

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

3 METROPOLITAN SERVICE DISTRICT, )  
4                   Petitioner,                    )  
5                   vs.                                    )  
6 CLACKAMAS COUNTY,                    )  
7                   Respondent.                    )

LUBA No. 80-012  
ORDER OF DISMISSAL

8  
9           This matter is before the Board on motion of Respondent  
10 Clackamas County. Clackamas County moves to dismiss the  
11 Notice of Intent to Appeal on file in this case because the  
12 county has voided Order No. 79-3637, the basis of the appeal,  
13 and will reconsider the matter. The motion was filed with  
14 the Board on March 24, 1980. More than ten days has passed  
15 since that filing and no motion or memorandum in opposition  
16 thereto has been received.

17           It appears to the Board that Clackamas County Order No.  
18 80-545 attached to the motion to dismiss does in fact void  
19 order no. 79-3637. There is, as respondent notes, no longer  
20 a "decision" that this Board may review.

21           The matter of Metropolitan Service District vs. Clackamas  
22 County, LUBA No. 80-012 is dismissed. As no record has been  
23 prepared by respondent, the \$150.00 deposit for costs shall be  
24 returned to petitioner, Metropolitan Service District.

25           Dated this 17<sup>th</sup> day of April, 1980.