



April 18, 2019

Eric Evans
Malheur County Planning Director
251 "B" Street West #12
Vale, OR 97918

RE: Application to Expand the Pit at the Idaho Concrete Location

Dear Mr. Evans:

Attached is an application to expand the working pit at the Idaho Concrete Location. An agreement was reached prior to the last pit expansion to preserve an undisturbed public right of way as shown on the attached map. That right of way will continue to be preserved by the proposed expansion.

Please let me know if you need any additional information or if you have any questions. Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "David Shaw".

David Shaw
Project Manager

Enc.

cc: Juston Ekart

Denver
1842 Clarkson St.
Denver, CO 80218
303.840.1188

Durango
3015 N. Main Avenue
Durango, CO 81301
970.422.2136

Hatch
P.O. Box 912
101 South 17th St.
Hatch, NM 87414
970.877.3000

Idaho
4004 East Main Street
Emmett, ID 83617
208.365.7686

www.eroresources.com

Consultants in
Natural Resources
and the Environment

Supplemental Information
To be Submitted with
City of Ontario Planning and Zoning Application Form

May 7, 2019

The use proposed under the Conditional Use Permit requested is gravel mining for use at the existing Idaho Concrete facility. No structures will be placed on the property and berms will be constructed around the property to contain runoff from the work area within the property. The outside toe of the berms will be set back a minimum of 25 feet from the property line.

The property is located east of the I-84 Interstate but no access to the Interstate is proposed. Access to the property will be over property owned by the applicant. A 100 feet wide strip of land described in the attachments is reserved for the future extension of SE East Lane. The entire tax lot is described as 11.98 acres (521,848.8 ft²) in area.

DESCRIPTION FOR
IDAHO CONCRETE COMPANY
A 1.52 ACRE PARCEL OF LAND RESERVED FOR FUTURE PUBLIC RIGHT-OF-WAY
SITUATED IN THE N ½ OF THE SW ¼ OF THE SW ¼
AND THE N ½ OF LOT 4
SECTION 11, T. 18 S., R. 47 E., W.M., MALHEUR COUNTY, OREGON

A 100 foot wide parcel of land situated in the North ½ of the Southwest ¼ of the Southwest ¼, and the North ½ of Government Lot 4, Section 11, Township 18 South, Range 47 East, Willamette Meridian, Malheur County, Oregon, and more particularly described as follows:

BEGINNING at an iron pin monumenting the Northwest Corner of said Government Lot 4, from which a brass cap monumenting the Northwest Corner of Government Lot 3 of said Section 11 bears North 0°04'35" East 1328.41 feet;

thence along the northerly boundary of said Government Lot 4 South 89°44'30" East 50.00 feet to an iron pin;

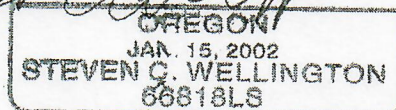
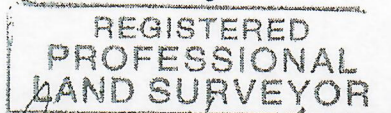
thence leaving said northerly boundary South 0°04'35" West 664.18 feet to an iron pin on the southerly boundary of said North ½ of Government Lot 4;

thence along said southerly boundary of Government Lot 4 and the southerly boundary of said North ½ of the Southwest ¼ of the Southwest ¼ of Section 11 North 89°46'42" West 100.00 feet to an iron pin;

thence leaving said southerly boundary North 0°04'35" East 664.24 feet to an iron pin on the northerly boundary of said North ½ of the Southwest ¼ of the Southwest ¼ of Section 11;

thence along said northerly boundary South 89°44'30" East 50.00 feet to the POINT OF BEGINNING, comprising 1.52 acres, more or less.

Steven C. Wellington P.L.S.



WELLINGTON LAND SURVEYING

AGGREGATE SOURCE DESCRIPTION

Idaho Concrete Company
Ontario, Oregon

September 21, 2018

Introduction

The proposed mining area is immediately west of the recently mined area as shown on Attachment A. Mining will be conducted to preserve an undisturbed corridor for future extension of East Lane as shown on Survey Instrument No. 18-47-0904, Attachment B. The parcel to be mined is identified as Tax ID No. 18S47E11C 200 and is owned by the CUP applicant.

Description

The operator, Idaho Concrete, excavated test pits within the parcel to verify the overburden is similar to the overburden that occurred in the recently mined area immediately to the east. The test pits showed the overburden depth ranged from 11 to 14 feet in depth and averaged about 13 feet in depth.

