



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

January 22, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Sherman County Plan Amendment
DLCD File Number 003-06

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: February 8, 2007

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
Amanda Punton, DLCD Natural Resource Specialist
Georgia Macnab, Sherman County

<paa> ya

FORM 2

DLCD 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
JAN 19 2007
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Sherman County Local File No.: 2006-12
(If no number, use none)

Date of Adoption: 1-17-07 Date Mailed: 1-18-07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Nov. 21, 2006

☒ 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."

Amend the Sherman County Comp. Plan Goal 5 - Mineral's Resource
Inventory to include the proposed site on the County Inventory
Only.

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: F-1 to Goal 5 - Mineral & Aggregate
Zone Map Changed from: _____ to Resource Site

Location: T2N, R17E, Sec 6, Tax 1071800 Acres Involved: 6

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goal 5

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 003-06 (15702)

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: X 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,

Sherman County Rd. Dept., Sherman County Weed Dept.

Local Contact: Georgia Mainab Area Code + Phone Number: 541-565-3601

Address: P.O. Box 381

City: MORO Zip Code+4: 97039

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.

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 AGGREGATE) **ORDINANCE**
RESOURCE SITE TO THE COUNTY'S GOAL 5)
INVENTORY AND DECLARING AN EMERGENCY) 33 - 2007 - F

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 2007.

SECTION 2 – PURPOSE.

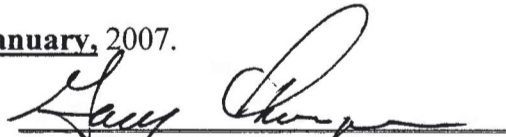
The purpose of this Ordinance is to add one aggregate resource to the Sherman County Goal 5 Inventory for Aggregate Resource Sites.

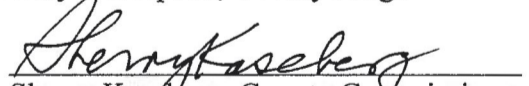
SECTION 3 – ADOPTION.

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

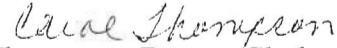
- A. The site is owned by Tom Martin, Tax Lot 1800, Township T2N, Range 17E, Section 6, as shown by the Sherman County Assessor's records.
- B. This site is considered a small significant site, soil type capability unit VIIIs-1 and is not anticipated to produce more than 500,000 tons of material.
- C. The relevant information regarding the site is adopted herein by reference.
- 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 17th day of January, 2007.


Gary Thompson, County Judge


Sherry Kaseberg, County Commissioner


Steven Burnett, County Commissioner

ATT: 
Carol Thompson, Deputy Clerk

Sherman County
Community Development & Planning
P. O. Box 381
110 Main Street, Unit 2
Moro, Oregon 97039



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

DATE: January 16, 2007
TO: Sherman County Court
FROM: Georgia L. Macnab
Sherman County Planning Department
RE: Amendment to Comprehensive Plan
Conditional Use Permit
Tom and Bill Martin

On Monday January 8, 2007 a public hearing was held by the Sherman County Planning Commission to hear a proposal for an Amendment to the Comprehensive Plan to add a rock quarry site to the County Goal 5 Mineral and Aggregate Resource Inventory. The project is proposed by Tom and Bill Martin. The applicant also submitted a Conditional Use Permit to mine the quarry. In order for the CUP to be approved the site must be on the County's Mineral and Aggregate Site Inventory.

The Planning Commission moved and passed a motion to recommend to the County Court approval of the amendment and the Conditional Use Permit. The Conditional Use Permit will become automatically effective upon approval of the Amendment by Ordinance of the County Court.

See enclosed Staff Report.

Sherman County
Community Development & Planning
P. O. Box 381
110 Main Street, Unit 2
Moro, Oregon 97039



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

DATE: January 2, 2007

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

RE: Conditional Use Permit Application
Bill Martin/Tom Martin

MEETING DATE: Monday, January 8, 2007 7:00P.M. Sherman County Community
Development and Planning Dept. 110 Main Street, Moro, OR

PROPOSAL

The purpose of the hearing is to consider a Conditional Use Permit for a Mining Operation. The project is proposed by Bill Martin for the purpose of expanding the current rock pit from private use to a commercial aggregate mining operation. The subject site is owned by Tom Martin and the applicant is Bill Martin. The quarry site is located approximately one mile south of Rufus, Oregon, on Tax Lot 1800, T2N, R17E, Section 6, Sherman County, Oregon. The proposal is not an outright permitted use in the F-1.

The first part of this application is for a Comprehensive Plan Amendment. Plan Amendment's are permitted when authorized in accordance with the requirements of Article 8 of the Ordinance. An Amendment is required for this project because the site is 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. The 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 Land Use 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 was reviewed by the State's Department of Land Conservation and Development (DLCD). A referral was sent to DLCD in Salem on November 21, 2006. This site is considered a small "significant" site and the state will only 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 soils 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 so that mining can be authorized under a conditional use permit.

