



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 16, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: Sherman 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: Friday, August 27, 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: Georgia Macnab, Sherman County  
Jon Jinings, DLCD Community Services Specialist  
Amanda Punton, DLCD Regional Representative

<paa> YA

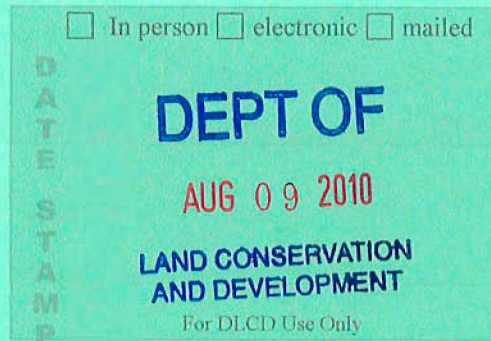


PROF **2**

**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



Jurisdiction: **Sherman**

Local file number: **2010- 08**

Date of Adoption: **8/4/2010**

Date Mailed: **8/6/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/20/2010**

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".

Amend the Sherman County Comprehensive Goal mineral and resource inventory to include the proposed aggregate site. The site is a small significant site and will not produce more than 500,000 ton of material and to be added to the county goal 5 list only.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **F-1**

to: **County Goal 5 Mineral Inventory**

Zone Map Changed from:

to:

Location: **Section 34, T2N, R16E**

Acres Involved: **19**

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>
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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.** \_\_\_\_\_

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

Sherman County

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Local Contact: **Georgia Macnab**

Phone: (541) 565-3601 Extension:

Address: **PO Box 381**

Fax Number: **541-565-3078**

City: **Moro**

Zip: **97039-**

E-mail Address: **georgiamac@embarqmail.com**

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### **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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@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 AGGRAGATE )  
RESOURCE SITE TO THE COUNTY'S GOAL 5 MINERAL & )  
AND RESOURCE INVENTORY & DECLARING AN EMERGENCY )  
ORDINANCE 03-2010

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 2010.

**SECTION 2 – PURPOSE.**

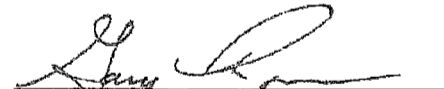
The purpose of this Ordinance is to add one aggregate resource to the Sherman County Goal 5 inventory for aggregate resource sites.

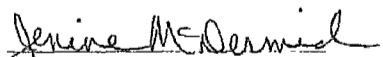
**SECTION 3 – ADOPTION.**

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

- A. The project is owned by Justesten Ranches.
- B. The project sites is owned by Justesen Ranches and located approximately 6 miles west of Wasco, Oregon on Highway 206 and more specifically described by the Sherman County Assessors Maps as;  
  
T2N R16E Section 34, Tax Lot: 5700
- C. The relevant information are hereby adopted by reference and made a part of the Sherman County Goal 5 Inventory.
- 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 4<sup>th</sup> day of August, 2010 and signed by:

  
Gary Thompson, County Judge

ATT:   
Jenife McDermid, County 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:** August 6, 2010

**TO:** Justesen Ranches  
59720 Twin Lakes Rd.  
Grass Valley, OR

**FROM:** Georgia L. Macnab  
Sherman County Planning Director

### NOTICE OF DECISION

**PROPOSAL:** Amendment to the Comprehensive Plan to add an aggregate site to the County Goal 5 Inventory and Conditional Use Permit to operate a rock quarry

The proposed use is allowed in the SCZO;

**Article 3, Section 3.1 Exclusive Farm Use.**

(3). Conditional Uses Permitted

(e) 2. Mining of aggregate and other subsurface resources subject to ORS 215.298 and as defined in Section 1.4 of this ordinance; and

5) Crushing and stockpiling of aggregate and other minerals.

**Applicant:** Justesen Ranches

**Location:** The property is described by the Sherman County Assessor's maps as T2N, R16E, Section 34, Tax Lot 5700, Sherman County, Oregon.

**Acreage:** Total acreage: 19 acres

The Conditional Use Permit for an extension of an existing mining operation cited above was approved by the Sherman County Planning Commission July 12, 2010 and the amendment approved by the County Court on August 4, 2010.

The project is deemed finally approved after the 15 day appeal period from the date of this letter. This allows for anyone involved to file for an appeal, should they choose to do so.

