

Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission Public Hearing Thursday, December 15, 2022, 6:30PM

To participate in the hearing please submit comments before 4PM, December 15th to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252.

Planning Commission

Suni Danforth, Chair	Cindy Timmons
Don Wysocki, Vice-Chair	John Standley
Tammie Williams	Jodi Hinsley
Tami Green	Emery Gentry
Sam Tucker	

Planning Staff

Bob Waldher, Director
Carol Johnson, Senior Planner
Megan Davchevski, Planner/Transit Coordinator
Gina Miller, Code Enforcement Coordinator
Tierney Cimmiyotti, Administrative Assistant

1. **Call to Order**
2. **Continued Hearing**

TEXT AMENDMENT #T-092-22, PLAN AMENDMENT #P-135-22 & ZONE MAP AMENDMENT #Z-322-22; GIRTH DOG LLC, APPLICANT/ OWNER

The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

3. **Other Business**
4. **Adjournment**

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Robert Waldher, Director
DATE: December 5, 2022

CODE
ENFORCEMENT

RE: December 15, 2022 Planning Commission Hearing
Text Amendment T-092-22,
Zone Amendment Z-322-22 & Plan Amendment P-135-22

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

CC: Megan Davchevski, Planner

GIS AND
MAPPING

Background Information

RURAL
ADDRESSING

The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU). The subject property is south of the Interstates 82 and 84 Interchange, southwest of the Westland Road Interchange and south of Stafford Hansell Road.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

The proposal, if approved, would add this site as a large significant site onto the County's Goal 5 inventory of significant sites. The applicant desires to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. Both sand and gravel materials are available on this site.

PUBLIC TRANSIT

Criteria of Approval

The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Land Use Hearings

The Umatilla County Planning Commission held a public hearing on this matter on Thursday, October 20, 2022. Testimony was provided by the applicant and their consultant, several project opponents (including neighboring and nearby aggregate operators), and a representative from Oregon Water Resources Department. Several documents, not included in the original October hearing packets, were introduced into the record and are summarized as follows:

Exhibit A – October 18, 2022, Email Communication Between Megan Davchevski (planner) and Greg Silbernagel (OWRD)

Exhibit B – October 18, 2022, Email Communication Between Megan Davchevski (planner)

Memo

Planning Commission Public Hearing – December 15, 2022

Text Amendment #T-092-22, Zoning Map Amendment # Z-322-22 and Comprehensive Plan Map Amendment P-135-22

and Amanda Punton (DLCD)

Exhibit C – *October 18, 2022*, Letter to Planning Commission submitted by Carla McLane Consulting, LLC (consultant for applicant)

Exhibit D – *Submitted During Hearing October 20, 2022*, Additional Information Provided by Andrew Stamp (Representative for Wade Aylett and Rock It, LLC)

Exhibit E – *Submitted During Hearing October 20, 2022*, Additional Information (photos) Provided by Wade Aylett, Jr. (Rock It, LLC)

Upon request from the applicant the Planning Commission continued the hearing to Thursday, December 15, 2022. The applicant's request for a continuation was due to issues raised by neighboring landowners and other aggregate producers. On November 15, 2022, the applicant provided to the Planning Department a signed waiver to the "150-day Rule for Planning Review." Under the waiver, the applicant voluntarily agreed to extend the 150 day provisions of ORS 215.427 by a period not to exceed 30 days, or February 6, 2023.

Additional Information

Subsequent to the October hearing, additional information was submitted by one opponent of the amendment as well as the applicant. Additional Information is summarized as follows:

Exhibit F – *November 15, 2022*, Waiver of the 150-day Rule for Planning Review Provided by Carla McLane Consulting, LLC (consultant for applicant)

Exhibit G – *November 23, 2022*, Additional Testimony Provided by Andrew Stamp (Representative for Wade Aylett and Rock It, LLC)

Exhibit H – *November 30, 2022*, Additional Testimony Provided by Carla McLane Consulting, LLC (consultant for applicant)

In addition to the information included with this memo, relevant information pertaining to this agenda item can be found in the previous October hearing packets. Previous hearing packets can be found on the County's website at: <https://umatillacounty.net/departments/planning/plan-packets>.

Conclusion

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of approval. The Planning Commission is tasked with determining if the application satisfies the criteria of approval, based on the facts in the record.

The BCC must also hold a public hearing(s) and make a decision whether or not to adopt the proposed amendments. A public hearing before the BCC will be scheduled upon a recommendation from the Planning Commission.

Memo

Planning Commission Public Hearing – December 15, 2022

Text Amendment #T-092-22, Zoning Map Amendment # Z-322-22 and Comprehensive Plan Map Amendment P-135-22

PLANNING COMMISSION RECOMMENDATION OPTIONS

Motion to Recommend Approval Based on Evidence in the Record

I, Commissioner _____, make a motion to recommend approval of the Girth Dog LLC Comprehensive Plan Text Amendment #T-092-22, Zoning Map Amendment # Z-322-22 and Comprehensive Plan Map Amendment P-135-22, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

Motion to Recommend Approval with Additional Findings

I, Commissioner _____, make a motion to recommend approval of the Girth Dog LLC Comprehensive Plan Text Amendment #T-092-22, Zoning Map Amendment # Z-322-22 and Comprehensive Plan Map Amendment P-135-22, to the Board of Commissioners with the following additional Findings of Fact: _____.

Motion to Recommend Denial Based on Evidence in the Record

I, Commissioner _____, make a motion to recommend denial of the Girth Dog LLC Comprehensive Plan Text Amendment #T-092-22, Zoning Map Amendment # Z-322-22 and Comprehensive Plan Map Amendment P-135-22, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

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Exhibit A

October 18, 2022,

Email Communication Between Megan Davchevski (planner) and Greg Silbernagel (OWRD)



Welcome to
Umatilla County

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Umatilla Co PAPA 007-22, Local File # P-135-22

PUNTON Amanda * DLCD <Amanda.PUNTON@dlcd.oregon.gov>

Tue, Oct 18, 2022 at 5:54 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: "robert.waldher@umatillacounty.gov" <robert.waldher@umatillacounty.gov>, HERT Dawn * DLCD <Dawn.HERT@dlcd.oregon.gov>

Megan,

Thank you for providing the application submittal and staff report for the proposed Girth Dog LLC quarry. DLCD received this information on October 17th. Since the first evidentiary hearing is scheduled for October 20th, I am only able to offer brief comments at this time. I can provide additional review, if needed, as the county proceeds with the public process.

Umatilla County applies Oregon Administrative Rule 660-023-0180 directly when reviewing an application to add a site to the county's list of significant aggregate resources and determining if land use authorization to conduct mining activity on the site will be provided. In reviewing these materials, I found some possible inconsistencies with the application of the rule.

Determining site significance

The significance threshold applied to the application is OAR 660-023-0180 (3)(a).

(a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;

There does not seem to be sufficient information on the record to determine if the site meets this criterion. Test results are from samples taken in one corner of the proposed site and there is no supporting documentation, such as a geologist's report to indicate why the sample is representative of the entire site.

Potential impacts on existing and permitted uses

OAR 660-023-0180(5)(b)(A) requires the county to consider, "Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges".

Although it is noted that two residences are located close to the northern boundary of the site, potential noise and dust impacts to these sensitive uses are not identified in the impact analysis.

Minimization of impacts

OAR 660-023-0180(5)(e) specifies that, "Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective."

Findings on the minimization of impacts rely on the application of best management practices, without sufficient specification to inform clear and objective conditions of approval. A site plan showing the location of processing equipment, internal traffic patterns, and noise abatement screening would help inform the county's review and support findings that minimization of impacts can be achieved.

Please include my comments in the record.

Again, thank you for keeping DLCD staff informed about this plan amendment and for your attention to the issues outlined above.

Amanda

Amanda Punton



Natural Resource Specialist

Oregon Department of Land Conservation and Development

800 NE Oregon Street, Suite 1145 | Portland, OR 97232

Direct: 971-718-3245 | Main: 503-373-0050

www.oregon.gov/LCD

Exhibit B

October 18, 2022,

Email Communication Between Megan Davchevski (planner) and Amanda Punton (DLCD)



Welcome to Umatilla County

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Craig Coleman Aggregate site

3 messages

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: SILBERNAGEL Greg M * WRD <greg.m.silbernagel@oregon.gov>

Tue, Oct 18, 2022 at 3:11 PM

Hi Greg,

Craig Coleman is requesting the approval of a mining site. This is directly west of Wade Aylett's request from earlier this year. Map number is 4N2736, TLs 900, 1100, 1200, 1300 and 1800 (attached).

The applicant provides they have the following water right permits for gravel washing: certificate #74109 (U-649), #74185 (G-10505), #79531 (G-1671) and #79530 (G-3822).

Please let me know if they do have water rights for gravel washing use or if you have any concerns.

Thank you!

Megan

--



Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>

Megan Davchevski

Land Use Planner

Transit Coordinator

Umatilla County Department of Land Use Planning

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

4N2736.pdf
103K

SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Oct 18, 2022 at 4:05 PM

Hi Megan,

All of those certificate numbers have been cancelled for various reasons, mostly irrigation transfers it looks like. Could you please have the applicant provide a valid source of water for the mining operation. It would need to be an industrial use or mining specific water right. The only industrial water right I see in 4N27E Section 36 is related to Wade Aylett.

I'll wait until I hear from you or the applicant before I dig further into this.

Greg Silbernagel - Watermaster, District 5

Oregon Water Resources Department

116 SE Dorion Ave.

Pendleton, OR 97801

(541) 969-1677

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>

Tue, Oct 18, 2022 at 4:09 PM

Thank you, Greg. I will forward your request onto the applicant and share with the Planning Commission at the meeting Thursday night.

[Quoted text hidden]



Welcome to
Umatilla County

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Craig Coleman Aggregate site

SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>

Tue, Oct 18, 2022 at 4:30 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Certificate - #74109 (U-649) > Cancelled due to transfer 9275 (Irrigation) approved 11/24/2004

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=126509

Certificate - #74185 (G-10505) > Cancelled due to transfer 9275 (Supplemental Irrigation) approved 11/24/2004

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=126616

Certificate - #79531 (G-1671) > Cancelled on 3/15/2006 due to erroneous certificate duplication

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=133169

Certificate - #79530 (G-3822) > Cancelled due to Transfer 7496 (Supplemental irrigation) approved 2/20/1997

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=133173

[Quoted text hidden]

Exhibit C

October 18, 2022,

Letter to Planning Commission submitted by Carla McLane Consulting, LLC (consultant for applicant)

Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

October 18, 2022

Chair Danforth and Members of the Umatilla County Planning Commission
Megan Davchevski, Land Use Planner
Umatilla County Planning Department (VIA EMAIL)
216 SE 4th Street
Pendleton, Oregon 97801

Umatilla County Planning Commission:

This letter is in response to comments in response to the Findings and Conclusions for Comprehensive Plan Map Amendment #P-135-22, Comprehensive Plan Text Amendment #T-092-22, and Zoning Map Amendment #Z-322-22 on property currently described as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36. Comments have been received from both the Department of Land Conservation and Development and Water Resources Department that we respond to here.

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT:

Comment from the Department of Land Conservation and Development (DLCD) focused on three items. The respective criteria are listed below in **bold** font with responses in regular font.

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

Response: Comment from DLCD asked for additional information in support of both the quantity and quality of the available sand and gravel. Included with this submission are three well logs from the subject property that identify the material retrieved consists of sand and gravels found throughout this area of Umatilla County to a depth of between 65 and 90 feet.

Seventy five percent of the site, based on the soils map created by Umatilla County Planning staff, is comprised of Quincy loamy fine sand, gravelly substratum, with slopes of less than 5 percent. This soil type is found along the Interstate 84 corridor in the vicinity of the subject property for at least five miles that is home to at least six sand and gravel aggregate sites. The anticipated depth of the resource is to at least 50 feet, and up to 65 to 90 feet, with mining not anticipated once the water table is reached.

Attached to the Findings and Conclusions are three laboratory reports that address the ODOT standards for rock related to air degradation, abrasion, and sodium sulfate soundness. Currently ODOT does not account for abrasion, but the standard remains in the rule and a sample was tested. Degradation is required to be less than 30 percent with the submitted samples testing at under 3 percent. For soundness testing the standard is 12 percent with the submitted samples testing at under 2 percent.

The applicant continues to assert that the available sand and gravel material exceeds ODOT the requirements for both quantity and quality.

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e. g., houses and schools) that are sensitive to such discharges;

Response: Comment from DLCD asked that the two dwellings on the northern boundary of the proposed mining area be included in the impact analysis. The home on the property owned by Wade Aylett was identified in a recently approved mining request to be used as a residence in support of that mining activity with a focus on security. The other home is not connected to this or any other mining operation.

Mining will be initiated in the area currently planted in blueberries (tax lot 1800) approximately 2500 feet, or about a half mile, from the home at the northwest corner of the subject property and 3700 feet, or almost threequarters of a mile, from the home on the Aylett approved mining site. Mining will initially be done on the southern portion of the subject property, moving to the north once that area has been significantly mined to conclusion. The time needed for that to occur is difficult to know for sure as it is based on a variety of factors. When mining does move to the north it will move incrementally through the large circle on the subject property taking many more years to reach the area near either home. Umatilla County requirements limit extraction and sediment ponds within 100-feet of a dwelling and requires that processing equipment shall not be operated within 500-feet of an existing dwelling. The applicant agrees to those limitations and anticipates conditions of approval to meet those requirements. The proposed haul route was also designed to limit impacts to the home at the northwest corner of the subject property.

With the prescribed limits based on Umatilla County development code standards and knowing that processing equipment will be internal to the mined area thereby reducing noise, the applicant asserts that impacts can be managed related to both noise and dust. Conditions of approval for dust control and noise limits in compliance with state law are anticipated.

In the next section, DLCD also mentions noise abatement screening. Other than berms noise abatement screening has not been requested or required for the mining operations in this area along Interstate 84. The applicant would anticipate a condition of approval to install a berm along the boundary of the mining site, particularly along the area immediately adjacent to the house in the northwest corner of the subject property.

(e) Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective.

Response: This comment from DLCD furthers their concerns identified just above. Attached is a Site Map that identifies the proposed initial mining and processing areas and the haul route that would be used. As stated above mining will be initiated further to the south on the property within the area currently planted to blueberries with the haul route along the dedicated and currently unimproved Center Street. Discussion with Tom Fellows, Umatilla County Public Works Director, has confirmed that Center Street (to be renamed Noble Road) will be developed to Umatilla County Road Standard D, which is a paved standard designed for industrial and agricultural impacts. The applicant will improve between 2,600 and 3,900 feet of road, the final requirements yet to be determined by the Public Works Director. The applicant anticipates a condition of approval for this road improvement.

As raised just above DLCD comment also mentions noise abatement screening. Again the applicant would anticipate a condition of approval to install a berm along the boundary of the mining site, particularly along the area immediately adjacent to the house in the northwest corner of the subject property.

OREGON WATER RESOURCES DEPARTMENT:

Greg Silbernagel, Watermaster with Oregon Water Resources Department (OWRD), indicates that the necessary water right for a mining operation would be an industrial right. He also stated that the only industrial right in the area belongs to Wade Aylett on property to the east. The applicant has been working with Bill Porfily, Water Rights Examiner, on identifying the necessary steps to obtain an industrial water right for the proposed mining operation. Once the land use approvals are in place the applicant intends to make the necessary applications to OWRD to achieve those changes in water use on the subject property and we anticipate a condition of approval to do so.

Thank you for the ability to respond to the comments above. The applicant will be available at the Public Hearing to answer these and other questions that may arise. Your consideration and approval of this suite of requests is appreciated.

Cordially,

Carla McLane

Carla McLane

Enclosures:

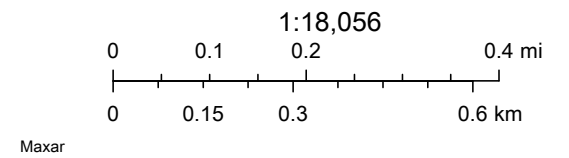
- Coleman Site Map
- Well Report 4N 27E 36 NW Quarter (Domestic Well)
- Well Log 4N 27E 36 NW Quarter

ArcGIS Web Map



10/19/2022, 11:40:59 AM

- Streets
- Tax_Lots



File Original and Duplicate with the STATE ENGINEER, SALEM, OREGON.

1584 WATER WELL REPORT CANC. MAY 13 1958 STATE OF OREGON G593

State Well No. T-1 27-26 D(1) State Permit No. G527

(1) OWNER: STATE ENGINEER Name GEORGE W. SALEM Address RR. 1 Box 74A LYLE MILLER HERMISTON, OREGON

(2) LOCATION OF WELL: OBSERVATION WELL County UMATILLA Owner's number, if any - 1/4 1 1/4 Section T. R. W.M. Bearing and distance from section or subdivision corner N14°59'30" E4957.8' FROM THE S.W. CORNER OF SECTION 36 TOWNSHIP 4NR 27 E.W.M

TYPE OF WORK (check): [X] Deepening [] Reconditioning [] Abandon [] Cement, describe material and procedure in Item 11.

PROPOSED USE (check): [] Industrial [] Municipal [] Test Well [] Other [] (5) TYPE OF WELL: [] Rotary [] Driven [] Cable [] Jetted [] Dug [] Bored

(6) CASING INSTALLED: 15" Diam. from 0 ft. to 122 ft. Gage 10" Diam. from 357 ft. to 394 ft. Gage

(7) PERFORATIONS: Perforated? [X] Yes [] No Type of perforator used TORCH SIZE of perforations 1/4 in. by 6 in. 540 perforations from 87 ft. to 122 ft.

(8) SCREENS: Well screen installed [] Yes [X] No Manufacturer's Name Model No. Slot size Set from ft. to ft.

(9) SEALS: Gravel packed? [] Yes [X] No Size of gravel: placed from ft. to ft. A surface seal provided? [] Yes [] No To what depth? ft. Material used in seal - Did any strata contain unusable water? [] Yes [X] No Type of water? Depth of strata Method of sealing strata off

(10) WATER LEVELS: Static Level 112 ft. below land surface Date 3-10-58 Artesian pressure lbs. per square inch Date

Log Accepted by [Signature] (Owner) Date 1958

(11) WELL TESTS: Drawdown is amount water level is lowered below static level. Was a pump test made? [X] Yes [] No If yes, by whom? BEN DREVE Yield: 1400 gal./min. with 26 ft. drawdown after 6 hrs.

(12) WELL LOG: Diameter of well 15 inches. Depth drilled 812 ft. Depth of completed well 812 ft. Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

Table with columns MATERIAL, FROM, TO. Rows include TOP SOIL, CEMENT GRAVEL + BOULDERS, YELLOW CLAY, GRAYELT SAND, WHITE CLAY, BROWN CLAY TURNING BLUE, ROCK, NOT HARD, BASALT, HARD GRAY ROCK, SOFT GREEN CLAY, BLACK ROCK, GREY ROCK + BLACK SHALE, GREEN SHALE, CAVES, BLACK ROCK WITH BROWN, GREY ROCK, VERY HARD, BROWN ROCK, SOFT, BASALT HARD, GREY HARD, BASALT, ALL CUTTINGS WASHED AWAY, WATER LEVEL DROPPED FROM BLACK ROCK.

Work started 5/27 1957 Completed 3/10 1958

(13) PUMP: Manufacturer's Name Type: H.P.

Well Driller's Statement: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. NAME TROY GRIFFIN (Person, firm, or corporation) (Type or print) Address 881 HERMISTON AVE. Driller's well number HERMISTON ORE. [Signed] Troy Griffin (well Driller) License No. 65 Date 5-10 1958

(USE ADDITIONAL SHEETS IF NECESSARY)

Well in N 1/2 of NW 1/4 of section 36 T4N R27E

UMAT 1806
RECEIVED
 JAN 24 1955
 STATE ENGINEER
 SALEM, OREGON

UMAT
 1806

4N/27-36E(1)
 Umatilla

G.W. Redwine

Application No. U 736
 Permit No. U 649
 Well No. 1

REPORT ON COMPLETION OF WELL

(Note: This report should be submitted to the State Engineer, Salem, Oregon, as soon as possible after the well is completed. If more than one well is covered by this permit, a separate report shall be filed for each)

Date of Report JAN. 21, 1955

1. Location of well: SW 1/4 of NW 1/4 of Section 36 Twp. 4N Rge. 27E, W. M.
2. Name of nearest natural surface stream Umatilla River.
3. Distance from well to that stream: approx 5 Miles feet.
4. If the well is less than 1300 feet from a natural surface stream, give the difference in elevation between the ground surface at the well and the lowest point in stream channel: Approx 3 Miles feet.
5. Date of beginning drilling or digging: August 16, 1952
6. Date well was completed September 8, 1952

7. LOG OF MATERIALS ENCOUNTERED

Character of Material	Depth at which encountered	Thickness of stratum
<u>Sandy loam Top Soil</u>	<u>At surface</u>	<u>20</u> ft.
<u>Sand + Gravel</u>	<u>20</u> ft.	<u>30</u> ft.
<u>Gravel</u>	<u>30</u> ft.	<u>65</u> ft.
<u>Gray Clay</u>	<u>95</u> ft.	<u>10</u> ft.
<u>Gray Rock</u>	<u>105</u> ft.	<u>30</u> ft.
<u>Blue Clay + Shale</u>	<u>125</u> ft.	<u>59</u> ft.
	ft.	ft.
	ft.	ft.
	ft.	ft.

Remarks: _____

WELL INFORMATION

8. Diameter of well 12 inches. Depth of well 194 feet.
9. Depth at which water was first encountered 55 feet.
10. Water level when completed: 55 feet below ground surface.
11. Additional information regarding well; such as soil conditions, quick sand, caves, obstructions, rock, etc.: Gravel had tendency to cake from 60' to 95' where Gray Clay was first found.

well in SW 1/4 of NW 1/4 of Section 36 R4N T27E

STATE OF OREGON
 WATER SUPPLY WELL REPORT
 (as required by ORS 537.765)

WELL I.D. # L 70033

START CARD # 179845

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER
 Name CRAIG COLEMAN Well Number _____
 Address 28286 STAFFORD - HANSEL ROAD
 City HELMSTON State OREGON Zip 97838

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other _____

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
 Depth of Completed Well 347 ft.
 Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
12"	0	18	BENTONITE	18'	0	14 SACKS
10"	18	218	PUR. LEADIT	218'	208	5 SACKS
7 1/2"	218	347				

How was seal placed: Method A B C D E
 Other PAILED 3/8" CHIPS
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8"	42	218	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
 Final location of shoe(s) TUREX SHOE @ 218

(7) PERFORATIONS/SCREENS

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
160		347	1hr
160		247	1hr
0		147	

Temperature of water 65° Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL (legal description)
 County WASCO
 Tax Lot 2301 Lot _____
 Township 4N or S Range 27E or W WM
 Section 30 NW 1/4 NW 1/4
 Lat _____ or _____ (degrees or decimal)
 Long _____ or _____ (degrees or decimal)
 Street Address of Well (or nearest address) SAME

(10) STATIC WATER LEVEL
106 ft. below land surface. Date 11/07/05
 _____ ft. below land surface. Date _____
 Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES

From	To	Estimated Flow Rate	SWL
170	203	40 gpm	82'
300	332	160 gpm	

(12) WELL LOG

Material	From	To	SWL
SAND	0	5	
SAND AND GRAVEL	5	20	
GRAVEL	20	90	
BROWN CLAY	90	130	
BLACK BASALT	130	170	
BROWN CLAYSTONE	170	203	82'
BLACK BASALT	203	300	
BLACK w/ TAN CLAYSTONE	300	315	106'
BLACK w/ GREEN CLAYSTONE	315	332	106'
BLACK BASALT	332	347	

Date Started 11/03/05 Completed 11/07/05

(bonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
 WWC Number 1735 Date 11-8-05
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 WWC Number 544 Date 11/08/05
 Signed Jerry Rued

Exhibit D

Submitted During Hearing October 20, 2022,

Additional Information Provided by Andrew Stamp (Representative for Wade Aylett and Rock It,
LLC)

Lynn D. Green
Consulting Engineering Geologist

PO BOX 14488, Portland, Oregon 97293
503-849-5895

October 17, 2022



Umatilla County Planning Department
216 SE 4th St, Pendleton, OR 97801

Site Locations

Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36,
Umatilla County, Oregon (see attached Site Vicinity Plan)

Re: Large Significant Site Designation / Aggregate Resource Overlay
Zone Amendment Application

I am a consulting Certified Engineering Geologist working in the State of Oregon and I offer my comments on the above referenced application to amend the Aggregate Resource Overlay Zone in Umatilla County to include the above-referenced site locations and to designate the above-referenced sites as a "Large Significant Site" with regard to potential aggregate resources.

