1	BEFORE THE LAND USE BOARD OF APPEALS
2	OF THE STATE OF OREGON
3 4 5	RANDY BATES, Petitioner,
6 7	VS.
8 9 10	CITY OF CASCADE LOCKS, Respondent.
11 12	LUBA No: 99-172
13 14	ORDER
15	On November 23, 1999, respondent filed a Notice of Withdrawal of Decision for
16	Reconsideration. Under OAR 661-010-0021(1) and ORS 197.830(12)(b) such a notice mus
17	be filed on or before the date the record is due. The notice of intent to appeal was filed in
18	this appeal on November 1, 1999. Therefore, the record was due November 22, 1999. The
19	Notice of Withdrawal of Decision for Reconsideration is one day late, and for that reason the
20	decision may not be withdrawn under OAR 661-010-0021(1) and ORS 197.830(12)(b).
21	Although the challenged decision may not be withdrawn pursuant to OAR 661-010
22	0021(1) and ORS 197.830(12)(b), the parties may stipulate to a voluntary remand of the
23	challenged decision. Absent such a stipulation, the city may move for a voluntary remand
24	provided it agrees to address all issues raised in the petition for review. Hastings Bull
25	Growers, Inc. v. Curry County, 25 Or LUBA 558, 561-64 (1993); Mulholland v. City of
26	Roseburg, 24 Or LUBA 240, 241-44 (1992).
27	The city shall have 14 days from the date of this order to file the record or an
28	appropriate motion seeking alternative disposition of this appeal.
29 30 31 32 33	Dated this 30th day of November, 1999.

- 1 Michael A. Holstun
- 2 Board Chair