1 BEFORE THE LAND USE BOARD OF APPEALS 2 OF THE STATE OF OREGON 3 4 MARK DAVIS,) 5) 6 Petitioner,) 7 LUBA No. 96-109) 8 vs.) FINAL OPINION 9) 10 CITY OF MCMINNVILLE,) AND ORDER 11) 12 Respondent.) 13 14 15 Appeal from City of McMinnville. 16 17 Mark Davis, McMinnville, represented himself. 18 Ross, City Attorney, McMinnville, 19 Ε. Clifton 20 represented respondent. 21 22 LIVINGSTON, Chief Referee; GUSTAFSON, Referee; HANNA, Referee, participated in the decision. 23 24 25 08/20/96 REMANDED 26 27 You are entitled to judicial review of this Order. 28 Judicial review is governed by the provisions of ORS 29 197.850.

1 Livingston, Chief Referee.

The parties stipulate that this matter be remanded to the City of McMinnville, and that the deposit for costs be returned to petitioner. Further, the parties agree that petitioner be awarded his \$50 filing fee, to be paid by respondent.

Accordingly, this appeal is remanded. The Board will return petitioner's \$150 deposit for costs, and respondent shall pay petitioner his \$50 filing fee.