1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	GARY CLEVENGER and DENISE CLEVENGER,
5	Petitioner,
6	
7	VS.
8	
9	CITY OF SCIO,
10	Respondent.
11	
12	LUBA No. 2000-198
13	
14	FINAL OPINION
15	AND ORDER
16	
17	Appeal from City of Scio.
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19	Edward F. Schultz, Albany, represented petitioner.
20	
21	Thomas A. McHill, Lebanon, represented respondent.
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23	BRIGGS, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
24	participated in the decision.
25	
26	DISMISSED 05/08/2001
27	
28	You are entitled to judicial review of this Order. Judicial review is governed by the
29	provisions of ORS 197.850.
30	

1	Briggs, Board Chair.
2	Petitioners request that this appeal be dismissed. Accordingly, this appeal is
3	dismissed.
4	Petitioners also move for a refund of their filing fee and deposit for costs. OAR 661-
5	010-0075(1)(b)(A) provides:
6 7	"If the petitioner is the prevailing party, the petitioner may be awarded the cost of the filing fee."
8	In this case, petitioners are not renewing their appeal of a city's decision that was
9	withdrawn for reconsideration. Therefore, petitioners are the prevailing party. Sewco
10	Investments, Inc. v. Clackamas County, 27 Or LUBA 678 (1994).
11	Petitioners are awarded costs in the amount of \$175, to be paid by respondent. The
12	Board will return petitioners' \$150 deposit for costs.