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1
                BEFORE THE LAND USE BOARD OF APPEALS
 2
                      OF THE STATE OF OREGON
 3
 4
   MICKEY SHAFFER,
                                   )
 5
                                   )
 6
             Petitioner,
 7
 8
        vs.
                                           LUBA No. 95-017
 9
10
   CITY OF SALEM,
11
                                            FINAL OPINION
12
                                              AND ORDER
             Respondent,
                                   )
13
14
        and
15
16
   TOSCO NORTHWEST COMPANY,
17
18
             Intervenor-Respondent.
                                                   )
19
20
21
        On remand from the Court of Appeals.
22
         James L. McGehee, Stayton and Wallace W. Lien, Salem,
23
    represented petitioner.
24
25
26
               Α.
                    Lee, Assistant City Attorney, Salem,
27
    represented respondent.
28
29
        Max M. Miller, Portland, represented intervenor-
30
    respondent.
31
32
                      Chief Referee; GUSTAFSON, Referee,
        LIVINGSTON,
33
    participated in the decision.
34
35
             REMANDED
                                   01/22/96
36
37
         You are entitled to judicial review of this Order.
   Judicial review is governed by the provisions of ORS
38
    197.850.
39
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- 1 Opinion by Livingston.
- On November 15, 1995, the Court of Appeals reversed
- 3 LUBA's opinion dated July 31, 1995, with the following
- 4 comment and instructions:
- 5 "[T]he planning manager had no authority to take
- 6 the action he did, and the city council has not
- 7 yet decided petitioner's pending appeal from the
- 8 hearings officer's decision. Accordingly, the
- 9 proper disposition here is for LUBA to remand the 10 city for further appropriate proceedings."
- Shaffer v. City of Salem, 137 Or App 583, 587, \_\_\_
- 12 P2d (1995).
- 13 This case is remanded to the city for further
- 14 proceedings consistent with the opinion of the Court of
- 15 Appeals.