

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

3
4 GINA SATHER and KIM FIFE,
5 *Petitioners,*

6
7 vs.

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9 CITY OF ECHO,
10 *Respondent.*

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12 LUBA No. 2026-022

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14 ORDER

15 **BACKGROUND**

16 Petitioners appeal an ordinance adopting amendments to the city's
17 comprehensive plan and development code. In an order dated June 17, 2026, we
18 ordered the city to transmit the record to LUBA and serve a copy of the record
19 on petitioners not later than June 24, 2026, and notified the parties that the Board
20 would schedule a video conference with the parties if the city failed to transmit
21 and serve the record. As of this date, LUBA has not received a copy of the record
22 and the city has not complied with OAR 661-010-0025(2).

23 On June 29, 2026, we issued an order scheduling a show cause hearing via
24 video conference on July 7, 2026 at 10:30 a.m. for counsel for the city to explain
25 the city's failure to comply with OAR 661-010-0025(2) and LUBA's related
26 notice and order, and for the parties to show cause why LUBA should not resolve

1 the appeal in the absence of a record. Lead petitioner Sather appeared at the show
2 cause hearing and the city did not appear.¹

3 **RECORD**

4 The city has failed to transmit the record and has failed to show cause why
5 LUBA should not resolve this appeal in the absence of a record. Accordingly,
6 LUBA will proceed to consider petitioners' challenges without a record.
7 Petitioners' petition for review must include a copy of the challenged decision,
8 including any adopted findings of fact and conclusions of law. Petitioners may
9 append other relevant materials to the petition for review.

10 **BRIEFING SCHEDULE**

11 The record is settled as of the date of this order. The petition for review
12 shall be due 21 days after the date of this order. Respondent's brief shall be due
13 42 days after the date of this order. The final opinion and order shall be due 77
14 days after the date of this order.

15 Dated this 8th day of July 2026.

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H. M. Zamudio
Board Chair

¹ Sather explained that they were open to the idea of mediating the dispute with the city. The Board informed Sather that the parties may stipulate that the appeal proceeding be suspended to allow the parties to enter mediation, and that would require the parties to file a stipulated motion to suspend the appeal.