



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/03/2014  
Jurisdiction: Morrow County  
Local file no.: AC-072-14 AZ(M)-073-  
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/02/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>	
File No.:	003-14 {22275}
Received:	9/2/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Morrow County

Local file no.: **AC-072-14; AZ(M)-073-14**

Date of adoption: August 27, 2014

Date sent: 9/2/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): May 20, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

no changes

Local contact (name and title): Carla McLane, Planning Director

Phone: 541-922-4624

E-mail: [cmclane@co.morrow.or.us](mailto:cmclane@co.morrow.or.us)

Street address: P.O. Box 40

City: Irrigon, OR

Zip: 97844-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

The Goal 5 Analysis chapter

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Significant Resource Overlay      Acres added: 14.94      Acres removed:

Location of affected property (T, R, Sec., TL and address): Tls 500 &600 of Assessor's Map 1S 25

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List affected state or federal agencies, local governments and special districts: ODOT

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

AN ORDINANCE AMENDING THE  
MORROW COUNTY COMPREHENSIVE  
PLAN ADDING LANGUAGE TO PROTECT  
AN AGGREGATE SITE UNDER GOAL 5  
RULES AND AMEND THE ZONING MAP  
TO ADD THE SITE TO THE SIGNIFICANT  
RESOURCES OVERLAY ZONE MAP

COUNTY ORDINANCE

NO. ORD-2014-5

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the county over matters of County concern; and

WHEREAS, Morrow County adopted a Comprehensive Land Use Plan which was acknowledged by the Land Conservation and Development Commission on January 15, 1986; and

WHEREAS, an application was filed by the Oregon Department of Transportation on land owned by the Oregon Department of Transportation to include approximately 14.94 acres of land as a Goal 5 significant resource site in the Comprehensive Plan and to apply the Significant Resource Overlay Zone to the site, and to allow mining; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on June 24, 2014 at Heppner City Hall in Heppner, Oregon; and

WHEREAS, the applicant, Oregon Department of Transportation testified in favor of the amendments; and

WHEREAS, the Morrow County Planning Commission found the aggregate site significant, that mining would be allowed, and recommended that the site and 1500 foot impact area be added to the Significant Resources Overlay Zone Map and recommended approval of the request and adopted Planning Commission Final Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on July 23, 2014, at the Morrow County Courthouse in Heppner, Oregon; and

WHEREAS, the Morrow County Court affirmed that the proposed aggregate site meets the requirements under Oregon Administrative Rule whereby a site is estimated to provide more than 500,000 tons of aggregate material and the soils contain less than 35 percent of soils classified as Class I or II; and

WHEREAS, a representative set of samples of aggregate material in the deposit on the proposed site of this application meets Oregon Department of Transportation specifications for base rock for air degradation, abrasion, and soundness; and

WHEREAS, the Morrow County Court deemed the site at the subject property a Goal 5 significant aggregate site.



NOW THEREFORE THE COUNTY COURT OF MORROW COUNTY ORDAINS AS FOLLOWS:

The subject site is significant and shall be incorporated into the Comprehensive Plan and shall be mapped as such applying the Significant Resources Overlay Zone, and mining shall be allowed.

Section 1 Title of Ordinance: This Ordinance shall be known, and may be cited, as the "2014 ODOT Lexington Aggregate Goal 5 Significant Site Comprehensive Plan and Zoning Map Amendment."

Section 2 Affected Documents: The Comprehensive Plan and Zoning Map are amended.

1. Text Amendment: Insert the text on page 7 of 31 of the Morrow County Comprehensive Plan- The Goal 5 Analysis as shown on Exhibit A
2. Map Amendments: The Zoning Map will be amended by applying the Significant Resource Overlay Zone to the site and surrounding 1500 foot impact area as shown on Exhibit B.

Section 3 Effective Date This ordinance shall be effective on October 1, 2014.

Date of First Reading: August 6, 2014

Date of Second Reading: August 27, 2014

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 27th DAY OF AUGUST, 2014

MORROW COUNTY COURT:

  
Terry K. Tallman, Judge

  
Ken Grieb, Commissioner

  
Leann Rea, Commissioner

ATTEST:

  
Bobbi Childers  
County Clerk



# Morrow County Comprehensive Plan

## THE GOAL 5 ANALYSIS

### Mineral and Aggregate Resources

**Aggregate Mines with Goal 5 Protection.** A list of aggregate sites, attached as Appendix, includes both those with protections under Goal 5 and those located on farmland required to be listed in the Comprehensive Plan. Some were declared significant when the Comprehensive Plan was adopted in 1980 and acknowledged in 1986, and others were on Morrow County's inventory of significant aggregate sites as of September 1, 1996, thus meeting the requirements of OAR 660-023-0180(3)(c). The remainder, approved since that date, were protected under the rules prescribed in OAR 660 Division 023, some being protected under Goal 5 with the majority being on farmland and meeting the requirement of listing in the Comprehensive Plan. (MC OR-1-2013)



The Lexington Quarry (ODOT) aggregate operation is located on tax lots 500 and 600 within the SW1/4 of the NE1/4 of Section 35 of Township 1 South Range 25 East of the Willamette Meridian, Morrow County. The impact area is a 1500 foot buffer outside of the ODOT parcel. The site has been deemed significant, based on the quality (stamped by ODOT Engineer), the quantity is over 500,000 tons of material, and location is such that there are no Class I, Class II or unique soils present at the site. The conflicting uses at the site and within the impact area are farming operations and residential uses. No ESEE analysis was done, as all conflicts could be mitigated. Mining will be allowed, and will fully allow new uses within the impact area with criteria set forth in the Significant Resources Overlay zone. The post mining use will be Range based on the DOGAMI Operating and Reclamation Plan.





