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

STUART LINDQUIST,)
)
Petitioner,)
)
vs.)
) LUBA No. 96-055
CLACKAMAS COUNTY,)
) FINAL OPINION
Respondent,) AND ORDER
)
and) (MEMORANDUM OPINION)
) ORS 197.835(16)
C. RICHARD NOBLE,)
)
Intervenor-Respondent.)

Appeal from Clackamas County.

William Dickas, Portland, filed the petition for review and argued on behalf of petitioner. With him on the brief was Kell, Alterman & Runstein.

Stacy H. Fowler, Assistant County Counsel, Oregon City, filed the response brief and argued on behalf of respondent.

C. Richard Noble, West Linn, represented himself.

HANNA, Chief Referee; GUSTAFSON, Referee, participated in the decision.

AFFIRMED 10/31/96

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

1 Opinion by Hanna.

2 **NATURE OF THE DECISION**

3 Petitioner appeals the county's denial of a request to
4 permit a nonfarm dwelling in an exclusive farm use zone.

5 **PETITIONER'S MOTION TO FILE REPLY BRIEF**

6 On July 21, 1996, petitioner filed a Motion to File
7 Reply Brief, accompanied by a reply brief. Petitioner's
8 reply brief does not respond to any new issues raised in the
9 response brief. Petitioner's motion to file a reply brief
10 is denied. OAR 661-10-039.

11 **DISCUSSION**

12 On January 10, 1996, a county hearings officer denied
13 an appeal of an administrative denial of petitioner's
14 request to permit a nonfarm dwelling on a 5.09-acre parcel
15 in an exclusive farm use zone.

16 Petitioner argues that (1) under Brentmar v. Jackson
17 County, 321 Or 481, 900 P2d 1030 (1995), the county does not
18 have authority to adopt nonfarm dwelling approval standards
19 in addition to those set forth in ORS 215.284 and (2) the
20 hearings officer improperly found that approval of the
21 nonfarm dwelling would materially alter the stability of the
22 overall land use pattern of the area.

23 Brentmar v. Jackson County only prohibits counties from
24 imposing supplemental criteria in evaluating uses permitted
25 under ORS 215.283(1). It does not prohibit approval
26 standards implementing ORS 215.284. See DLCD v. Polk County,

1 ___ Or LUBA ___ (LUBA Nos. 96-036 and 96-042, September 10,
2 1996). We find that neither of petitioner's assignments of
3 error merits remand or reversal, and both are, therefore,
4 denied.¹ ORS 197.835.

5 The county's decision is affirmed.

¹To support denial of a land use permit, a local government need only establish the existence of one adequate basis for denial. Horizon Construction, Inc. v. City of Newberg, 28 Or LUBA 632, 635, aff'd 134 Or App 414 (1995); Kangas v. City of Oregon City, 26 Or LUBA, 180 (1993); Rozenboom v. Clackamas County, 24 Or LUBA 433, 437 (1993); Garre v. Clackamas County, 18 Or LUBA 877, 881, aff'd 102 Or App 123 (1990).