



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

02/25/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment
DLCD File Number 003-13

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: Wednesday, March 12, 2014

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 Adams, Jefferson County
Jon Jinings, DLCD Community Services Specialist

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	003-13 (20039) [17769]
Received:	2/19/2014



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: JEFFERSON COUNTY

Local file no.: **13-PA-03**

Date of adoption: 2/12/14

Date sent: 2/13/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/8/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): BILL ADAMS

Phone: 541-475-4462

E-mail: BSBA2@BENDBROADBAND.COM

Street address: 85 SE D STREE

City: MADRAS

Zip: 97741-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|------------------------|----|--------|------------------------------------------------|
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from COMMERCIAL (CRRC) to RESIDENTIAL (CRRR) Acres: 1.91
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): 13-12-24B-4900, 5200 & 5300 Crooked River Ranch

List affected state or federal agencies, local governments and special districts: Crooked River Ranch Fire District, CRR Water, CRR Sanitary, CRR Road District

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Adopted ordinance, staff report, area map

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR
THE COUNTY OF JEFFERSON**

IN THE MATTER OF AN AMENDMENT)
TO THE JEFFERSON COUNTY)
ZONING MAP FOR PROPERTY) **Ordinance No. 0-023-14**
DESCRIBED AS T 13S R 12E SECTION 24B)
TAX LOTS 4900, 5200, and 5300)

WHEREAS, Anita J. Britton, Greg T. & Kristi Soriano, and James P. & Rose M. Walker own approximately 1.91 acres of land zoned Crooked River Ranch Commercial (CRRC) in Crooked River Ranch and consists of tax lots 4900, 5200, 5300 in T13S, R12E, Section 24B; and

WHEREAS, the owners submitted an application for a Zone Map Amendment from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR); and

WHEREAS, at a public hearing on December 12, 2013, the Jefferson County Planning Commission, having conducted a public hearing, reviewed the staff reports and application, accepted testimony and deliberated on the evidence presented therein, recommended approval of the subject Zone Map Amendment application to the County Board of Commissioners; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on January 22, 2014 and accepted testimony on the application. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the testimony and the entire record before them, the Board voted to APPROVE the application;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. **Adoption of Zoning Map Amendment**

The Zoning Map is amended to change the Zoning of property described as Assessors Map tax lots 4900, 5200 & 5300 in T13S, R12E, Section 24B and legally described as:

Lots 2, 3, & 6 of Crooked River Ranch Phase 16 Subdivision, Jefferson County Oregon

from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR). Exhibit A is the Zoning Map amendment adopted by this ordinance.

2. **Adoption of Findings**

The Zoning Map Amendment is sufficiently compliant with applicable statewide planning goals, administrative rules, Comprehensive Plan and Zoning Ordinance, as set forth in the findings of fact and conclusions set forth in the Staff Reports attached hereto as Exhibits B and C.

3. **Severability**

The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or any exhibit thereto is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

4. **Effective Date**

These amendments being necessary for immediate implementation, an emergency is declared to exist, and the specified amendments shall therefore take place and be effective on February 12, 2014.

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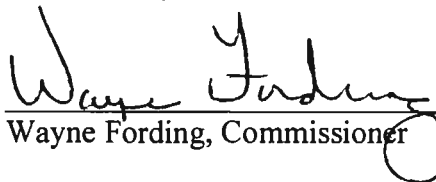
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Dated this 12th day of February, 2014.

BOARD OF COMMISSIONERS



Mike Ahern, Commission Chair



Wayne Fording, Commissioner



John Hatfield, Commissioner

Attest:


Barbara Andresen, Recording Secretary

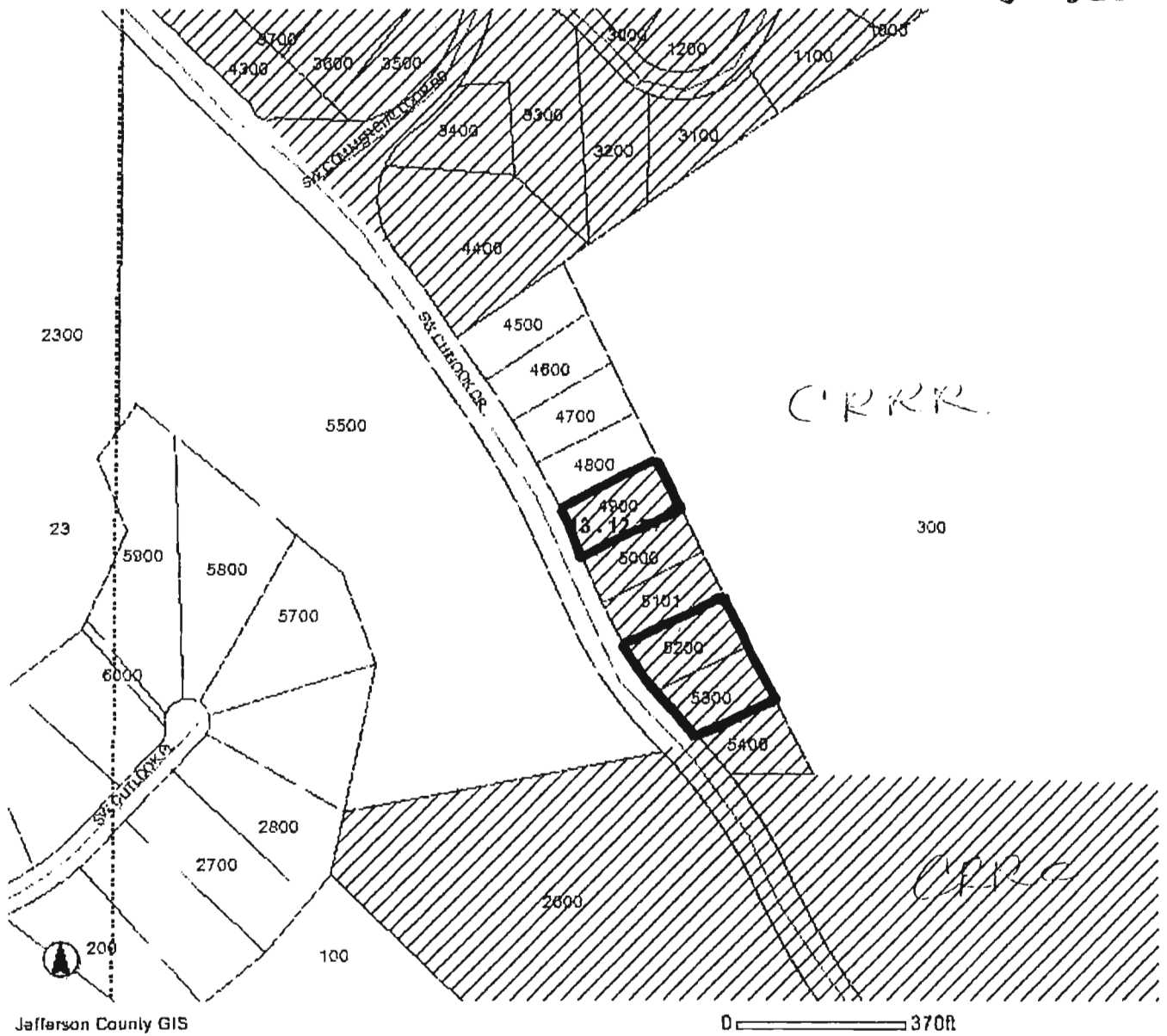
Appeal Information


Planning Casefile #13-PA-03

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: February 12, 2014

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.



