

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
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4 THOMAS M. BURKE, BRENDA BLAKENSHIP,
5 MIKE BRIDGES, PATRICIA B. BURRELL, H. CURTISS
6 BURRELL, JoRENE BYERS, MARION S. de POLO, TERRY
7 DORVINEN, L. SUSAN DUNN, J. MICHAEL DUNN,
8 JEANNE FRENCH, DONALD L. HANNA, NANCY
9 KNOCHE, KEITH KNOCHE, DOROTHY MCCALL,
10 LAWRENCE MCCALL, BEVERLY A. PARRISH, JANET
11 ROBERTS, PHILIP ROBERTS, LANCE STEINMETZ,
12 MARY KAY WALKER, J.R. WENDT, BECKY WRIGHT,
13 and BRUCE WRIGHT,
14 *Petitioners,*

15
16 vs.

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18 CROOK COUNTY,
19 *Respondent,*

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21 and

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23 JUDITH E. PRINCEHOUSE, ROBERT PRINCEHOUSE,
24 MIKE UMBARGER, DIETER KOEHLER,
25 and DUANE BALCOM,
26 *Intervenors-Respondent.*

27
28 LUBA Nos. 98-220, 98-221 and 98-222

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30 OREGON DEPARTMENT OF LAND CONSERVATION
31 AND DEVELOPMENT,
32 *Petitioner,*

33
34 vs.

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36 CROOK COUNTY,
37 *Respondent,*

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39 JUDITH E. PRINCEHOUSE, ROBERT PRINCEHOUSE,
40 MIKE UMBARGER, DIETER KOEHLER
41 and DUANE BALCOM,
42 *Intervenors-Respondent.*

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44 LUBA Nos. 98-223, 98-224 and 98-225
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FINAL OPINION
AND ORDER

Appeal from Crook County.

Gary Abbott Parks, Lake Oswego, represented petitioners Thomas M. Burke, Brenda Blankenship, Mike Bridges, Patricia B. Burrell, H. Curtiss Burrell, JoRene Byers, Marion S. de Polo, Terry Dorvinen, L. Susan Dunn, J. Michael Dunn, Jeanne French, Donald L. Hanna, Nancy Knoche, Keith Knoche, Dorothy McCall, Lawrence McCall, Beverly A. Parrish, Janet Roberts, Philip Roberts, Lance Steinmetz, Mary Kay Walker, J.R. Wendt, Becky Wright and Bruce Wright.

Richard M. Whitman, Assistant Attorney General, Salem, represented petitioner Oregon Department of Land Conservation and Development.

Peter M. Schannauer, Prineville, represented respondent.

Intervenors-respondent Judith E. Princehouse, Powell Butte, Robert Princehouse, Powell Butte, Mike Umbarger, Powell Butte, Dieter Koehler, Powell Butte and Duane Balcom, Powell Butte, represented themselves.

HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member, participated in the decision.

REMANDED

06/20/2000

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

1 Holstun, Board Member.

2 ORS 197.860 provides:

3 “All parties to an appeal may at any time prior to a final decision by the Court
4 of Appeals under ORS 197.855 stipulate that the appeal proceeding be stayed
5 for any period of time agreeable to the parties and the board or court to allow
6 the parties to enter mediation. Following mediation, the board or the court
7 may, at the request of the parties, dismiss the appeal or remand the decision to
8 the board or the local government with specific instructions for entry of a final
9 decision on remand. * * *”

10 In this consolidated appeal, petitioners challenge Crook County Ordinance Nos. 126,
11 127 and 128. The parties to this appeal entered mediation pursuant to ORS 197.860. On
12 June 1, 2000, LUBA received from the parties a stipulated motion requesting that LUBA
13 remand the ordinances challenged in this appeal with specific instructions that certain
14 amendments to the challenged ordinances be adopted by the county. The amendments to be
15 adopted by the county on remand are attached as “Attachment 1” to the parties’ stipulated
16 motion. Petitioners in LUBA Nos. 98-220, 98-221 and 98-222 request that LUBA refund
17 their filing fees. All petitioners request that their deposits for costs be refunded.

18 In accordance with the parties’ stipulated motion and ORS 197.860, the ordinances
19 challenged in this consolidated appeal are remanded to the county and the county is
20 instructed to adopt the amendments set out in Attachment 1 to the parties’ stipulated motion.
21 A copy of that attachment is appended to this final opinion and order.

22 Petitioners in LUBA Nos. 98-220, 98-221 and 98-222 request that LUBA refund their
23 filing fees is denied. *Totman v. City of Grants Pass*, 24 Or LUBA 46 (1992). LUBA will
24 return petitioners’ deposits for costs.