

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

FRITZ VON LUBKEN, JOANN VON )  
LUBKEN, VON LUBKEN ORCHARDS, )  
INC., and HOOD RIVER VALLEY )  
RESIDENTS COMMITTEE, INC., )

Petitioners, )

vs. )

HOOD RIVER COUNTY, )

Respondent, )

and )

BROOKSIDE, INC., )

Intervenor-Respondent. )

LUBA No. 90-031

FINAL OPINION  
AND ORDER ON REMAND

Appeal from Hood River County.

Max M. Miller, Jr., Portland, represented petitioners.

Sally A. Tebbet, Hood River, represented respondent.

B. Gil Sharp, Hood River, represented intervenor-respondent.

HOLSTUN, Referee; SHERTON, Chief Referee; KELLINGTON, Referee, participated in the decision.

REVERSED

06/27/90

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

1 Opinion by Holstun.

2 In our original decision in this matter we affirmed the  
3 county's decision granting conditional use approval for a  
4 golf course on lands zoned for exclusive farm use. Von  
5 Lubken v. Hood River County, \_\_\_ Or LUBA \_\_\_ (LUBA No. 90-  
6 031, August 22, 1990), reversed and remanded 104 Or App 683  
7 (1990), adhered to 106 Or App 226, rev den 311 Or 349  
8 (1991). The Hood River County Comprehensive Plan includes a  
9 standard which provides that "[d]evelopment will not occur  
10 on lands capable of sustaining accepted farming practices."  
11 Hood River County Comprehensive Plan, Goal 3 (Agricultural  
12 Lands), Standard D(9). In affirming the county's decision,  
13 we rejected petitioners' argument that the quoted plan  
14 standard applies to the challenged county decision. Von  
15 Lubken, supra, slip op at 16.

16 In reversing and remanding our decision, the Court of  
17 Appeals determined the challenged plan standard does apply  
18 and, since it is not disputed that the subject property is  
19 capable of sustaining accepted farming practices, "the golf  
20 course is not allowable under it." Von Lubken v. Hood River  
21 County, 104 Or App 683, 689, 803 P2d 750 (1990), adhered to  
22 106 Or App 226, rev den 311 Or 349 (1991).

23 In accordance with the Court of Appeals' decision, the  
24 county's decision is reversed.