



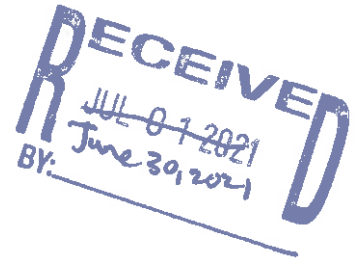
FITCH & NEARY
P.C.

Lisa Andrach
lisa@fitchandneary.com

Kelly Barber
Paralegal
kelly@fitchandneary.com

June 28, 2021

Hand Delivery
Crook County Planning Department
300 NE 3rd Street
Prineville, Oregon 97754



Re: *Vested Rights Application – Bartels*

Dear staff:

Enclosed please find a Vested Rights application, burden of proof, and exhibits in support thereof, together with a check in the amount of \$500 for payment of the application fee.

Please advise if you need anything further or have any questions.

Very truly yours,

Lisa Andrach



Record Number: 217- 21-000556 PLNG
Permit Fee: \$500

RECEIVED
JUL 01 2021
BY: _____

Crook County Planning Department
300 NE 3rd Street, Room 12, Prineville Oregon 97754
Phone: 541-447-3211 Ext #1 - Planning / Fax: 541-416-2139
www.co.crook.or.us / Email: plan@co.crook.or.us

VESTED RIGHT APPLICATION

PROPERTY OWNER

Current Owner's Name: Richard Bartels
Mailing Address: 12909 SW Hwy 126
City: Powell Butte State: OR Zip: 97756
Home Phone: () - - Cell Phone: () - -
Email: _____

AGENT/REPRESENTATIVE

Agent Name: Lisa Andrach c/o Fitch and Neary PC
Mailing Address: 210 SW 5th St #2
City: Redmond State: OR Zip: 97756
Home Phone: (541) 316-1588 Cell Phone: () - -
Email: Lisa @ Fitch and Neary .COM

PROPERTY LOCATION:

Township 16 South, Range 16 East WM, Section 12, Tax Lot 409
Partition Plat Number: Cimmones Subdiv Parcel Number: Lot 3
Situs/Physical Address; if assigned: 11301 SE Juniper Canyon Rd

ORIGINAL PERMIT NUMBER C-CU-2229-04

ORIGINAL APPLICANT NAME: Richard Bartels

Date the Initial approval was granted on: June 9, 2004

Was this application approved for an EXTENSION? Yes No
If yes, please submit a copy of the EXTENSION approval.

SIGNATURES:

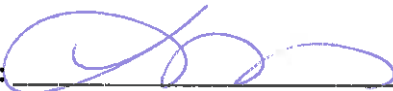
I agree to meet the standards governing the laws as outlined in the State of Oregon OAR's, ORS's, Crook County Code, and Crook County - Prineville Comprehensive Plan. I agree that all the information contained in this "Vested Right" application is true to the best of my knowledge.

Current Owners Signature: _____ Date: _____

Print Name Clearly: _____

Current Owner Signature: _____ Date: _____

Print Name Clearly: _____

Agent/Representative Signature:  _____ Date: 6-24-21

Print Name Clearly: Lisa Andrach

NOTE: The owner of this property must sign this application. However, if the Agent is submitting this application on behalf of the current owner, the Owner & Agent must fill out and sign the attached "Authorization" form.

CHECK LIST OF REQUIREMENTS

- 1.) Attach a copy of the original approval;
- 2.) Attach a copy of the Extension(s) approval;
- 3.) Attach a copy of the recorded Partition Plat; if applicable; and
- 4.) Provide an "**UPDATED**" plot plan that shows the location of the improvements, (See attach "sample" plot plan")
- 5.) Provide photos of all improvements.
- 6.) Provide receipts for all improvements.



Community Development Department

300 NE 3rd Street, Prineville, OR 97754

Phone: (541) 447.8156 / Fax: 541-416-2139

Email: plan@co.crook.or.us / Website: www.co.crook.or.us

AUTHORIZATION FORM

Let it be known that Lisa Andrack of Fitch and Neary PC
(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.

Physical address of property: 11301 SE Juniper Canyon Rd, and described in the records of CROOK COUNTY as:

Township 16 South, Range 16 East, Section 12, Tax lot 400
Township _____ South, Range _____ East, Section _____, Tax lot _____

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)

Signature: Richard Bartels Date: 6/21/21

Print Name: Richard Bartels

Mailing address: 12909 SW Hwy 126

City: Powell Butte State: OR Zip: 97753

Home Phone: () - - Cell Phone: () - -

Email: cl Lisa @ FitchandNeary.com

- Individual(s)
- Corporation;
- Limited Liability Corporation;
- Trust

IMPORTANT NOTE: Indicate whether property is owned in individual name(s), or by a business or other entity (e.g. Corporation, Limited Liability Company; or Trust). If property is owned by an entity, include names of all authorized signers. For Example:

VESTED RIGHTS
Burden of Proof Statement

ORIGINAL DECISION – CROOK COUNTY FILE NUMBER: C-CU-2229-04

OWNER: Richard Bartels

APPLICANT: Same

APPLICANTS ATTORNEY: Fitch & Neary, PC
c/o Lisa Andrach, OSB #040012
210 SW 5th Street, #2
Redmond, OR 97756

PURPOSE: The applicant is requesting vested right approval concerning C-CU-2229-04

- A. LOCATION:** The subject property is located at 11301 SE Juniper Canyon Road, Prineville, Oregon. It is Lot 3 of the Cimmaron Hills Subdivision.
- B. LAND USE APPROVAL:** C-CU-2229-04 (Minimart/Gas Station Permit) (attached)
- C. EXTENSIONS (attached):** December 30, 2009
October 8, 2013
September 18, 2017
- D. ARGUMENT AND EVIDENTIARY SUPPORT:**

The applicant, Richard Bartels, obtained approval to develop a convenience minimart and gas station on the subject property in 2004. Since issuance of the approval, he has worked diligently in furtherance of establishing the approved use. Attached are the initial land use decision, extensions, photographs, a summary statement of the checkbook ledger which itemizes the expenses invested in furtherance of the use, and the well log report. County Permits are on file at the County and therefore are not submitted herewith.

a) Improvement and Investment:

The attached ledger of Expenses sets forth the date, check number, information concerning the Payee, amount, and in some cases, a note about the nature of the expense if not readily apparent.

