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

State et rel. New Look Development))	
LLC)	NO. 24CV03746
Plaintiff, Relator)	ORS 21.135(1), (2)(g), §281
)	MOTION TO INTERVENE
)	
v)	
City of Lake Oswego,)	ORAL ARGUMENT REQUESTED
Defendant.)	

Oral argument is requested. An estimate of the time required for argument is under two hours. Official court reporting services are requested.

Pursuant to ORCP 33 Michael E. Kohlhoff moves the court to allow him to become a party to the above entitled action. He is opposed to the writ which is a position which is adverse to both the plaintiff and defendant.

Intervention is permissive. Intervenor was a person given notice by the plaintiff because he participated in writing in an evidentiary hearing on the application held prior to the filing of the petition for a writ i.e. before the Development Review Commission of the City of Lake Oswego.

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2 Intervention is proper. It will not unduly delay or prejudice the adjudication
3 of the rights of the original parties because both parties are entirely aligned in
4 having the writ issued. The findings and final order from the Development Review
5 Commission are used by the plaintiff as its statement of desired relief. However, the
6 conditions of approval that were specified are not allowed by the local
7 comprehensive plan or land use regulations, including Charter Amendment X,
8 prohibiting such development as proposed: a sewer line through a Nature Preserve.
9 Through no fault of their own, if intervention is not allowed there will otherwise be
10 no testimony that was raised by the Intervenor and the other over 100 opposition
11 testifiers, including the affected Neighborhood Association, who were given notice
12 of the filing of the writ. It can be reasonably assumed that given the short amount
13 of time and the staggering cost of attorneys if they could be had at all, intervening is
14 not in their reach. Mr. Kohlhoff as a retired City Attorney either steps up to give
15 voice to them or none if any of the data or law reflected in the Memorandum will
16 come before the Court in this proceeding. See the court register of actions for the
17 proof of mailing notice by the plaintiff to these persons.
18
19

20 The plaintiff and defendant have had these issues before them for several
21 months, so intervention will not prejudice them.
22

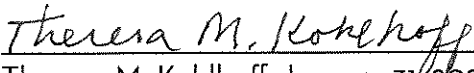
23 PAGE 2 MOTION TO INTERVENE

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2 There is a preliminary issue that the Court does not have jurisdiction over
3 the writ in that there already had been a final action on the application for the
4 permit.

5 A memorandum of law supporting the motion to intervene and the grounds
6 for denying the writ is being concurrently e filed. It was largely written by Michael
7 E. Kohlhoff, but reviewed and adopted by the moving attorney.
8

9 Attached to this Motion is the proposed Motion to Deny Writ which will be
10 filed if Intervention is granted. It relies on the memorandum supporting the motion
11 to intervene as well.
12

13 
14 Theresa M. Kohlhoff, January 31, 2024

15 Prepared and Submitted by:
16 Theresa M. Kohlhoff
17 Attorney for Intervenor
18 Author and Trial Attorney
19 OSB #803981
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PAGE 3 MOTION TO INTERVENE

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FOR THE COUNTY OF CLACKAMAS

State et rel. New Look Development))	
LLC)	NO. 24CV03746
Plaintiff, Relator)	ORS 21.135(1), (2)(g), §281
)	MOTION TO DENY WRIT (PROPOSED)
v)	
City of Lake Oswego,)	ORAL ARGUMENT REQUESTED
Defendant.)	

Oral argument is requested. An estimate of the time required for argument is under two hours. Official court reporting services are requested.

Pursuant to ORCP 33 Michael E. Kohlhoff moved the court to allow him to intervene in the above entitled action. This request was granted. Intervenor is opposed to the writ which is a position which is adverse to both the plaintiff and defendant.

Both parties are entirely aligned in having the writ issued. The findings and final order from the Development Review Commission are used by the plaintiff as its statement of desired relief. However, the conditions of approval that were specified are not allowed by the local comprehensive plan or land use regulations,
PAGE 1 MOTION TO DENY WRIT (PROPOSED)

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1
2 including Charter Amendment X, prohibiting such development as proposed: a
3 sewer line through a Nature Preserve.

4 There is a preliminary issue that the Court does not have jurisdiction over
5 the writ in that there already had been a final action on the application for the
6 permit before the petition of the writ was filed.

7
8 A memorandum of law stating the grounds for denying the writ is attached
9 was largely written by the Intervenor, but reviewed and adopted by the moving
10 attorney.

11
12 15/
Theresa M. Kohlhoff, January 31, 2024

13
14 Prepared and Submitted by:
15 Theresa M. Kohlhoff
16 Attorney for Intervenor
17 Author and Trial Attorney
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23 PAGE 2 MOTION TO DENY WRIT (PROPOSED)

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