

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 MACE CADWELL  
5 and UNION LUMBER CO., INC,  
6 *Petitioners,*

7  
8 vs.

9  
10 OREGON DIVISION OF STATE LANDS,  
11 *Respondent.*

12  
13 LUBA No. 2003-171

14  
15 FINAL OPINION  
16 AND ORDER

17  
18 Appeal from Oregon Division of State Lands.

19  
20 Richard C. Stein, Salem, represented petitioner.

21  
22 William R. Cook, Assistant Attorney General, Portland, represented respondent.

23  
24 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,  
25 participated in the decision.

26  
27 DISMISSED

01/27/2004

28  
29 You are entitled to judicial review of this Order. Judicial review is governed by the  
30 provisions of ORS 197.850.

1 Holstun, Board Member.

2 Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the Oregon Division of State  
3 Lands withdrew the decision challenged in this appeal for reconsideration on December 2, 2003.  
4 On December 4, 2003, the Board received the Oregon Division of State Lands decision on  
5 reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until December 26, 2003  
6 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent  
7 to appeal. The Board has not received a refiled original notice of intent to appeal or an amended  
8 notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).

9 OAR 661-010-0021(5)(e) provides “[i]f no amended notice of intent to appeal is filed or  
10 no original notice of intent to appeal is refiled, as provided in [OAR 661-010-0021(5)(a)], the  
11 appeal will be dismissed.”

12 This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or LUBA 557  
13 (1993). The Board will return petitioner’s \$150 deposit for costs.