

LAND USE
BOARD OF APPEALS

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

MAR 21 4 56 PM '84

3 FRIENDS OF BENTON COUNTY,)
4 Petitioner,)
5 vs.)
6 BENTON COUNTY, OREGON and)
7 MORSE BROS., INC.,)
8 Respondents.)

LUBA No. 83-122

FINAL OPINION
AND ORDER

9 Appeal from Benton County.

10 Ben C. Fetherston, Jr., Portland, filed the Petition for
11 Review.

12 Jeffrey Condit, Corvallis, filed a brief for Respondent
13 Benton County.

14 Edward F. Schultz, Albany, filed a brief for Respondent
15 Morse Bros., Inc.

16 BAGG, Chief Referee, KRESSEL, Referee, DUBAY, Referee.

17 DISMISSED 03/21/84

18 You are entitled to judicial review of this Order.
19 Judicial review is governed by the provisions of Oregon Laws
20 1983, ch 827.
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1 Opinion by Bagg.

2 This is an appeal of a conditional use permit issued by
3 Benton County. Petitioner's assignment of error alleges a
4 violation of ORS 197.175(2)(c), requiring the county to
5 exercise its land use authority in compliance with statewide
6 planning goals. Specifically, petitioner contends Goal 5, the
7 natural resources goal, was violated by the decision. There is
8 no allegation in the petition for review that the issuance of a
9 conditional use permit violated any standard other than
10 Goal 5.

11 During the pendency of this appeal, the Land Conservation
12 and Development Commission acknowledged Benton County's
13 Comprehensive Plan and Zoning Ordinance as being in compliance
14 with statewide planning goals.

15 Our review of a conditional permit grant after
16 acknowledgement is limited to whether or not the grant complies
17 with local government's comprehensive plan and ordinances along
18 with applicable laws. After acknowledgement, compliance with
19 statewide planning goals is not an issue. See ORS 197.835.
20 The goals are implemented through the acknowledged ordinances,
21 not directly. LCDC's acknowledgement of the Benton County Plan
22 and Implementing Ordinances means there is nothing for us to
23 review. Fujimoto v. Land Use Board of Appeals, 52 Or App 875,
24 630 P2d 364 rev den 298 1 Or 662 (1981).

25 This appeal is dismissed.

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