Crook County Community Development
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Planning Commission Work Session
Text Amendments
November 9, 2022

Contents

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18.08.030 Definition of Commercial Event or Activity

Title 18 Zoning

Chapter 18.08 Definitions

18.08.030 C definitions.

"Commercial event or activity" means any meeting, celebratory gathering, wedding, party, or similar uses consisting of any assembly of persons and the sale of goods or services. It does not include agri-tourism. In CCC 18.16.055, a commercial event or activity shall be related to and supportive of agriculture.

Staff has received multiple requests from the public who wish to permit wedding events on their properties. Staff spent the last year researching how to allow these uses within the Exclusive Farm Use Zone without coming into conflict with statutory requirements. Staff identified that Deschutes County utilizes their "Agritourism and other commercial events or activities" section of the code within the EFU Zone. They have defined "Commercial event and activity".

Codifying this definition would provide the public a more legally defensible route to permit commercial events or activities that would not be allowed under agri-tourism and would help local farmers diversify their income.

Similar to Agri-tourism events, the landowner would be limited in the number of events that would be allowed on the subject property. Up to six events, one of the criteria requires that the use be incidental and subordinate to the existing farm use on the tract. Above six events, the landowner would be required to demonstrate that the events would be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area. Notice of the events would be sent to all emergency responders with jurisdiction who are normally contacted for agritourism events, which would help to ensure all their concerns are addressed through the review process. Currently there are unpermitted events occurring within the county that, if permitted, could be mitigated to cause less of an effect on neighboring landowners/farm uses. There is one active code compliance case open for a wedding event venue.

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18.08.040 Definition of Dwelling

Staff has been coordinating internally over the past year to discuss what constitutes a dwelling, and where exactly the line is drawn when a landowner decides to add additional amenities to accessory structures. Currently, all zones in the county only allow for one single family dwelling per property. Additional dwellings are allowed within the Exclusive Farm Use Zones but must be in conjunction with a verified commercial farm use.

Issues to be Resolved

On a frequent basis, applicants are proposing habitable space within accessory structures, with a lot of them containing full plumbing, electrical, and mechanical components. When an applicant proposes these structures, it has been challenging for staff to identify what exactly cannot be included in the structure to ensure a second dwelling is not located on the property. Additionally, code compliance cases processed by our code compliance officer often involve this issue, which results in the removal of some components. For reference, here is the definition that staff currently relies upon:

> "Dwelling unit" means one or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.
>
> "Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the main use of the primary structure or the primary use of the property and which is located on the same parcel as the primary use.

The primary link within the definition to a dwelling is "cooking facility", which is not defined in the code. Currently, staff's message to the public is that cooking facilities are not allowed, but without a definition it is difficult to message what is allowed. Historically, if a code compliance case were to be investigated, and a full kitchen were to be found in an accessory building, only the stove/range/oven would be required to be removed. However, with a 220-volt outlet already in place, in most instances the stove/range/oven is often placed back in the same location with no actual resolution to the violation. This does not capture the instances where gas is utilized for cooking appliances.

Analysis Methods

In analyzing a path forward on how to define a dwelling in Crook County, staff utilized definitions from around the state and from different agencies. These include definitions from all Oregon counties, the Oregon Residential Specialty Code, and the Department of Housing and Urban Development (HUD). Staff will also be coordinating with our Building and Onsite Departments to ensure that the definition we adopt will not conflict with any of their practices or standards.

Staff's Goal with the Planning Commission

The goal of this discussion if to provide future guidance to staff. This will not be included in the current round of code updates, depending on the route chosen staff may be required to provide a Measure 56 Notice to the entire county. Staff has coordinated heavily as a team to come to a reasonable conclusion on what should qualify as a dwelling, and how it should be regulated. Through that coordination, staff narrowed it down to three options that we would like the Planning Commission to give staff direction on what the best option would be moving forward. From there, staff will finalize a rough draft for future consideration by the Building and Onsite teams, and then finalize the chosen option through the public process with the Planning Commission.

Method Options

1. "This or that" option.

