



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: Baker County Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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, March 16, 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: Tara Andrews, Baker County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative

<paa> YA

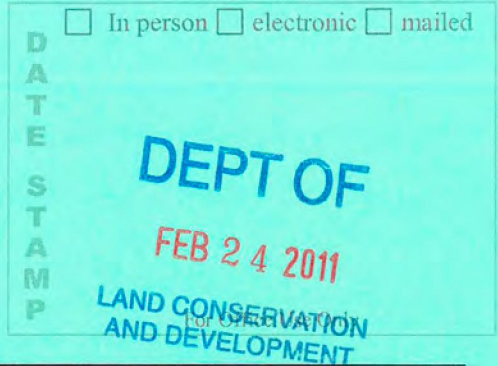


FORM **2**

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: **Baker County**

Local file number: **PA-10-002**

Date of Adoption: **February 16, 2011**

Date Mailed: **February 23, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/16/2010

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".

This is a Post Acknowledgement Plan Amendment to add two aggregate sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan. The first site, Brownie Pit #1, will occupy 5 acres; the second site, Brownie Pit #2, will occupy approximately 5.8 acres. These sites will be used to provide rock for projects in northeast Baker County.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved: **5 & 5.8 acres**

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. 002-10 (18611) [16526]

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

DOGAMI, DEG, ODOT

Local Contact: **Tara Andrews**

Phone: (541) 523-8219 Extension:

Address: **1995 Third Street**

Fax Number: **541-523-5925**

City: **Baker City, Oregon**

Zip: **97814**

E-mail Address: **tandrews@bakercounty.org**

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.

Updated December 22, 2009

BEFORE THE BOARD OF COMMISSIONERS
OF BAKER COUNTY, OREGON

IN THE MATTER OF PA-10-002 TO AMEND THE BAKER COUNTY COMPREHENSIVE LAND USE PLAN TO ADD BROWNIE PIT #1 AND BROWNIE PIT #2 TO THE MINERAL AND AGGREGATE INVENTORY.	FINDINGS OF FACT, CONCLUSIONS, AND DECISION
BROWNIE PIT #1 IS A 5-ACRE PORTION OF A PARCEL DESCRIBED AS TAX LOT 300 IN SECTION 17A OF TOWNSHIP 7 SOUTH, RANGE 48 EAST, W.M., BAKER COUNTY, OREGON. BROWNIE PIT #2 IS A 5.8-ACRE PORTION OF A PARCEL DESCRIBED AS TAX LOT 1400 OF TOWNSHIP 7 SOUTH, RANGE 48 EAST, W.M., BAKER COUNTY, OREGON.	ORDER NO. 2011-008

Property Owner: George P. & Judy L. Parker Family Trust, 53875 Hwy 86, Halfway, OR 97834

The Baker County Planning Commission recommended approval to the Baker County Board of Commissioners for a Plan Amendment to the Baker County Comprehensive Land Use Plan to add a 5-acre aggregate site, known as Brownie Pit #1, and a 5.8-acre aggregate site, known as Brownie Pit #2, to the Mineral and Aggregate Inventory of significant sites. The 5-acre aggregate site is located on a portion of tax lot 300 in Section 17A of Township 7 South, Range 48 East, W.M., and the 5.8-acre aggregate site is located on a portion of tax lot 1400 of Township 7 South, Range 48 East, W.M., Baker County, Oregon.

A public hearing on the above-entitled matter was held before the Baker County Planning Commission on January 27, 2011. The Baker County Planning Commission closed the public hearing at the January 27, 2011 meeting, and recommended approval of the Plan Amendment request to the Board of Commissioners at the same meeting.

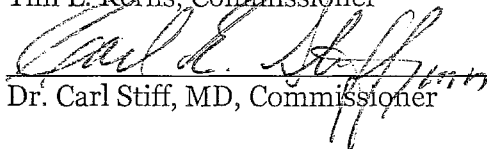
The Baker County Board of Commissioners conducted a public hearing on the Plan Amendment request on February 2, 2011, and February 16, 2011, and **APPROVED** the request to amend the Baker County Comprehensive Land Use Plan Mineral and Aggregate Inventory to include Brownie Pits #1 and #2 based upon the applicable review criteria, findings of fact and conclusions, conditions of approval, and public testimony received. The site is approved under the 'small sites' criteria from the cited Oregon Administrative Rules, as well as the Baker County Zoning and Subdivision Ordinance requirements, all included in Exhibit 'A'. The language that will be added to the Comprehensive Land Use Plan is also attached in Exhibit 'A'.

DATED this 16th day of February, 2010.

BAKER COUNTY BOARD OF COMMISSIONERS


Fred Warner, Jr., Chair


Tim L. Kerns, Commissioner


Dr. Carl Stiff, MD, Commissioner

**Baker County Mineral and Aggregate
Non Metallic Inventory**

NO.	1/4	SEC.	TWP.	RGE.	RES 1	ACRES	YDS.	STATUS	RESOURCE OWNER	LAND OWNER	DOGAMI NUMBER	COMMENTS
124	NE	17	7S	48	Bg	~ 5	Commercial Quantities - Total extraction not to exceed 500,000 tons/lifetime.	ACTIVE	George P. and Judy L. Parker Family Trust	George P. and Judy L. Parker Family Trust	N/A	Primary purpose is to supply rock for projects in the Halfway-Oxbow area
125	NE	19	7S	48	Bg	~ 5.8	Commercial Quantities - Total extraction not to exceed 500,000 tons/lifetime.	ACTIVE	George P. and Judy L. Parker Family Trust	George P. and Judy L. Parker Family Trust	N/A	Primary purpose is to supply rock for projects in the Halfway-Oxbow area

BAKER COUNTY COMPREHENSIVE PLAN
1993 NONMETALLIC MINERAL AND AGGREGATE SITE INVENTORY INDEX

<u>SITE #</u>	<u>SITE NAME</u>	<u>TWP</u>	<u>RNG</u>	<u>SEC</u>	<u>TAX LOT</u>	<u>DIR</u>
160	BROWNIE PIT #1	07S	48E	17	300	SW, NE
161	BROWNIE PIT #2	07S	48E	19	1400	SE, NE

RECORD NUMBER: 160

CLASS:

SITE: BROWNIE PIT #1

COMMODITIES: ROCK (BASALT)

DEPOSIT TYPE:

LAND USE: LIVESTOCK GRAZING

ADJ LAND USE: USA BLM, RURAL SERVICE AREA-RESIDENTIAL

LAND STATUS: PRIVATE

LAND OWNER: GEORGE P. & JUDY L. PARKER FAMILY TRUST

ADDRESS: 53875 HIGHWAY 86

CITY ST: HALFWAY, OR 97834

ADDRESS 2:

LESSEE:

SPECIFIC LOCATION: APPROXIMATELY 14.7 MILES NORTHEAST OF THE TOWN OF HALFWAY, ON HIGHWAY 86. LATITUDE: 44.96,
LONGITUDE: -116.87.

ACTIVITY:

QUALITY:

QUANTITY: 500,000 TONS OR LESS/LIFETIME

CONFLICTS:

HISTORY: THE PIT HAS BEEN USED BY THE OREGON DEPARTMENT OF TRANSPORTATION FOR EMERGENCY PURPOSES.

PD FILE: PA-10-002 IN TAX LOT FILE 07S48 SECTION 17A TL 300

NOTES: THE APPLICANT IS APPLYING UNDER THE "SMALL SITES RULE" OAR 660-023-0180(4).

TWN: 07 S.,	RG: 48 E.,	SEC: 17
TAX LOT: 300	ZONING: EFU	
QUAD 1:	SCALE:	
QUAD 2:	SCALE:	
MINING DIST:		
*SEE ALSO:		

QUALITY REPORT
 Obtained From ODOT Laboratory Data
 Township 7 South, Range 48 East, Section 17A, Tax Lot 300

- * Based on an average of information available for aggregate size(s)
- (x) County Standards
- (c) Course
- (f) Fine

SODIUM SULFATE TEST (SOUNDNESS):

ROCK TYPE	(x) AVERAGE % OF LOSS SHALL NOT EXCEED	* AVERAGE % WEIGHT LOSS
	%	%

DEGRADE TEST (OREGON AIR DEGRADATION):

ROCK TYPE	(x) MAXIMUM SEDIMENT HEIGHT "	(x) MAXIMUM VALUE PASSING #20 SIEVE	* SEDIMENT HEIGHT "	* PASSING #20 SIEVE
	"	%	"	%

ABRASION TEST (LA RATLER):

ROCK TYPE	(x) MAXIMUM VOLUME % LOSS	* SITE QUALITY % LOSS
	%	%

RECORD NUMBER: 161

CLASS:

SITE: BROWNIE PIT #2

COMMODITIES: ROCK (BASALT)

DEPOSIT TYPE:

LAND USE: LIVESTOCK GRAZING, RESIDENTIAL

ADJ LAND USE: USA BLM, RURAL SERVICE AREA-RESIDENTIAL & COMMERCIAL

LAND STATUS: PRIVATE

LAND OWNER: GEORGE P. & JUDY L. PARKER FAMILY TRUST

ADDRESS: 53875 HIGHWAY 86

CITY ST: HALFWAY, OR 97834

ADDRESS 2:

LESSEE:

SPECIFIC LOCATION: APPROXIMATELY 15.8 MILES NORTHEAST OF THE TOWN OF HALFWAY, ON HIGHWAY 86. LATITUDE: 44.94,
LONGITUDE: -116.88.

ACTIVITY:

QUALITY:

QUANTITY: 500,000 TONS OR LESS/LIFETIME

CONFLICTS:

HISTORY: THE PIT HAS BEEN USED BY THE OREGON DEPARTMENT OF TRANSPORTATION FOR EMERGENCY PURPOSES.

PD FILE: PA-10-002 IN TAX LOT FILE 07S48 TL 1400

NOTES: THE APPLICANT IS APPLYING UNDER THE "SMALL SITES RULE" OAR 660-023-0180(4).

TWN: 07 S.,	RG: 48 E.,	SEC: 19
TAX LOT: 1400	ZONING: EFU	
QUAD 1:	SCALE:	
QUAD 2:	SCALE:	
MINING DIST:		
*SEE ALSO:		

QUALITY REPORT
 Obtained From ODOT Laboratory Data
 Township 7 South, Range 48 East, Section 19, Tax Lot 1400

- * Based on an average of information available for aggregate size(s)
- (x) County Standards
- (c) Course
- (f) Fine

SODIUM SULFATE TEST (SOUNDNESS):

ROCK TYPE	(x) AVERAGE % OF LOSS SHALL NOT EXCEED	* AVERAGE % WEIGHT LOSS
	%	%

DEGRADE TEST (OREGON AIR DEGRADATION):

ROCK TYPE	(x) MAXIMUM SEDIMENT HEIGHT "	(x) MAXIMUM VALUE PASSING #20 SIEVE	* SEDIMENT HEIGHT "	* PASSING #20 SIEVE
	"	%	"	%

ABRASION TEST (LA RATLER):

ROCK TYPE	(x) MAXIMUM VOLUME % LOSS	* SITE QUALITY % LOSS
	%	%

**Baker County Department of Planning and Community Development
FINAL REPORT AND BOARD OF COMMISSIONER'S DECISION**

**PLAN AMENDMENT PA-10-002
BROWNIE PITS #1 & #2**

STAFF REPORT DATE: February 17, 2011
REPORT PREPARED BY: Tara Andrews, Planner
PLANNING COMMISSION HEARING: January 27, 2011
BOARD OF COMMISSIONER'S HEARINGS: February 2 & 16, 2011

I. GENERAL INFORMATION AND FACTS

Applicant/Property Owner: Judy Parker
53875 Highway 86
Halfway, OR 97834

Land Use Review: Plan Amendment Request in the Exclusive Farm Use (EFU) Zone

Property Description: **Brownie Pit #1:** 5 acres; Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, W.M., Baker County, Oregon (07S4817A TL 300, Ref. 15562)

Brownie Pit #2: 5.8 acres; Tax Lot 1400 of Township 7 South, Range 48 East, W.M., Baker County, Oregon (07S48 TL 1400, Ref. 12320)

Location: Northeast of Halfway, Oregon, on Highway 86

Existing Development: **Tax Lot 300:** None
Tax Lot 1400: Two single-family dwellings with carports, two sheds, and two hay covers.

Proposed Development: Two Aggregate Sites

Zone: Exclusive Farm Use (EFU) Zone

Overlay Zone(s):

Big Game Habitat: Tax Lots 300 and 1400 are located within the Big Game Habitat Overlay.

Flood Zone: **Tax Lot 300:** A flood zone has been identified on the parcel according to Flood Insurance Rate Map (FIRM) #41001C0325C, dated June 3, 1988.

Tax Lot 1400: A flood zone was not identified on the parcel according to Flood Insurance Rate Map (FIRM) #41001C0325C, dated June 3, 1988.

Wetlands: **Tax Lot 300:** Wetlands were identified on the parcel according to National Wetlands Inventory Map for Oxbow, Oregon, dated July 1981.

Tax Lot 1400: Wetlands were not identified on the parcel according to National Wetlands Inventory Map for McLain Gulch, Oregon, dated August 1981.

Current Land Use: **Tax Lot 300:** Agriculture-Grazing
Tax Lot 1400: Residential, Agriculture-Grazing

Size of Parcels: **Tax Lot 300:** 15.82+/- acres
A 5-acre site is proposed for the requested pit.
Tax Lot 1400: 114.30+/- acres
A 5.8-acre site is proposed for the requested pit.

Parcels Legally Created: **Tax Lots 300 & 1400:** Both parcels were created by Partition Plat 1990-004, dated August 8, 1990.

Water Rights: **Tax Lot 300:** According to the Baker County Watermaster's Office, there are no water rights on this parcel.
Tax Lot 1400: According to the Baker County Watermaster's Office, there are approximately 8.2 acres of primary water rights on this parcel.

NRCS Soils Data:

Brownie Pit #1	Brownie Pit #2
Soil Class for 15.82+/- acres (Baker County GIS):	Soils Class for 114.30+/- acres (Baker County GIS):
Class III 10.54 %	Class VI 59.38 %
Class VI 43.32 %	Class VII 38.76 % *
Class VII 44.79 % *	Class VIII 1.86 %

**Indicates location of rock pit*

Tax Status: **Tax Lot 300:** Standard Tax
Tax Lot 1400: Standard Tax

II. REQUEST

Judy Parker, applicant and property owner, requests a Post Acknowledged Plan Amendment and a Conditional Use permit to site two aggregate mining operations. The first site, Brownie Pit #1, is proposed to be located on a 5-acre portion of a 15.82+/- acre parcel, identified as Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, W.M., Baker County, Oregon. The second site, Brownie Pit #2, is proposed to be located on a 5.8-acre portion of a 114.30+/- acre parcel, identified as Tax Lot 1400 of Township 7 South, Range 48 East, W.M., Baker County, Oregon. Both parcels are located in the Exclusive Farm Use (EFU) Zone.

Review of the Plan Amendment and Conditional Use requests have been consolidated into one report; however, approval of the Conditional Use Permit is contingent on approval of the Plan Amendment. The purpose of these proposed aggregate mining operations is to supply rock to the Halfway-Oxbow area when the need arises. This Plan Amendment request specifically seeks to amend the Baker County Comprehensive Land Use Plan to add two additional sites to the Mineral and Aggregate Inventory,

which is required before a Conditional Use Permit to conduct aggregate mining activity in the Exclusive Farm Use (EFU) Zone can be issued.

III. APPLICABLE STATUTE AND ADMINISTRATIVE RULE PROVISIONS

Oregon Revised Statute (ORS) 215.298 requires that a site for aggregate mining be included on an inventory of an acknowledged comprehensive plan. Oregon Administrative Rule (OAR) 660 Division 18 contains the procedures for a comprehensive plan amendment. OAR 660 Division 23 contains the specific review criteria for amending a County's Comprehensive Plan to include additional sites on the Mineral and Aggregate Inventory. The post acknowledgment plan amendment must also comply with Article 9 of the Baker County Zoning and Subdivision Ordinance (BCZSO) #83-3.

The proposed Conditional Use request must comply with applicable provisions of the Baker County Zoning and Subdivision Ordinance (BCZSO) #83-3 Sections 301.02, 301.06 and Article 6, and the Baker County Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning and Subdivision Ordinance it is considered to be consistent with the Comprehensive Plan.

