

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

3
4 FRIENDS OF WEST GERMANTOWN,
5 *Petitioner,*

6
7 vs.

8
9 WASHINGTON COUNTY,
10 *Respondent,*

01/19/18 AM 9:32 LUBA

11 and

12
13
14 PORTLAND GENERAL ELECTRIC COMPANY,
15 *Intervenor-Respondent.*

16
17 LUBA No. 2017-101

18
19 FINAL OPINION
20 AND ORDER

21
22 Appeal from Washington County.

23
24 Damien R. Hall, Portland, represented petitioner.

25
26 Jacquilyn Satio-Moore, Hillsboro, represented respondent.

27
28 David Petersen, Portland, represented intervenor-respondent.

29
30 HOLSTUN, Board Member; RYAN, Board Chair; BASSHAM, Board
31 Member, participated in the decision.

32
33 DISMISSED

01/19/2018

34
35 You are entitled to judicial review of this Order. Judicial review is
36 governed by the provisions of ORS 197.850.

1 Holstun, Board Member.

2 **MOTION TO INTERVENE**

3 Portland General Electric Company, the applicant below, moves to
4 intervene on the side of respondent. No party opposes the motion, and it is
5 granted.

6 **MOTION TO DISMISS**

7 Petitioner requests that this appeal be dismissed. Accordingly, this
8 appeal is dismissed.

9 Petitioner also requests return of their \$200 filing fee. However,
10 petitioners identify no authority for LUBA to return their filing fee, and LUBA
11 is aware of none. *Central Catholic High School v. City of Portland*, 64 Or
12 LUBA 129 (2011). Petitioner's request for return of their \$200 filing fee is
13 denied.

14 Petitioner also requests return if its \$200 deposit for costs. However, the
15 county transmitted the record on January 16, 2018, the same day LUBA
16 received petitioner's motion to dismiss. Therefore petitioner's request for
17 return of its \$200 deposit for costs is at the very least premature. If costs are
18 not awarded to respondent, LUBA will return petitioner's deposit for cost.

Certificate of Mailing

I hereby certify that I served the foregoing Final Opinion and Order for LUBA No. 2017-101 on January 19, 2018, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

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Dated this 19th day of January, 2018.

Kelly Burgess
Paralegal



Kristi Seyfried
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