LAND USE BOARD OF APPEALS

BEFORE THE LAND USE BOARD OF APPEALS JUL 15 7 49 AM '82 1 OF THE STATE OF OREGON 2 DANIEL HAYES, SHARON L. COHEN 3 and GARRY W. COHEN, 4 LUBA NO. 82-031 Petitioners, 5 FINAL OPINION v. AND ORDER 6 CLACKAMAS COUNTY, 7 Respondent. 8 Appeal from Clackamas County. 9 Daniel Hayes, Sharon L. Cohen and Garry W. Cohen, West Linn, filed a petition for review on their own behalf. 10 Respondents did not appear. 11 Bagg, Referee; Reynolds, Chief Referee; Cox, Referee; 12 participated in the decision. 13 7/15/82 Dismissed. 14 You are entitled to judicial review of this Order. Judicial review is governed by the provisions of Oregon Laws 15 1979, ch 772, sec 6(a). 16 17 18 19 20 21 22 23 24 25

26

Page

1

BAGG, Referee. 1 This matter is before the Board on motion of Respondent 2 Clackamas County. Clackamas County moves for an order of 3 dismissal on the ground that Order 82-439, the subject of this 4 appeal, was withdrawn. The county states that by withdrawal of 5 Order 82-439, there is no decision for the Land Use Board of Appeals to review. 7 Daniel Hayes, one of the petitioners in this matter, 8 telephoned an objection to the withdrawal and dismissal of the 9 10 appeal. He was advised to respond to the motion in writing by July 6, 1982, and no such response has been submitted to this 11 12 date. We believe that our review of a land use decision pursuant 13 14 to Oregon Laws 1979, ch 772, as amended by Oregon Laws 1981, ch 748 was not meant to include the issuance of advisory opinions 15 16 on land use decisions which no longer exist. The order giving 17 occasion to the appeal no longer has any force and effect in 18 Clackamas County. This appeal is, therefore, moot. 19 As there is nothing for this Board to review and no remedy 20 the Board can give, this matter is dismissed. 21 Dismissed. 22 23 24 25 26