1	BEFORE THE LAND USE BOARD OF APPEALS
2 3	OF THE STATE OF OREGON
4	BUD MILES AND MILES OIL CO.,
5	Petitioners,
6	<i>i ennoners</i> ,
0 7	VS.
8	۷۵.
9	CITY OF FLORENCE,
10	Respondent,
11	певропает,
12	and
13	
13	SAFEWAY, INC.,
15	Intervenor-Respondent.
16	mervenor Respondent.
17	LUBA No. 2003-007
18	LOBITIO. 2003 007
19	FINAL OPINION
20	AND ORDER
20	
22	On remand from the Court of Appeals.
23	on remain nom the court of repouls.
24	Bill Kloos, Eugene, represented petitioner.
25	Din Roos, Lugene, représenteu peritorier.
26	Emily N. Jerome, Eugene, represented respondent.
27	Limity 14. seronie, Eugene, represented respondent.
28	Steven P. Hultberg, Portland, represented intervenor-respondent.
29	bie ven 1. Hunderg, 1 oftunia, represented mier venor respondent.
30	HOLSTUN, Board Chair; BASSHAM, Board Member, participated in the decision.
31	Hold Fort, Bourd Chair, Briddin Mi, Bourd Meinder, purderpued in the decision.
32	AFFIRMED 05/26/2004
33	
34	You are entitled to judicial review of this Order. Judicial review is governed by the
<i>.</i> .	The are endied to judicial resident of and order. Fudicial resident is governed by the

35 provisions of ORS 197.850.

1	Holstun, Board Chair.
2	In Miles v. City of Florence, 44 Or LUBA 411(2003) we sustained petitioner's second
3	assignment of error concerning Florence City Code (FCC) 10-4-11(2) and remanded the city's
4	decision so that it could interpret and apply the street frontage requirement that is imposed by FCC
5	10-4-11(2). The Court of Appeals reversed our decision on appeal, concluding that petitioner
6	failed to preserve the street frontage issue. Miles v. City of Florence, 190 Or App 500, 79 P3d
7	389 (2003). In accordance with the Court of Appeals' instructions, the city's decision is affirmed.