



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

NOTICE OF ADOPTED AMENDMENT

August 15, 2008

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 001-08



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: September 2, 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
Mark Radabaugh, DLCD Regional Representative
Bill Zelenka, Crook County

<paa> ya

FORM 2

DEPT OF

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

AUG 13 2008

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Crook County Local File No.: AM-08-0006
 Date of Adoption: August 6, 2008 Date Mailed: August 12, 2008
(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: March 3, 2008

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.≡

Proposed zone change from EFU to Residential to comply with the new
UGB 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.≡

Plan Map Changed from : NA to _____
 Zone Map Changed from: NA to _____
 Location: NA Acres Involved: NA

Specify Density: Previous: _____ New: _____
 Applicable Statewide Planning Goals: 10, 14, 12

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-08 (16751)

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: X 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: DLCD, Crook County
Departments, City of Prineville, ODFW, BLM, 1000 Friends, Ochoco Irrigation Dist.,

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

Address: 300 NE Third St., Rm. 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.

CROOK COUNTY
PLANNING DEPT.
AUG 7 2008
RECEIVED
TIME:



STATE OF OREGON } ss 2008-114
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 6th DAY OF
August, 20 2008, AT 3:00 P.M.M.
AND RECORDED IN CJRNL
RECORDS OF SAID COUNTY MF NO. 2008-114
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Clara Brimmer 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
EFU-2 (EXCLUSIVE FARM USE)
TO SR-1 (SUBURBAN RESIDENTIAL)
FOR LANDS SOUTHEAST OF THE CITY
OF PRINEVILLE WITHIN THE
ADOPTED UGB OF THE CITY OF
PRINEVILLE AND DECLARING AN
EMERGENCY

ORDINANCE NO. 207

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 of Prineville; and

WHEREAS, the Suburban Residential Zone 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 held a public hearing on July 2, 2008 to receive comments and input from the general public and other agencies; and

WHEREAS, the zoning map amendment is authorized by Title 18 Chapter 18.168 and the Comprehensive Plan of Crook County;

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

SECTION ONE. A portion of land identified on Exhibit A shall be rezoned from EFU-2 (Exclusive Farm Use) to SR-1 (Suburban Residential).

SECTION TWO. 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 THREE. The Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist, and this Ordinance shall become effective upon signing.

DATE of First Reading and Approval: July 16, 2008.

DATE of Second Reading and Approval: 8-6, 2008.

DATED this 6th day of August, 2008

CROOK COUNTY COURT

Scott R
Crook County Judge Scott R. Cooper

Mike McCabe
Commissioner Mike McCabe

Lynn Lundquist
Commissioner Lynn Lundquist

Exhibit A

Legal Description. An area of land in Sections 9 and 10, T15S, R16E.W.M., Crook County, Oregon, described as follows:

Beginning at the NE Corner of Section 9;

Thence North 89° 32' 42" west along the north boundary line of said Section 9 a distance of 1,316.87 feet m/l to the NE corner of Parcel 3 of Partition Plant 1990-22 as recorded in the records of the County Clerk, Crook County, Oregon;

Thence south 00° 08' 29" west along the west boundary line of said Parcel 3 a distance of 599.51 feet m/l;

Thence south 26° 53' 40" east a distance of 237.78 feet along the southwest boundary line of said Parcel 3;

Thence north 69° 43' 0" east a distance of 466.76

Thence south 88° 41' 00" east a distance of 310.86 feet m/l;

Thence south 53° 21' 00" east a distance of 127.43 feet m/l to the NW right-of-way line of a public road commonly identified as Bull Boulevard;

Thence southwesterly along said right-of-way line a distance of 1,650 feet m/l to a point on the northeasterly right-of-way line of the Post-Paulina State Highway as located and constructed;

Thence southeasterly along said State Highway right-of-way a distance of 920 feet m/l to a point on the south boundary line of the NE 1/4 of said Section 9;

