

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

DAVID L. DAVIS,)	
)	
Petitioner,)	LUBA No. 90-009
)	
vs.)	FINAL OPINION
)	AND ORDER
CITY OF BANDON,)	
)	
Respondent.)	

Appeal from City of Bandon.

Dan E. Neal, Eugene, filed the petition for review and argued on behalf of petitioner. With him on the brief was Neal & Eng.

Mark J. Greenfield, Portland, filed the response brief and argued on behalf of respondent. With him on the brief was Mitchell, Lang & Smith.

HOLSTUN, Referee; SHERTON, Chief Referee; KELLINGTON, Referee, participated in the decision.

REVERSED

07/13/90

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

Opinion by Holstun.

NATURE OF THE DECISION

Petitioner challenges Ordinance No. 1257, "AN ORDINANCE RENEWING A MORATORIUM ON CONSTRUCTION AND LAND DEVELOPMENT IN CERTAIN AREAS WITHIN THE CITY OF BANDON * * *." Record 4.

FACTS

In this appeal, petitioner challenges a city decision extending a moratorium initially adopted by the city on December 5, 1989. This second decision imposing a moratorium was followed by two additional moratorium decisions. The fourth moratorium decision was adopted on June 9, 1990 and is effective through December 16, 1990. As noted in our decision issued this date concerning the appeal of the first moratorium by petitioner and others, all four moratorium decisions have been appealed to this Board. Davis v. City of Bandon, ___ Or LUBA ___ (LUBA Nos. 89-153 and 89-159, July 13, 1990).

The city concedes the findings supporting the moratorium challenged in this appeal are not adequate to demonstrate compliance with the relevant statutory criteria and that some of those findings are not supported by substantial evidence. No discussion beyond that already provided in our final opinion and order invalidating the first moratorium in Davis v. City of Bandon, supra, is warranted.

The city's decision is reversed, and the challenged moratorium is invalidated.