



Oregon

Theodore R. Kubongoski, 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

7/28/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Malheur 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: Wednesday, August 11, 2010

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: Bill Lawrence, Malheur County  
Jon Jinings, DLCD Community Services Specialist  
Amanda Punton, DLCD Regional Representative

<paa> YA



# 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



Jurisdiction: Malheur County

Local file number: 2010-02-06

Date of Adoption: 6-16-2010

Date Mailed: 7-21-2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

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".  
Amendment to Goal 5, Mineral and Aggregate Inventory. Tax Lot 400, Sec 18,  
Township 18S, Range 45 E.W.M., Assessor's Map 18S4518. Reference No.13777

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

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 (18158) [16235]



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

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Local Contact:	Bill Lawrence	Phone:	(41)473-5185	Extension:
Address:	251 B St W #12	Fax Number:	541 - 473 5140	
City:	Vale, OR	Zip:	97918	E-mail Address: <a href="mailto:blawrence@malheurco.org">blawrence@malheurco.org</a>

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## 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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. 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.
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 now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also 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](mailto:mara.ulloa@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



FILED

1:26 P.M.

INSTRUMENT NO. 2010 -3672  
Page 1 of 3 Pages

JUN 16 2010

ORDINANCE 185

DEBORAH R. DELONG, County Clerk  
By *Sheryl Childs* Deputy

**AN ORDINANCE FOR A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO INCLUDE A PORTION OF TAX LOT 400 MAP 18S4518 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 June 2, 2010 and June 16, 2010 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 60 acres of tax lot 400 on Map 18S4518 maintained by the Malheur County Assessor's Office located in Section 18, T.19 S., R43 E., W.M. with reference number 13777 (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 Ryan Bradford, landowner, and Wayne Irvin, DBA IRVCO Asphalt and Gravel, Inc., Applicant; and

WHEAREAS, the quantity of aggregate for the site is 414,115 tons (approximately 248,500 cubic yards); and

WHEREAS, the soils of the site are mapped in the NRCS inventory and are not classified as High Value Farmlands under Oregon Revised Statutes or Oregon Administrative Rules.

WHEREAS, private testing indicates the soils overlaying the gravel as Sandy Silt to Silty Sand (ML/SM), and the gravel layer occurs anywhere from the surface to 25 feel below the surface,

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.

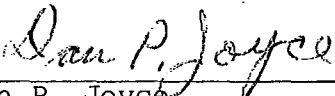
NOW THEREFORE, THE MALHEUR COUNTY COURT, STATE OF OREGON, ORDAINS AS FOLLOWS:

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


60 acres of tax lot 400 on Map 18S4518 maintained by the Malheur County Assessor's Office in Section 18 with a reference number of 13777 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 16th day of June, 2010.

  
\_\_\_\_\_  
Dan P. Joyce  
County Judge

  
\_\_\_\_\_  
Louis M. Wettstein  
County Commissioner

  
\_\_\_\_\_  
Jim Nakano  
County Commissioner

Goal 5, Mineral and Aggregate Inventory.

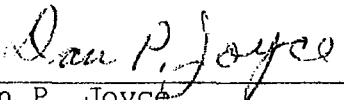
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County Judge

  
\_\_\_\_\_  
Louis M. Wettstein  
County Commissioner

  
\_\_\_\_\_  
Jim Nakano  
County Commissioner

**EXHIBIT 1**

Land in Malheur County, Oregon:

In Township 18 S, R.45. E., W.M., Section 18; the south 110 feet of the following described parcel: Government Lot 4 and the westerly 710 feet of the SW $\frac{1}{4}$  SW $\frac{1}{4}$ . Excepting therefrom that portion lying westerly of Alder Road.

Approximately 60 acres  
Tax Lot 400  
Reference No. 13777





UNITED STATES POSTAGE  
PITNEY BOWES  
02 1M \$ 01.05<sup>0</sup>  
0004286557 JUL 21 2010  
MAILED FROM ZIP CODE 97918

**FROM:** Malheur County  
Planning Department  
Courthouse, #12  
251 B Street West  
Vale, OR 97918

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**TO:** ATTN: Plan Amendment Specialist  
Dept of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540