

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 NORMAN JENSEN, CAROL POND, DON)
5 POND, DUANE FUQUAY, DONNA HEPLER,)
6 BOB WHITE, DON FOSTER, LEE DUVALL,))
7 LEONARD SCHMIDLIN, TIM SOOK,)
8 TAMMY SOOK, ELSIE TAYLOR,)
9 ROBERT MINARD, CHARLES ABBOTT,)
10 MAGGIE BELMORE, and PATTI JENSEN,)

11)
12 Petitioners,)

13) LUBA No. 93-004

14 vs.)

15)
16 COLUMBIA COUNTY,)

17)
18 Respondent.)

19 _____)

20) FINAL OPINION
21) AND ORDER

22 DEPARTMENT OF LAND CONSERVATION)
23 AND DEVELOPMENT,)

24 Petitioner,)

25) LUBA No. 93-005

26 vs.)

27)
28 COLUMBIA COUNTY,)

29)
30 Respondent.)

31
32
33 Appeal from Columbia County.

34
35 Petitioners Norman Jensen, Carol Pond, Don Pond, Duane
36 Fuquay, Donna Hepler, Bob White, Don Foster, Lee Duvall,
37 Leonard Schmidlin, Tim Sook, Tammy Sook, Elsie Taylor,
38 Robert Minard, Charles Abbott, Maggie Belmore, and Patti
39 Jensen, Vernonia, represented themselves.

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41 Jane Ard, Assistant Attorney General, Salem,
42 represented petitioner Department of Land Conservation and
43 Development.

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45 John K. Knight, County Counsel, St. Helens, represented

1 respondent.

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

5

6 DISMISSED 08/05/93

7

8 You are entitled to judicial review of this Order.

9 Judicial review is governed by the provisions of ORS

10 197.850.

1 Opinion by Holstun.

2 The land use decision challenged in this appeal was
3 withdrawn for reconsideration by respondent under
4 ORS 197.830(12)(b) and OAR 661-10-021. On reconsideration,
5 respondent rescinded the land use decision. Respondent
6 moves to dismiss this appeal on the basis that it has been
7 rendered moot by respondent's action on reconsideration.
8 Petitioners do not object.

9 The motion to dismiss is granted. This appeal is
10 dismissed.