



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

12/15/2009

TO: Subscribers to Notice of Adopted Plan

or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment

DLCD File Number 011-09

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: Monday, December 28, 2009

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE

DATE SPECIFIED.

Cc: Susanna Julber, Jefferson County

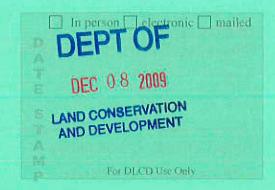
Gloria Gardiner, DLCD Urban Planning Specialist

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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



Jurisdiction: Jefferson County	Local file number: 09-PA-04					
Date of Adoption: 12/02/09	Date Mailed:					
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes Date: 08/18/09						
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment					
☐ Land Use Regulation Amendment						
	Other:					
Summarize the adopted amendment. Do not use t	echnical terms. Do not write "See Attached".					
Jefferson County Board of Commissioners approved a z Commercial to Crooked River Ranch Residential. The Community).						
Does the Adoption differ from proposal? No						
Plan Map Changed from: N/A	to: N/A					
Zone Map Changed from: Crooked River Ranch C Residential	commercial to: Crooked River Ranch					
Location: Crooked River Ranch	Acres Involved: 3.01					
Specify Density: Previous: N/A	New: Minimum Lot Size – 10 acres					
Applicable statewide planning goals:						
1 2 3 4 5 6 7 8 9 10 11 \[\times \times \] \[\times \] \[\times \] \[\times \]	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$					
Was an Exception Adopted? ☐ YES ☒ NO						
Did DLCD receive a Notice of Proposed Amendment	nt					
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 immed	liate adoption?					

DLCD file No)							
Please list all	affected	State or	Federal	Agencies,	Local	Governments o	r Special	Districts:

N/A

Local Contact: Jon Skidmore

Phone: (541) 475-4462

Extension:

Address: 85 S.E. "D" Street

Fax Number: 541-325-5004

City: Madras

Zip: 97741

E-mail Address:

jon.skidmore@co.jefferson.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> 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, or by emailing larry.french@state.or.us.
- 3. <u>Please Note</u>: 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 larry.french@state.or.us Attention: Plan Amendment Specialist.

BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR THE COUNTY OF JEFFERSON

)	Ordinance No. 0 - 1 40 - 0 9
COUNTY ZONING MAP)	
MENT TO THE JEFFERSON)	
IN THE MATTER OF AN AMEND-)	

WHEREAS, Anita Britton owns 4 parcels of land within Crooked River Ranch identified on Tax Assessor's Map 13-12-24B as tax lots 4500, 4600, 4700 and 4800 that are located on Chinook Road. The properties are also known as Lots 7, 8, 9 and 10 of the Crooked River Ranch No. 16 plat. The property is within the Crooked River Ranch Commercial Zone (CRRC) on the Jefferson County Zoning Map. The owner submitted an application for a Zoning Map amendment to change the zoning from CRRC to Crooked River Ranch Residential (CRRR); and

WHEREAS, the Jefferson County Planning Commission held a public hearing on October 8, 2009, at which time they considered the staff report and accepted testimony on the application; and

WHEREAS, the Planning Commission found that the proposal was consistent with the Comprehensive Plan, Zoning Code, statewide planning goals and Oregon Administrative Rules, and by a vote of 6 in favor and none opposed, voted to recommend that the Board of Commissioners approve the amendment; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on November 24, 2009, and accepted testimony on the application. No persons appeared at that time to testify in opposition to the application nor was any written testimony in opposition submitted to the record. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the Planning Commission recommendation and testimony, the Board voted unanimously to AFFIRM the Planning Commission recommendation;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. Adoption of Zoning Map Amendment

Jefferson County hereby AMENDS the Zoning Map to change the zoning of Assessor's Map 13-12-24B, Tax lots 4500, 4600, 4700 and 4800 from Crooked River Ranch Commercial Zone (CRRC) to Crooked River Ranch Residential Zone (CRRR). Again the property is also known as Lots 7, 8, 9 and 10 of the Crooked River Ranch No. 16 plat. Exhibit A is the map amendment adopted by this ordinance.

