1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	BRAND LAND USE, LLC, BRITANY RAND, and ROBERT BOLT,
5	Petitioners,
6	
7	vs.
8	
9	CITY OF SALEM,
10	Respondent.
11	
12	LUBA No. 2024-041
13	
14	FINAL OPINION
15	AND ORDER
16	
17	Appeal from City of Salem.
18	
19	Wendie L. Kellington represented petitioners.
20	
21	Fred Wilson represented respondent.
22	
23	RUDD, Board Member; ZAMUDIO, Board Chair; RYAN, Board
24	Member, participated in the decision.
25	DISMISSED 01/22/2025
26	DISMISSED 01/22/2025
27	Vou are entitled to judicial review of this Order Judicial review is
28 29	You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.
4 7	governed by the provisions of OKS 197.650.

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 October
4	17, 2024. On December 31, 2024, the Board received the city's decision on
5	reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until
6	January 21, 2025 to either refile their original notice of intent to appeal in this
7	matter, or file an amended notice of intent to appeal. The Board has not received
8	a refiled original notice of intent to appeal or an amended notice of intent to
9	appeal in 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	LURA 557 (1993)

1