



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

AMENDED NOTICE OF ADOPTED AMENDMENT

December 27, 2007

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 003-06



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: January 3, 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
Bill Zelenka, 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

DEC 14 2007

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For DLCD Use Only

Jurisdiction: **Crook County**

Local file number: **C-MA-011-06**

Kennedy

Date of Adoption: **5/16/2007**

Date Mailed: **12/11/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **11/21/2006**

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".

Amending the comprehensive plan map designation from EFU-2 to RR-10.

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from: **agricultural**

to: **non-resource**

Zone Map Changed from: **EFU 2**

to: **L-M**

Location: **between Juniper Canyon and the Crooked River Hwy**

Acres Involved: **1053**

Specify Density: Previous: **80**

New: **10**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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"/> | <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. 003-06 (15700)

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

Crook County Fire Department, Crook County Road Department, City of Prineville, Crook County Parks & Rec District, DSL, BLM, Ochoco Irrigation District, BOR

Local Contact: **Bill Zelenka**

Phone: **(541) 447-8156** Extension:

Address: **300 NE Third Street, Room 11**

Fax Number: - -

City: **Prineville**

Zip: **97754-**

E-mail Address: **bill.zelenka@co.crook.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.

C-MA-011-06



STATE OF OREGON } ss 2007061
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 29th DAY OF
May, 20 2007 AT 2:30 P. M.
AND RECORDED IN CJRNL
RECORDS OF SAID COUNTY MF NO. 2007-061
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Elaine Summers DEPUTY

N/C

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

AN ORDINANCE AMENDING THE
COMPREHENSIVE PLAN MAP
DESIGNATION FROM EXCLUSIVE
FARM USE EFU-2 TO RURAL RESIDENTIAL
RR-10 AND CHANGING THE ZONE

ORDINANCE NO. 188

WHEREAS, the Crook County Planning Commission has recommended an amendment to the current EFU-2 Zone as indicated on the Comprehensive Plan Map to establish a "non-resource" designation and zone change for certain land within an EFU-2 zone; and

WHEREAS, the Crook County Planning Commission held public hearings on January 10, 2007 and February 14, 2007 to receive comments and input from the general public and other agencies.

NOW, THEREFORE, the Crook County Court ORDAINS as follows:

SECTION ONE. The Comprehensive Map is hereby amended to change the designation of that portion of land designated on Exhibit A from EFU-2 to Rural Residential RR-10 and that portion of land identified within Exhibit A, attached and incorporated herein, constituting approximately 1053 acres, shall be rezoned from Exclusive Farm Use EFU-2 to Rural Residential RR-10.

SECTION TWO. In compliance with the Crook County Comprehensive Plan, which describes the provisions for zone map amendment, the applicant has submitted a proper burden of proof and the Planning Commission has forwarded findings that support

///

(18pp)

approval of the application for zone map amendment. The County Court adopts the Planning Commission's findings, which are attached hereto as Exhibit B.

DATE of First Reading and Approval: May 2, 2007.

DATE of Second Reading and Approval: May 16, 2007.

DATED this 16th day of May, 2007.

