

1                                   BEFORE THE LAND USE BOARD OF APPEALS

2                                   OF THE STATE OF OREGON

3  
4           JEAN DOMINEY, CARL DOMINEY,            )

5           MARIAN OLSON, and ABEL OLSON,        )

6    )  
7                           Petitioners,            )

8    )  
9                    vs.                            )

10           CITY OF ASTORIA,                    )

11   )  
12   )  
13                           Respondent,            )

14   )  
15                    and                            )

16   )  
17           PHYLLIS B. KOVEN, CAROLYN HAMMER,    )

18           MICHAEL B. HENDERSON and EMILY P.    )

19           HENDERSON,                            )

20   )  
21                           Intervenors-Respondent.    )

LUBA No. 94-223

FINAL OPINION  
AND ORDER

(MEMORANDUM OPINION)  
197.835(16)

22  
23  
24           Appeal from City of Astoria.

25  
26           Jean Dominey, Astoria, filed the petition for review  
27 and argued on her own behalf.

28  
29           Carl Dominey, Marian Olson and Abel Olson, Astoria,  
30 represented themselves.

31  
32           Jeanyse R. Snow, City Attorney, Astoria, filed a  
33 response brief and argued behalf of respondent.

34  
35           Carolyn Hammer, Naselle, Washington, filed a response  
36 brief and argued on her own behalf.

37  
38           Phyllis B. Koven, Michael B, Henderson and Emily P.  
39 Henderson, Astoria, represented themselves.

40  
41           HANNA, Referee; GUSTAFSON, Referee, participated in the  
42 decision.

43  
44                                   AFFIRMED

06/05/96

1           You are entitled to judicial review of this Order.  
2   Judicial review is governed by the provisions of ORS  
3   197.850.

1 Opinion by Hanna.

2 **NATURE OF THE DECISION**

3 Petitioner appeals the city's approval of a conditional  
4 permit to allow a restaurant as an accessory use to an inn.

5 **MOTIONS TO INTERVENE**

6 Phyllis Koven, Michael Henderson, Emily Henderson and  
7 Carolyn Hammer, move to intervene on the side of respondent.

8 The motion is allowed.

9 **DISCUSSION**

10 To the extent any of petitioners' four assignments of  
11 error assert any legally cognizable error, none of them  
12 establishes any legal basis upon which the challenged  
13 decision is subject to remand or reversal.

14 The city's decision is affirmed.