

APR 2 3 32 PM '97

BEFORE THE MORROW COUNTY COURT  
OF MORROW COUNTY

BARBARA BLOODSWORTH  
MORROW COUNTY CLERK  
BY *[Signature]* DEPUTY

AN ORDINANCE AMENDING THE MORROW COUNTY )  
COMPREHENSIVE PLAN TO INCLUDE A SITE TO )  
THE GOAL 5 AGGREGATE INVENTORY. )  
THE SITE TO BE INCLUDED IS REFERRED TO AS )  
THE DOHERTY/JUNIPER CANYON PIT. )

ORDINANCE NUMBER MC-C-2-97

The County of Morrow does ordain as follows;

WHEREAS, the Morrow County Planning Commission reviewed the combined Conditional Use Permit and Comprehensive Plan Amendment application filed by the Morrow County Public Works Department, to establish a new quarry site in the Juniper Canyon area; and

WHEREAS, the Morrow County Planning Commission held public hearings on January 6, 1997 at Lexington, Oregon and February 24, 1997 at Irrigon, Oregon;

WHEREAS, the Morrow County Planning Commission voted unanimously to approve the Conditional Use Permit to operate the County rock crusher and to amend the comprehensive plan to include the site on the Goal 5 aggregate inventory; and

WHEREAS, the Morrow County Court reviewed the recommendation for approval by the Morrow County Planning Commission and voted unanimously to uphold the decision of the Planning Commission; and

WHEREAS, the Morrow County Court held a public hearing on March 5, 1997 at Heppner, Oregon.

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

SECTION 1. TITLE OF ORDINANCE.

This ordinance shall be known, and may be cited as, "the Comprehensive Plan Goal 5 Amendment for the Doherty/Juniper Canyon Aggregate Site"

SECTION 2. TEXT AMENDMENT.

Reference Exhibit A

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 90 days after the date of its adoption by the Morrow County Court.

DATE OF FIRST READING: March 12, 1997

DATE OF SECOND READING: April 2, 1997

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 2nd DAY OF April 1997.



Louis A. Carlson, Judge

Raymond J. French, Commissioner

John E. Wenholz, Commissioner

APPROVED AS TO FORM:

Valerie E. Roberts  
County Counsel

FINAL  
FINDINGS OF FACT  
Comprehensive Plan Amendment  
Conditional Use Request #CUP-N-97

**REQUEST:** To allow the operation of a rock crusher and stockpiling of crushed rock for the County Public Works Department. Request is also to add the site to the Goal 5 aggregate inventory in the Comprehensive Plan.

Subject parcel is described as tax lot 700 of Assessor's Map 1N 25 03.

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**APPLICANT:** Morrow County Public Works Department  
P.O. Box 453  
Lexington, OR 97839

**PROPERTY OWNER:** Gene and Tom Doherty  
P.O. Box 913  
Heppner, OR 97836

**FINDINGS OF FACT:**

**1. BACKGROUND INFORMATION**

The subject parcel is located on the north side of Juniper Road (Co.Rd.No.630), at the intersection of Juniper Canyon Road (Co.Rd.No.923), approximately three miles west of bombing Range Road. Zoning of the parcel is Exclusive Farm Use Zone, a 160-acre minimum lot size zone. Parcel is 304.58 acres in size. The entire proposed quarry operation area will include ten acres. Approximately three of the ten acres will be affected by mining. The parcel is farmed except the portion proposed for the quarry operation contains rock outcropping. The proposed quarry site contains Lickskillet very stony loam, with 7 to 40 percent slopes, a class Viis soil type. Soil type is (20B) Hezel loamy fine sand, a class VII dryland, Ie irrigated. The remainder of the parcel contains several other soil types including Warden silt loam (71B), a class IV dryland, IIe irrigated class, and, Ritzville silt loam (45B), a class IIIe dryland, II irrigated soil.

**2. COMPLIANCE WITH COUNTY ZONING ORDINANCE**

The applicant has filed under Zoning Ordinance Section 3.010(2)(e) which allows for the "exploration, mining, and processing of aggregate and other mineral resources..." as a Conditional Use. Applicable Conditional Use criteria are presented below in bold type.

