

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 WILLAMETTE RIVERKEEPER

5 and JAMES J. NICITA,

6 *Petitioners,*

7 vs.

8
9 OREGON DEPARTMENT OF
10 ENVIRONMENTAL QUALITY and OREGON
11 ENVIRONMENTAL COMMISSION,

12 *Respondents,*

13 and

14
15 CITY OF SALEM, CLEAN WATER SERVICES,
16 CLACKAMAS COUNTY SERVICE DISTRICT NO. 1,
17 OAK LODGE SANITARY DISTRICT,
18 SURFACE WATER MANAGEMENT AGENCY
19 OF CLACKAMAS COUNTY and OREGON
20 ASSOCIATION OF CLEAN WATER AGENCIES,

21 *Intervenors-Respondent.*

22
23 LUBA No. 2004-115

24
25 FINAL OPINION
26 AND ORDER

27
28 Appeal from Oregon Department of Environmental Quality and Oregon
29 Environmental Quality Commission.

30
31 James J. Nicita, Klamath Falls, represented petitioner.

32
33 Larry Knudsen, Assistant Attorney General, Portland, represented respondent.

34
35 G. Frank Hammond, Peter Livingston, Roger A. Alfred, Portland, and Sean E. O'Day,
36 Assistant City Attorney, Salem, represented intervenors-respondent.

37
38 BASSHAM, Board Member; HOLSTUN, Board Chair; DAVIES, Board Member,
39 participated in the decision.

40
41 DISMISSED

10/29/2004

42
43 You are entitled to judicial review of this Order. Judicial review is governed by the
44 provisions of ORS 197.850.

1

Bassham, Board Member

2

Petitioners request that this appeal be dismissed. Accordingly, this appeal is

3

dismissed. The Board will return petitioners' \$150 deposit for costs.