For an aggregate resource to be designated as "significant", it must be demonstrated that the amount of aggregate accessible for extraction is greater than 500,000 tons and the aggregate resource meets Oregon Department of Transportation (ODOT) specifications for base rock. While limited testing was performed on one sample of aggregate, there is not information detailing where this sample was collected from and if this sample was collected from the subject area. Additionally, there is no information to support the statement that the proposed quarry "has an inventory of over 13 million cubic yards of available sand and gravel aggregate material".

Based on USDA soil classification data, the gravel and sand resources in the area of the above-referenced sites are fair to poor quality (see Attachment 1). While USDA soil classification data is based on limited information, it does not appear that a site-specific investigation was performed to confirm the quality and extent of the aggregate resource on these tax lots. While the site is underlain by

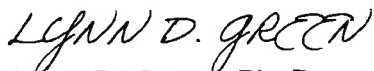
Quaternary surficial deposits related to the Missoula Floods, these deposits are variable and consist of mixed grained sedimentary deposits.

Additionally, the ODOT conducted an investigation of aggregate resource inventory in the State of Oregon (see Attachment 2, pertinent pages only)¹, assessing the quality and estimated quantity of material in ODOT owned and leased sites. A site proximate to the above-referenced subject site was listed in this inventory; however, it was not one of the nine potentially significant sites in ODOT. This study highlights that the significance of an underlying aggregate resource cannot be determined by location alone.

Without performing a site-specific investigation into the nature and extent of these deposits on the subject site, there is no way to confirm that the quality and extent of these materials meet the definition of significant, as defined by OAR 660-023-0180.

As a practicing geologist in the State of Oregon, it is my opinion that it is not appropriate to designate a State's resource as significant without first conducting site-specific evaluations to confirm the significance of the underlying resources.

Sincerely,



Lynn D. Green, Ph. D.
P.G./R.G./L.G./C.E.G./L.E.G./CWRE/CESCL
Consulting Engineering Geologist

Figure:

Site Vicinity Plan

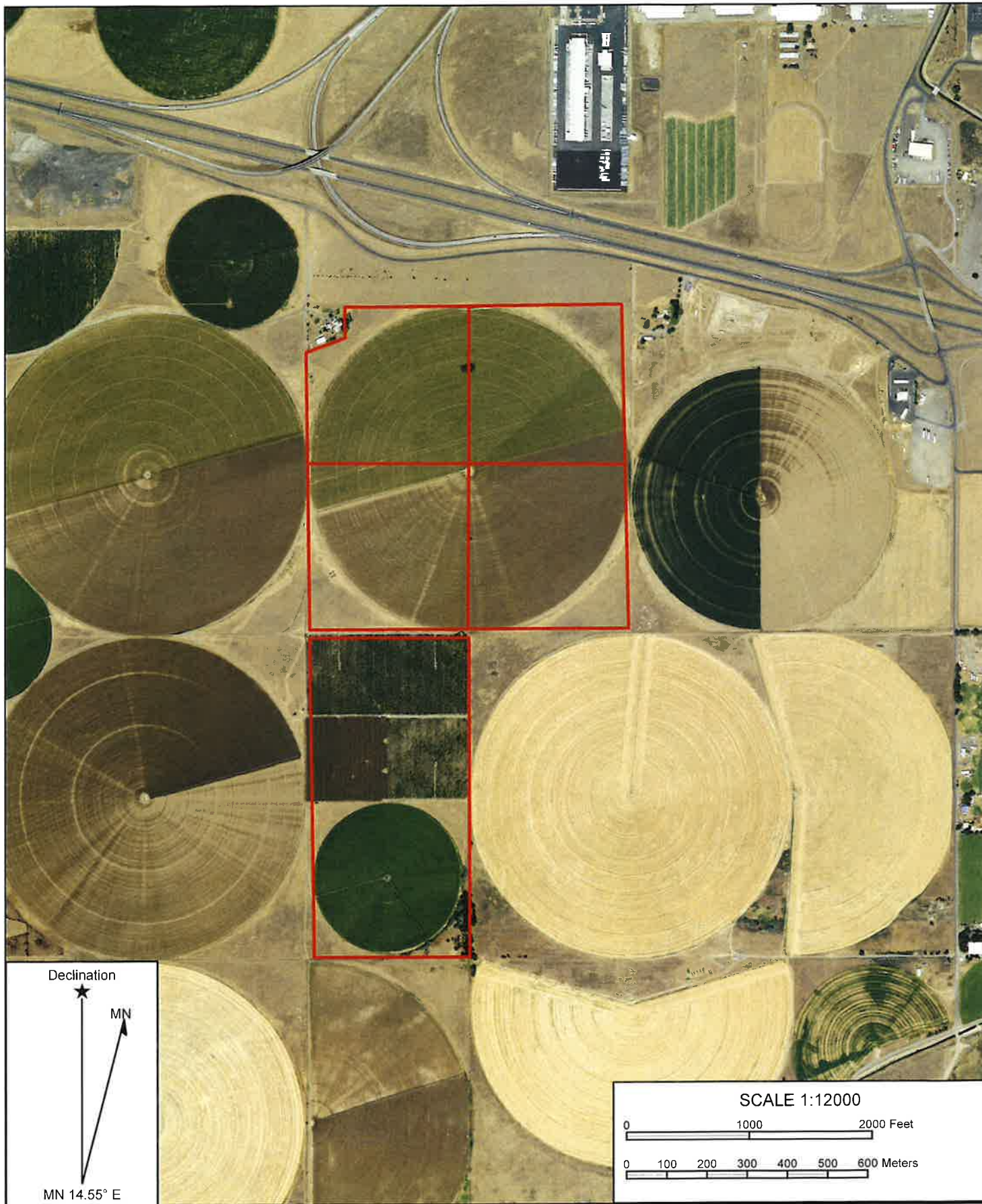
Attachments:

USDA Soil Classification Reports, Gravel and Sand Resources
September 2002 ODOT Aggregate Resource Inventory and Needs
Forecast Study (only pertinent pages attached)

¹ ODOT, September 2002. Aggregate Resource Inventory and Needs Forecast Study. SPR 314. Pgs 80-85

FIGURE





Declination



MN 14.55° E

SCALE 1:12000

0 1000 2000 Feet

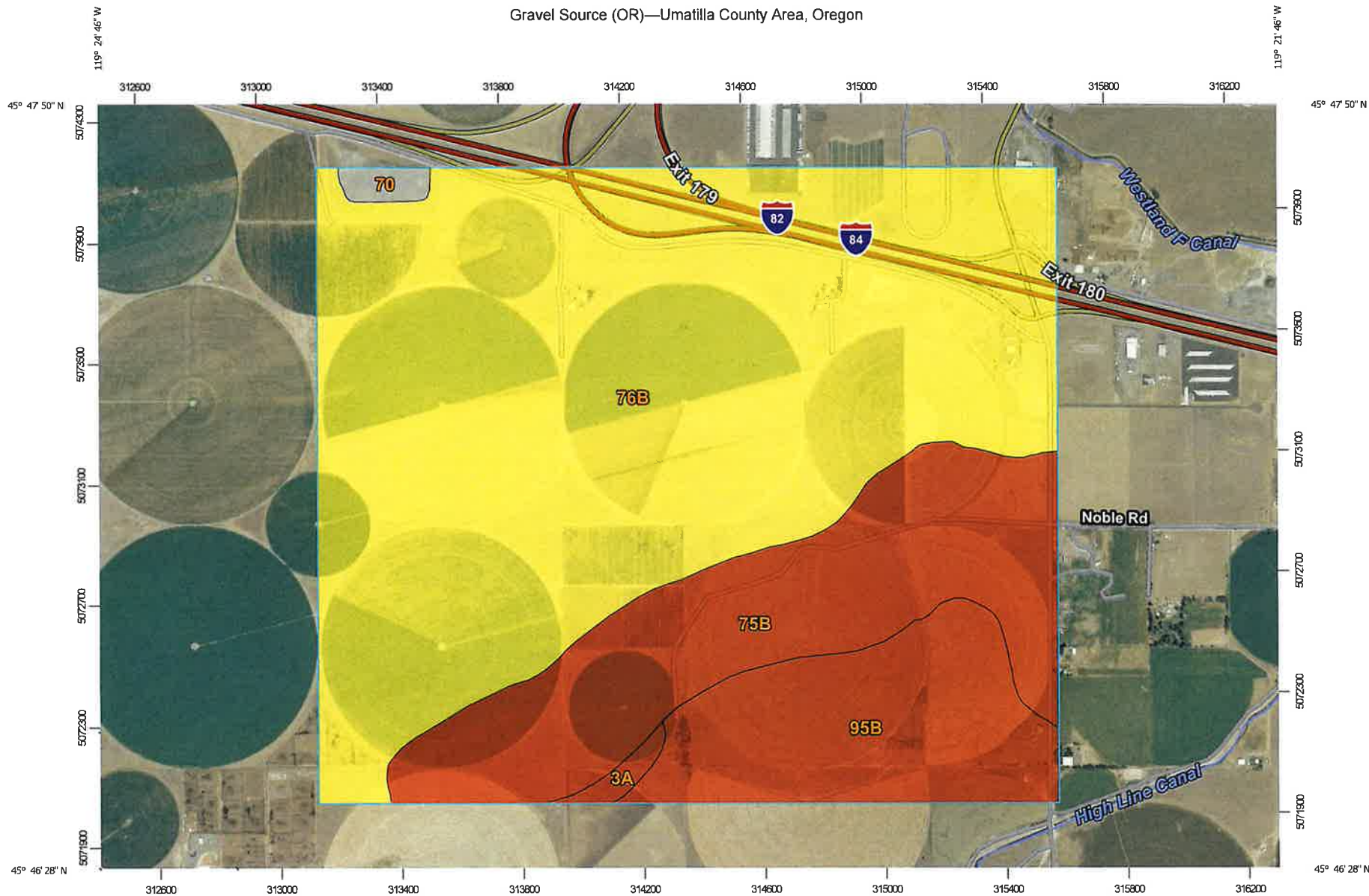
0 100 200 300 400 500 600 Meters

Map Name: ORDNANCE SE, OR
Date: Jul 1, 2020

Location: 045.785428° N, 119.387245° W

ATTACHMENT 1

Gravel Source (OR)—Umatilla County Area, Oregon

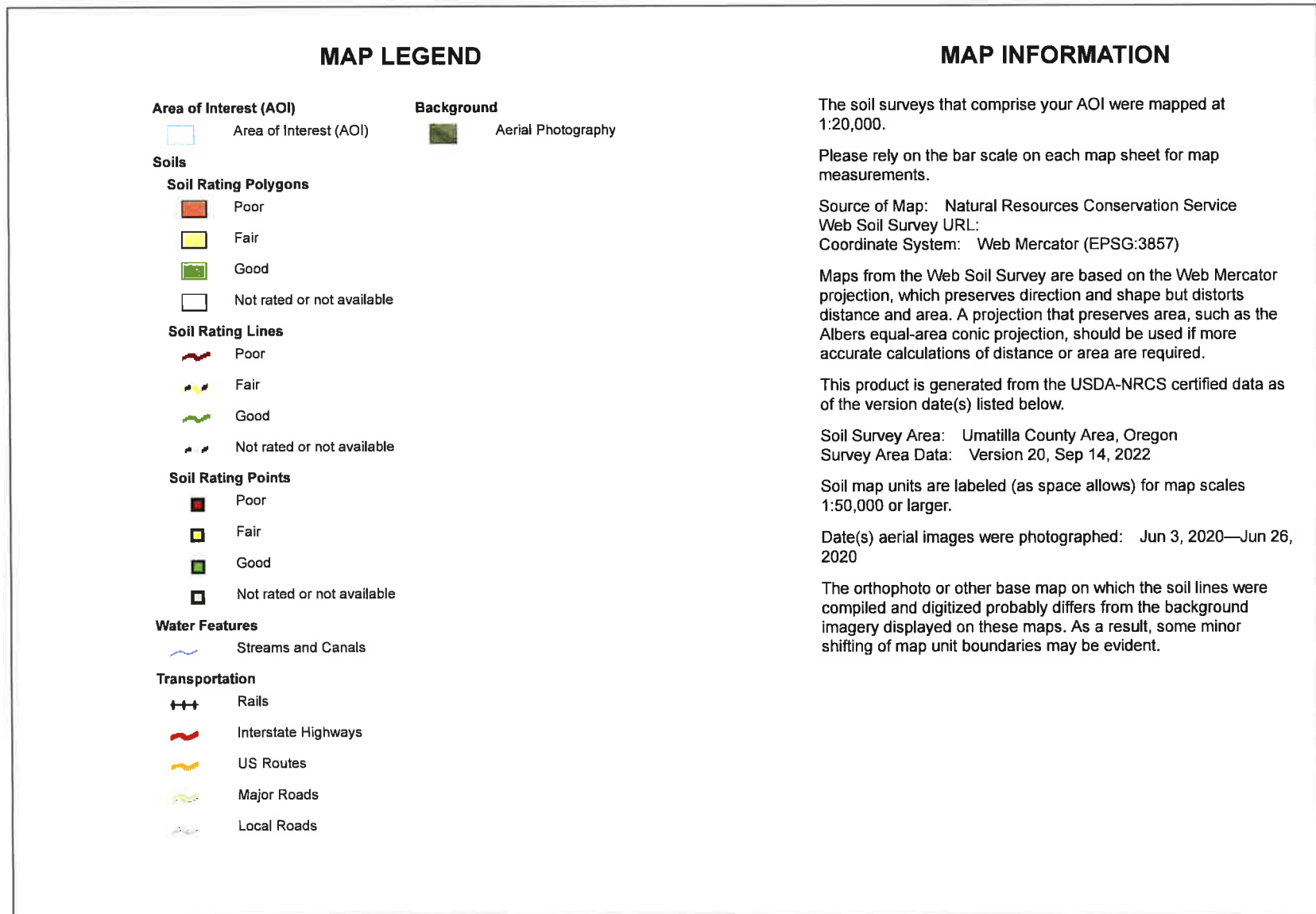


Map Scale: 1:17,800 if printed on A landscape (11" x 8.5") sheet.

0 250 500 1000 1500 Meters

0 500 1000 2000 3000 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84



Gravel Source (OR)

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
3A	Adkins fine sandy loam, wet, 0 to 3 percent slopes	Poor	Adkins, wet (80%)	Thickest layer (0.00)	7.0	0.5%
				Bottom layer (0.00)		
			Wanser (4%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
70	Pits, gravel	Not rated	Pits (100%)		8.1	0.6%
75B	Quincy loamy fine sand, 0 to 5 percent slopes	Poor	Quincy (85%)	Thickest layer (0.00)	254.6	19.9%
				Bottom layer (0.00)		
			Wanser (2%)	Thickest layer (0.00)		
				Bottom layer (0.00)		
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	Fair	Quincy, gravelly substratum (85%)	Thickest layer (0.00)	849.4	66.4%
				Bottom layer (0.19)		
95B	Taunton fine sandy loam, 1 to 7 percent slopes	Poor	Taunton (80%)	Thickest layer (0.00)	159.2	12.5%
				Bottom layer (0.00)		
Totals for Area of Interest					1,278.3	100.0%

Rating	Acres in AOI	Percent of AOI
Fair	849.4	66.4%
Poor	420.7	32.9%
Null or Not Rated	8.1	0.6%
Totals for Area of Interest	1,278.3	100.0%

Description

Gravel consists of natural aggregates (2 to 75 millimeters in diameter) suitable for commercial use with a minimum of processing. It is used in many kinds of construction. Specifications for each use vary widely. Only the probability of finding material in suitable quantity is evaluated. The suitability of the material for specific purposes is not evaluated, nor are factors that affect excavation of the material.

The properties used to evaluate the soil as a source of gravel are gradation of grain sizes (as indicated by the Unified classification of the soil), the thickness of suitable material, and the content of rock fragments. If the bottom layer of the soil contains gravel, the soil is considered a likely source regardless of thickness. The assumption is that the gravel layer below the depth of observation exceeds the minimum thickness. The ratings are for the whole soil, from the surface to a depth of about 6 feet. Coarse fragments of soft bedrock, such as shale and siltstone, are not considered to be gravel.

The soils are rated "good," "fair," or "poor" as potential sources of gravel. A rating of "good" or "fair" means that the source material is likely to be in or below the soil. The bottom layer and the thickest layer of the soils are assigned numerical ratings. These ratings indicate the likelihood that the layer is a source of gravel. The number 0.00 indicates that the layer is a poor source. The number 1.00 indicates that the layer is a good source. A number between 0.00 and 1.00 indicates the degree to which the layer is a likely source.

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen, which is displayed on the report. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the Selected Soil Interpretations report with this interpretation included from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

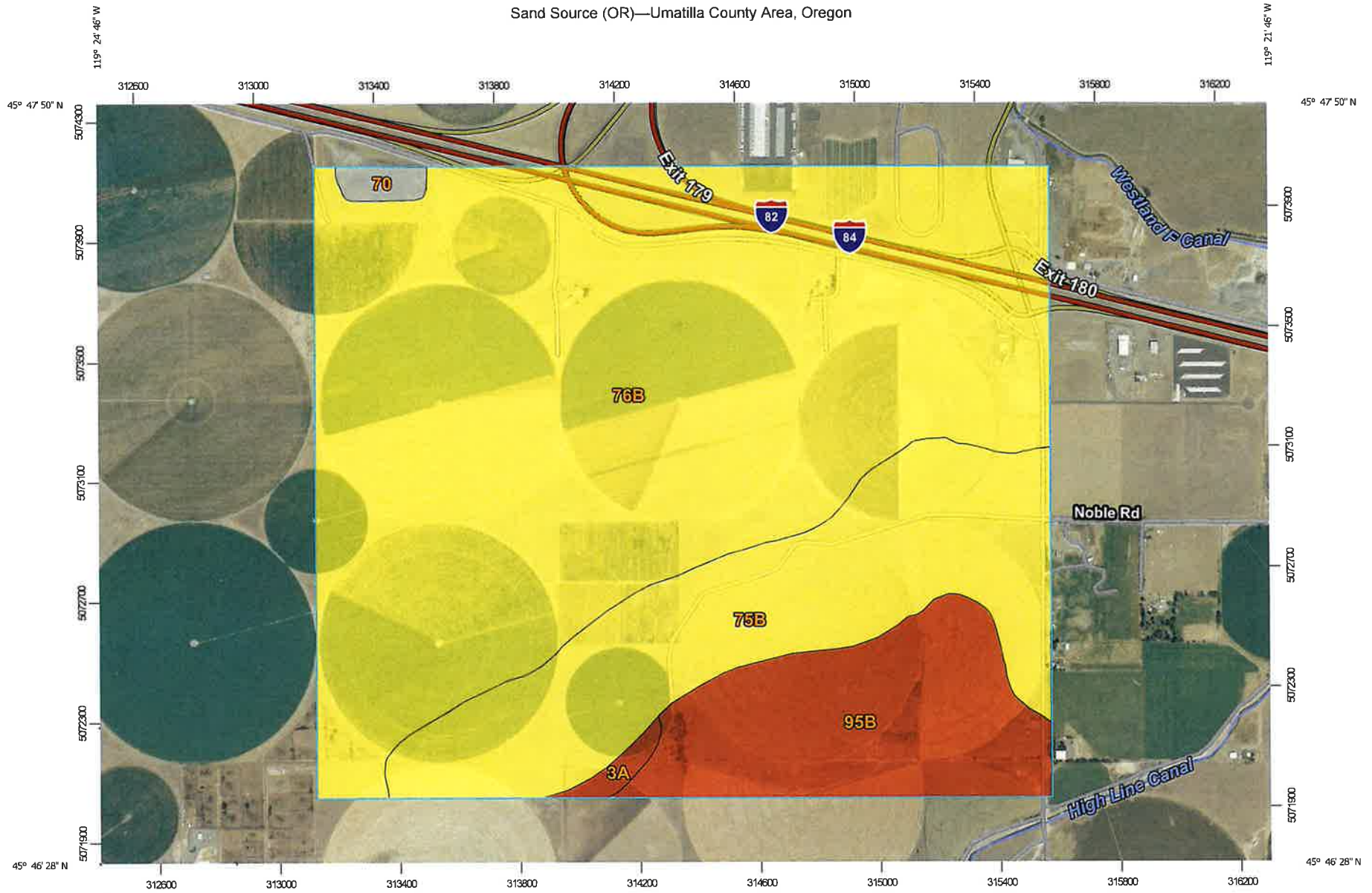
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Sand Source (OR)—Umatilla County Area, Oregon























Map Scale: 1:17,800 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)		Background	
	Area of Interest (AOI)		Aerial Photography
Soils			
Soil Rating Polygons			
	Poor		
	Fair		
	Good		
	Not rated or not available		
Soil Rating Lines			
	Poor		
	Fair		
	Good		
	Not rated or not available		
Soil Rating Points			
	Poor		
	Fair		
	Good		
	Not rated or not available		
Water Features			
	Streams and Canals		
Transportation			
	Rails		
	Interstate Highways		
	US Routes		
	Major Roads		
	Local Roads		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Umatilla County Area, Oregon
 Survey Area Data: Version 20, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 3, 2020—Jun 26, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Sand Source (OR)

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
3A	Adkins fine sandy loam, wet, 0 to 3 percent slopes	Poor	Adkins, wet (80%)	Bottom layer (0.00)	7.0	0.5%
				Thickest layer (0.00)		
70	Pits, gravel	Not rated	Pits (100%)		8.1	0.6%
75B	Quincy loamy fine sand, 0 to 5 percent slopes	Fair	Quincy (85%)	Thickest layer (0.03)	254.6	19.9%
				Bottom layer (0.28)		
			Wanser (2%)	Thickest layer (0.03)		
				Bottom layer (0.40)		
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	Fair	Quincy, gravelly substratum (85%)	Thickest layer (0.03)	849.4	66.4%
				Bottom layer (0.34)		
			Wanser (5%)	Thickest layer (0.03)		
				Bottom layer (0.40)		
95B	Taunton fine sandy loam, 1 to 7 percent slopes	Poor	Taunton (80%)	Bottom layer (0.00)	159.2	12.5%
				Thickest layer (0.00)		
Totals for Area of Interest					1,278.3	100.0%

Rating	Acres in AOI	Percent of AOI
Fair	1,104.0	86.4%
Poor	166.2	13.0%
Null or Not Rated	8.1	0.6%
Totals for Area of Interest	1,278.3	100.0%

Description

Sand is a natural aggregate (0.05 millimeter to 2 millimeters in diameter) suitable for commercial use with a minimum of processing. It is used in many kinds of construction. Specifications for each use vary widely. Only the probability of finding material in suitable quantity is evaluated. The suitability of the material for specific purposes is not evaluated, nor are factors that affect excavation of the material.

The properties used to evaluate the soil as a source of sand are gradation of grain sizes (as indicated by the Unified classification of the soil), the thickness of suitable material, and the content of rock fragments. If the bottom layer of the soil contains sand, the soil is considered a likely source regardless of thickness. The assumption is that the sand layer below the depth of observation exceeds the minimum thickness. The ratings are for the whole soil, from the surface to a depth of about 6 feet.

The soils are rated "good," "fair," or "poor" as potential sources of sand. A rating of "good" or "fair" means that sand is likely to be in or below the soil. The bottom layer and the thickest layer of the soil are assigned numerical ratings. These ratings indicate the likelihood that the layer is a source of sand. The number 0.00 indicates that the layer is a "poor source." The number 1.00 indicates that the layer is a "good source." A number between 0.00 and 1.00 indicates the degree to which the layer is a likely source.

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen, which is displayed on the report. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the Selected Soil Interpretations report with this interpretation included from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

ATTACHMENT 2

**AGGREGATE RESOURCE INVENTORY
AND NEEDS FORECAST STUDY**

Final Report

SPR 314

by

Kimberly Wyttenberg
Andrew Griffith, P.E.
Jeremy Williams
McGregor Lynde

for

Oregon Department of Transportation
Research Group
200 Hawthorne Ave. SE, Suite B-240
Salem, OR 97301-5192

and

Federal Highway Administration
Washington, DC 20590

September 2002

1.0 INTRODUCTION

1.1 PROBLEM STATEMENT

Aggregates are needed to build and maintain the transportation system infrastructure. As the demand on the infrastructure increases, so will demand for good quality aggregates, a finite resource already limited in some areas. Future Oregon Department of Transportation (ODOT) requirements and the availability of aggregate sources have not been determined. The establishment of a new aggregate supply source requires advance planning and a lengthy permitting process with the Oregon Department of Geology and Mineral Industries (DOGAMI). Further, existing aggregate sources near developing areas are subject to encroachment and other land use conflicts. Land use protections need to be established early to protect aggregate resources from future land use conflicts.

The demand for good quality aggregate will increase with the growth in Oregon's population. Existing aggregate sources provide a finite supply. Road uses demand a significant amount; according to the U. S. Geological Survey, highway construction accounts for over 30% of the aggregate used in the United States. Land use constraints on mining operations at current sites and on new site development further exacerbate the supply problem.

