

1 Opinion by Holstun.

2 **DECISION**

3 Intervenor-respondent requests a voluntary remand of the decision challenged in this
4 appeal. Respondent joins in that motion and represents that the city "agrees to address all
5 issues raised in the petition for review." Response to Objections to Voluntary Remand.
6 Petitioner objects to the motion to voluntary remand.

7 The appropriate inquiry in resolving a motion for voluntary remand over the
8 objection of a petitioner is described in Angel v. City of Portland, 20 Or LUBA 541, 543
9 (1991):

10 "The legislature has clearly expressed an intent that appeals of land use
11 decisions be thoroughly and expeditiously determined by the Board. ORS
12 197.805 and [197.835(11)(a)]. Granting a local government request for
13 remand of an appealed decision, over petitioner's objection, is consistent with
14 this policy of expeditious and complete review only if the local government
15 demonstrates that the proceedings on remand will be capable of providing the
16 petitioner with everything he would be entitled to from this Board. If the
17 local government's request for remand of its decision does not demonstrate
18 that all of the allegations of error made by petitioner in the petition for review
19 will be addressed on remand, it is inappropriate to remand the decision over
20 petitioner's objection." (Citations, emphasis and footnote omitted.)

21 Contrary to petitioner's argument, Brugh v. Coos County, 30 Or LUBA 467, 469 (1996),
22 does not require that LUBA determine "whether a voluntary remand is more likely than
23 LUBA review to result in a thorough and expeditious resolution of the appeal." (Emphasis
24 added.) Objection to Intervenor-respondent's Motion for Voluntary Remand 2. Rather,
25 under Angel, we consider whether (1) all issues presented in the petition for review will be
26 considered on remand and (2) "the proceedings on remand will be capable of providing the
27 petitioner with everything he would be entitled to from this Board." Angel, 20 Or LUBA at
28 543 (emphasis added). In such circumstances, we will grant a motion for voluntary remand
29 over a petitioner's objection unless we conclude LUBA review to narrow the issues is more
30 important or that the motives for the motion for voluntary remand are improper. Mazeski v.

1 Wasco County, 27 Or LUBA 45, 47 (1994); Hastings Bulb Growers, Inc. v. Curry County,
2 25 Or LUBA 558, 561-62, aff'd 123 Or App 642, 859 P2d 1208 (1993); Mulholland v. City
3 of Roseburg, 24 Or LUBA 240, 244 n 3 (1992).

4 We understand the city to represent that it will consider all issues presented in the
5 petition for review, including petitioner's argument that the disputed annexation decision is
6 prohibited as a matter of law. See Murphy Citizens Advisory Committee v. Josephine
7 County, ___ Or LUBA ___ (LUBA No. 95-031, September 14, 1998) (motion for voluntary
8 remand granted over petitioner's objection that the decision was prohibited as a matter of
9 law, where local government agreed to address that issue on remand); Mulholland, 24 Or
10 LUBA at 242 (same). We see no reason why the proceedings on remand could not provide
11 petitioner with everything it would be entitled to from LUBA. Nor do we see any necessity
12 for LUBA review to narrow the issues presented in the petition for review or any suggestion
13 that the motion for voluntary remand is improperly motivated.

14 For the reasons explained above, the city's decision is remanded.¹

¹Petitioner requests that we reconsider our May 12, 1999 order which extended the deadline for respondent and intervenor to file their briefs in this matter until after the motion for voluntary remand is resolved. Because we grant the motion for voluntary remand, reconsidering our May 12, 1999 order would serve no purpose.