



# 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

November 30, 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 010-05



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 13, 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

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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

(See reverse side for submittal requirements)

DEPT OF

NOV 24 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Crook County Local File No.: C-MA-009-05  
(If no number, use none)  
Date of Adoption: November 21, 2006 Date Mailed: November 22, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: December 16, 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.≡

Adoption of an ordinance amending the zoning map designation from  
Exclusive Farm Use EFU-3 to Rural Residential R-10 for specific land in  
Area 2-3 of Powell Butte Study as described in the Crook County  
Comprehensive Plan.

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.≡

N/A

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: EFU-3 to R-10

Location: 13450 SW Umarger Rd., Powell Butte Acres Involved: 44 +/-

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1 & 3

Was an Exception Adopted? Yes: \_\_\_\_\_ No: XX

DLCD File No.: 010-05 (14886)



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: XX 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 Department, County Road Department & DLCD

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

Address: 300 NE THird Street 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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**RECORDING COVER SHEET**

Any errors in this cover sheet DO NOT affect the transactions(s) contained in the instrument itself.

STATE OF OREGON } 98 2006-269  
COUNTY OF CROOK }  
I CERTIFY THAT THE WITHIN INSTRUMENT WAS  
RECEIVED FOR RECORD ON THE 21st DAY OF  
November, 20 2006 AT 9:20 A. M.  
AND RECORDED IN CJRT  
RECORDS OF SAIB COUNTY MF NO. 2006-269  
DEANNA E. BERMAN, CROOK COUNTY CLERK  
BY Clara Brummer DEPUTY

*n/c*

**AFTER RECORDING RETURN TO: CLERKS VAULT**

**DOCUMENT TITLE: ORDINANCE 176**

**AN ORDINANCE AMENDING THE ZONING  
MAP DESIGNATION FROM EXCLUSIVE  
FARM USE EFU-3 TO RURAL RESIDENTIAL  
R-10 FOR SPECIFIC LANDS IN AREA 2-4 OF  
THE POWELL BUTTE STUDY AS  
DESCRIBED IN THE CROOK COUNTY  
COMPREHENSIVE PLAN**

**GRANTOR: CROOK COUNTY**

*(6 pgs)*



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

AN ORDINANCE AMENDING THE ZONING MAP  
DESIGNATION FROM EXCLUSIVE FARM USE  
EFU-3 TO RURAL RESIDENTIAL R-10  
FOR SPECIFIC LANDS IN AREA 2-4 OF THE  
POWELL BUTTE STUDY AS DESCRIBED IN THE  
CROOK COUNTY COMPREHENSIVE PLAN

ORDINANCE NO. 176

WHEREAS, the Crook County Planning Commission has recommended an amendment to the current EFU-3 Zone to comply with the amended Comprehensive Plan dated March 22, 2006; and

WHEREAS, the Rural Residential Zones will enable the Planning Commission, the County Court and participants in the land use process to consider applications for future rural development Uses as identified by Ordinance 127, as amended; and

WHEREAS, the Crook County Planning Commission has held public hearings on March 8, 2006 and March 22, 2006 to receive comments and input from the general public and other agencies.

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

SECTION ONE. That portion of land identified within Exhibit A, attached and incorporated herein approved by Ordinance 126, as amended identified as a portion of Powell Butte Study Area 2-4, constituting approximately 44 acres, shall be rezoned from Exclusive Farm Use EFU-3 to Rural Residential R-10.

SECTION TWO. In compliance with the Crook County Comprehensive Plan, which describes the provisions for zone map amendment, the Crook County Court takes note this hearing process will be only a small portion of the Area 2-4 of the Non-Resource Study of Powell Butte into zone map compliance contemplated by the Comprehensive Amendment. The Planning Commission has forwarded findings that support approval of the application for zone map amendment with the County Court adopting the Planning Commission's findings.


