



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

06/14/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment
DLCD File Number 002-11

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: Wednesday, June 29, 2011

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Heidi Bauer, Crook County
Jon Jinings, DLCD Community Services Specialist

<paa> Y



FORM 2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUN 09 2011

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Crook County**

Local file number: **AM-10-0164**

Date of Adoption: **June 3rd, 2011**

Date Mailed: **June 8th, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? X Yes ☐ No Date: March 7th, 2011

X 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".

An Ordinance amending the Crook county Comprehensive Plan with respect to adding descriptions and policies regarding Non-Resource Lands

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from NA

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved: **NA**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
X X ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES X NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

X 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. 002-11 (18742) [16665]

Crook Co Grant Product FP
DLCD No. TA-R-11-160 06/09/2011

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

CROOK COUNTY ASSESSOR, BUILDING, GIS AND ROAD DEPTS.

Local Contact: **Bill Zelenka**

Phone: 541-447-8156 Extension:

Address: **300 NE Third St., Rm. 11**

Fax Number: **541-416-3905**

City: **Prineville**

Zip: **97754**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

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

AN ORDINANCE AMENDING THE CROOK
COUNTY COMPREHENSIVE PLAN WITH
RESPECT TO ADDING DESCRIPTIONS AND
POLICIES REGARDING NON-RESOURCE
LANDS

Ordinance No. 244

WHEREAS, "Non-Resource" lands in Crook County are those lands that are not subject to Statewide Planning Goals 3 or 4, and are not suitable for agricultural or forest uses; and

WHEREAS, it is appropriate that Crook County determine whether existing properties are accurately zoned and designated; and

WHEREAS, adopting Non-Resource lands policies is a necessary step in verifying accurate zoning and designation; and

WHEREAS, the Crook County Planning Commission recommends by a vote of 7-0 that the Crook County Court amend the Comprehensive Plan to include the Description of Non-Resource lands and policies governing the development of Non-Resource lands, as described in the attached Exhibits.

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

SECTION ONE: *Amendment.* The County Court amends the Comprehensive Plan to include the following descriptions and policies (as are described and attached hereto as "Exhibit A," which by this reference is included herein):

SECTION TWO: *Findings.* The Crook County Court adopts as its findings the Staff Report attached hereto as "Exhibit B" and by this reference included herein.

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STATE OF OREGON } ss 2011-057
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 3rd DAY OF
June, 2011 AT 10:16 A.M.
AND RECORDED IN CJRN
RECORDS OF SAID COUNTY MF NO. 2011-057
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Jessie Hammell DEPUTY

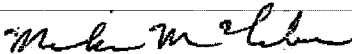
SECTION THREE: *Severability*. The different sections of this Ordinance shall be deemed to be severable from each other, and the appeal of one section shall not prevent other unappealed sections from becoming effective.

First Reading: 6-1-2011

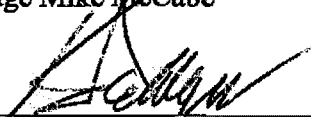
Second Reading: 6-1-2011

DATED this 1st day of June, 2011.

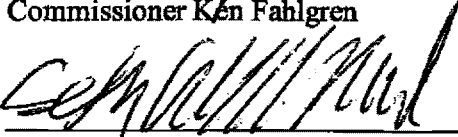
CROOK COUNTY COURT



Judge Mike McCabe

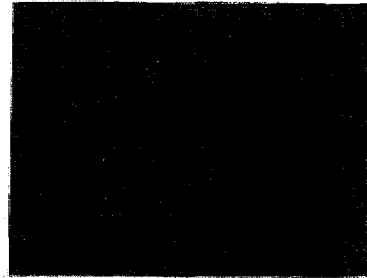


Commissioner Ken Fahlgren



Commissioner Seth Crawford

EXHIBIT A
ORDINANCE 244



Non Resource Lands

Non-resource lands; description

"Non-resource" is a term commonly used to describe lands that are inherently unproductive for farming, ranching or forest activities due to poor soil types and other unfavorable features. Such areas do not deserve to be protected under state and local programs to protect agricultural and forest lands and may be made available for other uses. Non-resource lands are different from other rural lands dedicated to non-farm or non-forest uses in that they often do not exhibit any existing settlement pattern or supporting infrastructure. Introducing development into these areas can mean encouraging development on lands that are not well suited to support it and, if done improperly, create additional taxpayer costs or potentially expose citizens to areas vulnerable to natural hazards. Other values important to the community, such as scenic areas, open spaces and wildlife habitat may also be located on non-resource lands. For these reasons and others it is important for the county to be thoughtful and responsible when making choices regarding a planning and zoning strategy for non-resource lands.

"Non-Resource" land in Crook County is land that is not subject to Statewide Planning Goal 3 or Goal 4 (OAR 660-04-005(3)). Non-resource land is not suitable for agricultural or forest use based upon the following criteria **which are summarized from the goals and administrative rules:**

- (1) The land is not predominantly NRCS Class I-IV soils.
- (2) The land is not intermingled with or adjacent to NRCS Class I-VI land within the same farm unit.
- (3) The land is not suitable for farm use taking into consideration:
 - (a) Soil fertility;
 - (b) Suitability for grazing;
 - (c) Climatic conditions;
 - (d) Existing and future availability of water for farm irrigation purposes;
 - (e) Existing land use patterns;
 - (f) Technological and energy inputs required; or
 - (g) Accepted farming practices.
- (4) The land is not necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.
- (5) The land is not suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices on commercial forest lands or other forested lands that maintain soil, air, water and fish and wildlife resources.

