

MAY 13 2024

BEFORE THE LAND USE BOARD OF APPEALS **County Counsel**
OF THE STATE OF OREGON

1000 FRIENDS OF OREGON,
Petitioner,

and

ANDREA D’AMICO, RANDY CAMPBELL, LILLIAN STONE,
JOHN STONE, TANYA STEELE, and CITY OF TIGARD,
Intervenors-Petitioners,

vs.

WASHINGTON COUNTY,
Respondent.

LUBA Nos. 2024-006/007

ORDER

In these consolidated appeals, petitioner and intervenor-petitioners challenge two county board of commissioners’ decisions. LUBA No. 2024-006 is an appeal of “An Ordinance Amending the Transportation System Plan Element of the Comprehensive Plan Relating to the Extension of Tile Flat Road” (the Ordinance). LUBA No. 2024-007 is an appeal of “Resolution and Order No. 24-9” (the Resolution). The Resolution contains findings supporting the Ordinance.

MOTION TO INTERVENE

On February 29, 2024, the City of Tigard filed separate motions to intervene on the side of petitioner in LUBA No. 2024-006 and LUBA No. 2024-

1 007, but included only one filing fee of \$100 with both of its motions. On March
2 7, 2024, we issued an order requiring the City of Tigard to transmit to LUBA
3 within seven days a second \$100 filing fee, or LUBA would deny the motion to
4 intervene in LUBA No. 2024-007. OAR 661-010-0050(3). On March 13, 2024,
5 the City of Tigard transmitted a second \$100 filing fee. The City of Tigard's
6 motions to intervene in LUBA Nos. 2024-006 and 2024-007 are granted.

7 **RECORD OBJECTIONS**

8 On March 15, 2024, LUBA received the record transmittal in these
9 consolidated appeals. On March 28, 2024, petitioner filed objections to the
10 record. On April 4, 2024, the county filed a response to petitioner's objections,
11 along with an amended record table of contents. The amended record table of
12 contents satisfies petitioner's objections.

13 **BRIEFING SCHEDULE**

14 The record is settled as of the date of this order. In these consolidated
15 appeals, petitioner shall submit a single petition for review, intervenor-petitioner
16 Steele shall submit a single intervenor-petitioner's brief, intervenor-petitioners
17 Andrea D'Amico, Randy Campbell, Lillian Stone, and John Stone shall submit a
18 single intervenor-petitioner's brief, and intervenor-petitioner City of Tigard shall
19 submit a single intervenor-petitioner's brief. The petition for review and
20 intervenor-petitioners' briefs are due 21 days after the date of this order. We
21 encourage petitioner and intervenor-petitioners to coordinate their briefing in
22 order to avoid repetitive and overlapping arguments. Respondent shall submit a

1 single respondent's brief which shall be limited to 15,000 words unless
2 permission for a longer brief is given by the Board. OAR 661-010-0035(2).
3 Respondent's brief shall be due 42 days after the date of this order. The final
4 opinion and order shall be due 77 days after the date of this order.

5 Dated this 7th day of May 2024.

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Michelle Gates Rudd
Board Member

Certificate of Mailing

I hereby certify that I served the foregoing Order for LUBA No. 2024-006/007 on May 7, 2024, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

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Dated this 7th day of May, 2024.

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