IV. FINDINGS OF FACT

- 1) The parcels are identified as Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, W.M., Baker County, Oregon (07S4817A TL 300, Ref. 15562), and Tax Lot 1400 of Township 7 South, Range 48, W.M., Baker County, Oregon (07S48 TL 1400, Ref. 12320).
- 2) The first aggregate site, Brownie Pit #1, is proposed to be a 5-acre portion of the 15.82+/- acre parcel (Tax Lot 300) and the second aggregate site, Brownie Pit #2, is proposed to be a 5.8-acre portion of a 114.30+/- acre parcel (Tax Lot 1400).
- 3) According to the Baker County Assessor's office, Tax Lots 300 and 1400 are currently taxed at the standard rate.
- 4) Tax Lots 300 and 1400 are located within the Exclusive Farm Use (EFU) Zone.
- 5) Tax Lots 300 and 1400 are located in the Big Game Habitat Overlay.
- 6) Tax Lots 300 and 1400 were legally created as evidenced by Partition Plat 1990-004, dated August 8, 1990.
- 7) A flood zone was not identified on Tax Lot 1400 according to Flood Insurance Rate Map #41001C0325C, dated June 3, 1988. A flood zone was identified on Tax Lot 300 according to Flood Insurance Rate Map #41001C0325C, dated June 3, 1988. The aggregate site (Brownie Pit #1) on Tax Lot 300 is partially included within the identified flood zone.
- 8) According to Baker County GIS Soil Data and the Natural Resources Conservation Service Soil Survey for Baker County, Tax Lot 300 consists of 10.54% Class III, 43.32% Class VI, and 44.79% Class VII (location of aggregate pit) and Tax Lot 1400 consists of 59.38% Class VI, 38.76% Class VII (location of aggregate pit) and 1.86% Class VIII.

- 9) According to the Baker County Watermaster's Office, there are no primary water rights on Tax Lot 300 and approximately 8.2 acres of primary water rights on Tax Lot 1400.
- 10) The applicant submitted the appropriate application, maps, and site plan, accompanied by the required fee, to the Baker County Planning Department. The requirements of the application, as outlined in the Baker County Zoning and Subdivision Ordinance 83-3, Section 905, were completed on October 12, 2010.
- 11) No structures or dwellings are proposed as part of this request.
- 12) The proposed aggregate site on Tax Lot 300, Brownie Pit #1, is located directly off of Highway 86. The proposed aggregate site on Tax Lot 1400, Brownie Pit #2, is located approximately 900 feet from Highway 86, and is accessed by a road that is entirely contained within the applicant's property.
- 13) The application states that less than 500,000 tons of aggregate will be produced from each pit while the permits are operational. The main uses of the pits will be for "projects in the Halfway-Oxbow area."
- 14) The proposed mining operation plans to excavate more than 1,000 cubic yards of aggregate.
- 15) The proposed aggregate mining operation sites are not included in the Baker County Comprehensive Plan Inventory of Mineral and Aggregate Sites.
- 16) Notice of County review of the proposed Plan Amendment was published in the Record Courier on December 30, 2010, and the Hells Canyon Journal on January 5, 2011, in accordance with ORS 197.763. Notice was also provided to the Department of Land Conservation and Development on November 16, 2010, in accordance with ORS 197.610. Notice was provided to property owners of record within 750 feet of the subject property boundary and the affected agencies on January 6, 2011, in accordance with OAR 660 Division 23, and ORS 197.763.
- 17) Required copies of the Environmental Review Checklist were circulated to the affected agencies on November 16, 2010. The deadline for comments from affected agencies was December 8, 2010. The Planning Department received one comment from the Baker County Watermaster, which is attached to this report as Exhibit "J".
- 18) The main road access that will be used for hauling and transporting material to and from the pit is Highway 86.

V. ANALYSIS

POST ACKNOWLEDGMENT PLAN AMENDMENT

A. BAKER COUNTY ZONING AND SUBDIVISION ORDINANCE

BCZO Section 901 Authorization to Initiate Amendments

An Amendment to the text of this Ordinance or the Zoning Map may be initiated by the County Court, the County Planning Commission, or by application of a property owner. The request by a property owner for an Amendment shall be accomplished by filing an application with the Planning Department in a manner described in Section 905 or 907 of this Article at least by the first working day of the month during which the action is to be heard.

Planning Commission Findings: The Plan Amendment application was initiated by the property owner of the proposed rock pits, Brownie Pits #1 and #2. The applicant filed the application with the Planning Department on October 12, 2010, which is before the first working day of the month of January. The Planning Commission heard the request on January 27, 2011.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission. The Plan Amendment application was initiated by the property owner of the proposed rock pits, Brownie Pits #1 and #2. The applicant filed the application with the Planning Department on October 12, 2010, which is before the first working day of the month of January. The Planning Commission heard the request on January 27, 2011. The Board of Commissioners reviewed the Plan Amendment application on February 2nd and February 16, 2011.

Conclusions: According to the findings above, the Board of Commissioners find the criteria to be met.

BCZO Section 902 Authorization to Approve or Deny Proposed Amendments

The Planning Commission may approve, deny, or modify proposed Amendments to the Map or text of this Ordinance when such action is taken in accordance with the appropriate portions of Sections 903 through 907 of this Article.

Planning Commission Findings: The Planning Commission applied Sections 903-907 of this Article to the Plan Amendment application.

Conclusions: The Planning Commission found that by applying Sections 903-907 of this Article to the Plan Amendment application, criteria are met.

Board of Commissioners Findings: The Planning Commission applied Sections 903-907 of this Article to the Plan Amendment application and recommended approval of the proposed Plan Amendment to the Baker County Board of Commissioners. At the Board of Commissioner's hearing on February 16, 2011, the Board accepted the recommendation of the Planning Commission to approve the Amendment request.

Conclusions: According to the findings above, the Board of Commissioners found the criteria to be met.

BCZO Section 903 Standards for Granting an Amendment

To determine whether an Amendment shall be approved, denied or modified, the Commission shall find, in addition to the specific requirements in Sections 905, 906, and 907 of this Ordinance, that the proposal conforms with the County's Comprehensive Plan.

Note: In the Baker County Zoning and Subdivision Ordinance 83-3, Section 905 is titled Map Amendment Application Procedure, Section 906 is titled Environmental Impact Report Procedure, and Section 907 is titled Text Amendment Application Procedure.

Planning Commission Findings: The Planning Commission found that by going through the Plan Amendment process and by applying the criteria in Sections 905-907, the proposal complies with the Baker County Comprehensive Plan.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings: The Planning Commission found that by applying the specific requirements in Sections 905, 906 and 907, the proposal complies with the Baker County Comprehensive Plan. The Board of Commissioners accepted the findings of the Planning Commission and found the proposal conforms with the County's Comprehensive Land Use Plan.

Conclusions: According to the findings above, the Board of Commissioners found the criteria to be met.

BCZO Section 904 Public Hearing on Amendment

The Planning Commission shall conduct a public hearing on a proposed Amendment within 60 days after the Amendment is proposed and shall, within five working days after the hearing, recommend to the County Court approval, disapproval, or modified approval of the proposed Amendment. This hearing may be continued for just cause. After receiving the recommendation of the Planning Commission, the County Court shall hold a public hearing on the proposed Amendment within 30 days of Planning Commission action on the request. The Court shall announce its decision within 30 days of its public hearing. Amendments shall be subject to review by the State pursuant to ORS 197.610-630.

Planning Commission Findings: The Planning Commission conducted a public hearing on Thursday, January 27, 2011, and recommended approval of the Plan Amendment request to the Board of Commissioners. The Board of Commissioners will review the recommendation on Wednesday, February 2, 2011, which is within 30 days of the Planning Commission's decision.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings: The Planning Commission held a public hearing on Thursday, January 27, 2011, to hear the Plan Amendment request. The applicant submitted her application on October 12, 2010. The Planning Commission recommended approval of the Plan Amendment to the Board of Commissioners at their hearing on January 27, 2011. The Board of Commissioners reviewed the recommendation for the Plan Amendment request on February 2nd and February 16, 2011. At the Board of Commissioner's hearing on February 16th, the Board accepted the recommendation of the Planning Commission and approved the Plan Amendment request.

Conclusions: According to the findings above, the Board of Commissioners found the criteria to be met.

BCZO Section 905 Map Amendment Application Procedure

The following procedure shall be followed when initiating an action for Amendment to the Map of this Ordinance.

- A. *The applicant shall submit a site plan to the Planning Department and discuss the property involved in the action and the development to be placed on the property if the Amendment is approved. This discussion is to assist the applicant in understanding the Amendment process and to review the development proposal for conformance with the physical requirements of the Zoning and Subdivision Ordinance as early in the process as possible.*

Planning Commission Findings: The applicant submitted a site plan to the Planning Department and discussed the property involved in the proposal of siting two aggregate rock pits on her property. The Planning Commission reviewed the applicant's site plans, included as Exhibits C and F of this report, and found that Brownie Pit #1 will be limited to 5-acres and Brownie Pit #2 will be limited to 5.8-acres.

Conclusions: According to the findings above, the Planning Commission found the criteria are met.

Board of Commissioners Findings: The applicant submitted a site plan to the Planning Department and discussed the proposed rock pits. The rock pits, identified as Brownie Pit #1 and Brownie Pit #2, are described in Exhibits "C" and "F" attached to the end of this report. To make sure that the proposed aggregate sites stay within their proposed footprints, the Board of Commissioners requires the following Conditions of Approval: 1) Brownie Pit #1 will be limited to 5-acres and must include the area of the existing pit; Brownie Pit #2 will be limited to 5.8-acres and must include the area of the existing pit.

Conclusions: According to the findings above, the Board of Commissioners found the criteria are met or may be met and will be required as Condition of Approval #7 below.

- B. *The applicant and the Planning Department shall jointly complete an environmental review checklist provided by the Planning Department to survey environmental consequences of the proposed action. Copies of the completed environmental review checklist will be circulated to other departments and affected agencies. Department comments will be attached to the original and will remain in the application file.*

Planning Commission Findings: The Planning Commission reviewed the Environmental Review Checklists attached as Exhibit H of this report, which were jointly completed between the Planning Department staff and the applicant. During review, Planning Department staff and the applicant surveyed the environmental consequences of the proposed aggregate sites, Brownie Pits #1 and #2. The checklists were circulated to affected departments and agencies on November 16, 2010, and one comment was received, attached to this report as Exhibit J. Original copies are included in the Planning Department's land use file.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission. The Planning Commission reviewed the Environmental Review Checklists attached as Exhibit H of this report, which were jointly completed between the Planning Department staff and the applicant. During review, Planning Department staff and the applicant surveyed the environmental consequences of the proposed aggregate sites, Brownie Pits #1 and #2. The checklists were circulated to the affected departments and agencies on November 16, 2010, and one comment was received, attached to this report as Exhibit J. Original copies are included in the Planning Department's land use file.

Conclusions: According to the findings above, the Board of Commissioners found the criteria are met.

C. *Impact Report: After response from the other departments and agencies, the Site Plan Review advisory committee will recommend to the Planning Commission whether or not the project has a significant effect on the environment and hence whether an environmental impact report of a negative declaration is appropriate.*

Planning Commission Findings: The Site Plan Review advisory committee reviewed the Environmental Review Checklists on January 11, 2011, and after finding that the two proposed aggregate sites will not have a significant effect on the environment, the committee recommended the Planning Commission not require an environmental impact report. The Site Plan Review advisory committee recommended that the Planning Commission review five areas of concern to determine whether conditions were necessary for mitigation. The Planning Commission reviewed the recommendation of the committee, which is attached to this report as Exhibit I, and attached conditions of approval to the Conditional Use Permit.

Conclusions: According to the findings above, the Planning Commission found the criteria are met.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission. The Site Plan Review advisory committee reviewed the Environmental Review Checklists on January 11, 2011, and after finding that the two proposed aggregate sites will not have a significant effect on the environment, the committee recommended the Planning Commission not require an environmental impact report. The Site Plan Review advisory committee recommended that the Planning Commission review five areas of concern to determine whether conditions were necessary for mitigation. The Planning Commission reviewed the recommendation of the committee, which is attached to this report as Exhibit I, and required additional conditions of approval be added to the Conditional Use Permit.

Conclusions: Based on the findings above, the Board of Commissioners found the criteria are met.

D. *If it is determined by the Planning Commission that an environmental impact report is required, the applicant shall be informed by mail that the report must be completed before the application can be considered. The applicant has 10 working days to appeal this requirement to the County Court. If the environmental impact report is required, the mandatory time limit for action on the application shall be extended for the period of time necessary to prepare and adopt a satisfactory report.*

Planning Commission Findings: After review of the environmental review checklists and recommendation of the Site Plan Review advisory committee, the Planning Commission determined that an environmental impact report is not needed.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings: After review of the environmental review checklists and recommendation of the Site Plan Review advisory committee, the Planning Commission determined that an environmental impact report is not needed. The Board of Commissioners accepted the findings of the Planning Commission and agreed that an environmental impact report is unnecessary.

Conclusions: According to the findings above, the Board of Commissioners found the criteria are met.

BCZO Section 908 Record of Amendments

After filing the Amendment(s) with the County Clerk, the County Planning Department shall maintain records of Amendments to the text of the Ordinance and the Zoning Map.

Information:

The Amendments shall read as follows:

Site #: 160 Brownie Pit #1 7S 48E 17A TL 300 SW, NE

TWP. 7S	RNG. 48E	Sec. 17A
Tax Lot: 300	Zone: EFU	
Quad 1:	Scale:	
Quad 2:	Scale:	
Mining Dist: *See Also:		
Record Number:		
Site:	Brownie Pit #1	
Zoning:	EFU	
Class:		
Commodities:	Rock (Basalt)	
Deposit Type:		
Land Use:	Primarily Livestock Grazing	
Adj. Land Use:	USA BLM, Rural Service Area-Residential	
Land Status:	Private	
Land Owner:	George P. & Judy L. Parker Family Trust	
Address:	53875 Hwy 86 Halfway, OR 97834	
Phone:	541-785-3389	
Lessee/Operator:		
Specific Location:	Approximately 15.8 miles northeast of Halfway, Oregon, on Highway 86. Latitude: 44.96, Longitude: -116.87	
Quality:	Untested	
Quantity:	500,000 tons of material or less	
Conflicts:		
History:	The pit has been used by the Oregon Department of Transportation for emergency purposes.	
Activity:	As needed	
Planning File:	PA-10-002 & CU-10-007 in Tax Lot file 07S4817A TL 300	
ODOT File:		
DOGAMI File:		
Notes:	Approved under "Small Sites Rule" from OAR 660-023-0180(4)[2010]. Site is to be returned to natural state as much as possible when mining concludes.	

Also non metallic inventory page V104 site #124 as follows:

NO.	1/4	Sec	Twp	Rge	RES 1	Acres	Yds	Status	Resource Owner	Land Owner	DOGAMI #	Comments
124	NE	17	7S	48	Bg	~ 5	Commercial Quantities - Total extraction not to exceed 500,000 tons/lifetime	ACTIVE	George P. & Judy L. Parker Family Trust	George P. & Judy L. Parker Family Trust	N/A	Primary purpose is to supply rock for projects in the Halfway- Oxbow area

Site #: 161 Brownie Pit #2 7S 48E 19 TL 1400 SE, NE

TWP. 7S	RNG. 48E	Sec. 19
Tax Lot: 1400	Zone: EFU	
Quad 1:	Scale:	
Quad 2:	Scale:	
Mining Dist: *See Also:		
Record Number:		
Site:	Brownie Pit #2	
Zoning:	EFU	
Class:		
Commodities:	Rock (Basalt)	
Deposit Type:	Fine to medium grained Columbia River Basalt	
Land Use:	Livestock grazing, residential	
Adj. Land Use:	USA BLM, Rural Service Area - Residential & Commercial	
Land Status:	Private	
Land Owner:	George P. & Judy L. Parker Family Trust	
Address:	53875 Hwy 86 Halfway, OR 97834	
Phone:	541-785-3389	
Lessee/Operator:		
Specific Location:	Approximately 14.7 miles northeast of the town of Halfway, Oregon, on Highway 86. Latitude: 44.94, Longitude: -116.88	
Quality:	Untested	
Quantity:	500,000 tons of material or less	
Conflicts:		
History:	The pit has been used by the Oregon Department of Transportation for emergency purposes.	
Activity:	As needed	
Planning File:	PA-10-002 & CU-10-007 in Tax Lot file 07S48 TL 1400	
ODOT File:		
DOGAMI File:		
Notes:	Approved under "Small Sites Rule" from OAR 660-023-0180(4)[2010]. Site is to be returned to natural state as much as possible when mining concludes.	

