

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 BILL REED, MADELINE REED,)
5 1000 FRIENDS OF OREGON, and)
6 OREGON SHORES CONSERVATION)
7 COALITION,)

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vs.

CLATSOP COUNTY,
Respondent.

LUBA No. 93-061

OREGON SHORES CONSERVATION
COALITION, BILL REED, MADELINE
REED, and 1000 FRIENDS OF OREGON,

Petitioners,

vs.

CLATSOP COUNTY,
Respondent.

LUBA No. 93-062

FINAL OPINION
AND ORDER

1000 FRIENDS OF OREGON, OREGON
SHORES CONSERVATION COALITION,
BILL REED, and MADELINE REED,

Petitioners,

vs.

CLATSOP COUNTY,
Respondent.

LUBA No. 93-063

Appeal from Clatsop County.

1 Edward J. Sullivan, Portland, represented petitioners
2 Bill Reed, Madeline Reed and Oregon Shores Conservation
3 Coalition.

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5 Mary Kyle McCurdy, Portland, represented petitioner
6 1000 Friends of Oregon.

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8 Kenneth S. Eiler, Seaside, represented respondent.

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

12
13 10/28/93

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15 DISMISSED (LUBA No. 93-061)

16 REMANDED (LUBA Nos. 93-062 and 93-063)

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18 You are entitled to judicial review of this Order.
19 Judicial review is governed by the provisions of ORS
20 197.850.

1 Opinion by Holstun.

2 On May 25, 1993, respondent withdrew the decisions
3 challenged in this consolidated appeal proceeding for
4 further consideration pursuant to ORS 197.830(12)(b).

5 **LUBA NO. 93-061**

6 On September 22, 1993, respondent adopted Ordinance 93-
7 022 in lieu of Ordinance 93-09. Ordinance 93-09 is the land
8 use decision challenged in LUBA No. 93-061. Based on the
9 adoption of Ordinance 93-022 in place of Ordinance 93-09,
10 the parties agree that the notice of intent to appeal in
11 LUBA No. 93-061 shall be withdrawn, and petitioners' deposit
12 for costs, in the amount of \$150, shall be returned.

13 **LUBA NOS. 93-062 AND 93-063**

14 The parties agree that because the ordinances
15 challenged in LUBA Nos. 93-062 and 93-063 have not been
16 reconsidered within the time provided by OAR 661-10-021(1),
17 those decisions shall be remanded to the county. The
18 parties also agree that petitioners shall be awarded their
19 filing fees, in the total amount of \$100, as costs under
20 OAR 661-10-075(1)(b)(A). The parties further agree the
21 Board shall return petitioners' deposits for costs in LUBA
22 Nos. 93-062 and 93-063.

23 LUBA No. 93-061 is dismissed; the decisions challenged
24 in LUBA Nos. 93-062 and 93-063 are remanded. Petitioners'
25 deposits for costs shall be returned by the Board, and
26 petitioners in LUBA Nos. 93-062 and 93-063 are awarded

1 costs, in the total amount of \$100.