

Settle Nonfarm Dwelling Application: 062325
Tax Lot 1816(04)0005300

- | | |
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| ☐ 3) Owner Letter of Authorization, signed DS, DS, CK | Y |
| ☐ 4) Letter of Explanation | Y |
| ☐ 5) CC Property Summary TL 5300 Account # 5999 | Y |
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| ☐ 7) Applicant's Summary | Y |
| ☐ 8a) Tax Lot Card 1816000005300 | Y |
| ☐ 8b) Tax Lot Card 1816040000424 Cancelled & renamed TL 5300 | Y |
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| | |
| ☐ 10) Vicinity Map | Y |
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| | |
| ☐ 18) Septic Site Application 217-25-000168-PLNG | Y |
| ☐ 19) Road Easement MF#2024-329244 | Y |
| ☐ 20a) Soils Capability Unit 075 NRCS | Y |
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| ☐ 21) Burden of Proof and Conclusion | Y |
| ☐ 22) One Mile Study Data -Excel | Y |
| ☐ 23) Map Exhibit G-1, One Mile Study Map | Y |
| ☐ 24) Map Exhibit G-2, One Mile Study Map with Aerial | Y |
| ☐ 25) Soils Matrix | Y |
| | |
| ☐ For Submittal on: June 24, 2025 | |



RECORD No. 217 25 - 000233 - PLNG For Office Use Only

**Crook County Community Development
Planning Division**

300 NE 3rd Street, Room 12, Prineville Oregon 97754
541-447-3211

plan@co.crook.or.us

www.co.crook.or.us

NON- FARM DWELLING APPLICATION

PROPERTY OWNER

Last Name: Settle

First Name: Duke and Dana

Address: 29020 SE Currin Road

City: Estacada State: OR Zip: 97023-8836

Day-time phone: (503) 504-4578 Cell Phone: (503) 504-6946

Email: N/A

*Crook County
JUN 24 2025
Community Development*

AGENT / REPRESENTATIVE

Name: Kilpatrick Consulting LLC Attn: Craig Kilpatrick

Mailing Address: 13790 NW O'Neil Highway City: Redmond State: OR Zip: 97756

Day-time phone: (541) 447-2724 Cell Phone: (541) 420-0260

Email: On File

PROPERTY LOCATION

Township 18 South, Range 16 East WM, Section 04 Tax lot 5300

Size of Property: 10.0- Acres Zoning: EFU-1

Physical address: 2901 SE Myrtlewood Lane

Subdivision name, if applicable: N/A

- 1.) Is the property on farm tax deferral? Yes No X
- 2.) Is the property currently or previously a farm use? Yes No X
 - a. Acreage & types of crops grown: None
 - b. Acreage and type of livestock: None
- 3.) Is the property located within a flood plain? Yes No X
- 4.) Physical (Situs) address of subject property; to be determined

REQUEST

The proposed dwelling is: Site Built X or Manufactured Dwelling_____

Height of Structure: 30 Feet# of Stories: 2 Size: 2,400 Square Feet

*If a Manufactured Dwelling: N/A (Year)

Will an "RV" be used as a "TEMPORARY" dwelling during the construction: Yes _____ No X

ACCESSORY STRUCTURES

*Existing Accessory Structure: 672 Square Feet Number of Stories: 1

Use of Structure: Pole building provides shop space, detached garage,

Personal Use: Yes X No _____ Commercial Use: Yes _____ No X

*Existing Accessory Structure 712 Square Feet Number of Stories: X

Use of structure: Single wide manufactured structure to be repurposed to a craft studio.

Is this an addition to an existing structure Yes _____ No X

Personal Use: Yes X No _____ Commercial Use: Yes _____ No X

ACCESS / ROADS

Is there existing access to the property? Yes X No

If no, will the proposed access be from: County _____ Public _____ Private ☒ State(ODOT) _____

***Please provide recorded easement or ODOT approval**

Note: Enclosed is an easement granted across the neighboring property. An existing driveway serves the subject property.

ENVIRONMENTAL HEALTH – SEPTIC DISPOSAL

Soil/Site Evaluation Crook County File: Yes, 217-25-000168 -EVAL

On-Site Authorization: _____

FLOOD ZONE

Is the property located within a Flood Zone? Yes _____ No ☒ X

If yes, submit a “Special Flood Hazard Area Development Permit”

Water will be supplied by:

_____ Community Water System: Name _____

Authorization Signature: _____ Date: _____

Other: _____

COMMENTS: _____

WILDLIFE

ODF&W, Prineville Field Office, 2042 SE Paulina Hwy

Phone: (541) 447-5111

Is the subject property located within a "Winter Wildlife" overlay zone? Yes ☒ No ☐

General Winter Deer Range, See PDDE

Is the subject property located within a "Sensitive Bird Habitat" zone? Yes ☐ No ☒

COMMENTS:

ODF&W Signature: _____ Date: _____

Print Name: _____

FIRE PROTECTION

Describe how Fire Protection will be provided to the property. If the subject property is located outside of the Crook County Fire Protection District, indicate how protection is provided, including water source and fire prevention methods. (Use Separate paper if necessary) The subject property is outside of the Crook County Fire Protection District. The applicant will be responsible for adhering to the County adopted "Fire Free" program.

NOTICE TO ALL APPLICANTS

IMPORTANT NOTICE: The Crook County Planning Department is required to review all applications for accuracy and to determine whether the staff and/or the Planning Commission have the information needed to make a decision. The County has 30 days to determine whether the application is complete. Within that 30-day period, the Planning Department will request additional information, if necessary. A decision on your application will be postponed until the information is received.

Please make sure your application is complete. The burden of proof lies with the applicant.

SIGNATURES

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

Property Owner Signature: _____ Date _____

Print name: _____

Property Owner Signature: _____ Date _____

Print name: _____

Agent/Representative Signature:  _____ Date 11/10/2025

Print name: Craig Kilpatrick for Kilpatrick Consulting LLC

Letter of Authorization

Let it be known that Kilpatrick Consulting LLC – Craig Kilpatrick has been retained to act as my authorized agent to perform all acts for development on the property noted below: These acts include: Pre-application conference, application negotiations, filing applications and/or other required documents relative to all Land Use applications.

Physical address of property: 2920 SE Myrtlewood Lane
It is described in the records of CROOK COUNTY as:

Township 18 South, Range 16 East WM Section (04) Tax Lot 5300

The costs of the above actions, which are not satisfied by the agent are the responsibility of the undersigned property owner.

PROPERTY OWNER

Signature:  Date: 1/29/25
Duke Settle

Signature:  Date: 1/29/25
Dana Settle

Mailing Address: 29020 SE Currin Road
City: Prineville State: OR Zip: 97754

AGENT

Signature:  Date: 01/31/25
Craig Kilpatrick for Kilpatrick Consulting LLC

Mailing Address: 13790 NW ONeil Highway
City: Redmond State: OR Zip: 97756

The logo for Kilpatrick Consulting, LLC features the name "Kilpatrick" in a stylized, cursive red font.

CONSULTING, LLC

**LAND USE CONSULTING SERVICES
GIS MAPPING SERVICES**

Crook County Community Development Department
Attn: Katie McDonald
300 NE 3rd Street, Room 12
Prineville, Oregon 97754

June 18, 2025

Re: Site Plan Review – Non-farm Dwelling Application (existing parcel)

Dear Katie,

Enclosed is the Site Plan Review application for a Non-farm Dwelling on an existing parcel in the EFU-1 zone. As the present owners of the subject property, Duke and Dana Settle wish to place a new dwelling on their 10-acre parcel in a portion of the county where many of the properties consist of unsuitable Class 7 soils. The enclosed application addresses the required criteria for a non-farm dwelling as demonstrated in the burden of proof statement and other exhibits.

As county staff is aware, there are presently two unpermitted accessory structures on the property. Both were placed by a prior owner. This application includes the two structures as accessory buildings for proper siting. The owners of the property acknowledge that building permits will be required for the accessory buildings should they remain. A septic site evaluation for a new septic system has been conducted and is attached herein to assure the County that an adequate on-site system can be constructed at this location.

Thank you for your consideration in this matter.

Best regards,

A handwritten signature in blue ink, appearing to read "Craig Kilpatrick".

Craig Kilpatrick
Land Use Consultant

Crook County Property Summary Report

Report Date: 12/12/2024 5:59:48 AM

Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Crook County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Crook County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Crook County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Crook County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

Account Summary

Account Information

Mailing Name: SETTLE DUKE & DANA
Map and Taxlot: 18160400-05300-5999
Account: 5999
Tax Status: Taxable
Situs Address: 2901 SE MYRTLEWOOD LN, PRINEVILLE
OR 97754

Property Taxes

Current Tax Year: 2024
Tax Code Area: 0001

Assessment

Subdivision:
Lot:
Block:
Assessor Acres: 10.00
Property Class: 809

Ownership

Mailing Address:
SETTLE DUKE & DANA
29020 SE CURRIN RD
ESTACADA, OR 97023-8836

Valuation

Real Market Values as of Jan. 1, 2025

Land	\$64,050
Structures	\$26,100
Total	\$90,150

Current Assessed Values:

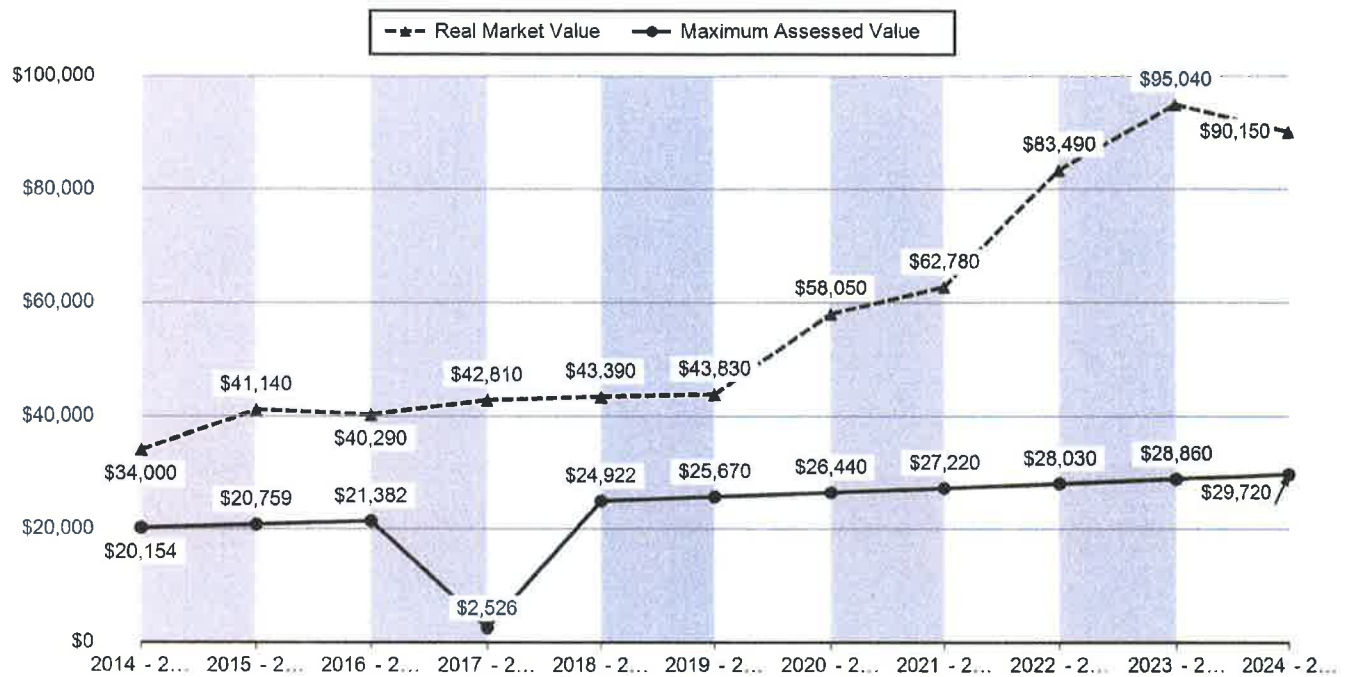
Maximum Assessed	\$29,720
Assessed Value	\$29,720
Veterans Exemption	

Warnings, Notations, and Special Assessments

Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.*

	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019
Real Market Value - Land	\$29,600	\$35,900	\$35,900	\$37,900	\$37,900
Real Market Value - Structures	\$4,400	\$5,240	\$4,390	\$4,910	\$5,490
Total Real Market Value	\$34,000	\$41,140	\$40,290	\$42,810	\$43,390
Maximum Assessed Value	\$20,154	\$20,759	\$21,382	\$2,526	\$24,922
Total Assessed Value	\$20,154	\$20,759	\$21,382	\$22,023	\$24,922
Exemption Value	\$0	\$0	\$0	\$0	\$0

2019 - 2020	2020 - 2021	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025
\$37,900	\$45,100	\$48,270	\$64,050	\$64,050	\$64,050
\$5,930	\$12,950	\$14,510	\$19,440	\$30,990	\$26,100
\$43,830	\$58,050	\$62,780	\$83,490	\$95,040	\$90,150
\$25,670	\$26,440	\$27,220	\$28,030	\$28,860	\$29,720
\$25,670	\$26,440	\$27,220	\$28,030	\$28,860	\$29,720
\$0	\$0	\$0	\$0	\$0	\$0



Error: Subreport could not be shown.

