



1           You are entitled to judicial review of this Order.  
2   Judicial review is governed by the provisions of ORS  
3   197.850.

1 Opinion by Gustafson.

2 **NATURE OF THE DECISION**

3 Petitioners appeal the county's denial of a  
4 comprehensive plan amendment, zone change, modification to a  
5 Statewide Planning Goal 3 exception, Statewide Planning Goal  
6 14 exception and conditional use permit.

7 **MOTION TO INTERVENE**

8 Steven Schwindt, Bruce and Nora Slayden, Charles and  
9 Bonnie Hess, Ray and Rosemarie Rouscher, Marie Annette  
10 Schwindt, Becky Davis, Michael and Barbara Miller and  
11 Cascade View Free Methodist Church move to intervene on the  
12 side of respondent. There is no objection to the motions,  
13 and they are allowed.

14 **DISCUSSION**

15 Petitioners applied to the county for approval of a  
16 comprehensive plan amendment, zone change, modification to a  
17 Goal 3 exception, Goal 14 exception and conditional use  
18 permit in order to establish a recreational vehicle (RV)  
19 campground. The subject property is located along Highway  
20 22, outside the urban growth boundary of the City of  
21 Sublimity. The property is currently designated rural  
22 residential and zoned Acreage Residential (AR). Petitioners  
23 propose to change the comprehensive plan designation to  
24 Interchange Development, and the zone to Interchange  
25 District (ID). RV Parks are permitted in the ID zone as  
26 conditional uses.

1           After public hearings, the county hearings officer  
2 recommended denial of petitioners' application. On appeal,  
3 the board of county commissioners upheld the hearings  
4 officer's denial.

5           Petitioners appeal to LUBA, contending the county's  
6 decision is based on inadequate, inaccurate and incomplete  
7 findings of fact and conclusions of law.

8           In challenging a local government's denial of a land  
9 use application, petitioners carry a heavy burden. Not only  
10 must they demonstrate that each of the county's bases for  
11 denial is incorrect as a matter of law, they must also  
12 establish that only petitioners' evidence can be believed  
13 and that, as a matter of law, they have established  
14 compliance with each of the applicable approval criteria.  
15 See e.g., Horizon Construction, Inc. v. City of Newberg, 28  
16 Or LUBA 632 (1995). (To support denial of a land use  
17 permit, a local government need only establish the existence  
18 of one adequate basis for denial.)

19           Given the number and types of approvals necessary for  
20 petitioners' proposed use of the subject property, and the  
21 stringent requirements of each of those approvals,  
22 petitioners bear an extremely heavy burden to establish  
23 compliance, as a matter of law, with all approval criteria.  
24 Petitioners have not satisfied that difficult burden.

25           Petitioners have not established a basis for remand or  
26 reversal of the county's decision. Pursuant to ORS

1 197.835(16), the county's decision is affirmed.