



1 Opinion by Bagg.

2 Respondent County has requested this Board remand the above  
3 entitled matter. Petitioner concurs in this request. However,  
4 Participant David E. Whitus objects to the voluntary remand.  
5 Mr. Whitus, who has an interest in property in the affected  
6 area, asks that the case be heard on the merits. As we  
7 understand his concern, if the matter is remanded, the zoning  
8 favored by Mr. Whitus may be changed. The eventual plan and  
9 zone designation of the property may not be acceptable to him.

10 The Board understands from the county that it wishes its  
11 decision regarding this land to be remanded and, as a  
12 consequence, no longer enforceable. Where the maker of a  
13 challenged land use decision believes its decision is in error,  
14 or somehow defective, it is ordinarily not appropriate to force  
15 it to continue to defend the decision. To do so would be to  
16 control the county's legislative process. We therefore grant  
17 the request for remand.

18 Remanded.

19 Petitioner's \$150 deposit for costs shall be returned and  
20 the county is directed to pay the sum of \$50 to petitioner  
21 representing reimbursement of petitioner's filing fee.