2. Adoption of Findings

The Board of Commissioners hereby find that the Zoning Map Amendment is in conformance with applicable statewide planning goals, administrative rules, Comprehensive Plan and Zoning Ordinance, as set forth in the findings of fact and conclusions set forth in the Staff Report attached hereto as Exhibit B.

3. Severability

The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or any exhibit thereto is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

4. Effective Date

These amendments being necessary for immediate implementation, an emergency is declared to exist, and the specified amendments shall therefore take place and be effective on December 2, 2009.

Dated this Z day of December, 2009.

BOARD OF COMMISSIONERS:

gan Hatfield, Commission Chair

Mike Ahern, Commissioner

Wayne Fording, Commissioner

Attest:

Appeal Information

Planning Casefile #09-PA-04

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: Dec 2,2009

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

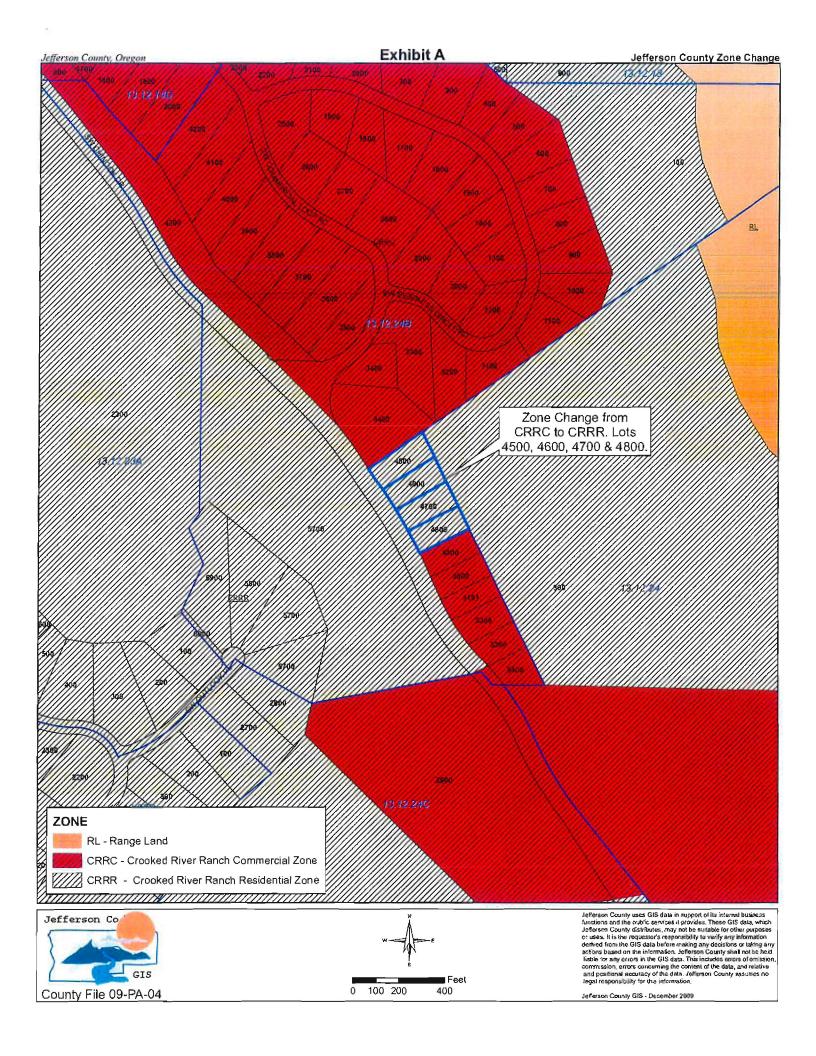
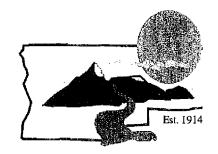


EXHIBIT B

JEFFERSON COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

85 S.E. "D" St., Suite A ● Madras, Oregon 97741 ● Ph: (541) 475-4462 ● FAX; (541) 325-5004



October 8, 2009 Hearing

STAFF REPORT CASEFILE 09-PA-04

Applicant/

Anita J. Britton

Owners:

P.O. Box 1515

Terrebonne, Oregon 97761

Agent:

Chuck McGraw

McGraw & Associates, LLC

1160 NE Scenic Drive Madras, Oregon 97741

Request:

A request to change the zoning for 4 parcels of land located at 14145 SW

Chinook Drive in Crooked River Ranch from Crooked River Ranch Commercial

(CRRC) to Crooked River Ranch Residential (CRRR).

