

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3  
4 NEWPORT HILLS  
5 HOMEOWNERS ASSOCIATION,  
6 *Petitioner,*

7  
8 vs.

9  
10 CITY OF BEND,  
11 *Respondent,*

12  
13 and

14  
15 WESTSIDE CHURCH,  
16 *Intervenor-Respondent.*

17  
18 LUBA No. 2009-039

19  
20 FINAL OPINION  
21 AND ORDER

22  
23 Appeal from City of Bend.

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25 Paul D. Dewey, Bend, represented petitioner.

26  
27 Mary A. Winters, City Attorney, Bend, represented respondent.

28  
29 Liz Fancher, Bend, 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

08/06/2009

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

1 Bassham, Board Chair.

2 **MOTION TO INTERVENE**

3 Westside Church, the applicant below, moves to intervene on the side of respondent  
4 in the above-captioned appeal. No party opposes the motion, and it is granted.

5 **DECISION**

6 The parties request that the decision challenged in this appeal be remanded, pursuant  
7 to ORS 197.860. Accordingly, the decision is remanded. The Board will return petitioner's  
8 \$150 deposit for costs.