

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 DICK LANE, RON THOMPSON, DOUG
5 THOMPSON, JOHN WHITE and DEL SCHRAG,
6 *Petitioners,*

7
8 vs.

9
10 METRO,
11 *Respondent,*

12
13 and

14
15 LDC DESIGN GROUP,
16 *Intervenor-Respondent.*

17
18 LUBA No. 2005-092

19
20 CITY OF FOREST GROVE,
21 *Petitioner,*

22
23 and

24
25 DICK LANE, RON THOMPSON, DOUG
26 THOMPSON, JOHN WHITE and DEL SCHRAG,
27 *Intervenor-Petitioners,*

28
29 vs.

30
31 METRO,
32 *Respondent,*

33
34 and

35
36 LDC DESIGN GROUP,
37 *Intervenor-Respondent.*

38
39 LUBA No. 2005-093

1 CITY OF FOREST GROVE,
2 *Petitioner,*

3
4 vs.

5
6 METRO,
7 *Respondent,*

8
9 and

10
11 LDC DESIGN GROUP,
12 *Intervenor-Respondent.*

13
14 LUBA No. 2005-094

15
16 FINAL OPINION
17 AND ORDER

18
19 Appeal from Metro.

20
21 Daniel Kearns, Portland, represented petitioner/intervenor-petitioners Lane et al.

22
23 Pamela J. Beery, Portland, represented petitioner City of Forest Grove.

24
25 Richard P. Benner, Portland, represented respondent.

26
27 William C. Cox, Portland, represented intervenor-respondent.

28
29 BASSHAM, Board Member; DAVIES, Board Chair; HOLSTUN, Board Member,
30 participated in the decision.

31
32 DISMISSED

10/26/2005

33
34 You are entitled to judicial review of this Order. Judicial review is governed by the
35 provisions of ORS 197.850.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

MOTIONS TO INTERVENE

LDC Design Group moves to intervene on the side of respondent in the above-captioned appeals. Dick Lane, Ron Thompson, Doug Thompson, John White and Del Schrag, move to intervene on the side of petitioner in LUBA No. 2005-093. No one opposes the motions, and they are granted.

DISMISSAL

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Metro withdrew the decision challenged in this appeal for reconsideration on July 1, 2005. On August 15, 2005, the Board received Metro’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until September 5, 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).