Sales History

Sale Date	Seller	Buyer	Sale Amount	Sale Type	Recording
08/28/2013	SALISBURY-COLDWELL JEANEEN R	MARTIN AUSTEN	\$8,000		2013-259732
01/14/2014	MARTIN AUSTEN	HARRINGTON RHONNA	\$27,000	WARRANTY DEED	2014-261535
04/30/1997	CROOK COUNTY		\$2,750		1999-136972
06/08/2018	HARRINGTON RHONNA	SETTLE DUKE & DANA	\$27,000	WARRANTY DEED	2018-287513

Structures

Stat Class/Description	Improvement Description	Code Area	Year Built	Eff Year Built	Total Sq Ft
FARM BLDG - : GP BUILDING	GP BUILDING	0001	2000	2000	672

Stat Class/Description	Improvement Description	Code Area	Year Built	Eff Year Built	Total Sq Ft
MANF STRCT - : MS Single wide	MS Single wide	0001	1963	1963	712

Land Characteristics

Land Description	Acres	Land Classification
Market	10.00	Mrkt
OSD	0.00	1ST OSD

Related Accounts

Related accounts apply to a property that may be on one map and tax lot but due to billing have more than one account. This occurs when a property is in multiple tax code areas. In other cases there may be business personal property or a manufactured home on this property that is not in the same ownership as the land.

No Related Accounts found.

Error: Subreport could not be shown.

Land and Structures for account # 5999

The [Crook County Assessor's Office](#) is responsible for the appraisal and assessment of all taxable property within the County. Contact this department if you need additional information or if you have questions.

Account Information

Mailing Name: SETTLE DUKE & DANA

Map and Taxlot: 18160400-05300-5999

Account: 5999

Situs Address: 2901 SE MYRTLEWOOD LN, PRINEVILLE OR 97754

Tax Status: Taxable

Structures Located on this Property

Description	Stat Class	Year Built	SQFT		Sketch
GP BUILDING	FARM BLDG	2000	672.0	View Improvement Report (PDF)	
MS Single wide	MANF STRCT	1963	712.0	View Improvement Report (PDF)	View Sketch

Land Characteristics for this Property

Land Description	Acres	Land Classification
OSD	0.00	1ST OSD
Market	10.00	Mrkt

Applicant's Summary
Duke and Dana Settle
June 2025

I. Basic Findings:

A. Location: The subject property is located at 2901 SE Myrtlewood Lane, Prineville. Myrtlewood Lane is an unimproved road to the east of Juniper Acres 1 to the south of Reservoir Road. This single tax lot measuring 10.0 acres is identified on the Crook County Assessor's maps as T18S., R16E., Section 04, Tax Lot 5300. The proposed non-farm dwelling will be located near the existing 1963 manufactured home on the property.

B. Zoning: The property is zoned Exclusive Farm Use –1 –Post-Paulina Areas. This property is designated Agricultural in the Crook County Comprehensive Plan.

C. Proposal: The applicants propose to remove or demolish a "pre-land use" 1963 manufactured home and replace it with a non-farm dwelling. The subject parcel was created in 1968.

D. Site Description: The existing non-farm parcel is in the southwestern portion of the county and to the south of Prineville Reservoir. The existing 10.0-acre non-farm parcel is in an area of non-farm parcel to the east of Juniper Acres 1. The property generally slopes downward from the east to the west with a drainage along the west side. There are few mature juniper trees and limited native brush with very little herbaceous forage.

E. Surrounding Land Uses: All neighboring parcel are zoned EFU-1 and non are irrigated.

To the **north** of the subject property is a 10.0- acre unimproved, vacant non-farm parcel (Peterson, 1816040005000).

To the **northeast** of the subject property is a 10.0-acre improved parcel with a non-farm dwelling in construction (DeWolfe and Andrews, 1816040005100).

To the **east** is a vacant 10.0-acre non-parcel (Settle, 1816040002500).

To the **southeast, south, and southeast** is an 80.0-acre non-farm parcel. It is presently vacant. (Stager, 1816040005400).

To the **west and northwest** is a 40.0-acre non-farm parcel with a 2006 manufactured home. (Hendrix 1816040004500).

F. Soils: According to the Natural Resources Conservation Service (NRCS) draft maps of the area, there are two soil units are mapped on the subject property.

Subject Parcel: 10.0-acres:

Soil Types & Percent	Class Irrigated	Non-irrigated
075 – Ayres very cobbly loam, dry, 0 to 8% slopes, 77.4%	None	7s
204 – Ayres cobbly ashy loam, moist, 3 to 8 percent slopes. 22.6%	None	7s

The subject property consists of 100 percent Class 7 soils, the predominant soils in the area.

G. Big game habitat: The subject property lies within crucial (or critical) deer range. Crook County Wildlife Policy 2 states "Density with a Crucial Wintering Area for deer shall not be greater than one residence per 160 acres and for the General Winter Range not more than one residence per 80 acres." The subject property lies within General Winter Deer Range therefore the one residence per 80 acres standard applies. See attached Potential Development Density Study (PDDE) which describes how this proposal is consistent with Wildlife Policy 2.

H. Origin/Ownership History: The subject property was created by Bargain and Sale Deed at Book 98, Page 217 dated April 4, 1968. It was purchased by the applicants on June 8, 2018. The present vesting deed is Warranty Deed MF # 2018-287513.

Thank you for your consideration

A handwritten signature in blue ink, appearing to read "Craig Kilpatrick".

Craig Kilpatrick
Land Use Consultant

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR CROOK COUNTY, OREGON

CODE NO. 1

MAP NO. <u>18 16</u>	TAX LOT NO. <u>4-3-1-1-2</u>	SECTION _____	TOWNSHIP <u>18</u> S.	RANGE <u>16</u> E.W.M.	AERIAL PHOTO _____
ACCOUNT NUMBER _____		CITY _____			
LOT NO. _____	BLOCK NO. _____	ADDITION _____			

INDENT EACH NEW
COURSE TO THIS POINT

5999

LEGAL DESCRIPTION

DATE
OF ENTRY

DEED RECORD
VOLUME PAGE

ACRES
REMAINING

Formerly part of TL ~~4-3-1-1-3~~ 113

~~SW 1/4 Sec 4~~ T18S R16E W1M

Bush, Clifford W (V 13960) B&S 6-19-68 98 217 10.00

EXC: PARCEL 402M1	JV58729	min.deed	10-9-91	MF97610	
Exc: Parcel 402M2		JV62404	3-18-92	MF95451	
Exc: Parcel 402M3		JV62405	3-18-92	Letter	3-30-90
Exc: PARcel 402M4		JV62689	3-31-93	Letter	4-30-93
E sh, Maria T.		SMALL ESTATE	07-29-94	C-2270	
Crook County		D/FORECLO	01-30-96	MF4125027	
CROOK COUNTY		CT	4-22-98	MF136972	
%SALISBURY, Patrick					

*Cancelled & Transferred
to Map # 18 16 4 - 5300
10-14-98*

CANCELLED

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
OFFICE OF COUNTY ASSESSOR, CROOK COUNTY, OREGON

2001 1

MAP NO. 18 16	TAX LOT NO. 422 1 2	SECTION	TOWNSHIP 12	RANGE 16	NEED PHOTO	
ACCOUNT NUMBER		FURNISH TO		S.W.S.		
LOT NO.	BLOCK NO.	ADDITION	CITY			
IDENTIFY EACH NEW COVERED TO THIS POINT		5999	LEGAL DESCRIPTION	DATE OF ENTRY	OLD MAP NO. VOLUME PAGE	ADDS. REMARKS

Formerly part of TL 4-5-42 1/2

SW 1/4 Sec 4 T18S R16E W1

Bush, Clifford V (V 13900) 1993

EX: PARCEL 402M1
EX: Parcel 402M2
EX: Parcel 402M3
EX: Parcel 402M

JV62720

SH: dxd

JV62404
JV6240
JV62639

1-9-91	PE9710	
1-15-92	PE95451	
3-10-92	Letter 3	10-90
3-31-93	Letter	1-10-97

**CANCELLED AND TRANSFERRED
TO MAP 18 16 4-5300**

10-14-98

1967

KNOW ALL MEN BY THESE PRESENTS, that C. M. S. INVESTMENT COMPANY, INC. a corporation duly organized and existing under the laws of the State of CALIFORNIA, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CLIFFORD V. BUSH, AN UNMARRIED MAN, hereinafter called grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of CROOK, and State of Oregon, described as follows, to-wit:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 4, TOWNSHIP 18 SOUTH, RANGE 16 EAST, WILLAMETTE MERIDIAN.

To Have, and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10.00

ⓐ However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). ⓐ

In construing this deed the singular includes the plural as the circumstances may require.

Done by order of the grantor's board of directors with its corporate seal affixed, this 4TH day of APRIL, 1968

C. M. S. INVESTMENT COMPANY, INC.

(CORPORATE SEAL)

By Patricia E. Lynch President

By Edward J. Kiser Secretary

CALIFORNIA
STATE OF ~~CALIFORNIA~~ County of LOS ANGELES ss:

Personally appeared Edward J. Kiser and Patricia E. Lynch, who, being duly sworn, each for himself and not one for the other, did say that the former is the ACTWG VICE president and that the latter is the ACTWG secretary of C.M.S. INVESTMENT CO. INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

OFFICIAL SEAL Before me: Frederic W. Ernst
(OFFICIAL SEAL) **FREDERIC W. ERNST**
NOTARY PUBLIC, CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY
My commission expires: FREDERIC W. ERNST
My Commission Expires Nov. 11, 1969

NOTE—The sentence between the symbols of the applicant should be deleted. See Chapter 462, Oregon Laws 1967, or amended by the 1967 Special Session.

Bargain and Sale Deed

Corporation

INDEXED
No. 1308

TO

WHEN RECORDED RETURN TO

C.M.S. INVESTMENT CO., INC.
2269 - 32ND ST.
SANTA MONICA, CALIFORNIA

STATE OF OREGON,

County of Crook } ss.

I certify that the within instrument was received for record on the 12 day of April, 1968, at 1:25 o'clock P.M., and recorded in book 98 on page 217.
Record of Deeds of said County.
Witness my hand and seal of County affixed.

Hazel A. Powell

County Clerk, Title

By Esther Johnson Deputy

BOOK

93 PAGE 217

ESC

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



Rhonna Harrington
345 Helena Flak Rd
Kalispell, MT 59901
Grantor's Name and Address
Duke and Dana Settle
28921 SE Currin Road
Estacada OR 97023
Grantee's Name and Address

After recording, return to (Name, Address, Zip):
Duke and Dana Settle
28921 SE Currin Road
Estacada OR 97023

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Duke and Dana Settle
28921 SE Currin Road
Estacada OR 97023

STATE OF OREGON,

County of _____

} ss.

I certify that the within instrument was
received for recording on _____

Crook County Official Records

DEED-D

Pgs=1

SPACE RESERVE
FOR
RECORDER'S USE

\$5.00 \$11.00 \$61.00 \$2.00
\$5.00 \$10.00

2018-287513 d in

06/08/18 11:41 AM tion

Total: \$94.00



01123100201802875130010014

I, Cheryl Seely, County Clerk for Crook County,
Oregon, certify that the instrument identified
herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



uty.

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that Rhonna Harrington now known as
Rhonna Leonard
hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by Duke and Dana Settle

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns,
that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining,
situated in Crook County, State of Oregon, described as follows, to-wit:

In township 18 South, Range 16 East of the Willamette Meridian, Crook
County, Oregon, Section 4: SW 1/4 NE 1/4 SE 1/4

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized
in fee simple of the above granted premises, free from all encumbrances except (if no exceptions, so state): - NONE -

and that
grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all
persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 27,000. However, the
actual consideration consists of or includes other property or value given or promised which is ☒ the whole ☐ part of the (indicate
which) consideration. (The sentence between the symbols [Ⓢ], if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be
made so that this deed shall apply equally to corporations and to individuals.

In witness whereof, the grantor has executed this instrument on 6/08/2018; if grantor
is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do
so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFER-
RING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY,
UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROP-
ERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-
MENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK
WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERI-
FY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE
ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER
ORS 197.352.

