

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
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4 HOME BUILDERS ASSOCIATION OF
5 METROPOLITAN PORTLAND, FISH
6 CONSTRUCTION N.W., INC., MARC R. HARDING
7 CONSTRUCTION INCORPORATED,
8 KIMCO PROPERTIES, LTD, SCHUMACHER
9 CUSTOM HOMES, INC., and NEIL
10 THOGERSON, D.B.A. THOGERSON DESIGNS,
11 *Petitioners,*
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13 vs.
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15 CITY OF PORTLAND,
16 *Respondent.*
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18 LUBA No. 2003-187
19

20 FINAL OPINION
21 AND ORDER
22

23 Appeal from City of Portland.
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25 Steven R. Schell, Portland, represented petitioner.
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27 Linly F. Rees, Deputy City Attorney, Portland, represented respondent.
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29 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,
30 participated in the decision.
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32 DISMISSED

12/17/2003
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34 You are entitled to judicial review of this Order. Judicial review is governed by the
35 provisions of ORS 197.850.

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Holstun, Board Member.

Petitioners move to dismiss this appeal. The motion is granted.

Petitioners also request that LUBA return their filing fee. LUBA does not have authority to return petitioners' filing fee, and for that reason the request is denied. LUBA will return petitioners' deposit for costs, if the city does not seek an award of costs against petitioners. If the city seeks an award of costs, and costs are allowed, the Board will return any remaining balance.

This appeal is dismissed.