

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

3
4 THOMAS BISHOP, DORBINA BISHOP,
5 and TRUSTEES OF THE BISHOP
6 FAMILY TRUST,
7 *Petitioners,*

01/05/18 AM 9:12 LUBA

8
9 and

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11 CENTRAL OREGON LANDWATCH,
12 *Intervenor-Petitioner,*

13
14 vs.

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16 DESCHUTES COUNTY,
17 *Respondent,*

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19 and

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21 KC DEVELOPMENT GROUP, LLC,
22 *Intervenor-Respondent.*

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24 LUBA Nos. 2017-018 and 2017-019

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26 FINAL OPINION
27 AND ORDER

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29 Appeal from Deschutes County.

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31 Jennifer M. Bragar, Portland, represented petitioners.

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33 Carol E. Macbeth, Bend, represented intervenor-petitioner.

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35 D. Adam Smith, Assistant Deschutes County Counsel, Bend, represented
36 respondent.

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38 J. Kenneth Katzaroff, Bend, represented intervenor-respondent.

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

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4 DISMISSED 01/05/2018

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

NATURE OF THE DECISION

In LUBA No. 2017-018, petitioners appeal a February 7, 2017 land use compatibility statement (LUCS) concluding that temporary storage of water in two reservoirs to support various land uses is not regulated by the county's land use ordinance (hereafter, the 2017 Limited License LUCS). In LUBA No. 2017-019, petitioners appeal a February 17, 2017 county decision concluding that there is no right of local appeal for the 2017 Limited License LUCS.

MOTION TO DISMISS

The county and intervenor-respondent KC Development Group, LLC (KCDG) move to dismiss these appeals as moot. Petitioners oppose the motion. The arguments on both sides are identical to the arguments raised in the companion consolidated appeals involving a different LUCS decision regarding the same subject property. In a final opinion and order issued this date, we agreed with respondents that the companion appeals are now moot, and dismissed those appeals. *Bishop v. Deschutes County*, ___ Or LUBA ___ (LUBA Nos. 2017-002/003, January 5 2018). For the same reasons, we conclude that LUBA Nos. 2017-018 and LUBA No. 2017-019 are also moot, and must be dismissed.

LUBA No. 2017-018 and LUBA No. 2017-019 are dismissed.

Certificate of Mailing

I hereby certify that I served the foregoing Final Opinion and Order for LUBA No. 2017-018/019 on January 5, 2018, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

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Dated this 5th day of January, 2018.

Kelly Burgess
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