



Oregon

Theodore R. Kubongoski, 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



NOTICE OF ADOPTED AMENDMENT

8/16/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 26, 2010

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Carla McLane, Morrow County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

AUG 09 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *Morrow County*

Local file number: *AC-26-10, Ac(M)-27-10, AZ(M)-28-10*

Date of Adoption: *August 4, 2010*

Date Mailed: *August 5, 2010*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: *March 4, 2010*

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".

Amend Comp Plan to protect an aggregate site under Goal 5 rules and include the site in the Comp Plan's list of significant sites. Amend the Comp Plan Map to include the site. Amend the Zoning Ordinance Map to add the site to the Significant Resource Overlay Zone Map.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: *Add site to Significant Aggregate Sites*

Zone Map Changed from: *EFU*

to: *EFU with Significant Resources Overlay Zone*

Location: *Assessor's Map 2N 23 Section 17*

Acres Involved: *~ 30 acres*

Specify Density: Previous: *N/A*

New: *N/A*

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. 002-10 (18162) [16262]

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

DLCD, DOGAMI, ODOT

Local Contact: *Carla McLane*

Phone: *(541) 922-4624* Extension: *5505*

Address: *P.O. Box 40*

Fax Number: *541 - 922-3472*

City: *Irrigon*

Zip: *97844*

E-mail Address: *cmclane@co.morrow.or.us*

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

NOTICE OF DECISION

August 5, 2010

AC-026-10
AC(M)-027-10
AZ(M)-028-10
Morrow County Comprehensive Plan
Morrow County Comprehensive Plan Map
Morrow County Zoning Ordinance Map

This notice is to inform you that on August 4, 2010, the Morrow County Court adopted Ordinance Number MC-05-2010 amending the Morrow County Comprehensive Plan, Comprehensive Plan Map and Zoning Ordinance Map. Specifically Morrow County added a Goal 5 significant aggregate resource site to the Comprehensive Plan list of significant aggregate sites, identified the location on the Comprehensive Plan Map, and applied the Significant Resource Overlay Zone to the site on the Zoning Ordinance Map.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was mailed on August 5, 2010. The deadline to appeal is August 26, 2010.

Cordially,

A handwritten signature in black ink, appearing to read "Carla McLane".

Carla McLane
Planning Director

I certify that on August 5, 2010, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

A handwritten signature in black ink, appearing to read "Suzanne W. Durack".

Signature

8-5-2010
Date

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE
MORROW COUNTY COMPREHENSIVE
PLAN TO INCLUDE A GOAL 5
SIGNIFICANT AGGREGATE RESOURCE
SITE AND AMEND THE
COMPREHENSIVE PLAN AND ZONING
MAPS TO APPLY THE SIGNIFICANT
RESOURCE OVERLAY ZONE

COUNTY ORDINANCE

NO. MC-05-2010

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, an application was filed by Willow Farms on land owned by Willow Farms to include approximately 30 acres of land as a Goal 5 significant resource site, to add the site to the Morrow County Comprehensive Plan Inventory of Significant Aggregate Sites, apply the Significant Resource Overlay Zone to the site, and to allow mining; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on April 27, 2010 at Heppner City Hall in Heppner, Oregon and on May 25, 2010 at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Planning Commission found the aggregate site significant and did not identify conflicting uses and recommended approval of the request and adopted Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on July 21, 2010, at the Morrow County Courthouse in Heppner, Oregon; and

WHEREAS, the Morrow County Court affirmed that the proposed aggregate site meets the requirements under Oregon Administrative Rule whereby a site is estimated to provide more than 500,000 tons of aggregate material and the soils contain less than 35 percent of soils classified as Class I or II; and

WHEREAS, a representative set of samples of aggregate material in the deposit on the proposed site of this application meets Oregon Department of Transportation specifications for base rock for air degradation, abrasion, and soundness; and

WHEREAS, the Morrow County Court deemed the site at the subject property a Goal 5 significant aggregate site.

NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

The subject site is significant, shall be listed as a Goal 5 protected aggregate site, shall be mapped as such applying the Significant Resources Overlay Zone, and mining shall be allowed.

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the "2010 Willow Farms Aggregate Goal 5 Significant Site Comprehensive Plan, Comprehensive Plan Map and Zoning Map Amendment."

Section 2 Affected Documents:

The Comprehensive Plan, Comprehensive Plan Map and Zoning Map are amended.

1. Text Amendment: Insert the following on page 102 of the Comprehensive Plan: Site/Permit Number To be provided by DOGAMI Type of Material: Quarry Rock County Zone Designation: EFU Remarks: None Goal 5 Designation: N/A
2. Map Amendments: The Comprehensive Plan Aggregate Resources Map will be amended to indicate the site as an aggregate site. The Zoning Map will be amend by applying the Significant Resource Overlay Zone. Both maps will be amended as shown on the attached Impact Area map.

Section 3 Effective Date

This ordinance shall be effective on August 30, 2010.

