



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/19/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: Union County Plan Amendment
DLCD File Number 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 28, 2013

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: Hanley Jenkins, Union County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resources Specialist
Grant Young, DLCD Regional Representative

<paa> YA

D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF
FEB 11 2013
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Union County Local File No.: 4690
(If no number, use none)

Date of Adoption: 2-6-13 Date Mailed: 2-7-13
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-28-12

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

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

A new 8.0 acre basalt aggregate site was placed on the
County's Basalt Aggregate Inventory and included in a Surface
Mining Zone.

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

The boundaries of the proposed aggregate site were modified
to include about 8.0 acres instead of 20.89 acres.

Plan Map Changed from : NA to NA

Zone Map Changed from: A-4 Timber-Grazing to Surface Mining

Location: Twp. 2S, Range 37 EWM, Sec. 36, Acres Involved: approx. 8.0

Specify Density: Previous: Tax Lot 900 NA New: NA

Applicable Statewide Planning Goals: Goal 5

Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 003-12 (19608) [17356]

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: DOGAMI, ODOT

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

Address: 1001 4th Street, Suite C

City: La Grande Zip Code+4: 97850

ADOPTION SUBMITTAL REQUIREMENTS

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

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only** ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

The Honorable MARK DAVIDSON Chairman
 STEVE MCCLURE Commissioner
 WILLIAM ROSHOLT Commissioner

WHEN, on Wednesday, the 10th day of February, 2013, among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING THE }
UNION COUNTY LAND USE PLAN & } ORDINANCE NO.
ZONING MAP TO INCLUDE AN 8.0 } 2013-01
ACRE SIGNIFICANT AGGREGATE SITE, }
PLACE IT IN A SURFACE MINING }
ZONE & DECLARING AN EMERGENCY }

WHEREAS, the Oregon Department of Transportation submitted an application to include a 20.89 acre aggregate site (Twp. 2S, Range 37 EWM, Section 36, Tax Lot 900) on the County's Basalt Aggregate Inventory as a significant site and change the current A-4 Timber Grazing Zone to a Surface Mining Zone;

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

WHEREAS, the Union County Planning Commission advertised and held a public hearing on January 28, 2013 and made a recommendation to conditionally approve the application;

WHEREAS, The Planning Commission recommended modifying the boundaries of the aggregate site to be added to the County's Basalt Aggregate Inventory and Surface Mining Zone to include about 8.0 acres (Planning Dept. Attachment "A") in order to reduce impacts to neighboring properties from noise, dust and blasting;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on February 6, 2013.

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

SECTION 1: UNION COUNTY LAND USE PLAN

The Union County Land Use Plan Supplement - June 1984 is amended to include approximately 8 acres (part of Twp. 2S, Range 37 EWM, Section 36, Tax Lot 900) as shown on the attached map (Planning Dept. Attachment "A") as a significant Goal 5 site in a Timber Grazing Plan Classification for inventoried basalt sites in Table AS.

SECTION 2: LAND USE PLAN/ZONING MAP

The Union County Land Use Plan/Zoning Map is amended to change the 8 acres shown on Planning Dept. Attachment "A", attached and affixed hereto and made a part of this

ordinance, from an A-4 Timber-Grazing Use Zone to a Surface Mining Zone with an associated expansion for the Surface Mining Impact Area Overlay Zone extending ¼ mile from the expansion area.

SECTION 3: SUPPORTING FINDINGS

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

SECTION 4: EMERGENCY

An emergency is hereby declared to make this ordinance immediately effective because of ODOT's major I-84 reconstruction project slated to begin early in the 2013 construction season.

PASSED AND ADOPTED this 6th day of February, 2013 by a vote of the following members of the Board of Commissioners voting therefore.

