

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

3
4 GERALD ROTH and CAROLYN ROTH,)
5) LUBA No. 96-102
6 Petitioners,)
7) FINAL OPINION
8 vs.) AND ORDER
9)
10 MARION COUNTY,) (MEMORANDUM OPINION)
11) ORS 197.835(16)
12 Respondent.)

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14
15 Appeal from Marion County.

16
17 Mark D. Shipman, Salem, filed the petition for review
18 and argued on behalf of petitioners. With him on the brief
19 was Wallace W. Lien.

20
21 Jane Ellen Stonecipher, Assistant County Counsel,
22 Salem, filed the response brief and argued on behalf of
23 respondent. With her on the brief was Michael J. Hansen,
24 County Counsel.

25
26 Celeste J. Doyle, Assistant Attorney General, Salem,
27 filed an agency brief on behalf of Department of Land
28 Conservation and Development. With her on the brief was
29 Theodore R. Kulongoski, Attorney General, Thomas A. Balmer,
30 Deputy Attorney General, and Virginia L. Linder, Solicitor
31 General.

32
33 HANNA, Chief Referee; LIVINGSTON, Referee, participated
34 in the decision.

35
36 AFFIRMED 09/23/96

37
38 You are entitled to judicial review of this Order.
39 Judicial review is governed by the provisions of ORS
40 197.850.

1 Opinion by Hanna.

2 **MOTION TO FILE BRIEF AND APPEAR**

3 The Department of Land Conservation and Development
4 moves to file a brief and appear in this appeal proceeding
5 on the side of respondent. There is no opposition to the
6 motion, and it is allowed.

7 **DECISION**

8 Petitioners appeal the county's denial of their
9 application for a farm use dwelling. Petitioners provide no
10 basis on which we can reverse or remand the challenged
11 decision. See Department of Land Conservation and
12 Development v. Polk County, ___ Or LUBA ___ (LUBA 96-036,
13 September 10, 1996).

14 The county's decision is affirmed.

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