



**Crook County Community Development
Planning Division**

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FINAL DECISION

APPEAL FILE NUMBERS 217-23-001641-01-PLNG (David)

And 217-23-001641-02-PLNG (Kentner)

APPELLING LAND PARTITION NUMBER 217-23-001641-PLNG (Barnhouse)

January 24, 2024

OWNER/APPLICANT

Dean Barnhouse
20832 Rorick Drive
Bend, OR 97701

APPLICANT'S SURVEYOR:

Greg Kelso
765 NW Third Street
Prineville, OR 97754

APPELLANTS:

James David	Daniel Kentner
PO Box 1283	14497 SE Wagon Wheel Ln.
Prineville, OR 97754	Prineville, OR 97754

LOCATION:

The subject property is located at Prairie Schooner Road and Lazy Back Lane in Prineville. It is identified on the County Assessor's maps as 161720A002600 and 161720B008600. The two tax lots are Parcel 2 of Partition Plat 1991-25.

ZONING:

Recreation Residential Mobile– RR(M)5.

HEARING DATE:

January 10, 2024

I. APPLICABLE CRITERIA

Title 17, Subdivisions

Chapter 17.24 Land Partitioning

17.24.020	Filing Procedures and Requirements.
17.24.030	Requirements for Approval.
17.24.060	Final Map for Partitioning.

Title 18, Zoning

Chapter 18.40 Recreational Residential Mobile

18.40.010	Uses permitted outright.
18.40.090	Lot size.

II. APPLICATION AND APPEAL BACKGROUND

The Applicant proposes to divide the 95.47-acre property, composed of two tax lots, into three parcels. As shown on the Tentative Plan submitted with the application materials, Proposed Parcel 1 will be 57.77 acres, proposed Parcel 2 will be 31.20 acres and proposed Parcel 3 will be 6.50 acres.

On January 10, 2024, the Planning Commission met to consider the appeal filed by the Appellants. For the reasons stated in the appeal forms submitted by the Appellants and as summarized in the Staff Report, the Appellants challenged the administrative approval of the requested partition. At the hearing on January 10, 2024, the Planning Commission heard from the Applicant's representatives, the Appellants, and Staff.

Staff presented the staff report, which included responses to the issues raised on appeal and reviewed the applicable approval criteria. The Applicant's representatives testified regarding the nature of the request. The Appellants testified regarding their concerns about the proposed partition.

The Chair explained prior to the hearing that testimony needed to address the applicable approval criteria. The written staff report explained that the Appellants needed to link the appeal issues to applicable approval criteria. As explained at the hearing and in the written staff report, the Appellants' arguments are not clearly related to applicable approval criteria so that the Applicant and others can respond.

III. **FINAL DECISION**

Affirmed Administrative Decision (without modification)	___
Affirmed Administrative Decision (with modification)	<u> x </u>
Denied	___

The original administrative decision (attached as Attachment A) is affirmed subject to the following conditions of approval:

1. The owner/applicant shall have two years from the expiration of the appeal period to file the final plat. The final plat shall be in conformance with the criteria in Section 17.24.60 of the Crook County Code.
2. All necessary taxes, fees, and assessments shall be paid before the final plat is filed.
3. Site plan approval is required prior to any development on any of the proposed parcels.
4. The location of the wells shall be identified on the final plat. If a shared well is developed, a shared well agreement shall be recorded with the Crook County Clerk prior to any development for any newly created parcel.
5. Access for the proposed parcels will be as shown on the tentative plan. No other access is approved with this decision.
6. Future division of Parcels 1 & 2 may trigger subdivision standards.

IV. **Conclusion**

Based on the information provided by the Applicant, other information in the record, written and oral testimony, and on review of the applicable state and county requirements, the Planning Commission finds that the proposed partition meets the requirements for approval and is consistent with the Crook County Comprehensive Plan and Zoning Ordinance.

DATED THIS _____ DAY OF January 2024

Michael Warren, Planning Commission Chair

Will Van Vactor, Planning Director

NOTICE TO PERSONS PROVIDING TESTIMONY

The above approval may be appealed in writing to the Crook County court no later than 4:00 p.m. on _____, 2024 (twelve calendar days from the effective date of this approval) on payment of an appeal fee of \$2000.00 plus 20% of the initial application fee. The appellant must also provide written transcripts of the relevant meeting tapes at the appellant's expense.

Appeals must be submitted to the Crook County planning Department, 300 NE Third Street, Prineville, Oregon, and must be received together with the appeal fee by the Planning Department no later than the above time and date.