



June 16, 2021

*Via hand delivery*

Crook County Planning Commission  
300 NE 3rd Street, Room 12  
Prineville, Oregon 97754



**Re: Appeal of 217-21-000431-PLNG**

Dear Planning Commissioners:

Carol Macbeth, Staff Attorney, is authorized as a representative of Central Oregon LandWatch ("LandWatch"). LandWatch has standing to appeal and is appealing the above June 8, 2021 administrative decision approving an application for a "farm relative dwelling" at 5712 NW Ryegrass Rd. The application does not meet the requisite code criteria. There is no evidence the relevant criteria in CCC 18.15.015(3) or the statute it implements regarding relative farm help dwellings can be met.

This appeal is filed within 12 days of the issuance of the decision and so is timely filed.

Crook County denied all persons the opportunity to appeal the above-listed decision as no hearing was provided and the public could not submit prior written comments on the application because the public was not made aware of the application until it was approved.

LandWatch is a community organization recognized by Crook County that encompasses all of Central Oregon, including Crook County. ORS 215.416(c)(ii)(B).

Thank you for your attention to these views. LandWatch has standing under the Crook County Code and related Oregon statutes, and looks forward to the appeal hearing on this matter.

Best regards,

Carol Macbeth  
Staff Attorney  
Central Oregon LandWatch





RECORD # 217 - 21 - 000513 - PLNG  
Planning Commission: \$250  
County Court: \$2000.00 + 20% of initial application fee (deposit)  
Actual costs with deposit required at time of appeal submission

**Crook County Community Development/ Planning Division**

300 NE 2<sup>nd</sup> Street, Room 12, Prineville Oregon 97754



Phone: 541-447-3211

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**APPEAL PETITION TO PLANNING COMMISSION or COUNTY COURT**

**Appellant Information**

Last Name: Central Oregon LandWatch First Name: \_\_\_\_\_

Mailing Address: Central Oregon LandWatch, 2843 NW Lolo Drive

City: Bend State: OR Zip: 97703

Day-time phone: ( 541 ) 647 - 2930 Cell Phone: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Email: carol@colw.org

If group, name of representative: Carol Macbeth

Land Use Application Being Appealed: (file number) 217-21-000431-PLNG

Property Description: Township 14S Range 15E Section 3 Tax lot(s) 00201

Appellant's Signature: *Carol Macbeth* Date: 6/16/21

I/We, the undersigned, wish to appeal the decision made by the Crook County Planning Commission regarding application no. 217-21-000431, that a final decision was made on the 8 day of June, 2021.

**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)

CCC 18.16.015(3) EFU -2 in Crook County is protected by rigorous limitations including property must be an existing commercial farming operation. There is no evidence the property qualifies as an existing commercial farming operation. The requirements are found to be related to the requirements of \$80,000 in income for an average of three of the past five years.

Crook County Code states this area EFU-2 (Prineville Valley-Lone Pine Areas) includes some of the county's most productive irrigated cropland. The county erred in approving this dwelling because it does not qualify under Crook County's strict laws to protect farmland for farm use.

The decision notice is dated June 8, this appeal was filed June 18. Therefore appeal is timely and LandWatch has standing to appeal this decision as aggrieved by County's failure to follow its own laws.

**Name** (print)

**Signature**

**Address**


***(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.