



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: July 20, 2015  
Jurisdiction: Sherman County  
Local file no.: 2015-03  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 38 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE <b>DEPT OF</b>
File No.:
Received: <span style="color: red;">JUL 20 2015</span>
LAND CONSERVATION AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Sherman County

Local file no.: **2015-03**

Date of adoption: July 15, 2015

Date sent: 7/15/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): June 5, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes  No 

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Georgia Macnab

Phone: 541-565-3601

E-mail: georgiamac@embarqmail.com

Street address: 66365 Lonerock Rd./P.O. Box 381

City: Moro

Zip: 97039-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from F-1 required for this change.	to Sherman County Goal 5 Mineral	14.43 acres.	A goal exception was
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T2S, R16E, Section 10, TL 1200

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

---

List affected state or federal agencies, local governments and special districts: DOGAMI, Sherman County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Amend the Sherman County Goal 5 Mineral and Aggregate Resource Inventory to include an aggregate site. The site is considered a small significant site and will not produce more than 500,000 tons of material.

**Sherman County**  
**Community Development & Planning**  
P. O. Box 381  
66365 Lonerock Road  
Moro, Oregon 97039



(541) 565-3601  
FAX (541) 565-3078

---

July 15, 2015

Plan Amendment Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301

RE: Amendment to Comprehensive Plan Goal 5 Inventory

Enclosed is a Notice of Adoption to the Sherman County Goal 5 Mineral and Aggregate Resource Inventory for a quarry site in Sherman County. Also included is the signed ordinance, staff report and maps relating to that amendment.

Please contact me at 541-565-3601 if you have any further questions regarding this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Georgia L. Macnab". The signature is written in a cursive style.

Georgia L. Macnab  
Sherman County Planning Director

IN THE COUNTY OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF SHERMAN COUNTY

IN THE MATTER OF THE COMPREHENSIVE PLAN )  
AMENDMENT TO ADD A CERTAIN AGGRAGATE ) **ORDINANCE**  
RESOURCE SITE TO THE COUNTY'S GOAL 5 MINERAL & ) 01-2015  
AND RESOURCE INVENTORY & DECLARING AN EMERGENCY )

The County Court of Sherman County ordains as follows:

**SECTION 1 – SHORT TITLE.**

This ordinance shall be referred to as the Comprehensive Plan Amendment of 2015.

**SECTION 2 – PURPOSE.**

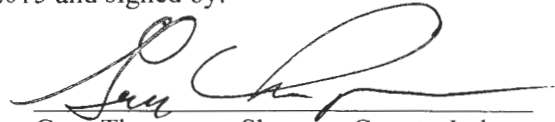
The purpose of this Ordinance is to add one aggregate resource to the Sherman County Goal 5 inventory for aggregate resource sites.

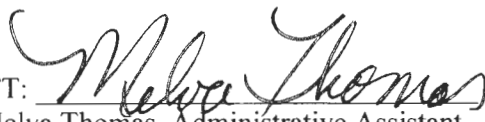
**SECTION 3 – ADOPTION.**

The County adopts the following as part of its Goal 5 Inventory of Aggregate Resource Sites.

- A. The project is owned by Pat Powell.
- B. The project sites is owned by Pat Powell and located approximately 3.5 miles north of Grass Valley, Oregon near King Lane in the Exclusive Farm Use Zone (F-1) and more specifically described by the Sherman County Assessors Maps as;  
  
T2S, R16E, Section 10, Tax Lot 1200, Sherman County, Oregon
- C. The relevant information are hereby adopted by reference and made a part of the Sherman County Goal 5 Inventory.
- D. In as much as the health, safety, general welfare and economic well being of the citizens of Sherman County is the prime concern of the County Court, and the ability to rapidly mobilize the county's resources to develop the burgeoning wind energy industry in the County is necessary, an emergency is hereby deemed to exist. Therefore, this ordinance shall be in full force and effect upon its approval by the County Court.

