

LAND USE
BOARD OF APPEALS
SEP 11 11 02 AM '81

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

| | | |
|----|-----------------------|---|
| 1 | | |
| 2 | | |
| 3 | POUL POHLSSON, |) |
| | |) |
| 4 | Petitioner, |) |
| | |) |
| 5 | v. |) |
| | |) |
| 6 | MULTNOMAH COUNTY, |) |
| | |) |
| 7 | Respondent, |) |
| | |) |
| 8 | and |) |
| | |) |
| 9 | ROBERT McCLANATHAN, |) |
| | |) |
| 10 | Applicant-Respondent. |) |

LUBA NO. 81-047

FINAL OPINION
AND ORDER

Appeal from Multnomah County.

G. Bernhard Fedde, Portland, attorney for Petitioner.

Laurence Kressel, Portland, attorney for Respondent.

Ed Sullivan, Portland, attorney for Applicant-Respondent.

Cox, Referee; Reynolds, Chief Referee; Bagg, Referee;
participated in the decision.

Remanded.

9/11/81

You are entitled to judicial review of this Order.

Judicial review is governed by the provisions of Oregon Laws
1979, ch 772, sec 6(a).

1 COX, Referee.

2 Based upon Applicant-Respondent's Motion for Remand,
3 Respondent's Concurrence with Motion for Remand and
4 Petitioner's concurring letter, copies of which are attached
5 hereto, this matter is remanded.

6 Petitioner's \$150 deposit shall be returned to him and
7 respondents shall reimburse petitioner for the \$50 filing fee.

8 Remanded.

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

| | | | |
|----|-----------------------|---|-------------------|
| 3 | ROUL ROHLSSON, |) | |
| 4 | |) | |
| | Petitioner, |) | LUBA No. 81-047 |
| 5 | |) | |
| | v. |) | MOTION FOR REMAND |
| 6 | MULTNOMAH COUNTY, |) | |
| 7 | |) | |
| | Respondent, |) | |
| 8 | |) | |
| | and |) | |
| 9 | ROBERT McCLANATHAN, |) | |
| 10 | |) | |
| | Applicant-Respondent. |) | |

11 Applicant-Respondent moves this Board for remand of this
12 case, LUBA No. 81-047, to the Multnomah County Commission for further
13 proceedings. The basis of this request is that an error was made in
14 the notice process below and that the error can be cured by remand
15 and further proceedings.

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18 Edward J. Sullivan
Attorney for Applicant-Respondent

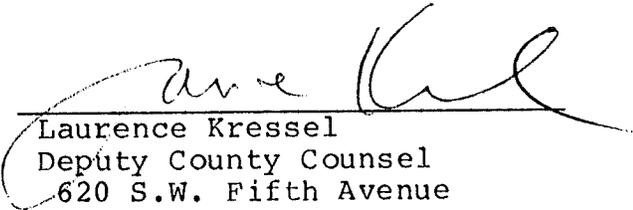
19 Date: 8-18-81

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

| | | | |
|----|-----------------------|---|-------------------------|
| 3 | ROUL ROHLSSON, |) | |
| 4 | Petitioner, |) | LUBA No. 81-047 |
| 5 | v. |) | CONCURRENCE WITH MOTION |
| 6 | MULTNOMAH COUNTY, |) | FOR REMAND |
| 7 | Respondent, |) | |
| 8 | and |) | |
| 9 | ROBERT McCLANATHAN, |) | |
| 10 | Applicant-Respondent. |) | |

Multnomah County concurs in Applicant-Respondent's
motion for remand.



Laurence Kressel
Deputy County Counsel
620 S.W. Fifth Avenue
Suite 408
Portland, OR 97204
Telephone: (503) 248-3138
Of Attorneys for Respondent

Date: 8-18-81

G. BERNHARD FEDDE
ATTORNEY AT LAW
3040 FIRST NATIONAL BANK TOWER
1300 S. W. FIFTH AVENUE
PORTLAND, OREGON 97201

LAND USE
BOARD OF APPEALS

AUG 28 11 21 AM '81
AREA CODE 503
PHONE 221-1492

August 27, 1981

William Cox, Esq.
Land Use Board of Appeals
475 Cottage Street, N. E.
Salem, Oregon 97301

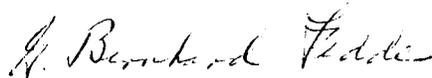
Re: Rohlsson v. Multnomah County
LUBA No. 81=047

Dear Mr. Cox:

Receipt is acknowledged of copies of the Applicant's Motion for Remand and Respondent's Concurrence with Motion for Remand.

On behalf of the Petitioner, I concur in the remand of the case, but Petitioner asks that the case be sent back to the County, followed by due notice and full opportunity to make a record ab initio on the whole case before the Hearing Officer. A hearing at the level of the Board of County Commissioners or on only a part of the case will not satisfy due process. It must be with a fresh start from the beginning with full notice to all proper parties.

Sincerely yours,



G. Bernhard Fedde.

cc: Laurence Kressel, Esq.
Edward J. Sullivan, Esq.