

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

3  
4 FLYWATER LLC,  
5 *Petitioner,*

6  
7 vs.

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9 CITY OF SHADY COVE  
10 *Respondent,*

11 and

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13 JANE HAGAN, FORREST REES,  
14 ROGUE RIVERKEEPER,  
15 and ROGUE FLYFISHERS,  
16 *Intervenors-Respondents.*

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18 LUBA No. 2011-004

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20 FINAL OPINION  
21 AND ORDER

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24 Appeal from City of Shady Cove.

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26 Mark S. Bartholomew, Medford, represented petitioner.

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28 Kurt H. Knudsen, Ashland, represented respondent.

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30 Jane Hagan and Forrest Rees, Shady Cove, represented themselves.

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32 Anne C. Davies, Eugene, represented intervenors-respondents Rogue Riverkeeper  
33 and Rogue Flyfishers.

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35 RYAN, Board Chair; BASSHAM, Board Member; HOLSTUN, Board Member,  
36 participated in the decision.

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38 REMANDED

11/04/2011

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

Opinion by Ryan.

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**MOTION FOR VOLUNTARY REMAND**

The challenged decision is the city’s decision denying petitioner’s application for a comprehensive plan amendment and zone change. After petitioner filed the petition for review, the city moved for a voluntary remand of the decision, and agreed to address all issues presented in petitioner’s assignments of error. The city’s motion states that petitioner does not object to the motion.<sup>1</sup> The city’s motion is granted.

The city’s decision is remanded.

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<sup>1</sup> The city’s motion states that intervenors object to the motion. Intervenors, however, have not responded to the city’s motion.