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

| EDWARD C. NIEDERMEYER, |) | |
|------------------------|------------------|---|
| Petitioner, |) LUBA No. 89-10 | 8 |
| vs. |) FINAL OPINION | |
| CLACKAMAS COUNTY, |) AND ORDER) | |
| Respondent. |) | |

Appeal from Clackamas County.

Phillip E. Grillo, Portland, represented petitioner.

Michael E. Judd, Oregon City, represented respondent.

SHERTON, Chief Referee; HOLSTUN, Referee; KELLINGTON, Referee, participated in the decision.

DISMISSED 06/21/90

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

Sherton, Referee.

Petitioner moves that the above captioned appeal be dismissed. Petitioner also requests return of his \$150.00 deposit for costs, as the local government record has not been transmitted to the Board by respondent.

Respondent does not object to petitioner's motion.

This appeal is dismissed. Petitioner's deposit for costs shall be returned to him by the Board.