

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

OREGON COAST ALLIANCE and
PHYLLIS CHERRY,
Petitioners,

vs.

CITY OF BAY CITY,
Respondent,

and

DON G. AVERILL,
Intervenor-Respondent.

LUBA No. 2025-057

FINAL OPINION
AND ORDER

Appeal from City of Bay City.

Sean T. Malone represented petitioners.

Armand Resto-Spotts represented respondent.

Michael Kittell represented intervenor-respondent.

ZAMUDIO, Board Chair; BASSHAM, Board Member; WILSON, Board
Member, participated in the decision.

REMANDED

02/09/2026

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

Opinion by Zamudio

1
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.