NOTICE OF ADOPTED AMENDMENT

01/21/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment
DLCD File Number 001-09

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: Tuesday, February 03, 2009

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, Morrow County
Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
**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

(See reverse side for submittal requirements)

<table>
<thead>
<tr>
<th>Jurisdiction:</th>
<th>Morrow County</th>
<th>Local File No.:</th>
<th>AZ(m) 009-08</th>
<th>(If no number, use none)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Adoption:</td>
<td>January 7, 2009</td>
<td>Date Mailed:</td>
<td>January 13, 2009</td>
<td>Date mailed or sent to DLCD</td>
</tr>
<tr>
<td>Date the Notice of Proposed Amendment was mailed to DLCD:</td>
<td>September 2, 2008</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

- [ ] Comprehensive Plan Text Amendment
- [ ] Comprehensive Plan Map Amendment
- [x] Land Use Regulation Amendment
- [ ] Zoning Map Amendment
- [ ] New Land Use Regulation
- [ ] Other: ____________________________

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write “See Attached.”

Applied the Resource Related Industrial use zone to the subject property

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write “Same.” If you did not give notice for the proposed amendment, write “N/A.”

Same

Plan Map Changed from: N/A to ____________________________

Zone Map Changed from: EFU to R.R.I

Location: 41N 26° TL 3420 Acres Involved: 48.60

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: ____________________________

Was an Exception Adopted? Yes: _______ No: X

DLCD File No.: 001-09 (NOA)
Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No: __

If no, do the Statewide Planning Goals apply. Yes: ___ No: ___

If no, did The Emergency Circumstances Require immediate adoption. Yes: ___ No: ___

Affected State or Federal Agencies, Local Governments or Special Districts: 

Local Contact: Carla McLane Area Code + Phone Number: 541 922 4624
Address: PO Box 40
City: Irrigon OR Zip Code+4: 97844

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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 (2) Copies 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. Submit TWO (2) copies the adopted material, if copies are bounded please submit TWO (2) complete copies of documents and maps.

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 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 copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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(revised: 7/29/99)
NOTICE OF DECISION
January 13, 2009

AZ(M)009-08 - Resource Related Industrial
Application of Resource Related Industrial use zone to subject property.

This notice is to inform you that on January 7, 2009, the Morrow County Court adopted
Ordinance Number MC-01-2009 amending the Morrow County Zoning Ordinance Map.
Specifically Morrow County amended the above map zoning 48.6 acres Resource Related
Industrial.

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 January 13, 2009. The deadline to appeal is
February 3, 2009.

Cordially,

Carla McLane
Planning Director

I certify that on January 13, 2009, I mailed a copy of this Notice of Decision by first class mail to
all persons entitled to notice of this decision.

Gretchen Pedersen
Date 1-13-09
BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING MORROW COUNTY ZONING MAP TO INCLUDE THE RESOURCE RELATED INDUSTRIAL USE ZONE DESIGNATION AND TO APPLY THE RESOURCE RELATED INDUSTRIAL USE ZONE TO THE SUBJECT PROPERTY TOTALING APPROXIMATELY 48.60 ACRES

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, the Oregon Economic and Community Development Department, in cooperation with the Land Conservation and Development Department, identified a need for an Oregon business and suggest to Morrow County Planning staff a new use zone - Resource Related Industrial; and

WHEREAS, the Morrow County Planning Commission held two public hearings to review the request on November 27 and December 4, 2007, at the North Morrow County Annex Building in Irrigon, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended approval of the request and adopted Final Planning Commission Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on December 19, 2007, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court did adopt the language for the Resource Related Industrial zone on January 9, 2008;

WHEREAS, The County Ordinance MC-01-2008 did not include language to amend the Zoning Map and did not apply the Resource Related Industrial zone to the subject property; and

WHEREAS, the Morrow County Planning Commission held two public hearings to review the request to amend the Zoning Map and apply the Resource Related Industrial zone to the subject property on October 28, 2008 at the Heppner City Hall and December 2, 2008 at the Morrow County School District Building in Lexington, Oregon; and

WHEREAS, the Morrow County Planning Commission unanimously recommended approval of the request and adopted Final Planning Commission Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on December 17, 2008, at the Port of Morrow Riverfront Center in Boardman, Oregon; and
WHEREAS, the Morrow County Court did approve application of the Resource Related Industrial zone to the subject property and did amend the Zoning Map to reflect the change after holding a public hearing on December 17, 2008;

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

Section 1 Title of Ordinance:

This Ordinance shall be known, and may be cited, as the “Application of the Resource Related Industrial Use Zone”

Section 2 Affected Document

The Zoning Map of Morrow County shall be amended to designate the subject property as Resource Related Industrial. See attached Exhibit 1 Zoning Map.

Section 3 Subject Property:

The affected property, approximately 48.60 acres, is currently known as tax lot 3420 of Assessor's Map 4N 26, also known as Parcel 1 of Partition Plat 2006-5.

Section 4 Declaration of an Emergency and Effective Date

As this action is correcting an error and timeliness is important an emergency is declared. This ordinance shall be effective on its adoption date of January 7, 2009.

Date of First Reading: December 17, 2008
Date of Second Reading: January 7, 2009

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 7th DAY OF JANUARY 2009.

ATTEST:

MORROW COUNTY COURT:

Bobbi Childers
County Clerk

Jerry L. Tullman, Judge

Ken Grieb, Commissioner

Leann Rea, Commissioner

APPROVED AS TO FORM:

Ryan Swinburnson
County Counsel
AZ(M) 009-08
Zoning Map
Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE Suite 150
Salem OR 97301-2540