



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 004-06



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

DATE
S
T
A
M
P

DEPT OF
DEC 14 2007
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **Crook County**

Local file number: **C-CPA-010-06**

Date of Adoption: **12/2/2007**

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

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **11/29/2006**

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".

Amends the Comprehensive Plan Map based on an irrevocably committed exception to Goal 3 and changes the zone designation from EFU-2 to R-5.

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from:

to:

Zone Map Changed from: **EFU-2**

to: **R-5**

Location: **Lot 14 of the Ochoco Creek Park PUD**

Acres Involved: **41**

Specify Density: Previous:

15 16 18 600

New:

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 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"/>	<input type="checkbox"/>	<input 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 # 004-06 (15719)

DLCD file No. _____

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

Crook County Road Department, Crook County Fire Department, Ochoco Irrigation District

Local Contact: **Bill Zelenka**

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

Address: **330 NE Third Street, Room 11**

Fax Number: - -

City: **Prineville**

Zip: **97754-**

E-mail Address:

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.

COOK

Den
CROOK COUNTY
PLANNING DEPT.
DEC 06 2007
RECEIVED
TIME:



STATE OF OREGON } 2007-143
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 6th DAY OF
December 20, 2007, AT 9:30 A. M.
AND RECORDED IN _____
RECORDS OF SAID COUNTY MF NO. 2007-143
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY *(Signature)* DEPUTY
N/C

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

AN ORDINANCE AMENDING THE
COMPREHENSIVE PLAN MAP AND
CHANGING THE ZONE DESIGNATION
FOR PROPERTY IDENTIFIED AS
MAP T 15S R 16E SEC 1B TL 600

ORDINANCE NO. 196

WHEREAS, the Crook County Planning Commission held public hearings on January 31, 2007, April 11, 2007, and May 23, 2007, and made a recommendation,

WHEREAS, the Crook County Court held a public hearing to receive comments and input from the general public and other agencies on August 22, 2007;

WHEREAS, the Crook County Court has considered a Comprehensive Plan Amendment based upon an Irrevocably Committed Exception to Statewide Planning Goal 3, and a change in the zone classification of the subject property from EFU-2 to R-5, and;

NOW THEREFORE, the Crook County Court finds that there is substantial evidence the applicable criteria from OAR 660.004 has been met as follows,

1. The Court finds, pursuant to OAR 660-004-0028(6)(a), that the characteristics of the existing adjacent uses are predominantly rural residential subdivisions. The Court finds this factor to be critical as it indicates the surrounding land use pattern irrevocably commits the subject property to rural residential use.
2. The Court finds, pursuant to OAR 660-004-0028(6)(b), that sufficient existing public facilities and services exist.
3. The Court finds, pursuant to OAR 660-004-0028(6)(c), the parcel size and ownership patterns of the adjacent lands indicate the subject property is irrevocably committed to rural residential zoning.

(5 pgs)

4. The Court finds, pursuant to OAR 660-004-0028(6)(d), that the neighborhood and regional characteristics indicate a predominance of rural residential development making farm use impractical.

5. The Court finds, pursuant to OAR 660-004-0028(6)(e), that natural and man-made or other impediments separate the exception area from adjacent resource land. Specifically, Highway 26 separates the subject property from farmland to the north. Additionally, existing development to the south, east, and west buffers the subject property from other resource land. Lastly, farther to the south, the Ochoco Creek and rimrock form a natural buffer.

6. The Court finds, pursuant to OAR 660-004-0028(6)(f), that physical development surrounding the property inhibits productive farm use of the subject property. Testimony from the Applicant and other nearby farmers familiar with the subject property testified that problems associated with farming in close proximity to residential development include: 1) Smoke associated with field burning; 2) Dust from farming activities; 3) Noise, especially in early morning and late evening from farm equipment; 4) Irrigation water containment; 5) Pesticide application; and 6) Damage to crops and land from trespassing.

7. The Court finds, pursuant to OAR 660-004-0028(6)(g), other factors relevant to their decision. First, the Court finds it relevant that the Crook County Comprehensive Plan, page 48, states that the County may permit subdivisions on non-productive farm land. The Court also finds it relevant that a previous lessee of the subject property found it to be not worth the cost of farming due to previous neglect, excessive drainage, above normal fertilization requirements, and the location of an old gravel pit in the center of the parcel.

