

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

KELSO ROAD AND NEIGHBORHOOD GROUP,)

Petitioner,)

vs.)

CLACKAMAS COUNTY,)

Respondent,)

and)

GUIDE DOGS FOR THE BLIND, INC.,)

Intervenor-Respondent.)

LUBA No. 92-109

FINAL OPINION
AND ORDER

Appeal from Clackamas County.

Gary K. Kahn, Portland, represented petitioner.

Gloria Gardiner, Oregon City, represented respondent.

Karen M. Neuburger, Portland, represented intervenor -
respondent.

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

DISMISSED

09/02/92

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

1 Kellington, Referee.

2 The parties agree that this appeal should be dismissed
3 and that respondent Clackamas County should be awarded its
4 costs of preparing the record in the amount of \$66.70.¹

5 This appeal is dismissed. Respondent is awarded the
6 cost of preparing the record, in the amount of \$66.70, to be
7 paid from petitioner's \$150 deposit for costs. The Board
8 shall return to petitioner the balance of its deposit for
9 costs in the amount of \$83.30.

¹The parties also agree that this Board should return petitioner's \$50 filing fee to it. Under certain circumstances this Board may award petitioner's filing fee itself to a local government. OAR 661-10-075(1)(c). Otherwise, if the petitioner is the prevailing party, only the cost of the filing fee may be awarded to a petitioner, to be paid by the respondent and intervenor-respondent in the appeal. OAR 661-10-075(1)(b)(A).