

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

DEC 16 9 57 AM '81

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3	MS. WANDA BAUER, et al,)
4	Petitioners,)
5	v.)
6	COLUMBIA COUNTY and)
7	CITY OF SCAPPOOSE,)
8	Respondents.)
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LUBA NO. 81-071

FINAL OPINION
AND ORDER

Appeal from Columbia County.

Robert P. Van Natta, St. Helens, filed a petition for review and argued the cause for petitioners.

Jill Thompson, St. Helens, filed a brief and argued the cause for Respondent Columbia County.

Bagg, Referee; Reynolds, Chief Referee; Cox, Referee; participated in the decision.

Remanded. 12/16/81

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of Oregon Laws 1979, ch 772, sec 6(a).

1 BAGG, Referee.

2 NATURE OF THE DECISION

3 Petitioners appeal the adoption of the urban growth
4 boundary for the City of Scappoose. The urban growth boundary
5 was adopted as an amendment to the Columbia County
6 Comprehensive Plan by County Ordinance No. 81-4.

7 STANDING

8 Standing is an issue in this case. Without identifying
9 individually the petitioners particularly affected by the
10 action, the petition for review alleges that a number of the
11 petitioners are angry that they were not included in the urban
12 growth boundary (as they desire city water). The petition
13 alleges others are angry that they were included inside the
14 urban growth boundary against their wishes.¹

15 Respondent County attacks petitioners' standing on the
16 ground the petitioners have alleged insufficient facts to show
17 any adverse affect or aggrievement as required by Oregon Laws
18 1979, ch 772, sec 4(2).²

19 Although the statement of standing included in the petition
20 for review is sketchy and conveys little information, the
21 statement does provide the Board with enough information to
22 conclude that petitioners have standing to bring this review
23 proceeding. The petition alleges petitioners (or "nearly all"
24 of the petitioners) live within an area affected by the urban
25 growth boundary. That is, some of the petitioners live within
26 the new urban growth boundary, and some do not. Some of those

1 living within the urban growth boundary do not wish to be
2 included, and some of those living outside the urban growth
3 boundary wish to be included but were not. We believe that
4 residence or property ownership within an area affected by a
5 land use decision is sufficient interest to grant standing in a
6 legislative proceeding. 1000 Friends v. Multnomah County, 39
7 Or App 917, 593 P2d 1171 (1979); Duddles v. City Council of
8 West Linn, 21 Or App 310; 535 P2d 583 (1975).³

9 FACTS

10 The ordinance under review was adopted on May 12, 1981.
11 The ordinance was read in full on March 11, 1981, and a second
12 reading followed on March 25. The readings in March were the
13 only readings. The vote on the ordinance occurred on April 15,
14 but the matter was before the county commissioners again on
15 April 29. The minutes of that meeting show that the ordinance
16 was amended following the April 15 meeting. Further discussion
17 of changes occurred on May 6, and the matter was finally
18 signed, according to respondent, on May 12, 1981.

19 The county claims that the City of Scappoose will have a
20 population of some 10,000 persons by the year 2000. We
21 understand the county to rely on the city comprehensive plan
22 for this figure, although there is no statement by the county
23 of such reliance. The city comprehensive plan bases this
24 projection upon a 6 percent per year growth rate. The growth
25 rate between 1970 and 1978 is shown in the plan to be 6.9
26 percent per year. The population in 1978 was 3,150 people,

1 according to the comprehensive plan. The city has 55 acres of
2 industrial land of which 20 acres are now vacant.

3 Part of the area included within the new urban growth
4 boundary to the north of the City of Scappoose includes some
5 600 acres of Class I agricultural soils. The land is
6 apparently underlaid by a large gravel deposit, according to
7 inventories in the City of Scappoose Comprehensive Plan.

8 ASSIGNMENT OF ERROR NO. 1

9 Assignment of error no. 1 alleges

10 "The Board of Commissioners erred in attempting the
11 adoption of Ordinance 81-4 without compliance with the
procedural requirements of ORS 203.045."

12 Petitioners' argument is that the procedure for ordinance
13 adoption included in the statute was not followed.⁴

14 Petitioners claim there were amendments of a substantial nature
15 that occurred after the readings in March, and the county did
16 not read the changes before adoption of the ordinance in May.
17 Petitioners claim the significant changes include changes in
18 the boundary map so as to reduce the size of the boundary by
19 some 25 percent. Also deleted was a reference in the plan to
20 an obligation of the City of Scappoose to furnish water to some
21 of the petitioners. Failing to read their changes resulted in
22 a violation of ORS 215.045(6), according to petitioners.

