



Crook County Community Development Department
Planning Division
300 NE 3rd Street, Room 12
Prineville, OR 97754
(541)447-3211
plan@co.crook.or.us

PLANNING COMMISSION RECOMMENDATION TO CROOK COUNTY COURT
PROPOSED ZONING CODE AMENDMENTS 217-22-002171-PLNG

January 4, 2023

APPLICANT: Crook County Community Development Department

REQUEST: Crook County staff identified code language updates to:

- Bring zoning ordinances into compliance with current State statutes and regulations;
- Provide clear and objective criteria within the zoning ordinance to provide for greater understanding of requirements;
- Allow for local flexibility in interpreting code language;
- Edit code language that is incorrect;
- Delete references to outdated or removed sections.

Specifically, the proposed code amendments consist of clarifying updates and housekeeping revisions to Title 18 of the Crook County Code. The proposal includes the following:

- Define a Commercial Event or Activity to align with the agri-tourism criteria to match state code, and provides clear direction to the public;
- Codify what has been a long-standing County policy Amends the criteria related to youth livestock projects;
- Amends the code to reflect state statute requirements for the disqualification of special assessment when a nonfarm dwelling has been approved, and allows additional conditions that are necessary.
- Update the Farm Use Table with correct links to applicable criteria for aggregate, clarifies and modifies review procedure to irrigation projects, and adds Destination Resort with use type, review procedure and link to applicable criteria;
- Directly links to the procedures within CCC 18.172 for Variance application;
- Within CCC 18.172: grammatical corrections; deadline for a Planning Commission to sign a final decision; clarification on the approval period for extensions.

The Planning Commission held a work session on November 9, 2022, to discuss the proposed changes and a public hearing on December 14, 2022. No testimony or exhibits were entered into the record, and they did not direct staff to make any further editorial changes.

I. APPLICABLE CRITERIA

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

ORS 197.610 - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development

FINDINGS: Oregon Revised Statute (ORS) 197.610 applies to submission of proposed comprehensive plan or land use changes to the Department of Land Conservation and Development.

Oregon Revised Statutes

Chapter 197 Comprehensive Land Use Planning

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

FINDING: The County submitted notice to the Department of Land Conservation and Development (DLCD) on November 9, 2022. Public notice was published in the Central Oregonian on November 17, 2022, for the initial Planning Commission hearing. Public notice was published in the Central Oregonian on December 20, 2022, for the initial County Court Public Hearing.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

FINDING: The county has not determined that emergency circumstances require an expedited review, and the applicable deadlines will be met. The criterion does not apply.

(3) Submission of the proposed change must include all of the following materials:

(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;

(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;

(d) The date set for the first evidentiary hearing;

(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and

(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.

FINDING: The November 9, 2022, submission to DLCD included a brief narrative summarizing the proposed changes, work session materials, the date for the first evidentiary hearing, and a draft public notice including information regarding the availability of a final staff report.

(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:

(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and

(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.

FINDING: Public notice of the proposed hearing was provided in the Central Oregonian, made available to interested parties, and posted on the Crook County Community Development website. The proposal complies.

(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.

FINDING: The local government finds that the proposed text changes are editorial in nature, are intended to make County Code consistent with State law and provide clarity to the public. The proposed changes are supportive of Goal 1 (Citizen Involvement) by clarifying intent and removing improper citations. No other statutes or goals apply.

The proposed code changes are shown in Attachment A.

II. RECOMMENDATION: The Planning Commission has reviewed the proposed code changes and recommends the Crook County Court to adopt the proposed Code edits or to adopt the proposed Code edits with changes.

Respectfully,



Brent Bybee, Planning Manager
Crook County Community Development Department



Michael Warren II, Chair
Crook County Planning Commission