

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

1000 FRIENDS OF OREGON,  
*Petitioner,*

vs.

HOOD RIVER COUNTY,  
*Respondent.*

LUBA No. 2021-080

FINAL OPINION  
AND ORDER

Appeal from Hood River County.

Andrew Mulkey represented petitioner.

David F. Doughman represented respondent.

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

DISMISSED

11/30/2021

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



1 LUBA appeal is perfected, the local government no longer has jurisdiction to  
2 modify the appealed land use decision until LUBA resolves the appeal); *Heiller*  
3 *v. Josephine County*, 25 Or LUBA 555 (1993) (where the applicant withdraws  
4 the application and the land use decision on appeal has been rescinded by a  
5 separate decision, LUBA will dismiss the appeal as moot). In that event, LUBA  
6 typically dismisses the appeal of the original decision as moot. *Jacobsen v.*  
7 *Douglas County*, 62 Or LUBA 461, 462 (2010). Here, we assume without  
8 deciding that the planning director's September 22, 2021 email advising the  
9 applicant that the challenged decision is "void" and "no longer effective" is a new  
10 county decision that rescinds or expressly supersedes the challenged decision.  
11 Accordingly, based on that assumption, we agree with the county that the appeal  
12 is moot.

13 This appeal is dismissed.