Below is a summary of the major improvements and investments. Some, but not all, of the specific expenditures and associated check numbers are specifically referenced.

1. **Professional Fees:** The applicant paid for architectural drawings (Roy Kroll), engineering plans (ZCS Engineering), and topographic mapping and turn lane surveying (Armstrong Surveying) of the site. The associated checks are reflected in the expense ledger.
2. **Well:** Maphet Well Drilling drilled a well at the expense of \$4,000. (Check 1011). The well log report is attached.
3. **Septic system:** A septic system was installed and the requisite county approvals were obtained.
4. **Underground Fire Suppression Tank:** A 3,000 gallon fiberglass tank for fire suppression was purchased (Check 5105). It was placed into the ground and encased with pea gravel. (Check 5114) Water was purchased and hauled to the site to partially fill the tank to keep it grounded. (5121) A draft tube was also welded/fabricated to the tank by Duckett Welding. (5131)
5. **Excavation of Site Grade:** The site had a depression in the center of it which needed to be leveled in order to make the site useable for the approved use. Several loads of gravel were brought into level the site.
6. **Building Pad Preparation:** The requisite gravel mix and compaction was done to prepare the building pad for the concrete to support the steel structure. The compaction testing was done by Carlson Testing and it met the State specifications for compaction to support the concrete slab. The area is 7500 square feet.
7. **Steel Structure:** The steel structure for the store has been purchased, and it has been delivered to the site where it is currently sitting awaiting assembly. There are several checks referencing the purchase price of the structure, the delivery and unloading of the structure.
8. **Electrical Infrastructure:** Electrical infrastructure has been put into place.
9. **Water, Electrical, Phonenumber Infrastructure:** The PVC pipe and conduit for the utility lines on the site has been purchased and placed underground as needed for future connection. Consolidated Supply is the supplier for the piping.
10. **Culverts:** Culvert work was done for the entrance of the site. A trash rack for debris catch was fabricated and attached to the culvert. The expenses for the culvert parts and improvement are itemized in the expense ledger.
11. **Building Permit:** The County issued a building permit for the structure. (5158) The costs for preparing the plan drawings and copies needed for the county are included in the ledger.
12. **Rock:** The applicant prepared the subbase to improve SE Juniper Canyon with a turning lane, and for the entrance and drive areas.
13. **Landscaping:** The applicant purchased and planted trees and hauled water in for the irrigation of the same. He also had the brush cleared from the site.
14. **Drive Through Espresso/Market:** The applicant purchased and installed the drive through structure for quick convenience purchases that is currently in operation.
15. **Sign:** The applicant purchased a sign advertising the Drive through operation and future location of the larger store.

16. **Traffic Control and Safety devices:** The expenses include the bollards and traffic safety cones used for the site.
17. **Applicant Supplied Rock/Labor/Equipment:** In addition to the expenses itemized in the ledger, the applicant used a minimum of \$100,000 of his own rock, labor, time, and equipment for the foregoing improvements.
18. **Applicant Supplied Septic Tank:** The applicant had a tank for the septic that was used valued at \$600. This is not itemized in the ledger.

Attached is a large-scale site plan for the project. Please note that the Site Plan document has the applicant's notes and comments about future development thoughts, but these are not part of the actual site plan at this time as some would require additional land use approval. The Site Plan document is merely submitted to comply with the site plan drawn to scale requirement of the application form and nothing else.

The applicant has the actual business check register books and other oversized plans and materials that are available for inspection upon request. If you would like to meet to review any of the application information and/or material, and to have the applicant explain in further detail the on-the-ground improvements and associated expenses, we are available to do so.

b) Conditions of Approval: The applicant has complied with the 6 Conditions of Approval (COA) set forth in the Decision.

1. The business is primarily oriented to serve the recreational needs of the surrounding area.
2. The access has been engineered and approved with an access and building permit issued.
3. The applicant has complied with the requirements of the Roadmaster to date. The final work to be completed will also be in compliance with the same. In addition to the other items already addressed above, the Roadmaster, Penny Keller, required the applicant to improve the sight distance of Juniper Canyon at the curve by the quarry under COA #3. In satisfaction of this directive, applicant cut the curve by the quarry. Some of this material was then used for #5 above.
4. The applicant has complied with the CC Sanitarian for the septic improvements.
5. The necessary building permits have been obtained.
6. The conditions of Tentative Plan approval of the Cimmaron Subdivision have been complied with.

c) Hard Costs:

Based upon the foregoing information, the applicant has invested over \$ \$175, 738.64 in hard costs as set forth in the expense ledger.

