



RECORD # 217 - 24 - 000047 PLNG -01

Crook County Community Development/ Planning Division
300 NE 3rd Street, Room 12, Prineville Oregon 97754

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Crook County
Community Development

APPEAL PETITION TO PLANNING COMMISSION or COUNTY COURT

Appellant Information

Last Name: Cornelius First Name: Kevin

Mailing Address: 16407 SW Brasada Ranch Rd

City: Powell Butte State: Oregon Zip: 97753

Day-time phone: (503) 970-5505 Cell Phone: (503) 970-5505

Email: Kevin.C.Cornelius@Outlook.com

If group, name of representative: _____

Land Use Application Being Appealed: (file number) 217-24-000047-PLNG

Property Description: Township _____ Range _____ Section _____ Tax lot(s) 1614200000100

Appellant's Signature: [Signature] Date: 10/7/2024

I/We, the undersigned, wish to appeal the decision made by the Crook County Planning Commission regarding application no. 217-24-000047-PLNG, that a final decision was made on the 26 day of September, 2024.

EVERY NOTICE OF APPEAL SHALL INCLUDE:

1. The appeal shall be in writing and shall contain:
 - a. Name, signature, and address of the appellant(s).
 - b. Reference to the application title and case number, if any;
2. A statement of the nature of the decision:
 - a. A statement of the specific grounds for the appeal, setting forth the error(s) and the basis of the error(s) sought to be reviewed: and
 - b. A statement as to the appellant's standing to appeal as an affected party.
3. Proper filing fee in accordance with Section 18.172.050.
4. If the decision appealed from is a decision made without a hearing or without notice to area property owners, written notice of appeal must be filed within twelve (12) calendar days of the date written notice of the decision is mailed to those entitled to such notice. With respect to all other appeals, written notice of appeal must be filed within 10 calendar days of the date written notice of the decision is mailed to those entitled to decision. If the last day

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of the appeal period falls on a Saturday, Sunday or legal holiday, the notice of appeal is due on the next business day.

5. An appeal shall be filed:
 - a. With the County Court for appeals from final decisions by the Planning Commission;
 - b. With the Planning Commission for appeals from final decisions by the Planning Director or Planning Department staff; and
 - c. Shall cite the specific "Zoning Ordinance Section" and "Comprehensive Plan Policies" alleged to be violated.

The Notice of Appeal must include the items listed above. Failure to complete all of the above will render an appeal invalid. Any additional comments should be included on the Notice of Appeal.

TRANSCRIPT: The appellant must provide a copy of the transcript of the proceedings (at the appellants' expense) appealed to the County Planning Department not less than seven (7) calendar days before the hearing date set by the County Court or Planning Commission.

SCOPE AND STANDARD OF REVIEW OF APPEAL: An appeal to the County Court is not a new hearing; it is a review of the decision. Subject to the exception in paragraph (6) below, the review of the final decision shall be confined to the record of the proceeding below, which shall include, if applicable:

1. All material, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received by the Commission or Court as evidence.
2. All material submitted by Crook County Staff with respect to the application.
3. The transcript of the Planning Commission hearing(s).
4. The written final decision of the Commission and the petition of appeal.
5. Argument (without introduction of new or additional evidence) by parties or their Legal representative.
6. The appellate body may, at its option, admit additional testimony and other evidence from an interested party or party of record to supplement the record of prior proceedings. The record may be supplemented by order of the appellate body upon written motion by a party. The written motion shall set forth with particularity, the basis for such request and the nature of the evidence sought to be introduced. Prior to supplementing the record, the appellate body shall provide an opportunity for all parties to be heard on the matter. The appellate body may grant the motion upon a finding that the supplement is necessary to take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party.

An appeal from the Planning Director or Planning Department staff to Planning Commission shall be de novo; meaning that the burden of proof remains with the applicant and that new testimony and

evidence, together with the existing Planning Department file, may be received at the hearing on the appeal.

STANDARD OF REVIEW ON APPEAL: The burden of proof remains with the applicant. The burden is not met by merely showing that the appellate body might decide the issue differently.

APPELLATE DECISION: Following the hearing of the appeal, the appellate body may affirm, overrule, or modify the Planning Commission’s final decision.

This appeal is made pursuant to Section 18.172.110 of the Crook County Code. The required fee has been received by the Crook County Planning Department as the filing fee for this appeal.

I / We are appealing the decision for the following reasons: (be specific)

- 1) Community Center - The Conditional Uses Permitted clearly states the Community Center is to be owned by a Gov't agency or non-profit community organization. Sunshine Behavioral Health (SBH) is neither. The perspective from the applicant (page 11 of Findings Document) that such requirement is discriminatory is just that, their perspective. The County requirement for Gov't/non-profit is appropriate
- 2) The County requirement for the Community Center to be operated primarily by and for residents of the local rural community is appropriate. The Applicant's assertion local residents will be part of the operation and may use the facility is questionable. It's unclear how many "local" (Powell Butte) residents will be part of the operation (could be none) nor how many (if any) will be utilizing its services. The applicant noted their patients come from up to 200 miles away or more. This is not a local resident
- 3). No DEQ analysis of wastewater system - This facility will have pharmaceutical-grade waste! Has the DEQ performed an analysis of the wastewater system and the dumping pharmaceutical waste into the underground water table - via leach fields – would contaminate the drinking water for all of Powell Butte if not a wider geographical area due to the underground aquifer.
- 4). The Fair Housing Act (FHA) was designed to prohibit discrimination in housing for individuals. This application is for a facility not a person / individual. It's not clear the precedent referenced "SoCal Recovery, LLC v. City of Costa Mesa" is actually applicable in this situation.

<u>Name (print)</u>	<u>Signature</u>	<u>Address</u>
Kevin Cornelius		16407 SW Brasada Ranch Rd, Powell Butte, OR 97753

(If additional space is needed attach another sheet)

Each party that authorizes the “Representative” to speak on their behalf must submit a letter stating so, which is signed, dated, and attached to this appeal.