

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
40
41
42
43
44

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

EDDIE & PHYLLIS SINK, ARLIE &)
LYNNE HOLM, CHRIS & BECKY)
BROWN, WILLIAM & TERRI HOLM,)
)
Petitioners,)
)
vs.)
)
DESCHUTES COUNTY,)
)
Respondent,)
)
and)
)
CORPORATION OF THE PRESIDING)
BISHOP OF THE CHURCH OF JESUS)
CHRIST OF LATTER DAY SAINTS,)
)
Intervenor-Respondent.)

LUBA No. 97-246

FINAL OPINION
AND ORDER

(MEMORANDUM OPINION)
ORS 197.835(16)

Appeal from Deschutes County.

Arlie Holm and Christen Brown, Bend, filed the petition for review and argued on behalf of themselves.

No appearance by local government.

Sharon R. Stone, Bend, filed the response brief and argued on behalf on intervenor-respondent. With her on the brief was Bryant, Lovlien & Jarvis.

HANNA, Board Member; GUSTAFSON, Board Chair, participated in the decision.

AFFIRMED 06/10/98

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 **NATURE OF THE DECISION**

3 Petitioners appeal the county's approval of a site plan
4 for a church.

5 **MOTION TO INTERVENE**

6 The Church of Jesus Christ of Latter Day Saints
7 (intervenor), the applicant below, moves to intervene in this
8 proceeding on the side of respondent. There is no objection
9 to the motion, and it is allowed.

10 **DISCUSSION**

11 We understand petitioner to make the six following
12 assignments of error: (1) the county has not met the intent of
13 LUBA's remand in Southeast Neighbors United v. Deschutes
14 County, ___ Or LUBA ___ (LUBA No. 96-019 November 11, 1997);
15 (2) the site plan approval does not conform to the size
16 requirements of the underlying conditional use permit; (3) the
17 applicant has not met its burden of proof; (4) the approved
18 site plan does not include necessary detail; (5) the record
19 inaccurately reflects petitioners' representations and the
20 county commissioners erroneously interpreted petitioners'
21 testimony; and (6) the underlying conditional use permit
22 expired before the site plan was approved.

23 We find that none of petitioner's assignments of error
24 establish a basis for remand or reversal of the county's
25 decision, and all are, therefore, denied.

26 The county's decision is affirmed.