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

JOHN TERDINA,)
)
Petitioner,)
)
vs.)
)
CLATSOP COUNTY,)
)
Respondent,)
)
and)
)
OREGON DEPARTMENT OF)
TRANSPORTATION,)
)
Intervenor-Respondent.)

LUBA No. 97-094

FINAL OPINION
AND ORDER

(MEMORANDUM OPINION
ORS 197.835(16)

Appeal from Clatsop County.

John Terdina, Seaside, filed the petition for review and argued on his own behalf.

Blair Henningsgaard, County Counsel, Astoria, filed a response brief and argued on behalf of respondent.

Lucinda Moyano, Assistant Attorney General, Salem, filed a response brief and argued on behalf of intervenor-respondent. With her on the brief were Hardy Myers, Attorney General, David Schmuman, Deputy Attorney General and Kathryn A. Lincoln, Assistant Attorney General.

HANNA, Administrative Law Judge; LIVINGSTON, Administrative Law Judge, participated in the decision.

AFFIRMED 02/19/98

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

1 Opinion by Hanna.

2 Petitioner appeals the board of county commissioner's
3 (commissioner's) decision affirming the planning commissions
4 approval of a geologic hazard report prepared by the Oregon
5 Department of Transportation (ODOT) for a highway related
6 project. Petitioner makes six assignments of error: (1) The
7 commissioners failed to follow all administrative procedures
8 that petitioner contends were applicable to the local appeal
9 proceeding; (2) the local appeal hearing notices were
10 ambiguous because they did not fully describe the scope of
11 alternatives from which the commissioners could choose in
12 deciding petitioner's appeal from the planning commission
13 decision; (3) there was confusion about the issues that the
14 commissioners were to decide; (4) the planning commission was
15 not an impartial body; (5) evidence in the record did not
16 address all the required criteria; and (6) the commissioners
17 failed to address a complaint regarding an alleged code
18 violation that petitioner considers relevant to the subject
19 appeal.

20 We find that none of petitioner's assignments of error
21 establishes a basis for remand or reversal of the county's
22 decision, and all are, therefore, denied

23 The county's decision is affirmed.