

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 JILL PANDIAN, VERSON PANDIAN and  
5 THE NEIGHBORS OF HAMBY ROAD,  
6 *Petitioners,*

7  
8 vs.

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10 DESCHUTES COUNTY,  
11 *Respondent,*

12 and

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14  
15 CHRISTIAN LIFE CENTER,  
16 *Intervenor-Respondent.*

17  
18 LUBA No. 2006-087

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20 CHRISTIAN LIFE CENTER,  
21 *Petitioner,*

22  
23 vs.

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25 DESCHUTES COUNTY,  
26 *Respondent,*

27 and

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29  
30 JILL PANDIAN, VERSON PANDIAN and  
31 THE NEIGHBORS OF HAMBY ROAD,  
32 *Intervenors-Respondents.*

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34 LUBA No. 2006-088

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36 FINAL OPINION  
37 AND ORDER

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39 Appeal from Deschutes County.

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41 Paul D. Dewey, Bend, represented petitioners and intervenors-respondents Jill  
42 Pandian, Verson Pandian and The Neighbors of Hamby Road.

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44 Laurie E. Craghead, Bend, represented respondent.  
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1 Liz Fancher, Bend, represented petitioner and intervenor-respondent Christian Life  
2 Center.

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4 BASSHAM, Board Member; RYAN, Board Chair; HOLSTUN, Board Member,  
5 participated in the decision.

6  
7 REMANDED 09/30/2008

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

1 Bassham, Board Member.

2 **MOTIONS TO INTERVENE**

3 Christian Life Center (intervenor), the applicant below, moves to intervene on the  
4 side of the respondent in LUBA No. 2006-087. There is no opposition to the motion and it is  
5 granted.

6 Jill Pandian, Verson Pandian and the Neighbors of Hamby Road (intervenor) move  
7 to intervene on the side of the respondent in LUBA No. 2006-088. There is no opposition to  
8 the motion and it is granted.

9 **STIPULATED MOTION TO ENTER ORDER OF REMAND**

10 The parties previously stipulated to suspend these consolidated appeals to pursue  
11 mediation. On September 17, 2008, the parties submitted a stipulated motion to enter an  
12 order of remand, pursuant to ORS 197.860.<sup>1</sup> Attached to the motion is the revised decision  
13 that the parties stipulate the county should adopt on remand. The parties also stipulate that  
14 there is no prevailing party in either appeal.

15 Pursuant to ORS 197.860 and the parties' stipulation, the decision is remanded to the  
16 county.

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<sup>1</sup> ORS 197.860 provides:

“All parties to an appeal may at any time prior to a final decision by the Court of Appeals under ORS 197.855 stipulate that the appeal proceeding be stayed for any period of time agreeable to the parties and [LUBA] or court to allow the parties to enter mediation. Following mediation, [LUBA] or the court may, at the request of the parties, dismiss the appeal or remand the decision to the board or the local government with specific instructions for entry of a final decision on remand. If the parties fail to agree to a stipulation for remand or dismissal through mediation within the time the appeal is stayed, the appeal shall proceed with such reasonable extension of appeal deadlines as [LUBA] or the Court of Appeals considers appropriate.”