1 BEFORE THE LAND USE BOARD OF APPEALS 2 OF THE STATE OF OREGON 3 PETER GUTOSKI and JUDY GUTOSKI,) 4 5) б Petitioners,) 7) 8 vs.) LUBA No. 95-192 9) 10 LANE COUNTY,) 11) FINAL OPINION 12 AND ORDER Respondent,) 13) 14 and) 15) 16 VERNON L. EGGE,) 17) 18 Intervenor-Respondent.) 19 20 21 On remand from the Court of Appeals. 22 23 Bill Kloos, Eugene, represented petitioners. 24 25 No appearance by respondent. 26 27 Laurence E. Thorp, Springfield, represented intervenor-28 respondent. 29 GUSTAFSON, Referee; HANNA, Referee, participated in the 30 31 decision. 32 33 09/26/96 REMANDED 34 35 You are entitled to judicial review of this Order. 36 Judicial review is governed by the provisions of ORS 197.850. 37

1 Gustafson, Referee.

2 Pursuant to the instructions of the Court of Appeals,
3 the county's approval in this case is remanded for findings
4 consistent with the Court of Appeal's opinion.

5 Because intervenor is not the prevailing party,6 intervenor's motion for attorney fees is denied.

7 Petitioners are awarded the cost of their filing fees, 8 in the amount of \$50 each, to be paid by respondent and 9 intervenors. The Board shall return each petitioners' \$150 10 deposit for costs.

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