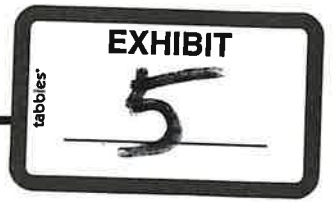


Hannah Elliott



From: Robin Hayakawa <robin@colw.org>
Sent: Tuesday, November 11, 2025 3:56 PM
To: Hannah Elliott
Cc: Katie McDonald; Plan
Subject: Re: LandWatch Written Comments - Settle NFD Appeal
Attachments: Additional COLW Settle NFD Comments.pdf

Hi Hannah + Katie,

On behalf of Central Oregon LandWatch, please add the attached additional comments to the record for tomorrow's PC Hearing.

Our address is 2843 NW Lolo Drive, Ste. 200, Bend, OR 97703. Thank you.

On Tue, Nov 4, 2025 at 2:19 PM Hannah Elliott <Hannah.Elliott@crookcountyor.gov> wrote:

Thank you, Robin. This will be uploaded just shortly as Exhibit 2.

Best,



Hannah Elliott

Associate Planner

Phone: (541) 447-3211 ext 243
Address: 300 NE 3rd Rm 12, Prineville, OR 97754

Plan@crookcountyor.gov

Website: <https://co.crook.or.us/>

From: Robin Hayakawa <robin@colw.org>
Sent: Tuesday, November 4, 2025 1:40 PM

To: Katie McDonald <Katie.McDonald@crookcountyor.gov>

Cc: Plan <plan@crookcountyor.gov>

Subject: LandWatch Written Comments - Settle NFD Appeal

Hi Crook County,

On behalf of Central Oregon LandWatch, please add the attached written comments and exhibit to the record for the 11/12/2025 Planning Commission Hearing on Application File No. 217-25-00233-PLNG-01.

Our address is 2843 NW Lolo Drive, #200, Bend, OR 97703. Thank you.

--

Robin Hayakawa

Associate Staff Attorney

[Central Oregon LandWatch](#)

2843 NW Lolo Dr. Ste. 200, Bend, OR 97703

541-647-2930 x807 | robin@colw.org

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--

Robin Hayakawa

Associate Staff Attorney

[Central Oregon LandWatch](#)

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November 12, 2025

Filed by email: Katie.McDonald@crookcountyor.gov

Crook County Planning Commission
% Katie McDonald, Assistant Planner
320 NE Court Street
Prineville, OR 97754

Re: Application File No. 217-25-000233-PLNG-01; Settle NFD

Dear Chair Warren and Crook County Planning Commission:

Central Oregon LandWatch submits these additional written comments in response to the Applicant's shifting justifications for the under-inclusive and undersized study area relied upon in tentatively approving this application.

On November 4, 2025, the Applicant submitted a document described as a "Final Wildlife Supplement Document". See Exhibit 1 - Kilpatrick. For the first time, the Applicant appears to be claiming that the adequacy of their PDDE relies on the second sentence of CCC 18.16.040(7),¹ which provides "An applicant may use a different study area size or shape to demonstrate compliance with Wildlife Policy 2, provided the methodology and size of the study area are explained and are found to be consistent with the purpose of Crook County comprehensive plan Wildlife Policy 2."

The methodology and size of the study area used by the Applicant is not consistent with the purpose of Crook County comprehensive plan Wildlife Policy 2.

1. Purpose.

The Purpose of Wildlife Policy 2 is to limit the negative economic, social, environmental, and energy consequences of allowing conflicting uses in big game range. According to the Crook County Comprehensive Plan, "[t]he most significant conflicting use to big game habitat in Crook County is an increase in density of residential dwellings in the habitat area." CCCP at PDF p. 154. Therefore, the purpose of Wildlife Policy 2 is to protect big game habitat by limiting the density of residential dwellings in the habitat area. The Applicant appears to generally agree, stating the purpose of Wildlife Policy 2 is to "maintain viable populations of big game and protect their habitat from encroachment." Exhibit 1 - Kilpatrick at p. 3.

¹ Applicant and Staff repeatedly have asserted that applicability of Wildlife Policy 2 resides in CCC 18.16.040(5). LandWatch relies on 18.16.040(7), based on the Crook County Code edition made available online, which appears to current through Ordinance No. 350, passed May 7, 2025.

