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

FRIENDS OF BRYANT WOODS PARK,)
LEAGUE OF WOMEN VOTERS OF WEST)
CLACKAMAS COUNTY, CHILDS)
NEIGHBORHOOD ASSOCIATION, SIGNE)
BIRGE, ROBERT ELLISON, JANICE)
ELLISON, CONNIE EMMONS, DAVID)
GEORGE, JANET HOLBROOK, RICHARD)
LAVINE, SHERRY PATTERSON, and)
CHRISTINE ROTH,)

Petitioners,)

vs.)

CITY OF LAKE OSWEGO,)

Respondent,)

and)

RIVERVIEW PARK PARTNERS,)

Intervenor-Respondent.)

LUBA No. 93-108

FINAL OPINION
AND ORDER

On remand from the Court of Appeals.

Robert L. Liberty, Portland, represented petitioners.

Jeffrey Condit, City Attorney, Lake Oswego, represented respondent.

William C. Cox, Portland, represented intervenor-respondent.

SHERTON, Referee; HOLSTUN, Referee, participated in the decision.

DISMISSED 03/22/94

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

1 197.850.

1 Opinion by Sherton.

2 On November 10, 1993, this Board issued a final opinion
3 and order remanding the challenged city decision. On
4 November 19, 1993, petitioners filed a cost bill requesting
5 award of the cost of their filing fee, in the amount of \$50.
6 The Board's decision was appealed to the court of appeals.
7 On March 18, 1994, the court of appeals issued an appellate
8 judgment reversing and remanding the Board's decision. The
9 parties now stipulate that this appeal proceeding may be
10 dismissed.

11 This appeal is dismissed. Where an appeal is
12 dismissed, respondent is the prevailing party. Mackie v.
13 Linn County, 17 Or LUBA 1013 (1988). Consequently,
14 petitioners' cost bill is denied.