



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 005-06



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

<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



Jurisdiction: **Crook County**

Local file number: **c-ma-012-06** *Living Water*

Date of Adoption: **5/16/2007**

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".

Amendment to the zoning map designation from EFU-2 to Light Industrial (L-M) which is consistent with adjacent uses, property is within the UGB

Does the Adoption differ from proposal? Please select one

no

Plan Map Changed from:

to:

Zone Map Changed from: **EFU 2**

to: **L-M**

Location: **15-15 TL 1224**

Acres Involved: **158**

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
<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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# 005-06 (MAD) (15720)

DLCD file No. _____

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

Crook County Fire Department, Crook County Road Department, City of Prineville

Local Contact: **Bill Zelenka**

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

Address: **300 NE Third Street, Room 11**

Fax Number: - -

City: **Prineville**

Zip: **97754-**

E-mail 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 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.

CROOK COUNTY
PLANNING DEPT.
MAY 30 2007
RECEIVED
TIME:



STATE OF OREGON }
COUNTY OF CROOK } **88 2007060**
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 29th DAY OF
May, 202007, AT 2:30 P. M.
AND RECORDED IN CJRM
RECORDS OF SAID COUNTY MF NO. 2007-060
DEANNA E. BERGMAN, CROOK COUNTY CLERK
BY Robbie Blumner DEPUTY

N/c

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

AN ORDINANCE AMENDING THE ZONING MAP
DESIGNATION FROM EFU2 (EXCLUSIVE FARM
USE) TO L-M (LIGHT INDUSTRIAL) FOR LANDS
WITHIN THE ADOPTED URBAN GROWTH
BOUNDARY OF THE CITY OF PRINEVILLE;

193
ORDINANCE NO. ~~187~~

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 Light Industrial L-M Zone will enable the Planning Commission, the County Court and participants in the land use process to consider applications for other than exclusive farm uses; and

WHEREAS, the Crook County Planning Commission held public hearings on January 31, 2007 and March 14, 2007 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, identified as T15S R15 E WM (Section 14 TL 1224), shall be amended from EFU2 (Exclusive Farm Use) to L-M (Light Industrial) as indicated on the map attached hereto as Exhibit A.

SECTION TWO. In compliance with the Crook County Comprehensive Plan, which describes the provisions of zone map amendment, the applicant has submitted a proper burden of proof and the Planning Commission has forwarded findings that support

///

(9pp)

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

DATE of First Reading and Approval: May 2, 2007.

DATE of Second Reading and Approval: May 16, 2007.

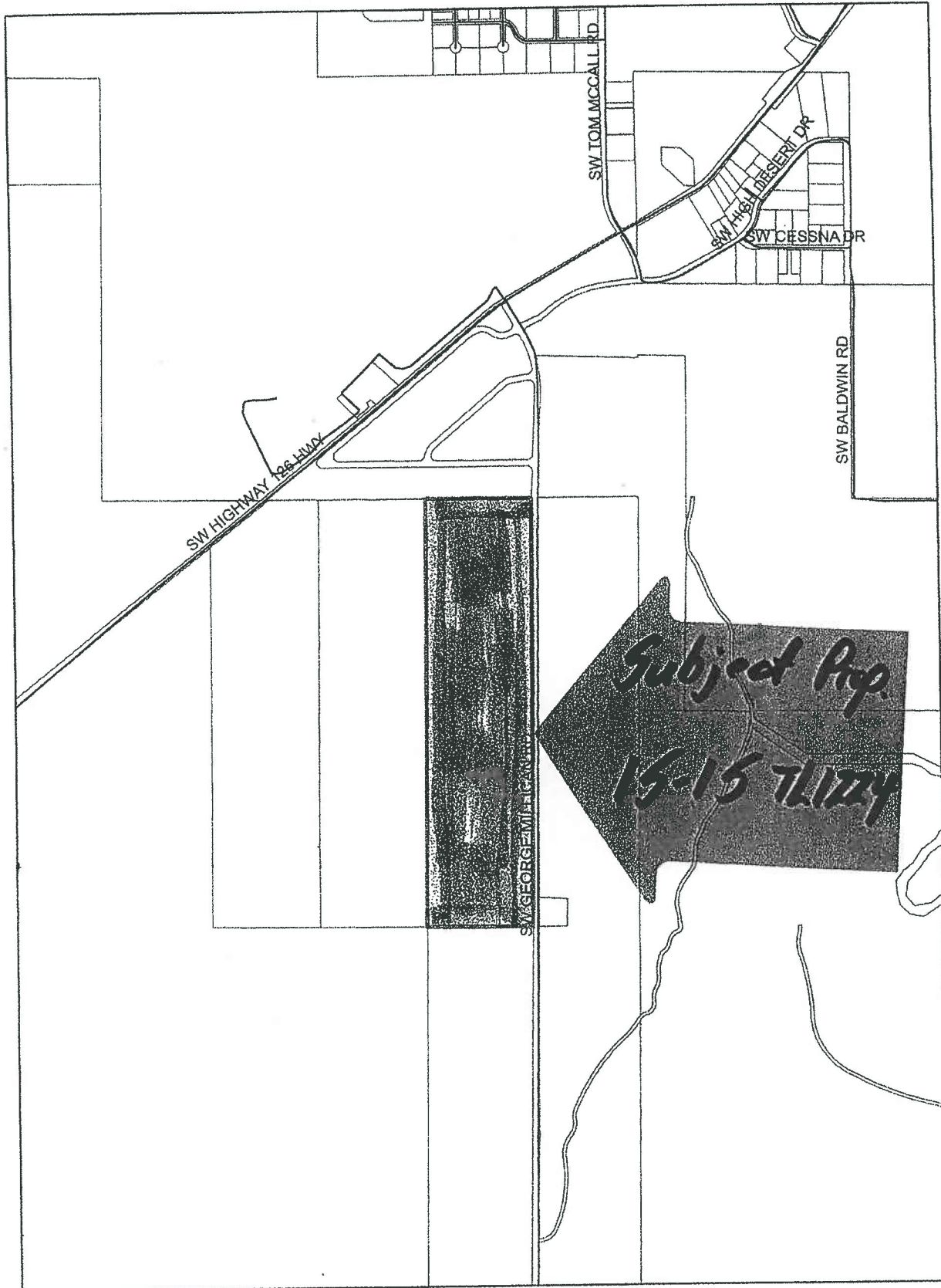
DATED this th 16 day of May, 2007.

