



Crook County Community Development  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754  
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## Planning Commission Work Session Text Amendments January 24, 2024

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January 24, 2024

Planning Commission Work Session  
 Senate and House Bill Updates

ORS		
SB 408 (2019)		Prohibits land divided for utility facility to be later rezoned for commercial or industrial uses without a goal exception – <b>incorporate into Title 17 update</b>
HB 3024 (2019)	18.16.045	Amends replacement dwelling criteria: (b)(A) If the dwelling was removed, destroyed or demolished: (i) The dwelling’s tax lot does not have a lien for delinquent ad valorem taxes; and (ii) Any removal, destruction or demolition occurred on or after January 1, 1973; (B) If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling’s tax lot does not have a lien for delinquent ad valorem taxes; or (C) A dwelling not described in subparagraph (A) or (B) of this paragraph was assessed as a dwelling for purposes of ad valorem taxation: (i) For the previous five property tax years; or (ii) From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010. EFFECTIVE Jan 2, 2024
HB 4064 (2022)		Amends definition to clarify what kinds of dwellings are considered single-family residential. Option to amend standards for mobile homes in residential zones. HB 4064 restricts local governments from prohibiting the siting of, or imposing unique placement standards on a manufactured dwelling or prefabricated structure inside and outside of a manufactured dwelling park. The bill establishes certain exceptions and requires the manufactured home or prefabricated structure to be located on land inside the urban growth boundary zoned for single-family residential dwellings. The bill also expands the manufactured dwelling replacement program to borrowers whose manufactured home or prefabricated structure was destroyed by a natural disaster, regardless of whether the home is in a park located inside or outside of the natural disaster area.
SB 85 (2023)	18.16?	Establishes certain requirements concerning land use compatibility statements related to proposed confined animal feeding operations. Authorizes the governing body of city or county to require setback or buffer between proposed confined animal feeding operation and adjacent land parcels in specified circumstances.
SB 834 (2023)		Prohibits local governments from prohibiting or limiting residential use of energy sources. Provides for certain exceptions. ( <b>Department of Defense Grant code work</b> )



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January 24, 2024

Planning Commission Work Session  
 Farm Breweries

**Request:** To implement Farm Brewery Standards for Crook County.

**Background:** Senate Bill 287 from 2019.

**Proposed Amendments:**

18.16.010 Use Table

3	Commercial Uses			
3.1	Dog training classes or testing trials.	STS	Notice and Opportunity for Hearing	<a href="#">18.16.015(5)</a>
3.2	Farm stand.	STS	Notice and Opportunity for Hearing	<a href="#">18.16.015(6)</a>
3.3	Winery.	STS	Notice and Opportunity for Hearing	<a href="#">18.16.050</a>
3.4	Cider business.	STS	Notice and Opportunity for Hearing	<a href="#">18.16.050</a>
3.45	Farm Brewery	STS	Notice and Opportunity for Hearing	18.16.052

**18.16.052 Farm brewery; conditions; permissible uses; reporting.**

(1) As used in this section:

(a) “Agri-tourism or other commercial events” includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of malt beverages produced in conjunction with the farm brewery is a secondary purpose of the event.

(b) “Brewer” means a person who makes malt beverages.

(c) “Farm brewery” means a facility, located on or contiguous to a hop farm, used primarily for the commercial production, shipping and distribution, wholesale or retail sales, or tasting of malt beverages made with ingredients grown on the hop farm.

(d) “Hop farm” means a tract of land planted with hops.

(e) “Malt beverage” has the meaning given that term in ORS 471.001.

(f) “On-site retail sale” includes the retail sale of malt beverages in person at the farm brewery site, through a club or over the Internet or telephone.

(1) A farm brewery may be established as a permitted use on land zoned for exclusive farm use under ORS 215.213 (1)(bb) and 215.283 (1)(z) or on land zoned for mixed farm and forest use if the farm brewery:

(a) Produces less than 150,000 barrels of malt beverages annually, inclusive of malt beverages produced by the farm brewery's owners or operators at the farm brewery or elsewhere, through any entity owned or affiliated with the farm brewery;

(b) Produces less than 15,000 barrels of malt beverages annually on the farm brewery site; and

(c) Owns an on-site hop farm of at least 15 acres;

(i) Owns a contiguous hop farm of at least 15 acres;

(ii) Has a long-term contract for the purchase of all of the hops from at least 15 acres of a hop farm contiguous to the farm brewery; or

(iii) Obtains hops from a total of 15 acres from any combination of sources described in sub-subparagraph (c), (i) or (ii) of this subparagraph.

(d) For purposes of this subsection, land planted with other ingredients used in malt beverages produced by the farm brewery counts towards the acreage minimums.

(2) In addition to any other activities authorized for a farm brewery, a farm brewery established under this section may:

(a) Market malt beverages produced in conjunction with the farm brewery.

