



Lane Council of Governments

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April 7, 2005

To: Metropolitan Policy Committee

From: Paul Thompson

Subject: Item 4.g.1.iii: Update on LUBA Notice of Intent to Appeal December 9,
2004 MPC Adoption of 2025 RTP

Action Recommended: None. Information only.

Issue Summary

At the January 13, 2005 MPC meeting, staff presented a status report on the *Notice of Intent to Appeal* filed before the Land Use Board of Appeals of the State of Oregon regarding MPC's adoption of the 2025 Regional Transportation Plan (RTP).

Since that time, the following events have transpired related to this topic:

- 2/22/05 – Lane Council of Governments (LCOG) filed the record (therefore, record objections were due on 3/8/05). *(Please note that since the record spans five volumes and totals more than 1,300 pages, we have not attached it to this memo.)*
- 3/07/05 – Friends of Eugene's (FOE, a plaintiff) attorney conferred with LCOG & Oregon Department of Transportation (ODOT) attorneys regarding aspects of the record, with no record settlement resulting.
- 3/08/05 – LCOG attorney granted FOE a 7-day extension to file its formal objections to the record with LUBA.
- 3/15/05 – FOE filed record objections (see Attachment 1).
- 3/25/05 – LCOG filed response to the record objections and supplemental record (see Attachment 2).

FOE's filing of record objections has suspended the time limit for the filing of its substantive brief. There is no time limit within which LUBA must rule on FOE's record objections. Once LUBA has resolved the record objections, FOE will have 21 days to file their brief. Until that time, we will not know the basis for FOE's appeal.

MPO staff will keep the MPC members informed of developments related to this case.

Attachments:

Attachment 1 – LUBA Record Objections

Attachment 2 – Response to LUBA Record Objections & Supplemental Record