| 1 | BEFORE THE LAND USE BOARD OF APPEALS |
|----------------|--|
| 2 | OF THE STATE OF OREGON |
| 3 4 5 | MAR-DENE CORPORATION,) |
| 6 7 | Petitioner,) |
| 8 | vs.) |
| 9 10 |) LUBA No. 95-137 CITY OF WOODBURN,) |
| 11 12 |) FINAL OPINION Respondent,) AND ORDER |
| 13 |) |
| 14 15 | and) |
| 16 17 18 | ROBERT A. JENSEN and SHIRLEY) JENSEN,) |
| 19 20 | Intervenors-Respondent.) |
| 21 22 23 | Appeal from City of Woodburn. |
| 24 25 | Bill Kloos, Eugene, represented petitioner. |
| 26 27 | N. Robert Shields, Portland, represented respondent. |
| 28 29 30 | Gregory L. Baird, Portland, represented intervenors-respondent. |
| 31 | GUSTAFSON, Referee; LIVINGSTON, Chief Referee; HANNA, Referee, participated in the decision. |
| 34 35 | REMANDED 08/31/95 |
| 36 37 38 | You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850. |

- 1 Gustafson, Referee.
- On August 18, 1995 the city submitted a "notice of
- 3 withdrawal for reconsideration" of this appeal pursuant to
- 4 ORS 197.830(12)(b) and OAR 661-10-021(1). Petitioner has
- 5 not objected to that notice.
- 6 ORS 197.830(12)(b) and OAR 661-10-021(1) allow a local
- 7 jurisdiction to unilaterally withdraw a decision for
- 8 reconsideration up until the date the record of the local
- 9 proceedings is due. The record in this case was due July
- 10 28, 1995; it was filed July 26, 1995. Neither ORS
- 11 197.830(12)(b) nor OAR 661-10-021(1) allow the city to
- 12 withdraw its decision for reconsideration.
- We will, instead, treat the city's request as a motion
- 14 for voluntary remand of this case, which is granted. See
- 15 Sanchez v. Clatsop County, ___ Or LUBA ___ (LUBA No. 94-122,
- 16 March 10, 1995.)
- 17 The city's decision is remanded.