

Knife River Corporation – Northwest
32260 Old Hwy 34
Tangent, OR 97389-9770
Ph: (541) 918-5100

Corporate Office: Fax (541) 918-5375
AR Dept.: Fax (541) 918-5376
HR/Payroll Dept.: Fax (541) 918-5378
Willamette Valley: Fax (541) 928-6490

Mr. Will Van Vactor, Director
Crook County Community Development
300 NE 3rd Street, Rm. 12
Prineville, OR 97754

Re: Appeal of PC Decision on 217-21-000573-PLNG

Dear Mr. Van Vactor:

Knife River Corporation - Northwest appeals the Planning Commission's March 31st, 2022 decision on the above reference Conditional Use Permit application for aggregate mining on 14S 15E Section 14 TL 103, the "Vanier Property."

Attached please find Knife River's completed and signed Appeal Petition to County Court form and the required \$3,750 appeal fee.

Please contact me if you have questions. Thank you.

Best Regards,



Matt Ropp, Technical Services Manger
Knife River Corporation - Northwest

Att: Appeal Petition to County Court (form provided by Crook County) – 3 pgs.
Appeal Fee from Knife River Corporation-Northwest, Check #24757764, amount of \$3,750.00



Appeal 217-22-000540-PLNG
Cu

RECORD # 217 - 21 - 000573 PLNG
Planning Commission: \$250
County Court: \$2050.00 + 20% of initial application fee (deposit)
Actual costs with deposit required at time of appeal submission

CROOK COUNTY
APR 06 2022
PLANNING DEPT

Crook County Community Development/ Planning Division
300 NE 3rd Street, Room 12, Prineville Oregon 97754
Phone: 541-447-3211
plan@co.crook.or.us
www.co.crook.or.us

APPEAL PETITION TO PLANNING COMMISSION or COUNTY COURT

Appellant Information

Last Name: _____ First Name: Matt Ropp, Technical Services Manager,
Knife River Corporation - Northwest
Mailing Address: 32260 Old Hwy 34
City: Tangent State: Oregon Zip: 97389
Day-time phone: (541) 918 - 5133 Cell Phone: (541) 223 - 1079
Email: matt.ropp@kniferiver.com

If group, name of representative: _____

Land Use Application Being Appealed: (file number) 217-21-000573-PLNG

Property Description: Township 14S Range 15E Section 14 Tax lot(s) 103

Appellant's Signature: Matt Ropp Date: April 6, 2022

I/We, the undersigned, wish to appeal the decision made by the Crook County Planning Commission regarding application no. 217-21-000573-PLNG, that a final decision was made on the 31st day of March, 2022.

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 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)

Matt Ropp, Technical Services Manager, Knife River Corporation - Northwest, is Applicant for 217-21-000573 (the "Application"). Applicant is a party to the Application, has participated in all public hearings related to the Application, and has standing to appeal the Planning Commission's decision on the Application. The Planning Commission's decision to deny 217-21-000573-PLNG, citing Applicant's failure to demonstrate consistency with Crook County Code (CCC) 18.160.020(2), is conclusory and neglects to acknowledge substantial evidence in the record which clearly demonstrates consistency with Ordinance No. 328 and all applicable provisions of the CCC. Applicant/Appellant requests the County Court reverse the Planning Commission's decision and approve 217-21-000573.

<u>Name (print)</u>	<u>Signature</u>	<u>Address</u>
Matt Ropp, Knife River Corporation - Northwest		32260 Old Hwy 34, Tangent, OR 97389

(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.