

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

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4 MOLLY JACOBSEN and DANA JACOBSEN,
5 *Petitioners,*

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7 vs.

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9 CITY OF WINSTON,
10 *Respondent,*

11 and

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13 FULLERTON & LEFEVRE,
14 *Intervenor-Respondent.*

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16 LUBA No. 2007-138

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18 FINAL OPINION
19 AND ORDER

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21 Appeal from City of Winston.

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23 Molly Jacobsen, Winston, represented herself.

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25 Zack P. Mittge, Eugene, represented respondent.

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27 James Spickerman, Eugene, represented intervenor-respondent.

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

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32 REMANDED

08/03/2010

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

Petitioners appeal a city decision approving a partition and zone change.

MOTION FOR VOLUNTARY REMAND

On July 12, 2010, the city moved for a voluntary remand of the challenged decision. In its motion, the city agrees to address all errors alleged in petitioners’ petition for review on remand, or to allow the applicant to withdraw the application. Intervenor-respondent does not object to the motion, and has indicated in writing to the city that it intends to withdraw the application during any remand proceedings. Petitioners have not responded to the city’s motion.

LUBA will grant a motion for voluntary remand when the local government agrees to address all the errors alleged in the petition for review. *Angel v. City of Portland*, 20 Or LUBA 541, 543-44 (1991). Because the city agrees to address all the issues raised in the petition for review, the motion is granted.

Accordingly, the city’s decision is remanded and oral argument that was previously scheduled for August 26, 2010 is canceled.