

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

3
4 FREEL & ASSOCIATES, LLC,
5 *Petitioner,*

6
7 vs.

8
9 JACKSON COUNTY,
10 *Respondent.*

11
12 LUBA No. 2023-054

13
14 FINAL OPINION
15 AND ORDER

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17 Appeal from Jackson County.

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19 Mark S. Bartholomew represented petitioner.

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21 Joel C. Benton represented respondent.

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

25
26 DISMISSED

01/18/2024

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

Opinion by Zamudio.

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2 On July 12, 2023, petitioner, the applicant below, filed their notice of intent
3 to appeal. On August 1, 2023, respondent withdrew the challenged decision for
4 reconsideration. ORS 197.830(13)(b); OAR 661-010-0021. On November 2,
5 2023, the Board received the decision on reconsideration. Petitioner had until
6 November 23, 2023, to either refile its original notice of intent to appeal or file
7 an amended notice of intent to appeal. OAR 661-010-0021(5)(a). “If no amended
8 notice of intent to appeal is filed or no original notice of intent to appeal is refiled,
9 as provided in [OAR 661-010-0021(5)(a)], the appeal will be dismissed.” OAR
10 661-010-0021(5)(e). The Board has not received a refiled original notice of intent
11 to appeal or an amended notice of intent to appeal. This appeal is dismissed.
12 *Matrix Development v. City of Tigard*, 25 Or LUBA 557 (1993).