

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

DEC 30 9 34 AM '86

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3 CAPITAL DEVELOPMENT COMPANY,)
4 Petitioner,) LUBA No. 86-092
5 vs.) FINAL OPINION
6 CITY OF WARRENTON,) AND ORDER OF DISMISSAL
7 Respondent.)

8
9 Appeal from City of Warrenton.

10 Timothy V. Ramis Louis Larson
11 O'Donnell, Ramis, Larson & Fischer
12 Elliott & Crew 990 Astor Street
13 1727 NW Hoyt Street Astoria, OR 97103
14 Portland, OR 97209
15 Attorney for Attorney for
16 Petitioner Respondent

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18 KRESSEL, Referee; DuBAY, Chief Referee; BAGG, Referee.

19 DISMISSED 12/30/86

20 You are entitled to judicial review of this Order.
21 Judicial review is governed by the provisions of ORS 197.850.

1 Kressel, Referee.

2 Petitioner moves to dismiss this appeal with the
3 concurrence of Respondent. Based on the motion, the appeal is
4 dismissed.

5 Petitioner also seeks return of the deposit for costs and
6 filing fee. Petitioner's deposit for costs shall be returned
7 by the Board, there being no objection by respondent. However,
8 the filing fee is not reimbursable, except as an award of costs
9 under ORS 197.830(13)(a). That statute is not applicable in
10 this instance.

11 Dated this 30th day of December, 1986.

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