 - Parcel (10000000) from Parcel 10000000 to 10000000 (10000000) - Parcel 10000000

EX. A

**Recommendation of the Planning Commission of Jefferson County
to the Jefferson County Board of Commissioners**

**In the Matter of a Post Acknowledgement)
Plan Amendment to approve amendments to)
the Jefferson County Zoning Map to re-zone) Application # 13-PA-03
three properties (13-12-24B-4900, 5200, 5300))
from Crooked River Ranch Commercial)
(CRRC) to Crooked River Ranch Residential)
(CRRR).)**

I. Background

An application for a Zoning Map amendment was filed by the owners and their agent of the three properties listed above (also known as Lots 2, 3, & 6 of Phase 16 Crooked River Ranch). The application was received on September 19, 2013 and deemed complete on October 3, 2013. The initial Planning Commission hearing scheduled for November 14, 2013 was postponed to December 12, 2013 at the request of the Board of Crooked River Ranch. The Jefferson County Planning Department and Planning Commission followed all County and State procedural requirements for this application. Everyone who requested to testify or submit comments at the December 12, 2013 hearing were heard within the procedural confines of the hearing.

II. Applicable Criteria

Jefferson County Zoning Ordinance Chapter 8 Amendments & Chapter 9 Administration and Application Review Provisions; and, Oregon Administrative Rules (OAR) 660-12-060 Transportation Planning Rule and OAR 660-15 Oregon Statewide Planning Goals.

III. Public Hearing

A public hearing was held on December 12, 2013, during which time the Planning Commission reviewed the staff reports and received oral and written testimony from the public. Written testimony that had been submitted earlier was also reviewed by the Planning Commission. At the conclusion of the December 12, 2013 hearing, the Planning Commission recommended approval of this application to the Jefferson County Board of Commissioners.

IV. Findings of Fact and Conclusion

The Jefferson County Planning Commission adopts the Findings of Fact contained Exhibit A (original Staff Report), Exhibit B (Supplemental Staff Report), and incorporates them herein by reference. The Planning Commission hereby takes note of Exhibit C (Application) and the public hearing testimony, and incorporates them herein by reference.

- Exhibit A: November 7, 2013 Staff Report (original).
Exhibit B: December 5, 2013 Supplemental Staff Report (includes public comment letters).
Exhibit C: 13-PA-03 Application for Zone Map Amendment.

V. Recommendation

The Jefferson County Planning Commission, having conducted a public hearing, reviewed the staff reports, accepted testimony, and deliberated on the evidence presented, by a vote of 3 in favor and 0 opposed hereby recommends approval of file 13-PA-03 to the Jefferson County Board of Commissioners.

Signed .
Dick Dodson, Chair, Jefferson County Planning Commission

Date 12-17-13.

JEFFERSON COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

85 S.E. "D" St., Suite A, Madras, Oregon 97741
 Ph: (541) 475-4462 FAX: (541) 325-5004

**STAFF REPORT TO PLANNING COMMISSION****CASEFILE NUMBER:** 13-PA-03**DATE SUBMITTED:** September 19, 2013**DATE STAFF
REPORT MAILED:** November 7, 2013**HEARING DATE:** November 14, 2013

**APPLICANTS/
OWNERS:** Anita J. Britton
 13300 SW River Terrace Place
 Terrebonne, Oregon 97760

Greg T. & Kristi Soriano
 2122 Marten Ave., SW
 Albany, Oregon 97321

James P. & Rose M. Walker
 14169 SW Chinook Drive
 Terrebonne, OR 97760

AGENT: David C. Allen, Attorney At Law
 212 SW Fourth, Suite 304
 Madras, Oregon 97741

REQUEST: The applicants request approval to change the zoning of the subject lots from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR).

LOCATION: The subject properties are located in the Unincorporated Community of Crooked River Ranch, adjacent to the Golf Course, along SW Chinook Drive. The subject properties are identified on Tax Map 13-12-24B as Tax Lots 4900, 5200, and 5300.

STAFF REVIEWER: Bill Adams, Planning Director**EX.C**

I. APPLICABLE CRITERIA:

- (1) Jefferson County Zoning Ordinance (JCZO);
Chapter 8; Amendments
Chapter 9, Administration and Application Review Provisions
- (2) Compliance with Oregon Administrative Rules (OAR)
 - 660-12-060, Oregon Transportation Planning Rule (TPR)
 - 660-15, Oregon Statewide Planning Goals

II. FINDINGS OF FACT:

1. **LOCATION:** The subject properties abut the northeast side of SW Chinook Drive adjacent to the Crooked River Ranch Golf Course.
2. **ZONING:** The subject lots are currently zoned Crooked River Ranch Commercial (CRRC) and is designated Unincorporated Community by the Jefferson County Comprehensive Plan map.
3. **SITE DESCRIPTION:** Staff conducted a site visit to the properties and provides the following findings based on observations made on the site, County digital aerial photographs, and information submitted by the applicant. The subject lots have direct frontage along SW Chinook Drive, a paved County Road. The topography of the lots are relatively level. The following table provides information of the subject lots comprising the subject properties:

Tax Lot, Tax Map	Property Owner(s)	Lot Size	Use of Property
4900, 13-12-24B	James & Rose Walker	0.64	Single Family Residence
5200, 13-12-24B	Greg & Kristi Soriano	0.68	Residential/Office
5300, 13-12-24B	Anita J. Britton	0.59	Vacant

According to the application Tax Lot 4900 contains a 2,192 square foot owner-occupied single-family residence and Tax Lot 5200 supports a 1,728 square foot general office building occasionally being used by the owner as a vacation home. Tax Lot 5200 contains a paved and striped parking lot and defined landscaped areas. Tax Lot 5300 is currently vacant and in a natural vegetative state.

According to the Jefferson County Comprehensive Plan Map and Zoning Map, no significant features or resources such as streams, lakes, or Areas of Special Interest exist on the subject lots.

4. **SURROUNDING ZONING AND LAND USES:** Staff conducted a site visit to the properties and provides the following findings based on observations made on the site, County digital aerial photographs, and information submitted by the applicant. Surrounding zoning designations include Crooked River Ranch Residential (CRRR) to the west and east and Crooked River Ranch Commercial (CRRC) on abutting lots to the north and south. The only exception to this is Tax lot 4900 with abuts a CRRR zoned lot to the north that was rezoned from CRRC to CRRR through a quasi-judicial zone change (09-PA-04). Approximately 1,000 feet east of the subject lots is Range Land (RL) Zoning.

To the south and east of the subject properties is the Crooked River Ranch Golf Course. To the west, across SW Chinook Drive, is a realty office, a horse riding arena and stables with a developed residential subdivision beyond that. To the northwest are lots that are both vacant and developed with uses such as a PPL substation, storage facilities, and an RV park.

5. **LOT LEGALITY:** The subject lots are part of the Crooked River Ranch Phase 16 subdivision, which was platted in 1979.

