

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

3
4 RIVERSIDE HOME PARK, LLC,
5 *Petitioner,*

6
7 vs.

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9 CITY OF JOHN DAY,
10 *Respondent.*

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12 LUBA No. 2020-056

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14 FINAL OPINION
15 AND ORDER

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17 Appeal from City of John Day.

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19 J. Kenneth Katzaroff, Seattle, represented petitioner.

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21 Garrett Chrostek, Bend, represented respondent.

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23 RUDD, Board Chair; RYAN, Board Member; ZAMUDIO, Board
24 Member, participated in the decision.

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26 DISMISSED 11/25/2020

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28 You are entitled to judicial review of this Order. Judicial review is
29 governed by the provisions of ORS 197.850.
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NATURE OF THE DECISION

Petitioner appeals a city ordinance amending the enforcement provisions of the John Day Development Code.

MOTION TO DISMISS

On June 2, 2020, petitioner filed the notice of intent to appeal. On June 19, 2020, the city withdrew the ordinance for reconsideration pursuant to ORS 197.830(13)(b). The city now moves to dismiss this appeal, noting that the city decided not to adopt the ordinance on reconsideration. The decision not to adopt the ordinance is attached to the city’s motion.

Petitioner has not responded to the city’s motion to dismiss. Because LUBA’s review of the ordinance would have no practical effect, the present appeal is moot. *Jacobsen v. City of Winston*, 61 Or LUBA 465, 466 (2010). Accordingly, this appeal is dismissed.