Expense Ledger:	Page 1: \$ 42,048.56
	Page 2: \$ 72,352.09
	Page 3: \$ 44,262.27
	Page 4: \$ 17,075.72
	Total: 175,738.64

In addition, with decades of construction knowledge and experience, and as the owner of a construction company and quarry in the local area, he has easily contributed over \$100,000 of his own resources to the project improvements.

d) On-the-Ground Improvements:

As addressed above, the on-the-ground improvements include, but are not limited to: installation of a well, septic, electricity, drive-thru convenience operation; construction of the site pad and terrain/grade improvements; installation of culverts and preparation of a turning lane and access improvements as required by CC Road Department; landscaping and overall site clearing and preparation.

e) Ratio Analysis:

The estimated total cost of the project is \$400,000. The applicant is in discussion with a local supplier to provide the requisite fuel tanks and fuel for the gas station component. The estimate for the purchase/placement of 3 above-ground fuel tanks is less than \$100,000.

Based upon the foregoing information, the applicant has met, and easily exceeded, the economic ratio of 10% of financial investment in the total project cost.

- \$175,738.64 is 44% of \$400,000.
- \$275,738.64 is 69%. (\$175,738.64 + \$100,000 personal resources)

Stated a different way, even if the total cost of the project would be \$1.75 million or \$2.75 million, the applicant has already invested 10% of total project cost.

E. CONCLUSION

Based upon the foregoing, the applicant satisfies the analysis under Oregon Law to obtain a vested right in the land use approval to complete the use.

Thank you for your attention to this matter.

FITCH & NEARY PC



LISA ANDRACH, OSB #040012
Of Attorneys for Applicant
210 SW 5th St, Suite 2
Redmond, OR 97756
P: 541.316.1588 F: 541.316.1943
Email: lisa@fitchandneary.com

CROOK COUNTY

BEFORE THE PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION
FOR CONDITIONAL USE APPROVAL IN
A RECREATION RESIDENTIAL MOBILE
ZONE SRM-1

NO. C-CU-2229-04

FINAL DECISION

SUMMARY:

APPLICANT: Richard Bartels

TAX LOT NO.: T 16 S R 16 EWM Sec 12 TL 400

REQUEST: Conditional use approval for a minimart/gas station in a
Recreation Residential Mobile zone RRM-5.

FINAL DECISION:

APPROVED AS REQUESTED _____

APPROVED SUBJECT TO
CONDITIONS X

DENIED _____

CONDITIONS: (1) The proposed business is to be primarily oriented to serving the needs of persons using recreational facilities in the Juniper Canyon area, including but not limited to the Prineville Reservoir and the Juniper Canyon motorcross.

(2) The applicant is to obtain the approval of the Planning Commission for a final engineered plan for access to the proposed business prior to obtaining building permits.

(3) All requirements of the Crook County Roadmaster are to be complied with.

(4) All requirements of the Crook County Sanitarian are to be complied with.

(5) The necessary building permits are to be obtained.

(6) All conditions of Tentative Plan approval C-LS(M)-130-04 for the Cimmarron Hills subdivision are to be complied with.

DATE OF FINAL DECISION: June 9, 2004

FILING DEADLINE FOR SUBMISSION OF APPEAL: June 21, 2004

THE ABOVE ENTITLED MATTER came before the Crook County Planning Commission at its regular meetings of May 12, 2004 and May 26, 2004.

LEGAL CRITERIA

ZONING: The property is zoned Recreation Residential Mobile RRM-5. Subsection 3.070 (F) states that a commercial use directly related to recreation, including but not limited to a motel, food and beverage establishment, recreational vehicle service station, recreational vehicle rental or storage facility, or gift or sporting goods store may be approved as a conditional use in the RRM-5 zone. Subsection 3.070(6) regulates signs in the RRM-5 zone. Subsection 3.070(7) regulates offstreet parking and loading in the RRM-5 zone. Subsection 3.070(10) states that:

A. An application for conditional use in the RRM-5 zone may be denied if the Commission believes that the proposed use is not related to or sufficiently dependent upon the recreational resource of the area;

B. An application for conditional use in the RRM-5 zone may be denied if the applicant fails to demonstrate that a location in close proximity to the recreational resource to be served is essential to the public interest and to the full development of the recreational resource;

C. The Commission shall be satisfied that the applicant has been fully apprised of the County's policies concerning access to recreational and residential areas, and may attach the following as a condition of approval: *The granting of this permit in no way obligates Crook County to the provision, development, or maintenance of access, required or otherwise, to the property for which this permit is issued;*

D. The Commission may require fire breaks and/or use of fire resistant materials in construction and/or landscaping, and may attach other similar conditions or limitations to reduce fire hazards and/or prevent the spread of fire;

E. The Commission may limit changes to the natural grade of the land, or alteration, destruction, or removal of natural vegetation;

F. Any conditional use approved must be in accordance with the

Comprehensive Plan;

G. An application for a commercial use may be denied if there is no immediate or adequate access to an existing or planned designated arterial or collector.

Article 6 sets forth requirements for conditional uses. Subsection 6.050 (10) sets forth specific requirements for a commercial use not wholly enclosed within a building, or on a lot abutting or across the street from a lot in a residential zone. This subsection states that the Commission may require a sight-obscuring fence or evergreen hedge, may further regulate the placement and design of signs and lights, and limit access to the property.

COMPREHENSIVE PLAN: Pages 54-60 of the Crook County - Prineville Comprehensive Plan contain policies for recreation areas of the County.

FACTS

ACREAGE: The property is to consist of Lot 3 of the Cimmarron Hills subdivision, for which Tentative Plan approval was granted by the Planning Commission on May 26, 2004. It is to measure 5.0 acres.

CURRENT USE OF THE PROPERTY: The property is vacant.

AREA LAND USE: The proposed business is to be located in a residential subdivision.

ACCESS: The proposed minimart/gas station is to be accessed by a driveway connecting directly to Juniper Canyon Road. The applicant's engineer states that ODOT requirements specify improvements to Juniper Canyon Road including a southbound right turn lane with 100 foot vehicle storage, and a 14 foot median. He said that ODOT requires the entrance to be a minimum of 40 feet wide.

