



**Oregon**

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

**NOTICE OF ADOPTED AMENDMENT**

December 21, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment  
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 4, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

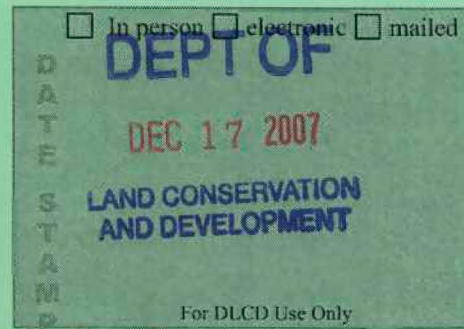
Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Sandy Mathewson, Jefferson County

<paa> ya

FORM 2

# DLCD Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: *Jefferson County* Local file number: *07-PA-08*  
 Date of Adoption: *12/12/07* Date Mailed: *12/14/07*  
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: *10/12/07*  
 Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
*Changed zoning of two areas in Crooked River Ranch  
 From Residential to Commercial.*

Does the Adoption differ from proposal? Please select one  
*same*

Plan Map Changed from: *—* to: *—*  
 Zone Map Changed from: *CRRR* to: *CRRC*  
 Location: *Crooked River Ranch* Acres Involved: *110*  
 Specify Density: Previous: *10 acre min.* New: *1 acre min.*

Applicable statewide planning goals:  
 1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19

Was an Exception Adopted?  YES  NO  
 Did DLCD receive a Notice of Proposed Amendment...  
 45-days prior to first evidentiary hearing?  Yes  No  
 If no, do the statewide planning goals apply?  Yes  No  
 If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. *003-07(16472)*

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: *Sandy Mathewson* Phone: *(541) 425 4462* Extension: *4144*  
Address: *85 SE "D" St.* Fax Number: *541 325-5004*  
City: *Madras* Zip: *97741* E-mail Address: *sandy.mathewson@co.jefferson.or.us*

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#### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webservice.lcd.state.or.us](http://webservice.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

IN THE MATTER OF AN AMENDMENT TO )  
THE ZONING MAP TO REZONE PROPERTY )  
IN CROOKED RIVER RANCH FROM )  
RESIDENTIAL TO COMMERCIAL )

Ordinance No. 0-207-07

**WHEREAS**, the Crooked River Ranch Club and Maintenance Association submitted an application to rezone land that they own from Crooked River Ranch Residential (CRRR) to Crooked River Ranch Commercial (CRRC). The proposal involves two areas. The first is in the lower portion of Crooked River Ranch and includes the parking area in front of the Clubhouse, the RV park, the equine arena and the adjacent building which has been used for various businesses, and consists of tax lots 13-12-24C-2600, 13-12-24DC-1000, part of 13-12-24-300, and part of 13-12-24DC-1100. The second area includes the road maintenance area and old fire hall, and consists of tax lot 13-12-14C-1700 and part of 13-12-14C-1800; and

**WHEREAS**, the Jefferson County Planning Commission considered the proposal at a public hearing on October 11, and unanimously voted to recommend that the Board of Commissioners approve the application; and

**WHEREAS**, the Jefferson County Board of Commissioners conducted a public hearing on December 5, 2007 and accepted testimony from the Ranch manager; and

**WHEREAS**, no persons appeared to testify in opposition to the application at either the Planning Commission or Board hearings; and

**WHEREAS**, at the conclusion of the December 5 hearing the Board voted unanimously to AFFIRM the Planning Commission recommendation.

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

1. **Adoption of Zoning Map Amendments**

Jefferson County hereby AMENDS the Zoning map to change the designation from Crooked River Ranch Residential to Crooked River Ranch Commercial on tax lots 13-12-14C-1700, part of 13-12-14C-1800, part of 13-12-24-300, 13-12-24C-2600, 13-12-24DC-1000 and part of 13-12-24DC-1100, as shown on the attached Exhibit A.