Tax Lot:

13-12-24B, 4500, 4600, 4700, and 4800.

Location:

The property is located in Crooked River Ranch, adjacent to the Golf Course in

the commercial zone.

Planning

Designation: Unincorporated Community.

Zoning:

CRRC.

Size:

The subject parcels are as follows in size: tax lot 4500 = .98 acres; 4600 = .73

acres; 4700 = .69 acres; and 4800 = .61 acres. Total size = 3.01 acres.

Lot Legality: The parcels are part of the Crooked River Ranch Phase 16 subdivision, which was platted in 1979.

APPLICABLE STANDARDS: Chapter 8 of the 2007 Zoning Ordinance; Oregon Statewide Planning Goals.

FINDINGS OF FACT:

The subject site is located in Crooked River Ranch, adjacent to the golf course and Α. part of the commercial/industrial area off of Commercial Loop Road. The applicant is

Case File 09-PA-04 Britton

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requesting approval to rezone the property from CRRC to CRRR for residential uses. A Comprehensive Plan amendment is not required as part of the application, as the Comprehensive Plan designation will remain Unincorporated Communities. Crooked River Ranch was identified as an Unincorporated Community in 1997 by the Department of Land Conservation and Development (DLCD). Zoning regulations for Crooked River Ranch were established in 1987. Under the requirements of OAR 660-015-0000(14), exceptions to Goals 3 or 14 are not required for approval of the proposal, as the subject site is already within a designated Unincorporated Community, and is not within an existing Rural Residential Zone. Jefferson County Zoning Ordinance (JCZO) Section 803.2 contains the approval criteria for zoning map amendments, as follows:

An amendment to the Zoning Map may be approved if it complies with the approval criteria in this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (F).

A. The zoning designation will conform to the Comprehensive Plan Map designation;

Finding: The Comprehensive Plan Map designation for the property is currently Unincorporated Community. CRRR is an implementing zone listed under the Unincorporated Community designation in the Comprehensive Plan; therefore, the CRRR Zone designation will conform to the Comprehensive Plan Map designation.

B. The amendment is consistent with other Zoning Ordinance requirements including, but not limited to, wildlife habitat, bird habitat and riparian protection standards;

Finding: The proposal's compliance with other applicable JCZO requirements is addressed throughout this staff report. The site is not within a wildlife or bird habitat, or near a riparian protection area.

C. The amendment will cause no significant adverse impact to other properties in the vicinity due to factors such as water quality, drainage, air quality or noise;

Finding: The proposal will not cause a significant adverse impact to other properties in terms of water quality, drainage, air quality, or noise. In fact, by changing the zone to CRRR from CRRC, the adverse impacts related to traffic, air quality, and noise will likely be reduced, as the allowable uses in CRRR are less intensive than in CRRC. The permitted uses within the CRRC zone include retail trade, offices, and other more intensive commercial-oriented uses. In contrast, the allowable uses within the CRRR zone include uses such as one single family dwelling, a park, or a daycare, which generally produce less impact than a commercial use.

D. The amendment will not force a significant change in or significantly increase the cost of farming or forest practices on surrounding resource land;

Finding: There are no identified resource lands adjacent to the subject site. All lands surrounding the subject site are zoned CRRC or CRRR.

E. Adequate public safety, fire protection, sanitation, water and utility facilities and services are available or will be provided to serve uses allowed in the proposed zone;

Finding: The property is located within an area served by the Crooked River Ranch Fire Department, and by the Crooked River Ranch Water Company. There are utility lines along the property frontages. Additionally, on-site septic systems can be accommodated on the parcels to serve the residential uses.

