

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 CHC DEVELOPMENT, LLC,
5 *Petitioner,*

6
7 vs.

8
9 CITY OF BEND,
10 *Respondent,*

11 and

12
13
14 HOWARD G. ARNETT,
15 *Intervenor-Respondent.*

16
17 LUBA No. 2006-078

18
19 FINAL OPINION
20 AND ORDER

21
22 Appeal from City of Bend.

23
24 Edward P. Fitch, Bend, represented petitioner.

25
26 James HB Forbes, Bend, represented respondent.

27
28 Howard G. Arnett, Bend, represented himself.

29
30 BASSHAM, Board Chair; HOLSTUN, Board Member, participated in the decision.

31
32 REMANDED

07/19/2006

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

1
2
3
4
5
6
7
8
9
10
11
12
13

MOTION TO INTERVENE

Howard G. Arnett (intervenor), an opponent below, moves to intervene in this matter on the side of respondent. There is no opposition to the motion and it is granted.

MOTION FOR REMAND

The parties filed a “Stipulation Allowing for Remand of Appeal.” The pleading contains six “terms of this stipulation” that the parties apparently agree upon. LUBA may affirm, reverse, remand, or dismiss challenged decisions. Unlike circuit courts, LUBA does not enter stipulated judgments or orders. When the parties “stipulate” to a remand of the challenged decision, LUBA will remand the decision, but LUBA does not formally approve or adopt the stipulation, as the parties request in their fifth term of the stipulation. *Boly v. City of Portland*, 40 Or LUBA 537, 542 (2001).

The city’s decision is remanded.