

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 JAKE MINTZ, PAUL SCHAEFER,
5 and LAWERENCE BATES,
6 *Petitioners,*

7
8 and

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10 HENRY KANE,
11 *Intervenor-Petitioner,*

12
13 vs.

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15 CITY OF BEAVERTON,
16 *Respondent,*

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18 and

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20 J. PETERKORT AND COMPANY
21 *Intervenor-Respondent.*

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23 LUBA No. 2012-020

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26 JAKE MINTZ, PAUL SCHAEFER,
27 and LAWERENCE BATES,
28 *Petitioners,*

29
30 vs.

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32 CITY OF BEAVERTON,
33 *Respondent,*

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35 and

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37 J. PETERKORT AND COMPANY,
38 *Intervenor-Respondent.*

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40 LUBA Nos. 2012-021,
41 2012-022 and 2012-023

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43 ORDER

1 **MOTIONS TO INTERVENE**

2 Henry Kane moves to intervene on the side of petitioners in LUBA No. 2012-020. J.
3 Peterkort and Company moves to intervene on the side of respondent in LUBA Nos. 2012-
4 020, 2012-021, 2012-022 and 2012-023. There is no opposition to the motions, and they are
5 allowed.

6 **RECORD OBJECTIONS**

7 LUBA received the four-volume record in this consolidated appeal on April 17, 2012.
8 LUBA received what purports to be record objections from intervenor-petitioner (intervenor)
9 Kane on May 1, 2012. However, intervenor's record objections are not really record
10 objections. Instead, intervenor advises LUBA that he has filed a public records request with
11 the city for eight documents. On May 2, 2012 the city provided LUBA with a copy of its
12 response to intervenor's public records request. Based on that response it appears the city has
13 made six of the requested eight documents available to intervenor and explained that the
14 other two requested documents do not exist. The six documents that the city made available
15 to intervenor are included in the record in this appeal. Based on that response, we understand
16 the city to move that the record be settled. We grant the motion.

17 The record is settled as of the date of this order. The petitions for review shall be due
18 21 days from the date of this order. The response briefs shall be due 42 days from the date of
19 this order. The Board's final opinion and order shall be due 77 days from the date of this
20 order.

21 Dated this 9th day of May, 2012.

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Michael A. Holstun
Board Member