   This option utilizes the Oregon Residential Specialty Code definition for a dwelling and creates sub definitions that the landowner can choose from to include in an accessory structure. The definitions staff have drafted would read as follows:

   > "Dwelling unit" means one or more rooms in a building designed for occupancy by one family or household containing two or more of the following spaces: sleeping, cooking and eating, or sanitation spaces. These spaces are further defined throughout this chapter.
   >
   > "Cooking and eating spaces" means an area used, or designated to be use, for the preparation of food and/or the washing of dishes. An area meets this definition if it contains any of the following components: 220-volt outlet for cooking purposes, oven/stove/range, hood/vent, kitchen sink, refrigerator, dishwasher, or garbage disposal.
   >
   > "Sanitation space" means any area or components that produce wastewater and require water treatment or waste disposal. An area meets this definition if it contains any of the following components: bathroom, toilet, shower, tub, or washer and/or dryer.
   >
   > "Sleeping space" means an area utilized for sleeping either permanently or temporally. An area meets this definition if it contains any of the following components: bedroom(s), closets, independent door or window egress in a room.

   The goal in these definitions is to allow flexibility for landowners to construct certain amenities in their accessory structures, while ensuring the dwelling remains the primary structure. Landowners would be able to choose two of the "spaces" defined above, which may contain anything listed within those individual definitions. Initially, staff included a definition for "Living space", but found that it was too difficult to coordinate on what an acceptable definition would include. Including that space is still an option and would require further coordination with building codes.

   Staff coordinated extensively to determine what the main components of each space would contain, but the components are open to other interpretations or ideas from the commission.

2. "Cooking and eating facilities" definition option.

The following definitions are included to match what is historically accepted by multiple jurisdictions as the definition of a dwelling. The "dwelling unit" definition would be updated to include "cooking and eating facilities", and a definition of cooking and eating facilities would be added. Utilizing these conditions would make it clear that cooking and eating facilities are not allowed in accessory structures.

> "Dwelling unit" means one or more rooms in a building designed for occupancy by one family and having not more than one cooking and eating facilities.
>
> "Cooking and eating facilities" means an area used, or designated to be use, for the preparation of food and/or the washing of dishes. An area meets this definition if it contains any of the following components: 220-volt outlet for cooking purposes, oven/stove/range, hood/vent, kitchen sink, refrigerator, dishwasher, or garbage disposal.

3. "Tillamook" option.

In forming the "this or that" option above, staff's primary goal was to recreate/ improve upon the Tillamook County definition. It reads:

> DWELLING UNIT: One or more rooms occupied, designed or intended for occupancy as separate living quarters, and containing three or more of the following:
>
> - refrigeration.
> - cooking facility (including cooking stove, hot plate, range hood, microwave oven, or similar facility)
> - dishwashing machine
> - sink intended for meal preparation (not including a wet bar)
> - garbage disposal
> - toilet.

Staff was primarily in favor of this definition due to the flexibility that it allows. In looking at the definition, it seems a little haphazard in the way it lists the components to choose from, which is why staff chose to try and improve upon it. If the commission has comments or ideas to improve this definition though, staff is open to making any necessary changes that would create an acceptable definition.

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18.124.160 Livestock Limitation

Staff is proposing that the Planning Commission consider adding specific code language to codify what has been a long-standing County policy. This topic has come to our attention through past and present code compliance cases.

The code language below is from the City of Prineville, considerations for the Planning Commission are:
Does the language need to be amended to reflect the larger parcel sizes in the county?
Currently there is not a sanitation control and other requirements in every zone, should there be general criteria here?

a) On property under 10 acres, livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot

b) Any stall, barn, pen, coop, or similar structure in which animals are housed, excluding fenced pastures, shall not be located closer than 35 feet from any property line; and shall not constitute a sanitation or health hazard.

The addition would be in CCC 18.124 Supplementary Provisions as 18.124.160.