The Crook County Roadmaster states that an engineered approach plan will be required.

The applicant proposes to share the cost of improvements to Juniper Canyon Road to accommodate the business with the County.

FARM DEFERRAL: The property is not under farm deferral.

IRRIGATION: The property is not irrigated and has no water rights.

FLOOD ZONE: The property is in Flood Zone X, outside the 500 acre flood zone. The applicant states that fill will be used to protect the business from possible flooding.

WETLAND: The property is not in a designated wetland area.

WILDLIFE: The property is in General Deer Winter Range.

FIRE: The property is in the Juniper Canyon Fire District. The Juniper Canyon Fire Station is located about 1.25 miles to the south of the property.

UTILITIES: Electricity is to be provided by Central Electric Cooperative (CEC) from existing lines on Juniper Canyon Road.

Telephone service is to be provided by US West from existing lines on Juniper Canyon Road.

WATER: Water is to be provided by a well shared with a residence, or by an individual well.

SEPTIC: Sewage disposal is to be by an individual septic system.

SETBACKS: Front setbacks of 30 feet from Juniper Canyon Road will be required. Minimum setbacks of 20 feet front, 10/10 feet side, and 20 feet rear are otherwise required for all structures in the RRM-5 zone.

SUBDIVISION REVIEW COMMITTEE: The Subdivision Review Committee met to consider the gas station/minimart, along with the Cimarron Hills subdivision, on March 25, 2004.

The Crook County Roadmaster that a detailed access plan will need to be submitted for the proposed gas station/minimart.

The Crook County Sanitarian stated that a detailed plan for sewage disposal for the gas station/minimart.

The applicant indicated that these recommendations will be complied with.

TESTIMONY: The applicant testified in support of the proposal. He said that he has an arrangement with a neighboring property owner for access to the proposed minimart. He said that it will stock supplies relating to recreation, as well as to meet the needs of residents in the area. He said that he plans to run the store himself. He said that he may propose to divide the store lot in the future to create another residential lot, but has no plans to do that now.

He said that he wants to serve the long-term recreational needs of the area, which are not adequately served by the existing businesses in the Juniper Canyon area. He said that he proposes to fill low parts of the lot to protect the store from flooding. He said that he will use rock fill instead of sand, and will probably be able to handle a flood.

The applicant's engineer testified in support of the proposal. He said that he has done a topographic survey of Juniper Canyon Road in the area. He stated that ODOT requirements specify improvements to Juniper Canyon Road including a southbound right turn lane with 100 foot vehicle storage, and a 14 foot median. He said that ODOT requires the entrance to be a minimum of 40 feet wide.

Another person testified in support of the proposal. He said that a store is needed in the area to reduce trips by residents to Prineville. He said that he has concerns about access.

Five persons testified in opposition to the proposal. They all stated that the minimart is not needed, as existing businesses in the area serve the needs of recreation and residents. Three persons stated that it would jeopardize an existing business in the area. The opponents also stated that there are problems with flooding on the proposed store lot, and that the proposed minimart would create traffic problems on Juniper Canyon Road.

The Crook County Roadmaster testified concerning the proposal. She said that an engineered access plan will be needed for the proposed minimart.

ANALYSIS

(1) Competition with existing businesses cannot be considered in

evaluating a proposed use.

(2) Subsection 3.070 (F) states that a commercial use in the RRM-5 zone must be directly related to recreation. The applicant has indicated that the proposed gas station/minimart will primarily serve persons participating in recreation.

(3) A drainage and flood control plan is to be developed for the Cimmarron Hills subdivision, of which the gas station/minimart property is a part, by a certified engineer with Federal Emergency Management Agency (FEMA) concurrence. This will provide for adequate drainage and flood control for the gas station/minimart property.

(4) An engineered plan for access to the gas station/minimart property from Juniper Canyon Road will be required. This will minimize traffic problems.

DECISION

Approval is granted subject to the following **CONDITIONS** and **REQUIREMENTS**:

(1) The proposed business is to be primarily oriented to serving the needs of persons using recreational facilities in the Juniper Canyon area, including but not limited to the Prineville Reservoir and the Juniper Canyon motorcross.

(2) The applicant is to obtain the approval of the Planning Commission for a final engineered plan for access to the proposed business prior to obtaining building permits.

(3) All requirements of the Crook County Roadmaster are to be complied with.

(4) All requirements of the Crook County Sanitarian are to be complied with.

(5) The necessary building permits are to be obtained.

(6) All conditions of Tentative Plan approval C-LS(M)-130-04 for the Cimmarron Hills subdivision are to be complied with.

Bartels, Decision
C-CU-2229-04
Page 6



Lawrence Weberg, ACTING COMMISSION
CHAIRMAN



GORDON MOORE, AICP
COMMISSION SECRETARY

NOTE TO APPLICANT

This conditional use permit is to expire at 5:00 p.m. on **June 9, 2006**, unless construction has been completed and the subject business is in operation by that time. In the event the business is not yet in operation, this conditional use permit may be extended for a maximum of two years at the discretion of the Planning Commission. An application for extension must be filed prior to the above expiration date.



**Crook County
Planning Department**
300 NE 3rd Street, Prineville, OR 97754
(541)447-8156
Fax (541)416-3905
ccplan@co.crook.or.us

EXTENSION DECISION

December 30TH, 2009

APPLICATION NO: C-CU-2229-04 (Minimart/Gas station Permit)

APPLICANT/OWNER: **Richard Bartels**
12909 SW Hwy 126
Powell Butte, Oregon 97753

REQUEST: The applicant is requesting an extension for Conditional Use Permit Approval of a Minimart/Gas station in conjunction with the Cimarron Hills Subdivision, which was approved by the Crook County Planning Commission on June 9, 2004.