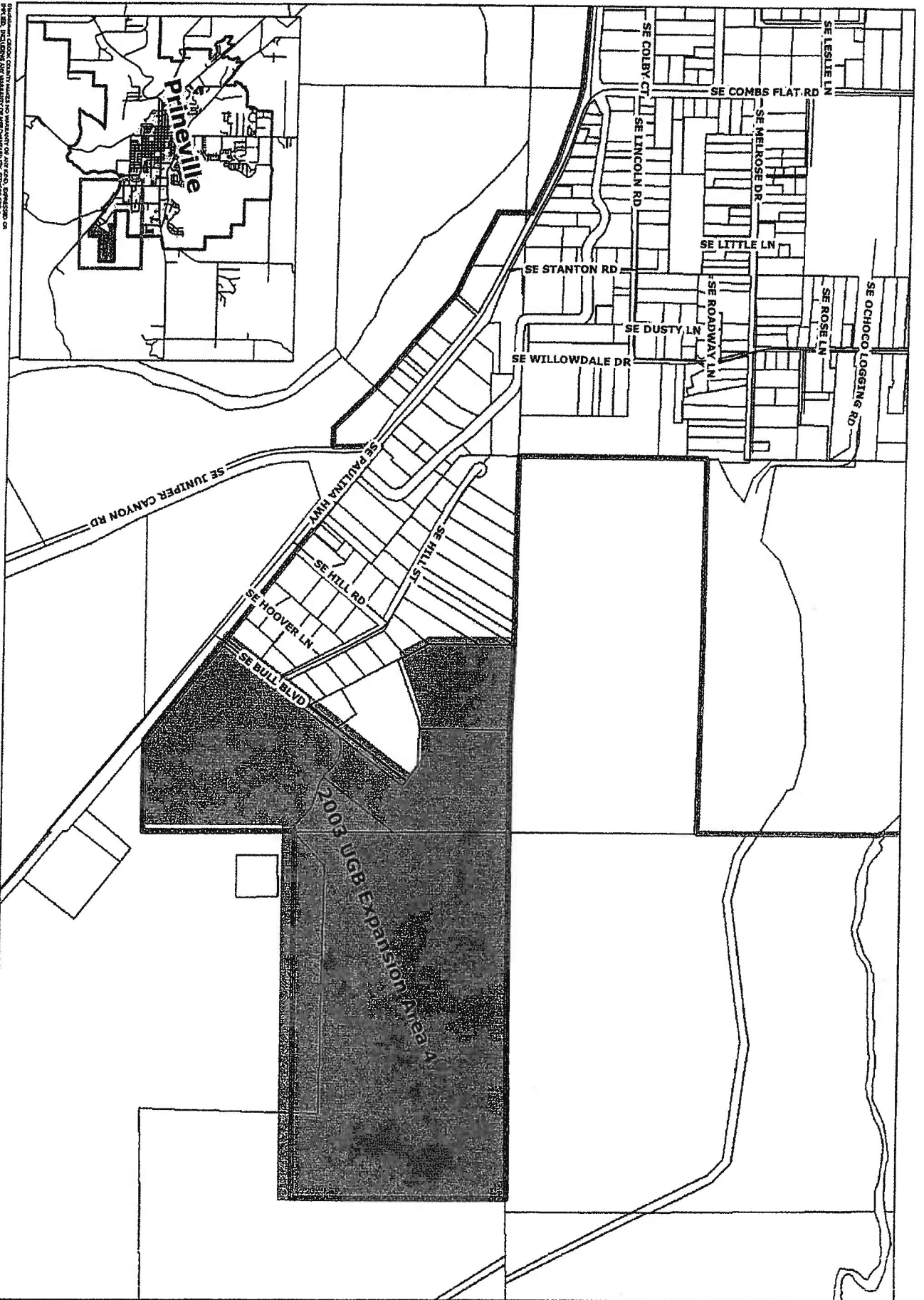
Thence east along said south boundary line a distance of 610 feet m/l to the east 1/4 corner of said Section 9;

Thence north along the east boundary line of said Section 9 a distance of 1,000 feet m/l;

Thence east a distance of 2,640 feet m/l;

Thence north a distance of 1,640 feet m/l to the north boundary line of said Section 10;

Thence west a distance of 2,640 feet m/l along said north boundary line to the point of the beginning.