# Significant Resources Overlay Zone Map

Morrow County Planning Department  
June 2014  
Map for Reference Purposes Only

 Goal 5 Aggregate Property  
 Tax Lot

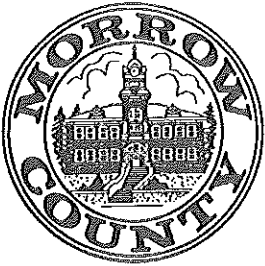
AC-072-14  
AZ(M)-073-14

1S 25E Sec. 35 Tax Lots 500 & 600



0 700 1,400 2,800 Feet





## PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844  
(541) 922-4624 or (541) 676-9061 x 5503  
FAX: (541) 922-3472

### NOTICE OF DECISION

September 2, 2014

AC-072-14  
AZ(M)-073-14  
Morrow County Comprehensive Plan  
Morrow County Zoning Map

This notice is to inform you that on August 27, 2014, the Morrow County Court adopted Ordinance Number ORD-2014-5 amending the Morrow County Comprehensive Plan and the Morrow County Zoning Map. Specifically the ordinance amends the Morrow County Comprehensive Plan to protect an aggregate site under Goal 5 rules amends the Zoning Map to add the site to the Significant Resources Overlay Zone Map. Enclosed is the adopted ordinance.

The requirements for filing an appeal of the decision to the Land Use Board of Appeals (LUBA) are set forth in ORS 197.830 to 197.845. State law and associated administrative rules promulgated by LUBA describe the period within which any appeal must be filed and the manner in which such an appeal must be commenced. Presently, ORS 197.830(9) requires that a notice of intent to appeal plan or land use regulation amendments adopted pursuant to ORS 197.610 to 197.625 "shall be filed not later than 21 days after notice of the decision sought to be reviewed is mailed or otherwise submitted to parties entitled to notice under ORS 197.615." Notice of this decision was emailed on September 2, 2014. The deadline to appeal is September 23, 2014.

Cordially,

A handwritten signature in cursive script that reads "Carla McLane".

Carla McLane  
Planning Director





## PLANNING DEPARTMENT

P. O. Box 40 • Irrigon, Oregon 97844  
(541) 922-4624 or (541) 676-9061 x 5503  
FAX: (541) 922-3472

### MEMORANDUM

To: Morrow County Court and Interested Parties  
From: Layne Wolfmueller, Associate Planner  
Date: July 11, 2014  
RE: ODOT Lexington Goal 5 Aggregate: AC-072-14, AZ(M)-073-14

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**This memorandum is in reference to the scheduled County Court Public Hearing on July 23, 2014, at 10:00 a.m. at the Morrow County Courthouse in Heppner, Oregon. The purpose of the Public Hearing is to amend the Morrow County Comprehensive Plan to protect an aggregate site under Goal 5 rules and amend the Zoning Map to add the site to the Significant Resources Overlay Zone Map.**

As the result of a need to provide adequate protections to currently approved aggregate sites, Oregon Department of Transportation has submitted an application for a site which is estimated to produce more than 500,000 tons of aggregate. The aggregate site needs to be approved as a Goal 5 aggregate site. This means that the final approval is granted by the County Court and the Comprehensive Plan is amended to include the site and mining operation components. The Planning Commission have reviewed the application at one public hearing as listed in the Planning Commission Final Findings of Fact and have forwarded a recommendation to the County Court for consideration.

There was testimony in favor of the aggregate site by the applicant regarding the proposed amendment at the Planning Commission hearing during which the Commission reviewed the proposed amendment. There was no opposition in testimony or correspondence at the hearing.

If the County Court supports adoption of the Comprehensive Plan amendment, an adoption hearing will need to be scheduled so that Planning Staff, working with County Counsel, will have time to prepare an adoption Ordinance and other pertinent supporting documentation. The County Court may also recommend additional changes to the language which may, but does not need to, require an additional Public Hearing. A final option would be to deny the request.

If the County Court or other interested parties have questions, Planning staff can be reached at 541-922-4624 or I can be reached by email at [lwolfmueller@co.morrow.or.us](mailto:lwolfmueller@co.morrow.or.us).



**Morrow County Planning Commission  
Final Findings of Fact  
AC-072-14, AZ(M)-073-14  
Goal 5 Aggregate Site  
Lexington Quarry**

**REQUEST:** Amend the Morrow County Comprehensive Plan to protect an aggregate site under Goal 5 rules and amend the Zoning Map to add the site to the Significant Resources Overlay Zone Map.

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**APPLICANT:** Patrick Knight, Senior Planner  
Oregon Department of Transportation  
3012 Island Avenue  
La Grande, OR 97850

**OWNER:** Same

**PROPERTY DESCRIPTION:** Tax Lots 500 and 600 of Assessor's Map 1S 25 35

**PROPERTY LOCATION:** Approximately 2 miles south of Lexington off Highway 74.

**FINDINGS OF FACT:**

**I BACKGROUND INFORMATION:**

This application is for the further protection of an existing 14.94 acre aggregate site located off Highway 74 about 2 miles south of Lexington. The property is zoned Exclusive Farm Use (EFU), the purpose of which is to preserve and maintain agricultural lands for farm use. The subject gravel pit location has been mined since the 1930's and has been operational under a Oregon Department of Geology and Mineral Industries (DOGAMI) permit since 1979 as DOGAMI Permit #25-0017, and operated under a Morrow County Conditional Use Permit since the year 2000 as CUP-S-157. Oregon Department of Transportation (ODOT) utilizes this site as an aggregate source for nearby ODOT projects such as Highway 74. This action will replace CUP-S-157, but ODOT will continue to operate under their current DOGAMI permit. The ODOT owned parcel also contains an Animal Composting Facility that was granted CUP-S-261 in 2008.

Aggregate Site Operation and Reclamation. The applicant has provided information that indicates the area of extraction is approximately 14.94 acres in size. The hours of operation would vary and would be dependent upon project time frames. The applicant will be required to have a valid DOGAMI operating permit and reclamation will be required according to the DOGAMI permit. ODOT has provided their Operating and Reclamation Plan as part of the application and is on file at the county. The application contains a request for standard mining and processing as well as an asphaltic batch plant.

**II SUMMARY OF APPLICABLE CRITERIA** To approve the request the Planning Commission will need to make findings to show that the request meets the necessary criteria. Those criteria are presented below in **bold** print with responses in regular print.



