

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

4 DEVIL'S LAKE ROCK COMPANY INC.
5 and DONALD H. MORRIS FAMILY TRUST,
6 *Petitioners,*
7

8 vs.
9

10 CITY OF LINCOLN CITY and OREGON
11 DEPARTMENT OF TRANSPORTATION,
12 *Respondents.*
13

14 LUBA No. 2006-153
15

16 FINAL OPINION
17 AND ORDER
18

19 Appeal from City of Lincoln City.

20 Roger A. Alfred, Portland, represented petitioner.

21 Joan S. Kelsey, Portland, represented respondent.

22 Bonnie E. Heitsch, Salem, represented intervenor-respondent.
23

24 BASSHAM, Board Member; RYAN, Board Chair; HOLSTUN, Board Member,
25 participated in the decision.
26

27 DISMISSED

28 12/01/2011
29

30 You are entitled to judicial review of this Order. Judicial review is governed by the
31 provisions of ORS 197.850.
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1 Bassham, Board Member.

2 This appeal has been suspended pursuant to the parties' stipulation since 2006. On
3 June 13, 2011, the Board asked the parties for a status update. The city's attorney responded
4 that LUBA should dismiss the appeal. Petitioner filed no response. On July 27, 2011,
5 LUBA issued an order stating that the Board will dismiss the appeal for lack of prosecution,
6 unless any party requests otherwise within a specified time. No party has requested
7 otherwise. Therefore, this appeal is dismissed.