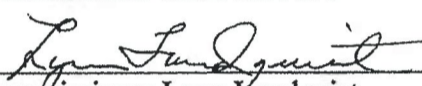
CROOK COUNTY COURT



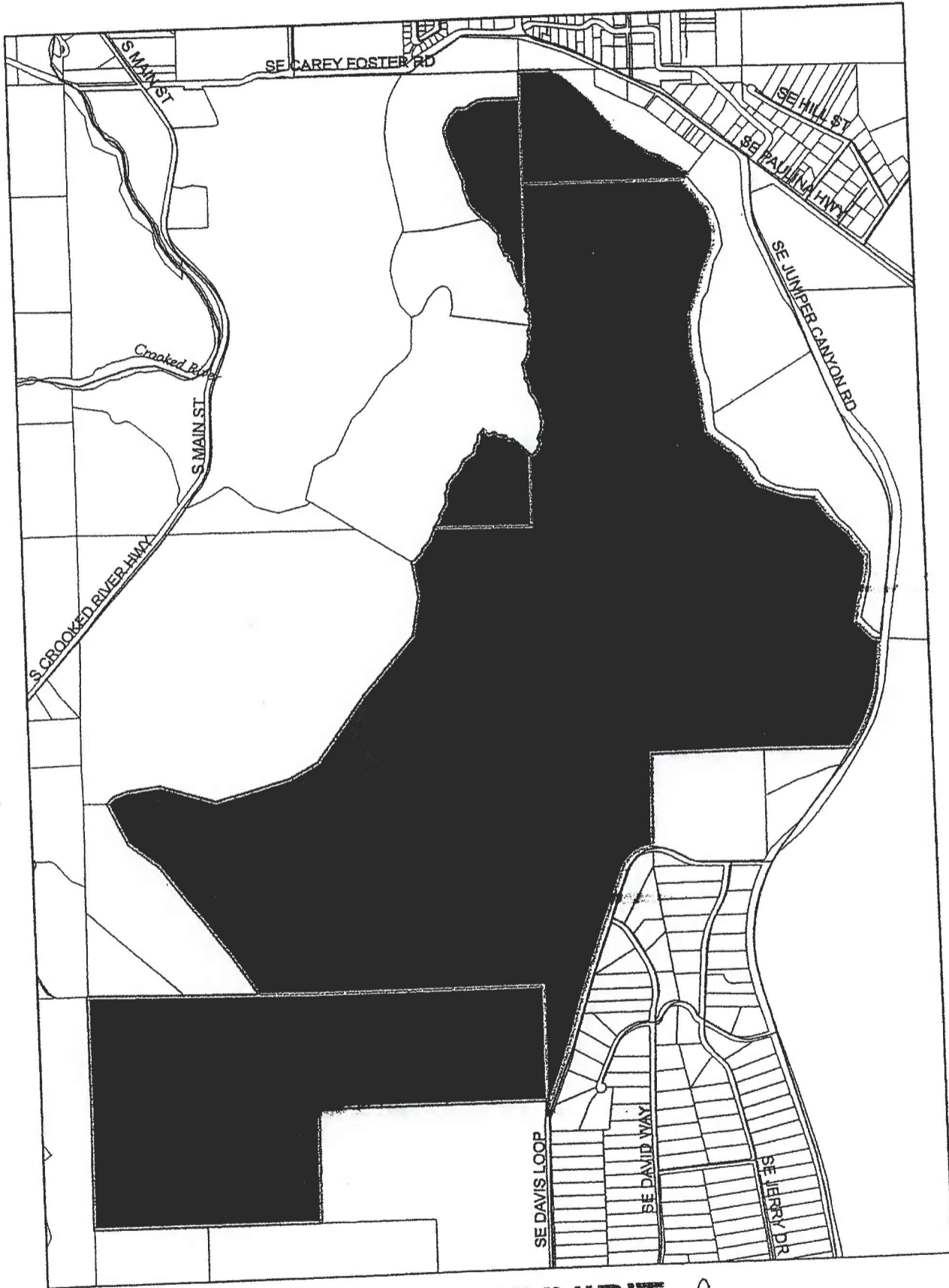
Crook County Judge Scott R. Cooper



Commissioner Mike McCabe



Commissioner Lynn Lundquist

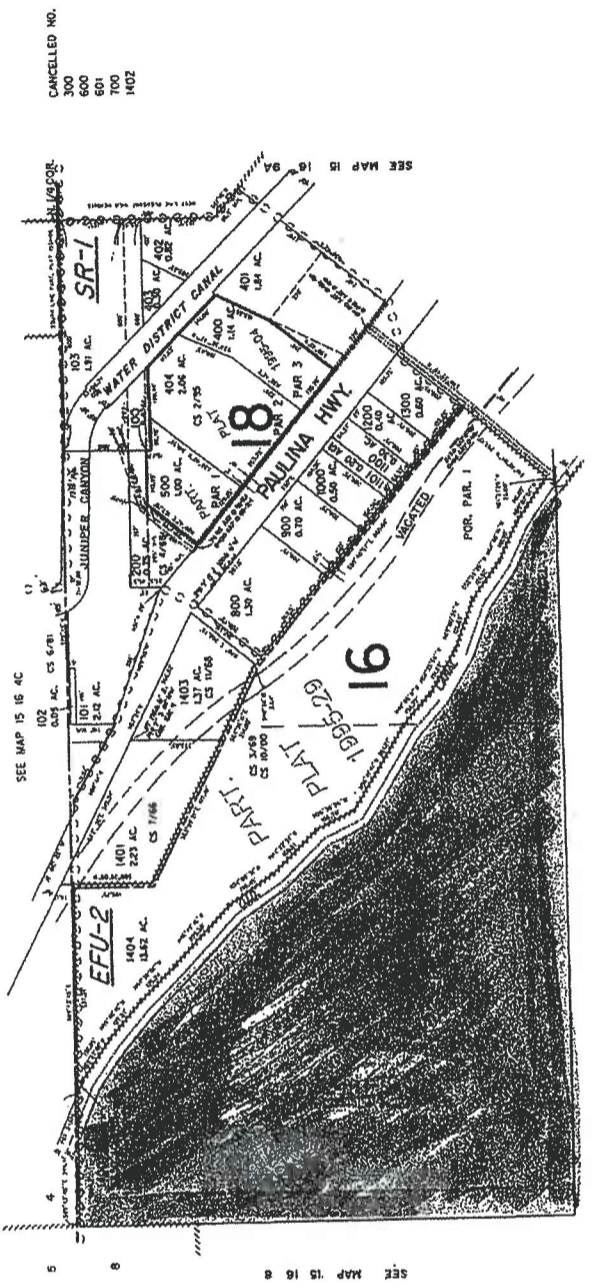
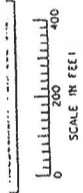


