



# 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 Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

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

### NOTICE OF ADOPTED AMENDMENT

December 6, 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 007-05



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: December 19, 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  
Jon Jinings, DLCD Regional Representative  
Bill Zelenka, Crook County

<paa> ya



**FORM 2**

**D L C D 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  
LAND CONSERVATION  
AND DEVELOPMENT  
NOV 30 2006

Jurisdiction: Crook County Local File No.: C-MA-006-05  
(If no number, use none)  
Date of Adoption: April 19, 2006 Date Mailed: November 28, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: October 25, 2005

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.≡  
An ordinance amending the zoning map designation from EFU2 (Exclusive Farm Use)  
to SR1 (Suburban Residential) for lands north of the City of Prineville  
within the adopted UGB of the City, J.C. Carpenter; and Declaring an Emergency.

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 : \_\_\_\_\_ to \_\_\_\_\_  
Zone Map Changed from: EFU2 to SR1  
Location: 14-16-29 Tls 805, 806 & 808 Acres Involved: 9.6  
Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_  
Applicable Statewide Planning Goals: \_\_\_\_\_  
Was an Exception Adopted? Yes: \_\_\_\_\_ No: XX

DLCD File No.: 007-05 (14770)

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: \_\_\_\_\_

City of Prineville, Crook County Fire Dept., Ochoco Irr. Dist., & BOR

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

Address: 300 NE Third Street, RM 11 City: Prineville

Zip Code+4: 97754 Email Address: bill.zelenka@co.crook.or.us

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### 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.

KEY PUNCHER

SCANNED

APR 21 2006



STATE OF OREGON } 2006-193  
COUNTY OF CROOK }  
I CERTIFY THAT THE WITHIN INSTRUMENT WAS  
RECEIVED FOR RECORD ON THE 19th DAY OF  
April, 20 2006 AT 2:45 P. M.  
AND RECORDED IN \_\_\_\_\_ CJRNI  
RECORDS OF SAID COUNTY MAP NO. 2006-193  
DEANNA E. BERMAN, CROOK COUNTY CLERK  
BY Elise Brummer DEPUTY

*W/c*

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

AN ORDINANCE AMENDING THE ZONING MAP  
DESIGNATION FROM EFU2 (EXCLUSIVE FARM USE)  
TO SR1 (SUBURBAN RESIDENTIAL) FOR LANDS  
NORTH OF THE CITY OF PRINEVILLE WITHIN THE  
ADOPTED UGB OF THE CITY, J.C. CARPENTER; AND  
DECLARING AN EMERGENCY

ORDINANCE 175

WHEREAS, the Crook County Planning Commission has recommended an amendment to the current EFU-2 Zone to comply with the amended Comprehensive Plan AND revised Urban Growth Boundary of the City; and

WHEREAS, the Suburban Residential Zones will enable the Planning Commission, the County Court and participants in the land use process to consider applications for less than urban development uses; and

WHEREAS, the Crook County Planning Commission has held public hearings on December 14, 2005, January 11, 2006 and January 25, 2006 to receive comments and input from the general public and other agencies; and the County held a public hearing on April 5, 2006 and April 19, 2006 to receive comments and input from the general public and other agencies;

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

SECTION ONE. A portion of land identified on Exhibit A approved by Ordinance 17, Amendment 57 on November 5, 2005, identified as a portion thereof as Area 1, more specifically, Township 14 South, Range 16 East WM Tax lots 805, 806 and 808; Tax accounts 11022, 11023, and 11025 with a residential designation shall be amended from EFU2 (Exclusive Farm Use) to Suburban Residential (SR1) as dedicated on the map attached thereto as Exhibit A.

SECTION TWO. Until the Transportation Systems Plan and the Public Facilities Plan have been amended as required Ordinance 17, Amendment 57, Section 3, any land use approval with the amended area must be a non-urban type use.

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


SECTION FOUR. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATE of First Reading and Approval, April 5, 2006.

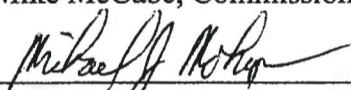
DATE of Second Reading and Approval, April 19, 2006.

DATED this 19<sup>th</sup> day of April, 2006.

