

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE
MORROW COUNTY COMPREHENSIVE
PLAN TO PROTECT AN AGGREGATE SITE
UNDER GOAL 5 RULES AND INCLUDE THE
SITE IN THE COMPREHENSIVE PLAN'S
INVENTORY OF NATURAL RESOURCES -
AGGREGATE AND MINERAL RESOURCES.
AMEND THE COMPREHENSIVE PLAN
MAP OF INVENTORY OF NATURAL
RESOURCES - AGGREGATE AND
MINERAL RESOURCES, AND AMEND THE
ZONING MAP TO ADD THE SITE TO THE
SIGNIFICANT RESOURCES OVERLAY
ZONE MAP

COUNTY ORDINANCE

NO. ORD-2014-3

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 11.98 acres of land as a Goal 5 significant resource site, to add the site to the Morrow County Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources, to add the site to the Comprehensive Plan Map of Inventory of Natural Resources - Aggregate and Mineral Resources, 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 April 29, 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

AC-069-14 Comprehensive Plan Amendment
AC(M)-070-14 Comprehensive Plan Map Amendment
AZ(M)-071-14 Zoning Map Amendment

Adopting Ordinance
Page 1

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on June 18, 2014, at the Port of Morrow Riverfront Center in Boardman, Oregon; and

WHEREAS, Tim Hellberg and Trina Hellberg Miles, testified in favor of the amendments; 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, shall be listed as a Goal 5 protected aggregate site in the Morrow County Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources, and added to the Comprehensive Plan Map Inventory of Natural Resources - Aggregate and Mineral Resources, 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-Hellberg Aggregate Goal 5 Significant Site Comprehensive Plan, Comprehensive Plan Map and Zoning Map Amendment."

Section 2 Affected Documents:

The Comprehensive Plan, Comprehensive Plan Map 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; add the site to the Morrow County Comprehensive Plan Inventory of Natural Resources - Aggregate and Mineral Resources as shown on Exhibit B.

2. Map Amendments: The Morrow County Comprehensive Plan Map Inventory of Natural Resources - Aggregate and Mineral Resources will be amended to indicate the site as an aggregate site as shown on Exhibit C. 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 D.

Section 3 Effective Date

This ordinance shall be effective on July 2, 2014.

Date of First Reading: June 25, 2014

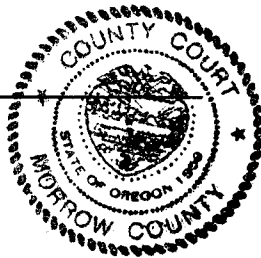
Date of Second Reading: July 2, 2014

DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 2nd DAY OF JULY, 2014

ATTEST:

MORROW COUNTY COURT:

*Bobbi Childers by
Sheresa Crawford*
Bobbi Childers
County Clerk *Deputy
Clerk*



Terry K. Tallman
Terry K. Tallman, Judge

ABSENT
Ken Grieb, Commissioner

Leann Rea
Leann Rea, Commissioner

Exhibit A

Option 4. Mining in land use zones other than Exclusive Farm Use Zones.

Morrow County has land use zones, such as Port, General and Space Age Industrial and the Forest Use Zone, which have extensive tracts of land, much of it traditionally used for agricultural or forest purposes. This section will provide applicants for mineral and aggregate sites of 100,000 tons or more to be included in Morrow County's Inventory of Natural Resources - Aggregate and Mineral Resources and the Significant Resources Overlay Zone. It should be clear that this process as outlined is voluntary and is not required in any of these zones to allow mining. These provisions would provide additional protections not otherwise available with a Conditional Use Permit.

