

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

3
4 GPA1, LLC,
5 *Petitioner,*

10/04/18 AM 9:11 LUBA

6
7 vs.

8
9 CITY OF CORVALLIS,
10 *Respondent.*

11
12 LUBA No. 2018-058

13
14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of Corvallis.

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19 Bill Kloos, Eugene, represented petitioner.

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21 James K. Brewer, Corvallis, represented respondent.

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

25
26 DISMISSED

10/04/2018

27
28 You are entitled to judicial review of this Order. Judicial review is
29 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, respondent
3 withdrew the decision challenged in this appeal for reconsideration on June 9,
4 2018. On September 4, 2018, the Board received the respondent's decision on
5 reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until
6 September 25, 2018 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 received
8 a 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).