**CONDITIONAL USES**

Section 6.050(9) Mining, quarrying, or other extraction activity:  
(A) Plans and specifications submitted to the Planning Commission for approval must contain sufficient information to allow the Planning Commission to consider and set standards pertaining to the following:

- (a) The most appropriate use of the land.

The subject area is comprised of scabground and rock outcropping. Mining of the aggregate material is most appropriate. Dryland farming will continue on the remainder of the parcel.

(b) Setback from the property line.

The map indicates approximately 50 foot setback from the property line.

(c) The protection of pedestrians and vehicles through the use of fencing and screening.

The site is located in a remote area of the county where traffic is sparse and pedestrians are rare. The operation will not interfere with pedestrians or vehicles.

(d) The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.

The applicant will comply with applicable DEQ permits and therefore complies with this criteria.

(e) The prevention of the collection and the stagnation of water of all stages of the operation.

Water is only used for dust abatement. There is no excess water for collection.

(f) The rehabilitation of the land upon termination of the operation.

The applicant has applied for and will comply with reclamation permit from the Department of Geology and Mineral Industries (DOGAMI).

(B) Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which may be injurious or annoying to persons or other uses in the vicinity.

The equipment will be set back from the County Road and will be sufficiently buffered from the farm operation to insure no adverse impact.

(C) The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.

The DOGAMI submitted a referral regarding the proposed reclamation permit. No other comments have been received to date.

(D) A rock crusher, washer or sorter shall not be located closer than 500 feet from a residential or commercial use.

There are no dwellings within 500 feet of the operation.

(3) Limitations of Conditional Uses. In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Article 6 of this ordinance, the following limitations shall apply to a nonfarm or nonforest related use permitted as a Conditional Use.

(A) Nonfarm or nonforest related uses primarily permitted by subsection (2) of this section may be established on nonproductive agricultural lands upon the findings by the Commission that each such use:

(a) Is compatible with farm uses described in subsection (2) of ORS 215.203, and is consistent with the intent and purposes set forth in ORS 215.243, the County's Comprehensive Plan and this ordinance.

(b) Does not interfere seriously with accepted farming practices as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm uses; and

(c) Does not materially alter the suitability of the overall land use pattern of the area; and

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract; and

(e) Complies with such other conditions as the governing body of the County considers necessary.

Summary: The rock crusher and quarry operation is operated in various areas throughout the county without conflicts with farming operations. Operation of this aggregate site will not conflict with normal farming practices. Applicant has applied for the appropriate reclamation permit from DOGAMI. The proposed use will not adversely effect farming practices or the suitability of the overall land use pattern of the area. The request is compatible with the aforementioned Conditional Use criteria.

### 3. AMENDMENT TO THE COMPREHENSIVE PLAN

The quarry site is a new site and is not currently listed on an inventory in the Comprehensive Plan. Since this is a requirement set forth in ORS 215.298(2), Planning Commission hereby recommends an amendment to the Plan to include the subject site on Page 102 of the Comprehensive Plan. Sufficient information about quality and quantity is not available at this date to undertake a full ESEE analysis therefore the site will be listed as not significant. At a later date, next Periodic Review, when the entire Goal 5 inventory is updated, this site will also be reviewed.

4. AGENCIES NOTIFIED: DLCD, Janet Hohle, DOGAMI.

5. PROPERTY OWNERS NOTIFIED: December 27, 1996

### 6. HEARING DATES:

FIRST HEARING: January 6, 1997  
Public Works Building, Lexington

SECOND HEARING: February 24, 1997  
North Morrow Annex, Irrigon, Oregon

COUNTY COURT HEARING: March 5, 1997  
County Courthouse, Heppner, OR

**ACTION OF THE PLANNING COMMISSION:**

Approval of the Conditional Use Permit Application and the Comprehensive Plan Amendment, subject to the following conditions. Planning Commission action also included recommendation to County Court to approve the Comprehensive Plan Amendment.

