

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

3
4 KELLY DOHERTY,
5 *Petitioner,*

6
7 vs.

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9 CITY OF BOARDMAN,
10 *Respondent,*

11 and

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13 UMATILLA ELECTRIC COOPERATIVE,
14 *Intervenor-Respondent.*

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16 LUBA No. 2021-123

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18 FINAL OPINION
19 AND ORDER

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22 Appeal from City of Boardman.

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24 Kelly Doherty represented themselves.

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26 Christopher D. Crean represented respondent.

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28 Tommy A. Brooks represented intervenor-respondent.

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

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33 DISMISSED 04/11/2022

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

Opinion by Zamudio.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Boardman withdrew the decision challenged in this appeal for reconsideration on January 10, 2022. On March 7, 2022, the Board received the city’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until March 28, 2022, to either refile their 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) and (b)], the appeal will be dismissed.”

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