I. BASIC FINDINGS

LOCATION: The subject property is identified on the County's Assessor's tax map as # **16-16-12 Tax Lot 400**.

ZONING: The property is zone Recreational Residential Mobile (**RRM5**) zone.

II. CONCLUSIONARY FINDINGS

- A. The Crook County Planning Commission approved the Conditional Use for a minimart/gas station in on June 9, 2004.
- 1) Development action was to have been initiated or the proposed use was to have occurred no later than two years from the date of final approval of the Planning Commission's Decision; June 9, 2004.***
- C. The applicant applied for an extension on April 18, 2006, and was granted a one-year extension to June 9, 2007. He applied for building and septic permits, which expired November 15th, 2008.

1) The applicant stated that due to construction timing delays, completion of the required site work has not been completed. He added that construction of the mini-mart was held up by problems with access. He said that he had obtained building and septic permits, but they have now expired. He said that he cannot now get financing.

D. The applicant paid the appropriate fee for a second extension request on December 15, 2008. The request went before the Crook County planning commission public hearing on January 14, 2009.

1) Staff concluded that the extension should be granted for one year from the date of the present meeting expiring on January 14, 2010.

2) The Commissioners present approved the motion by a vote of 6-0.

3) Bartels asked if an extension could be granted for more than one year, as he might need more time. Staff said he may apply for an additional extension if necessary when the present one is about to expire.

E. The applicant requested a third extension and paid the appropriate fees on November 18, 2009.

1) Staff concluded that the extension should be granted under ordinance no. 216, CCC 18.172.060 Planning Director Decisions (2) Extensions... for ONE YEAR from the date of the current expiration of January 14, 2010, expiring on January 14, 2011.

III. CONCLUSION

Based upon the above analysis, staff concludes the approval for an "Extension Request", and that it meets or can meet all the standards of approval if conditions of approval are applied.

IV. DECISION

Therefore, based upon the above Conclusionary Findings, application **C-CU-2229-04 (Minimart/Gas station)** is **APPROVED**, for an "Extension" subject to the following conditions.

V. CONDITIONS OF APPROVAL

Development action must be initiated or the proposed use must occur no later than 5:00 p.m. on January 14, 2011.

This extension applies to the Land Use Permit ONLY, and does not extend the Building or Septic Permits. Applicant must contact the Crook County Building Department and the Crook County Environmental Health Department for status on building and septic permits.

DURATION OF APPROVAL

The applicant shall meet all conditions of this approval within **One year** from January 14th, 2010, or this approval shall be void as required within Title 18, Chapter 18.160, Section 18.160.070(3). **Expires: January 14, 2011**

Respectfully submitted,



Pamela Rhoden, Assistant Planner
Crook County Planning Department

xc: file copy

cc: Richard Bartels; applicant/owner
Crook County Building Department
Crook County Environmental Health Department
Crook County Assessor's Office
Crook County Road Department



Crook County

October 8, 2013

OWNER: Richard Bartels
12909 SW Hwy 126
Powell Butte, Oregon 97753

Dear Mr. Bartels:

I am in receipt of your request for an extension on **C CU 2229-04** identified as **161612 0000 409** on the assessor's map. **C CU 2229-04** was approved by the Crook County Planning Commission on **June 09, 2004** and originally set to expire on **June 09, 2006**.

Your request for extension has been approved subject to the following:

Crook County Ordinance No. 216 (*An Ordinance Amending Titles 17 and 18 of the Crook County Code to Provide Extensions to Land Use Approvals and Declaring an Emergency*) Approved by Crook County Court on September 16, 2009.
Crook County Code 18.172 Administrative Provisions

1. The original approval was set to expire at 5:00 p.m. on **June 09, 2006**.
2. The request for extension received April 18, 2006 listed the new expiration date as **June 09, 2007**.
3. The request for extension received December 15, 2008 listed the new expiration date as January 14, 2010, but as a result of Ordinance No. 216 is changed to **September 16, 2011**.
4. The request for extension received November 18, 2009 listed the new expiration date as January 14, 2011, but as a result of Ordinance No. 216 is changed to **September 16, 2013**.
5. A request for extension was received on September 13, 2013, in accordance with Crook County Ordinance 216 and CCC 18.172 the expiration is now **September 16, 2015**. This is the final extension that will be granted on **C CU 2229-04**.
5. Except for the expiration date, all conditions and requirements of the original approval are to be complied with.

If you have any questions please contact us at (541) 447-8156. Thank you for your cooperation.

Respectfully,

Pamela Rhoden, Assistant Planner
Crook County Planning Department

September 18, 2017

C-CU 2229-04
217-17-000356-PLNG



OWNER:

Richard Bartels
12909 SW Highway 126
Powell Butte, Oregon 97753

Dear Mr. Bartels:

I am in receipt of your request for an extension on **C-CU 2229-04 Conditional Use Approval for a Mini-Mart/Gas Station at T16 R16 Section 12 Tax lot 400**. This conditional use was approved by the Crook County Planning Commission on June 9, 2004 and was originally set to expire on June 9, 2006.