CROOK COUNTY COURT

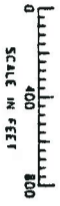
  
\_\_\_\_\_  
Scott R. Cooper, Judge

  
\_\_\_\_\_  
Mike McCabe, Commissioner

  
\_\_\_\_\_  
Michael J. Mohan, Commissioner

CROOK COUNTY  
 PLANNING DEPT.  
 NOV 15 2004  
 RECEIVED

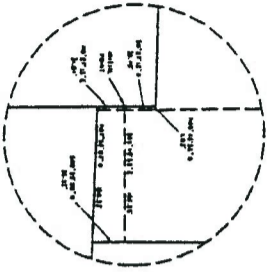
THIS MAP WAS PREPARED FOR  
 ASSESSMENT PURPOSE ONLY



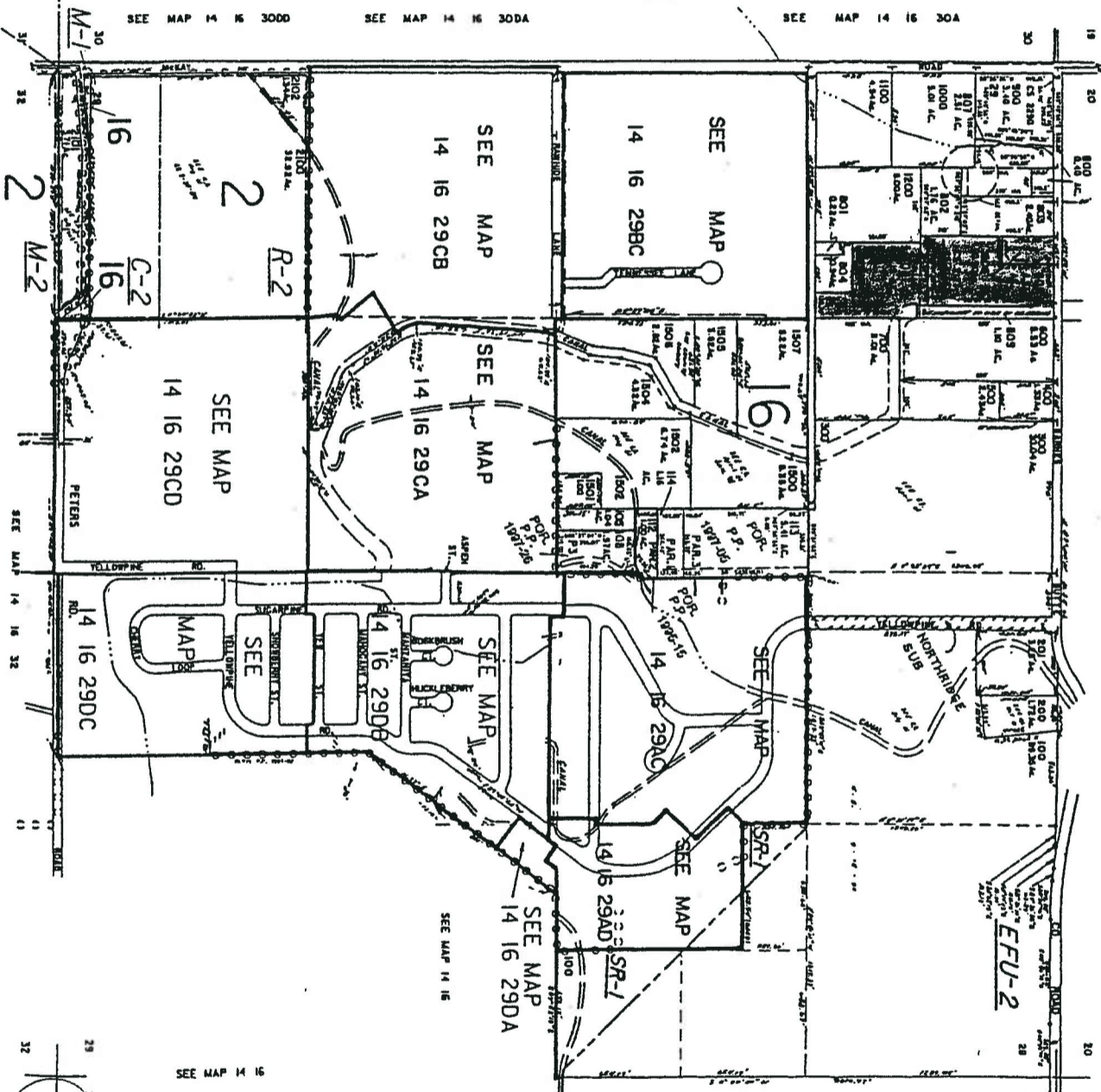
*122-02*

SECTION 29 T.14S. R.16E. W.M.  
 CROOK COUNTY  
 1" = 400'

