

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

4 THOMAS M. BURKE, BRENDA BLANKENSHIP,  
5 MIKE BRIDGES, MONA NOVOTNY, JORENE BYERS,  
6 TERRY DORVINEN, L. SUSAN DUNN, J. MICHAEL  
7 DUNN, JEANNE FRENCH, DONALD L. HANNA,  
8 NANCY KNOCHE, KEITH KNOCHE, DORTHY McCALL,  
9 LAWRENCE MCCALL, BEVERLY PARRISH, DAVID  
10 PARRISH, JANET ROBERTS, PHILLIP ROBERTS,  
11 LANCE STEINMETZ, MARY KAY WALKER, RAY  
12 WALKER, J.R. WENDT, BECKY WRIGHT, BRUCE WRIGHT,  
13 RONALD DANDOMELENE, FELICE DANDOMELEN,  
14 BOB STORY, DAPHNE STORY, GLEN DASSETT,  
15 SHERI DASSETT, and KERRIE WALLACE,  
16 *Petitioners,*

17  
18 vs.

19  
20 CROOK COUNTY,  
21 *Respondent,*

22  
23 and

24  
25 DUANE BALCOM, SONDRAL BALCOM, JIM JOHANSEN,  
26 SHELLEY JOHANSEN, MIKE ROONEY, KAREN ROONEY,  
27 ROBERT PRINCEHOUSE, and JUDITH PRINCEHOUSE,  
28 *Intervenors-Respondent.*

29  
30 LUBA Nos. 99-037, 99-038, 99-039, 99-040 and 99-041

31  
32 FINAL OPINION  
33 AND ORDER  
34

35 Appeal from Crook County.

36  
37 Gary Abbott Parks, Lake Oswego, represented petitioners.

38  
39 Peter M. Schannauer, Prineville, represented respondent.

40  
41 Liz Fancher, Bend, represented intervenors-respondent.

42  
43 HOLSTUN, Board Member; BASSHAM, Board Chair; BRIGGS, Board Member,  
44 participated in the decision.  
45

1  
2  
3  
4  
5  
6

DISMISSED (LUBA No. 99-037) 06/20/2000  
REMANDED (LUBA Nos. 99-038, 99-039, 99-040, 99-041) 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. 130,  
11 131, 132, 133 and 134. The parties to this appeal entered mediation pursuant to  
12 ORS 197.860. On June 1, 2000, LUBA received from the parties a stipulated motion  
13 requesting that LUBA (1) dismiss LUBA No. 99-037 and (2) remand the ordinances  
14 challenged in LUBA Nos. 99-038, 99-039, 99-040 and 99-041 with specific instructions that  
15 certain amendments to the challenged ordinances be adopted by the county. The  
16 amendments to be adopted by the county on remand are attached as “Attachment 1” to the  
17 parties’ stipulated motion. Petitioners also request that LUBA refund their filing fees and  
18 their deposits for costs.

19 In accordance with the parties’ stipulated motion and ORS 197.860, LUBA No. 99-  
20 037 is dismissed and the ordinances challenged in LUBA Nos. 99-038, 99-039, 99-040 and  
21 99-041 are remanded to the county. The county is instructed to adopt the amendments set  
22 out in Attachment 1 to the parties’ stipulated motion. A copy of that attachment is appended  
23 to this final opinion and order.

24 Petitioners’ request that LUBA refund their filing fees is denied. *Totman v. City of*  
25 *Grants Pass*, 24 Or LUBA 46 (1992). LUBA will return petitioners’ deposits for costs.