

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 MICHAEL STEWART and ROBIN)
5 STEWART,)
6) LUBA Nos. 94-081 and 94-082
7 Petitioners,)
8) FINAL OPINION
9 vs.) AND ORDER
10)
11 CLACKAMAS COUNTY,)
12)
13 Respondent.)

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16 Appeal from Clackamas County.

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18 Frank Josselson, Portland, represented petitioners.

19
20 Michael E. Judd, Chief Assistant County Counsel, Oregon
21 City, represented respondent.

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23 HOLSTUN, Referee; KELLINGTON, Chief Referee; SHERTON,
24 Referee, participated in the decision.

25
26 DISMISSED 08/12/94

27
28 You are entitled to judicial review of this Order.
29 Judicial review is governed by the provisions of ORS
30 197.850.

1 Opinion by Holstun.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the
3 county withdrew the decision challenged in this appeal for
4 reconsideration on May 25, 1994. On July 18, 1994, the
5 Board received the county's decision on reconsideration.
6 Pursuant to OAR 661-10-021(5)(a), petitioners had until
7 August 8, 1994 to (1) refile their original notice of intent
8 to appeal in this matter, or (2) file an amended notice of
9 intent to appeal. On August 8, 1994 the Board received
10 petitioners' letter dated July 27, 1994, advising the Board
11 that the decision on reconsideration was satisfactory to
12 petitioners and that petitioners did not intend to pursue
13 this appeal.

14 Petitioners request return of their deposits for cost
15 in this consolidated appeal, in the total amount of \$300,
16 and respondent does not object.

17 This appeal is dismissed. The Board shall return
18 petitioners' deposits for costs.