



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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

Date: October 20, 2015
Jurisdiction: Crook County
Local file no.: 217-15-000123 PLNG
DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/19/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE
File No.: 003-15
{ 23814 }
Received: 10/19/2015

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: Crook County

Local file no.: 217-15-000123-PLNG

Date of adoption: 10/1/2015

Date sent: 10/19/2014

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): May 20, 2015

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:

Modify language to make sign requirements consistent across zones. Accept edits from county counsel. Modify 18.28 to delete reference to old forest practices act language and incorporate state administrative rule language re: large lot forest dwellings. Effective date of ordinance 11/7/2015

Local contact (name and title): Ann Beier

Phone: 541-447-8156

E-mail: ann.beier@co.crook.or.us

Street address: 300 NE 3rd Street

City: Prineville

Zip: 97754-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text: N/A

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

Not applicable

For a change to a comprehensive plan map: N/A

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

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

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

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. *N/A*

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. *N/A*

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:

17.40 (Subdivision) 18.08 Definitions 18.12, 18.16; 18.20; 18.24; 18.28; 18.32; 18.36; 18.40; 18.44; 18.60; 18.64; 18.72 and 18.76; 18.124 and 18.132

For a change to a zoning map:

Identify the former and new base zone designations and the area affected: *N/A*

Change from to Acres:
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): *County-wide application*

List affected state or federal agencies, local governments and special districts: Notice provided to the following agencies: OR Dept. of Land Conservation & Development; OR Dept. of Fish & Wildlife; Crook County Road Dept.; Crook County Fire & Rescue; Crook County Assessors; OR Dept. of Env. Quality; City of Prineville; OR Dept of Transportation; OR Dept. of Forestry

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.

These documents summarize the changes: June 3, 2015 memo to Crook County Planning Commission
July 2, 2015 staff report for Planning Commission



I, Cheryl Suley, County Clerk for Crook County,
Oregon, certify that the instrument identified
herein was recorded in the Clerk's records.
Cheryl Suley - County Clerk



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

AFTER RECORDING RETURN TO:

CLERK'S VAULT

NAME OF TRANSACTION:

Ordinance No. 280

**An Ordinance amending
multiple chapters of Title 18
and Chapter 17.40 of the Crook
County Code, and declaring an
emergency**

GRANTOR: CROOK COUNTY

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

AN ORDINANCE AMENDING MULTIPLE
CHAPTERS OF TITLE 18 AND CHAPTER
17.40 OF THE CROOK COUNTY CODE,
AND DECLARING AN EMERGENCY

Ordinance No. 280

WHEREAS, the Crook County Planning Commission held work sessions on the proposed code amendments from January through June, 2015 and held a public hearing on proposed changes on July 8, 2015; and

WHEREAS, the Crook County Planning Commission has recommended that the Crook County Code Title 18 be amended to make Code provisions internally consistent, consistent with State Law and to clarify existing language and make the intent clearer to the public; and

WHEREAS, amendment to the code is authorized by Crook County Code Chapter 18.168 and the Comprehensive Plan of Crook County; and

WHEREAS, amendment to Crook County Code Chapter 17.40 (Improvements) is recommended by the Crook County Counsel office and the Crook County Community Development Department.

NOW, THEREFORE, the Crook County Court adopts the recitals above, and ordains as follows:

