

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
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4 JOHN HARPER, ANGELICA ELINA HARPER,
5 ELIZABETH O'CONNELL, TIMOTHY COPE,
6 MEREDITH COPE, JAMES RITCHIE,
7 DEANNA RITCHIE, and AWBREY BUTTE
8 NEIGHBORHOOD ASSOCIATION,
9 *Petitioners,*

10
11 vs.

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13 CITY OF BEND,
14 *Respondent,*

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16 and

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18 CENTRAL OREGON COMMUNITY COLLEGE,
19 *Intervenor-Respondent.*

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21 LUBA No. 2011-074

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23 FINAL OPINION
24 AND ORDER

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26 Appeal from City of Bend.

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28 Daniel Kearns, Portland, represented petitioner.

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30 Mary A. Winters, City Attorney, Bend, represented respondent.

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32 Myles Conway, Bend, represented intervenor-respondent.

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34 RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
35 participated in the decision.

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37 DISMISSED

02/07/2012

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

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MOTION TO INTERVENE

Central Oregon Community College, the applicant below, moves to intervene on the side of the respondent in the appeal. There is no opposition to the motion and it is granted.

DISMISSAL

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Bend withdrew the decision challenged in this appeal for reconsideration on September 6, 2011. On January 10, 2012, the Board received the City’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioners had until January 31, 2012 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)], the appeal will be dismissed.”

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