



HOW TO PARTICIPATE IN THE **CROOK COUNTY** LAND USE PROCESS



A STEP-BY-STEP GUIDE

ANYONE CAN COMMENT ON LAND USE APPLICATIONS,
NO MATTER HOW THEY ARE IMPACTED OR WHERE THEY LIVE.



INTRODUCTION

You Can Participate in Land Use Decisions

Public involvement is foundational to Oregon's land use planning system – Civic Participation is even enshrined as Goal 1 of Oregon's 19 statewide planning goals. Despite this, getting involved in local land use planning can be intimidating. The process is often confusing and technical. With that said, the rewards for participation can be great. Providing written or oral testimony on a land use application or hearing has the potential to convince Crook County to make a decision you agree with.

Anyone can submit comments or testimony, regardless of how they are impacted or where they live. Community input provides County decision-makers with evidence for consideration in making their decision and has the potential to impact the outcome of an application. Providing comments or testimony can also preserve your ability to appeal a final land use decision if you believe it was improperly made.

This document is designed to serve as a guide to track and engage with land use proceedings conducted by Crook County.

For Central Oregon,

COVER PHOTO

JIM DAVIS

Ben Gordon

Executive Director

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PLEASE NOTE

This guide is intended for educational purposes only and does not constitute legal advice. It is intended to provide informational background on the Crook County land use system. Please consult a lawyer or other professional for advice before relying on the information in this guide. Keep in mind that this guide is intended to be accurate at the time of publication, but details and hyperlinks may have changed since publication.

Land use applications for properties within the City of Prineville will follow a different municipal process. For more information on land use processes within the city limits, see the city's planning department web page.

STEP ONE

TRACKING LAND

USE PROPOSALS &

REQUESTING NOTICE

Community members interested in Crook County's land use process have multiple options for finding information about local applications. One way is to visit the [Crook County Planning Department](#) page. There, you can find tools to research active applications, property information, and other public records.

The best way though –and one of the main ways that LandWatch monitors land use– is through the [Crook County Meetings](#) page. There, you can review meeting agendas and packets and learn about the land use applications that will be reviewed. If you know the file number for a specific land use application, you can also find application documents using the State of Oregon's "e-permitting" website.

In Crook County, the planning department may also be required to notify the public of land use applications, hearings, or decisions. Certain individuals –like owners of land very near a property with a land use application– will have notice mailed to them.

Interested parties who are not required by law to receive notice, can become entitled to notice of hearings or decisions by submitting comments on a land use application. Once you identify an application or decision you are interested in, you can join the notice list by emailing plan@co.crook.or.us or by calling or visiting the Crook County Planning Department office in Prineville, and providing comments on the land use application or decisions and providing your mailing address. Crook County requires comments to be somewhat specific, explaining the reasons for supporting or opposing a land use application, in order to be included on the County's notice list.

WEBPAGES

[Crook County Public Notices](#)

[Crook County Meetings](#)

SAMPLE NOTICE OF PUBLIC HEARING



Crook County

Mailing: 300 N.E. 3rd Street • Prineville, Oregon 97754
Physical: 215 NE Court Street • Prineville, Oregon 97754
Phone (541) 416-6555 • FAX (541) 416-3891

NOTICE OF PUBLIC HEARING

Notice is hereby given that the following public hearing, scheduled for 9:00 a.m. on May 18, 2022 has been rescheduled and will be held on August 17, 2022 at 9:00 a.m. The hearing will be held at the Crook County Annex Meeting Room, 320 NE Court Street, Prineville, Oregon 97754.

FILE NUMBERS: 217-20-000581-PLNG, 217-20-000889 (Original) and 217-21-000920-PLNG (Appeal)

OWNER/
APPLICANT: Ron Raasch/TSR North Solar Farm, LLC

AGENT: Jacob Stephens, New Sun Energy

APPELLANTS: Oregon Department of Fish and Wildlife

STEP TWO

UNDERSTANDING THE LAND USE PROCESS

The land use process – and the public’s ability to participate – varies depending on the nature of the proposed land use. As a result, it is helpful to understand the legal nature of the land use decision you would like to participate in.

Land use decisions fall into three major categories: *Quasi-Judicial*, *Legislative*, and *Ministerial*.

Quasi-Judicial

Quasi-judicial land use decisions require a county decision-maker to use discretion in deciding whether the land use application meets the necessary criteria for approval. In Crook County, the decision-maker for quasi-judicial land use applications will be either county planning staff or the Planning Commission. The Planning Commission is a 7-person hearings body composed of volunteer community members from different geographic areas of the county.

Quasi-judicial land use decisions usually affect only a single property or a limited number of properties. An example of a quasi-judicial land use application would be a property owner’s application for a conditional use permit or a targeted zone change for their land. Quasi-judicial land use determinations provide multiple opportunities for community participation, including chances to submit written or oral testimony about an application, and often a public hearing.