SECTION THREE. Section Three – Effective Date. This ordinance shall take effect on the date a "Notice of Completion" is signed by the Crook County Planning Director and filed with and recorded by the Crook County Clerk. Such Notice may only be filed if temporary water rights have been provided to property owners of the properties described in Exhibit "A" attached hereto and road

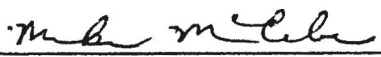
improvements have been constructed as required by the Crook County Planning Commission in Case No. C-LP (NF)-341-02; C-CU (NF)-2125-02; both to the satisfaction of the Crook County Planning Director; provided that said Notice shall not be filed earlier than the 90<sup>th</sup> day after the adoption of this ordinance.

FIRST READING ADOPTED this 17<sup>th</sup> day of May, 2006.

SECOND READING ADOPTED this 9<sup>th</sup> day of June, 2006.

CROOK COUNTY COURT

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

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

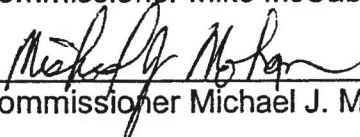
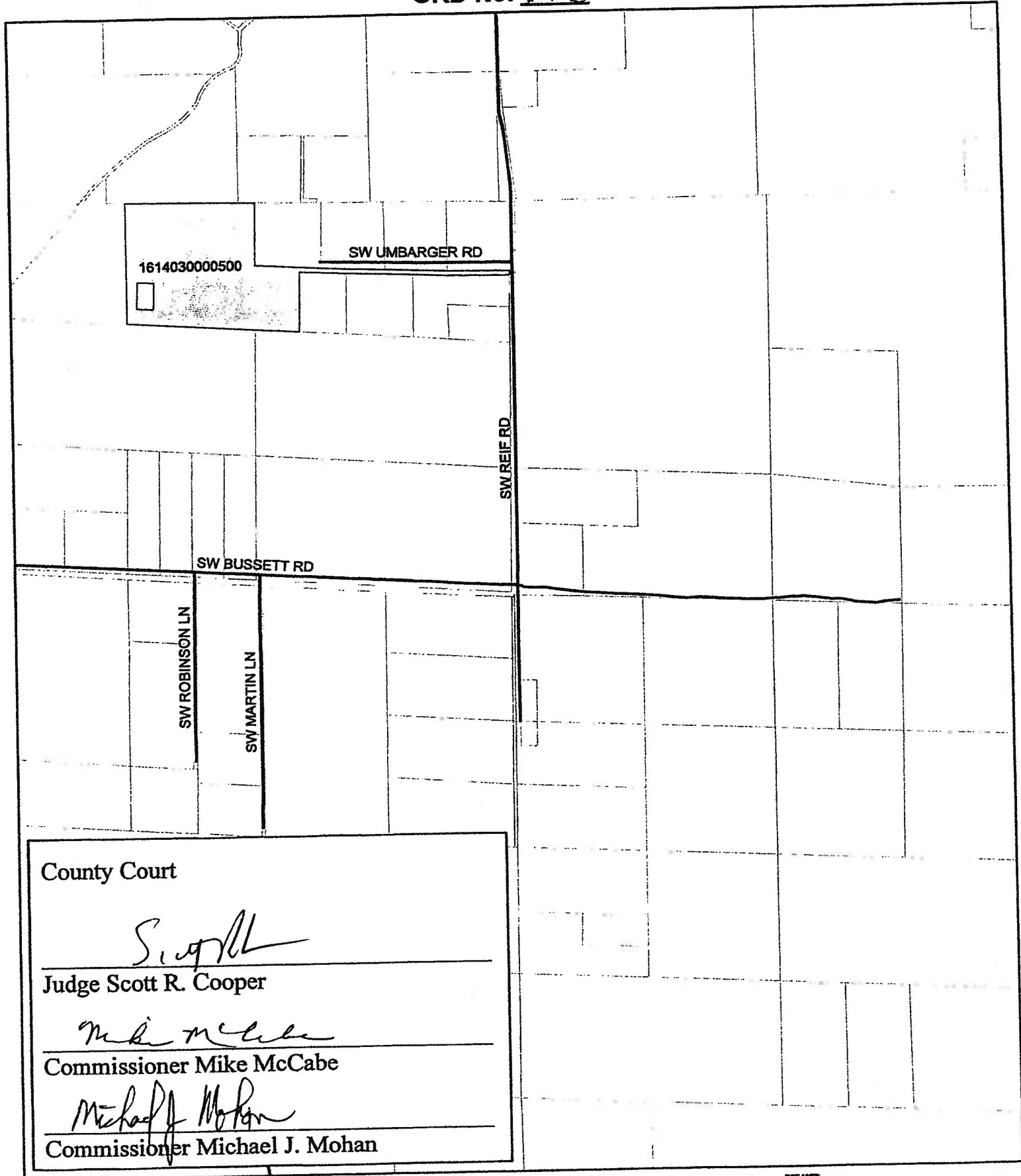
  
