



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

12/08/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Union County Plan Amendment
DLCD File Number 001-10

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: Wednesday, December 22, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Scott Hartell, Union County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative

<paa> YA

D L C D 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

DEC 03 2010

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: Union County Local File No.: 4643/4645
(If no number, use none)

Date of Adoption: 12/1/10 Date Mailed: 12/1/10
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8/9/10

- 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."

The adopted amendment added 43.5 acres to an existing
30 acre significant basalt 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: A-4 Timber Grazing to Surface Mining

Location: Twp. 2S, Range 37 EWM, Sec. 36, Acres Involved: 43.5
& Twp. 2S, Range 37 EWM, TL 2100 TL 100
Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: 5, 12

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, ODOT, ODFW

Local Contact: Scott Hartell, Area Code + Phone Number: 541-963-1014

Address: Associate Planner
1001 4th Street, Suite C

City: La Grande, OR Zip Code+4: 97850

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.

BE IT REMEMBERED, that at a regular term of the Union County Board of Commissioners, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, on Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable MARK DAVIDSON Chair
STEVE MCCLURE Commissioner
R. NELLIE BOGUE HIBBERT Commissioner

WHEN, on Wednesday, the 1st day of December, 2010 among others the following proceedings were had to-wit:

IN THE MATTER OF AMENDING THE }
UNION COUNTY LAND USE PLAN & } ORDINANCE NO.
ZONING MAP AND EXPANDING AN } 2010-03
EXISTING SURFACE MINING ZONE }
BY 43.5 ACRES (HAMPTON) }

WHEREAS, Hampton Business Properties submitted an application to add 43.5 acres (part of Twp. 2S, Range 37 EWM, Section 36, Tax Lot 100 & Twp. 2S, Range 37 EWM, Tax Lot 2100) to an existing 30 acre significant basalt aggregate site and resulting in a change to the Surface Mining Impact Area Overlay Zone;

WHEREAS, DLCD was given 45 days notice prior to the first evidentiary hearing;

WHEREAS, the Union County Planning Commission advertised and held a public hearing on September 27, 2010 and made a decision to recommend approval to the Union County Board of Commissioners;

WHEREAS, the Union County Board of Commissioners advertised and held a public hearing on October 27, 2010;

WHEREAS, the applicant has submitted evidence the quantity of rock is estimated to be greater than 1,610,000 tons, the quality meets or exceeds ODOT base rock specifications, the location is identified on a Site Plan Map and no existing or future conflicting uses were identified within the 1500 foot impact area around the 43.5 acre expansion area.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, COUNTY OF UNION, STATE OF OREGON:

SECTION 1: UNION COUNTY LAND USE PLAN

The Union County Land Use Plan Supplement - June 1984 is amended to include 43.50 acres shown in the attached map (Exhibit C) as an addition to an existing 30 acre significant Goal 5 site in a Timber/Grazing Plan Classification for inventoried basalt sites in Table AS.

SECTION 2: LAND USE PLAN/ZONING MAP

The Union County Land Use Plan/Zoning Map is amended to change 43.50 acres shown in Exhibit C, attached and affixed hereto and made a part of this ordinance, from an A-4 Timber-Grazing Zone to a Surface Mining Zone with an associated expansion for the Surface Mining Impact Area Overlay Zone extending $\frac{1}{4}$ mile from the expansion area.

SECTION 3: SUPPORTING FINDINGS

This Ordinance is passed and adopted with the supporting findings included in Attachment "A".


PASSED AND ADOPTED this 1st day of December, 2010 by a vote of the following members of the Board of Commissioners voting therefore.



