



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

March 21, 2006



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 006-05

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: April 4, 2006

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
Ron Eber, DLCD Farm/Forest Specialist
Bill Zelenka, Crook County

<paa> ya/

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

(See reverse side for submittal requirements)

DEPT OF
MAR 15 2006
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Crook County Local File No.: C-TA-005-05

Date of Adoption: March 1, 2006 Date Mailed: March 14, 2006
(Must be filled in) (If no number, use none)
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

- Comprehensive Plan Text Amendment
 - Comprehensive Plan Map Amendment
 - Land Use Regulation Amendment
 - Zoning Map Amendment
 - New Land Use Regulation
 - Other: _____
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡
CCC 18.20.090(1): Change from 160 to 80 and delete 18.20.090(2)(a)(b) to comply
with ORS 215.780.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

Same

Plan Map Changed from : N/A to _____

Zone Map Changed from: N/A to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: N/A

Was an Exception Adopted? Yes: X No: _____

DLCD File No.: 006-05 (14619)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Fire Dept., ODOT,
County Road, Emergency Serv., City of Prineville

Local Contact: Bill Zelenka Area Code + Phone Number: 541/447-8156

Address: 300 NE Third, #11 City: Prineville

Zip Code+4: 97754 Email 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only ; or 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.

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

CROOK COUNTY
PLANNING DEPT.
MAR 03 2006
RECEIVED
TIME: _____

AN ORDINANCE AMENDING
THE CROOK COUNTY CODE
CHAPTER 18.20.090
RELATING TO FARM PARCEL
SIZE WITHIN EFU-2 ZONE

ORDINANCE NO. 173

WHEREAS, the Crook County Planning Commission has recommended to the County Court that the current EFU-2 code be amended to be in compliance with ORS 215.780 regarding parcel size for farm partitioning within the zone; and

WHEREAS, the proposed amendment will provide a single standard for all property owners within the EFU-2 Zone for new farm parcel creation; and

WHEREAS, the proposed amendment is applicable only to parcel creation, and does not amend the requirements for establishment of a farm dwelling; and

WHEREAS, the Crook County Planning Commission held Public Hearings on October 26, November 9, and December 14, 2005 to receive comments and input from the general public and other agencies, including the Crook County Extension office upon request of the Commission; and

WHEREAS, the Crook County Court held a Public Hearing on February 15, 2006 and March 1, 2006 to receive comments and input from the general public and other agencies;

NOW, THEREFORE, the Crook County Court ORDAINS that the Crook County Code (CCC) Chapter 18.20.090 be amended as follows:

SECTION ONE. CCC 18.20.090(1) to read as follows: The lot or parcel of 80 acres or more shall be considered a farm unit.

SECTION TWO. CCC 18.20.090(2) in its entirety is deleted.

SECTION THREE. CCC 18.20.090(3) and (4) are renumbered 18.090(2) and (3) respectively.

DATE of First Reading and Approval, February 15, 2006.

DATE of Second Reading and Approval, March 1, 2006.

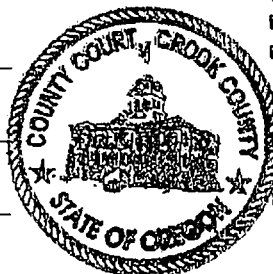
DATED this 1ST day of March, 2006.

CROOK COUNTY COURT

Scott R. Cooper
Judge Scott R. Cooper

Mike McCabe
Commissioner Mike McCabe

Michael J. Mohan
Commissioner Michael J. Mohan



STATE OF OREGON } 032006173
COUNTY OF CROOK }

I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 1st DAY OF
March, 20 06 AT 4:20 P.M.

AND RECORDED IN CJRN

RECORDS OF SAID COUNTY MAP NO. 2006-173

BY Deanna E. Berman CROOK COUNTY CLERK
DEPUTY Deanna E. Berman

Deanna E. Berman

unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm use in conjunction with other land. A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

(b) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the forest practices rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses or surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

(4) Other Conditions Deemed Necessary. Complies with such other conditions, as the county considers necessary.

(5) Creation of Lot. The dwelling will be sited on a lot or parcel created before January 1, 1983, or on a lot or parcel created after January 1, 1993, pursuant to CCC 18.24.070(4) or 18.20.070(4).

(6) Disqualification from Farm Deferral. Prior to final approval of a building permit for a use governed by this section, the entire lot or parcel upon which the nonfarm dwelling will be located must be disqualified for farm assessments pursuant to ORS 215.236. (Ord. 18 § 3.020(8), 2003)

18.20.090 Dimensional standards.

In an EFU-2 zone, the following dimensional standards shall apply:

(1) The lot or parcel of 160 acres or more shall be considered a farm unit.

(2) A lot or parcel of less than 160 acres, but equal to or greater than the minimum lot size established by ORS 215.780 may be approved as a farm unit pursuant to the administrative review procedures under Chapter 18.172 CCC, when found to comply with the following:

(a) Any proposed parcel below 160 acres shall have usable water right and water availability of adequate quantity to ensure the operation of irrigated farming techniques of commercial levels;

(b) The proposed parcels must be of a size and shape that is efficient for the use of farm machinery including: cultivating, harvesting, and spraying equipment. The proposed division shall not materially alter the stability of the overall land use pattern of the area;

(3) The minimum lot area for all nonfarm uses listed under CCC 18.20.020 (except dwellings) shall not be larger than the minimum necessary for the use.

(4) A land division for a nonfarm dwelling may be approved only if the nonfarm dwelling has first been approved under CCC 18.20.040. (Ord. 18 § 3.020(9), 2003)

18.20.100 Yards.

In an EFU-2 zone, the minimum yard setback requirements shall be as follows:

(1) In an exclusive farm use zone (EFU) the minimum setback of a residence or habitable structure from a property line shall be 100 feet.

(a) If a parcel in the EFU zone is nonbuildable as a result of the habitable structure setback requirements, the commission may consider a conditional application from the landowner to adjust the setback requirements to make the parcel buildable.

(2) The minimum setbacks for all accessory structures are:

(a) Front yard setback shall be a minimum of 20 feet for property fronting on a local minor collector or marginal access street, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the county.

(b) Each side yard shall be a minimum of 20 feet, except on corner lots or parcels where the side yard on the street side shall be a minimum of 30 feet.

(c) Rear yards shall be a minimum of 25 feet. (Ord. 18 § 3.020(10), 2003)