

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 CITY OF PORTLAND,
5 *Petitioner,*

6
7 vs.

8
9 WASHINGTON COUNTY,
10 *Respondent,*

11 and

12
13 MICHAEL LILLY, JEANETTE LILLY,
14 RUSSELL KEITHLY, HEATHER KEITHELY
15 and MARY SHAVER,
16 *Intervenors-Respondents.*

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18 LUBA No. 2010-063

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21 FINAL OPINION
22 AND ORDER

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24 Appeal from Washington County.

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26 Christe C. White, Portland, represented petitioner.

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28 Dan R. Olsen, County Counsel, Hillsboro, represented respondent.

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30 Michael J. Lilly, Beaverton, represented intervenors-respondents Lilly et al.

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32 Roger A. Alfred, Portland, represented intervenors-respondents Keithly et al.

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34 Timothy V. Ramis, Lake Oswego, represented intervenor-respondent Mary Shaver.

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

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39 DISMISSED

02/25/2011

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

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2 **NATURE OF THE DECISION**

3 Petitioner appeals a county decision approving an expansion of a pump station and
4 alterations within a floodplain.

5 **MOTIONS TO INTERVENE**

6 Michael Lilly, Jeanette Lilly, Russell Keithly, Heather Keithly, and Mary Shaver
7 move to intervene on the side of respondent. There is no opposition to the motions, and they
8 are allowed.

9 **DISMISSAL**

10 On December 29, 2010, petitioner advised LUBA in writing that it does not intend to
11 file a petition for review, stating that petitioner understands that failure to file the petition for
12 review will result in dismissal of this appeal. OAR 661-010-0030(1). No petition for review
13 was filed within the time provided in our rules. Accordingly, this appeal is dismissed. *Id.*