

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

Report

4 DEPARTMENT OF LAND
5 CONSERVATION AND DEVELOPMENT

LUBA Case No. 2011-109 ✓

6 Petitioner,

NOTICE OF INTENT TO APPEAL

7 v.

8 JEFFERSON COUNTY,

NOV 22 '11 PM 1:37 LUBA

9 Respondent.

10 NOTICE OF INTENT TO APPEAL

11 I.

12 Notice is hereby given that Petitioner, Department of Land Conservation and Development
13 (“DLCD”), intends to appeal that post-acknowledgement plan amendment of Respondent
14 Jefferson County designated Ordinance No. 0-162-11 and entitled “IN THE MATTER OF AN
15 AMENDMENT TO THE JEFFERSON COUNTY COMPREHENSIVE PLAN MAP AND
16 ZONING MAP FOR PROPERTY DESCRIBED AS T 11S R 14E SECTION 18 TAX LOT 101
17 AND T 11S R 14 E SECTION 19 TAX LOTS 1091 AND 1092” which Respondent mailed to
18 DLCD pursuant to ORS 197.615 on November 2, 2011, and which involves a plan map and
19 zoning map amendment from Exclusive Farm Use and RL to Rural Residential and RR-10.
20

21 II.

22 Petitioner Department of Land Conservation and Development is represented by Erin
23 Donald and Steven Shipsey, Assistant Attorneys General, Oregon Department of Justice, 1162
24 Court Street NE, Salem, OR 97301 and telephone number of 503-947-4500.

25 III.

26 Respondent, Jefferson County has as its mailing address and telephone number:

Jefferson County Board of Commissioners, 66 SE “D” Street, Madras, OR 97741, and telephone

1 number 541-475-2449 and has as its legal counsel: Heidi Bauer, Jefferson County Assistant
2 Legal Counsel, 66 SE "D" Street, Madras, OR 97741 telephone number 541-475-4462.

3 IV.

4 Applicants, James C. and Laura M. Smith, PO Box I, Madras, OR 97741, were
5 represented in the proceeding below by:

6 Paul F. Sumner	Donald Reeder
7 P.O. Box 16	205 SE 5th Street
8 Madras, OR 97741	Madras, OR 97741

9 As indicated by its records in this matter, Jefferson County mailed written notice of the
10 land use decision to the following parties:

11 James C. and Laura M. Smith	Kris Werner
12 1522 SE Grizzly Road	1033 NW Newport Ave.
13 Madras, OR 97741	Bend, OR 97701

14 Donald Reeder	1000 Friends of Oregon
15 205 SE 5th Street	Attn: Pam Hardy
16 Madras, OR 97741	115 NW Oregon Ave. #21
	Bend, OR 97701

17 Paul F. Sumner	Jefferson County Building Department
18 P.O. Box 16	66 SE "D" Street
19 Madras, OR 97741	Madras, OR 97741

20 ODOT	ODOT
21 Attn: Ana Jovanovic	Attn: Rod Cathcart
22 63085 N Hwy 97, Ste. 107	63085 N Hwy 97, Ste. 107
23 Bend, OR 97701	Bend, OR 97701

24 City of Madras	ODOT
25 Attn: Nick Snead	Attn: Bill Hilton
26 71 SE "D" Street	63055 N Hwy 97, Bldg K
Madras OR 97741	Bend, OR 97701

27 DLCD
28 Attn: Jon Jinings
29 888 NW Hill Street
30 Bend Oregon 97701

V.

1 Purchase order #70287 in the amount of \$400.00 is enclosed with this notice for filing
2 fees and costs.
3

4 NOTICE: Anyone designated in paragraph IV of this Notice who desires to participate as
5 a party in this case before the Land Use Board of Appeals must file with the Board a Motion to
6 Intervene in this proceeding as required by OAR 661-010-0050.

7 DATED this 22nd day of November 2011.

8 Respectfully submitted,

9 JOHN KROGER
10 Attorney General


11 

12 Steven Shipsey, OSB #944350
13 Erin Donald OSB #042730
14 Assistant Attorneys General
15 Of Attorneys for Department of Land
16 Conservation and Development
17 State of Oregon
18
19
20
21
22
23
24
25
26

1 CERTIFICATE OF FILING

2 I hereby certify that on November 22, 2011, I filed the original NOTICE OF INTENT TO
3 APPEAL, together with two copies, with the Land Use Board of Appeals, 550 Capitol Street N.E.
4 Salem, Oregon, 97310, by hand delivery.

5 DATED this 22nd day of November 2011.

6 

7 Erin Donald OSB #042730
8 Steven Shipsey, OSB #944350
9 Assistant Attorneys General

CERTIFICATE OF MAILING

I hereby certify that on November 22, 2011, I served a true and correct copy of the NOTICE OF INTENT TO APPEAL, by first class mail in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

Heidi Bauer
Jefferson County Assistant Legal Counsel
66 SE "D" Street
Madras, OR 97741

Jefferson County Board of Commissioners
66 SE "D" Street
Madras, OR 97741

Donald Reeder
205 SE 5th Street
Madras, OR 97741

James C. and Laura M. Smith
1522 SE Grizzly Road
Madras, OR 97741

Paul F. Sumner
P.O. Box 16
Madras, OR 97741

Kris Werner
1033 NW Newport Ave.
Bend, OR 97701

1000 Friends of Oregon
Attn: Pam Hardy
115 NW Oregon Ave. #21
Bend, OR 97701

Jefferson County Building Department
66 SE "D" Street
Madras, OR 97741

ODOT
Attn: Ana Jovanovic
63085 N Hwy 97, Ste. 107
Bend, OR 97701

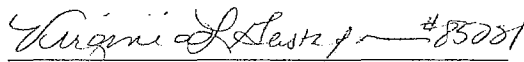
ODOT
Attn: Rod Cathcart
63085 N Hwy 97, Ste. 107
Bend, OR 97701

City of Madras
Attn: Nick Snead
71 SE "D" Street
Madras OR 97741

ODOT
Attn: Bill Hilton
63055 N Hwy 97, Bldg K
Bend, OR 97701

DLCD
Attn: Jon Jinings
888 NW Hill Street
Bend Oregon 97701

DATED this 22nd day of November 2011.


Erin Donald OSB #042730
Steven Shipsey, OSB #944350
Assistant Attorney General