



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

August 25, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Malheur County Plan Amendment
DLCD File Number 002-06



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: September 8, 2006

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Amanda Punton, DLCD Natural Resource Specialist
Jon Beal, Malheur County

<paa> ya/



FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

AUG 21 2006

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

**LAND CONSERVATION
AND DEVELOPMENT**

(See reverse side for submittal requirements)

Jurisdiction: Malheur County Local File No.: 2006-06-013
(If no number, use none)
Date of Adoption: August 16, 2006 Date Mailed: August 18, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

- 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."

PAPA to place the subject site on the
Malheur County Comprehensive Plan Goal
5 resource inventory as a significant
aggregate site

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."

Same

Plan Map Changed from: NA to NA

Zone Map Changed from: NA to NA

Location: Sec 9, 16 T17S R 46E, WM Acres Involved: 18.3

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: Goal 5

Was an Exception Adopted? Yes: No:

DLCD File No.: 002-06(15291)

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: _____

DLCD, DOGAMI

Local Contact: Jon D Beal Area Code + Phone Number: 541-473-5185

Address: 2513 St W. #12 City: Wale

Zip Code+4: 97918 Email Address: jbeal@malheurco.or.us

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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can 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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

FILED
11:46 A.M.

AUG 16 2006

DEBORAH R. DE LONG County Clerk
By *Sheaf Johnson* Deputy

INSTRUMENT NO. 2006-6053
Page 1 of 3 Pages

ORDINANCE 160

AN ORDINANCE FOR A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO INCLUDE A PORTION OF TAX LOT 500 MAP 17S46 OF THE MALHEUR COUNTY ASSESSOR'S OFFICE AS A SIGNIFIGANT AGGREGATE SITE TO MALHEUR COUNTY'S COMPREHENSIVE PLAN, GOAL 5, MINERAL AND AGGREGATE INVENTORY, AND DECLARING AN EMERGENCY

WHEREAS, the Malheur County Court held duly published hearings on August 2, 2006 and August 16, 2006 for an area to be added to the Malheur County Comprehensive Plan Goal Five, Mineral and Aggregate Resources Inventory, a significant site; and

WHEREAS, the proposed area is 800,000 square feet of tax lot 500 on Map 17S46 of the Malheur County Assessor's Office located in Section 9 and 16, T.17S, R46 E., W.M.. The legal description of the aggregate site is set forth in Exhibit 1, which is attached hereto and incorporated herein by reference; and

WHEREAS, the request to add the site to the Comprehensive Plan Goal 5 Mineral and Aggregate Inventory is made by Neal and Anna Dow and Jack Horton; and

WHEREAS, the quantity of aggregate for the site is 325,087 bank cubic yards or 412,860 tons; and

WHEREAS, the quality of aggregate material at the proposed area was tested and the lab test results indicate that all of the material submitted meets or exceeds the minimum quality specifications for highway construction as set forth by the Oregon Department of Transportation; and

WHEREAS, the Malheur County Planning Commission approved the site and recommended that the Malheur County Court add the site to the Comprehensive Plan Goal 5, Mineral and Aggregate Inventory.

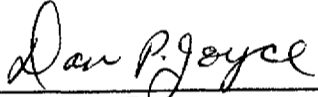
NOW THEREFORE, THE MALHEUR COUNTY COURT, STATE OF OREGON, ORDAINS AS FOLLOWS:

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


800,000 square feet of tax lot 500 of Map 17S46 of the Malheur County Assessor's Office shall be included on the Malheur County Comprehensive Plan Goal Five Mineral and Aggregate Resources Inventory as a significant site. The site acres are more particularly described on Exhibit 1 attached hereto and incorporated herein by reference.

SECTION 2: EMERGENCY. An additional aggregate resource site is immediately necessary for the safety, maintenance and construction of roads, bypasses and interchanges in Malheur County. Therefore, an emergency is declared to exist and this ordinance shall take effect on the day of its adoption.

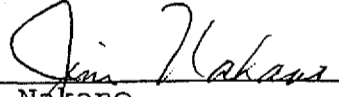
PASSED AND ADOPTED this 16th day of August 2006.



Dan P. Joyce
County Judge



Luis M. Wettstein
County Commissioner



Jim Nakano
County Commissioner

**AGGREGATE SITE LEGAL
DESCRIPTION**

INSTRUMENT NO. 2006-6053
Page 3 of 3 Pages

A portion of Parcel 2 of Partition 96-4 filed in Malheur County, Oregon, on February 22, 1996 as Instrument No. 96-1282, more particularly described as follows:

That portion of the E. $\frac{1}{2}$ of Section 9, T. 17 S., R. 46 E., W.M., lying south and west of the following described line (said line coinciding with a part of the boundary of said Parcel 2):

Beginning at the SE. corner of said Section 9;
thence N. $89^{\circ}53'$ W., 1504.0 feet to a point;
thence N. $00^{\circ}12'$ W., 609.0 feet to a point;
thence N. $00^{\circ}46'$ W., 1051.0 feet to a point;
thence N. $01^{\circ}16'$ W., 970.0 feet to a point;
thence S. $89^{\circ}30'$ W., 426.0 feet to a point;
thence N. $24^{\circ}52'$ W., 515.0 feet to a point;
thence S. $89^{\circ}55'$ W., 1623.0 feet to a point.

AND,

That portion of the NE. $\frac{1}{4}$ of Section 16, T. 17 S., R. 46 E., W.M., lying north of the following described line (said line coinciding with a part of the boundary of said Parcel 2):

Beginning at a point N. $00^{\circ}03'$ W., 670.9 feet from the E. $\frac{1}{4}$ corner of said Section 16;
thence S. $87^{\circ}10'$ E., 355.0 feet to a point;
thence N. $36^{\circ}35'$ E., 490.0 feet to a point;
thence N. $02^{\circ}12'$ W., 577.8 feet to a point;
thence S. $86^{\circ}41'$ W., 635.0 feet to a point;
thence S. $79^{\circ}29'$ W., 575.0 feet to a point;
thence S. $56^{\circ}30'$ W., 438.0 feet to a point;
thence S. $79^{\circ}41'$ W., 199.0 feet to a point;
thence N. $87^{\circ}21'$ W., 275.0 feet to a point;
thence N. $81^{\circ}02'$ W., 199.0 feet to a point;
thence N. $56^{\circ}53'$ W., 626.0 feet to a point;
thence N. $66^{\circ}27'$ W., 301.0 feet to a point;
thence N. $88^{\circ}37'$ W., 274.2 feet to a point;
thence S. $89^{\circ}29'$ W., 615.0 feet to a point.

EXHIBIT # 1