Morrow County Zoning Ordinance Section 3.200 Significant Resource Overlay Zone.

**C. CATEGORIES.**

**1. Aggregate and Mineral Sites.** The Zoning Map will be amended to apply the Overlay Zone to an approved mining site including an impact area. Mineral and aggregate sites approved in Morrow County may have an impact area of up to 1500 feet when permitted under certain Comprehensive Plan approval processes. Based on the Comprehensive Plan analysis development in an Overlay Zone impact area is subject to the following standards:

- a. **Uses permitted Outright.** Uses permitted outright in the underlying zone, except conflicting uses described in the Comprehensive Plan Analysis may be permitted subject to the standards and criteria of the underlying zone.
- b. **Uses Allowed Conditionally.** Uses permitted conditionally in the underlying zone and conflicting uses shall be reviewed as conditional uses subject to the standards and criteria of the underlying zone and the criteria listed in paragraph 4 below.
- c. **Prohibited Uses.** Uses identified through the Comprehensive Plan analysis as incompatible with mining in all instances shall not be permitted within the impact area.
- d. **Approval Criteria for proposed uses allowed conditionally in the impact area.** The applicant must demonstrate compliance with the following criteria:
  - i. The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;
  - ii. The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this Section or County approval in the Comprehensive Plan;
  - iii. An application for a new noise or dust sensitive use shall demonstrate that the mining operation in the adjacent extraction area will maintain compliance with DEQ noise control standards and ambient air quality and emission standards as measured at the new noise or dust sensitive use. If deemed necessary by the Planning Director, the applicant for a new noise sensitive use shall submit an analysis prepared by an acoustical engineer, demonstrating that the applicable DEQ noise control standards are met or can be met by a specified date. If noise mitigation measures are necessary to ensure continued compliance on the part of the mining operation such measures shall be a condition of approval. If noise mitigation measures are inadequate to ensure compliance with DEQ noise control standards, the noise sensitive use shall not be approved within the impact area. (MC OR-1-2013)

Based on the decision the full 1500 foot impact area will be mapped and designated as a Significant Resource Overlay (SRO). In that area the above criteria will be considered when future land use applications are reviewed and processed.



**Termination of the Overlay Zone.** When a significant aggregate site has been depleted or can be proven to be uneconomical to mine, and either the reclamation completed or a proposed zone change and development approved by the County that would eliminate the need for the reclamation, the Overlay Zone can be removed. Rezoning or other actions to terminate mining or the protection of the resource will not relieve requirements on the part of the owner or operator of obligations regarding the site in accordance with County approvals and Oregon State Law. (MC OR-1-2013)

Once the Significant Resource Overlay zoning has been removed the full 1500 foot impact area as mapped, the above criteria will no longer be considered when future land use applications are reviewed and processed.

**Morrow County Zoning Ordinance Article 8 Amendments Section 8.040**

**Criteria:** The proponent of the application or permit has the burden of proving justification for its approval. The more drastic the request or the greater the impact of the application or permit on the neighborhood, area, or county, the greater is the burden on the applicant. The following criteria shall be considered by the Planning Commission in preparing a recommendation and by the County Court in reaching their decision.

**A. The local conditions have changed and would warrant a change in the zoning of the subject property(ies).**

This amendment is required by the Oregon Revised Statutes and Oregon Administrative Rules. No local conditions have changed or mistake was made in the original designation of the Comprehensive Plan or Zoning Ordinance.

**B. The public services and facilities are sufficient to support a change in designation including, but not limited to, water availability relevant to both quantity and quality, waste and storm water management, other public services, and streets and roads.**

**1. Amendments to the zoning ordinance or zone changes which significantly affect a transportation facility shall assure that land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- a. Limiting allowed land uses to be consistent with the planned function of the transportation facility or roadway;**
- b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel to meet needs through other modes.**

**2. A plan or land use regulation amendment significantly affects a transportation facility if it:**

- a. Changes the functional classification of an existing or planned transportation facility;**
- b. Changes standards implementing a functional classification;**



- c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
- d. Would reduce the level of service of the facility below the minimal acceptable level identified in the Transportation System Plan. (MC-C-8-98)**

There is no change to the Zoning Ordinance text or Zoning designation. If approved, there will be an application of the Significant Resource Overlay zone to the property and 1500 foot impact area. The underlying zoning will not be affected by this amendment. The aggregate pit is an existing aggregate pit, and no increases to activity have been proposed. Therefore the public services and facilities in the area have already been impacted.

**C. That the proposed amendment is consistent with unamended portions of the Comprehensive Plan and supports goals and policies of the Comprehensive Plan, that there is a public need for the proposal, and that the need will be best served by allowing the request. If other areas in the county are designated for a use as requested in the application, then a showing of the necessity for introducing that use into an area not now so zoned and why the owners there should bear the burden, if any, of introducing that zone into their area.**

The proposed amendment is consistent with unamended portions of the Comprehensive Plan and does support its goals and policies. There has always been a need for aggregate in Morrow County, and this action will help to meet that need. This existing aggregate pit has been operating at this location since the 1930's and has been meeting the needs of State and County projects. Amending the Comprehensive Plan to include this resource is appropriate to preserve the long-term use of this resource.

**D. The request addresses issues concerned with public health and welfare, if any.**

The required DOGAMI and DEQ permits will address requirements for safety at the aggregate site.

#### **Morrow County Comprehensive Plan Review and Revision**

**CRITERIA. The following criteria must be considered before approval of an amendment to the Comprehensive Plan is given:**

- 1. Address the Criteria found in the Morrow County Zoning Ordinance Article 8 Amendments; and**
- 2. Show how the request complies with the relevant statewide land use planning Goals. Include evidence of coordination and compliance with State agencies regarding the statewide planning Goals. (MC OR-1-2013)**  
See Morrow County Zoning Ordinance Article 8 Amendments section above. The Morrow County Comprehensive Plan shows compliance and follows the statewide land use planning Goals.

