

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.

8  
9 CITY OF JOHN DAY,  
10 *Respondent.*

11  
12 LUBA No. 2020-057

13  
14 FINAL OPINION  
15 AND ORDER

16  
17 Appeal from City of John Day.

18  
19 J. Kenneth Katzaroff, Seattle, represented petitioner.

20  
21 Garrett Chrostek, Bend, represented respondent.

22  
23 RUDD, Board Chair; RYAN, Board Member; ZAMUDIO, Board  
24 Member, participated in the decision.

25  
26 DISMISSED

11/25/2020

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

1  
2 **NATURE OF THE DECISION**

3       Petitioner appeals a city ordinance amending the manufactured homes  
4 provisions of the John Day Development Code.

5 **MOTION TO DISMISS**

6       On June 2, 2020, petitioner filed the notice of intent to appeal. On June 19,  
7 2020, the city withdrew the ordinance for reconsideration pursuant to ORS  
8 197.830(13)(b). The city now moves to dismiss this appeal, noting that the city  
9 decided not to adopt the ordinance on reconsideration. The decision not to adopt  
10 the ordinance is attached to the city’s motion.

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