



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/Coastal Fax: (503) 378-6033

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

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

August 11, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Malheur County Plan Amendment
DLCD File Number 002-10



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: Monday, August 23, 2010

This amendment was submitted to DLCD for review 45 days prior to adoption and the jurisdiction determined that emergency circumstances required expedited review. 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: Jon Beal, Malheur County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative

<paa> YA





FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

AUG 4 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: *Malheur County*
Date of Adoption: *7-21-10*

Local file number: *2010-03-016*
Date Mailed: *8-2-10*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Include 16.2 acre site on GIS resource inventory

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: *NA* to:
Zone Map Changed from: *NA* to:

Location: *Sec 8 T18S, R43E, WM*

Acres Involved: *16.2*

Specify Density: Previous: *160/320*

New: *160/320*

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 002-10 (18278) [16258]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Jon Beal Phone: (541) 473 5185 Extension:
Address: 251 B. St W #112 Fax Number: 541 - 473 5168
City: Dale, OR Zip: 97914 E-mail Address: jbeal@malheurco.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

FILED
11:17 A.M.
JUL 21 2010

ORDINANCE 186

DEBORAH [Signature] Malheur County Clerk
By [Signature] Deputy

AN ORDINANCE FOR A POST ACKNOWLEDGMENT PLAN AMENDMENT TO INCLUDE A PORTION OF TAX LOT 400 ON MAP 18S43 OF THE MALHEUR COUNTY ASSESSOR'S OFFICE AS A SIGNIFICANT 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 July 7, 2010, and July 21, 2010, for an area to be added to the Malheur County Comprehensive Plan Goal 5, Mineral and Aggregate Resources Inventory, a significant site; and

WHEREAS, the proposed area is approximately 16 acres of tax lot 400 on Map 18S43 maintained by the Malheur County Assessor's Office located in Section 8, T. 18S., R 43E., W.M. with reference number 13188 (site). 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 16 acre site to the Comprehensive Plan Goal 5 Mineral and Aggregate Inventory is made by J.R. Land and Livestock, Inc., landowner, and Dave Erlebach, Industrial Builders, Applicant; and

WHEREAS, the quantity of aggregate for the site is 465,560 tons (approximately 366.583 cubic yards); and

WHEREAS, the soils of the site are not mapped in the NRCS inventory and are not classified a High Value Farmlands under Oregon Revised Statutes of Oregon Administrative Rules.

WHEREAS, the quality of aggregate material at the site 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 - ODOT Specifications: Section 02630; 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 5 MINERAL AND AGGREGATE RESOURCES INVENTORY**

Sixteen acres of tax lot 400 on Map 18S43, reference number 13188 shall be included on the Malheur County Comprehensive Plan Goal 5 Mineral and Aggregate Resources Inventory as a significant site. A legal description of the site is contained in Exhibit 1 attached hereto and incorporated herein by reference.

SECTION 2: EMERGENCY. An additional aggregate resource site is immediately necessary for the construction of a geothermal electrical energy facility 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 21st day of July, 2010.

Absent

Dan P. Joyce
County Judge

Louis M. Wettstein

Louis M. Wettstein
County Commissioner

Jim Nakano

Jim Nakano
County Commissioner



Measuring the Greater Northwest since 1972

CK3, LLC

Civil-structural-electrical
Engineering-surveying & planning

368 SW 5TH AVENUE, ONTARIO, OR 97914

January 19, 2010

GRAVEL PIT DESCRIPTION #1 MALHEUR COUNTY, OREGON

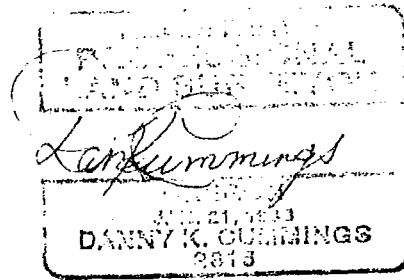
Land situated in the NE1/4NW1/4 and the NW1/4NE1/4, of Section 8, Township 18 South, Range 43 East, W.M., Malheur County, Oregon, described as follow:

Commencing at the Northwest corner of Section 8 as shown on County Survey No.18-43-0009, thence along the North line of Section 8 as shown on said survey N89°39'37"E, 1350.99 feet; thence leaving said line S1°10'04"E 20.00 feet to the **Point of Beginning**; (basis of bearings is the Neal Hot Springs Project by US Geothermal) thence parallel to and twenty feet south of said section N89°39'37"E, 446.88 feet; thence S70°36'20"E, 747.22 feet; thence S74°05'13"E, 783.30 feet; thence S18°43'22"W, 280.76 feet more or less to a point five feet from the top of bank of Cottonwood Creek;

thence along a five foot offset line from top of bank the following calls:

- N73°44'47"W, 296.95 feet;
- thence N88°51'20"W, 160.03 feet;
- thence S82°31'04"W, 92.50 feet;
- thence N83°52'28"W, 128.85 feet;
- thence N49°24'59"W, 96.97 feet;
- thence N26°55'23" W, 88.58 feet;
- thence N84°59'22"W, 147.04 feet;
- thence S51°23'49"W, 101.74 feet;
- thence S68°49'48"W, 143.13 feet;
- thence N59°20'36"W, 264.98 feet;
- thence S75°15'06"W, 91.30 feet;
- thence N87°19'33"W, 106.16 feet;
- thence N34°05'37"W, 111.87 feet;
- thence N68°54'04"W, 88.16 feet;
- thence S89°01'12" W, 55.86 feet;
- thence N56°54'19"W, 56.05 feet;

thence leaving said offset line N01°10'04"W, 327.61 feet to the **Point of Beginning**.



END OF DESCRIPTION

EXHIBIT # 1



UNITED STATES POSTAGE
FITNEY BOWES
\$ 01.05⁰
02 1M AUG02 2010
0004286557
MAILED FROM ZIP CODE 97918

FROM: Malheur County
Planning Department
Courthouse, #12
251 B Street West
Vale, OR 97918



TO: ATTN: Plan Amendment Specialist
Dept of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540