Rhonna Harrington
Rhonna Leonard

STATE OF OREGON, County of Crook

This instrument was acknowledged before me on 06/08/2018 ss.

by Rhonna Leonard

This instrument was acknowledged before me on _____

by _____

as _____

of _____

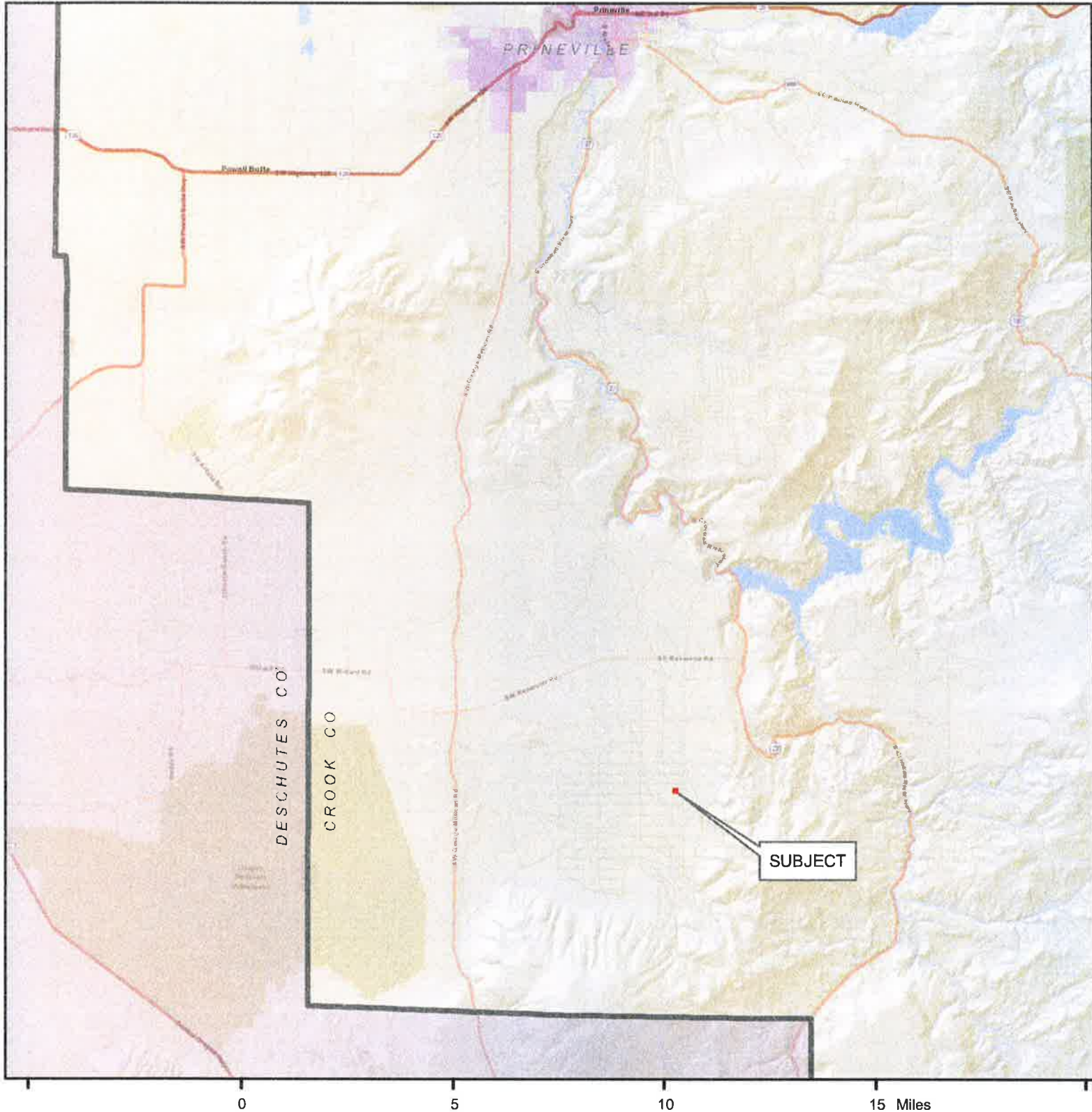


OFFICIAL STAMP
JOLENE ELLEN WILLIAMS
NOTARY PUBLIC-OREGON
COMMISSION NO. 952437
MY COMMISSION EXPIRES JULY 21, 2020

Jolene Williams
Notary Public for Oregon

My commission expires 07/21/2020

VICINITY MAP



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.



DUKE & DANA SETTLE
 1816040005300 - 10 acre
 Located east of Juniper Acres in
 Crook County Oregon

Kilpatrick
CONSULTING, LLC
 LAND USE CONSULTING SERVICES
 GIS MAPPING SERVICES

OFFICE:
 541.447.2724

5/7/2025

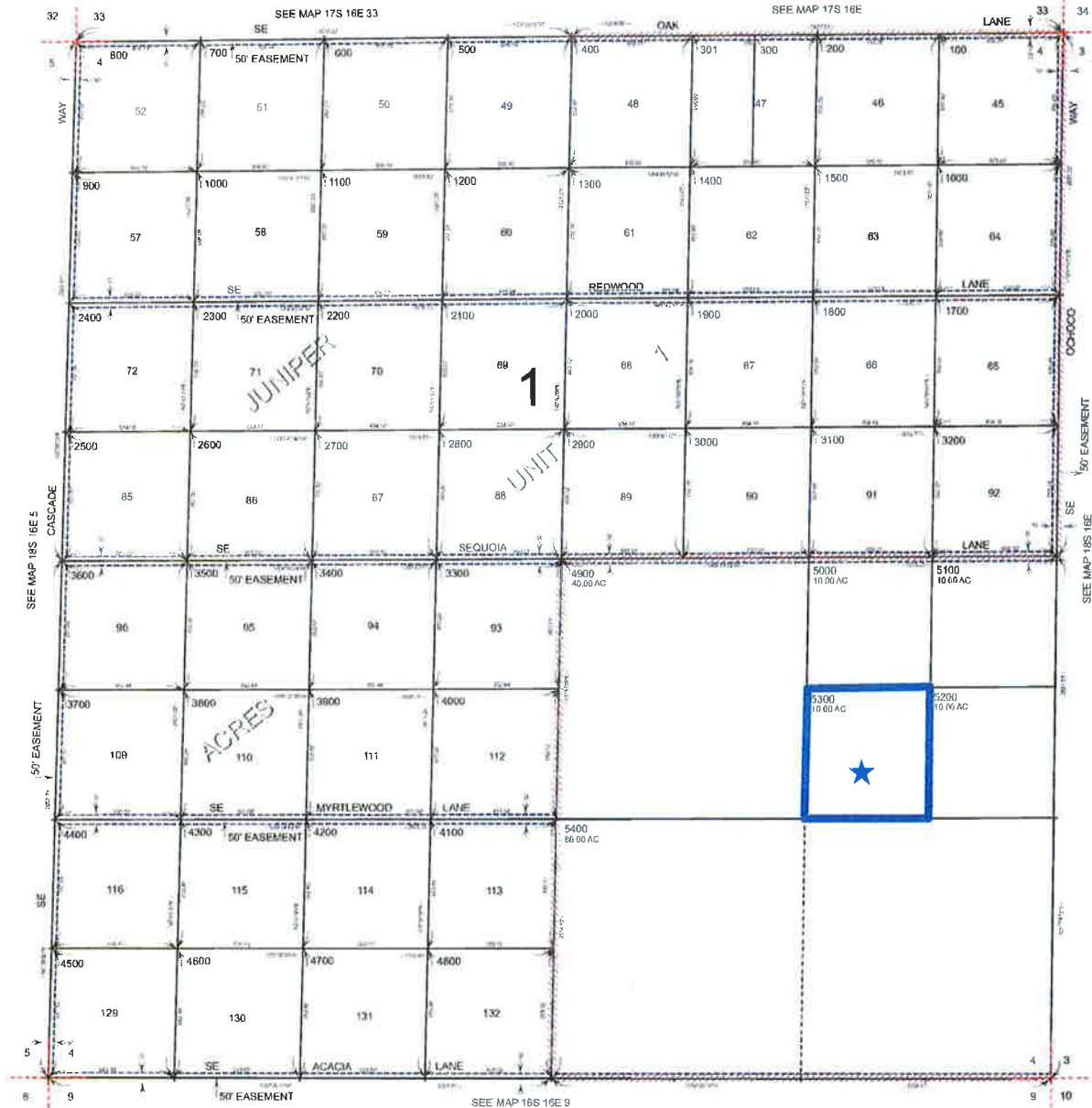
EXHIBIT A - ASSESSOR'S MAP

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 200 400 600 800 Feet

SECTION 4 T.18S. R.16E. W.M.
CROOK COUNTY
1" = 400'

18S16E04

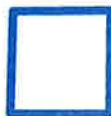


Revised: BC
2/3/2004

18S16E04

Data Source: ORMAP Website

Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.



DUKE & DANA SETTLE

1816040005300 - 10 acre
Located east of Juniper Acres in
Crook County Oregon

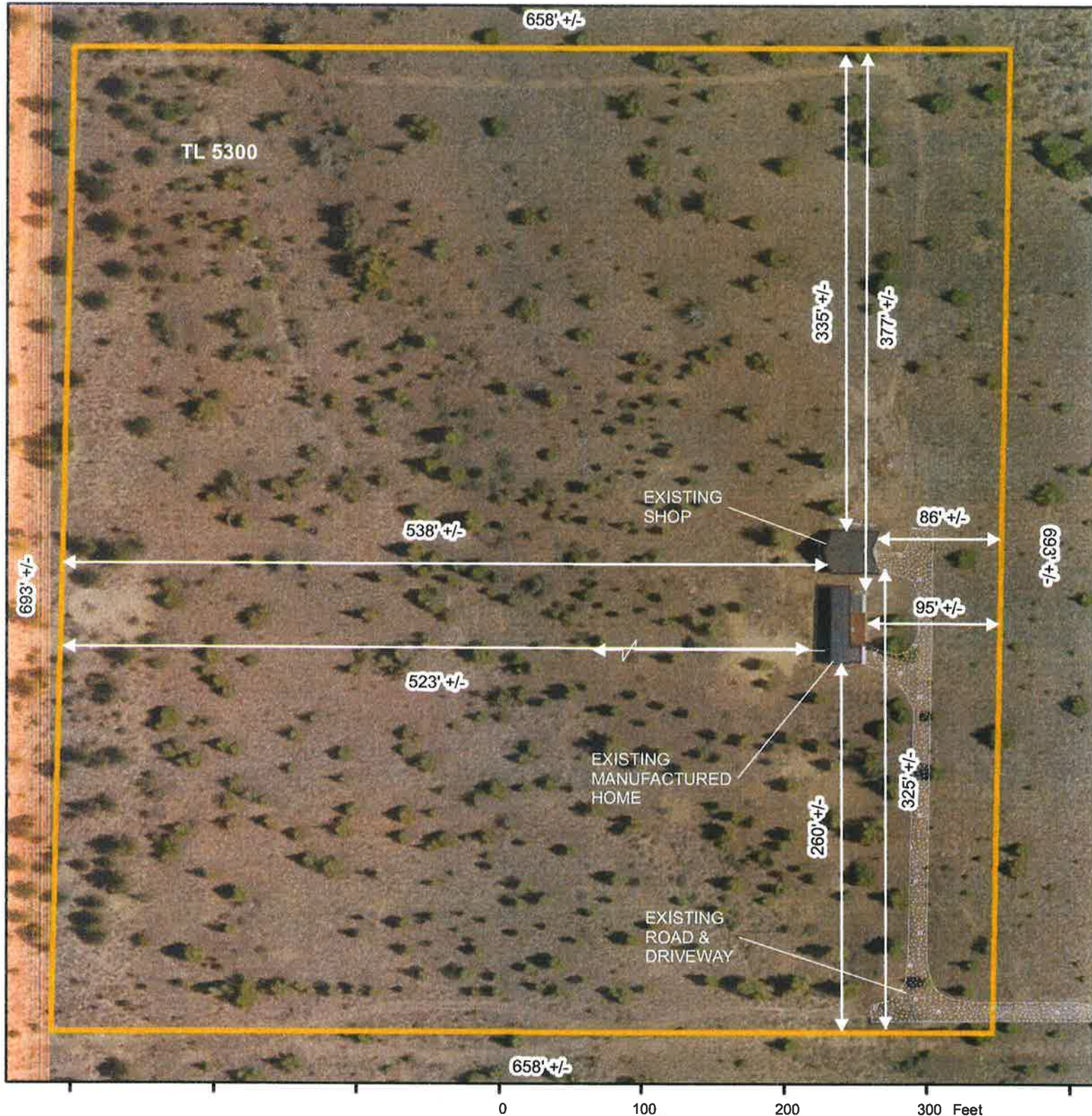
Kilpatrick
CONSULTING, LLC

LAND USE CONSULTING SERVICES
GIS MAPPING SERVICES

OFFICE:
541.447.2724

5/7/2025

EXHIBIT B - EXISTING PROPERTY



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.

