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

DENNIS VENABLE and CHERYL)
VENABLE,)
)
Petitioner,)
)
vs.)
)
CITY OF ALBANY,)
)
Respondent,)
)
and)
)
WILEY MTN., INC.,)
)
Intervenor-Respondent.)

LUBA No. 97-239
FINAL OPINION
AND ORDER

Appeal from City of Albany.

George B. Heilig, Corvallis, filed the petition for review and argued on behalf of petitioner. With him on the brief was Cable, Houston, Benedict, & Haagensen.

James V. B. Delapoer, Albany City Attorney, argued on behalf of respondent.

Larry O. Gildea, Eugene, filed a response brief on behalf of intervenor-respondent.

HANNA, Board Member; Gustafson, Board Chair, participated in the decision.

REMANDED 03/31/98

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

1 Opinion by Hanna.

2 Respondent and intervenor-respondent move for a voluntary
3 remand of this appeal. Although the petition for review has
4 already been filed, petitioner does not object to the motion.

5 LUBA will grant a motion to remand a challenged decision
6 that is submitted after the petition for review is filed so
7 long as the respondent represents to the Board that it will
8 consider and address on remand all issues raised in the
9 petition for review. Brugh v. Coos County, 30 Or LUBA 467
10 (1996); Fechtig v. City of Albany, 24 Or LUBA 577 (1993);
11 Mulholland v. City of Roseburg, 24 Or LUBA 240 (1992).
12 Respondent and intervenor-respondent acknowledge "that the
13 terms of the remand should require that the public hearing
14 embrace all of the land use criteria applicable to the
15 requested permit." Motion for Voluntary Remand. We
16 understand respondent to agree that it will consider and
17 address on remand all issues raised in the petition for
18 review.

19 The motion to voluntarily remand this appeal is granted.

20 The city's decision is remanded.