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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

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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

STOEL RIVES LLP  
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BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

CENTRAL OREGON IRRIGATION  
DISTRICT,

Petitioner,

v.

DESCHUTES COUNTY,

Respondent.

LUBA No. 2015-\_\_\_\_\_

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NOTICE OF INTENT TO APPEAL

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I.

Notice is hereby given that Petitioner intends to appeal the land use decision made by Respondent Deschutes County in file number TA-13-4. The decision became final for purposes of appeal on March 25, 2015. The decision, bearing the title Text Amendment (TA) 13-4, denied a text amendment proposal submitted by Central Oregon Irrigation District, which would have allowed operation, maintenance, and piping of existing irrigation systems as an outright permitted use in the SR-2.5 zone. This appeal is filed on or before the 21st day after the decision became final and is therefore timely. OAR 661-010-0015. Petitioner participated orally and in writing before the Respondent.

II.

Petitioner is represented by:

David E. Filippi  
Steven W. Abel  
Stoel Rives LLP  
900 SW 5th Avenue, Suite 2600  
Portland, OR 97204  
(503) 294-9599

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III.

Respondent, Deschutes County, has as its mailing address and telephone number:  
 Deschutes County, P.O. Box 6005, Attn: BoCC, Bend, Oregon 97708-6005, Telephone  
 Number: (541) 388-6570; Facsimile Number (541) 385-3202 and has, as its legal counsel:

David Doyle  
 Deschutes County Legal Counsel  
 1300 NW Wall Street, Suite 205  
 Bend, OR 97701  
 (541) 388-6625

IV.

Other persons mailed written notices of the land use decision or limited land use  
 decision by Deschutes County, as indicated by its records in this matter, include:

Central Oregon Irrigation District c/o Craig Horrell 1055 SW Lake Court Redmond, OR 97756	Tom Hignell 20965 Country View Lane Bend, OR 97701
Brian R. Sheets Schroeder Law Offices P.C. 1915 NE Cesar E. Chavez Blvd. Portland, OR 97212	Joette Storm 63214 Brightwater Drive Bend, OR 97701
Sheryl Mondt 63298 Brightwater Drive Bend, OR 97701	Thomas Casey 21115 Scottsdale Drive Bend, OR 97701
Robert Rector 63380 Brightwater Drive Bend, OR 97701	Jeff Perrault 20980 Country View Lane Bend, OR 97701
Aleta Warren 63535 Overtree Road Bend, OR 97701	Ron and Joy Minnice 63330 Brightwater Drive Bend, OR 97701
Del Swan 63575 Overtree Road Bend, OR 97701	Pat Kliewer 60465 Sunridge Drive Bend, OR 97702

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1 Trace Tipton 21000 County View Lane Bend, OR 97701	Greg and Sue Vernon 63385 Old Deschutes Road Bend, OR 97701
3 Gary Jones 63370 Brightwater Drive Bend, OR 97701	Matt and Suzanne Gadow 63425 Overtree Road Bend, OR 97701
6 Jim and Sherry Curl 63545 Overtree Road Bend, OR 97701	

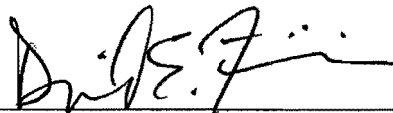
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NOTICE:

Anyone designated in paragraph IV of this Notice who desires to participate as a 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.

DATED: April 15, 2015.

STOEL RIVES LLP



David E. Filippi, OSB No. 965095  
Steven W. Abel, OSB No. 831375

*Attorneys for Petitioner*

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1 **CERTIFICATE OF FILING AND SERVICE**

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.

6 I further certify that on April 15, 2015, I served a true and correct copy of this Notice  
7 of Intent to Appeal by first-class mail on the following persons:

8 9 10	David Doyle Deschutes County Legal Counsel 1300 NW Wall Street, Suite 205 Bend, OR 97701	Deschutes County Attn: BoCC P.O. Box 6005 Bend, Oregon 97708-6005
11 12 13	Brian R. Sheets Schroeder Law Offices P.C. 1915 NE Cesar E. Chavez Blvd. Portland, OR 97212	Tom Hignell 20965 Country View Lane Bend, OR 97701
14 15	Sheryl Mondt 63298 Brightwater Drive Bend, OR 97701	Joette Storm 63214 Brightwater Drive Bend, OR 97701
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18 19 20	Aleta Warren 63535 Overtree Road Bend, OR 97701	Jeff Perrault 20980 Country View Lane Bend, OR 97701
21 22	Del Swan 63575 Overtree Road Bend, OR 97701	Ron and Joy Minnice 63330 Brightwater Drive Bend, OR 97701
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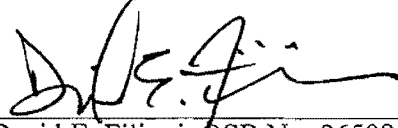
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