DISCLAIMER:
 CROOK COUNTY MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED,
 INCLUDING ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR
 PURPOSE, OR ANY OTHER MATTER. THE COUNTY IS NOT RESPONSIBLE FOR
 POSSIBLE ERRORS, OMISSIONS, MISUSE, OR MISINTERPRETATION. THE
 INFORMATION ON THIS MAP IS PREPARED FOR REFERENCE PURPOSES ONLY AND
 SHOULD NOT BE USED, AND IS NOT INTENDED, FOR SURVEY OR ENGINEERING
 PURPOSES. NO REPRESENTATION IS MADE CONCERNING THE LEGAL STATUS OF ANY
 APPARENT ROUTE OF ACCESS IDENTIFIED IN DIGITAL OR HARDCOPY MAPPING OF
 GEOSPATIAL INFORMATION OR DATA. PLEASE NOTIFY CROOK COUNTY GIS OF ANY
 ERRORS.

EXHIBIT A

1064

UNION COUNTY
1" = 200'



CANCELLED NO.
300
600
601
700
1402



SEE MAP 15 16

EXHIBIT A

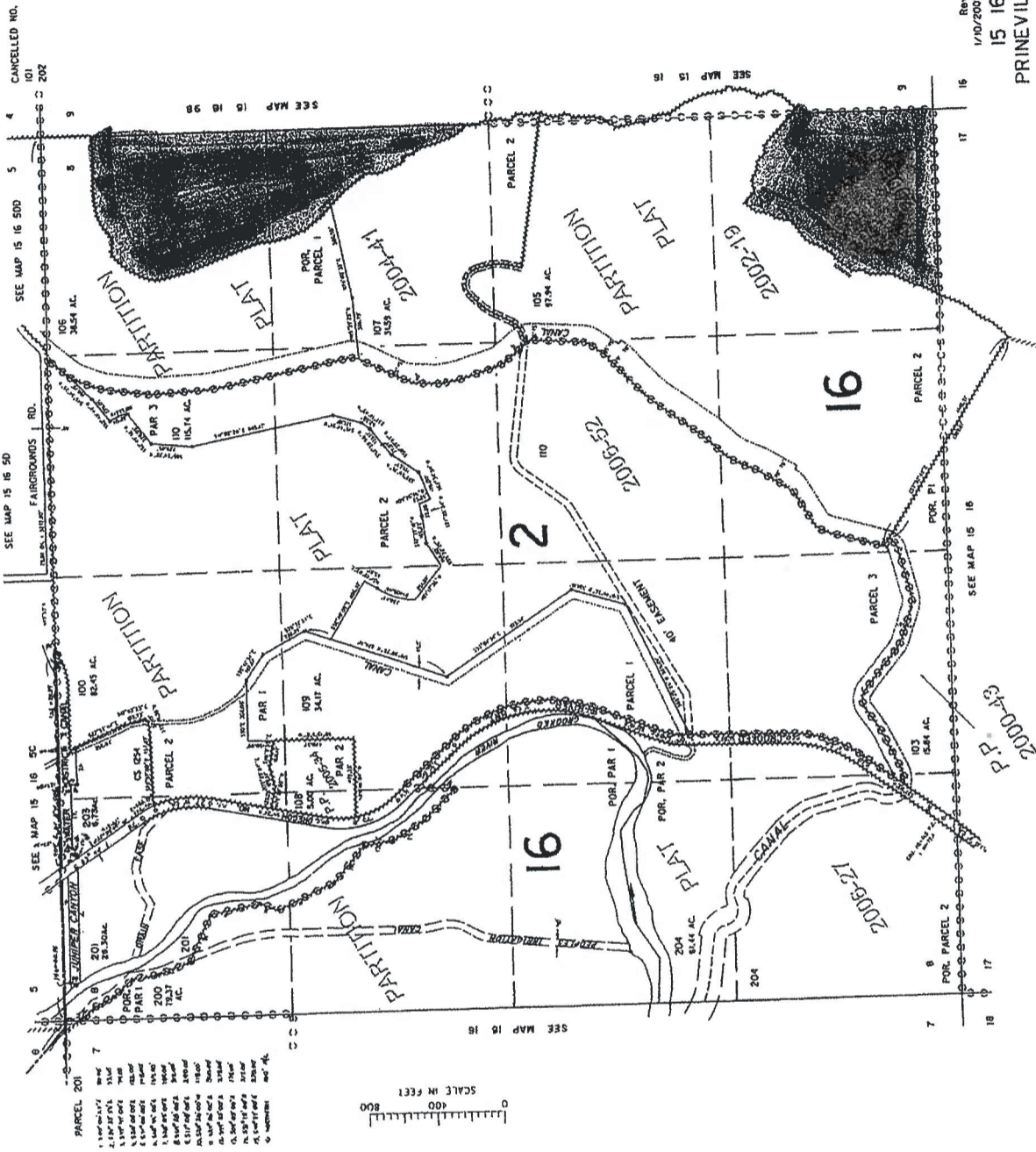
Revised
3/24/2005, DM
15 16 9B

2004

15 16 8
PRINEVILLE

SECTION 8 T.15S, R.16E, W.M.
CROOK COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



