



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

10/23/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment
DLCD File Number 004-09

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: Tuesday, October 27, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, Crook County
Gloria Gardiner, DLCD Urban Planning Specialist

<paa>

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

OCT 16 2009

**LAND CONSERVATION
AND DEVELOPMENT**
AM-09-0107

Jurisdiction: Crook County Local File No.: _____
(If no number, use none)
Date of Adoption: September 16, 2009 Date Mailed: September 16, 2009
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: October 5, 2009

- 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 Titles 17 and 18 of the Crook County Code to provide
for extensions to land use approvals 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 : NA to _____
Zone Map Changed from: NA to _____
Location: NA Acres Involved: _____
Specify Density: Previous: NA New: _____
Applicable Statewide Planning Goals: NA
Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: _____



STATE OF OREGON } ss 2009078
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 16th DAY OF
September 09 AT 3:28 P.M.
AND RECORDED IN CJRNL
RECORDS OF SAID COUNTY MF NO. 2009-078
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 TITLES 17
AND 18 OF THE CROOK COUNTY CODE
TO PROVIDE FOR EXTENSIONS TO
LAND USE APPROVALS AND
DECLARING AN EMERGENCY

Ordinance No. 216
(Amendment to Title 17
Sections 17.04.060, 17.20.010,
and 17.24.060, and Title 18
Sections 18.04.040, 18.04.080,
18.116.110, 18.124.050,
18.160.070, 18.164.040,
18.172.020, and 18.172.060 of
the Crook County Code)

WHEREAS, the Crook County Code as currently written does not provide land owners adequate time to undertake development pursuant to their land use approvals; and

WHEREAS, the current state of the economy is not conducive to property development and the County Court desires to save land owners with expired land use approvals the expense of reapplying; and

WHEREAS, it is the goal of the County Court to extend the period of time before land use approvals expire, and to grant an extension to land use approvals that have expired prior to the effective date of this Ordinance; and

WHEREAS, the County Court desires to allow landowners to apply for multiple extensions to their land use approvals, and that the County may grant these extensions as administrative determinations under Crook County Code Section 18.172.060.

NOW, THEREFORE, this 16th day of September, 2009, the Crook County Court ordains as follows:

SECTION ONE: *Amendment.* Sections 17.04.060, 17.20.010, and 17.24.060 of Title 17 of the Crook County Code shall be amended to read as follows:

17.04.060 Extension of Approvals.

(1) All preliminary subdivision plat approvals, partition plat approvals, or planned unit development approvals that expired between January 1, 2007 and the effective date of this ordinance shall hereby be extended for an additional two years beyond the effective date of this ordinance, unless such an extension would violate any time limitation on the land use approval imposed by Oregon state law or administrative rule, in which case the subdivision plat approval, partition plat approval, or planned unit development approval is hereby extended by the maximum time allowed under state law.

(2) Preliminary subdivision plat approvals, partition plat approvals, or planned unit development approvals that have received extensions under subsection (1) of this Section may receive further extensions as provided for in amended Section 17.20.010.

(3) All preliminary subdivision plat approvals, partition plat approvals, or planned unit development approvals that were issued prior to the effective date of this Ordinance, but will not expire until after such effective date, are subject to the expiration provisions of amended Section 17.20.010.

17.20.010 Submission of the final plat.

(1) Filing Time Period Requirements. Within two years after the date of approval of the tentative plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the tentative plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by this title and the commission. If the subdivider fails to proceed with the subdivision before the expiration of the two-year period following the approval of the tentative plan, the plan approval shall be void and the subdivider may submit a new plan together with the appropriate filing fee.

(2) Time Period Extension. The County may grant one-year extensions to the two-year time period set forth in subsection (1) of this Section as Planning Director decisions pursuant to Section 18.172.060(2).

17.24.060 Final map for partitioning.

Following approval of the tentative plan for a proposed partitioning, the person proposing the subject partitioning shall prepare and submit to the planning director the final map for the subject partitioning. Such filing shall be completed within two years from the date of the commission action or the approval of the partitioning shall expire, except that one-year extensions of the approval may be granted as Planning Director decisions pursuant to Section 18.172.060(2). The final map shall be prepared in accordance with the following requirements, seven copies thereof submitted to the planning director for approval, with the original recorded in the office of the county clerk following approval by the planning director. The planning department may require additional copies:

- (1) The final map shall meet the following requirements:
 - (a) Shall be drawn to a scale of one-inch equals 100 feet or as approved by the county surveyor.
 - (b) Name of the owner, developer, and surveyor shall be shown on the map.
 - (c) Date, scale, north point, legal description of parcel(s), boundaries, and a tie by actual survey to a section corner pursuant to Chapter 92 ORS for partitions requiring a survey.