Also non metallic inventory page V104 site #125 as follows:

NO.	1/4	Sec	Twp	Rge	RES 1	Acres	Yds	Status	Resource Owner	Land Owner	DOGAMI #	Comments
125	NE	19	7S	48	Bg	~ 5.8	Commercial Quantities - total extraction not to exceed 500,000 tons/lifetime	ACTIVE	George P. & Judy L. Parker Family Trust	George P. & Judy L. Parker Family Trust	N/A	Primary purpose is to supply rock for projects in the Halfway- Oxbow area

Planning Commission Findings: The County Clerk must record the Amendment and the Planning Department must maintain a record of the Amendment to the Baker County Comprehensive Plan.

Conclusions: The Planning Commission found that after the Amendment has been filed and recorded, the criteria will be met.

Board of Commissioners Findings: The County Clerk must record the Amendment and the Planning Department must maintain a record of the Amendment to the Baker County Comprehensive Plan. The Board of Commissioners required that the Amendment be recorded with the Baker County Clerk as Condition of Approval #1.

Conclusions: The Board of Commissioners found that after the Amendment has been filed and recorded with the Baker County Clerk, the criterion will be met.

B. OREGON REVISED STATUTES

ORS 215.298 Mining in Exclusive Farm Use Zone; Land Use Permit.

(1) For purposes of ORS 215.213 (2) and 215.283 (2), a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A county may set standards for a lower volume or smaller surface area than that set forth in this subsection.

(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged comprehensive plan.

(3) For purposes of ORS 215.213 (2) and 215.283 (2) and this section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines. [1989 c.861 §7]

Planning Commission Findings:

- 1) The applicant is proposing to mine more than 1,000 cubic yards of material from each proposed aggregate site, Brownie Pits #1 and #2; therefore, a land use permit is required.
- 2) If the Board of Commissioners adds proposed Brownie Pits #1 and #2 to the Baker County Comprehensive Land Use Plan's Mineral and Aggregate Inventory, a land use permit may be issued.
- 3) The Planning Commission found that the applicant's proposal for two aggregate sites meets the definition of mining in ORS 215.298(3) above.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings:

- 1) The applicant is proposing to mine more than 1,000 cubic yards of material from each proposed aggregate site, Brownie Pits #1 and #2; therefore, a land use permit is required.
- 2) The Board of Commissioners determined proposed Brownie Pits #1 and #2 were significant and added both pits to the Baker County Comprehensive Land Use Plan's Mineral and Aggregate Inventory, a land use permit may be issued.
- 3) The Planning Commission found that the applicant's proposal for two aggregate sites meets the definition of mining in ORS 215.298(3) above.

Conclusions: The Board of Commissioners accepted the findings of the Planning Commission and added Brownie Pits #1 and #2 to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan. According to the findings above, the Board found the criteria are met.

C. OREGON ADMINISTRATIVE RULES

OAR 660-023-020 (1) Standard and Specific Rules

(1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resource categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process). In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.

OAR 660-023-0030 (1) Inventory Process

*(1) Inventories provide the information necessary to locate and evaluate resources and develop programs to protect such resources. The purpose of the inventory process is to compile or update a list of significant Goal 5 resources in a jurisdiction. This rule divides the inventory process into four steps. However, all four steps are not necessarily applicable, depending on the type of Goal 5 resource and the scope of a particular PAPA or periodic review work task. **For example, when proceeding under a quasi-judicial PAPA for a***

particular site, the initial inventory step in section (2) of this rule is not applicable in that a local government may rely on information submitted by applicants and other participants in the local process. The inventory process may be followed for a single site, for sites in a particular geographical area, or for the entire jurisdiction or urban growth boundary (UGB), and a single inventory process may be followed for multiple resource categories that are being considered simultaneously. The standard Goal 5 inventory process consists of the following steps, which are set out in detail in sections (2) through (5) of this rule and further explained in sections (6) and (7) of this rule: [Emphasis added]

- (a) Collect information about Goal 5 resource sites;*
- (b) Determine the adequacy of the information;*
- (c) Determine the significance of resource sites; and*
- (d) Adopt a list of significant resource sites.*

Findings of Fact:

The applicant and property owner for the proposed rock pits submitted a written statement explaining the uses and history of the proposed rock pit, which are located on Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, and Tax Lot 1400 of Township 7 South, Range 48 East, W.M., Baker County, Oregon. The Baker County Planning Department is relying on this information submitted by the applicant and property owner, which is included in Exhibits "B" & "E" of this report. The Planning Department also received additional information from Allwest Testing and Engineering and the Oregon Department of Geology and Mineral Industries regarding the type of rock in the pit and general geological information.

Planning Commission Findings: A full Goal 5 resource analysis is not being conducted; rather, these criteria are being applied to sites that are requested to be added to the existing Goal 5 Mineral and Aggregate Inventory on a site-by-site basis. The Planning Commission found the information provided by the applicant is adequate to determine the significance of the sites.

Conclusions: According to the findings above, the Planning Commission found the criteria to be met.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission and found that the information provided by the applicant is adequate to determine the significance of the sites.

Conclusions: According to the findings above, the Board of Commissioners found the criteria are met.

OAR 660-023-0030 (5) Adopt a list of significant resource sites:

(5) Adopt a list of significant resource sites: When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land use regulation. Local governments shall complete the Goal 5 process for all sites included on the resource list except as provided in OAR 660-023-0200(7) for historic resources, and OAR 660-023-0220(3) for open space acquisition areas.

Planning Commission Findings The Planning Commission recommended the Board of Commissioners recognize Brownie Pit #1 and Brownie Pit #2 as significant sites, and recommended the Board of Commissioners add the sites to the Baker County Comprehensive Land Use Plan's Mineral and Aggregate Inventory.

Conclusions: The Planning Commission determined all the criteria to recognize the aggregate sites as significant are met.

Board of Commissioners Findings: The Board of Commissioners accepted the recommendation of the Planning Commission and found the proposed sites, Brownie Pits #1 and #2, are significant. The Board of Commissioners added the sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan.

Conclusions: According to the findings above, the Board of Commissioners determined all the criteria to recognize the aggregate sites as significant are met.

OAR 660-023-0030 (6)

(6) Local governments may determine that a particular resource site is not significant, provided they maintain a record of that determination. Local governments shall not proceed with the Goal 5 process for such sites and shall not regulate land uses in order to protect such sites under Goal 5.

Planning Commission Findings: The Planning Commission recommended the Board of Commissioners recognize the proposed sites, Brownie Pit #1 and Brownie Pit #2, as significant.

Conclusions: The Planning Commission determined all the criteria to recognize the aggregate sites as significant are met.

Board of Commissioners Findings: The Board of Commissioners accepted the recommendation of the Planning Commission and found the proposed aggregate sites, Brownie Pits #1 and #2, are significant.

Conclusions: According to the findings, the Board determined all the criteria to recognize the aggregate sites as significant are met.

OAR 660-023-0030 (7)

(7) Local governments may adopt limited interim protection measures for those sites that are determined to be significant, provided:

(a) The measures are determined to be necessary because existing development regulations are inadequate to prevent irrevocable harm to the resources on the site during the time necessary to complete the ESEE process and adopt a permanent program to achieve Goal 5; and

(b) The measures shall remain effective only for 120 days from the date they are adopted, or until adoption of a program to achieve Goal 5, whichever occurs first.

Planning Commission Findings: The Planning Commission found it unnecessary to adopt limited interim protection measures.

Conclusions: The Planning Commission concluded limited interim protection measures for the significant site were not needed at this time.

Board of Commissioners Findings: The Board of Commissioners adopted the findings of the Planning Commission and found it unnecessary to adopt limited protection measures for the rock pit.

Conclusions: The Board of Commissioners concluded limited interim protection measures for the significant sites were not needed at this time and found the criteria are met.

OAR 660-023-0180 Mineral and Aggregate Resources

(1) For purposes of this rule, the following definitions apply:

(a) "Aggregate resources" are naturally occurring concentrations of stone, rock, sand gravel, decomposed granite, limestone, pumice, cinders, and other naturally occurring solid materials commonly used in road building or other construction.

(b) "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in subsection (5)(b) and section (7) of this rule).

(c) "Existing site" is an aggregate site that meets the requirements of subsection (3)(a) of this rule and was lawfully operating, or was included on an inventory of significant aggregate sites in an acknowledged plan, on September 1, 1996.

(d) "Expansion area" is an aggregate mining area contiguous to an existing site.

(e) "Farmland" means land planned and zoned for exclusive farm use pursuant to Goal 3 and OAR chapter 660, division 033.

(f) "Mineral resources" are those materials and substances described in ORS 517.750(7) but excluding materials and substances described as "aggregate resources" under subsection (a) of this section.

(g) "Minimize a conflict" means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels), to "minimize a conflict" means to ensure conformance to the applicable standard.

(h) "Mining" is the extraction and processing of mineral or aggregate resources, as defined in ORS 215.298(3) for farmland, and in ORS 517.750 for land other than farmland.

(i) "Mining area" is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.

(j) "Processing" means the activities described in ORS 517.750(10).

(k) "Protect" means to adopt land use regulations for a significant mineral or aggregate site in order to authorize mining of the site. For purposes of subsection (2)(d) of this rule, "protect" also means to limit or prohibit new conflicting uses within the impact area of the site.

(l) "Thickness" of the aggregate layer" means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and nonaggregate overburden.

(m) "Willamette Valley" means Clackamas, Columbia, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties and the portions of Lane and Benton Counties east of the summit of the Coast Range.

(2) Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post acknowledgement plan amendment (PAPA) or at periodic review as specified in section (9) of this rule. The requirements of this rule modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:

*(a) A local government may inventory mineral and aggregate resources throughout its jurisdiction, or in a portion of its jurisdiction. When a local government conducts an inventory (Periodic Review) of mineral and aggregate sites in all or a portion of its jurisdiction, it shall follow the requirements of OAR 660-023-0030 except as modified by subsection (b) of this section with respect to aggregate sites. **When a local***

government is following the inventory process for a mineral or aggregate resource site under a PAPA, it shall follow the applicable requirements of OAR 660-023-0030, except where those requirements are expanded or superceded for aggregate resources as provided in subsections (b) through (d) of this section and sections (3), (4) and (8) of this rule;

(b) Local governments shall apply the criteria in section (3) or (4) of this rule, whichever is applicable, rather than OAR 660-023-0030(4), in determining whether an aggregate resource site is significant;

(c) Local governments shall follow the requirements of section (5) or (6) of this rule, whichever is applicable, in deciding whether to authorize the mining of a significant aggregate resource site, and OAR 660-023-0040 through 660-023-0050 in deciding whether to authorize mining of a significant mineral resource; and

(d) For significant mineral and aggregate sites where mining is allowed, except for aggregate sites that have been determined to be significant under section (4) of this rule, local governments shall decide on a program to protect the site from new off-site conflicting uses by following the standard ESEE process in OAR 660-023-0040 and 660-023-0050 with regard to such uses.

(4) Notwithstanding section (3) of this rule, a local government may also determine that an aggregate resource site on farmland is significant if subsections (a) and (b) of this section apply or if subsection (c) of this section applies:

(a) The quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less for a site in the Willamette Valley, or 500,000 tons or less for a site outside the Willamette Valley; and

(b) Not more than 35 percent of the proposed mining area consists of soil:

(A) Classified as Class I on Natural Resource and Conservation Service (NRCS) maps available on June 11, 2004; or

(B) Classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds the amounts specified in paragraph (B) of subsection (3)(d) of this rule; or

(c) A local land use permit that allows mining on the site was issued prior to April 3, 2003, and the permit is in effect at the time of the significance determination.

Planning Commission Findings:

(4)(a) Since the applicant's request is for a Post Acknowledgement Plan Amendment, section 4 above applies. The applicant's proposal is to mine 500,000 tons or less of material from each pit, Brownie Pits #1 and #2.

b) The mining area of the both aggregate sites is composed entirely of Class VII soils.

c) The Planning Commission found that because subsections (a) and (b) are met, this criterion is not applicable.

Conclusions: The Planning Commission found subsections (a) and (b) of Section (4) are met; therefore, the Planning Commission recommends the Board of Commissioners recognize the proposed sites as significant.

Board of Commissioners Findings: The Board of Commissioners accepted the recommendation of the Planning Commission, recognizing the proposed sites as significant. Both aggregate sites are located in Eastern Oregon and no more than 500,000 tons of materials are proposed to be mined from each site. The locations of the proposed sites are located on Class VII soils, which are not classified as high-value I or II soils. The Board of Commissioners required as Condition of Approval #4: no more than 500,000 tons of material may be removed from either Brownie Pit #1 or Brownie Pit #2 during the lifetime of the pits.

Conclusions: According to the findings above, the Board of Commissioners found the proposed sites are significant; therefore, the criteria are met or may be met and will be required as Condition of Approval #4.

(5)(f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

Planning Commission Findings: The Planning Commission required that Brownie Pit #1 not be left more than 3 feet below the grade of the state highway within 100 feet from the right-of-way of Highway 86, which will be required as a Condition of Approval. Brownie Pits #1 and #2 must be returned to their natural states as much as possible after the mining operation has concluded, as stated on page 1 of the applicant's written proposals, included as Exhibits 'B' and 'E' of this report.

Conclusions: According to the findings above, the Planning Commission found the criteria can be met and will be required as a condition of approval.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission and adopted the recommended condition of approval, which states that Brownie Pit #1 will not be left more than 3 feet below the grade of the state highway within 100 feet from the right-of-way of Highway 86, included as Condition of Approval #3 below on page 20. Both pits must be returned to their natural states after the mining operation has concluded, as stated on page 1 of the applicant's written proposals, included as Exhibits 'B' and 'E' of this report.

Conclusions: According to the findings, the Board of Commissioners found the criteria are met or may be met and will be required as Conditions of Approval #3 and #5.

(6) For an aggregate site on farmland that is determined to be significant under section (4) of this rule, the requirements of section (5) of this rule are not applicable, except for subsection (5)(f), and the requirements of OAR 660-023-0040 though 660-023-0050 are not applicable. Instead, local governments shall decide whether mining is permitted by applying subsections (a) through (d) of this section:

(a) The proposed aggregate mine shall satisfy discretionary conditional use permit approval standards adopted by the local government pursuant to applicable requirements of ORS 215.213(2) (marginal lands—does not apply) or 215.283(2) (non-marginal lands—applies), and the requirements of ORS 215.296 and 215.402 through 215.416; [Notes in parenthesis added]

Planning Commission Findings: The Planning Commission recommended the Board of Commissioners recognize the proposed aggregate sites, which are located on farmland, as significant according to section (4) above, and recommended that the Board of Commissioners add the sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Plan. The Planning Commission applied Conditional Use criteria from the Baker County Zoning and Subdivision Ordinance pursuant to ORS 215.283(2) and approved the Conditional Use Permit contingent upon approval by the Board of Commissioner's for the Plan Amendment.

Conclusions: According to the findings above, the Planning Commission found the criteria are met.

Board of Commissioners Findings: The Board of Commissioners accepted the recommendation and findings of the Planning Commission and determined the proposed aggregate sites are significant under section (4) above. The Board of Commissioners approved the Plan Amendment request and added the sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan. By adding the sites as significant to the Inventory, a Conditional Use Permit may be issued.

Conclusions: According to the findings above, the Board of Commissioners determined the criteria are met.

(b) The local government shall determine the post-mining use in accordance with subsection (5)(f) of this rule;

Planning Commission Findings: The Planning Commission required that Brownie Pit #1 not be left more than 3 feet below the grade of the state highway within 100 feet from the right-of-way of Highway 86. Brownie Pits #1 and #2 must be returned to their natural states as much as possible as stated on page 1 of the applicant's written proposals, included as Exhibits 'B' and 'E' of this report.

Conclusions: According to the findings above, the Planning Commission found the criteria can be met and will be required as a Condition of Approval.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission. After the rock has been utilized in each pit, both pit sites will need to be returned to their original uses, which are agricultural and cattle grazing.

Conclusions: The Board of Commissioners accepted the findings of the Planning Commission and found the criteria are met or may be met and will be required as Condition of Approvals #3 and 5, which are listed below on pages 19-20.

(c) The local government shall issue a permit for mining aggregate only for a site included on an inventory of significant aggregate sites in the comprehensive plan in accordance with ORS 215.298(2); and

Planning Commission Findings: If the Board of Commissioners adds the proposed aggregate sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan, a Conditional Use permit may be issued.

Conclusions: A Conditional Use Permit will only be valid if the Board of Commissioners adds the proposed aggregate sites to the Comprehensive Land Use Plan's Mineral and Aggregate Inventory.

Board of Commissioners Findings: The Board of Commissioners accepted the recommendation of the Planning Commission. The Board of Commissioners found that the proposed aggregate sites are significant and added the sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan; therefore, a Conditional Use permit may be issued.

