

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

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4 PATRICIA SCHNABEL, RICK KOZAK,
5 PATRICIA KOZAK, WALTER KEUTEL,
6 BARBARA WEISS and JAMES BARRETT,
7 *Petitioners,*

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9 vs.

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11 CITY OF PORTLAND,
12 *Respondent,*

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14 and

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16 LADDS OFF HAWTHORNE, LLC
17 and ERICK SCHEEL,
18 *Intervenors-Respondents.*

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20 LUBA No. 2010-054

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22 FINAL OPINION
23 AND ORDER

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25 Appeal from City of Portland.

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27 Patricia Schnabel, Portland, Rick Kozak, Portland, Patricia Kozak, Portland, Walter
28 Keutel, Portland, Barbara Weiss, Portland and James Barrett, Portland, represented
29 themselves.

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31 Linly F. Rees, Deputy City Attorney, Portland, represented respondent.

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33 Andrew H. Stamp, Lake Oswego, represented intervenors-respondents.

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

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38 REMANDED

09/30/2010

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

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MOTION TO INTERVENE

Ladds Off Hawthorne, LLC and Erick Scheel move to intervene on the side of the city in this appeal. There is no opposition to the motion and it is allowed.

VOLUNTARY REMAND

On August 27, 2010, petitioners filed the petition for review. On September 9, 2010 the city and intervenors moved for a voluntary remand of the decision. On September 22, 2010, petitioners responded to the motion. Petitioners do not object to the motion for voluntary remand. However, petitioners state in their response that petitioners would like to be allowed to file a cost bill.

The filing of cost bills is governed by OAR 660-010-0075(1). If petitioners file a cost bill, they may in that cost bill include arguments regarding why they are entitled to recover amounts set forth in OAR 660-010-0075(1).

The motion for voluntary remand is granted.

The city’s decision is remanded.