Oregon's Statewide Planning Goal 5 protects natural resources and conserves scenic and historic areas and open spaces. It pertains to twelve types of natural resources, including mineral resources such as aggregate. Oregon Administrative Rule (OAR) 660-023, which implements Goal 5, explains how ODOT can evaluate its aggregate producing sites and initiate protective land use actions to conserve and protect "significant" sites. Sites are considered significant if one of the following criteria is met:

- A representative set of samples of aggregate material in the deposit meets ODOT base rock specifications for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount is more than 2,000,000 T in the Willamette Valley, or 100,000 T outside the Willamette Valley;
- The material meets local government standards establishing a lower threshold for significance than the subsection above; or
- The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan.

If an aggregate site is determined to be significant, ODOT may act to protect the site from future incompatible adjacent land uses by submitting a Post-Acknowledgment Plan Amendment (PAPA) application to the local government having jurisdiction over the site. Before the start of this research project, however, there was uncertainty about which ODOT sites were "significant."

Further, current information on aggregate sources and needs is limited. A 1995 DOGAMI report provided forecasts of aggregate consumption for the state and each county (*Whelan 1995*). The forecast was for a fifty year (2001-2050) planning horizon, and showed how the need for the mining of construction aggregates such as sand, gravel, and crushed rock will increase as Oregon's population continues to grow. The report provided average, annual aggregate consumption rates for each Oregon county including road use. The forecast was made using an economic model applying indicators of population, income, and demographics to predict aggregate consumption rates.

The DOGAMI report, however, did not address specific aggregate sites, land use considerations or development of new sites. Thus in July 1998, a research project was initiated to investigate ODOT-owned or -leased aggregate sites and to assess future aggregate needs.

1.2 OBJECTIVES

The objectives of this study were a) to investigate each ODOT aggregate site, focusing on aggregate quantity and quality, and land use considerations; and b) to forecast future aggregate needs of the Department. The following tasks were undertaken in order to accomplish the research objectives:

1. Determine the quantity and quality of available aggregate on ODOT property by inventorying sites.
2. Determine the amount of material needed to meet future ODOT maintenance and construction needs and identify the projected shortfall, if any, for the next 30 years.
3. Identify ODOT aggregate sources facing likely land use conflicts so that protection efforts may be initiated.
4. Identify alternate materials for use in maintenance and construction operations to help meet any potential shortfall.

As indicated above, a 30-year forecast was called for in the work plan. Because of the uncertainty, however, about pavement preservation, modernization and bridge rehabilitation and construction projects over that long of a cycle, the forecast horizon was later narrowed to 15 years.

During the course of the study, the fourth task was eliminated. There is an abundance of previous research about use of alternative sources of aggregate (crumb rubber, cullet glass, steel slag, etc.) in paving mixes. If the reader is interested in a particular recycled product, ODOT's Research Group can help answer questions and serve as an information resource. In addition, the Transportation Research Information Service (TRIS) has an online search engine that can be used to explore topics such as recycled aggregates. The internet address for TRIS is:

<http://ntl.bts.gov/tris>

1.3 REPORT FORMAT

This report documents the results of the research efforts undertaken to achieve the objectives noted above. Chapter 2 describes the methodology for the field investigations and data collection procedures. The ODOT aggregate tests that are used to characterize aggregate quality are discussed in Chapter 3. Chapters 4, 5, 6, 7 and 8 summarize the aggregate sites by ODOT District for Regions 1, 2, 3, 4, and 5 respectively. Figure 1.1 shows the ODOT Region and District boundaries.

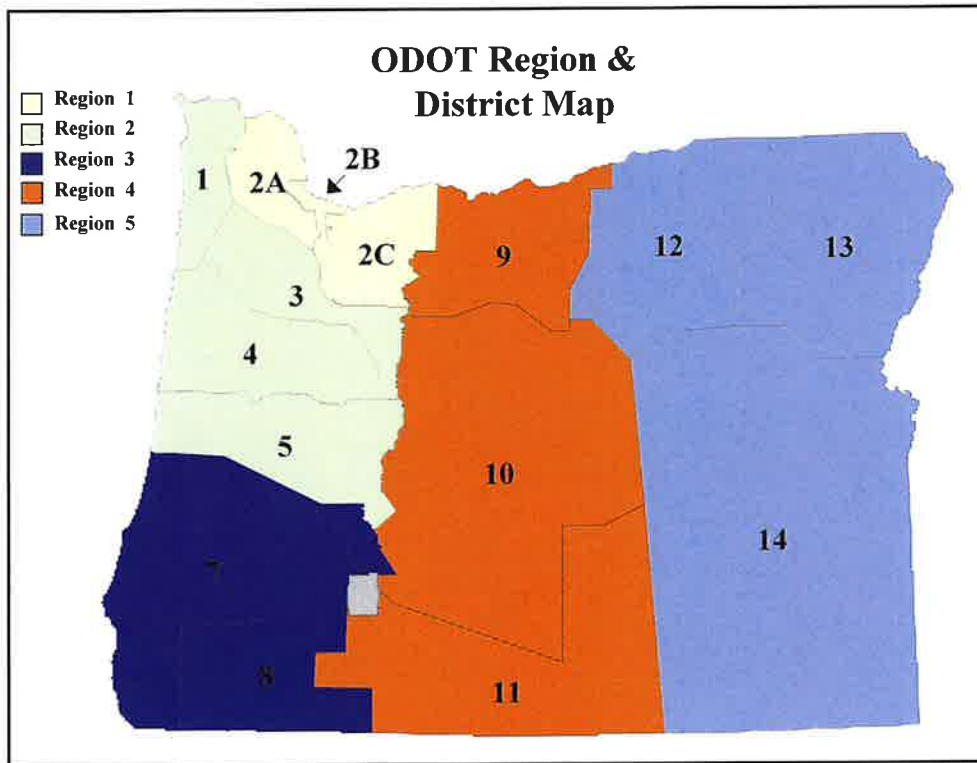


Figure 1.1: ODOT Region and District Map

In Chapters 4-8 many of the values used to characterize the sites are in English units rather than metric units. The units most commonly used are “cubic yards” to describe estimates of reserve, and “acres” when referring to pit size or size of the entire aggregate site. English units are used for consistency with the three databases used extensively in the data collection phase of the research – ODOT’s Aggregate Source Database, ODOT’s Right of Way Database, and DOGAMI’s Database of Permitted Aggregate Sites. These databases characterize the sites using English units. Thus, for simplicity and comparability, many of the volumetric and area descriptions used in this report are in English units.

Of the 85 sites, nine are potentially significant: Cason Canyon Quarry, Weston Pit, Site 30-16-5, Nye Junction Quarry, Lexington Quarry, Site 30-032-5, Site 30-027-5, Dry Creek Quarry, and Kennedy Pit.

Cason Canyon Quarry (25-019-5), shown in Figure 8.2, is a 31-acre site located adjacent to and north of Highway 206 in Morrow County. The rock at the quarry is a fine grain, slightly vesicular, highly fractured basalt with an estimated reserve of 1,000,000 yd³ (1,500,000 T.) There is ample room to work at this site, but it provides no screening from the highway.



Figure 8.2: Cason Canyon Quarry

Weston Pit (30-043-5), shown in Figure 8.3, is located adjacent to and south of Highway 204, 2 miles east of Weston. The rock at this 10.4-acre quarry site is a weathered, highly fractured, fine grain basalt that has minor vesicular structure. There is an estimated reserve of 1,000,000 yd³ (1,500,000 T) available for removal. The site has ample room to work and provides good screening from the adjacent highway.



Figure 8.3: Weston Pit

Site 30-016-5, shown in Figure 8.4, is located adjacent to and west of Interstate 84 in Umatilla County. The 36.8-acre, raw land site contains 1,000,000 yd³ (1,500,000 T) of removable fine grain, moderately fractured basalt. The site has no past disturbance and no developed access. Room to work at the site could be provided, and there is limited screening from the adjacent freeway.



Figure 8.4: Site 30-016-5

Nye Junction Quarry (30-026-5), shown in Figure 8.5, is located at the junction of Highway 74 and Highway 395 in Umatilla County. This 26-acre quarry site is comprised of 400,000 yd³ (934,200 T) of slightly weathered, very vesicular basalt available for removal. There is a sanding shed associated with the site, ample room to work, but no screening from the adjacent highways.



Figure 8.5: Nye Junction Quarry

Lexington Quarry (25-009-5), shown in Figure 8.6, is located just east of Lexington on Highway 74 in Morrow County. The 14.9-acre site contains 300,000 yd³ (450,000 T) of fine grain, highly fractured basalt. There are multiple flows exposed in the pit, and some of the rock is vesicular. The rolling terrain provides room to work, but there is no screening from the highway.



Figure 8.6: Lexington Quarry

Site 30-032-5, shown in Figure 8.7, is located at the junction of the Cold Springs Highway and Highway 730 in Umatilla County. The 133.3-acre site is comprised of 320,000 yd³ (669,600 T) of good quality thin, intermittent, fine grain, moderately fractured basalt flow exposed with terrace gravel all around. The gravel is a heterogeneous mix of lithology and size, 50% of which is sand. The terrain is flat with adequate room to work, but the site has no screening from the highway.



Figure 8.7: Site 30-032-5

Site 30-027-5, shown in Figure 8.8, is adjacent to and west of Highway 395 in Umatilla County, covering 11.3 acres. The site is comprised of good quality, fine grain, slightly vesicular, highly fractured basalt, with an estimated reserve of 300,000 yd³ (708,750 T). The rock can be ripped, but the pit floor would need to be lowered to pull out more material. There is no screening from the highway, but there is adequate room to work.



Figure 8.8: Site 30-027-5

Dry Creek Quarry (30-019-5), shown in Figure 8.9, is located adjacent to and east of Highway 11 in Umatilla County. The 28.9-acre site is comprised of 100,000 yd³ (150,000 T) of good quality, fine grain, highly fractured basalt (classic dice rocks.) The material can be ripped. The flat terrain provides plenty of room to work and some screening from the highway.



Figure 8.9: Dry Creek Quarry

Kennedy Pit (30-001-5), shown in Figure 8.10, is located south of Highway 730 and east of I-82 in Umatilla County. The 121.8-acre site is comprised of a heterogeneous mix of lithologies and sizes, with an estimated reserve of 360,00 yd³ (753,300 T). The sizes range from gravel on top to Columbia River Basalts below. There is 40% gravel and 60% sand by volume exposed in the pit. There is good screening from the highway and ample room to work at this site.



Figure 8.10: Kennedy Pit

Table 8.2 summarizes the site locations by highway name and number, and provides estimates of the quantity of aggregate for each highway within District 12.

Table 8.2: Aggregate site listing by highway for District 12*

Highway Number	Highway Name	Centerline Miles	Lane Miles	Number of Sites	Total Estimated Reserve		
					Yd ³	T	Mg
002	Columbia River	43.98	92.06	6	2,200,000	4,973,550	4,558,627
005	John Day	62.58	125.16	14	1,704,000	3,153,903	1,764,614
006	Old Oregon Trail	85.25	177.39	8	4,140,000	6,452,250	7,242,622
008	Oregon-Washington	34.07	88.82	3	160,000	275,550	309,786
028	Pendleton-John Day	90.28	185.08	11	2,155,000	4,052,475	4,431,896
036	Pendleton-Cold Springs	30.41	60.01	3	370,000	774,225	702,222
052	Heppner	74.64	149.28	9	970,000	1,822,275	1,935,609
054	Umatilla-Stanfield	12.86	50.26	2	600,000	1,215,000	1,102,005
067	Pendleton	5.92	11.41				
070	McNary	11.21	22.42				
300	Wasco-Heppner	29.26	58.52	6	2,140,000	3,246,383	4,449,895
320	Lexington-Echo	40.15	80.06	3	262,000	492,090	524,553
321	Heppner-Spray	40.87	81.74	6	300,000	528,150	500,800
330	Weston-Elgin	11.74	28.88	2	1,000,000	1,500,000	2,204,010
331	Umatilla-Mission	4.84	9.48				
332	Sunnyside-Umapine	7.93	15.86	1	0	0	0
333	Hermiston	18.06	36.10	1	0	0	0
334	Athena-Holdman	18.16	36.32	3	150,000	225,000	325,090
335	Havana-Helix	8.66	17.32	1	160,000	367,200	333,050
339	Freewater	5.25	10.81				
341	Ukiah-Hilgard	23.54	47.08	2	200,000	300,000	450,597
402	Kimberly-Long Creek	34.88	69.76	4	96,000	144,000	182,198
	Total	694.54	1,453.82	85	16,607,000	29,522,051	31,017,574

* The highway numbers, centerline, and lane mileage were obtained from ODOT's 2000 State Mileage Report.

8.2 DISTRICT 13

District 13 is located in the upper northeast corner of Oregon. Its boundaries extend from the Oregon/Washington border on the north to Sumpter on the south, and from the Oregon/Idaho border on the east to the summit of the Blue Mountains on the west. It encompasses all of Wallowa County and portions of Baker, Grant, Umatilla, and Union Counties. District 13 contains 67 sites, which include quarries (29), gravel sites (11), borrow sites (6), raw land (15), road cut (1), and stockpile sites (5). Figure 8.11 is a map showing the source number and location of each of the 67 sites in District 13.

Exhibit E

Submitted During Hearing October 20, 2022,
Additional Information (photos) Provided by Wade Aylett, Jr. (Rock It, LLC)

⊕

3/4 Round



Pea Rock





3 weeks
worth of
operation
3/4 Rock



3/8 Pea Rock (2nd pit)
60 feet deep



$\frac{3}{4}$ Pea Rock (1st pit)
65 feet deep



3/4 - Round Con Ag .





Exhibit F

November 15, 2022,

Waiver of the 150-day Rule for Planning Review Provided by Carla McLane Consulting, LLC
(consultant for applicant)

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

WAIVER OF 150 DAY RULE FOR PLANNING REVIEW

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

I, Craig Coleman, Girth Dog LLC, have made application to the Umatilla County Resource and Development Department ("Department") for an aggregate site including Goal 5 protections & AR Overlay (permit/limited land use decision/zone change).

In accordance with ORS 215.427, I understand that:

- 1) If this application was incomplete when submitted, the DEPARTMENT had 30 days from receipt of the application to inform me of the missing information and the application was then deemed complete when the missing information was received by the Department.
- 2) After receipt of a complete application, the DEPARTMENT has 150 days to take final action on an application for a permit, limited land use decision or zone change.
- 3) If the DEPARTMENT does not take final action on an application with 150 days, the applicant, under ORS 215.429, may file a petition for a writ of mandamus in Umatilla County Circuit Court to compel the Department to issue the approval of the application.

Having read this document and understanding my statutory rights with regard to my application, in accordance with 215.427(4), I voluntarily agree to extend the 150 day provision for a period not to exceed 30 days, or February 6, 2023

[Signature]
Applicant signature

11/16/22
Date

Signature of Acknowledgement by Department

Date

Exhibit G

November 23, 2022,

Additional Testimony Provided by Andrew Stamp (Representative for Wade Aylett and Rock It, LLC)

23 November 2022

Umatilla County Planning Commission
c/o Robert Waldher and Megan Davchevski
Umatilla County Dept of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

**Re: TEXT AMENDMENT #T-092-22. PLAN AMENDMENT #P-135-22 and ZONE
MAP AMENDMENT #Z-322-22: GIRTH DOG LLC. APPLICANT / OWNER**

Dear Members of the Planning Commission and Staff:

This office represents Wade Aylett and Rock It, LLC. Please include this letter in the record of the above consolidated matter.

Our clients oppose the Girth Dog LLC (hereinafter “Girth Dog”) application. Girth Dog has not done the required work to earn a determination of significance from the county and has not earned the right to establish a new mine. While the rest of the mining applicant world spends hard earned money and time on studies and analysis, Girth Dog provides almost none of the studies required of everyone else. Rather, Girth Dog simply copied our clients’ application nearly word for word instead of doing their own. They failed to complete even the most basic required analysis, such as:

- ❖ Documenting where the rock samples were taken;
- ❖ Evaluating their own approach road where it intersects with Stafford Hansell Road, despite admitting that they plan to use that approach road as part of the mining operation;
- ❖ Evaluating a host of significant impacts from their proposed new operation
- ❖ Acknowledging that a Goal 5 resource exists right next door on our clients’ property;

And while Girth Dog admits that they will have a significant dust impact and promise to enact dust mitigation by watering, they provide zero evidence that they have adequate water rights to supply such promised dust control. They also say they might use “other” dust mitigation, but we are not told what that might be.

In all, the Girth Dog application does not deserve approval and like everyone else with an deficient application, it should be denied.

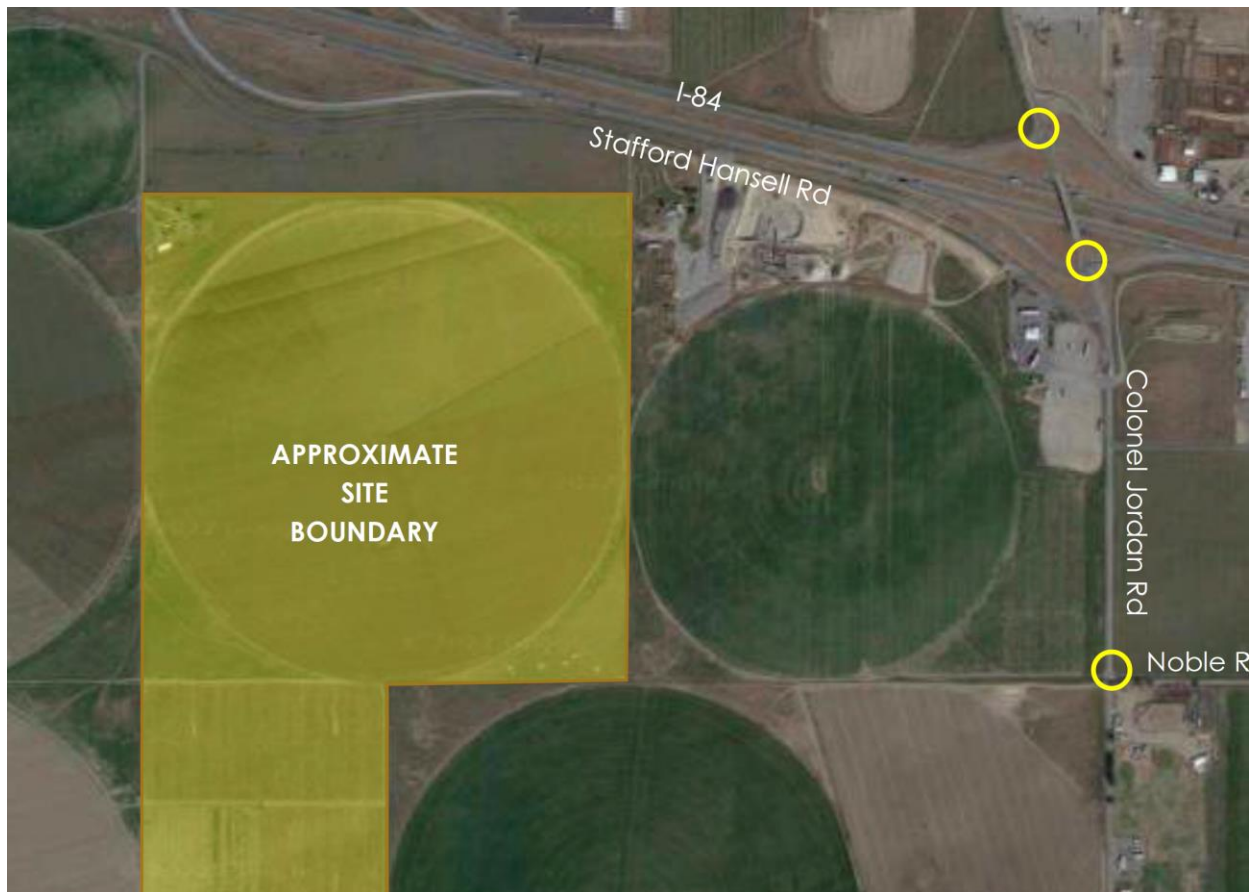
The County’s mining authorization program only works if it is fairly and evenly applied to everyone. Our client diligently went through the required processes, spent significant sums on experts to provide the required evidence and analyses and earned your approval as a result. The Planning Commission should insist that its rules be applied evenly and fairly for all operators, including the applicant here. The planning commission should recommend denial the Girth Dog application. The reasons are explained below.

I. Executive Summary of Reasons Application Must be Denied.

1. Any application that is not supported by substantial evidence cannot be approved. The Girth Dog application is simply not supported by substantial evidence and there is no purpose served in approving it. If the County were to approve the Girth Dog application, regardless of its flaws, LUBA will remand the decision.
2. The law requires “adequate information regarding the quantity, quality, and location of the resource demonstrates that the site * * *.” The rock samples evaluated by Atlas here are samples from our clients’ site, not the subject property. That is not “adequate information” that demonstrates anything about “the site.” The well logs are also inadequate because there is no evidence that they are “representative” of the entire site.
3. The Girth Dog application papers claim access will be from Center St and Stafford Hansell, but the TIA includes no mention or analysis of the proposal’s impacts to Stafford Hansell Rd at all.

it also located in a wetland as listed on the National Wetlands Inventory maps?	<input checked="" type="checkbox"/> Yes, provide documentation. <input checked="" type="checkbox"/> No, the Property is not in a wetlands <i>See narrative</i>
13. How is ACCESS provided to the Property? (i.e. provide name of road that directly serves the Property.) What type of surface does the roadway have?	<p style="text-align: center;"><i>Name of Road or Lane</i></p> <p style="text-align: center;"><u>Stafford Hansell Road</u></p> <input checked="" type="checkbox"/> Paved, <input checked="" type="checkbox"/> Gravel, <input type="checkbox"/> Dirt
14. Will the Property need an Access Permit onto a County Road or State Highway? If so contact the County Public Works Department, 541-278-5424, or ODOT, 541-276-1241.	<input checked="" type="checkbox"/> Yes, if so please contact the proper authority and provide that documentation <i>Center to Colonel Jordan</i> <input checked="" type="checkbox"/> No, one already exists (provide a copy) <i>Stafford Hansell (Historic)</i>
15. EASEMENTS: Are there any easements	<p style="text-align: center;"><i>Attach easement documentation:</i></p> <input type="checkbox"/>

4. In fact, the project TIA specifically EXCLUDES any study whatsoever of the Stafford Hansell Intersection that the application admits the operation will use:



5. The TIA and application narrative mention using “Center Street” for access. Center Street adjoins our clients’ property. Center Street is a small dirt road that currently provides modest farm vehicle access to three properties including Girth Dog’s, the farmed property to the south and Rock It’s property currently devoted to farm operations until it is mined in the future. Center Street is underdeveloped, but contrary to requirements, the application includes no plan to make any improvements to Center Street to support some significant part of the 170 average daily trips that form the operation or the roughly 32 +/- new peak hour trips from heavy haul traffic that would occur if the proposal were approved. This is a problem because Girth Dog carries the burden to prove that under applicable transportation standards (the state “Transportation Planning Rule” or “TPR” and county standards contained in the TSP, UCCO 152.017; 152.018; 152.019; 152.648; 152.751; 152.769; among others) and public works standards, that Center Street as well as all affected intersections and interchanges will be safe and adequate over the 20-year planning horizon. Adequate in this context is measured by the Interchange Access Management Plan (“IAMP”) and by the county’s standards to include its “B Industrial / Agricultural” standards, that require “Center Street” be improved to serve a new industrial use. Yet, improvements to Center Street and its adequacy is not addressed at all in the application.
6. Nothing in the application so much as explains how conflicts between heavy haul vehicles using Center Street and farm equipment during harvest that also use Center

Street, will be managed.

