

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

3  
4                   STEVE TOSCHI and ROBYN TOSCHI,  
5                                 *Petitioners,*

6  
7   vs.

8  
9                   CITY OF ST. HELENS,  
10                                 *Respondent.*

11  
12   LUBA No. 2023-085

13  
14   FINAL OPINION  
15   AND ORDER

16  
17                   Appeal from City of St. Helens.

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19                   Gregory S. Hathaway represented petitioner.

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21                   William A. Monahan represented respondent.

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

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26   DISMISSED   06/11/2024

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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.

1 Opinion by Ryan.

2 Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of St.  
3 Helens withdrew the decision challenged in this appeal for reconsideration on  
4 January 2, 2024. On May 13, 2024, the Board received the city decision on  
5 reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until June  
6 3, 2024, 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).