

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

3
4 ALLIANCE FOR RESPONSIBLE LAND USE
5 IN DESCHUTES COUNTY,

6 *Petitioner,*

7
8 and

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10 F. DUANE LEE, FRIENDS OF TRAPPER POINT,
11 DENNY EBNER, MARILYN EBNER, JEROME FORSTER,
12 JANET FORSTER, ROY SCHULKE and TONI SCHULKE,

13 *Intervenors-Petitioner,*

14
15 vs.

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17 DESCHUTES COUNTY,

18 *Respondent,*

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20 and

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22 BARCLAY MEADOWS BUSINESS PARK, LLC,
23 SISTERS SCHOOL DISTRICT NO. 6 and
24 CITY OF SISTERS,

25 *Intervenors-Respondent.*

26
27 LUBA Nos. 2001-027 and 2001-028

28
29 ORDER DENYING REQUEST TO
30 EXCEED 50-PAGE LIMITATION

31 The petition for review in this appeal is 40 pages long and includes 17 assignments of
32 error. Two additional petitions for review have been filed by intervenors-petitioner. One of
33 those petitions for review is 15 pages long and includes three assignments of error. The other
34 petition for review is 24 pages long and includes three assignments of error.

35 Respondent's and intervenors-respondent's brief are due May 17, 2001. On May 14,
36 intervenors-respondent filed a motion requesting permission to exceed the 50-page limitation
37 imposed by OAR 661-010-0030(2)(b). In that motion, intervenors-respondent do not
38 indicate whether the other parties in this appeal oppose the request and they do not indicate
39 how many additional pages they request. For those reasons, the request is denied.

1 Notwithstanding our decision to deny intervenors-respondent's request for advance
2 permission to file a brief of unspecified length, in view of the number of petitions for review
3 and the collective number of pages contained in those briefs, it is possible the Board would
4 allow intervenors-respondent or respondent a reasonable number of additional pages to
5 respond to the petitions for review. In view of the short time remaining for intervenors-
6 respondent to obtain advance permission to file a brief in excess of 50 pages, we will proceed
7 as follows:

- 8 1. On or before May 17, 2001, intervenors-respondent or respondent may
9 file a motion requesting permission to file a brief in excess of 50
10 pages. That motion must explain why the 50 pages allowed for the
11 intervenors-respondent's brief and the 50 pages allowed for the
12 respondent's brief are an insufficient number of pages to present an
13 adequate response to the petitions for review. The motion(s) shall be
14 filed with the proposed brief(s).
- 15 2. On or before May 24, 2001, any party opposing the motion may file a
16 response.
- 17 3. In the event the Board denies intervenors-respondent's or respondent's
18 motion, the Board's order will allow seven days to file a brief that does
19 not exceed 50 pages.

20 Oral argument remains scheduled for June 7, 2001, at 11:00 a.m. If additional time is
21 required to accomplish the above, the Board will reschedule oral argument.

22 Dated this 14th day of May, 2001.
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30 Michael A. Holstun
Board Member