Tax Lot, Tax Map	Property Owner(s)	Subdivision Lot Number
4900, 13-12-24B	James & Rose Walker	Lot 6
5200, 13-12-24B	Greg & Kristi Soriano	Lot 3
5300, 13-12-24B	Anita J. Britton	Lot 2

6. **PUBLIC NOTICE AND COMMENTS:** On October 18, 2013, the Jefferson County Planning Division sent notices of the request to surrounding owners of record of property as shown on the most recent property tax assessment roll within 250 feet of the subject property. Various agencies were sent notices. Notice of the public hearing was published in the Madras Pioneer Newspaper on October 23, 2013. As of the date of completion of this staff report, no letters had been received from the public or public agencies regarding the proposal.
7. **BURDEN OF PROOF:** The applicant bears the burden of proof to demonstrate that the application complies with the applicable review criteria. The applicants' agent in this matter submitted a burden of proof statement that staff has made reference to for the findings in this report.

III. CONCLUSIONARY FINDINGS:

1. CONFORMANCE WITH JEFFERSON COUNTY ZONING ORDINANCE

The subject lots are located in Crooked River Ranch, adjacent to the golf course and part of the commercial/industrial area off of Commercial Loop Road. The applicants are requesting approval to rezone the property from CRRC to CRRR for residential uses. A Comprehensive Plan amendment is not required as part of the application, as the Comprehensive Plan designation will remain Unincorporated Communities. Crooked River Ranch was identified as an Unincorporated Community in 1997 by the Department of Land Conservation and Development (DLCD). Zoning regulations for Crooked River Ranch were established in 1987. Under the requirements of OAR 660-015-0000(14), exceptions to Goals 3 or 14 are not required for approval of the proposal, as the subject lots are already within a designated Unincorporated Community, and is not within an existing Rural Residential Zone. Jefferson County Zoning Ordinance (JCZO) Section 803.2 contains the approval criteria for zoning map amendments, as follows:

Jefferson County Zoning Ordinance (JCZO) Section 803.2, Map Amendments

An amendment to the Zoning Map may be approved if it complies with the approval criteria in this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (F).

A. *The zoning designation will conform to the Comprehensive Plan Map designation;*

FINDING: The Comprehensive Plan Map designation for the subject lots is currently Unincorporated Community. CRRR is an implementing zone listed under the Unincorporated Community designation in the Comprehensive Plan; therefore, the CRRR Zone designation will conform to the Comprehensive Plan Map designation.

B. *The amendment is consistent with other Zoning Ordinance requirements including, but not limited to, wildlife habitat, bird habitat and riparian protection standards;*

FINDING: Tax Lot 4900 and its single-family residential use will be brought into compliance through the Zone Change to CRRR zoning as it is currently a non-conforming use in CRRC zone. Tax Lot 5300 is vacant. Tax Lot 5200 supports a building that according to the applicants' burden of proof statement is a "1,728 square foot general office building currently being used sporadically by the owner as a vacation home". Because the CRRR zone does not provide for office uses, the office use on Tax

Lot 5200 would become a nonconforming use through the zone change. Thus, pertinent sections of JCZO Section 501-Nonconforming Uses need to be reviewed as follows:

501.1 Applicability:

This Section addresses the following types of situations:

- A. ***Nonconforming Use***
A use that was lawfully established, but is no longer allowed in the zone in which it is located.
- B. ***Nonconforming Structure***
A dwelling, other building or structure that was lawfully established, but does not comply with the current density, height, location or other standards of the zone in which it is located.
- C. ***Nonconforming Lots and Parcels***
Lots or parcels that were lawfully created, but do not meet the current minimum lot size for the zone in which they are located or that do not have frontage on a public road.

FINDING: As mentioned above, the office use on Tax Lot 5200 would become a nonconforming use under the newly applied zoning of CRRR as defined under JCZO Section 501.1 (A).

All three (3) of the subject lots are below the minimum lot size for both the existing zoning of CRRC (one acre minimum lot size) and the proposed zoning of CRRR zone (10 acre minimum lot size). However, the subdivision of which the lots were created were platted were lawfully created. Therefore, the subject lots would remain as nonconforming lots, as defined in JCZO Section 501.1 (C) above, under the CRRR zone.

501.2 Authority to Continue

The lawful use of any building, structure or land at the time of the enactment or amendment of a zoning ordinance regulation with which it does not comply may be continued. Repairs and normal maintenance required to keep a nonconforming building or structure in a safe condition, or when necessary to comply with state or local health or safety requirements, are permitted. Changes in ownership, tenancy, or management of a nonconforming use, building or structure are permitted.

FINDING: If the zone change were to be approved, any use, building or structure on the subject lots would be subject to this section as well as other applicable sections of Section 501 such as interruption or abandonment of a nonconforming use, alterations and verification of a nonconforming use.

The proposal's compliance with other applicable JCZO requirements is addressed throughout this staff report. The lots are not within a wildlife or bird habitat, or near a riparian protection area.

- C. *The amendment will cause no significant adverse impact to other properties in the vicinity due to factors such as water quality, drainage, air quality or noise;***

FINDING: The proposal will not cause a significant adverse impact to other properties in terms of water quality, drainage, air quality, or noise. In fact, by changing the zone to CRRR from CRRC, the adverse impacts related to traffic, air quality, and noise will likely be reduced, as the allowable uses in CRRR are less intensive than in CRRC. The permitted uses within the CRRC zone include retail trade, offices, and other more intensive commercial-oriented uses. In contrast, the allowable uses within the CRRR zone include uses such as one single family dwelling, a park, or a daycare, which generally produce less impact than commercial uses.

- D. *The amendment will not force a significant change in or significantly increase the cost of farming or forest practices on surrounding resource land;***

FINDING: There are no identified resource lands adjacent to or near the subject site. All lands surrounding the subject site are zoned CRRC or CRRR.

- E. *Adequate public safety, fire protection, sanitation, water and utility facilities and services are available or will be provided to serve uses allowed in the proposed zone;***

FINDING: The property is located within an area served by the Crooked River Ranch Fire Department, Jefferson County Sheriff, Crooked River Ranch Sanitary District, Pacific Power, and by the Crooked River Ranch Water Company. There are utility lines along all of the property frontages of which currently serve Tax Lots 4900 and 5200. Additionally, on-site septic systems currently serve existing uses on Tax Lots 4900 and 5200 and Tax Lot 5300 is of adequate size to accommodate a septic system. This criterion is met.

- F. *The uses allowed in the proposed zone will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:***
- 1. *Changing the functional classification of an existing or planned transportation facility;***
 - 2. *Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or***

3. ***Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (LOS C).
A Traffic Impact Study in accordance with Section 421 may be required to show compliance with this standard.***

FINDING: The property is accessed by SW Chinook Drive. SW Chinook Drive, from Mustang Road to the County line, is classified as a Major Collector in the County Transportation System Plan. Because the proposal involves downzoning, it would actually reduce the number of trips potentially generated by development under the current CRRC zoning on the transportation system. For example, in 2008 the County approved a manufacturing/industrial warehouse on nearby Business Circle Road. The parcel is located within the CRRC Zone, and it was estimated, based on the International Transportation Engineers (ITE) Manual, that the use would generate 43.5 average daily trips (ADT).

Given that the current rezoning proposal involves three (3) lots, if three (3) similar uses were constructed on the parcels under the CRRC Zone, approximately 130.5 daily trips could be generated. In comparison, the traffic generated by three (3) single family residences would result in an ADT of 28.5 (based on an ADT of 9.5 per single family residence), substantially less than a reasonable worst case scenario of trip generation under the current CRRC zoning. The proposal therefore complies with the criteria under subsection (F) above.

