

**LANE TRANSIT DISTRICT
RESOLUTION NO. 2003-049**

A Resolution Responding to the Remand of LTD Resolution No. 2002-028

A. In July 2002, the City of Eugene, the City of Springfield, Lane County and Lane Transit District (the "local governments") took actions that collectively amended TransPlan. Lane Transit District ("LTD") took action to amend the TransPlan by adopting Resolution No. 2002-028.

B. The amendments were made in response to a request from the Oregon Department of Transportation ("ODOT") to enable ODOT to proceed with plans to construct the West Eugene Parkway in a modified alignment.

C. The local governments' actions were appealed to the Land Use Board of Appeals ("LUBA"). On March 24, 2003, LUBA issued its decision upholding the local governments' action on most of the issues raised by the petitioners, but remanding the actions based on four of the issues raised by petitioners. Only three of those issues are relevant to LTD's action.

D. The petitioners appealed LUBA's decision to the Court of Appeals. On August 27, 2003 the Court of Appeals affirmed LUBA's decision, without providing a written opinion. The petitioners did not seek the Supreme Court's review of the Court of Appeals' decision. The appellate judgment of the Court of Appeals became effective October 7, 2003 and LUBA issued a notice of appellate judgment on October 8, 2003 that indicated the appellate judgment required no change to the earlier LUBA decision.

E. None of the issues on remand require the local governments to reopen the record for additional evidence or to adopt additional findings. Instead, for each of the issues remanded by LUBA, the local governments need only describe the findings already adopted in support of the actions taken or, as necessary, provide additional explanation of evidence in the record that supports the findings already adopted.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Lane Transit Board of Directors responds to the remand of Resolution 2002-028 with the Remand Response and Explanation of Findings contained in the Exhibit A attached and incorporated herein by this reference.

Adopted by the Lane Transit Board of Directors on the 17th the day of December, 2003.

December 17, 2003
Date


Board Secretary

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