Legislative

Legislative land use applications involve broad changes in land use rules or plans that will impact all or many properties within a jurisdiction. An example of legislative land use change applications would be Crook County proposing a new overlay zone or seeking approval for a comprehensive plan amendment. Legislative land use determinations offer multiple opportunities for community participation including at least two public hearings. Applications for legislative land use changes affect multiple properties but are less commonplace than ministerial or quasi-judicial land use determinations.

In Crook County, public hearings for legislative changes will first be conducted by the Planning Commission. Upon approval by the Planning Commission, the Crook County Board of Commissioners will hold at least one more public hearing before making a legislative decision.

Ministerial

Ministerial land use decisions involve applications for uses that are permitted outright if they meet clear and objective standards. An example of a ministerial decision would be an application that proposes a site development plan that may meet County setback requirements. The proposed land use is either compliant with county requirements for setbacks, or it is not, and it will be approved or denied accordingly.

Because ministerial land use decisions offer limited opportunities for public participation, the remainder of this guide will focus on the legislative and quasi-judicial land use processes. If you have questions about how to participate in a ministerial land use decision, consult an Oregon land use attorney or County planning staff.

FIGURE 1

TYPES OF LAND USE DECISIONS

TYPE OF APPLICATION PROCESS	DESCRIPTION	EXAMPLES	OPPORTUNITIES FOR PUBLIC PARTICIPATION
Quasi-Judicial	A land use proceeding in which the decision maker uses discretion to apply standards, criteria, or conditions in order to make a narrow land use decision affecting only a single property, or relatively few, total properties.	• Conditional use permits • Targeted zone changes • Minor zoning map amendments	Notice and opportunity to comment will be required, public hearings may be held.
Legislative	Impacts all or many properties within a jurisdiction; typically involves changes to the comprehensive plan or zoning code; usually initiated by the local government itself.	• Comprehensive plan amendments • Major map amendments • Changes to the zoning ordinance.	Notice, opportunities to comment, and multiple public hearings will be required.
Ministerial	Decisions that involve no discretion on behalf of the decision maker; are usually processed by planning staff who apply 'clear and objective standards' in order to approve a use that is permitted outright	• Site development plans • Partitions of property • Property line adjustments	Very limited. No public hearing is required and the decision may not be appealable.

STEP THREE

OPPORTUNITIES FOR PARTICIPATION

Once you have identified a quasi-judicial or legislative land use decision-making process to participate in, there will be multiple opportunities for your opinion to be heard. Public comments can be in support of or opposition to the proposed land use application.

1st Opportunity: Written comments on the application

The first opportunity to participate will be upon the application itself. This will be done in writing and should occur simultaneously with a request for notice. Importantly, your comments and request for notice will be entered into the public record for the land use application so they can be considered by the Crook County planning staff. An example of a public comment on a quasi-judicial or legislative land use application could be as follows:

Dear Crook County Planning Department,

*I am writing to express my [concern about/
support for] the land use application under
file no. _____. In particular, _____*

*Please inform me of any decisions or
hearings on this application. My address is _____*

*Thank you.
Your Name*

2nd Opportunity: Submitting testimony during Crook County public hearings

In Crook County, both quasi-judicial and legislative land use applications may be reviewed during public hearings in front of the Planning Commission or a hearings officer. Public comments can be submitted in written format or as oral testimony during public hearings. County planning staff have the discretion to send any land use application to the Planning Commission for review. Any decisions on land use applications made by planning staff without a public hearing may be appealed to the Planning Commission or a Hearings Officer for a \$250 fee within twelve days of the staff decision.

3rd Opportunity (Local Appeals): Appealing a Planning Commission/ Hearings Officer decision and/or submitting testimony during Board of County Commissioners hearings

Much like Planning Commission hearings, land use hearings during Crook County Board of Commissioners meetings may present another opportunity for public participation in the land use process.

The Board of Commissioners is required to hold public hearings on certain applications. Examples of land use determinations that will always result in hearings in front of the Board of County Commissioners include zoning ordinance text amendments or some quasi-judicial applications, like the rezoning of individual farm- and forest-zoned properties.

In other cases, for quasi-judicial decisions to warrant another public hearing, an appeal must be filed by someone who has previously submitted testimony on the application. In that case, the appellant (the person appealing) must file a completed notice of appeal and a substantial appeal fee. Importantly, the appeal and appeal fee must be received by the County Planning Department within 12 days of when the decision was mailed.

Once an appeal is filed, the Board of Commissioners will determine whether to accept or decline review of the appeal, what the scope of review will be, and whether additional public comment will be accepted. If the Board accepts the review but limits additional public comment, interested community members may still attend the hearing, but will not be able to participate. If the Board accepts the review of the appeal and opts for a de novo review, anyone can participate and provide additional public comment.