Conclusions: The Board of Commissioners determined the proposed aggregate sites are significant and added both sites to the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan; therefore, a Conditional Use Permit may be issued contingent upon a 12-day appeal period. The Board of Commissioners determined the criteria are met.

(d) The conditional use permit shall not allow mining of more than the maximum amount of aggregate material specified under subsection (4)(a) of this rule.

OAR 660-023-0180 (4)(a) The quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less for a site in the Willamette Valley, or 500,000 tons or less for a site outside the Willamette Valley;

Planning Commission Findings: The Planning Commission required that the applicant not remove more than 500,000 tons of material from each pit.

Conclusions: According to the findings above, the Planning Commission found the criteria can be met and will be required as a Condition of Approval.

Board of Commissioners Findings: The Board of Commissioners accepted the findings of the Planning Commission and required that the applicant not remove more than 500,000 tons of material from each pit. This will be required as Condition of Approval #4.

Conclusions: The Board of Commissioners accepted the findings of the Planning Commission and found the criteria to be met and will be required as Condition of Approval #4, which is listed below.

VI. SUMMARY CONCLUSIONS

A site proposed to be included in the Mineral and Aggregate Inventory of the Baker County Comprehensive Land Use Plan may be allowed through the Post Acknowledgement Plan Amendment process if the applicant demonstrates that the proposal meets, or is capable of meeting, all applicable review criteria and standards.

Based on the information contained in Sections I and II of this report, the above review criteria, findings of fact and conclusions, and public testimony received, the Baker County Planning Commission recommends **APPROVAL** to the Baker County Board of Commissioners of this Plan Amendment request, PA-10-002, to amend the Baker County Comprehensive Land Use Plan Aggregate Inventory to include two aggregate sites on property located in the EFU Zone. One site, Brownie Pit #1, will be located on Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, and the other site, Brownie Pit #2, will be located on Tax Lot 1400 of Township 7 South, Range 48 East, W.M., Baker County, Oregon.

Therefore, based on the information contained in Sections I and II of this report, the above review criteria, findings of fact and conclusions, and public testimony received, the Baker County Board of Commissioners **APPROVES** this Plan Amendment request, PA-10-002, to amend the Baker County Comprehensive Land Use Plan's Mineral and Aggregate Inventory to include Brownie Pit #1 and Brownie Pit #2, located in the EFU Zone on, Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, and Tax Lot 1400 of Township 7 South, Range 48 East, W.M., Baker County, Oregon.

VII. CONDITIONS OF APPROVAL

1. A record of all amendments must be filed with the Baker County Clerk.
2. The Planning Department shall maintain a record of the amendment to the zoning map.
3. Brownie Pit #1 shall not be left more than 3 feet below the grade of the state highway within 100 feet from the right-of-way of Highway 86.
4. No more than 500,000 tons of material may be removed from either Brownie Pit #1 or Brownie Pit #2 during the lifetime of the pits.
5. Reclamation of the proposed sites will be in conformance with the standards and regulations of DOGAMI and DEQ, and the site shall be returned to its original use (agricultural use and grazing).
6. The applicant must comply with all local, state, and federal laws, rules and regulations.
7. Brownie Pit #1 will be limited to 5-acres and must include the area of the existing pit. Brownie Pit #2 will be limited to 5.8-acres and must include the area of the existing pit.
8. The applicant/property owner must submit a detailed site map of the 5-acre and 5.8-acre sites, defining the location of the sites, with dimensions, that meets the approval of the Planning Director prior to commencing mining.

VIII. EXHIBITS (Attached as included as part of this report)

Exhibit "A"	Assessor's Map of Area
Exhibit "B"	Applicant's Submitted Statement & Photographs for Brownie Pit #1
Exhibit "C"	Aerial Photograph of Brownie Pit #1
Exhibit "D"	Laboratory Summary of Brownie Pit #1
Exhibit "E"	Applicant's Submitted Statement & Photographs for Brownie Pit #2
Exhibit "F"	Aerial Photograph of Brownie Pit #2
Exhibit "G"	Letter from Mark Ferns
Exhibit "H"	Environmental Review Checklists for Brownie Pits #1 and #2
Exhibit "I"	Site Plan Review Advisory Committee Recommendation
Exhibit "J"	Email from Rick Lusk dated November 17, 2010
Exhibit "K"	Applicant's Map of Brownie Pits #1 and #2
Exhibit "L"	Email from Michael Barry dated October 29, 2010
Exhibit "M"	ODOT Highway Approach Permit No: 54771

Exhibit "N" Flood Map
Exhibit "O" Letters from Jerry Lawson dated January 26, 2011 and January 27, 2011

Cc: Applicants/Property Owners, Office File

EXHIBIT 'A'
Assessor's Map of Area

Tax Lot 300 in Section 17A of Township 7 South, Range 48 East, and
Tax Lot 1400 of Township 7 South, Range 48 East,
W.M., Baker County, Oregon

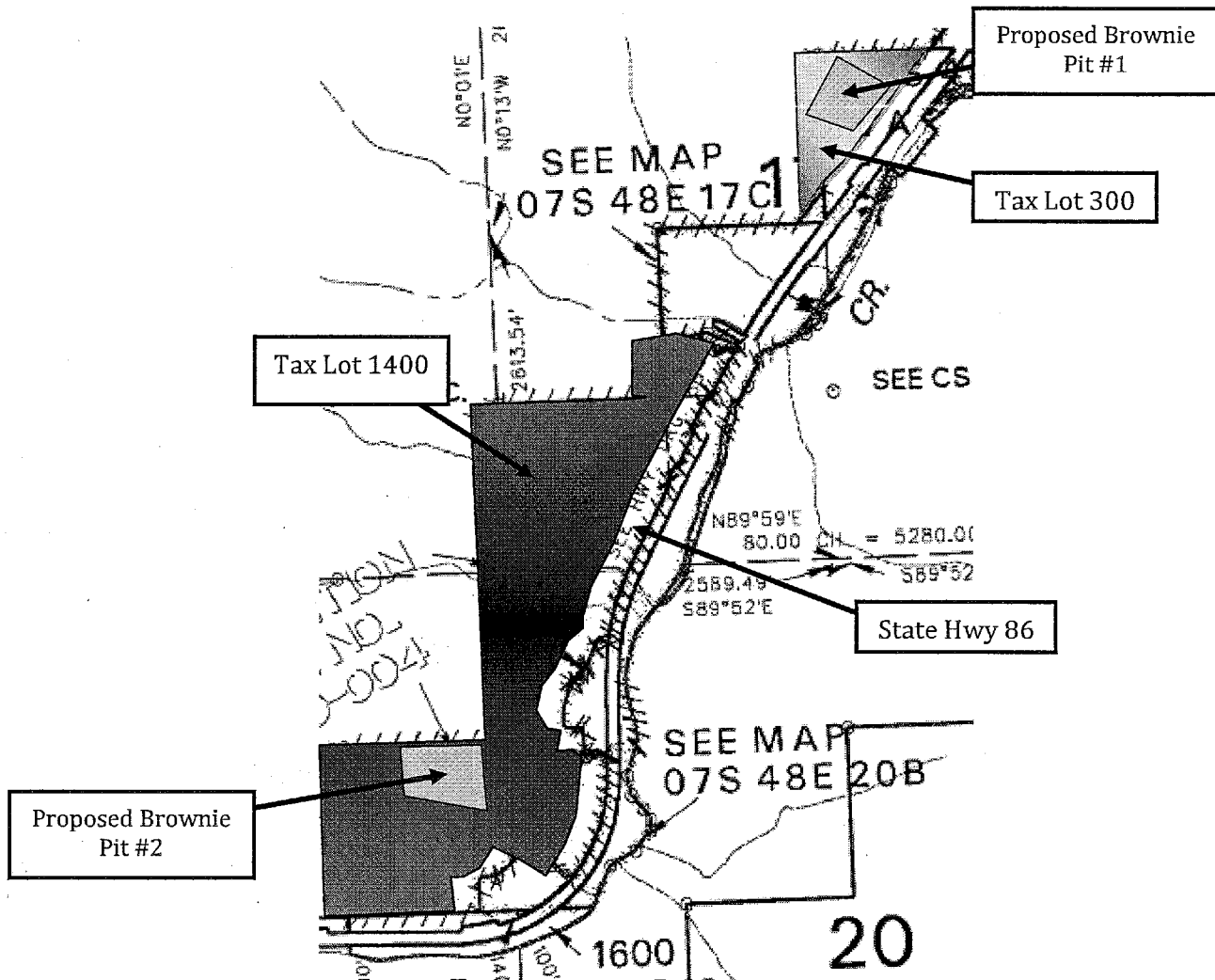


EXHIBIT B

PLAN AMENDMENT/CONDITIONAL USE CRITERIA FOR A NEW AGGREGATE SITE RESPONSE

PLAN AMENDMENT CRITERIA

1. Site Plan – Enclosed is a map and pictures that show where Brownie Pit #1 would be located. Brownie Pit #1 would be located on Township 7S, Range 48, Section 17C, Tax Lot 700. Brownie Pit #1 is located on a straight stretch of Oregon Highway 86 between Pine Creek, Oregon and Oxbow, Oregon. When accessing Brownie Pit #1 there is plenty of room off Highway 86 to safely enter into the pit site as well as enter back onto Highway 86 with large vehicles and equipment. Township 7S, Range 48, Section 17C, Tax Lot 700 is boarded by United States Forest Service land and Oregon Highway 86. There is a residential piece of property that sits on Pine Creek that would be located near Brownie Pit #1. The Oregon Department of Transportation has used dirt from this location in the past for emergency situations. Up to this point there has never been any conflicts created from hauling dirt in and out of this location.
2. A sample of dirt/rock from Brownie Pit #1 has been taken and submitted to the Department of Geology and Mineral Industries (10/11/2010). I have requested that sample results be submitted directly to the Baker County Planning Department. The ground that would be used for Brownie Pit #1 has poor soil. It is not possible to produce crops on this ground. Brownie Pit #1 would be located on a 15 acre parcel of ground. I would like to designate 10 of the 15 acres as Brownie Pit #1. I would extract 500,000 tons of materials if possible. I realize that the 10 acres may not contain 500,000 tons of material. As mentioned above this piece of property has been used by the Oregon Department of Transportation in past emergency situations. The Oregon Department of Transportation should have a file that details what the property was used for and when.
3. After all the materials are used on Brownie Pit #1 I plan to return the ground back to its natural state as much as possible.

CONDITIONAL USE CRITERIA

(BCZO Section 301.06)

The pictures enclosed clearly show that Brownie Pit #1 would be located on a parcel of property that is not suitable for the production of farm crops, forest, or livestock. The parcel has poor soil, little to no vegetation, but it has fabulous rock. The Oregon Department of Transportation recognizes this and has used the rock from this parcel for maintenance on Highway 86. The size and location of this parcel are added benefits when considering whether or not this is an appropriate place for Brownie Pit #1. Brownie Pit #1 would be easy to access off Highway 86 and there is a good amount of untouched rock available.

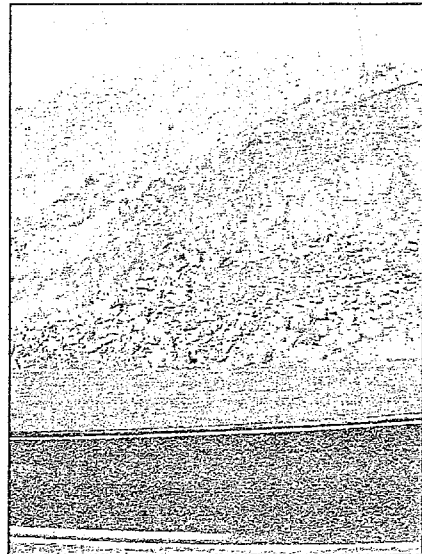
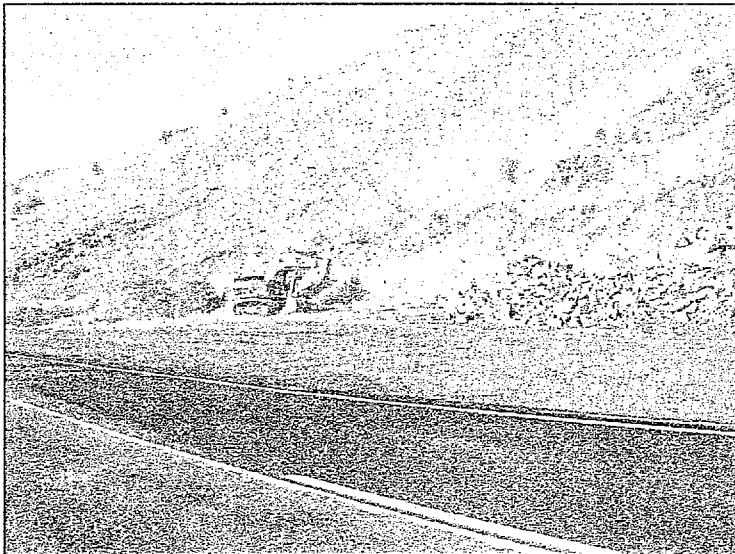
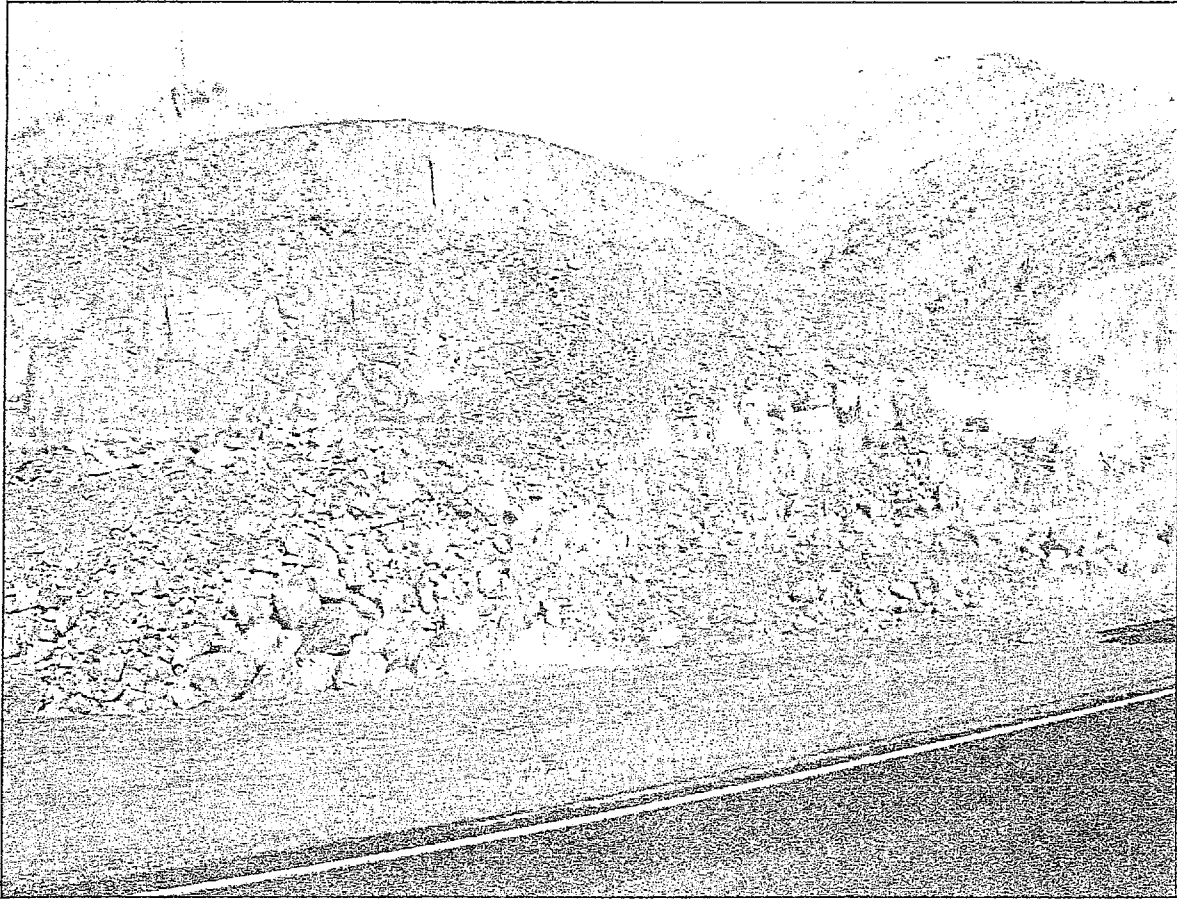
Brownie Pit #1 would be located on an untouched parcel. This parcel does not have any creeks running on it and it would not have negative effects on Pine Creek which sits on the opposite side of Highway 86. There is little ground cover on the parcel and surface water runoff should not be altered by Brownie Pit #1, flooding has never been an issue on this parcel. There should be little to no solid waste disposal. However, if solid waste disposal needs to occur it will be appropriately addressed so that all surrounding ground is not altered by Brownie Pit #1.