#### **Morrow County Comprehensive Plan Goal 5 Analysis**

**In 2013 the mineral and aggregate Goal 5 analysis and policies were updated. This update included a change from OAR Division 16 to OAR Division 23 protection procedures and thereby eliminated the old Division 16 Goal 5 categories with numbers and letters such as 1B, etc. This change is reflected only in the Mineral**



and Aggregate references. When the County updates the remaining sections of this part of the Comprehensive Plan, the references to the old Division 16 categories will be gradually eliminated and replaced with Division 23 protections. (MC OR-1-2013)

### **Mineral and Aggregate Resources**

When an application has been received to protect an aggregate or mineral resource, or the County decides to inventory mineral and aggregate resources in its jurisdiction, the County will use the definitions in OAR 660 Division 23. The protection process will meet the requirements as outlined below dependent upon the zoning of the subject property and the size of the mining operation. (MC OR-1-2013)

**Option 1. Large sites on land zoned for Farm Use (EFU, RRI and SF40) with more than 500,000 tons of material to be mined:**

**I. Significance. Quality, quantity, and location of the resource must meet the following criteria:**

**A. A representative sample of aggregate material on the site must meet ODOT specifications for base rock for air degradation, abrasion, and soundness.**

The samples tested for this site meet the ODOT specification for base rock. See attached May 14, 2014 ODOT letter.

**B. The estimated amount of material is more than 500,000 tons over the duration of the mining operation.**

The estimated amount of aggregate material is more than 500,000 tons over the duration of the mining operation.

**C. Location criteria involves whether or not more than 35 percent of the proposed mining area consists of soil classified as Class II or a combination of Class II and Class I or Unique soil. Generally, Morrow County soils are not of these prohibitive classifications where aggregate sites are concerned. A Soils Map must be included in the analysis, however.**

There are no soils classified as Class II, Class I, or unique soils located within the aggregate site. Soils present are 28E (Licksillet very stony loam, 7 – 40 percent slopes) See attached soils map labeled Lexington Quarry Soils/Impact Area Map.

**II. Impact Analysis: The possible conflicts to be analyzed are specifically limited to dwellings, noise, dust and other discharges, transportation issues, safety, conflicts with agricultural practices and other Goal 5 protected resources, Once conflicts have been identified, reasonable and practicable measures that can be taken to reduce the conflicts are analyzed. If no conflicts exist or if they can be minimized, mining must be allowed. If conflicts do exist and they cannot be minimized, an economic, social, environmental, and energy (ESEE) analysis must be fully done. The analysis may address each of the identified conflicts, or it may address a group of similar conflicts. The County may develop one ESEE analysis for mining sites within similar zoning designations that will contain a matrix of commonly occurring conflicts and apply the matrix to future mining analyses.**



**A. Determine an impact area for the purpose of identifying conflicts with the proposed mining and processing activities. The impact area shall be large enough to include existing uses allowed in the Zone, but shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance.**

The 1,500 foot impact area is shown on the map labeled Lexington Quarry Soils/Impact Area Map.

**B. Determine existing or approved land uses within the impact area that are conflicting uses and the potential conflicts created by the proposed mining operation. Conflicts shall be limited to those as follows:**

An existing or approved land use is farming operations. The conflicts to farming operations would be dust and other discharges. Residential uses are also existing or approved land uses. The conflicts to residential uses are noise, dust, other discharges, and safety.

**C. Determine reasonable and practicable measures that would minimize the conflicts identified.**

Mitigation of these conflicts are accomplished by building berms around the operation to limit the noise, using a water truck to keep the dust down, and limiting operation hours to lessen the noise conflict. Dust and other discharges must also meet DEQ standards. There are several fenced and gated acres around the aggregate site for public safety.

**The measures shall meet the following standards:**

**1. They shall not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

These measures will not force a significant change in accepted farm practices on surrounding lands devoted to farm use. Farming will proceed as it has.

**2. Significantly increase the cost of accepted farm or forest practices on surroundings lands devoted to farm or forest use.**

The aggregate operation will not increase the costs of accepted farm or forest practices on surrounding lands. The Department of Transportation will bear the costs associated with mitigation efforts.

**D. Dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted;**

**1. Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities that are sensitive to such discharges.**

Noise is mitigated though the use of berming and limiting hours of operation. Dust is mitigated through the use of water trucks. All discharges must meet DEQ standards, and if not, the operation will be shut down until the operation can meet the required standards.

**2. Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order**



**to include the intersection with the nearest arterial identified in the Transportation System Plan. Conflicts shall be determined based on clear and objective standards.**

There have been no conflicts on Highway 74 which serves the ODOT aggregate site. Highway 74 is a State highway identified as a Minor Arterial in the Morrow County Transportation System Plan (TSP), and has a paved surface. The nearest intersections would be residential or farm accesses off the highway as well as Piper Canyon Road about ½ mile to the south of the aggregate site entrance. No conflicts have been determined.

**3. Safety conflicts with existing public airports due to bird attractants.**

There are no airports located near the aggregate operation. The closest airport is located just east of the Town of Lexington approximately 1 1/2 miles away.

**4. Conflicts with other Goal 5 resource sites within the impact area included in the Comprehensive Plan's Inventory of Significant Resources.**

There are no Goal 5 resource sites within the 1500 foot impact area.

**5. Conflicts with agricultural practices.**

There are some conflicts associated with agricultural practices, dust and other discharges. Both of these conflicts can be mitigated through DEQ dust, water and air standards.

**6. Other conflicts for which consideration is necessary in order to carry out the goals and policies of the Comprehensive Plan and Oregon State regulations.**

There are no other identified conflicts in the impact area pertaining to the goals and policies of the Comprehensive Plan or State regulations.

**E. An analysis of the ESEE consequences is not necessary if reasonable and practicable measures are identified to minimize the identified conflicts and mining shall be allowed at the site.**

There are no conflicts identified that cannot be mitigated. An analysis of the ESEE consequences will not be necessary. See Section B, C and D above.

