



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: 11/24/2014
Jurisdiction: Union County
Local file no.: 7068
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/18/2014. 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 41 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

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

Received: 11/18/2014

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.

Local file no.: **7068**

Date sent: 11/17/2014

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): 08-19-14

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): Hanley Jenkins, II

Phone: 541-963-1014

E-mail: hjenkins@union-county.org

Street address: 1001 4th Street, Suite C

City: La Grande

Zip: 97876-

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 EA	to SMZ	207 acres.	A goal exception was required for this change.
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): 3S, 38E, Sec. 15, TL 100,101,200 & 201, 60831 McAlister Rd.

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 A-1 Exclusive Farm Use	to Surface Mining	Acres: 207
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:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: DOGAMI, ODFW, ODOT, FAA

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.

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	STEVE MCCLURE	Chairman
	MARK DAVIDSON	Commissioner
	WILLIAM ROSHOLT	Commissioner

WHEN, on Wednesday, the 12th day of November, 2014, 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 A 207.89	}	2014-05
ACRE SIGNIFICANT AGGREGATE SITE	}	
AND PLACE IT IN A SURFACE MINING	}	
ZONE		

WHEREAS, R.D. Mac, Inc. submitted an application to include a 207.89 acre aggregate site (Twp. 3S, Range 38 EWM, Section 15, Tax Lots 100, 101, 200 & 201) on the County's Basalt Aggregate Inventory as a significant site and change the current A-1 Exclusive Farm Use Zone to a Surface Mining Zone;

WHEREAS, DLCD was given 35 days notice prior to the first evidentiary hearing;

WHEREAS, the Union County Planning Commission advertised and held a public hearing on September 29, 2014 and made a recommendation to approve the application;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on October 15, 2014.

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 207.89 acres (Twp. 3S, Range 38 EWM, Section 15, Tax Lots 100, 101, 200 & 201) as shown on the attached map (Exhibit 1) as a significant Goal 5 aggregate site.

SECTION 2: ZONING MAP

The Union County Land Use Plan/Zoning Map is amended to change the 207.89 acres shown on Exhibit 1, attached and affixed hereto and made a part of this ordinance, from an A-1 Exclusive Farm Use Zone to a Surface Mining Zone with an associated expansion for the Surface Mining Impact Area Overlay Zone extending $\frac{1}{4}$ mile from the expansion area.

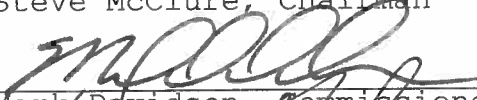
SECTION 3: SUPPORTING FINDINGS

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

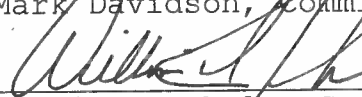
PASSED AND ADOPTED this 12th day of November, 2014 by a vote of the following members of the Board of Commissioners voting therefore.



Steve McClure, Chairman

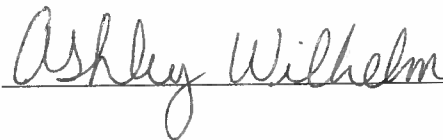


Mark Davidson, Commissioner



William Rosholt, Commissioner

Attest:



Attachment "A"

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 (3) identifies four standards the applicant must satisfy to gain recommended approval for a Plan/Zone Amendment.
2. OAR 660-023-0180 (3)(5)&(8) identifies criteria the applicant must satisfy to gain recommended approval for a Plan/Zone Amendment.
3. UCZPSO Section 20.10 Site Plan Requirements identify several requirements the applicant is required to detail on a Site Plan.
4. UCZPSO Article 15.0 (SM) Surface Mining Zone identifies permitted uses, conditional uses and applicable standards the applicant is 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. UCZPSO Section 16.08 identifies new open water impoundments within 5,000 to 10,000 feet from the end or edge of the La Grande/Union County Airport runways to submit a Section 16.09 Bird Strike Study.
7. The applicant is requesting Plan/Zone Amendment approval to establish a new 207 acre significant aggregate site on the County's Basalt Aggregate Inventory, apply a Surface Mining Zone to the 207 acres and Site Plan approval to mine aggregate from the site.
8. The subject property is in the La Grande School District and La Grande Rural Fire Protection District.
9. The subject property includes two single-family dwellings in the northwest corner of Tax Lot 201 and one single-family dwelling on the north portion of Tax Lot 100.
10. 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.
11. The applicant's Exhibit "C" material addresses all relevant criteria.
12. The applicant has satisfied UCZPSO Section 23.05 (3) because- (A) Public attitudes have changed since the original application was approved in large part because the applicant has done a good job with the existing operation. There is also a need for aggregate. (B) The site is unique and no alternatives were considered because it is an existing operation with a large amount of aggregate in close proximity to transportation. (D) The County TSP includes McAlister Road and planned improvements have been built.
13. The applicant has satisfied OAR 660-023-0180 (3)(5)&(8) to establish a new significant basalt

aggregate site and mine the aggregate site because:
 3(a) A representative sample has met ODOT's specifications for base rock and the amount of material is more than 500,000 tons. (3)(c) Part of the aggregate site was on the inventory of significant aggregate sites in an acknowledged plan on September 1, 1996 and (3)(d) the applicant did have an enforceable property interest in the expansion area before March 1, 1996. (5)(a) The impact area has been identified and outlined on Exhibit "C" (5)(b) The applicant identified the dwellings in the impact area and stated there were no conflicts with those dwellings at this time. (5)(b)(A) The applicant has addressed conflicts due to noise, dust or other discharges. (5)(b)(B) Potential conflicts to local roads used for access and egress were addressed verbally by the applicant and also in the application. Access and egress will remain the same as it is now. (5)(b)(C) The applicant included the original and additional bird strike studies in the application and there will be mitigation during the length of use. (5)(b)(D) There are no other Goal 5 resources within the impact area. (5)(b)(E) Conflicts with agricultural practices were included within the application. (5)(b)(F) There are no other conflicts. (5)(c) None are needed. (5)(d) At this point there aren't any conflicts that cannot be minimized. (5)(d)(C) & (5)(f) The proposed post-mining use of the site would be turned over to ODFW for fish and wildlife benefits. (5)(g) There were no limits on the previously approved aggregate operation to process material. (8) The site is adequate because it does (8)(a) give adequate information regarding quantity, quality, and location; (8)(b) a conceptual site reclamation plan will be required through DOGAMI; (8)(c) the original Conditional Use application required that a deceleration lane be added which was done. (8)(d) No conflicts were identified; (8)(e) the hours of operation were lifted in an application following the original CUP application.

14. The applicant has satisfied UCZPSO Section 20.10 Site Plan Requirements based on the Site Plan submitted with the application.
15. The applicant has satisfied UCZPSO Article 15.0 (SM) Surface Mining Zone permitted uses, conditional uses and applicable standards based on Exhibit "C" and because the concrete batch plant, office, crusher and asphalt plant are already established.
16. The applicant has satisfied UCZPSO Section 16.09 Bird Strike Study based on the Bird Strike Studies submitted with the application.

