1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
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4	MOUNTAIN WEST INVESTMENT CORP.,
5	Petitioner,
6	······ ,
7	and
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9	MILTON ROBINSON,
10	Intervenor-Petitioner,
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12	VS.
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14	CITY OF SILVERTON,
15	Respondent,
16	
17	and
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19	NORTH WATER STREET, LLC,
20	Intervenor-Respondent.
21	•
22	LUBA No. 2000-093
23	
24	FINAL OPINION
25	AND ORDER
26	
27	On remand from the Court of Appeals.
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29	Mark D. Shipman, Salem, represented petitioner.
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31	Donald M. Kelley, Silverton, represented intervenor-petitioner.
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33	Richard D. Rodeman, Corvallis, represented respondent.
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35	E. Michael Connors, Portland, represented intervenor-respondent.
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37	BRIGGS, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,
38	participated in the decision.
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40	REMANDED 09/27/2001
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42	You are entitled to judicial review of this Order. Judicial review is governed by the
43	provisions of ORS 197.850.
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Opinion by Briggs.

This appeal is on remand from the Court of Appeals. Mountain West Investment
Corp. v. City of Silverton, 175 Or App 556, P3d (2001). In our opinion, we addressed
petitioner's second, fourth, seventh, ninth and tenth assignments of error together, as they all
challenged the adequacy of the findings the city adopted to support its decision. In our
opinion, we determined that it was not necessary for us to reach the findings challenges,
because we were remanding the decision to address legal errors in the city's application of its
ordinance. We then denied those assignments of error. Mountain West Investment v. City of
Silverton, 39 Or LUBA 507, 514 (2001).

On appeal, intervenor-petitioner argued that our disposition of the second, fourth, seventh, ninth and tenth assignments of error was a substantive rejection of the assignments of error. The Court of Appeals agreed that our denial of the assignments of error resulted in some confusion regarding their substantive disposition. The court therefore remanded the decision to LUBA to clarify our disposition of petitioner's second, fourth, seventh, ninth and tenth assignments of error. 175 Or App at 567.

We did not mean for our decision to have the effect of ruling on the merits of the above-listed assignments of error. Rather, we found that it was unnecessary for LUBA to address those assignments of error in light of our remand of other portions of the decision. We therefore modify our prior opinion to clarify that point.

The city's decision is remanded.