



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: June 15, 2015
Jurisdiction: Jefferson County
Local file no.: 15-PA-02
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/04/2015. 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 less than 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.:

Received:

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 [DLCD 600.010\(4\)](#)). 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.: **15-PA-02**

Date of adoption: 5/27/15

Date sent: 6/4/2015

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): 3/27/15

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, PLANNING DIRECTOR

Phone: 541-475-4462

E-mail: B5BA2@BENDBROADBAND.COM

Street address: 85 SE D STREET

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:

MINOR AMENDMENTS TO THE ZONING ORDINANCE TO CLARIFY WHEN A SITE PLAN REVIEW IS REQUIRED FOR A CHANGE OF USE; AND TO CLARIFY THAT AN ACCESSORY STRUCTURE IS PERMITTED IN RR ZONE.

For a change to a comprehensive plan map:

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):

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:

SECTION 317 - CROOKED RIVER RANCH COMMERCIAL ZONE; SECTION 319 - THREE RIVERS RECREATION AREA

For a change to a zoning map:

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

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

List affected state or federal agencies, local governments and special districts:

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.

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

IN THE MATTER OF POST)
ACKNOWLEDGEMENT PLAN AMENDMENTS) Ordinance No. 0-068-15
TO SECTIONS 317 AND 319 OF THE)
JEFFERSON COUNTY ZONING ORDINANCE)

WHEREAS, Jefferson County initiated zoning ordinance amendments to address uses in the Crooked River Ranch Commercial Zone and the Three Rivers Recreational Area Zone to improve the functionality of and eliminate inconsistencies in the County Zoning Ordinance; and

WHEREAS, at a public hearing on April 23, 2015, the Jefferson County Planning Commission, having conducted a public hearing, reviewed the staff report, accepted testimony and deliberated on the evidence presented therein, recommended approval of the subject legislative Amendments to the County Board of Commissioners; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on May 13, 2015 and accepted testimony on the proposed amendments. At the conclusion of the hearing, the Board closed the record and deliberated on the amendments. After considering the testimony and the entire record before them, the Board voted to APPROVE the amendments;

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

1. Adoption of Zoning Ordinance Amendment

The legislative amendments to Sections 317 and 319 of the Jefferson County Zoning Ordinance are hereby adopted as found in attached Exhibit A.

2. Adoption of Findings

The legislative amendments of the Zoning Ordinance 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 Report attached hereto, without respective exhibits, as Exhibit B.

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 upon signature of the Board of Commissioners.

Date of first reading: 5-27-15

Date of second reading: none

Dated this 27th day of May, 2015.

BOARD OF COMMISSIONERS

Wayne Fording
Wayne Fording, Commission Chair

Mae Huston
Mae Huston, Commissioner

Mike Ahern
Mike Ahern, Commissioner

Attest:

Barbara Andresen, Recording Secretary

Appeal Information

Planning Casefile #15-PA-02

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: 5/27/15

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.

EXHIBIT A

**Legislative Amendments
to the
Jefferson County Zoning Ordinance
(File 15-PA-02)**

Initiated March, 2015

Public Hearings:

Planning Commission

April 23, 2015

Board of Commissioners

May 13, 2015

Purpose: To improve the function of, and the community support for the County Zoning Ordinance, the following amendments are proposed.

Amendments: The following two (2) sets of proposed amendments are to Chapter 3, Sections 317 and 319 of the Jefferson County Zoning Ordinance. The ~~striketrough~~ are deletions and the underlined are the additions to the text.

AMENDMENT 1:

Section 317 – Crooked River Ranch Commercial Zone (CRRC)

A. Uses Permitted with Standards

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AA. Commercial Uses Permitted with Standards.

The following uses are permitted upon review by the Planning Director to comply with Section 107 Zoning Review or Section 414 Site Plan Review, as applicable. The standards in subsection E of this section must also be met.

1. Retail trade establishment including restaurants.

2. Buildings used for Personal, Public, Business, Association or Professional services.

B. Uses Permitted Subject to Administrative Review.

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~~1. Retail trade establishment including restaurants.~~

~~2. Buildings used for Personal, Public, Business, Association or Professional services.~~

(Re-number the remaining 3 through 9 to 1 through 7)

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AMENDMENT 2:

Section 319 – Three Rivers Recreational Area Zone (TRRA)

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A. Uses Permitted:

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- 3. Notwithstanding the language of subsection 6 below, and irrespective of whether a residence exists on a property, storage facilities for the personal use of the owner(s) of the subject property.