SECTION ONE: Crook County Code, Chapter 18.08 (Definitions) is amended to read as depicted in the attached Exhibit A, with additions underlined and deletions ~~struck-through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION TWO: Crook County Code, Chapter 18.12 (Establishment of Zones, Boundaries) is amended to read as depicted in the attached Exhibit B, with additions underlined and deletions ~~struck-through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION THREE: Crook County Code, Chapter 18.16 (Exclusive Farm Use - 1) is amended to read as depicted in the attached Exhibit C, with additions underlined and deletions ~~struck-through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION FOUR: Crook County Code, Chapter 18.20 (Exclusive Farm Use - 2) is amended to read as depicted in the attached Exhibit D, with additions underlined and deletions ~~struck-through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION FIVE: Crook County Code, Chapter 18.24 (Exclusive Farm Use – 3) is amended to read as depicted in the attached Exhibit E, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION SIX: Crook County Code, Chapter 18.28 (Forest Zone) is amended to read as depicted in the attached Exhibit F, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION SEVEN: Crook County Code, Chapter 18.32 (Rural Service Center) is amended to read as depicted in the attached Exhibit G, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION EIGHT: Crook County Code, Chapter 18.36 (Park Reserve) is amended to read as depicted in the attached Exhibit H, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION NINE: Crook County Code, Chapter 18.44 (Recreation Residential 1 and 5) is amended to read as depicted in the attached Exhibit I, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION TEN: Crook County Code, Chapter 18.56 (Limited Commercial) is amended to read as depicted in the attached Exhibit J, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION ELEVEN: Crook County Code, Chapter 18.60 (Neighborhood Commercial) is amended to read as depicted in the attached Exhibit K, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION TWELVE: Crook County Code, Chapter 18.64 (Recreation Commercial) is amended to read as depicted in the attached Exhibit L, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.

SECTION THIRTEEN: Crook County Code, Chapter 18.72 (Heavy Industrial) is amended to read as depicted in the attached Exhibit M, with additions underlined and deletions ~~struck through~~, but not including editorial comments written in CAPITALS and highlighted yellow.



Crook County

Community Development Department

Planning Division

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June 3, 2015

TO: Crook County Planning Commission

FROM: Ann Beier, Assistant Planning Director 

SUBJECT: Proposed Code Updates

I have sent in the 35 day notice to the Oregon Department of Land Conservation and Development to let them know that we will be holding our first hearing on updates to Crook County Code Title 18 – zoning on June 24, 2015.

The draft text language is attached as Exhibit A. It reflects changes we've discussed in work sessions this spring. New text is shown in red and deleted text is shown with a strike-through. The proposed text is annotated to explain the proposed text amendments. Only those pages with amended language are included. The following is a summary of changes:

18.08 Definitions - Amendments to this section are proposed to comply with provisions of state law (e.g., ORS 215 relating to agricultural land uses) and State Building Code. Language from DLCD's draft model code is also included. The code has been modified to move all definitions related to airports to one section. Incorrect references to state statute have been removed and updated to reflect current law.

18.12 Establishment of zones – The proposal reflects a combined rural residential 1/5 zone along State Highway 26.

18.16 (EFU-1); 18.20 (EFU-2); 18.24 (EFU-3) The County proposes adding uses allowed by ORS 215.283(4) (agri-tourism) to conditional uses in the County's three EFU zones.

18.32, 18.36, 18.56, 18.60 and 18.64 (residential and commercial zones) The term “mobile home” is deleted and replaced with the term “manufactured dwelling” as defined by State Building Codes. “Mobile home” is still used in the context of “mobile home parks” to ensure that these are still allowed in zones where they have been allowed historically. Additional language is added to clarify sign requirements.

18.72 and 18.76 (Industrial zones) are modified to allow transmission towers as a permitted uses. .

18.124 – Supplementary provisions – A new section is added to allow for the use of cargo containers for storage or as a component of a structure subject to State Building Code requirements.

18.132 – Manufactured homes – Change language to reflect State Building Code. Consider new language related to seasonal use of recreational vehicles on individual lots.

I have not had time to review the RR(M) zone and RR zones although we talked about deleting the RR(M) zone. I want to make sure that we have a clear understanding of differences in the uses allowed in the two zones to make sure we aren't unintentionally eliminating uses in some area or adding them in others.

At the May 13, 2015 planning commission meeting, we talked about extending the time period that the county would allow individuals to live in recreational vehicles as seasonal dwellings on their own property. The current language in 18.132.080 reads:

18.132.080 Recreational vehicle on an Individual lot.

(1) In the RR(M)-5 and P-R zones, current individual lots or parcels which were purchased for placement of self-contained recreational vehicles (hereinafter “RV”), as defined in Chapter 18.08 CCC, may be granted approval for a conditional use permit if:

(a) The owner applies for a conditional use permit by March 1, 1995; and

(b) One RV may be placed on the lot under the conditional use permits; and one invitee may stay with owner for 14 days in any 90-day period; and

(c) An approved septic system is installed; and

(d) The RV cannot be on the lot more than six months in one calendar year.

