

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

JOHN POWELL and SHERYL POWELL,  
*Petitioners,*

vs.

CITY OF SUBLIMITY,  
*Respondent.*

LUBA No. 2020-035

FINAL OPINION  
AND ORDER

Appeal from City of Sublimity.

John Powell and Sheryl Powell Sublimity, represented themselves..

Carolyn H. Connelly, represented respondent.

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

DISMISSED 08/25/2020

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

1 Opinion by Rudd.

2 Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city  
3 withdrew the decision challenged in this appeal for reconsideration on April 15,  
4 2020. On June 15, 2020, the Board received the city's decision on  
5 reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until July  
6 6, 2020 to either refile their original notice of intent to appeal in this matter, or  
7 file an amended notice of intent to appeal. The Board has not received a refiled  
8 original notice of intent to appeal or an amended notice of intent to appeal in  
9 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).