

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

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

WILLIAM MOORE and MARILYN MOORE,)
)
Petitioners,)
)
vs.)
) LUBA No. 94-220
COOS COUNTY,)
) FINAL OPINION
Respondent,) AND ORDER
)
and)
)
FRANK BLACK, RAMONA BLACK, and)
CHARLES H. MARKHAM,)
)
Intervenors-Respondent.)

Appeal from Coos County.

William Moore and Marilyn Moore, Bandon, represented themselves.

David R. Ris, Coquille, represented respondent.

Jerry O. Lesan, Coos Bay,, represented intervenors-respondent.

HOLSTUN, Chief Referee; SHERTON, Referee, participated in the decision.

REMANDED 01/27/95

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

1 Holstun, Chief Referee.

2 Respondent and intervenors-respondent move for
3 voluntary remand "to the Board of Commissioners for Coos
4 County for the purpose of addressing all issues raised in
5 the Assignments of Error contained in Petitioners' brief on
6 appeal."

7 Petitioners object to the motion. Petitioners' first
8 five assignments of error challenge the adequacy of the
9 findings supporting the challenged decision and the
10 evidentiary basis for those findings. Petitioners' final
11 assignment of error alleges bias and certain procedural
12 irregularities, including improper ex parte contacts.

13 None of the errors alleged by petitioner appear to be
14 errors that require that LUBA reverse, rather than remand,
15 the challenged decision. The county could address and
16 correct the errors alleged on remand and, thereby, avoid the
17 necessity for LUBA review. Angel v. City of Portland, 20 Or
18 LUBA 541, 543 (1991). In such circumstances, granting the
19 motion for voluntary remand is appropriate. Id.
20 Petitioners' allegations concerning improper motives do not
21 provide a sufficient basis for denying the motion for
22 voluntary remand. See Hastings Bulb Growers, Inc. v. Curry
23 County, 25 Or LUBA 558, 562, aff'd 123 Or App 642 (1993).

24 The county's decision is remanded.