

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 LAND WATCH LANE COUNTY

5 and PAULETTE RICHARDS,

6 *Petitioners,*

7  
8 vs.

9  
10 LANE COUNTY,

11 *Respondent,*

12  
13 and

14  
15 LESLIE R. JOHNSON and

16 GEORGIA C. JOHNSON,

17 *Intervenors-Respondent.*

18  
19 LUBA No. 2002-022

20  
21 FINAL OPINION

22 AND ORDER

23  
24 Appeal from Lane County.

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26 Andrew H. Stamp, Portland, filed the petition for review.

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28 Stephen L. Vorhees, Eugene, represented respondent.

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30 Michael E. Farthing, Eugene, represented intervenors-respondent.

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32 BRIGGS, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member,  
33 participated in the decision.

34  
35 REMANDED

06/06/2002

36  
37 You are entitled to judicial review of this Order. Judicial review is governed by the  
38 provisions of ORS 197.850.

1 Opinion by Briggs.

2 On May 17, 2002, intervenors-respondent (intervenors) moved for voluntary remand  
3 of the county's decision. The county did not join in the motion, however, intervenors alleged  
4 that the county did not object to the request for voluntary remand. In addition, intervenors  
5 stated that they believed that petitioners opposed the motion. In an order dated May 22, 2002,  
6 we suspended the appeal and established May 30, 2002, as the deadline for responses to  
7 intervenors' motion. On May 30, 2002, we received a response from the county, where the  
8 county stated:

9 "[Intervenors'] Motion for Remand indicates counsel for Lane County has no  
10 objection [to the motion.] Implicit in the expression of 'no objection' to a  
11 remand was the expectation that all the assignments of error raised by  
12 petitioners would be addressed in some manner. \* \* \* Lane County expects to  
13 consider all of petitioners' assignments of error in any remand proceedings."  
14 Respondent Lane County's Response to Motion for Remand 1.

15 We have held that where a local government agrees to address matters raised in a  
16 petition for review during proceedings on remand, it is appropriate to permit a voluntary  
17 remand even if a party objects to the remand. *Angel v. City of Portland*, 20 Or LUBA 541,  
18 543 (1991); *Mulholland v. City of Roseburg*, 24 Or LUBA 240 (1992). Here, the county has  
19 indicated that it will consider all of the assignments of error contained in the petition for  
20 review.<sup>1</sup> Accordingly, intervenors' motion for voluntary remand is granted.

21 The county's decision is remanded.

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<sup>1</sup>Petitioners did not file a response to intervenors' motion within the time set by our May 22, 2002 order.