



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

12/31/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Union County Plan Amendment
DLCD File Number 002-08

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: Monday, January 12, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Hanley Jenkins, II, Union County
Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative
Jon Jinings, DLCD Regional Representative

<paa> YA

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

DEPT OF LAND CONSERVATION AND DEVELOPMENT DEC 26 2008

Jurisdiction: Union County Local File No.: none (If no number, use none)

Date of Adoption: December 17, 2008 Date Mailed: December 22, 2008 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: August 18, 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." A basalt aggregate site was placed on the Union County Land Use Plan Aggregate Inventory as a Goal 5 Significant Site and placed in a Surface Mining Zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." Same

Plan Map Changed from: NA to NA Zone Map Changed from: A-4 Timber Grazing to Surface Mining Location: Twp. 1N, Range 39 EWM, TL 1800 Acres Involved: 100 Specify Density: Previous: NA New: NA Applicable Statewide Planning Goals: 5, 12 Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-08 (17090) [15336]

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: 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: DOGAMI, ODOT, ODFW

Local Contact: Hanley Jenkins, II Area Code + Phone Number: (541)963-1014

Address: 1001 4th Street, Suite C

City: La Grande, OR Zip Code+4: 97850

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.

1. **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**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **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.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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.
6. 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.
7. **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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable R. NELLIE BOGUE HIBBERT Chair

STEVE MCCLURE Commissioner

COLLEEN MACLEOD Commissioner

WHEN, on Wednesday, the 17th day of December, 2008 among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING	}	
THE UNION COUNTY LAND USE PLAN	}	ORDINANCE NO.
AGGREGATE INVENTORY & LAND USE	}	2008-03
PLAN/ZONING MAP (YEO) &	}	
DECLARING AN EMERGENCY	}	

WHEREAS, Michael & Judy Yeo submitted an application to include 100 acres (part of Twp. 1N, Range 39 EWM, Tax Lot 1800) on the County Basalt Aggregate Inventory as a Goal 5 Significant Site and change the current A-4 Timber-Grazing Zone to a Surface Mining Zone;

WHEREAS, DLCD was given 45 days notice prior to the first evidentiary hearing;

WHEREAS, the Union County Planning Commission advertised and held public hearings on October 27 and November 24, 2008 and made a recommendation to approve the application;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on December 17, 2008;

WHEREAS, the applicant submitted evidence that approximately 145,200,000 cubic yards of aggregate material had been identified and the aggregate source was determined good for sanding and oil rock.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON:

SECTION 1: UNION COUNTY LAND USE PLAN

The Union County Land Use Plan Supplement - June 1984 is amended to include the following described property as a Significant Goal 5 site in a Timber/Grazing Plan Classification for inventoried basalt sites in Table AS:

100 acres generally located in the E ½ of the NW ¼ & the E ½ of the W ½ of the NW ¼ of Section 17, Twp. 1N, Range 39 EWM (See attached map).

SECTION 2: LAND USE PLAN/ZONING MAP

The Union County Land Use Plan/Zone Map is amended to change 100 acres described on Site Plan Map, attached and affixed hereto and made a part of this ordinance, from an A-4 Timber-Grazing Zone to a Surface Mining Zone with a one-quarter mile Surface Mining Zone Impact Overlay Area around the perimeter of the Surface Mining Zone.

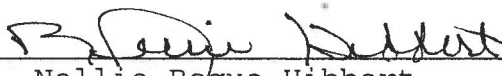
SECTION 3: SUPPORTING FINDINGS

This Ordinance is passed and adopted with the supporting findings included in Attachment "A".


SECTION 4: EMERGENCY ADOPTION

Where an emergency does hereby exist to allow the applicant the opportunity to mine aggregate under an approved Site Plan, this Ordinance is hereby adopted and shall be in full force and effect upon adoption.

PASSED AND ADOPTED this 17th day of December, 2008, by a vote of the following members of the Union County Board of Commissioners voting therefore.



R. Nellie Bogue Hibbert, Chair



Steve McClure, Commissioner



Colleen MacLeod, Commissioner

Attachment "A"

