

PROPOSED CODE UPDATES

DEFINITIONS -17.08

17.08.010

“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

DEFINITIONS – 18.08

18.08.160 P Definitions

~~“Partition land” means to divide an area or parcel of land into two or three parcels within a calendar year when such area or parcel of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. “Partition land” does not include divisions of land resulting from the creation of cemetery lots. “Partition land” does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.~~

“Partition land” means to divide land into two or three parcels of land within a calendar year, but does not include:

(a) A division of land resulting from lien foreclosure, foreclosure or recorded contract for the sale of real property, or the creation of cemetery lots;

(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning requirements including minimum lot size;

(c) The division of land resulting from the recording of a subdivision, PUD, or condominium plat;

(d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes; provided, that such road or right-of-way complies with the applicable comprehensive plan provisions or provisions of other land use approvals. Any property divided by the sale or grant of land for such a highway, road, street or other right-of-way shall continue to be considered a single unit of land until such time as the property is further subdivided.

“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

EXCLUSIVE FARM USE

18.16.040 Dwellings not in conjunction with farm use.

(1) Nonfarm Dwelling. A nonfarm dwelling is subject to the following requirements:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

(2) Nonfarm Dwelling Suitability Standards.

(a) The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(b) A new parcel or portion of an existing lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not “generally unsuitable.” A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I – VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

(c) If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the forest practices rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not “generally unsuitable” simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not “generally unsuitable.” If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

(3) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in subsections (3)(a) through (c) of this section. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in subsections (3)(a) through (c) of this section;

(a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or

practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

(b) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot of record dwellings that could be approved under CCC [18.16.035](#)(1) and this section, including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS [215.263](#)(4), [215.263](#)(5), and [215.284](#)(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this subsection; and

(c) Determine whether approval of the proposed nonfarm/lot of record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

(4) If a single-family dwelling is established on a lot or parcel as set forth in Use 2.4 in Table 1, no additional dwelling may later be sited under the provisions of this section.

(5) All new nonfarm dwellings on existing parcels within the deer and elk winter ranges must meet the residential density limitations found in Wildlife Policy 2 of the Crook County comprehensive plan. Compliance with the residential density limitations may be demonstrated by calculating a one-mile radius (or 2,000-acre) study area. An applicant may use a different study area size or shape to demonstrate compliance with Wildlife Policy 2, provided the methodology and size of the study area are explained and are found to be consistent with the purpose of Crook County comprehensive plan Wildlife Policy 2. (Ord. 309 § 2 (Exh. C), 2019)

[\(6\) All new nonfarm dwellings on existing lots or parcels proposed within the Paulina Ranches or Riverside Ranches subdivisions, which are in the County's EFU-1 zone and were created prior to January 1, 1993, shall require a minimum of 20 acres for the nonfarm dwelling.](#)

[\(a\) The 20-acre requirement for these subdivisions may be met either by a single lot or parcel which is at least 20 acres or through multiple, separate lots or parcels within the same subdivision in common ownership, which in the aggregate total 20 acres or more. For the purposes of this section, Riverside Ranch Unit 1 is treated as a separate subdivision and Riverside Ranch Units 2 and 3, together, are treated as a separate subdivision.](#)

(b) -Where multiple lots or parcels in common ownership are the basis to meet the 20-acre requirement, upon approval of a nonfarm dwelling and prior to the issuance of a building permit, the applicant/owner shall record a deed restriction with the County Clerk limiting the further development and individual sale of any lots or parcels used by the applicant/owner to meet the 20-acre requirement.

Development in Riverside Ranch Unit 1 requires all 20-acres to be located in Unit 1.
Development in Riverside Ranch Unit 2 or 3 requires the 20-acres to be located in either Unit 2 or 3.

18.28 Forest Zone

2	Residential Uses	-	-	-
2.1	Caretaker residences for public parks and public fish hatcheries.	STS	Notice and Opportunity for Hearing	18.28.015(14) 18.28.015(16)
2.2	Large tract forest dwelling.	STS	Notice and Opportunity for Hearing	18.28.015(1) 18.28.015(14) 18.28.015(16)
2.3	Lot of record dwelling.	STS	Notice and Opportunity for Hearing	18.28.015(2) 18.28.015(14) 18.28.015(16)
2.4	Template dwelling.	STS	Notice and Opportunity for Hearing	18.28.015(3) 18.28.015(14) 18.28.015(16)
2.5	Alteration, restoration or replacement of a lawfully established dwelling.	STS	Administrative ORS 215.417 Valid for 4 years	18.28.015(4) 18.28.015(14) 18.28.015(16)
2.6	Temporary hardship dwelling.	C	Notice and Opportunity for Hearing	18.28.015(5) 18.28.015(14) 18.28.015(16)
2.7	Relative Forest Help Dwelling	STS	Notice and Opportunity for Hearing	

18.28.015 Use Standards

Propose adding a new subsection for Relative Forest Help Dwellings – renumber to add this as 18.28.015(6)

Accessory dwellings supporting family forestry; conditions. (1) As used in this section, “owner or a relative” means the owner of the lot or parcel, or a relative of the owner or the owner’s spouse.

including a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either.