(BCZO Section 603.04)

Once Brownie Pit #1 is in use signage will be placed on Highway 86 that will make the general public aware of what is occurring on Oregon Highway 86 between Pine Creek, Oregon and Oxbow, Oregon. If fencing or screening needs to be put up to protect pedestrians we will do so as needed. At this time I am not aware of potential air and water pollutants that will impact the parcel and ground surrounding anymore than what has already occurred when used by the Oregon Department of Transportation. As mentioned above once all material is collected the ground will be returned to its natural state as much as possible.

Brownie Pit #1 would be located on a 15 acre parcel that is bordered by United States Forest Service lands and Highway 86. Brownie Pit #1 is located roughly 2 miles from my house. As indicated in the map enclosed there is one residential piece of property that sits on Pine Creek across Highway 86 from Brownie Pit #1. All other residential property is at least 1/2 mile away. There are not any other gravel/rock pits in the vicinity of the parcel. Brownie Pit #1 will not be used every day throughout a year. In a perfect world Brownie Pit #1 would be used mainly by the Oregon Department of Transportation. I would work with them or any other user to minimize noise, dust, air pollution, and odor. The user and I would have appropriate tools on our equipment to deal with a fire. If a large fire occurred Pine Creek is nearby and could be used if we had an emergency. I would call in professionals to help, Halfway Fire Crew and/or Idaho Power. If I see that we have an excessive amount of weeds as we move material I will take the appropriate steps to eliminate them. I would consult a professional weed control company or get involved in a weed abatement group if needed.

Brownie Pit #1 Pictures



300
15.82 AC.

400
4.35 AC.

S45°24'33"W 1908.0'
FM NE COR SEC. 17

S58°17'16"E
396.83'

SEE CS 7-

PARTITION PLAT NO. P1990-004

HWY.

SEE MAP 07S 48E

PART OF
PARCEL 2

EXHIBIT C

HOMESTEAD

SEE MAP 07S 48E 17A
COR. SEC. 17

500
0.76 AC.

100
4.39 AC.

NE COR.
DV 174
P. 1198

CEN. SEC.

HWY. RWY

300'

S89°19'E 812.40'

S89°19'E 812.40'

S20°21'W
204.0'

114.22'

S22°10'W 271.8'

S22°10'W 271.8'

S39°38'48"W

S41°37'08"W 141.5'

S41°47'40"P.T.

S50°03'42"W 213.1'

S77°29'43"W
143.4'

N78°10'27"W
97.8'

N68°04'08"W
138.5'

N62°

EXHIBIT D



LABORATORY SUMMARY

PROJECT NAME: SFR 39, Emergency Repairs **SOURCE:** J. Parker Pit
CLIENT NAME: Debco Construction **PROJECT NO:** 310-015
LOCATION: Halfway, OR **DATE:** 9/20/2010

SAMPLE NUMBER:		1			
LAB SAMPLE NUMBER:		A10-732			
SAMPLED BY:		Client			
DATE SAMPLED:		9/17/2010			
MATERIAL:		Rip Rap			
		SPEC			
SPECIFIC GRAVITY OF COARSE AGGREGATE (AASHTO T85)					
Apparent Specific Gravity	2.50 MIN	2.910			
Percent Absorption	4.2% MAX	1.4			
DURABILITY INDEX (AASHTO T210)					
Coarse Aggregate	50 MIN	79			

Reviewed By: _____

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- 2127 2nd Avenue North • Lewiston, ID 83501 • (208) 743-5710 • Fax (208) 743-8270

EXHIBIT E

PLAN AMENDMENT/CONDITIONAL USE CRITERIA FOR A NEW AGGREGATE SITE RESPONSE

PLAN AMENDMENT CRITERIA

1. Site Plan – Enclosed is a map and pictures that show where Brownie Pit #2 would be located. Brownie Pit #2 would be located on Township 7S, Range 48, Tax Lot 1400. Brownie Pit #2 is located near my home. When accessing Brownie Pit #2 you will enter onto Tax Lot 1400 off of Highway 86 and drive on an established dirt road to the pit site. I am going to visit with Mike Barry about making a direct entrance off Highway 86 onto Tax Lot 1400 and the established dirt road. If the entrance is approved that would be ideal when using the pit. If that entrance is not approved, I will use my entrance off Highway 86 that sits near the Hells Canyon Inn. This entrance is large enough for equipment and is located on a straight stretch of Highway 86. Township 7S, Range 48, Tax Lot 1400 is boarded by United States Forest Service land and Oregon Highway 86. There is a residential property that sits on Pine Creek that would be located near Brownie Pit #2. The Oregon Department of Transportation has used dirt from this location in the past for emergency situations. There has never been any conflicts arise from hauling dirt in and out of this location.
2. A sample of dirt/rock from Brownie Pit #2 has been taken and submitted to the Department of Geology and Mineral Industries (10/11/2010). I have requested that sample results be submitted directly to the Baker County Planning Department. The ground that would be used for Brownie Pit #2 has poor soil. It is not possible to produce crops on this ground. Brownie Pit #2 would be located on a 114 acre parcel of ground. I would like to designate 50 of the 114 acres as Brownie Pit #2. I would extract 500,000 tons of materials if possible. As mentioned above this piece of property has been used by the Oregon Department of Transportation in past emergency situations. The Oregon Department of Transportation should have a file that details what the property was used for and when.
3. After all the materials are used on Brownie Pit #2 I plan to return the ground back to its natural state as much as possible.

CONDITIONAL USE CRITERIA

(BCZO Section 301.06)

The pictures enclosed clearly show that Brownie Pit #2 would be located on a parcel of property that is not suitable for the production of farm crops, forest, or livestock. This parcel has poor soil, little to no vegetation, but it has fabulous rock. The Oregon Department of Transportation recognizes this and has used the rock from this parcel for maintenance on Highway 86. The size and location of this parcel are added benefits when considering whether or not this is an appropriate place for Brownie Pit #2. Brownie Pit #2 would be easy to access off Highway 86 and there is a good amount of untouched rock available.

Brownie Pit #2 would be located on an untouched parcel. This parcel does have a creek running near it. The water running in this creek is used for irrigation water for my personal orchard and yard. Brownie Pit #2 would not have negative effects on Pine Creek which sits on the opposite side of Highway 86. There is little ground cover on the parcel and surface water runoff should not be altered by Brownie Pit

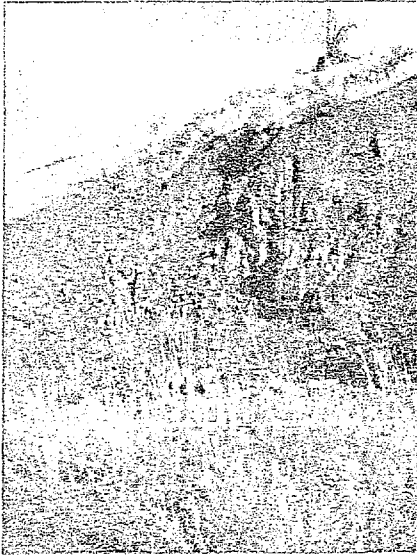
#2, flooding has never been an issue on this parcel. There should be little to no solid waste disposal. However, if solid waste disposal needs to occur it will be appropriately addressed so that all surrounding ground is not altered by Brownie Pit #2.

(BCZO Section 603.04)

Once Brownie Pit #2 is in use signage will be placed on Highway 86 that will make the general public aware of what is occurring on Oregon Highway 86. If fencing or screening needs to be put up to protect pedestrians we will do so as needed. The general public will not have access to Brownie Pit #2 nor will they see it from Highway 86. At this time I am not aware of potential air and water pollutants that will impact the parcel and ground surrounding anymore than what has already occurred when used by the Oregon Department of Transportation. The creek that flows near the pit site does not run year round. It typically runs in the spring months, dries up in the summer/fall months, and trickles in the winter months. As mentioned above once all material is collected the ground will be returned to its natural state as much as possible.

Brownie Pit #2 would be located on a 114 acre parcel that is bordered by United States Forest Service lands and Highway 86. Brownie Pit #2 is located 200 yards from my house. As indicated in the map enclosed there is residential property that sits on Pine Creek across Highway 86 from Brownie Pit #2. There is also a residential piece of property that sits on the other side of the creek. However, my son and I own the property. All other residential property is at least ½ mile away. At this time there are not any other gravel/rock pits in the vicinity of the parcel. I have applied for another pit that would be about 2 miles away from Brownie Pit #2. The name of the pit would be Brownie Pit #1. Brownie Pit #1 is located on a 15 acre parcel and 10 acres of the parcel would be pit. This would be a small pit. Brownie Pit #2 would be much larger. I believe that if both pits were used it would have less impact on the environment than if we focused solely on one permit. Neither pit will be used every day throughout a year. In a perfect world Brownie Pit #1 and Brownie Pit #2 would be used mainly by the Oregon Department of Transportation. I would also like to use Brownie Pit #2 when I make improvements on other parts of my property. I would work with the Oregon Department of Transportation or any other user to minimize noise, dust, air pollution, and odor. The user and I would have appropriate tools on our equipment to deal with a fire. If a large fire occurred we could use the creek nearby or Pine Creek is nearby and could be used if we had an emergency. I would call in professionals to help, Halfway Fire Crew and/or Idaho Power. If I see that we have an excessive amount of weeds as we move material I will take the appropriate steps to eliminate them. I would consult a professional weed control company or get involved in a weed abatement group if needed.

Brownie Pit #2 Pictures



07S 48E 20BB

SEE MAP 07S 48E

SEE MAP 07S 48E

EXHIBIT F

61-4

SEE CS 5-72

300
4.75 AC.
SEE CS 7-48-6
WEST 133.95'
EAST 292.08'
SOUTH 282.64' MIL
EAST 150.00'

MC CARTY

BAKER

HOMESTEAD

PINE

STATE HIGHWAY 86

HWY 325-50 72 P.S.

BOUNDARY

PARTITION

SEE WMA DCS 22-11

CR 151-108 235'

200

1.35 AC

N74°51'10"

125.02'

87.43'

87.43'

N72°33'58"E 654.13'

FM W 1/4 COR SEC 20

S97°54'35"E

68.25'

50.00'

116.25'

1.00 AC

3.30 AC

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

S87°15'15"E

100.00'

100.00'

EXHIBIT G

Note to Baker County Planning Commission

Material provided to me on October 12, 2010, by Judy Parker from their rock pit in Township 7S, Range 48E, Section 17, are samples of Columbia River Basalt. The rock is a fine- to medium-grained basalt. Area is mapped as Imnaha Basalt, which is often coarser grained and likely not as suitable for aggregate as the samples supplied. Being a finer-grained variant of the Imnaha Basalt, I would consider the material from the Parker property to be an aggregate resource.

Determination of physical properties would require testing beyond what we can do in the field office. The Department of Geology and Mineral Industries does not do site evaluations beyond providing generalized observations.

Respectfully, Mark L. Ferns
Regional Geologist, Oregon Department of Geology and Mineral Industries
Eastern Oregon Field Office, Baker City, Oregon

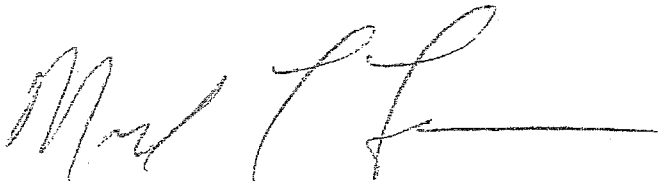
A handwritten signature in black ink, appearing to read "Mark L. Ferns". The signature is written in a cursive style with a long horizontal line extending to the right.

EXHIBIT "H"

Environmental Review Checklist
BROWNIE PIT #1

This checklist is to help planning officials, agency officials, and the Planning Commission determine what environmental impact a proposed change/development will have. Planning Department Staff and the Applicant complete the checklist jointly, in accordance with the provisions of the Baker County Zoning and Subdivision Ordinance.

Applicant: Judy Parker

Application Type: Plan Amendment and Conditional Use for an Aggregate Mining Operation at an Existing Aggregate Site

Application # PA-10-002 Proposed Development: Aggregate Mining Operation

Comments are due by: Tuesday, December 7, 2010, at 5:00 p.m.

Location: Highway 86, northeast of Halfway, Oregon (Brownie Pit #1)

Impact Criteria	Yes	No	Uncertain	Not Applicable	Comments
Hydrology:					
Affect watershed?		X			
Alter storm water drainage pattern?		X			
Affect downstream areas?		X			
Change in the quality or quantity of groundwater supply?		X			
Alter surface water quality?		X			
Potential for accidental spills of hazardous or toxic material near body of water?		X			
Construction in floodplains or wetlands?		X			

Geologic:	Yes	No	Uncertain	Not Applicable	Comments
Affect erosion potential (either on or off site)?		X			Applicant must meet DOGAMI sloping

EXHIBIT "H"

					requirements.
Stability?			X		
Bearing qualities of the soil?		X			
Geologic formation?		X			
Is the area suitable for septic system(s)? (A DEQ Site Evaluation may be necessary to show this.)				X	
Disturb more than one acre of land?	X				
Alter, destroy or significantly impact environmentally sensitive areas? (i.e. wetlands, floodplains, critical habitat, prime farm land)		X			

Vegetation/Animal Life:	Yes	No	Uncertain	Not Applicable	Comments
Vegetation of high brush (on or near the site)?		X			
High or increased fire potential (on or near the site)?	X				The Environmental Checklist Review Committee recommends the Planning Commission require a Condition of Approval during the Conditional Use process for fire mitigation.
Area of low revegetation potential on site?		X			
Unique vegetation community (on or near site)?		X			
Rare or endangered animal species (on or near site)?		X			

EXHIBIT "H"

Highly productive habitats for species of sport, commercial, or educational value (on or near site)?		X			
Introduce new species of animals into the area, or result in a barrier to the migration or movement of animals?		X			
Significantly alter, deteriorate, or destroy fish or wildlife habitat?		X			

Atmospheric:	Yes	No	Uncertain	Not Applicable	Comments
Effect due to local circulation patterns?		X			
Prevailing winds?		X			
Condition up or down wind that could be impacted by the proposed development?		X			
Affect air quality?			X		Dust; the Environmental Checklist Review Committee recommends review by the Planning Commission during the Conditional Use process.
Create objectionable odors?		X			
Introduce smoke, dust, or suspended particles into the air?	X				
Particulate/dust migration beyond facility/property boundaries?	X				
Increase noise levels?	X				Equipment knocks rock off of hill; dump trucks are used to haul; the Environmental Checklist Review Committee recommends review by the Planning Commission

EXHIBIT "H"

					during the Conditional Use process.
--	--	--	--	--	-------------------------------------

Economic Considerations:	Yes	No	Uncertain	Not Applicable	Comments
Economic impact on schools?		X			
On Fire Districts?		X			
Water Districts?		X			
Sewer Districts?		X			
Law Enforcement?		X			
Emergency Services?		X			
Any other jurisdiction?		X			
Tax rate of the tax code?		X			

Transportation:	Yes	No	Uncertain	Not Applicable	Comments
Increase traffic on roads?	X				Only when extracting rock.
Require road expansions or improvements?		X			Pit is located on a straight stretch of highway. There is currently enough pull-off space for equipment to operate.
Require new access to existing roads?		X			
Generate new activity on roads?		X			Site has been used periodically.
Use unimproved roads?		X			

EXHIBIT "H"

Services:	Yes	No	Uncertain	Not Applicable	Comments
Close proximity to shopping, recreational, and employment centers? Give distances.	X				Approximately ½ mile from lodging, food, services.
Will development cause a need for closer proximity to the above services?		X			
Will there be a need for new power systems?		X			

Public Need:	Yes	No	Uncertain	Not Applicable	Comments
Public need for development?	X				The Planning Department was contacted by two different contractors regarding use of the pit to repair flood damage in spring of 2010.
Alteration in location, distribution, density or growth rate of human population in an area?				X	

Infrastructure Impacts:

What method will be used to deliver the following services to the proposed development:

- ❖ Water? *Not needed*
- ❖ Sanitary Waste Treatment? *Port-a-potty; usually comes with the crew and never leaves the trailer*
- ❖ Storm Water Collection? *No storm water to speak of; any DOGAMI requirements must be followed.*

Please list here any additional impact the proposed development may have:

None

Conclusion:

- 1) Does the project have the potential to degrade the quality of the environment, or curtail the diversity in the environment?

