

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

3 FRANK STOREY, WILLARD GRAFF,       )  
4 PAT ACKERMAN, DEAN ODENTHAL,     )  
5 HAROLD BRENDEN, and TODD JENSEN, )

6                   Petitioners,        )

7                   vs.                    )

8 CITY OF STAYTON,                    )

9                   Respondent.         )

LUBA No. 86-029

FINAL OPINION  
AND ORDER ON REMAND

10 FRANK STOREY, WILLARD GRAFF,       )  
11 PAT ACKERMAN, DEAN ODENTHAL,     )  
12 HAROLD BRENDEN, and TODD JENSEN, )

13                   Petitioners,        )

14                   vs.                    )

15 CITY OF STAYTON,                    )

16                   Respondent.         )

LUBA No. 86-030

17 Appeal from City of Stayton.

18 Donald M. Kelley  
19 Kelley & Kelley  
20 110 North Second Street  
21 Silverton, OR 97381  
22 Attorney for Petitioners

Judy C. Wolf  
Attorney at Law  
220 SE Denny Street  
Sublimity, OR 97385  
Attorney for Respondent

23 Gregory S. Hathaway  
24 Bauer, Haermann, Fountain & Rhodes  
25 1100 Commonwealth Building  
26 421 SW 6th Avenue  
27 Portland, OR 97204  
28 Attorney for Participants,  
29 Santiam Valley Mall Properties

30 KRESSEL, Chief Referee; BAGG, Referee; DuBAY, Referee.

31 REMANDED

6/10/86

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

1 Appeal from City of Stayton.

2 Respondent City of Stayton moves for an extension of time  
3 for submittal of the record in these appeals. The motion  
4 states that the city "...has identified a need to present the  
5 subject Land Use applications back to the Stayton City Council  
6 to address some procedural issues." Motion at 1.

7 A telephone conference was conducted on June 2, 1986.  
8 During the conference the city indicated that it filed the  
9 motion in order to gain time to adopt additional findings in  
10 support of the challenged decisions.

11 Given the above, we treat the city's motion as a request  
12 that the two decisions be remanded for further action by the  
13 city council. Accordingly, the appeals are remanded.

1 CERTIFICATE OF MAILING

2 I hereby certify that I served the foregoing Final Opinion  
3 and Order of Dismissal for LUBA Nos. 86-029 and 86-030, on June  
4 10, 1986 by mailing to said parties or their attorney a true  
5 copy thereof contained in a sealed envelope with postage  
6 prepaid addressed to said parties or their attorney as follows:

7 Donald M. Kelley  
8 Kelley & Kelley  
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11 Attorney for Petitioners

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22 Dated this 10th day of June, 1986.

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