(2) A county may approve a new single-family dwelling unit on a lot or parcel zoned for forest use provided:

(a) The new single-family dwelling unit will be on a lot or parcel no smaller than the minimum size allowed under ORS 215.780;

(b) The new single-family dwelling unit will be on a lot or parcel that contains exactly one existing single-family dwelling unit that was lawfully:

(A) In existence before November 4, 1993; or

(B) Approved under ORS 215.130 (6), 215.705, 215.720, 215.740, 215.750 or 215.755;

(c) The shortest distance between the new single-family dwelling unit and the existing single-family dwelling unit is no greater than 200 feet;

(d) The lot or parcel is within a rural fire protection district organized under ORS chapter 478;

(e) The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;

(f) As a condition of approval of the new single-family dwelling unit, in addition to the requirements of ORS 215.293, the property owner agrees to acknowledge and record in the deed records for the county in which the lot or parcel is located, one or more instruments containing irrevocable deed restrictions that:

(A) Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot or parcel containing the existing single-family dwelling unit; and

(B) Require that the owner and the owner's successors manage the lot or parcel as a working forest under a written forest management plan, as defined in ORS 526.455, that is attached to the instrument;

(g) The existing single-family dwelling unit is occupied by the owner or a relative;

(h) The new single-family dwelling unit will be occupied by the owner or a relative; and

(i) The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition or supervision of forest lots or parcels of the owner.

(3) If a new single-family dwelling unit is constructed under this section, a county may not allow the new or existing dwelling unit to be used for vacation occupancy as defined in ORS 90.100.

18.28.040 Land divisions.

(1) The minimum parcel size for new forest parcels is 80 acres.

(2) New land divisions less than the parcel size in subsection (1) of this section may be approved for any of the following circumstances:

(a) For the Uses 1.8, 3.6, 3.7, 4.1, 4.3, 6.3, 6.5 through 6.8, 7.3 through 7.6, 7.8, and 7.9 in Table 1; provided, that such uses have been approved pursuant to CCC [18.28.020](#) and the parcel created from the division is the minimum size necessary for the use.

(b) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

(i) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and

(ii) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(A) Meets the minimum land division standards of the zone; or

(B) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

(c) To allow a division of forest land to facilitate a forest practice as defined in ORS [527.620](#) that results in a parcel that does not meet the minimum area requirements of subsection (1) of this section. Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of subsection (1) of this section in order to conduct the forest practice. Parcels created pursuant to this subsection:

(i) Are not eligible for siting of a new dwelling;

(ii) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iii) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

(iv) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:

(A) Facilitate an exchange of lands involving a governmental agency; or

(B) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

(d) To allow a division of a lot or parcel zoned for forest use if:

(i) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(ii) Each dwelling complies with the criteria for a replacement dwelling under CCC [18.28.015\(4\)\(a\)](#);

(iii) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;

(iv) At least one dwelling is located on each parcel created under this subsection; and

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(v) The landowner of a parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(e) To allow a proposed division of land to preserve open space or parks, as provided in ORS [215.783](#).

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(3) A lot or parcel may not be divided under subsection (2)(d) of this section if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS [197.015](#) that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.

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(4) Restrictions.

(a) An applicant for the creation of a parcel pursuant to subsection (2)(b) of this section shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under subsection (2) of this section.

(b) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

(5) A landowner allowed a land division under subsection (2) of this section shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(6) The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.

(7) A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size; provided, that:

(a) If the parcel contains a dwelling, it must be large enough to support continued residential use.

(b) If the parcel does not contain a dwelling:

(i) It is not eligible for siting a dwelling, except as may be authorized under ORS [195.120](#);

(ii) It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and

(iii) The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS [30.936](#) or [30.937](#). (Ord. 309 § 3 (Exh. C), 2019)

(17) Minimum lot size in areas identified as big game winter range shall be:

(a) Three hundred twenty acres within the elk wintering range as designated in the county's comprehensive plan, Goal 5 element.

(b) One hundred sixty acres within the critical deer winter range as designated in the county's comprehensive plan, Goal 5 element. In EFU-3 only, 40 acres within the critical deer winter range in the county's comprehensive plan, Goal 5 element.

(c) Eighty acres within the general winter range as designated in the county's comprehensive plan, Goal 5 element. In EFU-3 only, 40 acres within the critical deer winter range in the county's comprehensive plan, Goal 5 element.

Juniper Acres

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). The remaining sections of 18.112 shall not apply until the Court determines that building permits can be issued.

18.116 Destination Resort Overlay

18.116.120 Duration of final development plan approval.

A final development plan approval, including a modified final development plan approval, shall become void if construction has not commenced within two years, plus the period of any extensions under CCC 18.172.060 after the date the approval, including any modified approval, became final. Appeals to higher authorities, including the Oregon Land Use Board of Appeals, Court of Appeals, Oregon Supreme Court or Circuit Court, shall toll the running of this time period until such time as all appeals are fully

resolved by a final judgment being issued by the appellate authority and any remand proceedings have resulted in a final county decision.

18.172.060 Director Decisions.(2) Extensions

(a) A request for an extension to a land use approval shall be handled administratively by the director without public notice or hearing, and is not subject to appeal as a land use decision.

(b) The director shall grant up to four extensions to a land use approval regardless of whether the applicable criteria have changed (except where state law precludes), if:

(i) An applicant makes a written request for an extension of the development approval period; and

(ii) The request, along with the appropriate fee, is submitted to the county prior to the expiration of the approval period.

(c) Approval of a modification to a land use approval pursuant to CCC 18.172.100 or to a Final Destination Resort Development Plan under 18.116.110 shall be treated as a new final decision for purposes of calculating the expiry provisions of CCC 18.172.060(2)(b).