



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

October 3, 2008



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 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 14, 2008

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resource Specialist
Georgia Macnab, Sherman County

<paa> ya

FORM 2

D L C D NOTICE OF ADOPTION DEPT OF

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)

SEP 24 2008

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Sherman Local File No.: 2008-12 (If no number, use none)

Date of Adoption: September 17, 2008 Date Mailed: 9-23-08 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 29, 2008

- 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 Comprehensive Plan goal 5 Mineral Resource Inventory to include the proposed site. The site is a small significant site expected to produce under 500,000 tons of aggregate.

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."

N/A

Plan Map Changed from: F-1 to County goal 5 Mineral Resource Inventory

Zone Map Changed from: to Aggregate Site

Location: T1N, R18E, Section 36 Tax lot 67 Acres Involved: 19

Specify Density: Previous: New:

Applicable Statewide Planning Goals: Goal 5

Was an Exception Adopted? Yes: No: X

DLCD File No.:

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,

Sherman Co Road Dept

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

Address: P.O. Box 381

City: MORO, OR 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.

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



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

September 20, 2008

Mara Ulloa
Plan Amendment Specialist
Dept of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Or 97301-2540

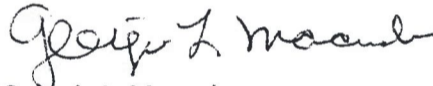
RE: Proposed Amendment, Weedman Ranches- Rock Quarry

Dear Ms. Ulloa,

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

Please contact me at the number above if you have any questions regarding this proposal.

Sincerely,


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** 42 - 2008
RESOURCE SITE TO THE COUNTY'S GOAL 5)
INVENTORY AND 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 2009.

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.

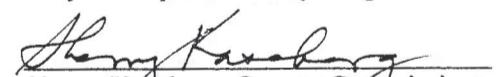
The County adopts the following site as part of its Goal 5 Inventory of Aggregate Resource Sites.

- A. The project is owned by Weedman Ranches.
- B. The site is owned by Weedman Ranches Inc. and located at Township 2N, Range 18E, Section 30, Tax Lot 7700, Sherman County, Oregon as shown by the Sherman County Assessor's records.
- 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 September, 2008.




Gary Thompson, County Judge



Sherry Kaseberg, County Commissioner



Steven Burnett, County Commissioner

ATT: 
Carol Thompson, Deputy Clerk



Court Agenda

September 17, 2008

8:30 a.m. – Staff Meeting

1.0 Appointment Schedule:

- 1.1** 9:30 a.m. Georgia Macnab – Planning – Hearing: Rock Quarry
- 1.2** 10:00 a.m. Compensation Board
Driver Education Program Position
District Attorney Office Assistant Position
- 1.3** 10:30 a.m. Sandy Macnab – OSU Extension – Office Proposal
- 1.4** 11:00 a.m. Executive Session in accordance with ORS 192.660 (2)(i) Personnel
- 1.5** 1:00 p.m. Bill Hubble – Bank of Eastern Oregon – Loan Document
- 1.6** 1:30 p.m. Rod Asher – Weed Department – Vehicle Purchase

Additions to Agenda:

2.0 Action Items:

- 2.1 Board of Property Tax Appeals – Appoint Pool
- 2.2 Memorial Donation
- 2.3 Housing Pledge – Sherman County Homes, LLC

3.0 Discussion Items:

- 3.1 Wind Revenue Work Group
- 3.2 Library Project
- 3.3 Safety Committee Minutes – Fair Board, Sheriff's Department
- 3.4 Cellular Telephone Allowance – Develop Criteria
- 3.5 Quilt Project
- 3.6 DeMoss Springs Memorial Park Project
- 3.7 Commissioner Reports
- 3.8 Local Historic Preservation Commission
- 3.9 Courthouse Windows Renovation
- 3.10 County-Wide Nuisance Ordinance

4.0 Consent Agenda:

- 4.1 Minutes of September 3, 2008
- 4.2 Revenue/Expenditure Summary – August
- 4.3 Treasurer's Report – August

5.0 Future Agenda Items:

***If necessary, an Executive Session may be held in accordance with: ORS 192.660 (2) (d) Labor Negotiations ORS 192.660 (2) (h) Legal Rights
ORS 192.660 (2) (e) Property ORS 192.660 (2) (i) Personnel*

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



(541) 565-3601
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AGENDA
SHERMAN COUNTY PLANNING COMMISSION
Monday September 15, 2008
7:00 PM
Sherman County Planning Department 110 Main Street Unit 2
Moro, Oregon 97039