7. The application relies upon “vacating” existing Center Street. However, as noted above, Center Street is currently used by farming operations on property to the southeast of Dog’s property. The road cannot be vacated over the objections of adjacent property owners. Moreover, the Girth Dog application includes nothing to suggest that it is feasible to vacate Center Street when it currently provides farm access to other parcels.
8. The application contains no DOGAMI operations plan and in fact no operations plan at all to enable anyone to evaluate what sort of mining operations are to be approved. Mining operations include many different types of elements and each have their own impacts that must be evaluated – will there be concrete processing? Asphalt processing? Batching? Rock crushing? The application does not say, although it copies from our clients’ application to say an air quality discharge permit will be obtained but does not disclose the operation that would necessitate such a DEQ permit. While the application claims that there will be no blasting, that too appears to be a statement simply lifted from the Rock It application. In the absence of any operations plan, it is impossible to evaluate the proposed mining operation’s compliance with relevant standards, because we do not even know what it will be. This serious problem permeates the entirety of Girth Dog’s impact analysis because impacts cannot be evaluated without an operations plan that discloses the mining operations that are contemplated. So at the outset, there really is no impacts analysis for the site because we are not told what the mining operation will consist of.
9. The applicant does not provide any information to show that the irrigation water rights it possesses can be transferred for industrial use.
10. The law requires analyses of impacts in an “impact area” that is *at least* 1,500 feet from the proposed new mine. Because the applicant merely copied our clients’ application, the Girth Dog application fails to analyze impacts within 1,500 feet of *this applicant’s* property. Among impacts the applicant ignores:
 - a. Impacts of the proposed new operation to water wells on the Rock It property.
 - b. Impacts of the proposed new operation on the dwelling located on the Rock It II site. The Girth Dog application apparently presumes since the dwelling is on the Rock It site, that impacts from the new mining proposal can be essentially ignored. This is wrong. The Rock It application and decision make clear that when the Rock It operation “moves to that area” that the dwelling will be removed. But until then, someone lives there, and the proposal must identify and acknowledge its impacts to that dwelling and come up with a plan to mitigate those impacts.
 - c. Impacts from development of Center Street to serve the heavy haul traffic. We know that both the TPR and county code require that Girth Dog improve Center Street to certain standards to convert it to a haul road accommodating

some 32+/- peak hour heavy haul trips. Yet, the application contains nothing to suggest that the applicant will provide any mitigation of storm water that will inevitably run off that road onto our clients' property, when Girth Dog improves that road.

- d. Dust Impacts. While Girth Dog relies upon "dust control" to mitigate the admitted impact of significant dust, the applicant provides no evidence at all that it has sufficient water rights to allow it to provide *any* dust control, let alone dust control for the mining operation *and* for a new haul road.

II. Legal Framework.

A. Generally.

The Goal 5 administrative rule (Oregon Administrative Rule ("OAR") Chapter 660, Division 23) establishes the criteria for the county to determine if the site is a significant aggregate resource, whether all identified conflicts are minimized, whether mining should be allowed at the site, and whether future conflicting uses should be allowed, limited, or prohibited. This is because the county has not yet adopted its own Goal 5 program for mining, so the state rules apply directly. OAR 660-023-0180(9); *Morse Bros, Inc. v. Columbia County*, 37 Or LUBA 85 (1999), *aff'd* 165 Or App 512 (2000); *Eugene Sand & Gravel, Inc. v. Lane County*, 44 Or LUBA 50, 96 (2003), *aff'd*, 189 Or App 21 (2003).

OAR 660-023-0030 to 660-023-0050 requires a multiple-step planning process requiring the applicant to prove up and several standards and for the County to decide whether the applicant has proven:

- ❖ That the aggregate *at the site* meets required standards of quantity and quality,
- ❖ what the operations will be composed of,
- ❖ what the existing and potential conflicting uses are in an area that is at least 1,500 feet from the mining operation;
- ❖ what the adverse impacts of those mining operations will be on those conflicting uses and whether those adverse impacts are significant,
- ❖ that mitigation of the identified operations is feasible and that the proposed mitigation will reduce the adverse impacts to a level where they are no longer significant.

If the applicant meets these burdens, then the county decides whether it will allow the disclosed mining operation at the site, if so then under what conditions and whether the county will limit, allow, or prohibit future conflicting uses.

/// /// ///

B. The Applicant Failed to Carry its Burden to Provide the Required “Adequate Information Regarding the Quantity, Quality, and Location of the Resource” as Required by OAR 660-023-0180(3).

A proposed aggregate resource site is significant if it meets criteria in OAR 660-023-0180(3).¹ *Delta Property Company v. Lane County*, 58 Or LUBA 409 (2009). To be consistent with OAR 660-023-0180(3), the application must include substantial evidence and analysis demonstrating that the location, quality,² and quantity of aggregate *at the site* is sufficient to meet the standards in OAR 660-023-0180(3).

To identify the “quantity” of material at the site, the property owner must collect samples at test holes spanning a representative number of locations *on the site* to verify the depth of the overburden, the type of aggregate found, and the depth of the aggregate resource.³ OAR 660-023-0180(3)(a) requires that an aggregate resource site in Eastern Oregon demonstrate that there is more than 500,000 tons of aggregate to be mined in order to qualify as “significant.” To estimate the quantity of aggregate *at the site*, the top and bottom elevations of the aggregate deposit need to be identified based on the borings. The top elevations of the aggregate deposit, (that is, the top of the aggregate resource located below the residual soil/weathered material

¹OAR 660-023-0180(3) provides:

“An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

“(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 500,000 tons outside the Willamette Valley;

“(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or

“(c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on September 1, 1996.

² OAR 660-023-0180(3)(a) requires the aggregate resource meet quality standards for base aggregate. Base aggregate is tested in the laboratory for its ability to withstand abrasion and degradation. Aggregate samples that meet specified durability criteria are accepted by the Oregon Department of Transportation (“ODOT”) for use as base aggregate.

The state’s Goal 5 rule requires three tests that must be conducted on each sample *from the site*. The air degradation test measures the quantity and quality of the material produced by attrition (*e.g.*, repeated traffic loading and unloading). The abrasion test indicates how durable the aggregate is, which is to say that it tests how well the aggregate will withstand grinding actions (*e.g.*, generated from heavy traffic). The sodium sulfate soundness test measures the quantity of material produced by repeated immersion in a corrosive solution of sodium sulfate.

³ See *Handbook for Applying Goal 5 to Aggregate Resources*, Oregon Concrete and Aggregate Producers Ass’n.

known as “overburden,” must be identified. The bottom elevations of the aggregate deposit also need to be identified, using the borings. *Resource* volume is defined as the entire amount of sand and gravel within the extraction area while the *reserve* volume is the available minable volume that avoids setbacks, slope angles, and a mining floor depth.

Before a site can qualify as being “significant,” there must be “adequate information regarding quantity, quality, and location of the resource,” and that information must be supported by substantial evidence in the record. *See McCoy v. Linn County*, 16 Or LUBA 295 (1987).

Here, Girth Dog asserts that the site contains 13 million cubic yards of sand and gravel material. App. p. 2. However, there is no evidence in the record to support the 13,000,000 cubic yard estimate for the site. *See Eckis v. Linn County*, 19 Or LUBA 15 (1990) (a summary of the test results provided by the applicant’s attorney is insufficient). The applicant must provide the test results taken from aggregate extracted from the site from a series of test bores to substantiate this remarkable claim.

It is well-understood that an applicant does not carry its burden of proof by merely assuming that sand and gravel on one property is the same as on another or that sand and gravel is evenly distributed throughout an entire site. It may well be that aggregate is concentrated on a portion of a site and not distributed elsewhere. *See* Letter dated October 17, 2022 from Geologist Lynn D. Green, PhD., R.G. Exhibit 1 (“Without performing site-specific investigation into the nature and extent of these deposits on the subject site, there is no way to confirm that the quality and extent of those materials meet the definition of significant, as defined by OAR 660-023-0180.”).

This is important because only that portion of a proposed mining site that qualifies as “significant,” under OAR 660-023-0180(3)(a) can lawfully be included on the county’s comprehensive plan inventory of significant aggregate resource sites under Statewide Planning Goal 5. *Save TV Butte v. Lane County*, 77 Or LUBA 22 (2018). Girth Dog has failed to carry their burden of proof. Girth Dog provides no evidence that the sand and gravel layer is uniform and has not documented the amount of overburden on the subject property or the depth of the sand and gravel resource.

Worse still, the applicant has not demonstrated that the rock samples tested by Atlas were taken from the subject 225-acre site. Our clients have reason to believe that the rock submitted to Atlas originated on the property to the east, which is owned by Rock It, LLC; and not from the subject site.

The Goal 5 administrative rule requires a “representative set of samples of aggregate material in the deposit on the site.” OAR 660-023-0180(3)(a). A representative sample for quality is a sample that reflects the on-site variation in material characteristics present in the rock deposit, something a registered geologist figures out. On a site of this size, it is reasonable to assume that there will be considerable variation in the size and quality of the material within the site.

But here, Girth Dog did not hire a geologist, as is the standard practice in these types of cases. Girth Dog did not collect representative samples from the site. Girth Dog initially

provided just one “test sample” (which our clients believe came from their property and not the “site”), which is inadequate. Even if that one sample came from some random place on the subject site, there can be no dispute that one test sample is woefully inadequate to establish any particular expected quality or quantity of material on the subject 225-acre site.

Before the hearing, the applicant offered three well logs to help demonstrate the depth to gravel. However, the well logs are inadequate because they do not give a precise location of the wells.

In *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998), LUBA emphasized that any test holes must be “representative” of the entire site, and LUBA decided that the test holes drilled in the northern portion of an 80-acre site were simply not representative of the aggregate located in the southern portion. There can be no reasonable dispute but that a site of this size requires multiple test pits providing substantial evidence of the extent of the resource on the subject property. Compare *Westside Rock v. Clackamas County*, 56 Or LUBA 601 (2008) (two on-site borings were not sufficient to establish that a 117-acre mining site qualifies as a significant aggregate resource site).

The applicant fails to prove either the quality or quantity of aggregate at the site. That means Girth Dog failed to carry their burden and that the Girth Dog application must be denied.

C. Where, as Here, Girth Dog fails to carry its burden, the County Can and Should Deny the Application and Need Not Complete the other Goal 5 Steps.

In this case, the Planning Commission should recommend denial of the application due to the lack of substantial evidence in the record. The Girth Dog proposal fails to carry its burden regarding the location, quality and quantity of the material at the site.

Note that in cases where is insufficient information on the location, quality and quantity of a Goal 5 resource to determine that it is “significant,” then the County need not “proceed through the remainder of the Goal 5 process.” As a precaution, however, we also wish to point out other deficiencies in the application as it now stands, were the County to move on to the rest of the Goal 5 analysis.

D. Precautionary Objections.

1. The Impact Area Analysis is Inadequate.

OAR 660-023-0180(5)(a) requires the local government to identify conflicts with existing and approved uses located within a determined “impact area” that is 1,500 feet from the boundaries of the mining area, unless factual information indicates “significant potential conflicts” beyond 1,500 feet. This means that the applicant must tell the county what the operation will consist of because only if the County knows what the elements of the operation are, can the decision-makers evaluate its impacts. However, Girth Dog application fails to disclose what the operation will be, making it impossible to evaluate impacts. For example, will there be concrete processing and batching? Aggregate batching? Rock crushing? If so, where on the site will those activities occur? Will the location of any rock crushing change over time as

the site is worked? This is all important information to know for the County to have any hope of evaluating impacts. In this case, the application reveals none of the critical details of the operation. This, in itself, is a fatal problem.

2. The Applicant Fails to Consider the Proposed Haul Road as Part of the Impact Area.

Girth Dog proposes a new haul road from the mining site to the intersection of Colonel Jordan Road and Noble Road. This new haul road will directly abut agricultural pivots and crops that are located north and south of the road. It will also abut the “Rock It 2” mining site. The proposal will therefore subject agricultural workers and mining employees with dust causing OSHA problems.

The application fails to provide any analysis whatsoever of the significant adverse impacts from the new haul road. Girth Dog fails to analyze traffic conflicts with agricultural vehicles on Center Street which is now very narrow. Girth Dog fails to provide any evidence that it is feasible to mitigate dust from the heavy equipment from the proposed operation that would use the haul road. There is no evidence that the applicant has sufficient water rights to water the haul road and still provide dust control to the rest of its 225 acres. Nor is there evidence that there is sufficient water to keep the operation from being a significant health problem to adjoining agricultural crops, or a safety issue for agricultural employees and mining employees working on abutting and nearby properties.

3. The Applicant’s Conflict Analysis Does Not Adequately Address Impacts on Neighboring Residences. Noise and Dust Impacts Have Not Been Properly Addressed.

Here again, we do not know what exactly the proposed operation will be, so it is impossible for Girth Dog to carry its burden to evaluate impacts from what is essentially an undisclosed proposal. We do have a hint about the proposal’s hours of operation - the TIA assumes that Girth Dog’s workers’ operational hours will be between 4:00 am and 5:00 pm. That means that with respect to noise, that Girth Dog must demonstrate that its operations will meet DEQ’s sleep hours noise regulations at noise sensitive receptors. The applicant needs to hire a sound engineer to provide substantial evidence on this issue.

Girth Dog acknowledges that there are two residences within the impact area. Nonetheless, Girth Dog fails to provide any information about the equipment to be used, where it will be used in relation to the location of noise sensitive receptors, how noisy the equipment will be, how much the noise is likely to carry at the noise sensitive receptors, the hours of operation of noise producing equipment, or really anything very useful. The only thing they state is that they will honor a 500 ft buffer for “processing equipment.” That is insufficient to demonstrate that DEQ noise standards can be met.

In addition, to the haul road, topsoil/overburden removal, stockpiling and aggregate extraction and reclamation activities proposed at the site are sources of fugitive dust. Typically, the need for dust suppression arises when the upper levels of topsoil/overburden are disturbed during the summer dry conditions. The Applicant states that it will use “best management

practices” and “voluntary measures” to control dust, but that is a meaningless representation without an explanation of (1) exactly what that entails, and (2) that it is feasible to provide those measures. And as noted, Girth Dog fails to establish it has any feasible way to provide dust suppression using water because it has provided no evidence of any sufficient water right or rights to do that.

Further, the prevailing winds arise out of the Southwest and flow to the Northeast. This makes the home located on our client’s property particularly vulnerable from dust created on the subject property.

OAR 340-225-0040 and OAR 340- 225-0050 establish modeling requirements to determine whether a proposed mining operation will comply with ambient air quality and new source air particulate standards. The applicant and local government must either perform the required modeling or demonstrate that the modeling is unnecessary to demonstrate that the proposed mining will comply with the air particulate standards. *Save TV Butte v. Lane County*, 77 Or LUBA 22 (2018). The applicant here fails to complete these requirements.

4. The Application Incorrectly States That There Are No Other Goal 5 Resource Sites in the Impact Area.

Under OAR 660-023-0180(5)(b), the county must determine existing or approved land uses that may be adversely affected by mining at an inventoried significant aggregate resource site, including conflicts with Statewide Planning Goal 5 resource sites that are shown on an acknowledged inventory of significant resource sites for which the requirements of Statewide Planning Goal 5 have been completed. *Save TV Butte v. Lane County*, 77 Or LUBA 22 (2018).

In this case, the application incorrectly states that “there are no known Goal 5 resource sites within the impact area for the aggregate site.” App. p. 5. To the contrary, our clients’ significant aggregate site is located directly east of the subject property, at T4N, R27E, Sec. 36, TL 400, 500, 600, 700, 800, 1400 and 1500. The applicant fails to address the issue of conflicts with this site, which arise primarily due to the impacts from the haul road Girth Dog proposes to develop.

5. The Traffic Study is Inadequate Because it Fails to Evaluate Stafford -Hansell Road.

The TIA for the proposal omits the driveway/Stafford Hansell intersection from the analysis area. Yet, the application and narrative say that the proposal will use Stafford-Hansell and there is no plan at all to close Girth Dog’s Stafford Hansell access. Thus, the application assumes that its driveway at Stafford Hansell will be used, and that Center Street is an additional access. Yet there is zero analysis of the adequacy of that intersection, whether it can or does meet required IAMP standards. In fact, it cannot meet those standards and so the project does not comply with the Goal 12, TPR or Goal 5 and must be denied.

6. The Conversion of the Existing Driveway into an Access for the Proposal Violates the IAMP Spacing Standards.

The proposal is a new industrial (mining) use and as a new mining use, can only be approved if its access meets the IAMP spacing and other standards.⁴ The Stafford Hansell driveway for the proposal does not meet those standards and so cannot be used by the proposal.

7. The Traffic Study Does Not Take Into Account Traffic Generated by the Neighboring Significant Goal 5 Aggregate Site.

The traffic study submitted by Kittelson & Associates says it is designed to show compliance with the TPR. That is a good start because the TPR does apply. But Goal 5 also obviously applies, and it demands a different analysis. Among other things, Goal 5 is focused on resolving potential conflicts with conflicting⁵ uses. In this case, the neighboring aggregate operation to the east is a conflicting use. The Kittelson study does not discuss the effect of the traffic generated by this operation, or if and how these two uses can co-exist without conflict.

As a related issue, Goal 12 requires local governments to “provide and encourage a safe, convenient, and economic transportation system.” In the quasi-judicial context, Goal 12 requires a local government, when approving a comprehensive plan amendment,⁶ to either demonstrate that “transportation systems”⁷ affected by the amendment will be “safe and adequate,” or by demonstrating that the proposed change will not result in greater or different transportation demands than those allowed by the existing acknowledged designations.⁸ This analysis has not been completed.

⁴ The Rock It site was an existing mine and so was not required to meet those standards.

⁵ OAR 660-023-0010(1) defines “conflicting use” in this context as follow:

(1) “Conflicting use” is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.

⁶ Notably, Goal 12 applies directly to comprehensive plan amendments. *Mulford v. Town of Lakeview*, 36 Or LUBA 715 (1999). The fact that the local government has adopted comprehensive plan policies and development approval criteria that are intended to implement Goal 12 and that will be applied to subsequent development proposals does not obviate the need to show goal compliance at the time the plan amendment is finalized. *Bicycle Transportation Alliance v. Washington County*, 127 Or App 312, 873 P2d 452, *on reconsideration*, 129 Or App 98 (1994).

⁷ The term “transportation systems” is defined in Goal 12 as “one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.”

⁸ *Mulford v. Town of Lakeview*, 36 Or LUBA 715 (1999) (decision which rezones land to allow an industrial use generating 120 truck trips per day through local streets and a state highway must demonstrate compliance with Goal 12); *Gaske v. Lane Co.*, 3 Or LUBA 147 (1981); *Conarow v. Coos Co.*, 2 Or LUBA 190 (1981); *ODOT v. Clackamas County*, 27 Or LUBA 141 (1994); *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995); *ODOT v. Clackamas Co.*, 23 Or LUBA 370, 376-77 (1992); *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101, 108-9 (1995); *Hubenthal v. City of Woodburn*, 39 Or LUBA 20 (2000). See also generally *Metro Service Dist. v. Board of County Commr’s*, 1 Or LUBA 282, 292 (1980); *Lee v. City of Portland*, 2 Or LUBA 31 (1981).

8. The Application Does Not Adequately Consider Conflicts With Agricultural Practices.

In this review of the application, the County must consider whether future operations at the subject site will generate any conflicts or impacts with agricultural practices. The County is required to follow ORS 215.296 when conducting their analysis rather than the requirements of the Goal 5 rule. ORS 215.296(1) requires that a use will not:

- (a) “Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.”**
- (b) “Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.”**

The application fails to provide the required analysis and evidentiary support to demonstrate compliance with the above criteria as to accepted farm practices within the immediate area. Again, the haul road in particular is problematic for Rock It’s agricultural operations (until the land is converted to mining, which is not expected to occur in the vicinity of the proposed haul road for many decades) and the agricultural operation to the southeast.

To comply with ORS 215.296(1), the applicant carries the burden to identify the farm uses occurring on land surrounding the subject parcel. *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998). Second, the applicant must examine the practices necessary to continue those uses. *Id.* The Applicant needs to identify and discuss each farm use by describing the operations on each of the surrounding properties devoted to farm or forest use. *Currie v. Douglas County*, 79 Or LUBA 585 (2019).

In this case, the application fails to make any serious effort to comply with these standards. Therefore, the conclusion that there will be no conflicts with surrounding farm uses under Goal 5 is baseless and unsupported by substantial evidence.

9. The Application Wrongly Assumes that It Can Use Its Agricultural Water Right for Industrial Purposes.

At the hearing, the Watermaster testified that the applicant cannot use its irrigation water rights for industrial purposes. The Water Resources Dept. website summarizes Oregon law on this topic:

The use of water under a water right is restricted to the terms and conditions described in the water right certificate: place of use, point of diversion, and type of use. For example, if a water right holder establishes the right to irrigate a particular 20-acre tract of land, the water cannot be diverted from a different point or source, nor can it be used to irrigate other land. It cannot be used for any other purpose than the type of use indicated in the water right.

The water right holder must file a transfer application with the Department to change a point of diversion, point of appropriation, type of use, place of use, or any combination of these.

Although this could be made a condition of approval, a feasibility finding would be required, and there is no evidence in the record demonstrating that it would be feasible to convert the water right.

10. Because There Are Conflicts Which Cannot Be Minimized, The County Must Conduct an ESEE Analysis.

As explained above, the application fails to disclose the nature of the mining operation and that makes it impossible to identify conflicts, determine whether they present significant adverse impacts and if so to establish any effective mitigation for any such impacts. There are, however, significant adverse impacts that we do know about. One is the dust from 170 large haul trucks daily using the haul road for which we know that there can be no effective mitigation since there is no source of water to provide dust control. The other is storm water from the new haul road is uncontrolled (there is no plan in the application for storm water control). That means that there are known unmitigated and significant adverse impact from storm water and related erosion running off from the haul road onto adjoining properties agricultural operations. Because there are unresolved conflicts, the application could only be approved if the applicant otherwise met the required location, quality, and quantity requirements, if the county were to undertake an effective and proper Goal 5 “ESEE” analysis. The Girth Dog applicant provides an inadequate ESEE analysis, and this is another reason that it must be denied.

III. Conclusion.

The application is woefully inadequate to meet the burden of proof required in this cases. The application must be denied for all of the reasons set forth above. We believe this is the most fair result, since there are other lands in the immediate vicinity that are already on the list of significant aggregate resources. These existing sites should be mined before new sites are added.

Sincerely,

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS/rs

cc: Client

Amanda Punton, DLCD Punton@dlcd.oregon.gov

Attachments:

Exhibit 1: Letter dated October 17, 2022 from Geologist Lynn D. Green, PhD., R.G.

Exhibit H

November 30, 2022,

Additional Testimony Provided by Carla McLane Consulting, LLC (consultant for applicant)

Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

November 30, 2022

Chair Danforth and Members of the Umatilla County Planning Commission
Robert Waldher
Umatilla County Planning Department (VIA EMAIL)
216 SE 4th Street
Pendleton, Oregon 97801

Chair Danforth and Umatilla County Planning Commission members:

Please accept this as the response to testimony provided by Andrew Stamp, legal counsel to the Aylett family, at the October 20, 2022, Umatilla County Planning Commission public hearing regarding the application for Goal 5 protections and approval of mining as represented by local file numbers Comprehensive Plan Map Amendment #P-135-22, Comprehensive Plan Text Amendment #T-092-22, and Zoning Map Amendment #Z-322-22 on property owned by Craig Coleman, or Girth Dog, LLC, and currently defined as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36.

Addressed in this letter will be the 1,000-acre site to the west, Goal 5 impacts, claim of insufficient application and review of ORS 215.296, sample and well log locations, haul route, water rights, traffic impact study, and the impacts analysis. Before those items are addressed the first component of this submittal is a letter from Sarah Stauffer Curtiss, attorney representing the applicant, that addresses two of Mr. Stamps overarching arguments: 1) there is not a commercial "need" for the sand and gravel and 2) the application was done "on the cheap" and does not provide sufficient evidence to support a finding of compliance with the applicable land use standards. The balance of the items are addressed in the following pages and with the attachments listed at the end of this response letter.

1,000-acre site to the west should be used first: Mr. Stamp argues that the Planning Commission must deny this request because approximately 1,000-acres of aggregate resource to the west have been granted Goal 5 protections. He does not, however, provide the applicable criteria or standards where that is required. When that resource was deemed significant mining was *denied* because the owner of the land did not want to engage in mining. Nothing has changed related to those lands.

It is important to note that there is not a standard in either the Umatilla County Comprehensive Plan or Development Code that limits the number of acres that can be identified as significant or be approved for mining. There is not a requirement or standard that limits the approval of significant aggregate sites based on market forces or perceived need for the resource.

The applicant would ask the Planning Commission to find that the inventory of other significant sites to not be applicable to this request.

Goal 5 Impacts: The applicant did amend its original application to Umatilla County to address the change in status of the Aylett property from a small significant site without Goal 5 protections to a large significant site with Goal 5 protections. That was done prior to the staff report being completed for the October 20, 2022, Planning Commission public hearing. It should be noted that the property to the west that was deemed significant in approximately 1998 was NOT listed in the Umatilla County Comprehensive Plan as a significant site and the application did not address those lands as mining was not approved as part of the review and decision process in the 1990s. It is our understanding that Planning staff are working to add the acreage to the west to the list found in the Comprehensive Plan.

If a review of the acreage to the west were to be incorporated into the application at this point it would not change the request or the analysis. The site, while deemed significant under Goal 5, denies mining based on the approval accomplished by the Board of Commissioners the 1990s and the current owner is still opposed to mining on those properties. No changes have been made since the approval in the 1990s and there are no standards that that would limit or restrict this request from moving forward.

The applicant would ask the Planning Commission to find that the decision on property to the west of the subject property is not applicable to this action and that there are no standards that would limit listing the subject property based on market considerations.