1. The original conditional use application was approved by the Crook County Planning Commission on June 9, 2004 with an expiration date of June 9, 2006. (C-CU- 2229-04).
 2. A request for extension was received April 18, 2006 and a new expiration date was approved for June 9, 2009.
 3. A second request for extension was received December 15, 2009 and a new expiration date of September 16, 2011 was granted as allowed by Crook County Ordinance 216.
 4. A third request for extension was received November 18, 2009 and a new expiration date of September 16, 2013 was granted.
-
1. The original approval CU DES 003-06 – was set to expire on **June 26, 2011**.
 2. A request for extension was received on May 24, 2011. A two year extension was granted to **June 26, 2013**.
 3. A request for extension was received May 20, 2013. A two year extension was granted setting the expiration to **June 26, 2015**.
 4. A request for extension was received May 20, 2013. A two year extension is granted setting the current expiration to **June 26, 2017**.
 5. A request for extension was received September 14, 2017. A two year extension is granted extending the expiration date to **June 26, 2019** (two years from the previous expiration date).
 6. Except for the expiration date, all conditions and requirements of the original approval are to be complied with.

Respectfully,

Ann Beier
Crook County Community Development

6/3/21

Richard Bartels RE. MINI MART EXPENSES

①

12/6/04	CK 0997	CO. HELENA TEST PIT	475.00	
2/6/04	CK 0998	CO. PLAN CUP & 2nd ENTRANCE	1350.00	
2/2/05	CK 1011	Market Well	4000.00	
2/2/05	CK 5001	PACIFIC CORR CMC	201.19	Culvert
2/2/05	CK 5002	SWIET STEEL	53.49	Cypher for pipe
1/10/05	CK 5043	F. MURDER - OFFICE SHACK	7200.00	Delete
2/15/05	CK 5048	C. ADAMS CMC	250.00	Culvert
1/10/06	CK 5066	HARNEY ROCK - PAD BASE	10,187.06	Rock only
1/10/06	CK 5067	GLEN BOECKE - TRKNG	1873.50	truck to haul rock
1/10/06	CK 5069	ARMSTRONG SURVEY - TOPO	690.00	
1/22/06	CK 5070	JOHN KEEGAN - TRKNG	1960.00	truck to haul r.
4/15/06	CK 5074	HARNEY ROCK	6905.76	
1/10	CK 5075	DW BRADICH TRKNG	70.00	Haul
1/18	CK 5076	CO. PLAN	100.00	Cup extension
4/28	CK 5078	HIGH DESERT + NURS - TREES	331.00	
5/12	CK 5083	ROY KRALL PRE CON	542.00	Arch
5/12	CK 5083	ROY KRALL RETAINER	750.00	Arch
5/18	CK 5088	GLEN BOECKE TRKNG	1855.00	Rock
5/18	CK 5089	JOHN KEEGAN	1890.00	truck
6/14	CK 5096	SWIET STEEL	572.73	Culvert
6/14	CK 5098	ROY KRALL	1685.38	Arch
6/18	CK 5099	SIGN PRO	175.00	
6/24	CK 5101	SMITH CRANE	264.00	Crane to put tank
6/28	CK 5105	CINCH EXT FINE TANK	3000.00	3K gal. Fiberglass tank
7/10	CK 5109	HIGH DESERT SHRUBS	152.00	for fire tank
7/10	CK 5112	CARLSON TESTING	502.00	supp. completion testing
7/10	CK 5114	S.A. MOORE PEA GRAVEL FINE TANK	650.65	base for fire tank
7/24	CK 5115	HARNEY ROCK	953.30	Rock

42,048.56

(9)

10/06	CK 5119	Roy Keall	4130.81	Architect
10/06	CK 5121	City of Pueblo Fire Tank	63.95	Water to fill tank
10/06	CK 5122	CAN-AM Market Steel Bldg	5300.00	steel to hold it down pts on Bldg
10/06	CK 5125	Roy Keall	1586.50	Architect
10/06	CK 5128	SWIFT STEEL Rollands	241.22	Bollards-
7/10	CK 5129	Consolidated Supply PVC Pipe WARP-Flt	534.70	under grd. pipe
9/14	CK 5130	Harney Rock	606.56	Rock
9/14	CK 5131	Duckett Welding - Fire Tank Draft Tube	90.00	draft tube to Fire Tank Fabricated
10/10	CK 5135	Harney Rock 3/4 Re-seat	1907.29	Rock *
10/10	5137	Roy Keall	1881.50	Architect
11/10	5143	CR CO HEALTH	480.00	- Septic Permit
11/16	5148	Consolidated Supply	1362.50	- pipe like # 5129
1/20	5149	Roy Keall	2579.25	Architect
12/8	5151	CR CO HEALTH Admitt/ Septic	170.00	Admtl. eval. fee
12/14	5154	Economy Rentals Fork Lift	150.00	"unload" unload Bldg
12/14	5155	Duckett Welding CMP TRASH RACK	172.20	TRASH RACK FOR DEBR catch on culvert
12/14	5156	CAN-AM STEEL Bldg Store Bldg	47140.00	Bldg
12/18	5158	CR CO BUILDING Bldg Permit	2655.67	Bldg Permit
12/18	5159	CANISON TESTING Final Subgrade Test	204.00	Base Rock Compacri
1/24/07	5161	SWIFT STEEL CMP BAND	2445	Bar caplet for culvert
3/10/07	5166	SWIFT STEEL JUN CYP Rd East Side CMP	147.19	Extend culvert + put TRASH RACK ON IT
3/10/07	5169	ZCS Engineering Final Plan Revision	195.00	Store plan
5/10/07	5173	Cent OR Bldgs - Plan Copies	36.00	plant copies
6/7/07	5176	Cent OR Bldgs - Plan Copies	96.00	plant copies
6/10/07	5177	JUNIOR ROCK - JUN CYP Rd WEST Side	295.32	Rock Shoulder Rock
			PG 2	72 352.09
TOTAL PAID TO ROY KEALL ARCHITECT			PG 1	42 048.56
TOTAL SPENT THREE 2007			TOTAL	114 400.65

