



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

10/18/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Harney County Plan Amendment
DLCD File Number 001-11

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, November 01, 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: Brandon McMullen, Harney County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
OCT 12 2011
STAMP
DEPT OF
LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Harney County**

Local file number: **11-13**

Date of Adoption: **10/5/2011**

Date Mailed: **10/10/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 6/29/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Aggregate Inventory Amendment**

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

Adopted new significant aggregate resource into the Comprehensive Plan Goal 5 inventory. Site listed in the local inventory as no conflicted uses identified. A Conditional Use Permit has been permitted for Kiger Ranch in conjunction with this plan amendment.

Does the Adoption differ from proposal? Yes, Please explain below:

Site is now specifically defined and surveyed as 4.13 acres, down from 5.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **T29S, R33E - S31 - TL 1600**

Acres Involved: **4**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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. 001-11 (18878) [16797]

DLCD file No. _____

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

DOGAMI, DLCD

Local Contact: **Brandon McMullen**

Phone: **(541) 573-6655** Extension:

Address: **450 N. Buena Vista Ave.**

Fax Number: **541-573-2762**

City: **Burns**

Zip:

E-mail Address: **Planning@co.harney.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF HARNEY

IN THE MATTER OF AMENDING THE)
HARNEY COUNTY COMPREHENSIVE)
PLAN MINERAL AND AGGREGATE) Ordinance No. 2011-69
INVENTORY AND THE APPLICATION OF)
THE MARO ZONE.)

WHEREAS, Harney County has approved a proposal from Kiger Ranch Inc. to amend the Harney County Mineral and Aggregate Inventory to include a new significant aggregate rock source on land described under Exhibit "A" ; and

WHEREAS, Harney County has designated the resource as a significant site without conflicts; and

WHEREAS, The Mineral and Aggregate Resource Overlay (MARO) zone is now applied to the subject site; and

WHEREAS, It is found that Harney County has engaged and completed these updates to the Harney County Zoning Ordinance under a Post-Acknowledgement Plan Amendment process.

NOW THEREFORE, BE IT ORDAINED BY THE COURT OF THE COUNTY OF HARNEY, STATE OF OREGON:

Section 1: ADOPTION OF AMENDMENTS, ADDITION OF EXHIBIT "B" – AGGREGATE INVENTORY SHEET TO THE HARNEY COUNTY COMPREHENSIVE PLAN MINERAL AND AGGREGATE INVENTORY AND THE APPLICATION OF THE MARO ZONE.

The legal description of the subject aggregate site is defined under Exhibit "A" and attached hereto and by this reference adopted herein.

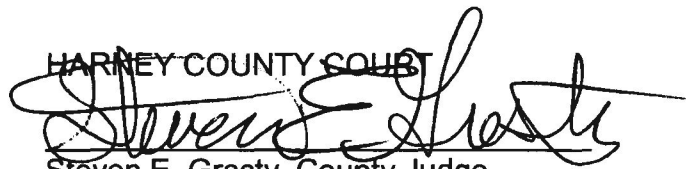
Section 2: EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect on its passage.

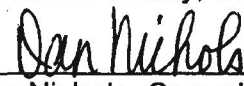
DATED, this the 5st day of October 2011

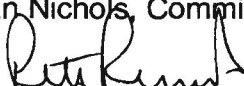


Maria Iturriaga, County Clerk



HARNEY COUNTY COURT


Steven E. Grasty, County Judge


Dan Nichols, Commissioner


Pete Runnels, Commissioner


Certified to be a true and correct
copy of the original
MARIA ITURRIAGA
Harney County Clerk and Recorder
Date October 10, 2011
By  Deputy

Exhibit "A"



M. A. PALMER & SONS, INC
ENGINEERING & SURVEYING
711 Ponderosa Village
P.O. Box 61
Burns, Oregon 97720

Chris Palmer, P.E., P.L.S., C.W.R.E.

Phone 541-573-6451
Fax 541-573-6431

Robert Otley
72446 Hwy 395 North
Burns, OR 97720

LEGAL DESCRIPTION

A tract of land situated within the SE1/4NE1/4 of Section 31, T 29 S, R 33 E, WM, Harney County, Oregon as more particularly described as follows:

Beginning at a point on the north right of way boundary of the South Diamond Lane, a County Road, said point being 30.0 feet north and 230.9 feet west from the east one-quarter corner of Section 31, thence N 61°33'16"W 393.85 feet, thence N 67°46'38"W 239.81 feet, thence N 74°46'47"W 230.07 feet, thence S 25°15'29"W 374.51 feet, to the north boundary of South Diamond Lane, thence easterly along the north boundary of South Diamond Lane 950.10 feet to the point of beginning.

Said tract containing 4.13 acres and subject to all conditions, reservations, and restrictions of record.



RENEW 1-1-2013

Exhibit "B"

AGGREGATE INVENTORY

Resource Site Name: Kiger Ranch Inc.

Type of Resource: Aggregate

Location: T: 29S R: 33E S: 31 TL: 1600

Date Added: 10/5/2011

Quarter Section: NE1/4 Quarter/Quarter Section: SE1/4
 (Fill in NE, NW, SE or SW or A, B, C or D) – Full Legal Attached

Description (if available): ROCK

<input type="checkbox"/>	1-A	Sufficient information available to indicate resource site <u>importance</u> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, proceed to 1-B, if no designate site 1-A, no further action.
<input type="checkbox"/>	1-B	<u>Information Available</u> . If sufficient information to identify location, quantity, and quality of resource, proceed to 1-C. If insufficient, designate 1-B. 1-B action as follows: _____
<input type="checkbox"/>	1-C	Information sufficient to identify location, quantity and quality of resource: Location: <u>29S, R33E, 31</u> Quantity: <u>Less Than 500,000 Tons</u> Quality: <u>Suitable Material For Construction Projects</u> Proceed to 2.
<input type="checkbox"/>	2	Conflicting Uses: _____
<input checked="" type="checkbox"/>	2-A	If conflicting uses identified, proceed to 2-B. If NO conflicting uses identified, designate as 2-A.
<input type="checkbox"/>	2-B	ESEE Analysis: (N/A) Economic: _____ Social: _____ Environmental: _____ Energy: _____ Proceed to 3.
<input type="checkbox"/>	3	Program for Resource Protection. (N/A – Conditional Use Permit) Preserve Site Program: _____ Allow Conflicting Uses: _____ Limit Conflicting Uses: _____



Harney County Planning Department
 450 N. Buena Vista
 Burns, OR 97720

BEND OR 977

11 OCT 2011 PM 1 T



ATTN: Plan Amendment Specialist
 Department of Land Conservations
 and Development
 635 Capitol St. NE, Suite 150
 Salem, OR 97301-2540

DEPT OF

OCT 12 2011

LAN ION
 AP.

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