

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 OREGON DEPARTMENT OF LAND  
5 CONSERVATION AND DEVELOPMENT  
6 and OREGON DEPARTMENT  
7 OF TRANSPORTATION,  
8 *Petitioners,*

9  
10 vs.

11  
12 CITY OF ISLAND CITY,  
13 *Respondent.*

14  
15 LUBA No. 2000-065 and 2000-066

16  
17 FINAL OPINION  
18 AND ORDER

19  
20 Appeal from City of Island City.

21  
22 Lynne A. Perry, Assistant Attorney General, Salem, represented petitioner Oregon  
23 Department of Land Conservation and Development. Bonnie E. Heitsch, Assistant Attorney  
24 General, Salem, represented petitioner Oregon Department of Transportation.

25  
26 Edward J. Sullivan, Portland, represented respondent.

27  
28 BASSHAM, Board Member; BRIGGS, Board Chair; HOLSTUN, Board Member,  
29 participated in the decision.

30  
31 DISMISSED

05/31/2001

32  
33 You are entitled to judicial review of this Order. Judicial review is governed by the  
34 provisions of ORS 197.850.

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1 Bassham, Board Member.

2 On April 4, 2001, the city moved to dismiss these appeals, on the grounds that the  
3 city had adopted ordinances that supersede Ordinance Nos. 91 and 92, the decisions at issue  
4 in these appeals. On May 4, 2001, the city further advised the Board that on April 30, 2001,  
5 the city adopted Ordinance No. 100, which expressly repeals Ordinance Nos. 91 and 92.

6 Petitioners have not responded to the city's motion to dismiss. We agree with the city  
7 that the present appeals are moot, and must be dismissed. *Heiler v. Josephine County*, 25 Or  
8 LUBA 555 (1993).

9 Accordingly, these appeals are dismissed.