- G. *If the proposed amendment is for a smaller minimum lot size in an existing Rural Residential zone, the application shall meet the requirements for an exception to statewide planning Goal 14; and***

FINDING: While approval of the request will establish small lot sizes on three (3) lots - smaller than allowed within the CRRR Zone - the approval does not involve an existing Rural Residential zone, but the CRRR Zone, which implements Comprehensive Plan policies regarding Unincorporated Communities.

Further, within the CRRR Zone, the minimum lot size for new parcels is 10 acres. As discussed in previous findings, these three (3) lots have existed since 1979. Across SW Chinook Drive to the west, are parcels within the Crooked River Ranch Phase 3 subdivision that are zoned CRRR and are roughly 1.4 to 1.5 acres in size, well below the required 10 acre minimum for new parcels. The applicant is not requesting or receiving approval through this application to create new parcels; they are requesting approval for a range of less-intensive uses than allowed in the current zone.

As the proposal does not involve a request for a smaller minimum lot size within an existing Rural Residential Zone, or the creation of new lots within the CRRR zone, criterion (G) is not applicable.

- H. If the proposed amendment involves taking an exception to statewide planning Goals 3 or 4 to rezone the property from Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management to a Rural Residential zone, the minimum lot size shall be at least ten acres unless the application meets the requirements for an exception to statewide planning Goal 14 in accordance with OAR 660-004-0018.**

FINDING: The proposal involves rezoning the property from CRRC to CRRR, within an existing Unincorporated Community, and not from a resource zoning district; therefore, an exception to Goals 3 or 4 is not required as part of the application.

- I. The following criteria shall be met if the proposed amendment involves rezoning the property to Exclusive Farm Use A-2:**
- 1. The area to be rezoned is at least 500 acres and consists of lawfully created parcels;**
 - 2. At least 50 percent of each parcel proposed to be rezoned is made up of agricultural capability class VI – VIII soil;**
 - 3. The area lies east of the Crooked River, Lake Billy Chinook and the Warm Springs Indian Reservation;**
 - 4. No water rights are available to the parcels proposed to be rezoned; and**
 - 5. The area is within three miles of a school or school bus route.**

FINDING: The proposal does not involve rezoning the property to EFU A-2; therefore, the criteria under subsection (I) above are not applicable.

JCZO 906.2, Notice of Public Hearing

- A. Notice of public hearings shall be mailed to all parties listed in Section 906.1(A) and to the Oregon Department of Transportation (ODOT).**
- B. The notice shall be mailed at least twenty days prior to the hearing, or ten days before the first hearing if there will be two or more hearings.**

FINDING: Notice of the public hearing was provided to all parties in JCZO Section 906.1 (A) and the Oregon Department of Transportation. On October 18, 2013, the Jefferson County Planning Division sent notice of the November 14, 2013 Planning Commission Hearing on this matter within 250 feet of the subject property. Staff finds subsections (A) and (B) above to be satisfied.

- C. Notice of a public hearing involving a quasi-judicial land use decision shall:**

1. **Contain the items listed in Section 906.1(B) (1) through (4) or as otherwise required by law;**
 2. **List the applicable criteria that apply to the application;**
 3. **State the date, time, and location of the hearing;**
 4. **State that failure of an issue to be raised, in person or in writing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;**
 5. **State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and**
 6. **Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of hearings.**
- D. Failure of a property owner to receive the notice prescribed in this section shall not invalidate the hearing proceeding or decision provided the County can demonstrate by affidavit that notice was given.**
- E. At the County's discretion, notice of the hearing may be published in a newspaper of general circulation in the County.**

FINDING: The notice of the public hearing contained the items listed under subsections (C) and (D) above. As a courtesy, the Planning Division had notice of the public hearing published in the Madras Pioneer Newspaper on October 23, 2013.

2. CONFORMANCE WITH OREGON ADMINISTRATIVE RULES

A. THE TRANSPORTATION PLANNING RULE (TPR), OAR 660-12-060

660-012-0060, Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this

rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

FINDING: Staff finds that the Transportation Planning Rule (TPR) applies to the proposal because it proposes to amend a land use regulation in the form of a zoning map amendment resulting from a zone change. The issue presented here is whether the proposed zone change from CRRC to CRRR is a land use regulation that will "significantly affect a transportation facility" under paragraphs (a) through (d) of Subsection 2. Staff recognizes the fact that the Zone Change, in and of itself, will not create traffic impacts; however, a Zone Change creates the potential for additional impacts. Thus the potential for additional impacts should be considered and are addressed by staff below.

The proposal would actually reduce the number of trips generated by the development on the transportation system. For example, in 2008, a manufacturing/industrial warehouse approved for nearby Business Circle Road within the CRRC Zone was estimated, based on the International Transportation Engineers (ITE) Manual, to generate 43.5 average daily trips (ADT).

Given that the current rezoning proposal involves three (3) lots, if three (3) similar uses were constructed on the parcels under the CRRC Zone, approximately 130.5 daily trips could be generated. In comparison, the traffic generated by three (3) single family residences would result in an ADT of 28.5 (based on an ADT of 9.5 per single family residence), substantially less than a reasonable worst case scenario of trip generation under the current CRRC zoning.

Based on the review of the proposal against criteria from the TPR above, staff finds that the proposed Zone Change would not significantly affect an existing or planned transportation facility.

B. OAR 660-15, STATEWIDE PLANNING GOALS

The following addresses how the proposed Zone Change applies to the Statewide Planning Goals:

Goal 1 – Citizen Involvement

FINDING: Statewide planning Goal 1 requires that the County provide the opportunity for citizens to be involved in the planning process. Notice of the public hearing to consider the proposal was mailed to all property owners within 750 feet of the subject property, the Crooked River Ranch public utility agencies and Architectural Committee, and interested parties. The County also provided public notice in the newspaper of public hearings pertaining to this quasi-judicial land use action. Citizens are provided the opportunity to comment on the application in a minimum of two public hearings, one before the Planning Commission, and another before the Board of County Commissioners. Providing the opportunity for public input complies with Goal 1.

Goal 2 – Land Use Planning

FINDING: As required by Goal 2, the County has adopted criteria and procedures to evaluate and make decisions regarding land use applications. County Staff reviews applications based on established regulations and policies and then prepares detailed preliminary findings for consideration by the Planning Commission for recommendation to the Board of Commissioners. These preliminary findings will allow the County Commissioners to render a decision based on factual data. The revised Comprehensive Plan and Zoning Ordinance set out procedures and regulations for land use decision-making, in compliance with Goal 2.

Goal 3 – Agricultural Lands

FINDING: Goal 3 requires the preservation and maintenance of agricultural lands. Agricultural lands are defined as being predominantly composed of agricultural capability Class I – VI soils in eastern Oregon. The subject lots are within Crooked River Ranch, which has been designated an Unincorporated Community since 1997

and has had its own specific zoning since 1987. Within Crooked River Ranch, there are no lands identified for agricultural uses.

Goal 4 – Forest Lands

FINDING: The purpose of Goal 4 is to conserve forest land. The Comprehensive Plan does not identify the subject site as forest land. This goal does not apply.

Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources

FINDING: Per this goal, Counties are required to establish inventories and adopt protection of natural, scenic and historic areas and open spaces. The subject lots are not identified as a Goal 5 area or resource, thus Goal 5 is not applicable.

Goal 6 – Air, Water and Land Resources Quality

FINDING: Goal 6 requires that the air, water and land resources of the state be maintained or improved. The proposal will have a minimal impact on air quality, as the proposed CRRR Zone will allow less-intensive uses than is currently allowed under the CRRC Zone. Sewage disposal will be accommodated through on-site septic systems, which must meet Department of Environmental Quality (DEQ) requirements. Public sewer cannot be extended to serve land outside the urban growth boundary, and a community sewer system is not allowed. There are no streams or other water resources in the vicinity that would be adversely affected by the proposed rezone. Approval of the Zone Change will not adversely affect air, water and land resources in applicable air sheds and river basins. This goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

FINDING: It is the intent of Statewide Planning Goal 7 to protect people and property from the dangers of natural disasters. The property is not subject to any significant natural hazards, including those under Goal 7. There are no known geologic faults in the County, and the earthquake hazard is considered to be moderate. There is no designation of the subject site that makes the property more of a hazard than other properties in the vicinity. This goal is met.

Goal 8 – Recreational Needs

FINDING: The subject lots are not designated for recreational purposes (bike or pedestrian trail, park) nor has the site been identified for a destination resort development. The property is not needed to meet the recreational needs of the citizens of the county, so the proposal does not conflict with Goal 8. This goal does not apply.

Goal 9 – Economic Development

FINDING: Goal 9 requires jurisdictions to provide adequate opportunities for economic development. While approval of the proposal will remove approximately 1.91 acres from potential commercial or industrial development, there are roughly 48 undeveloped commercial lots out of 51 total lots within the Crooked River Ranch Phase 16 subdivision according to the applicant. This goal is met.

Goal 10 – Housing

FINDING: Goal 10 requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. The subject lots are within an Unincorporated Community, and according to the Jefferson County Comprehensive Plan, Crooked River Ranch contains 2,642 residential lots, with 75 percent being developed. According to the applicant's submittal, recent market analyses indicate a greater demand for residential lots, particularly those located along a golf course.

Goal 11 – Public Facilities and Services

FINDING: Goal 11 requires cities to plan and develop in a timely, orderly and efficient manner, with public facilities and services to serve as a framework for urban and rural development. Goal 11 requires that cities or counties develop a public facility plan for areas within a UGB containing a population greater than 2,500. The lots are not within a UGB, therefore Goal 11 is not applicable.

Goal 12 – Transportation

FINDING: Goal 12 requires local governments to provide a 'safe, convenient and economic transportation system.' This goal is implemented through the County's Transportation System Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a Zone Change to demonstrate that the proposed change will not significantly affect a transportation facility.

Compliance with the TPR was demonstrated above in staff's findings in response to OAR 660-12-060, thus, staff finds this goal to be met.

Goal 13 – Energy Conservation

FINDING: Goal 13 requires local governments to consider the conservation of all energy types when developing land use plans. Goal 13 is not applicable to this request.

Goal 14 – Urbanization

FINDING: Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries while ensuring the efficient use of land. The subject lots are located outside of an Urban Growth Boundary, but within an Unincorporated Community. The proposed zone change will facilitate development that will use existing public facilities and services. The proposal is consistent with the requirements of Goal 14 with respect to the Unincorporated Communities provisions. This goal is met.

Goal 15 – Willamette River Greenway

FINDING: The subject lots are not located within the Willamette River Greenway. This goal does not apply.

Goal 16 – Estuarine Resources

FINDING: The subject lots do not contain estuary or wetland areas. This goal does not apply.

Goal 17 – Coastal Shorelands

FINDING: The subject lots do not contain nor are they near coastal shorelands. This goal does not apply.

Goal 18 – Beaches and Dunes

FINDING: The subject lots do not contain nor are they near beaches or dunes. This goal does not apply.

Goal 19 – Ocean Resources

FINDING: The subject lots are not in the vicinity of ocean resources and will therefore not have an impact on ocean resources. This goal does not apply.

IV. RECOMMENDATION AND CONCLUSION:**CONCLUSION:**

Staff finds the applicant has effectively demonstrated compliance with applicable sections of the Jefferson County Zoning Ordinance and Oregon Administrative Rules for the proposed Zone Change. The applicant has also demonstrated that the proposed

zone change to CRRR is warranted and that it is more compatible with surrounding uses than the CRRC Zone designation.

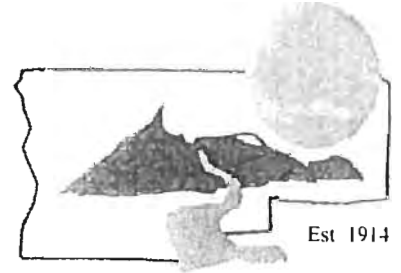
The application for a zone change from CRRC to CRRR, a request to change the zoning for three (3) lots located at along SW Chinook Drive in Crooked River Ranch from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR), complies with the criteria of approval in Chapter 8 of the JCZO, the Transportation Planning Rule and the Statewide Planning Goals.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of Case file 13-PA-03, an application to rezone tax lots 4900, 5200 and 5300 on Tax Map 13-12-24B from CRRC to CRRR.

JEFFERSON COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT



85 S.E. "D" St., Suite A, Madras, Oregon 97741
 Ph: (541) 475-4462 FAX: (541) 325-5004

STAFF REPORT TO PLANNING COMMISSION

CASEFILE NUMBER: 13-PA-03

DATE SUBMITTED: September 19, 2013

DATE STAFF REPORT MAILED: November 7, 2013

HEARING DATE: November 14, 2013

APPLICANTS/ OWNERS:

Anita J. Britton
 13300 SW River Terrace Place
 Terrebonne, Oregon 97760

Greg T. & Kristi Soriano
 2122 Marten Ave., SW
 Albany, Oregon 97321

James P. & Rose M. Walker
 14169 SW Chinook Drive
 Terrebonne, OR 97760

AGENT: David C. Allen, Attorney At Law
 212 SW Fourth, Suite 304
 Madras, Oregon 97741

REQUEST: The applicants request approval to change the zoning of the subject lots from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR).

LOCATION: The subject properties are located in the Unincorporated Community of Crooked River Ranch, adjacent to the Golf Course, along SW Chinook Drive. The subject properties are identified on Tax Map 13-12-24B as Tax Lots 4900, 5200, and 5300.