Approved by the County Court this 15<sup>th</sup> day of July, 2015 and signed by:

  
\_\_\_\_\_  
Gary Thompson, Sherman County Judge

ATT:   
Melva Thomas, Administrative Assistant



---

**DATE:** July 6, 2015

**TO:** Sherman County Planning Commission  
**FROM:** Georgia L. Macnab, Sherman County Planning Director

**RE:** Conditional Use Permit- Pat Powell

**MEETING DATE:** **Monday**, July 13, 2015, 5:30P.M. at the Sherman County Community Development and Planning Dept. 110 Main Street, Moro, OR

**PROPOSAL**

The purpose of the hearing is to consider an amendment to the Sherman County Goal 5 Mineral & Aggregate Inventory and a Condition Use Permit for a Mining Operation. The purpose of the amendment is to add the proposed quarry to the Goal 5 Inventory. The CUP is for the production of aggregate to be used for a prospective road construction project and other developments that require aggregate produced in quantities of commercial status. The site is owned by Pat Powell and is located approximately 3.5 miles north of Grass Valley, Oregon near King Lane in the Exclusive Farm Use Zone (F-1). The property is described by the Sherman County Assessors maps as T2S, R16E, Section 10, Tax Lot 1200, Sherman County, Oregon.

The proposed use is allowed in the SCZO under Article 3, Section 3.1 Exclusive Farm Use Zone,

(3). Conditional Uses Permitted

(e) 2. Mining of aggregate and other subsurface resources subject to ORS 215.298 and as defined in Section 1.4 of this ordinance; and

5) Crushing and stockpiling of aggregate and other minerals.

The first part of the application is for a Comprehensive Plan Amendment. Plan amendments are permitted when authorized in accordance with the requirements of Article 8 of the SCZO. An amendment is required for this project because the sites are not included on the Resource Inventory Site list of the County's Goal 5 update of the Comprehensive Plan, which was approved on 12/6/95. This amendment proposes to include this site on the County's Resource Inventory as an Aggregate Site. The adoption of an amendment to the County's Comprehensive Plan must be approved by Ordinance of the Sherman County Court. This application therefore must be reviewed by the County Court after the Planning Commission makes its recommendation.

The amendment must also be reviewed by the State Department of Land Conservation and Development (DLCD). A referral was sent to DLCD in Salem on May 20, 2015. The site is considered a small "significant" site and the state will send a recommendation to the county upon their review. Significant gravel resources are sites that have the capability to produce over 500,000 tons of material, meet certain soil tests and meet ODOT standards for construction grade material and are protected from the surrounding impact area under Goal 5. The site is being added to the County's inventory only so that mining can be authorized under a conditional use permit.

The proposed site lies within the Exclusive Farm Use Zone and is not an outright permitted use in that zone. The applicant is requesting a Conditional Use permit under the requirements for Conditional Uses in the F-1 Zone. These uses are authorized in accordance with the requirements of Articles 3 and 5 of the Sherman County Zoning Ordinance of 1994.



## **PLANNING REGULATIONS**

OAR Chapter 660-33-120, Table 1 outlines Authorized uses on Agricultural Lands and requires that the governing body approve such uses only where such use meets the following requirements of Chapter 660-33-130 (5):

- (A) Will not force a significant change in accepted farm or forest practice on surrounding lands devoted to farm or forest use: and
- (B) Will not significantly increase the cost of accepted farm or forest practice on lands devoted to farm or forest use.

The use is authorized as, "Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298". Regulations are the same on high value farmland and all others.

Sherman County Zoning Ordinance of 1994 Article 5, Section 5.2 General Criteria requires that the following criteria can be met through compliance with specific conditions of approval:

- (1) The proposal is compatible with the County Comprehensive Plan and applicable policies.
- (2) The proposal is in compliance with the requirements set forth by the applicable primary Zone, by any applicable combining zone, and other provisions of this Ordinance that are determined applicable to the subject use.
- (3) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of such approval or permits compliance is established or can be assured prior to the final approval.
- (4) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in this Article and other specific relative standards required by this or other County Ordinance.
- (5) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities, or for any use which is found not to be in compliance with air, water, land, solid waste or noise pollution standards.
- (6) That no approval be granted for any use or activity in violation of this Ordinance.

It appears that the proposal meets these general criteria.

## **PLANNING COMMENTS**

The hearing on this project was advertised in The Dalles Chronicle on June 19, 2015, and notices sent out to surrounding property owners and reviewing agencies on the same day.

The following agencies were sent referral on this Application:

Sherman County Road Department.  
Department of Geology and Mineral Industries  
Oregon Department of Transportation  
Sherman County Weed Department

The purpose of the development is to provide rock for future commercial opportunities to include road construction, and private use. Access to the site is off of King Rd.

See attached summary of the proposal.

No other comments have been received as of the writing of this staff report.

