

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 OREGON DEPARTMENT OF LAND  
5 CONSERVATION AND DEVELOPMENT,

6 *Petitioner,*

7  
8 vs.

9  
10 MORROW COUNTY,

11 *Respondent,*

12  
13 and

14  
15 PORT OF MORROW,

16 *Intervenor-Respondent.*

17  
18 LUBA No. 2002-101

19  
20 FINAL OPINION  
21 AND ORDER

22  
23 Appeal from Morrow County.

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25 Steven E. Shipsey, Assistant Attorney General, Salem, represented petitioner.

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27 David C. Allen, County Counsel, Heppner, represented respondent.

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29 Mark J. Greenfield, represented intervenor-respondent.

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

33  
34 DISMISSED

09/21/2004

35  
36 You are entitled to judicial review of this Order. Judicial review is governed by the  
37 provisions of ORS 197.850.

Holstun, Board Chair.

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2 **MOTION TO INTERVENE**

3           The Port of Morrow moves to intervene in this appeal. There is no opposition to the  
4 motion, and it is allowed.

5 **DECISION**

6           Petitioner requests that this appeal be dismissed. Accordingly, this appeal is dismissed.  
7 Petitioner also requests that LUBA return its \$150 deposit for costs. The county shall have the time  
8 provided by our rules to respond to that request.