

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

4 FOREST HILLS EASEMENT ASSOCIATION,  
5 COUNTRY CLUB NORTH SHORE  
6 NEIGHBORHOOD ASSOCIATION, EVIE FUSON,  
7 ALICE SCHLENKER, GEORGE VAN GINHOVEN,  
8 SHELLEY LORENZEN and SHEREE TUPPAN,  
9 *Petitioners,*

10  
11 vs.

12  
13 CITY OF LAKE OSWEGO,  
14 *Respondent,*

15  
16 and

17  
18 JEFF PARKER,  
19 *Intervenor-Respondent.*

20  
21 LUBA No. 2005-124

22  
23 FINAL OPINION  
24 AND ORDER  
25

26 Appeal from City of Lake Oswego.

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28 William K. Kabeiseman, Portland, represented petitioners.

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30 Evan P. Boone, Deputy City Attorney, Lake Oswego, represented respondent.

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32 Lawrence R. Derr, Portland, represented intervenor-respondent.

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34 DAVIES, Board Member; BASSHAM, Board Chair; HOLSTUN, Board Member,  
35 participated in the decision.

36  
37 DISMISSED

06/05/2006

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

1 Davies, Board Member.

2 Petitioners requests that this appeal be dismissed. Accordingly, this appeal is  
3 dismissed.

4 Petitioners also request return of “the filing fees” and indicate that respondent does  
5 not object. In a circumstance where a petitioner withdraws an appeal, the deposit for costs is  
6 generally returned to the petitioner. However, our rules do not provide for the return of the  
7 \$175.00 filing fee in this situation, even where the respondent does not object. Accordingly,  
8 the Board will return petitioners’ \$150.00 deposit for costs.