

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 appellant 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)

See Attached

<u>Name</u> (print)	<u>Signature</u>	<u>Address</u>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

(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.

October 7, 2024

To: Crook County Community Development Planning Division
300 NE 3rd Street, Room 12
Prineville, OR 97754

RE: Planning file #217-24-000047-PLNG
Involving property with the site address of 14427 SW Alfalfa Road, Powell Butte, OR
Also identified as 1614200000100

Subject: Appeal against allowing a modification of Conditional Use Permit #C-CU-2337-07 originally granted to The Roman Catholic Bishop of the Diocese of Baker, Inc. Modification has been submitted by Sunshine Behavioral Health.

We, Mark Willard and Darlene Allman are residents and landowners of Powell Butte, Oregon and submit this formal appeal to adamantly oppose the approval given on September 26, 2024, of the modification of the Conditional Use Permit for the following reasons:

The CPU was originally approved for a Catholic Community Center and a Bishop's manse which were permitted in an EFU-3 zone under Crook County Code 18.24.020(3) and ORS 214.283(1)(b). The Community Center was approved for retreats, educational programs and religious activities. The bishop's manse was to be occupied on a part-time basis by the bishop and sometimes by other clergy and staff.

Sunshine Behavioral Health is a Drug and Alcohol Rehabilitation center including a detoxification unit. They operated 24 hours and day, 7 days a week. The detox unit, which currently serves as the bishop's manse, will house multiple people entering and exiting as they work through detoxification. This does not adhere to the approved use of the bishop's manse which specifically states the manse was to be occupied part-time by a Bishop and sometimes by other clergy and staff. Additionally, within the current Crook County Code and the ORS, it states a community center is either owned by a government entity or a non-profit. Sunshine Behavioral stated at their open house held at the site on Thursday, October 3, 2024, that they are a "for profit" entity. Further, they stated they are not a religious organization. They stated most of their clients are from out of the area and have no connections to Powell Butte.

This alone does not fall within the original approval. Additionally, Sunshine's business model is not compatible with EFU-3 zoning. ORS 215.243(3) clearly mandates that non-farm uses on EFU land does not conflict with the continuation of agricultural practices. Their business will be 24/7 creating constant traffic and additional strain on an already taxed infrastructure.

Additionally, as people work through their detoxification process, we have concerns with the bodily fluids containing various drugs using a septic system with leach lines. The detox unit would greatly increase the volume going through the system. The effect of possible ground water contamination on surrounding domestic wells and aquifer is of grave concern.

Under ORS 537.525, any new water use must not interfere with existing water rights.

Page 2

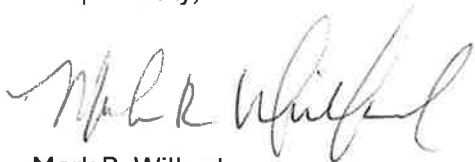
Formal Appeal of 217-24-000047-PLNG

While it is important the people needing help can obtain it, to put this type of facility, in an area that is at least 20 miles away from any other medical facility seems unfair to all. It will put extra burdens on emergency medical transportation no matter which 911 service response and the person needing the help is at least 20 miles one way from getting emergency attention.

The added emergency service demands violate ORS 215.296 which prohibits non-farm development from overburdening public services.

The approval granting a modification to allow this type of business within an EFU zone needs to be denied.

Respectfully,

A handwritten signature in cursive script, appearing to read "Mark R. Willard".

Mark R. Willard

A handwritten signature in cursive script, appearing to read "Darlene J. Allman".

Darlene J. Allman