

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 DEPARTMENT OF LAND CONSERVATION  
5 AND DEVELOPMENT,

6 *Petitioner,*

7  
8 vs.

9  
10 UMATILLA COUNTY,

11 *Respondent,*

12  
13 and

14  
15 CIFF ENTERPRISES,

16 *Intervenor-Respondent.*

17  
18 LUBA No. 2006-152

19  
20 FINAL OPINION

21 AND ORDER

22  
23 Appeal from Umatilla County.

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25 Steven E. Shipsey, Assistant Attorney General, Salem, represented petitioner.

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27 Douglas R. Olsen, Pendleton, represented respondent.

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29 Roger A. Alfred, Portland, represented intervenor-respondent.

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31 BASSHAM, Board Chair; HOLSTUN, Board Member; RYAN, Board Member,  
32 participated in the decision.

33  
34 REMANDED

04/12/2007

35  
36 You are entitled to judicial review of this Order. Judicial review is governed by the  
37 provisions of ORS 197.850.

Opinion by Bassham.

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2 **MOTION TO INTERVENE**

3           CIFF Enterprises (intervenors), move to intervene on the side of respondent in this  
4 appeal. There is no opposition to the motion and it is allowed.

5 **MOTION FOR VOLUNTARY REMAND**

6           The parties request that the decision challenged in this appeal be remanded.  
7 Accordingly, the decision is remanded.

8 **COST BILL**

9           Petitioner requests that the Board not award it the cost of the \$175 filing fee, but that  
10 the Board return the \$150 deposit for costs. Accordingly, petitioner is not awarded the cost  
11 of the filing fee. The Board shall return the \$150 deposit for costs.