



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### 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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AUG 24 2010

LAND CONSERVATION AND DEVELOPMENT

**D L C D 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)

Jurisdiction: CROOK COUNTY Local File No.: AM-10-0091  
(If no number, use none)

Date of Adoption: AUGUST 19<sup>TH</sup>, 2010 Date Mailed: AUGUST 23<sup>RD</sup>, 2010  
(Must be filled in) (Date mailed or sent to DLCD)

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

- Comprehensive Plan Text Amendment
  - Land Use Regulation Amendment
  - New Land Use Regulation
  - Comprehensive Plan Map Amendment
  - Zoning Map Amendment
  - 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

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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 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](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

STATE OF OREGON } SS 2010089  
COUNTY OF CROOK }

I CERTIFY THAT THE WITHIN INSTRUMENT WAS  
RECEIVED FOR RECORD ON THE 19<sup>th</sup> DAY OF  
August, 20 10 AT 9:50 AM.

AND RECORDED IN CJRNL

RECORDS OF SAID COUNTY MF NO. 2010-089.

DEANNA E. BERMAN, CROOK COUNTY CLERK

BY Justin Hammett DEPUTY *n/c*

## 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  
PENALITIES, 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

**Ordinance No. 230**  
(Amending Sections 18.144.050  
and 18.144.060 of the Crook  
County Code)

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 18<sup>th</sup> 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.**

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**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: 8-18-2010

Second Reading: 8-18-2010

DATED this 18<sup>th</sup> day of August, 2010.

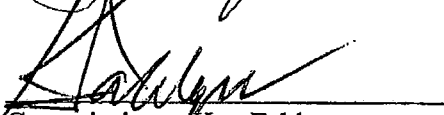
CROOK COUNTY COURT



Judge Mike McCabe



Commissioner Lynn Lundquist



Commissioner Ken Fahlgren



**Crook County  
Planning Department**  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754  
(541)447-8156  
Fax (541)416-3905  
www.co.crook.or.us

**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 14<sup>th</sup> and 28<sup>th</sup>, 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





**Crook County  
Planning Department**

300 N.E. 3rd St.  
Prineville, Oregon 97754

**Hasler**

08/23/2010

**US POSTAGE**

FIRST-CLASS MAIL

**\$00.61<sup>0</sup>**



ZIP 97754  
011D11611651

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

97301 2540

