

1 BAGG, Chief Referee.

2 On September 14, 1982, we deferred consideration of the
3 appeal of a zoning ordinance for unincorporated areas of Benton
4 County. Our deferral was based upon the provisions of 1979 Or
5 Laws, ch 772, sec 4(9)(b) as amended by 1981 Or Laws, ch 748.
6 At the time of the deferral, Benton County's plan and
7 implementing ordinances were before the Land Conservation and
8 Development Commission for acknowledgment review.

9 The acknowledgment review resulted initially in findings
10 that the ordinance was not in compliance with Goal 4.
11 Thereafter revisions were made, and on February 22, 1984, the
12 Land Conservation and Development Commission issued a final
13 order acknowledging the revised Benton County Comprehensive
14 Plan and Zoning Ordinance as being in compliance with all
15 statewide planning goals.

16 Because the only issues in this case were about compliance
17 with statewide planning Goal 4 and because those issues were
18 fully resolved by an acknowledgment order, there is no function
19 for the Board to perform. Fujimoto v. Land Use Board of
20 Appeals, 52 Or App 875, 639 P2d 364, rev den, 299 Or 662
21 (1981). Accordingly, we dismiss this appeal.

22 Petitioners claim they are entitled to an award of costs.
23 The petitioners may have been successful in the sense that an
24 ordinance they found objectionable no longer exists, however,
25 this circumstance was not the result of any action by LUBA.
26 For this reason, we decline to award costs to petitioners, but

1 the Board will return petitioners' \$150 deposit for costs.

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