

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

3
4 MARY LYNNE PERRY and CHRISTOPHER)
5 BOWER,)
6)
7 Petitioners,)
8)
9 vs.)
10)
11 YAMHILL COUNTY,)
12)
13 Respondent,)
14)
15 and)
16)
17 PAUL BRENNEKE,)
18)
19 Intervenor-Respondent.)

LUBA No. 97-044
FINAL OPINION
AND ORDER

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21
22 Appeal from Yamhill County.

23
24 Mark J. Greenfield, Portland, represented petitioners.

25
26 John C. Pinkstaff, Assistant County Counsel,
27 McMinnville, represented respondent.

28
29 Michael C. Robinson, Portland, represented intervenor-
30 respondent.

31
32 LIVINGSTON, Referee; HANNA, Chief Referee; GUSTAFSON,
33 Referee, participated in the decision.

34
35 DISMISSED 05/05/97

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 Livingston, Referee.

2 Petitioners move to dismiss this appeal. In addition,
3 the parties stipulate to an award to respondent of the \$70
4 cost of preparing the record. The parties further stipulate
5 that no attorney fees shall be awarded in this proceeding.

6 Accordingly, this appeal is dismissed. Respondent is
7 awarded the cost of preparing the record, in the amount of
8 \$70, to be paid from petitioners' deposit for costs. The
9 Board shall return the remainder of petitioners' deposit for
10 costs, in the amount of \$80.