego, represented petitioner.

Spencer Q. Parsons, Portland, represented respondent.

BASSHAM, Board Member; RYAN, Board Chair; ZAMUDIO, Board Member, participated in the decision.

DISMISSED 07/13/2018

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

1 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 March
4 12, 2018. On May 17, 2018, the Board received the city's decision on
5 reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until
6 June 7, 2018 to either refile its original notice of intent to appeal in this matter,
7 or file an amended notice of intent to appeal. The Board has not received a
8 refiled original notice of intent to appeal or an amended notice of intent to
9 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).