(b) Conduct operations that are directly related to the sale or marketing of malt beverages produced in conjunction with the farm brewery, including:

(i) Malt beverage tastings in a tasting room or other location on the premises occupied by the farm brewery;

(ii) Malt beverage club activities;

(iii) Brewer luncheons and dinners;

(iv) Farm brewery and hop farm tours;

(v) Meetings or business activities with farm brewery suppliers, distributors, wholesale customers and malt beverage industry members;

(vi) Farm brewery staff activities;

(vii) Open house promotions of malt beverages produced in conjunction with the farm brewery; and

(viii) Similar activities conducted for the primary purpose of promoting malt beverages produced in conjunction with the farm brewery.

(c) Market and sell items directly related to the sale or promotion of malt beverages produced in conjunction with the farm brewery, the marketing and sale of which is incidental to on-site retail sale of malt beverages, including food and beverages:

(i) Required to be made available in conjunction with the consumption of malt beverages on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or

(ii) Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection.

(d) Subject to subsections (5) to (8) of this section, carry out agri-tourism or other commercial events on the tract occupied by the farm brewery.

(e) Host charitable activities for which the farm brewery does not charge a facility rental fee.

(f) Site a bed and breakfast as a home occupation on the same tract as, and in association with, the farm brewery.

(3) A farm brewery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (3)(c) of this section. Food and beverage services authorized under subsection (3)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a cafe or other dining establishment open to the public.

(4) The gross income of the farm brewery from the sale of incidental items or services provided pursuant to subsection (3)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of malt beverages produced in conjunction with the farm brewery. The gross income of a farm brewery does not include income received by third parties unaffiliated with the farm brewery.

(a) At the request of a local government with land use jurisdiction over the site of a farm brewery, the farm brewery shall submit to the local government a written statement prepared by a certified public accountant that certifies the compliance of the farm brewery with this subsection for the previous tax year.

(5) Except as provided by subsections (7) and (8) of this section, a farm brewery may carry out agri-tourism or other commercial events described in subsection (3)(d) of this section for up to 18 days per calendar year.

(6) A local government with land use jurisdiction over the site of a farm brewery shall ensure that agri-tourism or other commercial events occurring as described in subsection (2)(d) of this section are subordinate to the production and sale of malt beverages and do not create significant adverse impacts to uses on surrounding land.

(b) A local government may impose conditions on a license or permit issued pursuant to subsection (7) of this section as necessary to meet the requirements of paragraph (a) of this subsection.

The conditions must be related to:

- (A) The number of event attendees;
- (B) The hours of event operation;
- (C) Access and parking;
- (D) Traffic management;
- (E) Noise management; and
- (F) Sanitation and solid waste.

(7) A local government may charge a fee for processing a license or permit under subsections (6) of this section. The fee may not exceed the actual or average cost of providing the applicable licensing or permitting service.

(8) When a bed and breakfast facility is sited as a home occupation on the same tract as a farm brewery as described in subsection (2)(f) of this section:

(a) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and

(b) The meals may be served at the bed and breakfast facility or at the farm brewery.

(9) A farm brewery operating under this section shall provide parking for all activities or uses of the tract on which the farm brewery is situated.

(10) A local government with land use jurisdiction over the site of a farm brewery shall ensure that the farm brewery complies with:

(a) Local criteria regarding floodplains, geologic hazards, the Willamette River Greenway, solar access and airport safety;

(b) Regulations of general applicability for the public health and safety; and

(c) Regulations for resource protection acknowledged to comply with any statewide goal relating to open spaces, scenic and historic areas and natural resources.

(11) For the purpose of limiting demonstrated conflicts with accepted farm and forest practices on adjacent lands, a local government with land use jurisdiction over the site of a farm brewery shall:

(A) Except as provided in paragraph (b) of this subsection, establish a setback of at least 100 feet from all property lines for the farm brewery and all public gathering places; and

(B) Require farm breweries to provide direct road access and internal circulation for the farm brewery and all public gathering places.

(b) A local government may allow a setback of less than 100 feet by granting a farm brewery an adjustment or variance to the requirement described in paragraph (a)(A) of this subsection.



January 24, 2024

Planning Commission Work Session  
Forest Template Dwelling

**Request:** To implement State standards for a template dwelling in Crook County.

**Background:** HB 2225 (2019)

**Proposed Amendments:**

**18.28.015 Use standards.**

(3) A single-family “template” dwelling authorized under ORS [215.750](#) on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:

(i) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

(b) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(i) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

(c) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(i) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

(d) Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.

(e) A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.

(f) Except as provided by subsection (3)(g) of this section, if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(g) The following applies where a tract 60 acres or larger abuts a road or perennial stream:

(i) The measurement shall be made in accordance with subsection (3)(f) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:

(A) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or

(B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(ii) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

(h) A proposed "template" dwelling under this chapter is not allowed:

(i) If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;

(ii) Unless it complies with the requirements of CCC [18.28.025](#) and [18.28.030](#);

(iii) Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under subsection (1)(c) of this section for the other lots or parcels that make up the tract are met; or

(iv) If the tract on which the dwelling will be sited includes a dwelling.

