



Oregon

Theodore R. Kulongoski, 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

12/20/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Malheur County Plan Amendment  
DLCD File Number 003-10

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: Monday, January 03, 2011

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: Bill Lawrence, Malheur County  
Jon Jinings, DLCD Community Services Specialist  
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE  
S  
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DEPT OF

DEC 13 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: Malheur County

Local file number: 2010-08-014

Date of Adoption: 12-08-2010

Date Mailed: 12-10-2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 08-31-2010

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".

Revision of Comprehensive Plan Goal 3, Agricultural Lands and Policies.

Does the Adoption differ from proposal? Please select one

Yes, narrative not included in ordinance.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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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. 003-10 (18493) [16450]



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

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Local Contact: Bill Lawrence

Phone: (541)473-5185 Extension:

Address: 251 B St W #12

Fax Number: 541 - 473 5140

City: Vale, OR

Zip: 97918

E-mail Address: blawrence@malheurco.org

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## 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.



I, Deborah R. DeLong, County Clerk for Malheur County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.

Deborah R. DeLong - County Clerk

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**ORDINANCE NO. 191**

In the matter of: )  
An Ordinance Relating To Adoption of Amended Goal 3 Policies to the )  
Malheur County Comprehensive Plan )  
)

**WHEREAS**, agriculture is the leading industry in Malheur County; and,

**WHEREAS**, the original County comprehensive land use plan Goal 3 Agricultural Lands policies were adopted in 1985 and have not been revised or updated since; and,

**WHEREAS**, the Malheur County Court commissioned a citizen advisory committee to review the original policies and if necessary make recommendations on updating them to reflect current and anticipated future agricultural practices; and,

**WHEREAS**, a citizen advisory committee reviewed the original policies and made recommendations to update the policies as commissioned by the court; and,

**WHEREAS**, these revised policies have been offered for public review and the planning commission conducted a public hearing; and,

**WHEREAS**, the amended policies applicable to Goal 3, Agricultural Land are listed below in Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE MALHEUR COUNTY COURT AS FOLLOWS:

**SECTION 1. Goal 3, Agricultural Lands Policies**

**GOAL 3: AGRICULTURAL LANDS**

**Goal: To preserve and maintain the agricultural land in the county for agricultural purposes.**

- 1. Public and private land classified by the Natural Resources Conservation Service (formerly U.S. Department of Agriculture Soil Conservation Service) as being in

1 Capability Classes I through VI, as well as High Value Farmland as defined by  
2 applicable Oregon Revised Statutes and Oregon Administrative Rules and any other  
3 lands determined to be necessary and required for farm use, are considered to be  
4 agricultural lands.

5  
6 2. High Value Farmlands (ORS and OAR designated) shall be given the greatest  
7 protection. Lands classified by the Natural Resources Conservation Service, as  
8 Capability Classes I through VI shall be afforded the next highest protection with Class I  
9 having the highest protection and Class VI the least.

10  
11 3. In addition to the Natural Resources Conservation Service classification system,  
12 county assessor's records may be considered in evaluating individual parcels for the  
13 purpose of planning and zoning.

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15 4. Urban growth boundaries, exclusive farm use zoning, and farm use tax assessment  
16 will be the major tools used to protect agricultural lands.

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18 5. The county will support viable water resource projects for additional storage, power  
19 generation, water quality, conservation and recreation.

20  
21 6. The county will review and consult with the irrigation and drainage districts on land  
22 use decisions to assure they will not negatively impact the integrity or operation of water  
23 for irrigation or drainage purposes.

24  
25 7. In addition to county code and the State of Oregon's land use laws and  
26 administrative rules for non-farm dwellings, it is the policy of Malheur County that there  
27 be no net loss of farmlands listed on the High Value Farmlands Soils list or soils  
28 classified as types I-III by the Natural Resources Conservation Service.

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30 8. Current and future accepted farming and ranching practices and activities shall have  
31 priority and continue without interference.

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33 9. Any utility transmission line should avoid adverse impacts on any agricultural  
34 operation in the entire agricultural area. This protection should prioritize High Value  
35 Farmland and the Natural Resources Conservation Service soil classes I through III.

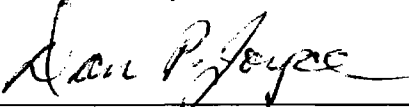
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37 10. The County Court will appoint a citizens advisory committee on agriculture to  
38 review the agricultural lands element of the comprehensive plan on an as needed  
39 basis.

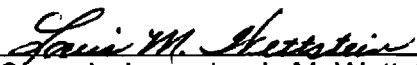
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41 11. The county will not discourage the creation of special land use districts so that  
42 landowners can impose more restrictive land use regulations than those imposed by the  
43 county.

1 **SECTION 7. Effective Date**

2  
3 This ordinance shall become effective upon passage

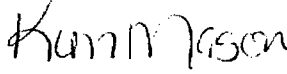
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5 Passed this 8th day of December 2010

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8 \_\_\_\_\_  
9 Judge Dan P. Joyce

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13 Commissioner Louis M. Wettstein

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17 Commissioner Jim Nakano

ATTEST:

  
Kim Mason  
Recording Secretary



ALHEUR COUNTY PLANNING DEPT  
51 B ST W #12  
ALE, OR 97918



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