

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

4 FERN RIDGE COMMUNITY COALITION)
5 and KAREN SMITH,)
6)
7 Petitioners,)
8)
9 vs.)
10)
11 LANE COUNTY,)
12)
13 Respondent,)
14)
15 and)
16)
17 FIELD TRIP PRODUCTIONS,)
18)
19 Intervenor-Respondent.)

LUBA No. 92-116
FINAL OPINION
AND ORDER

20
21
22 Appeal from Lane County.

23
24 Michael E. Farthing, Eugene, represented petitioner.

25
26 William Van Vactor, Eugene, represented respondent.

27
28 Bill Kloos, Eugene, represented intervenor-respondent.

29
30 KELLINGTON, Referee; SHERTON, Chief Referee; HOLSTUN,
31 Referee, participated in the decision.

32
33 DISMISSED 09/14/92

34
35 You are entitled to judicial review of this Order.
36 Judicial review is governed by the provisions of ORS
37 197.850.

1 Opinion by Kellington.

2 **NATURE OF THE DECISION**

3 Petitioners appeal the county's issuance of a mass
4 gathering permit.

5 **MOTION TO INTERVENE**

6 Field Trip Productions moves to intervene on the side
7 of respondent in this appeal proceeding. There is no
8 objection to the motion, and it is allowed.

9 **DECISION**

10 The board of county commissioners issued a mass
11 gathering permit pursuant to ORS 433.735 for a large outdoor
12 concert. Petitioners challenged the validity of that permit
13 in the Lane County Circuit Court as well as here. However,
14 the main event for the concert, the Grateful Dead, cancelled
15 its appearance. Petitioners move this Board for an order
16 dismissing this appeal on the basis that "the mass gathering
17 permit under appeal is no longer an issue due to
18 cancellation of the featured event that was authorized by
19 the permit." Motion to Dismiss 1.

20 Respondent objects to the motion and asks that we
21 respond to the issues raised in the petition for review.¹
22 We decline to do so.

23 This appeal is dismissed.

¹Intervenor takes no position on the motion.