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

VIVIENNE L. LEE and DICKSON LEE,)	
Petitioners,)	
vs.)	LUBA No. 92-182
CITY OF WEST LINN,)	FINAL OPINION
Respondent.)	AND ORDER

Appeal from City of West Linn.
Daniel Kearns, Portland, represented petitioners.
William A. Monahan, Portland, represented respondent.
SHERTON, Chief Referee; HOLSTUN, Referee; KELLINGTON,
Referee, participated in the decision.

REMANDED 11/12/92

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

1 Sheraton, Chief Referee.

2 The parties stipulate that the city's decision be
3 remanded for further proceedings.

4 The parties also request that the Board return
5 petitioners' filing fee and deposit for costs. However,
6 although the Board's rules authorize award of a petitioner's
7 filing fee to respondent in certain circumstances
8 (OAR 661-10-075(1)(c)), they do not provide for the return
9 of a filing fee to a petitioner. Totman v. City of Grants
10 Pass, ___ Or LUBA ___ (LUBA No. 92-146, September 10, 1992).

11 The city's decision is remanded. The Board shall
12 return petitioners' deposit for costs, in the amount of
13 \$150, to petitioners.