## 1 BEFORE THE LAND USE BOARD OF APPEALS 2 OF THE STATE OF OREGON 3 4 TOM AND KELLEY BRUGGERE, 5 6 Petitioners. 7 8 VS. 9 LUBA No. 99-091 10 CLACKAMAS COUNTY, 11 ORDER ON MOTION TO FILE A REPLY BRIEF 12 Respondent, 13 14 and 15 16 TRAVIS J. VEENKER, 17 18 Intervenor-Respondent. 19 20 21 On August 19, 1999, the Department of Land Conservation and Development 22 (DLCD) filed a state agency brief, pursuant to ORS 197.830(7) and OAR 661-010-0038. 23 DLCD's brief supports petitioners' position. The state agency brief was filed one day after 24 respondent filed his brief with the LUBA. On August 25, 1999, intervenor-respondent filed a 25 motion requesting permission to file a reply brief, claiming that arguments may have been 26 raised in the state agency brief that were not raised in the petition for review. 27 In the past, we have permitted parties to file briefs responding to issues raised in state 28 agency briefs, where the parties would not otherwise have the opportunity to address those issues. See Citizens for Florence v. City of Florence, Or LUBA (LUBA No. 98-029, 29 30 Order on Motion to Dismiss, July 13, 1998), Craven v. Jackson County, 16 Or LUBA 808, 31 811 (1988). 32 33

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4	Intervenor-respondent's motion is granted. Respondent and Intervenor-responden
5	shall have 14 days from the date of this order to file briefs responding to the state agency
6	brief.
7	Dated this 2nd day of September, 1999.
8 9 10 11 12 13 14 15	Anne Corcoran Briggs Board Member
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