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

GARFIELD deBARDELABEN and MARIAN )  
deBARDELABEN, )  
 )  
Petitioners, )  
 )  
vs. )  
 ) LUBA No. 95-238  
TILLAMOOK COUNTY, )  
 ) FINAL OPINION  
Respondent, ) AND ORDER  
 )  
and )  
 )  
DARRYL CARTER, )  
 )  
Intervenor-Respondent. )

Appeal from Tillamook County.

Max M. Miller, Portland, filed the petition for review and argued on behalf of petitioners. With him on the brief was Tonkon, Torp, Galen, Marmaduke & Booth.

No appearance by respondent.

Timothy J. Sercombe, Portland, filed the response brief and argued on behalf of intervenor-respondent. With him on the brief was Preston Gates & Ellis.

LIVINGSTON, Referee, HANNA, Chief Referee, GUSTAFSON, Referee, participated in the decision.

AFFIRMED 09/20/96

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

1           Livingston, Referee.

2           Pursuant to the instructions of the Court of Appeals,  
3 the county's approval of intervenor-respondent's application  
4 for a height variance is affirmed. No costs are awarded to  
5 any party.