(v) The lot or parcel on which the dwelling will be sited was not lawfully established;

(vi) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;

(vii) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and



(viii) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

(i) Where other lots or parcels that make up a tract in subsection (3)(h) of this section:

(i) The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in Chapter [660](#) OAR, Division [6](#) has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.

(ii) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

(j) Notwithstanding subsection (h)(i) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described **above**, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.



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## Planning Commission Work Session Family Unit Definitions

**Request:** Update definitions to align with state law.

**Background:** Senate Bill 2583 from 2021.

### Proposed Amendments:

#### 18.08.040 D definitions.

“Dwelling, multifamily” means a building or portion thereof, designed for occupancy by three or more ~~families~~ **household units** living independently of each other.

“Dwelling, seasonal” means a dwelling unit, including a manufactured dwelling, designed for and used as a temporary dwelling ~~by one family~~ for recreational or seasonal purposes only, not to exceed a period of 60 consecutive days out of 90 days at any one location. Temporary use permits may be issued to allow an individual to stay for more than 60 days but less than six months.

“Dwelling, single-family” means a detached building containing one dwelling unit and designed for occupancy by ~~one family~~ **household unit** only.

“Dwelling, two-family” means a building containing two dwelling units and designed for occupancy by two ~~families~~ **household units**.

“Dwelling unit” means one or more rooms in a building designed for occupancy ~~by one family~~ and having not more than one cooking facility.

#### 18.08.060 F definitions

“Family” means two or more persons ~~related by blood, marriage, legal adoption, or legal guardianship,~~ living together as one household unit using one kitchen, and providing meals or lodging to not more than three additional ~~unrelated~~ persons, excluding servants; or a group of not more than five ~~unrelated~~ persons living together as one household unit using one kitchen.

#### 18.08.080 H definitions.

“**Household unit**” means persons living together, using one kitchen, and providing meals or lodging to not more than three additional persons, excluding servants; or a group of not more than five persons living together using one kitchen.



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January 24, 2024

## Planning Commission Work Session ADU Parking Requirements

**Request:** To comply with SB 2001 and remove parking requirements from Accessory Dwelling Unit criteria.

**Background:** Senate Bill 2001 from 2019.

### **Proposed Amendments:**

18.124.140 Accessory dwelling units.

Accessory dwelling units, as defined in CCC [18.08.010](#), where permitted by zoning within the city of Prineville's urban growth boundary, are subject to site plan review and the following standards:

- (1) A maximum of one accessory dwelling unit is allowed per legal single-family dwelling.
- (2) Floor Area. A detached accessory dwelling unit shall not exceed more than 900 square feet of habitable space.
- (3) Building Codes. The structure shall meet all requirements of the Crook County building official. A manufactured dwelling may be utilized if all other standards can be met.
- (4) Wastewater. The dwelling unit shall be serviced by either:
  - (a) An existing septic system that meets all applicable requirements of the Crook County sanitarian and the Oregon Department of Environmental Quality. The applicant shall submit evidence that the appropriate septic system permit has been issued; or
  - (b) A community/municipal sewer system, in which case, the applicant shall submit evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.
- (5) Domestic Water. The applicant must demonstrate that the property can be served by an approved drinking water source.
- (6) The accessory dwelling unit shall share the same road approach as the primary dwelling on the property.
- (7) The accessory dwelling unit shall meet all setback requirements of the zone in which the property is located.
- ~~(8) There shall be one additional off-street parking space for use by occupants of the accessory dwelling unit.~~



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January 24, 2024

## Planning Commission Work Session Accessory Dwelling Units

**Request:** Develop clear and objective standards for development and implementation of Accessory Dwelling Units (ADUs).

**Background:** In 2021 the Oregon Legislature passed SSB 391 allowing ADUs in rural residential zones. SB 391 was tied to SB 762 regarding wildfire risk maps. The wildfire risk maps have been delayed. In 2023 the Oregon Legislature passed SB 644, which decoupled SB 391 from SB 762, allowing counties to proceed with permitting ADUs in rural residential zones.

On October 11, 2023, staff presented a memorandum that included proposed language and additional background information. That memorandum is available on the Planning Commission's website at this link: <https://co.crook.or.us/planning-commission/page/crook-county-planning-commission-work-session-1>.

The conversation on October 11, 2023, focused on adequate access, safe evacuation, and minimum lot size requirements. Regarding adequate access, the Planning Commission discussed having the property owners self-attest that the driveway is capable of supporting gross vehicle weight of 75,000 lbs in lieu of having an engineer confirm the driveway is constructed to sufficient standards. To ensure the driveway is adequate, staff still recommends that a licensed engineer confirm the driveway is sufficient. That said, staff understands the concern regarding cost to applicants, and will work with the new road supervisor (who starts on January 22, 2024) on developing standards that can be required and attested to by property owners.

Regarding safe evacuation and staging areas, staff recommends that the county require a five-acre minimum lot size for approval of an ADU. This will ensure that there is adequate space on the lot for the owner to develop a safe evacuation area without having to seek permission from another property owner develop a safe evacuation area. Staff will continue to work with the Fire Marshall to address safe evacuation standards.