SEE MAP 14 16 20



DETAIL  
 NOT TO SCALE



SEE MAP 14 16

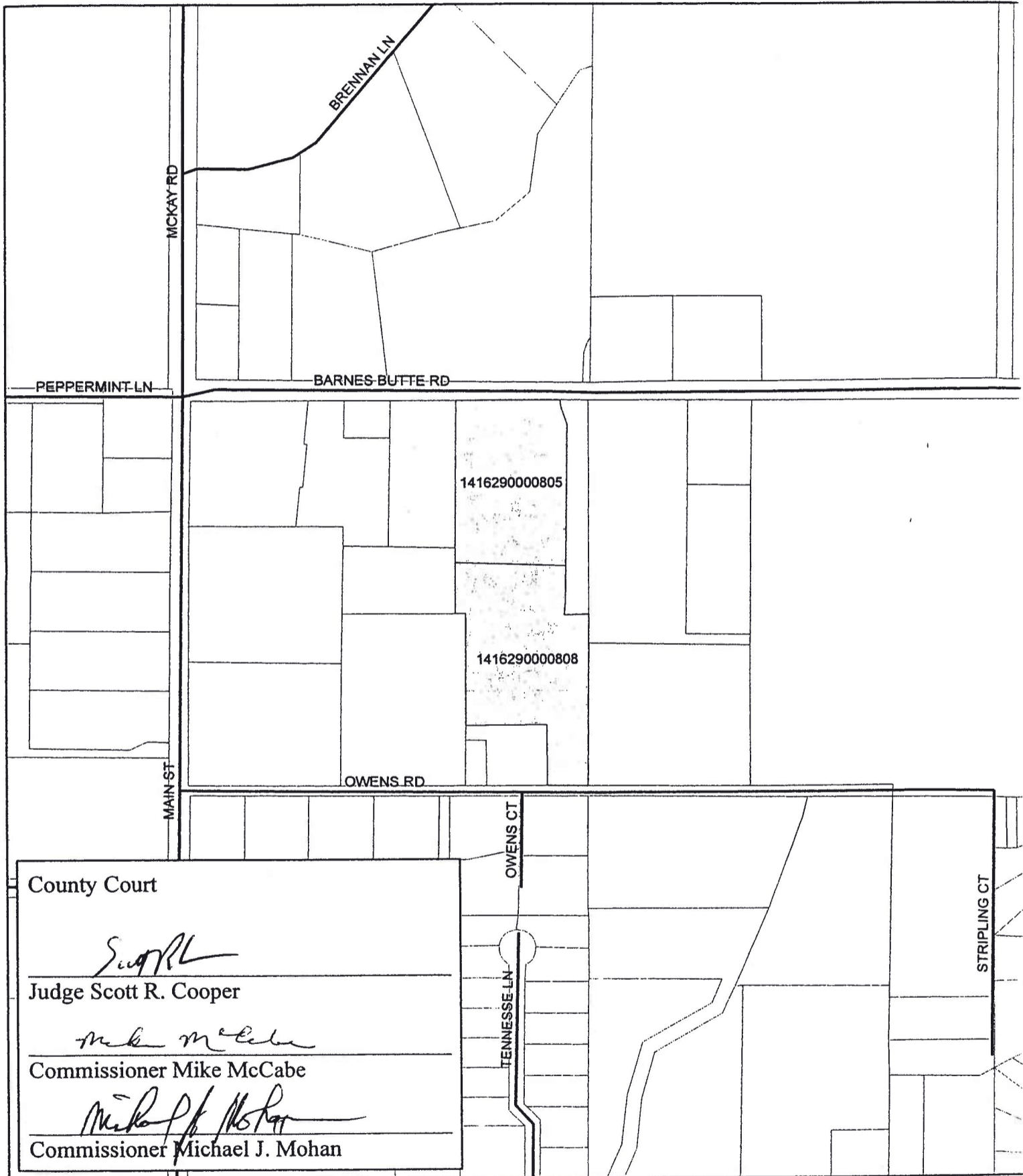
SEE MAP 14 16 20

EXHIBIT **A**

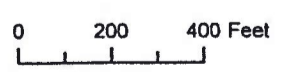
Revised  
 11/5/2004, DM  
 14 16 29  
 & INDEX  
 PRINFIELD

PRINTED

**Exhibit A**  
**Zone Map Amendment**  
**Ordinance No. \_\_\_\_\_**



**EXHIBIT A**  SR-1



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  
APPARENT ROUTE OF ACCESS IDENTIFIED IN DIGITAL OR HARDCOPY MAPPING OF  
GEOSPATIAL INFORMATION OR DATA. PLEASE NOTIFY CROOK COUNTY GIS OF AN