NOW, THEREFORE, the Crook County Court, for reasons stated in the above findings, ordains and enacts as follows:

SECTION ONE: That portion of the Comprehensive Plan Map pertaining to property identified as Township 15 South, Range 16 East Section 1B, Tax Lot 600, as indicated on the attached Exhibit A, shall be amended to change the land designation of the subject property from agricultural to residential.

SECTION TWO: The zone classification of the subject property shall be changed from Exclusive Farm Use EFU-2 to Rural Residential R-5.

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SECTION THREE: In compliance with the Crook County Comprehensive Plan, which describes the provisions for plan amendment, the applicant has submitted a proper burden of proof and the Crook County Court has submitted within this ordinance, an order with findings that support approval of the application for plan amendment.

DATE of First Reading and Approval: ^{11-21 SAC} ~~12-5~~ - , 2007

DATE of Second Reading and Approval: 12-5 , 2007

CROOK COUNTY COURT

Scott R. Cooper
Judge Scott R. Cooper

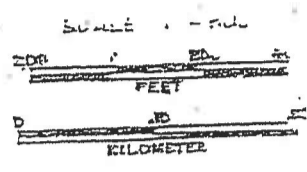
Mike McCabe
Commissioner Mike McCabe

Approved in County Court 12-5-2007
Commissioner Lynn Lundquist
Unavailable for signature
LL

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

NW 1/4 SEC. 11 T. 15S. R. 16E. W.M.
CROOK COUNTY
T. 200'

15 16 1B



COMMENTS OF AMERITTE ! THIS SKETCH IS FURNISHED TO ASSIST IN PROPERTY LOCATION AND THE COMPANY DOES NOT GUARANTEE ITS ACCURACY.

