

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3 HATTENHAUER DISTRIBUTING CO.,

4 *Petitioner,*

5 vs.

6 CITY OF PENDLETON,

7 *Respondent,*

8 and

9 OREGON DEPARTMENT

10 OF TRANSPORTATION,

11 *Intervenor-Respondent.*

12 LUBA No. 2011-010

13 FINAL OPINION

14 AND ORDER

15 Appeal from City of Pendleton.

16 Karen A. Feil, The Dalles, represented petitioner.

17 Peter H. Wells, City Attorney, Pendleton, represented respondent.

18 Kathryn A. Lincoln, Assistant Attorney General, Salem, represented intervenor-
19 respondent.

20 RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
21 participated in the decision.

22 DISMISSED

23 06/29/2011

24 You are entitled to judicial review of this Order. Judicial review is governed by the
25 provisions of ORS 197.850.
26
27
28

Ryan, Board Chair.

1

2 **MOTION TO INTERVENE**

3 Oregon Department of Transportation moves to intervene on the side of respondent.

4 No party opposes the motion, and it is granted.

5 **MOTION TO DISMISS**

6 Petitioner requests that this appeal be dismissed. Accordingly, this appeal is

7 dismissed.