



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

07/18/2011

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 003-11

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: Friday, July 29, 2011

This amendment was submitted to DLCD for review 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 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> YA





FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**D  
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**DEPT OF**

**JUL 11 2011**

**LAND CONSERVATION AND DEVELOPMENT**

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For Office Use Only

Jurisdiction: **Crook**

Local file number: **AM-11-0028**

Date of Adoption: **7-6-2011**

Date Mailed: **7-8-2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 3-15-2011

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".  
An ordinance amending the Crook County Code Section 18.116.040 and Comprehensive Plan relating to Destination Resorts; and declaring an emergency.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved: **NA**

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 file No.** 003-11 (18753) [16704]



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

Crook County Departments

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Local Contact: **Bill Zelenka**

Phone: (541) 447-8156 Extension:

Address: 300 NE 3<sup>rd</sup> St., Rm. 11

Fax Number: 541-416-3905

City: **Prineville**

Zip: 97754

E-mail Address: [bill.zelenka@co.crook.or.us](mailto:bill.zelenka@co.crook.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS [197.615](#) and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#) ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption ([ORS 197.830 to 197.845](#) ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#) ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).





STATE OF OREGON } ss 2011075  
COUNTY OF CROOK }

I CERTIFY THAT THE WITHIN INSTRUMENT WAS  
RECEIVED FOR RECORD ON THE 06th DAY OF  
July, 2011, AT 3:00 PM.  
AND RECORDED IN C.1.R.N.T.  
RECORDS OF SAID COUNTY MF NO. 2011-075  
DEANNA E. BERMAN, CROOK COUNTY CLERK  
BY *Deanna E. Berman* DEPUTY

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

AN ORDINANCE AMENDING  
THE CROOK COUNTY CODE  
SECTION 18.116.040 AND  
COMPREHENSIVE PLAN  
RELATING TO DESTINATION  
RESORTS; AND DECLARING AN  
EMERGENCY

ORDINANCE NO. 247

WHEREAS, the Crook County Planning Commission has recommended an amendment to the current code and comprehensive plan to comply with ORS 197.445 regarding the ratio of permanent housing to overnight lodging within the destination resort overlay zone; and

WHEREAS, the proposed amendment will bring the code into conformity with current state law; and

WHEREAS, the Crook County Planning Commission held public hearings on May 25 and June 8, 2011 to receive comments and input from the general public and other agencies; and

WHEREAS, the proposed amendment is authorized by Crook County Code 18.168.

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

SECTION ONE: The Crook County Code, Title 18, Section 18.116.040(b) is amended to read:

The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodging provided under subsection (3)(a)(i) of this section; provided, however, after an applicant has constructed its first one

hundred fifty (150) permanent overnight lodging units, the County may approve a Final Development Plan modification to increase the ratio of units approved for residential sale to units of permanent overnight lodging from two to one (2:1) to two and one-half to one (2.5:1).

SECTION TWO: The Crook County Comprehensive Plan, Chapter III, "Destination Resort," Exhibit A, No. 4 is amended to read:

Accommodations available for residential use will not exceed two and one-half (2.5) such units for each unit of overnight lodging. Rentable units may be phased in with at least 75 units of overnight lodging, not including any individually owned homes, lots, or units, constructed or guaranteed through surety bonding or equivalent financial assurances prior to the closure of sale of individual lots or units. The remainder of the overnight lodging units shall be provided as individually owned lots or units subject to deed restrictions that limit their use to overnight lodging units. The deed restrictions may be rescinded when the resort has constructed the required 150 separate rentable units for overnight lodging. The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodging provided under the phased approach; provided, however, after an applicant has constructed its first one hundred fifty (150) permanent overnight lodging units, the County may approve a Final Development Plan modification to increase the ratio of units approved for residential sale to units of permanent overnight lodging from two to one (2:1) to two and one-half to one (2.5:1).

SECTION THREE: 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.

DATE of First Reading and Approval: July 6, 2011.

DATE of Second Reading and Approval: July 6, 2011.