23 The Respondent County states that ORS 203.045 does not
24 control this ordinance adoption. Respondent posits that the
25 applicable statutes are ORS 215.050 and ORS 215.060.⁵ ORS
26 215.050 gives specific authority to adopt county land use plans

1 and ordinances. ORS 215.060 provides specific procedures for
2 "action" on the plan.

3 We believe respondent's position to be correct. The
4 authority given counties in ORS 203.035 to exercise legislative
5 power is a general grant of power authorizing them to legislate
6 over "matters of county concern." The grant is not exclusive
7 but "is in addition to other grants of power." The procedure
8 for action on ordinances in ORS 203.045 is also not exclusive.
9 Section 1 of ORS 203.045 clearly states that the section does
10 not apply where a local charter controls adoption "or to an
11 ordinance authorized by statute other than ORS 203.035." ORS
12 215.050 and ORS 215.060 are such "other" statutes. Indeed, ORS
13 215.050 has been cited as authority for county comprehensive
14 plan adoption. In construing the statute, the court stated
15 that "ORS 215.050 gives no indication that the legislature
16 intended it [the statute] to compel counties to observe strict
17 ordinance formalities in the adoption of a comprehensive
18 plan." Fifth Avenue Corporation v. Washington County, 282 Or
19 591, 596, 581 P2d 50 (1978).

20 We believe the county's only procedural obligation was to
21 follow the requirements in ORS 215.060. Petitioners do not
22 challenge the county's actions under ORS 215.060. Petitioners'
23 assignment of error no. 1 is denied.

24 PREFACE OF ASSIGNMENTS OF ERROR 2 THROUGH 5

25 Assignments of error 2 through 5 are about alleged
26 violations of LCDC goals. Respondents' only defense to these

1 assignments of error is that the petitioners' goal related
2 allegations are not timely. Respondent County states that the
3 city plan was adopted in 1979 and as such, the time for review
4 of the contents of the plan has "long past." As we understand
5 respondent's argument, the findings showing compliance with
6 applicable statewide land use goals are to be found in the
7 city's comprehensive plan. We note, however, that the county
8 order does not clearly incorporate the city plan for support.

9 We reject this defense. The establishment of an urban
10 growth boundary requires adequate findings in support thereof.
11 City of Rockaway v. Tillamook Co., 1 Or LUBA 754 (1980). See
12 also 1000 Friends v. CRAG, LCDC No. 77-004, Interlocutory Order
13 of 12-19-77. The county cannot escape review of its action for
14 compliance with applicable land use goals by claiming that the
15 findings supporting the adoption of the urban growth boundary
16 are contained in a document long since past and now not
17 reviewable. To the extent that the county based its urban
18 growth boundary determination on the city's plan, the city's
19 plan should be reviewable to the extent necessary to determine
20 county compliance with applicable statewide planning goals.
21 MSD v. Clackamas County, 2 Or LUBA 139 (1980). If the county
22 is claiming that it did not base its new urban growth boundary
23 on the findings included in the city's plan, then the county is
24 telling us that its plan is not supported.

25 Therefore, in our review of the assignments of error that
26 follow, we will look to the county's findings to see if

1 applicable statewide goals have been followed. We will look to
2 the city plan, included as it was in the record of this case,
3 as partial support for the findings.

4 ASSIGNMENT OF ERROR NO. 2

5 Assignment of error no. 2 alleges a violation of Goal 3.
6 Petitioners point to a portion of the Scappoose Comprehensive
7 Plan wherein the plan names dikelands to the east of highway 30
8 abutting Scappoose as lands that "contain the best agricultural
9 land in the County, roughly 700 acres of class 1 soils."

10 Petitioners' Brief at 8. Scappoose Comprehensive Plan at 78.
11 Petitioners say that all of the area north of the Scappoose
12 city limits to be included in the urban growth boundary is part
13 of this class I soils area. Petitioners allege an exception to
14 Goal 3 is needed in order to include these lands within the
15 urban growth boundary.

16 Petitioners also state that underneath this soil is "the
17 best aggregate bed in Northwestern Oregon." Petition for Review
18 at 10. Petitioners cite page 83 of the Scappoose Comprehensive
19 Plan for this proposition. The plan, however, notes that until
20 an inventory of agricultural sites is completed, an accurate
21 inventory of the agricultural resources of the Scappoose area,
22 and their economic impact upon urban development is not
23 possible. Scappoose Plan at 84.

