

Hannah Elliott



**From:** Dawn Hudson (via Google Docs) <morning.grace325@gmail.com>  
**Sent:** Wednesday, July 27, 2022 4:37 PM  
**To:** Plan  
**Subject:** DR-08-0092 Bartels Objection - 07.27.2022  
**Attachments:** DR-08-0092 Bartels Objection - 07.27.2022.pdf


**CROOK COUNTY**  
**JUL 27 2022**  
**PLANNING DEPT**

## Dawn Hudson attached a document

Dawn Hudson ([morning.grace325@gmail.com](mailto:morning.grace325@gmail.com)) has attached the following document:

Please accept this objection on behalf of my neighbor who is having computer issues.

Thank you

 DR-08-0092 Bartels Objection - 07.27.2022

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July 27, 2022

## **Memorandum of Objection to the Modification of Crossing Trails Destination Resort – DR-08-0092**

Submitted via email to: Crook County Planning Commission [plan@co.crook.or.us](mailto:plan@co.crook.or.us), Director of Development [plan@co.crook.or.us](mailto:plan@co.crook.or.us) and Crook County Attorney's Office [eric.blaine@co.crook.or.us](mailto:eric.blaine@co.crook.or.us)

*From: Dick Bartels (Objector and Landowner/Rancher)*  
12909 SW Highway 126  
Powell Butte, OR 97753  
bartelsconst@primetime.net

As a long-time resident, business owner, landowner and rancher in Powell Butte, please honor my request as follows:

1. that this memorandum be entered into record as my objection for Crossing Trails Destination Resort - Modification DR-08-0092
2. to receive notice of any hearing or decision regarding Crossing Trails Destination Resort DR-08-0092
3. Be allowed to speak, ask questions and present evidence at any and all hearings and appeals related to Crossing Trails Destination Resort DR-08-0092

### **FACTS:**

Here is what I do know by having the personal experience of obtaining and developing under a Crook County Conditional Use Permit.

The below list of documents that were as reference when writing this memorandum.

January 2, 2009 – Crook County Court Final Decision – Crossing Trails Resort Development Plan

October 20, 2010 – Crook County Court Final Decision – Appeal No. 08-281 Record No. 2010-105 – Decision Imposing a Local Appeal Fee (this is NOT a Land Use Decision).

December 17, 2009 - LUBA Final Opinion and Order No. 2009-018

After reading and reviewing the above-referenced documents, I am objecting to the idea that the Crossing Trails Destination Resort Conditional Use Permit is active or valid. I believe that due to the following facts, the Conditional Use Permit is **VOID** and there should **NOT** be a Crossing Trails Destination Resort Modification to even discuss.

**FACTS:**

Crook County Code 18.116.120 Duration of final development plan approval, was never updated until 2021 with Ordinance 326 (Ord. 326 § 6 (Att. A), 2021 ). Until then, it read as follows:

*“A final development plan shall become void if construction has not commenced within two years after the date the approval became final. (Ord. 18 § 12.120, 2003)*

*CCC 18.172.005(13) - “Land Use Decision. A final decision or determination made by a Crook County approval authority that concerns the adoption, amendment, or application of the statewide planning goals, a comprehensive plan provision, a land use regulation, or a new land use regulation where the decision requires the interpretation or exercise of policy or legal judgment”.*

I contend that despite the fact that other areas of Crook County Code were updated i.e. 18.172.060 that gives the Director administrative determination to give a permit extension. That administrative determination is not a land use decision and is stated as such within the code to deter appeals to those administrative determinations.

I also contend that it is not within the Director’s administrative determination to change the timeline or dates of expiration of a Conditional Use Permit with or without a pending Appeal or Remand; especially since authority given through the administrative determination **“is NOT a Land Use Decision”**.

Therefore, the Conditional Use Permit was VOID two years after the Final Decision confirmed by the County Court of January 2, 2009 because the Applicant did not comply with CCC 18.116.120 and the current Crossing Trails Destination Resort Modification does not have an active permit with which to develop any land within Crook County.

I further object to the relevancy of the “modification request,” due to all of the errors, ambiguities and omissions regarding dates, timelines, correspondence, communications and in sum, the entire agenda of the “modification request.”

