

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

3
4 JOHN V. GETTMAN,)
5)
6 Petitioner,) LUBA No. 94-171
7)
8 vs.) FINAL OPINION
9) AND ORDER
10 CITY OF BAY CITY,)
11)
12 Respondent.)

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14
15 Appeal from City of Bay City.

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17 John V. Gettman, Bay City, represented himself.

18
19 Lois Albright, Tillamook, represented respondent.

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21 HOLSTUN, Referee; SHERTON, Referee, participated in the
22 decision.

23
24 DISMISSED 10/05/94

25
26 You are entitled to judicial review of this Order.
27 Judicial review is governed by the provisions of ORS
28 197.850.

1 Opinion by Holstun.

2 **NATURE OF THE DECISION**

3 Petitioner appeals a city decision authorizing removal
4 of trees within a portion of a city right of way.

5 **MOTION TO DISMISS**

6 The trees that are the subject of this appeal have been
7 cut and removed. LUBA will dismiss an appeal as moot, where
8 review would have no practical effect. See Davis v. City of
9 Bandon, 19 Or LUBA 526, 527 (1990) (and cases cited
10 therein). Respondent moves to dismiss this appeal as moot.

11 Petitioner offers no reason to question respondent's
12 contention that our review of the challenged decision would
13 be without practical effect. Petitioner's only response to
14 the motion to dismiss is an argument that the attorney who
15 filed the motion to dismiss and the memorandum in support of
16 the motion to dismiss lacked authority from respondent city
17 to do so.

18 There is no dispute that the attorney represents the
19 city in this appeal. This Board is not authorized to
20 inquire whether each document filed by an attorney
21 representing a party in an appeal before this Board is
22 specifically authorized. Neither are we aware of any
23 authority for this Board to reject a document filed on
24 behalf of a represented party if the attorney filing a
25 document does not first obtain specific authority from that
26 party to file the document.

1 We therefore grant respondent's motion to dismiss.¹
2 This appeal is dismissed.

¹Our resolution of this appeal makes it unnecessary to consider petitioner's pending motion for stay. Respondent also argues the challenged decision is not a land use decision or limited land use decision subject to our jurisdiction. Because we agree the appeal is moot and dismiss the appeal on that basis, we do not consider respondent's jurisdictional argument.