

Oct 19 12 13 PM '87

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

DONALD RHODEWALT and LINN COUNTY )  
COVERED BRIDGE ASSOCIATION, an )  
unincorporated organization, )  
Petitioners, )  
vs. )  
LINN COUNTY, )  
Respondent. )

LUBA No. 87-078  
FINAL OPINION  
AND ORDER OF DISMISSAL

Appeal from Linn County.

Kent Hickam  
Attorney at Law  
PO Box 1407  
Albany, OR 97321

John T. Gibbon  
Assistant County Counsel  
PO Box 100  
Albany, OR 97321

Attorney for  
Petitioners

Attorney for  
Respondent

HOLSTUN, Referee; DuBAY, Chief Referee; BAGG, Referee;  
participated in the decision.

DISMISSED 10/19/87

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

1           Holstun, Referee.

2           This matter is before the Board on the stipulated motion of  
3 the parties for an order dismissing the appeal. The parties  
4 further request that no award of costs or attorney's fees be  
5 made to either party.

6           The Board granted a stay in this proceeding pursuant to  
7 ORS 197.845 at the request of petitioner. During a conference  
8 with the Board, the parties clarified the stipulated dismissal  
9 is to include return of the \$5,000 certified check submitted in  
10 lieu of the undertaking required by ORS 197.845(1)(b).

11           Therefore, it is ordered the appeal is dismissed. The \$150  
12 deposit for costs and the \$5,000 certified check shall be  
13 returned to petitioner.