

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 OREGON SHORES CONSERVATION  
5 COALITION and 1000 FRIENDS OF OREGON,

6 *Petitioners,*

7  
8 vs.

9  
10 CITY OF GARIBALDI,

11 *Respondent.*

12  
13 LUBA No. 2000-229

14  
15 FINAL OPINION

16 AND ORDER

17  
18 Appeal from City of Garibaldi.

19  
20 Michael K. Collmeyer, Portland, represented petitioners.

21  
22 William R. Canessa, Seaside, represented respondent.

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24 BASSHAM, Board Member; HOLSTUN, Board Chair; BRIGGS, Board Member,  
25 participated in the decision.

26  
27 DISMISSED

12/11/2002

28  
29 You are entitled to judicial review of this Order. Judicial review is governed by the  
30 provisions of ORS 197.850.

1 Bassham, Board Member.

2 Petitioners' request that this appeal be dismissed. Accordingly, this appeal is  
3 dismissed. The Board will return petitioners' \$150 deposit for costs.

4 Petitioners also request an award of the cost of the filing fee in accordance with  
5 OAR 661-010-0075(1)(b)(A), as the prevailing party. Petitioners explain that the ordinance  
6 challenged in this appeal was repealed on February 20, 2001.

7 The city has not responded to petitioners' requests for costs, and we have no basis to  
8 question petitioners' assertion that they are the prevailing party in this appeal. Accordingly,  
9 petitioners are awarded the cost of the filing fee in the amount of \$175, to be paid by  
10 respondent.