BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

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| SENSIBLE TRANSPORTATION OPTIONS FOR PEOPLE (STOP), ELIZABETH (MEEKY) BLIZZARD, SUSAN PETER, ALDEN E. POTTER, GREG HOFFENBACKER, BRIAN J. MARTIN, and DAVID L. STEWART,<br><br>Petitioners,<br><br>vs.<br><br>METROPOLITAN SERVICE DISTRICT,<br><br>Respondent,<br><br>and<br><br>CITY OF BEAVERTON, CITY OF FOREST GROVE, CITY OF HILLSBORO, CITY OF KING CITY, CITY OF McMINNVILLE, CITY OF NEWBERG, CITY OF SHERWOOD, CITY OF TIGARD, CITY OF TUALATIN, CITY OF WILSONVILLE, BEAVERTON AREA CHAMBER OF COMMERCE, FOREST GROVE CHAMBER OF COMMERCE, HILLSBORO CHAMBER OF COMMERCE, SHERWOOD CHAMBER OF COMMERCE, TUALATIN CHAMBER OF COMMERCE, WILSONVILLE CHAMBER OF COMMERCE, McMINNVILLE CHAMBER OF COMMERCE, TIGARD AREA CHAMBER OF COMMERCE, PORTLAND METROPOLITAN CHAMBER OF COMMERCE, I-5 CORRIDOR ASSOCIATION, FOREST GROVE/CORNELIUS ECONOMIC DEVELOPMENT CORPORATION, SUNSET CORRIDOR ASSOCIATION, TUALATIN VALLEY ECONOMIC DEVELOPMENT CORPORATION, McMINNVILLE INDUSTRIAL PROMOTIONS, and HOME BUILDERS ASSOCIATION OF METROPOLITAN PORTLAND, | ) | LUBA No. 89-030<br><br>FINAL OPINION AND ORDER ON REMAND |

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Intervenors-Respondent. )

On remand from the Court of Appeals.

HOLSTUN, Referee; SHERTON, Chief Referee; KELLINGTON, Referee participated in the decision.

DISMISSED 08/06/90

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

Holstun, Referee.

This case is before us on remand from the Court of Appeals. In Sensible Transportation v. Metro Service Dist., ___ Or LUBA ___ (LUBA No. 89-030, October 25, 1989), we remanded Metropolitan Service District Ordinance 89-282, which amends Metro's Regional Transportation Plan. On appeal, the Court of Appeals concluded that the contingent recommendation in the Regional Transportation Plan amendment challenged in this proceeding "is not a final land use decision under ORS 197.015(10) and that LUBA therefore lacked jurisdiction over the appeal under ORS 197.825." Sensible Transportation v. Metro Service Dist., 100 Or App 564, 569, ___ P2d ___ (1990). Because the court concluded LUBA lacks jurisdiction in this matter, it reversed and remanded with instructions that we dismiss the appeal.

Accordingly, this appeal is dismissed.