

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

3  
4 JOHN WELLS,                               )  
5    )  
6                               Petitioner,                               )  
7    )  
8                               and    )  
9    )  
10 JERRY C. GREEN,                               )  
11    )  
12                               Intervenor-Petitioner,                               )               LUBA  
13 No. 96-167  
14    )  
15                               vs.    )               FINAL OPINION  
16    )                               AND ORDER  
17 CITY OF JEFFERSON,                               )  
18    )                               (MEMORANDUM OPINION)  
19                               Respondent,                               )               ORS 197.835(16)  
20    )  
21                               and    )  
22    )  
23 KEVIN KIKER,    )  
24    )  
25                               Intervenor-Respondent.                               )

26  
27  
28               Appeal from City of Jefferson.

29  
30               John Wells, Jefferson, filed a petition for review and  
31 argued on his own behalf.

32  
33               Jerry C. Green, Salem, filed a petition for review and  
34 argued on his own behalf.

35  
36               Richard D. Rodeman, Corvallis, filed a response brief  
37 and argued on behalf of respondent.

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39               Mark D. Shipman, Salem, filed a response brief and  
40 argued on behalf of intervenor-respondent.

41  
42               HANNA, Chief Referee; LIVINGSTON, Referee, participated  
43 in the decision.

44  
45                               AFFIRMED   12/10/96

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2           You are entitled to judicial review of this Order.

3 Judicial review is governed by the provisions of ORS

4 197.850.

1 Opinion by Hanna.

2 Petitioner appeals the city council's denial of his  
3 application for a conditional use permit and site plan  
4 review for a mobile home park.<sup>1</sup> The city modified two  
5 planning commission findings to provide two bases for its  
6 denial. Petitioner and intervenor-petitioner make three  
7 identical assignments of error.

8 To support denial of a land use permit, a local  
9 government need only establish the existence of one adequate  
10 basis for denial. See Horizon Construction, Inc. v. City of  
11 Newberg, 28 Or LUBA 632, 635 (1995). Because petitioners do  
12 not assign error to the city's findings that the proposal is  
13 not compatible with uses on abutting properties and with the  
14 surrounding neighborhood, we must affirm the city's denial  
15 on that basis.

16 The city's decision is affirmed.

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<sup>1</sup>Intervenor-respondent moves to strike materials attached to petitioner's brief on the ground that they are not part of the record. Intervenor-respondent is correct. The motion to strike is granted.

The city moves to dismiss this appeal based on numerous technical objections to the petition for review. The city does not provide any argument to support this assignment of error. Under ORS 197.835(9)(a)(B), a procedural error is not a basis for reversal or remand unless petitioners' establish that the error caused prejudice to their substantial rights. ONRC v. City of Oregon City, 29 Or LUBA 90, 97 (1995). Because the city has not shown such prejudice, the motion to dismiss is denied.