

LAND USE
BOARD OF APPEALS

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

OCT 1 2 28 PM '82

3 CLARENCE RUEF,)
4) Petitioner,)
5) v.) LUBA NO. 82-080
6 CITY OF STAYTON,)) FINAL OPINION
7) Respondent.)) AND ORDER

8 Appeal from City of Stayton.

9 Donald M. Kelley Paul Lee
10 Kelley & Kelley City Attorney
11 110 North Second St. 362 North Third Avenue
12 Silverton, OR 97381 Stayton, OR 97383

13 Bagg, Referee; Reynolds, Chief Referee; Cox, Referee;
14 participated in the decision.

15 Dismissed. 10/01/82

16 You are entitled to judicial review of this Order.
17 Judicial review is governed by the provisions of Oregon Laws
18 1979, ch 772, sec 6(a).
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1 BAGG, Referee.

2 On September 28, 1982, the parties filed a stipulation, a
3 copy of which is attached hereto, indicating the "order
4 appealed from was not a final order." See 1979 Or Laws, ch
5 772, sec 4, as amended by 1981 Or Laws, ch 748. ORS
6 197.015(10). Based on the stipulation, it is ordered that this
7 appeal is dismissed. It is further ordered that petitioner's
8 \$150 deposit for costs shall be returned to him.

9 Dismissed.

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

SEP 28 9 45 AM '82

3	CLARENCE RUEF,)		
4)		
4	Petitioner,)	LUBA No.	82-080
5	v.)		
5	CITY OF STAYTON,)		
6)		
6	<u>Respondent.</u>)		

STIPULATED ORDER

Based upon the stipulation of the parties as indicated below,
by and through their attorneys,

The Board finds as follows:

1. No resolution of intent to rezone has been signed or authorized in final form
2. The city council of Stayton has scheduled a public hearing on Oct. 4, 1982 for the purpose of further considering the subject matter of his appeal, i.e., the Stayton Canning Co. Co-operative resolution of Intent to Rezone
3. The order appealed from was not a final order
4. The City of Stayton has incurred no cost herein.

NOW, THEREFORE,

IT IS HEREBY ORDERED that this matter be and hereby is dismissed without cost to any party.

IT IS FURTHER ORDERED that the \$150.00 cost deposit filed by Petitioner herein be returned to Petitioner

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DATED this ____ day of _____, 1982.

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IT IS SO STIPULATED:

Donald M. Kelley
Attorney for Petitioner

Paul Lee
Attorney for City of Stayton

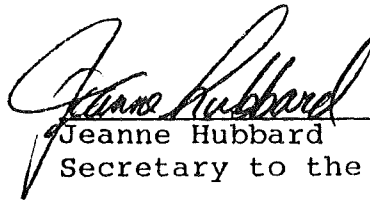
CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Final Opinion for LUBA No. 82-080, on October 1, 1982, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

Donald M. Kelley
Kelley & Kelley
110 North Second St.
Silverton, OR 97381

Paul Lee
City Attorney
362 North Third Avenue
Stayton, OR 97383

Dated this 1st day of October, 1982.



Jeanne Hubbard
Secretary to the Board

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