MULTI-PURPOSE ZONING MAP OF CROOK COUNTY, OREGON, PREPARED BY THE CROOK COUNTY GIS DEPARTMENT. THIS MAP IS A PRODUCT OF THE GIS DEPARTMENT AND IS NOT A LEGAL DOCUMENT. IT IS THE USER'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP. THE GIS DEPARTMENT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF DATA, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, ARISING FROM THE USE OF THIS MAP. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF DATA, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, ARISING FROM THE USE OF THIS MAP. THE GIS DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGE OR LOSS OF DATA, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, ARISING FROM THE USE OF THIS MAP.

EXHIBIT A

0 500 1,000 2,000 Feet

- Urban Growth Boundary
- 2003 UGB Expansion Area 4

EXHIBIT B

CROOK COUNTY

BEFORE THE PLANNING COMMISSION

NO. AM-08-0006
RECOMMENDATION

APPLICANT/PROPERTY OWNER: Breese Ranch LLC
1200 NE Bull Boulevard
Prineville OR 97754

AGENT: Bryan Iverson
Breese Ranch LLC
1200 NE Bull Boulevard
Prineville OR 97754

PROPERTY LOCATION: T 15 S R 16 EWM (Sec 10) TL 604
T 15 S R 16 EWM Sec 9A TL 100
T 15 S R 16 EWM Sec 9A TL 109

LEGAL DESCRIPTION: An area of land in Sections 9 and 10,
T 15 S R 16 EWM Crook County, Oregon, described as follows:

Beginning at the NE corner of Section 9;

Thence north 89 degrees 32' 42" west along the north boundary line of said Section 9 a distance of 1,316.87 feet m/l to the NE corner of Parcel 3 of Partition Plat 1990-22 as recorded in the records of the County Clerk, Crook County, Oregon;

Thence south 00 degrees 08' 29" west along the west boundary line of said Parcel 3 a distance of 599.51 feet m/l;

Thence south 26 degrees 53' 40" east a distance of 237.78 feet along the southwest boundary line of said Parcel 3;

Thence north 69 degrees 43' 00" east a distance of 466.76 feet m/l;

Thence south 88 degrees 41' 00" east a distance of 310.86 feet m/l;

Thence south 53 degrees 21' 00" east a distance of 127.43 feet m/l to the NW right-of-way line of a public

BREESE, RECOMMENDATION

AM-08-0006

Page 2

road commonly identified as Bull Boulevard;

Thence southwesterly along said right-of-way a distance of 1,650 feet m/l to a point on the northeasterly right-of-way line of the Post-Paulina State Highway as located and constructed;

Thence southwesterly along said State Highway right-of-way a distance of 920 feet m/l to a point on the south boundary line of the NE $\frac{1}{4}$ of said Section 9;

Thence east along said south boundary line a distance of 610 feet m/l to the east $\frac{1}{4}$ corner of said Section 9;

Thence north along the east boundary line of said Section 9 a distance of 1,000 feet m/l;

Thence east a distance of 2,640 feet m/l;

Thence north a distance of 1,640 feet m/l to the north boundary line of said Section 10;

Thence west a distance of 2,640 feet m/l along said north boundary line to the point of beginning.

PROPOSAL: Recommendation to the Crook County Court on a request for approval of a Zoning Plan Map Amendment to change the zone classification of the subject property from Exclusive Farm Use EFU-2 to Suburban Residential SR-1.

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 a Suburban Residential SR-1 zone.

