

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 KIN FOO CHAN and YIN CHAN,
5 *Petitioners,*

6
7 vs.

8
9 CITY OF ALBANY,
10 *Respondent,*

11 and

12
13 POWELL-ALBANY LLC and
14 PETER POWELL,
15 *Intervenors-Respondent.*

16
17 LUBA No. 2002-063

18
19
20 FINAL OPINION
21 AND ORDER

22
23 Appeal from Albany.

24
25 Michael B. Brink, Albany, represented petitioner.

26
27 James V. B. DeLapoer, Albany, represented respondent.

28
29 Steven C. Morasch, Portland, represented intervenor-respondent.

30
31 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,
32 participated in the decision.

33
34 DISMISSED

03/13/2003

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

1 Holstun, Board Member.

2 Petitioner requests that this appeal be dismissed. Petitioner also requests that the
3 Board will return the balance of petitioner's \$150 deposit for costs, if any, following any
4 award of costs to respondent under OAR 661-010-0075(1)(b)(B) and (C).

5 Accordingly this appeal is dismissed. The Board will await respondent's cost bill and
6 return any balance in petitioner's \$150 deposit for costs in accordance with petitioner's
7 request.