

DEC 30 1 54 PM '83

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

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2
3 CHESTER SWENSON)
4 Petitioner,)
5 vs.)
6 DEPARTMENT OF ENVIRONMENTAL)
7 QUALITY OF THE STATE OF)
8 OREGON, an agency of the)
9 State of Oregon; CITY OF)
10 EUGENE, a municipal corp-)
11 oration; CITY OF SPRINGFIELD,)
12 a municipal corporation;)
13 COUNTY OF LANE, a political)
14 subdivision of the State of)
15 Oregon; METROPOLITAN)
16 WASTEWATER MANAGEMENT COM-)
17 MISSION, an intergovernmental)
18 service commission established)
19 pursuant to ORS chapters 451)
20 454; METROPOLITAN WASTEWATER)
21 MANAGEMENT DISTRICT, a)
22 muncipal service district)
23 established pursuant to)
24 chapter 451 of ORS,)
25 Respondents.)

LUBA No. 82-093

FINAL OPINION
(ORDER OF DISMISSAL)

17 Appeal from the Department of Environmental Quality of the
18 State of Oregon.

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5 BAGG, Board Member; COX, Board Member.

6
7 DISMISSED

12/30/82

8 You are entitled to judicial review of this Order.
9 Judicial review is governed by the provisions of Oregon Laws
10 1979, ch 772, sec 6(a).

1 BAGG, Board Member.

2 This matter is before the Board on petitioner's motion to
3 withdraw his notice of intent to appeal on the ground that the
4 decision by respondent Department of Environmental Quality is
5 premature and may not constitute a final land use decision.

6 Petitioner further requests that the \$150 deposit for costs be
7 returned to him.

8 The Board has received no objection from the other parties.

9 IT IS HEREBY ORDERED this appeal is dismissed without
10 prejudice to any party. It is further ordered that petitioner
11 shall be reimbursed the \$150 deposit for costs.

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LAND USE
BOARD OF APPEALS

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

DEC 30 1 37 PM '82

3 WESTSIDE NEIGHBORHOOD)
QUALITY PROJECT, INC.,)
4 a nonprofit corporation)
and chartered citizen)
5 involvement committee,)
DAVID FIDANQUE, BRIAN)
6 SIMONITCH, PAULA MAHAN,)
MIKE GRAHAM, and)
7 SANDRA BISHOP,)
8 Petitioners,)
9 vs.)
10 SCHOOL DISTRICT 4J)
BOARD OF DIRECTORS,)
11 Respondents.)

LUBA No. 81-096
CA A23957

* * * * *

14 Submitted on reversal and remand from the Oregon Court of
15 Appeals, December 3, 1982.

16 Judicial Review from the Land Use Board of Appeals.

17 IT IS HEREBY ORDERED that the previous opinion dated
18 February 16, 1982 is vacated and this appeal is hereby
19 dismissed consistent with the opinion and order of the Court of
Appeals in Westside Neighborhood Quality Project, Inc., et al v
School District 4J Board of Directors, ___ Or App ___, ___
20 P2d ___ (1982).

21 Dated this 30th day of December, 1982.