RECOMMENDATION: The Commission hereby recommends by a 5-0 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.

DATED THIS 28th Day of May, 2008

W.R.C.
W. R. Gowen
COMMISSION CHAIRMAN

Gordon Moore
Gordon Moore
COMMISSION SECRETARY

FACTORS FOR CONSIDERATION

ZONING: The property is presently zoned Exclusive Farm Use EFU-2. Chapter 18.20 of the Crook County Code sets forth requirements for the EFU-2 zone. It is proposed to be rezoned Suburban Residential SR-1. Chapter 18.20 of the Crook County Code sets forth requirements for the SR-1 zone.

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

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

The property was included within the Urban Growth Boundary of the City of Prineville by Amendment 57 of Ordinance 17, adopted by the Crook County Court on November 5, 2003. This amendment modified the Comprehensive Plan policies and map to include lands eligible for rezoning and annexation by the City.

The amendment was adopted in response to periodic review by the City of Prineville to develop a new comprehensive plan and urban growth boundary. A series of public meetings were held by the Crook County Planning Commission and the City of Prineville Planning Commission to recommend areas for expansion. The County Planning Commission received resolution #948 passed by the Prineville City Council that included several new proposed expansion areas, and held a public hearing on the revised urban growth boundary expansion area on October 8, 2003.

The property constitutes Expansion Area 4 under the amendment. The County Court found that it is located in the southeast quadrant of the UGB, to the northeast of the Paulina Highway. It is bounded on the north by urban

BREESE, RECOMMENDATION

AM-08-0006

Page 4

development, and on the south by rural residential and recreational uses.

Areas committed to agricultural uses (hay and pasture) lie to the east of the Paulina Highway, but they have poor soils and are not high value farmlands.

It was found that nonfarm development of the property will not result in conflicts with prime agricultural areas since there are no such areas in the vicinity. It was found that there are a few isolated agricultural uses in the vicinity, but all of them are on Class VII or worse soils.

It was found that all surrounding property owners had requested consideration for inclusion within the UGB, because commercial farm operations were not economically feasible on their lands.

The Court also found that the property is suitable for residential development because there is a known groundwater resource in the vicinity which produces high volumes of good quality water for domestic use, and that the property can be expected to supply a quality water source.

The Court found that the property was to be assigned a Residential Comprehensive Plan designation, and zoned for General or Suburban residential development, depending on whether the zoning is city or county.

The Court found that, while the area is currently designated as Agricultural by the Comprehensive Plan and zoned EFU-2, there are a number of nonfarm residences in the immediate vicinity.

The Court found that adjoining areas on the east and west are described as moderately to steeply sloping areas with a hillside type topography which is commonly developed for rural nonfarm homesites, and that the adjoining area on the north is committed to existing urban uses. they found that the area on the other side of the Paulina Highway to the south is in agricultural use.

COMPLIANCE WITH STATEWIDE PLANNING GOALS

Goal 3: The Court found that Goal 3 (Agriculture) should not apply to the property because:

- Only a part of the property is suitable for agricultural use. Agricultural use is limited by soil capability, irrigation difficulties, and fertilizer needs.
- The property abuts a significant number of existing urban uses, and this situation will continue to produce incompatibilities.
- The property has Class VII-VIII soils of extreme topography and severe slopes which are not usable for agriculture.
- Livestock grazing is limited due to lack of water.
- The property is an isolated area of limited acreage where expansion of agriculture is effectively precluded by existing adjoining topography and nonresource uses.

Goal 14 (Urbanization): Compliance with Goal 14 is demonstrated by seven factors. The Court found that:

(1) **Demonstrated need to accommodate long-range population growth requirements:** The projected population growth and the buildable lands inventory show a need for additional buildable lands which cannot be accommodated by lands which were within the UGB prior to adoption of the amendment.

(2) **Need for housing, employability, and livability:** The future growth anticipated by the city requires additional housing units to maintain current livability levels, as indicated by current population densities.