- F. The uses allowed in the proposed zone will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:
 - 1. Changing the functional classification of an existing or planned transportation facility;
 - 2. Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
 - 3. Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (LOS C).

 A Traffic Impact Study in accordance with Section 421 may be required to show compliance with this standard.

Finding: The property is accessed by SW Chinook Drive. SW Chinook Drive, from Mustang Road to the County line, is classified as a Major Collector in the County Transportation System Plan. The proposal would actually reduce the number of trips potentially generated by development under the current CRRC zoning on the transportation system. For example, in 2008 the County approved a manufacturing/industrial warehouse on nearby Business Circle Road. The parcel is located within the CRRC Zone, and it was estimated, based on the International Transportation Engineers (ITE) Manual, that the use would generate 43.5 average daily trips (ADT).

Given that the current rezoning proposal involves four lots, if four similar uses were constructed on the parcels under the CRRC Zone, approximately 174 daily trips could be generated. In comparison, the traffic generated by four single family residences would result in an ADT of 38 (based on an ADT of 9.5 per single family residence), substantially less than a reasonable worst case scenario of trip generation under the current CRRC zoning. The proposal therefore complies with Criteria F.

G. If the proposed amendment is for a smaller minimum lot size in an existing Rural Residential zone, the application shall meet the requirements for an exception to statewide planning Goal 14; and

Finding: While approval of the request will establish small lot sizes on 4 parcels- smaller than allowed within the CRRR Zone- the approval does not involve an existing Rural Residential zone, but the CRRR Zone, which implements Comprehensive Plan policies regarding Unincorporated Communities.

Further, within the CRRR Zone, the minimum lot size for <u>new</u> parcels is 10 acres. As discussed in previous findings, these 4 parcels have existed since 1979. Across SW Chinook Drive to the west, are parcels within the Crooked River Ranch Phase 3 subdivision that are zoned CRRR and are roughly 1.4 to 1.5 acres in size, well below the required 10 acre minimum for new parcels. Case File 09-PA-04 Britton

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The applicant is not requesting or receiving approval through this application to create new parcels; they are requesting approval for a range of less-intensive uses than allowed in the current zone.

As the proposal does not involve a request within an existing Rural Residential Zone, or the establishment of new lots within the CRRR zone, Criteria G is not applicable.

H. If the proposed amendment involves taking an exception to statewide planning Goals 3 or 4 to rezone the property from Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management to a Rural Residential zone, the minimum lot size shall be at least ten acres unless the application meets the requirements for an exception to statewide planning Goal 14 in accordance with OAR 660-004-0018.

Finding: The proposal involves rezoning the property from CRRC to CRRR, within an existing Unincorporated Community, and not from a resource zoning district; therefore, an exception to Goals 3 or 4 is not required as part of the application.

- I. The following criteria shall be met if the proposed amendment involves rezoning the property to Exclusive Farm Use A-2:
 - 1. The area to be rezoned is at least 500 acres and consists of lawfully created parcels;
 - 2. At least 50 percent of each parcel proposed to be rezoned is made up of agricultural capability class VI VIII soil;
 - 3. The area lies east of the Crooked River, Lake Billy Chinook and the Warm Springs Indian Reservation;
 - 4. No water rights are available to the parcels proposed to be rezoned; and
 - 5. The area is within three miles of a school or school bus route.

Finding: The proposal does not involve rezoning the property to EFU A-2; therefore, Criteria is not applicable.

B. The application must comply with the Statewide Planning Goals. The Goals are found in OAR 660-015.

Statewide planning Goal 1 requires that the County provide the opportunity for citizens to be involved in the planning process. Notice of the public hearing to consider the proposal was mailed to all property owners within 750 feet of the subject property, the Crooked River Ranch public utility agencies and Architectural Committee, and interested parties. Citizens are provided the opportunity to comment on the application in a minimum of two public hearings, one before the Planning Commission, and another before the Board of County Commissioners. Providing the opportunity for public input complies with Goal 1.