2. **Adoption of Findings**

The Board hereby accepts the arguments and evidence made by the applicant, and adopts the findings of fact and conclusion set forth in the attached Exhibit B.

0-207-07

Dated this 12<sup>TH</sup> day of December, 2007.

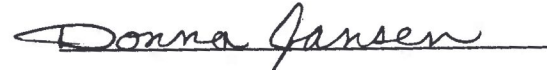
BOARD OF COMMISSIONERS:

  
Mike Ahern, Commission Chair

  
Bill Bellamy, Commissioner

  
John Hatfield, Commissioner

Attest:



**Appeal Information**

Planning Casefile #07-PA-08

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: 12-12-07

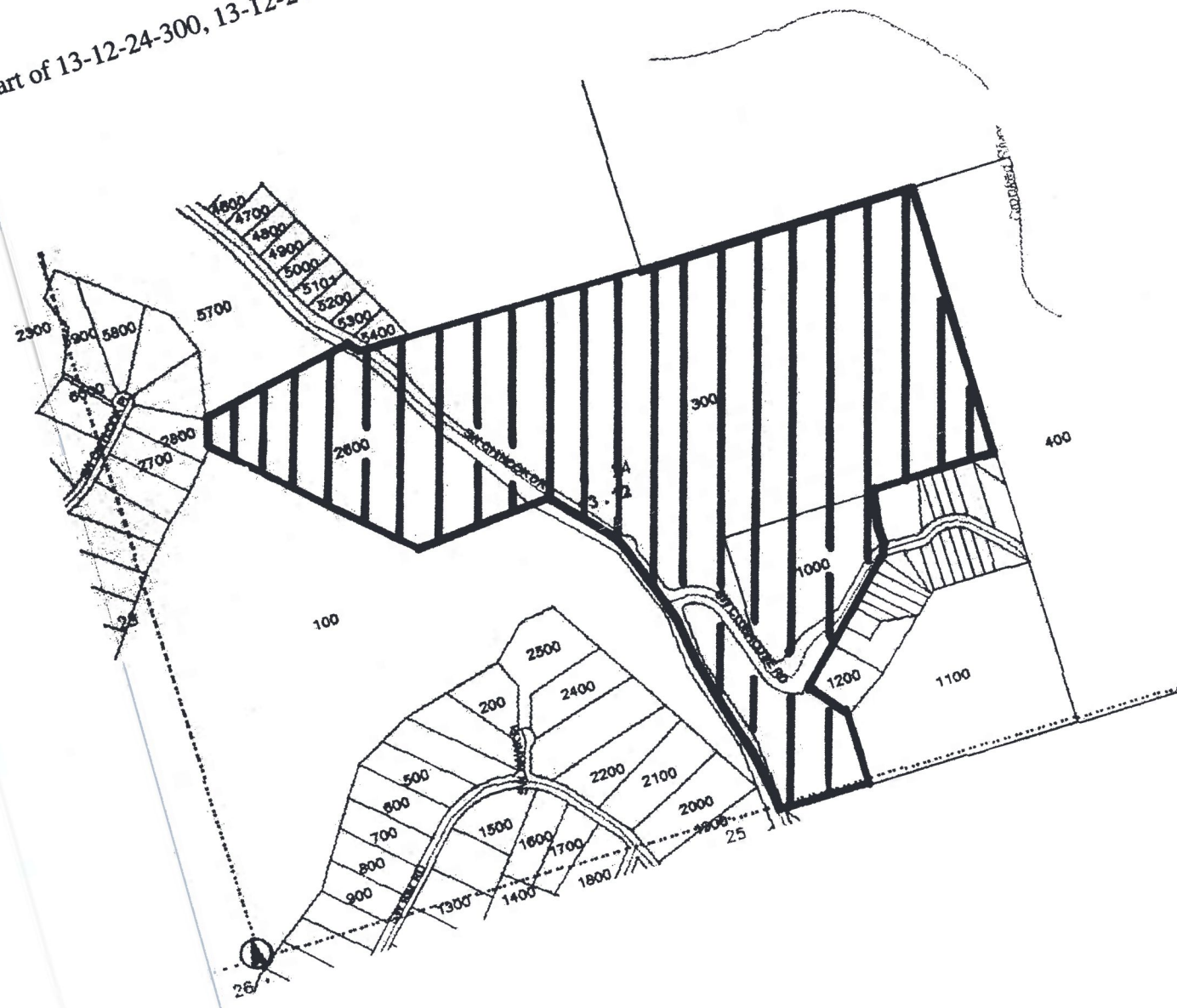
The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