Given the ongoing work regarding the wildfire risk map, the transportation system plan update, and the planning currently taking place for the RRM-5 zone, staff does not recommend allowing ADUs in that zone currently. Instead, staff recommends allowing ADUs initially in the zones with a more connected local transportation system and less wildfire risk. This will allow Crook County to phase in ADUs in areas that pose additional risk over time as we better understand the impact of ADUs, where wildfire risk exists in the County, and to better plan for access concerns.

**Proposed Amendments:**

**18.124.140 Accessory dwelling units.**

(1) Accessory dwelling units, as defined in CCC [18.08.010](#), where permitted by zoning within the city of Prineville’s urban growth boundary, are subject to site plan review and the following standards:

- (1a) A maximum of one accessory dwelling unit is allowed per legal single-family dwelling.
- (2b) Floor Area. A detached accessory dwelling unit shall not exceed more than 900 square feet of habitable space.
- (3c) Building Codes. The structure shall meet all requirements of the Crook County building official. A manufactured dwelling may be utilized if all other standards can be met.
- (4d) Wastewater. The dwelling unit shall be serviced by either:
  - (a) An existing septic system that meets all applicable requirements of the Crook County sanitarian and the Oregon Department of Environmental Quality. The applicant shall submit evidence that the appropriate septic system permit has been issued; or
  - (b) A community/municipal sewer system, in which case, the applicant shall submit evidence that the service agency is mutually bound and able to serve the accessory dwelling unit.
- (5e) Domestic Water. The applicant must demonstrate that the property can be served by an approved drinking water source.
- (6f) The accessory dwelling unit shall share the same road approach as the primary dwelling on the property.
- (7g) The accessory dwelling unit shall meet all setback requirements of the zone in which the property is located.
- (8h) There shall be one additional off-street parking space for use by occupants of the accessory dwelling unit. (Ord. 313 § 5, 2019)

(2) Accessory dwelling units, as defined in CCC [18.08.010](#), where permitted by zoning within rural residential zones, are subject to site plan review and the following standards:

- (a) Definitions. For the purposes of CCC 18.124.140(2), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:
  - (i) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.
  - (ii) “Area zoned for rural residential use” means land that is not located inside an urban growth boundary and that is subject to an acknowledged exception to a statewide land use

planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.

(iii) “Single-family dwelling” means a residential structure designated as a residence for one family and sharing no common wall with another residence of any type.

(iv) “Usable floor area” means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(v) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(b) Criteria for ADUs. In rural residential zones where an ADU is a permitted use, a lot or parcel may qualify for one (1) ADU subject to site plan review and the following standards:

(i) The lot or parcel is at least five acres in size;

(ii) At least one single-family dwelling is sited on the lot or parcel. For purposes of this section, “sited” means that a single-family dwelling exists on the lot or parcel, or a single-family dwelling has been approved by the Planning Department.

(iii) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(iv) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.

(v) The ADU must comply with the property development standards of the applicable rural residential zone, except that any ADU that is proposed on a lot or parcel that is adjacent to land zoned primarily for farm (EFU) or forest use (F-1), the ADU shall be setback at least 100 feet from the boundary of the adjacent property that is zoned for farm or forest use.

(vi) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the ADU may not be approved.

(vii) Only one ADU is allowed on a qualifying lot or parcel.

(viii) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(ix) The ADU will not include more than 900 square feet of usable floor area as defined by CCC 18.124.140(2)(iv).

(x) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(xi) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(xii) The ADU provides for the following:

(A) Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with sections (xii)(A)(aa) and (xii)(A)(bb), or (x)(A)(cc):

(aa) A continuous, minimum 20-foot width right(s)-of-way with unobstructed vertical clearance of not less than 13.5 feet.

(bb) A continuous, minimum 14-foot width driveway with unobstructed shoulders of three feet on each side, with an unobstructed vertical clearance of not less than 13.5 feet, with a minimum curve radius of 48 feet, designed and maintained to support minimum gross vehicle weight (GVW) of 75,000 lbs and composed on all-weather surface including, but not limited to, asphalt, gravel or concrete. The minimum construction standard shall be as required in [insert code cite].

(cc) Driveways in excess of 200 feet shall provide a 20-foot wide, 40-foot long passage (turnout) at a distance of ½ the driveway length or 400 feet, whichever is less.

(dd) The applicant provides written certification from the applicable fire district, on a form prepared by Crook County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(xiii) The applicant provides an evacuation plan that arranges for safe evacuation and identifies staged evacuation areas. As used in this section, “safe evacuation” means an identified route for evacuation from the ADU to the staged evacuation area. “Staged evacuation area” means a public or private location that occupants of the ADU may evacuate to.

(A) The applicant must provide written authorization from the owner of the staged evacuation area that the occupants of the ADU may evacuate to that location.

(B) A determination by the County that an evacuation plan meets the requirements of CCC 18.124.140)(xiii) above is not a certification that the plan provides for safe evacuation and is not a certification of the safety of the identified staged evacuation areas. The County does not warrant or guarantee the effectiveness of any proposed evacuation plan and cannot be held liable in the event of property damage, injury, or death that may occur when an evacuation plan is used or followed.

