

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

3
4 ALETHA PINKHAM, HARRY MORSE, and)
5 JEANNE MOORE,)
6)
7 Petitioners,)
8)
9 vs.)
10)
11 CLATSOP COUNTY,)
12)
13 Respondent,)
14)
15 and)
16)
17 JOHN G. FEUZ,)
18)
19 Intervenor-Respondent.)

LUBA No. 91-033
FINAL OPINION
AND ORDER

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21
22 Appeal from Clatsop County.

23
24 Daniel Kearns and Edward J. Sullivan, Portland,
25 represented petitioners.

26
27 Kenneth Eiler, Astoria, represented respondent.

28
29 Carolyn E. Wells, Portland, represented intervenor-
30 respondent.

31
32 SHERTON, Referee; KELLINGTON, Chief Referee; HOLSTUN,
33 Referee, participated in the decision

34
35 DISMISSED 06/03/91

36
37 You are entitled to judicial review of this Order.
38 Judicial review is governed by the provisions of ORS
39 197.850.

1 Opinion by Sherton.

2 The local record in this appeal was received by the
3 Board on April 17, 1991. On April 26, 1991, petitioners
4 filed an objection to the record. On May 13, 1991, prior to
5 the Board acting on petitioners' objection to the record,
6 petitioners filed a stipulation withdrawing their notice of
7 intent to appeal and moving that the Board dismiss the
8 appeal. Petitioners also ask that the Board return their
9 \$150.00 deposit for costs.

10 The other parties do not object to petitioners' motion
11 to dismiss the appeal. Respondent does, however, object to
12 petitioners' request for return of their deposit for costs,
13 and asks that it be awarded \$78.61 as the cost of preparing
14 the record.

15 Petitioners object to the amount requested by
16 respondent as the cost of preparation of the record.

17 Because respondent and intervenor-respondent are the
18 prevailing parties in this appeal, respondent is entitled to
19 an award of copying costs for the required number of copies
20 of the record, at \$.10 per page. OAR 661-10-075(1)(b)(B).
21 The required number of copies of the record is the number of
22 copies which OAR 661-10-025(2) and (3) requires to be
23 provided to the Board and to petitioners, in this case a
24 total of two copies. Craven v. Jackson County, ___ Or LUBA
25 ___ (LUBA No. 88-023, Order on Costs, February 2, 1990).
26 The local record filed in this case includes 206 pages.

1 Respondent is therefore entitled to an award of costs in the
2 amount of \$41.20.

3 This appeal is dismissed. Respondent is awarded \$41.20
4 in costs, to be paid from petitioners' deposit for costs.
5 The remainder of petitioners' deposit for costs, in the
6 amount of \$108.80, shall be returned to petitioners.