

DESCHUTES COUNTY LEGAL COUNSEL

DAVID DOYLE Legal Counsel ■388-6625

TO: BOCC

Date: April 15, 2015

RE: COID - LUBA Appeal

File No. TA 13-4

Attached please find the Notice of Intent to Appeal submitted to LUBA by legal counsel for COID.

Staff seeks direction from the BOCC as to how to proceed.

Options include:

- \* voluntary remand
- \* motion to dismiss
- \* preparation of Record/ defend BOCC action/inaction

1	BEFORE THE LAND USE BOARD OF APPEALS OF THE STATE OF OREGON	
2	OF THE GIAL	E Of OREGON
3	CENTRAL OREGON IRRIGATION DISTRICT,	
4	Petitioner,	
5	ν.	LUBA No. 2015
6	DESCHUTES COUNTY,	
7	Respondent.	
8	1	'
9	NOTICE OF INTENT TO APPEAL	
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11	I.	
12	Notice is hereby given that Petitioner intends to appeal the land use decision made by	
13	Respondent Deschutes County in file number TA-13-4. The decision became final for	
14	purposes of appeal on March 25, 2015. The decision, bearing the title Text Amendment	
15	(TA) 13-4, denied a text amendment proposal submitted by Central Oregon Irrigation	
16	District, which would have allowed operation, maintenance, and piping of existing irrigation	
17	systems as an outright permitted use in the SR-2.5 zone. This appeal is filed on or before the	
18	21st day after the decision became final and is therefore timely. OAR 661-010-0015.	
19	Petitioner participated orally and in writing before the Respondent.	
20	II.	
21	The state of the s	
22	Steven W. Abel Stoel Rives LLP 900 SW 5th Avenue, Suite 2600 Portland, OR 97204 (503) 294-9599	
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NOTICE OF INTENT TO APPEAL

1	III.		
2	Respondent, Deschutes County, has as its mailing address and telephone number:		
3	Deschutes County, P.O. Box 6005, Attn: BoCC, Bend, Oregon 97708-6005, Telephone		
4	4 Number: (541) 388-6570; Facsimile Number (541) 385-3202 and has, as its legal counsel:		
5	David Doyle		
6			
7	(541) 388-6625		
8	TX7		
9	IV.		
7	1300 NW Wall Street, Suite 205 Bend, OR 97701		

Other persons mailed written notices of the land use decision or limited land use

11 decision by Deschutes County, as indicated by its records in this matter, include:

12	Central Oregon Irrigation District	Tom Hignell
13	c/o Craig Horrell	20965 Country View Lane
13	1055 SW Lake Court Redmond, OR 97756	Bend, OR 97701
14	Redinand, OK 97750	
15	Brian R. Sheets	Joette Storm
13	Schroeder Law Offices P.C.	63214 Brightwater Drive
16	1915 NE Cesar E. Chavez Blvd.	Bend, OR 97701
	Portland, OR 97212	
17	-	
1.0	Sheryl Mondt	Thomas Casey
18	63298 Brightwater Drive	21115 Scottsdale Drive
19	Bend, OR 97701	Bend, OR 97701
20	Robert Rector	Jeff Perrault
20	63380 Brightwater Drive	20980 Country View Lane
21	Bend, OR 97701	Bend, OR 97701
	Dona, Oil 77701	Bond, Oit 77701
22	Aleta Warren	Ron and Joy Minnice
23	63535 Overtree Road	63330 Brightwater Drive
23	Bend, OR 97701	Bend, OR 97701
24		
	Del Swan	Pat Kliewer
25	63575 Overtree Road	60465 Sunridge Drive
26	Bend, OR 97701	Bend, OR 97702
20		

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1	Trace Tipton	Greg and Sue Vernon	
2	21000 County View Lane	63385 Old Deschutes Road	
2	Bend, OR 97701	Bend, OR 97701	
3			
	Gary Jones	Matt and Suzanne Gadow	
4	63370 Brightwater Drive	63425 Overtree Road	
5	Bend, OR 97701	Bend, OR 97701	
3	Y' 101 0 1		
6	Jim and Sherry Curl		
	63545 Overtree Road		
7	Bend, OR 97701		
8			
	NOTICE:		
9	9		
10	Anyone designated in paragraph IV of this Notice who desires to participate as a		
10			
11	party in this case before the Land Use Board of Appeals must file with the Board a Motion to		
	Intervene in this proceeding as required by OAR 661-010-050.		
12			
13	DATED: April 15, 2015.	TOEL RIVES LLP	
13	2	TOEL RIVES LLP	
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15	<del></del>	De la constantina della consta	
16		Pavid E. Filippi, OSB No. 965095	
	·	teven W. Abel, OSB No. 831375	
17	A	ttorneys for Petitioner	
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- 2 I hereby certify that on April 15, 2015, I filed the original of this Notice of Intent to
- 3 Appeal, together with two (2) copies, with the Land Use Board of Appeals, DSL Building,
- 4 775 Summer Street NE Suite 330, Salem, Oregon 97301-1283, by certified mail, return
- 5 receipt.
- I further certify that on April 15, 2015, I served a true and correct copy of this Notice 6
- 7 of Intent to Appeal by first-class mail on the following persons:

8	David Doyle	Deschutes County
9	Deschutes County Legal Counsel	Attn: BoCC
	1300 NW Wall Street, Suite 205 Bend, OR 97701	P.O. Box 6005 Bend, Oregon 97708-6005
10	Bend, OK 9/701	Benu, Oregon 97708-0003
11	Brian R. Sheets	Tom Hignell
11	Schroeder Law Offices P.C.	20965 Country View Lane
12	1915 NE Cesar E. Chavez Blvd.	Bend, OR 97701
	Portland, OR 97212	
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19	Bend, OR 97701	Bend, OR 97701
20	Bend, Ok 77701	Bend, OK 57701
	Del Swan	Ron and Joy Minnice
21	63575 Overtree Road	63330 Brightwater Drive
22	Bend, OR 97701	Bend, OR 97701
44	Trace Tipton	Pat Kliewer
23	21000 County View Lane	60465 Sunridge Drive
٠.	Bend, OR 97701	Bend, OR 97702
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STOEL RIVES LLP 900 SW Fifth Avenue. Suite 2600, Portland, OR 97204 *Main* (503) 224-3380 Fax (503) 220-2480

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CERTIFICATE OF FILING AND SERVICE Page 1

	1	Gary Jones	Greg and Sue Vernon
		63370 Brightwater Drive	63385 Old Deschutes Road
	2	Bend, OR 97701	Bend, OR 97701
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•	3	Jim and Sherry Curl	Matt and Suzanne Gadow
		63545 Overtree Road	
	4		63425 Overtree Road
	5	Bend, OR 97701	Bend, OR 97701
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	7		STOEL RIVES LLP
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	9		David E. Filippi, OSB No. 965095
202			Steven W. Abel, OSB No. 831375
97.2	10		Steven W. Moei, OBB 110, 051575
<b>STOEL RIVES LLP</b> 900 SW Fifth Avenue, Suite 2600, Portland, OR 97204 <i>Main</i> (503) 224-3380 Fαx (503) 220-2480			Attorneys for Petitioner
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