24 The initial drawing of an urban growth boundary does not
25 require an exception to LCDC Goal 3. The making of an urban
26 growth boundary requires, rather, that the following

1 considerations be made:

- 2 "(1) Demonstrated need to accommodate long-range urban
3 population growth requirements consistent with
4 LCDC goals;
5 "(2) Need for housing, employment opportunities, and
6 livability.
7 "(3) Orderly and economic provision for public
8 facilities and services;
9 "(4) Maximum efficiency of land uses within and on the
10 fringe of the existing urban area;
11 "(5) Environmental, energy, economic and social
12 consequences;
13 "(6) Retention of agricultural land as defined, with
14 Class I being the highest priority for retention
15 and Class VI the lowest priority; and,
16 "(7) Compatibility of the proposed urban uses with
17 nearby agricultural activities."

18 An exception is required with urban growth boundaries only
19 when an urban growth boundary is changed. Goal 14 states

20 "a governing body proposing such change in the
21 boundary separating urbanizable land from rural land,
22 shall follow the procedures and requirements as set
23 forth in the Land Use Planning Goal (Goal 2) for goal
24 exceptions."

25 The fact that this property may be the best agricultural
26 land in Columbia County does not of itself mean a violation of
27 Goal 3 has occurred providing that the provisions of Goal 14
28 controlling the drawing of the urban growth boundary were
29 appropriately followed. See discussion infra on Goal 14,
30 Assignment of Error No. 5.

31 Assignment of error no. 2 is denied.

32 ASSIGNMENT OF ERROR NO. 3

33 Assignment of error no. 3 alleges a violation of Statewide
34 Planning Goal 5. Petitioners allege that the

1 "specific problem with Goal 5 and the Urban Growth
2 Boundary relates to the aggregate sites in the large
3 area to the north of the City that is included within
4 the Urban Growth Boundary." Petition for Review at 9.

5 Petitioners also claim that inclusion of this aggregate
6 resource site within the urban growth boundary is "implicit
7 recognition of a conflicting problem." Petition for Review at
8 10. There is a conflict, alleges petitioners, between mining
9 the aggregate and constructing a city on the same property.
10 Petitioners point to OAR 660-16-000, a rule regarding
11 compliance with Goal 5 and the provisions of Goal 5 itself, to
12 argue that Goal 5 is violated, in particular, in that the
13 aggregate site has not been identified and inventoried and has
14 not been protected as required by the goal.⁶

15 Goal 14 is the appropriate goal to address when drawing an
16 urban growth boundary. It is not necessary to address other
17 goals directly as the seven factors in Goal 14 quoted at page
18 8, supra, incorporate concerns addressed by most other goals.
19 As the commission stated in Howard v. Jackson County and City
20 of Medford, 2 LCDC 30, LCDC No. 78-008 (1979),

21 "Goal 14, not those other goals, establishes the
22 standard to be followed in establishing an urban
23 growth boundary. Other goals must often be addressed
24 and subsequent land use decisions, such as
25 annexations, rezonings, subdivision approvals, and the
26 like. Goal 14 recognizes that the establishment of an
27 urban growth boundary is a preliminary planning step
28 that leaves much to be decided about the future use of
29 lands on both sides of the line. The goal itself
30 provides that consideration of LCDC goals is necessary
31 in the conversion of urbanizable land to urban uses."
32 2 LCDC 30 at 31.⁷

33 Presumably, the existence of an aggregate resource on land

1 included within an urban growth boundary would fall under Goal
2 14's required consideration of "maximum efficiency of land uses
3 within and on the fringe of the existing urban area" and
4 "environmental, energy, economic and social consequences,"
5 items 4 and 5 of the seven factors listed in Goal 14. We
6 express no opinion as to the adequacy of the county's
7 consideration of these possible relevant factors.

8 Assignment of error no. 3 is denied.

9 ASSIGNMENT OF ERROR NO. 4

10 Assignment of error no. 4 alleges a violation of Goal 7,
11 "Areas Subject to Natural Disasters and Hazards." Petitioners
12 here allege "that dikeland is by definition a natural hazard or
13 it would not have a dike around it." Petition for Review at
14 11. Goal 7 requires an inventory of such hazard areas, and as
15 there is no inventory in the county findings, it is not known
16 exactly how much dikeland is within the new urban growth
17 boundary. Petitioners believe the county must address Goal 7.

