

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

3  
4 SCHNITZER STEEL INDUSTRIES, INC.,  
5 *Petitioner,*

6  
7 vs.

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9 CITY OF PORTLAND,  
10 *Respondent.*

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12 LUBA No. 2010-114

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14 GUNDERSON, LLC,  
15 *Petitioner,*

16  
17 vs.

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19 CITY OF PORTLAND,  
20 *Respondent.*

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22 LUBA No. 2010-115

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24 FINAL OPINION  
25 AND ORDER

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27 Appeal from City of Portland.

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29 Steven L. Pfeiffer, Portland, represented petitioner Schnitzer Steel Industries, Inc.

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31 Joseph S. Voboril, Portland, represented petitioner Gunderson, LLC.

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33 Kathryn S. Beaumont, Senior Deputy City Attorney, Portland, represented respondent.

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

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38 DISMISSED

09/25/2013

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

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**NATURE OF THE DECISION**

Petitioners appeal a city ordinance that establishes a new effective date for a previously enacted city ordinance.

**DISMISSAL**

These appeals were suspended on January 19, 2011 at the request of the parties. On August 14, 2013, the Board requested by letter that the parties advise it of the current status of the appeals within 21 days, and advised the parties that if the Board did not receive a response from the parties within 21 days of the date of the letter, the appeals would be dismissed.

The city responded that as a result of our decision in *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403 (2011), the appeals are moot, and requested that the appeals be dismissed. Petitioner Schnitzer Steel Industries, Inc. responded that it agrees with the city’s request to dismiss the appeals. Petitioner Gunderson, LLC did not respond.

The appeals are dismissed.