1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3	
4	JACK HOGAN,
5	Petitioner,
6	
7	VS.
8	
9	MARION COUNTY,
10	Respondent.
11	
12	LUBA No. 2004-129
13	
14	FINAL OPINION
15	AND ORDER
16	
17	Appeal from Marion County.
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19	Wallace W. Lien, Salem represented petitioner.
20	
21	Jane Ellen Stonecipher, County Counsel, Salem, represented respondent.
22	
23	DAVIES, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member,
24	participated in the decision.
25	
26	DISMISSED 10/15/2004
27	
28	You are entitled to judicial review of this Order. Judicial review is governed by the
29	provisions of ORS 197.850.

1	Opinion by Davies.
2	Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Marion County withdrew
3	the decision challenged in this appeal for reconsideration on August 10, 2004. On August 27,
4	2004, the Board received the county's decision on reconsideration. Pursuant to
5	OAR 661-010-0021(5)(a), petitioner had until September 17, 2004 to either refile its original
6	notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The
7	Board has not received a refiled original notice of intent to appeal or an amended notice of
8	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
10	or no original notice of intent to appeal is refiled, as provided in [OAR 661-010-0021(5)(a)],
11	the appeal will be dismissed." Accordingly, this appeal is dismissed.
12	Petitioner filed a cost bill requesting award of the cost of his filing fee, in the amount
13	of \$175. Petitioners also request return of his \$150 deposit for costs. The county does not

Petitioner is awarded the cost of his filing fee, in the amount of \$175, to be paid by the county. The Board shall return petitioners' \$150 deposit for costs.

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object to petitioners' cost bill.