18 As with the last assignment of error, we repeat that it is
19 Goal 14 that establishes the standard to be followed in drawing
20 an urban growth boundary. Goal 7 may be a relevant
21 consideration as to the size of the urban growth boundary, that
22 is how much potentially buildable land should be included
23 within the boundary, but Goal 7 need not be addressed
24 directly. The county did not err in not specifically

25 / /

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1 considering Goal 7 in this case.

2 Assignment of error no. 4 is denied.

3 ASSIGNMENT OF ERROR NO. 5

4 Assignment of error no. 5 alleges a violation of Goal 14.
5 Petitioners allege that the county has failed to justify the
6 amount of land included within the urban growth boundary,
7 including both the land included for industrial purposes and
8 the land included for residential purposes. Petitioners point
9 to a letter from 1000 Friends of Oregon in support of its
10 argument. The letter from 1000 Friends seems to us to confine
11 itself to the city plan and states that there is an inadequate
12 explanation of the amount of buildable land existing for
13 residential uses. The letter claims there are no standards
14 evident to determine what land is developed and unavailable for
15 dwelling units. Also, the letter points to a 33 percent market
16 factor used by the city in support of its claim for a need of
17 some 2,537 new dwelling units by the year 2000. The letter
18 rejects this figure and alleges that the Land Conservation and
19 Development Commission has denied use of market factors to
20 justify inclusion of land within urban growth boundaries above
21 what is "demonstrated" to be needed for housing and other urban
22 uses. The letter discusses land included for industrial uses
23 and claims that the city makes no effort to demonstrate the
24 lands included are needed for the planned population growth.
25 Also, there is a challenge to the amount of land included for
26 commercial purposes.

1 In short, petitioners challenge the adequacy of the factual
2 base apparently relied on by the county to support the drawing
3 of the urban growth boundary. We agree with the petitioners.

4 As mentioned in our discussion of Assignment of Error No.
5 2, supra, the correct making of an urban growth boundary is
6 dependent upon compliance with the seven factors in Goal 14.
7 In addressing each of the factors, the city (here the county)
8 must provide factual justification for each of the seven
9 specific requirements. That factual record simply is not
10 present. The ordinance and findings include policies
11 controlling growth with little facts to support the policies.
12 For example, there is no justification for the expected
13 population of 10,000 persons, not even an adoption of the
14 city's justification of that figure.

15 Similarly, there is no explanation of what proportion of
16 the city's housing needs were to be included within and without
17 city limits, and there is no factual information to justify the
18 county's claims about how much acreage is needed to meet
19 projected housing needs. Is it the city's plan (and the
20 county's plan) to fill the urban growth boundary with
21 single-family residences?⁸ Also, there is no explanation of
22 how the county decided how much land was needed for industrial,
23 commercial and residential purposes.

24 In sum, the county urban growth boundary document lacks a
25 factual base to support a claim of compliance with the seven
26 factors in Goal 14. It is not even clear to us from the county

1 findings upon what facts the county does rely. Assignment of
2 error no. 5 is sustained.

3 This matter is remanded to Columbia County for action not
4 inconsistent with this opinion.

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FOOTNOTES

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4 It is our understanding that water service by the City of
5 Scappoose will only be extended to properties within the City
6 of Scappoose Urban Growth Boundary.

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10 Oregon Laws 1979, ch 772, sec 4(2) states:

11 "Except as provided in subsection (3) of this section, any
12 person whose interests are adversely affected or who is
13 aggrieved by a land use decision and who has filed a notice
14 of intent to appeal as provided in subsection (4) of this
15 section may petition the board for review of that decision
16 or may, within a reasonable time after a petition for
17 review of that decision has been filed with the board,
18 intervene in and be made a party to any review proceeding
19 pending before the board."

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21 3
22 We believe the old "substantially affected" standard for
23 standing reviewed in the cases cited is analogous to "adversely
24 affected or aggrieved." 1000 Friends v. Douglas County, 1 Or
25 LUBA 42 (1980).

26 _____
27 4
28 ORS 203.045 states:

29 "Procedure for adopting ordinance; exception by
30 charter or certain statutes. (1) This section does not
31 apply to a county that prescribes by charter the manner of
32 adopting ordinances for the county or to an ordinance
33 authorized by a statute other than ORS 203.035.

34 "(2) The ordaining clause of an ordinance adopted
35 under ORS 203.035 shall read:

36 "(a) In case of adoption by the county governing body
37 only, 'The (name of the governing body) ordains as
38 follows:'.

