

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

4 BEVERLY SWINK and)
5 MARGE DAVENPORT,)
6)
7 Petitioners,)
8)
9 vs.)
10)
11 CITY OF TIGARD)
12)
13 Respondent,)
14)
15 and)
16)
17 TRIAD TIGARD LIMITED PARTNERSHIP)
18 and ROSS WOODS,)
19)
20 Intervenors-Respondent.)

LUBA No. 94-128
FINAL OPINION
AND ORDER

21
22
23 Appeal from City of Tigard.

24
25 John A. Rankin, Tualatin, filed the petition for review
26 on behalf of petitioners.

27
28 Timothy V. Ramis , Portland, represented respondent.

29
30 Steven L. Pfeiffer and Michael C. Robinson, Portland,
31 represented intervenors-respondent.

32
33 HOLSTUN, Referee; SHERTON, Referee, participated in the
34 decision.

35
36 DISMISSED 10/05/94

37
38 You are entitled to judicial review of this Order.
39 Judicial review is governed by the provisions of
40 ORS 197.850.

1 Holstun, Referee.

2 Petitioners move to dismiss this appeal and for return
3 of their \$50 filing fee and \$150 deposit for costs. No
4 party objects.

5 This appeal is dismissed. There is no provision in the
6 Board's rules allowing return of petitioners' \$50 filing
7 fee. The Board shall return petitioners' \$150 deposit for
8 costs.