

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

1
2
3
4 PAULA POWELL and LEROY DUNN,)
5)
6 Petitioners,)
7)
8 vs.)
9)
10 JOSEPHINE COUNTY,)
11)
12 Respondent,)
13)
14 and)
15)
16 GARY WALLACE,)
17)
18 Intervenor-Respondent.)
19)

LUBA No. 99-103

FINAL OPINION
AND ORDER

20)
21 MARY WARRICK and SHARON MORRIS,)
22)
23 Petitioners,)
24)
25 vs.)
26)
27 JOSEPHINE COUNTY,)
28)
29 Respondent,)
30)
31 and)
32)
33 GARY WALLACE and LINDA WALLACE,)
34)
35 Intervenor-Respondent.)
36)

LUBA No. 99-119

37
38 Appeal from Josephine County.

39
40 Petitioners Paula Powell and Leroy Dunn represented themselves.

41
42 Gregory S. Hathaway and Christopher Koback, Portland, represented petitioners in
43 LUBA No. 99-119.

44
45 Steven E. Rich, Grants Pass, represented respondent.

1
2
3
4
5
6
7
8
9
10
11

Duane Wm. Schultz, Grants Pass, represented intervenors-respondent.

BASSHAM, Board Member; HOLSTUN, Board Chair; BRIGGS, Board Member, participated in the decision.

REMANDED 10/20/99

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

1 **MOTION TO CONSOLIDATE**

2 Under OAR 661-010-0055, LUBA:

3 "* * * may consolidate two or more proceedings, provided the proceedings
4 seek review of the same or closely related land use decision(s) or limited land
5 use decision(s)."

6 LUBA Nos. 99-103 and 99-119 seek review of the same decision.

7 Accordingly, LUBA Nos. 99-103 and 99-119 shall be consolidated for LUBA review.

8 **MOTION FOR VOLUNTARY REMAND**

9 The county moves for voluntary remand of these consolidated appeals for a "de novo
10 review to provide opportunity for Petitioners to participate in said de novo hearing, and also
11 to address all issues." Motion to Consolidate and Remand 2. The county has not yet filed
12 the record in either case, although the date the record is due in both cases is now past.

13 Neither petitioners nor intervenors-respondent have responded or objected to the
14 county's motion. The county's motion for voluntary remand is granted.

15 These cases are remanded.