STAFF REVIEWER: Bill Adams, Planning Director

EX.C

I. APPLICABLE CRITERIA:

- (1) Jefferson County Zoning Ordinance (JCZO);
Chapter 8; Amendments
Chapter 9, Administration and Application Review Provisions
- (2) Compliance with Oregon Administrative Rules (OAR)
 - 660-12-060, Oregon Transportation Planning Rule (TPR)
 - 660-15, Oregon Statewide Planning Goals

II. FINDINGS OF FACT:

1. **LOCATION:** The subject properties abut the northeast side of SW Chinook Drive adjacent to the Crooked River Ranch Golf Course.
2. **ZONING:** The subject lots are currently zoned Crooked River Ranch Commercial (CRRC) and is designated Unincorporated Community by the Jefferson County Comprehensive Plan map.
3. **SITE DESCRIPTION:** Staff conducted a site visit to the properties and provides the following findings based on observations made on the site, County digital aerial photographs, and information submitted by the applicant. The subject lots have direct frontage along SW Chinook Drive, a paved County Road. The topography of the lots are relatively level. The following table provides information of the subject lots comprising the subject properties:

Tax Lot, Tax Map	Property Owner(s)	Lot Size	Use of Property
4900, 13-12-24B	James & Rose Walker	0.64	Single Family Residence
5200, 13-12-24B	Greg & Kristi Soriano	0.68	Residential/Office
5300, 13-12-24B	Anita J. Britton	0.59	Vacant

According to the application Tax Lot 4900 contains a 2,192 square foot owner-occupied single-family residence and Tax Lot 5200 supports a 1,728 square foot general office building occasionally being used by the owner as a vacation home. Tax Lot 5200 contains a paved and striped parking lot and defined landscaped areas. Tax Lot 5300 is currently vacant and in a natural vegetative state.

According to the Jefferson County Comprehensive Plan Map and Zoning Map, no significant features or resources such as streams, lakes, or Areas of Special Interest exist on the subject lots.

4. **SURROUNDING ZONING AND LAND USES:** Staff conducted a site visit to the properties and provides the following findings based on observations made on the site, County digital aerial photographs, and information submitted by the applicant. Surrounding zoning designations include Crooked River Ranch Residential (CRRR) to the west and east and Crooked River Ranch Commercial (CRRC) on abutting lots to the north and south. The only exception to this is Tax lot 4900 with abuts a CRRR zoned lot to the north that was rezoned from CRRC to CRRR through a quasi-judicial zone change (09-PA-04). Approximately 1,000 feet east of the subject lots is Range Land (RL) Zoning.

To the south and east of the subject properties is the Crooked River Ranch Golf Course. To the west, across SW Chinook Drive, is a realty office, a horse riding arena and stables with a developed residential subdivision beyond that. To the northwest are lots that are both vacant and developed with uses such as a PPL substation, storage facilities, and an RV park.

5. **LOT LEGALITY:** The subject lots are part of the Crooked River Ranch Phase 16 subdivision, which was platted in 1979.

Tax Lot, Tax Map	Property Owner(s)	Subdivision Lot Number
4900, 13-12-24B	James & Rose Walker	Lot 6
5200, 13-12-24B	Greg & Kristi Soriano	Lot 3
5300, 13-12-24B	Anita J. Britton	Lot 2

6. **PUBLIC NOTICE AND COMMENTS:** On October 18, 2013, the Jefferson County Planning Division sent notices of the request to surrounding owners of record of property as shown on the most recent property tax assessment roll within 250 feet of the subject property. Various agencies were sent notices. Notice of the public hearing was published in the Madras Pioneer Newspaper on October 23, 2013. As of the date of completion of this staff report, no letters had been received from the public or public agencies regarding the proposal.
7. **BURDEN OF PROOF:** The applicant bears the burden of proof to demonstrate that the application complies with the applicable review criteria. The applicants' agent in this matter submitted a burden of proof statement that staff has made reference to for the findings in this report.

III. CONCLUSIONARY FINDINGS:

1. CONFORMANCE WITH JEFFERSON COUNTY ZONING ORDINANCE

The subject lots are located in Crooked River Ranch, adjacent to the golf course and part of the commercial/industrial area off of Commercial Loop Road. The applicants are requesting approval to rezone the property from CRRC to CRRR for residential uses. A Comprehensive Plan amendment is not required as part of the application, as the Comprehensive Plan designation will remain Unincorporated Communities. Crooked River Ranch was identified as an Unincorporated Community in 1997 by the Department of Land Conservation and Development (DLCD). Zoning regulations for Crooked River Ranch were established in 1987. Under the requirements of OAR 660-015-0000(14), exceptions to Goals 3 or 14 are not required for approval of the proposal, as the subject lots are already within a designated Unincorporated Community, and is not within an existing Rural Residential Zone. Jefferson County Zoning Ordinance (JCZO) Section 803.2 contains the approval criteria for zoning map amendments, as follows:

Jefferson County Zoning Ordinance (JCZO) Section 803.2, Map Amendments

An amendment to the Zoning Map may be approved if it complies with the approval criteria in this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (F).

A. *The zoning designation will conform to the Comprehensive Plan Map designation;*

FINDING: The Comprehensive Plan Map designation for the subject lots is currently Unincorporated Community. CRRR is an implementing zone listed under the Unincorporated Community designation in the Comprehensive Plan; therefore, the CRRR Zone designation will conform to the Comprehensive Plan Map designation.

B. *The amendment is consistent with other Zoning Ordinance requirements including, but not limited to, wildlife habitat, bird habitat and riparian protection standards;*

FINDING: Tax Lot 4900 and its single-family residential use will be brought into compliance through the Zone Change to CRRR zoning as it is currently a non-conforming use in CRRC zone. Tax Lot 5300 is vacant. Tax Lot 5200 supports a building that according to the applicants' burden of proof statement is a "1,728 square foot general office building currently being used sporadically by the owner as a vacation home". Because the CRRR zone does not provide for office uses, the office use on Tax

Lot 5200 would become a nonconforming use through the zone change. Thus, pertinent sections of JCZO Section 501-Nonconforming Uses need to be reviewed as follows:

501.1 Applicability:

This Section addresses the following types of situations:

- A. ***Nonconforming Use***
A use that was lawfully established, but is no longer allowed in the zone in which it is located.
- B. ***Nonconforming Structure***
A dwelling, other building or structure that was lawfully established, but does not comply with the current density, height, location or other standards of the zone in which it is located.
- C. ***Nonconforming Lots and Parcels***
Lots or parcels that were lawfully created, but do not meet the current minimum lot size for the zone in which they are located or that do not have frontage on a public road.

FINDING: As mentioned above, the office use on Tax Lot 5200 would become a nonconforming use under the newly applied zoning of CRRR as defined under JCZO Section 501.1 (A).

All three (3) of the subject lots are below the minimum lot size for both the existing zoning of CRRR (one acre minimum lot size) and the proposed zoning of CRRR zone (10 acre minimum lot size). However, the subdivision of which the lots were created were platted were lawfully created. Therefore, the subject lots would remain as nonconforming lots, as defined in JCZO Section 501.1 (C) above, under the CRRR zone.

501.2 Authority to Continue

The lawful use of any building, structure or land at the time of the enactment or amendment of a zoning ordinance regulation with which it does not comply may be continued. Repairs and normal maintenance required to keep a nonconforming building or structure in a safe condition, or when necessary to comply with state or local health or safety requirements, are permitted. Changes in ownership, tenancy, or management of a nonconforming use, building or structure are permitted.

FINDING: If the zone change were to be approved, any use, building or structure on the subject lots would be subject to this section as well as other applicable sections of Section 501 such as interruption or abandonment of a nonconforming use, alterations and verification of a nonconforming use.

The proposal's compliance with other applicable JCZO requirements is addressed throughout this staff report. The lots are not within a wildlife or bird habitat, or near a riparian protection area.