18.124.160 Domestic livestock kept solely for the purpose of a youth livestock project.

1. Domestic livestock as defined in CCC 18.08.120, where permitted by zoning, kept solely for the purpose of a youth livestock project such as 4-H or FFA may be exempted from the square footage requirements of this section provided that the following conditions are complied with.

    a. Evidence is provided to Community Development that the youth is officially enrolled in a 4-H or FFA livestock project and an outline of the planned project, including animal types and numbers, is also provided.

    b. An acknowledgment of the project and an agreement or statement of no objections to permit the same is provided from all adjoining property owners.

    c. Failure to comply with the sanitation control and other requirements of this section may result in the cancellation of the exemption.

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18.16.010 Use Table

Table 1. Use Table for Exclusive Farm Use (EFU)

	Use	Use Type	Review Procedure	Subject To
4	**Mineral, Aggregate, Oil and Gas Uses**			
4.5	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	C	Planning Commission Hearing	18.16.015(10) 18.144
6	**Utility/solid waste disposal facilities**			
6.1	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505. This provision does not include proposals within areas of special flood hazard, as identified by FEMA.	~~STS~~ A	~~Notice and Opportunity for Hearing~~ P	
9	Destination Resort	C	Planning Commission Hearing	18.116

- 4.5 Add link to the Aggregate Resource Sites
- 6.1 Irrigation
  - Currently, as identified in CCC 18.16.010, Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district are required to be reviewed through a site plan review. The EFU model code adopted by the county provides no specific section or criteria that the use is subject to.
  - The above changes would make those uses an allowed use permitted without review, unless located within an area of special flood hazard identified by FEMA.
- 9 Create Destination Resort use in the Use Table and link to Destination Resort Overlay

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18.16.040 Dwellings Not in Conjunction with Farm Use

Nonfarm dwelling conditions

Staff would like to propose an addition to this section of code to be more consistent with State Statutes.

From ORS 215.284 (7)

> (d) The dwelling complies with such other conditions as the governing body or its designee considers necessary.

It would appear in section 18.16.040 (8) as:

> (8) The dwelling complies with such other conditions as the governing body or its designee considers necessary.

Nonfarm dwelling special assessment disqualification

The model code provided by the state does not provide language for the disqualification of a parcel from special farm assessment (farm deferral). Staff identified this and wishes to codify it in our code. ORS 215.236 states:

> *ORS 215.236 Nonfarm dwelling in exclusive farm use zone; qualification for special assessment.*
>
> *(***)*
>
> *(2) The governing body or its designee may not grant final approval of an application made under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7) for the establishment of a dwelling on a lot or parcel in an exclusive farm use zone that is, or has been, receiving special assessment without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax imposed as the result of disqualification has been paid.*

The following are staff's recommendations for incorporation into the code.

> 18.16.040 Dwellings not in conjunction with farm use.
>
> (***)

(6) Pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the parcel upon which the dwelling is proposed has been disqualified under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

(~~6~~7) 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.

(~~7~~8) 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. The aggregation of lots or parcels for the purposes of this section must be contiguous in Paulina Ranches and Riverside Ranch Unit 1.

(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 of any lots or parcels used by the applicant/owner to meet the 20-acre requirement. (Ord. 330 § 8 (Exh. G), 2022; Ord. 326 § 3 (Att. A), 2021; Ord. 309 § 2 (Exh. C), 2019)

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18.16.075 Development Standards

The variety of property sizes in the Exclusive Farm Use zones have led to variance requests and additional cost for property owners when placing their homes, additions, and utilizing their property for water usage, better farm operations, and they have a small parcel that makes it difficult to place structures. Staff has identified other jurisdictions (Deschutes, Baker and Grant) which do not have a 100ft setback.

18.16.075 Development standards.
All dwellings and structures approved pursuant Table 1 shall be sited in accordance with this section.

(1) Lot Size Standards. Lot size shall be consistent with the requirements of CCC 18.16.070.

(2) In an EFU zone, the minimum setback of a dwelling ~~residence or habitable structure~~ shall be 100 feet from a property line. If a parcel in the EFU zone is nonbuildable as a result of the dwelling ~~habitable structure~~ setback requirements, the reviewing authority ~~commission~~ may consider a variance in accordance with CCC 18.164 ~~conditional use application~~ from the land owner to adjust the setback requirements to make the parcel buildable.