(xiv) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(xv) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(xvi) If the ADU is served by a well, the construction of the ADU shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

(xvii) If the ADU will be served by a water source other than a well serving only the primary residence on the property, the applicant must provide either a letter confirming that the supplier of water "Willing and Able to Serve" the ADU.

(xviii) The applicant signs and records a restrictive covenant with Crook County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy.

(xix) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(xx) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or

(B) No statewide map of wildfire risk has been adopted.

(xxi) If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.





January 24, 2024

Planning Commission Work Session  
Recreational Vehicles on occupied residential properties

**Request:** To develop standards for Crook County.

**Background:** Senate Bill 1013, enrolled 2023.

**Proposed Amendments:**

(1) As used in this section:

(a) “Recreational vehicle” means a recreational vehicle that has not been rendered structurally immobile and is titled with the Department of Transportation.

(b) “Rural area” means an area zoned for rural residential use as defined in ORS 215.501 or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use.

**18.132.080 Recreational vehicle on an individual lot.**

(2) A county may allow an owner of a lot or parcel in a rural residential area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement, provided:

(a) The property is not within an area designated as an urban reserve as defined in ORS 197A.230;

(b) A single-family dwelling that is occupied as the primary residence of the property owner is sited on the property;

(c) There are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy;

(d) The property owner will not allow the use of the recreational vehicle space or recreational vehicle for vacation occupancy, as defined in ORS 90.100, or other short-term uses;

(e) The recreational vehicle is owned or leased by the tenant; and

(f) The property owner will provide essential services to the recreational vehicle space, as described in ORS 90.100 (15)(b).

(3) A county may require that an owner of a lot or parcel who sites a recreational vehicle under this section:

~~(a) Register the use with the county.~~

~~(b) Enter into a written residential rental agreement with the tenant of the recreational vehicle.~~

~~(c) Limit the amount of payments that the property owner may accept from the tenant under ORS 90.140 to those reasonably necessary to cover the owner’s costs or losses.~~

(d) Require that the recreational vehicle comply with any reasonable appearance, repair, inspection or siting standards adopted by the county:

- (i) Must be within 100ft of the primary dwelling
- (ii) No outside storage is allowed for the RV
- (iii) Must use same road access/driveway as primary dwelling

(4) Notwithstanding ORS 455.405, a recreational vehicle sited under this section is not subject to the state building code. [2023 c.295 §2]



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January 24, 2024

## Planning Commission Work Session Lighting Standards

**Request:** To develop lighting standards for Crook County.

**Background:** Develop clear and objective standards for development with lighting standards.

### Proposed Amendments:

Chapter 124.XX **OUTDOOR LIGHTING**

Sections:

- 124.XX.010 Policy and purpose.
- 124.XX.020 Definitions.
- 124.XX.030 Applicability.
- 124.XX.040 Outdoor lighting standards.
- 124.XX.050 Prohibitions.
- 124.XX.060 Exemptions.
- 124.XX.070 Administration and enforcement.

#### 124.XX.010 Policy and purpose.

The purpose of this chapter is to provide regulations for residential, commercial, and public area outdoor lighting that will:

- A. Allow outdoor lighting appropriate to the need;
- B. Prevent light from shining onto adjacent properties, rights-of-way, or the night sky;
- C. Encourage energy conservation without decreasing safety, utility, security, and productivity;
- D. Enhance the livability and nighttime enjoyment of property in Clatsop County by minimizing the negative impacts exterior lighting can have on surrounding persons, properties, rights-of-way, and the environment;
- E. Establish guidelines for the installation and use of outdoor lighting that is controlled in such a way that it illuminates only the subject property and avoids illumination of surrounding properties, rights-of way, or the night sky;
- F. Further define lighting classified as a public nuisance.

#### 124.XX.020 Definitions.

“Fully shielded” means a light fixture which has shielding applied in such a manner that all illumination emitted by the light fixture is projected below the horizontal plane, measured from the lowest point of the lowest light-emitting component.

“Glare” means light emitted from a light fixture which enters the eye directly or by reflection, causing visual discomfort and/or reduced visibility.

“Light fixture” means any electrical equipment which has been designed to provide illumination, including, but not limited to lighting used for safety, utility, security, productivity, or decorative purposes.

“Light trespass” means light emitted from a light fixture, which falls beyond the property on which it is installed. “New light fixture” means a light fixture installed where there was previously no light fixture.

“Outdoor lighting” means any permanent or temporary light fixture installed outside the envelope of an enclosed structure.

“Replacement light fixture” means a light fixture installed in place of an existing light fixture. This does not include replacement of light-emitting components such as lightbulbs, lamps, fluorescent tubes, LEDs, or similar components, within existing light fixtures.

“Shielding” means an opaque material applied to a light fixture which serves to direct or contain illumination. “Sky glow” means the brightening of the night sky caused by light directed or reflected upwards.

“Temporary lighting” means light fixtures which are not permanently installed and which are used not more than 90 days in any calendar year.

