

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

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4 OREGON COAST ALLIANCE and
5 PHYLLIS CHERRY,

6 *Petitioners,*

7 VS.
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10 CITY OF BAY CITY,
11 *Respondent,*

12 and
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14 DON G. AVERILL,
15 *Intervenor-Respondent.*

16 LUBA No. 2025-057

17
18 FINAL OPINION
19 AND ORDER

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21 Appeal from City of Bay City.
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23 Sean T. Malone represented petitioners.
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25 Armand Resto-Spotts represented respondent.
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27 Michael Kittell represented intervenor-respondent.
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30 ZAMUDIO, Board Chair; BASSHAM, Board Member; WILSON, Board
31 Member, participated in the decision.
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34 REMANDED 02/09/2026
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36 You are entitled to judicial review of this Order. Judicial review is
37 governed by the provisions of ORS 197.850.

Opinion by Zamudio

2 The parties request that the decision challenged in this appeal be remanded.

3 OAR 661-010-0071(2)(e). Accordingly, the decision is remanded. Oral argument

4 previously scheduled for February 24, 2026, at 10:45 AM is canceled.