LAND USE BEFORE THE LAND USE BOARD OF APPEALS BUARD OF APPEALS 1 JUL 25 9 48 AM '85 OF THE STATE OF OREGON 2 RAY BARBEE AND SUSIE BARBEE 3 Petitioners, LUBA No. 85-029 4 5 VS. FINAL OPINION AND ORDER OF DISMISSAL JOSEPHINE COUNTY, and 6 BILLY BLAKELY AND ESTHER BLAKELY, 7 Respondents. 8 9 Appeal from Josephine County. 10 Ray Barbee and Susie Barbee, Merlin, filed the petition for review and Ray Barbee argued the cause on their behalf. 11 Billy Blakely and Esther Blakely, Merlin, filed a response 12 brief and Billy Blakely argued the cause on their behalf. 13 No appearance by Josephine County. 14 KRESSEL, Referee; BAGG, Chief Referee; DUBAY, Referee. 15 07/25/85 DISMISSED 16 You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850. 17 18 19 20 21 22 23 24 25 26

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In this appeal petitioners challenge the county's approval
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    of a partition dividing an ll acre tract into three lots.
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    particular concern to petitioners is the proposed location of
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    the road serving the lots. They contended before the county
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    governing body that the proposed road would be so close to
    their residence as to constitute an invasion of privacy and a
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    violation of setback requirements contained in the county
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    zoning ordinance. Their petition to this Board reiterates
    those concerns, focusing principally on the alleged ordinance
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    violations.
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        The case has been briefed and argued. Petitioners, who are
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    not represented by counsel, now move to withdraw the appeal.
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    The Board conducted a conference by telephone with the parties
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    on July 23, 1985 to discuss the motion. During the conference
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    Petitioner Ray Barbee confirmed that petitioners wish to
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    terminate the appeal even though it is now before the Board for
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    decision.
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        Based on the foregoing, this appeal is dismissed.
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Kressel, Referee.

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