Insufficient Application and review of ORS 215.296: Mr. Stamp argues that the submitted application is insufficient and does not address Oregon Revised Statute 215.296. In response we are submitting the application for approval of the Rock It #2 aggregate site expansion, which amended a previous approval for a Conditional Use Permit as well as approval of the site as a small significant site on farmland, listing the site as a large significant site and approving mining. To provide some additional insight into other recent approvals, the table below compares five recent applications, including the Coleman application, reviewing various application components.

Applicant	Application Components						
	Narrative	ORS 215.296 OAR 660-023-0180(5)(c)	Quality Data	Quantity Data	Data Location Mapped	Location Maps	Traffic Study
Aylett	Yes	Yes	Yes	Yes	Yes	Yes	No
Coleman	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hatley	Yes	Yes	Yes	Yes; not attached to SR	No	Yes	No
ODOT Butter Creek	Yes	Yes	Yes	Yes	No	Yes	No
ODOT Vinson Canyon	Yes	Yes	Yes	Yes	No	Yes	No

The above table indicates that every application addressed Oregon Administrative Rule (OAR) 660-023-0180(5)(c) which refers to the standard found at ORS 215.296 with a focus on Goal 5 aggregate sites. The applications also addressed both quantitative and qualitative requirements found in the applicable OARs and in the case of the Aylett and Coleman applications the locations where those sources were obtained have been submitted in the form of a map. For the Coleman application a traffic study was also accomplished at the request of the Umatilla County Planning Department staff. No other application was requested to complete a Traffic Impact Study.

While the Planning Commission has not been provided with the applications for each of these applications the same consultant prepared four out of five. The fifth application was prepared by a different consultant who used the same application framework. This application framework included the ESEE analysis in a table form, which can be seen as part of the resulting staff report.

The table below shows a comparison of those same five requests resulting staff report and generally outlines the standard Conditions of Approval that were applied. The rigor applied to the Coleman application is consistent with the other four applications, including the application submitted by Mr. Aylett.

Applicant	Approval Conditions or Requirements				Conflicting Use Remonstrance	County Road Permit or Improvements	Other
	DOGAMI	DEQ	Zoning Permit	Cultural Artifacts			
Aylett	Yes	Yes	Yes	Yes	Yes	Access Permit from UCPW	
Coleman	Yes	Yes	Yes	Yes	Yes	Approach Permit from UCPW	
Hatley	Yes	Yes	Yes	Yes	Yes	None	
ODOT Butter Creek	Yes	Yes	Yes	Yes	Yes	Access Permit from UCPW	
ODOT Vinson Canyon	Yes	Yes	Yes	Yes	Yes	None	Notice of Blasting to Adjoining Landowners

The applicant would ask the Planning Commission to find that the analysis at OAR 660-023-0180(5)(c) is sufficient for the Coleman application, includes analysis of the provisions otherwise found at ORS 215.296 as modified for aggregate applications, and that it is comparable to other applications reviewed by the Planning Commission with the previous applications approved by the Board of Commissioners. The

applicant would also ask the Planning Commission to find that the Conditions of Approval applied to the Coleman request are consistent with other approvals in the past two years.

Sample and Well Log Locations: The application materials did not include a map identifying the location of the rock sample. Since the Planning Commission public hearing six additional rock samples have been submitted for testing with the sample locations shown on the included map completed by IRZ Engineering & Consulting. For clarity two well logs are being resubmitted to tie that data more clearly to the IRZ map: well log 1584, indicating gravel to at least 62 feet, is located adjacent to Test Pit TP-5 and well log 1806, indicating gravel to at least 65 feet, is located adjacent to Test Pit TP-4.

The IRZ map, within the legend, calculates the amount of available sand and gravel resource based on limited depths and acreage based on what can be proven outside of what is otherwise known, meaning that the 1.23 million tons is a limited representation of the anticipated nearly 13 million tons on the subject property.

Samples were taken on October 31, 2022, from the six locations shown on the IRZ map and submitted to Atlas to provide additional evidence that available sand and gravel can and do meet the necessary ODOT specifications outlined in OAR 660-023-0180(3). The resulting reports for abrasion, soundness, and degradation continue to reflect that both ODOT and AASHTO requirements can and are met. As an example, for Soundness the weight loss of the rock cannot exceed 12 percent; the test results indicate that the loss is 2.1 percent, significantly exceeding the standard.

To further support both the quantitative and qualitative review of the subject property a soils map is included of the vicinity of the subject property pulling in the various gravel pits along Interstate 84 (I84) near the Westland Road Interchange. There are no fewer than six sites in this area on both sides of I84 owned and operated by multiple operators. The two oldest sites that were active when the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) generated the soil surveys in the area classified those sites with a map unit symbol of 70 acknowledging their use as gravel pits. But the soils that surround those sites and are predominantly found where other aggregate sites are located tend to be predominantly 76B Quincy loamy fine sand with a gravelly substratum, 75B Quincy loamy fine sand, or 14B or 8B Burbank loamy fine sand. These sands and gravels were laid down as part of the effects of the Missoula flooding some 10,000 years ago and are mined throughout the Umatilla and Morrow County region.

The applicant would ask that the Planning Commission find that the sand and gravel found on the subject property is significant for both quantity and quality, meeting the requirements in Oregon Administrative Rule Chapter 660 Division 23 Section 0180; that the Planning Commission deem the subject property to be available for protection under the Umatilla County Comprehensive Plan and be listed under finding and policy 41 as a significant site; and that mining be allowed with the Conditions of Approval as outlined in the original staff report.

Haul Route: In the application narrative both Stafford Hansell and Colonel Jordan Roads are discussed, Stafford Hansell Road related to farm use and Colonel Jordan Road for the proposed mining activity. To provide clarity farming use will continue on portions of the subject property and will use Stafford Hansell Road both to the east connecting with Colonel Jordan Road and to the west moving through adjacent lands owned by Mr. Coleman along established farm roads. As no change in use is proposed for the farming operations no change in use to the local road network can be required.

The proposed mining operation will use Center Street (to be renamed Noble Road), connecting to Colonel Jordan Road. Center Street is an unimproved 60-foot right-of-way dedicated on the 1910 Meadow Valley Addition plat. Once improved for use as a haul route for the mining operation it will intersect with Colonel Jordan Road creating a full intersection with the already developed portion of Noble Road, a gravel county road. That intersection is just over 2,200 feet from the Westland Interchange, exceeding the Oregon Department of Transportation (ODOT) access management separation of 1,320 feet. Development of Center Street/Noble Road is proposed at the "D" Industrial/Agricultural gravel standard with the 100 feet closest to Colonel Jordan Road paved to prevent gravel spread onto Colonel Jordan Road meeting a request of Tom Fellows, Umatilla County Public Works Director.

There was comment that work has already started on construction of this haul route. That is not the case as the applicant is seeking this approval before investing in development of the aggregate site. However, as a public right-of-way Center Street could be improved for use at any time if done in cooperation with the Umatilla County Road Department.

The applicant would ask that the Planning Commission find that the continued use of Stafford Hansell Road for farm use is allowed. The applicant would also ask that the Planning Commission find that the approved haul route for the proposed mining operation would be Center Street, to be renamed Noble Road, intersecting with Colonel Jordan Road at over 2,200 feet from the Westland Interchange, exceeding the ODOT access management separation of 1,320 feet. The applicant would ask that the Planning Commission find that the development standard for the improvement of Center Street, to be renamed Noble Road, would be the "D" Industrial/Agricultural gravel standard with the 100 feet closest to Colonel Jordan Road be paved to prevent gravel spread onto Colonel Jordan Road.

Water Rights: According to the retained water rights examiner, Bill Porfily, the process to transfer water rights or to accomplish a change in use should not start until the current land use action is completed. Once the land use review process is reviewed and complete, and as part of the permit process with the Oregon Department of Geology and Mineral Industries (DOGAMI), the applicant will begin work with the Oregon Water Resources Department to accomplish the appropriate changes to currently held water rights. The farm operation has water rights in place for current farming activities and will work to change those water rights for use with the mining operation. Good mining practices can and often do use less water than farming would in the same location. Also included is a Water Use letter from the Port of Morrow indicating that water can and is available to support the mining activity.

It should be noted that there is not an applicable standard that relates to water or water usage. The question arises, and comment from the Watermaster comes from, two questions on the application form required to be completed by the applicant that ask for water rights attached to the subject property and if the proposed use requires water. The applicant, in good faith, provided responses to those questions.

The applicant would ask that the Planning Commission find that the standards do not provide for review of water or water rights for a mining operation and that the applicant has provided a response to the Planning Commission concerning water availability that is sufficient for approval of the aggregate request.

Traffic Impact Study: Mr. Stamp provided testimony that the submitted Traffic Impact Study (TIS) did not address the Westland Road Interchange Area Management Plan (IAMP) yet that same TIS analyzed

the on- and off-ramps of that Interchange and found no impacts to those ramps in the study time frame. Mr. Stamp also commented that the Transportation Planning Rule (TPR) was not addressed, however it is analyzed as part of the TIS and concluded that it can and is met. Please see the included letter from Matt Hughart, Principal Planner with Kittelson & Associates further outlining the outcomes of the TIS.

It is important to note that the determined access point for the mining operation is at Center Street (Noble Road) and that the distance from the east bound on and off ramps of the Interchange to the proposed intersection of Center Street (Noble Road) with Colonel Jordan Road is approximately 2,200 feet which exceeds ODOT access management spacing requirements of 1,320-feet while also exceeding the shorter distance outlined in the Westland Road IAMP.

Mr. Stamp also indicated that Goal 5 should also be evaluated as related to the TIS, however no standards for that evaluation were provided. The application that is under review is to allow mining under Goal 5 to protect the aggregate resource. Your approval of the request accomplishes the requirements of Goal 5 as outlined by OAR 660-023-0180.

The applicant would ask that the Planning Commission find that the submitted TIS is sufficient for review and approval of the request to protect the subject property under Goal 5 and to approve mining; that the Transportation Planning Rule has been reviewed and is met; and that the development of Center Street (Noble Road) meets, and exceeds, the access management requirements of both ODOT and the Westland Road IAMP.

Impact Analysis: The applicant has addressed the criteria in both the Oregon Administrative Rules and the Umatilla County Development Code concerning various impacts in both the original application and the response submitted on October 20, 2022, based on comment received from Amanda Puntin, Goal 5 Specialist with the Department of Land Conservation and Development.

In the original application narrative, the applicant acknowledges that the mining and processing operation can create noise, dust, and other discharges and indicated that they will employ normal and customary practices to manage those impacts. It should be noted that both noise and dust are regulated by the Oregon Department of Environmental Quality, imposing standards that the applicant or contractors on this site would be compelled to meet, including obtaining a General Air Contaminant Discharge Permit (ACDP) for processing and batching activities. It was stated in the original application that dust will be managed on site through the application of water or other dust abatement mechanisms.

The applicant is willing to take measures to limit impacts to the homes located on the northern boundary of the subject property. Water and dust abatement chemicals will be utilized to limit fugitive dust and a berm could be installed to protect the home to the northeast of the subject property. The current homeowners of the home to the northwest have indicated that they do not want a berm as it would limit their view to the south of their home.

There are also requirements that are contained in the Umatilla County Development Code (UCDC) that place limitations or restrictions on various aspects of a mining operation when done near a home. The applicant has already indicated they will abide by those requirements. Those requirements from the UCDC are as follows:

- (2) Extraction and sedimentation ponds shall not be allowed within 25 feet of a public road or within 100 feet from a dwelling, unless the extraction is into an area that is above the grade of

- the road, then extraction may occur to the property line;
- (3) Processing equipment shall not be operated within 500 feet of an existing dwelling at the time of the application of the Overlay Zone. Dwellings built after an AR Overlay Zone is applied shall not be used when computing this setback.
 - (4) All access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties and eliminate dust.

The applicant has agreed to the 25-foot buffer to any road and the 100-foot buffer from any dwelling; no processing equipment will be operated within 500-feet of any dwelling currently in place; and the access road for the mining operation will be along Center Street/Noble Road significantly south of the two current dwellings. These requirements can be met which would limit impacts to the two dwellings at the northern end of the subject property.

The applicant would ask that the Planning Commission find that impacts from the proposed mining operation can be minimized and mitigated through best management practices that would include: 1) application of water and dust abatement chemicals to limit fugitive dust; 2) limit mining based on the UCDC standards outlined above including limiting processing equipment within 500-feet of any existing dwellings; and 3) the utilization of Center Street/Noble Road as the access point for the proposed mining operation.

Thank you for the ability to respond to the comments above. The applicant will be available at the Public Hearing to answer these and other questions that may arise. Your consideration and approval of this suite of requests is appreciated.

Cordially,

Carla McLane

Carla McLane, MBA
Carla McLane Consulting, LLC

Attachments:

1. Letter dated November 29, 2022, from Sarah Stauffer Curtiss, attorney for the applicant.
2. Application submitted by Wade Aylett and Rock It #2 for Goal 5 protection and approval of mining on property currently described as tax lots 400, 500, 600, 700, 800, 1400, and 1500 of Assessor's Map 4N 27 36 and tax lot 900 of Assessor's Map 4N 27 25.
3. Board of County Commissioner's packet in the request by Wade Aylett and Rock It #2 as outlined immediately above.
4. Adopting Ordinance 2022-06 approving the request by Wade Aylett and Rock It #2.
5. Map produced by IRZ Engineering & Consulting, dated November 2022, indicating the test pit locations and the available sand and gravel on the subject property.
6. Well Logs 1584 and 1806.
7. Atlas testing reports for Degradation, Soundness, and Abrasion.
8. Soils map with supporting information (3 pages).
9. Water Use email from the Port of Morrow.
10. Follow up letter from Kittelson & Associates (2 pages)

November 29, 2022

VIA EMAIL

Umatilla County Planning Commission
c/o Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

Re: Girth Dog LLC Response to Public Comments (File: P-135-22, T-092-22, Z-322-22)

Dear Commissioners:

This office represents Girth Dog LLC, the applicant in the above-referenced matter (“Applicant”). During the public hearing on October 20, 2022, Mr. Andrew Stamp, legal counsel to the Aylett family, raised numerous arguments in opposition to the Applicant’s proposal. Although most of Mr. Stamp’s arguments are addressed in the detailed technical response provided by the Applicant’s consultant, Ms. Carla McLane, this letter responds directly to two of Mr. Stamp’s overarching arguments: namely, that the Applicant’s proposal should be denied because (1) there is not a commercial “need” for the sand and gravel and (2) the application was done “on the cheap” and does not provide sufficient evidence to support a finding of compliance with applicable land use standards. As explained below, those arguments lack any basis in law or fact and should be denied.

A. There are no applicable standards that require the Applicant to demonstrate that existing aggregate resources have been exhausted or that there is commercial need for an additional sand and gravel operation.

During the public hearing, Mr. Stamp argued that there are sufficient existing aggregate resources within Umatilla County (“County”) to meet current demand and, therefore, there is a lack of commercial need for the aggregate to be mined from Applicant’s property. Mr. Stamp’s suggestion was that the application should be denied because sand and gravel can be found elsewhere in the County, including at his client’s sand and gravel facility. This argument has no basis in law.

To secure approval to be added to the County’s list of Large Significant Sites and to be included with the County’s Aggregate Resource Overlay Zone, the Applicant must demonstrate compliance with the regulatory standards at Oregon Administrative Rules Chapter 660, Division 023 and the County Development Code (“UCDC”) standards found in Sections 152.487 and 152.488. Although Mr. Stamp has argued that the County should reject the application based on an alleged lack of “need” for sand and gravel, there are no applicable standards that require a demonstration that existing aggregate sources have been exhausted or that there is a commercial

need for the sand and gravel located within the proposed mining site. Accordingly, the arguments related to existing aggregate resources and commercial need must be rejected.

B. The application contains sufficient evidence to support approval and is consistent with recent sand and gravel applications within the County.

During the hearing, Mr. Stamp also testified that the Applicant's proposal should be denied because it was insufficient or "done on the cheap." While it is not entirely clear what information or evidence Mr. Stamp believes the Applicant's proposal is missing, the suggestion that the application is somehow inconsistent with recent sand and gravel applications has no basis in fact.

As outlined in the technical memorandum from Ms. McLane, Applicant's application is comparable to other recent sand and gravel applications. In fact, Applicant's application is more comprehensive in certain respects. For example, Applicant's application included a traffic study whereas other recent applications have not. Accordingly, the suggestion that Applicant's application contains less information than recent applications is without merit and should be rejected.

C. Conclusion

With Applicant's supplemental submittal and the existing evidence in the record, the Applicant has met the applicable criteria for approval of all aspects of the application. Accordingly, we respectfully request that you approve the application with the conditions proposed in the County's Staff Report.

Very truly yours,



Sarah Stauffer Curtiss

Application to Amend the Umatilla County Comprehensive Plan to list the entire Rock It #2 Quarry¹ as a "Large Significant Site" protected by Goal 5; amend the Comprehensive Plan Map to identify the entire site as significant and to apply the impact area to limit conflicting uses; and amend the Zoning Map by applying the Aggregate Resource Overlay Zone to the entirety of the mining site.

Applicant/Owner: Wade Aylett
28598 Stafford Hansell Road
Hermiston, OR 97838
541-567-0224

Consultant: Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, OR 97882
541-314-3139
mclane@eoni.com

Intended Outcomes of Application Process:

The request is to add Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and tax lot 900 of Assessor's Map 4N 27 25 to the Umatilla County list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. In 2012 Tax Lots 700 and 800 were added as a Small Significant Site to the Inventory of Significant Sites and Conditional Use Permit (CUP) #P-106-12 was approved establishing a mining operation. In 2020 Zoning Permit ZP-20-142 was authorized with a site plan depicting the mining area, a scale house and office building, and an asphalt batch plant. This action is designed to establish the entire site composed of all tax lots, as a Large Significant Site with protections under Goal 5 and to allow mining, processing, both concrete and asphalt batch plants, and stockpiling.

The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. For this application 'aggregate' means sand and gravel materials as both are available on this site. This application refers to the "site" or "Subject Property" or "Rock It 2 Quarry" as all of tax lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and tax lot 900 of Assessor's Map 4N 27 25.

Location and Current Use of the Property:

The subject property is just southeast of the Interstates 84 and 82 interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road. There is mining occurring on the property under Plan Amendment #P-106-12 listing the site as a Small Significant Site and Conditional Use Permit #C-1204-12 approving mining operations. Agricultural operations under circle pivot irrigation and a wheel line, and a home with various out buildings and corrals, are also occurring on the subject property. The home, which is owned by the applicant, and its associated outbuildings will be removed at the point that the mining operation moves into that area.

¹ As explained in more detail below, TLs 700 and 800 are already designated as a "Small Significant Site."

Surrounding Uses:

A truck stop and fueling station sits immediately to the east of the subject property with three trucking related businesses further to the east across Colonel Jordan Road. To the north across Interstate 84 a FedEx Freight facility, a UPS Customer Center, several potato storages, and a food processing and shipping operation are west of Westland Road. To the northeast, and east of Westland Road, is the Northwest Livestock Commission auction facility and an aggregate operation further east. Irrigated farmland is to the west and south of the subject property, most under circle pivot irrigation systems. To the southeast there are several homes sited on land zoned for Exclusive Farm Use. The zoning within the 1,500-foot impact area includes Exclusive Farm Use, Light Industrial, Rural Tourist Commercial, and Agri-Business.

Required Review:

- Oregon Administrative Rule (OAR) Chapter 660 Land Conservation and Development Department Division 23 Procedures and Requirements for Complying with Goal 5 is applicable, providing the procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This application will specifically review and address OAR 660-023-0180 Mineral and Aggregate Resources, OAR 660-023-0040 ESEE Decision Process and OAR 660-023-0050 Programs to Achieve Goal 5.
- Umatilla County Development Code for Establishing an Aggregate Resource (AR) Overlay Zone (OZ) as outlined in Sections 152.487 and 152.488.
- This application provides a review of Statewide Planning Goals 1 through 14. Statewide Planning Goals 15 through 19 are not applicable.

STANDARDS OF THE OREGON ADMINISTRATIVE RULES, DIVISION 23 FOR GOAL 5 LARGE SIGNIFICANT SITES are found in OAR 660-023-0180 (3), (5), & (7), OAR 660-023-0040, and OAR 660-023-0050. The standards for approval are provided in **bold text** and the responses are indicated in standard text.

OAR 660-023-0180 Mineral and Aggregate Resources

(3) An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or

(c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.

(d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:

(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or

(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:

- (i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;**
- (ii) 25 feet in Polk, Yamhill, and Clackamas counties; or**
- (iii) 17 feet in Linn and Benton counties.**

The Rock It #2 Quarry is in eastern Oregon and has an inventory of over 4.8 million tons of available sand and gravel aggregate material. The United States Department of Agriculture Soil Conservation Service Soil Survey of Umatilla County identify the soils on the subject property as predominately Quincy loamy fine sand, with gravelly substratum, with slopes of 0 to 5 percent. The balance of the subject property in the southeast corner is Quincy loamy fine sand also with a slope of 0 to 5 percent. In both cases the soil is classified as VII when not irrigated or VI when irrigated. There are no Class I, Class II, Prime, or Unique soils on the subject property.

In 2010 samples of material were tested by Material Testing & Inspection from the Rock It #2 quarry and were determined to meet current ODOT specifications. The cover letter to the various laboratory reports indicates that tests were completed for durability, soundness, and specific gravity stating that the material tested satisfied the 2008 Oregon Standard Specifications for Construction.

The Rock It #2 quarry consisting of approximately 140 acres meet, and is estimated to exceed, both the quantity and quality criteria for a significant aggregate site in accordance with OAR 660-023-0180(3)(a).

(5) For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving an aggregate site determined to be significant under section (3) of this rule, the process for this decision is set out in subsections (a) through (g) of this section. A local government must complete the process within 180 days after receipt of a complete application that is consistent with section (8) of this rule, or by the earliest date after 180 days allowed by local charter.

- (a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and 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. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.**

There are a variety of uses to the north of the property which also places them to the north of Interstate 84 which diminishes the impacts of the mining operation on those activities. There are commercial and light industrial uses to the east of the mining operation and homes sited on land zoned for Exclusive Farm Use to the southeast within the 1,500-foot impact area. Where this request is an expansion of an existing aggregate site the impact area will not be based on Tax Lots 700 and 800 but on Tax Lots 400, 500, 600, 1400 and 1500.

- (b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:**

There are five homes within the 1,500-foot impact area to the southeast all sited on land zoned for Exclusive Farm Use, but they are not sited on existing platted lots. They were approved as farm dwellings in the Exclusive Farm Use zone on parcels created by deed.

There are no residentially zoned lands within the impact area. There is a truck stop and three different commercial or light industrial operations in support of trucking and freight movement to the east of the mining operation. To the north of the Interstate there is a FedEx freight facility, Triple M Truck and Equipment, and the Northwest Livestock Commission facility. There appear to be residential units at both the Northwest Livestock Commission facility and at the vacant Barton Industries facility. It is unknown whether these residential units have a conditional or final approval or have sought any.

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e. g., houses and schools) that are sensitive to such discharges;

There are uses that may be impacted by noise, dust, or other discharges from the proposed mining operation including the truck stop to the east and the homes to the southeast, all within the 1,500-foot impact area. Even so the applicant has for the existing operation and will continue for the expansion area managed impacts by employing best management practices. Current mining activity has been operating under a Conditional Use Permit since 2012.

The applicant does acknowledge that the mining and processing operation can create noise, dust, and other discharges and will employ normal and customary practices to manage those impacts. Both noise and dust are regulated by the Oregon Department of Environmental Quality, imposing standards that the applicant or contractors on this site would be compelled to meet, including obtaining a General Air Contaminant Discharge Permit (ACDP) for processing and batching activities. Dust is currently managed on site through the application of water or other dust abatement mechanisms.

Another concern related to discharges would be stormwater which the applicant currently and will continue to collect and hold onsite. There does not appear to be a need at this point for the applicant to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit with over 139-acres available to collect and hold stormwater. If conditions should change one can be obtained.

Blasting will NOT be conducted as part of the mining process as no basalt rock is proposed for extraction, just sand and gravel. As like the earlier requirements the applicant will comply with requirements of DOGAMI.

With application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized or eliminated within the 1,500-foot impact area.

(B) 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 local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

Developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. All material leaving this site will travel one of those roads to then travel east or west along Interstate 84 or continue north along Westland Road to the delivery point. Traffic is dependent upon current workloads and will also vary based on the time of year. At peak usage Average Daily Trips will be under the 250 trips identified within the Umatilla County Development Code as the trigger for a Traffic Impact Study. Employees at the scale and office site would generate no more than 10 trips per day with employees working within the mining pits generating another 10 trips. Material trucks could contribute up to 100 trips per day with the two batch plants combined adding up to 70 trips per day. While most of these trips will initially use Stafford Hansell Road, future access to Colonel Jordan Road will see these trips shared between the two roads before moving onto the Interstate system or continuing north along Westland Road.