(d) Parcel boundary lines, with dimensions and bearings; bearings shall be to the nearest 30 seconds, and distances to the nearest 0.01 feet. The area of each parcel shall be shown.

(e) An affidavit by the surveyor having surveyed the land involved in the partitioning.

(f) A certification of any public dedication.

(g) A guarantee of proposed or required improvements.

(h) A certification of approval for execution by the planning director.

(i) Water right to be assigned to each parcel shall be indicated on the map and certification of approval thereof, by the district watermaster and/or irrigation district manager if located therein.

(j) The county assessor's certification that the property has been removed from farm deferral if required and all other ad valorem taxes, special assessments and other charges have been paid.

(k) The county treasurer's certification that all taxes have been paid.

(l) The source of title for the real estate, tax map and tax lot numbers for the property subject to the partitioning.

(2) Approval Requirements. No final map for a land partitioning shall be approved by the planning director unless all of the following requirements are met:

(a) The final map is in strict conformance with the tentative plan approved by the commission.

(b) The final map is in strict conformance with the requirements set forth in subsection (1) of this Section.

(c) Access is guaranteed to each parcel.

(d) Each parcel is approved for subsurface sewage disposal if applicable to the intended or offered use.

(e) All required public utilities are available.

(f) All conditions of the tentative plan approval have been met or guaranteed.

(g) A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the commission.

SECTION TWO: *Amendment.* Sections 18.04.040, 18.04.080, 18.116.110, 18.124.050, 18.160.070, 18.164.040, 18.172.020, and 18.172.060 of Title 18 of the Crook County Code shall be amended to read as follows:

18.04.040 Land use permit.

Prior to the construction, reconstruction, alteration, or change of use of any structure or lot for which a land use permit is required, a land use permit for such construction, reconstruction, alteration, or change of use shall be obtained from the planning director or authorized agent thereof.

18.04.080 Extension of Approvals.

(1) All conditional use permits that expired between January 1, 2007 and the effective date of this ordinance shall hereby be extended for an additional two years from the effective date of this ordinance, unless such an extension would violate any time limitation on the permit imposed by Oregon state law, in which case the conditional use permit is hereby extended for the maximum time allowed under state law.

(2) Conditional use permits that have received extensions under subsection (1) of this Section may receive further extensions as provided for in amended Section 18.160.070.

(3) All conditional use permits that were issued prior to the effective date of this Ordinance, and which have not expired and will not expire until after such effective date are subject to the expiration provisions of amended Section 18.160.070.

18.116.110 Final development plan review procedure.

(1) Following approval of the development plan, the applicant shall submit for review a final development plan that meets the requirements of CCC 18.172.040 and addresses all conditions of the development plan.

(2) The planning commission shall review a final development plan. The planning commission shall approve a final development plan if it conforms to the approved development plan and its conditions of approval.

(3) If the planning commission finds that the final development plan is materially different from the approved development plan, the applicant shall submit an amended development plan for review. "Materially different," as used in this subsection, means a change in the type, scale, location, or other characteristics of the proposed development such that findings of fact on which the original approval was based would be materially affected. Submission of an amended plan shall be considered in the same manner as the original application, except that the review of an amended plan shall be limited to aspects of the proposed development that are materially different from the approved development plan.

18.124.050 Authorization of similar uses.

A use that is similar to a use provided for in a zone may be allowed in that zone with Planning Director approval pursuant to 18.172.060(1) unless:

- (1) The use is specifically provided for in another zone; or
- (2) The use is more similar to uses provided for in another zone.

18.160.070 Permit expiration dates.

(1) Authorization of a conditional use shall be void after four years unless development action has been initiated, the proposed use has occurred or the county has granted an extension of time in accordance with subsection (2) of this Section.

(2) The County shall grant two-year extensions to the four-year time period set forth in subsection (1) of this Section as Planning Director decisions pursuant to Section 18.172.060(2).

(3) For the purposes of this Section, the term "initiate development" means the provision by the applicant of adequate proof of the development of an access road to the parcel at least 12 feet in width completed prior to the expiration of the conditional use approval; payment of taxes caused by loss of farm deferral status, if applicable; and filing of a partition plat, if required.

18.164.040 Time limit on a permit for a variance.

Authorization of a variance shall be void after two years unless substantial construction has taken place or the proposed use has occurred. However, the County shall grant one-year extensions as Planning Director decisions pursuant to Section 18.172.060.

///

18.172.020 Application.

(1) The applicant shall make application to the director upon forms provided by the director for a land use permit or other Planning Director Decision that may be made under this section.

(2) An application is deemed to be complete when in the judgment of the director all application issues have been adequately addressed in the application and all applicable fees have been paid to the county.