The proposed pit area will cover about 7 acres of the parcel and is expected to be excavated to a depth of about 25 feet where a clay layer has been found to exist in the past. With an average of 12 feet of usable material to be mined from the 7-acre pit, the amount of material to be mined is estimated to be about 135,000 cubic yards.



MALHEUR COUNTY GENERAL APPLICATION & REPORT FORM

Planning Department
Malheur County, Oregon

Class of application: _____

Petition No.: _____

Parcel Identification:

Tax Lot No. 200

Section: 11

Twp: 18

S.

Range: 47

E.W.M.

State: UT Zip: 84401

PLEASE TYPE OR PRINT CLEARLY

1. Property Owner-Applicant:

Name: Jack B Parson Companies

Street Address: 2350 S. 1900 W, Ste 100 City: Ogden

Phone: (801) 409-9500

2. Owner's representative (if other than owner)

Name: Idaho Concrete Company

Street Address: 1784 SE 5th Ave City: Ontario

State: OR Zip: 97914

Phone: 208-573-8148

Interest in Property: Operator

3. Date property was acquired by present owner: 6/24/1996

4. Directions to the site involved: At the south end of SE East Lane

5. Zone Classification: Industrial - Heavy

6. Land area: Of total ownership: 72.95 acres Of proposal: 11.98 acres

7. Proposed use(s) of the site and facilities: Gravel source

8. Current use(s) of the site and facilities: Fallow agricultural land

9. Location of nearby features of interest (canal, bluff, airstrip, etc.): Snake River & Interstate

10. Surrounding uses of land and facilities (N., S., E., W.): N - Storage Units and Rest Stop,
S - Ag Land, E - Gravel Pit, W - Interstate

Signature

Date

C. Russell
C. Russell, Authorized agent

4/19/19

City of Ontario Planning and Zoning Application Form

Mailing: 444 SW 4th Street, Ontario, OR 97914

Community Development Center: 458 SW 3rd Street

Voice (541) 881-3222 or (541) 881-3224

Fax (541) 881-3251



CONDITIONAL USE PERMIT

One or more "Round Table" discussions with the Preliminary Design Advisory Committee are a necessary step when a development of land is proposed and is highly recommended for all other types of proposals.

FILE # 2019-05-010

Date Received: 5/14/19

Fee: \$180.00 + \$120.00 = \$300.00

Time Received: _____

(Mailing & Advertising: \$120.00)

PDAC Date: _____

Accepted as Complete: _____

Scheduled for hearing(s)

Administrative decision _____

Hearings Officer _____

Planning Commission _____

City Council _____

Applicant(s) – attach additional sheets as necessary

Name Jack B Parson Companies

Address 2350 S. 1900 W., Ste 100

Ogden, UT 84401

Telephone (801) 409-9500

email Kelley, Jim k (Idaho Materials) <jim.kelle

signature _____

Property Owner(s) – attach additional sheets as necessary

Same

Specific use requested: Gravel source for crushing at existing Idaho Concrete facility.

Attach additional sheets if needed to explain proposal.

Submit site plan and/or building plan.

Submit landscape plan.

Submit off-street parking plan.

Submit outdoor sign plan if signs are proposed.

If the application includes any site plans or other drawings, please submit electronic copies in pdf format

Property information:

Address At the south end of SE East Lane

Tax Map # 18S47E11C Tax Lot #(s) 200

Lot size 11.98 acres Zoning Industrial - Heavy

Existing use Fallow agricultural land.

OFFICE USE ONLY

120 day time limit Accepted as complete _____ Final decision by _____

DLCD 45-day notice required: Y/N _____ Date mailed _____ Date of first hearing _____

Notice of Pending Hearings Officer Decision or Hearing Date mailed _____

Notice to media Publication date _____ Emailed _____

Notice of Decision Date mailed _____ Appeal deadline _____

10B-05-15 BURDEN, CRITERIA OF PROOF.

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

Staff will evaluate your proposal based on the criteria below. Please provide a written (Preferably typed) response addressing criteria Nos. 1-3, as they relate to your project and the applicable zone. Criterion No. 4 relates to conditions that the City may attach to an approval in order to mitigate concerns, make the proposal more compatible with the neighborhood, or meet other City of Ontario, State or Federal regulations.

