1 BEFORE THE LAND USE BOARD OF APPEALS OF THE STATE OF OREGON 2 3 4 TURNER COMMUNITY ASSOCIATION and ) 5 BARRY NATHAN, ) ) 6 7 Petitioners, ) 8 ) 9 vs. ) 10 LUBA No. 95-009 ) 11 CITY OF TURNER, ) 12 FINAL OPINION ) 13 Respondent, AND ORDER ) 14 ) 15 and ) 16 ) 17 RIVERBEND SAND AND GRAVEL COMPANY,) 18 ) 19 Intervenor-Respondent. ) 20 21 22 Appeal from City of Turner. 23 James L. Murch, Salem, represented petitioner. 24 25 26 Richard D. Rodeman, Corvallis, represented respondent. 27 28 Wallace W. Lien, Salem, represented intervenor-29 respondent. 30 31 LIVINGSTON, Chief Referee; GUSTAFSON, Referee; HANNA, Referee, participated in the decision. 32 33 34 08/09/95 DISMISSED 35 36 You are entitled to judicial review of this Order. 37 Judicial review is governed by the provisions of ORS 38 197.850.

1 Livingston, Chief Referee.

2 The parties stipulate to dismissal of this case and to 3 return of petitioners' deposit for costs.

4 This case is dismissed. Petitioners' deposit for costs 5 shall be returned to them.