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

CELINA PATTERSON, HAWLEY MATTHIESON,
DEANNE FOSTER and MARY LOU KLEIN,
Petitioners,

vs.

CITY OF PORTLAND,
Respondent,

and

HARRY SCHUMACHER
and SHERI SCHUMACHER,
Intervenors-Respondent.

LUBA No. 2004-178

FINAL OPINION
AND ORDER

Appeal from City of Portland.

Celina Patterson, Hawley Matthieson, Deanne Foster and Mary Lou Klein, Portland, represented themselves.

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

Harry Schumacher and Sheri Schumacher, Portland, represented themselves.

HOLSTUN, Board Chair; BASSHAM, Board Member; DAVIES, Board Member, participated in the decision.

DISMISSED

02/22/2005

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

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MOTION TO INTERVENE

Harry Schumacher and Sheri Schumacher, the applicants below, move to intervene on the side of respondent. There is no opposition to the motion, and it is allowed.

DECISION

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the City of Portland withdrew the decision challenged in this appeal for reconsideration on November 8, 2004. On January 6, 2005, the Board received the City of Portland’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until January 27, 2005 to either refile its 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).