



Oregon

Theodore R. Kubongski, 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

3/2/2010

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 003-10

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: Monday, March 15, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bill Zelenka, Crook County
Jon Jinings, DLCD Community Services Specialist

<paa> N

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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)

FEB 23 2010

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Crook County

Local File No.: AM-09-0164

Date of Adoption: 2/17/2010 Date Mailed: 2/22/10

Date the Notice of Proposed Amendment was mailed to DLCD: N/A

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡
Ordinanc 222, an ordinance of the Crook County Court amending Chapter 18.160.050(7) concerning Home Occupations in the Crook County Zoning Ordinance.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

N/A

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: County Wide Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 033-10 (18133) [16004]

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: _____ No: _____

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: ___ No: X

If no, do the Statewide Planning Goals apply. Yes: ___ No: X

If no, did The Emergency Circumstances Require immediate adoption. Yes: ___ No: X

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Bill Zelenka

Area Code + Phone Number: 541-447-8156

Address: 300 NE Third St., Room 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.**

RECORDING COVER SHEET

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

AFTER RECORDING RETURN TO:

CLERK'S VAULT

NAME OF TRANSACTION

ORDINANCE 222, AN ORDINANCE OF THE CROOK COUNTY COURT AMENDING CHAPTER 18.160.050§(7) CONCERNING HOME OCCUPATIONS IN THE CROOK COUNTY ZONING ORDINANCE

GRANTOR: CROOK COUNTY

STATE OF OREGON } ss 2010019
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 17th DAY OF
February 2010 AT 3:55 P.M.
AND RECORDED IN CJRN
RECORDS OF SAID COUNTY MF NO. 2010-019
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Justin Hammett DEPUTY N/c



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

AN ORDINANCE OF THE CROOK
COUNTY COURT AMENDING
CHAPTER 18.160.050 § (7)
CONCERNING HOME
OCCUPATIONS IN THE CROOK
COUNTY ZONING ORDINANCE

Ordinance No.222

WHEREAS, the Crook County Planning Commission has recommended that the Crook County Zoning Code Chapter 18.160.050 § (7) be amended concerning home occupations.

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

NOW, THEREFORE, this 3rd day of FEB, 2010, the Crook County Court ordains as follows:

17th : FEB, 2010 orville
SECOND READING

SECTION ONE. *Amendment.* Ordinance 18 Chapter 18.160.050(7) is amended as described in the attached Court Exhibit A.

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

First Reading 2/3, 2010.

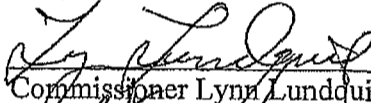
Second Reading 2-17, 2010.

Dated this 17 day of FEB., 2010.

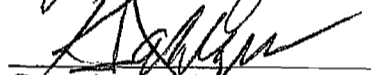
CROOK COUNTY COURT



Judge Mike McCabe



Commissioner Lynn Lundquist



Commissioner Ken Fahlgren

COURT EXHIBIT A

18.160.050 Standards governing conditional uses.

7) Home occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

(a) In all non-exclusive farm use zones and in exclusive farm use zones on parcels 20 acres or less:

(a1) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the residents of such dwelling within the same dwelling or in an accessory building on the same property.

(a2) Structural alterations shall be allowed to accommodate the home occupation when required by law or only after the plans for such alterations have been reviewed and approved by the planning commission. Such structural alterations shall not detract from the outward appearance of the building or change the appearance of the building from a dwelling or otherwise permitted accessory building.

(a3) One nonilluminated sign not to exceed six square feet and bearing only the name and occupation of the resident shall be permitted.

(a4) No materials or mechanical equipment shall be allowed which are detrimental to residential use of the property or adjoining residences because of vibration, noise, dust, smoke odor, interference with radio or television reception or other factors.

(a5) No materials or commodities shall be delivered to or from the property, which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer not including a licensed parcel service (such as, but not limited to, UPS or Systems 99 and FedEx) or the United States Mail. All parking of allowed delivery vehicles or customer vehicles shall be in a manner and frequency as to cause no disturbance or inconvenience to nearby residents. The proposed home occupation should allow for on-site parking.

(a6) Home occupations shall not include freight depots, building materials business, ice or cold storage plants, machine shop or related activities, veterinary clinics, kennels, laboratories, storage of hazardous chemicals, any processes requiring the rendering of fats or oils, animal slaughtering, concrete or redi-mix manufacture or distribution plants, wrecking yards, quarries, gravel pits, subsurface or surface mining, commercial feed lot, stock yards, railroad facilities, lumber and other wood products manufacturing, agricultural product storage and processing plants, bulk petroleum products storage and distribution or any other manufacturing process which would violate subsection (7)(a)(5) of this section.

(a7) Only one person may be employed other than members of the immediate family.

(a8) The home occupation shall be limited to 30 percent of the dwelling or 400 square feet, whichever is less. ~~The home occupation shall be limited to 400 square feet of a building other than the dwelling.~~

COURT
EXHIBIT A

PG. 1 OF 2

(9) For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

(10) Shall comply with any additional conditions of approval established by the Approval Authority under Crook County Code § 18.160.30.

~~(i) All home occupations issued pursuant to this section in an EFU zone shall be reviewed by the planning department for compliance of conditions.~~

(b) In exclusive farm use zones on parcels greater than 20 acres:

(1) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the residents of such dwelling within the same dwelling or in an accessory building on the same property.

(2) Structural alterations shall be allowed to accommodate the home occupation when required by law or only after the plans for such alterations have been reviewed and approved by the planning commission. Such structural alterations shall not detract from the outward appearance of the building or change the appearance of the building from a dwelling or otherwise permitted accessory building.

