

APR 21 3 17 PM '81

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

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NELSON ATKIN and HAROLD HEWITT,))	
Petitioners,)	LUBA No. 80-082
v.)	FINAL OPINION
CITY OF BEAVERTON,)	AND ORDER
Respondent.)	

Appeal from City of Beaverton.

Nelson Atkin and Harold Hewitt, Beaverton, filed a brief and argued the cause on their own behalf.

Michael G. Dowsett, Beaverton, filed a brief and argued the cause for Respondent City of Beaverton.

Robert Stacey, Portland, filed an amicus brief on behalf of 1000 Friends of Oregon.

Cox, Referee; Reynolds, Chief Referee; Bagg, Referee; participated in the decision.

Dismissed. 4/21/81

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of Oregon Laws 1979, ch 772, sec 6(a).

1 COX, Referee.

2 Petitioners filed their petition for review contesting a
3 May 20, 1980 initiative measure approved by Beaverton voters.
4 Ballot Measure 59 presented the question:

5 "Shall Hart Road be required to remain open to
6 accommodate east west traffic rather than be dead
ended?"

7 By voting to require that Hart Road remain open, the citizens
8 of Beaverton amended the Beaverton Comprehensive Plan to
9 eliminate the dead ending provisions for Hart Road contained in
10 that plan.

11 Respondent City of Beaverton moved to dismiss petitioners'
12 petition for review on numerous grounds including that the
13 initiative enactment is not a land use decision within the
14 jurisdiction of this Board. As we have held in League of Women
15 Voters of Oregon v. Washington County, ___ Or LUBA _____
16 (1981) (LUBA NO. 80-164), decided this date, an initiative
17 enactment relating to local government comprehensive plans is
18 beyond the jurisdiction of this Board.

19 For the reasons stated in League of Women Voters of Oregon,
20 supra, we determine this Board is without jurisdiction over the
21 appealed initiative measure and dismiss petitioners' petition
22 for review.

23 Dismissed.

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FOOTNOTE

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This Board requested amicus briefs on this matter from the League of Oregon Cities, Association of Oregon Counties, Bureau of Governmental Research, 1000 Friends of Oregon and the Department of Land Conservation and Development. Only 1000 Friends of Oregon submitted an amicus brief.