

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

3  
4                   KATHRYN J. PHILLIPS,  
5                   *Petitioner,*

6  
7                   vs.

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9                   CITY OF CORVALLIS,  
10                  *Respondent.*

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12                  LUBA No. 2025-060

13  
14                  ORDER

15                Petitioner appeals a city council decision approving a comprehensive plan  
16 amendment adopting the West Hills Road Corridor Plan.

17                On November 21, 2025, the city transmitted an original and one copy of  
18 the record to LUBA in electronic format on two flash drives and served petitioner  
19 an electronic copy of the record on one flash drive. On December 11, 2025, we  
20 issued an order granting petitioner's request for an eight-business-day extension  
21 to file record objections and denying petitioner's request that the city serve them  
22 a paper copy of the record.

23                In multiple subsequent filings, petitioner contends that they have no  
24 reasonable way to access their electronic copy of the record in this appeal.  
25 Petitioner states that they took the flash drive to a commercial printing and  
26 shipping shop, and the file was too large to print. Petitioner states that they were  
27 unable to print the record, but that they were able to print the record table of  
28 contents and certificate of filing and mailing. Petitioner submitted a photo of what

1 appears to be a computer screen with a flash drive inserted and the following  
2 message: “The size of the selected document exceeds the maximum allowable  
3 file size of 50 megabytes. Please ask staff for assistance.” Petitioner’s Record  
4 Objection Ex B.

5         The city emphasizes that it is not required to provide petitioner a paper  
6 copy of the record and suggests that petitioner may utilize public resources, such  
7 as a library, to access the electronic record that the city provided on the flash  
8 drive. Response to Petitioner’s Motion for Extension of Time 2-3. While we have  
9 agreed with the city that OAR 661-010-0025(2) (Jan 15, 2025) does not require  
10 the city to provide petitioner a paper copy of the record, the city is required to  
11 provide petitioner a usable copy of the record. *Mar-Dene Corporation v. City of*  
12 *Woodburn*, 32 Or LUBA 481, 483 (1997) (explaining that our rules require the  
13 local government to provide a record that is reasonably usable by LUBA and the  
14 parties). An electronic record is not usable if it is not reasonably accessible.

15         We take at face value petitioner’s assertion that they are unable to  
16 reasonably access the electronic record that the city has provided them. Petitioner  
17 asserts, and we agree, that petitioner must have access to a usable copy of the  
18 record in order to review the record, identify record objections, work with the  
19 city to resolve record objections, and then prepare the petition for review. We  
20 sustain petitioner’s objection to the format of the electronic record. Within 14  
21 days of this order, the city shall provide petitioner with an electronic copy of the  
22 record on multiple flash drives with file sizes no larger than 50 megabytes. The

1 city shall contemporaneously file with LUBA a copy of a cover letter for service  
2 of the record to petitioner on multiple flash drives. Petitioner shall file any  
3 objections to the record within 14 days of service of the record.

4       Petitioner's multiple filings raise a variety of procedural and legal issues.  
5 This order addresses only petitioner's objection to the *format* of the service copy  
6 of the record and petitioner's inability to access and review the service copy of  
7 the record. If petitioner objects to the *content* of the record—after petitioner  
8 obtains access to the record and reviews the record—then petitioner shall file  
9 record objections within 14 days of service of the record. The Board will not  
10 consider petitioner's filings received by the Board prior to the date of this order  
11 as objections to the content of the record.

12       Dated this 15th day of January 2026.  
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18       H. M. Zamudio  
          Board Chair