39 "(b) In case of adoption or ratification by the
40 voters of the county, 'The People of (name of county)
41 ordain as follows:'.

1 "(3) Except as subsections (4) and (5) of this
2 section provide to the contrary, every ordinance of a
3 county governing body shall, before being put upon its
4 final adoption, be read fully and distinctly in open
5 meeting of that body on two days at least 13 days apart.

6 "(4) Except as subsection (5) of this section
7 provides to the contrary, and except ordinances imposing,
8 or providing exemptions from, taxation, an ordinance
9 necessary to meet an emergency may, upon being read first
10 in full and then by title, be adopted at a single meeting
11 of the governing body by unanimous vote of all its members
12 present, provided they constitute a quorum.

13 "(5) Any reading required by subsection (3) or (4) of
14 this section may be by title only:

15 "(a) If no member of the governing body present at
16 the meeting requests that the ordinance be read full; or

17 "(b) If, not later than one week before the first
18 reading of the ordinance, a copy of it is provided each
19 member, copies of it are available at the headquarters of
20 the governing body, one copy for each person who requests
21 it, and notice of the availability is given by:

22 "(A) Written notice posted at the courthouse of the
23 county and two other public places in the county; and

24 "(B) Publication at least once in a newspaper of
25 general circulation in the county, designated by the county
26 governing body and published in the county or, if no
27 newspaper is so published, then in one published elsewhere.

28 "(6) An ordinance adopted after being read by title
29 only may have no legal effect if it differs substantially
30 from its terms as it is thus filed prior to the reading,
31 unless each section incorporating such a difference, as
32 finally amended prior to being adopted by the governing
33 body, is read fully and distinctly in open meeting of that
34 body.

35 "(7) Upon the final vote on an ordinance, the ayes
36 and nays of the members of the governing body shall be
37 taken and recorded in the record of proceedings of the body.

38 "(8) Upon the adoption of an ordinance by the
39 governing body in accordance with this section the chairman
40 and recording secretary of the body at the session at which
41 the ordinance is adopted shall sign it with the date of its

1 adoption and with their names and titles of office or
2 position.

3 "(9) An ordinance adopted in accordance with this
4 section, if not an emergency ordinance, shall take effect
5 on the 90th day after the date of its adoption, unless it
6 prescribes a later effective date or is referred to the
7 voters of the county. If an ordinance is referred to the
8 voters, it shall take effect only upon the approval of a
9 majority of those voting on the proposed ordinance. An
10 emergency ordinance may take effect immediately upon the
11 date of its adoption."

12

13 5
14 ORS 215.050 and 215.060 state:

15 "215.050 Comprehensive planning, zoning and
16 subdivision ordinances. (1) The county governing body
17 shall adopt and may from time to time revise a
18 comprehensive plan and zoning, subdivision and other
19 ordinances applicable to all of the land in the
20 county. The plan and related ordinances may be
21 adopted and revised part by part or by geographic area.

22 "(2) Zoning, subdivision or other ordinances or
23 regulations and any revisions or amendments thereof
24 shall be designed to implement the adopted county
25 comprehensive plan.

26 "(3) Comprehensive plans adopted by the county
governing body after the expiration of one year after
the date of the approval of any state-wide planning
goals under ORS 197.240 shall be in conformity with
the state-wide planning goals and any subsequent
revisions or amendments thereof."

"215.060 Procedure for action on plan; notice;
hearing. Action by the governing body of a county
regarding the plan shall have no legal effect unless
the governing body first conducts one or more public
hearings on the plan and unless 10 days' advance
public notice of each of the hearings is published in
a newspaper of general circulation in the county or,
in case the plan as it is to be heard concerns only
part of the county, is so published in the territory
so concerned and unless a majority of the members of
the governing body approves the action. The notice
provisions of this section shall not restrict the
giving of notice by other means, including mail, radio
and television."

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2 Goal 5, in pertinent part states:

3 "GOAL: To conserve open space and protect natural and
4 scenic resources.

5 "Programs shall be provided that will: (1)
6 insure open space, (2) protect scenic and historic
7 areas and natural resources for future generations,
8 and (3) promote healthy and visually attractive
9 environments in harmony with the natural landscape
10 character. The location, quality and quantity of the
11 following resources shall be inventoried."