“Unshielded” means a light fixture which has no shielding to direct or contain illumination.

#### 124.XX.030 Applicability.

Except as exempted by Section 124.XX.060, all outdoor lighting fixtures installed or replaced after the effective date of the ordinance codified in this chapter shall conform to its provisions. This chapter applies to any property lying within unincorporated Crook County, but does not apply within any Urban Growth Boundary.

#### 124.XX.040 Outdoor lighting standards.

- A. All non-exempt light fixtures shall be fully shielded.
- B. All non-exempt light fixtures shall be installed in such a manner as to prevent light trespass.

#### 124.XX.050 Prohibitions.

- A. Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines or into the sky is prohibited.
- B. Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited, unless exempted by this chapter.

#### 124.XX.060 Exemptions.

The following light fixtures are exempt from compliance with the provisions of this chapter. These exemptions shall not prevent later adoption of standards that may address the retrofitting or removal of certain light fixtures:

- A. Outdoor light fixtures lawfully installed prior to the effective date of this chapter are exempt from all such requirements except as follows:
  - 1. A light fixture directed onto a neighboring property or right-of-way such that the glare is declared a nuisance.
  - 2. A light fixture, or fixtures, located on property that is the subject of an application for a development permit.
- B. Motion detector lights which operate automatically for periods of less than five minutes.

- C. Low-intensity ornamental lighting such as pathway lights, post-cap lights, landscape lights, and café style string lights.
- D. Any lighting used in support of search and rescue or other emergency response operations.
- F. Lighting necessary to support regularly scheduled road work.
- G. Any lighting used in support of emergency repair, replacement, or protection of existing structures, utility facilities, or roadways, provided that any permanently installed light fixtures comply with the provisions of this chapter after the emergency has passed.
- H. Lighting necessary to support permitted water-dependent or water-related uses, quarry and mining activities, or permitted uses on land located in the **Heavy Industrial Zone**; however, all such lighting shall aspire to comply with the provisions of this chapter where practicable.
- I. Lighting associated with discrete farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010; however, permanent light fixtures on buildings, structures or poles associated with farm practices and agricultural use shall aspire to comply with the provisions of this chapter where practicable. For the purposes of this exemption, “discrete farming practices” does not include farm stands or agri-tourism events or other commercial activities.
- J. Lighting associated with discrete forest practices as defined by ORS Chapter 527; however, permanent light fixtures on buildings, structures or poles associated with forest practices shall aspire to comply with the provisions of this chapter where practicable.
- K. Airport lighting as required by state and/or federal law. All other airport lighting shall comply with the provisions of this chapter.
- L. Communication facility and/or tower lighting as required by state and/or federal law. All other communication facility lighting shall comply with the provisions of this chapter.
- M. Correctional facility lighting as required by state and/or federal law. All other correctional facility lighting shall comply with the provisions of this chapter.
- N. The following types of temporary lighting, used not more than 90 days in any calendar year:
  - 1. Temporary lighting for holiday decoration purposes.
  - 2. Temporary lighting associated with carnivals, fairs, or other permitted special events; however, permanent light fixtures located at dedicated special event sites shall conform to the standards of this chapter.
  - 3. Temporary lighting associated with permitted film productions.
- O. Lighting for U.S. flags intended to be properly displayed at night.
- P. Light fixtures used in support of private and public outdoor recreation facilities, outdoor performance areas, and other similar outdoor facilities, provided lighting is extinguished within one hour after the conclusion of the final event of the day.
- Q. Lighting necessary to meet federal, state or local historic preservation standards when such lighting cannot both serve the public need and comply with the standards of this chapter.
- R. Permitted exemptions to the requirements of this chapter for up to 30 days per calendar year.
- S. Street and/or pedestrian lighting located within a right-of-way; however, all lighting shall aspire to comply with the provisions of this chapter where practicable.
- T. Traffic control devices in compliance with the Manual on Uniform Traffic Control Devices.
- U. Sign lighting, which is subject the standards found in Title 18, Crook County Code.

#### 124.XX.070 Administration and enforcement.

- A. Administration. For all new and existing outdoor light fixtures on property that is the subject of an application for a development permit, an applicant shall demonstrate the standards of this chapter are met.

B. Enforcement. This chapter may be enforced pursuant to **Chapter, Code Compliance**, of the Crook County Code. Any non-exempt outdoor light fixture installed or replaced in violation of this chapter is a public nuisance and enforcement action may be taken pursuant to **Chapter, Code Compliance**, of the Crook County Code.

C. The remedies provided in this chapter are not exclusive and shall not prevent the County from exercising any other remedy available under the law.



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January 24, 2024

## Planning Commission Work Session Cargo Containers

**Request:** Clean up cargo container language. Allow for clear and objective standards that are enforceable.

**Background:** Develop clear and objective standards for cargo containers. As the code currently reads, it is not easily enforceable, and building code standards have changed. See comments from Assistant Building Official, Terry Weitman. As for enforcement, what is an earth tone color? Merriam-Webster defines as “any of various rich colors containing some brown.” Not easily enforceable. Staff did not find any mention of cargo or shipping containers in neighboring county codes, including Deschutes, Jefferson, Grant, and Wasco Counties.

