

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

3
4 NO MORE FREEWAYS and JOE CORTRIGHT,
5 *Petitioners,*

6
7 vs.

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9 METRO,
10 *Respondent.*

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12 LUBA No. 2024-001

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14 ORDER

15 Petitioners appeal Metro Council Ordinance No. 23-1496, which is a
16 legislative amendment to Metro’s Regional Transportation Plan with
17 corresponding amendments to the transportation-related Goals and Objectives in
18 Metro’s Regional Framework Plan. We refer to those amendments, collectively,
19 as Metro’s amendments. In an order dated January 19, 2024, the Board granted
20 the parties’ stipulated request that this appeal be suspended to allow the parties
21 additional time to resolve review of Metro’s amendments by the Department of
22 Land Conservation and Development (DLCD). On April 9, 2024, DLCD issued
23 an Order of Dismissal after concluding that it lacked jurisdiction to review
24 Metro’s amendments.

25 On November 5, 2024, we issued an order directing the parties to advise
26 LUBA of the status of the appeal not later than November 26, 2024. On
27 November 26, 2024, Metro filed a notice of related matters, explaining that, on
28 October 3, 2024, Metro filed a petition in Multnomah County Circuit Court,

1 seeking judicial review of the DLCD’s Order of Dismissal. Metro did not request
2 that we reactivate or continue the suspension of this appeal.

3 Petitioners are represented by the same attorney. On November 26, 2024,
4 an individual, who is not petitioner’s attorney of record in this appeal, filed a
5 letter requesting, on behalf of petitioners, that we continue the suspension for an
6 additional 28 days to allow the parties more time to determine how to proceed.
7 That request fails to comply with LUBA’s rules of procedure in several respects.
8 First, the request does not contain a certificate of filing and service showing that
9 a copy of the request was served on all parties. OAR 661-010-0075(2)(b)(A), (C),
10 (D). Second, petitioners’ attorney has not filed a notice of withdrawal or a notice
11 of change of representation. OAR 661-010-012(2), (5). Third, the individual who
12 filed the request has not established that they are an attorney, and an active
13 member of the Oregon State Bar authorized to represent petitioners in this appeal.
14 “An individual shall either appear on their own behalf or be represented by an
15 attorney. A corporation or other organization shall be represented by an attorney.
16 *In no event may a party be represented by someone other than an active member*
17 *of the Oregon State Bar.”* OAR 661-010-0012(1) (emphasis added). Finally, the
18 request is not signed. It contains only a typed name. OAR 661-010-
19 0075(2)(a)(A). Accordingly, the request to continue the suspension is ineffective
20 and is denied, with leave for petitioners’ attorney of record to refile a pleading
21 that complies with our rules of procedure.

1 This appeal will be dismissed without further notice unless the parties file
2 a request to continue the suspension of this appeal, or one or more of the parties
3 requests that the appeal be reactivated, on or before January 14, 2025.

4 Dated this 17th day of December 2024.

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H. M. Zamudio
Board Chair