

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

3  
4 PAUL CONTE,  
5 *Petitioner,*

6  
7 vs.

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9 CITY OF EUGENE,  
10 *Respondent,*

11  
12 and

13  
14 CAPSTONE COLLEGIATE  
15 COMMUNITIES, LLC,  
16 *Intervenor-Respondent.*

17  
18 LUBA No. 2012-039

19  
20 FINAL OPINION  
21 AND ORDER

22  
23 Appeal from City of Eugene.

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25 William K. Kabeiseman, Portland, filed the petition for review and argued on behalf  
26 of petitioner. With him on the brief were Jennifer Bragar and Garvey Schubert Barer.

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28 Emily N. Jerome, City Attorney, Eugene, filed a response brief and argued on behalf  
29 of respondent.

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31 James W. Spickerman, Eugene, filed a response brief and argued on behalf of  
32 intervenor-respondent. With him on the brief was Gleaves Swearingen, LLP.

33  
34 BASSHAM, Board Chair; HOLSTUN, Board Member; RYAN, Board Member,  
35 participated in the decision.

36  
37 AFFIRMED

12/28/2012

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

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Opinion by Bassham.

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Pursuant to the parties' stipulation to dispose of this appeal by affirming the

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challenged decision, the city's decision is affirmed.