**Current definition:**

18.08.030 C definitions.

“Cargo container” means a metal structure used only for accessory storage or as a building component of a structure, consistent with the Oregon State Building Code. Semi-truck trailers are not considered cargo containers.

**Comments on our current code language from Assistant Building Official, Terry Weitman, in red:**

18.124.120 Cargo containers.

(1) Cargo Containers as Accessory Storage Structures. Cargo containers, as defined in Chapter 18.08 CCC, may be used as accessory storage structures in Crook County if they are 200 square feet or less. Semi-trailers are not considered cargo containers for purposes of this section.

(a) Containers are not to be used for storage of motorized passenger vehicles. **Building Department is not concerned with what is placed in the containers.**

(b) Containers are not to be stacked on top of each other. **Permit would be required if it is a construction method / element of a structure.**

(c) Containers used exclusively for storage are not to be equipped with plumbing or electrical power or lighting. **They can have these items if they get permits from the building department.**

(d) Be placed on a firm, level surface. **Additional requirements would apply if used for construction method / element of a structure.**

(e) Be painted in earth tone colors or sided with earth tone colored materials. **Building department does not regulate building colors.**

(f) Cargo containers of more than 200 square feet will require a building permit. **Construction method / element of a structure.**

**Proposed Amendments:**

18.08.030 C definitions.

“Cargo container” or Shipping container means a prefabricated metal structure typically used for storage, used only for accessory storage or as a building component of a structure, consistent with the Oregon State Building Code. Semi-truck trailers are not considered cargo containers. Cargo containers shall be considered as an accessory use/accessory structure. Cargo containers may be used as a construction method or element of a structure, subject to Oregon State Building Code and approval by the County Building Official.

18.124.120 Repealed Cargo containers.

~~(1) Cargo Containers as Accessory Storage Structures. Cargo containers, as defined in Chapter 18.08 CCC, may be used as accessory storage structures in Crook County if they are 200 square feet or less. Semi-trailers are not considered cargo containers for purposes of this section.~~

~~(a) Containers are not to be used for storage of motorized passenger vehicles.~~

~~(b) Containers are not to be stacked on top of each other.~~

~~(c) Containers used exclusively for storage are not to be equipped with plumbing or electrical power or lighting.~~

~~(d) Be placed on a firm, level surface.~~

~~(e) Be painted in earth tone colors or sided with earth tone colored materials.~~

~~(f) Cargo containers of more than 200 square feet will require a building permit.~~

~~(2) Cargo containers as defined in Chapter 18.08 CCC may be used as a building component of any structure, including as an office, shop, studio, dwelling or similar use, subject to review and approval by the county planning director and county building official. (Ord. 280 S 15 (Ex. O), 2015)~~





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January 24, 2024

## Planning Commission Work Session Juniper Acres Purpose Statement

**Request:** Clean up purpose statement language.

**Background:** Staff brought forward a memorandum in September 2023 for the Planning Commission's recommendation for the County Court to consider. The resulting discussion was in support of amending the code to allow for building permits as outlined in the amendment below.

### **Proposed Amendments:**

#### 18.112.005 Purpose.

The purpose of this zoning district is to ameliorate the consequences of the establishment of the Juniper Acres Partitioning in 1962 by permitting a level of residential development that would not ordinarily be permitted in an exclusive farm use zone given the large number of private owners of numerous legally created parcels, and to modulate the timing of the residential development. The Crook County court had established a task force to investigate solutions to fire suppression, road construction and maintenance issues in the subdivision. These issues of public health and safety have not been addressed and the court's order stating that it is premature to issue additional building permits in the Juniper Acres subdivision remains in effect (Order 2007-80), **excepting building permits may be issued for (1) an alteration, restoration, or replacement of a lawfully established land use, (2) an accessory structures to an existing lawfully established land use, and (3) for a previously approved land use that has been determined by the County Planning Department to have been initiated (vested). Except as described above, the remaining sections of this chapter shall not apply until the court determines that building permits can be issued.** (Ord. 326 § 5 (Att. A), 2021; Ord. 18 § 3.230, 2003)



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January 24, 2024

## Planning Commission Work Session Approval process – Transmission tower

**Request:** Clean up approval process.

**Background:** Staff noticed a numbering discrepancy regarding the approval process and site plan submittal requirements. The resulting numbering is proposed as outlined in the amendment below.

**Proposed Amendments:**

### **18.124.110 Approval process – Transmission tower.**

(1) Applicability. Height Restrictions for Transmission Towers/Site Plan Review and Conditional Use.

(a) In EFU and Forest Zones. Transmission towers less than 200 feet in height or siting on a colocation facility shall be by site plan review based upon the standards contained within this section. New towers proposed to be greater than 200 feet in height shall be by conditional use, pursuant to this section. Nothing herein shall preclude any uses permitted outright under ORS 215.213(1)(d) or 215.283(1)(d).