Mark Davidson, Chair

Steve McClure
Steve McClure, Commissioner

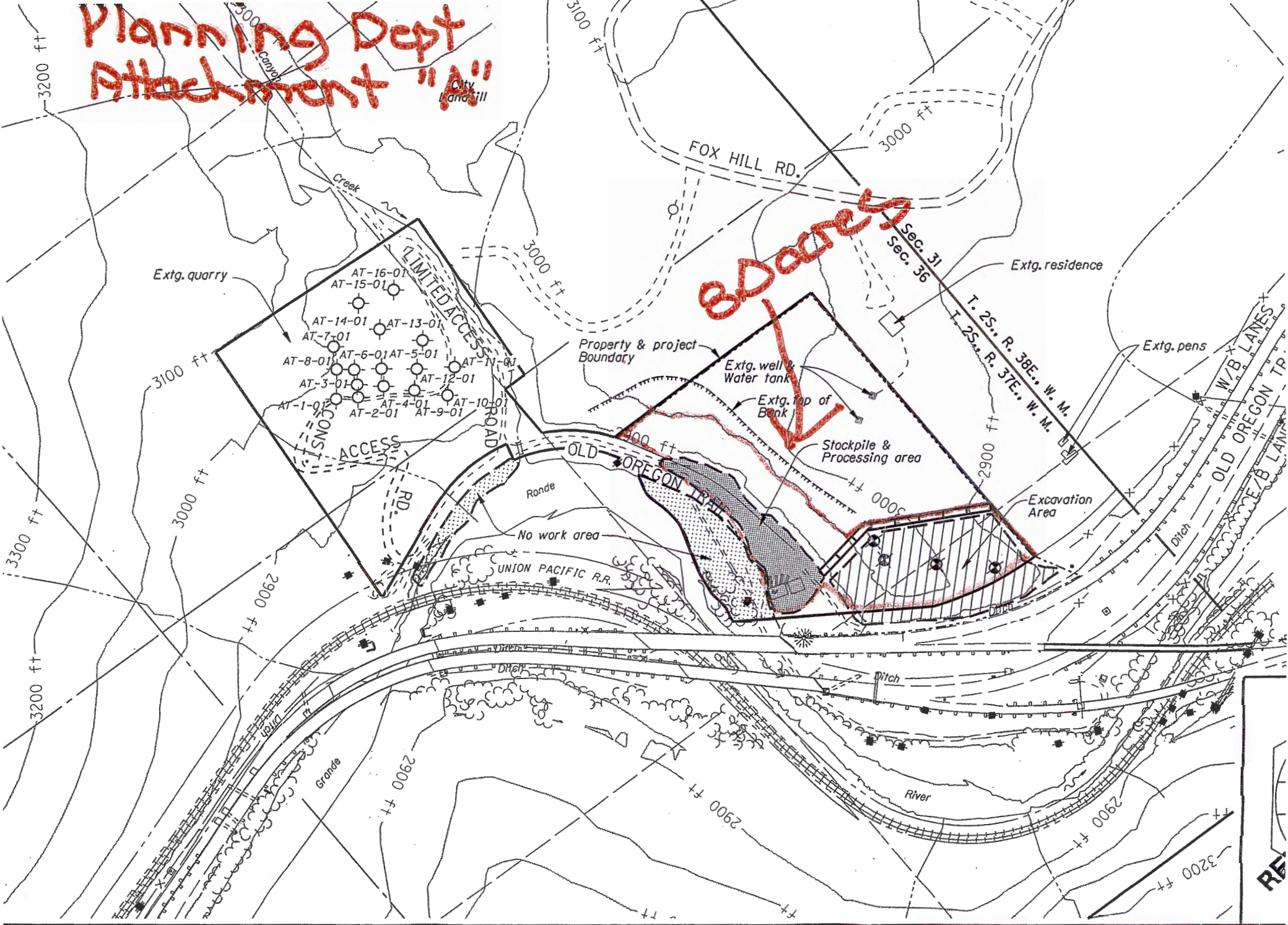
William Rosholt
William Rosholt, Commissioner

Attest:

Ashley Wilhelm

Planning Dept Attachment "A"

City
Landfill



Attachment "B"

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 (3) identifies four standards the applicant must satisfy to gain a recommended approval for a Plan/Zone Amendment.
2. OAR 660-023-0180 (3)(5)&(8) identifies criteria the applicant must satisfy to gain a recommended approval for a Plan/Zone Amendment.
3. UCZPSO Section 21.07 3. identifies Mineral Aggregate or Geothermal Resource Extraction and/or Processing criteria the applicants are required to satisfy.
4. UCZPSO Article 15.0 (SM) Surface Mining Zone identifies permitted uses, conditional uses and applicable standards the applicants are required to satisfy.
5. UCZPSO ARTICLE 31.00 Performance Agreement identifies how an applicant is to satisfy UCZPSO Section 15.09 Performance Guarantee for having property zoned in a Surface Mining Zone.
6. The applicant is requesting Plan/Zone Amendment approval to establish a new 20.89 acre significant aggregate site on the County's Basalt Aggregate Inventory and apply a Surface Mining Zone to the 20.89 acres.
7. The subject property is in the La Grande School District but outside of any rural fire protection district.
8. The subject property is adjacent to and north of I-84 right-of-way. To the north and east is Tax Lot 600 in residential use and livestock grazing activity. To the west is the Grande Ronde River and I-84 right-of-way. To the south is I-84 right-of-way, the Grande Ronde River and Union Pacific Railroad mainline.
9. The applicant has submitted a report from the Oregon Department of Transportation Materials Laboratory which indicates the aggregate source on the subject property is good for sanding and oil rock.
10. The applicant has identified this site to only be used in conjunction with ODOT project work and will have direct access to I-84 right-of-way.
11. The Planning Commission heard testimony concerning dust, noise, wind and impacts to an onsite well from the proposed project.
12. The applicant's Exhibit "C" material addresses relevant criteria.
13. The applicant has satisfied UCZPSO Section 23.05 (3) standards based on oral testimony and the applicant's Exhibit "C".

14. The applicant has satisfied OAR 660-023-0180 (3)(5)&(8) to establish a new significant basalt aggregate site because the material meets the quality and quantity specifications and the estimated amount of material in the reduced area includes more than 500,000 tons. No safety conflicts or conflicts to other Goal 5 resources were identified.
15. The applicant has met UCZPSO Article 15.0 (SM) Surface Mining Zone requirements for the Site Plan based on oral testimony and the Exhibits submitted with the application.

Recommendation

1. The Planning Commission recommends modifying the boundaries of the aggregate site to be added to the County's Basalt Aggregate Inventory and Surface Mining Zone to include about 8.0 acres. The area would include all of the hash marked area shown on the Quarry Vicinity Map and west of the 3000 ft. contour line on the west side of the property (see attached Planning Dept. Attachment "A"). The adjusted area is designed to reduce impacts to neighboring properties from noise, dust and blasting.

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

The Honorable MARK DAVIDSON Chairman
 STEVE MCCLURE Commissioner
 WILLIAM ROSHOLT Commissioner

WHEN, on Wednesday, the 10th day of February, 2013, among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING THE }
UNION COUNTY LAND USE PLAN & } ORDINANCE NO.
ZONING MAP TO INCLUDE AN 8.0 } 2013-01
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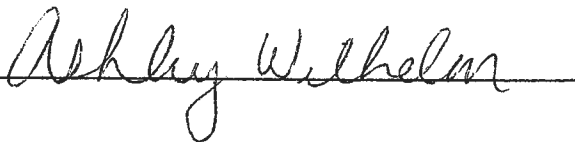


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