Revised
1/10/2007, EB
15 16 8
PRINEVILLE

EXHIBIT A

3064

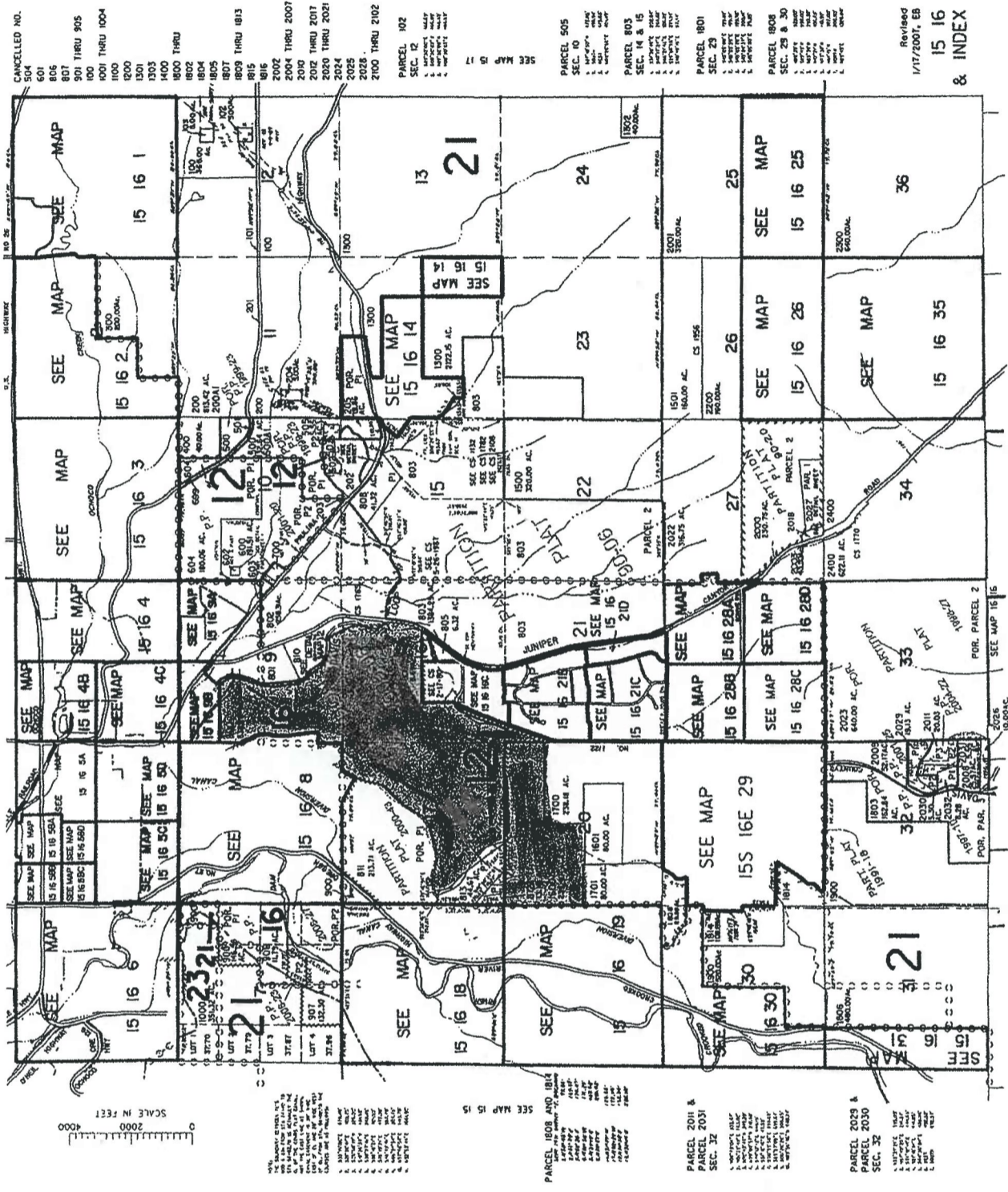


EXHIBIT A

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Revised
1/17/2007, EB
15 16
& INDEX

CROOK COUNTY
BEFORE THE PLANNING COMMISSION

NO. C-MA-011-06
RECOMMENDATION

RECEIVED
MAR 5 2007
COUNTY ADMINISTRATION

APPLICANTS: Crook County
300 NE Third Street
Prineville OR 97754

Bobby Kennedy II
PO Box 893
Prineville OR 97754

Grand Ridge Development LLC
c/o Dave Sturdevant
3259 NW Massey Drive
Bend OR 97701

Derby-Smith Partners LLC
c/o William Smith Properties
15 Colorado Avenue, Suite 1
Bend OR 97702

LOCATION: Kennedy: T 15 S R 16 EWM (Sec 9, 16, 17, 21) TL 800; T 15 S R 16 EWM Sec 8 TL 102, 104; T 15 S R 16 EWM Sec 9B TL 1400. Derby Smith: T 15 S R 16 EWM (Sec 20) TL 1600 (Part)

ACREAGE: 1,053 acres.

PROPOSAL: Recommendation to the Crook County Court on a request for approval of a Comprehensive Plan Map Amendment based upon a "non-resource" designation for the subject tract and a designation and zone change from Exclusive Farm Use EFU-2 to Rural Residential RR-10.

CONCLUSIONS: The Commission finds that the applicant has met the burden of demonstrating compliance with all local codes and state statutes. The County also finds that the applicant supplied adequate evidence and testimony showing that the subject parcel does not meet the definitional requirements to sustain a designation of the property as "Agricultural Land".

EXHIBIT B

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CROOK COUNTY/KENNEDY/GRAND RIDGE/DERBY S.M. d,
RECOMMENDATION
C-MA-011-06
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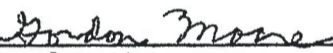
