

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

JAN 10 '13 4:11:27 LUBA

4 DEPARTMENT OF LAND
5 CONSERVATION AND DEVELOPMENT

6 Petitioner,

7 v.

8 CROOK COUNTY,

9 Respondent.

LUBA Case No. 2013-007

NOTICE OF INTENT TO APPEAL

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11 NOTICE OF INTENT TO APPEAL

12 I.

13 Notice is hereby given that Petitioner, Department of Land Conservation and
14 Development (“DLCD”), intends to appeal that post-acknowledgement plan amendment of
15 Respondent Crook County designated Ordinance No. 259 and entitled “An ordinance amending
16 Title 18 of the Crook County Code and Chapter IX-Natural Resources/Hazards and Development
17 Limitations of the Crook County Comprehensive Plan” which Respondent mailed to DLCD
18 pursuant to ORS 197.615 on December 21, 2012, and which involves a comprehensive plan text
19 amendment, a land use regulation amendment, and a Big Game Habitat map adoption.

20 II.

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

24 III.

25 Respondent, Crook County has as its mailing address and telephone number: Crook County
26 Community Development Department, 300 NE Third Street, Room 12, Prineville, OR 97754, and

1 telephone number 541-447-8156 and has as its legal counsel: Jeff Wilson, Crook County Legal
2 Counsel, 203 NE Court Street, Prineville, OR 97754 telephone number 541-416-3919.

3 IV.

4 As indicated by its records in this matter, Crook County mailed written notice of the land
5 use decision to the following parties:

6 Shorty Harper 7 2728 NE Carriage Lane Prineville, OR 97754	Wayne Rice 6501 SE Cedar Drive Prineville, OR 97754	Dacthone and Pat Clement 5920 NE Cerysa Lane Prineville, OR 97754
8 Gerhard and Christine Berger 9 16750 NE Sealy Springs Road 10 Prineville, OR 97754	Eric Blaine 688 S Main Street, #24 Prineville, OR 97754	Shawn Zumwalt 1645 NE Forbes Road, Ste 112 Bend, OR 97701
11 Walt Wagner 12 7598 SW Stillman Powell Butte, OR 97753	John Morgan PO BOX 668 Prineville, OR 97754	John Westling 3502 NW O'Neil Highway Prineville, OR 97754
13 C. Gordon and Jane Aggers 14 4166 SE Tillamook Loop Prineville, OR 97754	Mike Puddicombe 7941 SW McDonald Drive Powell Butte, OR 97753	Jerry and Darlene Harpster 1040 NE Bitterbrush Road Prineville, OR 97754
15 Mel Harper 16 PO BOX 252 17 Prineville, OR 97754	Ron Ward 911 3 rd Street Prineville, OR 97754	Craig Brookhart PO BOX 776 Prineville, OR 97754
18 Craig and Cathy Kilpatrick 19 13790 NW O'Neil Highway Redmond, OR 97756	Paul D Dewey, Attorney at Law 1539 NW Vicksberg Avenue Bend, OR 97701	John and Lynne Breese 3315 SE Paulina Highway Prineville, OR 97754
20 Brian Ferry 21 ODFW Office Paulina Highway 22 2042 SE Paulina Highway Prineville, OR 97754	Steve Niemela ODFW Office Paulina Highway 2042 SE Paulina Highway Prineville, OR 97754	Jon Jining, DLCD 650 Columbia Avenue Bend, OR 97701
23 Ken Taylor 24 2200 NW Century Drive Prineville, OR 97754	Dock Kerbow 6811 SE Scenic Drive Prineville, OR 97754	Jodie Fleck 44000 SE Shotgun Road Post, OR 97752
25 Al and Sue Tannock 26 PO BOX 237 Prineville, OR 97754	Dave and Barbara Vieu 13801 NW Ochoco Highway Prineville, OR 97754	Brad Peterson 447 NW Harwood Street Prineville, OR 97754

1 Dan Hammond
2 1725 Melrose Drive
3 Prineville, OR 97754

Tom Case
941 SE Rancho Lane
Madras, OR 97741

Plan Amendment Specialist
DLCD
635 Capital Street NE, Ste 150
Salem, OR 97301-2540

