

**CROOK COUNTY COURT MINUTES
OF JUNE 15, 2022 KNIFE RIVER MEETING
Open Portion**

Be It Remembered that the Crook County Court met in a Court meeting on June 15, 2022, at 10:30 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon 97754.

Court Members Present: Judge Seth Crawford, Commissioner Jerry Brummer and Commissioner Brian Barney

Absentees: None

Others Present in Person or Via WebEx: Legal Counsel John Eisler; Administration Executive Assistants Amy Albert; Legal Assistant Lindsay Azevedo; Director Will VanVactor; Planning Technician Senior Hannah Elliott; Planning Manager Brent Bybee; Planner Katie McDonald; Matt Ropp and members of the public.

Judge Seth Crawford opened the Knife River hearing on the appeal of application No. 217-21-00573-PLNG denying a conditional use application for an aggregate mining operation with the procedural history. Judge Crawford opened a public hearing.

John Eisler, Assistant County Counsel summarized the staff report for the Court and discussed how county code should be interpreted.

Will VanVactor, Community Development Director reviewed the four new exhibits in this matter.

Matt Ropp of Knife River reviewed the four items of concern with the Planning Commission findings. The conditions were items five, ten, twelve and sixteen. Mr. Ropp also stated that he disagreed with the Planning Commission's interpretation of County Code.

James Newton of Cascade Geology Oregon stated his concerns regarding ground water and the issues with the ground water report from Stantec.

Adam Mikulski stated that Knife River is currently not following the CUP and has concerns with their compliance moving forward.

Matt Ropp of Knife River requested the Court overturn the denial and not remand to the Planning Commission.

Will VanVactor, Community Development Director discussed Mr. Ropp's four items of concern, stating item number five allows the public to participate and this item should be left. Item ten, ground water is an item of discussion. Item twelve should be clarified, and all reports sent to DEQ should also be sent to the County. Item sixteen is standard language, and the application should be modified if anything is beyond the scope of the original application. Mr. VanVactor stated the EC analysis was not appealed and cannot be challenged now.

The public hearing was closed.

MOTION to modify the conditions of approval because this is a use under CCC 18.144.030, and because our County Code limits our consideration to the criteria in chapter 18.144, and because the planning commission correctly found the application satisfied all relevant criteria in that chapter, I move to reverse the planning commission's decision for file number 217-21-000573-PLNG, thereby approving the application and instructing staff to prepare findings consistent with this decision. Motion seconded. No further discussion. Motion carried 3-0.

There being no further business before the Court, the meeting was **adjourned at 11:50 a.m.**

Respectfully submitted,

Amy Albert