The applicant has historical access from Umatilla County for access onto Stafford Hansell Road. Prior to expanding mining activity to the portion of the subject property that fronts Colonel Jordan Road another access permit will need to be obtained. Both roads are paved and in good condition with Colonel Jordan Road seeing significantly more traffic. The affected roads are flat with no impairments to sight distance at the current access along Stafford Hansell or the future access to Colonel Jordan. There are no posted speed limits along either county road.

Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a).

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013;

There are no public airports within the Impact Area. The closest public airport would be at Hermiston more than five miles away.

(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

There are no known Goal 5 resource sites within the impact area for the aggregate site.

(E) Conflicts with agricultural practices; and

Agricultural practices within the 1,500-foot impact area of the Rock It #2 quarry are to the west, south, and southeast and consist of irrigated agriculture with circle pivot irrigation to the west and south. The crops would be predominately potatoes, corn, wheat, and other row crops. There are no planted vineyards in the impact area or within 2 miles of the proposed expansion site. Mining activity is not expected to conflict with these agricultural activities or practices. Prevailing winds are from the southwest moving any dust or emissions from the aggregate site away from agricultural lands towards an area that is used predominately for various commercial and industrial uses.

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations pursuant to ORS 517.780;

Umatilla County does not have an ordinance that supersedes DOGAMI regulations.

- (c) The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of**

ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

The applicant has identified limited impacts from dust and stormwater that can be managed or mitigated through various voluntary measures and best management practices. During mining and processing, if approved on site, the applicant and its contractors will implement best management practices and, as necessary or required, obtain necessary permits in the management of dust, stormwater, or other identified discharges.

- (d) The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:**
- (A) The degree of adverse effect on existing land uses within the impact area;**
 - (B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and**
 - (C) The probable duration of the mining operation and the proposed post-mining use of the site.**

The applicant's experience is that all identified potential conflicts from the mining operation can be minimized as described above. This criterion is not applicable.

- (e) Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e. g. , site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:**
- (A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;**
 - (B) Not requested in the PAPA application; or**
 - (C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.**

The applicant will implement best management practices and obtain permits as necessary to ensure management of dust and stormwater discharges and anticipates Conditions to do so. It is also acknowledged that the applicant will be required to obtain an Access Permit for the Rock It #2 aggregate site for access to Colonel Jordan Road from the Umatilla County Roadmaster.

- (f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.**

The applicant is currently considering the installation of a photovoltaic solar energy generation facility as a post-mining use. The subject property is not composed of Class I, II, Prime, or Unique farmland and would therefore allow a use allowed under ORS 215.283(2). Other post-mining uses, if allowed under ORS 215.283 and the Umatilla County Development Code, could also be considered.

- (g) Local governments shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the local government.**

Conditional Use Permit #C-1204-12 was issued in 2012 in conjunction with Plan Amendment #P-106-12 that listed a portion of the site that is subject to this request as a Small Significant Site. This action seeks to enlarge the mining area and the total volume that will be extracted from the original and expansion site converting the determination from a Small Significant Site to a Large Significant Site and applying Goal 5 protections.

- (7) Except for aggregate resource sites determined to be significant under section (4) of this rule, local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (5) of this rule, the local government decides that mining will not be authorized at the site.)**

The applicant has provided an ESEE analysis. The analysis supports a decision to limit new conflicting uses within the impact area to assure protection of the aggregate site.

660-023-0040 ESEE Decision Process

- (1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:**

- (a) Identify conflicting uses;**

The subject property and property within 1500 feet to the west and south is zoned Exclusive Farm Use (EFU) which allows a variety of farm related uses including dwellings if certain criteria are met. There are also additional uses that are allowed with standards or conditionally. Some of these uses could create conflicts with an aggregate operation. Conflicts are most likely to arise when a new use would place people, living or working, within the impact area. Those uses include homes, churches, parks or certain recreation facilities, farm stands, and other similar uses that allow or create areas where people congregate.

The properties to the east are zoned for Rural Tourist Commercial activities and light industrial activities with land north of Interstate 84 zoned for those same uses as well as Agri-Business uses. Lands north of the Interstate, while within 1,500-feet of the mining operation and within the impact area, are buffered from the noise and other impacts by the Interstate. Noise and vibration from the mining operation would be overshadowed by the noise from the Interstate traffic.

(b) Determine the impact area;

A 1,500-foot impact area extending from the aggregate site boundary.

(c) Analyze the ESEE consequences; and

See the analysis below.

(d) Develop a program to achieve Goal 5.

See a full analysis below.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

Umatilla County Planning staff, under this provision, will need to identify conflicting uses that could occur, relative to this site. To assist them with this a table follows with some of the potential uses that could create conflicts within the required 1500-foot distance of the proposed expansion area. The Exclusive Farm Use zone is applied to the subject property and properties to the west and south which allows a variety of farm and farm related uses. As previously stated, the applicant is concerned with activities that might be negatively impacted by mining activities including processing and stockpiling as well as impacts from those activities to the mining operation. Uses to the east and north of the freeway are governed by Rural Tourist Commercial, Light Industrial, and Agri-Business use zones which also allow potential conflicting uses.

Potential Conflicting Uses		
Zoning	Code Sections	Potential Conflicting Uses
EFU	152.056 Uses Permitted 152.058 Zoning Permit 152-059 Land Use Decisions or 152.060 Conditional Uses	No conflicting uses identified. Replacement Dwellings, Winery, Farm Stand, Home Occupations. Churches, Dwellings, Schools, Parks, Playgrounds, Community Centers, Hardship Dwellings, Boarding and Lodging Facilities, Various Commercial Uses Related to Agriculture.
Rural Tourist Commercial	152.282 Uses Permitted or 152.283 Conditional Uses	Boarding, Lodging, or Rooming house; Eating or drinking establishment; Accessory Dwelling; Travel Trailer Park.
Light Industrial	152.302 Uses Permitted 152.303 Conditional Uses	No conflicting uses identified. Accessory Dwelling; Commercial amusement establishment; Day care center; Mobile home or trailer park.
Agri-Business	152.291 Uses Permitted 152.292 Conditional Uses	No conflicting uses identified. Accessory Dwelling.

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that

there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

The applicant is suggesting that the conflicting uses identified in the table above could be impacted by the proposed expanded mining operation and is requesting that the site be protected from those uses within the impact area.

(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

There are no other known Goal 5 resources within the boundary of the mining area or within the proposed impact area.

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

The impact area for an aggregate site is 1,500 feet, as specified by OAR 660-023-0180(5)(a). There is no information which indicates that other land beyond the 1,500-foot impact area would present significant conflicts. This is the impact area that is used for this analysis.

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

The applicant is requesting that Umatilla County determine that future dwelling or residential use and other uses that would place people within the impact area, such as gathering spaces, be limited to protect the mining area from encroachment and provide protections to residents and landowners in the vicinity of the Rock It #2 Quarry. The requested limits are the requirement for a covenant not to sue or object/waiver of conflicts along the lines of similar covenants for farm and forest uses. The types of uses that have potential to pose a conflict with the quarry include wineries, farm stands, mass gatherings, agri-tourism activities, churches, commercial activities in conjunction with farm use that could encourage gathering, private and public parks, golf courses, community centers, destination resorts, living history museums, residential homes, room and board operations, and schools. However, the existing site has operated without any significant conflicts for many years. It is adequate that the county imposes a condition of approval on discretionary approvals of assembly or residential uses in the 1500-foot impact area waiving any rights to object to mining and mining related activity at the significant site.

While this site is not listed within the Umatilla County Technical Report to the Comprehensive Plan there are several aggregate sites within the area that are listed, most as a 1A but some with a 3C designation.

A 3C designation provides that Umatilla County should specifically limit conflicting uses. It is interesting to note that all the sites in the vicinity have the same soil configuration of Quincy loamy fine sand, with gravelly substratum. The exception is those that were already in production at the time the Soil Survey was being drafted and were assigned with a soil classification acknowledging the aggregate resource called Pits, Gravel. The two aggregate sites with the 3C designation are west of the subject property.

The ESEE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Rock It #2 Quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<p>Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Dwellings are not allowed as outright uses in the other use zones within the impact area. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit of preserving the applicant's ability to access material from this site does have an economic impact through direct employment and employment impacts on the various developments that rock is delivered to. The Rock It #2 Quarry will provide material for a variety of projects</p>	<p>Consequences related to new use on neighboring properties. The economic impact to neighboring property owners would be neutral. A requirement for a waiver of remonstrance would not restrict the use of the property allowed in the underlying zone.</p> <p>Similar waivers are required by counties around the state as a condition of approval for a new residential structure in a farm or forest zone. These waivers, required by ORS 215.213 and 215.283, restrict a landowner's ability to pursue a claim for relief or cause of action alleging injury from farming or forest practices.</p> <p>Without evidence that the widespread use of such waivers has negatively impacted property values or development rights, it is reasonable to conclude that the proposed limit on new conflicting uses in the impact area of the Rock It #2 Quarry will have no negative economic consequence.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a</p>	<p>Consequences related to new use on neighboring properties. The economic consequence for property owners would be neutral. This decision would maintain the current approval criteria for new residences and gathering places in the impact area.</p> <p>Consequences related to loss or interruption of quarry access. The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have cause delays and increased costs for projects across the state. Development of this quarry supports economically efficient development and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large.</p>

	throughout Umatilla and Morrow Counties and possibly beyond.	decision to prohibit uses since the proposed “limit” is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.	
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Social Consequences	<p>Consequences related to new use on neighboring properties. Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if acceptance of the mining activity were added as a condition of approval for new dwellings and uses related to social gatherings within 1500 feet of the quarry boundary. Options available to property-owners would not be reduced. Dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Environmental Consequences	<p>Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings or social gathering spaces were limited in the impact area. New dwellings and social gathering spaces in the impact</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area. Different than the option to limit a decision, there would</p>

	<p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p>area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p>be no mechanism in the county's approval process to inform property owners of the authorized mining activity. This would result in a higher possibility for a residence or social gathering space to be in the impact area and a higher potential for a negative consequence.</p> <p>Consequences related to loss of quarry access. There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining aggregate material from a quarry close to the project site. Vehicle emissions will increase if trucks must travel further to access material.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Energy Consequences	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>

(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with

Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.**
- (b) A local government 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) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. 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, as per subsection (b) of this section.**

The applicant is requesting that Umatilla County determine that the resource site is significant, and based on the ESEE analysis, the identified conflicting uses which are also important should be allowed in a limited way to protect the Rock It #2 Quarry. The protection sought from potential conflicting uses would be within the 1,500-foot impact area and for the life of the Rock It #2 Quarry. Specifically, local authorization of new residential and social gathering uses should be required to sign a waiver limiting objection or legal proceedings against mining and mining related uses on the significant site.

660-023-0050 Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5) (b) and (c)). The applicant would request that Umatilla County take action to facilitate protection of this aggregate site by mapping the 1,500-foot impact area within the Comprehensive Plan map and acknowledge that conflicting residential and social gathering space uses identified previously that are approved through a land use permit process will be required to waive rights to remonstrate against aggregate mining and mining related activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. The intent of this request is not to disallow these activities but that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision.

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;**
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or**
- (c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at**

the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

The applicant has requested protection consistent with OAR 660-023-0040(5)(b) seeking that identified conflicting uses be limited within the buffer area as discussed above.

(3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:

- (a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and**
- (b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).**

These provisions would not be applicable as the request is related to aggregate resources.

STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTABLISHING AN AR OVERLAY ZONE are found in Sections 152.487 and 152.488. The standards of approval are shown in **bold** type with the response in normal text.

152.487 CRITERIA FOR ESTABLISHING AR OVERLAY ZONE:

(A) At the public hearing the Planning Commission shall determine if the following criteria can be met:

- (1) The proposed overlay would be compatible with the Comprehensive Plan;**

The Umatilla County Comprehensive Plan and Technical Report both have input into this decision even though this site is not listed. There are two mining operations to the west with the same soil type and classification that have been afforded a 3C designation indicating that the site is significant and warrants protection. It should also be noted that there are several aggregate resource sites along the Interstate 84 corridor. This action seeks to protect the Rock It #2 aggregate site under Goal 5 as a significant site, to apply the Aggregate Resource Overlay Zone to the mining site, and to allow mining and processing on the site.

Comprehensive Plan Findings and Policies are also applicable. Finding 38 states, "Extraction of non-renewable aggregate and mineral resources requires ongoing exploration, reclamation, separation from adjacent incompatible land uses and access." The accompanying policy would also be applicable:

Policy 38. (a) The County shall encourage mapping of future agencies sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.

(b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.

(c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.

The applicant is seeking protection of the aggregate site by the application of the Aggregate Resource Overlay Zone and that the county require new discretionary approvals of residential and assembly uses within the impact area sign a waiver of rights to object to mining and mining related uses to best achieve both this Finding and Policy.

Finding 41 would also be applicable and states, "Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource."

Based on this application the applicant requests that the accompanying Policy be updated to list the Rock It #2 Quarry.

The applicant's request for limitations of conflicting residential and social gathering space uses is reasonable under the Goal 5 protection program. Placement of an overlay zone or mapping the site as part of the Comprehensive Plan with provisions to limit those conflicting uses within the impact area is a reasonable request and accommodation.

(2) There is sufficient information supplied by the applicant to show that there exist quantities of aggregate material that would warrant the overlay;

As stated previously the applicant has determined that the inventory of aggregate material at the Rock It #2 Quarry is over 4.8 million tons that meet or exceed ODOT specifications. Please see the attached laboratory reports and map of aggregate material.

(3) The proposed overlay is located at least 1,000 feet from properties zoned for residential use or designated on the Comprehensive Plan for residential;

There are no residentially zoned or planned lands within the impact area. Residential uses are allowed in the Exclusive Farm Use zone which the applicant is requesting be limited within the impact area by the waiver of remonstrance discussed above.

(4) Adequate screening, either natural or man-made, is available for protecting the site from surrounding land uses.

The location of the Rock It #2 Quarry along Interstate 84 and south and west of industrial uses would make screening unnecessary. This type of aggregate activity regularly takes place along highways and roads to provide easy and cost-effective access to aggregate material for use in development projects. The applicant would state that screening beyond the use of berms of this site would be cost prohibitive and would not provide benefit.

(5) The site complies with Oregon Administrative Rules (OAR) 660-023-0180.

The required analysis for OAR 660-023-0180 is found earlier in this narrative. The applicant would assert the provisions can be met.

152.488 MINING REQUIREMENTS:

(A) All work done in an AR Overlay Zone shall conform to the requirements of DOGAMI or its successor, or the applicable state statutes.

The applicant does work closely with DOGAMI to obtain permits for its aggregate locations and in the development of future reclamation of sites.

(B) In addition to those requirements, an aggregate operation shall comply with the following standards:

(1) For each operation conducted in an AR Overlay Zone the applicant shall provide the Planning Department with a copy of the reclamation plan that is to be submitted under the county's reclamation ordinance;

The applicant will complete the necessary reclamation plan required by DOGAMI and submit the same to Umatilla County. As stated earlier the installation of a photo voltaic solar generation facility is currently being considered. Any reclamation activity would be compliant with the Exclusive Farm Use zone.

- (2) Extraction and sedimentation ponds shall not be allowed within 25 feet of a public road or within 100 feet from a dwelling, unless the extraction is into an area that is above the grade of the road, then extraction may occur to the property line;**

The applicant has and will continue to mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property. There is a home on the property that will be removed at a future date to allow mining of the full site. Until that time mining will not be done within 100 feet of the home. There are no other homes within 100 feet of the subject property and the requested remonstrance process could work to ensure that any new homes sited in the 1500-foot impact area do not conflict with the proposed large significant site. Future sedimentation ponds that may be installed will be more than 25 feet from either Stafford Hansell Road or Colonel Jordan Road.

- (3) Processing equipment shall not be operated within 500 feet of an existing dwelling at the time of the application of the Overlay Zone. Dwellings built after an AR Overlay Zone is applied shall not be used when computing this setback.**

There is one dwelling to the southeast of the mining site that is located within 500-feet of the boundary of the subject property being about 475 feet from the boundary of the subject property. Processing equipment will be sited in such a way as to retain this 500-foot setback requirement. The applicant is requesting that future dwellings or social gathering spaces be limited and require a remonstrance agreement within the impact area to assure this standard can be maintained.

- (4) All access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties and eliminate dust.**

The Rock It #2 Quarry fronts both Stafford Hansell and Colonel Jordan Roads with a historical access on Stafford Hansell Road. A new access point will need to be approved and constructed to Colonel Jordan Road to support the mining activity and in compliance with Umatilla County access permit requirements. The applicant is requesting that future dwellings or social gathering spaces approved in a discretionary land use process to be limited by a requirement to sign a waiver of remonstrance within the impact area to assure this standard can be maintained.

Analysis of the Statewide Planning Goals 1 through 14 follows.

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Umatilla County's Comprehensive Plan and development codes outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process. More specifically this request will be publicly noticed and discussed at a public hearing and will be subject to input from citizens.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This application meets those requirements for this request.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. The current mining operation on this property (tax lots 700 and 800) was approved as a Conditional Use in 2012 and was at that time listed in the Inventory of Significant Sites as a Small Significant Site. It has operated since that time with agricultural activities to the west, south, and southeast with no conflicts or concerns. There are at least five other aggregate sites within a five-mile radius of this site with several of them operating adjacent to lands producing crops.

In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, can be determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed. Here, approval of the proposal allows both the objectives of Goal 3 and Goal 5 to be realized.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

There are no forest lands impacted by this request. The Umatilla National Forest is significantly south of the subject property.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped.

This application for a Comprehensive Plan amendment to protect an aggregate resource has been reviewed under Oregon Administrative Rule 660-023-0180, the process required under Goal 5.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The request to protect the subject property under Goal 5 and to allow mining, based on the analysis above can and will be compliant with Goal 6. The objective of this process is to protect an aggregate resource. Required measures protecting water are required under Oregon law and will be implemented

during mining, processing, and stockpiling of aggregate material. Any mining or processing of aggregate material will be required to meet Oregon Department of Environmental Quality requirements for air quality through the imposition of air quality standards with some activities having to obtain an Air Contaminate Discharge Permit. The use of mining and processing techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention can achieve compliance with both clean air and water standards.

Noise is defined as unwanted sound. The location of this site adjacent to Interstate 84 would provide significant mitigation based on the noise generated by the Interstate and provide protection from noise that may be generated.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

No recreation components are included in this application or affected by it.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County has a comprehensive plan and technical report that has been acknowledged to comply with Goal 9. While the approval of an aggregate site does not, in and of itself, provide significant economic benefit, the aggregate industry can provide an economic benefit to a region. Aggregate is a necessary component that is essential for residents, businesses, and recreation and tourism activities in this region.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Housing is not a consideration of this application. However, the approval of this site would allow for aggregate to be available for use in the housing and commercial construction business.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. The approval of this request would support the local economy that provides for the employment of residents, delivery of goods, and allows for recreation and tourism in the region.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This rock could be used for transportation projects in and around the greater Hermiston area.

Goal 13 Energy: To conserve energy.

Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Approval of this request provides opportunities for energy efficiency and convenience for residents, the movement of farm goods, and for access to recreation and tourism opportunities by providing improved and safe highways. It also recognizes the energy savings of having aggregate sites throughout a region in support of residential, commercial, and industrial development.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goal 14 prohibits urban uses on rural lands. Goal 14 is not specifically applicable to this action.

Conclusion:

The applicant has provided within this narrative, and with other information included in the application package, evidence and testimony in support of protection for the Rock It #2 Quarry. This includes information concerning both the quantity and quality of the aggregate material found on the site which shows that it exceeds the requirements for approval of this request.

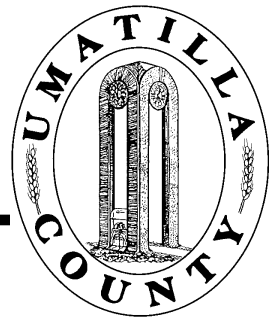
Specifically, the applicant is requesting: 1) that the Rock It #2 Quarry site of approximately 140 acres be listed within the Umatilla County Comprehensive Plan as part of Finding 41 and within the list of significant aggregate sites under Policy 41 in compliance with the approval of this request; 2) that Umatilla County apply the Aggregate Resource Overlay Zone to the subject property to allow mining, processing, and stockpiling on the site as well as two batch plants for concrete and asphalt; and 3) to amend the Comprehensive Plan map by mapping the impact area and through the Comprehensive Plan listing achieve the Goal 5 requirement of protecting the resource by limiting residential and social gathering uses and require those uses to waive their rights to remonstrate against aggregate operations allowed by this decision within the impact area to protect the aggregate resource from encroachment and nuisance complaints.

Attachments:

- Assessor's Maps 4N 27 25, 4N 27 36, and 4N 28 31
- 1500-Foot Impact Area Map
- Lab reports (MT&I 2010)
- Aggregate Quantity Map
- DOGAMI Operating Permit Annual Renewal Statement 2020 and 2021

Umatilla County

Board of County Commissioners



BOARD OF COMMISSIONERS MEETING

Wednesday, June 1, 2022, 9:00am

Umatilla County Courthouse, Room 130

- A. Call to Order
- B. Chair's Introductory Comments & Opening Statement
- C. New Business

TEXT AMENDMENT #T-088-22, PLAN AMENDMENT #P-133-22, and ZONE MAP AMENDMENT #Z-320-22: WADE AYLETT, APPLICANT/OWNER. The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located southeast of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500 and Township 4 North, Range 27 East, Section 25, Tax Lot 900. The site is approximately 140 acres and zoned Exclusive Farm Use.

- D. New Business

UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT #T-089-22, RANDALL & MARIE MARTIN SCOUT CAMP LLC, APPLICANT & OWNER. The applicant requests a Post-Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code to permit youth camps, as provided in OAR 660-33-130(40), through issuance of a Conditional Use Permit on lands zoned Exclusive Farm Use & Grazing/ Farm.

- E. Adjournment

DIRECTOR
ROBERT WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Board of County Commissioners

FROM: Megan Davchevski, Planner

DATE: May 25, 2022

Re: June 1, 2022 Board of Commissioners Hearing
Comprehensive Plan Map Amendment #P-133-22,
Comprehensive Plan Text Amendment #T-088-22 and
Zoning Map Amendment #Z-320-22
Rock It #2 Aggregate Site

CC: Robert Waldher, Planning Director

Background Information

The applicant, Rock-It LLC, requests to expand an existing quarry (Rock-It #2 Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. This site is comprised of numerous tax accounts, totaling up to approximately 140 acres. The subject property is just southeast of the Interstate 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road.

The previous approval was for about 55 acres and was considered a small significant site. The proposed expansion would add this site as a large significant site. The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. Both sand and gravel materials are available on this site.

Criteria of Approval

The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Conclusion

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners. A public hearing was held before the Planning Commission on January 27, 2022.

The Planning Commission recommended approval of P-133-22, T-088-22 and Z-320-22, with some amendments to the findings. The recommendation includes striking Subsequent Conditions #2, #3 and #4 and adding a new Subsequent Condition #11,

which is, *“Obtain a County Road Access Permit from Colonel Jordan Road that meets the 1,320 foot spacing requirement from the interchange, once the second access is requested by the mining operation.”*

The findings have several edits, as guided by the Planning Commission’s recommendation. Text to be removed from the findings are identified with a strikethrough (~~strike~~), and new text is underlined and red.

The Board may decide to accept and adopt the Planning Commission’s findings and recommendation, or determine new findings with a decision to approve or deny the Post-Acknowledgement Amendment Application (PAPA).