DATED this 6 day of July, 2011

CROOK COUNTY COURT

Mike McCabe

Crook County Judge Mike McCabe

Not Available

Commissioner Ken Fahlgren

Seth Crawford

Commissioner Seth Crawford



**Crook County**  
**Planning Department**  
300 NE 3<sup>rd</sup> Street, Prineville, OR97754  
(541)447-8156  
Fax (541)416-3905  
www.co.crook.or.us

**RECOMMENDATION BY THE PLANNING COMMISSION TO THE CROOK COUNTY  
COURT REGARDING CHANGE TO COUNTY'S DESTINATION RESORT ORDINANCE**

**June 22, 2011**

**APPLICATION NO:** AM-11-0028 (Code Amendment and Comprehensive Plan Amend-  
ment)

**APPLICANT:** Brasada Ranch Development LLC  
16986 SW Brasada Ranch Road  
Powell Butte, OR 97753  
Attn: Alan Van Vliet

**ATTORNEY:** Laura Craska Cooper  
Ball Janik LLP  
15 SW Colorado Ave., Suite 3  
(541) 617-1309

**REQUEST:** A code amendment and comprehensive plan amendment as follows:

**CCC 18.116.040(b) currently reads as follows:**

The number of units approved for residential  
sale shall not be more than two units for each  
unit of permanent overnight lodging provided  
under subsection (3)(a)(i) of this section.

The applicant has requested that the 2:1 ratio be changed to a 2.5:1 ra-  
tio.

The Planning Commission recommends approval of applicant's re-  
quest with changes. Specifically, the Planning Commission recom-  
mends that the County Court amend this section to read as follows  
(new language shown in bold, underlined text):

**The number of units approved for residential  
sale shall not be more than two units for each  
unit of permanent overnight lodging provided  
under subsection (3)(a)(i) of this section; pro-  
vided, however, after an applicant has con-**

**structed its first one hundred fifty (150) permanent overnight lodging units, the County may approve a Final Development Plan modification to increase the ratio of units approved for residential sale to units of permanent overnight lodging from two to one (2:1) to two and one-half to one (2.5:1).**

Additionally, the Planning Commission recommends that Chapter III of the Crook County Comprehensive Plan be amended to correspond to the recommended code amendment. Specifically, No. 4 under Exhibit A, "Destination Resort" contains the same language as CCC 18116.040(b), and the Planning Commission recommends that it be amended to match the language above.

**DESIGNATION/ZONING:** The recommended change would apply to property in the Destination Resort overlay zone.

**NOTICE:** May 4, 2011

**RECOMMENDATION:** APPROVAL

Recommended this 22<sup>nd</sup> day of June 2011.

  
W. R. Gowen, Commission Chairman

  
Bill Zelenka, Planning Director

# Memo

**To:** Crook County Planning Commission  
**From:** Bill Zelenka  
**Date:** 7/1/2011  
**Re:** Brasada Ranch Master Plan Modification

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At the June 8, 2011 hearing the Planning Commission voted by motion to recommend a change to the Destination Resort Comprehensive Plan Text and amending the County Code Text relating to the ratio of overnight units to individual lots. That recommendation will be signed in a Final Written Document on June 22, 2011. The County Court will be hearing this matter in July.

The request before you is to amend the language in the Master Plan approval that addresses the 2 to 1 ratio. The applicant is asking for the language to read something like maintain the ratio of 2.5 to 1.

This request would be consistent with the recommendation as conditioned, requiring the mandatory 150 units to be constructed prior to being eligible for amending the ratio of 2 to 1 to 2.5 to 1.

It should be noted that the applicant states there are a total of 180 separate rentable overnight lodging units in the cabins. There are an additional 8 units in the Administration building for a total of 188. There are 454 platted individual units which if using the 2.5 to 1 ratio would need 182 units.

The request involves no changes to the total number of units, nor does it involve any changes to the maps or plats. As stated in their application, the request will allow the outstanding bond to be eliminated and money spent towards future improvements. A 2 to 1 ratio would require 227 units, meaning 45 units would need to be under the bond for construction.

If the Commission approves the request, it will not be effective until the County Court by Ordinance amends the Comprehensive Plan Text and County Code Text.





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**Crook County  
Planning Department**

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

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07/08/2011  
**US POSTAGE** \$00.  
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**DEPT OF**

**JUL 11 2011**

**LAND CONSERVATION  
AND DEVELOPMENT**

*DLCD  
Plan Amendment Spec.  
635 Capitol St., NE, Ste. 1  
Salem OR 97301-2540*