The revised Comprehensive Plan and Zoning Ordinance set out procedures and regulations for land use decision-making, in compliance with Goal 2.

Goal 3 requires the preservation and maintenance of agricultural lands. Agricultural lands are defined as being predominantly composed of agricultural capability Class I - VI soils in eastern Oregon. The subject site is within Crooked River Ranch, which has been designated an

Unincorporated Community since 1997 and has had its own specific zoning since 1987. Within Crooked River Ranch, there are not lands identified for agricultural uses.

The purpose of Goal 4 is to conserve forest land. The subject property is not forest land so is not subject to Goal 4. There are no designated Goal 5 resources on or near the property, so Goal 5 is not applicable.

Goal 6 requires that the air, water and land resources of the state be maintained or improved. The proposal will have a minimal impact on air quality, as the proposed CRRR Zone will allow less-intensive uses than is currently allowed under the CRRC Zone. Sewage disposal will be accommodated through on-site septic systems, which must meet Department of Environmental Quality (DEQ) requirements. Public sewer cannot be extended to serve land outside the urban growth boundary, and a community sewer system is not allowed. There are no streams or other water resources in the vicinity that would be adversely affected by the proposed rezone.

The property is not subject to any significant natural hazards (Goal 7). There are no known geologic faults in the County, and the earthquake hazard is considered to be moderate. The property is not needed to meet the recreational needs of the citizens of the county, so the proposal does not conflict with Goal 8. Goal 9 requires jurisdictions to provide adequate opportunities for economic development. While approval of the proposal will remove approximately 2.65 acres from potential commercial or industrial development, there are roughly 33 undeveloped commercial lots out of 51 total lots within the Crooked River Ranch Phase 16 subdivision according to the applicant.

Goal 10 requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. The subject site is within an Unincorporated Community, and according to the Jefferson County Comprehensive Plan, Crooked River Ranch contains 2,642 residential lots, with 75 percent developed. According to the applicant's submittal, recent market analyses indicate a greater demand for residential lots, particularly those located along a golf course.

Goal 11 requires that cities or counties develop a public facility plan for areas within a UGB containing a population greater than 2,500. The property is not within a UGB.

Goal 12 requires jurisdictions to provide a safe, convenient and economic transportation system. The proposal would actually reduce the number of trips generated by the development on the transportation system. For example, in 2008, a manufacturing/industrial warehouse approved for nearby Business Circle Road within the CRRC Zone was estimated, based on the International Transportation Engineers (ITE) Manual, to generate 43.5 average daily trips (ADT). Given that the current rezoning proposal involves four lots, if four similar uses were constructed on the parcels, approximately 174 daily trips could be generated under the current CRRC zoning. In comparison, the daily trips generated by four single family residences, would be an ADT of 38 (based on an ADT of 9.5 per single family residence), substantially less than a reasonable worst case scenario of trip generation under the current CRRC zoning.

Goal 13 requires local governments to consider the conservation of all energy types when developing land use plans. Goal 13 is not applicable to this request.

Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth Case File 09-PA-04 Britton

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boundaries while ensuring the efficient use of land. The proposal is consistent with the requirements of Goal 14 with respect to the Unincorporated Communities provisions.

Goals 15-19 do not apply to the subject property, as they are focused on the Willamette River and coastal areas.

CONCLUSION: The application for a zone change from CRRC to CRRR, a request to change the zoning for 4 parcels of land located at 14145 SW Chinook Drive in Crooked River Ranch from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR), complies with the criteria of approval in Chapter 8 of the JCZO and the Statewide Planning Goals.

RECOMMENDATION: Staff recommends that Casefile 09-PA-04, an application to rezone tax lots 13-12-24B, 4500, 4600, 4700, and 4800 from CRRC to CRRR be approved.

JEFFERSON COUNTY
DMMUNITY DEVELOPMENT DEPT.
85 SE "D" STREET
MADRAS OREGON 97741

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Ath. Plan Amendment Specialist 1835 Cepitol Street NE, Suite 150 Salen, BR 97301-2546 DUD