**F. ESEE Consequences Analysis for conflicts that cannot be minimized: The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. An ESEE analysis will:**

- 1. define the impact area;**
- 2. identify dwellings within the impact area, either existing or for which conditional or final approvals have been granted, that will be adversely affected by the proposed mining operations;**
- 3. identify other conflicts due to noise, dust, other discharges, transportation, safety to public airports, other Goal 5 resources sites within the impact area, conflicts with agricultural practices, and other conflicts for which consideration is necessary in order to carry out the requirements of DOGAMI;**



4. analyze the economic, social, environmental, and energy (ESEE) consequences of the conflicts. This analysis will include information regarding future conflicts to a proposed mining site in order to contribute to the resource's protection plan if the mining would be allowed.

G. Present the County's decision whether or not to allow mining based on the ESEE analysis by either allowing, limiting, or not allowing mining at the site with consideration to the following:

1. The degree of adverse effect on existing land uses within the impact area;
2. Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
3. The probable duration of the mining operation and the proposed post-mining use of the site.

The County has decided to allow mining based on the analysis above and the determination that identified conflicts can be mitigated and any adverse effects would be minimal. ODOT will employ reasonable and practical measures to ensure that all conflicts and adverse effects are reduced. The probable duration of the aggregate site is at least 20 years and the proposed post-mining use of the site as identified in the DOGAMI Operating and Reclamation Plan is Range.

**III. Resource Protection Program.** When mining is allowed at a site, the County must then consider whether to limit new uses that might occur in the impact area in order to protect the significant mining resource. One of the following determinations will be reached with regard to new, conflicting uses in the impact area:

A. Prohibit the conflicting use. This would be because the mining operation as a resource is more important compared to the conflicting use, and the ESEE consequences of allowing the conflicting use would be detrimental to the resource.

B. Allow the conflicting use in a limited way. The County may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

C. Fully allow the conflicting use. The county may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the mine. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided.

It has been determined that mining will be allowed and based on the previous analysis, to fully allow any new allowable uses.

**IV. Comprehensive Plan Amendments.** Whenever the County Court has deemed a mining operation to be significant by the standards set forth in this Plan, the site will be included in the County's Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources, the Comprehensive Plan Map of Significant Aggregate and Mineral Resources,



and the Significant Resource Overlay Zone Map to include the site, including the impact area. The amendment to the Comprehensive Plan Inventory of Natural Resources will have the following information:

- A. Description, including a map, of the resource area including the impact area;
- B. Information on quality and quantity of the resource and the significance of the site;
- C. The analysis language regarding the resource conflicting uses at the site and impact area and ESEE analysis, if any;
- D. The analysis language regarding whether or not mining is allowed, including levels of allowed conflicting uses;
- E. Provisions for post mining use, which shall be determined in coordination with DOGAMI. (MC OR-1-2013).

The Lexington Quarry (ODOT) aggregate operation is located on tax lots 500 and 600 within the SW1/4 of the NE1/4 of Section 35 of Township 1 South Range 25 East of the Willamette Meridian, Morrow County. The impact area is a 1500 foot buffer outside of the ODOT parcel. The site has been deemed significant, based on the quality (stamped by ODOT Engineer), the quantity is over 500,000 tons of material, and location is such that there are no Class I, Class II or unique soils present at the site. The conflicting uses at the site and within the impact area are farming operations and residential uses. No ESEE analysis was done, as all conflicts could be mitigated. Mining will be allowed, and will fully allow new uses within the impact area with criteria set forth in the Significant Resources Overlay zone. The post mining use will be Range based on the DOGAMI Operating and Reclamation Plan.

- III DLCD 45 DAY NOTICE: May 20, 2014
- IV PROPERTY OWNER NOTICE: June 4, 2014
- V LEGAL NOTICE: Heppner Gazette Times and East-Oregonian  
June 4, 2014
- VI AGENCIES NOTIFIED: Amanda Puntin, Grant Young, Angela Houck, Department of Land Conservation and Development; Marilyn Holt, Teresa Penninger, Patrick Knight, Oregon Department of Transportation; Ben Mundie, DOGAMI; Linda Hayes-Gorman, Phil Richerson, Department of Environmental Quality; Mike Gorman, Morrow County Assessor; Burke O'Brien, Morrow County Public Works; Heppner Rural Fire Protection District; Tony Justus, Watermaster.
- VII HEARING DATES: Planning Commission  
Heppner City Hall  
Heppner, Oregon  
June 24, 2014  
  
County Court (tentative)  
July 23, 2014



**IX RECOMMENDATION OF THE MORROW COUNTY PLANNING COMMISSION:**

1. The Planning Commission, by motion, deemed the site significant;
2. Recommend the Morrow County Court amend the Comprehensive Plan Goal 5 Analysis text to add the following:  
The Lexington Quarry (ODOT) aggregate operation is located on tax lots 500 and 600 within the SW1/4 of the NE1/4 of Section 35 of Township 1 South Range 25 East of the Willamette Meridian, Morrow County. The impact area is a 1500 foot buffer outside of the ODOT parcel. The site has been deemed significant, based on the quality (stamped by ODOT Engineer), the quantity is over 500,000 tons of material, and location is such that there are no Class I, Class II or unique soils present at the site. The conflicting uses at the site and within the impact area are farming operations and residential uses. No ESEE analysis was done, as all conflicts could be mitigated. Mining will be allowed, and will fully allow new uses within the impact area with criteria set forth in the Significant Resources Overlay zone. The post mining use will be Range based on the DOGAMI Operating and Reclamation Plan.
3. Recommend the Morrow County Court order the aggregate site and 1500 foot impact area be mapped on the Morrow County Zoning Map with the Significant Resources Overlay Zone.

