



RECORD # 217 -

EXHIBIT

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PLNG

Crook County Community Development/ Planning Division

300 NE 3rd Street, Room 12, Prineville Oregon 97754

Phone: 541-447-3211

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www.co.crook.or.us

RECEIVED

APPEAL PETITION TO PLANNING COMMISSION or COUNTY COURT

SEP 08 2024

Appellant Information

Last Name: _____ First Name: RMG Destination LLC **Crook County Community Development**

Mailing Address: 200 SW Wilson Avenue, #100

City: Bend State: OR Zip: 97702

Day-time phone: (_____) _____ - _____ Cell Phone: (541) 668 - 4628

Email: jerryjones@macherco.com

If group, name of representative: Jerry Jones, Development Consultant for RMG

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

Property Description: Township 16 Range 14 Section 2 Tax lot(s) 100

Appellant's Signature: J. Jones, Jr. 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 26th 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

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.

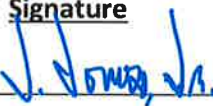
STANDARD OF REVIEW ON APPEAL: The burden of proof remains with the applicant. The burden is not met by merely showing that the appellate body might decide the issue differently.

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) 18.172, Administration Provisions: There is an error in how Crook County processed special accommodations
- 2) 18.24, Exclusive Farm Use Zone, EFU-3 (2007): The detailed use is not allowed in this zone
- 3) 18.160, Conditional Uses: Modification of Existing CUP is not consistent with previous approved CUP
- 4) 18.180, Transportation: Appropriate TIA was not performed or supplied
- 5) Crook County-Prineville Area Comprehensive Plan, Chapter III, Land Use, Agriculture, Pages 40-47: Application fails to meet compliance with this criteria.
- 6) Oregon Revised Statutes 215.283(2)(e): Error in how this Statute was applied to this application
- 7) Americans with Disabilities Act, 42 U.S.C. - 12102 et seq.: Error in how this act was applied to this application
- 8) Fair Housing Amendments Act, 42 U.S.C. - 3601 et seq.: Error in how this act was applied to this application

<u>Name</u> (print)	<u>Signature</u>	<u>Address</u>
Jerry Jones		1051 NW Bond Street, #205, Bend, OR 97703

(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.



Crook County Community Development
 300 NE 3rd Street, Prineville, OR 97754
 Phone: (541) 447-3211 Fax: (541) 416-2139
 Email: bld@co.crook.or.us Website: www.co.crook.or.us

AUTHORIZATION FORM

Let it be known that Macher Management, LLC C/O Jerry Jones
 (Print name clearly)

has been retained to act as my authorized agent to perform all acts for development on my property noted below. These acts include: Pre-application conference, filing applications, and/or other required documents relative to all permit applications in regards to this project.

Physical address of property: 18530 SW Alfalfa Road, Powell Butte, OR 97753 and described in the records of CROOK COUNTY, Oregon as map/tax number: T16S, R14E, Sec 13,24,35,36, TL 2200, 3900, 4100 and T16S, R1SE, Sec 18,19,20,29, 30,31,32 TL 2100, 3100, 3200

The costs of the above actions, which are not satisfied by the agent, are the responsibility of the undersigned property owner.

PROPERTY OWNER (Please print clearly)

Printed Name: RMG Destination LLC Date: May 17, 2023

Signature: [Handwritten Signature]

Mailing Address: 210 SW Wilson Avenue, #100

City: Bend State: OR Zip: 97702

Phone: 541-390-1622

eMail: DanP@pahlisch.com

Individual Corporation Limited Liability Corporation Trust

IMPORTANT NOTE: If the property is owned by an entity, include the names of all the authorized signers. If a Corporation: Provide the name of the President, or other authorized signor (s). If a LLC: Provide the names of ALL members and managers. If a Trust: Provide the name of the current Trustee (s).

In addition, if you are a corporation, you will need to include a copy of the bylaws, an operating agreement if you are an LLC, or Certificate of Trust if you are a trust that verifies authority to sign on behalf of the entity

APPROVED AGENT

Printed Name: Jerry Jones Date: 5/17/2023

Signature: [Handwritten Signature: J. Jones, Jr.]

Mailing Address: 1051 NW Bond Street, #205

City: Bend State: OR Zip: 97703

Phone: 541-668-4628

eMail: JerryJones@MacherCo.com