RECOMMENDATION: The Commission hereby recommends by a 6-0 vote that the proposed Comprehensive Plan amendment to change the Plan designation for the subject property from Agricultural to Non-Resource be approved. The Commission further recommends by a 6-0 vote that a decision on the proposed zoning change from Exclusive Farm Use EFU-2 to Rural Residential RR-10 be held off to ensure compliance with the Transportation Impact Study being conducted for the area.

The above recommendation is based on the applicable legal criteria, applicants' burden of proof, applicants' findings, and Commission findings and conclusions.

DATED THIS 28th Day of February, 2007



W. R. Gowen
COMMISSION CHAIRMAN



Gordon Moore
COMMISSION SECRETARY

EXHIBIT B

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LEGAL CRITERIA

ZONING: The tract is presently zoned Exclusive Farm Use EFU-2. Chapter 18.20 of the Crook County Code contains requirements for this zone.

The applicants propose to rezone the tract to Rural Residential RR-10 to allow rural residential development not to exceed one single-family residence per 10 acres. Chapter 18.92 of the Crook County Code contains requirements for this zone.

Chapter 18.168 of the Crook County Code contains requirements for amendment to the Crook County Comprehensive Plan and land use regulations.

COMPREHENSIVE PLAN: The present Crook County Comprehensive Plan designation of the tract is Agricultural. In order to rezone the tract from Exclusive Farm Use EFU-2 to Rural Residential RR-10, the Comprehensive Plan designation must be changed to Non-Resource. This involves establishing that the tract is not agricultural land and should not be subject to Statewide Planning Goal 3 - Agricultural Lands.