(2) In the RR(M)-5 and P-R zones, current individual lots or parcels which were purchased for placement of self-contained recreational vehicles (hereinafter “RV”), as defined in Chapter 18.08 CCC, before November 8, 1978, may be approved as a nonconforming use if:

(a) The owners can prove by a copy of the deed that they purchased the lot before November 8, 1978; and

(b) The owners can prove that they have used the lot for the storage of an RV before November 8, 1978; and

(c) The owner applies for a permit before March 1, 1995, for a nonconforming use.

(3) After March 1, 1995, if no application for a conditional use or a nonconforming use for the placement of an RV is filed in the RR(M)-5 and P-R zones, the placing of an RV on a lot or parcel shall not be a permitted use in any zone in Crook County except as permitted in subsection (4) of this section.

(4) An RV may only be stored or placed on a parcel, but not lived in or used as a dwelling, if there is also a permitted dwelling, as defined in Chapter 18.08 CCC, on the same parcel or lot, except:

(a) As described in subsection (1) of this section; or

(b) An individual may stay in a self-contained RV on a parcel or lot owned by the individual for up to 14 days in a 90-day period but all wastewater must be properly disposed of in an approved septic system or dumping station;

(c) An RV may be placed on a lot for which a valid building permit is issued for a residence. The RV may be occupied for no more than one year.

(5) All RV owners found to be using an RV in violation of subsections (1) through (4) of this section shall be subject to immediate citation for violation of the Crook County ordinances and be subject to fines or other remedies.

Provisions 1 and 2 are no longer available to property owners (unless a conditional use permit was applied for by March 1, 1995). Currently, the County allows RVs on properties for only 14 days out of a 90 day period. At the May 13 meeting, the planning commission expressed an interest in allowing RVs on individual lots for a longer time period. Based on my review of the minutes, it looks as if the general direction was to allow RVs on individual lots for up to 90 days (although I also think we talked about allowing them for up to six months). Rather than taking this directly to a public hearing, I thought we might want to talk about some issues that we might face in allowing this type of activity. The main concerns seem to be noise from generators and proper wastewater disposal. Here are some questions.

1. In which zones should we allow extended use of RVs as seasonal dwellings? In general, we would not allow these in resource zones (e.g., our EFU zones) because we don't have explicit authorization under state statute for seasonal dwellings. (There is a provision for dwellings for seasonal farm workers in state law)

We probably don't want to allow these in the suburban residential zones (e.g., SR-1) and there may be other residential zones where we don't want to allow this. In many cases, subdivision CCRs will preclude this type of land use.

2. What limits or conditions should we impose? The greatest concern is with wastewater disposal. The current language requires that all wastewater must be properly disposed of in an approved septic system or dumping station. The concern is that many won't invest in a septic system and there is evidently only one dumping station in the County and that is at the west side of Prineville.

There are supplemental tanks available so we could add language to require a self-contained wastewater tank.

3. Do we want to address noise related to generators? For example, generators must be turned off at 10 p.m. This may be hard to enforce but would set some limits.

I checked with a few other counties to see how they treated RVs on individual lots. I have heard from Deschutes and Jefferson so far –

Deschutes County:

Deschutes County has two options:

1. No land use permit for an RV used as a temporary residence for a period totaling not more than 30 days in any 90 day period
2. A temporary use permit for an RV used for a period not to exceed 6 months in a calendar year. This permit must be renewed annually.
 - a. All necessary permits shall be obtained from the building safety division before connecting an RV to sewer, water and/or electric utility services.
 - b. A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on site.
 - c. A RV used as a temporary dwelling unit shall meet setback requirements
 - d. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only be quick disconnect type utilities and security devices and have not permanently attached additions.

It is not clear but it seems that Deschutes County allows RVs in all residential zones.

Jefferson County takes a slightly different approach

Jefferson County has several recreational areas that allow seasonal RV use (3 Rivers Recreational Area Zone). Seasonal RV use is defined as less than 6 months out of a year. Property owners must have a septic system or vault toilet and a gray water sump approved by the Department of Environmental Quality.

We can discuss these issues at the June 10, 2015 work session.