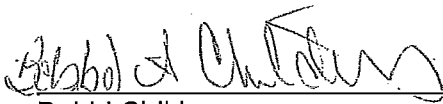
Date of First Reading: July 28, 2010

Date of Second Reading: August 4, 2010

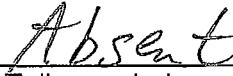
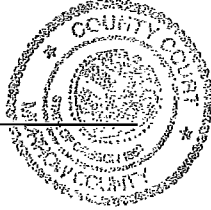
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 4th DAY OF AUGUST, 2010

ATTEST:

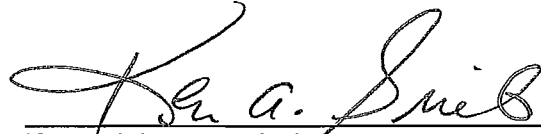
MORROW COUNTY COURT:



Bobbi Childers
County Clerk

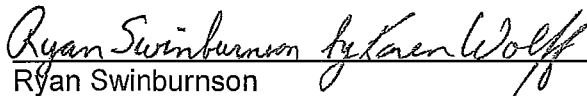


Terry K. Tallman, Judge

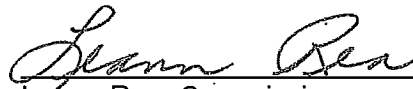


Ken Grieb, Commissioner

APPROVED AS TO FORM:





Ryan Swinburnson
County Counsel

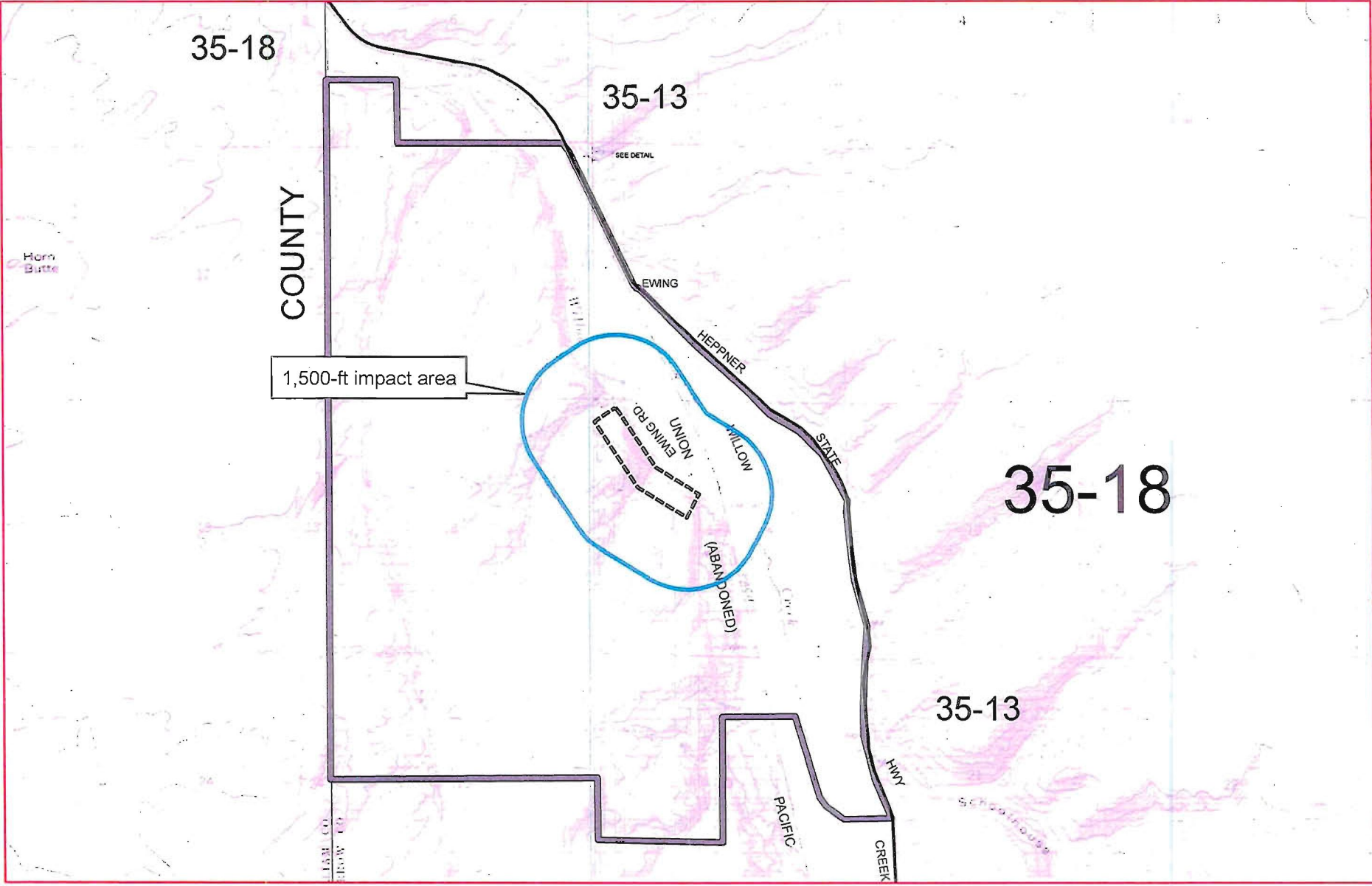


Leann Rea, Commissioner

Legend

-  Willow Farms Property
-  Proposed for Goal 5 Aggregate Significance

AC(M)-27-10
AC-26-10
AZ(M)-28-10
Site Map



MORROW COUNTY PLANNING DEPT.
P.O. BOX 40
IRRIGON, OR 97844



DLCD
Angela Hauck
635 Capitol St. NW Ste. 200
Salem OR 97301-2540

973012540 C007

