

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

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4                                   PAUL CONTE,  
5                                   *Petitioner,*

6  
7                                   vs.

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9                                   CITY OF EUGENE,  
10                                   *Respondent.*

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12                                   LUBA No. 2014-047

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14                                   FINAL OPINION  
15                                   AND ORDER

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17                   Appeal from City of Eugene.

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19                   William K. Kabeiseman, Portland, represented petitioner.

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21                   Anne C. Davies, Assistant City Attorney, Eugene, represented  
22 respondent.

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

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27                   DISMISSED                                   02/25/2015

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

Opinion by Bassham.

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**NATURE OF THE DECISION**

Petitioner appeals a city hearings officer’s decision approving a modification to a site plan review approval.

**MOTION TO DISMISS**

The city moves to dismiss this appeal as moot, noting that the challenged decision has been rescinded. The decision rescinding the challenged decision is attached to the city’s motion.

Petitioner has not responded to the city’s motion to dismiss. We agree with the city that LUBA’s review of a rescinded decision would have no practical effect, and the present appeal is moot. *Jacobsen v. City of Winston*, 61 Or LUBA 465, 466 (2010). Accordingly, this appeal is dismissed.