

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

3  
4                   HOOD RIVER DISTILLERS, INC.,  
5                                   *Petitioner,*

6  
7                                   vs.

8  
9                   CITY OF HOOD RIVER,  
10                                   *Respondent,*

03/08/19 PM 3:28 LUBA

11                                   and

12  
13  
14                   KEY DEVELOPMENT & ASSET  
15                                   MANAGEMENT, INC.,  
16                                   *Intervenor-Respondent.*

17  
18                                   LUBA No. 2018-084

19  
20                                   FINAL OPINION  
21                                   AND ORDER

22  
23                   Appeal from City of Hood River.

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25                   Steven L. Pfeiffer, Portland, represented petitioner.

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27                   Daniel Kearns, Portland, represented respondent.

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29                   Christe C. White, Portland, represented intervenor-respondent.

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31                   RYAN, Board Chair; RUDD, Board Member; ZAMUDIO, Board  
32                   Member, participated in the decision.

33  
34                   DISMISSED

03/08/2019

35  
36                   You are entitled to judicial review of this Order. Judicial review is  
37                   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 July 30,  
4 2018. The Board subsequently granted the parties' stipulated motions to extend  
5 the time for filing the decision on reconsideration. On February 4, 2019, the  
6 Board received respondent's decision on reconsideration dated January 31, 2019.  
7 Pursuant to OAR 661-010-0021(5)(a), petitioner had until February 25, 2019 to  
8 either refile its original notice of intent to appeal in this matter, or file an amended  
9 notice of intent to appeal. The Board has not received a refiled original notice of  
10 intent to appeal or an amended notice of intent to appeal in accordance with OAR  
11 661-010-0021(5)(a).

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

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