

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

PAHLISCH HOMES, INC.,
Petitioner,

vs.

CITY OF BEND,
Respondent,

and

THREE PINES RIDGE HOA,
Intervenor-Respondent.

LUBA No. 2019-124

FINAL OPINION
AND ORDER

Appeal from City of Bend.

Michael C. Robinson and Garrett H. Stephenson, Portland, represented petitioner.

Ian Leitheiser, Bend, represented respondent.

Will Van Vactor, Bend, represented intervenor-respondent.

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

ZAMUDIO, Board Member, did not participate in the decision

DISMISSED

03/18/2020

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

MOTION TO INTERVENE

Three Pines Ridge HOA (intervenor) moves to intervene in this appeal. The motion is unopposed and is granted.

RECONSIDERATION

On November 14, 2019, pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the decision challenged in this appeal for reconsideration. On February 14, 2020, the Board received the City of Bend’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until March 6, 2020 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).