

## LUBA Case Summaries November 2024

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● ***Early Road, LLC v. Clatsop County* (LUBA No 2024-025, Nov 13, 2024)**  
(Opinion by Rudd, Board Member)

Petitioner appealed a county planning manager decision that a forest template dwelling permit had expired and was no longer valid. Held: Petitioner requested that this appeal be dismissed. Dismissed.

● ***Lennar Northwest, LLC v. City of Woodburn* (LUBA No 2024-059, Nov 13, 2024)**  
(Opinion by Rudd, Board Member)

Petitioner appealed a city development director decision denying petitioner's request for a Land Use Compatibility Statement (LUCS) for onsite sewage disposal. Held: Petitioner requested that this appeal be dismissed. Dismissed.

● ***Hutto v. Jackson County* (LUBA No 2024-056, Nov 13, 2024)**  
(Opinion by Zamudio, Board Chair)

Petitioners appealed a county planning staff decision denying a land use review request for a temporary forest labor camp. Held: Petitioners and the county stipulated in writing to a remand. Remanded.

● ***Steven K. Stewart Revocable Trust v. Lane County* (LUBA Nos 2024-072/073/078/079, Nov 21, 2024)**  
(Opinion by Ryan, Board Member)

Petitioners appealed a series of decisions by county planning staff denying petitioners' attempts to locally appeal a zone map designation change. Held: Petitioners requested that these appeals be dismissed. Dismissed.

● ***Steven K. Stewart Revocable Trust v. Lane County* (LUBA Nos 2024-070/071, Nov 21, 2024)**  
(Opinion by Ryan, Board Member)

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Petitioners appealed a county hearings official’s approval of a zone map designation change. Held: Petitioners requested that these appeals be dismissed. Dismissed.

● ***Columbia Riverkeeper v. Columbia County* (LUBA No 2024-045/046, Nov 26, 2024)**  
(Opinion by Zamudio, Board Chair)

Petitioners appeal a board of commissioners decision approving a conditional use permit for a rail facility in an agricultural zone and a modified site design review for a renewable diesel production facility in a rural industrial zone. Held: The plain meaning of the term “railroad branchline,” as used on OAR 660-012-0065(3)(j), is “a section of the track and roadbed of a railway that is distinct, elongated, narrow, and rather uniform in width that is used for trains to travel a certain route.” *Columbia Riverkeeper v. Columbia County*, LUBA No 2022-039 (Oct 27, 2022). The county did not misconstrue the term “branchline” in approving a single section of rail line used to convey a train over agricultural land to a diesel facility located on rural industrial land. Nothing in the term “branchline” requires the county to consider the entire rail facility, including the portion of the facility in the rural industrial zone, which is not subject to OAR 660-012-0065(3)(j). The applicant bears the burden of satisfying the farm impacts test at ORS 215.296. However, petitioners’ bald assertion that the surrounding area that the county considered was inadequate, without identifying any other additional surrounding lands devoted to farm practices, provides no basis for remand. The county’s conclusion that the modified site design for the renewable diesel production facility satisfies Columbia County Zoning Ordinance 683.1 correctly construed that code provision and the county’s findings are adequate and supported by substantial evidence. Affirmed.

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