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BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

KENNETH CHAMBERLAIN  
and JEANNE CHAMBERLAIN,  
*Petitioners,*

vs.

CITY OF PORTLAND,  
*Respondent,*

and

GEORGE CRAWFORD,  
*Intervenor-Respondent.*

LUBA No. 2007-091

FINAL OPINION  
AND ORDER

Appeal from City of Portland.

Jeanne M. Chamberlain, Portland, represented petitioners.

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

George Crawford, Portland, represented himself.

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

DISMISSED

09/19/2007

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**

George Crawford, the applicant below, moves to intervene on the side of respondent. No party opposes the motion, and it is granted.

**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 May 23, 2007. On July 5, 2007, the Board received the city’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until July 26, 2007 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).