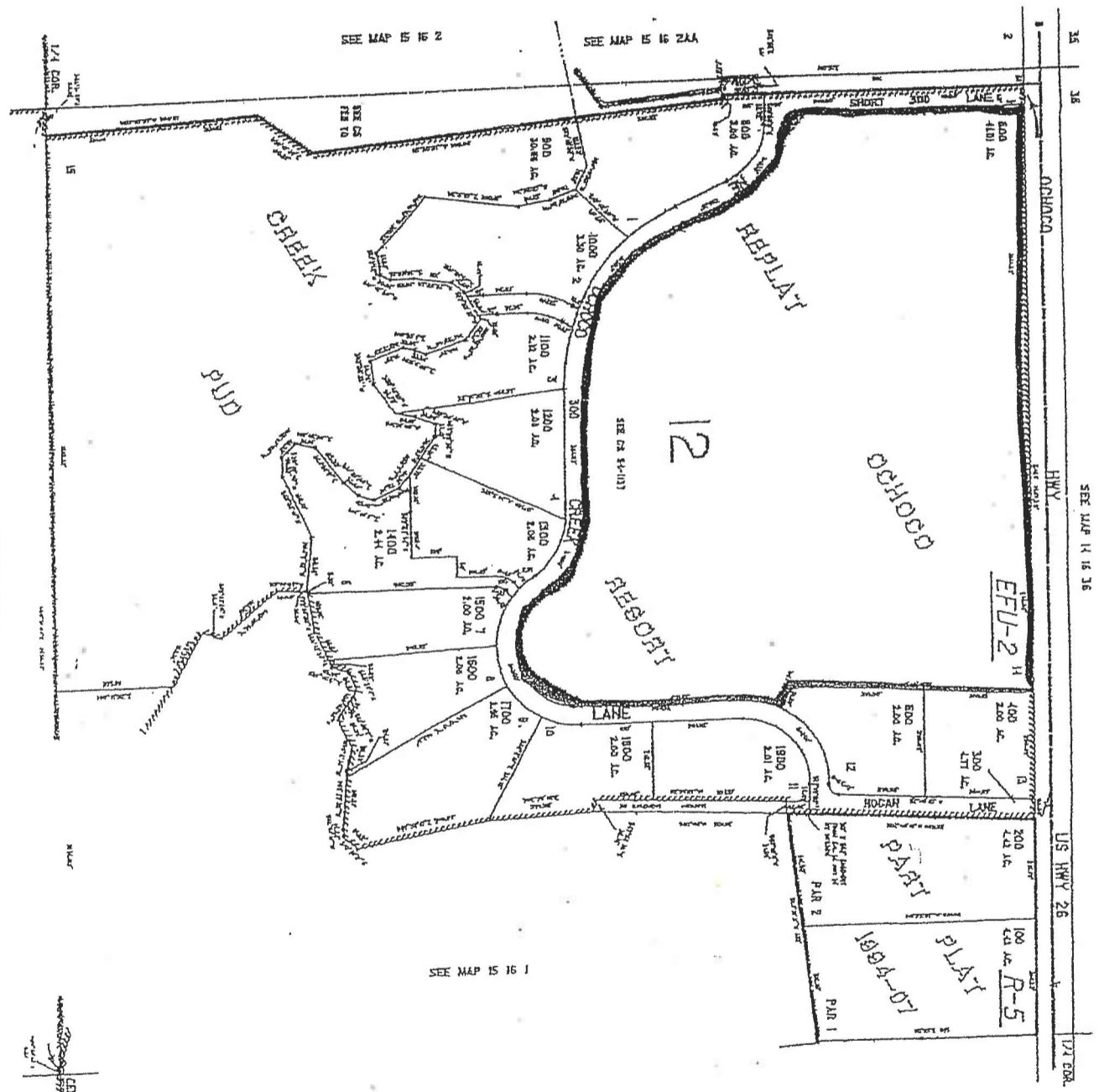
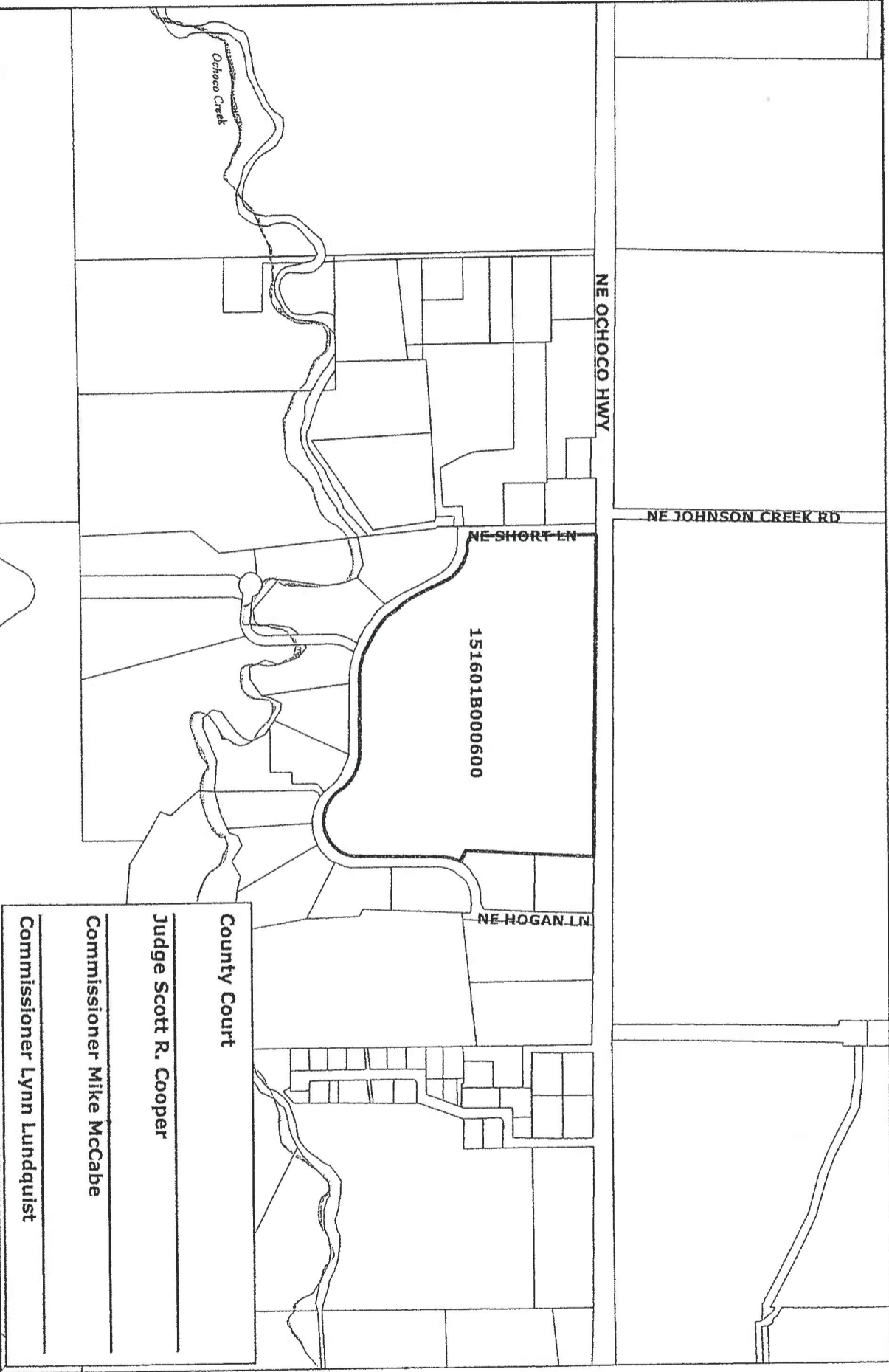