(3) One non-illuminated sign not to exceed six square feet and bearing only the name and occupation of the resident shall be permitted.

(4) No materials or mechanical equipment shall be allowed which are detrimental to residential use of the property or adjoining residences because of vibration, noise, dust, smoke odor, interference with radio or television reception or other factors.

(5) All parking of allowed delivery vehicles or customer vehicles shall be in a manner and frequency as to cause no disturbance or inconvenience to nearby residents. The proposed home occupation should allow for on-site parking.

(6) No more than five full-time or part-time persons may be employed.

(7) Shall not unreasonably interfere with residential uses permitted in the zone in which the property is located.

(8) For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone

(9) Shall comply with any additional conditions of approval established by the Approval Authority under Crook County Code § 18.160.30.

COURT
EXHIBIT A

PG. 2 OF 2

COURT EXHIBIT "B"



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

APPLICATION NO: AM-09-0164

APPLICANT: Crook County

PROPOSAL: A recommendation by the Planning Commission to the Crook County Court on a request by the Crook County Planning Commission for a zoning ordinance amendment to Crook County Code Section 18.060.050(7) regarding standards governing Home Occupations in all zones.

PUBLIC NOTICE: October 24, 2009

HEARING DATES: November 4, 2009 and December 9, 2009

RECOMMENDATION: APPROVAL

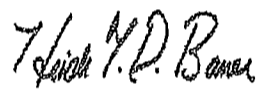
WRDC COMMISSION REPORT

The Planning Commission recommends to the Court that the proposals be approved as follows:

- The subject amendments proposed to Section 8.000.050 of the Crook County Code to implement the changes stated below are attached hereto as Exhibit A.
- The amendments are necessary to provide greater flexibility in the requirements for home occupations in all zones.
- The amendments provide for a greater flexibility for home occupations on large parcels in the Business Land Use Zone.

Recommended this 16th day of December 2009.


W.R. Gowen, Commission Chairman


Heidi Bauer
Assistant Planning Director &
Land Use Legal Counsel

ATTACHED TO
RECOMMENDATION

PLANNING COMMISSION
EXHIBIT
"A"

18.160.050 Standards governing conditional uses.

7) Home occupations, when permitted as a conditional use and conducted as an accessory use, shall be subject to the following limitations:

(a) In all non-exclusive farm use zones and in exclusive farm use zones on parcels 20 acres or less:

(1) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the residents of such dwelling within the same dwelling or in an accessory building on the same property.

(2) Structural alterations shall be allowed to accommodate the home occupation when required by law or only after the plans for such alterations have been reviewed and approved by the planning commission. Such structural alterations shall not detract from the outward appearance of the building or change the appearance of the building from a dwelling or otherwise permitted accessory building.

(3) One nonilluminated sign not to exceed six square feet and bearing only the name and occupation of the resident shall be permitted.

(4) No materials or mechanical equipment shall be allowed which are detrimental to residential use of the property or adjoining residences because of vibration, noise, dust, smoke odor, interference with radio or television reception or other factors.

(5) No materials or commodities shall be delivered to or from the property, which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer not including licensed parcel service (such as, but not limited to, UPS Systems, and FedEx) or the United States Mail. All parking of allowed delivery vehicles or customer vehicles shall be in a manner and frequency as to cause no disturbance or inconvenience to nearby residents. The proposed home occupation should allow for on-site parking.

(6) Home occupations shall not include freight depots, building materials business, ice or cold storage plants, machine shop or related activities, veterinary clinics, kennels, laboratories, storage of hazardous chemicals, any processes requiring the rendering of fats or oils, animal slaughtering, concrete or redi-mix manufacture or distribution plants, wrecking yards, quarries, gravel pits, subsurface or surface mining, commercial feed lot, stock yards, railroad facilities, lumber and other wood products manufacturing, agricultural product storage and processing plants, bulk petroleum products storage and distribution or any other manufacturing process which would violate subsection (7)(a)(5) of this section.

(7) Only one person may be employed other than members of the immediate family.

(8) The home occupation shall be limited to 30 percent of the dwelling or 400 square feet, whichever is less.

COURT
EXHIBIT B
PG 3 OF 4

(9) For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

(10) Shall comply with any additional conditions of approval established by the Approval Authority under Crook County Code § 18.160.30.

(b) In exclusive farm use zones on parcels greater than 20 acres:

(1) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted within the same dwelling or in an accessory building on the same property.

(2) Structural alterations shall be allowed to accommodate the home occupation when required by law or only after the plans for such alterations have been reviewed and approved by the planning commission. Such structural alterations shall not detract from the outward appearance of the building or change the appearance of the building from a dwelling or otherwise permitted accessory building.

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(6) No more than five full-time or part-time persons may be employed.

(7) Shall not unreasonably interfere with residential uses permitted in the zone in which the property is located.

(8) For any use permitted by this section on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

(9) Shall comply with any additional conditions of approval established by the Approval Authority under Crook County Code § 18.160.30.

Case 7B
EXHIBIT

PG. 4 OF 4

SUPPLY PLANNING DEPT.
100 N. E. Third Street
Salem, OR 97354

COUNTY PLANNING DEPT.
100 N. E. Third Street
Salem, OR 97354

Attn: Plan Amendment Spec.
DLCD
635 Capitol St, NE
Suite 150
Salem OR 97301-2540

Haster
02/22/2010
US POSTAGE \$02.07
ZIP 97754
01D1161165