<https://www.codepublishing.com/OR/CrookCounty/#!/CrookCounty18/CrookCounty1816.html#18.16.040>,

Accessed on November 7, 2025.



2. Methodology.

The methodology relied upon by the Applicant does not achieve the purpose of Wildlife Policy 2, and instead allows an additional dwelling in a habitat area already heavily impacted by residential development.

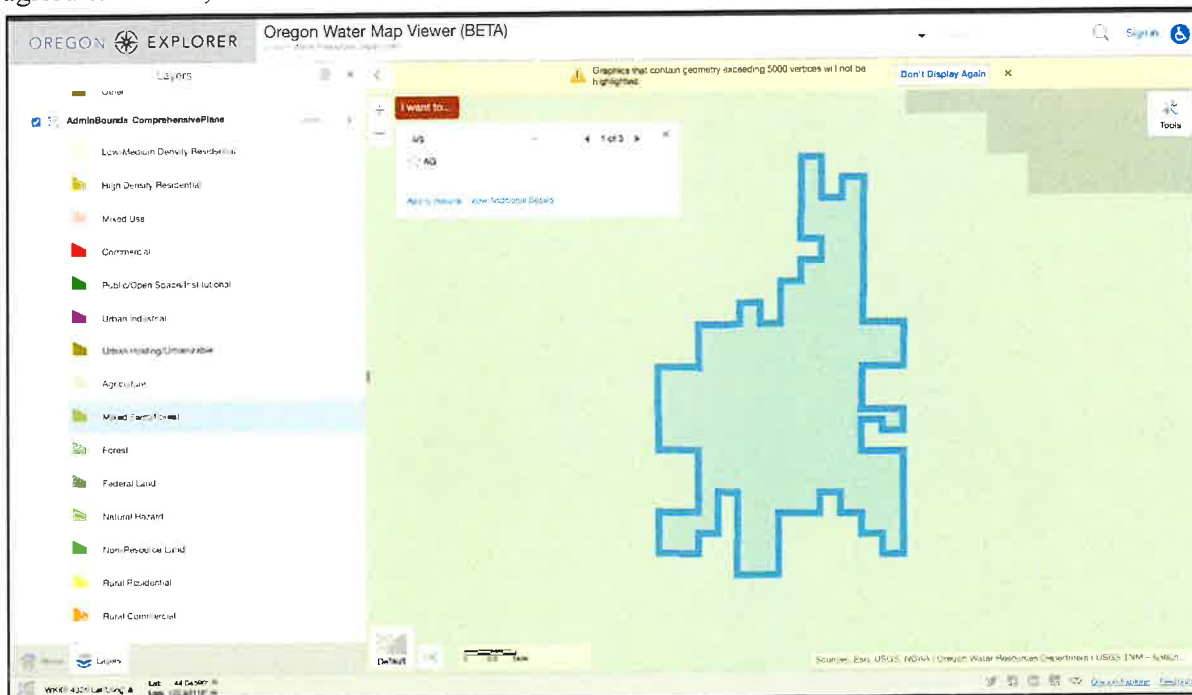
The applicant provided the following description of the proposed study area:

1. One Mile Study Area – Wildlife Density Map – The Settle application identifies an area measured approximately one mile from the existing single parcel which measures 10-acres in size. The Wildlife Density Map includes lands only within Crook County. The enclosed GIS map indicates a “One Mile Study Area” within Crook County of approximately 4,532.98-acres of which **1,559.12- acres** are listed as resource land and lay within one-mile. The applicant has subtracted a total of approximately 2,973 non-resource acres located in Juniper Acres (JA) zone, the Juniper Acres Subdivision, a committed area leaving the 1,559.12-acres for the purpose of this calculation. The general deer wintering range is the only big game habitat that is germane to this application. All the study area is located within the general deer wintering range. None of the study area is located within the critical deer wintering range. A small portion (13-acres) of the affected area lies with the Elk Winter Range to the southeast. See attached One Mile Study Area Map Exhibit for PDDE.

The study area excludes approximately 2,973 “non-resource acres” located in the EFU-JA zone, which Mr. Kilpatrick describes as a “committed area.”

