

LAND USE
BOARD OF APPEALS

BEFORE THE LAND USE BOARD OF APPEALS
JUL 15 7 58 AM '82
OF THE STATE OF OREGON

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2
3 DAVID E. ALLEN and WENDY RENE)
ALLEN,)
4)
5 Petitioners,)
6)
7 v.)
8 COLUMBIA COUNTY BOARD OF)
COMMISSIONERS,)
9)
10 Respondent.)

LUBA NO. 82-028
FINAL OPINION
AND ORDER

11 Appeal from Columbia County.

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

17 Dismissed.

7/15/82

18 You are entitled to judicial review of this Order.
19 Judicial review is governed by the provisions of Oregon Laws
20 1979, ch 772, sec 6(a).
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1 BAGG, Referee.

2 This matter is before the Board on motion for remand of
3 Respondent Columbia County and all of petitioners and
4 respondents except Respondent-Participant David L. Chrysler.
5 The parties move that the land use decision on appeal be
6 remanded to the Columbia County Board of Commissioners "for
7 reconsideration." Mr. Chrysler objects to the remand for three
8 reasons: first, the petitioners abused the appeals process;
9 second, Columbia County's action approving his application (the
10 land use decision under review) was properly granted in
11 compliance with all applicable criteria; and third, Mr.
12 Chrysler believes there were deficiencies in the petition for
13 review.

14 We understand Respondent-Participant Chrysler's
15 frustration. However, if the maker of the decision is of the
16 opinion that the decision somehow needs further work, for
17 whatever reason, and asks that its decision be invalidated, we
18 do not believe it would serve any purpose for us to question
19 that decision.

20 We note that the petition for review includes an assignment
21 of error challenging the adequacy of the findings. A cursory
22 review of the order appealed from states that the findings of
23 fact include either the entire record of the proceeding or
24 pages 1 through 15 of that record. Pages 1 through 15 of the
25 record are the minutes of the Board of Commissioners' meeting
26 of January 6, 1982. We do not believe the minutes constitute

1 findings of fact; they are a mere recitation of the events at
2 the meeting. See Hill v. Union Co. Court, 42 Or App 883, 601
3 P2d 905 (1979). There is no document in the record which we
4 can identify as constituting "findings of fact" as we
5 understand the term. Without adequate findings of fact, we are
6 unable to review the decision. Dupont v. Jefferson County, 1
7 Or LUBA 136 (1980), aff'd, Hoffman v. Dupont, 49 Or App 699,
8 621 P2d 634 (1980). It appears, therefore, that in all
9 probability we would return this decision to Columbia County
10 for the development of findings of fact after the close of our
11 review. We do not believe our decision to remand the case as
12 requested prejudices the respondent in any event. The
13 respondent is saved the delay of waiting until a final order
14 after a complete review proceeding.

15 The land use decision of respondent entitled "Application
16 of David L. Chrysler for a minor partition" is remanded to
17 Columbia County for proceedings not inconsistent with this
18 opinion.