  
\_\_\_\_\_  
David Sykes, Chair

6-24-2014  
Date



Attachments:

Vicinity Map  
Prospective Material Source Lexington Quarry  
May 14, 2014 ODOT letter  
Lexington Quarry Soils/Impact Area Map  
Comprehensive Plan Goal 5 Analysis text  
Map of Significant Resources Overlay Zone





Morrow County Planning Department  
 June 2014  
 Map for Reference Purposes Only

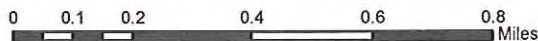
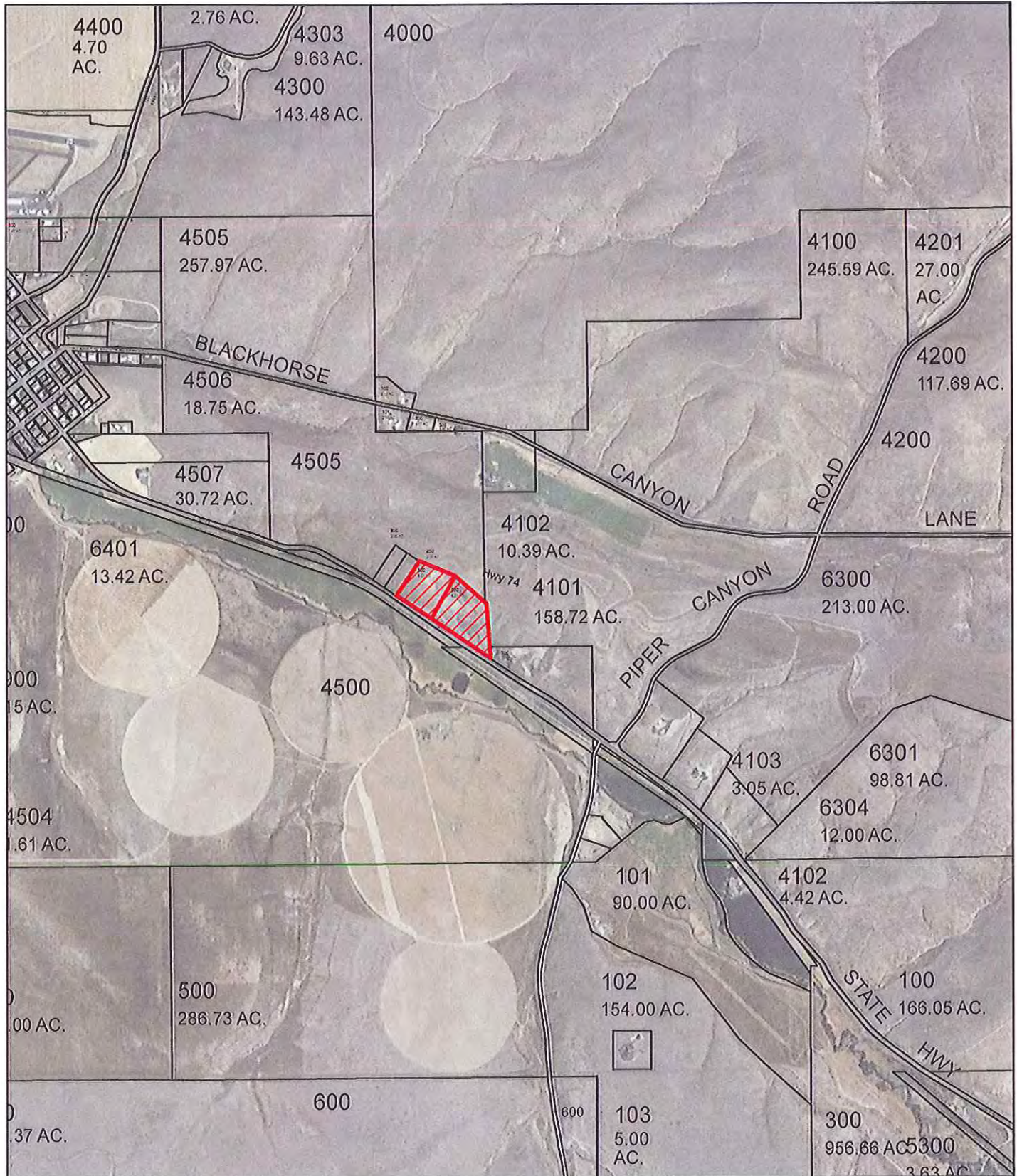
 Goal 5 Aggregate Property  
 Tax Lot



