



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

03/01/2011

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 001-10

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: Tuesday, March 15, 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

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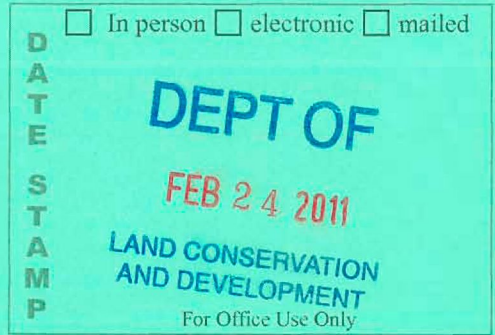


FORM 2

DLCD

Notice of Adoption

In person electronic mailed



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: **Harney County**

Local file number: **10-21**

Date of Adoption: **2/16/2011**

Date Mailed: **2/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/10/2010

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".

Amend HCZO article 3.080 to establish clearer and more appropriate local review procedures (Decision Types) for uses listed under the Airport Vicinity Overlay Zone consistent with the underlying zoning district.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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**

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. 001-10 (18461) [16528]

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

Local Contact: **Brandon McMullen**

Phone: (541) 573-6655 Extension:

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

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

City: **Burns**

Zip: **97720**

E-mail Address: **Planning@co.harney.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 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) of 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 December 16, 2010

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

FILED
FEB 16 2011

1:00
O'GLOOK P M
BY MARIA ITURRIAGA, COUNTY CLERK
DEPUTY

Ordinance No. 2011-68

IN THE MATTER OF AMENDING THE)
HARNEY COUNTY ZONING ORDINANCE)
TO UPDATE THE REVIEW PROCESS)
WITHIN THE AIRPORT VICINITY OVERLAY)
ZONE.)

WHEREAS, The text contained within the Airport Vicinity Overlay Zone of the Harney County Zoning Ordinance is amended to provide for a fair and cost effective review process for proposed uses around the Burns Municipal Airport comparative to that of the underlying zoning districts; 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 OF THE HARNEY COUNTY ZONING ORDINANCE TO UPDATE THE REVIEW PROCESS WITHIN THE AIRPORT VICINITY OVERLAY ZONE.

The amended text of the Harney County Zoning Ordinance is presented as described in Exhibit "A" attached hereto and by this reference adopted herein.

HARNEY COUNTY, OR 2011-0179
DEED ORDIN 02/16/2011 01:20 PM
Cnt=1 Pgs=5 NO FEE



00001122201100001790050057

I, Maria Iturriaga, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

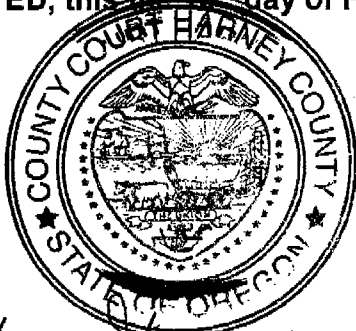
Maria Iturriaga, CCC, Harney County Clerk

Ordinance 2011-68, Amending Harney County Zoning Ordinance to update the review process within the Airport Vicinity Overlay Zone.

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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 11th day of February 2011



Maria Iturriaga
Maria Iturriaga, County Clerk

HARNEY COUNTY COURT
Steven E. Grasty
Steven E. Grasty, County Judge

Dan Nichols
Dan Nichols, Commissioner

Pete Runnels
Pete Runnels, Commissioner

20110179

Exhibit A
 Proposed changes to HCZO 3.080
 Text Removed = ~~Strikethrough~~
 Text Added = Underlined

Section 3.080. Airport Vicinity Overlay Zone, AVO

Sub-Sections:

1. Uses Permitted
2. Conditional Uses Permitted
3. Procedure
4. Standards

The purpose of the Airport Vicinity Overlay Zone is to protect the airport from encroachment of incompatible uses and to provide safe and suitable airport approaches without dangerous obstructions to airspace.

In an AVO Zone the following regulations shall apply:

1. Uses Permitted (Type I & II Decisions). ~~In an AVO Zone the following uses are permitted outright~~ Uses and activities permitted by the underlying zone as a type I or II decision shall be allowed unless specifically prohibited by subsection 4 of this Section:

- A. ~~Raising, harvesting, storing or selling crops.~~
- B. ~~Feeding, breeding, management and sale of, or the produce of livestock, poultry, fur-bearing animals or honeybees.~~
- C. ~~Dairying and the sale of dairy products.~~
- D. ~~Other agriculture, horticulture, or animal husbandry uses or activity.~~
- E. ~~Preparation and storage of the above products.~~
- F. ~~Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.~~
- G. ~~Operations for the exploration of geothermal resources as defined by ORS 522.005.~~

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2. Conditional Uses Permitted (Type III Decisions). In an AVO Zone the following uses are permitted when authorized in accordance with Section 3.080(3) and Article 6 of this ordinance:

- A. ~~A structure or building accessory to a permitted use.~~
- B. ~~A single family dwelling if permitted in the underlying zone.~~
- C.A. Aquaculture, if permitted in the underlying zone.
- D.B. Any use listed as a Conditional Use in the underlying zones.
- E. ~~Utility Facilities.~~

3. Procedure. An applicant seeking a ~~Conditional Use Permit~~ authorization of a use in the underlying zone shall follow procedures set forth in Article 6, shall provide the following information to the Planning Department: ~~Information accompanying the application shall include:~~

- A. Property boundary lines as they relate to the airport approach;
- B. Location and height of all existing and proposed buildings, structures, utility lines and roads; and,
- C. A statement from the Federal Aviation Administration indicating that the proposed use will not interfere with the safe operation of the ~~landing facilities~~ Burns Municipal Airport.

4. Standards. In an AVO Zone, the following standards shall apply:

- A. The height of any structure or part of a structure, such as a chimney, tower, antenna, etc. shall not project above airport approach, transitional, horizontal or conical surfaces, and may be further limited according to requirements established by the Planning Commission or government authorities;
- B. Uses will not create electrical interference with navigational signals or radio communications between the airport and aircraft;
- C. Uses will not make it difficult to distinguish between airport lights and other lights, nor result in glare affecting aircraft use of the airport, or otherwise impair visibility;
- D. Uses will not create or increase bird strike hazards or otherwise endanger or interfere with aircraft operations in the area;

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- E. No structure will be approved in an approach or clear zone;
- F. No meeting place for private or public purposes shall be permitted in horizontal and transitional surfaces; and,
- G. All development proposed in this zone is subject to the appropriate provisions of the Airport Master Plan, the Harney County Comprehensive Plan and implementing Ordinances.



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



DEPT OF

FEB 24 2011

ATTN: PLAN AMENDMENT SPECIALIST CONSERVATION
AND DEVELOPMENT

D. L. C. D.
635 CARROLL STREET N/E, SUITE 150
SEASIDE, OR 97138-2540

9730182540

