1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	DEVOND TOYIOG
4	BEYOND TOXICS,
5	Petitioner,
6	igi bendaran eliyah safi bendenin direbe gaji edilik, jib yanan kerilik direbe ga
7 8	Vs.
9	CITY OF EUGENE,
10	Respondent,
11	Respondent
12	and are not seen to be and and the lampor of the angles and the decision of self-are and read
13	er promid No. or iran. Doursones <u>de las largras au trefat</u> it <u>o reg</u> itar largejos ball tos r
14	EUGENE CLEAN FUELS LLC,
15	Intervenor-Respondent.
16	The second secon
17	LUBA Nos. 2024-063
18	
19	FINAL OPINION
20	AND ORDER
21	
22	Appeal from City of Eugene.
23	Evic Whiston nonnegated notition on
24	Eric Wriston represented petitioner.
25 26	Lauren A. Sommers represented respondent.
26 27	Lauren A. Sommers represented respondent.
28	Garrett H. Stephenson represented intervenor-respondent.
29	Garrett 11. Stephenson represented intervenor-respondent.
30	RYAN, Board Member; ZAMUDIO, Board Chair; RUDD, Board
31	Member, participated in the decision.
32	Triemoet, participated in the decision.
33	DISMISSED 02/20/2025
34	
35	You are entitled to judicial review of this Order. Judicial review is
36	governed by the provisions of ORS 197.850.

Opinion by Ryan.

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	18, 2024. On January 21, 2025, the Board received the city's decision on
5	reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until
6	February 11, 2025, to either refile its 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 that "[i]f no amended notice of intent
11	to 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

LUBA 557 (1993).

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