



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

July 1, 2010



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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment  
DLCDC File Number 005-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: July 15, 2010**

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

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

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# 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

JUN 24 2010

(See reverse side for submittal requirements)

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: CROOK COUNTY Local File No.: AM-10-0012

(If no number, use none)

Date of Adoption: JUNE 18, 2010  
(Must be filled in)

Date Mailed: June 24, 2010  
(Date mailed or sent to DLCD)

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 "See Attached."  
ELIMINATING PERSONAL BONDING AS A GUARANTEE FOR SUBDIVISION  
IMPROVEMENTS.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

N/A

Plan Map Changed from: \_\_\_\_\_ N/A \_\_\_\_\_ to \_\_\_\_\_ N/A \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ N/A \_\_\_\_\_ to \_\_\_\_\_ N/A \_\_\_\_\_

Location: \_\_\_\_\_ COUNTY-WIDE \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ N/A \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_ N/A \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 005-10 (18384) [16192]



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:

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: \_\_\_\_\_

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](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

STATE OF OREGON } SS 2010-069  
COUNTY OF CROOK }

I CERTIFY THAT THE WITHIN INSTRUMENT WAS  
RECEIVED FOR RECORD ON THE 18th DAY OF  
June, 20 10, AT 2:25 PM.

AND RECORDED IN CJRNL

RECORDS OF SAID COUNTY MF NO. 2010-069

DEANNA E. BERMAN, CROOK COUNTY CLERK

BY *Deanna E. Berman* DEPUTY *n/c*



**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 221, amending Section 17-40-090 of the Crook County Code, eliminating Personal Bonding as a guarantee for subdivision improvements and declaring an emergency

**GRANTOR: CROOK COUNTY**

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

AN ORDINANCE AMENDING SECTION 17.40.090 OF  
THE CROOK COUNTY CODE, ELIMINATING  
PERSONAL BONDING AS A GUARANTEE FOR  
SUBDIVISION IMPROVEMENTS AND DECLARING  
AN EMERGENCY

**Ordinance No. 221**  
(Amending Section 17.40.090)

WHEREAS, the County wishes to eliminate personal bonding as a guarantee for subdivision improvements in the Crook County Code; and

WHEREAS, the Crook County Court convened the Bonding Task Force Committee which recommended revising the relevant section of the Crook County Code to read as herein below set forth.

NOW, THEREFORE, this 16<sup>th</sup> day of June, 2010, the Crook County Court ordains as follows:

**SECTION ONE:** *Amendment.* Section 17.40.090 of the Crook County Code is amended to read as follows:

**17.40.090 Bond.**

(1) Type of Security. The land divider shall file with the agreement, in form acceptable to County Counsel, to assure the full and faithful performance thereof, one of the following:

(a) A surety bond executed by a surety company authorized to transact business in the state of Oregon;

(b) An irrevocable bank letter of credit issued by a federally licensed financial institution;

(c) Cash; or

(d) A bank certification letter providing assurance that funds are being held to cover the cost of improvements.

(2) Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the County as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of county inspection.

(3) Default Status. If the land divider fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the collateral for reimbursement. If the realized amount of the collateral exceeds costs and expense incurred by the County, it shall release the remainder. If the realized amount of the collateral is less than the cost and expense incurred by the County, the land divider shall be liable to the County for the difference.

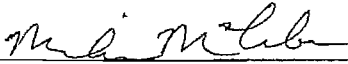
**SECTION TWO:** Emergency. This Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist, and this Ordinance shall become effective upon signing.

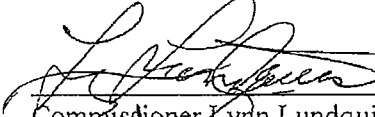
First Reading: June 16, 2010

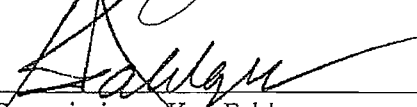
Second Reading: June 16, 2010

DATED this 16<sup>th</sup> day of June, 2010.

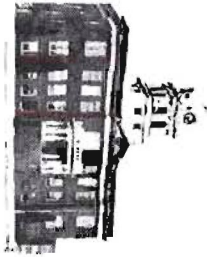
CROOK COUNTY COURT

  
\_\_\_\_\_  
Judge Mike McCabe

  
\_\_\_\_\_  
Commissioner Lynn Lundquist

  
\_\_\_\_\_  
Commissioner Ken Fahlgren





**Crook County  
Planning Department**

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

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION & DEV  
635 CAPITOL ST NE, STE 150  
SALEM OR 97301-2540

Hasler

06/24/2010

**US POSTAGE**

**\$01.90<sup>00</sup>**

FIRST-CLASS MAIL



ZIP 97754  
011D11611651