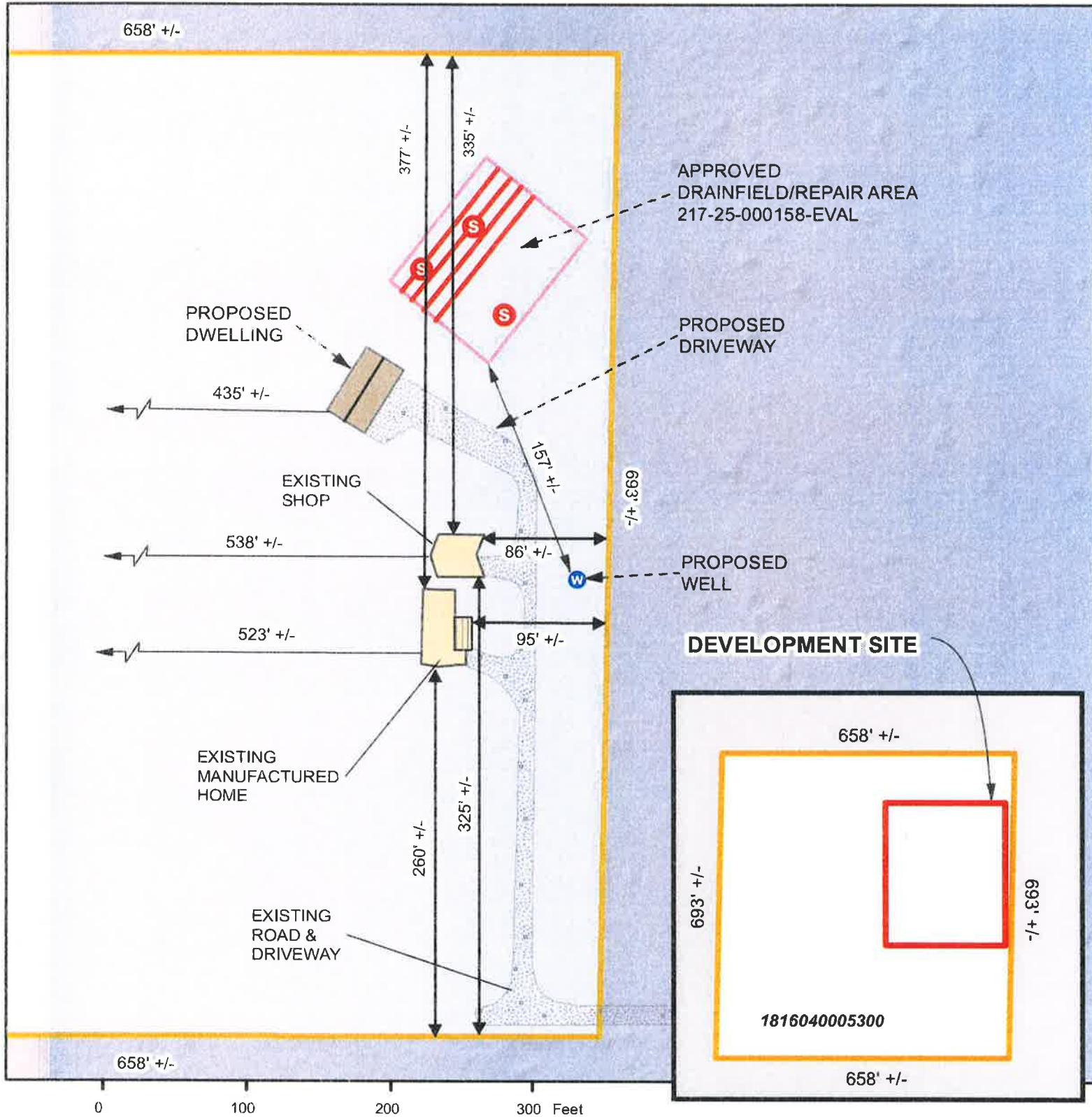


DUKE & DANA SETTLE
 1816040005300 - 10 acre
 Located east of Juniper Acres in
 Crook County Oregon

Kilpatrick
 CONSULTING, LLC
 LAND USE CONSULTING SERVICES
 GIS MAPPING SERVICES
 OFFICE: 541.447.2724

6/19/2025

EXHIBIT C - PROPOSED SITE PLAN



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.

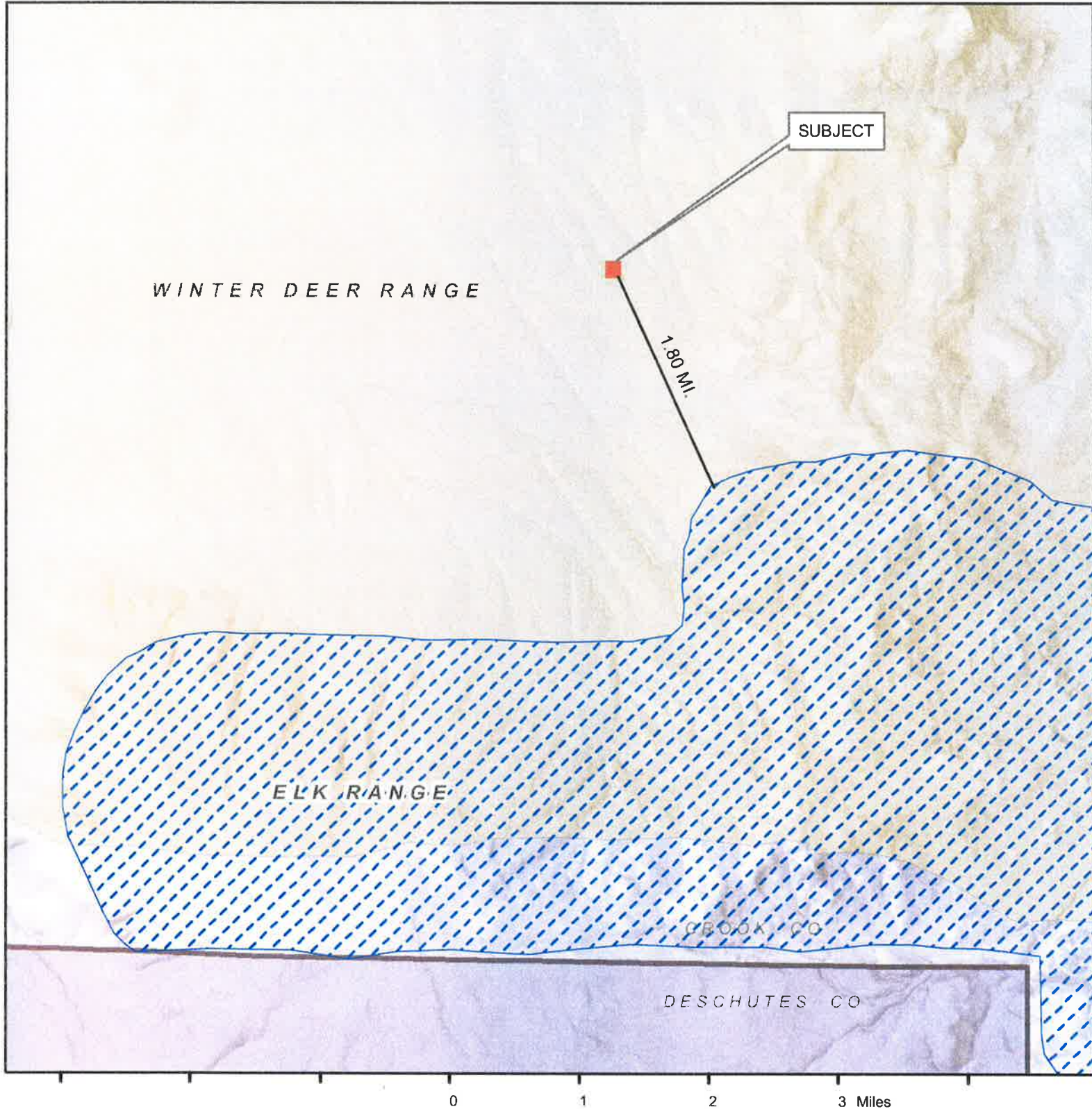


DUKE & DANA SETTLE
 1816040005300 - 10 acre
 Located east of Juniper Acres in
 Crook County Oregon

Kilpatrick
 CONSULTING, LLC
 LAND USE CONSULTING SERVICES
 GIS MAPPING SERVICES
 OFFICE:
 541.447.2724

6/19/2025

EXHIBIT D - WILDLIFE RANGES



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.



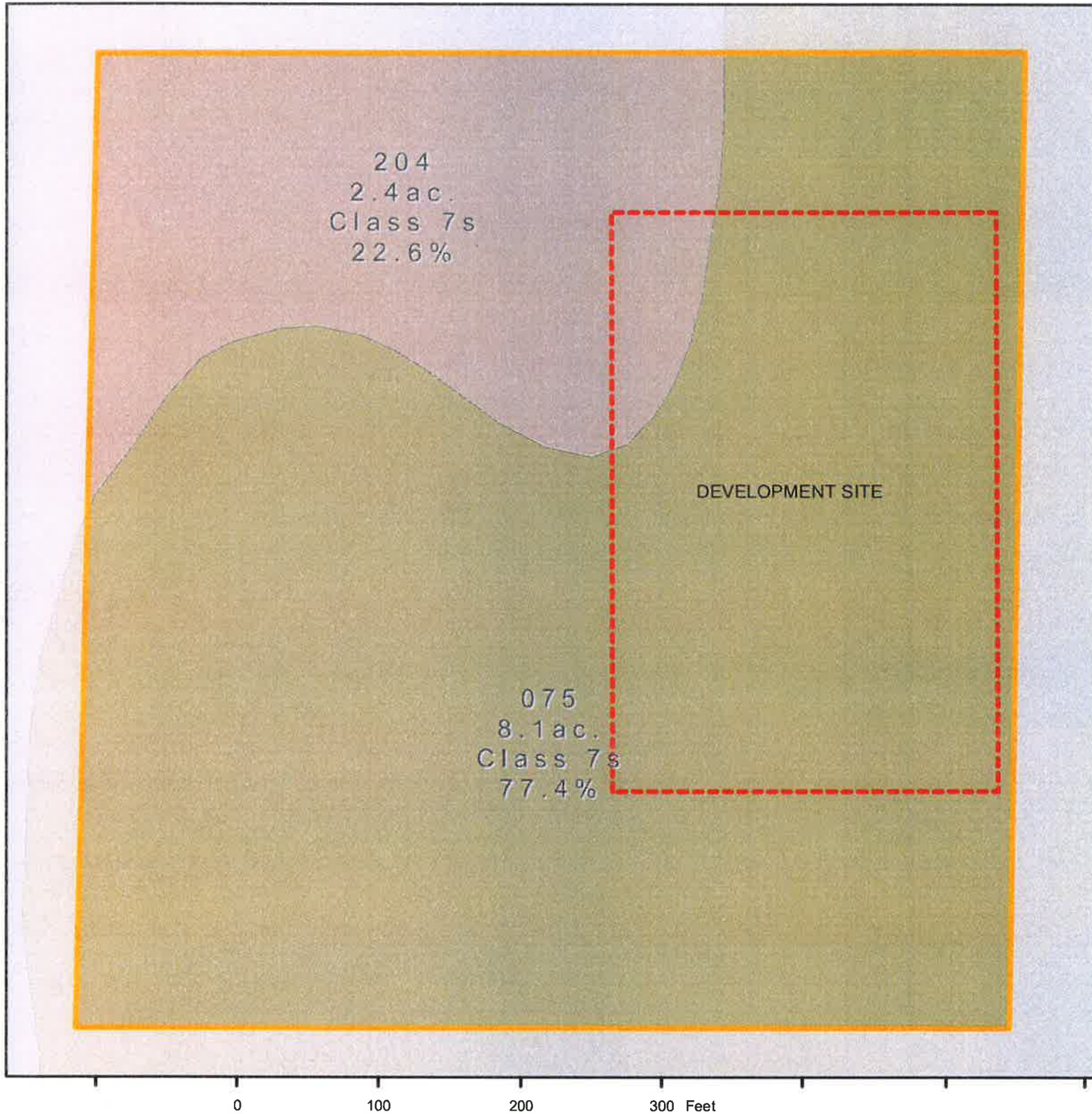
DUKE & DANA SETTLE
1816040005300 - 10 acre
Located east of Juniper Acres in
Crook County Oregon

Kilpatrick
CONSULTING, LLC
LAND USE CONSULTING SERVICES
GIS MAPPING SERVICES

OFFICE:
541.447.2724

5/7/2025

EXHIBIT E - SOILS



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.



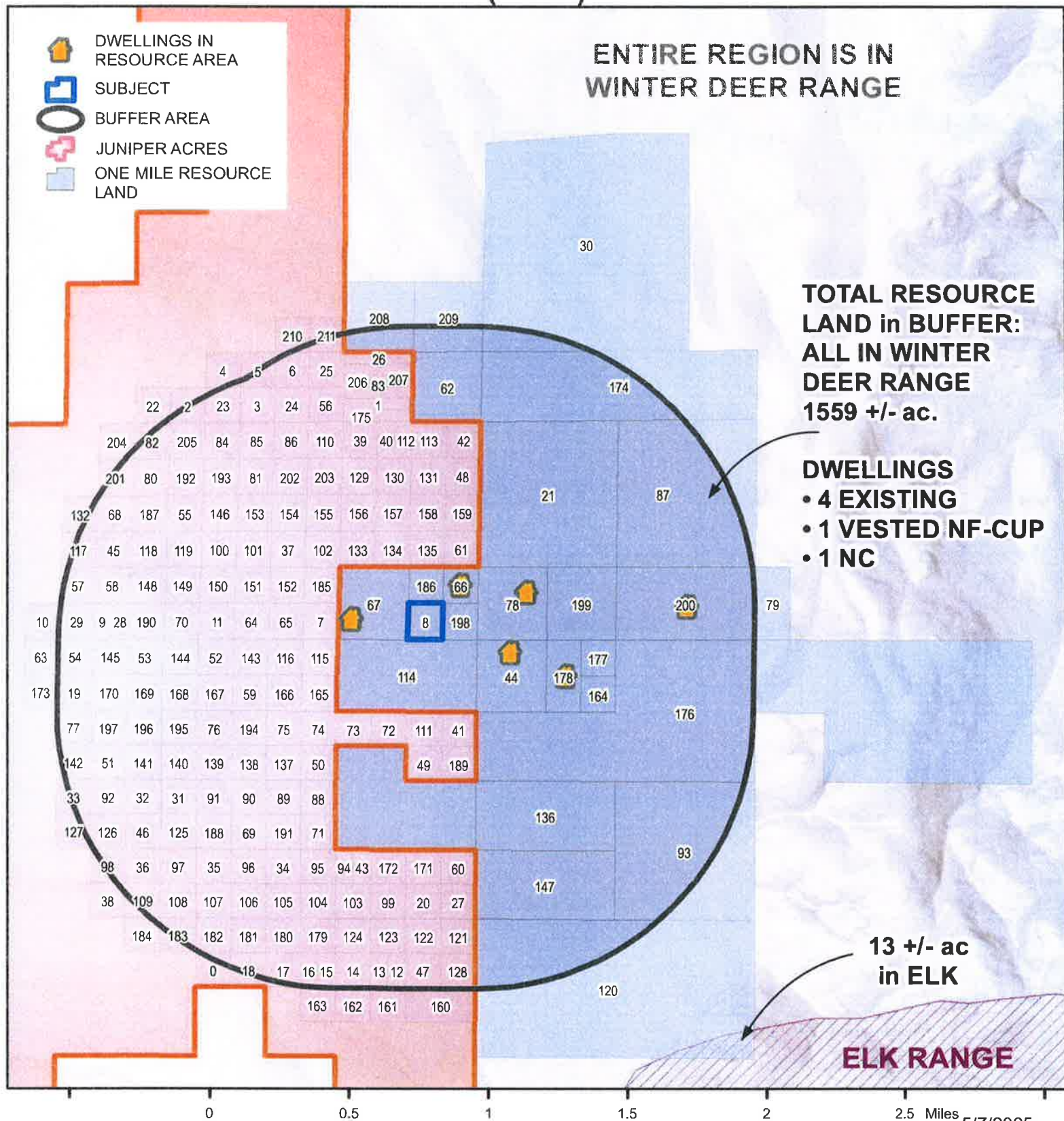
DUKE & DANA SETTLE
1816040005300 - 10 acre
Located east of Juniper Acres in
Crook County Oregon

3/4/2025

Kilpatrick
CONSULTING, LLC
LAND USE CONSULTING SERVICES
GIS MAPPING SERVICES

OFFICE:
541.447.2724

EXHIBIT F - POTENTIAL DEVELOPMENT DENSITY EQUATION (PDDE)



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.



