

1                                   BEFORE THE LAND USE BOARD OF APPEALS  
2                                   OF THE STATE OF OREGON

3  
4                                   ROBIN KING,  
5                                   *Petitioner,*

6  
7                                   vs.

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9                                   CITY OF MERRILL,  
10                                  *Respondent,*

11                                  and

12  
13  
14                                  OR SOLAR 5, LLC,  
15                                  *Intervenor-Respondent.*

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17                                  LUBA No. 2016-111

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19                                  FINAL OPINION  
20                                  AND ORDER

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22                                  Appeal from City of Merrill.

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24                                  Mika N. Blain, Klamath Falls, represented petitioner.

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26                                  Melvin D. Ferguson, Klamath Falls, represented respondent.

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28                                  Ellen H. Grover and Nathan G. Orf, Bend, represented intervenor-  
29 respondent.

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

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34                                  DISMISSED

12/13/2016

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

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Holstun, Board Chair.

2 **MOTION TO INTERVENE**

3 OR Solar 5, LLC, the applicant below, moves to intervene on the side of  
4 respondent. No party opposes the motion and it is granted.

5 **NOTICE OF WITHDRAWAL**

6 Petitioner moves to withdraw her appeal. Accordingly, this appeal is  
7 dismissed. The Board will return petitioner's \$200 deposit for costs.