CROOK COUNTY COURT

Scott R. L
Crook County Judge Scott R. Cooper

Mike McCabe
Commissioner Mike McCabe

Lynn Lundquist
Commissioner Lynn Lundquist



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 ANY APPARENT ROUTE OF ACCESS IDENTIFIED IN DIGITAL OR HARD COPY MAPPING OF GEOSPATIAL INFORMATION OR DATA. PLEASE NOTIFY CROOK COUNTY GIS OF ANY ERRORS 641-416-3920.

EXHIBIT A



Ca Court

CROOK COUNTY
BEFORE THE PLANNING COMMISSION

NO. C-MA-012-06
RECOMMENDATION

APPLICANT: Living Water Development LLC
20240 Rock Canyon Road
Bend OR 97701

AGENT: Elizabeth Dickson
747 SW Mill View Way
Bend OR 97702

PROPERTY LOCATION: T 15 S R 15 EWM (Sec 14) TL 1224

PROPOSAL: Recommendation to the Crook County Court on a request for approval of a Zoning Map Amendment to change the zoning classification of a portion of the subject property from Exclusive Farm Use EFU-2 to Light Industrial L-M.

The property was included within the Prineville Urban Growth Boundary as an industrial expansion area by Amendment 57 to Ordinance #17 adopted by the Crook County Court on November 5, 2003.

CONCLUSIONS: The Commission finds that the applicant has met the burden of demonstrating compliance with all local codes and state statutes. The County also finds that the applicant has supplied adequate evidence and testimony showing that the subject parcel meets the definitional requirements to be included in the Light Industrial zone L-M.

RECOMMENDATION: The Commission hereby recommends by a 7-0 vote that the proposed zoning change be approved. The above recommendation is based on the applicable legal criteria, applicants' burden of proof, applicants' findings, and Commission findings and conclusions.

EXHIBIT B

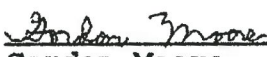
1 of 6

LIVING WATER DEVELOPMENT LLC, RECOMMENDATION
C-MA-012-06
Page 2

DATED THIS 28th Day of March, 2007



W. R. Gowen
COMMISSION CHAIRMAN



Gordon Moore
COMMISSION SECRETARY

EXHIBIT B.

2066

LEGAL CRITERIA

ZONING: The property is presently zoned Exclusive Farm Use EFU-2. Chapter 18.20 of the Crook County Code contains requirements for this zone.

The property is within the Urban Growth Boundary (UGB), and is not in a critical wildlife area.

COMPREHENSIVE PLAN: Pages 51-57 of the Crook County Comprehensive Plan contain policies for agricultural areas of the County.

Pages 229-230 of the Comprehensive Plan set forth policies for Review and Revision.

OREGON STATEWIDE PLANNING GOALS:

Goal 1 - Citizen Involvement is applicable to the proposed amendment, because this Goal requires citizen participation in amending the Comprehensive Plan. Citizen involvement is provided for in the approval process.