(b) In Zones Described in Chapters 18.48, 18.52, 18.56, 18.68, 18.88, 18.92, 18.108 and 18.112 CCC. A new transmission tower less than 30 feet in height either from the existing grade or, if located on an existing building, from the base monopole, shall be by site plan review based on the standards contained within this section. Lattice towers shall not be permitted to be constructed on existing buildings. New towers proposed to be greater than 30 feet in height shall be by conditional use pursuant to this section. Colocation facilities shall be approved pursuant to CCC 18.160.050(17)(b).

(2) Conditional Use Approval. An application for a conditional use permit for a transmission tower or its equivalent in the EFU and forest zones shall comply with the applicable standards, setbacks and criteria of the base zone, any combining zone and the following requirements:

(a) Preapplication Conference. Applicant shall attend a scheduled preapplication conference prior to the submission of a land use application. An application for a transmission tower will not be deemed complete until the applicant has had a preapplication conference with the planning

department staff. The planning staff shall require payment by the prospective applicant of a fee commensurate with the estimated duration of this conference.

(b) Neighborhood Meeting. Prior to submitting an application for a transmission tower, the applicant shall provide notice of and hold a meeting with interested owners of the property nearby to a potential facility location. Notice shall be in writing and shall be mailed no less than 10 days prior to the date set for the meeting to owners of record of property within a notice area of 2,000 feet of the boundary of the property on which the applicant proposes to establish a tower or monopole greater than 30 feet in height. For the purpose of this section, the property on which an applicant proposes to establish a transmission tower includes the lot of record on which the applicant will locate the facility and all contiguous lots of record held in common ownership. The applicant shall notify the owners of record of a minimum of 20 properties located within 660 feet of the affected property. If the number of owners of property notified in the notice area does not equal at least 20, the applicant shall notify the owners of record of property within the next increment of 660 feet from the initial notice area until the number of owners of property notified reaches at least 20. The applicant shall also provide a copy of this notice to the planning department.

(c) Balloon or Crane Test. After the neighborhood meeting, the applicant shall conduct a test with a balloon or a crane to provide an estimate of the ultimate height of a support structure proposed as part of the transmission tower. The applicant shall notify all persons attending the neighborhood meeting of the date, the time, and the location of the test. The applicant shall schedule the balloon test so that it can be conducted no later than two business days following the date of the neighborhood meeting or such time as is agreeable to the neighbors at the meeting, but in no event shall the balloon test occur more than 30 days following the date of the neighborhood meeting. Notice of this test shall be provided to the planning staff.

(d) The preapplication conference shall be completed prior to scheduling the neighborhood meeting or conducting the balloon/crane test.

(e3) Submittal Requirements. An application for a transmission tower in either an EFU zone or a forest zone shall include:

(a) A copy of the executed lease from the owner of the site of the property where the tower will be located;

(b) A copy of the applicant's Federal Communications Commission license. A copy of this document will not be required to be submitted if applicant is not a personal wireless service provider, and is seeking approval only for a support structure for a wireless telecommunications facility;

- (iii) For a new tower, a map that shows the applicant's search area for the proposed site and the properties within the search ring, including locations of existing telecommunications towers or monopoles;
- (iv) For a new tower, a copy of the written notice of the required neighborhood meeting and a certificate of mailing showing that the notice was mailed to the list of property owners falling within the notice area designated under CCC 18.124.110(2);
- (v) For a new tower, a transcript of the neighborhood meeting or copies of the audiotape recordings of the meeting. The applicant shall also submit a list of attendees, including the date, time, and location of the meeting;
- (vi) A site plan showing the location of the proposed facility and its components. The site plan shall also identify the location of the existing and proposed landscaping, any equipment shelters, utility connections, and fencing proposed to enclose the facility, and lighting if any is proposed. Describe primary and emergency energy sources proposed for the cell tower;
- (vii) A copy of the design specifications, including photographs or manufacturer's graphic representations of proposed colors, and an elevation of an antenna array proposed with the facility, and lighting, if any, for the facility;
- (viii) An elevation drawing of the facility and a photographic simulation of the facility showing how it would fit into the landscape. The elevation drawing shall be drawn to scale and show the existing trees adjacent to the proposed facility and show the height of such trees from existing grade to the highest portion of each tree. This documentation shall include any support structure, transmission equipment including antennas and microwave dishes, and any ground-based equipment cabinets or shelters;
- (ix) A copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Transportation – Aeronautics Division as to whether any requirements, including but not limited to aviation lighting, would be required for the proposed facility. Such letter of determination shall be submitted prior to issuance of a decision by the county planning authority;
- (x) An agreement and security in accordance with CCC 17.40.080 and 17.40.090 for removal of any support structure and any ground-based equipment or accessory structures, such as equipment buildings and security fences;
- (xi) Proof that the applicant is not able to ~~colocate~~ **collocate** similar telecommunication structures on existing transmission facilities or locate on existing structures;
- (xii) In the event that the applicant plans to develop more than one tower in Crook County, the applicant shall simultaneously submit a tentative plan for future tower site development in the county.