In response to an application for a Post Acknowledgment Plan Amendment (PAPA) to include a mineral or aggregate site on Morrow County's Inventory of Natural Resources - Aggregate and Mineral Resources, the County may process the application as follows:

- A. Mines producing minerals other than aggregate that will produce more than 5,000 cubic yards of material - follow OAR 660-023-0040 and OAR 660-023-0050 for approval. Amend the Comprehensive Plan Map and Inventory of Natural Resources - Aggregate and Mineral Resources to include the site.
- B. Aggregate sites that will produce more than 100,000 tons of material will follow the procedures in Option 3 the exception being the amount of material mined is over 100,000 tons with no upper limits. (MC OR-1-2013)

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 Hellberg Pit (ODOT) aggregate operation is located on tax lots 205 and 207 within the SE1/4 of the NW1/4 of Section 26 of Township 5 North Range 26 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/Open Space based on the DOGAMI Operating and Reclamation Plan. (MC OR-xx-2014)

Coal/Methane

References: Mineral Resource Map; Water Resources Map; Wildlife Resources Map; Plan Text

**Inventory of Natural Resources
Aggregate and Mineral Resources**

Goal 5 Significant	Farmland Significant	Site Name	Owner	Map and Tax Lot	DOGAMI #	Other Number
Yes		Cecil Quarry, Cecil Rock Production	ODOT	2N 23 6, 7 TL 1100	25-0003	ODOT #25-007
Yes		Lexington Quarry MP 39 Heppner	ODOT	1S 25 35 TL 600	25-0017	ODOT #25-009
Yes		Walpole Gravel Pit	MC/ODOT	5N 27 20 TL 1504,2200	25-0018	ODOT #25-005
Yes		Britt Quarry	Marty Britt/Sid and Randy Britt	1N 27 TL 1400	25-0069	
Yes		Willow Creek Ranch	Willow Farms, LLC/Mark Zoller	2N 23 17 TL 1401	25-0071	
Yes		Hellberg Goal 5	Max Hellberg	5N 26 26 TL 203		DLCD# 001-04
Yes		Hellberg Pit (ODOT)	ODOT	5N 26 26 TL 205, 207	25-0048	ODOT #25-032-5
	Yes	Six-Mile Pit	Three Mile Canyon Farms	4N 23 23, 24 TL102	25-0006	
	Yes	Kinzua Resources	Port of Morrow	2S 26 21 TL 2701	25-0004	
	Yes	Boardman	Eucon Corporation	4N 24 23 TL 402	25-0015	
	Yes	So Bombing Range Pit	MC/ Irvan Rauch	1N 26 18 TL 3200	25-0020	PW #210
	Yes	J. J. Aylett	Aylett, Jeddie & Juanita	4N 27 28 TL 300, 1101	25-0023	
	Yes	East Fork Dry Ck Quarry MP 59.6 Wasco-Heppner Hwy	ODOT	3S 23 27 TL 3001	25-0024	ODOT #25-056
	Yes	Cutsforth Quarry	Cutsforth	1S 25 20 TL 2000	25-0027	CUP-N-5(1983)
	Yes	Rhea Creek Quarry	MC/Melvin Harnett	3S 26 32 TL 3200	25-0029	PW #247/220
	Yes	Zinter Quarry	MC/Zinter Dev.	3S 23 27 TL 3400	25-0030	ODOT #30-018, PW #221, Check against 25-0043!!
	Yes	Clark Canyon Quarry	MC	2S 25 15 TL 1702	25-0031	PW #201
	Yes	Skinners Fork Quarry	MC	3S 27 12 TL 400	25-0032	PW #228
	Yes	Butter Creek Quarry/Currin Pit	MC/Currin Ranch	1N 28 25 TL 700	25-0033	PW #239/224
	Yes	Dougherty Pit/Sandhollow	MC/Jerry Dougherty	1S 27 7 TL 505	25-0034	PW# 226
	Yes	Chick Quarry/Reitmann Pit North	MC/Bridston	1N 23 12 TL 3600, 2200	25-0035	PW #227
	Yes	Rugg Quarry/Road Canyon Pit	MC/James Martin	4S 26 22 TL 1502	25-0038	PW #230
	Yes	2011 Ruhl Quarry	Rich Ruhl	2S 24 10 TL 600	25-0039	PW #229
	Yes		Finley Buttes Landfill Company	2N, 3N 26 5, 32 TL 301	25-0040	
	Yes		Easy Way Contracting, Inc.	2N 26 7 TL 501	25-0041	CUP-N-34
	Yes	Hellberg Pit	MC	5N 26 26 TL 206	25-0042	PW #231/241

