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1
                BEFORE THE LAND USE BOARD OF APPEALS
 2
                       OF THE STATE OF OREGON
 3
 4
   CITY OF NEWBERG,
                                    )
 5
                                    )
 6
             Petitioner,
 7
 8
        vs.
                                            LUBA No. 91-132
 9
10
   YAMHILL COUNTY,
11
                                            FINAL OPINION
12
                                               AND ORDER
             Respondent,
                                    )
13
                                    )
14
        and
15
16
   POWELL INDUSTRIAL BUILDERS, INC.,
                                                   )
17
18
             Intervenor-Respondent.
                                                    )
19
20
21
        Appeal from Yamhill County.
22
23
         Terrence D. Mahr, City Attorney, Newberg, represented
24
   petitioner.
25
26
         John Pinkstaff, Assistant County Counsel, McMinnville,
27
    represented respondent.
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29
         E. Andrew Jordan, Portland, represented intervenor-
30
    respondent.
31
         HOLSTUN, Referee; SHERTON, Chief Referee; KELLINGTON,
32
33
    Referee, participated in the decision.
34
35
             DISMISSED
                                    01/13/93
36
37
         You are entitled to judicial review of this Order.
   Judicial review is governed by the provisions of ORS
38
    197.850.
39
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- 1 Holstun, Referee.
- 2 The parties move for dismissal of this appeal and for
- 3 return of petitioner's \$150 deposit for costs.
- 4 This appeal is dismissed, and petitioner's deposit for
- 5 costs shall be returned by the Board.