DUKE & DANA SETTLE
1816040005300 - 10 acre
Located east of Juniper Acres in
Crook County Oregon

Kilpatrick
CONSULTING, LLC
LAND USE CONSULTING SERVICES
GIS MAPPING SERVICES
OFFICE: 541.447.2724

Settle – Wildlife Density Study
Potential Development Density Equation (PDDE) Statement
Crook County EFU-1 June 18, 2025

The applicant submits the following calculation data to determine the Potential Development Density Equation (PDDE) for existing parcel within a Crook County Wildlife Area (big game habitat).

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 **1,559.12- acres** of resource land within the one mile area. All of the study area is located within the general deer wintering range. None of the study area is located within the critical deer wintering range. See attached One Mile Study Area Map Exhibit for PDDE.

2. The Density Calculation: The number of potential dwellings for the subject property density study is calculated as follows:

A) The total acreage for calculation in the one-mile study area that is resource land within the general deer wintering range is approximately **1,559-acres** including the subject parcel measuring 10-acres. County policy states that new residences within the general deer wintering range shall not have a density of more than one residence per 80 acres.

1,559 divided by **80** = **19.49** potential dwellings within the general deer wintering range. Rounded down to the nearest whole number equals **19 allowable dwellings**. The proposed dwelling will be located in the general winter deer range.

3. The Existing Dwellings Calculations: The next procedure is to determine the number of existing and approved dwellings in the one-mile study area that are located within the deer wintering range.

A) Deer Wintering Ranges: A thorough examination of Crook County records/maps show that there are presently a total of 4 dwellings within the General Deer Wintering Range.

The total number of the applicable existing dwellings on resource parcels in the Study Area, General Winter Deer Range:	4
The total number of the applicable existing dwellings on parcels in the Study Area, Elk Range.	0
The total number of approved EFU-1 residences:	0
The total number of approval vested EFU-1 residences:	1
The total number of proposed non-farm residences, including subject application:	<u>1</u>
Total:	6

6 total dwellings = 32% of the maximum allowable density of 19 allowable residences.

This result meets the criteria expressed in Crook County Wildlife Policy 2 as determined by these calculations and illustrated by the accompanying map exhibit. Wildlife Policy 3 is not applicable as the subject property is not within the Elk Range.



Septic Site Evaluation Approval

217-25-000168-EVAL

Crook County
300 NE 3rd St, Rm #12
Prineville, OR 97754
541-447-3211
Fax: 541-216-2139
onsite@crookcountyor.gov
Website: co.crook.or.us

Date issued: 03/11/2025

Application status: Site Evaluation Approved

Work description: Settle-Soil Evaluation

Applicant: SETTLE DUKE & DANA
Address: 29020 SE CURRIN RD
ESTACADA OR 97023
Phone: 5035046946

Owner: SETTLE DUKE & DANA

Property address: 2901 SE Myrtlewood Ln, Prineville,
OR 97754

Address: 29020 SE CURRIN RD
ESTACADA OR 97023

Parcel: 1816040005300 - Primary

Township: 18 Range: 16 Section: 4

Lot size: 10

Water supply: N/A

Zoning: N/A

City/County/UGB: N/A

Accessory Dwelling Unit: No

Proposed use of structure: septic for NSFD
Category of construction: Single Family Dwelling

General Specifications

Max peak design flow:	450 gpd.	Proposed gallons per day:	225 gpd.
Min septic tank volume:	1000 gal.	Min dosing tank volume:	N/A
Media depth:	12 in.		
Comments: Protect drain field from livestock, vehicles and other disturbance			

System Specifications

System type:
System distribution type:
Distribution method:

Initial System
Capping Fill
Equal
Equal-Hydrosplitter
Initial System

Replacement Area
Capping Fill
Equal
Equal-Hydrosplitter
Replacement Area

Trench Specifications

Trench linear feet:
Max depth:
Min depth:
Capping fills-min depth of fill material:

450 linear ft.	450 linear ft.
18 in.	18 in.
12 in.	12 in.
10 in.	10 in.

Special Requirements

Groundwater type:

Initial System	Replacement Area
Not Applicable	Not Applicable

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)

Date issued: 03/11/2025**Application status:** Site Evaluation Approved**Work description:** Settle-Soil Evaluation**Drainfield type:**

Capping Fill

Capping Fill

Drainfield sizing:

150 linear ft/150 gal.

150 linear ft/150 gal.

Conditions of approval:

Please refer to OAR 340-071-0150 for details on Site Evaluation procedures.

THIS IS NOT A PERMIT TO CONSTRUCT A SEPTIC SYSTEM

A site evaluation is the first step in the process of obtaining a construction-installation permit for an onsite system. Except as otherwise provided in these rules, before obtaining a permit to construct an onsite system, a person must obtain a site evaluation report finding the site suitable for an onsite system in accordance with this division.

Installation must occur within the boundaries defined in this report. Crook County may ask for and require additional information at the time of the installation.

Additional Conditions of Site Approval:

Peak sewage flows into this system is limited to a maximum of 450 gallons per day, with an average sewage flow of 225 gallons per day. This is usually sufficient to serve a 4-bedroom single family dwelling. Premature failure of the system may occur if the flow quantities are exceeded.

ANY alteration of the soil may result in a denial of a permit and void this approval.

This site is approved based on the condition that the site will not be further partitioned or subdivided.

This Site Evaluation runs with the land and will automatically benefit future property owners. This approval is valid until a septic system is installed under a construction permit.

If you disagree with the decision of this report, you may apply for a site evaluation report review. The application for a site evaluation report review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140 Table 9A. A senior DEQ staff person will be assigned the site evaluation report review application.

You may apply for a variance to the onsite wastewater treatment system rules. The variance application must include a copy of the site evaluation report, plans and specifications for the proposed system, specify the rule(s) to which a variance is being requested, demonstrate the variance is warranted, and include the variance fee in OAR 340-071-140 Table 9C. A variance may only be granted if the variance officer determines that strict compliance with a rule is inappropriate or special physical conditions render strict compliance unreasonable, burdensome or impractical. A senior DEQ variance officer will be assigned the variance application.

David Hurley
Bend DEQ Office
475 NE Bellevue Dr. Suite 110
Bend, Oregon 97701
541-633-2036

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)

Date issued: 03/11/2025**Application status:** Site Evaluation Approved**Work description:** Settle-Soil Evaluation

THIS IS NOT YOUR PERMIT. A Construction/Installation permit is required before you construct your system. Please contact this office when you are ready to apply for a construction/installation permit. We cannot sign off on any Building Codes forms until we issue your permit.

This site approval runs with the land and will automatically benefit subsequent owners. This site approval is valid until the approved system is constructed under a DEQ construction permit or unless the site is altered without approval from this office. Alterations/excavations/lot line adjustments made to the site, or placement of wells or utilities, etc., may invalidate this approval.

If you disagree with the decision of this report, you may apply for a site evaluation report review. The application for a site evaluation report review must be submitted to DEQ in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140 Table 9A. A senior DEQ staff person will be assigned the site evaluation report review application.

You may apply for a variance to the onsite wastewater treatment system rules. The variance application must include a copy of the site evaluation report, plans and specifications for the proposed system, specify the rule(s) to which a variance is being requested, demonstrate the variance is warranted, and include the variance fee in OAR 340-071-140 Table 9C. A variance may only be granted if the variance officer determines that strict compliance with a rule is inappropriate or special physical conditions render strict compliance unreasonable, burdensome or impractical. A senior DEQ variance officer will be assigned the variance application.

Christopher Haindel

Onsite Inspector

3/11/25

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by Oregon Administration Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344.)

Site Evaluation - Settle

EVAL# 217-25-000168-EVAL

Taxlot 1816040005300

GPS Accuracy +/- 10ft

Property lines are approximate and in red - very inaccurate in this particular area.
Owner is advised to locate property corners prior to development.

Approval area is outlined in purple.

Legend

Approval Area - Initial/Reserve

Pit

Required Setback



AFTER RECORDING RETURN TO:

Duke B. and Dana L. Settle
29020 SE Currin Road
Estacada OR 97023

Crook County Official Records	2024-329244
DEED-ESMT	10/29/2024 12:02:01 PM
Pgs=5	
\$25.00 \$2.00 \$11.00 \$10.00 \$61.00	\$114.00
\$5.00	
I, Cheryl Seely, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Cheryl Seely - County Clerk	



ACCESS EASEMENT AGREEMENT

This Agreement is executed on this 21 day of October, 2024 by Warren DeWolfe ^{W.D.} and Jennifer Andrews ^{JA} ("Warren") and Duke B. and Dana L. Settle ("Duke and Dana" or "The Settles").

Recitals

A. Warren owns fee title to the parcel of land described in Exhibit A ("Warren's Property"), and Duke and Dana own fee title to the parcels of land described in Exhibit B ("Duke and Dana's Property"), subject to documents recorded in the official records of Crook County regarding both properties.

B. In exchange for a \$1 payment, Warren has agreed to grant Duke and Dana an access easement over Warren's Property, as more fully set forth below.

Grant

Warren and The Settles agree as follows:

1. Grant of Easement. Warren grants to Duke and Dana, for the benefit of Duke and Dana's Property, a private, perpetual, nonexclusive easement ("Easement") over and across the portion of Warren's Property described and depicted in Exhibit C ("Easement Area"). This easement is for the benefit of The Settles and their assigns and grants the right for ingress and egress to and from Duke and Dana's Property from the public road. Without limitation, this Easement grants Duke and Dana the right to maintain and repair the road on and over the Easement Area. The Easement Area may be commonly used by the owner of the Warren's Property and its tenants, invitees, agents, employees, successors and assigns. No above-ground structures, barriers, fences, buildings or other improvements of any kind shall be installed by Duke and Dana in the Easement other than a roadway. The grant of the Easement is made subject to all exceptions to title on file or of record in the Official Records of Crook County, Oregon.
2. Payment. Not later than five (5) days from the complete execution and prior to the recording of this Access Easement Agreement, Duke and Dana shall pay Warren the total sum of One Dollar and 00/100 (\$1). This payment shall be made by check, payable to "Warren DeWolfe," and delivered to an address provided by Warren.
3. Nature of Easement. The Easement granted herein shall belong to, and be for the benefit of, Duke and Dana's Property. This Easement is granted in perpetuity and shall be conveyed to, in the event of sale, all subsequent owners of property in Exhibit B.
4. Amendment. This Agreement may only be amended by written instrument executed by Warren and The Settles.
5. Notices. Any notice required or permitted by this Easement shall be in writing and given by delivering the same in person to the recipient or by sending the same by registered or certified mail, return receipt requested, with postage prepaid, to the address of the Grantor or Grantee Tract, as applicable, as shown on the current records of the tax assessor for Crook County, Oregon, with respect to the Tract in question.

Recorded by AmeriTitle as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document.

Executed to be effective as of the 21 day of October, 2024.

Return To:  653164am
AmeriTitle

STATE OF OREGON)

County of) Crook

) ss.

Warren DeWolfe *Jennifer Andrews*

This instrument was acknowledged before me this 23 day of October, 2024, by Warren DeWolfe and Jennifer Andrews



Kellie Cobb
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/30/2027

STATE OF OREGON)

County of) Clackamas

) ss.

This instrument was acknowledged before me this 21st day of October, 2024, by Duke B. Settle

Duke B. Settle



Kelli Dietz
NOTARY PUBLIC FOR OREGON
My Commission Expires: 06/27/2025

STATE OF OREGON)

County of) Clackamas

) ss.