Pages 51-57 of the Crook County Comprehensive Plan contain policies for agricultural areas of the County.

Pages 99-110 of the Comprehensive Plan contain policies for Natural/Scenic/Buffer Areas. The tract has significant topographical features which require the protection of required setbacks for development. Crook County has specific policies for protection of the scenic and aesthetic values of rimrocks, and requires a site development plan for any land use or development proposal. Pages 229-230 of the Comprehensive Plan set forth policies for review and revision.

OREGON STATEWIDE PLANNING GOALS:

Goal 1 - Citizen Involvement is applicable to the proposed amendment, because this Goal requires citizen participation in amending the Comprehensive Plan. Citizen involvement is provided for in the approval process.

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Goal 2 - Land Use Planning is applicable, because this Goal requires that the land use planning process be the basis for all decisions and actions relating to land use. The approval process meets the requirements for land use planning.

Goal 3 - Agricultural Lands defines agricultural lands in Eastern Oregon as lands with predominantly SCS Class I-VI soils, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy requirements, and accepted farming practices. Lands in other classes, which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land. More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.

Goal 4 - Forest Lands defines Forest Lands as lands acknowledged as such as of the date of adoption of the goal. Goal 4 is not applicable because there are no such lands impacted by this proposal.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources is applicable to the present proposal because the subject tract includes rimrocks, to which specific Crook County policies for protection of scenic areas apply.

Goal 6 - Air, Water, and Land Resources Quality is not applicable, because there is no indication that the present proposal will significantly impact these resources.

Goal 7 - Natural Resources and Hazards is not applicable, as there is no indication of any natural resources or natural hazards on or in the vicinity of the tract.

Goal 8 - Recreational Needs is not applicable. The tract is not presently zoned or used for recreation. A 121 acre section is included in the Crook County Destination Resort Overlay, but the present proposal will not affect the overlay zoning. There is no likelihood of a negative impact on recreation from the proposal.

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CROOK COUNTY/KENNEDY/GRAND RIDGE/DERBY SM. 1,
RECOMMENDATION
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Goal 9 - Economy of the State is not applicable, as the proposal does not conflict with any of the policies under this Goal, and any impacts on the economy of the state are almost certain to be positive.

Goal 10 - Housing is not applicable, as the proposal will result in a negligible addition to the Crook County housing stock, and the tract is not presently designated for housing. There will be no negative impacts.

Goal 11 - Public Facilities and Services is applicable, as the proposal will require some new public facilities and services, although the rural nature and low density of the resulting development will not necessitate a public facilities plan. The rural residential development allowed under the proposal will require the provision of domestic water, sewage disposal, and roads. Electricity is presently available to the tract.

Goal 12 - Transportation is applicable, as the proposal will result in rural residential development at densities higher than those currently permitted under EFU-2 zoning. This will result in a small increase in road traffic, which must be addressed during the planning process.

Goal 13 - Energy Conservation is not applicable, as the proposal does not conflict with any of the policies under this Goal.

Goal 14 - Urbanization is not applicable to Non-Resource lands, in accordance with OAR 660-004-0040(F). Goal 14 is applicable to rural residential areas for which an exception to Goal 3 or Goal 4 has been taken. The proposal to allow rural residential development at a density of one unit per 10 acres to be served by wells and individual septic systems is consistent with Goal 14.

Goal 15 - Willamette Greenway; Goal 16 - Estuarine Resources; Goal 17 - Coastal Shorelands; Goal 18 - Beaches and Dunes; and Goal 19 - Ocean Resources are not applicable, as Crook County does not have any such areas or resources, and no such areas or resources will be impacted by the proposal.

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(a) **Non-Resource Designations:** OAR 660-004-005 (3) defines Non-Resource lands as lands not subject to Goal 3 - Agricultural Lands, Goal 4 - Forest Lands, or Goals 16-19.

Goal 3 defines Agricultural Lands in Eastern Oregon as lands with predominantly SCS Class I-VI soils, and other lands which are suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy requirements, and accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

Goal 4 defines Forest Lands as lands acknowledged as Forest Lands as of the date of adoption of Goal 4. No such lands are impacted by the present proposal.

Goals 16-19 deal with features and resources which are not present in Crook County, and are not impacted by the present proposal.

