

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

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

DAVID A. BREMER,)
)
Petitioner,)
)
vs.)
)
JOSEPHINE COUNTY,)
)
Respondent,)
)
and)
)
NORMAN C. WINGERD and)
B. DAVID WINGERD,)
)
Intervenors-Respondent.)

LUBA No. 95-079
FINAL OPINION
AND ORDER
(MEMORANDUM OPINION)
ORS 197.835(16)

Appeal from Josephine County.

David A. Bremer, Grants Pass, filed the petition for review and argued on his own behalf.

No appearance by respondent.

Norman C. Wingerd, Sacramento, California, filed a response brief and argued on his own behalf.

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

AFFIRMED 10/03/95

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 **MOTION TO INTERVENE**

3 Norman C. Wingerd and B. David Wingerd, the applicants
4 below (intervenors), move to intervene in this appeal
5 proceeding on the side of respondent. There is no
6 opposition to the motion, and it is allowed.

7 **DECISION**

8 Petitioner appeals the county's adoption of a
9 comprehensive plan amendment, zone change and exception to
10 the Statewide Planning Goals. The subject property is
11 designated Forest in the plan and zoned Woodlot Resource 20-
12 acre minimum. Intervenors propose to redesignate the
13 subject property Residential and rezone it Rural Residential
14 5-acre minimum.

15 In Bremer v. Josephine County, 25 Or LUBA 407 (1993)
16 (Bremer I), we remanded the county's approval of
17 intervenor's proposal in order for the county to identify
18 the applicable goals, make findings of fact supporting the
19 exception and explain how those facts justify the exception.
20 On March 25, 1995, the county made its decision on remand.
21 This appeal followed.

22 In his two assignments of error, petitioner makes a
23 summary statement that the county did not make findings of
24 fact that address the uses allowed under Goal 4 and that the
25 county did not make findings that explain how the resource
26 (forest land) is irrevocably committed to non-resource uses.

1 In addition, petitioner makes a statement in which he
2 concludes that the findings of fact are not adequately
3 supported by reasons.

4 The record includes findings of fact supporting the
5 exception and explains how those facts justify the
6 exception. Record 22-23. Petitioner does not describe how
7 these findings are deficient nor does he provide supporting
8 authority for his conclusion.

9 Petitioner provides no basis whatever on which we can
10 reverse or remand the challenged decision. See Scholes v.
11 Jackson County, 28 Or LUBA 407 (1994), Camp v. Josephine
12 County, 23 Or LUBA 6 (1992), Deschutes Development v.
13 Deschutes Cty., 5 Or LUBA 218 (1982).

14 The county's decision is affirmed.