

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 PAUL D. TESTA and SHARON C. TESTA,)
5) LUBA No. 95-045
6 Petitioners,)
7) FINAL OPINION
8 vs.) AND ORDER
9)
10 CLACKAMAS COUNTY,) (MEMORANDUM OPINION)
11) ORS 197.835(16)
12 Respondent.)

13
14 Appeal from Clackamas County.

15
16 Paul D. Testa and Sharon C. Testa, Molalla, filed the
17 petition for review. Sharon C. Testa argued on her own
18 behalf.

19
20 Stacy L. Fowler, Assistant County Counsel, Oregon City,
21 filed the response brief and argued on behalf of respondent.

22
23 LIVINGSTON, Chief Referee; HANNA, Referee; GUSTAFSON,
24 Referee, participated in the decision.

25
26 AFFIRMED 11/07/95

27
28 You are entitled to judicial review of this Order.
29 Judicial review is governed by the provisions of ORS
30 197.850.

1 Opinion by Livingston.

2 Petitioners appeal a county hearings officer's decision
3 approving a dwelling in conjunction with farm use. This
4 application was the subject of an earlier appeal, Testa v.
5 Clackamas County, 26 Or LUBA 357 (1994).

6 We remanded to the county for more complete findings,
7 supported by identified substantial evidence, addressing the
8 criteria in Clackamas County Zoning and Development
9 Ordinance (ZDO) 401.04A(5)(b) and 401.04A(5)(c), and
10 interpreting ZDO 403.01.

11 The county hearings officer limited the proceedings
12 below to the issues on remand and issued a decision on March
13 15, 1995.

14 Petitioners challenge the hearings officer's decision
15 on various grounds, most of which are beyond the scope of
16 the remand proceedings. We find that none of petitioners'
17 assignments of error merits remand or reversal, and all are,
18 therefore, denied. ORS 197.835(16).

19 The county's decision is affirmed.