



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

November 3, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Malheur County Plan Amendment
DLCD File Number 007-08



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: November 18, 2008

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resource Specialist
Jon Jinings, DLCD Regional Representative
Bill Lawrence, Malheur County

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

OCT 29 2008

(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: Malheur County Local File No.: 2008-04-027
(If no number, use none)

Date of Adoption: October 15, 2008 Date Mailed: October 27, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 2, 2008

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____
(Please Specify Type of Action)

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

Amendment to G-5, Mineral and Aggregate Inventory
Tax lot 1600, Sec 13, T.16S, R46E, W.M.
Ref. 6176

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: 45

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goals 3/5

Was an Exception Adopted? Yes: _____ No: XX

DLCD File No.: 007-08 (16999)

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: XX No: _____

If no, do the Statewide Planning Goals apply. Yes: _____ No: _____

If no, did The Emergency Circumstances Require immediate adoption. Yes: _____ No: _____

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Bill Lawrence Area Code + Phone Number: (541) 473-5185

Address: 251 B St W #12 City: Vale

Zip Code+4: 97918 Email Address: blawrence@malheurco.org

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.

- 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
- Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
- 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.
- Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- 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 "Notice of Adoption" is sent to DLCD.
- In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- 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 Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

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OCT 15 2008

ORDINANCE 181

DELONG County Clerk
Shawn Childs

Deputy

AN ORDINANCE FOR A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO INCLUDE A PORTION OF TAX LOT 1600 MAP 16S46 OF THE MALHEUR COUNTY ASSESSOR'S OFFICE AS A SIGNIFIGANT AGGREGATE SITE TO MALHEUR COUNTY'S COMPREHENSIVE PLAN, GOAL 5, MINERAL AND AGGREGATE INVENTORY, AND DECLARING AN EMERGENCY

WHEREAS, the Malheur County Court held duly published hearings on October 1, 2008 and October 15, 2008 for an area to be added to the Malheur County Comprehensive Plan Goal Five, Mineral and Aggregate Resources Inventory, a significant site; and

WHEREAS, the proposed area is approximately 8 acres of tax lot 1600 on Map 16S46 maintained by the Malheur County Assessor's Office located in Section 13, T.16 S., R46 E., W.M. with reference number 6176 (site). The legal description of the aggregate site is set forth in Exhibit 1, which is attached hereto and incorporated herein by reference; and

WHEREAS, the request to add the site to the Comprehensive Plan Goal 5 Mineral and Aggregate Inventory is made by Darren Lee, Applicant and Dick DeHaven, Landowner; and

WHEAREAS, the quantity of aggregate for the site is 400,000 tons (approximately 240,000 cubic yards); and

WHEREAS, the soils of the site are not mapped on the NRSC inventory. Private testing indicates the soils as characterized by sand and gravel; and

WHEREAS, the quality of aggregate material at the site was tested and the lab test results indicate that all of the material submitted meets or exceeds the minimum quality specifications for highway construction as set forth by the Oregon Department of Transportation - ODOT Specifications: Section 02630; and

WHEREAS, the Malheur County Planning Commission approved the site and recommended that the Malheur County Court add the site to the Comprehensive Plan Goal 5, Mineral and Aggregate Inventory.

EXHIBIT 1

Land in Malheur County, Oregon:

W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 13, T. 16S., R46E., W.M.

Approximately 45 acres
Tax Lot 1600
Reference No. 6176

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OCT 15 2008

ORDINANCE 181

DELONG County Clerk
Shari Childs
Deputy

AN ORDINANCE FOR A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO INCLUDE A PORTION OF TAX LOT 1600 MAP 16S46 OF THE MALHEUR COUNTY ASSESSOR'S OFFICE AS A SIGNIFIGANT AGGREGATE SITE TO MALHEUR COUNTY'S COMPREHENSIVE PLAN, GOAL 5, MINERAL AND AGGREGATE INVENTORY, AND DECLARING AN EMERGENCY

WHEREAS, the Malheur County Court held duly published hearings on October 1, 2008 and October 15, 2008 for an area to be added to the Malheur County Comprehensive Plan Goal Five, Mineral and Aggregate Resources Inventory, a significant site; and

WHEREAS, the proposed area is approximately 8 acres of tax lot 1600 on Map 16S46 maintained by the Malheur County Assessor's Office located in Section 13, T.16 S., R46 E., W.M. with reference number 6176 (site). The legal description of the aggregate site is set forth in Exhibit 1, which is attached hereto and incorporated herein by reference; and

WHEREAS, the request to add the site to the Comprehensive Plan Goal 5 Mineral and Aggregate Inventory is made by Darren Lee, Applicant and Dick DeHaven, Landowner; and

WHEAREAS, the quantity of aggregate for the site is 400,000 tons (approximately 240,000 cubic yards); and

WHEREAS, the soils of the site are not mapped on the NRSC inventory. Private testing indicates the soils as characterized by sand and gravel; and

WHEREAS, the quality of aggregate material at the site was tested and the lab test results indicate that all of the material submitted meets or exceeds the minimum quality specifications for highway construction as set forth by the Oregon Department of Transportation - ODOT Specifications: Section 02630; and

WHEREAS, the Malheur County Planning Commission approved the site and recommended that the Malheur County Court add the site to the Comprehensive Plan Goal 5, Mineral and Aggregate Inventory.

NOW THEREFORE, THE MALHEUR COUNTY COURT, STATE OF OREGON, ORDAINS
AS FOLLOWS:

**SECTION 1: ADDITION OF SITE TO MALHEUR COUNTY COMPREHENSIVE PLAN
GOAL FIVE MINERAL AND AGGREGATE RESOURCES INVENTORY**

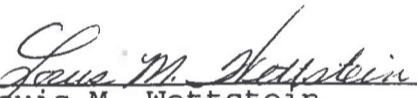
45 acres of tax lot 1600 on Map 16S46 maintained by the Malheur County Assessor's Office in Section 13 with a reference number of 6176 shall be included on the Malheur County Comprehensive Plan Goal Five Mineral and Aggregate Resources Inventory as a significant site. The site acres are more particularly described on Exhibit 1 attached hereto and incorporated herein by reference.

SECTION 2: EMERGENCY. An additional aggregate resource site is immediately necessary for the safety, maintenance and construction of roads, bypasses and interchanges in Malheur County. Therefore, an emergency is declared to exist and this ordinance shall take effect on the day of its adoption.


PASSED AND ADOPTED this 15th day of October, 2008.



Dan P. Joyce
County Judge



Louis M. Wettstein
County Commissioner



Jim Nakano
County Commissioner

EXHIBIT 1

Land in Malheur County, Oregon:

W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 13, T. 16S., R46E., W.M.

Approximately 45 acres
Tax Lot 1600
Reference No. 6176



Malheur County Planning Department
251 'B' St. W., Box 12
Vale, Oregon 97918

Plan Amendment Specialist
Dept. of Land Conservation and Dev.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540



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