

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

3
4 CAROL PADDOCK and PAUL PADDOCK,
5 *Petitioners,*

6
7 and

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9 HARVE PADDOCK and TINA PADDOCK,
10 *Intervenors-Petitioner,*

11
12 vs.

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14 YAMHILL COUNTY,
15 *Respondent,*

16
17 and

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19 GEORGE JOHNSTON and MARIJO JOHNSTON,
20 *Intervenors-Respondent.*

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22 LUBA No. 2002-129

23
24 FINAL OPINION
25 AND ORDER

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27 Appeal from Yamhill County.

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29 Barry Adamson, Lake Oswego, represented petitioners.

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31 Harve Paddock and Tina Paddock, McMinnville, represented themselves.

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33 Fredric Sanai, Assistant County Counsel, McMinnville, represented respondent.

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35 Catherine A. Wright, McMinnville, represented intervenor-respondent.

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37 HOLSTUN, Board Chair; BASSHAM, Board Member; BRIGGS, Board Member,
38 participated in the decision.

39
40 REMANDED

11/26/2002

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

1 Holstun, Board Chair.

2 **MOTIONS TO INTERVENE**

3 George Johnston and Marijo Johnston, the applicants below, move to intervene on the
4 side of the respondent. Harve Paddock and Tina Paddock move to intervene on the side of
5 petitioners. There are no objections to the motions, and they are allowed.

6 **DECISION**

7 Respondent and intervenors-respondent move for voluntary remand of the challenge
8 decision, so that the county may address the issues raised in the petition for review, and
9 represent that petitioners and intervenors-petitioner do not object. The motion is granted,
10 and the county's decision is remanded.

11 Respondent and intervenors-respondent also request that petitioners be awarded costs,
12 in accordance with OAR 661-010-0075(1)(b). That request is granted and petitioners are
13 awarded the cost of their filing fee, in the amount of \$175, to be paid by respondent and
14 intervenors-respondent. The Board shall return petitioners' \$150 deposit for costs.