0-207-07

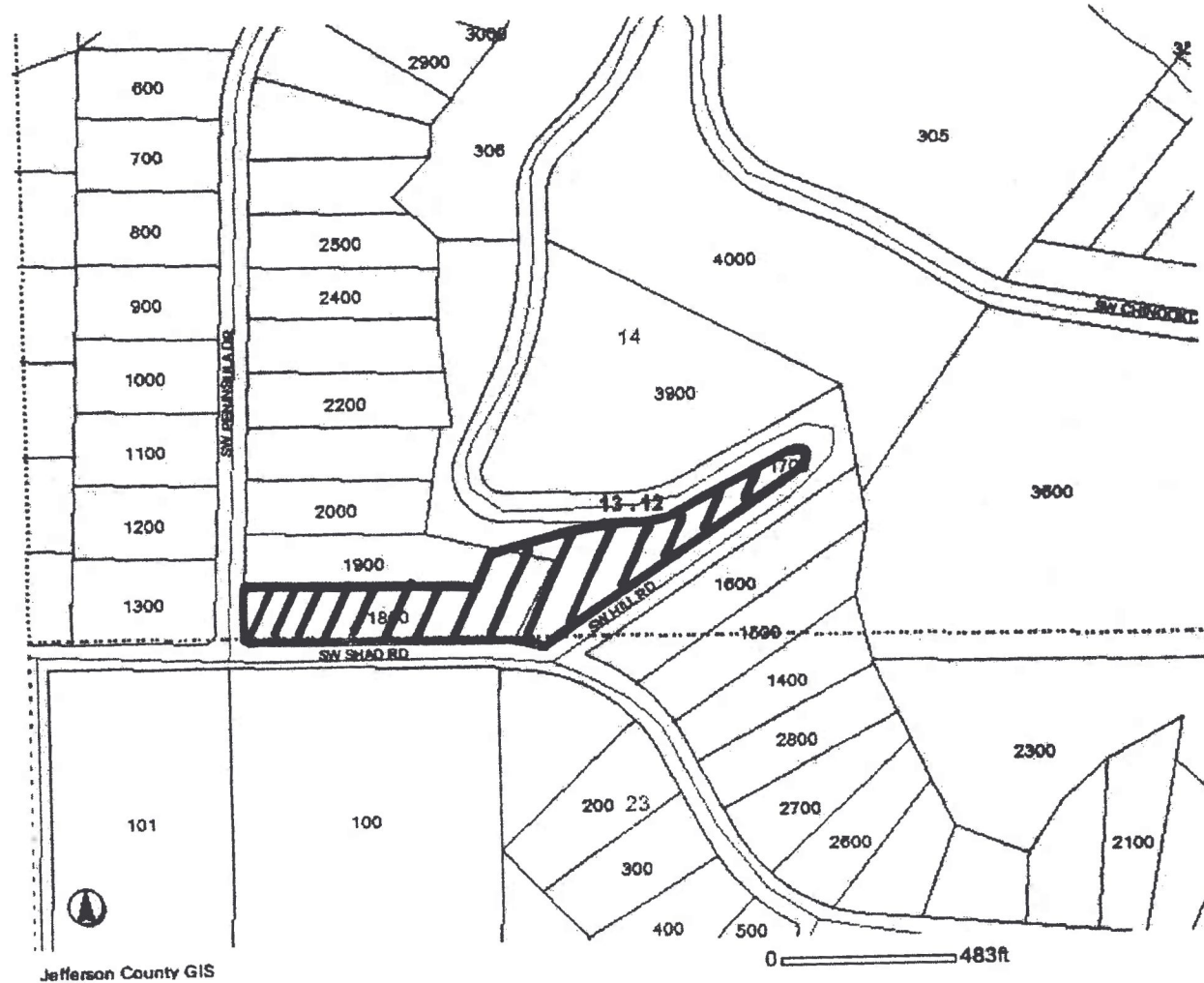
EXHIBIT A

AREAS REZONED FROM CRRR TO CRRC

Part of 13-12-24-300, 13-12-24C-2600, 13-12-24DC-1000 and part of 13-12-24DC-1100



13-12-14C-1700 and part of 13-12-14C-1800



## EXHIBIT B

## FINDINGS OF FACT AND CONCLUSION

1. The proposal is to change the Zoning Map designation of approximately 110 acres from CRRR to CRRC. Jefferson County Zoning Ordinance Section 803.2 contains the approval criteria for zoning map amendments, as follows:

*An amendment to the Zoning Map may be approved if it complies with the approval criteria in this Section. The burden of proof is on the applicant to submit sufficient information to demonstrate that the application complies with the approval criteria. For instance, a traffic impact study in accordance with Section 421 may be needed to show compliance with criterion (F).*

- A. *The zoning designation will conform to the Comprehensive Plan Map designation;*

**Finding:** The Comprehensive Plan Map designation is Unincorporated Community. This designation applies to both the CRRR and CRRC zones.

- B. *The amendment is consistent with other Zoning Ordinance requirements including, but not limited to, wildlife habitat, bird habitat and riparian protection standards;*

**Finding:** The property is not in a designated wildlife or bird habitat area or riparian protection area. A small area east of the RV park, below the rim, is in a designated Wild and Scenic River boundary. Any new development proposed as a result of the rezone will be subject to development standards for protection of the river resource. All applicable Zoning Ordinance requirements for rezoning the property are addressed in this report.

- C. *The amendment will cause no significant adverse impact to other properties in the vicinity due to factors such as water quality, drainage, air quality or noise;*