(3) If an application is incomplete, the director shall, within 30 days of receipt of the application, notify the applicant in writing of exactly what information is missing. The applicant may amend the original application or submit a new application supplying the missing information.

(4) The applicant shall have 180 days from the date of notice from the director to supply the missing information.

(5) If the applicant submits the missing information within the 180 day period specified in subsection (4) of this section, the application shall be deemed complete upon receipt of the missing information.

(6) The hearing authority shall act upon a completed application within 60 calendar days of the filing of a completed application unless such time limitations are extended with the consent of the applicant. Unless otherwise ordered by the commission, the director shall take such applications in the order in which they are filed.

18.172.060 Planning Director Decisions

(1) Administrative decisions.

(a) Subject to ORS 215.416(11), the planning director shall have the authority to make an administrative determination as set forth in specific zones in this title, which require the planning director to make such determinations.

(b) Within ten working days after receiving a completed application for an administrative determination, the director shall make a determination, and if approved, issue a permit to the applicant.

(c) A copy of the administrative determination shall be made available to any person within ten working days of the written request received by the director.

(d) The director shall cause a written notice of administrative determination and of the appeal procedure to be given to the applicant and to those persons who would have had a right to notice under this title if a hearing had been scheduled or who are adversely affected or aggrieved by the administrative determination. Such notice shall be given within five working days from the date of the determination.

(2) Extensions.

(a) A request for an extension to a land use approval shall be handled administratively by the Planning Director without public notice or hearing, and is not subject to appeal as a land use decision.

(b) The Planning Director shall grant up to four extensions to a land use approval regardless of whether the applicable criteria have changed, if:

(i) An applicant makes a written request for an extension of the development approval period; and

(ii) The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period.

SECTION THREE: *Amendment.* All references in the Code to “secretary of the planning commission”, “secretary of the commission”, or “commission secretary” shall be replaced with “planning director”.

SECTION FOUR: *Findings.* The Crook County Court adopts the Recommendation of the Planning Commission attached hereto as its findings in support of its Decision.


SECTION FIVE: *Emergency.* This 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.

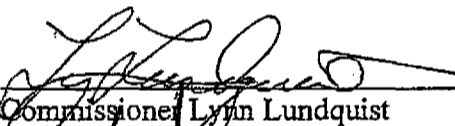
First Reading: September 2, 2009.

Second Reading: September 16, 2009

DATED this 16th day of September, 2009.

CROOK COUNTY COURT


Judge Mike McCabe


Commissioner Lynn Lundquist


Commissioner Ken Fahlgren



**RECOMMENDATION TO
THE CROOK COUNTY COURT
FROM THE
CROOK COUNTY
PLANNING COMMISSION**

APPLICATION NO: AM-09-0107

APPLICANT: Craig Kilpatrick
13790 NW O'Neill Highway
Redmond, OR 97756

PROPOSAL: A recommendation by the Planning Commission to the Crook County Court on a request by Craig Kilpatrick for a land division and zoning ordinance amendment to Crook County Code Titles 17 and 18 regarding time limits for permits, decisions, extensions, and plats.

PUBLIC NOTICE: July 11, 2009

HEARING DATES: July 22, 2009 and August 19, 2009

RECOMMENDATION: APPROVAL

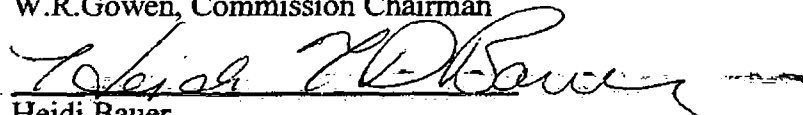
RECOMMENDATION:

The Planning Commission recommends by a 4 to 0 vote that the proposal be approved as follows:

- County Counsel and Land Use Counsel shall draft the specific amendments to Title 17 and Title 18 of the Crook County Code to implement the changes stated below for final approval by the County Court.
- All Conditional Use Permits shall be valid for a term of 4 years with 2 year extensions upon request.
- All tentative plan approvals for subdivisions, PUD's, partitions and boundary line adjustments shall be valid for a 2 year term with 1 year extensions upon request.
- The above terms shall apply to all Preliminary/Tentative and Final Land Use Approvals set to expire on or after January 1, 2007.
- Extensions shall be granted administratively by the Planning Director.
- Approval of an extension by the Planning Director is a non-discretionary administrative decision, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.

Recommended this 26th day of August 2009.


W.R. Gowen, Commission Chairman


Heidi Bauer
Assistant Planning Director &
Land Use Legal Counsel



**Crook County
Planning Department**

300 N.E. 3rd St.
Prineville, Oregon 97754

Hasler

10/06/2009

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ZIP 97754
011D11611651

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