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 (3) identifies four criteria the applicants must satisfy for a Plan/Zone Amendment.
2. OAR 660-023-0180 (3)(5)&(8) identifies specific review criteria the applicants must satisfy for an aggregate site to be added to a County inventory through a Plan/Zone Amendment.
3. UCZPSO Section 20.10 Site Plan Requirements identify several requirements the applicants are required to detail on a Site Plan.
4. UCZPSO Article 15.0 (SM) Surface Mining Zone identifies permitted uses, conditional uses and applicable standards the applicants are required to satisfy.
5. UCZPSO Article 31.00 Performance Agreement identifies how an applicant is to satisfy UCZPSO Section 15.09 Performance Guarantee for having property zoned in a Surface Mining Zone.
6. The applicants are requesting Plan/Zone Amendment approval to establish a new 100 acre significant aggregate site on the County's Basalt Aggregate Inventory, change the A-4 Timber Grazing Zone to a Surface Mining Zone for the 100 acres and Site Plan approval to mine aggregate from the 100 acres.
7. The subject property is in the Elgin School District but outside of any rural fire protection district.
8. The surrounding area is comprised of large parcels in a variety of grazing and timber production activities.
9. The subject property includes a single family dwelling in its southwest corner and has been used for livestock grazing and timber production.
10. The applicants have submitted a report from the Oregon Department of Transportation Materials Laboratory which indicates the aggregate source on the subject property is good for sanding and oil rock.
11. The applicants have submitted a copy of a tentatively approved approach permit from the Oregon Department of Transportation for access from the proposed aggregate site onto Ore. Highway 204.
12. The applicants' Exhibit "C" material addresses relevant criteria in UCZPSO Section 23.05(3) and OAR 660-023-018(3), (5) & (8).
13. The applicants submitted additional written testimony on November 17, 2008 which included a November 9, 2008 petition in support; a November 13, 2008 letter of support from Guy Lewis of McCallum Rock Drilling; a November 6, 2008 email from Ben Mundie of DOGAMI; a Parking Site Plan; a Conceptual Site Reclamation Plan; responses to UCZPSO Section 23.05 & OAR 660-023-0180; and a map showing the 1500 ft. buffer.

14. The applicants have satisfied UCZPSO Section 23.05 (3) because support letters (11-13-08 letter from Guy Lewis of McCallum Rock Drilling & a petition signed by 13 people) and oral testimony received show that a public need supports the change and there is a lack of operational alternative sites in the area. Also, a tentatively approved approach permit was submitted from the Oregon Department of Transportation for access from the proposed aggregate site onto Ore. Highway 204.
15. The applicants have satisfied OAR 660-023-0180 (3)(5)&(8) based on the applicants' responses to the criteria submitted on November 17, 2008. Also, approximately 145,200,000 cubic yards of aggregate material have been identified and the report from the Oregon Department of Transportation Materials Laboratory indicated the aggregate source on the subject property is good for sanding and oil rock.
16. The applicants have satisfied UCZPSO Section 20.10 Site Plan Requirements as shown in the exhibits submitted with the application.
17. The applicants have satisfied UCZPSO Article 15.0 (SM) Surface Mining Zone because written and oral testimony show there are no conflicts and no foreseen conflicts within 1500 feet of the proposed mining site, ODOT has given tentative approval for access onto Ore. Highway 204 and reclamation will return the site to timber and grazing uses.

Conditions of Approval

1. The access road shall be level with Ore. Hwy. 204 and expanded for safer access to and from Ore. Highway 204.
2. All trucks and heavy equipment transporting mining aggregate or processing materials shall avoid travel through residential areas.

23-2

01N 39E 08

8

N88°45'54"E

7

95'
110'

S89°37'E 79.14 CH = 5223.24'

CS 025-1998

1800
624.00 AC.

2644.72
N02°21'36"E

2500.23'

2679.00'

SEE MAP 01N 39E

SEE MAP
01N 39E 09C

23-4

FD. COR.
(ENDORSED)

S89°48'W

5375' MIL

30.75 CH = 5329.5'

5100
1.74 AC.
SEE DETAIL MAP 2

11-4

NORTH

1208.31'
N0°26'14"W

1311.81'
S88°56'50"E

983' MIL
N0°18'52"W

18

1700

See location

ELGIN

17

HWY

SEE

PHILLIPS

4900
16.75 AC.

4800
426.01 AC.

1901
11.70 AC.

CS 22-90

5300
240.00 AC.

No potential dwelling opportunity

4704
357.48 AC.

FD. SE COR.

FD. 1/4 COR.

80.17 CH = 5291.22'

S89°22'E

S88°29'30"E

WEST

79.25 CH = 5230.5'

11-7

S89°33'W

80.49 CH = 5312

4704

CO. RD. NO. 37

5500
79.00 AC.

11-8 SEE MAP

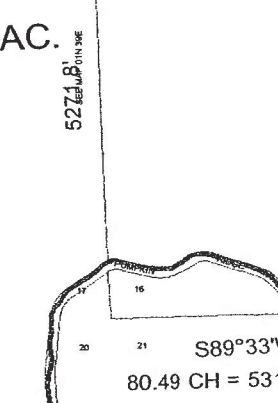
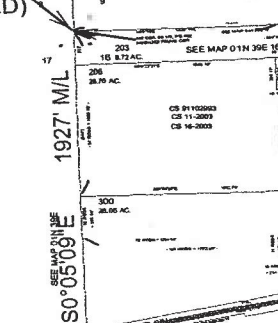
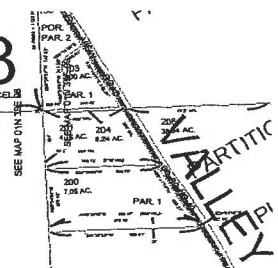
11-4
4800

19

RD. NO. 39
60' EASEMENT

9 AC.

SEE MAP 01N 39E





UNITED STATES POSTAGE
PRIMEY BOWES
02 1A
0004382955
MAILED FROM ZIP CODE 97850
DEC 22 2008
\$01.170

**UNION COUNTY
PLANNING DEPARTMENT**

1001 4th Street, Suite C
LA GRANDE, OREGON 97850

TO

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