## **PROPOSED FINDINGS OF FACT**

1. The subject site is not within 2 miles of a known vineyard.
2. The name of the subject property owner is known as Pat Powell.
3. The legal description and map of the property have been provided.
4. All existing and proposed roads providing access to the site from a public thoroughfare to the property, has been provided.
5. The proposed operation is to mine the rock present on the site.
6. A site development and operation plan showing the areas to be mined or excavated as well as stockpiled has been provided. No settling ponds will exist. All water will be brought in. There will be no buildings or other structures on site.
7. A site and vicinity map showing location and names of all streams, roads, railroads and utility facilities within or adjacent to the site have been provided; an area land map showing adjoining and area land uses and the structures by use type has been provided.
8. A general description of the modes of excavation, types of equipment to be used has been provided.
9. An estimated starting date is set for August 2015 and the applicant has requested that the quarry remain open.
10. The quantity of rock to be excavated is undetermined at this time.
11. The potential for contaminants resulting from this operation are minimal and unlikely to occur.
12. Equipment and access roads will be constructed, maintained and operated so as to eliminate, as far as practicable, noise, vibration, and dust which is injurious or substantially annoying to persons living in the vicinity or to crops or livestock. Upon completion access roads will be returned to original state.
13. Screening of the site is not necessary.
14. All such operation shall be maintained in compliance with applicable noise, air and water pollution standards administered by DEQ.
15. All vehicular parking, loading and maneuvering areas will be maintained off public thoroughfares. The subject site is large enough to assure no congestion with public thoroughfares.
16. In addition to the bonds and other assurances that may be required for such operations, the County may require a bond, property lien or other security assurance to assure permit compliance and site reclamation.
17. Compliance with applicable standards and regulation administered by DOGAMI and other state and federal agencies shall be a continuing condition of permit holders under this Subsection.
18. Others as identified by the Planning Commission.

## **PLANNING PROCESS**

The planning commission may take one of the following actions upon conclusion of public testimony: recommend or deny to the county court the amendment with or without conditions; the motion would be to recommend to the County Court approval of the comp plan amendment and the CUP would become automatically effective upon approval: or recommend denial to the County Court or table or recess the hearing to a set time and place.

## **PLANNING RECOMMENDATIONS**

The Planning Staff recommends approval of the Conditional Use Permit based on the above proposed finding of fact and the following conditions:

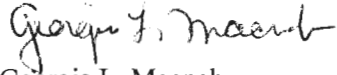
1. Equipment and access roads will be constructed, maintained and operated so as to eliminate, as far as practicable, noise, vibration and dust which is injurious or substantially annoying to persons living in the vicinity or to crops or livestock being raised in the area. The access road used for the plant will be dust free for 300 feet from public thoroughfares and residences, crops or livestock that would be substantially impacted.
2. No abandoned vehicles or equipment or materials not associated with mining operations will be stored on site when operations are suspended.
3. Compliance with applicable standards and regulations administered by state and federal agencies will be a continuing condition of permit holders under this permit. Evidence of compliance with permitting agencies are



to be submitted to the Planning office.

4. All such operations shall be maintained in compliance with applicable noise, air and water pollution standards administered by DEQ.
5. All vehicular parking, loading and maneuvering areas will be maintained off public thoroughfares.
6. Applicant will control potential weeds on this site.
7. Others as may be identified by the Planning Commission.

Respectfully Submitted,



Georgia L. Macnab  
Sherman County Planning Director

**Powell Farms**  
Rock Quarry Development  
PO Box 440  
Wasco, OR 97065

**PROPOSAL**

Develop rock quarry for road construction and private use. The development will include blasting, extracting and crushing of rock. The proposed quarry would provide a rock source for the private sector or construction type projects in an area with limited access to processed rock. The quarry would serve the south end of Sherman County.

**LOCATION**

T2S, R16E, Section 10, Tax Lot 1200, 14 affected acres

The site is located approximately 3.5 miles north of Grass Valley, OR. Access is off of King Lane and Sayers Road by private drive.

Soil type is CbBN type, Condon Silt Loam.

The site is bare scab ground not suitable for farming or grazing.

**EQUIPMENT**

Equipment to be used will include, loaders, crushing related equipment, dump trucks, track hoe, cat, and loaders.

**UTILITIES**

Water will be brought onto the site by the contractor.

**MATERIALS**

The rock is a high quality, clean basalt type rock. Less than 500,000 ton is expected to be excavated.

**OPERATING PLAN AND TIMELINE**

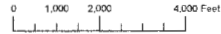
Operations to begin as soon as permitted. Applicant is asking to keep the quarry open ended.

Site will be removed of topsoil. Topsoil is very shallow and overburden will be limited.

Aggregate will be excavated and stockpiled for crushing and hauling. Crushed rock will be stockpiled.