**Finding:** The lower area that is proposed to be rezoned is developed with the RV park, golf course, road right-of-way which has historically been used for parking, riding arena and a commercial building. The upper area is much smaller in size and includes the road maintenance shop and old fire hall, which is being replaced by a new facility on a different parcel. Because the majority of the property that is proposed to be rezoned is already developed, the amount of land available for new commercial uses is limited. There are no residences near the lower area that would be adversely impacted by new commercial uses. The upper area is surrounded by residential lots, so there is a greater potential for adverse impacts. Site plan review is required prior to approval of any new uses in the CRRC zone, and adequate sanitation meeting DEQ regulations is required. These requirements will help to mitigate any adverse impacts to surrounding lands.



- D. *The amendment will not force a significant change in or significantly increase the cost of farming or forest practices on surrounding resource land;*

**Finding:** Lands on the east side of the Crooked River are zoned Range Land. These lands are not being used for farming or forestry due to poor soils and lack of irrigation water. Both the river and steep topography separate the proposed lower commercial area from these resource lands. There is also land zoned Range Land across Shad Road from the property proposed to be rezoned in the upper area. A new fire hall is being constructed on this property, and it is not being used for farming or forestry. Consequently, there will be no change or increased cost to farming or forestry practices.

- E. *Adequate public safety, fire protection, sanitation, water and utility facilities and services are available or will be provided to serve uses allowed in the proposed zone;*

**Finding:** The area is served by the County Sheriff and Crooked River Ranch RFPD. Existing uses utilize on-site septic systems, as would any new use unless a community sewer system is installed in the future. Water, utilities and other services already serve the properties and are available to serve any future new uses.