Attachments

The following attachments have been included for review by the Planning Commission:

- 1500-Foot Impact Area Map
- County Preliminary Findings and Conclusions
- Proposed Comprehensive Plan Text Amendment
- Proposed Zoning Map Amendment
- Aggregate Quantity Map
- Lab Reports (MT&I 2010)
- ODOT Region 5 comment
- Umatilla County Public Works comments (dated April 11, April 20,)
- Westland Road/I-84/I-82 Interchange Area Transportation Plan pages 5-5 through 5-8
- Planning Commission Exhibits A, B and C

**UMATILLA COUNTY
BOARD OF COMMISSIONER HEARING – JUNE 1, 2022
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT, COMPREHENSIVE
PLAN TEXT AMENDMENT & ZONING MAP AMENDMENT
ROCK-IT LLC, APPLICANT & OWNER
PACKET CONTENT LIST**

1. Staff Memo	Pages 1-2
2. Notice and Vicinity Map	Page 4
3. 1500 foot Impact Area Map	Page 5
4. Staff Report & Preliminary Findings	Pages 7-36
5. Proposed Text Amendment	Pages 37-38
6. Proposed Zoning Map	Page 39
7. Aggregate Quantity Map	Page 40
8. Lab Reports (MT&I 2010)	Pages 41-50
9. Umatilla County Public Works comment 4/11/22, Tom Fellows	Page 51
10. ODOT comment, Thomas Lapp	Page 52
11. Westland Road / I-82 / I-84 IAMP Pages 5-5 through 5-8	Pages 53-56
12. Umatilla County Public Works comment 4/20/22, Tom Fellows	Page 57
13. Planning Commission Exhibits A, B & C	Pages 58-63

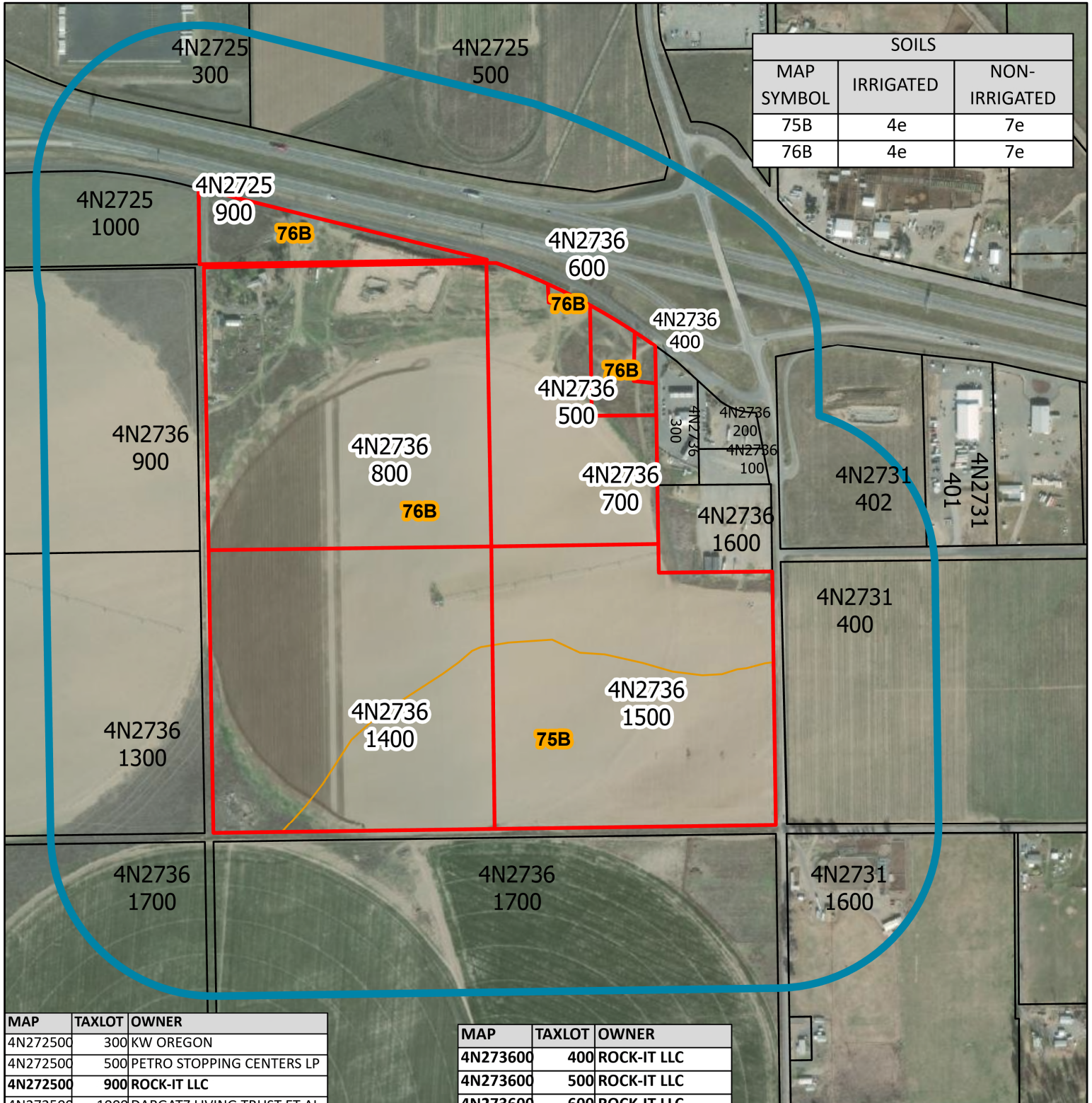
APPLICANT: WADE AYLETT

OWNER: ROCK-IT LLC

#P-133-22, Z-320-22, T-088-22

Notified Property Owners within 750 feet of Subject Parcels

N



SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
75B	4e	7e
76B	4e	7e

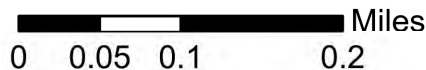
MAP	TAXLOT	OWNER
4N272500	300	KW OREGON
4N272500	500	PETRO STOPPING CENTERS LP
4N272500	900	ROCK-IT LLC
4N272500	1000	DARGATZ LIVING TRUST ET AL
4N273600	100	MO.MM, LLC
4N273600	200	MO.MM, LLC
4N273600	300	MO.MM, LLC

MAP	TAXLOT	OWNER
4N273600	400	ROCK-IT LLC
4N273600	500	ROCK-IT LLC
4N273600	600	ROCK-IT LLC
4N273600	700	ROCK-IT LLC
4N273600	800	ROCK-IT LLC
4N273600	900	GIRTH DOG LLC
4N273600	1300	GIRTH DOG LLC
4N273600	1400	ROCK-IT LLC
4N273600	1500	ROCK-IT LLC

MAP	TAXLOT	OWNER
4N273600	1600	MO.MM, LLC
4N273600	1700	EAGLE RIVER RANCH LLC
4N283100	400	GB HERMISTON LLC
4N283100	401	GB HERMISTON LLC
4N283100	402	GB HERMISTON LLC
4N283100	1600	NOBLE HARRY E & HELEN M

Legend

- 750 ft Notice Boundary
- Subject Parcels
- Soils
- Property Boundary

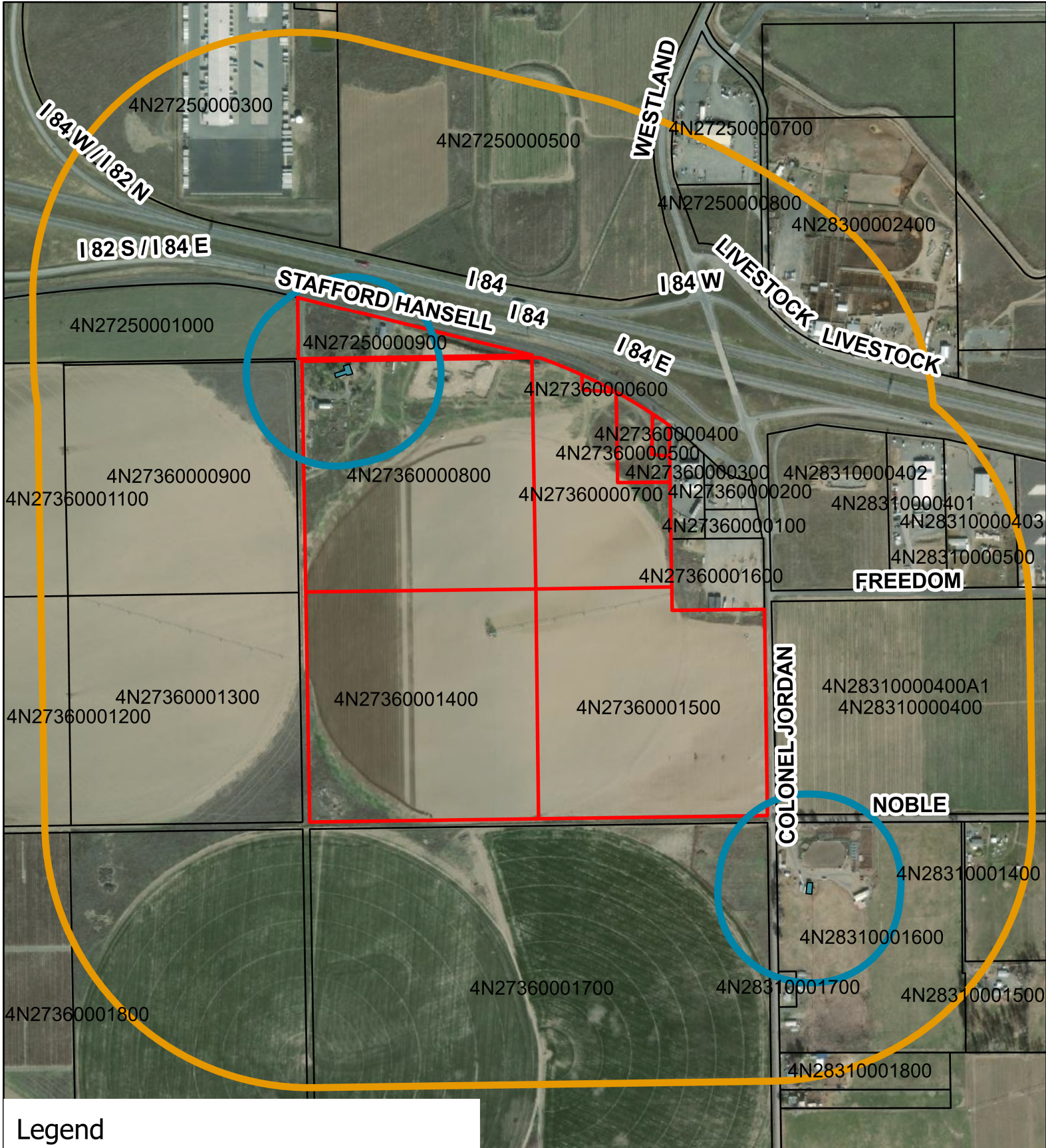


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department
Date: 3/7/2022

ROCK-IT LLC

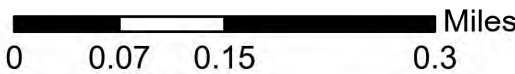
1500 FT IMPACT AREA & 500 FT DWELLING BUFFER

MAP 4N 27 25, TL 900 AND MAP 4N 27 36, Tls 400 500 600 700 800 900 1400 AND 1500



Legend

- 1500 ft Buffer
- AR Subject Parcels
- 1500 ft Parcels
- Dwelling Footprint
- Property Boundary
- 500 ft Dwelling Buffer



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department
Date: 3/7/2022

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**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
ROCK IT #2 QUARRY
COMPREHENSIVE PLAN MAP AMENDMENT, #P-133-22,
COMPREHENSIVE PLAN TEXT AMMENDMENT T-088-22,
ZONING MAP AMENDMENT #Z-320-22
MAP 4N 27 36; Tls #400, 500, 600, 700, 800, 1400, and 1500 AND
MAP 4N 27 25; TL 900**

1. APPLICANT: Wade Aylett, 28598 Stafford Hansell Road, Hermiston, OR 97838
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Rock-It LLC, 74854 Washington Ave, Irrigon, OR 97844
4. REQUEST:

The request is to add Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25 to Umatilla County's list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. In 2012, Tax Lots 700 and 800 were added as a Small Significant Site to the Inventory of Significant Sites and Conditional Use Permit (CUP) #P-106-12 was approved establishing a mining operation. In 2020, Zoning Permit ZP-20-142 was authorized with a site plan depicting the mining area, a scale house / office building, and an asphalt batch plant. However, it was later discovered that the office building was built on Tax Lot 900, which was not included in the original small significant site designation. Since that discovery, the applicant has been working with County Staff to correct the issue. The requested action is designed to establish the entire Rock-It #2 site, composed of all the above listed Tax Lots, as a Large Significant Site with protections under Goal 5 and to allow mining, processing, concrete and asphalt batch plants, and stockpiling.

The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. For this application 'aggregate' means sand and gravel materials as both are available on this site. This application refers to the "site" or "Subject Property" or "Rock It 2 Quarry" as all of Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25.

5. LOCATION: The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road.
6. SITUS: 28598 Stafford Hansell Road, Hermiston, OR is assigned to the existing dwelling on Tax Lot 800. The aggregate site does not currently have a situs address.
7. ACREAGE: The entire site is approximately 140 acres, spread across the various tax lots.
8. COMP PLAN: The site has a Comprehensive Plan designation of North/South Agriculture.
9. ZONING: The subject property is zoned Exclusive Farm Use (EFU).
10. ACCESS: The site can be accessed via Stafford Hansell Road. Portions of the site front Colonel Jordan Road.
11. ROAD TYPE: Stafford Hansell Road, County Road #1344, is a paved, 2-lane, county-maintained roadway.
12. EASEMENTS: There are no access or utility easements on the subject property.
13. LAND USE: Currently there is mining occurring on the property under Plan Amendment #P-106-12, listing the site as a Small Significant Site and Conditional Use Permit #C-1204-12 approving mining operations. On the southern portion of the site, there are agricultural operations under circle pivot irrigation and a wheel line. On the northwest corner there is a pre-existing dwelling with various out buildings and corrals. The dwelling, which is owned by the applicant, and its associated outbuildings will be removed at the point that the mining operation moves into that area.
14. ADJACENT USE: A truck stop and fueling station sits immediately to the east of the subject property with three trucking related businesses further to the east across Colonel Jordan Road. To the north across Interstate 84 a FedEx Freight facility, a UPS Customer Center, several potato storages, and a food processing and shipping operation are west of Westland Road. To the northeast, and east of Westland Road, is the Northwest Livestock Commission auction facility and an aggregate operation further east. Irrigated farmland is to the west and south of the subject property, most under circle pivot irrigation systems. To the southeast there are several homes sited on land zoned for Exclusive Farm Use. The zoning within the 1,500-foot impact area includes Exclusive Farm Use, Light Industrial, Rural Tourist Commercial, and Agri-Business.

15. LAND FORM: Columbia River Plateau

16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The soils on the subject property are predominately Class IV and VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
75B: Quincy loamy fine sand, 0 to 5 percent slopes	VIIe	IVe
76B: Quincy loamy fine sand gravelly substratum, 0 to 5 percent slopes	VIIe	IVe
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).</i>		

17. BUILDINGS: There is a pre-existing dwelling and several outbuildings on the site. There is also an office and scale house associated with the aggregate operations.

18. UTILITIES: The site is not served by utilities.

19. WATER/SEWER: The property currently has a domestic well and septic for use of the dwelling. There is also a water right associated with the groundwater use for gravel washing. The groundwater right is listed on certificates #92150 and #89533.

20. FIRE SERVICE: The site is located within Umatilla County Fire District #1.

21. IRRIGATION: The site is located within Westland Irrigation District, however, the applicant has provided that the site is not served by the irrigation district.

22. FLOODPLAIN: This property is NOT in a floodplain.

23. WETLANDS: There are no known wetlands located on the subject property.

24. NOTICES SENT: Notice was sent to the Department of Land Conservation and Development (DLCD) on March 23, 2022. Notice was mailed to neighboring land owners and affected agencies on April 8, 2022. Notice was printed in the April 16, 2022 publication of the East Oregonian.

25. HEARING DATE: A public hearing is scheduled before the Umatilla County Planning Commission in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97838 on **April 28, 2022 at 6:30 PM.**

A subsequent hearing is scheduled before the Umatilla County Board of County Commissioners on **June 1, 2022 at 9:00 AM.** The hearing will be held in Room 130 at the County Courthouse, 216 SE 4th St., Pendleton,

OR 97801.

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Oregon Department of Transportation Region 5-Highways Division, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands, Oregon Water Resources Department, Westland Irrigation District, CTUIR-Natural Resources, CTUIR-Cultural Resources

27. COMMENTS: The Umatilla County Public Works Department provided comment on April 11 2022, deferring spacing standards to ODOT's requirements.

Oregon Department of Transportation (ODOT), provided comment stating that the current access point to Colonel Jordan Road is approximately 240 feet from the I-84 eastbound exit ramp. This could cause congestion at the intersection, should new commercial vehicle trips be generated using the frontage road in close proximity to the interchange. ODOT states there is plenty of space from the eastbound ramps to attain 1,320 feet of separation of the ramps, trucks could enter a new connection to tax lot 1500 from Colonel Jordan Road or further south opposite of Nobles Road. ODOT believes it to be best to build a new connection at a minimum of 1,320 feet south of the interchange ramps per the IAMP, especially since this is the first opportunity to enter tax lot 1500 from the county road system.

On April 20, 2022 Umatilla County Public Works Director, Thomas Fellows, provided an additional comment requesting that the applicant be required to improve Center Street to a County Road gravel standard and relocate access to this public right of way. The existing right of way is 40 feet wide and aligns well with Noble Road, which is also a 40 foot right of way. The applicant's property would have direct access to this new road. This new connection would shift business access away from the frontage road, alleviating ODOT's concerns with the IAMP. Mr. Fellows also suggested that the Center Street ROW be named Noble Road for consistency across the intersection.

Umatilla County finds neither ODOT nor the County Road Department requested the applicant to obtain a traffic impact analysis.

Umatilla County finds that ODOT has requested the applicant to relocate the aggregate operation's entrance to be compliant with the Westland Road / I-82 IAMP's spacing standards.

Umatilla County finds the County Public Works Department has requested the applicant to improve and utilize the Center Street Right of Way, rather than accessing the site from Stafford Hansell Road.

Umatilla County finds the County Public Works Department has requested the applicant to not use Stafford Hansell Road for access.

Umatilla County finds that because the applicant has been legally using the existing access point to Stafford Hansell Road, and the use remains the same, the County cannot impose a condition forcing the applicant to relocate access.

~~Umatilla County finds and concludes a condition of approval is imposed that the applicant improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.~~

~~Umatilla County finds and concludes a condition of approval is imposed that the applicant's mining operation shall only use the newly improved Noble Road connection, and the existing access from Stafford Hansell Road to Colonel Jordan Road must cease.~~

NOTE: The Umatilla County Development Code has not been updated with the Division 23 Rules for Aggregate. The Oregon Administrative Rules 660-023-0180 to establish a Goal 5 Large Significant Site will be directly applied per OAR 660-023-180 (9).

28. GOAL 5 ISSUES: Scenic, Open Space, Historic, Wildlife, and other resources.

In order to mine aggregate in Umatilla County, a site must either be an active insignificant site, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site. A portion of the Rock-It #2 site is currently on Umatilla County's Goal 5 Inventory as a small significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to expand the site and add it to the Umatilla County inventory of large significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection is to include the site under the AR Overlay Zone. The Umatilla County Comprehensive Plan requires that "[a]ny proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA Overlay Zones shall be processed as an amendment to this plan." Therefore, this application constitutes a Post-Acknowledgement Plan Amendment (PAPA), and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. As a condition of approval for operation, the applicant must acquire a DOGAMI permit and obtain approval of a reclamation plan. Copies of both the DOGAMI permit and reclamation plan must be submitted to County Planning.

29. STANDARDS OF THE OREGON ADMINISTRATIVE RULES, DIVISION 23 FOR GOAL 5 LARGE SIGNIFICANT SITES are found in OAR 660-023-0180 (3), (5), & (7), OAR 660-023-040, and OAR 660-023-050. The standards for approval are provided in underlined text and the responses are indicated in standard text.

OAR 660-023-0180 Mineral and Aggregate Resources

(3) [Large Significant Sites] An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or

(c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.

(d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:

(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or

(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:

(i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;

(ii) 25 feet in Polk, Yamhill, and Clackamas counties; or

(iii) 17 feet in Linn and Benton counties.

The Rock-It #2 Quarry is in Eastern Oregon and has an inventory of over 4.8 million tons of available sand and gravel aggregate material. The United States Department of Agriculture Natural Resources Conservation Service Soil Survey of Umatilla County identifies the soils on the subject property as predominately Quincy loamy fine sand, with gravelly substratum, with slopes of 0 to 5 percent. The balance of the subject property in the southeast corner is Quincy loamy fine sand also with a slope of 0 to 5 percent. In both cases the soil is classified as VII when not irrigated or IV when irrigated. There are no Class I, Class II, Prime, or Unique soils on the subject property.

In 2010 samples of material were tested by Material Testing & Inspection from the Rock It #2 quarry and were determined to meet current ODOT specifications. The cover letter to the various laboratory reports indicates that tests were completed for durability, soundness, and specific gravity stating that the material tested satisfied the 2008 Oregon Standard Specifications for Construction.

Umatilla County finds the Rock It #2 quarry consisting of approximately 140 acres meet, and is estimated to exceed, both the quantity and quality criteria for a significant aggregate site in accordance with OAR 660-023-0180(3)(a).

(5) [Large Significant Sites] For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving an aggregate site determined to be significant under section (3) of this rule, the process for this decision is set out in subsections (a) through (g) of this section. A local government must complete the process within 180 days after receipt of a complete application that is consistent with section (8) of this rule, or by the earliest date after 180 days allowed by local charter.

(a) [Impact Area] The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and 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. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

Applicant Response: There are a variety of uses to the north of the property which also places them to the north of Interstate 84 which diminishes the impacts of the mining operation on those activities. There are commercial and light industrial uses to the east of the mining operation and homes sited on land zoned for Exclusive Farm Use to the southeast within the 1,500-foot impact area. Where this request is an expansion of an existing aggregate site the impact area will not be based on Tax Lots 700 and 800 but on Tax Lots 400, 500, 600, 1400 and 1500.

Umatilla County finds that factual information is not present to indicate that there would be significant conflicts beyond the 1,500 foot impact area from the boundaries of the proposed expansion. Therefore, the 1,500 foot impact area is sufficient to include uses listed in (b) below.

(b) [Conflicts created by the site] The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e. g. , houses and schools) that are sensitive to such discharges;

Applicant Response: There are five homes within the 1,500-foot impact area to the southeast all sited on land zoned for Exclusive Farm Use. They were approved as farm dwellings in the Exclusive Farm Use zone on parcels created by deed.

There are no residentially zoned lands within the impact area. There is a truck stop and three different commercial or light industrial operations in support of trucking and freight movement

to the east of the mining operation. To the north of the Interstate there is a FedEx freight facility, Triple M Truck and Equipment, and the Northwest Livestock Commission facility. There appear to be residential units at both the Northwest Livestock Commission facility and at the vacant Barton Industries facility. It is unknown whether these residential units have a conditional or final approval or have sought any.

There are uses that may be impacted by noise, dust, or other discharges from the proposed mining operation including the truck stop to the east and the homes to the southeast, all within the 1,500-foot impact area. Even so the applicant has for the existing operation and will continue for the expansion area managed impacts by employing best management practices. Current mining activity has been operating under a Conditional Use Permit since 2012.

The applicant does acknowledge that the mining and processing operation can create noise, dust, and other discharges and will employ normal and customary practices to manage those impacts. Both noise and dust are regulated by the Oregon Department of Environmental Quality, imposing standards that the applicant or contractors on this site would be compelled to meet, including obtaining a General Air Contaminant Discharge Permit (ACDP) for processing and batching activities. Dust is currently managed on site through the application of water or other dust abatement mechanisms.

Another concern related to discharges would be stormwater which the applicant currently and will continue to collect and hold onsite. There does not appear to be a need at this point for the applicant to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit with over 139-acres available to collect and hold stormwater. If conditions should change one can be obtained.

Blasting will NOT be conducted as part of the mining process as no basalt rock is proposed for extraction, just sand and gravel. As like the earlier requirements the applicant will comply with requirements of DOGAMI.

With application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized or eliminated within the 1,500-foot impact area.

Umatilla County finds that the applicant has identified potential conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and commercial uses) that are sensitive to such discharges exist within the 1,500 foot impact area. Umatilla County finds with application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized within the 1,500-foot impact area.

(B) 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 local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and

similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

Applicant Response: Developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. All material leaving this site will travel one of those roads to then travel east or west along Interstate 84 or continue north along Westland Road to the delivery point. Traffic is dependent upon current workloads and will also vary based on the time of year. At peak usage Average Daily Trips will be under the 250 trips identified within the Umatilla County Development Code as the trigger for a Traffic Impact Study. Employees at the scale and office site would generate no more than 10 trips per day with employees working within the mining pits generating another 10 trips. Material trucks could contribute up to 100 trips per day with the two batch plants combined adding up to 70 trips per day. While most of these trips will initially use Stafford Hansell Road, future access to Colonel Jordan Road will see these trips shared between the two roads before moving onto the Interstate system or continuing north along Westland Road.

The applicant has historical access from Umatilla County for access onto Stafford Hansell Road. Prior to expanding mining activity to the portion of the subject property that fronts Colonel Jordan Road another access permit will need to be obtained. Both roads are paved and in good condition with Colonel Jordan Road seeing significantly more traffic. The affected roads are flat with no impairments to sight distance at the current access along Stafford Hansell or the future access to Colonel Jordan. There are no posted speed limits along either county road.

Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a).