# Vicinity Map

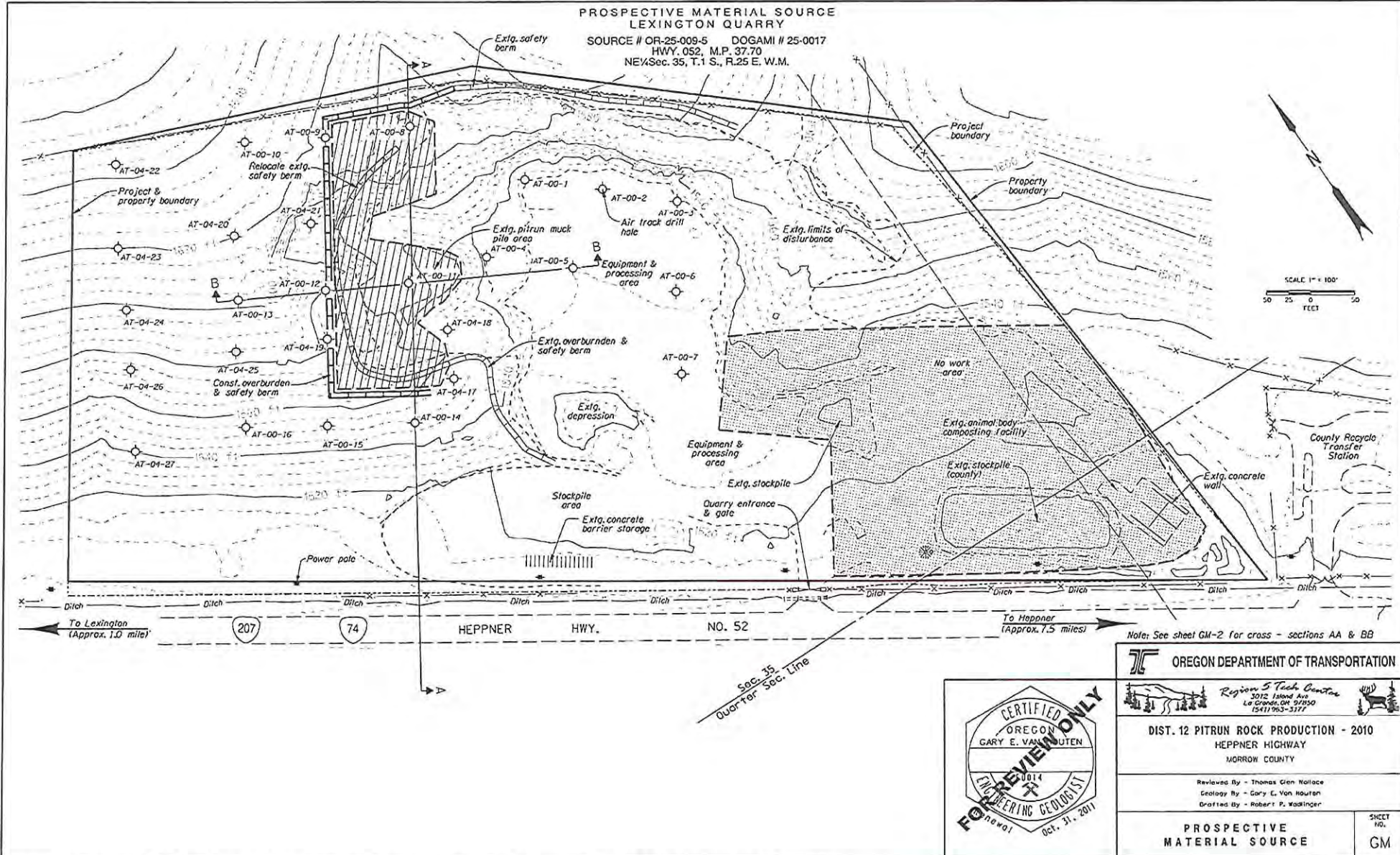
AC-072-14  
 AZ(M)-073-14

1S 25E Sec. 35 Tax Lots 500 & 600





PROSPECTIVE MATERIAL SOURCE  
 LEXINGTON QUARRY  
 SOURCE # OR-25-009-5 DOGAMI # 25-0017  
 HWY. 052, M.P. 37.70  
 NE 1/4 Sec. 35, T.1 S., R.25 E. W.M.



OREGON DEPARTMENT OF TRANSPORTATION Region 5 Tech Center 3012 Island Ave La Grande, OR 97250 (541) 963-3177	
DIST. 12 PITRUN ROCK PRODUCTION - 2010 HEPNER HIGHWAY MORROW COUNTY	
Reviewed By - Thomas Glen Wallace Geology By - Gary E. Van Houten Drafted By - Robert P. Wadlinger	
PROSPECTIVE MATERIAL SOURCE	SHEET NO. GM





# Oregon

John A. Kitzhaber, MD, Governor

## Department of Transportation

Region 5 Geology  
3012 Island Avenue, La Grande, OR 97850  
Voice (541) 963-1334  
Fax (541) 963-9079

Morrow County Planning Department  
PO Box 40  
Irrigon, OR 97844

May 14, 2014

Re: Lexington Quarry, ODOT Source #OR-25-009-5  
Significant Aggregate Site Information  
ODOT Material Sources Goal-5 Status  
Morrow County, Oregon

Ladies and Gentlemen:

This letter provides documentation of the location, quality, and quantity of aggregate resource at the Lexington Quarry within Morrow County to be considered for Goal-5 status under the County Plan.

The Lexington Quarry is located between the towns of Lexington and Heppner on the OR 74/OR 207 Heppner Highway (Hwy #052) at MP 37.70, and north of the County Recycling Transfer Station. Access to the existing hard rock Lexington Quarry is on the north side of the highway, the property is gated (locked) and fenced, and includes an ODOT animal composting site. The quarry is in the basalt rim rock north of Willow Creek and the highway. This site is property owned by ODOT for the purposes of mining rock, crushing and processing, and stockpiling the aggregate materials for use on State highways. Specifics regarding this material source have been submitted by ODOT Planning, and includes the site-specific ODOT material source number, the location legal description and Assessors Map Tax Lot (if assigned), County Zoning category, and remarks specific to the individual site.

I have personally observed the site and rock materials at this material source property, and it is my professional judgment that through typical excavation and production processes, the ODOT estimate of 750,000 tons or greater reserve quantities are reasonably obtainable. U.S. Geological Survey (USGS) and Oregon Department of Geology and Mineral Industries (DOGAMI) maps<sup>1</sup> of the area that includes the quarry, show rock is part of the Grande Ronde Basalt unit, part of the Columbia River Basalt Group erupted during the Miocene or 25-10 million years ago. Based upon ODOT's experience and laboratory testing results using aggregate produced from the geologic formation in this site and that typically occurs throughout the County, aggregate produced from the Lexington Quarry meets or exceeds ODOT highway paving aggregate standards, including abrasion and degradation laboratory testing.

<sup>1</sup>Swanson, D.A., et al, 1981, Reconnaissance Geologic Map of the Columbia River Basalt Group, Northern Oregon and Western Idaho: Open-File report 81-797, U.S. Geological Survey; and, Walker, G.W., and MacLeod, N.S., 1991, Geologic Map of Oregon: U.S. Geological Survey.





Significant Aggregate Site Information  
ODOT Material Sources Goal 5 Status  
Morrow County, Oregon

ODOT Region 5  
Geology Unit

Based upon this information, it is my engineering geologic conclusion that this site meets the Goal-5 Significant Site criteria, and I recommend that this site be added to the Morrow County Significant Site Inventory.

Should you have any questions or require any additional information please contact me at the address or phone numbers on this letter.

Sincerely,

A handwritten signature in blue ink that reads "Gary Van Houten".

