

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3
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5 BAKER CITIZNES FOR SAFE INDUSTRY)
6 and CONCERNED DURKEE CITIZENS,)
7)
8 Petitioners,)
9)
10 vs.)
11) LUBA No. 91-039
12 BAKER COUNTY,)
13) FINAL OPINION
14 Respondent,) AND ORDER
15)
16 and)
17)
18 ASH GROVE WEST, INC.,)
19)
20 Intervenor-Respondent.)

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22
23 Appeal from Baker County.

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25 Michael D. Axline and Jeffery K. Steve, Eugene,
26 represented petitioners.

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28 Richard Faus, Baker City, represented respondent.

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30 Steven L. Pfeiffer, Portland, represented intervenor-
31 respondent.

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

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36 DISMISSED 06/26/91

37
38 You are entitled to judicial review of this Order.
39 Judicial review is governed by the provisions of ORS
40 197.850.

1 Kellington, Chief Referee.

2 Petitioners move for dismissal of this appeal
3 proceeding and for return of their \$150 deposit for costs.
4 Respondent and intervenor-respondent do not object to the
5 motion. Accordingly, this appeal proceeding is dismissed,
6 and the Board will return petitioners' deposit for costs.