

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 OREGON DEPARTMENT OF TRANSPORTATION,

5 *Petitioner,*

6
7 vs.

8
9 CITY OF MOLALLA,

10 *Respondent.*

02/26/19 AM 10:56 LUBA

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12 LUBA No. 2018-101

13
14 FINAL OPINION

15 AND ORDER

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17 Appeal from City of Molalla.

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19 Lucinda D. Jackson, Assistant Attorney General, Salem, represented
20 petitioner.

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22 Spencer Q. Parsons, Portland, represented respondent.

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

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27 DISMISSED

02/26/2019

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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 Bassham.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the decision challenged in this appeal for reconsideration on August 29, 2018. On December 3, 2018, the Board received the respondent's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until December 24, 2018, to either refile its 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).