The proposed sites lie within the Exclusive Farm Use Zone and is not an outright permitted use. 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. Article 3, Section 3.1, Paragraph 3(e) Conditional Uses Permitted allows for, "Operations conducted for the following uses:...2)Mining of aggregate and other mineral and other subsurface resources subject to ORS 215.298 and as defined in Section 1.4 (Definitions)of this Ordinance and 5)Crushing of and stockpiling of aggregate and other minerals.

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.
Sherman County encourages using local businesses and resources for these types of projects for economic growth and job creation.
- (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.
Applicant has filed an application with DOGAMI and a copy has been received.
- (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.
The Soil type is capability unit VIIIs-1, Kuhl very rocky very fine sandy loam, 3-7 percent slope. This soil occurs only in the extreme northern part of the county. Most areas are adjacent to the steep and very steep soils on the breaks along the Columbia River. This use will not exceed any resource or carrying capacities.
- (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 December 20, and the 27th, 2006 and notices sent out to surrounding property owners and reviewing agencies December 19, 2006.

The following agencies were sent referral on this Application:
Department of Land Conservation and Development

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

The purpose of the operation is to provide rock for construction of the expansion of the BPA Substation located adjacent to the rock quarry. There is an old rock quarry on BPA's substation site but it needs to be expanded onto the Martin property for this project. This is an existing rock quarry that has been mined for private use. The hauling of aggregate can be detrimental to roads and close proximity to a site is always an asset for the community and to the contractor. The addition of this site for the project would reduce traffic and the wear and tear on the county roads.

The closest residence is the Martin residence who are the property owners of the ground where the rock pit is located. There are no scenic or historic properties near the site. Access is off of a private road. The rock is a shale/basalt rock and situated on bare outcropping which is non farmed and non grazed. The mining of this quarry should not have any adverse affects on the surrounding farming activities or the BPA substation that is located adjacent to the pit. Equipment to be used for the operations include a bulldozer, loader, crusher and scale.

See enclosed narrative for further detail of the proposed mining operation.

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

Mark Coles - approve project
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 Tom Martin.
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. A list of known materials for which the use and/or operations is to be conducted and qualified evidence that specifications applicable to intended uses can be met by material on site have been provided. The proposed operation is to mine the rock present on site.
6. A site development and operation plan showing the area for the mining operation has been provided. No settling ponds will exist. 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 as soon as the quarry is permitted and will continue thru late spring. The Martin's would like to keep the pit open for further use.
10. The amount of aggregate to be processed is 50,000 cubic yards..
11. A DOGAMI permit has been applied for and pending until the CUP is approved by the county. Compliance with applicable standards and regulations administered by state and federal agencies will be a continuing condition of permit holders under this permit.
12. The potential for contaminants resulting from this operation are minimal and unlikely to occur.
13. 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. Due to location of these facilities there should not be a problem with these issues.

14. Screening of the site is not necessary.

15. All such operations shall be maintained in compliance with applicable noise, air and water pollution standards administered by DEQ.

16. 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.

17. 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.

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: approve with or without conditions, the motion would be to recommend to the County Court approval of the comprehensive 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 that the Planning Commission recommend approval of the Amendment and Conditional Use Permit to the Sherman County Court based on the above proposed finding of fact and the following conditions:

1. The access road for mining as far as practical will be dust free for 300 feet from public thoroughfares.
2. No equipment or materials not associated with mining operations will be stored on site when operations are suspended.
3. Evidence of compliance with permitting agencies be submitted to the Planning office.
4. Applicant contact the Sherman County Weed Department about controlling weeds on this site.
5. Others as may be identified by the Planning Commission.

Respectfully Submitted,



Georgia L. Macnab
Sherman County Planning Director

Martin Property
73364 China Hollow Rd
PO Box 201
Rufus Oregon 97050
Phone: 541-739-2424

November 15, 2006

RE: Additional Information for conditional use permit required by Sherman County
The following information was formulated with the assistance of Brad Thompson
of Thompson Brothers Excavating, the proposed contractor for the BPA project

List of Known Materials:

The proposed site contains shale/basalt rock which Bonneville Power Administration (BPA) used on the construction of the existing John Day switch yard, located in the near proximity. The rock has been viewed by contractors and stated that the quality is equal to that which was used on the existing switch yard, therefore would meet the specs for the new expansion of the John Day switch yard. The rock would be used to build the new BPA substation for the inter-connection of the proposed wind generation projects.

Beginning and Completion Dates:

The estimated start time would be December 1st 2006 or ASAP, the completion of the project would be late spring. We would like to keep the pit open for further use.