Goal 2 - Land Use Planning is applicable, because this Goal requires that the land use planning process be the basis for all decisions and actions relating to land use. The approval process meets the requirements for land use planning.

Goal 3 - Agricultural Lands defines agricultural lands in Eastern Oregon as lands with predominantly SCS Class I-VI soils, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy requirements, and accepted farming practices. Lands in other classes, which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land in any event.

Goal 3 is not applicable to the present proposal because the subject property is within the Urban Growth Boundary (UGB), and has been found not to be agricultural land.

Goal 4 - Forest Lands defines Forest Lands as lands

EXHIBIT B

3 of 6

acknowledged as such as of the date of adoption of the goal. Goal 4 is not applicable because there are no such lands impacted by this proposal.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces is not applicable, because the property does not include any such resources.

Goal 6 - Air, Water, and Land Resources Quality is not applicable, because there is no indication that the proposed uses will significantly impact these resources.

Goal 7 - Natural Resources and Hazards is not applicable, as there is no indication of any natural hazards in the vicinity of the property.

Goal 8 - Recreational Needs is not applicable. The property is not designated as an eligible site for a destination resort, and is not presently zoned or used for recreation. There is no likelihood of a negative impact on recreation.

Goal 9 - Economy of the State is not applicable, as the proposal does not conflict with any of the policies under this Goal, and any impacts on the economy of the state are almost certain to be positive.

Goal 10 - Housing is not applicable, as the proposal does not conflict with any of the policies under this Goal, and impacts on the housing stock will be positive.

Goal 11 - Public Facilities and Services is not applicable, as the proposal does not conflict with any of the policies under this goal.

Goal 12 - Transportation is not applicable, as the proposal does not conflict with any of the policies under this Goal.

Goal 13 - Energy Conservation is not applicable, as the proposal does not conflict with any of the policies under this Goal.

Goal 14 - Urbanization is not applicable, as the property is presently within the UGB.

EXHIBIT B

4 of 6

Goal 15 - Willamette Greenway; Goal 16 - Estuarine Resources; Goal 17 - Coastal Shorelands; Goal 18 - Beaches and Dunes; and Goal 19 - Ocean Resources are not applicable, as Crook County does not have any such areas or resources, and no such areas or resources will be impacted by the proposal.

APPLICANT'S BURDEN OF PROOF STATEMENT

The Burden of Proof Statement is hereby referenced. It includes:

(1) Description of the proposed Map Amendment:
(See above).

(2) Statewide Planning Goals applying to the proposal: The applicant states that Goal 3 does not apply to the proposal, as the property is within the UGB, and is therefore not agricultural land.

(3) Consistency with the Comprehensive Plan: The property is already within the UGB, and the proposed zoning is consistent with that of adjoining properties within the UGB. Therefore, the proposal is consistent with the Comprehensive Plan.

(4) Consistency with the public interest: The applicant states that the property is located too near existing urban uses to be used efficiently for agriculture.

He states that it is already within the UGB, and is designated for urban inclusion. It will not return to a rural state. The proximity of existing urban development will facilitate the provision of urban services.

The proposal will facilitate the extension of utilities and the road system. The property could provide a new water source for the City of Prineville.

The proposal will attract small and medium-sized businesses, providing increased employment.

EXHIBIT B

5 of 6

APPLICANTS' CONCLUSION

The action to approve a zone map change to Light Industrial L-M is consistent with Crook County requirements and actions necessary for the proper regulation and jurisdiction of the Urban Growth Boundary.

COMMISSION FINDINGS AND CONCLUSIONS

(1) Does the applicants' Burden of Proof Statement address the required issues relating to the proposed Map Amendment and zoning change?

The proposal involves no exceptions to the Statewide Goals.

The statement submitted by the applicant addresses those issues which are required to be addressed by the Crook County Code Chapter 18.20 (Exclusive Farm Use zone EFU-2), and the Agriculture policies of the Crook County Comprehensive Plan.

(2) Are the applicants' findings in accordance with the characteristics of the property and the surrounding area?

On the basis of the data submitted and Planning staff knowledge of the area, the applicants' findings are in accordance with the characteristics of the property and the surrounding area.

(3) Is the proposal in accordance with the Statewide Planning Goals?

Goal 1 - Citizen Involvement, and Goal 2 - Land Use Planning are applicable to the proposal.

Goals 1 and 2 are being complied with by the approval process.

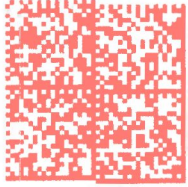
Goal 3 - Agricultural Lands is not applicable, since the property is within the UGB and is therefore not agricultural land.

Goal 14 - Urbanization is not applicable because the property is already within the UGB.

EXHIBIT B

6 of 6

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