

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

3
4 FRIENDS OF YAMHILL COUNTY,
5 *Petitioner,*

6
7 vs.

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9 YAMHILL COUNTY,
10 *Respondent,*

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12 and

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14 CARLTON HUB, LLC,
15 *Intervenor-Respondent.*

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17 LUBA No. 2024-009

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19 FINAL OPINION
20 AND ORDER

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22 Appeal from Yamhill County.

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24 Sean T. Malone filed the petition for review and reply brief and argued on
25 behalf of petitioner.

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27 Jodi M. Gollehon filed a joint response brief on behalf of respondent. Also
28 on the brief was Steve Elzinga, Anderson Beals, and Sherman, Sherman, Johnnie
29 & Hoyt, LLP.

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31 Steve Elzinga filed a joint response brief and argued on behalf of
32 intervenor-respondent. Also on the brief was Jodi M. Gollehon, Anderson Beals,
33 and Sherman, Sherman, Johnnie & Hoyt, LLP.

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35 ZAMUDIO, Board Member; RYAN, Board Chair; RUDD, Board
36 Member, participated in the decision.

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REMANDED

06/25/2024

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

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NATURE OF THE DECISION

Petitioner appeals a board of commissioners’ decision approving a conditional use permit for the operation of a commercial activity in conjunction with farm use to allow the sale of wine, beer, other malt beverages, and cider at an existing farm stand on land zoned for exclusive farm use.

ASSIGNMENTS OF ERROR

This appeal concerns substantially similar facts, decision, and legal issues as those in *Friends of Yamhill County v. Yamhill County*, ___ Or LUBA ___ (LUBA No 2024-008, June 25, 2024), in which we issue a final opinion and order on this same date remanding the county’s decision. We remand the county’s decision in this appeal for the same reasons expressed in *Friends of Yamhill County v. Yamhill County*, ___ Or LUBA ___ (LUBA No 2024-008, June 25, 2024).

The county’s decision is remanded.