4 V.

5 Purchase order #70566 in the amount of \$400.00 is enclosed with this notice for filing
6 fees and costs.

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

10 DATED this 10th day of January 2013.

11
12 Respectfully submitted,

13 ELLEN ROSENBLUM
14 Attorney General

15
16 
17 Steven Shipsey, OSB #944350
18 Assistant Attorney General
19 Of Attorneys for Department of Land
20 Conservation and Development
21 State of Oregon
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Expedite

PURCHASE ORDER - CRO STATE OF OREGON	SHOW THIS NUMBER ON ALL PAPERS AND PACKAGES PERTAINING TO THIS ORDER PURCHASE ORDER B 70566
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SHIP TO DLCD	P.O. Date
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FISCAL YEAR	DELIVERY REQUIRED	F.O.B
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BILL TO DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT ATTN: Accounts Payable 635 Capitol St. NE, Suite 150 Salem, OR 97301-2524	CRO Price Agreement NUMBER Purchase Method <input type="checkbox"/> PO <input type="checkbox"/> CRO <input type="checkbox"/> SPOTS/VISA <input type="checkbox"/> TRANSMITTAL Completed <input type="checkbox"/> Electronically/On Line <input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> Other
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VENDOR NAME AND ADDRESS (Mail warrants to) LUBA 550 Capitol St. NE Ste 235 Salem, OR 97301-2552	PHONE # 503-373-1265	FAX #	INSTRUCTIONS TO VENDOR ALL INVOICES MUST CARRY THIS PURCHASE ORDER NUMBER. PREPAY ALL TRANSPORTATION CHARGES UNLESS OTHERWISE STATED. IF TRANSPORTATION IS BILLED AS SEPARATE ITEM, RECEIPTED FREIGHT BILL MUST ACCOMPANY INVOICE. STATE IS NOT SUBJECT TO FEDERAL EXCISE TAX.
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THIS ORDER IS SUBJECT TO THE TERMS STATED HEREON AND ON THE REVERSE SIDE.	TERMS	AGENCY # 66000
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ITEM NO.	DESCRIPTION	ORDERED	QUANTITY UNIT	REC'D	UNIT PRICE	TOTAL PRICE
	Notice of Intent to appeal a local land use decision approved and adopted as Crook County Ordinance 259 to the Land Use Board of Appeals					400 ⁰⁰

RECEIVED BY	DATE RECEIVED	TOTAL
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I certify the above items are within budget allowances and are authorized by the Department of Administrative Services and Agency Policy

ORDERED BY Rob Hallyburton	TITLE CSD Mgr	PHONE 503-373-0050 x239	DATE 1-8-13
APPROVED BY 	TITLE Dep. Dir.	PHONE " " x280	DATE 1-8-13

COST DISTRIBUTION "PCA" 21100	PURPOSE LUBA Appeal Crook Cty Due ASAP.
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VENDOR	OTHER PRICE QUOTES RECEIVED	PRICE QUOTED

AUTHORIZED AGENT (Purchasing Unit) FOR ITEMS OVER \$5,000 SIGNATURE	PHONE
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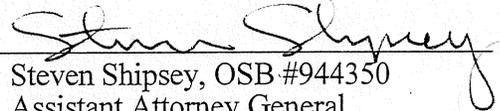
Below is for the Fiscal Unit Only

Item No.	Object Code	Amount	Vendor ID No.

1 CERTIFICATE OF FILING

2 I hereby certify that on January 10, 2013, 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 10th day of January 2013.

6 
7 Steven Shipsey, OSB #944350
8 Assistant Attorney General
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CERTIFICATE OF MAILING

I hereby certify that on January 10, 2013 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:

Shorty Harper 2728 NE Carriage Lane Prineville, OR 97754	Wayne Rice 6501 SE Cedar Drive Prineville, OR 97754	Dacthone and Pat Clement 5920 NE Cerysa Lane Prineville, OR 97754
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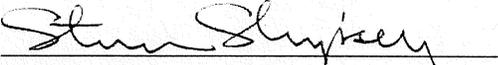
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Crook County Community
Development Department
300 NE Third Street, Room 12
Prineville, OR 97754

Jeff Wilson, Attorney at Law
Crook County Legal Counsel
203 NE Court Street
Prineville, OR 97754

DATED this 10th day of January 2013.


Steven Shipsey, OSB #944350
Assistant Attorney General