This instrument was acknowledged before me this 21st day of October, 2024, by Dana L. Settle

Dana L. Settle



Kelli Dietz
NOTARY PUBLIC FOR OREGON
My Commission Expires: 06/27/2025

Exhibits:

- A – Warren's Property
- B – Duke and Dana's Property
- C – Easement Legal Description

EXHIBIT A

Warren's Property

29457 Ochoco Way Prineville Oregon 97754, Crook County,
Map and Tax lot # 18-16-4-5100

A parcel of land situated in the Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 4, Township 18 South, Range 16 East of the Willamette Meridian, in Crook County, Oregon.

EXHIBIT B

Duke and Dana's Property

A parcel of land situated in the Southeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 4, Township 18 South, Range 16 East of the Willamette Meridian, in Crook County, Oregon. Map number 1816040005200.

A parcel of land situated in the Southwest one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 4, Township 18 South, Range 16 East of the Willamette Meridian, in Crook County, Oregon. Map number 1816040005300.

EXHIBIT B TO ACCESS EASEMENT AGREEMENT

EXHIBIT C

Legal Description

Access Easement

Being a portion of the property described in deed document number 2021-310705, Crook County deed records, Located in in the Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 4, Township 18 South, Range 16 East of the Willamette Meridian, in Crook County, Oregon, described as follows:

The Easterly 30 feet of tax lot 5100.

Containing 19,650 square feet, more or less.

EXHIBIT C TO ACCESS EASEMENT AGREEMENT

Crook County Area, Oregon

075—Ayres very cobbly loam, dry, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2mr7
Elevation: 3,570 to 4,350 feet
Mean annual precipitation: 9 to 11 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 60 to 90 days
Farmland classification: Not prime farmland

Map Unit Composition

Ayres, dry, and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ayres, Dry

Setting

Landform: Alluvial fans
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Old alluvium derived from rhyolite and other volcanic sources with an influence of volcanic ash in the upper part

Typical profile

A - 0 to 3 inches: very cobbly ashy loam
AB - 3 to 8 inches: very cobbly ashy loam
2Bt1 - 8 to 12 inches: very cobbly loam
2Bt2 - 12 to 15 inches: extremely cobbly clay loam
2Bqm - 15 to 59 inches: cemented material

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: 10 to 20 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 1.1 inches)

Interpretive groups

Land capability classification (irrigated): 7s
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: D
Ecological site: R010XB029OR - JD Claypan 9-12 PZ
Hydric soil rating: No

Minor Components

Ayresbutte, dry

Percent of map unit: 10 percent
Landform: Alluvial fans
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Ecological site: R010XA003OR - DROUGHTY 8-10 PZ
Hydric soil rating: No

Era

Percent of map unit: 5 percent
Landform: Stream terraces, drainageways
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope, tread
Down-slope shape: Concave, linear
Across-slope shape: Linear, concave
Ecological site: R010XA019OR - SHRUBBY LOAM 8-12 PZ
Hydric soil rating: No

Data Source Information

Soil Survey Area: Crook County Area, Oregon
Survey Area Data: Version 8, Sep 4, 2024

Crook County Area, Oregon

204—Ayres cobbly ashy loam, moist, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: wg1s
Elevation: 3,660 to 4,020 feet
Mean annual precipitation: 9 to 12 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 55 to 80 days
Farmland classification: Not prime farmland

Map Unit Composition

Ayres, cobbly ashy loam, moist, and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ayres, Cobbly Ashy Loam, Moist

Setting

Landform: Alluvial fans
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Old alluvium derived from rhyolite and other volcanic sources with an influence of volcanic ash in the upper part

Typical profile

A - 0 to 3 inches: cobbly ashy loam
AB - 3 to 8 inches: very cobbly ashy loam
2Bt1 - 8 to 12 inches: very cobbly loam
2Bt2 - 12 to 15 inches: extremely cobbly clay loam
2Bqm - 15 to 59 inches: cemented material

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 10 to 20 inches to duripan
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 10 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 1.1 inches)

Interpretive groups

Land capability classification (irrigated): 7s

Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: D

Ecological site: R010XA018OR - Juniper Shrubby Loam 10-12 PZ

Hydric soil rating: No

Minor Components

Ayresbutte, dry

Percent of map unit: 10 percent

Landform: Alluvial fans

Landform position (two-dimensional): Backslope

Landform position (three-dimensional): Side slope

Down-slope shape: Linear

Across-slope shape: Linear

*Ecological site: R010XA009OR - Juniper Shrubby Pumice Flat
10-12 PZ*

Hydric soil rating: No

Era

Percent of map unit: 5 percent

Landform: Stream terraces, drainageways

Landform position (two-dimensional): Footslope

Landform position (three-dimensional): Base slope, tread

Down-slope shape: Concave, linear

Across-slope shape: Linear, concave

Ecological site: R010XA019OR - SHRUBBY LOAM 8-12 PZ

Hydric soil rating: No

Data Source Information

Soil Survey Area: Crook County Area, Oregon

Survey Area Data: Version 8, Sep 4, 2024

Settle Non-farm Application Burden of Proof & Area Study

Crook County
Zoning Criteria, Study Data, Questions & Answers
Conclusion

June 18, 2025

I. Applicable Criteria:

Crook County Code, Title 18 Zoning, Chapter **18.16** Exclusive Farm Use Zone, EFU-1 (Post – Paulina Area) more specifically: **18.16.020**, Conditional uses review criteria (1, 2, 3), **18.16.040**, Dwellings not in conjunction with farm use, **18.16.075**, Development standards, **18.16.085**, Parcel size exception.

Crook County-Prineville Area Comprehensive Plan, Chapter III, Land Use, Agriculture, Pages 40-47, policies for agricultural areas of Crook County. Wildlife Policy #2, Page 153.

ORS 215.284 (2) and ORS 215.263 (5)

Oregon Administrative Rules OAR 660-33-0010 through 0130, generally.

CCC Title 18 Zoning, Chapter 18.16 (EFU-1) Lists and describes the requirement and criteria the Exclusive Farm Zone, EFU-1 (Post – Paulina Area) 18.16.020 Lists conditional use review criteria, 18.16.040 describes the requirements for dwellings not in conjunction with farm use (non-farm), CCC 18.16.075 describes Development standards, 18.16.085 outlines Parcel size exceptions.

ORS 215.284 (2) In counties not described in subsection (1) of this section (referring to Eastern Oregon as not described) a single-family residential dwelling not provided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that: (a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use. (c) The dwelling will be sited on a lot or parcel created before January 1, 1993; (d) the dwelling will not materially alter the stability of the overall land use pattern of the area; and (e) the dwelling complies with such other conditions as the governing body or its designee considers necessary.

II. Basic Findings:

A. Location: The subject property is located at 2901 SE Myrtlewood Lane, Prineville. Myrtlewood Lane is an unimproved road to the east of Juniper Acres 1 to the south of Reservoir Road. This single tax lot measuring 10.0 acres is identified on the Crook County Assessor's maps as T18S., R16E., Section 04, Tax Lot 5300. The proposed non-farm dwelling will be located near the existing 1963 manufactured home on the property.

B. Zoning: The property is zoned Exclusive Farm Use –1 –Post-Paulina Areas. This property is designated Agricultural in the Crook County Comprehensive Plan.

C. Proposal: The applicants propose to remove or demolish a “pre-land use” 1963 manufactured home and replace it with a non-farm dwelling. The subject parcel was created in 1968.

D. Site Description: The existing non-farm parcel is in the southern portion of the county and to the south of Prineville Reservoir. The existing 10.0-acre non-farm parcel is in an area of numerous non-farm parcels to the east of Juniper Acres 1. The property generally slopes downward from the east to the west with a drainage along the west side. There are few mature juniper trees and limited native brush with very little herbaceous forage.

E. Surrounding Land Uses: All neighboring parcels are zoned EFU-1 and none are irrigated. None are in farm use.

To the **north** of the subject property is a 10.0- acre unimproved, vacant non-farm parcel (Peterson, 1816040005000).

To the **northeast** of the subject property is a 10.0-acre improved parcel with a non-farm dwelling in construction (DeWolfe and Andrews, 1816040005100).

To the **east** is a vacant 10.0-acre non-parcel (Settle, 1816040005200).

To the **southeast, south, and southeast** is an 80.0-acre non-farm parcel. It is presently vacant. (Stager, 1816040005400).

To the **west and northwest** is a 40.0-acre non-farm parcel with a 2006 manufactured home. (Hendrix 1816040004500).

F. Soils: According to the Natural Resources Conservation Service (NRCS) draft maps of the area, there are two soil units are mapped on the subject property.

Subject Parcel: 10.0-acres:

Soil Types & Percent	Class Irrigated	Non-irrigated
075 – Ayres very cobbly loam, dry, 0 to 8% slopes, 77.4%	None	7s
204 – Ayres cobbly ashy loam, moist, 3 to 8 percent slopes. 22.6%	None	7s

The subject property consists of 100 percent Class 7 soils, the predominant soils in the immediate area.

G. Big game habitat: The subject property lies within crucial (or critical) deer range. Crook County Wildlife Policy 2 states “Density with a Crucial Wintering Area for deer shall not be greater than one residence per 160 acres and for the General Winter Range not more than one residence per 80 acres.” The subject property lies within General Winter Deer Range therefore the one residence per 80 acres standard applies. See attached Potential Development Density Study (PDDE) which describes how fully this proposal is consistent with Wildlife Policy 2.

H. Origin/Ownership History: The subject property was created by Bargain and Sale Deed at Book 98, Page 217 dated April 4, 1968. It was purchased by the applicants on June 8, 2018. The present vesting deed is Warranty Deed MF # 2018-287513.

III. Applicant Statement: OAR Chapter 660-033(D)

The proposal meets this criterion because it shows that the non-farm dwelling will not materially alter the stability of the land use pattern of the area. On June 1, 1998, the Land Conservation and Development Commission adopted amendments to the administrative rules (new rules) implementing Goal 3, Agricultural Lands (OAR Chapter 660-033) to incorporate case law and to clarify the analysis under “stability” approval criterion. The new rules apply the three-step “stability” analysis first articulated in Sweeten v. Clackamas County, 17 Or LUBA 1234 (1989). These rules are as follows:

(D) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the county shall:

- (i) Identify a study area for the cumulative impacts analysis. This study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study, its boundaries, and the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;***
- (ii) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot of record dwellings that could be approved under subsections (3)(a), (3)(d) and section 4 of this rule, including identification of the predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels non-farm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this subparagraph;***
- (iii) Determine whether approval of the proposed non-farm/lot of record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease***

farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

...

1. Cumulative impacts analysis area: The County has suggested an area of analysis including all EFU-zoned land located within a one-mile radius of the subject property's boundaries including approximately 3,206.82-acres, the applicant has further referenced all effected private property totaling 4,532.98-acres. The "study area" consists of that area within the one-mile buffer. There are twenty-six (26) privately owned EFU-zoned tax lots in the study area. There are no (0) publicly owned tax lots. The private tax lots are owned by nineteen (19) owners. Commonly owned tax lots if adjacent may be counted by common deed of ownership as parcels if acquired collectively. There are five parcels (Bear Creek Ranch LLC) that were deeded as under a single deed. However, all five of the Bear Creek Ranch parcels were identified as separate legal parcels within Administrative Decision AD 09-0061 in 2009. The parcels in private ownership measure between 10.0 and 620.0-acres in size.

Fifteen (15) of the twenty-six (26) private parcels, or fifty-eight percent (58%), measure forty acres or smaller in size. Four (4) of the parcels, or fifteen percent (15%) measure eighty acres in size. The remaining seven (7) parcels or twenty-seven percent (27%) measure between one hundred sixty acres and six hundred, twenty acres in size.

2. Types of Uses within the Study Area: The privately-owned parcels within the study area are engaged in a limited mix of uses including a) dryland "farm" parcels listed as farm parcels that are primarily used for recreational uses and are improved or unimproved, b) large tracts - rangeland parcels, large enough to support seasonal grazing, c) dryland "non-farm" parcels that are primarily used for recreational uses and are improved or unimproved, and d) properties with the Juniper Acres subdivision. These are non-resource lands and are not individually studied.

Private uses, specifically by tax lot: Primary use parcels listed by map number as follows:

Total resource acres with the one-mile study area: **1,559.12 acres**

a) dryland "farm" parcels:

1) Diversified Capital Investment LLC: 1716000000703 measuring 160.00 ac without irrigated ac, vacant. 7) Muck: 1716000000712 measuring 356.26 ac, unirrigated ac, vacant.

516.26 acres (4,532.98 effected in Study Area) or 11% of the applicable study area.

b) large tracts – rangeland parcels, large enough to support seasonal grazing:

2) Bear Creek Ranch LLC: 1816000000401 measuring 620.00 ac, unirrigated, vacant. 3) Bear Creek Ranch LLC: 1816000000404 measuring 320.69 ac, unirrigated, vacant. 4) Bear Creek Ranch LLC: 1816000000405 measuring 160.00 ac, unirrigated, vacant. 5) Bear Creek Ranch LLC: 1816000000429 measuring 80.00 ac, unirrigated, vacant. 6) Bear Creek Ranch LLC: 1816000000430 measuring 80.00 ac, unirrigated, vacant.

1,260.00-acres (4,532.98 effected in Study Area) or 28% of the applicable study area.

c) dryland “non-farm” recreational uses and are improved or unimproved.