(3) **Orderly and economic provision for public facilities and services.**

The area is immediately adjacent to and bordered on three sides by existing urban and suburban development. Public facilities and services are available nearby. The City of Prineville Master Utility Plans show how the area will be

BREESE, RECOMMENDATION

AM-08-0006

Page 6

served with community street, water, and sewer systems. Including the subject property in the UGB provides for the logical expansion of the existing urban street system, and the expansion of public water and sewers to an adjoining urban-developed area with existing health hazards, which would not be possible otherwise.

(4) Maximum efficiency of land use within and on the fringe of the existing urban area.

Development of the property will continue an urban pattern of development in a logical fashion. The city has planned to serve the existing urban uses that border the area, and the additional extension of public utilities will be compatible with the City Master Plan for each service.

(5) ESEE Consequences: The Court found that the consequences of not approving the property as an exception area would adversely affect these factors:

- Without including the property, the existing planned overall street system cannot be fully implemented;
- Without including the property, it will not be feasible to extend public water and sewers to certain areas where such services are needed.
- The existing residential uses in the area perpetuate the likelihood of groundwater contamination, given the the number of private wells and septic systems. Including the area in the UGB will help to stop the proliferation of these problems.

(6) Retention of "Higher" Capability Classed Agricultural Lands: The Court found that inclusion of the property in the UGB would lessen the pressure for the conversion of other rural lands with higher-classed soils and irrigation.

(7) Compatibility of Proposed Urban Uses With Nearby Agricultural Activities: The Court found that the nearest remaining agricultural lands to the property are separated from it by the Paulina Highway, and are at a lower elevation. This provides a buffer to minimize conflicts between residential and agricultural lands.

OTHER REQUIREMENTS

Areas Not Requiring an Exception to Goal 3 Cannot Reasonably Accommodate the Use: The Court found that there were no areas adjacent to the UGB prior to the amendment which did not require an exception; and that the property was preferred over alternative areas because it is isolated and has a restricted area which is useful for agriculture.

Long-Term ESEE Consequences of the Subject Site Versus Other Sites Requiring an Exception: The Court found that the environmental, social, economic, and energy consequences of including the property in the UGB were significantly less than the consequences of including other areas with higher soil classifications or less history of flooding.

Proposed Uses Compatible With Existing Uses: The Court found that the conversion of the property to urban use would be more compatible with the immediately adjoining urban uses than would be true for other possible expansion areas.

ORS 197.298 establishes a priority ranking for land that is to be brought into an urban growth boundary, with lands already designated as urban reserve having the first priority.

The Court found that the property is the highest priority residential land available in the southeastern part of the community that most closely meets the intent of the above statute.

GUIDING PRINCIPLES

The following guiding principles were set forth by the City and County Planning Commissions for use in considering UGB expansion areas. The County Court made the following findings in regard to these principles:

- (1) *What is the feasibility of extending existing public sewer, water, and transportation facilities at low cost and with minimum impact on existing development?*

Sewer and water services can be extended to the property within existing or new street rights-of-way without replacing existing facilities.

(2) Are capacities of existing public sewer and water facilities sufficient to accommodate additional growth, or will they need to be replaced?

The main sewer line on Lynn Boulevard at the high school can be extended to the property, and has sufficient capacity to serve the property and adjoining areas, including Bailey-Melrose. The City Water Master Plan includes a reservoir and related facilities to serve the area, and the City plans to develop a significant groundwater well in the area.

(3) Is the topography of the property such that gravity flow sewer systems can be used rather than pumping stations?

The USGS and Wetlands Survey contour maps indicate that gravity flow systems can be used to serve the area.

(4) Are there any known groundwater resources in the area which could be acquired or developed for addition to the City system at reasonable cost?

The groundwater potential of the area is good, on the basis of quality and flow data from an existing well in the area.