A full staff report will be available one week prior to the hearing by calling the Sherman County Planning Department at 541-565-3601 or by email: [georgiamac@embarqmail.com](mailto:georgiamac@embarqmail.com).

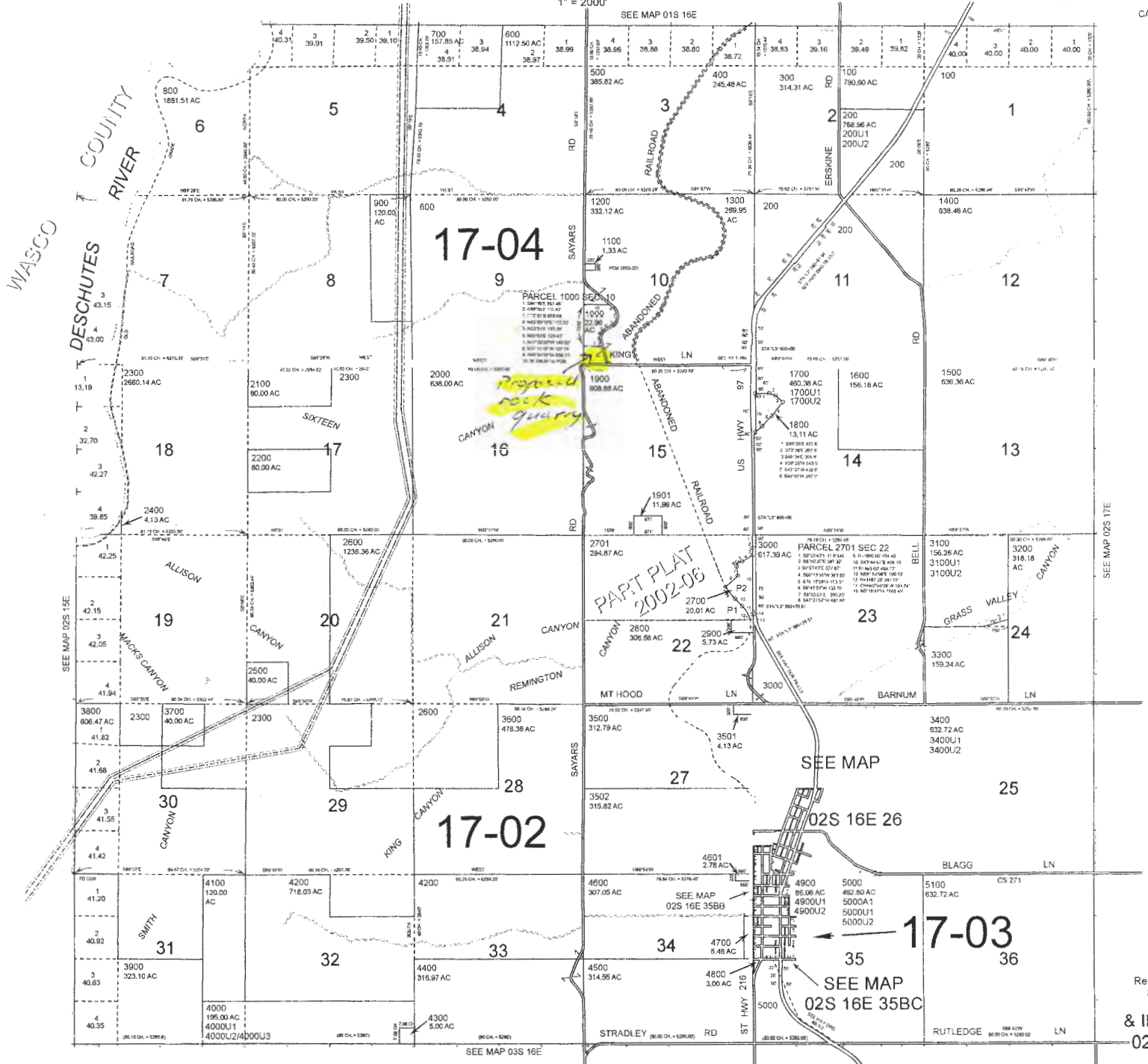
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



T.2S. R.16E. W.M. SHERMAN COUNTY  
1" = 2000'

