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

REMARKABLE PROPERTIES, INC., )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
DESCHUTES COUNTY, )  
 )  
Respondent, )  
 )  
and )  
 )  
OREGON LAND DEVELOPMENT )  
COMPANY, an Oregon corporation, )  
 )  
Intervenor-Respondent. )

LUBA No. 99-096  
FINAL OPINION  
AND ORDER

Appeal from Deschutes County.  
Greg Hendrix, Bend, represented petitioner.  
Bruce W. White, Bend, represented respondent.  
Robert S. Lovlien, Bend, represented intervenor-respondent.

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

DISMISSED 8/27/99

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

1 Bassham, Board Member.

2 **MOTION TO DISMISS**

3 The county moves that this appeal be dismissed because petitioner has failed to file a  
4 petition for review within 21 days of the date the record was settled. The county also  
5 requests that petitioner's filing fee and deposit for costs be awarded to respondent as the cost  
6 of preparation of the record. OAR 661-010-0075(1)(b)(C). Petitioner informed the Board  
7 that it does not object to the county's motion to dismiss.

8 OAR 661-010-0030(1) provides, in relevant part:

9 " \* \* \* The petition for review together with four copies shall be filed with the  
10 Board within 21 days after the date the record is received by the Board. \* \* \*  
11 Failure to file a petition for review within the time required by this section,  
12 and any extensions of that time under \* \* \* OAR 661-010-0067(2), shall  
13 result in dismissal of the appeal \* \* \*."

14 The petition for review in this appeal was due on August 9, 1999. No extension of  
15 time for filing the petition for review has been requested or granted. As of this date, no  
16 petition for review has been filed.

17 This appeal is dismissed. Petitioner's \$175 filing fee and \$150 deposit for costs are  
18 awarded to the county.