12 * * *

13 "b. Mineral and aggregate resources;

14 * * *

15 "Where no conflicting uses for such resources
16 have been identified, such resources shall be managed
17 so as to preserve their original character. Where
18 conflicting uses have been identified the economic,
19 social, environmental and energy consequences of the
20 conflicting uses shall be determined and programs
21 developed to achieve the goal."

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23 Goal 14 provides that conversion from urbanizable land to
24 urban land requires consideration of the following factors:

25 "(1) Orderly, economic provision for public facilities
26 and services;

27 "(2) Availability of sufficient land for the various
28 uses to insure choices in the market place;

29 "(3) LCDC goals; and,

30 "(4) Encouragement of development within urban areas
31 before conversion of urbanizable areas."

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33 The little discussion that does exist in the county's
34 findings concerns the need for residential land. The
35 discussion is as follows:

36 "The City and the County determined the need to
37 designate approximately 350 acres for residential use
38 to accommodate the anticipated population of 10,000

1 residents by the year 2000. The need was determined
2 by a review of the committed and the unbuildable
3 lands, weighed against the need for homesites by the
4 year 2000. Using the average household size of 2.7
5 persons per unit, total housing needed is 3,700
6 units. There now exists 940 units, leaving a need for
7 2,760 new units to be constructed. The City,
8 comparing the density of future development with the
9 number of units needed, has determined that it needs
10 265 buildable acres. The 265 acres translates to 350
11 gross buildable acres because the City assume 30% of
12 each gross acre is committed to some sort of public
13 use."

14 We note the City of Scappoose Comprehensive Plan states
15 "the existing city limits can eventually accommodate 7,000
16 people." There were 995 acres zoned residential in the city in
17 1978 with only 1000 dwelling units in existence. P. 75 of plan.

18 Later, the city plan claims it needs 275 additional acres
19 of residential land. P. 76 of the plan. The divergence
20 between the city plan and the county figures is not explained
21 by the county.
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STATE OF OREGON

INTEROFFICE MEMO

TO: MEMBERS OF THE LAND CONSERVATION AND DEVELOPMENT COMMISSION DATE: 11/23/81

FROM: THE LAND USE BOARD OF APPEALS

SUBJECT: BAUER V. COLUMBIA COUNTY
LUBA NO. 81-071

Enclosed for your review is the Board's proposed opinion and final order in the above captioned appeal.

This case is about the adoption of the urban growth boundary for the City of Scappoose by Columbia County.

There are three goal issues in this case appearing at assignments of error 2 through 5. Assignment of error 2 alleges a violation of Goal 3. Petitioners are concerned that some of the best agricultural land in the county and perhaps the state is being converted to urbanizable land. The petitioner would have the county perform a goal exception before including this land within the urban growth boundary. We disagree and simply advise that the relevant goal in drawing an urban growth boundary, at least initially, is Goal 14.

Assignments of error 3 and 4 concern alleged violations of Statewide Planning Goals 5 and 7, respectively. Apparently an aggregate resource exists under this same high quality agricultural soil, and petitioners would have the county address Goal 5 directly. Similarly, part of the area included within the urban growth boundary is diked, and petitioners believe that the diking is sufficient evidence of a hazard so that Goal 7 must be addressed. Again, we advise petitioners that Goal 14 is the goal.

Assignment of error no. 5 alleges a violation of Goal 14. The substance of the allegation is that the findings supporting the urban growth boundary are unsupported, and the findings themselves do not illustrate compliance with the seven factors in Goal 14. We agree with the petitioners on this issue and recommend that the matter be remanded to Columbia County.

The Board is of the opinion that oral argument would not assist the commission in its understanding or review of the statewide goal issues involved in this appeal. Therefore, the Board recommends that oral argument before the commission not be allowed.



Contains
Recycled
Materials

1 BEFORE THE LAND CONSERVATION AND DEVELOPMENT COMMISSION
2 OF THE STATE OF OREGON


3 MS. WANDA BAUER, et al,)
4 Petitioners,)
5 v.)
6 COLUMBIA COUNTY and)
7 CITY OF SCAPPOOSE,)
8 Respondents.)

LUBA 81-071
LCDC DETERMINATION

9 The Land Conservation and Development Commission hereby
10 approves the recommendation of the Land Use Board of Appeals in
11 LUBA case No. 81-071.

12 Dated this 14th day of December, 1981.

13 For the Commission:

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15 
16 _____
17 W. J. Kvarsten, Director
18 Department of Land Conservation
19 and Development
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21
22
23
24
25

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