**CONDITIONS OF APPROVAL**

**A. Weeds - Condition of Approval**

A noxious weed management plan addressing Morrow County "A" and "B" listed weeds has been prepared by the County Weed Supervisor (Dave Pranger) with review by TNC Regional Ecologist (Berta Youtie). Conditional Use approval can be suspended if satisfactory management plan implementation is not maintained.

Weed Management Plan for Doherty/Juniper Pit

Site Location: T1N, R25E, sec 3 NE 1/4, Morrow County  
Site Size: 10 acres

The purpose of this weed management plan is to control the spread of noxious weeds (A & B List or its future equivalent) from the proposed rock pit as well as to control weeds on the lease site. This plan is in response to concerns raised by the adjacent landowners, The Oregon Nature Conservancy.

1. Site will be treated in the spring of 1997 with an aerial or ground application of Tordon 22K and 2,4-D. This should control a large percentage of the diffuse knapweed and spikeweed population from producing seed in 1997 prior to anticipated startup of rock pit operations. If aerial applications are used, all caution will be taken to prevent drift from the rock pit site onto adjacent properties.
2. Site will be monitored and treated beginning summer of 1997 and throughout growing seasons for the length of the lease to assure that noxious weeds do not form seed. If weed control is necessary, it will be applied by the Weed District according to Morrow County Weed Supervisor recommendations. When weed densities drop below 3 plants per square meter in the infested areas, alternatives to chemical control will be considered.
3. Roadways on site will be sterilized annually during the lease period.
4. On termination of rock pit and stockpiling activities, the county will continue to lease the site from the private landowner for a period of three years if the landowner agrees to lease the site for the same fee as the stockpile fee. During this period the County will continue to control noxious weeds.

## B. Reclamation - Condition of Approval

This condition deals with the Operating and Reclamation Plans for Non-metal and Placer Mines (SMLR-16) that the County is required to submit to the Oregon Department of Geology & Mineral Industries (DOGAMI).

These standards are for only the portion of the lease site where there is significant soil for successful revegetation i.e. processing, stockpiling and access road areas. This is approximately 5 to 7 acres.

The following standards are to be incorporated into The County's application (SMLR-16) to DOGAMI for the Doherty/Juniper Pit.

### I. Reclamation Procedures

#2 Reclamation techniques and #3 Reclamation of processing and stockpiling sites.

#### g. Describe seed bed preparation methods prior to planting.

The best management technique practiced at the time of reclamation will be used to reduce the compaction of the topsoil where appropriate. No berms will remain on site unless needed to reduce soil erosion.

#### h. List species to be seeded and/or planted by type and amount.

Great Basin wildrye ( <i>Leymus cinereus</i> )	10 lbs per acre.
Bluebunch wheatgrass ( <i>Agropyron spicatum</i> )	6 lbs per acre.
Sandberg's bluegrass ( <i>Poa secunda</i> )	6 lbs per acre.
Saltgrass ( <i>Disticlis stricta</i> )	3 lbs per acre.

The species selected are indigenous to the site. Seeds will be collected from Lindsay Prairie and close by remanent sites by The Nature Conservancy. The Nature Conservancy will supply the seed for a cost of \$1,000 paid by Morrow County.

#### i. Describe planting method and the time of the year.

Seeds will be seeded utilizing a rangeland drill in the first fall after stockpiling and rock hauling activities cease.

#### j. List types and amounts of fertilizer, mulch and lime to be used to supplement the seeding.

Lime is not recommended. The soil at the site is already alkali. Fertilizer and mulch will be utilized if determined best management practice at the time of reclamation.

If these standards are above and beyond state requirements at the time of reclamation, The Nature Conservancy agrees to assist Morrow County. The County will notify The Nature Conservancy 2.5 years

prior to implementation to review reclamation plan and cooperate with any alterations.

C. Dust - Condition of Approval

The County comply with terms of DEQ air contaminant discharge permit 37-0427.



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Marvin Padberg, Chairman  
Morrow County Planning Commission

2-28-97

Date

MORROW COUNTY COURT



\_\_\_\_\_  
Louis A. Carlson, Judge



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Raymond French, Commissioner



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John Wenholz, Commissioner