



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol St NE Ste 150

Salem, OR 97301-2540

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

Measure 49 Fax: (503) 378-5318

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

## NOTICE OF ADOPTED AMENDMENT

December 20, 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 004-10



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, January 03, 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: Bill Lawrence, Malheur County  
Jon Jinings, DLCD Community Services Specialist  
Amanda Punton, DLCD Regional Representative

<paa> YA







PROF **2**

**DLCD**

# Notice of Adoption

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

In person  electronic  mailed

**DEPT OF**

**DEC 13 2010**

**LAND CONSERVATION AND DEVELOPMENT**

DATE  
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For Office Use Only

Jurisdiction: Malheur County

Local file number: 2010-09-01

Date of Adoption: 12-08-2010

Date Mailed: 12-10-2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 09-03-2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached". Amendment to Goal 5, Mineral and Aggregate Inventory. Adding an additional site to the inventory. Site to be added:

Land in Malheur County, Oregon, as follows:

In Twp. 18S., R. 44E., W.M.:

Sec. 6: That portion of Government Lot 7, described as follows:

S $\frac{1}{2}$  E $\frac{1}{2}$  NE $\frac{1}{4}$  and N $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$   
ALSO, the following described lying within said Section 6:

Does the Adoption differ from proposal? Please select one N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  and S $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ .

NO

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<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"/>

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. 004-10 (18504) [16451]



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

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Local Contact: Bill Lawrence

Phone: (541) 473-5185 Extension:

Address: 251 B St W #12

Fax Number: 541-473-5140

City: Vale, OR

Zip: 97918

E-mail Address: [blawrence@malheurco.org](mailto:blawrence@malheurco.org)

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## 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.



I, Deborah R. DeLong, County Clerk for Malheur County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.

Deborah R. DeLong - County Clerk

*chubb*

**ORDINANCE 187**

**AN ORDINANCE FOR A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO INCLUDE A PORTION OF TAX LOT 3600 MAP 18S4418 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 November 24 and December 8, 2010, 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 approximately 11 acres of tax lot 3600 and tax lot 3800, comprising one parcel of land on Map 18S44 maintained by the Malheur County Assessor's Office located in Sections 6 and 7, T.18 S., R44 E., W.M. with reference numbers 13346 and 13348. 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 Mark Blackburn, Applicant, and Blackburn Family Trust, Landowner.

WHEAREAS, the quantity of aggregate for the site is 351,624 tons (approximately 218,074 cubic yards); and

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

WHEREAS, private testing indicates the soils overlaying the gravel as Sandy Silt to Silty Sand (ML/SM), and the gravel layer occurs anywhere from the surface to 14 feet below the surface,

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 FIVE MINERAL AND AGGREGATE RESOURCES INVENTORY**

11 acres of tax lot 3600 and 3800 on Map 18S4418 maintained by the Malheur County Assessor's Office in Sections 6 and 7 with reference numbers 13346 and 13348 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 8th day of December, 2010.

  
\_\_\_\_\_  
Dan P. Joyce  
County Judge

  
\_\_\_\_\_  
Louis M. Wettstein  
County Commissioner

  
\_\_\_\_\_  
Jim Nakano  
County Commissioner

**EXHIBIT 1**

Land in Malheur County, Oregon:

In Township 18 S, R.44. E., W.M.:

Section 6; That portion of Government Lot 7, described as follows:

S  $\frac{1}{2}$  E  $\frac{1}{2}$  NE  $\frac{1}{4}$  and N  $\frac{1}{2}$  E  $\frac{1}{2}$  SE  $\frac{1}{4}$ .

Also, the following described lying with said Section 6:

N  $\frac{1}{2}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and S  $\frac{1}{2}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ .

Approximately 11 acres

Tax Lot 3600

Reference No. 13346



ALHEUR COUNTY PLANNING DEPT  
51 B ST W #12  
ALE, OR 97918



ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540