HARDY MYERS
Attorney General

PETER D. SHEPHERD
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

DEPT OF
SEP 18 2007
LAND CONSERVATION
AND DEVELOPMENT

September 17, 2007

TO ALL INTERESTED PARTIES
And
Kelly Burgess
Land Use Board of Appeals
PUC Building
550 Capitol Street N.E., Suite 235
Salem, OR 97301-2552

Re: DLCD v. Douglas County / LUBA No. 2007-176
Filed September 11, 2007
DOJ No. 660-010-GN4486-07

The Notice of Intent to Appeal (NITA) in the above-referenced matter was filed with LUBA on September 11, 2007, and mailed to interested parties on the same date. It has come to our attention that the mailing incorrectly included the NITA filed the same day on DLCD v. Jefferson County. Please disregard that enclosure and find the correct copy of the NITA filed in DLCD v. Douglas County, LUBA No. 2007-176.

We apologize for any inconvenience this may have caused you. Should you have any questions, please let us know.

Sincerely,

Steven Shipsey
Assistant Attorney General
Natural Resources Section

SXS:tmc/GENV3364
Enclosures
cc: Cora Parker, DLCD
Douglas County Counsel
Carmel Bender, DLCD

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT, Petitioner, v. DOUGLAS COUNTY, Respondent.	PO # B70042 LUBA No. 2007-176 SEP11'07 PM 3:32 LUBA

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that petitioner, the Department of Land Conservation and Development ("DLCD"), intends to appeal that land use decision of Respondent Douglas County, designated Order Planning Dept. File No. 070-005 and entitled "Re: Dan & Dick Langdon, request for a Land Partition to divide a 241.39 acre parcel zoned Exclusive Farm Use-Grazing into three parcels of 37 +/- acres, 80.90 +/- acres and 123.49 +/- acres, as a result of a Measure 37 Claim Waiver Approval on Scotts Valley Road southeast of Yoncalla. PD File No. 07-005." The challenged decision is characterized as an approval of the Planning Director's Decision that the Measure 37 Claim Waiver granted by the State and County to Percy Langdon, now deceased, is an asset of Percy Langdon's Estate, and that his sons, Dan Langdon and Dick Langdon, as the Court-appointed Personal Representatives of his Estate, are entitled to exercise the Measure 37 Claim approval via the subject Land Partition. The county adopted the challenged decision on August 22, 2007. A copy of the challenged decision is attached to this notice.

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4500

II.

Petitioner, DLCD, is represented by Richard M. Whitman, Attorney-In-Charge, Natural Resources Section, Virginia L. Gustafson, Assistant Attorney General, and Steven E. Shipsey, Assistant Attorney General, Oregon Department of Justice, 1162 Court Street N.E., Salem, Oregon 97301-4096; telephone (503) 947-4500.

III.

Respondent Douglas County has as its mailing address and telephone number: Board of Commissioners, Room 106, Justice Building, Douglas County Courthouse, Roseburg, Oregon 97470; phone number (541) 440-4289; and has as its legal counsel: Paul E. Meyer, County Counsel, Douglas County Courthouse, Room 321, Roseburg, Oregon 97470; phone (541) 440-4375.

IV.

Other persons mailed written notice of the challenged land use decision by respondent, as indicated by respondent's records in this matter are:

Dan Langdon and Dick Langdon 1791 Scotts Valley Road Yoncalla, OR 97499	Dick and Sharon Langdon 23257 Powerline Road Harrisburg, OR 97446	Percy and Lucille Avis Langdon P.O. Box 1554 Sutherlin, OR 97479
Department of Land Conservation and Development Attn: Carmel Bender 635 Capitol St. N.E., #150 Salem, OR 97301	Department of Land Conservation and Development Attn: Cora Parker 635 Capitol St. N.E., #150 Salem, OR 97301	Elk Creek PAC Chair Attn: Roger Drescher 862 S. Elk Creek Road Drain, OR 97435
Oregonians in Action Attn: Ross A. Day Director of Legal Affairs 8255 S.W. Hunziker Rd., #200 Tigard, OR 97223	Department of Land Conservation and Development Southern OR Region Attn: John Renz P.O. Box 3275 Central Point, OR 97502	Ron Schofield Schofield & Associates 740 S.E. Main Roseburg, OR 97470

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4500

David Jaques
800 Winston Section Rd.
Winston, OR 97496

Ramakar Damayanti and Ramaka
P.O. Box 764
Yoncalla, OR 97499

Rick Barnes
3000 Stewart Pkwy., #204
Roseburg, OR 97470

Rich Raynor
9458 Garden Valley Rd.
Roseburg, OR 97470

James Mast
2169 Mayhurst St.
Yoncalla, OR 97499

Brian Parkinson
756 Osprey Drive
Umpqua, OR 97486

Public Works Department
Robert G. Paul, Director
Douglas County Courthouse
Room 219
Roseburg, Oregon 97470

Edward J. Stratton Sr.
1940 N.E. Newton Creek
Roseburg, OR 97470

Dave Leonard
3329 N.E. Stephens
Roseburg, OR 97470

Public Works Department
Engineering Division
Mike Luttrell, Div. Mgr.
Douglas County Courthouse
Room 219
Roseburg, Oregon 97470

Public Works Department
Engineering Division
Attn: C. Beecroft
Douglas County Courthouse
Room 219
Roseburg, Oregon 97470

Public Works Department
Engineering Division
Attn: Vic Cangie
Douglas County Courthouse
Room 219
Roseburg, Oregon 97470

Public Works Department
Operations & Maintenance
Tim Rummel, Div. Mgr.
Douglas County Courthouse
Room 219
Roseburg, Oregon 97470

Public Works Department
Water Resources Division
Attn: David Williams
Douglas County Courthouse
Room 219
Roseburg, Oregon 97470

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Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4500

V.

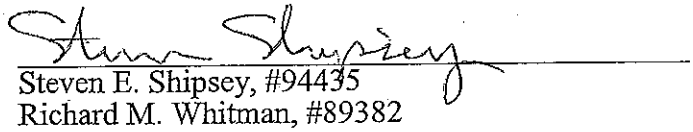
Purchase order # 70042 in the amount of $325.00 is enclosed with this notice for filing fees and costs.

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

DATED this 11th day of September 2007.

Respectfully submitted,

HARDY MYERS
Attorney General



Steven E. Shipsey, #94435
Richard M. Whitman, #89382
Virginia L. Gustafson, #85221
Assistant Attorneys General
Of Attorneys for Petitioner

Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
(503) 947-4500

CERTIFICATE OF FILING

I hereby certify that on September 11, 2007, I filed the original of this NOTICE OF INTENT TO APPEAL, together with two copies, with the Land Use Board of Appeals, 550 Capitol Street N.E., Suite 235, Salem, OR 97301-2552, by personal delivery.

DATED this 11th day of September 2007.

Steven E. Shipsey, #94435
Assistant Attorney General
Of Attorneys for Petitioner

CERTIFICATE OF SERVICE

I certify that on September 11, 2007, I served a true and correct copy of this NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first-class mail.

DATED this 11th day of September 2007.

Steven E. Shipsey, #94435
Assistant Attorney General
Of Attorneys for Petitioner

Department of Justice
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Salem, OR 97301-4096
(503) 947-4500