## BEFORE THE LAND USE BOARD OF APPEALS

## OF THE STATE OF OREGON

## CHRISTINE A. KOSINSKI,

 Petitioner,vs.
CITY OF OREGON CITY, Respondent.

LUBA No. 2012-012
FINAL OPINION
AND ORDER
Appeal from City of Oregon City.
Christine A. Kosinski, Oregon City, represented herself
Edward J. Sullivan, William K. Kabeiseman and Jennifer M. Bragar, Portland, represented respondent.

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

DISMISSED 07/24/2012
You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Resolution 12-03 adopts a ballot title for a proposed annexation and submits it to city voters for approval at an election that was held on May 15, 2012. The voters rejected the annexation proposal. The city moves to dismiss this appeal:
"The voters rejected the annexation at the election; therefore, the annexation proposal is denied. Thus, a decision by LUBA in this appeal would have no practical effect."

We agree with the city, and this appeal is dismissed. Graser-Lindsey v. Oregon City, 57 Or LUBA 279, 280-81 (2008).

The parties in this appeal have argued at length about the scope and nature of Resolution 12-03 and its relationship with Resolution 11-17, which originally adopted a ballot title and submitted the proposed annexation to the voters for approval at a November 15, 2011 election, and Resolution 11-19, which withdrew the ballot title and cancelled the November 15, 2011 election on the annexation proposal. The parties also disagree about whether Resolution 12-03 qualifies as a land use decision that that would be subject to LUBA review if this appeal was not moot. Because this appeal is moot, we need not and do not attempt to resolve any part of those disputes.

This appeal is dismissed.

