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

DEPARTMENT OF TRANSPORTATION )  
and DEPARTMENT OF LAND )  
CONSERVATION and DEVELOPMENT, )  
Petitioners, )  
vs. )  
COOS COUNTY, )  
Respondent, )  
and )  
MENASHA DEVELOPMENT )  
CORPORATION, )  
Intervenor-Respondent. )

LUBA Nos. 98-038 and 98-039

FINAL OPINION  
AND ORDER

Appeal from Coos County.

Kathryn A. Lincoln, Assistant Attorney General, filed the petition for review and argued on behalf of petitioner Department of Transportation. With her on the brief was Hardy Myers, Attorney General; David Schuman, Deputy Attorney General; Virginia L. Linder, Solicitor General; and Celeste J. Doyle, Assistant Attorney General.

Roger A. Alfred, Assistant Attorney General, filed the petition for review and argued on behalf of petitioner Department of Land Conservation and Development. With him on the brief was Hardy Myers, Attorney General; David Schuman, Deputy Attorney General; and Michael Reynolds, Solicitor General.

No appearance by Coos County.

Steve C. Morasch, Portland, filed the response brief and argued on behalf of intervenor-respondent. With him on the brief was Wendie L. Kellington, Portland.

BRIGGS, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member, participated in the decision.

AFFIRMED 05/19/99

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

1           Opinion by Briggs.

2           This appeal is before us on remand from the Court of Appeals. Department of  
3 Transportation v. Coos County, 158 Or App 568, \_\_\_ P2d \_\_\_ (1999). The Court of Appeals  
4 reversed our decision in Department of Transportation v. Coos County, \_\_\_ Or LUBA \_\_\_  
5 (LUBA No. 98-038/039, October 22, 1998) and instructed us to affirm the county's decision.

6           Accordingly, the county's decision is affirmed.