- C. *The amendment will cause no significant adverse impact to other properties in the vicinity due to factors such as water quality, drainage, air quality or noise;***

FINDING: The proposal will not cause a significant adverse impact to other properties in terms of water quality, drainage, air quality, or noise. In fact, by changing the zone to CRRR from CRRC, the adverse impacts related to traffic, air quality, and noise will likely be reduced, as the allowable uses in CRRR are less intensive than in CRRC. The permitted uses within the CRRC zone include retail trade, offices, and other more intensive commercial-oriented uses. In contrast, the allowable uses within the CRRR zone include uses such as one single family dwelling, a park, or a daycare, which generally produce less impact than commercial uses.

- D. *The amendment will not force a significant change in or significantly increase the cost of farming or forest practices on surrounding resource land;***

FINDING: There are no identified resource lands adjacent to or near the subject site. All lands surrounding the subject site are zoned CRRC or CRRR.

- E. *Adequate public safety, fire protection, sanitation, water and utility facilities and services are available or will be provided to serve uses allowed in the proposed zone;***

FINDING: The property is located within an area served by the Crooked River Ranch Fire Department, Jefferson County Sheriff, Crooked River Ranch Sanitary District, Pacific Power, and by the Crooked River Ranch Water Company. There are utility lines along all of the property frontages of which currently serve Tax Lots 4900 and 5200. Additionally, on-site septic systems currently serve existing uses on Tax Lots 4900 and 5200 and Tax Lot 5300 is of adequate size to accommodate a septic system. This criterion is met.

- F. *The uses allowed in the proposed zone will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:***
- 1. *Changing the functional classification of an existing or planned transportation facility;***
 - 2. *Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or***

3. ***Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (LOS C).
A Traffic Impact Study in accordance with Section 421 may be required to show compliance with this standard.***

FINDING: The property is accessed by SW Chinook Drive. SW Chinook Drive, from Mustang Road to the County line, is classified as a Major Collector in the County Transportation System Plan. Because the proposal involves downzoning, it would actually reduce the number of trips potentially generated by development under the current CRRC zoning on the transportation system. For example, in 2008 the County approved a manufacturing/industrial warehouse on nearby Business Circle Road. The parcel is located within the CRRC Zone, and it was estimated, based on the International Transportation Engineers (ITE) Manual, that the use would generate 43.5 average daily trips (ADT).

Given that the current rezoning proposal involves three (3) lots, if three (3) similar uses were constructed on the parcels under the CRRC Zone, approximately 130.5 daily trips could be generated. In comparison, the traffic generated by three (3) single family residences would result in an ADT of 28.5 (based on an ADT of 9.5 per single family residence), substantially less than a reasonable worst case scenario of trip generation under the current CRRC zoning. The proposal therefore complies with the criteria under subsection (F) above.

- G. *If the proposed amendment is for a smaller minimum lot size in an existing Rural Residential zone, the application shall meet the requirements for an exception to statewide planning Goal 14; and***

FINDING: While approval of the request will establish small lot sizes on three (3) lots - smaller than allowed within the CRRR Zone - the approval does not involve an existing Rural Residential zone, but the CRRR Zone, which implements Comprehensive Plan policies regarding Unincorporated Communities.

Further, within the CRRR Zone, the minimum lot size for new parcels is 10 acres. As discussed in previous findings, these three (3) lots have existed since 1979. Across SW Chinook Drive to the west, are parcels within the Crooked River Ranch Phase 3 subdivision that are zoned CRRR and are roughly 1.4 to 1.5 acres in size, well below the required 10 acre minimum for new parcels. The applicant is not requesting or receiving approval through this application to create new parcels; they are requesting approval for a range of less-intensive uses than allowed in the current zone.

As the proposal does not involve a request for a smaller minimum lot size within an existing Rural Residential Zone, or the creation of new lots within the CRRR zone, criterion (G) is not applicable.

- H. If the proposed amendment involves taking an exception to statewide planning Goals 3 or 4 to rezone the property from Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management to a Rural Residential zone, the minimum lot size shall be at least ten acres unless the application meets the requirements for an exception to statewide planning Goal 14 in accordance with OAR 660-004-0018.**

FINDING: The proposal involves rezoning the property from CRRC to CRRR, within an existing Unincorporated Community, and not from a resource zoning district; therefore, an exception to Goals 3 or 4 is not required as part of the application.

- I. The following criteria shall be met if the proposed amendment involves rezoning the property to Exclusive Farm Use A-2:**
- 1. The area to be rezoned is at least 500 acres and consists of lawfully created parcels;**
 - 2. At least 50 percent of each parcel proposed to be rezoned is made up of agricultural capability class VI – VIII soil;**
 - 3. The area lies east of the Crooked River, Lake Billy Chinook and the Warm Springs Indian Reservation;**
 - 4. No water rights are available to the parcels proposed to be rezoned; and**
 - 5. The area is within three miles of a school or school bus route.**

FINDING: The proposal does not involve rezoning the property to EFU A-2; therefore, the criteria under subsection (I) above are not applicable.

JCZO 906.2, Notice of Public Hearing

- A. Notice of public hearings shall be mailed to all parties listed in Section 906.1(A) and to the Oregon Department of Transportation (ODOT).**
- B. The notice shall be mailed at least twenty days prior to the hearing, or ten days before the first hearing if there will be two or more hearings.**

FINDING: Notice of the public hearing was provided to all parties in JCZO Section 906.1 (A) and the Oregon Department of Transportation. On October 18, 2013, the Jefferson County Planning Division sent notice of the November 14, 2013 Planning Commission Hearing on this matter within 250 feet of the subject property. Staff finds subsections (A) and (B) above to be satisfied.

- C. Notice of a public hearing involving a quasi-judicial land use decision shall:**

1. ***Contain the items listed in Section 906.1(B) (1) through (4) or as otherwise required by law;***
 2. ***List the applicable criteria that apply to the application;***
 3. ***State the date, time, and location of the hearing;***
 4. ***State that failure of an issue to be raised, in person or in writing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;***
 5. ***State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and***
 6. ***Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of hearings.***
- D. *Failure of a property owner to receive the notice prescribed in this section shall not invalidate the hearing proceeding or decision provided the County can demonstrate by affidavit that notice was given.***
- E. *At the County's discretion, notice of the hearing may be published in a newspaper of general circulation in the County.***

FINDING: The notice of the public hearing contained the items listed under subsections (C) and (D) above. As a courtesy, the Planning Division had notice of the public hearing published in the Madras Pioneer Newspaper on October 23, 2013.

2. CONFORMANCE WITH OREGON ADMINISTRATIVE RULES

A. THE TRANSPORTATION PLANNING RULE (TPR), OAR 660-12-060

660-012-0060, Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this

rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

FINDING: Staff finds that the Transportation Planning Rule (TPR) applies to the proposal because it proposes to amend a land use regulation in the form of a zoning map amendment resulting from a zone change. The issue presented here is whether the proposed zone change from CRRC to CRRR is a land use regulation that will "significantly affect a transportation facility" under paragraphs (a) through (d) of Subsection 2. Staff recognizes the fact that the Zone Change, in and of itself, will not create traffic impacts; however, a Zone Change creates the potential for additional impacts. Thus the potential for additional impacts should be considered and are addressed by staff below.

The proposal would actually reduce the number of trips generated by the development on the transportation system. For example, in 2008, a manufacturing/industrial warehouse approved for nearby Business Circle Road within the CRRC Zone was estimated, based on the International Transportation Engineers (ITE) Manual, to generate 43.5 average daily trips (ADT).

