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

DAVID BRADLEY,)
)
Petitioner,)
) LUBA No. 94-228
vs.)
) FINAL OPINION
CLACKAMAS COUNTY,) AND ORDER
)
Respondent.)

Appeal from Clackamas County.

Thomas J. Rastetter, Oregon City, represented petitioner.

Michael E. Judd, Chief Assistant County Counsel, Oregon City, represented respondent.

SHERTON, Chief Referee; LIVINGSTON, Referee; GUSTAFSON, Referee, participated in the decision.

DISMISSED 06/28/95

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

1 Opinion by Sherton.

2 Petitioner moves to dismiss this appeal. Petitioner
3 also notes the county has not yet filed the local record for
4 this appeal and requests that his deposit for costs be
5 refunded.¹

6 This appeal is dismissed. Because the local record has
7 not yet been submitted to the Board, there is no basis under
8 OAR 661-10-075(1) for an award of costs to respondent. The
9 Board shall return petitioner's deposit for costs, in the
10 amount of \$150.

¹Petitioner's motion states the amount of his deposit for costs as \$200. Petitioner's deposit for costs is actually \$150. Petitioner also paid a \$50 filing fee. However, the Board's rules do not provide for return of a petitioner's filing fee.