

Nov 30 2 30 PM '88

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

G. K. AUSTIN, JR., JOAN D.)
AUSTIN, DOUGLAS B. CAFFALL, and)
DENNYECE WHEELER,)

Petitioners,)

vs.)

CITY OF NEWBERG,)

Respondent.)

LUBA No. 88-071

FINAL OPINION
AND ORDER OF DISMISSAL

Appeal from the City of Newberg.

Mark J. Greenfield
Mitchell, Lang & Smith
2000 One Main Place
101 SW Main Street
Portland, OR 97204

Terrence D. Mahr
Newberg Legal Counsel
414 East First
Newberg, OR 97132

Attorney for Petitioner

Attorney for Respondent

HOLSTUN, Chief Referee; SHERTON, Referee.

DISMISSED

11/30/88

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

1 Holstun, Chief Referee.

2 The ordinance challenged in this appeal was referred to the
3 voters of the City of Newberg on November 8, 1988 and was
4 rejected. The parties stipulate that this appeal is therefore
5 moot and ask that the appeal be dismissed.

6 No record was filed by the city in this proceeding, and the
7 parties further stipulate that neither part shall recover costs.

8 This appeal is dismissed, and petitioners' deposit for
9 costs shall be returned by the Board.

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