



Crook County
Community Development
300 NE 3rd Street, Prineville, OR 97754
(541)447-3211
plan@crookcountyor.gov

November 5, 2025

Staff Memo regarding appeal file record number 217-25-000233-PLNG-01, of a Nonfarm Dwelling (Crook County Assessor's Map: 1816040005300)

FROM: Katie McDonald, Senior Planner

Decision

The application by Duke and Dana Settle, represented by Kilpatrick Consulting LLC, for the approval of a nonfarm dwelling to replace the existing 1963 manufactured dwelling on the 10-acre parcel (Assessor's Map: 1816040005300) was APPROVED, subject to the conditions of approval outlined in the findings.

This decision is based on a finding that the proposal successfully complies with all applicable criteria set forth in the Crook County Code, specifically Title 18, Chapter 18.16, pertaining to Exclusive Farm Use Zones (EFU-1) and dwellings not in conjunction with farm use CCC 18.16.040.

Methodology and Key Findings

The review methodology focused on assessing the application's compliance with the standards for a Nonfarm Dwelling within the EFU-1 zone, specifically examining potential impacts on farm practices, suitability of the land for farm/forest use, and the stability of the overall land use pattern.

- **Impact on Accepted Farm/Forest Practices:** CCC 18.16.040(1)(a) finding on page 3 of decision.
 - The applicant provided an analysis of surrounding land uses showed that only 39% of the study area parcels could support seasonal farming operations. Staff found the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices. A non-remonstrance letter is required as a condition of approval.
- **General Unsuitability of Land:** CCC 18.16.040(2) finding on page 4 of decision.
 - The property consists predominantly of Class VII soils and lacks irrigation water rights. Staff found the portion of the parcel where the dwelling will be located is generally unsuitable land for commercial farm production, meeting the suitability standard.

- **Stability of Overall Land Use Pattern (Cumulative Impacts), CCC 18.16.040(3)** *finding on page 5-6 of decision.*
 - A cumulative impacts analysis was conducted on a study area of approximately 4,532.98 affected acres. Staff found that the approval of the single nonfarm dwelling will not materially alter the stability of the land use pattern or hinder the continuation of any farm operation in the area, given the area's mixed use, arid conditions, and poor soils.
 - **Wildlife Habitat Density, CCC 18.16.040(7)** *finding on page 7 of decision (numbered as 18.16.040(5))*
 - The property is within big game winter habitat. The density calculation was determined to be compliant with Wildlife Policy 2 based on the Comprehensive Plan's Program to Achieve, which omits EFU-JA. The calculation showed 6 existing/approved dwellings against an allowable 19 potential dwellings in the resource-zoned parcels of the study area.
 - **Development Standards:** The proposal meets all setback requirements and does not involve a new land division.
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Appeal Information

Central Oregon Landwatch (COLW) filed an appeal of the administrative decision approving the Settle application for a nonfarm dwelling (Decision 217-25-000233-PLNG) on August 27, 2025. The findings of the administrative decision are incorporated by reference.

Issues Raised on Appeal by COLW

COLW Appeal Issue 1: Wildlife Density Calculation Excludes EFU-JA Parcels

- **Criterion:** CCC 18.16.040(7)- Residential density limitations in deer and elk winter ranges.
- **Appellant's Argument:** Applicant's Exhibit F fails to demonstrate compliance with Wildlife Policy 2 because the potential development density equation excludes numerous EFU-JA zoned properties already developed with dwellings.
- **Relevant Staff Finding (Page 7 of Administrative Decision):** Staff followed the Program to Achieve in the County's Comprehensive Plan.

COLW Appeal Issue 2: Wildlife Density Calculation Fails to Account for Existing Dwellings

- **Criterion:** CCC 18.16.040(7), Residential density limitations in deer and elk winter ranges.
- **Appellant's Argument:** Applicant's Exhibit F is further inadequate because it fails to account for EFU-1 zoned properties within the study area already developed with dwellings, including the subject property itself.
- **Relevant Staff Finding (Page 7 of Administrative Decision):** The Burden of Proof indicates there are currently 6 dwellings (including the proposed dwelling) against an allowable 19 potential dwellings in the resource zone parcels, directly addressing the existing development count.