

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

3  
4 CAROL EVERMAN,                                   )  
5                                   )                                   LUBA No. 96-177  
6                                   Petitioner,                                   )  
7                                   )                                   FINAL OPINION  
8                                   vs.                                   )                                   AND ORDER  
9                                   )  
10 COLUMBIA COUNTY,                                   )                                   (MEMORANDUM OPINION)  
11                                   )                                   ORS 197.835(16)  
12                                   Respondent.                                   )  
13  
14

15                   Appeal from Columbia County.

16  
17                   Carol Everman, Ranier, filed the petition for review  
18 and argued on her own behalf.

19  
20                   Anne Corcoran Briggs, Assistant County Counsel, St.  
21 Helens, filed the response brief and argued on behalf of  
22 respondent.

23  
24                   HANNA, Chief Referee.

25  
26                   AFFIRMED                                   02/18/97

27  
28                   You are entitled to judicial review of this Order.  
29 Judicial review is governed by the provisions of ORS  
30 197.850.

1 Opinion by Hanna.

2 Petitioner appeals the county's denial of a gun club's  
3 application for comprehensive plan and zoning map  
4 amendments, from Rural Residential to Community Service-  
5 Recreational, to allow construction of a club house at the  
6 existing gun club facility. Although the petition for  
7 review does not identify a specific statutory basis for  
8 reversal or remand, the assignments of error appear to  
9 challenge only the evidentiary basis for the county's  
10 findings. Petitioner confirmed at oral argument that the  
11 lack of substantial evidence to support the decision was her  
12 sole basis for seeking a remand. Petitioner does not  
13 challenge the adequacy of the findings.

14 Many of the arguments in the petition for review are  
15 based on allegations of facts that are outside the local  
16 government record. Respondent moves to strike those  
17 portions of the petition for review, and the portions of the  
18 attached appendix that are outside the record. The motion  
19 is allowed.

20 The remainder of the arguments contend, without record  
21 citation, that the county improperly weighed or failed to  
22 consider evidence proffered by the applicant.

23 Although the county's enunciation of its bases for  
24 denial is barely adequate for review, the decision does, by  
25 incorporating a staff report, identify the substantive  
26 criteria. There is substantial evidence and reasoning to

1 support denial with respect to at least one of those  
2 criteria, namely the lack of need for community service  
3 recreational facilities in the area. The county found that  
4 other facilities in the area, including a grange and a  
5 school provide playground, open space and recreational  
6 opportunities.

7 Because there is one adequate basis for denying the  
8 application, we do not review the remaining assignments of  
9 error. Ericsson v. Washington County, 26 Or LUBA 169, 176  
10 (1993).

11 The county's decision is affirmed.