

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

JEAN MARSHALL and STEVE SCHMIDT, )  
 )  
 Petitioners, )  
 )  
 vs. )  
 ) LUBA No. 90-164  
 YAMHILL COUNTY, )  
 ) FINAL OPINION  
 Respondent, ) AND ORDER  
 )  
 and )  
 )  
 CHARLES GYENES, )  
 )  
 Intervenor-Respondent. )

Appeal from Yamhill County.

Peggy Hennessy and Edward J. Sullivan, Portland, represented petitioners.

John M. Gray, Jr., McMinnville, represented respondent.

Jeff Bachrach, Portland, represented intervenor-respondent.

HOLSTUN, Referee; Kellington, Chief Referee; Sherton, Referee, participated in the decision.

REMANDED 04/04/91

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

Opinion by Holstun.

Respondent filed a Motion for Voluntary Remand. Respondent advises the Board that the Board of County Commissioners intends to conduct a de novo hearing in this matter on remand and will "address all allegations of error made by petitioners in the petition for review." Motion for Voluntary Remand 1.

The motion for voluntary remand is allowed. Angel v. City of Portland, \_\_\_ Or LUBA \_\_\_ (LUBA No. 90-108, Order on Motion for Remand, January 16, 1991), slip op 4; Century 21 Properties v. City of Tigard, \_\_\_ Or LUBA \_\_\_ (LUBA No. 89-043, August 16, 1989), slip op 12-13, rev'd on other grounds, 99 Or App 435 (1989).

The county's decision is remanded.