Best Practices for Comments & Testimony

1. Include necessary information

Include your name and address, and note the land use matter you are commenting on.

2. Address the relevant criteria

Your comments should address the approval criteria required for the application. The relevant approval criteria will be listed on the notice for the public hearing, and are based on State of Oregon and Crook County law. Land use applications should only be approved if the decision maker determines that all of the approval criteria are met, so describe why you believe the application does or does not satisfy the relevant criteria.

Some arguments may seem more or less strong, but you should raise any issues you feel are important. This is because, in Oregon, there is a “raise it or waive it” requirement. This means that if issues are not “raised” in front of the Planning Commission or the Hearings Officer, those issues will be “waived” and cannot be raised later on appeal.

Tip: Attempting to preserve issues by raising them during the local process is useful, but what is most important is to speak to what matters to you! Public participation is meant for everyone. You do not need to craft a legal argument for your opinion to be impactful.

Tip: On occasion, a decisionmaker may ask follow-up questions of a community member who is sharing public comment. Remember, the burden of proof for an application always lies with the applicant, not community members offering public comment. You don’t need to have all the answers for your opinion to matter and to deserve to be heard.

3. You may request additional time

Under Crook County Code and state law, any community member may request an additional seven days after a public hearing to submit more testimony and/or evidence for the County’s consideration. This is known as “leaving the record open”. You may choose to do this if you learn new information at the hearing and wish to either supplement or refute that information.

Tip: A request to leave the record open *must* occur before the public hearing is concluded. The best time to request that the record remain open is when an interested party is submitting oral or written testimony.

Tips for Each Stage of Public Participation

- **1st OPPORTUNITY:**
Initial comments don’t need to be detailed. You can just express your general support or opposition to an application and request to be added to the list of interested parties.
- **2nd OPPORTUNITY:**
As of 2022, all public hearings must allow people to provide testimony via videoconference (e.g. Zoom, Microsoft Teams) or phone. Find remote participation instructions in the public notice, or on the meeting agenda.
- **3rd OPPORTUNITY:**
Only people who have previously submitted written comments or oral testimony are eligible to file an appeal.

STEP FOUR

FINAL DECISIONS, EXHAUSTION & APPEALS

Finals Decisions

Once the Board of County Commissioners makes its decision on the appeal, or if the Board declines review in the first place, the land use decision will be a “final decision” and all appeals at the local level will be considered “exhausted.” Thereafter, a final decision will be issued in writing, and notice of the decision will be mailed to all parties.

LUBA Appeals

If all appeal opportunities at the local level have been exhausted, and you are still not satisfied with the process or the decision made, further appeals can be heard by the Oregon Land Use Board of Appeals (LUBA).

LUBA is a special Oregon administrative agency that exclusively reviews land use decisions. At this stage, public participation becomes significantly more costly and technical. Final county land use decisions are appealable to LUBA within 21 days, so if you are contemplating an appeal, consult a land use attorney or other professional as soon as possible.



PHOTO
RYDER REDFIELD



CONCLUSION

Public involvement is foundational to Oregon's land use planning system.

Despite this, it can still be difficult and intimidating to engage with the process. We hope that this guide has made the local land use process more approachable by explaining how to track decisions being made in Crook County, and how and when to get involved.

Would-be participants in the land use planning process do not need to rely solely on this guide, however. County Planning staff are great resources for learning about the planning process and they do their best to assist members of the public with specific questions.

FIND CROOK COUNTY PLANNING AND ZONING INFORMATION

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

Phone / Email: 541-447-3211; plan@crookcountyor.gov

Address: 300 NE 3rd Street Prineville, Crook County, OR 97754

Lobby hours:

M - Th: 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4:00 p.m.

F: 8:00 a.m. - 12:00 p.m.

You can also get involved with Central Oregon LandWatch. Our team of advocates is always eager to engage on land use topics and questions.

GET IN TOUCH WITH CENTRAL OREGON LANDWATCH

Website: <https://www.centraloregonlandwatch.org/>

Phone / Email: 541-647-2930; info@colw.org

Address: 2843 Northwest Lolo Drive, Suite 200, Bend, OR, 97703

LEARN MORE ONLINE : colw.org/news

On our blog, LandWatch covers environmental issues of local and regional importance and provides tips on more sustainable approaches.

WEIGH IN: colw.org/take-action

Bookmark LandWatch's Action Center and watch for alerts from us when important opportunities for public input arise.

BECOME A MEMBER: colw.org/members

You can support effective land use monitoring and protect the qualities that make Central Oregon a vibrant place to live by becoming a member of Central Oregon LandWatch.