Site Development and Operating Plan:

Development 1. The site is adjacent to part of an older quarry development
2. Removal and stockpiling of soil
3. Rip and push aggregate into stockpile using a bulldozer

Operating 1. Stockpiles are crushed and loaded into trucks and hauled to site.
2. Dust control maintained by use of water

Volume 1. Estimated volume extracted would be 50000 cu yd.

Reclamation Plan:

1. Sloping of sidewalls of extraction area
 2. Replacing and compacting of overburden over extraction area
 3. Re-seeding of disturbed areas with grass varieties native to the local area
-

4. Monitoring and control of noxious weed problems on extraction sites

Roads:

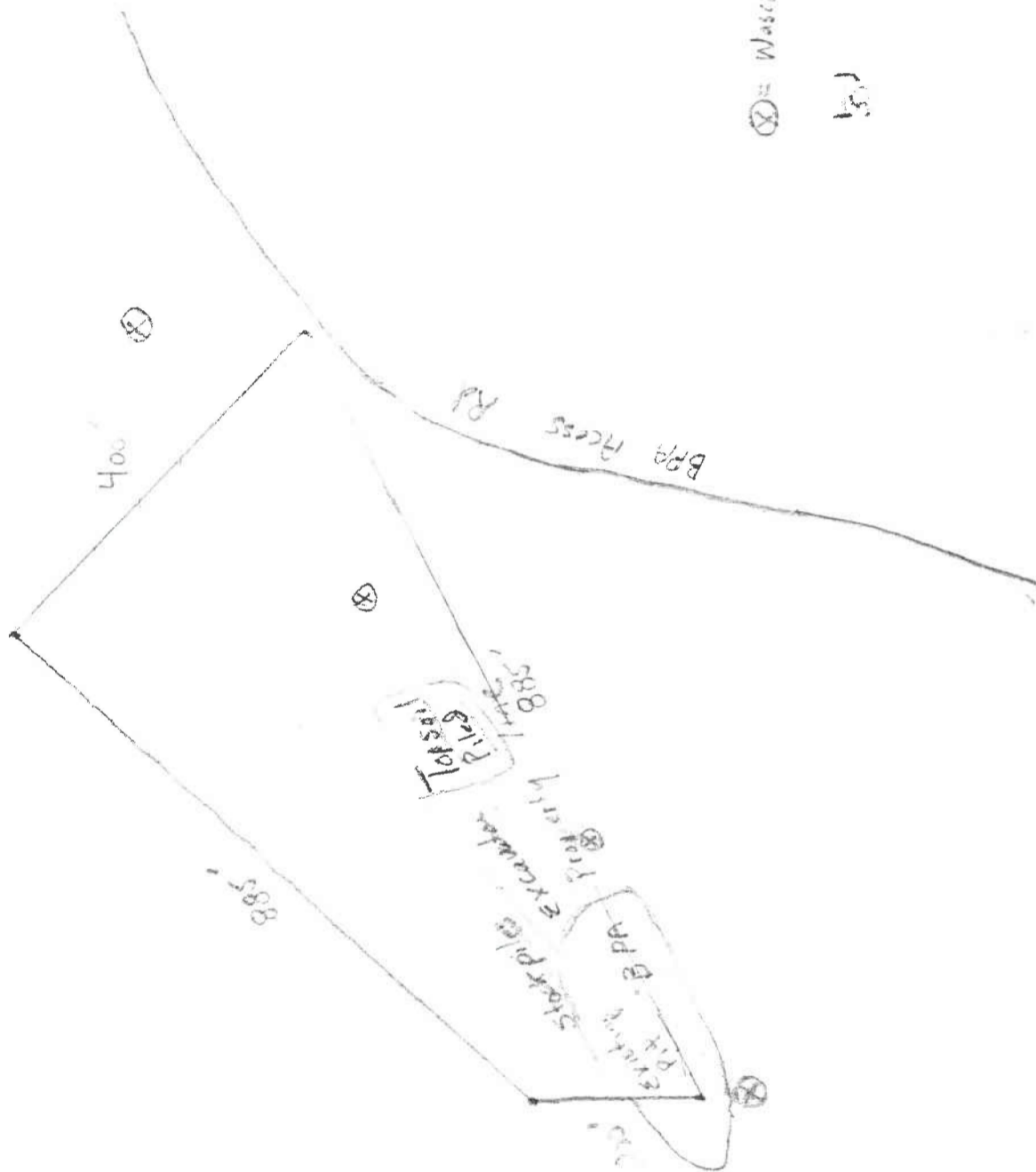
There is a current BPA access road that runs in the near proximity of the proposed site. Access roads built will be maintained to reduce air quality problems. During reclamation of the quarry the roads will be reclaimed to original state.

Equipment

The extraction and removal equipment will consist of bulldozers, loaders, track hoes, crushing equipment, and trucks.


Bill Martin

N



← Shop

BPA Switch
Fence

⊗ = Wasco electric wood poles

131

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