\_\_\_\_\_  
Commissioner Michael J. Mohan

Exhibit A  
Zone Map Amendment  
ORD No. 176



County Court

*Scott R. Cooper*

Judge Scott R. Cooper

*Mike McCabe*

Commissioner Mike McCabe

*Michael J. Mohan*

Commissioner Michael J. Mohan

DISCLAIMER:  
CRICK 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, MISTAKE, OR MISINTERPRETATION. THE

## EXHIBIT B

Parcel One (1) of Partition Plat No. 1996-04, recorded February 7, 1996 in Partitions MF No. 125655 Records of Crook County, Oregon, located in Governments Lots 1, 2, 3 and 4 of Sections 3, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.

Parcel Two (2) of Partition Plat 1999-03, recorded March 3, 1999 in Partitions at MF No. 146861, Records of Crook County, Oregon being located in Section 3, Township 16 South, Range 14 East of the Willamette Meridian.

Parcel One (1) of Partition Plat 2002-15, recorded May 23, 2002, in Partitions MF 171095 of Crook County, Oregon located in Section 3, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.

Parcel One (1) of Partition Plat 1999-03, recorded March 3, 1999 in Partitions at MF No. 146861, Records of Crook County, Oregon being located in Section 3, Township 16 South, Range 14 East of the Willamette Meridian.

Parcel Two (2) of Partition Plat No. 1998-13, recorded April 10, 1998 in Partitions MF No. 140204, Records of Crook County, Oregon, located in a portion of parcel Three (3) of Partition Plat No. 1996-04, recorded February 13, 1996 in Partitions MF No. 125655, Records of Crook County, Oregon, being a portion of Section 3, township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.

Parcel One (1) of Partition Plat 1998-13, recorded April 10, 1998 in Partitions MF No. 140204, Records of Crook County, Oregon, located in a portion of Parcel 3 of Partition Plat 1996-04, recorded February 13, 1996 in Partitions MF No. 125655, Records of Crook County, Oregon, being a portion of Section 3, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.

Parcel One (1) of Partition Plat No. 2000-19 Recorded June 16, 2000 in Partitions MF No. 156036 Records of Crook County, Oregon, located in Government Lots 1, 2, 3 and 4 of Section 3, Township 16 South, Range 14 East of the Willamette Meridian, Crook County, Oregon.





# Crook County Community Development

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## PLANNING DEPARTMENT

300 N.E. 3rd Street • Prineville, Oregon 97754 • Phone (541) 447-8156 • FAX (541) 416-3905

November 20, 2006

Crook County Court

RE: Ordinance No. 176 - Umbarger

The County Court adopted Ordinance 176 for a zone map amendment for property owned by Mike Umbarger. The effective date of the Ordinance was based upon compliance of two items – proof of State Water Rights for irrigation purposes for each of the lots developed by Mr. Umbarger, and evidence the road was built to standards as required by the Planning Commission.

I have received a copy of the State Water Right Transfer from Water Resources Department, and inspection results from the Crook County Road Master. The road was built to exceed the County Standards, except for the slope. This was because of the existing driveways and road construction prior to the most recent paving. According to the Road master there are not any safety issues with this change, and therefore, I am recommending the County Court record the Ordinance 176 with the County Clerk.

I will need a copy of the recorded document to forward to the Department of Land Conservation and Development, and for my files.

  
William P. Zelenka  
Planning Director