(5) Are existing or planned transportation systems serving the area currently capable of additional traffic loads in accordance with design capabilities, or can they be improved at reasonable cost? Is there an existing or planned arterial or collector which could serve as the primary access route?

The property is served by the Paulina Highway, which has sufficient capacity.

(6) What is the proximity and access of the property to public facilities such as schools, parks, bikeways, recreation resources, shopping, and employment?

The property is within one mile of an elementary school, a middle school, and a high school. It is within two miles of

BREESE, RECOMMENDATION

AM-08-0006

Page 9

the two largest city parks. It is within 1.5 mile of major service commercial uses and major places of employment.

(7) Are there any known or potential environmental and/or natural resource limitations or hazards which will negatively impact development of the property?

There have been significant floods near the property, but primarily on lands to the west. The property has steep slopes. Protective zoning and development with applicable design standards can minimize adverse impacts.

(8) What would be the impact of development on prime agricultural lands, irrigation districts, industry, etc.?

There are no prime agricultural lands in the area of the property, and irrigation is limited. (There is no industry in the area.)

(9) What would be the impact on open space and natural features, and can impacts be mitigated?

Impacts can be minimized through regulation of development.

(10) Would development lead to known or potential land use conflicts?

There are agricultural uses on the far side of the Paulina Highway. Buffers will be required to minimize conflicts. There are no other identified conflicts which could not be minimized or mitigated by appropriate development standards.

(11) Does the property include an area which can be effectively developed with a high quality of living environment? Is the area marketable, and do the landowners desire urbanization?

The topography of the property will permit view properties, and larger and more expensive homesites for which there is a ready market. The property owners desire residential development.

Topographically, can the area be developed with a quality living environment?

The topography will facilitate a range of housing types. Development must be regulated to prevent problems from steep slopes, and provide setbacks adjacent to agricultural area.

(12) Can the property be developed to be desirable to live in?

The property is near city services and employment, and will provide for desirable view lots.

(13) What will be the visual impact of development?

Residential development of the property will be similar to that in adjacent areas. However, more modern design techniques will result in improved visual quality. Development on the property will be relatively out of view from the scenic approach to Prineville by way of the Ochoco grade.

ALTERNATIVES, COSTS, AND BENEFITS OF EXTENDING URBAN SERVICES

Providing public water and sewers to the area will require extension from existing mainlines on Lynn Boulevard at the main entrance to the High School at the Knowledge Street intersection eastward to the intersection of Lynn Boulevard and Combs Flat Road, thence south along Combs Flat Road and the Paulina Highway to property.

APPLICANTS' EXHIBITS

The applicants have submitted the following exhibits in support of the proposed Map Amendment:

- (1) Completed application
- (2) Burden of Proof Statement
- (3) Warranty deed.
- (4) Vicinity map.

APPLICANTS' BURDEN OF PROOF STATEMENT

The applicants have submitted a Burden of Proof Statement for proposed Planned Unit Development LS-08-0060 which includes data concerning the existing property. The parts of the Burden of Proof Statement which are relevant to the proposed Map Amendment are hereby referenced.

BASIC FINDINGS

(A) PROPERTY LOCATION: The subject property is located within the Prineville UGB. It has no assigned street address, but is identified by the Crook County Assessor's tax maps as the NE ¼ of Section 9 and the N ½ of Section 10, T 15 S R 16 EWM, Crook County, Oregon.

(B) ZONING: The property is zoned Exclusive Farm Use EFU-2, and is to be rezoned Suburban Residential SR-1.

(C) LOT OF RECORD: The property is a legal lot of record.

(D) PROPERTY DESCRIPTION: The property is located on east side of Bull Boulevard and the Hill subdivision, and runs from Highway 26 north to the top of the rimrock. The topography includes gently sloping and some more steeply sloping hillsides and dry canyon, which has remained dry during the year. The property has been owned by Pilot Butte Hereford Ranch. The property has been used for cattle grazing with the most southeasterly corner of the property being part of an irrigated area currently in hay production. Existing vegetation includes bunch grass, sagebrush, and scattered junipers.

