

1 Opinion by Gustafson.

2 The county moves for a voluntary remand of this appeal.
3 Intervenors-respondent join in the request. The county
4 represents that on remand it will address all issues raised
5 in the petition for review.

6 Petitioner objects to the motion. Petitioner argues
7 that, notwithstanding the county's express representation,
8 the county does not intend to address all issues raised in
9 the petition for review. Petitioner explains that there are
10 two issues in the appeal. According to petitioner, even if
11 the county addresses the first issue, as a matter of law the
12 county cannot resolve it. Petitioner argues the second
13 issue involves a question of state law that the county
14 proposes to "interpret its way around." Petitioner's
15 Objection to Voluntary Remand 2. Petitioner contends that
16 "the county hearings officer, who will have jurisdiction on
17 the matter after remand, does not have the ability to
18 interpret the County's ordinance. * * * Because the hearings
19 officer cannot interpret the county's code, there is no
20 advantage gained by remanding the case." Id.

21 Petitioner cites Gage v. City of Portland, 319 Or 308,
22 313, 872 P2d 1187 (1984) as its authority for the
23 proposition that the hearings officer lacks authority to
24 interpret the county's code. Petitioner's reliance is
25 misplaced. Gage does not restrict a hearings officer's
26 authority to interpret a local code. Rather, as it

1 potentially relates to this case, Gage only affects the
2 standard of review on appeal of the hearings officer's
3 interpretation.

4 As we have previously stated,

5 "unless the particular circumstances of a case
6 make narrowing the issues on remand clearly more
7 important than allowing a local government's
8 request for a voluntary remand of its decision to
9 address each of the issues raised in the petition
10 for review, a motion for voluntary remand should
11 be granted." Hastings Bulb Growers, Inc. v. Curry
12 County, 25 Or LUBA 558, 562 (1993). See also
13 Angel v. City of Portland, 20 Or LUBA 541, 543
14 (1991).

15 In this case, the county has represented that on remand it
16 will address all issues. We do not find persuasive
17 petitioner's arguments as to why she does not trust the
18 county's representation.

19 The county's motion is granted.

20 This appeal is remanded.