

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

3  
4 LEONARD JOHNSON and DORA JOHNSON,                                   )  
5    )  
6                                   Petitioners,                                    )                   LUBA No. 93-051  
7    )  
8                    vs.    )                   FINAL OPINION  
9    )                   AND ORDER  
10 JACKSON COUNTY,    )  
11    )  
12                                   Respondent.                                    )

13  
14  
15            Appeal from Jackson County.

16  
17            Tonia L. Moro, Medford, represented petitioners.

18  
19            Georgia L. Daniels, Medford, represented respondent.

20  
21            HOLSTUN, Referee; SHERTON, Chief Referee; KELLINGTON,  
22 Referee, participated in the decision.

23  
24                           DISMISSED                                   08/09/93

25  
26            You are entitled to judicial review of this Order.  
27 Judicial review is governed by the provisions of ORS  
28 197.850.

1 Opinion by Holstun.

2 Pursuant to ORS 197.830(12)(b) and OAR 661-10-021, the  
3 county withdrew the decision challenged in this appeal for  
4 reconsideration. On July 9, 1993, the Board received the  
5 county's decision on reconsideration. Pursuant to  
6 OAR 661-10-021(5)(a), petitioner had until July 30, 1993 to  
7 (1) refile its original notice of intent to appeal in this  
8 matter, or (2) file an amended notice of intent to appeal.  
9 OAR 661-10-021(5)(d) provides "[i]f no amended notice of  
10 intent to appeal is filed or no original notice of intent to  
11 appeal is refiled, as provided in [OAR 661-10-021(5)(a)],  
12 the appeal will be dismissed."

13 On July 26, 1993, petitioners advised the Board that  
14 they did not intend to file an amended notice of intent to  
15 appeal or refile the original notice of intent to appeal.  
16 Petitioners request refund of their \$150 deposit for costs,  
17 and respondent does not object.

18 This appeal is dismissed, and the Board shall return  
19 petitioners' deposit for costs.