RECOMMENDATION

C-MA-006-05

AN ORDINANCE AMENDING THE ZONING MAP DESIGNATION FROM EXCLUSIVE FARM USE EFU-2 TO SUBURBAN RESIDENTIAL SR-1 FOR LANDS IN THE VICINITY OF 440 NW BARNES BUTTE ROAD, PRINEVILLE, OREGON (T 14 S R 16 EWM SECTION 29, TAX LOTS 805, 806, AND 808)

WHEREAS, the Crook County Planning Commission desires to amend the current EFU zone into compliance with the amended Comprehensive Plan and revised UGB of the City of Prineville; and

WHEREAS, the Suburban Residential Zone will enable the Planning Commission, the County Court and participants in the land use process to prepare an application for less than urban development uses; and

WHEREAS, the Crook County Planning Commission has held Public Hearings on December 14, 2005, January 11, 2006, and January 25, 2006 to receive comments and input from the general public and other agencies;

NOW, THEREFORE, the Crook County Planning Commission recommends to the Crook County Court that the Official Zoning Map be amended as follows:

SECTION ONE. That portion of land identified within Exhibit A, as passed by Ordinance 17, Amendment 57 on November 5, 2003, constituting a part of Area 1 with a residential designation, shall be rezoned from Exclusive Farm Use EFU-2 to Suburban Residential SR-1.

SECTION TWO. The Commission points to the Ordinance 17, Amendment 57, Section 3 policy that states: "Before any expansion areas are considered for urban development, the areas must be considered and included within the relevant Transportation System Plan, the Public Facilities Plan for sewer, water and storm drainage.....".

SECTION THREE. Until the Transportation Systems Plan and the Public Facilities Plan have been amended as

**EXHIBIT B**



required by the above policy, any land use approved within the amended area must be a non-urban type use. By unanimous vote on the motion to recommend approval of the Crook County Planning Commission on January 11, 2006, this written Recommendation is forwarded to the Crook County Court.

RECOMMENDED THIS 25<sup>TH</sup> DAY OF JANUARY, 2006.

W.R.C.

W.R. Gowen  
Planning Commission Chairperson

Gordon Moore

Gordon Moore, AICP  
Commission Secretary

**EXHIBIT B**

## Exhibit "A"

### Legal Description of the proposed UGB expansion areas for the City of Prineville 09-19-03

#### Area 1:

An area of land in Section 28 and 29, T14S, R16E.W.M., Crook County, Oregon described as follows:

Beginning at the NW corner of Section 29 T14S, R16E;

Thence easterly along the centerline of Barnes Butte Road 6,576 feet m/l to the NE corner of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28 T14S, R 16E;

Thence south  $0^{\circ} 34' 00''$  west a distance of 2,620 feet m/l to the SE corner of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 28 T14S, R16E;

Thence east along the south boundary line of said SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  to the SW corner of the NW  $\frac{1}{4}$  of Section 28 T14S, R16E;

Thence northwesterly in a diagonal direction across the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  to the NW corner of said SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  all in Section 29 T14S, R16E;

Thence east a distance of 3,940 feet m/l to the center of McKay Road, as currently located and constructed;

Thence north along the centerline of said McKay Road a distance of 1,320 feet m/l to the point of beginning.

#### Area 2:

A parcel of land in Section 28, T14S, R16E.W.M., Crook County, Oregon described as the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , and the south  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 28 T14S, R16E.

#### Area 2a:

A parcel of land in Section 33 and 34, T14S, R16E.W.M., Crook County, Oregon described as the east  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 33 and the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 34 all in T14S, R16E.

#### Area 3:

An area of land in Section 4, T15S, R16E.W.M., Crook County, Oregon described as follows:

Beginning at the east  $\frac{1}{4}$  corner of Section 4 T15S, R16E;

Thence westerly and northwesterly along the north channel line of Ochoco Creek, as currently located and mapped, a distance of 3,200 feet m/l to the west boundary line of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said section 4;

Thence south along the north-south centerline of said section 4 a distance of 2,210 feet m/l to the SW corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 4 T15S, R16E;

Thence east along the south boundary of the north  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of said section 4 a distance of 2,640 feet m/l to the SE corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said section 4 T15S, R16E;

Thence north along the east boundary line of said Section 4 a distance of 1,320 feet m/l to the point of the beginning.

EXHIBIT

B