Yes

No

Uncertain

EXHIBIT "H"

2) Does the project have the potential for cumulative impacts on environmental quality?

Yes

No

Uncertain

3) Does the project have environmental effects which will cause substantial adverse effects to humans either directly or indirectly?

Yes

No

Uncertain

4) Is there potential for an already poor environment being further degraded?

Yes

No

Uncertain

5) Is there potential for an environment close to its natural condition being degraded?

Yes

No

Uncertain

6) Will this action adversely affect threatened or endangered species (or critical habitat), significant archeological resources, National Register eligible historical sites, or other statutorily protected resources?

Yes

No

Uncertain

7) Will this action adversely affect prime or unique farm lands, wetlands, wilderness areas, aquifers, flood plains, wild and scenic rivers, or other areas of critical concern?

Yes

No

Uncertain

Environmental Review Checklist
BROWNIE PIT #2

This checklist is to help planning officials, agency officials, and the Planning Commission determine what environmental impact a proposed change/development will have. Planning Department Staff and the Applicant complete the checklist jointly, in accordance with the provisions of the Baker County Zoning and Subdivision Ordinance.

Applicant: Judy Parker

Application Type: Plan Amendment and Conditional Use for an Aggregate Mining Operation at an Existing Aggregate Site

Application # PA-10-002 **Proposed Development:** Aggregate Mining Operation

Comments are due by: Tuesday, December 7, 2010, at 5:00 p.m.

Location: Highway 86, northeast of Halfway, Oregon (Brownie Pit #2)

Impact Criteria	Yes	No	Uncertain	Not Applicable	Comments
Hydrology:					
Affect watershed?		X			
Alter storm water drainage pattern?		X			
Affect downstream areas?		X			
Change in the quality or quantity of groundwater supply?		X			
Alter surface water quality?		X			
Potential for accidental spills of hazardous or toxic material near body of water?		X			
Construction in floodplains or wetlands?		X			

Geologic:	Yes	No	Uncertain	Not Applicable	Comments
Affect erosion potential (either on or off site)?		X			Applicant must meet DOGAMI sloping

					requirements.
Stability?			X		
Bearing qualities of the soil?		X			
Geologic formation?		X			
Is the area suitable for septic system(s)? (A DEQ Site Evaluation may be necessary to show this.)				X	
Disturb more than one acre of land?	X				
Alter, destroy or significantly impact environmentally sensitive areas? (i.e. wetlands, floodplains, critical habitat, prime farm land)		X			

Vegetation/Animal Life:	Yes	No	Uncertain	Not Applicable	Comments
Vegetation of high brush (on or near the site)?		X			
High or increased fire potential (on or near the site)?	X				The Environmental Checklist Review Committee recommends the Planning Commission require a Condition of Approval during the Conditional Use process for fire mitigation.
Area of low revegetation potential on site?		X			
Unique vegetation community (on or near site)?		X			
Rare or endangered animal species (on or near site)?		X			

Highly productive habitats for species of sport, commercial, or educational value (on or near site)?		X			
Introduce new species of animals into the area, or result in a barrier to the migration or movement of animals?		X			
Significantly alter, deteriorate, or destroy fish or wildlife habitat?		X			

Atmospheric:	Yes	No	Uncertain	Not Applicable	Comments
Effect due to local circulation patterns?		X			
Prevailing winds?		X			
Condition up or down wind that could be impacted by the proposed development?		X			
Affect air quality?			X		This pit is in a canyon area and is set back from the highway. The Environmental Review Checklist Committee recommends review by the Planning Commission during the Conditional Use process.
Create objectionable odors?		X			The Environmental Review Checklist Committee recommends review by the Planning Commission during the Conditional Use process.
Introduce smoke, dust, or suspended particles into the air?	X				
Particulate/dust migration beyond facility/property boundaries?			X		

Increase noise levels?	X				Intermittent use; only when rock is extracted; the Environmental Review Checklist Committee recommends review by the Planning Commission during the Conditional Use process.
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Economic Considerations:	Yes	No	Uncertain	Not Applicable	Comments
Economic impact on schools?		X			
On Fire Districts?		X			
Water Districts?		X			
Sewer Districts?		X			
Law Enforcement?		X			
Emergency Services?		X			
Any other jurisdiction?		X			
Tax rate of the tax code?		X			

Transportation:	Yes	No	Uncertain	Not Applicable	Comments
Increase traffic on roads?	X				Site is located ¼ mile from Highway 86
Require road expansions or improvements?	X				Improvements to road on applicant's property
Require new access to existing roads?	X				Alter access point – see ODOT permit, email from Mike Barry
Generate new activity on roads?		X			
Use unimproved roads?	X				The private roads are located on applicant's property.

Services:	Yes	No	Uncertain	Not Applicable	Comments
Close proximity to shopping, recreational, and employment centers? Give distances.	X				Approximately ½ mile from lodging, food, services.
Will development cause a need for closer proximity to the above services?		X			
Will there be a need for new power systems?		X			

Public Need:	Yes	No	Uncertain	Not Applicable	Comments
Public need for development?	X				The Planning Department was contacted by two different contractors regarding use of the pit to repair flood damage in the spring of 2010.
Alteration in location, distribution, density or growth rate of human population in an area?		X			

Infrastructure Impacts:

What method will be used to deliver the following services to the proposed development:

- ❖ Water? *Not needed*
- ❖ Sanitary Waste Treatment? *Port-a-potty; usually comes with the crew and never leaves the trailer*
- ❖ Storm Water Collection? *No storm water to speak of; any DOGAMI requirements must be followed.*

Please list here any additional impact the proposed development may have:

None

Conclusion:

- 1) Does the project have the potential to degrade the quality of the environment, or curtail the diversity in the environment?

Yes

(No)

Uncertain

2) Does the project have the potential for cumulative impacts on environmental quality?

Yes

No

Uncertain

3) Does the project have environmental effects which will cause substantial adverse effects to humans either directly or indirectly?

Yes

No

Uncertain

4) Is there potential for an already poor environment being further degraded?

Yes

No

Uncertain

5) Is there potential for an environment close to its natural condition being degraded?

Yes

No

Uncertain

6) Will this action adversely affect threatened or endangered species (or critical habitat), significant archeological resources, National Register eligible historical sites, or other statutorily protected resources?

Yes

No

Uncertain

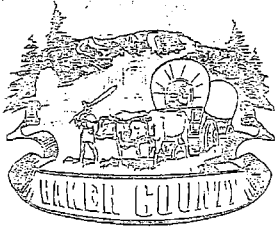
7) Will this action adversely affect prime or unique farm lands, wetlands, wilderness areas, aquifers, flood plains, wild and scenic rivers, or other areas of critical concern?

Yes

No

Uncertain

EXHIBIT I



*Baker County Department of Planning
& Community Development
1995 Third Street, Ste. 131
Baker County, Oregon 97814
Phone: 541-523-8219; Fax: 541-523-5925*

1995 Third Street
Baker City, Oregon 97814

January 12, 2011

RE: Site Plan Review Advisory Committee Comments on Environmental Review Checklist
for application PA-10-002

Dear Baker County Planning Commission,

The Site Plan Review Advisory Committee reviewed the Environmental Review Checklists for application PA-10-002 for two aggregate sites titled Brownie Pit #1 and Brownie Pit #2 and found, based on information included in the checklists and historic use of the site as a rock source, the proposed sites will not have a significant effect on the environment. The Planning Department received one comment from the Baker County Watermasters Office, which is attached to the Staff Report as Exhibit "J". The Advisory Committee recommends the Planning Commission does not require an environmental impact report, based on Baker County Zoning and Subdivision Ordinance 83-3, Section 905 (C). However, the Advisory Committee recommends the Planning Commission address the following areas during review of the Conditional Use Permit to consider whether mitigation is necessary:

1. Fire potential. A fire plan approved by the Oregon Department of Forestry may be necessary before any mining commences.
2. Noise, both as it relates to equipment use and as it relates to blasting activities.
3. Dust. Mitigation may be necessary if dust from Brownie Pits #1 or #2 is found to affect Highway 86 or the nearest residences and businesses.
4. Weeds. A weed control plan approved by the Baker County Weedmaster may be necessary before mining commences.
5. Traffic. Coordination with the Oregon Department of Transportation may be necessary.

If you have any questions or concerns regarding the preceding information, please contact the Baker County Planning Department at 541-523-8219.

Respectfully Submitted to the Baker County Planning Commission,

A handwritten signature in cursive script that reads "Tara Andrews".

Tara Andrews, Planner
On Behalf of the Site Plan Review Advisory Committee

Cc: Property Owner, Tax Lot File

EXHIBIT "J"

From: Rick Lusk <luskrm@wrd.state.or.us>
Date: 11/17/2010 09:23 AM
To: "Tara Andrews (tandrews@bakercounty.org)"
Cc: Ivan Gall <gallik@wrd.state.or.us>
Bcc:

Subject: Judy Parker Brownie Pit #1 and Brownie Pit #2

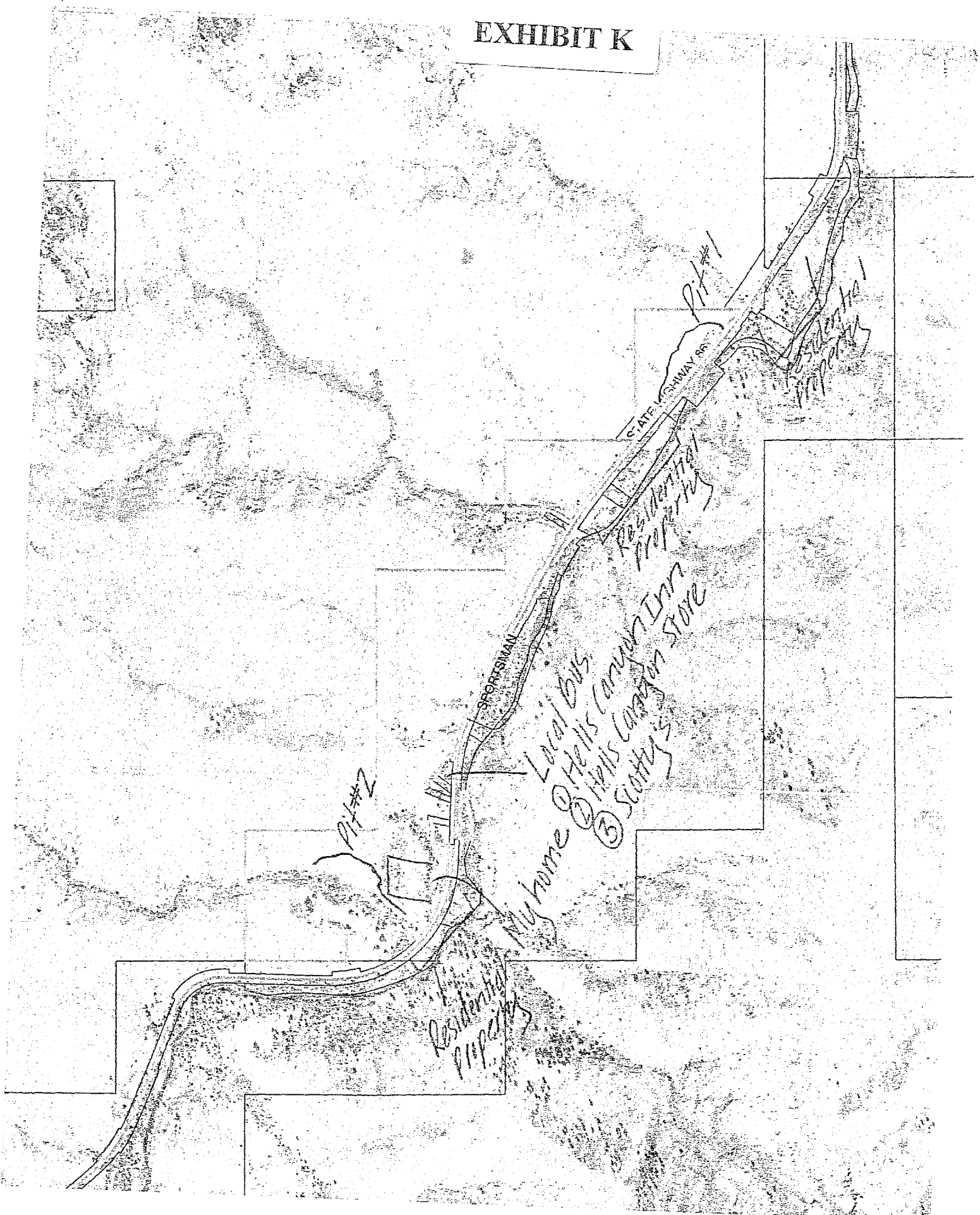
Tara,

The Baker County Watermaster office appreciates the opportunity to comment on this proposed aggregate project. We have the concern that if water is needed and used, the proper authorization is obtained before water use begins. We are available to work with Ms. Parker, or others, on the water right issues.

Thanks,

Rick Lusk
Assistant Manager, ER
Watermaster District 8
1995 3rd Street, Suite 180
Baker City, OR 97814
541-523-8224
Rick.M.LUSK@wrd.state.or.us

EXHIBIT K



STATE HIGHWAY 95

SPORTSMAN

Pit #2

Pit #1

Residential Property

- Nichome
- Local Bus
- ① Hells Canyon Inn
- ② Hells Canyon Store
- ③ Scotty's

Residential Property

EXHIBIT "L"

To: <hillsidebedandbreakfast@hotmail.com>
From: "BARRY Michael P" <Michael.P.BARRY@odot.state.or.us>
Date: 10/29/2010 11:42AM
cc: "KUHLMAN Thomas A" <Thomas.A.KUHLMAN@odot.state.or.us>, "HULSE Lisa M" <Lisa.M.HULSE@odot.state.or.us>, "BUCHANAN Michael R" <Michael.R.BUCHANAN@odot.state.or.us>, <planning@bakercounty.org>, "VANHOUTEN Gary E" <Gary.E.VANHOUTEN@odot.state.or.us>
Subject: RE: Emailing: _1015083048_001.pdf

Dear Judy:

Sorry it took a few days to get back to you, I've been our sick. I received your call about a letter in support of your quarry site. We don't write letters directly supporting land use issues. However, I can tell you that we have a big need for material down by Oxbow. We had to haul rip rap material from Baker City during this last flood event. Hauling material a long distance dramatically increases our costs. In the event that we had another large flood event that required Rip Rap Material, we would be scrambling to again find material in the Pine Creek area.

During the last 15 years, we have had 5 flood events that have essentially wiped out the existing stockpiles of rip rap material in your area. Our geology section is currently looking at options in the area. Anyone that had material available would have an opportunity to compete to provide rock. We may also be looking to procure a material source in the area. I will have Gary Van Houten contact you to discuss any opportunities that your site may provide to the Department. Thank you and good luck with your planning application.

Michael P. Barry
District 13 Operations Coordinator
(541) 963-8406

-----Original Message-----

From: BARRY Michael P
Sent: Friday, October 15, 2010 8:44 AM
To: 'hillsidebedandbreakfast@hotmail.com'
Cc: KUHLMAN Thomas A; HULSE Lisa M; BUCHANAN Michael R; 'planning@bakercounty.org'
Subject: Emailing: _1015083048_001.pdf

Judy:

Here is your permit. Please sign where indicated and return the original signature to me for processing. Thank You!

The message is ready to be sent with the following file or link attachments:
_1015083048_001.pdf

EXHIBIT M



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

ODOT District 13

3014 Island Avenue

LaGrande, OR 97850

(541) 963-8406

Fax: (541) 963-0249

Lisa.M.Hulse@odot.state.or.us

October 14, 2010

File Code: PMT 4-21

JudyLee Parker
Hillside Bed & Breakfast
53875 Hwy 86
Halfway, OR 97834

Subject: Transmittal of *Permit to Construct a State Highway Approach*
Highway Number 012, (Baker-Copperfield),
at Mile Point 68.19
Application Number 14914

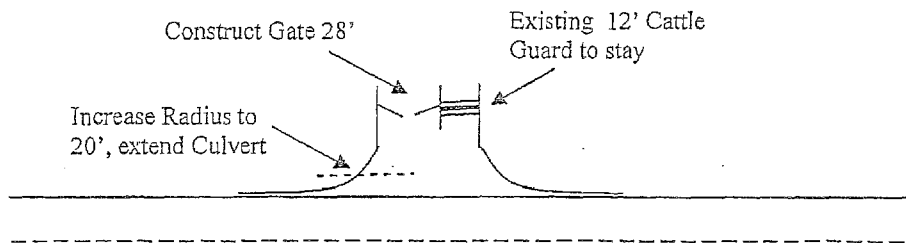
ODOT has received your evidence of insurance and required bond or cash deposit and can now issue a *Permit to Construct a State Highway Approach*.