OAR 660-004-0040 (F) states that Goal 14 - Urbanization is not applicable to non-resource lands.

APPLICANTS' BURDEN OF PROOF STATEMENT

The Burden of Proof statement is summarized below:

I. The applicable legal criteria. (See above)

II. Facts:

(A) On-Site Characteristics: The subject tract measures 1,053 acres, and is predominantly (850 acres) located on a plateau just outside the Prineville City Limits between Juniper Canyon and Davis Loop Roads and the Upper Crooked River Highway.

(1) Terrain: The most significant terrain characteristic of the tract consists of the more than 5.9 linear miles of rimrocks located on the

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west, north, and east sides of the above plateau. The boundaries of the portion of the tract now owned by Kennedy consist primarily of these rimrocks, an OID canal, and Juniper Canyon and Davis Loop Roads on the east and southeast, an active quarry on the southeast, and properties on the south with poor soils and steep slopes on their western sides. The Kennedy portion of the tract has no water rights and has never been irrigated.

The portion of the tract owned by Derby-Smith (121 acres above the rimrocks) is located on the south of the Kennedy portion. Davis Loop Road is located on the east, and Division of State Lands property on is located on the south. All of the Derby-Smith portion is within the Destination Resort overlay. The Derby-Smith portion has no water rights and has never been irrigated.

(2) Adverse soils or land conditions: Separate soil surveys were done for both ownerships.

The survey for the Kennedy-Grandridge property indicates that it consists primarily of Lickskillet, Searles, and Redmond - Stukmond soils in SCS Classes 6e, 7e, and 7s if not irrigated.

The survey for the Derby-Smith property indicates that it consists primarily of Homehollow soils (88%) with a small amount of Lickskillet, Searles, Ayres and Era soils. The Homehollow soils are in Class 6e, while the other soils are in Classes 6e and 7s if not irrigated.

A small amount of rock outcrops in Class 8 are located on both properties.

(3) Drainage and flooding: The tract has generally poor drainage, but is not subject to significant flooding as it is located entirely outside any flood plain.

(4) Vegetation: Separate Rangeland Inventory and Analysis Reports have been prepared for the

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Kennedy-Grandridge and Derby-Smith portions of the tract. Both reports were done by Gene Hickman.

The Kennedy-Grandridge report indicates that the property consists primarily of plains dominated by several different types of sagebrush, with stands of juniper and a variety of grasses. The property also has moist, cool north slopes, and dry, warm south slopes, both dominated by different types of sagebrush with grasses and junipers, some of which are old growth.

The property has lesser areas of sandy bottomland with middle-aged junipers, grasses, and prickly gilia, sparsely vegetated rockland and scabland.

Hickman states that the property would produce between \$350.00 and \$1200.00 annually from grazing, and that range improvements would be required. He states that a grazing operation on the property would not be economically feasible.

The Derby-Smith report indicates that the property is on the top and westerly slope of a basalt plateau. The dominant vegetation consists of junipers of mixed ages, with sagebrush, other brush, and grasses.

Hickman states that this property would produce about \$950.00 per year in grazing income with improvements, and that a grazing operation on the property would not be economically feasible.

(5) Size and location of tract: The tract measures 1,053 acres, and lies south and east of the Prineville Urban Growth Boundary (UGB).

(6) Other conditions: The tract is characterized by a lack of available or useable water, climatic conditions limiting the growing season, recent changes in the area context (i.e. expansion of the UGB, adoption of the Destination Resort Overlay,

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adoption of the Transportation Systems Plan, and other zoning changes in the area.

- B. Surrounding Planning, Zoning, and Land Use: Other lands in the area include lands presently zoned EFU-2 (55.1%); Recreation Residential areas zoned RRM-5, including large subdivisions (18.6%); public lands (12.5%); the subject tract zoned EFU-2, consisting of dryland and partially within the Destination Resort overlay (8.5); suburban residential areas within the UGB zoned SR-1 and SRM-1 (5.1%); and a residential area within the city limits zoned R-2 (0.2%).
- C. Utilities/Roads: Electricity is available to the subject tract from both Pacific Power and Central Electric Cooperative. All surrounding properties have access to electricity, but all use private domestic wells and septic systems.

The tract is adjacent to both Juniper Canyon Road and Davis Loop Road. The Transportation Systems Plan (TSP) for Crook County includes a major collector road (D.W. Brummer Road) connecting Davis Loop with the Crooked River Highway (Highway 27) to the west, which is to traverse the tract.