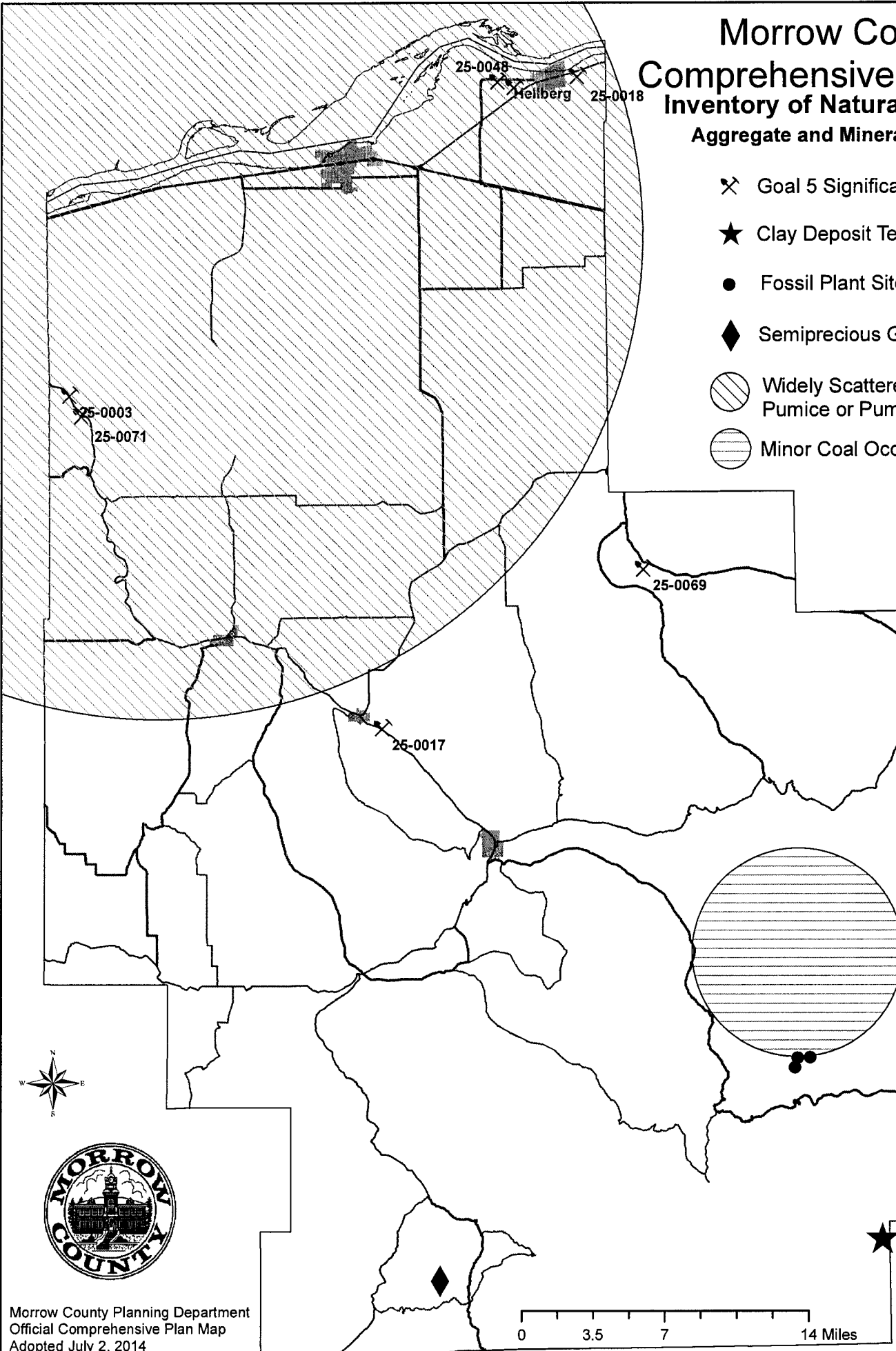
EXHIBIT B

Inventory of Natural Resources
Aggregate and Mineral Resources

Goal 5 Significant	Farmland Significant	Site Name	Owner	Map and Tax Lot	DOGAMI #	Other Number
	Yes	Zinter Quarry MP 60.45 Wasco-Hep Hwy	ODOT	3S 23 26 TL 3400	25-0043	ODOT #25-018
	Yes	Halverson Site	MC/Halverson	1S 23 27 TL 2300	25-0044	PW #217
	Yes	Rivercrest	Rivercrest Farms/Baker Produce South	2N 26 7 TL 500 or 501?	25-0046	Check against 25-0041!!!
	Yes	Albert Wright Pit	MC/Wright Century Farm	4S 25 28, 33 TL 3800	25-0050	PW #236
	Yes	Carlson	MCPW/4C Ranches	3S 24 7 TL 1401	25-0051	PW #237
	Yes	Little Butter Creek	MCPW/Currin Ranches	1S 28 TL 1600	25-0052	PW #209
	Yes	Hellberg-Wise Pit	Wesley Wise/Max Hellberg	5N 26 26 TL 203	25-0053	
	Yes	Turner	MCPW/Turner Ranch	2S 27 17 TL 1300	25-0054	PW #219