3

hauled water

water analysis for well

mini MFR

turn lan

1/15/07	5182	Ochoco Ferry	tree water mini mant	50.00
1/4/08	5189	Box R Water	mini meet well Test	115.00
2/28/08	5191	Arm Strong Survey	mini meet turn Ln	2582.50
3/15/08	5195	Cook Co. Plan	mini meet CUP EXT	400.00 Ex. cup.
1/18/09	5202	Cook Co. Tax		
2/27/12	5213	Cook Co Tax		815.12
1/23/13	5219	Armstrong Survey	mini meet turn Ln	3096.50
2/20/13	5221	CEC	New Service mini meet Application	205.00
1/26/13	5222	RLB Clck Dan Stewart	Espresso Bldg	31,000.00
1/7/13	5224	Strictly Organic Cafe	CK out Espresso Machine	115.00
2/13/13	5225	Cook Co. Plan	mini meet	275.00 Ex
2/16/13	5226	Mutual of Enumclaw	Espresso INS	114.00
2/18/13	5227	Mutual of Enumclaw	Espresso INS	144.00
1/18/14	5228	Mutual of Enumclaw	Espresso INS	113.00
2/2/13	5229	Consolidated Supply	Espresso WATER HEATER PAN	49.92
1/22/14	5230	Mutual of Enumclaw	Espresso INS	105.00
3/26/14	5232	Mutual of Enumclaw	Espresso INS	109.00
1/4/14	5233	Cook Co. Com Dev	Espresso Elec Permit	172.39
4/8/14	5234	Cook Co. Com Dev	Septic Permit Espresso	593.00
4/10/14	5235	CEC	Elec Service - mini meet Espresso	5469.00
4/30/14	5237	Pville INS	Band for Mini Meet Espresso Entrance	175.00
5/9/14	5240	D.M.V. - TRIP	Permit Espresso Bldg	10.00
5/18/14	5242	Richard Becker -	Block Up Espresso Bldg	125.00
5/30/14	5243	Richard Becker -	R-Block Espresso	90.00
5/29/14	5244	Tim Stevens Plumbing	- Plumbing Inspection	90.00
5/28/14	5247	Prineville Electric	- meter panel Espresso	705.10
6/16/14	5251	Cook Co. Com Dev	- Sign Permit Espresso	220.00
6/16/14	5254	Mid-OR Personnel	- Brush pile labor & brush/site clean-up labor	425.04
				44262.27

(4)

Orange safety cones

5/18/14	5255	Business Card TRAFFIC Safety E. PARR	Lumber LBR	Espresso	348.41
5/18/14	5257	Concrete Mobile Mix		Espresso Conc Runners	253.00
5/18/14	5258	Joe Floyd & Son		Septic Tank Set	217.50
5/22/14	5259	Pulte Electric		Power to Espresso	951.05
5/22/14	5260	Tim Stevens Plumbing		Espresso Replace Pipes & Pump	1030.50
5/28/14	5261	Consolidated Supply		Espresso Drain Field & Union Piping	2707.81
7/21/14	5262	Box R WATER		- Espresso	33.50
7/21/14	5263	BOFA		Purchase of Espresso Machine	3000.00
7/21/14	5264	CROOK CO Com Dev		Espresso Building & Plumb Just	345.69
7/21/14	5265	BOFA		Espresso Bldg & Plumbing Supplies	277.75
8/14/14	5267	Juniper Rock		Espresso Pave Entrance	2525.47
10/28/14	5271	Pulte Elec		Espresso Wiring for Ice Cream Machine	305.00
2/8/14	5273	Tim Stevens Plumb		Espresso WATER HOOPER	359.50
2/20/14	5275	Mid Ore Personnel		BRUSH Pile Labor	212.16
Start WA Fed Bank Account					
8/19/15	5284	CROOK CO. TAX		Mini Mart	493.25
7/24/15	5285	CROOK CO. PLAW		Mini Mart EXT	275.00
11/10/15	5286	H. D. Fowler		Hot Tap Well Head - Mini Mart	622.86
3/10/16	5291	Juniper Rock		deep 3/4 Rock for Driveway	351.37
4/18/16	5295	BOFA		Fruit Stand - Mini Mart	869.30
5/18/16	5296	Kelly McFarland		3/4 Base Espresso	650.00
5/18/16	5297	BOFA		Fruit Stand mtl	227.31
9/13/17	5322	CROOK CO. PLAW		MINI MART EXT	275.00
5/18/18	5360	BOFA		Fruit Stand	367.54
3/29/19	5465	CROOK CO. Com Dev		Mini Mart EXT	250.00
7/10/20	5489	CROOK CO. TAX		Mini Mart - Espresso	1234.25

PG 3 44362.27
 PG 4 17075.72
 TOTAL 61,337.99

STATE OF OREGON
 WATER SUPPLY WELL REPORT
 (as required by ORS 537.765)

0200
 52482

WELL I.D. # L 73288

START CARD # 17308179

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number 1225
 Name Dick Bartels
 Address 12900 SW Hwy 126
 City Powell, Butte State OR Zip 97753

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
 Depth of Completed Well 175 ft.
 Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
12"	0	18	Cement	0	18	3 sacks
8"	18	175	Bentonite	0	6	4

How was seal placed: Method A B C D E
 Other Poured in dry
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	+2	18	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
 Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tel./pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
50	unknown	175	1 hr

Temperature of water 57 degrees Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL (legal description)
 County Crook
 Tax Lot 400 Lot _____
 Township 18 S N or S _____ Range 18 E E or W _____ WM
 Section 12 NW 1/4 NW 1/4

Lat _____ " or _____ (degrees or decimal)
 Long _____ " or _____ (degrees or decimal)

Street Address of Well (or nearest address) Juniper Canyon Rd.