Exhibit A

ENL. SEC.
700

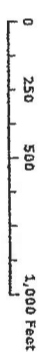
Exhibit A Comp Plan and Zoning Map Amendments Ordinance 196



THIS MAP WAS PREPARED BY THE GIS DEPARTMENT OF CROOK COUNTY, OREGON, USING DATA PROVIDED BY THE CROOK COUNTY GIS DEPARTMENT. THE DATA WAS PROVIDED BY THE CROOK COUNTY GIS DEPARTMENT AND IS NOT GUARANTEED BY THE GIS DEPARTMENT. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY APPEAR IN THIS MAP. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, THAT MAY BE SUFFERED BY ANY PARTY AS A RESULT OF THE USE OF THIS MAP. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, THAT MAY BE SUFFERED BY ANY PARTY AS A RESULT OF THE USE OF THIS MAP. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, THAT MAY BE SUFFERED BY ANY PARTY AS A RESULT OF THE USE OF THIS MAP.



Committed Exceptions and R5



County Court
 Judge Scott R. Cooper
 Commissioner Mike McCabe
 Commissioner Lynn Lundquist



CROOK COUNTY
PLANNING DEPT.
DEC 06 2007
RECEIVED
TIME:

Denot

STATE OF OREGON } ss 2007-133
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 8th DAY OF
November, 20 2007 . AT 9:45 A. M.
AND RECORDED IN CTRNT.
RECORDS OF SAID COUNTY MAP NO. 2007-133
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Glaise Billmeyer DEPUTY

N/c

COPY

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

A FINAL DECISION APPROVING
AN APPLICATION FOR A COMPREHENSIVE
PLAN AMENDMENT AND ZONE
DESIGNATION CHANGE, C-CPA-010-06
AND C-TA-014-06

FINAL DECISION AND
FINDINGS OF FACT

WHEREAS, this matter came before the County Court following a Crook County Planning Commission Recommendation, dated June 27, 2007, to deny an application for a Comprehensive Plan Amendment based upon an Irrevocably Committed Exception to Statewide Planning Goal 3, and a change in the zone classification of the subject property from EFU-2 to R-5; and

WHEREAS, ORS 197.732(1)(b) allows a local government to adopt an exception to a goal if "the land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable"; and

WHEREAS, OAR 660-004-0028 requires the findings of fact to support an irrevocably committed exception to address: a) existing adjacent uses; b) existing public facilities and services; c) parcel size and ownership patterns of the exception area and adjacent lands; d) neighborhood and regional characteristics; e) natural or man-made features or impediments separating the exception area from adjacent resource land; f) physical development; and g) other relevant factors; and

WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(a), that the characteristics of the existing adjacent uses are predominantly rural residential subdivisions, and the Court finds this factor to be critical as it indicates the surrounding land use pattern irrevocably commits the subject property to rural residential use and renders the subject property ineffective for farming; and

