

FILED

ATO'CLOCK.....M

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

JUN 24 1987

ORDINANCE NO. PA 935

) IN THE MATTER OF REPEALING ORDINANCE
) NO. PA 927, AMENDING THE RURAL
) COMPREHENSIVE PLAN DESIGNATION AND
) ZONING FOR TAX LOT 101, MAP
) 15-12-27.1

County Clerk
For Lane County, Oregon
Stephanie [Signature]

DEPUTY

WHEREAS, the Lane County Board of Commissioners adopted Ordinance No. PA 927, amending the Lane County Rural Comprehensive Plan land use designations and zoning for certain lands within the jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, the Department of Land Conservation and Development and David N. Oliver appealed the adoption of Ordinance No. PA 927 to the Oregon Land Use Board of Appeals; and

WHEREAS, upon our request, the Oregon Land Use Board of Appeals remanded the appeal to Lane County by a Final Opinion and Order of Remand entered on April 29, 1987, a copy of which is attached as Exhibit "A" and incorporated herein.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON, ORDAINS AS FOLLOWS:

1. Ordinance No. PA 927, amending the Rural Comprehensive Plan designation and zoning for tax lot 101, map 15-12-27.1, as enacted by the Board of County Commissioners on December 17, 1986, is hereby repealed.

2. The Rural Comprehensive Plan designation and zoning in effect prior to enactment of Ordinance No. PA 927 shall be revived and shall continue and remain in full force and effect on the effective date of this Ordinance, and thereafter until amended.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Enacted this 17 day of June , 1987.

Bill Rogers
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 5-22-87 Lane County
Stephanie [Signature]
OFFICE OF LEGAL COUNSEL

Judy Waldeman
Recording Secretary for this Meeting of the Board

1 - IN THE MATTER OF REPEALING ORDINANCE NO. PA 927, AMENDING THE RURAL COMPREHENSIVE PLAN DESIGNATION AND ZONING FOR TAX LOT 101, MAP 15-12-27.1

LAND USE BOARD OF APPEALS
APR 29 11 17 AM '87

1 APR 30 1987

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

4 DAVID N. OLIVER and DEPARTMENT)
5 OF LAND CONSERVATION AND)
6 DEVELOPMENT,)

7 Petitioners,)

8 vs.)

9 LANE COUNTY,)

10 Respondent,)

11 and)

12 MR. and MRS. ROBERT MILLER)
13 and MR. and MRS. JAMES MILLER,)

14 Respondents.)

LUBA Nos. 87-001
87-002

FINAL OPINION
AND ORDER OF REMAND

15 Corinne Sherton
16 Mitchell, Lang & Smith
17 530 Center Street, NE
18 Suite 240
19 Salem, OR 97301
20 Attorney for
21 Petitioner Oliver

Stephen L. Vorhes
Assistant County Counsel
Lane County Courthouse
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Respondent County

22 David G. Ellis
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24 Department of Justice
25 100 Justice Building
26 Salem, OR 897310
Attorney for
Petitioner DLCD

James T. Kulla
Kulla & Ronnau, P.C.
4422 Devil's Lake Boulevard
Lincoln City, OR 97367
Attorney for
Respondent Millers

BAGG, Referee; DUBAY, Chief Referee; participated in the decision.

REMANDED

04/29/87

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

1 Bagg, Referee.

2 This matter is before the Board on motion of Respondent
3 Lane County for an order remanding the appeal to the county to
4 reconsider its decision in adopting Ordinance No. PA 927.
5

6 Petitioners, the Department of Land Conservation and
7 Development, and Respondent Millers have no objection to the
8 remand.

9 ..It is ordered the appeal is remanded to Lane County.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Final Opinion and Order of Remand for LUBA Nos. 87-001/002, on April 29, 1987, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

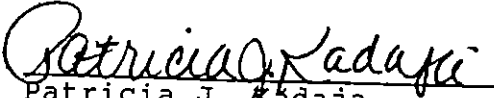
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4422 Devil's Lake Boulevard
Lincoln City, OR 97367

Dated this 29th day of April, 1987.


Patricia J. Kadaja
Administrative Assistant