(3) The minimum setbacks for all accessory structures are:

(a) Front yard setback shall be 20 feet for property fronting on a local minor collector or marginal access street, 30 feet from a property line fronting on a major collector ROW, and 80 feet from an arterial ROW unless other provisions for combining accesses are provided and approved by the county.

(b) Each side yard shall be a minimum of 20 feet, except corner lots where the side yard on the street side shall be a minimum of 30 feet.

(c) Rear yards shall be a minimum of 25 feet. (Ord. 309 § 2 (Exh. C), 2019)

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18.164 Variances

Staff identified this section of code as not aligning with other sections and suggests revision to align with current practice. In 2020 Ordinance 321 (Ordinance 321) the Conditional Use section (CCC 18.160) was amended to remove the additional language and reference the procedures of 18.172.

18.164.030 Procedure for taking action on a variance application.

~~The procedure for taking action on an application for a variance shall be as follows~~

~~(1) A property owner may initiate a request for a variance by filing an application with the planning department, using forms prescribed pursuant to CCC 18.172.040. Application shall be filed 21 days prior to the planning commission meeting of submittal thereto.~~

~~(2) Before the planning commission may act on a variance application, it shall hold a public hearing thereon, following procedure as established in CCC 18.172.050.~~

~~(3) Within five days after a decision has been rendered with reference to a variance application, the planning director shall provide the applicant with written notice of the decision of the commission. (Ord. 18 § 7.030, 2003)~~

See Chapter 18.172 CCC for the procedure for taking action on a variance application.

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18.172.110 Administration Provisions (Appeals)

Staff proposes a few revisions to clarify and make the code consistent with current practice. One revision requires appeals be filed by 4:00 PM on the day the appeal is due (instead of "by the end of business"). This is consistent with our notice language and ensures that staff is available to receive any hand delivered appeals. Another revision allows the County Court to waive the transcript requirement for appeals. The last revision cleans up language that has led to confusion in the past regarding who may participate in appeals to the County Court.

18.172.110 Appeals.

(1) Every land use decision relating to the provisions of this title made by the director, planning commission, or hearing officer is subject to review when appealed within 12 calendar days of the date the decision was mailed in accordance with state statutes and the following provisions.

(2) The filing of an appeal in accordance with the provisions of this section initiates the appeal process and stays the order of the decision appealed. The process shall include appropriate public notice, a public hearing, and the preparation of findings by that authority which either affirms, amends, or reverses the decision appealed.

(3) All hearings of appeal from an administrative determination shall be de novo.

(4) All hearings of appeal from a planning commission final decision shall be based on the record made before the planning commission.

(5) A final decision not to adopt a legislative matter is not appealable.

(6) Appeals may be filed only by the following parties:

(a) The applicant or the authorized agent of the applicant; or

(b) Any person or county official testifying at the public hearing or who provided written comments may appeal a decision.

(7) The appellate body may review a lower determination or decision upon its own motion by issuing a written order to that effect on the lower body within 10 working days of the date the determination or decision becomes final. The appellate body must cause notice to be given to the parties involved within three working days of the appellate body's order to review.

(8) Appellate Body.

(a) The appellate body for appeals from administrative determinations of the director shall be the planning commission.

(b) The appellate body for appeals from final decisions of the planning commission shall be the county court, unless the county court orders the appeal be sent directly to the Oregon Land Use Board of Appeals as the final decision of the county.

(c) Appeals from decisions of the county court shall be in conformance with the applicable ORS provisions.

(9) Filing Requirements.

(a) Appeals shall be complete and the appellate body shall have jurisdiction to hear the matter appealed if all the following occur:

(i) The appeal shall be in writing on the form prescribed by the director and shall contain:

(A) Name and address of the appellant(s)

(B) Reference to the application title and case number, if any.

(ii) A statement of the nature of the decision:

(A) A statement of the specific grounds for the appeal, setting forth the error(s) and the basis of the error(s) sought to be reviewed; and

(B) A statement as to the appellant's standing to appeal as an affected party.

(iii) Proper filing fee in accordance with CCC 18.172.050.

(iv) The ~~W~~written notice of appeal and proper filing fee must be ~~filed~~ received at the office of the Crook County Community Development Department within 12 calendar days of the decision, no later than 4:00 PM ~~the end of business~~ on the twelfth day~~, with the appropriate person~~.