Crook County

Community Development Department
Planning Division

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STAFF REPORT

CROOK COUNTY PLANNING COMMISSION

DATE: July 2, 2015

APPLICATION: 217-15-000123-PLNG

APPLICANT: Crook County Planning Department

PROPOSAL: Request to the Crook County Planning Commission to make a recommendation to the Crook County Court regarding an application by the Planning Department to amend land use regulations in Crook County Code Title 18.

PUBLIC NOTICE: June 3, 2015

HEARING DATE: July 8, 2015 (rescheduled from June 24, 2015)

NOTICE TO DLCD: The required 35- day notice was submitted to the Department of Land Conservation and Development on May 20, 2015.

BACKGROUND:

The Planning Commission held several work sessions to discuss updates to Crook County Code Title 18 – Zoning, beginning in early 2015. Amendments are proposed to the following chapters: 18.08 (Definitions), 18.12 (Zones), 18.16-18.24 (Exclusive farm use zones), 18.28 (Forest zone), 18.32 (Rural service zone), 18.36 (Park reserve zone), 18.44 (Rural residential zone), 18.56-18.64 (Commercial zones), 18.72 and 18.76 (Industrial zones), 18.124 (Supplementary provisions), and 18.132 (Manufactured dwellings).

A summary of changes was provided in a June 3, 2015 memo to the Planning Commission and recommended text changes were included (Attachment A). The June 3 memo also provided options for the Commission to consider regarding amendments to Chapter 18.132 regarding the seasonal use of recreational vehicles on individual lots.

One additional set of amendments was suggested at the June 10, 2015 work session (See Attachment B – Chapter 18.28 (Forest zone). The County's forest zone code language was

amended in 2010 to reflect current State law. Since then, the Oregon Administrative Rule (OAR) language related to the State Forest Practices Act has been renumbered and revised. In addition, when changes were made to the County Code in 2010, some State provisions for large tract dwellings were not included in the update. The proposed changes to the Forest zone language reflect the new OAR language and the intent to adopt all the State language related to forest dwellings.

PROCEDURE FOR LEGISLATIVE AMENDMENTS:

The Planning Commission, in reviewing the request for a legislative amendment to the County's zoning code, must apply relevant criteria including Crook County Comprehensive Plan Policies, the County Code, the Oregon Revised Statutes (ORS) and the Statewide Planning Goals. Crook County Code Chapter 18.168 sets forth the procedure for legislative amendments, including notice requirements. 18.168.010(2) states that "Legislative matters" generally involve a broad public policy decision that applies to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan, zoning ordinance, or the subdivision ordinance and changes to the comprehensive plan map and/or zoning maps not directly affecting individual property owners."

Within 20 days after the final hearing on the proposed legislative changes, the Planning Commission is required to issue a recommendation to the County Court for approval, approval as modified, or disapproval. The recommendation will also include findings of fact and conclusions in support of the recommendation.

APPLICABLE CRITERIA:

Crook County Code 18.168 Legislative Amendments

Crook County Comprehensive Plan

ORS 215.050 Comprehensive planning, zoning and subdivision ordinances: copies available

Oregon Statewide Planning Goals

Goal 1 – Citizen Involvement

Goal 2 – Land Use Planning

Goal 3 – Agricultural Lands

Goal 4 – Forest lands

REVIEW:

The proposed legislative changes are described in the staff memo dated June 3, 2015. Recommended changes were attached to the June 3, 2015 memo. In addition, changes to chapter 18.28 (Forest zone), described above, are included as Attachment B to this staff report.

The June 3, 2015 memo also includes options related to seasonal use of recreational vehicles on individual lots. These options can be considered at the July 8, 2015 hearing.

In evaluating the proposed changes, the Planning Commission must consider whether the proposed code changes are in compliance with the Crook County Comprehensive Plan and current Crook County Code. The notice and public hearing processes of the Crook County Code and Oregon Revised Statute will be met. Staff suggests that these zoning code amendments are consistent with the applicable Statewide Planning Goals and has provided the required 35-day notice to the Department of Land Conservation and Development.

Respectfully submitted,



Ann Beier

Assistant Planning Director

Attachment A – June 3, 2015 Memo to Planning Commission

Attachment B - Recommended Amendments to Chapter 18.28 (Forest Zone)