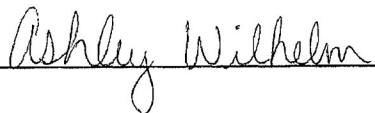
Mark Davidson, Chairman

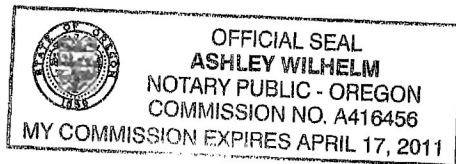


Steve McClure, Commissioner

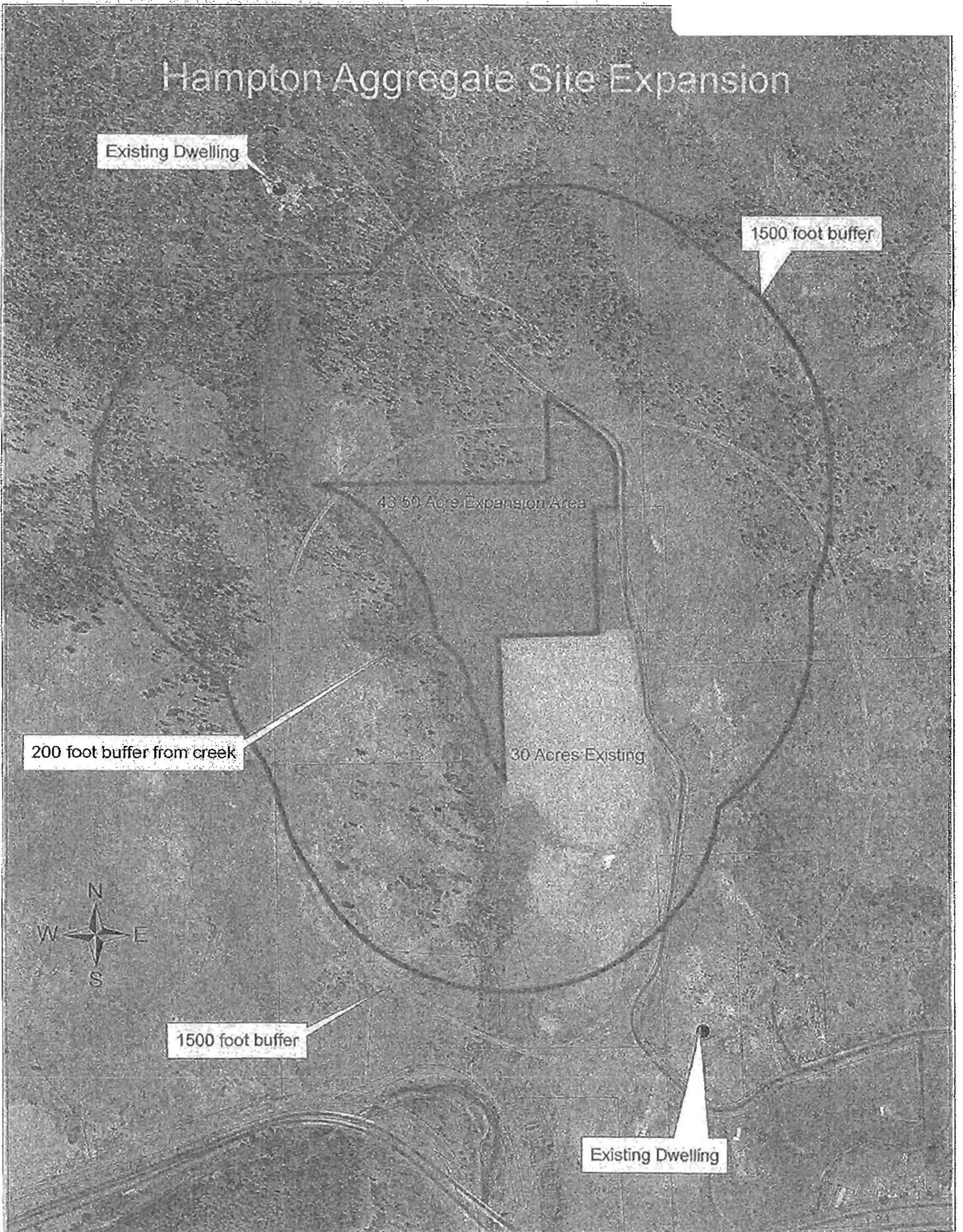


R. Nellie Bogue Hibbert, Commissioner

Attest: _____



Hampton Aggregate Site Expansion



Attachment A

1. Union County Zoning, Partition & Subdivision Ordinance (UCZPSO) Section 23.05 (3) identifies four standards the applicants must satisfy to gain an approval recommendation for a Plan/Zone Map Amendment.
2. OAR 660-023-0180 (3)(5)&(8) identifies criteria the applicants must satisfy to gain an approval recommendation for a Plan/Zone Amendment.
3. UCZPSO Section 20.10 Site Plan Requirements identify several requirements the applicants are required to detail on a Site Plan.
4. UCZPSO Section 21.07 3. identifies Mineral Aggregate or Geothermal Resource Extraction and/or Processing criteria the applicants are required to satisfy.
5. UCZPSO Article 15.0 (SM) Surface Mining Zone identifies permitted uses, conditional uses and applicable standards the applicants are required to satisfy.
6. The applicants are requesting Plan/Zone Amendment approval to include an additional 43.5 acres to their existing 30 acre significant basalt aggregate site.
7. The subject property is in the La Grande School District but outside of any rural fire protection district.
8. The surrounding area is comprised of large parcels in a variety of grazing and timber production activities.
9. The applicants have submitted a report from the Oregon Department of Transportation Materials Laboratory which indicates the aggregate source on the subject property is good for sanding and oil rock.
10. The subject property is accessed by Fox Hill Road which is a County Road with a 60 foot right-of-way width and gravel surface.
11. The applicants have satisfied UCZPSO Section 23.05 (3) A., B. & D because:
 - A. Community attitudes have changed. The La Grande area has grown and there is an increased need for aggregate.
 - B. Alternative sites were considered and the expansion of the existing site was chosen as the best alternative.
 - D. Exhibit "C" response to 15.05 Site Plan Requirements & Mining Standards, 7. Road Maintenance Responsibility and 8. Traffic Routing addresses the road capacity requirements.

12. The applicants have satisfied OAR 660-023-0180 (3)(5)&(8) based on the exhibits submitted with the application.
13. The applicants have satisfied UCZPSO Section 20.10 as shown in the complete, detailed Site Plan submitted with the application.
14. The applicants have satisfied UCZPSO Section 21.07 3. and UCZPSO Article 15.0 based on the exhibits submitted with the application.

Approval Condition

1. The applicants will apply some form of dust control on Fox Hill Road in coordination with the Union County Public Works Department from their pit down to the end of the pavement on Fox Hill Road when more than 30 truck loads of rock per day are hauled if dust control is necessary and dust abatement has not recently been applied.

DEPT OF

DEC 03 2010

LAND CONSERVATION
AND DEVELOPMENT

**UNION COUNTY
PLANNING DEPARTMENT**

1001 4th Street, Suite C
LA GRANDE, OREGON 97850

TO

Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