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***** END OF AMENDMENTS *****

EXHIBIT B**JEFFERSON COUNTY**
Community Development Department

85 S.E. "D" St. • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 475-4270

**STAFF REPORT TO PLANNING COMMISSION**

DATE: April 15, 2015

HEARING DATE: April 23, 2015

APPLICATION NO.: 15-PA-02

APPLICANT: Jefferson County

NOTICE TO DLCD: March 27, 2015

NEWSPAPER NOTICE: April 8, 2015

PROPOSAL: Jefferson County is proposing to legislatively amend the County Zoning Ordinance. Refer to Proposal Summary & Purpose below.

PROPOSAL SUMMARY & PURPOSE:

There are two miscellaneous amendments that are proposed to better meet the objectives of citizens in those areas and to improve the function of the Ordinance. The following is a brief summary of each proposed amendment:

Amendment 1: Revises Section 317 to create a new category of uses "Commercial Uses Permitted with Standards" – to reduce the cost and process for approving commercial uses within the Crooked River Ranch Commercial Zone.

Amendment 2: Revises Section 319 to clarify that storage facilities for personal use of owners may be placed on property within the Three Rivers Recreational Area Zone, whether or not a dwelling exists on the property.

Staff have worked with the Three Rivers Recreational Area Board and the Crooked River Ranch Board of Directors to refine the language of the amendments to meet their objectives. It is expected that members of those two organizations will attend the hearing to address the Planning Commission.

PROPOSAL in AMENDMENT FORM:

The proposed amendment language is attached as Exhibit A.

AGENCY COMMENTS:

No agency comments have been received as of the date of this Report.

PUBLIC COMMENTS:

The Planning Department received a letter from the Crooked River Ranch (CRR) Board President on November 10, 2014 which identified their desire to amend the Zoning Ordinance pertaining to review of commercial uses (refer to Exhibit B). There were also some follow up e-mail communications between the CRR and our office. On April 6th, Planning Director Bill Adams and CDD Director Chet Singleton met with the CRR Board to discuss these amendments.

The Planning Department received a letter from a representative of the Three Rivers Recreational Area Board on November 25, 2014 which identifies their desire to amend the Zoning Ordinance (refer to Exhibit C). This was followed up by a number of emails and telephone conversations between Mr. Parrott and Bill Adams. Although we could not agree on the need to amend the RV section of the Ordinance, we did agree with the need to amend the storage unit section of the Zoning Ordinance. It is our understanding that the Three Rivers Board supports these amendments.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Section 801 - Authorization to Initiate Amendments

- A. *An amendment to the text of this Ordinance may be initiated by the Board of Commissioners, the County Planning Commission, or by the Planning Director.*

FINDING:

On March 15, 2015, The County Planning Director formerly initiated the proposed legislative amendments to the Zoning Ordinance. This complies with the criterion above.

Section 803.1 Text Amendments

- A. *An amendment complies with applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.*

FINDING:

Neither the amendment to Section 317 nor the amendment to Section 319 have specific Goals, Statutes, or Administrative Rules that apply to them. Therefore, the proposal complies with the criterion above.

- B. *The amendment will be consistent with all applicable Comprehensive Plan goals and policies.*

FINDING:

The proposal complies with the following Comprehensive Plan Goals and Policies - Goal 1 Citizen Involvement policies: policy 2.2 in that the County published a notice in the Madras Pioneer newspaper; and, no other Comprehensive Goal or Policy applies to the amendments.

CONCLUSION

Based on the proposal and the findings stated above, the proposal meets all the relevant criteria for an amendment to the County Zoning Ordinance.

RECOMMENDATION

Planning Staff recommends that the Planning Commission recommend approval of the proposed amendment file 15-PA-02 to the County Board of Commissioners. The Board of Commissioners will then hear the proposed request and make a decision. The tentative Board of Commissioner hearing date is May 13, 2015.

Respectfully submitted,

Bill Adams
Planning Director
Jefferson County

Exhibit A – Legislative Amendment to the Jefferson County Zoning Ordinance.

Exhibit B – Letter from CRR Board President dated November 10, 2014.

Exhibit C – Letter from 3 Rivers representative Joe Porrott dated November 25, 2014.