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WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(b), that sufficient existing public facilities and services exist; and

WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(c), that the parcel size and ownership patterns of the adjacent lands indicate the subject property is irrevocably committed to rural residential zoning; and

WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(d), that the neighborhood and regional characteristics indicate a predominance of rural residential development making farm use impractical; and

WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(e), that natural and man-made or other impediments separate the exception area from adjacent resource land, specifically, Highway 26 separates the subject property from farmland to the north and existing development to the south, east, and west buffers the subject property from other resource land and farther to the south, the Ochoco Creek and rimrock form a natural buffer; and

WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(f), that physical development surrounding the property inhibits productive farm use of the subject property; additionally, testimony from the Applicant and other nearby farmers familiar with the subject property testified that problems associated with farming in close proximity to residential development include: 1) Smoke associated with field burning; 2) Dust from farming activities; 3) Noise, especially in early morning and late evening from farm equipment; 4) Irrigation water containment; 5) Pesticide application; and 6) Damage to crops and land from trespassing; and

WHEREAS, the Court finds, pursuant to OAR 660-004-0028(6)(g), other factors relevant to their decision, specifically, the Court finds it relevant that the Crook County Comprehensive Plan states that the County may permit subdivisions on non-productive farm land and the Court finds it relevant that a previous lessee of the subject property found it to be not worth the cost of farming due to previous neglect, excessive drainage, above normal fertilization requirements, and the location of an old gravel pit in the center of the parcel; and

WHEREAS, the Crook County Court has considered the record, testimony and arguments of the parties with respect to the issues raised in the application and recommendation; and

WHEREAS, the Crook County Court hereby finds and decides that the applicant has submitted sufficient evidence to satisfy his burden of proof and to support the irrevocably committed exception criteria;

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

The Applicant's request for a Comprehensive Plan Amendment and zone change is approved. That portion of the Comprehensive Plan Map pertaining to property identified as Township 15 South, Range 16 East Section 1B, Tax Lot 600, as indicated on the attached Exhibit A, shall be amended to change the land designation of the subject property from agricultural to residential. The zone classification of the subject property shall be changed from Exclusive Farm Use EFU-2 to Rural Residential R-5. County staff are instructed to draft an ordinance reflecting this decision.

DATED this 7 day of November, 2007.

CROOK COUNTY COURT

Scott R. Cooper voting against in initial deliberation; voting in favor
on final decision 11-7-2007
Judge Scott R. Cooper

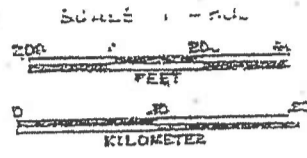
Mike McCabe 11-7-2007
Commissioner Mike McCabe

