



June 1, 2023

Via US Mail and Email

**CROOK COUNTY**  
**JUN 02 2023**  
**PLANNING DEPT**

Mr. Seth Crawford, County Judge  
Crook County Court  
203 NE Court St  
Prineville, Or 97754



Re: Crook County File Numbers 217-23-000192-PLNG and 217-23-000193-PLNG, Letter from the Applicant Supporting the Concurrent Text Amendments to the Acknowledged Crook County Comprehensive Plan (the "Plan") Chapter III, "Land Use", 4, "Destination Resort", at Plan Page 70 and the Crook County Zoning Ordinance (the "CCZO") 18.116.040(3)(a)(1) to be Consistent with ORS 197.445(4)(b)(B) for Destination Resorts (the "Application").

Dear Judge Crawford and Commissioners Brummer and Barney;

This letter requests that the Crook County Court (the "Court") approve these concurrent text amendments so that the Plan and the Zoning Ordinance are consistent with state law for destination resorts.

ORS 197.445(4)(b)(B) previously required that destination resorts have 75 units of overnight lodging prior to the closure or sale of any individual lots or units for destination resorts in eastern Oregon. The current Plan and CCZO provisions contain this provision. The Oregon Legislature amended 197.445(4)(b)(B) in 2003 to provide that only 50 units of overnight lodging are required prior to the closure or sale of lots or units. However, the County has not amended its Plan and Zoning Ordinance to match the current state law.

The Applicant submitted an application initiating the text amendments. The Application contains findings demonstrating that the relevant approval criteria in the Plan, the Zoning Ordinance, the Statewide Planning Goals (the "Goals") and the administrative rules implementing the Goals for the concurrent Text Amendments are satisfied.

The Application can be approved not just because it makes County law consistent with state law, which is the case with other County provisions regulating destination resorts but also because the Application recognizes the cost and difficulty in providing overnight lodging units and facilitates the development of Application destination resorts by requiring fewer overnight lodging units for the first phase.

The County has processed the Application consistent with applicable State and County requirements, including providing notice of the Application to the Oregon Department of Land Conservation and Development ("DLCD") 35 days before the June 7, 2023 public hearing. The

Judge Crawford  
June 1, 2023  
Page 2

County requested, and DLCD has confirmed, that the Application may be processed under ORS 197.612 which applies to applications which have the sole purpose of implementing new state law. The statute does not require any public hearing in such circumstances but the County suggested, and the Applicant agreed, that a hearing before the County Court is appropriate.

The Applicant agrees with the staff report recommending that the County Court approve this Application.

The Applicant will be present at the June 7 public hearing in order to make a short presentation to the County Court and to answer any questions that the County Court and the public may have about the Application.

The Applicant respectfully requests that the County Court hold its public hearing as scheduled, close to the public hearing and approve the Application.

I have asked Mr. VanVector to place this letter in the official Planning Department file for this Application and before the County Court prior to the public hearing.

Very truly yours,

A handwritten signature in blue ink that reads "Michael C. Robinson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael C Robinson  
Director of Government and Legal Affairs  
Pahlisch Homes, Inc.

CC: Mr. Dennis Pahlisch(via email)(w/ encl.)  
Mr. Josh Pahlisch(via email)(w/ encl.)  
Mr. Jerry Jones(via email)(w/ encl.)



# Oregon

Tina Kotek, Governor

## Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)

May 16, 2023

Will Van Vactor, Community Development Director  
Crook County Community Development  
300 NE 3<sup>rd</sup> Street, Rm. 12  
Prineville, Oregon 97754  
(Sent by email to [will.vanvactor@crookcountyor.gov](mailto:will.vanvactor@crookcountyor.gov))



Subject: DLCD Written Confirmation ORS 197.612(1)(b) for Crook County File Nos. 217-23-000192-PLNG (Comprehensive Plan Text Amendment) and 217-23-000193-PLNG (Zoning Text Amendment)

Dear Director Van Vactor,

The Department of Land Conservation and Development (DLCD) is in receipt of your May 3, 2023 email requesting written confirmation in accordance with ORS 197.612(1)(b), that the proposed comprehensive plan and zoning text amendments identified by file reference in this letter will only have the effect of conforming to the new requirements of state law, specifically that of ORS 197.445(4)(b)(B), which provides:

*"ORS 197.445 – Destination resort criteria*

\*\*\*

*(4) Visitor-oriented accommodations including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable overnight lodging units may be phased in as follows:*

\*\*\*

*(b) On lands in eastern Oregon, as defined in [ORS 321.805 \(Definitions for ORS 321\)](#):*

\*\*\*

*(B) At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots or units."*

This letter confirms that the proposed amendments amend the County's comprehensive plan and ordinance text to implement 197.445(4)(b)(B). In making these comprehensive plan and zoning text amendments, Crook County must adhere to the procedures provided in ORS 197.615 for submission of the adopted changes to DLCD, ORS 197.620 in the event of any subsequent appeals, and ORS 197.625 for formal acknowledgment. Applicable rules of OAR chapter 660, division 18 are addressed through the PAPA database and DLCD review process.

Crook County Request Pursuant to ORS 197.612(1)(b)  
May 16, 2023  
Page 2 of 2

If you have any questions or need additional information, please contact Central Oregon Regional Representative Angie Brewer at [angie.brewer@dlcd.oregon.gov](mailto:angie.brewer@dlcd.oregon.gov) or 541-306-8530.

Sincerely,

A handwritten signature in blue ink that reads "Gordon H. Howard". The signature is written in a cursive style.

Gordon Howard, Manager  
Community Services Division