

BEFORE THE MORROW COUNTY COURT
OF MORROW COUNTY

AN ORDINANCE AMENDING THE MORROW
COUNTY COMPREHENSIVE PLAN AND THE
COMPREHENSIVE PLAN AND ZONING MAPS TO
INCLUDE A SIGNIFICANT AGGREGATE
RESOURCE SITE

COUNTY
ORDINANCE
NO. MC 02-04

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 on January 15, 1986; and

WHEREAS, an application was filed by Max Hellberg (hereinafter "Applicant") to include approximately 50 acres of ground as a significant resource site under Goal 5 and to amend the Morrow County Comprehensive Plan Inventory of Significant Aggregate Sites by a plan amendment and zone change request to Significant Resource Overlay Zone, MCZO Section 3.200; and

WHEREAS, the Morrow County Planning Commission held a hearing to review the request on May 25, 2004, June 29, 2004 and July 20, 2004; and

WHEREAS, the Morrow County Planning Commission recommended approval of the request and adopted Final Findings of Fact; and

WHEREAS, the Morrow County Court held a hearing to consider the recommendation of the Morrow County Planning Commission on August 18, 2004, September 22 and 29, 2004 and October 13, 2004; 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 sodium sulfate soundness; and

WHEREAS, the estimated amount of material on deposit is more than 100,000 tons; and

WHEREAS, less than 35 percent of the proposed mining area consists of soil classified as Class I or II on NRCS maps.

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 2004 Significant Aggregate Site Plan Amendment Ordinance".

Section 2 Subject Property

The subject property is currently defined as tax lot 203 of Assessor's Map 5N 26 26.

Section 3 Comprehensive Plan Inventory and Map Change

The Comprehensive Plan of Morrow County shall be amended to designate the subject property as part of the Goal 5 inventory as a Significant Aggregate Resource Site (currently page 102 of the Comprehensive Plan). Additionally the Comprehensive Plan Map of Morrow County, specifically the Significant Resource Overlay Map and the Natural Resources Map, shall be amended to reflect the addition of this site.

Section 4 Zone Change

The zoning of the subject property shall be amended to include a zoning designation of Significant Resource Overlay (SRO) Zone, MCZO Section 3.200.

Section 5 Effective Date

Given that it is the policy of the State of Oregon that time is of the essence in deciding Land Use matters an emergency is declared to exist, and this ordinance shall be effective immediately upon execution.

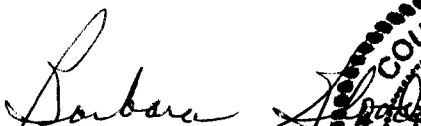

DATE OF FIRST READING: October 27, 2004

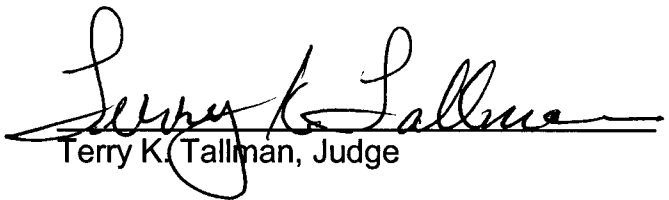
DATE OF SECOND READING: October 27, 2004

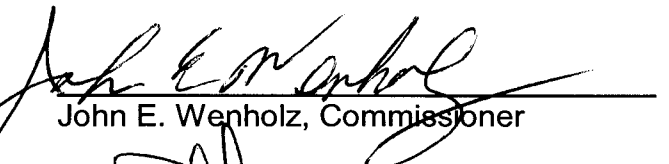
DONE AND ADOPTED BY THE MORROW COUNTY COURT THIS 27th DAY OF OCTOBER 2004.

ATTEST:

MORROW COUNTY COURT:



Barbara Bloodsworth, County Clerk



Terry K. Tallman, Judge


John E. Wenholz, Commissioner

APPROVED AS TO FORM


Ray Grace, Commissioner


David Allen, County Counsel