

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 CLAY STREET  
5 NEIGHBORHOOD ASSOCIATION,  
6 *Petitioner,*

7  
8 vs.

9  
10 METRO,  
11 *Respondent,*

12 and

13  
14  
15 CITY OF WILSONVILLE,  
16 *Intervenor-Respondent.*

17  
18 LUBA No. 2001-163

19  
20 FINAL OPINION  
21 AND ORDER

22  
23 Appeal from Metro.

24  
25 Daniel Kearns, Portland, represented petitioner.

26  
27 Kenneth D. Helm, Portland, represented respondent.

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29 Michael E. Kohlhoff, Wilsonville, represented intervenor-respondent.

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31 HOLSTUN, Board Member; BRIGGS, Board Chair; BASSHAM, Board Member,  
32 participated in the decision.

33  
34 DISMISSED

12/19/2001

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

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Holstun, Board Member.

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2 **MOTION TO INTERVENE**

3 City of Wilsonville, the applicant below, moves to intervene on the side of  
4 respondent. There is no opposition to the motion, and it is allowed.

5 **DECISION**

6 Petitioner withdraws its notice of intent to appeal, and requests that LUBA return its  
7 \$150 deposit for costs. This appeal is dismissed. The Board will return petitioner's \$150  
8 deposit for costs. This disposition makes it unnecessary to rule on intervenor's pending  
9 motion to dismiss.