	Yes	Madison Section 16	Madison, Kent	3N 27 16 TL 1100	25-0056	
	Yes	Sand Lake	Boardman Tree Farm	3N 26 26 TL 1401	25-0059	
	Yes	Doherty-Juniper Pit	MCPW/Doherty	1N 25 3 TL 700	25-0061	PW #238
	Yes	L & M Pit	Miller & Sons/L&M Ranch	2S 26 23, 26, TL 3402, 3301	25-0062	
	Yes	Padberg Pit	Miller & Sons/Padberg	1S 24 27 TL 3501	25-0067	
	Yes	Heideman Quarry	Heideman/4DG Land Co.	1N 23 19 TL 3102	25-0068	
	Yes	Ely Canyon Quarry, Heideman II	WI Construction /Heideman	1N 23 28 TL 6001	25-0070	
	Yes		Wade Aylett	4N 27 28 TL 800	30-0129	
	Yes	Thompson Pit	MC/Brian Thompson	4S 27 TL 900		PW #240, CUP-S-105, MC-C-5-97
	Yes		Kevin Haguewood	1N 23 28 TL 5900		CUP-N-284 AC-040-10 AC(M)-041-10
	Yes		John Kilkenny	2S 28 28 TL 1300		CUP-S-297 AC-057-12 AC(M)-058-12
	Yes		Madison Farms	3N 27 30 TL 1700		CUP-N 271 AC-018-09 AC(M)-017-09