- F. *The uses allowed in the proposed zone will not significantly affect a transportation facility identified in an adopted Transportation System Plan by:*

1. *Changing the functional classification of an existing or planned transportation facility;*
2. *Allowing types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
3. *Reducing the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan (LOS C).*

*A Traffic Impact Study in accordance with Section 421 may be required to show compliance with this standard.*

**Finding:** According to the County Transportation System Plan (TSP), both of the areas that are proposed to be rezoned are accessed by roads that are major or minor collectors. Minor collectors have typical average daily traffic volume of 600 – 2,500 vehicles, and major collectors have an average volume of 2,500 – 6,000 vehicles. Since both proposed rezoned areas are already developed for commercial, community and recreational uses, the amount of land available for new commercial uses is limited. Consequently there is unlikely to be enough new traffic generated to change or be inconsistent with the functional classification of the roads. According to the TSP, all roads in the county currently operate at an acceptable LOS. Changing the zoning in this area is unlikely to result in new uses that would generate enough traffic to reduce the LOS.

- G. *If the proposed amendment is for a smaller minimum lot size in an existing Rural Residential zone, the application shall meet the requirements for an exception to statewide planning Goal 14; and*

**Finding:** A smaller minimum lot size in a residential zone has not been proposed.

H. *If the proposed amendment involves taking an exception to statewide planning Goals 3 or 4 to rezone the property from Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management to a Rural Residential zone, the minimum lot size shall be at least ten acres unless the application meets the requirements for an exception to statewide planning Goal 14 in accordance with OAR 660-004-0018.*

**Finding:** The land is an existing exception area, so this criterion is not applicable.

- I. *The following criteria shall be met if the proposed amendment involves rezoning the property to Exclusive Farm Use A-2:*
1. *The area to be rezoned is at least 500 acres and consists of lawfully created parcels;*
  2. *At least 50 percent of each parcel proposed to be rezoned is made up of agricultural capability class VI – VIII soil;*
  3. *The area lies east of the Crooked River, Lake Billy Chinook and the Warm Springs Indian Reservation;*
  4. *No water rights are available to the parcels proposed to be rezoned; and*
  5. *The area is within three miles of a school or school bus route.*

**Finding:** The proposal is to rezone the property to CRRC, not EFU A-2, so these criteria are not applicable.

2. Crooked River Ranch is an unincorporated community. OAR 660-022-0030(1) authorizes counties to change plan or zone designations in unincorporated communities, provided standard post-acknowledgement provisions for providing notice to DLCD are followed. OAR 660-022-0030(7) requires that land use regulations for unincorporated communities allow only those uses that are consistent with the identified function, capacity and level of service of transportation facilities serving the community.

**Finding:** Notice of the proposal was sent to DLCD. As indicated previously, the change from residential to commercial will not affect the function, capacity or level of service of roads serving the areas.

3. OAR 660-022-0030(8) states: *Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:*
  - A. *Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and*
  - B. *Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.*

**Finding:** The existing development in the two areas is served by septic systems. Any expanded or new uses will be required to have adequate sewage disposal. It is possible

that in the future a community sewer system will be developed to serve uses in the lower commercial area. Regardless of whether septic systems or a sewer system will be used, they will need to be in compliance with DEQ standards, which will prevent public health hazards and violation of water quality regulations. Water is available from a community water system.

4. The Comprehensive Plan and Zoning Ordinance are under appeal so have not been acknowledged. Consequently, the statewide planning Goals must be directly applied to consideration of the application. The Goals are found in OAR 660-015.

**Finding:** Statewide planning Goal 1 requires that the county provide the opportunity for citizens to be involved in the planning process. Notice of the public hearings to consider the proposal was mailed to all property owners within 250 feet of the subject property and was published in the Madras Pioneer. Providing the opportunity for public input complies with Goal 1. The Comprehensive Plan and Zoning Ordinance set out procedures and regulations for land use decision-making, in compliance with Goal 2.

