

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 ROSE & ASSOCIATES, LLC,
5 *Petitioner,*

6
7 and

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9 SWALLEY IRRIGATION DISTRICT,
10 and CENTRAL OREGON LANDWATCH,
11 *Intervenors-Petitioners,*

12
13 vs.

14
15 CITY OF BEND,
16 *Respondent,*

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18 and

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20 BROOKS RESOURCES CORPORATION,
21 NEWLAND COMMUNITIES, LLC,
22 SHEVLIN SAND & GRAVEL, LLC, TUMALO CREEK
23 DEVELOPMENT, LLC, MILLER TREE FARM, LLC, MARK ANDERSON,
24 RICHARD CARPENTER, JELINDA CARPENTER,
25 and JOHN MCGILVARY,
26 *Intervenors-Respondents.*

27
28 LUBA No. 2009-010

29
30 SWALLEY IRRIGATION DISTRICT,
31 *Petitioner,*

32
33 and

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35 ROSE & ASSOCIATES, LLC,
36 and CENTRAL OREGON LANDWATCH,
37 *Intervenors-Petitioners,*

38
39 vs.

40
41 CITY OF BEND,
42 *Respondent,*

43
44 and
45

1 BROOKS RESOURCES CORPORATION,
2 NEWLAND COMMUNITIES, LLC,
3 SHEVLIN SAND & GRAVEL, LLC, TUMALO CREEK
4 DEVELOPMENT, LLC, MILLER TREE FARM, LLC, MARK ANDERSON,
5 RICHARD CARPENTER, JELINDA CARPENTER,
6 and JOHN MCGILVARY,
7 *Intervenors-Respondents.*

8
9 LUBA No. 2009-011

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11 CENTRAL OREGON LANDWATCH,
12 *Petitioner,*

13
14 and

15
16 SWALLEY IRRIGATION DISTRICT,
17 and ROSE & ASSOCIATES, LLC,
18 *Intervenors-Petitioners,*

19
20 vs.

21
22 CITY OF BEND,
23 *Respondent,*

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25 and

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27 NEWLAND COMMUNITIES, LLC,
28 SHEVLIN SAND & GRAVEL, LLC, TUMALO CREEK
29 DEVELOPMENT, LLC, MILLER TREE FARM, LLC, MARK ANDERSON,
30 RICHARD CARPENTER, JELINDA CARPENTER,
31 and JOHN MCGILVARY,
32 *Intervenors-Respondents.*

33
34 LUBA No. 2009-020

35
36 FINAL OPINION
37 AND ORDER

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39 Appeal from City of Bend.

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41 Robert S. Lovlien, Bend, and Edward P. Fitch, Redmond, represented Rose &
42 Associates, LLC.

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44 Wendie L. Kellington, Lake Oswego, represented Swalley Irrigation District.

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46 Paul D. Dewey, Bend, represented Central Oregon Landwatch.

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Mary A. Winters, Bend, and Roger A. Alfred, Portland, represented City of Bend.

Jeffrey G. Condit and Kelly S. Hossaini, Portland, represented Brooks Resources Corporation.

Liz Fancher, Bend, represented Newland Communities, LLC.

Corinne C. Sherton, Salem, represented Shevlin Sand & Gravel, LLC.

David C. Allen, Madras, represented Tumalo Creek Development, LLC.

Steven W. Abel, Portland, represented Miller Tree Farm, LLC.

Andrew H. Stamp, Lake Oswego, represented Mark Anderson.

Bruce W. White, Bend, represented Richard Carpenter, Jelinda Carpenter, John McGilvary.

RYAN, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member, participated in the decision.

DISMISSED 02/11/2011

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

1 Ryan, Board Member.

2 The parties request that these appeals be dismissed. Accordingly, these appeals are

3 dismissed.