8) Holman: 1716000001800 measuring 40.00 ac, unirrigated, vacant. 9) Wiksten: 1716000001802 measuring 40.0 ac, unirrigated, vacant. 10) Tupper: 1716000001803 measuring 40.0 ac, unirrigated, vacant. 11) Teegarden: 1816000000402 measuring 160.40 ac, unirrigated, no dwelling. 12) Mason: 1816000000403 measuring 80.0 ac, unirrigated, vacant with a vested CUP for NFD. 13) Teegarden: 1816000000406 measuring 161.17 ac unirrigated, vacant. 14) Soloman: 1816000000409 measuring 40.0 ac, unirrigated, vacant. 15) Dean: 1816000000411 measuring 20.0 ac, unirrigated, vacant. 16) Payne: 1816000000415 measuring 10.0 ac, unirrigated, vacant. 17) Englehart: 1816000000416 measuring 20.0 ac, unirrigated, with accessory farm building. 18) Payne: 1816000000426 measuring 10.0 ac, unirrigated, vacant. 19) Theobald Trust: 1816000000427 measuring 40.0 ac, unirrigated, w 2011 dwelling. 20) Smith & Anderson: 1816000000428 measuring 40.0 ac, unirrigated ac, w 2007 dwelling. 21) Hendrix: 1816040004900 measuring 40.0 ac, unirrigated w 2005 dwelling. 22) Peterson: 1816040005000 measuring 10.0 ac, unirrigated, vacant. 23) DeWolfe & Andrews: 1816040005100 measuring 10.0 ac, unirrigated w 2022 dwelling. 24) Settle: 1816040005200 measuring 10.0 ac measuring 10.0 ac, unirrigated, vacant. 25) Settle: 1816040005300 measuring 10.0 ac, unirrigated ac, w non-conforming dwelling MH 1963. 26) Stager: 1816040005400 measuring 80.0 ac, unirrigated ac, vacant.

861.57 acres (4,532.98 within Study Area) or 19% of the applicable study area.

d) Juniper Acres – a pre-land use subdivision considered as non-resource land and not reviewed as part of this application.

1,895.15 acres (4,532.98 within Study Area) or 42% of the applicable study area.

3. Existing Dwellings: There are presently four (4) approved dwellings on twenty-six (26) parcels completely within the EFU resource portion of the study area. All four approved dwellings are located on single parcels. These dwellings were built in the following years; one (1) in 2005, one (1) in 2007, one (1) in 2011, and one (1) in 2022. All of the four (4) were approved as non-farm dwellings. There is one nonconforming dwelling on the subject property that will be removed, demolished, or repurposed. There are presently no farm dwellings within the study area. Without water it is unlikely that any farm dwellings will be approved.

Dwellings developed prior to 1978 predated dwelling regulation within the County’s EFU zone and therefore were not subject to current EFU zoning requirements. County records indicate that the one (1) of the dwellings, a 1963 manufactured home was placed on the subject property by a prior owner in the 1990’s without County approval. Resolution of that non-conforming use can be resolved as a condition of approval.

4. Vested dwelling approvals: There is one (1) vested approval for a non-farm dwelling in the study area on map # 200 (1816000000403) Mason.

Total vested Non-farm Dwelling CUP within the Study Area = 1 Non-farm Dwelling.

5. Dwelling development trends since 1993: As discussed above, all the dwellings in the study area are non-farm dwellings and were built between 2005 and 2022. One (1) non-farm dwelling CUP was vested in 2020.

6. Existing Non-Farm Uses / Approved Non-Farm Parcels presently with and without dwellings: Presently, there are nineteen (19) of twenty-six (26) existing private parcels within the study area that are designated “non-farm”. By acreage, they represent thirty-three percent (33%) of the EFU zoned acreage in the area study. There are presently no (0) approved, to be constructed, non-farm dwellings of record in the study area.

There are (2) potential lot of record (LOR) parcels that could qualify for LOR dwellings based on the long-established ownership of the present owners as follows, both would be non-farm:

1. Map # 199 – Soloman, TL 181600000409 (40.0-acres) is eligible for consideration of a single non-farm dwelling as it is a lot of record parcel (since 1973) and given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils.

Result: 1 NF LOR Dwelling

2. Map # 178 – Englehart, TL 181600000416 (20.0-acres) is eligible for consideration of a single non-farm dwelling as it is a lot of record parcel (since 1979) and given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils.

Result: 1 NF LOR Dwelling

Total potential Lot of Record parcels eligible for Non-farm Dwellings within the Study Area = 2 Lot of Record Non-farm Dwellings.

7. Potential Non-Farm Dwellings on Existing Parcels: This category includes four categories as follows;

a) existing vacant, but approved parcels with CUPs for non-farm dwellings. There are no (0) potential parcels in this category.

Total recently approved Non-farm Dwellings within the Study Area = 0 Non-farm Dwellings.

b) existing parcels potentially eligible for a non-farm dwelling, based in large part, on their consisting wholly or partly of class 7 soils, or worse, and other qualifying features. There are six (6) parcels in this category including the subject parcel listed as follows:

1. Map # 79 – Gushwa, TL 181600000411 (20.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils.

Result: 1 NF Dwelling

2. Map # 164 – Payne, TL 181600000415 (10.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils.

Result: 1 NF Dwelling

3. Map # 177 – Payne, TL 181600000426 (10.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 1 NF Dwelling**

4. Map # 186 – Peterson, TL 181604005000 (10.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 1 NF Dwelling**

5. Map # 198 – Settle, TL 181604005200 (10.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 1 NF Dwelling**

6. Map # 8 – Settle, Subject TL 181604005300 (10.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 1 NF Dwelling**

Total existing parcels potentially eligible for a single Non-farm Dwelling within the Study Area = 6 single potential Non-farm Dwellings.

c) Parcels with approved and then vested CUPs for non-farm dwellings, there is one (1) parcel in this category as follows:

1. Map # 200 – Mason, TL 181600000403 (80.0-acres) is eligible for consideration of a single non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 1 NF Dwelling**

Total approved and vested Non-farm Dwelling CUP's within the Study Area = 1 Non-farm Dwellings.

d) parcels that have approved CUP's that have expired. There are zero (0) parcels in this category. There are none listed on the attached One Mile Study Data sheet.

Total approved and expired Non-farm Dwelling CUP's within the Study Area = 0 Non-farm Dwellings.

The remaining privately-owned tax lots in the Study Area may not be eligible for dwellings because; 1) the new creation of any new parcel, farm or non-farm is extremely unlikely in the EFU-1 zone because the criteria for partitioning is complex. Several have been created since July 1, 2001, and are no longer eligible unless previously approved. Several were not created prior to 1993. 2) several parcels have existing dwellings and are no longer eligible, 3) several parcels are part of a tract of parcels where one of the parcels in the tract already has a dwelling.

The Study Area includes eight (8) privately owned parcels that are potentially eligible for a non-farm dwelling or dwellings (2) in the EFU-1 zone. They are listed by Map # and are discussed as follows:

1. Map # 176 – Bear Creek Ranch LLC, TL 181600000401 (620.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

2. Map # 136 – Bear Creek Ranch LLC, TL 181600000429 (80.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

3. Map # 147 – Bear Creek Ranch LLC, TL 181600000430 (80.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

4. Map # 209 – Holman, TL 171600001800 (40.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

5. Map # 208 – Wiksten, TL 171600001802 (40.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

6. Map # 62 – Tupper/Balan, TL 171600001803 (40.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

7. Map # 200 – Mason, TL 181600000403 (80.0-acres) has a vest CUP for a non-farm dwelling and is eligible for consideration of one non-farm dwelling given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 1 NF Dwellings**

8. Map # 114 – Stager, TL 181604005200 (80.0-acres) is eligible for consideration of two non-farm dwellings given the unavailability of irrigation water, location and unsuitable, soils that include Class 7 soils. **Result: 2 NF Dwellings**

Total “Potential” Non-farm Dwellings on Existing Parcels within Study Area = 15 Non-farm Dwellings.

8. **Stability and Character of the Land Use Pattern of the Area:** The land use pattern of the area is that of mixed use and all of it is “dryland.” Forty-one (41) percent of the land in the one-mile study area is part of the Juniper Acres Subdivisions and therefore categorized as non-resource land. Thirty percent (30%) of the land within the study area is designated as farm land. None (0) of the properties in the study area have water rights. Some seasonal grazing occurs but it is extremely light and not capable of producing suitable income for farm dwelling qualification. Twenty-nine percent (29%) of the land within the study area is designated as non-farm. The area is remote, arid, with predominately poor class seven soils. None are within an irrigation district. The use of irrigation wells is impracticable given the present mitigation requirements and the low productivity of the soils in the area. There is little farm activity in the study area, many parcels are not adequately fenced. Given that it is

extremely difficult, and expensive, to gain approval of new non-farm parcels with dwellings in the EFU-1 zone, and the fact that the proposed non-farm dwelling on an existing parcel that is many miles from any irrigated or sensitive farm use, crops, spraying, etc., the applicant states that with approval of this application there would be no significant change in the stability and character of the area land use pattern nor would there be any effect of the cost of farming in the area.

9. Effect on Stability from Proposed Non-Farm Dwelling: As explained in Elliot v Jackson County, “Under OAR 660-033-0130(4)(a)(D) [the county] must consider the cumulative effect to determine whether the full development pattern of land use would violate the ultimate stability standard in any of the ways described in OAR 660-033-0130(4)(a)(D)(iii).”

Approval of the proposed non-farm dwelling (on an existing parcel) will make a total of six (6) approved non-farm dwellings that are built or vested in the study area. Applicant states that the cumulative effect of adding a single non-farm dwelling on an existing parcel will not “materially alter the stability of the land use pattern in the area” by making it more difficult for the existing farms to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or by diminishing the number of tracts or acreage in farm use. Again, there are no water right available in the immediate area. Applicant further states that limited seasonal rangeland grazing on portions of public and private land is the predominant active farm use in the general area, that the mixed land use pattern is well established and that adding this dwelling will not tip the balance from resource to non-resource use for the following reasons.

Note: The applicant wishes to stress that concerns about “tipping the balance from resource to non-resource use” are unfounded given the prevalence of Class 7 soils in the area. The potentially eligible non-farm parcels in the study area consist of Class 7 soils that are deemed to be unsuitable for the production of crops and/or livestock. One cannot “tip the balance” when, for all practical purposes, the area consists of mostly non-resource land.

The area is remote. The study area is mostly “off the grid” meaning that there no commercial electrical power services available in the area. There is no irrigation district serving the area and no irrigation water is available in the area. The creation of new non-farm parcels in this portion of the county is hampered by lack of services, the remoteness of the area and general access. The likelihood of creation of new non – farm parcels in the area is small. Many of the non-farm parcels in the area are “existing,” that is, they were created prior to the adoption of the County’s present land use ordinances and restrictions or created by patent by the state or federal government.

Approval of the applicant’s request would add one additional dwelling to the area, increasing the number of parcels with existing approved dwellings, one vested CUP’s, or approved dwellings, 5 of 26 to 6 of 26.

Approval of the proposed non-farm dwelling will not set precedent for the wholesale approval of non-farm dwellings to the detriment of the surrounding farming since, as stated above, the type of farm use occurring in the area, rangeland grazing, is not highly sensitive.

One hundred percent (100%) of the private parcels in the study area include class 7 soils. There is no shortage of such land in Crook County and what land is available in this area is not well suited to farm use as illustrated by lack of activity in the area and a presence of class 7 soils. None of the parcels in the area have water rights, all have unsuitable soils.

Approval of the proposed non-farm dwelling will not result in a significant loss of acreage in farm use because the proposed dwelling is to be placed on an existing non-farm parcel, on a portion of the property with clearly unsuitable and unirrigated soils given the soils survey data available from NRCS. It would not be practical or productive to irrigate the subject property even if a new source of water and is discovered and made available in the region.

Finally, this proposal does not propose the creation of a new parcel. It proposes a non-farm dwelling on a small portion of an existing parcel.

Questions & Answers

Part I. Area Study Criteria:

Question: Why is a one-mile radius (Study Area) around the subject property representative of the land use pattern... or is adequate to conduct the analysis required?

Answer: The "Study Area," "on nearby or adjacent lands," is herein described as that of mixed use, including but limited to: a) dryland "farm" parcels listed as farm parcels that are primarily used for recreational uses and are improved or unimproved, b) large tracts - rangeland parcels, large enough to support seasonal grazing, c) dryland "non-farm" parcels that are primarily used for recreational uses and are improved or unimproved. The effected study area includes over 2,637 privately owned acres. The applicant contends that adding more acreage will not significantly change the result.

Question: Is the acreage specifically included in the study adequate to examine the effect of the applicant's proposal?

Answer: Yes, the applicant notes that approximately 1,559.12 private resource acres are included within the one-mile study area. 1,895.15-acres included in the effected acreage count are located with Juniper Acres, a pre-land use subdivision. A minimum of 2,000 acres are required for the study. The applicant has described effected private parcels as well, bringing the studied area to 4,532.98-acres.

Question: Has the applicant met the criteria for an area study in view of the Gramzow decision?

Answer: Yes, the Gramzow case(s) involved creation of non-farm parcels, however many of the same issues can be addressed herein. Given the inconsistencies in the numerous Gramzow decisions, the applicant has elected to address those areas that have been consistently enforced by the Crook County Planning Commission and the Crook County Court. Therefore, the applicant has taken care to address the following four issues: 1) Why a one-mile radius around the subject property "is representative of the land use pattern or is adequate to conduct the analysis required..." 2) The applicant has identified the number, location and type of existing dwellings and the development trends since 1993. 3) The applicant has listed potential number of non-farm dwellings that could be lawfully approved on existing parcels in the area. 4) Wildlife Policy 2, the applicant has included data describing adherence to the County's Wildlife Policy 2.