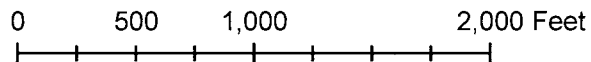
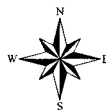
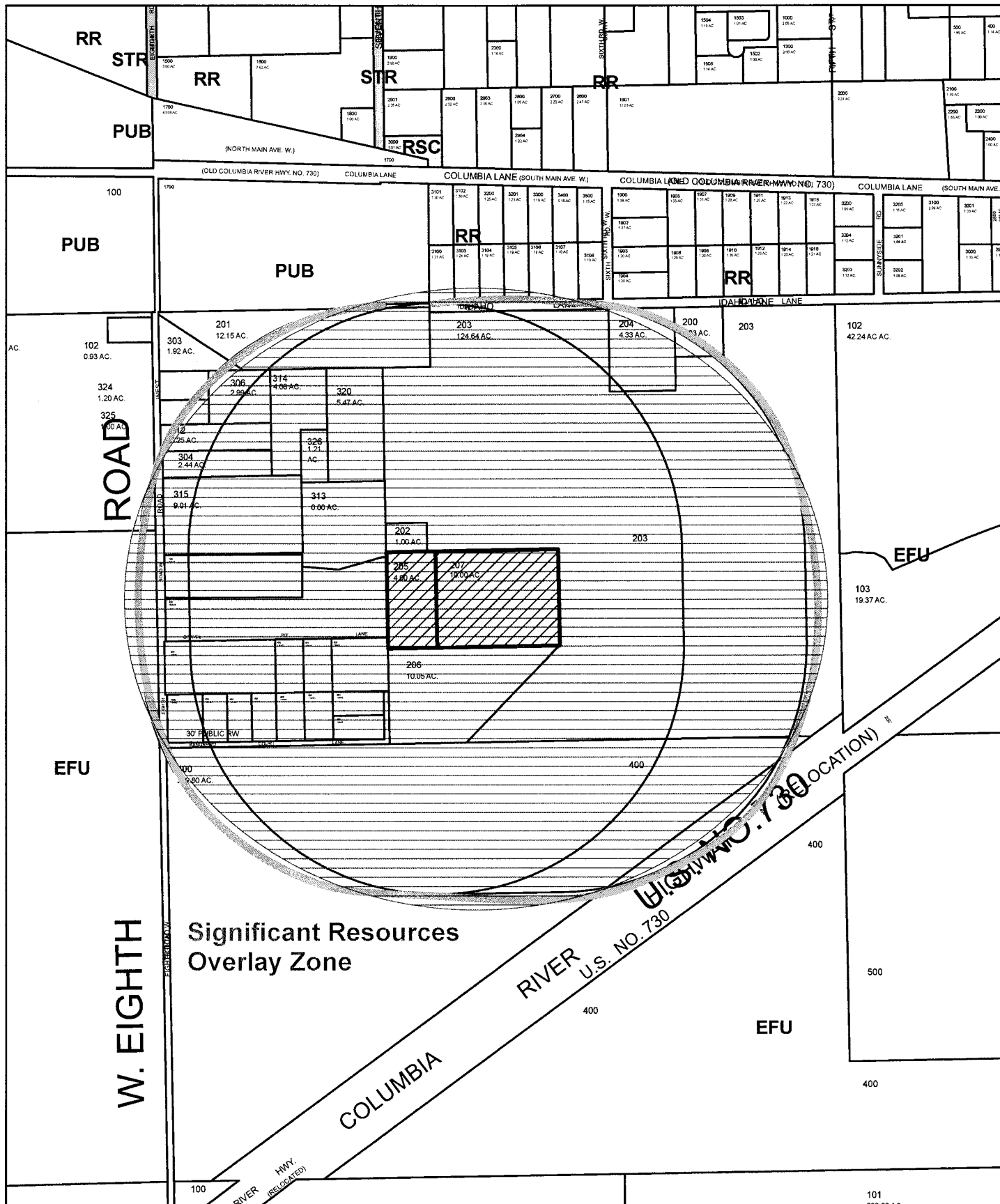
Morrow County Comprehensive Plan Map Inventory of Natural Resources Aggregate and Mineral Resources

- ✕ Goal 5 Significant Sites
- ★ Clay Deposit Tested
- Fossil Plant Sites
- ◆ Semiprecious Gems (Opal)
- ⊘ Widely Scattered Deposits of Pumice or Pumicite
- Minor Coal Occurances



Significant Resources Overlay Zone
1500 Foot Boundary
ODOT Hellberg Goal 5

Morrow County
Zoning Map



MORROW COUNTY, OREGON **CJ2014-0059**
Commissioners' Journal **07/03/2014 4:32:01 PM**



2014-0059

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Bobbi Childers - County Clerk