APPLICANTS' FINDINGS

Compliance With Crook County Comprehensive Plan

(1) Jurisdiction and Procedure: The applicants state that the application is being submitted in accordance with the quasi-judicial process, rather than the less restrictive legislative process, to ensure valid procedural practice in accordance with ORS 197.763.

(2) Revision and Review: The applicants state that the requirements for review by the Crook County Planning Department and the Crook County Court of Comprehensive Plan changes are being complied with.

(3) Public Need: The applicants state that the

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application complies with the Comprehensive Plan requirement that minor changes to local regulations be justified in terms of public need.

(4) Additional Standards For Approval: The applicants state that the proposal includes information not available at the time of the original resource designation of Agricultural and zoning designation of EFU-2. They state that the application includes a complete and factual analysis of the land uses and other characteristics needed to evaluate the site and determine that a change in designation is indicated. The applicants state that the proposal has been examined in terms of the criteria of the Oregon Administrative Rules (OAR), Oregon Revised Statutes (ORS), and the local Crook County Rules, Regulations, Policies, and other statements found in the Comprehensive Plan.

The applicants state that the County believes that the most appropriate way to change the designation of the tract is through a non-resource determination. They state that it does not meet the definition of agricultural land and should not be subject to Statewide Planning Goal 3.

A. Non-Resource Designation:

Planning staff has summarized the applicants' findings in relation to the applicable OAR's as follows:

(1) OAR 660-004-0005 Non-Resource Lands

The County finds that the evidence shows that the tract does not meet the definition of agricultural land as defined by State law and interpreted by the County Court. LUBA has found that where a county properly designates land as non-farmland, an exception to Goals 3 and 4 is not required to support comprehensive plan and zoning map designation for residential use.

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CROOK COUNTY/. ANEDY/GRAND RIDGE/DERBY SI .H,
RECOMMENDATION
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(2) OAR 660-033-0020 Agricultural Land Definitions

The County finds that the following findings support a non-resource designation:

(A) The tract has soils classified predominantly as SCS Classes 6e to 8, which are not considered to be high-value soils in Eastern Oregon.

(B) The State Soils Assessments prepared for the tract indicate that soils are not fertile and cannot support agriculture as defined by statute.

(C) The tract could not reasonably be combined with an adjacent agricultural operation.

AGENCY TESTIMONY

The area representative of the Oregon Department of Land Conservation and Development (DLCD) submitted written and verbal testimony concerning the proposal. He stated that the Comprehensive Plan should be amended to change the designation of the subject tract from Agricultural to Non-Resource, but that a decision on the proposed zoning change from Exclusive Farm Use EFU-2 to Rural Residential RR-10 should be postponed until a Transportation Impact Study for the area has been completed.

He stated that the Non-Resource designation is an untested area of land use, and that no county in the state has a detailed program for changes from an Agricultural to a Non-Resource designation. He said that Crook County should develop policy in this area, and can submit a grant proposal to obtain state funding for this. He stated that there is a possibility that Crook County could coordinate with Jefferson County on this.

The Lead Planner at the area office of the Oregon Department of Transportation (ODOT) stated that ODOT has no problem with the proposed Comprehensive Plan change, but recommends that the proposed zoning change be postponed until a Transportation Impact Study has been completed.

PUBLIC TESTIMONY: No proponent, opponent, or nonpartisan testimony was submitted.

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COMMISSION FINDINGS AND CONCLUSIONS

- (1) The subject tract does not meet the standards for "Irrevocably Committed Lands" under Statewide Goal 3 - Agriculture.
- (2) The Commission recommends a change in the Comprehensive Plan designation of the tract from Agricultural to Non-Resource to the County Court, but recommends that the proposed zoning amendment be held off to ensure compliance with the Transportation Impact Analysis being conducted for the area.
- (2) The applicants' Burden of Proof Statement addresses those issues which are required to be addressed by OAR 660.004 (Interpretation of Goal to Exception Process), ORS 197.732 (Goal Exceptions Criteria; rules; review); Crook County Code Chapter 18.20 (Exclusive Farm Use zone EFU-2), and the Agriculture policies of the Crook County Comprehensive Plan.
- (2) On the basis of the data submitted by the applicants, the applicants' findings are in accordance with the characteristics of the subject tract and the surrounding area.

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COUNTY ADMINISTRATION
COURTHOUSE
E. THIRD STREET
SALISBURY, OR 97754



Hasler

012H16208489

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12/13/2007

Mailed From 97754

US POSTAGE

Department of Land Conservation
and Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540