

1 BEFORE THE LAND USE BOARD OF APPEALS  
2 OF THE STATE OF OREGON  
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4  
5 PAUL E. FOLAND and CONSTANCE J. FOLAND,  
6 *Petitioners,*

7  
8 vs.  
9

10 JACKSON COUNTY,  
11 *Respondent,*

12  
13 and

14  
15 OREGON DEPARTMENT OF TRANSPORTATION,  
16 *Intervenor-Respondent.*

17  
18 LUBA No. 2009-109

19  
20 DANIEL FOLLIARD, JAMES McINTOSH, LOIS LANGLOIS,  
21 DAN BATY, JOHN EASTER and MICHAEL BIANCO,  
22 *Petitioners,*

23  
24 vs.  
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26 JACKSON COUNTY,  
27 *Respondent,*

28  
29 and

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31 OREGON DEPARTMENT OF TRANSPORTATION,  
32 *Intervenor-Respondent.*

33  
34 LUBA No. 2009-112

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36 ALLEN BAKER, JOHN WEISINGER,  
37 STEVEN STOLZER, JEAN MORGAN, MICHAEL MORGAN,  
38 SUZANNE FREY and GAIL ZARO,  
39 *Petitioners,*

40  
41 vs.  
42

43 JACKSON COUNTY,  
44 *Respondent,*

1 and

2  
3 OREGON DEPARTMENT OF TRANSPORTATION,  
4 *Intervenor-Respondent.*

5  
6 LUBA No. 2009-113

7 ORDER

8 In these consolidated appeals, three petitions for review have been filed. Petitioners  
9 Paul and Constance Foland filed a petition for review totaling 50 pages; petitioners Folliard  
10 *et al* filed a petition for review totaling 21 pages, and petitioners Baker *et al* filed a petition  
11 for review totaling 43 pages. Intervenor-respondent Oregon Department of Transportation  
12 (ODOT) moves for permission to file a response brief that exceeds fifty pages but will not  
13 exceed 114 pages, the total of all pages of all petitions for review.<sup>1</sup> Petitioners Folliard and  
14 Baker object to the motion.

15 As we explained in *Leach v. Lane County* 45 Or LUBA 733, 735 (2003):

16 “Consolidation of separate appeals under [LUBA’s] rules is a matter of  
17 administrative convenience for the parties and the Board, and does not affect  
18 the legal relations of the parties to each other or to the matters appealed.”

19 Because there are three separate appeals in this consolidated appeal proceeding and  
20 petitioners have filed separate petitions for review in each of those three appeals, respondents  
21 would be entitled under our rules to file three separate response briefs, with a combined total  
22 of as many as 150 pages. ODOT’s request to file a single responding brief of no more than  
23 114 pages will likely eliminate duplication, result in fewer pages of responsive briefing for  
24 LUBA and the parties to read and allow a more efficient response to the three separate  
25 petitions for review. ODOT’s motion is granted.

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<sup>1</sup> The county has informed the Board and the parties that it will not file a response brief.

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Dated this 8<sup>th</sup> day of March, 2010.

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Melissa M. Ryan  
Board Member