Kilpatrick’s description of EFU-JA as “non-resource” is incorrect and misleading. Juniper Acres is not, and has never been designated as non-resource land.

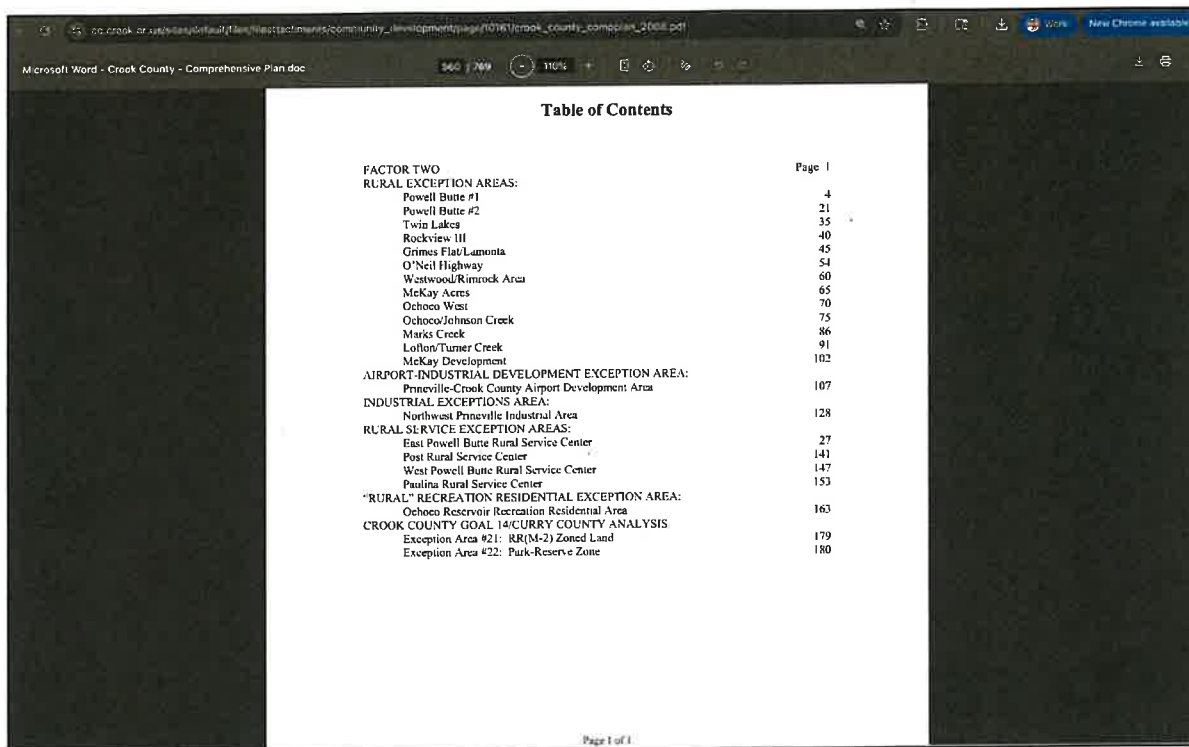
An existing Comprehensive Plan Map shows that Juniper Acres is designated “AG” agricultural land, not Non-Resource.



LandWatch Figure 1. Comprehensive Plan Map showing AG designation.

https://tools.oregonexplorer.info/OE_HtmlViewer/index.html?viewer=oe, Accessed October 7, 2025.

“Appendix B” of the Crook County Comprehensive Plan contains a list of “Rural Exception Areas” within Crook County. Crook County Comprehensive Plan at PDF p. 559. Juniper Acres is not listed.



	Page
FACTOR TWO	
RURAL EXCEPTION AREAS:	
Powell Butte #1	4
Powell Butte #2	21
Twin Lakes	35
Rockview III	40
Grimes Flat/Lamonia	45
O'Neil Highway	54
Westwood/Rimrock Area	60
McKay Acres	65
Ochoo West	70
Ochoo/Johnson Creek	75
Marks Creek	86
Lofton/Turner Creek	91
McKay Development	102
AIRPORT-INDUSTRIAL DEVELOPMENT EXCEPTION AREA:	
Prineville-Crook County Airport Development Area	107
INDUSTRIAL EXCEPTIONS AREA:	
Northwest Prineville Industrial Area	128
RURAL SERVICE EXCEPTION AREAS:	
East Powell Butte Rural Service Center	27
Post Rural Service Center	141
West Powell Butte Rural Service Center	147
Paulina Rural Service Center	153
"RURAL" RECREATION RESIDENTIAL EXCEPTION AREA:	
Ochoo Reservoir Recreation Residential Area	163
CROOK COUNTY GOAL 14/CURRY COUNTY ANALYSIS	
Exception Area #21: RR(M-2) Zoned Land	179
Exception Area #22: Park-Reserve Zone	180

