

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

3
4 LAURA UNDERWOOD,
5 *Petitioner,*

6
7 vs.

8
9 CLACKAMAS COUNTY,
10 *Respondent,*

11
12 and

13
14 ALEXANDER PAVICH,
15 *Intervenor-Respondent.*

16
17 LUBA No. 2019-075

18
19 ORDER

20 **MOTION TO INTERVENE**

21 Alexander Pavich (intervenor), the applicant below, moves to intervene on
22 the side of the county. The motion is granted.

23 **ORAL ARGUMENT**

24 Oral argument in this appeal is currently scheduled for October 29, 2019
25 at 1:00 p.m.. On October 14, 2019, LUBA received petitioner's motion to
26 reschedule oral argument. In the motion, petitioner states that petitioner's attorney
27 is unavailable on October 29, 2019 due to a long-standing commitment. Pursuant
28 to OAR 661-010-0040(3), petitioner sought consent from the other parties prior
29 to requesting a change in the date for oral argument. Petitioner proposed to

1 intervenor and the county that oral argument be rescheduled to either November
2 12, 2019 or November 19, 2019.¹

3 According to petitioner's declaration in support of her motion, intervenor
4 agrees to reschedule, and as of October 7, 2019, was available on both dates
5 proposed by petitioner. The county also agrees to the motion, but only if oral
6 argument is rescheduled to November 19, 2019.

7 Oral argument is rescheduled to November 19, 2019 at 1:00 p.m. The
8 Board's deadline for issuance of the final opinion and order shall be extended by
9 an equal number of days. OAR 661-010-0067(5).

10 Dated this 15th day of October, 2019.
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15 _____
16 Melissa M. Ryan
Board Member

¹ It is not clear from petitioner's motion whether, prior to proposing those two dates to the other parties, petitioner contacted LUBA to obtain specific available dates for rescheduling oral argument. LUBA's docket is busy, and the best practice when seeking to reschedule oral argument is to contact LUBA to first obtain several alternate available oral argument dates and times to propose to other parties. Otherwise, there is no guarantee that a date that all parties have agreed to will be available, and in that circumstance, the Board will deny the request to reschedule oral argument.