

LAND USE
BOARD OF APPEALS

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

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MARK HEMSTREET,)
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 Petitioner,)
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 vs.)
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 CITY OF SEASIDE,)
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 Respondent,)
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 and)
)
 JOHN Q. HAMMONS,)
)
 Participant-)
 Respondent.)

LUBA No. 87-096
FINAL OPINION
AND ORDER OF DISMISSAL

Appeal from City of Seaside.

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|--|--|
| Kenneth Eiler Bauske & Eiler P.O. Box 53 Seaside, OR 97138 | Dan Van Thiel Attorney at Law P.O. Box 688 Astoria, OR 97103 |
| Attorney for Petitioner | Attorney for Respondent |
| Steven Pfeiffer Stoels, Rives, Boley Jones & Grey 900 SW 5th Ave., S-2300 Portland, OR 97204 | Dennis P. Rawlinson Miller, Nash, Wiener, Hager & Carlsen 111 SW Fifth Avenue Portland, OR 97204 |
| Attorney for Petitioner | Attorney for Participant- Respondent Hammons |

HOLSTUN, Referee; BAGG, Chief Referee; SHERTON, Referee.

DISMISSED 04/22/88

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

1 Holstun, Referee.

2 This appeal challenges the October 12, 1987 decision of the
3 City of Seaside to comply with a request by the Seaside
4 Improvement Commission to transfer certain property to the
5 Seaside Improvement Commission. For the reasons set forth in
6 our Final Opinion and Order of Dismissal in Hemstreet v.
7 Seaside Improvement Commission, ___ Or LUBA ___ (LUBA No.
8 87-094, April 22, 1988), we conclude the decision of the City
9 of Seaside is not a land use decision subject to our review.

10 Because the city's decision is not a land use decision
11 subject to our review under ORS 197.825(1), this appeal is
12 dismissed.

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