LandWatch Figure 2. Table of Contents of “Appendix B” of the Crook County Comprehensive Plan. PDF p. 559.

Crook County Code contains specific provisions that make Wildlife Policy 2 either applicable or inapplicable to rural zones, with applicability depending on whether the land is zoned for resource or nonresource use.

The following zones contain provisions making Wildlife Policy 2 inapplicable because they are properly considered nonresource.

- RURAL SERVICE CENTER ZONE, RSC (CCC 18.32.100)
- PARK RESERVE ZONE, P-R (CCC 18.36.070)
- RECREATION RESIDENTIAL MOBILE ZONE, RR(M)-5 (CCC 18.40.100)
- RECREATION RESIDENTIAL ZONE, RR-1 AND RR-5 (CCC 18.44.100)



- SUBURBAN RESIDENTIAL MOBILE ZONE, SR(M)-1 (CCC 18.52.080)
- SUBURBAN RESIDENTIAL ZONE, SR-1 (CCC 18.48.090)
- RURAL RESIDENTIAL ZONE, R-5, (CCC 18.88.090)
- RURAL RESIDENTIAL ZONE, R-10 (CCC 18.92.080)
- FOREST RECREATION, FR-10 (CCC 18.96.080)
- RESIDENTIAL WOODLOT, RW-40 (CCC 18.100.080)
- POWELL BUTTE RURAL RESIDENTIAL ZONE, PBR-20 (CCC 18.108.090)

These code provisions, adopted in 2010 (Ordinance 236), demonstrate the County's intent to exempt nonresource land from Wildlife Policy 2: "The residential density limitations and the lot and parcel size limitations found in Wildlife Policy 2 of the Crook County comprehensive plan do not apply to any nonresource zones."

In contrast, Crook County Code makes Wildlife Policy 2 applicable to both EFU-1 (CCC 18.16.040) and EFU-JA (CCC 18.112.051). The code is explicit: "All new nonfarm dwellings on existing parcels within the deer and elk winter ranges must meet the residential density limitations found in Wildlife Policy 2."

As a result, any study area that relies on methodology excluding Juniper Acres from consideration under Wildlife Policy 2 is directly contradicted and forbidden by CCC 18.112.051, which mandates EFU-JA's inclusion. EFU-JA is resource land and must be included within a study area in order to be consistent with the purpose of Wildlife Policy 2.

3. Size.

Even if the Applicant's PDDE contained permissible methodology, which it doesn't, the proposed study area contains less than 1,600 acres and is substantially undersized. CCC 18.16.040(7) provides that a study area with a one-mile radius (or 2,000-acre) study area must demonstrate compliance with Wildlife Policy 2. In this case, the subject property is located in one of the most rural areas in all of Crook County. A study area should be at least 2,000 acres in size to capture the development characteristics of the area. At a bare minimum, the Planning Commission should deny this application because the study area relied on by the Applicant and Staff is less than 2,000 acres.

4. Conclusion.

The Crook County Comprehensive Plan, Crook County Code, and common sense dictate that the dwelling density limitations of Wildlife Policy 2 apply to all resource zones, including EFU-JA. A PDDE that is undersized and relies on methodology excluding resource land is not consistent with the purpose of Wildlife Policy 2, and cannot show compliance with CCC





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18.16.040(7). We urge the Planning Commission to enforce the mandatory code provisions that protect big game habitat and reverse the staff decision.

Thank you for your consideration and service to Crook County.

Sincerely,

/s/ Robin Hayakawa

Associate Staff Attorney

Central Oregon LandWatch

2843 NW Lolo Drive Ste 200

Bend, OR 97703

robin@colw.org



We defend and plan for Central Oregon's livable future