Goal 3 requires the preservation and maintenance of agricultural lands. An exception to both goals has previously been taken. Goal 4 is to conserve forest land. The property does not meet the definition of forest land, so Goal 4 is not applicable.

The only Goal 5 resource on or near the properties is the Crooked River, which is a federally designated Wild and Scenic River and a fish-bearing stream subject to riparian protection standards. The area that is proposed to be rezoned is approximately 200 feet from the top of bank of the river, so is beyond the 100-foot riparian protection area. As indicated previously, the portion of the property within the Wild and Scenic River boundary is below the rim and can be adequately protected from conflicting uses.

Goal 6 requires that the air, water and land resources of the state be maintained or improved. Much of the property that is proposed to be rezoned is already developed, and any new development will be subject to siting standards that will protect air, water and land resources.

The property is not subject to any significant natural hazards (Goal 7). There are no known geologic faults in the county, and the earthquake hazard is considered to be moderate. The majority of the property to be rezoned has flat terrain, although there are a few areas with steep slopes. It is unlikely that any development would occur on the slopes. The property is not in a mapped flood hazard area. Fire protection is available and the wildfire hazard is not extreme, although the lack of exits from the Ranch is of concern.

The lower area that is proposed to be rezoned is developed with various recreational uses. One of the reasons for the proposed rezone is to allow the existing RV park to be upgraded, which would be allowed under commercial zoning. Providing for the recreational needs of the citizens of the county complies with Goal 8.

Goal 9 requires jurisdictions to provide adequate opportunities for economic development. New commercial and light industrial uses could potentially be developed if the property is rezoned, which complies with Goal 9.

Goal 10 requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. The property is in a rural area, so Goal 10 requirements to meet housing needs are not applicable.

Goal 11 requires that cities or counties develop a public facility plan for areas within a UGB containing a population greater than 2,500. The property is not in a UGB.

Goal 12 requires jurisdictions to provide a safe, convenient and economic transportation system. The proposed rezone would be consistent with the adopted Transportation System Plan because it would not change the functional classification or lower the level of service of any roads in the area.

Goal 13 is to conserve energy. The proposal may conserve energy if new commercial uses are developed, because people would not have to travel to Terrebonne or Redmond.

Goal 14 authorizes counties to approve uses in unincorporated communities that are more intensive than allowed on rural lands. The proposed rezone is in compliance with the OARs for unincorporated communities.

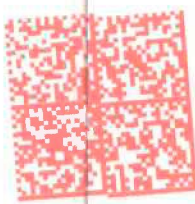
5. Written testimony was received in opposition to the proposed rezoning of the property in the upper area, where the road maintenance shop and old fire hall are located. The concerns expressed were that the commercial zone would allow retail establishments in a residential areas when there is adequate unused commercially zoned property within the established commercial area of the Ranch; it could establish a precedent for future rezoning requests in residential areas; there is no need for the rezoning; and reduced setbacks in the commercial zone could create a traffic hazard at the road intersection.

**Finding:** The applicant testified that they want the ability to reutilize the current fire hall for a use that would benefit the community once the new fire department building is completed, such as for a senior center. Any proposed new uses in this area would need the approval of the Ranch Board of Directors, who will take neighborhood interests into consideration. The Board finds that site plan review and siting standards in JCZO Sections 414 and 317 will ensure that any new development is designed to minimize adverse impact on neighboring properties and roads and not create traffic hazards. Applications for rezones are considered on a case by case basis, and do not create precedents in the review of future applications. Consideration of need is not an approval criterion for a zone change.

**CONCLUSION:** The proposal to rezone the two areas complies with applicable Zoning Ordinance regulations and OARs, and conforms to statewide planning goals.

JEFFERSON COUNTY  
COMMUNITY DEVELOPMENT DEPT.  
85 SE. 'D' STREET  
MADRAS OREGON 97741

047J62009348  
\$00.750  
12/14/2007  
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