

1 BEFORE THE LAND USE BOARD OF APPEALS  
2 OF THE STATE OF OREGON  
3

4 NEIGHBORS FOR LIVABILITY, a non profit  
5 Oregon corporation, ROBERT BEARD, MAURA  
6 MALONE, MARY PETERSON, PATRICIA A.  
7 MAKLIN, MARK JOHN HOLADY, MONICA  
8 HOLADY, MARVIN DOTY and JACK FRANKLIN,  
9 *Petitioners,*

10  
11 vs.

12  
13 CITY OF BEAVERTON,  
14 *Respondent,*

15  
16 and

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18 SORRENTO CONSTRUCTION/BRIAR  
19 DEVELOPMENT COMPANY, JAMES M.  
20 ANDERSON, FLOYD A. HARRINGTON,  
21 JANET FERGUSON, BRYCE E. ADKINS,  
22 STEVEN SANDERS, ALLISON D. BURGETT,  
23 JANE ATHANASAKOS, SHARON DUNHAM,  
24 MARK KALETTA, KEVIN W. TELLER, MARSHA  
25 ANDERSON, VALERIE ADAMS, MARGARET  
26 BARRETT, WAYNE L. BRIDGES, CAROL H.  
27 BRIDGES, JANET RONACHER, RONALD  
28 RONACHER, ALLEN R. SCHROEDER, JOELLA W.  
29 SCHROEDER, DALE A. CHRISTENSEN, ANN L.  
30 BUSH, ARDELL L. BUSH, JOSE SANDOVAL,  
31 ALLEN T. SHELBY, CATHERINE M. ANDERSON,  
32 PETER W. BARRETT, JOHN P. JACOBS, ROBERT  
33 ALVARADO, SUSAN FRANICH, PAUL FRANICH,  
34 KATHERINE L. ALVARADO, TOM GILROY, JOAN  
35 GILROY, GORDON DAMRON, LISA SANDERS,  
36 DEBORAH K. DAMRON, DEAN DERRAH, KATHY  
37 DERRAH, SEOG H. LEE, JOANNE COONROD,  
38 PATRICIA E. HALL, DUANE W. HALL, SHELLEY  
39 BOYER, REBECCA WELLING, DAVID K. HIU,  
40 DARIN D. HONN, LINDA M. PHILLIPS-HONN,  
41 M. KATHLEEN LORENTZ, WANDA SPEERSTRA,  
42 GARY SPEERSTRA, ROBERT D. JOHNSON,  
43 HIDEKO KOJIMA, PEGGY HESS, TOD HESS,  
44 KAREN SUGIYAMA, JAMES A. BURGETT,  
45 VICTOR GALLEGOS, CORINE GALLEGOS,

1 LARRY C. KNISS, GLEN G. INSELMAN,  
2 STEPHEN J. FRYBARGER, MARILYN J. ADKINS,  
3 RICHARD L. KRIKAVA, HEATHER E. FRITH,  
4 SUSAN FLOETER, HOLLY A. MOON, BILL FRITH,  
5 STEVE MOON, DAVID TOYER, MARIE  
6 BARZEN, EILEEN JOY KRAVETZ, ANNE  
7 FAHLBUSCH, GEORGIA RANDLE, NICK  
8 ATHANASAKOS, LISA MICHAELS and  
9 ROBERT D. BOCK,  
10 *Intervenors-Respondent.*

11  
12 LUBA No. 99-036

13  
14 FINAL OPINION  
15 AND ORDER

16  
17 On remand from the Court of Appeals.

18  
19 Jeffrey L. Kleinman, Portland, represented petitioners.

20  
21 William J. Scheiderich, Beaverton, represented respondent.

22  
23 Jack L. Orchard, Portland, and Ball Janik LLP represented intervenor-respondent  
24 Sorrento Construction/Briar Development Company.

25  
26 James M. Anderson, Beaverton, represented himself.

27  
28 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,  
29 participated in the decision.

30  
31 REMANDED

08/25/2000

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33 You are entitled to judicial review of this Order. Judicial review is governed by the  
34 provisions of ORS 197.850.

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Opinion by Holstun.

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This matter is before us on remand from the Court of Appeals. In *Neighbors for Livability v. City of Beaverton*, 37 Or LUBA 408 (1999), we rejected petitioners’ six assignments of error. On appeal, the Court of Appeals affirmed our decision with regard to five of those assignments of error. *Neighbors for Livability v. City of Beaverton*, 168 Or App 501, \_\_\_ P2d \_\_\_ (2000). However, the court “reversed and remanded with instructions to remand to the city on the basis of the third assignment of error[.]” *Id.* at 507.

In accordance with the Court of Appeals’ decision, the third assignment of error is sustained, and the city’s decision is remanded.