

June 2, 2020

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CITY OF JOHN DAY

J. Kenneth Kataroff

Admitted in Washington and Oregon

T: 206-405-1985

C: 206-755-2011

KKataroff@SCHWABE.com

Land Use Board of Appeals
755 Summer Street NE, Suite 330
Salem, OR 97301-1283

RE: LUBA No. 2020-

Dear Land Use Board of Appeals:

Please find the enclosed Notice of Intent to Appeal Ordinance No. 20-180-01 "An ordinance amending the John Day development code to strengthen and clarify enforcement provisions within the code."

Please call me at 206-405-1985 with any questions.

Sincerely,

/s/ J. Kenneth Kataroff

J. Kenneth Kataroff

JKKA:aks

cc via first class mail:

Nicholas Green, City Manager

Garrett Chrostek, Attorney for Respondent

Gordon Howard, DLCD

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BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

Riverside Home Park, LLC

Petitioners,

vs.

City of John Day,

Respondent.

LUBA No. 2020-_____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Riverside Home Park, LLC (“Petitioner”) intend to appeal that final land use decision of the City of John Day (“Respondent”) entitled “Ordinance No. 20-180-01” dated May 12, 2020, wherein Respondent approved and adopted “An ordinance amending the John Day development code to strengthen and clarify enforcement provisions within the code.”

II.

Petitioner is represented by J. Kenneth Katzaroff. Petitioner’s legal counsel has as its address and telephone number: Schwabe, Williamson & Wyatt, P.C., 1420 5th Ave., Suite 3400, Seattle, WA 98101.

III.

Respondent has as its mailing address and telephone number: 450 East Main Street, John Day, OR 97845, 541-575-0028. Respondent is represented by Garrett Chrostek of Bryant Lovlein & Jarvis P.C. Respondent’s legal counsel has its address at 591 SW Mill View Way, Bend, OR 97702, and telephone number 541-382-4331.

IV.

A list of persons provided notice of the decision by the City was not provided, nor has a notice that the Ordinance was adopted been received, despite the City filing a Notice of Adoption with the Department of Land Conservation and Development. Notice, therefore, has been provided only to the City and the City's legal counsel, and the Department of Land Conservation and Development.

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 661-010-0050.

Dated this 2nd day of June, 2020.

Schwabe, Williamson & Wyatt, P.C.

By: *s/J. Kenneth Katzaroff*

J. Kenneth Katzaroff, OSB #143550
kkatzaroff@schwabe.com

*Of Attorney for Petitioner Riverside Home Park,
LLC*

CERTIFICATE OF FILING AND TRUE COPY

I certify that on June 2nd, 2020, this is a true copy, along with two copies, of the Notice of Intent to Appeal Filed with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem OR 97301-1283, via United States Postal Service certified mail, return receipt requested.

Dated this 2nd day of June, 2020.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: *s/J. Kenneth Katzaroff*
J. Kenneth Katzaroff, OSB #143550
kkataroff@schwabe.com

*Of Attorney for Petitioner Riverside Home
Park, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2020, I served a true and correct copy of this Notice of Intent to Appeal on all persons below pursuant to OAR 661-010-0115(2) by first class mail. Their addresses are as follows:

City of John Day
Nicholas Green, City Manager
450 East Main Street
John Day, OR 97845

Department of Land Conservation and
Development
Gordon Howard, Community Services
Division Manager
635 Capitol Street NE, Suite 150
Salem, OR 97301

Garrett Chrostek
Bryan Lovlein & Jarvis P.C.
591 SW Mill View Way
Bend, OR 97702

Dated this 2nd day of June, 2020.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: *s/J. Kenneth Katzaroff*
J. Kenneth Katzaroff, OSB #143550
kkatzaroff@schwabe.com

*Of Attorney for Petitioner Riverside Home
Park, LLC*