

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

4 JOSH WARBURTON, DENISE WARBURTON,
5 GREAT BASIN SOCIETY, INC., ALICE ELSHOFF
6 and CAL ELSHOFF,
7 *Petitioners,*
8

9 vs.

10 HARNEY COUNTY,
11 *Respondent,*
12

13 and

14 JAMES ELWOOD and JETT C. BLACKBURN,
15 *Intervenors-Respondent.*
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17 LUBA No. 99-158
18

19 OREGON DEPARTMENT OF LAND CONSERVATION
20 AND DEVELOPMENT,
21 *Petitioner,*
22

23 vs.
24

25 HARNEY COUNTY,
26 *Respondent.*
27

28 and
29

30 JAMES ELWOOD and JETT C. BLACKBURN,
31 *Intervenors-Respondent.*
32

33 LUBA No. 99-160
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35 OREGON CHAPTER OF THE SIERRA CLUB,
36 *Petitioner,*
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38 vs.
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40 HARNEY COUNTY,
41 *Respondent.*
42

43 and
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2 JAMES ELWOOD and JETT C. BLACKBURN,
3 *Intervenors-Respondent.*

4 LUBA No. 99-163

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6 FINAL OPINION
7 AND ORDER
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9 Appeal from Harney County.

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11 David G. Ellis, Portland, represented petitioners in LUBA No. 99-158.

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13 Roger A. Alfred, Salem, represented the petitioner in LUBA No. 99-160.

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15 Brent Foster, Portland, represented petitioner in LUBA No. 99-163.

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17 Timothy Colahan, Burns, represented respondent.

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19 Scott K. Warner, Ontario, represented intervenors-respondent.

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

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24 DISMISSED

07/19/00

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

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1 Holstun, Board Member.

2 **MOTION TO INTERVENE**

3 James Elwood and Jett C. Blackburn, the applicants below, move to intervene in this
4 consolidated appeal. There is no opposition to the motion, and it is allowed.

5 **MOTION TO DISMISS**

6 Petitioners Warburton, Elshoff, and Great Basin Society (hereafter petitioners) move
7 to dismiss this consolidated appeal. The decision challenged in this consolidated appeal is a
8 September 15, 1999 decision that rezoned certain property from EFRU-1 to C-1. Petitioners
9 attach a copy of a May 3, 2000 county decision that rescinds the appealed rezoning decision
10 and returns the property to EFRU-1 zoning. Motion to Dismiss 1. Petitioners represent that
11 all parties in this consolidated appeal and all parties to the local proceedings who were
12 entitled to notice of the May 3, 2000 decision were provided copies of the May 3, 2000
13 decision on June 12, 2000. Petitioners contend that this consolidated appeal should therefore
14 be dismissed as moot.

15 Petitioners' motion to dismiss was filed and served on all parties on June 21, 2000.
16 Under our rules, all parties had until July 5, 2000 to file a response objecting to the motion to
17 dismiss. No party has filed a response. Accordingly, this consolidated appeal is dismissed.