~~(A) To the planning commission from an administrative determination by the director;~~

~~(B) To the county court for appeals from final decisions by the planning commission.~~

(10) Notice and Hearing of the Appeal.

(a) If the director determines that the facts stated in the notice of appeal meet the requirement for a hearing, a time and date shall be set for such hearing ~~to be held not later than 60 calendar days after receipt of the notice of appeal~~.

(b) If the appeal is dismissed, the reasons will be provided in writing how the application has not met the requirements for an appeal. Upon dismissal, the appealed decision is final.

(c) If the appellate body is the county court, the county court may order the appeal sent directly to the Land Use Board of Appeals as the final decision of the county without an appeal hearing.

(d) For an appeal of a planning commission decision to the county court, at least 10 calendar days prior to the appeal hearing, the hearing authority shall give notice of time, place and the particular nature of the appeal. Notice shall be published in the newspaper and be sent by mail to the appellant(s), to the applicant (if different) and those persons who testified at the subject hearing where a hearing was held and affected parties in accordance with this section.

(e) For an appeal of an administrative decision to the planning commission, the notice requirements of CCC 18.172.070 shall apply.

(11) Transcript. The appellant shall provide a copy of the transcript of the relevant portions of the planning commission proceedings appealed from to the department seven calendar days before the hearing date set by the county court. The county court may waive the requirement that the appellant provide a complete transcript for the appeal hearing.

(12) Scope and Standard of Review of Appeal.

(a) On the Record Review. The appeal is not a new hearing; it is a review of the decision below. Subject to the exception in subsection (12)(a)(vi) of this section, the review of the final decision shall be confined to the record of the proceedings below, which shall include, if applicable:

(i) All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received by the planning commission as evidence.

(ii) All materials submitted by Crook County staff with respect to the application.

(iii) The transcript of the relevant portions of the planning commission hearing.

(iv) The written final decision of the planning commission and the petition of appeal.

(v) Written ~~A~~argument (without introduction of new or additional evidence) may be submitted prior to the close of the appeal hearing by the applicant, appellant~~s~~, and other parties of record. At the appellate body's discretion, they can elect to allow oral argument at the appeal hearing.

(vi) The appellate body may, at its option, admit additional testimony and other evidence from a ~~an interested party or~~ party of record to supplement the record of prior proceedings. The record may be supplemented by order of the appellate body or upon written motion by a party. The written motion shall set forth with particularity the basis for such request and the nature of the evidence sought to be introduced. Prior to supplementing the record, the appellate body shall provide an opportunity for all parties to be heard on the matter. The appellate body may grant the motion upon a finding that the supplement is necessary to take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party.

(b) Standard of Review on Appeal. The burden of proof in a hearing shall be as allocated by applicable law. The burden shall remain with the applicant to show that relevant criteria were met for an application throughout the local appeal process. For an appeal on the record, an appellant shall have the burden to articulate reasons why the initial decision is in error.

(13) Appellate Decisions. Following hearing the appeal, the appellate body may affirm, overrule, or modify the decision and shall set forth findings showing compliance with applicable standards and criteria. The appellate body may also remand the decision with instructions to the planning commission, hearing officer or director who made the original decision to consider additional facts, issues or criteria not previously addressed.

(14) A decision made on remand is a new decision and may be appealed as described in subsections (1) through (13) of this section. (Ord. 330 § 10 (Exh. I), 2022; Ord. 321 § 4, 2020; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 231 § 1 (Exh. A), 2010; Ord. 18 § 9.110, 2003)

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18.116.100 Destination Resort Overlay

Staff proposes renumbering certain sections, as outlined below. In the current version of the Code, it appears that the criteria applicable were inadvertently included as a subsection to subsection (6) below, which addresses impact to wildlife. Staff believes it was the intent of the drafters that the traffic criteria be located in a separate section.

18.116.100 Approval criteria.
The planning commission or county court shall approve a development plan for a destination resort if it determines that all of the following criteria are met:

(1) The tract where the development is proposed is eligible for destination resort siting, as depicted on the acknowledged destination resort overlay map.

