NOTICE OF ADOPTED AMENDMENT

August 31, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment
DLCD File Number 009-10

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: Monday, September 13, 2010

This amendment was not submitted to DLCD for review prior to adoption because the jurisdiction determined that emergency circumstances required expedited review. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.

Cc: Bill Zelenka, Crook County
Jon Jinings, DLCD Community Services Specialist

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Jurisdiction: CROOK COUNTY Local File No.: AM-10-0091

Date of Adoption: AUGUST 19TH, 2010 Date Mailed: AUGUST 23RD, 2010

Date the Notice of Proposed Amendment was mailed to DLCD: NA

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
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 ASee Attached.:

An ordinance amending sections 18.144.050 and 18.144.060 of the Crook County Code; increasing Noxious Weed Control responsibilities of Owner/Operators of Aggregate Resource Sites, enumerating the classification of noxious weed species declared to be noxious, and declaring an emergency.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame. If you did not give notice for the proposed amendment, write AN/A.

NA

Plan Map Changed from: NA to 
Zone Map Changed from: NA to 
Location: COUNTY WIDE Acres Involved: 

Specify Density: Previous: New: 

Applicable Statewide Planning Goals: 

Was an Exception Adopted? Yes: No: X

DLCD File No.: 009-10 (18491) [16297]
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: ___ No: _X_

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

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

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

County Weedmaster ________________

Local Contact: _Bill Zelenka______________ Area Code + Phone Number: _541-447-8156____

Address: _300 NE Third St., Rm 11 ______________ City: _Prineville___________

Zip Code+4: _97754________________ Email Address: bill.zelenka@co.crook.or.us____

______________________________________________________________________________

**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 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 ANotice of Adoption is sent to DLCD.

6. In addition to sending the ANotice 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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RECORDING COVER SHEET
Any errors in this cover sheet DO NOT affect the transactions(s) contained in the instrument itself.

AFTER RECORDING RETURN TO:

Dave Gordon

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS (only for instruments conveying or contracting to convey fee title to any real estate):

DOCUMENT TITLE:
Ordinance 230

BENEFICIARY:
Crook County

GRANTOR:

TRUE AND ACTUAL CONSIDERATION PAID $  

THE AMOUNT OF THE CIVIL PENALTY OR THE AMOUNT, INCLUDING PENALITES, INTEREST AND OTHER CHARGES, FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED (for instruments to be recorded in Lien Records):
IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

AN ORDINANCE AMENDING SECTIONS
18.144.050 AND 18.144.060 OF THE CROOK
COUNTY CODE; INCREASING NOXIOUS WEED
CONTROL RESPONSIBILITIES OF
OWNER/OPERATORS OF AGGREGATE
RESOURCE SITES, ENUMERATING THE
CLASSIFICATION OF NOXIOUS WEED SPECIES
DECLARED TO BE NOXIOUS, AND DECLARING
AN EMERGENCY

WHEREAS, the County wishes to amend the Crook County Code in an effort to reduce the
amount of noxious weeds within and spreading from aggregate resource sites, and enumerate the
classification of weed species declared to be noxious within the county code;

NOW, THEREFORE, this ___ day of August, 2010 the Crook County Court ordains as
follows:

SECTION ONE: Amendment. Section 18.144.050(6)(a) of the Crook County Code is amended
to read as follows:

18.144.050 Approval procedures.

(6) In addition to all information required for a site reclamation plan by DOGAMI, the applicant
shall submit the following information:

(a) An application for a site plan approval shall contain suitable maps, drawings and narrative
to assure the requirements of this chapter can and will be met. A complete application must
contain the following information:

(i) A complete application form from the county.

(ii) A list of known materials to be extracted or processed together with a general
description of the excavation operations and the estimated duration of operation at the
site.

(iii) A map of the site which shows existing trees and natural vegetation; existing
water courses, including streams, rivers, ponds and lakes; adjacent ownerships, including
the location of structures which relate to the setback or other requirements of this zone;
and existing and proposed roads.

(iv) A surface water management plan for the site and all phases of the operation.
(v) A map which shows the location of the surface mining area, the location of all processing and storage areas, the location of caretaker dwelling (if proposed), landscaping, screening and buffer areas.

(vi) A landscape management and maintenance plan adequate to demonstrate compliance with provisions of this zone.

(vii) A map showing existing contours.

(viii) A map or other drawing showing the contours of the site upon completion of the operation together with a description of the proposed end use of the reclaimed site.

(ix) An environmental report from an engineer or other qualified professional which is adequate to demonstrate that the operation can conform to county, DEQ, and DOGAMI requirements as outlined in the "development standards" section of this zone.

(x) A security plan addressing the following issues:
   (A) Lighting;
   (B) Fencing;
   (C) Gates at access points;
   (D) Water impoundments;
   (E) Sloping; and
   (F) Security of vehicles and equipment.

(xi) A noxious weed control plan, acceptable to the Crook County Weed Master, to control the spread of noxious weeds within and arising from the aggregate resource site. This plan must be implemented in accordance with ORS 569.380 - 569.400 and 569.445 - 569.450 and Chapter 8.24 of the Crook County Code.

SECTION TWO: Amendment. Section 18.144.060 of the Crook County Code is amended by adding the following provision to the enumerated development standards:

(13) Noxious Weed Control. The operator, including all public agencies, shall document compliance with the noxious weed control plan submitted pursuant to CCC 18.144.050(6)(a)(xi) on a yearly basis by submittal of a written report to the Crook County Weed Master. The report shall be submitted not later than two weeks following the anniversary date of the date of approval.
SECTION THREE: Emergency. This Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist, and this Ordinance shall become effective upon signing.

First Reading: 8.10.2010
Second Reading: 8.18.2010
DATED this 18th day of August, 2010.

CROOK COUNTY COURT

Judge Mike McCabe

Commissioner Lynn Lundquist

Commissioner Ken Fahlgren
RECOMMENDATION TO THE CROOK COUNTY COURT

DATE: August 11, 2010

APPLICATION NO. AM-10-0091

APPLICANT: Crook County Court on its own motion.

PROPOSAL: A Recommendation to the Crook County Court regarding a request by the Crook County Court for a Code text amendment to increase noxious weed control responsibilities of aggregate operators under Crook County Code § 18.144.050 & .060

HEARING DATES: July 14th and 28th, 2010

RECOMMENDATION: APPROVED AS REVISED

The Planning Commission recommends:

By a Vote of 5 to 0 that the Crook County Court’s proposal be approved as amended.

The recommended change is intended so that all operators, both private and public agencies conform to the same requirements of weed control in their aggregate sites.

The Planning Commission recommends the following amendment:

- That Crook County Code § 18.144.060 be amended as follows:

  (13) Noxious Weed Control. The operator, including all public agencies, shall document compliance with the noxious weed control plan submitted pursuant to CCC. 18.144.050 (a)(xi) on a yearly basis by the submittal of a written report to the Crook County Weed Master. The report shall be submitted not later than two weeks following the anniversary date of the date of approval.

- That Crook County Code 18.144.050 (a)(xi) be approved as submitted.

Recommended this 11th day of AUGUST, 2010.

W.R. Gowen, Commission Chairman

William P. Zelenka
Planning Director
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540