**Findings of Fact are as follows:**

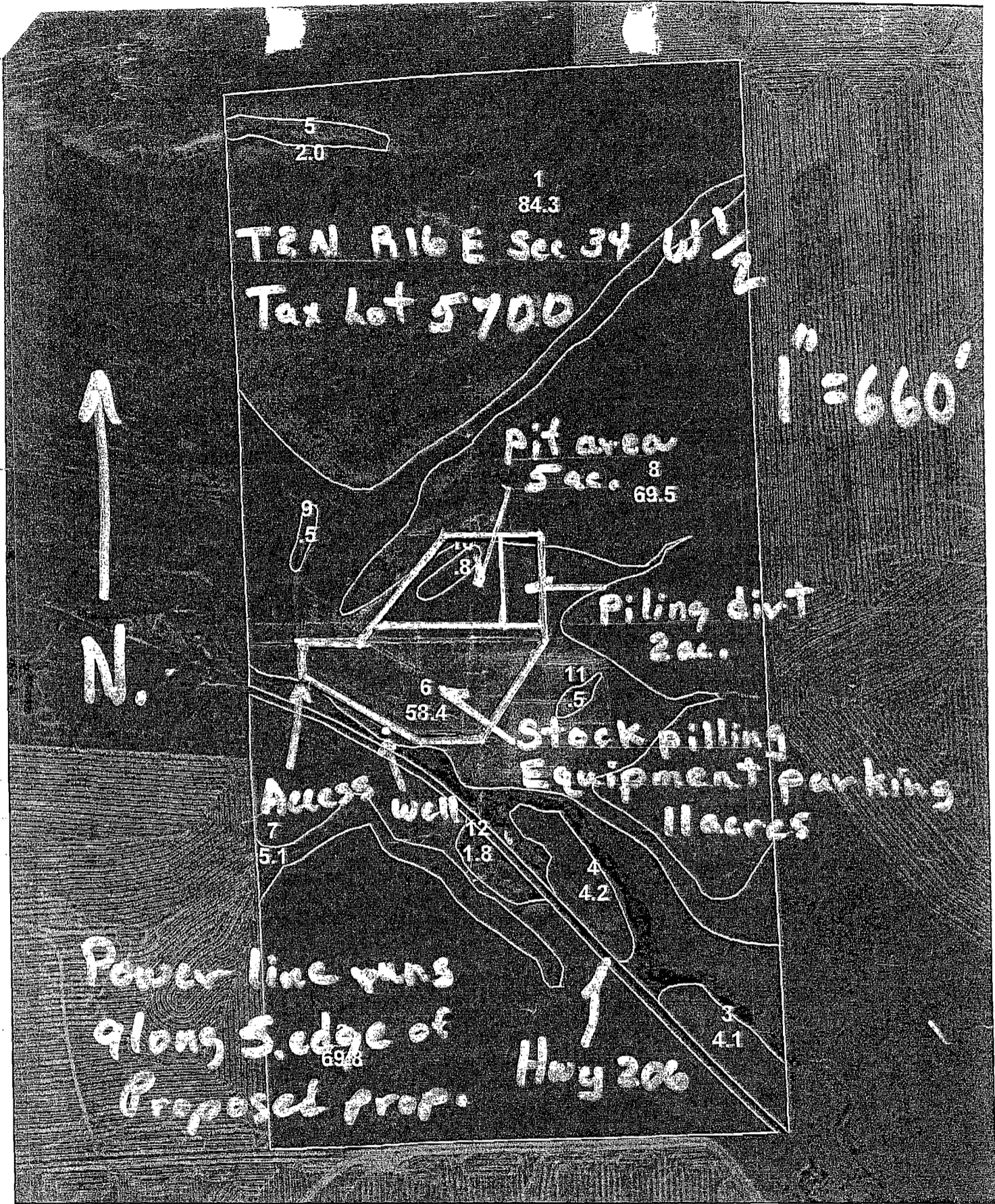
1. The subject site is not within 2 miles of a known vineyard.
2. The name of the subject property owner is known as Justesen Ranches.

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. The proposed operation is to mine the rock present on the site.
6. A site development and operation plan showing the areas to be mined or excavated as well as stockpiled has been provided. No settling ponds will exist. All water will be brought in. 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 August 2010 and estimated to run through the development of the wind farms and any other potential projects.
10. The quantity of rock to be excavated is under 500,000 ton.
11. The potential for contaminants resulting from this operation are minimal and unlikely to occur.
12. 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. Upon completion access roads will be returned to original state.
13. Screening of the site is not necessary.
14. All such operation shall be maintained in compliance with applicable noise, air and water pollution standards administered by DEQ.
15. 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.
16. 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.
17. Compliance with applicable standards and regulation administered by DOGAMI and other state and federal agencies shall be a continuing condition of permit holders under this Subsection.

**Conditions;**

1. 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.
2. No abandoned vehicles or equipment or materials not associated with mining operations will be stored on site when operations are suspended.
3. Compliance with applicable standards and regulations administered by state and federal agencies will be a continuing condition of permit holders under this permit. Evidence of compliance with permitting agencies are to be submitted to the Planning office.
4. All such operations shall be maintained in compliance with applicable noise, air and water pollution standards administered by DEQ.
5. All vehicular parking, loading and maneuvering areas will be maintained off public thoroughfares.
6. Applicant will control potential weeds on this site.

