

Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

June 5, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment
DLCD File Number 008-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 20, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Brian Branch, Crook County

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FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUN 02 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: Crook County

Date of Adoption: 5/7/08

Local file number: AM-07-0061

Date Mailed: 5/30/08

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 12/28/07

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Text amendment to the H-M (Heavy Industrial) Zone to allow eating or drinking establishments as a conditional use.
Text amendment to establish conditional use criteria for eating and drinking establishments as a conditional use.

Does the Adoption differ from proposal? Please select one

yes. Use allowed conditionally rather than as outright use.
Specific use criteria was adopted to govern the conditional use.

Plan Map Changed from: N/A

to:

Zone Map Changed from: N/A

to:

Location: N/A

Acres Involved:

Specify Density: Previous: N/A

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 008-07 (16609)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Brian Branch

Address: 300 N.E. 3rd St.

City: Prineville

Zip: 97754

Phone: (541) 447-6555 Extension:

Fax Number: 416 - 541-416-3891

E-mail Address: brian.branch@co.brook.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

AN ORDINANCE AMENDING THE CROOK
COUNTY CODE SUBSECTION 18.72.020
TO PERMIT EATING AND DRINKING
ESTABLISHMENTS AS A CONDITIONAL USE
IN THE HEAVY INDUSTRIAL (H-M) ZONE,
AMENDING SUBSECTION 18.160.050 TO
ESTABLISH SPECIFIC USE CRITERIA AND
DECLARING AN EMERGENCY

Ordinance No. 201
(Amendment to Title 18
Sections 18.72.020 and
18.160.050 of the Crook
County Code)

WHEREAS, the Crook County Planning Commission has recommended that the text of Title 18 Subsection 18.072.030 be amended to allow eating and drinking establishments as a conditional use in the H-M zone; and

WHEREAS, amending Title 18 Subsection 18.160.050 will allow the County to appropriately govern the conditional use of eating and drinking establishments; and

WHEREAS, the text amendment is authorized by Title 18 Chapter 18.168 and the Comprehensive Plan of Crook County;

NOW, THEREFORE, this 7th day of May, 2008, the Crook County Court ordains as follows:

SECTION ONE: *Amendment.* Title 18 is amended by adding the textual provisions contained in the attached Exhibit A.

SECTION TWO: *Findings.* The Crook County Court adopts the Recommendation of the Planning Commission attached hereto as its findings in support of its Decision.



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STATE OF OREGON } ss 2008-061
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 21st DAY OF
May, 20 2008, AT 1:50 P. M.
AND RECORDED IN LCNTY
RECORDS OF SAIB COUNTY MF NO. 2008-061
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Elaine Brummett DEPUTY

SECTION THREE: *Emergency.* This Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist, and this Ordinance shall become effective upon signing.

First Reading: May 7, 2008.

Second Reading: May 7, 2008.

DATED this 7th day of May, 2008.

CROOK COUNTY COURT

Scott R. L.
Judge Scott R. Cooper

Mike McCabe
Commissioner Mike McCabe

Lynn Lundquist
Commissioner Lynn Lundquist
Approved by Lynn Lundquist in
Crook County Court
May 7, 2008
Authorized to sign for
Comm. Lundquist
by phone
Dillon H. Ferguson
County Court Secretary

EXHIBIT A

(Changes to the text are added in bold)

18.72.020 Conditional uses.

In an H-M zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this chapter and Chapter 18.160 CCC:

- (1) The resumption of a residential use where such use has previously been conducted and has not been discontinued for a period exceeding six months.
- (2) Public or semipublic use.
- (3) Automotive wrecking yard.
- (4) Commercial livestock feed lot.
- (5) Chemical manufacturing or storage including fertilizer manufacturing, wet mixing, or sulfuric acid manufacturing.
- (6) Glue manufacturing.
- (7) Acid manufacture and explosive manufacture and storage.
- (8) Pulp and paper mill.
- (9) Cement, lime, gypsum or plaster of paris manufacturing.
- (10) Petroleum or petroleum products refining.
- (11) Rendering plant and tannery.
- (12) Any other manufacturing use except a use which has been declared a nuisance by statute or by action of the county or by a court of competent jurisdiction.
- (13) An eating or drinking establishment**

EXHIBIT A

18.160.050 Standards governing conditional uses.

A conditional use shall comply with the standards of the zones in which it is located and with the standards and conditions set forth in this section.

(17) Eating and drinking establishments. The planning commission may authorize an eating and drinking establishment as a conditional use based upon the following criteria:

(a) Hours of operation may be regulated based on an establishment's proximity to residential neighborhoods or schools, the concentration of establishments in an area serving alcoholic beverages or for other reasons that may arise based on the location of the establishment.

(b) Modification of the conditional use permit may be required whenever the use is intensified or is expanded in square footage.

(c) Alcoholic beverage service in approved outdoor seating areas may be permitted if adequate separation from adjacent properties is provided as determined by the planning commission. The separation shall clearly suggest that alcohol is not allowed outside the seating area. Outdoor seating areas adjacent to residential uses may be limited or restricted by the planning commission. The additional criteria will also apply to outdoor seating areas:

(i) **Size Limitations:** Outdoor seating areas shall not exceed the indoor seating area or seating capacity of the restaurant or tavern.

(ii) **Parking Required:** Parking in compliance with Section 18.128.010(6)(e) shall be provided for all outdoor seating areas.

(iii) **Music:** No outdoor music or entertainment shall be provided after 11:00 p.m., or such earlier time as the planning commission may establish.

(iv) **Trash:** All trash located within the outdoor dining area, on the restaurant or tavern property, and adjacent streets, sidewalks, and properties shall be picked up and properly disposed of immediately after closing.

(d) License approval by OLCC

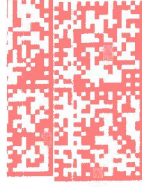
(e) Adequate access from principal streets.

(f) Adequate off-street parking.

(g) Adequate building and site design provisions to minimize noise and glare from the building and site.



Crook County
300 N.E. 3rd Street
Prineville, Oregon 97754



Hassler

\$00.590
05/30/2008
Mailed From 97754
US POSTAGE

Attn: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol St. NE, Suite 150
Salem, OR 97301