

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

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4 GINNY BALDINO and JOHN BALDINO,
5 *Petitioners,*

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7 and

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9 REED NEIGHBORHOOD ASSOCIATION
10 *Intervenor-Petitioner,*

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12 vs.

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14 CITY OF PORTLAND,
15 *Respondent,*

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17 and

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19 JOHN WELSH,
20 *Intervenor-Respondent.*

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22 LUBA No. 2007-159

23
24 FINAL OPINION
25 AND ORDER

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27 Appeal from City of Portland.

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29 Ty K. Wyman, Portland, represented petitioner.

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31 Jonah H. Paisner, Portland, represented intervenor-petitioner.

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

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35 John Welsh, Portland, represented himself.

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

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40 DISMISSED

02/01/2008

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

MOTIONS TO INTERVENE

John Welsh, moves to intervene on the side of respondent. Reed Neighborhood Association moves to intervene on the side of petitioner. No party opposes the motions, and they are granted.

DECISION

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the decision challenged in this appeal for reconsideration on September 11, 2007. On November 14, 2007, the Board received the city’s decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until December 5, 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).