The *Construction Permit(s)* is attached. This *Construction Permit* includes the Construction Drawing(s) and all necessary terms and conditions.

You have until the date specified on the *Construction Permit(s)*, July 1, 2011, to complete installation of the approach(es).

As set forth in OAR 734-051-0185, your contractor must advise ODOT (please contact the District 13 Office at (541) 963-8406) at least 48 hours in advance of commencing construction. Construction of the approach must conform to the terms of the *Construction Permit* and exhibits attached to the *Construction Permit*. I have attached a copy of OAR 734-051-0215, which addresses applicant liability and control during construction of approaches.

The following sketch is what we agreed to have your contractor do in this permit.



You must notify the District 13 Office when construction of the approach is completed. ODOT will inspect the completed approach and advise you in writing

whether or not the approach has been constructed in a satisfactory manner. If the approach was constructed in a satisfactory manner, a *Permit to Operate, Maintain and Use an Approach* can be issued.

If the approach was not constructed in a satisfactory manner, ODOT will provide in a written notice a list of all specific deficiencies that must be satisfactorily corrected before a *Permit to Operate, Maintain and Use an Approach* can be issued.

NOTE: An approach can be legally used **ONLY** after a *Permit to Operate, Maintain, and Use an Approach* has been issued.

Please sign and return the permit with your original signature to my office. If you have any questions regarding the construction of your approach(es), please contact me at (541) 963-8406. I welcome the opportunity to assist you.

Sincerely,



Michael P. Barry, District Operations Coordinator.
ODOT District 13, Maintenance Office

Attachments: *Construction Permit*
OAR 734-051-0215, Liability and Control

**Subject: Liability and Control for Construction and Maintenance, Repair,
Operation and Use of Approaches (OAR 734-051-0215)**
<Highway Name>, <Hwy. No> at <Milepoint>
<Application Number XXX>

As set forth in OAR 734-051-0215, the following liability and control applies to the construction of an approach. This includes Insurance requirements, bond requirements, and damage to the highway surface, utility relocation, and signing and traffic control.

Oregon Administrative Rule 734-051-0215 states:

(1) An applicant or permittee assumes responsibility for damage or injury to any person or property resulting from the construction, maintenance, repair, operation, or use of an approach for which a Construction Permit or a Permit to Operate is issued and where the applicant may be legally liable.

(2) An applicant or permittee indemnifies and holds harmless the State of Oregon, the Commission, the Department, and all officers, employees, or agents of the Department against damages, claims, demands, actions, causes of action, costs, and expenses of whatsoever nature which may be sustained by reasons of the acts, conduct, or operation of the applicant, his agents, or employees in connection with the construction, maintenance, repair, operation, or use of an approach.

(3) Construction of an approach may not begin until the applicant provides the Department with evidence of insurance in the following minimum amounts:

- (a) \$50,000 for property damage resulting from any single occurrence, or \$500,000 combined single limit; and
- (b) \$200,000 for the death or injury of any person, subject to a limit of \$500,000 for any single occurrence.

(4) Insurance policies must include as named as insured the State of Oregon, the Commission, and the Department, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Commission or the Department and its officers, agents, and employees or damage to any of its or their property.

(5) Construction of an approach may not begin until a copy of the insurance policy or a certificate showing evidence of insurance is filed with the Department.

(6) An applicant or permittee shall provide 30 days written notice to the Department of intent to cancel or intent not to renew insurance coverage. Failure to comply with notice provisions does not affect coverage provided to the State of Oregon, the Commission, or the Department, its officers, agents and employees.

(7) If the highway surface or highway facilities are damaged by the applicant or the applicant's contractor, the applicant must replace or restore the highway or highway facilities to a condition satisfactory to the Department.

(8) The applicant or permittee must furnish, in an amount specified by the Region Manager and for the time period necessary to install the approach, a cash deposit or a bond issued by a surety company licensed to do business in the State of Oregon to ensure that any damage to the highway has been corrected to the Department's satisfaction; and no construction is performed until a deposit or bond is filed with the Department.

(9) The applicant or permittee is responsible for relocating or adjusting any utilities located on highway right of way when required for accommodation of the approach, and no construction may be performed until the applicant furnishes evidence to the Department that satisfactory arrangements have been made with the owner of the affected utility facility.

(10) The applicant or permittee is responsible for erosion control during construction of the approach.

(11) Where warning signs are required by the Construction Permit, other regulations, or the Region Manager, the Department furnishes, places, and maintains the signs at the applicant's or permittee's expense, and unauthorized signs are not allowed on any portion of the right of way.

(12) The work area during any construction or maintenance performed under a Construction Permit or a Permit to Operate is protected in accordance with the Manual on Uniform Traffic Control Devices adopted under OAR 734-020-0005.

(13) An applicant or permittee shall provide true and complete information, and if any required fact that is material to the assessment of the approach's impact upon traffic safety, convenience, or the legal or property rights of any person (including the State of Oregon) is false, incorrect, or omitted, the Region Manager may:

- (a) Deny or revoke the Construction Permit; and
- (b) At the applicant's or permittee's expense:
 - (A) Require the applicant or permittee to remove the approach and restore the area to a condition acceptable to the Region Manager;
 - (B) Require the applicant or permittee to provide additional safeguards to protect the safety, convenience, and rights of the traveling public and persons (including the State), if such safeguards are adequate to achieve these purposes, as a condition for the continued validity of the Permit to Operate;
 - (C) Reconstruct or repair the approach; or
 - (D) Remove the approach.

Stat. Auth.: ORS 184.616, 184.619, 374.310; 374.312; 374.345; Ch. 972 and Ch. 974,
Oregon Laws 1999

Stat. Implemented: ORS 374.305 to 374.345 and 374.990; Chapter 974 Oregon Laws 1999,
Chapter 371 Oregon Laws 2003

PERMIT NO: 54771

PERMIT TO CONSTRUCT A
STATE HIGHWAY APPROACH

Completion Date: 07/01/2011



Application Id: 14914 District: 13

Highway Number: 012 MilePoint: 68.19

Reason for Request: Land Use Review

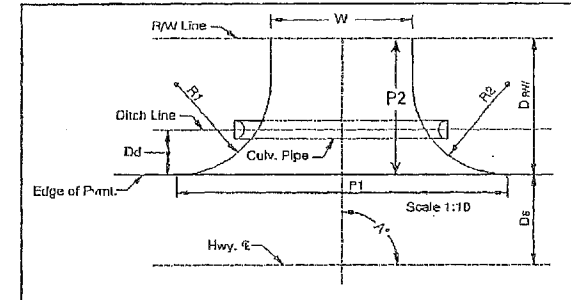
Permittee Information

Name: JudyLee Parker	
Company: Hillside Bed & Breakfast	
Mailing Address: 53875 Hwy 86 Halfway, OR 97834	
Phone: (541) 742-4414	FAX: () -
eMail:	

Property Information

Address: 53875 Hwy 86 Halfway OR 97834			
County: Baker	District: 13		
Highway: Baker-Copperfield	Hwy #: 012	Route: ORE86	
MilePoint: 68.19	Engineering Station: 131+24	Side of Hwy: L	Public/Private: Private
Permit Description: This permit superceeds Permit #: 53662.			

Plan View



Insurance Information

Company: Oregon Mutual Insurance Co.	
Policy No: OMO 551913	Amount: \$1,000,000
Policy Begin: 09/24/2007	Policy End: 09/24/2011

Tax Lot Information

Township	Range	Section	Tax Lot
7S	48E	19	1400

Specification

Width (W): 40.00ft	Angle (A): 90	
Radius 1 (R1): 20.00ft	Radius 2 (R2): 20.00ft	
Paving Lmt (P1): 80.00ft	Paving Lmt (P2): 20.00ft	
Surf (Ds): 12.00ft	Ditch (Dd): 10.00ft	RAW (Ddw): 38.00ft
Culvert: Corrugated metal	Diam: 18.00in	Len: 100.00ft
Sub Base Crse: 75mm - 0 Aggregate Base (3" - 0)	Thickness: 12.00in	
Base Crse: 25mm - 0 Aggregate Base (1" - 0)	Thickness: 8.00in	
Level Crse:	Thickness:	
Wear Crse:	Thickness:	

Performance Bond Information

Company:	
Bond No:	Amount:

Property Owner Information

Name: JudyLee Parker	
Company: Hillside Bed & Breakfast	
Mailing Address: 53875 Hwy 86 Halfway, OR 97834 USA	
Phone: (541) 742-4414	FAX: () -
eMail:	

Instructions

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approvals including, where applicable, local government determinations of compliance with statewide planning goals. All materials and workmanship shall be in accordance with current Oregon Standard Specifications for Highway Construction.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-0045 through 734-051-0355, which are by reference made a part of this permit; and which are in effect at any particular time in the duration of the permit.

Applicant Signature	Date	<i>This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.</i>	
Local Agency Approval (if required)	Date	Authorized ODOT Signature	Date



**PERMIT TO CONSTRUCT A
STATE HIGHWAY APPROACH**

Application Id: 14914 Highway Number: 012

MilePoint: 68.19

Reason for Request: Land Use Review

Permit No: 54771

Issue Date: 10/15/2010

Completion Date: 07/01/2011

Permittee Information

Name: JudyLee Parker	
Company: Hillside Bed & Breakfast	
Mailing Address: 53875 Hwy 86 Halfway, OR 97834	
Phone: (541) 742-4414	FAX: () -
eMail:	

Property Information

Address: 53875 Hwy 86 Halfway OR 97834			
County: Baker		District: 13	
Highway: Baker-Copperfield	Hwy #: 012	Route: ORE86	
MilePoint: 68.19	Engineering Station: 131+24	Side of Hwy: L	Public/Private: Private
Permit Description: This permit superceeds Permit #: 53662.			

Tax Lot Information

Township	Range	Section	Tax Lot
7S	48E	19	1400

**This placard should be posted and visible from the highway at all times
during construction.**

For inspection, call (541) 963-8406

PERMIT NO: 54771

PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation



Application Id: 14914 Highway Number: 012

MilePoint 68.19

PROVISIONS

Reason for Request: Land Use Review

Applicant: JudyLee Parker

Company: Hillside Bed & Breakfast

Maintenance of Approach

Prior to performing any maintenance work on the approach, which will interfere with or interrupt traffic upon or along the highway, the applicant shall obtain approval and necessary permits from the District Office. In all cases where traffic signals have been required, signal maintenance will be performed by the Oregon Department of Transportation or as assigned by a Cooperative Cost Agreement. The Permittee is responsible for maintenance of the approach in accordance with ORS 374.315

- 140.301 Construction Plans are approved in general only. The District Manager or representative may require field changes. When revisions are made in the field, as-constructed drawings must be submitted to the District.
- 150.101 The permit and all specifications, details, typical drawings, provisions and standard drawings attached to the permit shall take precedence over all plans, drawings and specifications produced by the Architect or Engineer representing the Applicant or Contractor.
- 150.103 The following ODOT documents or subsequent revisions there to, where applicable and not otherwise superseded by the permit language herein, shall be incorporated for use in this permit: Oregon Standard Specifications For Construction (ODOT, 2008), Oregon Highway Design Manual (2003), and relevant Standard Drawings. ODOT shall have authority over the acceptance of all materials and workmanship performed under this permit as stated in 00150.00 of the Oregon Standard Specifications For Construction (ODOT, 2008).
- 150.151 "Applicant shall be responsible for locating and preserving all existing survey monumentation within the work area in accordance with ORS 209.150 and/or 209.155. If a monument or its accessories are inadvertently or otherwise disturbed or destroyed, applicant shall be responsible for all costs and coordination associated with its reestablishment by a professional licensed surveyor."
- 150.201 At least 48 hours before beginning permit work and again after completing permit work, the Applicant (or agent) shall notify the District permitting representative.
- 150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.
- 150.501 Call before digging. The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work to be performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.
- 150.701 Maintain all existing highway signs. If any signs are damaged due to Contractor's operations, replace those signs before the end of that work shift - Avoid operations whose methods, conditions, or timing may injure people or damage properties. Damage includes staining surfaces with such things as mud and asphalt. When damage occurs, the District Manager will determine if it is to be corrected by repair, replacement, or compensatory payment. If compensatory payment is required, the District Manager will determine the amount.
- 150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.160.
- 150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.
- 170.303 Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc; (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.

If the applicant impacts a legally protected/regulated resource, applicant/permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold harmless ODOT for such impacts and be responsible and liable to ODOT for any costs or claims that ODOT may have.
- 180.502 Complete all work to be done under this construction permit before the specified completion date. Any time extension requires that the insurance policy expire beyond the newly agreed upon completion date.

PERMIT NO: 54771

PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation



Application Id: 14914 Highway Number: 012

MilePoint 68.19

PROVISIONS

Reason for Request: Land Use Review

Applicant: JudyLee Parker

Company: Hillside Bed & Breakfast

Maintenance of Approach

Prior to performing any maintenance work on the approach, which will interfere with or interrupt traffic upon or along the highway, the applicant shall obtain approval and necessary permits from the District Office. In all cases where traffic signals have been required, signal maintenance will be performed by the Oregon Department of Transportation or as assigned by a Cooperative Cost Agreement. The Permittee is responsible for maintenance of the approach in accordance with ORS 374.315

- 200.021 The work area during construction or maintenance performed under the permit provisions shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, US Department of Transportation, and the Oregon Department of Transportation supplements thereto. Flaggers must have certification and must carry proof indicating their completion of an approved workzone traffic control course. All traffic control devices shall be maintained according to the ATTSSA Quality Standards for Work Zone Traffic Control Devices handbook.
- 225.051 Submit the following in writing five days before the permitted activity.
- Proposed Traffic Control Plan (TCP) showing all Traffic Control Measures (TCM). Include the proposed order and duration of all TCM. Do not start work on any stage of construction until all TCM are in place and the TCP is operating satisfactorily.
- 276.071 Applicant shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this permit, including, without limitation, the provisions of ORS 276.071. If applicant chooses to assign their permitted responsibilities to a consultant or contractor, applicant shall inform the contractor of the requirements of ORS 276.071.
- 276.072 Upon completion of the permitted work, applicant shall notify ODOT and request final inspection. If all structures and appurtenances constructed under this permit are found to be in compliance with permit provisions and state standards, ODOT will accept ownership of the permitted structures and appurtenances by written notice to the applicant.
- 320.401 During construction, any ground that is disturbed shall have any plants designated as noxious weeds removed or sprayed using the "best practices" as set out by the Oregon Department of Agriculture.
- 330.421 Only earth or rock shall be used as fill material. The site shall be shaped to maintain existing drainage, contoured, trimmed and seeded with native grasses in a manner satisfactory to the District Manager.
- 330.701 Areas of disturbed cut and fill slopes shall be restored to a condition suitable to the District Manager or representative.
- Trim and finish all roadbeds, ditches, and other excavations and embankments to the lines, grades and cross sections established.
 - Clean up any debris and foreign matter of all kinds on the entire right-of-way area.
 - Finish the subgrade to within +/- 0.02m and free of ruts, depressions and irregularities.
 - Remove all litter, debris and obstructions.
- 374.315 Construction under permits; maintenance after construction. All construction under the permits issued under ORS 374.310 shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, they shall be maintained at the expense of the applicant and in accordance with the rules and regulations adopted pursuant to ORS 374.310.
- 445.003 Culvert pipe shall be corrugated metal. Culvert must be installed according to ODOT§ 002420.000.
- 460.001 Culvert Beveled End Sections shall match Approach Road design embankment slope at culvert location. Sloped ends shall be designed in conformance with Standard Drawings RD309, RD312. Safety end sections shall be designed in conformance with Standard Drawings RD318 and RD321



7/22/09 10:01:12 AM Baker-Copperfield Non-Device 0026... 10/14/2010

131+24



OR OREGON MUTUAL INSURANCE COMPANY
CERTIFICATE OF INSURANCE

ISSUE DATE: 08/18/2010

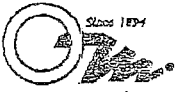
<p>INSURED</p> <p>JUDY L PARKER SEE M2366 53875 HIGHWAY 86 HALFWAY, OR 97834</p>	<p>AGENT 00047</p> <p>CLARKE & CLARKE INSURANCE, INC 1950 CHURCH ST., SUITE B PO BOX 745 BAKER CITY, OR 97814</p>
--	---