(2) The development plan contains the elements required by CCC 18.116.080.

(3) The proposed development meets the standards established in CCC 18.116.040 or 18.116.050, qualifying as a destination resort or a small destination resort, respectively.

(4) The uses included in the destination resort are either permitted uses listed in CCC 18.116.060, or accessory uses listed in CCC 18.116.070 that are ancillary to the destination resort and consistent with the purposes of this chapter. (5) The development will be reasonably compatible with surrounding land uses, particularly farming and forestry operations. The destination resort will not cause a significant change in farm or forest practices on surrounding lands or significantly increase the cost of accepted farm or forest practices.

(5) The development will be reasonably compatible with surrounding land uses, particularly farming and forestry operations. The destination resort will not cause a significant change in farm or forest practices on surrounding lands or significantly increase the cost of accepted farm or forest practices.

(6) The development will not have a significant adverse impact on fish and wildlife, taking into account mitigation measures.

(7)~~(a)~~ The traffic study required by CCC 18.116.080(3)(g) illustrates that the proposed development will not significantly affect a transportation facility or will comply with subsection (7)(b) of this section.

(a) A resort development will significantly affect a transportation facility for purposes of this approval criterion if it would, at any point within a 20-year planning period:

(i) Change the functional classification of the transportation facility;

(ii) Result in levels of travel or access which are inconsistent with the functional classification of the transportation facility; or

(iii) Reduce the performance standards of the transportation facility below the minimum acceptable level identified in the applicable transportation system plan (TSP).

(b) If the traffic study required by CCC 18.116.080(3)(g) illustrates that the proposed development will significantly affect a transportation facility, the applicant for the destination resort shall assure that the development will be consistent with the identified function, capacity, and level of service of the facility through one or more of the following methods:

(i) Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;

(ii) Providing transportation facilities adequate to support the proposed development consistent with Chapter 660 OAR, Division 12; or

(iii) Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

(c) Where the option of providing transportation facilities is chosen in accordance with subsection (7)~~(6)~~(b)(ii) of this section, the applicant shall be required to provide the transportation facilities to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development, as determined by the traffic study or the recommendations of the affected road authority.

(8)~~(7)~~ The water and sewer facilities master plan required by CCC 18.116.080(3)(b) illustrates that proposed water and sewer facilities can reasonably serve the destination resort.

(9)~~(8)~~ The development complies with other applicable standards of the county zoning ordinance. (Ord. 18 § 12.100, 2003)

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18.172.020 Administration Provisions (Application)

Staff recommends the below revision to conform with state statute (ORS 215.427(1) and (3)).

18.172.020 Application.

(1) The applicant shall submit an application to the director on forms provided by the county.

(2) An application is not considered accepted until all applicable fee(s) are paid to the county and all required materials of that application are submitted.

(3) Acceptance of the application indicates only that the application is ready for processing and review. It does not represent the application has been deemed complete. Acceptance of an application shall not preclude a determination at a later date that additional criteria need to be addressed and/or that the application is incomplete.

(4) An application is deemed to be complete when, in the judgment of the director, all applicable approval criteria have been adequately addressed in the application, supplemental materials provided by the applicant, and all applicable fees have been paid to the county.

(5) If an application is incomplete, the director shall, within 30 days of accepting the application, notify the applicant in writing of what information is missing. The application will be deemed complete upon receipt of:

(a) All of the information.

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(6) If the applicant submits the missing information within 180 days of the date the application was first submitted ~~notice sent in subsection (5) of this section~~, the application shall be deemed complete upon receipt of the missing information.

(7) For lands located within the urban growth boundary and for applications for mineral aggregate extraction, the approval authority shall act upon a completed application within 120 calendar days after the application is deemed complete ~~of the filing of a completed application~~. For all other permit applications, the approval authority shall act upon a completed application within 150 calendar days after the application is deemed

complete ~~of filing of a completed application~~. Such time limitations can be extended with the consent of the applicant. (Ord. 330 § 10 (Exh. I), 2022; Ord. 317 § 6, 2020; Ord. 236 § 5 (Exh. E), 2010; Ord. 231 § 1 (Exh. A), 2010; Ord. 216 § 2, 2009; Ord. 18 § 9.020, 2003)

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November 2, 2022

Planning Commission Work Session 11/09/2022

18.172.060 Director decisions and extensions.

To ensure consistency between code chapters for determining the proper expiration and extension time frames, staff recommends the following revisions.

