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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

STATE ex rel. NEW LOOK DEVELOPMENT
LLC, an Oregon limited liability company,

Plaintiff-Relator,

v.

CITY OF LAKE OSWEGO, a municipal
corporation,

Defendant.

Case No. 24CV03746

DEFENDANT CITY OF LAKE OSWEGO'S
MEMORANDUM RE: WHETHER CHAPTER X
IS A "LAND USE REGULATION"

At the February 9, 2024, show cause hearing, the Court took under advisement the question of whether or not Lake Oswego City Charter, Chapter X (Defendant's Exhibit submitted at the hearing), was a "... land use regulations as those terms are defined in ORS 197.015" for the court to consider in determining whether to issue a peremptory writ per ORS 227.179(5).

Defendant's Development Review Commission (DRC) found that Chapter X was not a "land use regulation" for the reasons set forth below and filed with the Defendant's Answer:

- DRC Findings, Conclusion and Order [Defendant's Answer, Exhibit 1-A, PDF pg. 13, line 15 to pg. 15, line 15.];
- Staff Report [Defendant's Answer, Exhibit 1-B, PDF pgs. 38-39 ("*City Charter Chapter X (Section 43) are not land use regulation standards and criteria.*")];
- Staff Memorandum (Evan Boone) dated December 15, 2023 [Defendant's Answer, Exhibit 1-E, PDF pgs. 82-91, and related attachments referenced for legislative history]; and
- Staff Memorandum (Evan Boone) dated December 22, 2023 [Defendant's Answer, Exhibit 1-E, PDF pgs. 131 – 135].

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Dated this 13th day of February, 2024.

LAKE OSWEGO CITY ATTORNEY’S OFFICE



Evan P. Boone, OSB 781518
Deputy City Attorney
Lake Oswego City Attorney’s Office
PO Box 369
Lake Oswego, Oregon 97034
Phone: (503) 635-0225 | Fax: (503) 699-7453
eboone@lakeoswego.city
Attorney for Defendant City of Lake Oswego

CERTIFICATE OF SERVICE

As stipulated to by the parties herein and pursuant to ORCP 9 G, I hereby certify that I accomplished service of a true and correct copy of DEFENDANT CITY OF LAKE OSWEGO'S MEMORANDUM RE: WHETHER CHAPTER X IS A "LAND USE REGULATION", on the parties below on the date and in the manner indicated:

Ezra L. Hammer, OSB No. 203791
Jordan Ramis PC
1211 SW Fifth Ave., Ste. 2700
Portland, Oregon 97204

Of Attorneys for Plaintiff-Relator New Look Development LLC

- Electronic Service to Ezra.Hammer@jordanramis.com
- First-Class U.S. Mail, Postage Prepaid
- Hand-Delivery
- Fax Service to (503) 598-7373
- Fed Ex/UPS Overnight Courier
- Courtesy Emails to: Julie.Stenberg@jordanramis.com Rose.Hendrick@jordanramis.com

Christopher K. Dolan, OSB No. 922821
Jordan Ramis PC
1211 SW Fifth Ave., Ste. 2700
Portland, Oregon 97204

Of Attorneys for Plaintiff-Relator New Look Development LLC

- Electronic Service to Chris.Dolan@jordanramis.com
- First-Class U.S. Mail, Postage Prepaid
- Hand-Delivery
- Fax Service to (503) 598-7373
- Fed Ex/UPS Overnight Courier
- Courtesy Emails to: Julie.Stenberg@jordanramis.com Rose.Hendrick@jordanramis.com

Theresa M. Kohlhoff, OSB No. 80398
7512 N. Berkeley
Portland, Oregon 97203

Attorney for Intervenor Michael Kohlhoff

- Electronic Service to theresakohlhoff@gmail.com
- First-Class U.S. Mail, Postage Prepaid
- Hand-Delivery
- Fax Service to
- Fed Ex/UPS Overnight Courier
- Courtesy Emails to:

DATED: February 13, 2024.

LAKE OSWEGO CITY ATTORNEY'S OFFICE



Evan P. Boone, OSB 781518
Deputy City Attorney
Lake Oswego City Attorney's Office
PO Box 369
Lake Oswego, Oregon 97034
Phone: (503) 635-0225 | Fax: (503) 699-7453
eboone@lakeoswego.city
Attorney for Defendant City of Lake Oswego