

BE IT REMEMBERED THAT the Crook County Court met on April 24, 2015 in a Special Continuation meeting from April 7, 2015, the LUBA Remand Session, (Goering), at 10:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: County Judge Mike McCabe; County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson.

The date and time for this continued Court meeting was announced at the April 7, 2015 LUBA Remand hearing Court meeting.

Members of the public signing the attendance log were: Linda and Randy Goering; Craig Kilpatrick, Redmond; Mark Rubbert, 915 SW Rimrock Way, Redmond and Carol Macbeth, cmacbeth@lclark.edu.

The media received notice of the meeting.

Open Session

Judge McCabe opened the meeting and asked for declaration of any exparte communication by any member of the County Court. There were no declarations. Judge McCabe asked for any challenges by the public of the County Court. There were no challenges received.

County Counsel Jeff Wilson provided the staff report on the LUBA remand and procedures. See attached Staff Report.

The matter was left open 10 days until April 17, 2015. Mr. Wilson presented exhibits and letters received. Standing was discussed. This is limited to anyone that has standing, appearing before the Government hearings. Central Oregon LandWatch did not participate and did not have standing. They need to have appeared before the local body at one of the proceedings to have standing. Prior submittals were made by Carol Macbeth currently representing LandWatch, but at that time Carol Macbeth was with 1000 Friends of Oregon. The Court also has the right to receive and consider the letter from LandWatch, while preserving any objection to LandWatch's standing. Because LUBA previously held that the subject parcel is not resource land, and that decision was not appealed, any argument related to soils analysis is not relevant to the issue on remand.

Received April 10, 2015: Letter from Crook County landowner Mark Ruppert including exhibits 1 through 7.

Received April 10, 2015: Letter from appellant Jim wood, including the following documents:

Letter from Charlie Swindell;
Letter from Central Oregon LandWatch;
Letter from Mark Ruppert;
Dean Runyon & Associates' study;
Oregon Dept. Of Fish and Wildlife study; and
Pacific Northwest Research Station newsletter.

Received April 16, 2015: Letter from Wendie L. Kellington, Attorney at Law with the following attachments:

Millican Valley off-highway vehicle (OHV) trail systems;
Real property records relating to owner Mark Ruppert;
Oregon Mule Deer Initiative dated January 7, 2011;
Schott & Associates report dated March 18, 2015
Letter from Randy and Linda Goering dated April 17, 2015 including photographs and flight planning publications.

Mr. Wilson provided two questions for the Court to consider for deliberation.

- 1) Based upon the submitted ESEE, should the Goering property be removed from the general deer and antelope wildlife overlays?
- 2) Should the proposed amendments to the RAC zone be approved to make it consistent with Crook county's Goal 5 program by limiting dwelling density to one dwelling per 20 acres (calculated under Ordinance 259): and one dwelling per 80 acres (calculated using a one-mile study area)?

Judge McCabe discussed with the Court the Central Oregon Land Watch letter. The procedural issue was discussed, Central Oregon Land Watch does not have standing, and without waiving the decision about standing, the arguments raised by Land Watch are irrelevant, unpersuasive, and are rejected. . The consensus was to bring the Central Oregon LandWatch document into the proceedings and reject it due to the information not pertaining to this remand.

Motion

Commissioner Fahlgren moved to accept the material presented here today, and remove the Goering property from the General Deer and Antelope Wildlife Overlays. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Motion

Commissioner Crawford moved to accept the proposed amendments to the RAC Zone. Commissioner Fahlgren seconded the motion. Discussion. Judge McCabe added the language of "as proposed by the applicant." Motion became "moved to accept the proposed amendments to the RAC Zone as proposed by the applicant." The vote was 3-0 as amended, motion carried.

Judge McCabe directed staff to prepare a written decision and bring to Court for approval and signature by May 6, 2015.

There being no further business before the Court on this matter, Judge McCabe adjourned the meeting.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary