

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

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4                                   SARAH K. KINDER,  
5   *Petitioner,*

6  
7   and

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9                                   MICELIS C. DOYLE, HUMBOLDT NEIGHBORHOOD  
10                                   ASSOCIATION and MOLLY HERSHEY,  
11   *Intervenor-Petitioners,*

12  
13   vs.

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15                                   CITY OF PORTLAND,  
16   *Respondent.*

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18   LUBA No. 2007-187

19  
20   FINAL OPINION  
21   AND ORDER

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23                                   Appeal from the City of Portland.

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25                                   Sarah K. Kinder, Portland, represented herself.

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27                                   Micelis C. Doyle and Molly Hershey, Portland, represented themselves.

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29                                   Daniel Kearns, Portland, represented intervenor-petitioner, Humboldt Neighborhood  
30 Association.

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32                                   Linly F. Rees, Portland, represented respondent.

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

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37   DISMISSED

01/02/2008

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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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**MOTIONS TO INTERVENE**

Miceles C. Doyle, Humboldt Neighborhood Association, and Molly Hershey move to intervene on the side of petitioner. There is no opposition to the motions, and they are allowed.

**NOTICE OF INTENT TO APPEAL**

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, on October 3, 2007 the City of Portland withdrew the decision challenged in this appeal for reconsideration. On October 10, 2007, the Board received the City of Portland’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until October 31,2007 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).