(E) SURROUNDING LAND USES: Hill subdivision, consisting of one-acre lots, borders the property on the west. Hill subdivision was developed during the 1960's and the 1970's, and is presently within the UGB. The subject property is bordered on the northwest by two single-family residential sites. Lands belonging to the Pilot Butte Hereford Ranch, and used for grazing and hay production are located to the north and east. Lands across Highway 26 to the south are currently zoned EFU-2 and used for irrigated agriculture.

CONCLUSIONARY FINDINGS

(4) **Adequacy of Public Services:** The applicant states that utilities, fire and police protection, and accessible public facilities such as schools and medical facilities are available.

(5) **Effects of possible development on scenic or natural areas:** The applicant states that the property is not located within any such area.

(6) **Location of property in relation to incompatible land uses:** The applicant states that there are no incompatible land uses in the vicinity of the property other than agricultural uses, and that adequate buffers adjacent to these uses can be provided.

(7) **Possible adverse effects of natural hazards:** The applicant states that there have not been any impacts from natural hazards on the property in the past. The applicant also states that existing topography can be largely retained, and that development can be kept away from possible hazard areas.

(8) **Possible adverse effects on area agricultural, forest, or industrial uses:** The applicant states that this issue was addressed when the property was included within the UGB.

(9) **Retention of vegetation and natural amenities:** The applicant states that this issue was addressed when the property was included within the UGB.

(10) **Possible environmental or wildlife impacts:** The applicant states that this issue was addressed when the property was included in the UGB.

(12) **Unusual natural conditions:** The applicant states that there are some topographical conditions on the property which would place restrictions on building, but that these can be allowed for through appropriate design of development and lot sizes.

COMMISSION FINDINGS AND CONCLUSIONS

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

The property was included within the Urban Growth Boundary as Exception Area 4 by Ordinance 17, Amendment 57. In their decision approving the amendment, the Crook County Court found that the property is to receive a Residential designation on the Comprehensive Plan Map, and is to be zoned for suburban residential use under county zoning. The Court found that Statewide Planning Goal 3 (Agricultural) is not applicable to the property, and that inclusion of the property within the UGB as residential property is in accordance with Goal 14 (Urbanization).

No appeal of the Court's decision was filed within the statutory time limit.

For these reasons, it is not necessary for the applicant's Burden of Proof statement to address the above issues.

The Burden of Proof statement has addressed other issues relating to residential development of the property, although most of these issues were in fact addressed by the County Court in their decision.

On the basis of the above, it is the opinion of the Crook County Planning Commission that the applicant's Burden of Proof statement is adequate.

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

Crook County Planning staff has visited the above property, and reviewed the Assessor's data concerning the property, as well as the County Court decision on Ordinance 17.

In view of the above, it is the opinion of the Crook County Planning Commission that the information provided by the applicant in the Burden of Proof statement is accurate.

APPENDIX A
SUPPLEMENTARY INFORMATION

ACCESS: The property is adjacent to the Paulina Highway.

FLOOD ZONE: The property is in Flood Zone X, outside the 500 year flood zone.

WETLAND: There are no designated wetlands on the property.

WILDLIFE: The property is not in a critical wildlife area.

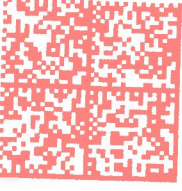
FIRE AND RESCUE: Fire and ambulance service are available from the Prineville Fire Department.

UTILITIES: Electrical service is available from Central Electric Coop and Pacific Power. Natural gas is available from Cascade Natural Gas. Land line telephone service is available from QWest. Cable television and internet service is available from Crestview Cable.

IRRIGATION: There are 11.2 acres of irrigation water from the Ochoco Irrigation District in the southeastern corner of the property.

PLANNING DEPT.
Third Street
OR 97754

Hasler



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