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

JOHN SPATHAS, PATRICIA SPATHAS,)
and NORTHGATE LITHO PRINT, INC.,)
)
Petitioners,)
)
vs.)
)
CITY OF PORTLAND,)
)
Respondent,)
)
and)
)
HARLEY R. JONES and DIANE)
REBAGLIATI,)
)
Intervenors-Respondent.)

LUBA No. 94-155
FINAL OPINION
AND ORDER

On remand from the Court of Appeals.

Charles C. Erwin, Portland, represented petitioners.

Frank Hudson, Deputy City Attorney, Portland,
represented respondent.

Jeffrey L. Kleinman, Portland, represented intervenor-
respondent Jones.

Diane Rebagliati, Portland, represented herself.

SHERTON, Chief Referee, participated in the decision.

REMANDED 04/27/95

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

1 Opinion by Sherton.

2 Pursuant to the instructions of the Court of Appeals,
3 the city's decision is remanded for further proceedings not
4 inconsistent with the Court of Appeals' opinion in Spathas
5 v. City of Portland, 133 Or App 275, ___ P2d ___ (1995).
6 Petitioners are awarded the cost of their filing fee, in the
7 amount of \$50, to be paid by respondent and intervenors-
8 respondent. The Board shall return petitioners' \$150
9 deposit for costs.