

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

3
4 MARCIA JENKINSON and DAN JENKINSON,
5 *Petitioners,*

6
7 vs.

8
9 LANE COUNTY,
10 *Respondent.*

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12 LUBA Nos. 2022-101/102

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14 FINAL OPINION
15 AND ORDER

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17 Appeal on remand from the Court of Appeals.

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19 Zack P. Mittge represented petitioners.

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21 Rebekah Dohrman represented respondent.

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23 ZAMUDIO, Board Member; RYAN, Board Chair, participated in the
24 decision.

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26 RUDD, Board Member, did not participate in the decision.

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28 REMANDED 05/01/2024

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

NATURE OF THE DECISIONS

Petitioners appeal two hearings officer decisions denying petitioners' applications for two legal lot verifications.

BACKGROUND

This matter is on remand from the Court of Appeals. *Jenkinson v. Lane County*, 329 Or App 372, 540 P3d 1126 (2023). We set out the facts in our prior decision and do not restate them here. *Jenkinson v. Lane County*, ___ Or LUBA ___ (LUBA Nos 2022-101/102, July 7, 2023).

SECOND ASSIGNMENT OF ERROR

Petitioners argue that the hearings officer misconstrued applicable law in concluding that two 1961 conveyances constituted an unlawful division of land. We rejected that argument. On judicial review, the Court of Appeals agreed with petitioners. We therefore must sustain this assignment of error and remand for the reasons set out in the court's decision.¹

The county's decision is remanded.

¹ The court's opinion does not require us to revisit the disposition of the first assignment of error.