- I. Call to order
 - II. **7:00 P.M.** CUP and Amendment, Rock Quarry, Weedman Ranches
 - III. Minutes
 - IV. Other
 - V. Next Meeting October, 2008
-

Sherman County
Community Development & Planning
P. O. Box 381
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Moro, Oregon 97039



(541) 565-3601
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DATE: September 16, 2008
TO: Sherman County Court
FROM: Georgia L. Macnab
Sherman County Planning Department
RE: Amendment to Comprehensive Plan
Sherman County Mineral and Aggregate Site Inventory
Conditional Use Permit
Weedman Ranches

On Monday, September 15, 2008 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 Weedman Ranches. 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 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 and attachments

WEEDMAN RANCHES INC

Rock Quarry Development
PO Box 386
97130 Klondike Lane
Wasco, OR 97065

PROPOSAL

Develop rock quarry for road construction, wind farm construction and personnel use. The development will include blasting, extracting and crushing of rock.

EQUIPMENT

Equipment to be used will include bullozers, loaders, trucks and rock crushers.

UTILITIES

Power is on the site. A well may be drilled on or near the site for dust control and concrete.

MATERIALS

The rock is a high quality basalt that two contractors indicated would be good for road construction and possibly concrete. Approximately 105,000-cubic yards is expected to be excavated. *ton*

OPERATING PLAN AND TIMELINE

Operations to begin as soon as permitted and last through the duration of the windfall development in Sherman County. We would like to keep the pit open for further use.

Site will be removed of topsoil. Aggregate will be excavated and stockpiled for crushing and hauling. Crushed rock will be stockpiled.

Access is off of Baseline road onto a private drive to the site. No new roads will need to be developed to access the site. Existing private drive may need minor improvements to accommodate the added truck traffic.

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: September 8, 2008

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

RE: Conditional Use Permit Application, Rock Quarry
Weedman Ranches

MEETING DATE: September 15, 2008, 7:00P.M. 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 Comprehensive Plan and a conditional use permit for a mining operation. The purpose of the amendment is to add the proposed rock quarry to the Goal 5 Mineral and Aggregate Resource Site Inventory of the Sherman County Comprehensive Plan. The subject site is owned by Weedman Ranches Inc. and is located in the Exclusive Farm Use Zone approximately 14 miles North East of Moro, Oregon, off of Baseline Rd, T1N, R18E, Section 35 & 36, Tax Lot 6700, Sherman County, Oregon.

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 ordinance. An amendment is required for this proposal 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 must be approved by Ordinance of the Sherman County Court. This application will be reviewed by the County Court after the Planning Commission makes its recommendation.

The Amendment was review by the State Land Department of Land Conservation and Development (DLCD). A referral was sent to DLCD in Salem on July 30, 2008. 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 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 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. 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 subservice resources subject to ORS 215.298 and 5)Crushing and stockpiling of aggregate and other minerals, and as defined in Section 1.4 (Definitions)of this Ordinance.

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 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 is filing an application with DOGAMI.**
- (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. **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 August 26, 2008 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.

Sherman County Weed Master

Department of Geology and Mineral Industries

Oregon Department of Transportation

Oregon Department of Fish and Wildlife

The purpose of the development is to provide rock for possible future commercial opportunities to include road construction, wind farm construction and private use. The site is on low yield CRP and non farmable ground. Access to the site is off of baseline road onto a private drive to the site. The private drive may need minor improvements to accommodate truck traffic.

The closet residences are approximately a mile away and were notified. There are no nearby streams, scenic or historic properties. The rock is a high quality basalt. Equipment to be used for the operations include a bulldozer, loader, scrapers, excavators, crusher dump truck and other support equipment.

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.

A complete narrative is enclosed with this report.

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 property owners are Weedman Ranches.
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, road, 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 permit is approved. The applicant requests that we allow him to keep the CUP open ended.
10. The amount of aggregate to be processed is 100,000 cubic yards or under 80,000 ton.
- 11 A DOGAMI permit will be 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

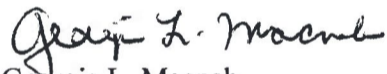
The Planning Commission may take one of the following actions upon conclusion of public testimony: approve with or without conditions, the motion would be to recommend to County Court approval of the comprehensive plan amendment and the CUP would automatically effective upon approval; or recommend denial 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 thoroughfare.
2. No abandoned vehicles or 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



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Community Development & Planning
P.O. Box 381
Moro, OR 97039

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Dept of Land Conservation & Development
635 Capitol Street NE Suite 150
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