10B-25-30 REQUIRED FINDINGS, DECISION CRITERIA. Prior to making decisions on conditional use applications, the Hearing Officer shall analyze the following criteria and incorporate such analysis into his decision and findings:

1. The conditional use permit conforms to the requirements of this Title, including the site plan standards of this Title, and all other provisions of the City Code.
2. The site for the proposed use is adequate in size and shape to accommodate said use, and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to make the use compatible with surrounding uses in the neighborhood.
3. The site for the proposed use relates to streets and other public facilities adequately to accommodate the demands generated by the proposed use.
4. The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

10B-25-35 AUTHORITY TO ATTACH CONDITIONS. The Hearing Officer may impose such conditions as deemed necessary to secure the purpose of this Title, including but not limited to:

1. regulation of uses, special yard setbacks, structural coverage, and building height.
2. Requiring fences, walls, screens, landscaping, and maintenance beyond minimums established in this Title.
3. Improvement of the adjacent street system, including paving, curbs, sidewalks, and traffic signals.
4. Regulation of signs and lighting.
5. Regulation of noise, vibration, and odors.
6. Requiring provision of additional parking areas beyond minimums established in this Title.
7. Requiring rehabilitation or restoration plans.
8. Improvements or enlargement of public utilities and facilities serving the proposed use.
9. Regulation of hours of operation and duration of use or operation.
10. Requiring a time period within which the proposed use shall be developed.
11. Requiring bonds adequate to ensure performance of special conditions.
12. Dedication or enlargement of public utility and facility easements.
13. Each other condition as will make possible the development of the city in an orderly and efficient manner, and in conformity with the intent and purpose set forth in this Title.

Incomplete applications, or insufficient information, may result in delay or denial of the application.

SUPPLEMENTAL INFORMATION TO SUBMIT WITH APPLICATIONS:

The following additional data may be required at the discretion of the Planning or Public works Official:

1. Any data required by OMC land development regulations.
2. Finished floor elevation related to curb, street, or other established grade or benchmark.
3. Drainage patterns. All lots shall show grading and drainage and finished grades or contours (clearly indicated).
4. The size and location of all existing and proposed public and private utilities, easements, or right of way.
5. The size, setback dimensions, and height of all proposed structures, and all existing structures to be retained on-site, and the use of each structure. The locations may be indicated by construction site envelopes showing possible legal locations near the spot, building dimensions including height, and building separation.
6. Location, dimensions and names of adjacent streets and proposed internal streets, showing centerline radii and curb return radii.
7. The location and dimensions of existing and future sidewalks shall be shown.
8. The proposed layout of parking lots including the location and dimensions of parking spaces, curbed islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
9. The location of all signs, exterior lighting and fencing to be used to divide properties and to screen mechanical equipment and trash containers.
10. Existing physical features including drainage ways and structures with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
11. The location of existing trees and scrubs and notation of which are to be retained on the property; location and dimensions of proposed landscaped areas; location and types of all proposed plant material and ground cover; location and type of irrigation systems; and, all other pertinent landscape features.
12. Location of all recreational amenities such as open play areas, swimming pools, tennis courts and recreational equipment.
13. Statement of maintenance responsibility for all improvements shown on the site plan.
14. Site data in tabular form including:

 - a. Total area of the property in square feet.
 - b. Building coverage in square feet and percent total.
 - c. Parking lot in square feet and percent total.
 - d. Landscaped area in parking lot in square feet.
 - e. All other landscaped areas in square feet.
 - f. Number of parking spaces provided.
 - g. Number of residential units if appropriate.
 - h. Existing and proposed gross floor area in square feet.

If the applicant is not the property owner, the Planning Official may require documentation of consent to represent the owner including:

- A. A description of the property and the specific action for which approval is sought
- B. Signature of owner
- C. Date of consent
- D. Party to whom consent is given
- E. Notarization of consent

If you are providing large or detailed plans, please provide electronic copies with your application, or make arrangements to email them to staff.

Electronic copies of all written materials are appreciated if available.

CONDITIONAL USE PERMIT


FILE # _____

Applicant is:

- ☒ The owner of the property
☐ The purchaser of the property under a duly executed written consent of the owner to make such application
☐ A lessee in possession of the property who has the written consent of the owner to make such authorization
☐ The agent of any of the above, who is duly authorized in writing by the principal

AUTHORIZATION:

I hereby consent that I am authorized to make the application for a conditional use permit and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.