(10) STATIC WATER LEVEL
40 ft. below land surface. Date 4/4/05
 _____ ft. below land surface. Date _____
 Artesian pressure 0 lb. per square inch Date _____

(11) WATER BEARING ZONES
 Depth at which water was first found 153

From	To	Estimated Flow Rate	SWL
153	175	50	40

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
Top soil	0	1	
Boulders and sandstone	1	9	
Hard grey basalt	9	50	
Hard grey basalt	50	175	40
Tan clay stone seams			

RECEIVED

MAY 02 2005

WATER RESOURCES DEPT
 SALEM, OREGON

Date Started 3/29/05 Completed 3/30/05

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number 1563 Date 3/30/05
 Signed David Dehling

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 584 Date 3/30/05
 Signed Danell M. Smith

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER 06/16/2004

RECEIVED

JUN 03 2005

WATER RESOURCES DEPT
 SALEM, OREGON









Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)







Legend

Bartels 2000



Google Earth

Image U.S. Geological Survey



400 ft

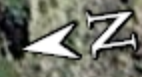
Bartels

Legend



Google Earth

100 ft

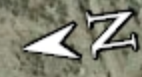


Legend

Bartels 2018



Google Earth



400 ft

Brent Bybee

From: Brent Bybee
Sent: Monday, August 16, 2021 12:15 PM
To: Lisa Andrach
Subject: RE: 217-21-000556-PLNG Bartels Vested Rights Application

Perfect, thank you Lisa! When do you expect to have the check register submitted?



Brent Bybee

Planning Manager
Crook County Community Development
300 NE 3rd Street Room 12, Prineville, OR 97754
Office: (541) 447-3211 Ext. 245
E-mail: brent.bybee@co.crook.or.us
Website: www.co.crook.or.us
Planning: plan@co.crook.or.us

From: Lisa Andrach <lisa@fitchandneary.com>
Sent: Monday, August 16, 2021 11:37 AM
To: Brent Bybee <Brent.Bybee@co.crook.or.us>
Subject: RE: 217-21-000556-PLNG Bartels Vested Rights Application

Yes, please remove the site plan. I will submit a replacement site plan.

Lisa Andrach, Attorney



Fitch and Neary, PC
210 SW 5th St, Suite 2
Redmond, OR 97756
Ph: 541-316-1588
Fax: 541-316-1943
www.fitchandneary.com

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From: Brent Bybee <Brent.Bybee@co.crook.or.us>
Sent: Monday, August 16, 2021 11:35 AM
To: Lisa Andrach <lisa@fitchandneary.com>

Cc: Will VanVector <Will.VanVector@co.crook.or.us>
Subject: RE: 217-21-000556-PLNG Bartels Vested Rights Application

Thank you Lisa,

With your approval, I will remove the site plan that was submitted.

I hope that you received my email last week about getting the information that you need from the past applications. You are more than welcome to schedule some time to come in and pick out what you need. Then Hannah or Jen up front can get you copies. I apologize I haven't been able to get that to you, I'm still working with IT to get access to the scanner for large documents. Please let me know if you have a date or time in mind and we can get that scheduled with Jen and Hannah.

Brent



Brent Bybee

Planning Manager
Crook County Community Development
300 NE 3rd Street Room 12, Prineville, OR 97754
Office: (541) 447-3211 Ext. 245
E-mail: brent.bybee@co.crook.or.us
Website: www.co.crook.or.us
Planning: plan@co.crook.or.us

From: Lisa Andrach <lisa@fitchandneary.com>
Sent: Monday, August 16, 2021 10:56 AM
To: Brent Bybee <Brent.Bybee@co.crook.or.us>
Cc: Will VanVector <Will.VanVector@co.crook.or.us>
Subject: RE: 217-21-000556-PLNG Bartels Vested Rights Application

The site plan submitted was only for reference, not for anything pertaining to Mr. Bartels dreams or visions. The only thing that the vested right application pertains to is the original approval. You are correct – it is the minimart/gas station, drive through espresso station, and signage. If it is best, I will withdraw the site plan that I submitted if it is causing confusion.

Any application for any of the other visions will be submitted separately and is not a part of this application. To that end, I have requested a copy of the Juniper Storage Unit facility decision to guide any further application for use on this subject property.

I have copies of the check register and will be submitting those in support of the expenditures made.

Lisa Andrach, Attorney



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210 SW 5th St, Suite 2
Redmond, OR 97756
Ph: 541-316-1588
Fax: 541-316-1943

www.fitchandneary.com

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From: Brent Bybee <Brent.Bybee@co.crook.or.us>
Sent: Monday, August 16, 2021 10:48 AM
To: Lisa Andrach <lisa@fitchandneary.com>
Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>
Subject: 217-21-000556-PLNG Bartels Vested Rights Application

Good Morning Lisa,

Will and I have been coordinating on this application and we have begun the staff report. Looking through the past history of the requests, we would like to ensure that the Vested Rights Review only addresses what was proposed in the past, and does not include any new or potential uses on the property. Past site plans only addressed the minimart/gas station, drive through espresso station, and signage. Please submit an updated copy of the site plan without the additional commercial uses. Those uses will need to be applied for separately outside of the current application, in accordance with [CC 18.40.020\(6\)](#).

Thank you,

Brent



Brent Bybee

Planning Manager
Crook County Community Development
300 NE 3rd Street Room 12, Prineville, OR 97754
Office: (541) 447-3211 Ext. 245
E-mail: brent.bybee@co.crook.or.us
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