18.172.060 Director decisions and extensions.

(1) Administrative Decisions.

(a) Subject to ORS 215.416(11), the director shall have the authority to make an administrative determination on a land use application as set forth in specific zones in this title.

(b) After receiving a complete application for an administrative determination, the director shall make a determination and, if approved, issue a permit to the applicant in accordance with the requirements of ORS 215.427.

(c) The director shall cause a written notice of administrative determination and of the appeal procedure to be given to the applicant and to those persons who would have had a right to notice under this title if a hearing had been scheduled or who are adversely affected or aggrieved by the administrative determination. Such notice shall be given in accordance with the requirements of ORS 215.416(11).

(2) Approval Period and 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) A land use approval is void two years after the date the decision becomes final if the use approved in the permit is not initiated within that time period, except as provided in subsection (2)(c) of this section or as otherwise provided under applicable ordinance provisions.

(c) The approval period for conditional use permits issued under Chapter 18.160 CCC and the following dwellings in the exclusive farm use zones (Chapter 18.16 CCC, EFU, and Chapter 18.112 CCC, EFU-JA) and forest use zone (Chapter 18.28 CCC, F-1) is four years:

(i) Nonfarm dwelling;

(ii) Lot of record dwelling;

(iii) Large tract dwelling;

(iv) Template dwelling;

(v) Alteration, restoration or replacement of a lawfully established dwelling in the forest use zone;

(vi) Caretaker residences for public parks and public fish hatcheries.

(d) Except for the dwellings listed in subsection (2)(c) of this section, the director shall grant up to four two-year 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.

(e) Notwithstanding CCC 18.160.070, the director shall grant one two-year extension for a dwelling permit described in subsection (2)(c) of this section if the applicant submits the information required by subsections (2)(d)(i) and (ii) of this section. The director may grant up to five additional one-year extensions for a dwelling permit described in subsection (2)(c) of this section if:

(i) The applicant makes a written request for the additional extension prior to the expiration of an extension.

(ii) The applicable residential development statute has not been amended following approval of the permit.

(iii) An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.

(f) For all temporary uses granted under this title, the director shall grant one six-month extension.

(g) Approval of a modification to a land use approval pursuant to CCC 18.172.100 shall be treated as a new final decision for purposes of calculating the expiry provisions of subsections (2)(b) and (d) of this section and CCC 18.172.100(2).

(3) For the purposes of this section, the term “initiate” or “initiated” means that substantial construction towards completion of the conditional use permit has taken place. Substantial construction has occurred when the land and/or structure has been physically altered or the use changed, and such alteration or change is directed toward completion and is sufficient in terms of time, labor, or money spent to demonstrate a good faith effort to complete the development.

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November 2, 2022

Planning Commission Work Session 11/09/2022

18.160.070 Permit expiration dates

To ensure consistency between code chapters for determining the proper expiration and extension time frames, staff recommends the following revisions.

18.160.070 Permit expiration dates.

~~(1) A conditional use shall be void after four years unless development action has been initiated, the proposed use has occurred or the county has granted an extension of time in accordance with subsection (2) of this section.~~

~~(2) The county shall grant two-year extensions to the four-year time period set forth in subsection (1) of this section as planning director decisions pursuant to CCC 18.172.060(2).~~

~~(3) For the purposes of this section, the term "initiate development" means that substantial construction towards completion of the conditional use permit has taken place. Substantial construction has occurred when the land and/or structure has been physically altered or the use changed and such alteration or change is directed toward completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.~~ (Ord. 236 § 3 (Exh. C), 2010; Ord. 216 § 2, 2009; Ord. 178 §§ 1 – 3, 2007; Ord. 18 § 6.070, 2003)

Permit expiration dates and permit extensions for conditional uses are as stated in CCC 18.172.060.