

LAND USE
BOARD OF APPEALS

BEFORE THE LAND USE BOARD OF APPEALS

JUL 2 12 27 PM '81

OF THE STATE OF OREGON

JAMES S. WITZIG and)	
DAVID C. MALPASS,)	
)	
Petitioners,)	LUBA No. 81-055
)	
v.)	STIPULATED MOTION AND ORDER
)	
LINN COUNTY BOARD)	
OF COMMISSIONERS,)	
)	
Respondent.)	

Upon stipulation and agreement of the parties herein:

IT IS ORDERED that the land use decision being challenged by petitioners in the above-entitled matter be remanded to respondent Linn County.

IT IS FURTHER ORDERED that Linn County Order No. 81-126, which approves a resource-related residence on property owned by participants Gerald and Ann Gruber, is hereby invalidated.

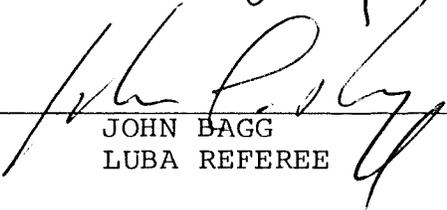
IT IS FURTHER ORDERED that this Order be entered in the files of the Linn County Clerk and that Linn County correct any and all public records to reflect the invalidity of Order No. 81-126.

IT IS FURTHER ORDERED that petitioners be refunded the \$150.00 deposit paid to the Land Use Board of Appeals, and that petitioners recover their \$50.00 filing fee by recovering \$25.00 each from respondent Linn County and participants Gerald and Ann Gruber.

IT IS FURTHER ORDERED that the record as designated in this matter, LUBA No. 81-055, be retained in the record before respondent Linn County on remand; and if review of this matter is again sought before the Land Use Board of Appeals following proceedings on remand

before respondent Linn County, the parties hereto agree to waive the right to be served by Linn County with documents and materials that comprise the record of LUBA No. 80-055.

IT IS HEREBY ORDERED this 2nd day of July, 1981.



JOHN BAGG
LUBA REFEREE

STIPULATED TO AND PRESENTED BY:



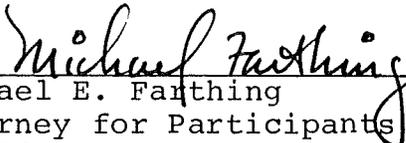
Mark J. Greenfield
Attorney for Petitioners

Dated: June 22, 1981



Edward F. Schultz
Attorney for Respondent Linn County

Dated: June 25, 1981



Michael E. Farthing
Attorney for Participants
Gerald and Ann Gruber

Dated: June 26, 1981