The County Zoning Ordinance states that any person who appeared or participated in the proceedings leading to these decisions whether in person or by the submittal of written or oral material, who meets the appeal criteria and can provide sufficient specificity on such issue to afford the decision maker an opportunity to respond to the issue and who wishes to appeal this decision may do so by filing an appeal with the Sherman County Planning Office within 15 days of this notice, on forms prescribed by the County. Should you have any questions regarding these conditions or the appeal process please feel free to contact me at 541-565-3601.



USDA USDA  
 Farm Service Agency  
 Sherman County

Tract: 34

JUSTESEN RANCHES  
 FARM #584

January 26, 2006

250060  
 Feet

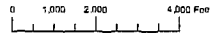
No graze

This acreage is for FSA progra  
 purposes only. No warranty is  
 made for any other use.



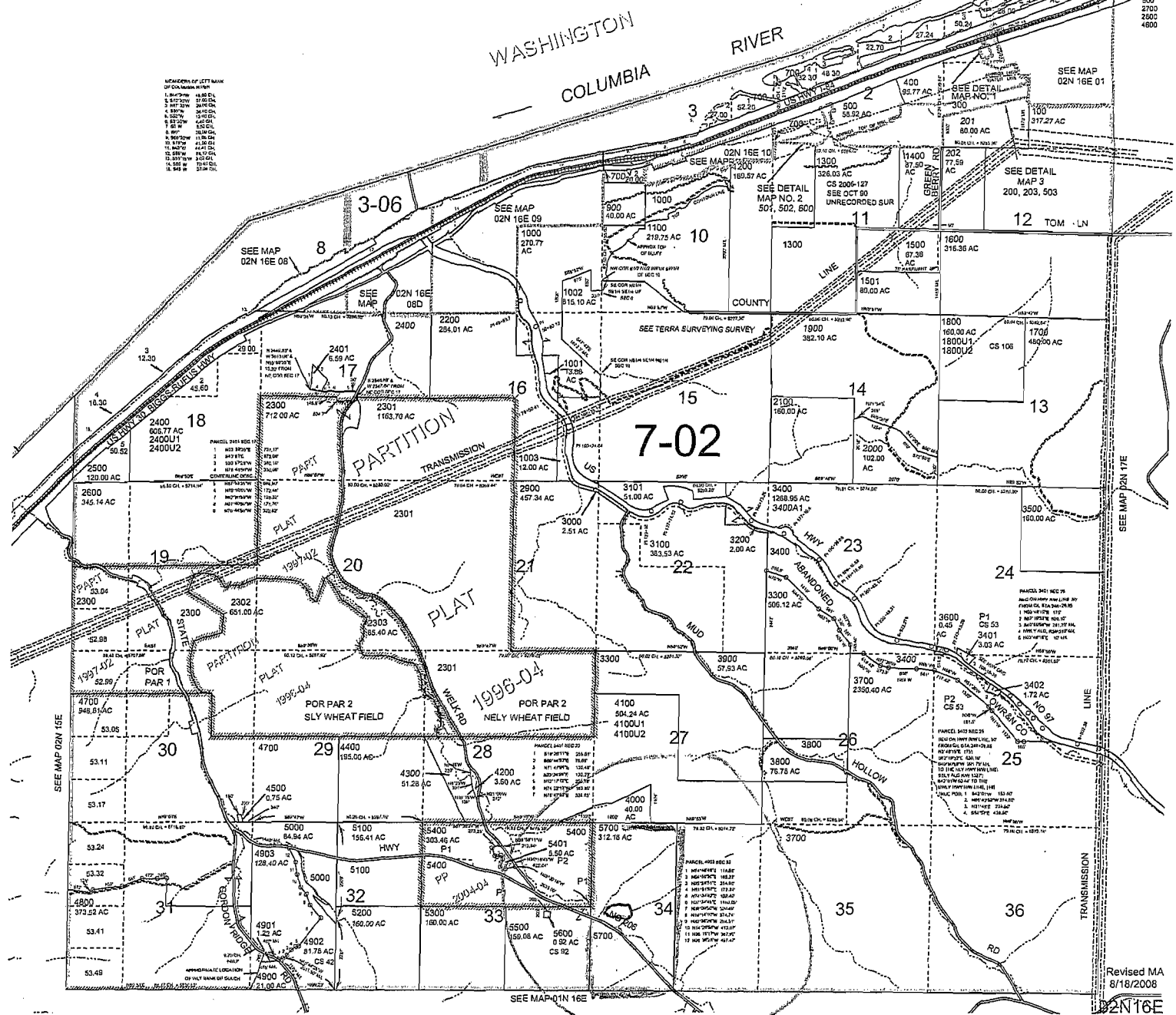
Fred Justesen

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



T.2N. R.16E. W.M. SHERMAN COUNTY 1" = 2000'

02N16E & INDEX



ACRES OF LEFT HAND OF COURSE

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Revised MA 8/18/2008 02N16E & INDEX

Sherman County  
City Development & Planning  
P.O. Box 381  
Moro, OR 97039

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



USPS

USPS