Pat Powell  
Tax Lot 1200  
F1 Zone

02S16E & INDEX  
CANCELLED



SEE MAP 02S 17E

SEE MAP 03S 16E

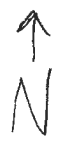
SEE MAP

02S 16E 26

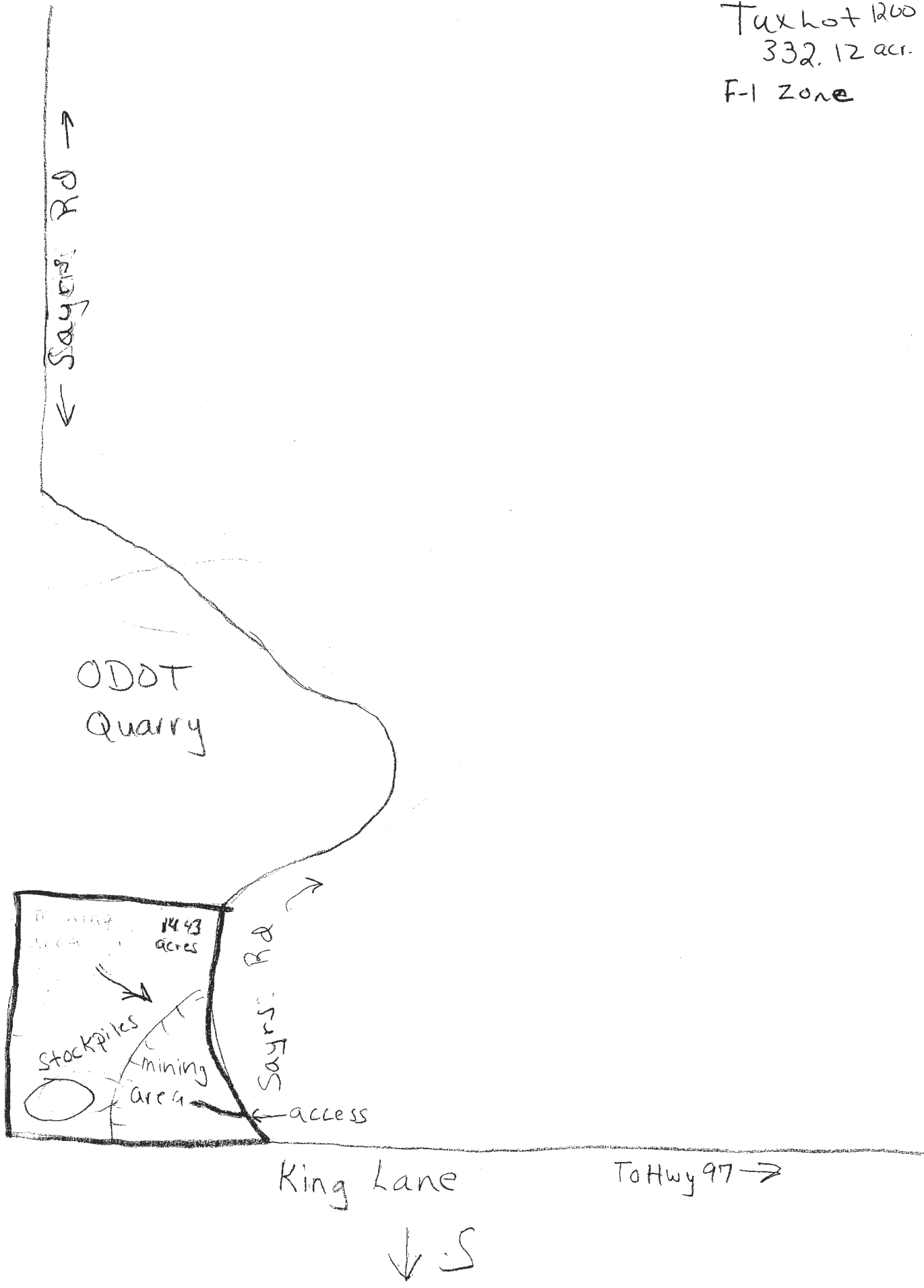
SEE MAP  
02S 16E 35BC

Revised: MA  
8/28/2012  
& INDEX  
02S16E

Pat Powell



Tax lot 1260  
332.12 acr.  
F-1 zone





United States Department of Agriculture

# Sherman County, Oregon



Common Land Unit Tract Boundary

- Cropland
- Non-Cropland

### Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

Tract Cropland Total: 317.91 acres

2015 Program Year

Map Created October 02, 2014

Farm 607  
Tract 269

OR055\_T269

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).



an County Planning Dept.  
Lonerock Rd.  
x 381  
OR 97039

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

DEPT OF

JUL 20 2015

LAND CONSERVATION  
AND DEVELOPMENT

