

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3			
4	BRUCE WESTERFIELD and BEVERLY)	
5	WESTERFIELD,)	
6)	LUBA No. 97-159
7	Petitioners,)	
8)	FINAL OPINION
9	vs.)	AND ORDER
10)	
11	CLACKAMAS COUNTY,)	(MEMORANDUM OPINION)
12	Respondent,)	(ORS 197.835(16))
13)	

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16 Appeal from Clackamas County.

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18 Bruce Westerfield and Beverly Westerfield, Oregon City,
19 filed the petition for review on their own behalf. Bruce
20 Westerfield argued on his own behalf.

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22 Michael E. Judd, Chief Assistant County Counsel, Oregon
23 City, filed the response brief and argued on behalf of
24 respondent.

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26 GUSTAFSON, Chief Administrative Law Judge; LIVINGSTON,
27 Administrative Law Judge, participated in the decision.

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29 AFFIRMED 11/28/97

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31 You are entitled to judicial review of this Order.
32 Judicial review is governed by the provisions of ORS
33 197.850.

1 Opinion by Gustafson.

2 **DISCUSSION**

3 Petitioners appeal the county's approval of a
4 conditional use permit for a church. In three assignments
5 of error, petitioners challenge the county's finding of
6 compliance with its street frontage requirements; argue that
7 a condition requiring the applicant to establish and
8 maintain a minimum sight distance from its primary access
9 point violates adjacent property owners' rights; and argue
10 that the decision violates a condition of a 1981 partition
11 of the property. Petitioners' overriding objection,
12 however, appears to be the conduct and activities of the
13 property owners after their conditional use was approved.
14 Petitioners assert, essentially, that the owners have failed
15 to comply with the conditions imposed by the hearings
16 officer, and have interfered with petitioners' access to
17 their property.

18 The conduct of the property owners subsequent to the
19 conditional use approval is not before us. To the extent
20 the property owners have or may violate conditions of the
21 approval, it is incumbent upon the county to enforce those
22 conditions. However, those alleged condition violations are
23 not relevant to our review of whether the county erred in
24 approving the conditional use application.

25 With regard to petitioners' challenges to the decision
26 itself, we find none of the three assignments of error to

1 have merit.

2 The county's decision is affirmed.