Non-resource lands in Crook County may be included in one or more of the following established zoning districts when found to comply with all applicable state and local provisions:

Residential	Commercial	Industrial	Recreation/Other
Recreational Residential Mobile Zone, RR(M)-5	Rural Service Center, RSC	Light Industrial Zone, L-M	Park Reserve, PR
Recreational Residential Zone, RR-1	Limited Commercial, L-C	Heavy Industrial Zone, H-M	Forest Recreation, FR- 10
Rural Residential Zone, R-5	Neighborhood Commercial, N-C	Rural Industrial Zone, R-M	Residential Woodlot, RW-40
Rural Residential Zone, R-10	Recreation Commercial Zone, R-C		Exclusive Farm Use
Powell Butte Rural Residential Zone, PBR-20			Exclusive Forest Use

The changing nature of the land use regulatory system was not foreseen when the comprehensive plan was developed. It is now appropriate to more carefully determine whether existing EFU or F1 zoned land is accurately designated. Amending the county land use plan by adding a non-resource policy section is the first step in this process. Non-resource Plan policies are intended to guide the public and county decision makers through the review and possible identification of non-resource land. It is expected that a substantial amount of information will be needed to demonstrate that property presently designated either EFU or F1 should be rezoned to a non-resource designation. Based upon the number of acres zoned EFU and F1 and the complex resource land definitions, it is unrealistic to proactively study and identify which land may be non-resource. It is more practical for landowners to make application for a Plan amendment to a non-resource designation. County planning staff can assist with the application process, but the applicant is responsible for providing adequate information to justify changing the plan map and zoning designations.

An appropriate use for non-resource land may be low-density rural residential development when it is shown that residential suitability characteristics are met. Low-density residential development generally means the opportunity to build homes on parcels of ten acres or greater or in a Planned Unit Development with density of ten acres per dwelling or greater. In some, limited circumstances when adjacent to developed rural residential subdivisions a minimum parcel size or average density of less than 10-acres may be appropriate for some or all of a subject property. Building homes on existing

parcels is also appropriate on non-resource land. Other non-resource designations such as recreation or energy may also be appropriate. Suitability factors to be considered when designating non-resource land include: Compatibility with the land use pattern in the surrounding area; Subsurface sewage disposal suitability; Domestic water supply availability; Adequacy of road access; Availability of fire protection service; Limited exposure to natural hazards; and no significant impact on resource lands in the surrounding area.

The non-resource land amendment review process will consider whether the applicant's property is non-resource and if so whether it is appropriate to permit development.

Non-Resource Land Policies

1. Crook County shall provide for the appropriate and orderly development of Non-Resource lands while minimizing potential conflicts with other land uses.
2. Land designated Non-Resource should have conditions that permit development with a limited exposure to natural hazards.
3. Land designated Non-Resource should be located or have the capability to be included in a rural fire protection district or provide for similar protective measures.
4. Land designated Non-Resource should have favorable conditions for location of subsurface waste disposal systems and for supplying adequate amounts of potable water.
5. Land designated Non-Resource should have access to a county road with sufficient capacity to accommodate additional development.
6. The Non-Resource Plan designation is implemented with existing or newly proposed zones. When applied near agricultural and forest resource areas, an adequate buffer to minimize negative effects is required.
7. Low density rural residential zones may be applied to newly designated non-resource property where the proposed property is abutting other existing rural residential zoned property. The density of the zone should not exceed that of the existing abutting non-resource rural residential zone.
8. New public sewer and water systems may not be established within the non-resource areas unless the County determines that a health hazard exists pursuant to DEQ or Oregon Health Division procedures and criteria. A new or extended public water or sewer system is appropriate in the rural areas only when needed to protect the public's health and safety.
9. A Comprehensive Plan and zoning map amendment must be approved before property designated Agricultural or Forest can be amended to a Non-Resource Plan

map designation. In addition to the Crook County Code Plan amendment criteria, the Statewide Planning Goal and Administrative Rule non-resource land definition must be met.

10. Applying the Non-Resource designation to isolated tracts surrounded by agricultural or forest lands shall be discouraged if it is shown that a non-resource designation would adversely affect existing farm or forest uses. Where isolated tracts may have an effect on farm or forest uses, minimum parcel or lot sizes of 20 acres or more shall be required and/or alternative planning techniques such as master planning, planned unit developments, clustering and conservation easements shall be required to protect adjacent resource land.
11. Non-resource lands may act as receiving areas for programs involving the transfer of development credits from one location to another. The county should explore opportunities to utilize non-resource lands as a tool to advance local planning priorities, such as the protection of farm and forest lands or other natural resources while retaining property rights and continuing to minimize regulation in a collaborative fashion that promotes "win-win" situations.

COUNTY PLANNING DEPT.
860 N. E. Third Street
Pineville, OR 97754

06/08/2011
US POSTAGE

\$01.48⁹



ZIP 97754
011011611651

DEPT OF

JUN 09 2011

LAND CONSERVATION
AND DEVELOPMENT

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