Lynn Lundquist 11-7-2007
Commissioner Lynn Lundquist

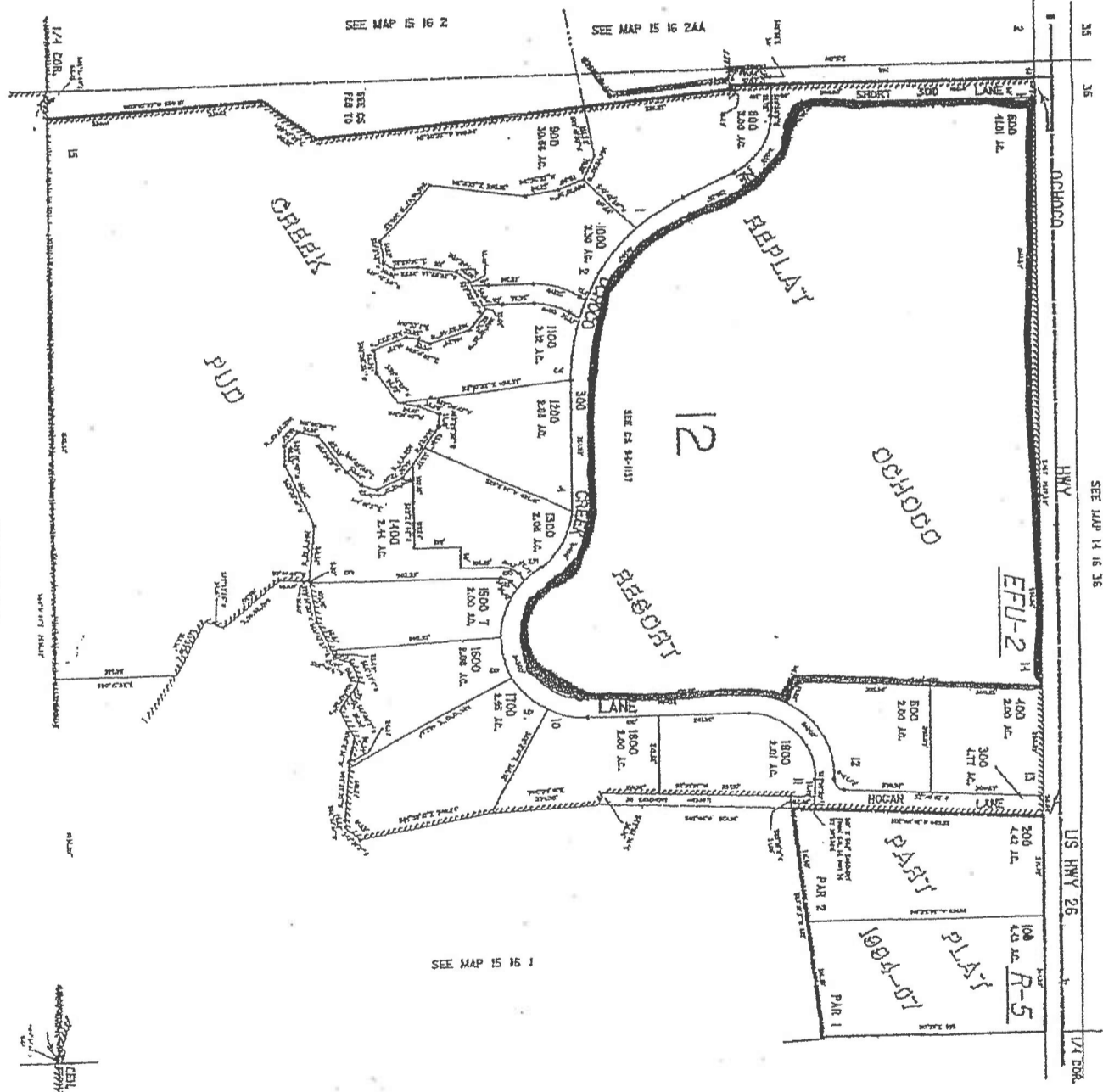
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

NW1/4 SEC. 11 T.15S. R.16E. W.1M.
CROOK COUNTY
1" = 200'

15 16 1B



COMPLIMENTS OF
AMERITILE
! THIS SKETCH IS
FURNISHED
TO ASSIST IN
PROPERTY LOCATION
AND THE COMPANY
DOES NOT GUARANTEE
ITS ACCURACY.



DURELLED NO.
700

Exhibit A...

North and Surveying Co.



Crook County

300 N.E. 3rd Street • Prineville, Oregon 97754
Phone (541) 447-6555 • FAX (541) 416-3891

December 11, 2007

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

Re: Notices of Adoption

Dear Sir or Madam:

Enclosed, please find Notices of Adoption and respective Ordinances adopted by the Crook County Court in the past year for the following properties:

14 15 27 204
15 16 08 102
15 16 9B 1400
15 16 20 1600
15 16 9,16,17,21 800
14 16 29 100
14 15 25 101
15 15 00 1224
16 16 12 400
15 16 1B 600

A miscommunication between departments resulted in the notices not being sent to DLCD. Persons who participated in the local hearing received notices of adoption.

This miscommunication has been resolved and the legal department will provide Notices of Adoption in the future. Please feel free to contact me with any questions.

Sincerely,

Alexa Gassner
Assistant County Counsel

Enclosures

Scott R. Cooper, Judge • Mike McCabe, County Commissioner • Lynn Lundquist, County Commissioner

COUNTY ADMINISTRATION
COURTHOUSE
E. THIRD STREET
SALISBURY, OR 97754



Hasler

012H16208489

\$04.60

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