<p>COVERAGES</p> <p>This is to certify that the policies listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions, and conditions of such policies. The limits shown may have been reduced by paid claims.</p>	<p>DISCLAIMER</p> <p>The Certificate of Insurance does not constitute a contract between the Issuing Insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.</p>
---	---

Type of Insurance	Policy Number	Effective Date	Expiration Date	Limits of Insurance
				General Aggregate \$ Each Occurrence \$ Personal & Advertising Injury \$ Medical Expense - Per Person \$ Fire Legal Liability - Any One Fire \$
Automobile Liability				Combined Single Limit (ea accident) \$ Bodily Injury (per person) \$ Bodily Injury (per accident) \$ Property Damage (per accident) \$
Garage Liability				Auto Only (ea accident) \$ Other than Auto Only (ea accident) \$ Other than Auto Only (aggregate) \$
Commercial Property				Deductible: \$
Other FARM PROPERTY	OMO 5446551913	09/24/2010	09/24/2011	2,500 DEDUCT \$ 386,904

<p>Description of Operations/Locations/Special Items</p> <p>LOCATION: 001 BUILDING: 001 53875 HIGHWAY 86 HALFWAY OR 97834</p>	<p>IMPORTANT</p> <p>If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).</p>
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<p>CERTIFICATEHOLDER</p> <p>OREGON DEPT OF TRANSPORTATION 3014 ISLAND AVE ISLAND CITY OR 97850</p>	<p>CANCELLATION</p> <p>Should any of the above described policies be cancelled before the expiration date thereof, the company will ENDEAVOR TO MAIL 30 DAYS written notice to the certificateholder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.</p> <p>AUTHORIZED REPRESENTATIVE</p>
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OREGON MUTUAL INSURANCE COMPANY
CERTIFICATE OF INSURANCE

ISSUE DATE: 08/18/2010

INSURED JUDY L PARKER SEE M2366 53875 HIGHWAY 86 HALFWAY, OR 97834	AGENT 00047 CLARKE & CLARKE INSURANCE, INC 1950 CHURCH ST., SUITE B PO BOX 745 BAKER CITY, OR 97814
---	---

COVERAGES This is to certify that the policies listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions, and conditions of such policies. The limits shown may have been reduced by paid claims.	DISCLAIMER The Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
--	--

Type of Insurance	Policy Number	Effective Date	Expiration Date	Limits of Insurance
				General Aggregate \$ Each Occurance \$ Personal & Advertising Injury \$ Medical Expense - Per Person \$ Fire Legal Liability - Any One Fire \$
Automobile Liability				Combined Single Limit (ea accident) \$ Bodily Injury (per person) \$ Bodily injury (per accident) \$ Property Damage (per accident) \$
Garage Liability				Auto Only (ea accident) \$ Other than Auto Only (ea accident) \$ Other than Auto Only (aggregate) \$
Commercial Property				Deductible: \$ \$
Other FARM PROPERTY	OMO 5446551913	09/24/2010	09/24/2011	2,500 DEDUCT \$ 386,904

Description of Operations/Locations/Special Items LOCATION: 001 BUILDING: 001 53875 HIGHWAY 86 HALFWAY OR 97834	IMPORTANT If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).
--	--

CERTIFICATEHOLDER OREGON DEPT OF TRANSPORTATION 3014 ISLAND AVE ISLAND CITY OR 97850	CANCELLATION Should any of the above described policies be cancelled before the expiration date thereof, the company will ENDEAVOR TO MAIL 30 DAYS written notice to the certificateholder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives. AUTHORIZED REPRESENTATIVE
--	---

081931FRM



**OR OREGON MUTUAL INSURANCE COMPANY
CERTIFICATE OF INSURANCE**

ISSUE DATE: 08/18/2010

INSURED

JUDY L PARKER
SEE M2366
53875 HIGHWAY 86
HALFWAY, OR 97834

AGENT 00047
CLARKE & CLARKE INSURANCE, INC
1950 CHURCH ST., SUITE B
PO BOX 745
BAKER CITY, OR 97814

COVERAGES

This is to certify that the policies listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions, and conditions of such policies. The limits shown may have been reduced by paid claims.

DISCLAIMER

The Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

Type of Insurance	Policy Number	Effective Date	Expiration Date	Limits of Insurance
				General Aggregate \$ Each Occurrence \$ Personal & Advertising Injury \$ Medical Expense - Per Person \$ Fire Legal Liability - Any One Fire \$
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Garage Liability				Auto Only (ea accident) \$ Other than Auto Only (ea accident) \$ Other than Auto Only (aggregate) \$
Commercial Property				Deductible: \$ \$
Other FARM PROPERTY	OMO 5446551913	09/24/2010	09/24/2011	2,500 DEDUCT \$ 386,904

Description of Operations/Locations/Special Items

LOCATION: 001 BUILDING: 001
53875 HIGHWAY 86
HALFWAY
OR 97834

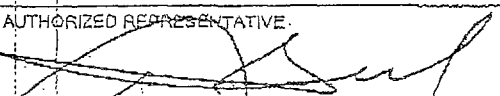
IMPORTANT

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).
If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

CERTIFICATEHOLDER

OREGON DEPT OF TRANSPORTATION
3014 ISLAND AVE
ISLAND CITY OR 97850

CANCELLATION
Should any of the above described policies be cancelled before the expiration date thereof, the company will **ENDEAVOR TO MAIL 30 DAYS** written notice to the certificateholder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

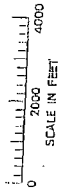
AUTHORIZED REPRESENTATIVE:


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

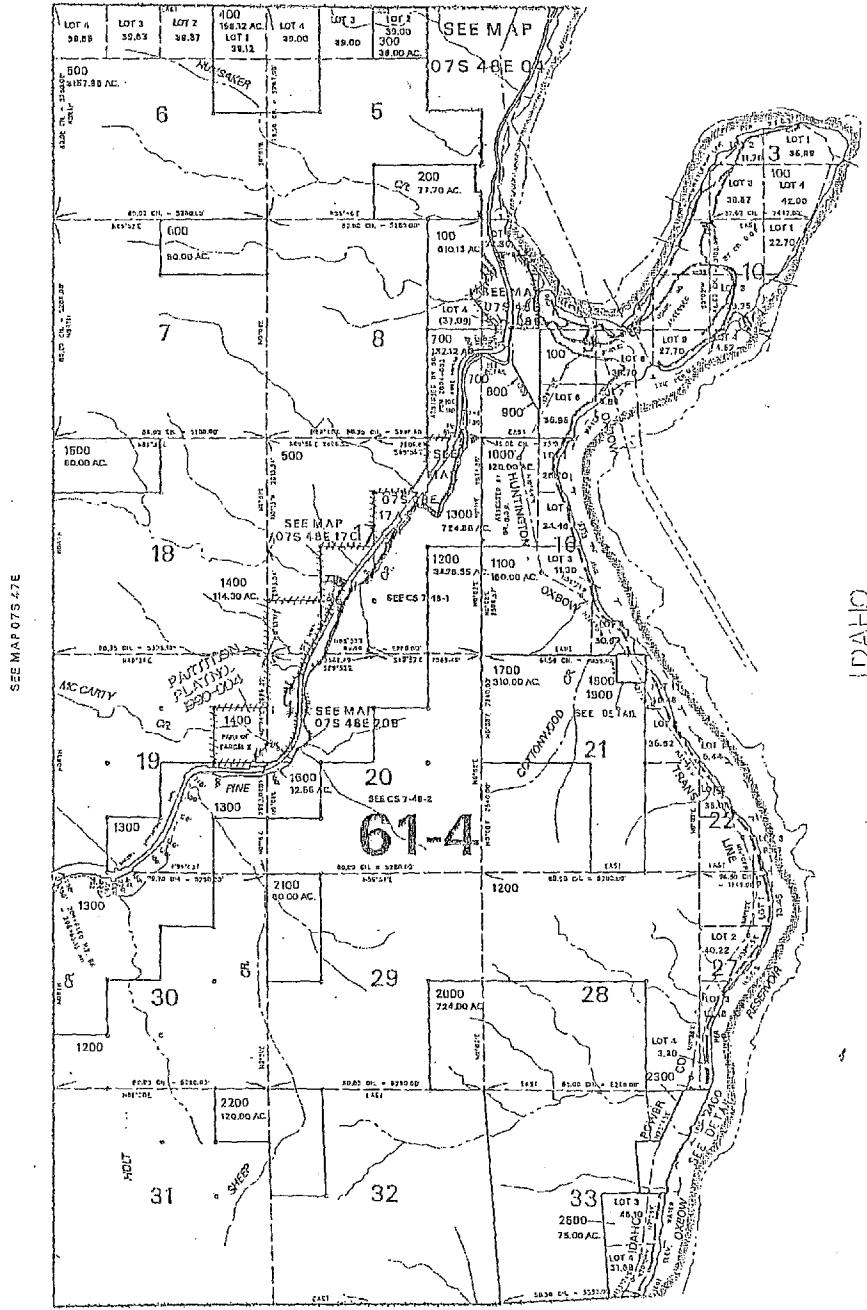
T.07S. R.48E. W.M.
BAKER COUNTY

SEE MAP 005 48E

1"=2000'



07S 48E
& INDEX

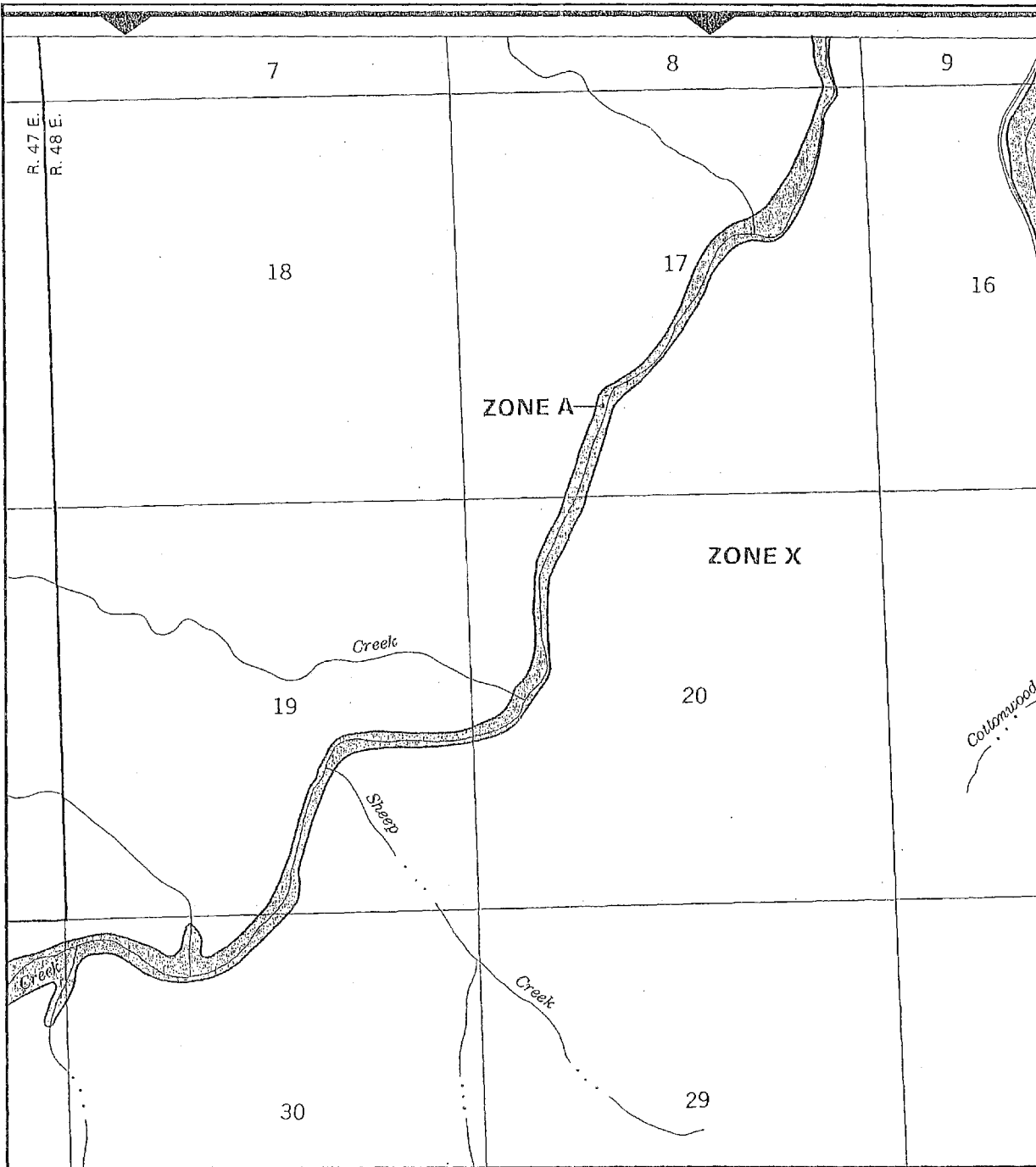


SEE MAP 07S 47E

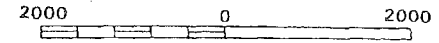
IDAHO

SEE MAP 005 48E

PRINTED ON
03/31/08
07S 48E
& INDEX



APPROXIMATE SCALE IN FEET

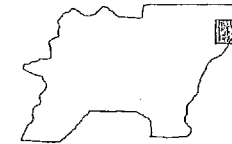


NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

BAKER COUNTY,
OREGON AND
INCORPORATED AREAS

PANEL 325 OF 975



PANEL LOCATION

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
UNINCORPORATED AREAS	410001	0325	C

MAP NUMBER
41001C0325 C

EFFECTIVE DATE:
JUNE 3, 1988



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

EXHIBIT N



DELTA COUNSEL, P.C.

Jerry L. Lawson, Jr.
Admitted in OR, WA
Email: jerry@dcounsel.net

PO Box 751
Lake Oswego, OR 97034
Telephone: 503.631.2991 Δ Facsimile: 503.631.3092

Michelle Anderson
Legal Assistant
Email: michelle@dcounsel.net

January 27, 2011

VIA FACSIMILE (541) 523-5925

Baker County Planning Commission
1995 Third Street, Ste. 131
Baker City, OR 97814

Re: PA-10-002 and CU-10-007

Dear Sir or Madame:

I am writing to register my concerns about the above referenced plan amendment request and conditional use permit. The area in question is a small residential area with heavy recreational traffic in the summer and fall. My property is across the street from one of these locations. The nearby RV park is largely inhabited by older retired people. I am concerned about the noise and truck traffic opening these pits to more regular commercial traffic may cause. It is no secret that highway 86 is already a dangerous road. These are my concerns.

Very truly yours,

DELTA COUNSEL, P.C.

Jerry L. Lawson, Jr.

Encl.

Lawyers. Making a Difference

www.dcounsel.net



Holly Kerns/Baker County
01/27/2011 11:39 AM

To Tara Andrews/Baker County@Baker County
cc
bcc
Subject Fw: Exhibits

Holly Kerns
Baker County Planning Department
Office: 541.523.8219
Fax: 541.523.5925
1995 Third Street, Suite 131
Baker City, OR 97814

----- Forwarded by Holly Kerns/Baker County on 01/27/2011 11:52 AM -----



"Jerry Lawson"
<jerry@dcounsel.net>
01/27/2011 11:37 AM

To <hkerns@bakercounty.org>
cc
Subject RE: Exhibits

Thank you, weed control is another concern. I have experienced this from material brought from another site. Did you receive my fax?

-----Original Message-----

From: hkerns@bakercounty.org [mailto:hkerns@bakercounty.org]
Sent: Thursday, January 27, 2011 11:21 AM
To: jerry@dcounsel.net
Subject: Exhibits

(See attached file: Exhibit B Applicants Submitted Comments Brownie Pit 1.pdf) (See attached file: Exhibit B Brownie Pit 1 photographs.pdf) (See attached file: Exhibit C Brownie Pit 1.pdf)

Holly Kerns
Baker County Planning Department
Office: 541.523.8219
Fax: 541.523.5925
1995 Third Street, Suite 131
Baker City, OR 97814



Metric

02/23/2011
Mailed From 97814
US POSTAGE

DEPT OF

FEB 24 2011

LAND CONSERVATION
AND DEVELOPMENT

Baker County Planning Department

Baker County Courthouse
1995 Third Street, Suite 131
Baker City, OR 97814
(541) 523-8219

Attn: Plan Amendment
Specialist



DLCD
635 Capitol St. NE Ste. 150
Salem, OR 97301-2540