Gary E. Van Houten, CEG 0014  
Material Sources Manager  
ODOT Region 5  
3012 Island Avenue  
La Grande, OR 97850  
Phone: 541-963-1334  
E-mail: [gary.e.vanhouten@ODOT.state.or.us](mailto:gary.e.vanhouten@ODOT.state.or.us)






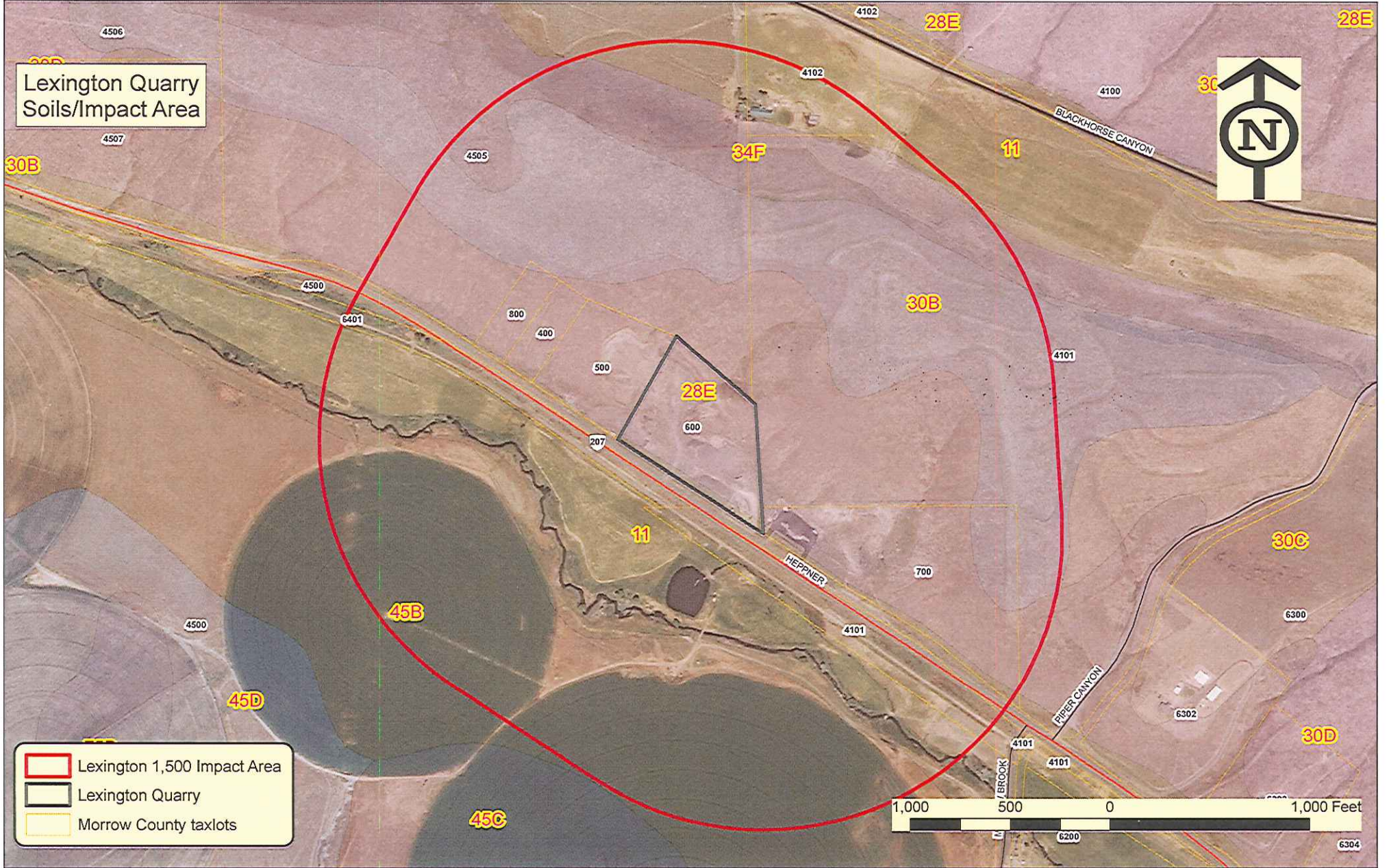
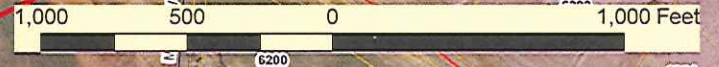
cc: Patrick Knight, ODOT R-5 Planning



Lexington Quarry  
Soils/Impact Area



-  Lexington 1,500 Impact Area
-  Lexington Quarry
-  Morrow County taxlots





# Morrow County Comprehensive Plan

## THE GOAL 5 ANALYSIS

### Mineral and Aggregate Resources

**Aggregate Mines with Goal 5 Protection.** A list of aggregate sites, attached as Appendix, includes both those with protections under Goal 5 and those located on farmland required to be listed in the Comprehensive Plan. Some were declared significant when the Comprehensive Plan was adopted in 1980 and acknowledged in 1986, and others were on Morrow County's inventory of significant aggregate sites as of September 1, 1996, thus meeting the requirements of OAR 660-023-0180(3)(c). The remainder, approved since that date, were protected under the rules prescribed in OAR 660 Division 023, some being protected under Goal 5 with the majority being on farmland and meeting the requirement of listing in the Comprehensive Plan. (MC OR-1-2013)



The Lexington Quarry (ODOT) aggregate operation is located on tax lots 500 and 600 within the SW1/4 of the NE1/4 of Section 35 of Township 1 South Range 25 East of the Willamette Meridian, Morrow County. The impact area is a 1500 foot buffer outside of the ODOT parcel. The site has been deemed significant, based on the quality (stamped by ODOT Engineer), the quantity is over 500,000 tons of material, and location is such that there are no Class I, Class II or unique soils present at the site. The conflicting uses at the site and within the impact area are farming operations and residential uses. No ESEE analysis was done, as all conflicts could be mitigated. Mining will be allowed, and will fully allow new uses within the impact area with criteria set forth in the Significant Resources Overlay zone. The post mining use will be Range based on the DOGAMI Operating and Reclamation Plan.





# Significant Resources Overlay Zone Map

Morrow County Planning Department  
June 2014  
Map for Reference Purposes Only

 Goal 5 Aggregate Property  
 Tax Lot

AC-072-14  
AZ(M)-073-14

1S 25E Sec. 35 Tax Lots 500 & 600

