



RECORD # 217 23-001641-02 PLNG

Crook County Community Development/ Planning Division

300 NE 3rd Street, Room 12, Prineville Oregon 97754

Phone: 541-447-3211

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www.co.crook.or.us

OCT 13 2023

APPEAL PETITION TO PLANNING COMMISSION or COUNTY COURT

SCANNED

Appellant Information

Last Name: KENTNER First Name: DANIEL

Mailing Address: 14497 SE Wagon Wheel Ln.

City: Prineville State: OR Zip: 97754

Day-time phone: (541) 420-7318 Cell Phone: () 420-7318

Email: DKentner67@gmail.com

If group, name of representative: _____

Land Use Application Being Appealed: (file number) 217-23-001641-PLNG

Property Description: Township 16 Range 17 Section 20B Tax lot(s) 8600

Appellant's Signature: Daniel R Kentner Date: 10-13-23

I/We, the undersigned, wish to appeal the decision made by the Crook County Planning Commission regarding application no. 217-23-001641, that a final decision was made on the _____ day of OCT 2, 2023.

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)

see ATTACHMENT

<u>Name (print)</u>	<u>Signature</u>	<u>Address</u>
DAN KENTNER	Daniel Kentner	14497 SE Wagonwheel Ln. Prineville OR

(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 12, 2023

Crook County
OCT 13 2023
Community Development

Crook County Planning Department

Dear Sirs and Madams:

I am sending this letter to appeal the application 217-23-001641-PLNG for owner Dean Barnhouse for the following reasons:

1. Prairie Schooner Road coming off Juniper Canyon is not legal. It goes across BLM land and is not a permanent legal ingress and egress easement. Dean Barnhouse bankrupted two families (I can provide names if needed) in Idleway Access problem off Juniper Canyon. Everyone in this 3 and 4 subdivision needs legal access off Juniper Canyon in the correct location. In fact, just before Dean Barnhouse started suing the neighbors, the county sold permits to Bob Griesen to put the road off Juniper Canyon Rd in the correct location instead of across BLM land, which is what we are doing now. The original dedicated spot should be on Dean Barnhouse property.
2. Water problems - on Dean Barnhouse property is a well that several homes use. There is not much water in this area. I, Dan Kentner, have drilled three wells in 30 years of owning my property drilling one or several more wells will affect our water. All of the neighbors have been dealing with water shortage issues and adding more wells is only going to make the water shortage worse.
3. Parcel 3 that Dean Barnhouse is requesting 6.5 acres has an easement around it, which is actually my easement, and I do not give Dean Barnhouse permission to use or to abolish my easement. The easement is 20' wide starting from Lazy Back or Prairie Schooner back to Prairie Schooner. This issue must also be addressed prior to partition. When Dean changed the road, I did not sign on the new road change, nor did the neighbors, but somehow our signatures appeared on the road changes.
4. The road along my property between Barnhouse and I (both lots) is not wide enough for the amount of vehicles coming in and out. The road needs to be at least a 40' wide easement, or a public road size easement.
5. At the end of Barnhouse property of Parcel 2 where my land borders Dean Barnhouse land, there is a corner and if I put a fence correct to the property (irons) lines, there is no way anyone can make it around that corner with trailers. If the easement was 40' wide, they could make the corner. My fence is 10' in from my property line now.

see Diagram^{as} P. 2

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6. The culverts on the road in are not sufficient either. The drainage on the roads are real problem.

Every time we have heavy rain it wipes the road out because there are no drainage culverts. I know because I own the grader that does the road, with BARNHOUSE HAS THREATENED TO SUE ME FOR WORKING ON THE ROADS + DRAINAGE I NEED SOME HELP ON RESOLVING THESE ISSUES PLEASE!

Daniel R Kentner
10-12-23

Dan R. Kentner
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Prineville, OR 97756
541-420-7318
Dkentner67@gmail.com