Signature of applicant C. Ryan Russell, Authorized Agent

5/7/2019
Date

Signature of applicant

Date

Signature of property owner

Date

Signature of property owner

Date

Signature of property owner

Date



DEVELOPMENT APPLICATION

(Site Development & Site Development in Special Flood Hazard (Flood Plain))

(To be used when a Building Permit is not required or in a special flood hazard)

DEVELOPMENT SITE _____, IN SPECIAL FLOOD HAZARD (10A-47-15) _____

FILE # _____

Date Received: _____

Fee: \$50.00 _____

Accepted as Complete: _____

APPLICANT:

Name(s) Jack B Parson Companies _____

Address 2350 S. 1900 W., Ste 100 _____

Ogden, UT 84401 _____

Phone Number(s) (801) 409-9500, (208) 573-8148 _____

OWNER:

Name(s) Same _____

Address _____

Phone Number(s) _____

PROPERTY DESCRIPTION: Site Address:

Tax Lot(s) 200 _____ Tax Map(s) 18S47E11C _____

Addition See attached map _____

(Attach metes and bounds description or deed)

Current Zone Industrial - Heavy _____ Acreage 11.98 _____

Is proposed use allowed: No _____, If No, is it considered Non-Conforming: Yes _____



NATURE OF REQUEST:

Explain in detail the intended use, development, or re-development of the property:

The land parcel is currently fallow agricultural land that is proposed to be used as a gravel source for the existing Idaho Concrete facility. A berm will be constructed around the property within its boundaries and the pit to mine gravel will be constructed inside the berm. The pit will dewatered while gravel is removed. Dewatering will occur under an existing permit from ODEQ.

No structures are planned for the property and the property will not be occupied except by employees during construction and gravel removal.

CITY CODES THAT APPLY:

- a) 10A-01-90 - CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy (C of O) is required for any new or redeveloped or remodeled structure that is intended to be utilized as habitable space, commercial space, or industrial space. No such structure may be utilized until a C of O is obtained. A C of O must be signed by the Public Works Official, Planning Official and Building Official to be issued. It is a violation of this Section for a property owner to allow use or occupation of that space noted above without a C of O.
- b) 10A-05-45 - DEVELOPMENT SITE TO BE DESIGNATED. Every building hereafter erected or modified, or every use established, shall be located on a development site which has been declared on the application for a building permit as the site for the proposed use. Such site shall meet the area, dimension and street frontage requirements of this Title and be adequate in size and shape to accommodate all proposed structures, yard spaces, off-street parking and loading, and corner visibility. Only one principal structure may be built upon a single development site, except as may be otherwise specified in this Title.
- c) 10A-30-72 - DEVELOPMENT SITE. A parcel of ground declared on the application for a building permit or certificate of occupancy to be the site for a principal building, or group of buildings and accessory buildings, together with such open spaces, street frontage and setbacks as are required by this Title. A development site shall consist of one or more platted lots or tax lots which together create a site which meets the requirements of this Title for the zone, and for the use provided.

- d) 10A-57-40 - LANDSCAPING REQUIRED. All new development, and changes of use, including the construction of parking lots, shall have at least six percent of the development site area in landscaping, as defined herein, except where another standard is specified for a definite use, group of uses, or a zone.
- e) 10A-47-15 - DEVELOPMENT PERMIT REQUIRED. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 10-47-05. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."
- f) 10A-47-15 - APPLICATION FOR DEVELOPMENT PERMIT. Application for a development permit shall be made on forms furnished by the City Planning Official and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - 2. Elevation in relation to mean sea level to which any structure has been flood proofed;
 - 3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 10A-47-110; and
 - 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

ATTACHMENTS:

- 1. One reproducible print of the site plan.
- 2. If development is with a special flood hazard all the requirements of 10A-47.
- 3. If the application is filed by an authorized agent of the affected property owner, a written copy of such authorization must be submitted.

APPLICANT AND OWNER'S STATEMENT:

As the applicant(s) and/or owner(s) of the property described above, I/we realize that this application rests upon the above answers and accompanying data, and do hereby affirm and certify under penalty of perjury that the foregoing statements and answers are, in all respects, true and correct to the best of my/our knowledge.

APPLICANT(s):

C. Russell
(Applicant Name Printed)

[Signature]
(Signature)

5/7/19
(Date)

(Applicant Name Printed)

(Signature)

(Date)

(Applicant Name Printed)

(Signature)

(Date)

OWNER(S) IF OTHER THAN APPLICANT(S):

(Owner Name Printed)

(Signature)

(Date)

(Owner Name Printed)

(Signature)

(Date)

(Owner Name Printed)

(Signature)

(Date)



Map is prepared for
assessment purposes only

Idaho Concrete Proposed Pit Expansion



Based on 2017 NAIP Photography

Prepared for Idaho Concrete by ERO September 2018

Attachment A