Question: Has the applicant addressed the following issues?

- (a) Has the applicant determined how many existing and approved non-farm residences are located within the study area? Approved non-farm residences are those for which a conditional use permit, vested right, or lot of record determination is in force.) Yes, see "Area Study Data Sheet."

Applicant indicates in prior discussion why the listed parcels may or may not be eligible. Those eligible are only counted once in their appropriate category.

Part II. Non-Farm Dwelling Criteria:

Will the proposed dwelling(s) seriously interfere with or force a significant change in accepted farm or forest practices on nearby or adjacent lands?

Oregon State University Extension Service describes the types of impacts that are commonly discussed as creating conflicts with nearby lands, specifically non-farm, or residential use, as follows: a) Maintaining irrigated pasture can generate dust from re-seeding, drifting of herbicides from spraying, vehicle noise from trucks, manure odor from fertilizer, and possible water runoff from irrigation. b) Grazing livestock can generate dust, manure odor, possible interference with vehicular traffic, and property damage if cattle escape.

In order to create a conflict, there must first be an activity to conflict with. In this one-mile area the only farming activity is seasonal livestock grazing. No new parcels are proposed by this application. The owners of adjacent farm parcels do not raise livestock on their property. The closest active farm, rangeland activities, occur to the southeast and are seasonal. Those activities do not employ aerial spraying or fertilizer. There is no significant lawful crop production at commercial levels in the area.

The applicant states that sufficient distances will be adequate to mitigate any impacts from the nearest farm activities, should they arise, occurring on those tax lots identified in the area study. The proposed single dwelling will not be adjacent to a farm parcel that may be engaged in farm use. There is little chance for area farm uses to be potentially impacted by or interfered with these farm uses through vehicular interference with truck traffic or property damage due to livestock escape. All required setbacks will be observed.

There is no possibility of irrigation conflicts as there is no irrigation in the immediate area. There is little likelihood of practicable irrigation occurring without the importation of water, a practice that is only affordable if illicit crops are being produced. Any dust, odors, noise, from future farm uses will dissipate over the distance between the dwelling site and these farm uses. The farm uses in the study area will not be significantly changed by the location of one additional non-farm dwelling on the proposed location on the property. If additional non-farm parcels are approved in the area, the county's setback requirements, remonstrance agreement requirements and other applicable conditions are available to mitigate potential conflicts.

The area study concludes that the addition of one residence is appropriate given the land use pattern of the area. Building non-farm dwellings on existing parcels where possible or on hilltops and hillsides, on land that is clearly unsuitable for the production of crops and livestock represents good planning and protects those lands that are the subject of farm use protections.

Settle Application Area Study Conclusions

June 18, 2025

Total effected listed acres, with no government parcels (0):	4,532.98
Total private resource acres listed within One-mile Study Area:	1,559.12
Total effected private acres in One-mile Study Area:	3,206.82
Total irrigated acres in effected study:	0.00
Tax lots in Study area:	
Public:	0
Private, EFU:	<u>26</u>
Total number of tax lots:	Excludes Juniper Acres 26
Total number of private EFU ownerships:	19/26
Total number of Dwellings/EFU Parcels:	4/26
Total number of non-farm dwellings:	4
Total number of vacant, w approved non-farm CUP's:	0
Total number of approved, vested farm dwelling:	0
Total number potential non-farm dwellings on ex. Parcels, 7 soils	6, including subject
Total number potential non-farm dwelling on new parcels, 7 soils	15
Total number vested CUP:	1
Total number expired CUP:	0
Total number potential LOR dwellings	2
Total number of approved primary farm dwellings:	0, counted above, vested
<u>Total number of potential primary farm dwellings:</u>	<u>1</u>
Total potential build-out:	25

* Excludes Juniper Acres – Non-Resource Subdivision

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The applicant concludes that this application meets or exceeds the requirements for approval because of the following:

- I. Careful examination of the area study parcels indicates that the total potential build-out is twenty-five (25). This total includes six (6) non-farm dwellings on existing parcels, fifteen non-farm dwellings on parcels consisting of class 7 soils or worse, one (1) vested CUP for a non-farm dwelling and one (1) potential farm dwelling on a large tract.
- II. The proposed building site is well buffered from the area dryland farm parcels and presents no tangible conflicts for neighboring uses.

- III. The portion of the existing parcel where the proposed dwelling will be located of non-irrigated, generally unsuitable land which consists of class 7 soil. See attached soils map exhibit.

The approval of this application and the addition of a single non-farm dwelling will not materially alter the land use pattern of the area. Nor would the addition of a total of all the potential non-farm dwellings assuming the total potential build-out, particularly when one considers that all the land within the study area is unirrigated, that water for livestock maintenance is unavailable and other climatic and terrain limitations stated in the study.

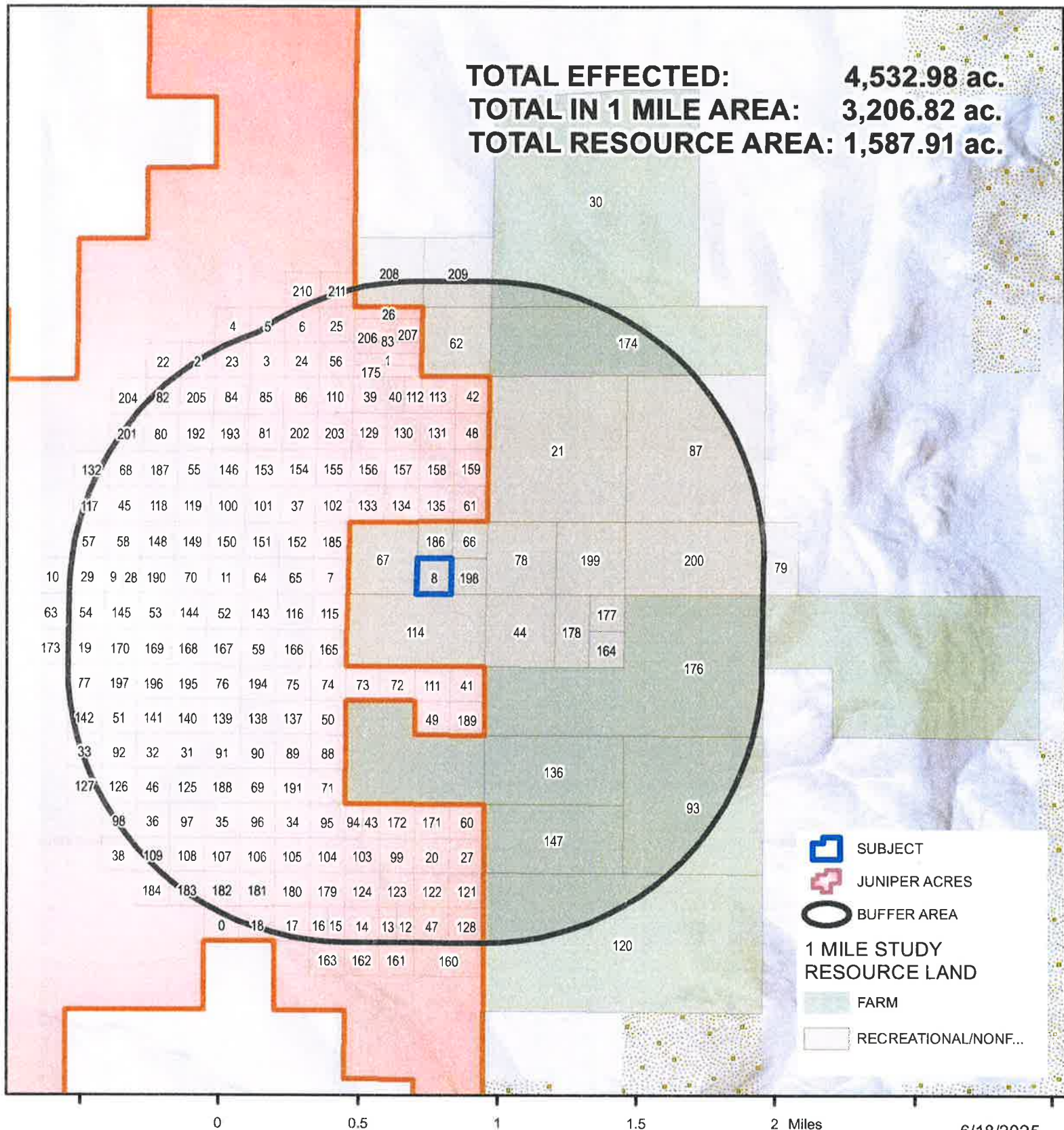
- IV. The approval of this application will not set precedent for wholesale approval of non-farm dwellings to the detriment of surrounding farms as there are no significant applicable potential conflicts that cannot be mitigated by setbacks, remonstrance agreement or clear and objective conditions determined by the Planning Commission, if deemed necessary.

The applicant respectfully requests that the Crook County Planning Commission approve this application. Thank you.



Craig Kilpatrick
Owner's representative

EXHIBIT G1 - 1 MILE STUDY AREA



Note: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes. Kilpatrick Consulting LLC is not responsible for outsourced data accuracy. This exhibit by Kilpatrick Consulting and does not represent any legal opinion.



DUKE & DANA SETTLE

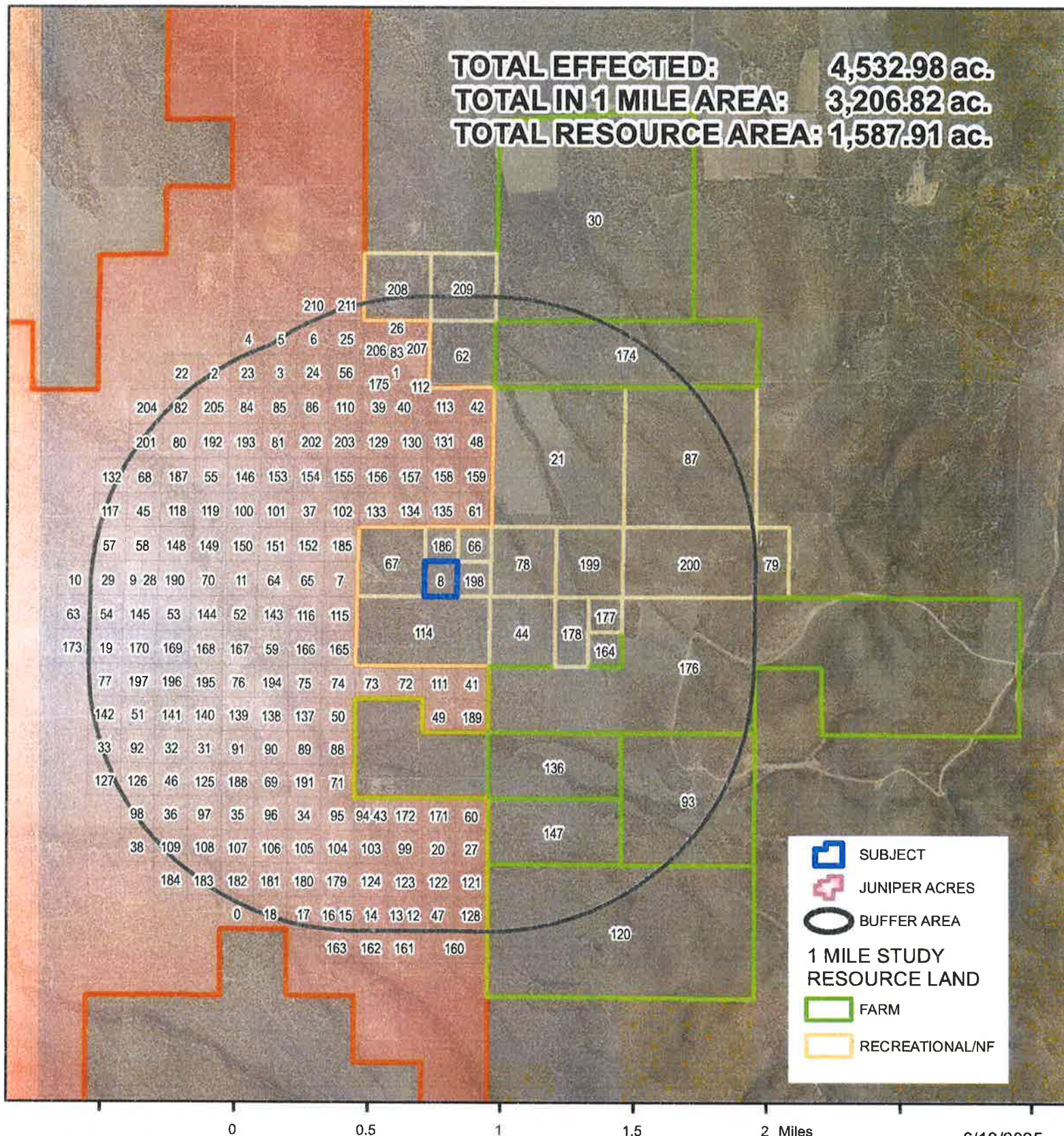
1816040005300 - 10 acre
 Located east of Juniper Acres in
 Crook County Oregon

Kilpatrick
CONSULTING, LLC
 LAND USE CONSULTING SERVICES
 GIS MAPPING SERVICES

OFFICE:
 541.447.2724

6/18/2025

EXHIBIT G2 - 1 MILE STUDY AREA: AERIAL



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DUKE & DANA SETTLE

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