

Opinion by Davies.

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Marion County withdrew the decision challenged in this appeal for reconsideration on August 10, 2004. On August 27, 2004, the Board received the county's decision on reconsideration. Pursuant to OAR 661-010-0021(5)(a), petitioner had until September 17, 2004 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The Board has not received a refiled original notice of intent to appeal or an amended notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).

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

Petitioner filed a cost bill requesting award of the cost of his filing fee, in the amount of \$175. Petitioners also request return of his \$150 deposit for costs. The county does not object to petitioners' cost bill.

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.