



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

09/27/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: Morrow County Plan Amendment
DLCD File Number 002-11

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, October 11, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Carla McLane, Morrow 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

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DEPT OF

SEP 22 2011

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

Jurisdiction: Morrow County

Local file number: AC-048-11, AC(M)-049-11

Date of Adoption: September 14, 2011

Date Mailed: September 20, 2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: June 8, 2011

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".
Amend the Comprehensive Plan to include a locally significant aggregate site to Morrow County's list of locally significant aggregate sites. Amend the Comprehensive Plan Map to include the aggregate site location.

Does the Adoption differ from proposal? Please select one No

Plan Map Changed from: EFU

to: EFU/Locally Significant

Zone Map Changed from: N/A

to:

Location: 2S 24E (10)

Acres Involved: 10

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 checked="" 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. 002-11 (18861) [16770]

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

DLCD, DOGAMI, DEQ, ODOT, MC Public Works

Local Contact: *Carla McLane*

Phone: *(541) 922-4624* Extension:

Address: *PO Box 40*

Fax Number: *541-922-3472*

City: *Irrigon*

Zip: *97844*

E-mail Address: *CMcLan@CO.morrow.or.us*

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.



PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

NOTICE OF DECISION

September 20, 2011

AC-048-11
AC(M)-049-11
Morrow County Comprehensive Plan
Morrow County Comprehensive Plan Map

This notice is to inform you that on September 14, 2011, the Morrow County Court adopted Ordinance Number MC-3-2011 amending the Morrow County Comprehensive Plan and the Comprehensive Plan Map. Specifically Morrow County added a locally significant aggregate resource site to the Comprehensive Plan list of aggregate sites and identified the location on the Comprehensive Plan Map.

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 September 20, 2011. The deadline to appeal is October 11, 2011.

Cordially,

Carla McLane
Planning Director

I certify that on September 20, 2011, I mailed a copy of this Notice of Decision by first class mail to all persons entitled to notice of this decision.

Signature

9-20-2011

Date

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW
COUNTY COMPREHENSIVE PLAN AND THE
COMPREHENSIVE PLAN MAP TO INCLUDE
A LOCALLY SIGNIFICANT AGGREGATE
RESOURCE SITE

COUNTY ORDINANCE

NO. mc-3-2011

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, an application was filed by Rich Ruhl to include approximately 10 acres of ground as a locally significant resource site and to amend the Morrow County Comprehensive Plan Inventory of Significant Aggregate Sites by a Post Acknowledgment Plan Amendment; and

WHEREAS, the Morrow County Planning Commission held one hearing to review the request on July 26, 2011 at Heppner City Hall; and

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

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on August 24, 2011, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, the Morrow County Court affirmed that the proposed aggregate site meets the requirements under Oregon Administrative Rule whereby a site shall produce less than 500,000 tons of aggregate material and the soils contain less than 35 percent of soils classified as Class I or II on NRCS maps; and

WHEREAS, the Morrow County Court deemed the site at the subject property a locally significant aggregate site.

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 "2011 Ruhl Quarry Locally Significant Site Comprehensive Plan and Map Amendment."

Section 2 Affected Documents:

The Morrow County Comprehensive Plan and the Morrow County Comprehensive Plan Map are amended with a text amendment in the Goal 5 Analysis Chapter Aggregate Sites List.

1. Text Amendment: Insert the following on page 102 of the Comprehensive Plan:
Site/Permit Number TBD Type of Material: Quarry Rock County Zone Designation:
EFU Remarks: Locally Significant Goal 5 Designation: n/a
2. Map Amendment: The Morrow County Comprehensive Plan Aggregate Resources Map will be amended to indicate the site as shown on the attached Boundary Map.

Section 3 Effective Date

This ordinance shall be effective on October 1, 2011.

Date of First Reading: September 7, 2011

Date of Second Reading: September 14, 2011

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 14th DAY OF
SEPTEMBER, 2011

ATTEST:



Bobbi Childers by
Theresa Crawford Deputy Clerk
Bobbi Childers
County Clerk

Terry K. Tallman
Terry K. Tallman, Judge

Ken a. Grieb
Ken Grieb, Commissioner

APPROVED AS TO FORM:


Ryan Swinburnson
County Counsel

MORROW COUNTY COURT:

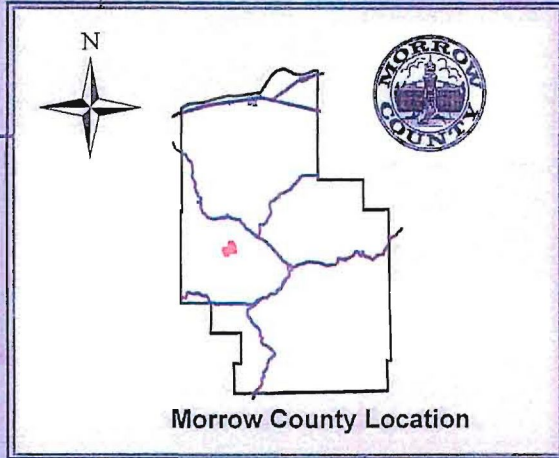
ABSENT

Leann Rea, Commissioner

VICINITY AND SOILS MAP CUP-S-288 AC-048-11, AC(M)-049-11

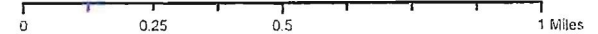
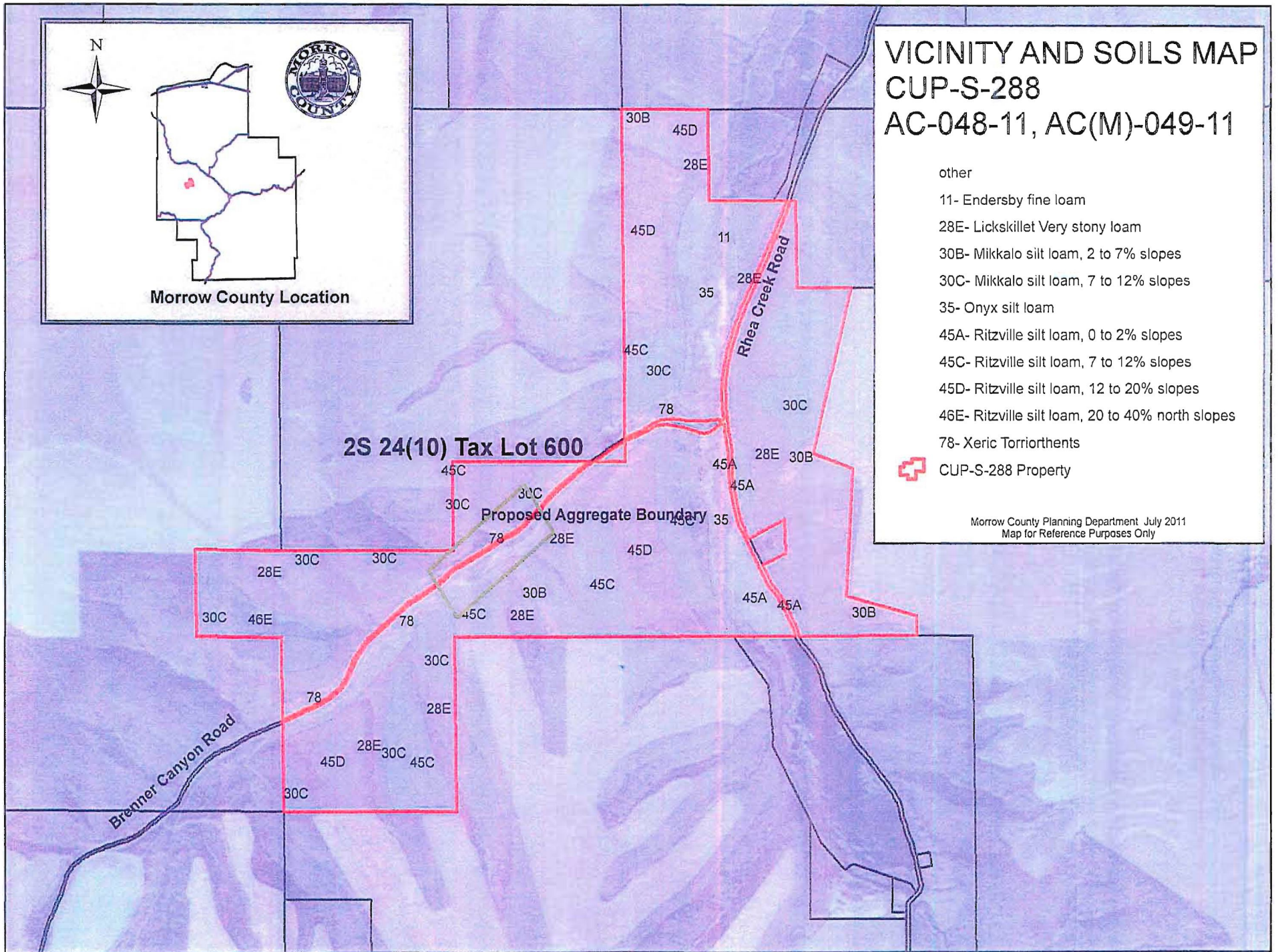
- other
- 11- Endersby fine loam
- 28E- Licksillet Very stony loam
- 30B- Mikkalo silt loam, 2 to 7% slopes
- 30C- Mikkalo silt loam, 7 to 12% slopes
- 35- Onyx silt loam
- 45A- Ritzville silt loam, 0 to 2% slopes
- 45C- Ritzville silt loam, 7 to 12% slopes
- 45D- Ritzville silt loam, 12 to 20% slopes
- 46E- Ritzville silt loam, 20 to 40% north slopes
- 78- Xeric Torriorthents
-  CUP-S-288 Property

Morrow County Planning Department July 2011
Map for Reference Purposes Only



2S 24(10) Tax Lot 600

Proposed Aggregate Boundary



Carla Mclane

From: Ryan Swinburnson [ryan@hark-swin-law.com]
Sent: Wednesday, September 14, 2011 8:52 AM
To: Carla Mclane

I have reviewed the adopting ordinance for ruhl and approve as to form. Please sign on my behalf.

Thanks.

Ryan

Sent from my iPhone

MORROW COUNTY PLANNING DEPT.
P.O. BOX 40
IRRIGON, OR 97844



DLCD
Angela Houck
635 Capitol St. NW, Ste 200
Salem, OR 97301-2540

DEPT OF

SEP 2 2011

LAND CONSERVATION
AND DEVELOPMENT