

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

3
4 TOM POTTER, ROBERT ERICKSON,)
5 and JEAN DOMINEY,)
6)
7 Petitioners,) LUBA No. 94-172
8)
9 vs.) FINAL OPINION
10) AND ORDER
11 CITY OF ASTORIA,)
12)
13 Respondent.)

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16 Appeal from City of Astoria.

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18 Tom Potter, Robert Erickson, and Jean Dominey, Astoria,
19 represented themselves.

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21 Jeanyse R. Snow, Deputy City Attorney, Astoria,
22 represented respondent.

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24 SHERTON, Chief Referee, participated in the decision.

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26 DISMISSED 05/05/95

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28 You are entitled to judicial review of this Order.
29 Judicial review is governed by the provisions of ORS
30 197.850.

1 Opinion by Sherton.

2 Petitioners appeal an ordinance amending the city's
3 comprehensive plan. On November 29, 1994, we issued an
4 order suspending this appeal proceeding until the completion
5 of a referendum election concerning the enactment of the
6 challenged ordinance.

7 Respondent submits a certified copy of the results of
8 the referendum election, indicating the challenged ordinance
9 was not adopted by the vote of the people. Respondent moves
10 for dismissal of this appeal. Petitioners do not object.

11 This appeal is dismissed.