Given that the current rezoning proposal involves three (3) lots, if three (3) similar uses were constructed on the parcels under the CRRC Zone, approximately 130.5 daily trips could be generated. In comparison, the traffic generated by three (3) single family residences would result in an ADT of 28.5 (based on an ADT of 9.5 per single family residence), substantially less than a reasonable worst case scenario of trip generation under the current CRRC zoning.

Based on the review of the proposal against criteria from the TPR above, staff finds that the proposed Zone Change would not significantly affect an existing or planned transportation facility.

B. OAR 660-15, STATEWIDE PLANNING GOALS

The following addresses how the proposed Zone Change applies to the Statewide Planning Goals:

Goal 1 – Citizen Involvement

FINDING: Statewide planning Goal 1 requires that the County provide the opportunity for citizens to be involved in the planning process. Notice of the public hearing to consider the proposal was mailed to all property owners within 750 feet of the subject property, the Crooked River Ranch public utility agencies and Architectural Committee, and interested parties. The County also provided public notice in the newspaper of public hearings pertaining to this quasi-judicial land use action. Citizens are provided the opportunity to comment on the application in a minimum of two public hearings, one before the Planning Commission, and another before the Board of County Commissioners. Providing the opportunity for public input complies with Goal 1.

Goal 2 – Land Use Planning

FINDING: As required by Goal 2, the County has adopted criteria and procedures to evaluate and make decisions regarding land use applications. County Staff reviews applications based on established regulations and policies and then prepares detailed preliminary findings for consideration by the Planning Commission for recommendation to the Board of Commissioners. These preliminary findings will allow the County Commissioners to render a decision based on factual data. The revised Comprehensive Plan and Zoning Ordinance set out procedures and regulations for land use decision-making, in compliance with Goal 2.

Goal 3 – Agricultural Lands

FINDING: Goal 3 requires the preservation and maintenance of agricultural lands. Agricultural lands are defined as being predominantly composed of agricultural capability Class I – VI soils in eastern Oregon. The subject lots are within Crooked River Ranch, which has been designated an Unincorporated Community since 1997

and has had its own specific zoning since 1987. Within Crooked River Ranch, there are no lands identified for agricultural uses.

Goal 4 – Forest Lands

FINDING: The purpose of Goal 4 is to conserve forest land. The Comprehensive Plan does not identify the subject site as forest land. This goal does not apply.

Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources

FINDING: Per this goal, Counties are required to establish inventories and adopt protection of natural, scenic and historic areas and open spaces. The subject lots are not identified as a Goal 5 area or resource, thus Goal 5 is not applicable.

Goal 6 – Air, Water and Land Resources Quality

FINDING: Goal 6 requires that the air, water and land resources of the state be maintained or improved. The proposal will have a minimal impact on air quality, as the proposed CRRR Zone will allow less-intensive uses than is currently allowed under the CRRR Zone. Sewage disposal will be accommodated through on-site septic systems, which must meet Department of Environmental Quality (DEQ) requirements. Public sewer cannot be extended to serve land outside the urban growth boundary, and a community sewer system is not allowed. There are no streams or other water resources in the vicinity that would be adversely affected by the proposed rezone. Approval of the Zone Change will not adversely affect air, water and land resources in applicable air sheds and river basins. This goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

FINDING: It is the intent of Statewide Planning Goal 7 to protect people and property from the dangers of natural disasters. The property is not subject to any significant natural hazards, including those under Goal 7. There are no known geologic faults in the County, and the earthquake hazard is considered to be moderate. There is no designation of the subject site that makes the property more of a hazard than other properties in the vicinity. This goal is met.

Goal 8 – Recreational Needs

FINDING: The subject lots are not designated for recreational purposes (bike or pedestrian trail, park) nor has the site been identified for a destination resort development. The property is not needed to meet the recreational needs of the citizens of the county, so the proposal does not conflict with Goal 8. This goal does not apply.

Goal 9 – Economic Development

FINDING: Goal 9 requires jurisdictions to provide adequate opportunities for economic development. While approval of the proposal will remove approximately 1.91 acres from potential commercial or industrial development, there are roughly 48 undeveloped commercial lots out of 51 total lots within the Crooked River Ranch Phase 16 subdivision according to the applicant. This goal is met.

Goal 10 – Housing

FINDING: Goal 10 requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. The subject lots are within an Unincorporated Community, and according to the Jefferson County Comprehensive Plan, Crooked River Ranch contains 2,642 residential lots, with 75 percent being developed. According to the applicant's submittal, recent market analyses indicate a greater demand for residential lots, particularly those located along a golf course.

Goal 11 – Public Facilities and Services

FINDING: Goal 11 requires cities to plan and develop in a timely, orderly and efficient manner, with public facilities and services to serve as a framework for urban and rural development. Goal 11 requires that cities or counties develop a public facility plan for areas within a UGB containing a population greater than 2,500. The lots are not within a UGB, therefore Goal 11 is not applicable.

Goal 12 – Transportation

FINDING: Goal 12 requires local governments to provide a 'safe, convenient and economic transportation system.' This goal is implemented through the County's Transportation System Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a Zone Change to demonstrate that the proposed change will not significantly affect a transportation facility.

Compliance with the TPR was demonstrated above in staff's findings in response to OAR 660-12-060, thus, staff finds this goal to be met.

Goal 13 – Energy Conservation

FINDING: Goal 13 requires local governments to consider the conservation of all energy types when developing land use plans. Goal 13 is not applicable to this request.

Goal 14 – Urbanization

FINDING: Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries while ensuring the efficient use of land. The subject lots are located outside of an Urban Growth Boundary, but within an Unincorporated Community. The proposed zone change will facilitate development that will use existing public facilities and services. The proposal is consistent with the requirements of Goal 14 with respect to the Unincorporated Communities provisions. This goal is met.

Goal 15 – Willamette River Greenway

FINDING: The subject lots are not located within the Willamette River Greenway. This goal does not apply.

Goal 16 – Estuarine Resources

FINDING: The subject lots do not contain estuary or wetland areas. This goal does not apply.

Goal 17 – Coastal Shorelands

FINDING: The subject lots do not contain nor are they near coastal shorelands. This goal does not apply.

Goal 18 – Beaches and Dunes

FINDING: The subject lots do not contain nor are they near beaches or dunes. This goal does not apply.

Goal 19 – Ocean Resources

FINDING: The subject lots are not in the vicinity of ocean resources and will therefore not have an impact on ocean resources. This goal does not apply.

IV. RECOMMENDATION AND CONCLUSION:**CONCLUSION:**

Staff finds the applicant has effectively demonstrated compliance with applicable sections of the Jefferson County Zoning Ordinance and Oregon Administrative Rules for the proposed Zone Change. The applicant has also demonstrated that the proposed

zone change to CRRR is warranted and that it is more compatible with surrounding uses than the CRRC Zone designation.

The application for a zone change from CRRC to CRRR, a request to change the zoning for three (3) lots located at along SW Chinook Drive in Crooked River Ranch from Crooked River Ranch Commercial (CRRC) to Crooked River Ranch Residential (CRRR), complies with the criteria of approval in Chapter 8 of the JCZO, the Transportation Planning Rule and the Statewide Planning Goals.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of Case file 13-PA-03, an application to rezone tax lots 4900, 5200 and 5300 on Tax Map 13-12-24B from CRRC to CRRR.