

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

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4                   JOSH PATTINSON  
5                   *Petitioner,*

6  
7                   and

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9                   LOU MONTGOMERY,  
10                  *Intervenor-Petitioner,*

11  
12                  vs.

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14                  CITY OF PORTLAND,  
15                  *Respondent.*

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18                  LUBA No. 2018-122

19  
20                  FINAL OPINION  
21                  AND ORDER

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23                  Appeal from City of Portland.

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25                  Josh Pattinson, Portland, represented himself.

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27                  Linly F. Rees, Portland, represented respondent.

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29                  Lou Montgomery, Portland, represented himself.

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

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34                  DISMISSED

07/31/2019

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

Opinion by Rudd.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the decision challenged in this appeal for reconsideration on October 19, 2018. On December 20, 2018, the Board received the city’s decision on reconsideration dated December 18, 2018. Pursuant to OAR 661-010-0021(5)(a), petitioner had until January 10, 2019 to either refile his 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).