Umatilla County finds that traffic generated by the quarry operations will be consistent with current levels. Umatilla County finds that the site will contribute less than 250 daily trips, therefore, a TIA is not required at this time.

Umatilla County inquired with ODOT Region 5 and County Public Works regarding the existing access point. County Public Works deferred to ODOT's response. ODOT stated that the existing access point does not comply with the Westland / I-84 Interchange Area Management Plan's (IAMP) spacing requirements to the interchange ramps. ODOT shared possible concerns with congestion at the intersection, and stated that the applicant's site could construct a new access to Colonel Jordan Road for trucks that would satisfy the 1,320 foot spacing requirement.

The County Public Works department requested the existing Stafford Hansell Road access point be closed, and a new access point to Colonel Jordan Road be constructed and used. As detailed above, Umatilla County finds the existing Stafford Hansell Road access is a legal access point that cannot be revoked.

Umatilla County finds the applicant is required to obtain a County Road Approach Permit to Colonel Jordan Road, once a Colonel Jordan Road access is necessary. The access shall be

constructed a minimum of 1,320 feet from the interchange ramps as requested by ODOT. This will be captured as a subsequent condition of approval.

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013;

Umatilla County finds that there are no public airports within the Impact Area. The closest public airport is east of Hermiston and more than five miles away from the site.

(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

There are no known Goal 5 resource sites within the impact area for the aggregate site. Thus, Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with other Goal 5 resource sites within the 1,500 foot impact area.

(E) Conflicts with agricultural practices; and

Applicant Response: Agricultural practices within the 1,500-foot impact area of the Rock It #2 quarry are to the west, south, and southeast and consist of irrigated agriculture with circle pivot irrigation to the west and south. The crops would be predominately potatoes, corn, wheat, and other row crops. There are no planted vineyards in the impact area or within 2 miles of the proposed expansion site. Mining activity is not expected to conflict with these agricultural activities or practices. Prevailing winds are from the southwest moving any dust or emissions from the aggregate site away from agricultural lands towards an area that is used predominately for various commercial and industrial uses.

Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with nearby agricultural activities or practices. The existing site has been operating without conflicts to nearby agricultural practices for many years.

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations pursuant to ORS 517.780;

Umatilla County finds that there are no other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations. Therefore, this criterion is not applicable.

(c) [If conflicts exist, measures to minimize] The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this

section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

Umatilla County finds that no conflicts were identified within the 1,500 foot impact area. Although no conflicts have been identified within the impact area, the applicant has identified limited impacts from dust and stormwater that can be managed or mitigated through various voluntary measures and best management practices. During mining and processing, if approved on site, the applicant or its contractors will implement best management practices and, as necessary or required, obtain necessary permits in the management of dust, stormwater, or other identified discharges.

(d) [If conflict can't be minimized then conduct an Economic, Social, Environmental, and Energy (ESEE) analysis] The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:

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

Applicant Response: The applicant's experience is that all identified potential conflicts from the mining operation can be minimized as described above. This criterion is not applicable.

Umatilla County finds that all identified potential conflict will be minimized as described above. This criterion is not applicable.

(e) [Amend Plan] Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e. g. , site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:

- (A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
- (B) Not requested in the PAPA application; or
- (C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.

Umatilla County finds that no conflicts were identified. Therefore, this criterion is not applicable.

(f) [Post mining uses] Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

Applicant Response: The applicant is currently considering the installation of a photovoltaic solar energy generation facility as a post-mining use. The subject property is not composed of Class I, II, Prime, or Unique farmland and would therefore allow a use allowed under ORS 215.283(2). Other post-mining uses, if allowed under ORS 215.283 and the Umatilla County Development Code, could also be considered.

Umatilla County finds the applicant has identified a possible post-mining use that is allowed under ORS 215.283. Umatilla County finds this criterion is satisfied.

(g) [Issuing a zoning permit] Local governments shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the local government.

Applicant Response: Conditional Use Permit #C-1204-12 was issued in 2012 in conjunction with Plan Amendment #P-106-12 that listed a portion of the site that is subject to this request as a Small Significant Site. This action seeks to enlarge the mining area and the total volume that will be extracted from the original and expansion site converting the determination from a Small Significant Site to a Large Significant Site and applying Goal 5 protections.

Processing is currently authorized at the Rock-It #2 Quarry. This request is to expand the authorized quarry site. Umatilla County finds this criterion is applicable and a zoning permit is required to finalize approval (precedent condition).

(7) [Protecting the site from other uses/conflicts] Except for aggregate resource sites determined to be significant under section (4) of this rule, local governments shall follow the standard ESEE process in [OAR 660-023-0040](#) and [660-023-0050](#) to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (5) of this rule, the local government decides that mining will not be authorized at the site.)

The applicant has provided an ESEE analysis. The analysis supports a decision to limit new conflicting uses within the buffer area to assure protection of the aggregate site.

660-023-0040 ESEE Decision Process

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

(a) Identify conflicting uses;

The subject property and property within 1500 feet to the west and south is zoned Exclusive Farm Use (EFU) which allows a variety of farm related uses including dwellings if certain criteria are met. There are also additional uses that are allowed with standards or conditionally. Some of these uses could create conflicts with an aggregate operation. Conflicts are most likely to arise when a new use would place people, living or working, within the impact area. Those uses include homes, churches, parks or certain recreation facilities, farm stands, and other similar uses that allow or create areas where people congregate.

The properties to the east are zoned for Rural Tourist Commercial activities and light industrial activities with land north of Interstate 84 zoned for those same uses as well as Agri-Business uses. Lands north of Interstate 84, while within 1,500-feet of the mining operation and within the impact area, are buffered from the noise and other impacts by the Interstate. Noise and vibration from the mining operation would be overshadowed by the noise from the Interstate traffic.

(b) Determine the impact area;

The impact area is a 1,500-foot buffer extending from the aggregate site boundary.

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

Items (c) through (d) are addressed below.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

The local government has identified conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. Potential conflicting uses found in the Umatilla County Development Code are outlined in the **Table 1**, below. This criterion is satisfied.

Table 1 - Potential Conflicting Uses

Zoning	Code Sections	Potential Conflicting Uses
EFU	152.056 Uses Permitted 152.058 Zoning Permit 152-059 Land Use Decisions or 152.060 Conditional Uses	No conflicting uses identified. Replacement Dwellings, Winery, Farm Stand, Home Occupations. Churches, Dwellings, Schools, Parks, Playgrounds, Community Centers, Hardship Dwellings, Boarding and Lodging Facilities, Various Commercial Uses Related to Agriculture.
Rural Tourist Commercial	152.282 Uses Permitted or 152.283 Conditional Uses	Boarding, Lodging, or Rooming house; Eating or drinking establishment; Accessory Dwelling; Travel Trailer Park.
Light Industrial	152.302 Uses Permitted 152.303 Conditional Uses	No conflicting uses identified. Accessory Dwelling; Commercial amusement establishment; Day care center; Mobile home or trailer park.
Agri-Business	152.291 Uses Permitted 152.292 Conditional Uses	No conflicting uses identified. Accessory Dwelling.

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

Potential conflicting uses taken from the Umatilla County Development Code that could be adversely affected by mining on the proposed Goal 5 expansion area are identified above. Therefore, this criterion is not applicable.

(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

There are no other known Goal 5 resources within the boundary of the mining area or within the proposed impact area.

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which

allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

The impact area for an aggregate site is 1,500 feet, as specified by OAR 660-023-0180(5)(a). Based on the list of potential conflicting uses identified in **Table 1**, above, Umatilla County has determined that the 1,500 foot impact area is sufficient for conducting the ESEE analysis.

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

As shown in **Table 1**, above, the local government has determined several outright and permitted uses that are allowed by the different zones within the 1,500 foot impact area. For purposes of the ESEE analysis, these potential conflicting uses can be grouped into two types of similar uses:

- Dwellings (typically includes farm dwellings, non-farm dwellings, lot of record dwellings, replacement dwellings, hardship dwellings, home occupations, room and board operations)
- Public/Private Gathering Spaces (typically includes wineries, churches, community centers, private and public parks and playgrounds, living history museums, golf courses, public or private schools, various commercial uses related to agriculture)

The ESSE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Rock It #2 Quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering	Consequences related to new use on neighboring properties. The economic impact to neighboring property owners would be neutral. A requirement for a waiver of	Consequences related to new use on neighboring properties. The economic consequence for property owners would be neutral. This decision would maintain the current approval

	<p>places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Dwellings are not allowed as outright uses in the other use zones within the impact area. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p>Consequences related to loss or interruption of quarry access.</p> <p>The economic benefit of preserving the applicant's ability to access material from this site does have an economic impact through direct employment and employment impacts on the various developments that rock is delivered to. The Rock It #2 Quarry will provide material for a variety of projects throughout Umatilla and Morrow Counties and possibly beyond.</p>	<p>remonstrance would not restrict the use of the property allowed in the underlying zone.</p> <p>Similar waivers are required by counties around the state as a condition of approval for a new residential structure in a farm or forest zone. These waivers, required by ORS 215.213 and 215.283, restrict a landowner's ability to pursue a claim for relief or cause of action alleging injury from farming or forest practices.</p> <p>Without evidence that the widespread use of such waivers has negatively impacted property values or development rights, it is reasonable to conclude that the proposed limit on new conflicting uses in the impact area of the Rock It #2 Quarry will have no negative economic consequence.</p> <p>Consequences related to loss or interruption of quarry access.</p> <p>The economic benefit would be the same as that for a decision to prohibit uses since the proposed "limit" is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p>criteria for new residences and gathering places in the impact area.</p> <p>Consequences related to loss or interruption of quarry access.</p> <p>The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have cause delays and increased costs for projects across the state. Development of this quarry supports economically efficient development and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large.</p>
	<p><i>Prohibit dwellings and gathering spaces</i></p>	<p><i>Condition the placement of new dwellings and gathering spaces</i></p>	<p><i>No change to review standards for dwellings and gathering spaces</i></p>
<p>Social Consequences</p>	<p>Consequences related to new use on neighboring properties.</p> <p>Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also</p>	<p>Consequences related to new use on neighboring properties.</p> <p>The social impact to neighboring property owners would be neutral if acceptance of the mining activity were added as a condition of approval for new dwellings and uses related to social gatherings within 1500 feet of</p>	<p>Consequences related to new use on neighboring properties.</p> <p>The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p>

	<p>prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>the quarry boundary. Options available to property-owners would not be reduced. Dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Environmental Consequences	<p>Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings or social gathering spaces were limited in the impact area. New dwellings and social gathering spaces in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area. Different than the option to limit a decision, there would be no mechanism in the county’s approval process to inform property owners of the authorized mining activity. This would result in a higher possibility for a residence or social gathering space to be in the impact area and a higher potential for a negative consequence.</p> <p>Consequences related to loss of quarry access. There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining</p>

		environmental benefit from fewer vehicle emissions when truck travel is minimized.	aggregate material from a quarry close to the project site. Vehicle emissions will increase if trucks must travel further to access material.
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Energy Consequences	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>

(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.
- (b) A local government 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) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. 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, as per subsection (b) of this section.

Umatilla County has determined, through the ESEE analysis, that the resource site and the conflicting uses (dwellings and public/private gathering spaces) are important compared to each other. Therefore, Umatilla County finds that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Rock-It #2 Quarry in order to achieve Goal 5.

A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.

Umatilla County finds that the waiver of remonstrance requirement for proposed conflicting uses along with the mitigation measures proposed by the applicant are adequate to minimize conflicts for future uses that potentially locate within the mining impact area.

660-023-0050 Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to [OAR 660-023-0040\(5\)](#). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see [OAR 660-023-0040\(5\) \(b\) and \(c\)](#)).

Umatilla County finds that the Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Rock-It #2 Quarry as a significant aggregate resource site.

The Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited.

As noted previously, a condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The purpose of this condition is not to disallow these activities, but to ensure that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. This criterion is met.

(2) When a local government has decided to protect a resource site under [OAR 660-023-0040\(5\)\(b\)](#), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this

division, a standard shall be considered clear and objective if it meets any one of the following criteria:

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or
- (c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

Umatilla County finds that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Rock-It #2 Quarry in order to achieve Goal 5. The Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited. A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval.

(3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:

- (a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and
- (b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).

Umatilla County finds that this request is related to aggregate resources. Therefore, this criterion is not applicable.

30. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTABLISHING AN AR OVERLAY ZONE are found in Sections 152.487 and 152.488. The following standards of approval are underlined and the findings are in normal text.

152.487 CRITERIA FOR ESTABLISHING AN AR OVERLAY ZONE: Section 152.487 of the Umatilla County Development Code lists required criteria the Planning Commission must consider for establishing an AR Overlay Zone. Criteria are listed and underlined. Evaluation responses are provided in normal text.

(A) At the public hearing the Planning Commission shall determine if the following criteria can be

met:

(1) The proposed overlay would be compatible with the Comprehensive Plan;

The Umatilla County Comprehensive Plan and Technical Report both have input into this decision. In 2012, the Umatilla County Comprehensive Plan was amended with Ordinance 2012-15 to include Tax Lots 4N 27 36; 700 and 800 as a Small Significant Site under the County's Goal 5 Aggregate Resources Inventory. This action seeks to expand the previously mentioned site to a Large Significant Site, adding the remaining tax lots that make up Rock-It #2 Quarry under Goal 5, and apply the Aggregate Resource Overlay Zone to the mining site along with a mapped buffer area to further protect the resource.

Comprehensive Plan Findings and Policies are also applicable. Finding 38 states, "Extraction of non-renewable aggregate and mineral resources requires ongoing exploration, reclamation, separation from adjacent incompatible land uses and access." The accompanying policy would also be applicable:

- Policy 38. (a) The County shall encourage mapping of future agencies sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.
- (b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.
- (c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.

The applicant is seeking protection of the aggregate site by the application of the Aggregate Resource Overlay Zone and protection from encroaching and conflicting uses by mapping of the buffer area to best achieve both this Finding and Policy.

Finding 41 would also be applicable and states, "Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource." Based on this application, the applicant requests that the accompanying Policy be updated to list the Rock-It #2 Quarry.

Umatilla County finds that the applicant's request for limitations of conflicting residential and social gathering space uses is reasonable under the Goal 5 protection program and appears to be compatible with the Umatilla County Comprehensive Plan. This criterion is met.

(2) There is sufficient information supplied by the applicant to show that there exists quantities of aggregate material that would warrant the overlay;

Umatilla County finds that the applicant's PAPA shows sufficient information that the inventory of aggregate material at the Rock-It #2 Quarry is over 2.4 million cubic yards exceeds ODOT specifications and warrants the overlay. This criterion is met.

(3) The proposed overlay is located at least 1,000 feet from properties zoned for residential use or designated on the Comprehensive Plan for residential;

Umatilla County finds that there are no residences or properties zoned for residential use within 1,000 feet of the proposed overlay. This criterion is met.

(4) Adequate screening, either natural or man-made, is available for protecting the site from surrounding land uses.

The location of the Rock It #2 Quarry along Interstate 84 and south and west of industrial uses would make screening unnecessary. This type of aggregate activity regularly takes place along highways and roads to provide easy and cost-effective access to aggregate material for use in development projects. The applicant would state that screening beyond the use of berms of this site would be cost prohibitive and would not provide benefit.

(5)The site complies with Oregon Administrative Rules (OAR) 660-023-0180.

Umatilla County finds that the standards found in (OAR) 660-023-0180 were found to be met by the proposed mining operation. This criterion is met.

152.488 MINING REQUIREMENTS: Section 152.488 of the Umatilla County Development Code lists mining requirements for aggregate sites under the AR Overlay Zone. Criteria are listed and underlined. Evaluation responses are provided in standard text.

(A) All work done in an AR Overlay Zone shall conform to the requirements of DOGAMI or its successor, or the applicable state statutes.

Umatilla County finds that the applicant shall provide to the Umatilla County Planning Department a copy of the DOGAMI operating permit and, as a condition of approval, will be required to obtain all necessary State Permits.

(B) In addition to those requirements, an aggregate operation shall comply with the following standards:

(1) For each operation conducted in an AR Overlay Zone the applicant shall provide the Planning Department with a copy of the reclamation plan that is to be submitted under the county's reclamation ordinance;

Umatilla County finds that the reclamation plan requirements must meet the standards of DOGAMI and that a copy of the reclamation plan is to be submitted to the Planning Department.

(2) Extraction and sedimentation ponds shall not be allowed within 25 feet of a public road or within 100 feet from a dwelling, unless the extraction is into an area that is above the grade of the road, then extraction may occur to the property line;

The applicant has and will continue to mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property. There is a home on the property that will be removed at a future date to allow mining of the full site. Until that time mining will not be done within 100 feet of the home. There are no other homes within 100 feet of the subject property and the requested

remonstrance process could work to ensure that any new homes sited in the 1500-foot impact area do not conflict with the proposed large significant site. Future sedimentation ponds that may be installed will be more than 25 feet from either Stafford Hansell Road or Colonel Jordan Road.

Umatilla County finds that as a condition of approval, the applicant shall provide a site plan to the Planning Department showing extraction and sedimentation ponds that are not located within 25 feet of a public road or within 100 feet from a dwelling.

- (3) Processing equipment shall not be operated within 500 feet of an existing dwelling at the time of the application of the Overlay Zone. Dwellings built after an AR Overlay Zone is applied shall not be used when computing this setback.

Umatilla County finds there is one dwelling to the southeast of the mining site that is located within 500-feet of the boundary of the subject property being about 475 feet from the boundary of the subject property. Processing equipment will be sited in such a way as to retain this 500-foot setback requirement.

Umatilla County finds as a condition of approval, the applicant shall provide a site plan demonstrating that processing equipment will be sited to retain the 500-foot setback to the existing dwelling.

- (4) All access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties and eliminate dust.

Umatilla County finds that the Rock It #2 Quarry fronts both Stafford Hansell and Colonel Jordan Roads with an existing historical access on Stafford Hansell Road. A new access point will need to be approved and constructed to Colonel Jordan Road to support the mining activity once the expansion begins. A subsequent condition of approval is imposed that the applicant obtain access permit approval from Umatilla County Public Works to Colonel Jordan Road at the time the new access is needed by the mining operation, this access point must meet the 1,320 foot spacing requirements from the interchange ramps.

31. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

Goal 1 Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Applicant Response: Umatilla County's Comprehensive Plan and development codes outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process. More specifically this request will be publicly noticed and discussed at a public hearing and will be subject to input from citizens.

County Finding: Umatilla County finds that the applicant's request will go through the public

hearing process and complies with Statewide Planning Goal 1 (Citizen Involvement).

Goal 2 Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Applicant Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This application meets those requirements for this request.

County Finding: Umatilla County finds that through this amendment process, the applicant's request complies with the County's Comprehensive Plan and Development Code and therefore complies with Statewide Planning Goal 2 (Planning).

Goal 3 Agricultural Lands: *To preserve and maintain agricultural lands.*

Applicant Response: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. The current mining operation on this property (tax lots 700 and 800) was approved as a Conditional Use in 2012 and was at that time listed in the Inventory of Significant Sites as a Small Significant Site. It has operated since that time with agricultural activities to the west, south, and southeast with no conflicts or concerns. There are at least five other aggregate sites within a five-mile radius of this site with several of them operating adjacent to lands producing crops.

In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, can be determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed. Here, approval of the proposal allows both the objectives of Goal 3 and Goal 5 to be realized.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 3 (Agricultural Lands) as demonstrated throughout this document.

Goal 4 Forest Lands: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Applicant Response: There are no forest lands impacted by this request. The Umatilla National

Forest is significantly south of the subject property.

County Finding: Umatilla County finds that Statewide Planning Goal 4 (Forest Lands) does not directly apply to the applicant's request.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Applicant Response: The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped.

This application for a Comprehensive Plan amendment to protect an aggregate resource has been reviewed under Oregon Administrative Rule 660-023-0180, the process required under Goal 5.

County Finding: Umatilla County finds that the applicant's request is to apply Goal 5 protection to the site, the request has been reviewed under the necessary Goal 5 process and appears to be consistent with Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources).

Goal 6 Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Applicant Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The request to protect the subject property under Goal 5 and to allow mining, based on the analysis above can and will be compliant with Goal 6. The objective of this process is to protect an aggregate resource. Required measures protecting water are required under Oregon law and will be implemented during mining, processing, and stockpiling of aggregate material. Any mining or processing of aggregate material will be required to meet Oregon Department of Environmental Quality requirements for air quality through the imposition of air quality standards with some activities having to obtain an Air Contaminate Discharge Permit. The use of mining and processing techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention can achieve compliance with both clean air and water standards.

Noise is defined as unwanted sound. The location of this site adjacent to Interstate 84 would provide significant mitigation based on the noise generated by the Interstate and provide protection from noise that may be generated.

County Finding: Umatilla County finds that the applicant’s request addresses air, water and land resource quality and will obtain necessary permits and implement best practices to be consistent with Statewide Planning Goal 6 (Air, Water and Land Resource Quality).

Goal 7 Areas Subject to Natural Hazards and Disasters: *To protect people and property from natural hazards.*

Applicant Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property.

County Finding: Umatilla County finds that Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters) does not directly apply to this request.

Goal 8 Recreation Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Applicant Response: No recreation components are included in this application.

County Finding: Umatilla County finds that the applicant’s request appears to be consistent with Statewide Planning Goal 8 (Recreation Needs) and Goal 8 does not directly apply to this request.

Goal 9 Economy: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

Applicant Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County has a comprehensive plan and technical report that has been acknowledged to comply with Goal 9. While the approval of an aggregate site does not, in and of itself, provide significant economic benefit, the aggregate industry can provide an economic benefit to a region. Aggregate is a necessary component that is essential for residents, businesses, and recreation and tourism activities in this region.

County Finding: Umatilla County finds that the applicant’s request appears to be consistent with Statewide Planning Goal 9 (Economy).

Goal 10 Housing: *To provide for the housing needs of citizens of the state.*

Applicant Response: Housing is not a consideration of this application. However, the approval of this site would allow for aggregate to be available for use in the housing and commercial construction business.

County Finding: Umatilla County finds housing is not a direct consideration of this request,

however, the requested activities will allow for aggregate to be available for use in the housing and commercial construction business.

Goal 11 Public Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Applicant Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. The approval of this request would support the local economy that provides for the employment of residents, delivery of goods, and allows for recreation and tourism in the region.

County Finding: Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 11 (Public Services).

Goal 12 Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Applicant Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This rock could be used for transportation projects in and around the greater Hermiston area.

County Finding: Umatilla County finds as part of this application approval process, the applicant will be required to ~~relocate~~ construct a new access points ~~to~~ that complies with the adopted Umatilla County / ODOT Westland Road / I-84 / I-82 Interchange Area Transportation Plan, at the time the new access point is necessary. ~~This relocation will make the access point compliant with spacing standards to Interstate 84 and support Goal 12.~~ Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 12 (Transportation), as the mined rock could support future transportation projects in the area.

Goal 13 Energy: *To conserve energy.*

Applicant Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Approval of this request provides opportunities for energy efficiency and convenience for residents, the movement of farm goods, and for access to recreation and tourism opportunities by providing improved and safe highways. It also recognizes the energy savings of having aggregate sites throughout a region in support of residential, commercial, and industrial development.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 13 (Energy).

Goal 14 Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Applicant Response: Goal 14 prohibits urban uses on rural lands. Goal 14 is not specifically applicable to this action.

County Finding: Umatilla County finds that Statewide Planning Goal 14 (Urbanization) is not specifically applicable to this request.

32. DECISION:

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE AYLETT REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY TO THE ROCK-IT #2 SITE IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.

Precedent Conditions: The following precedent conditions must be fulfilled prior to final approval of this request:

1. The County Planning Department will prepare an Ordinance to amend the County Comprehensive Plan to add this aggregate site known as the Rock-It #2 Quarry to the County's Inventory of Significant Sites as a Large Significant Site. After approval by the Board of Commissioners, the County will submit the Notice of Adoption to DLCD.
2. Pay notice costs as invoiced by the County Planning Department.

Subsequent Conditions: The following subsequent conditions must be fulfilled following final approval of this request:

1. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
- ~~2. Obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road.~~

- ~~3. Improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.~~
- ~~4. Discontinue the site access from Stafford Hansell Road to comply with the Westland Road / I-84 IAMP access requirements.~~
5. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling.
6. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
7. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
8. If cultural artifacts are observed during ground-disturbing work, that work must cease in the development area until the find is assessed by qualified cultural resource personnel from the State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Once qualified cultural resource personnel from SHPO and CTUIR are satisfied, the ground-disturbing work may continue.
9. Contour and revegetate the quarry for agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
10. Any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.
11. Obtain a County Road Access Permit from Colonel Jordan Road that meets the 1,320 foot spacing requirement from the interchange, once the second access is requested by the mining operation.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated _____ day of _____, 2022

George M. Murdock, *Commissioner*

John M. Shafer, *Commissioner*

Daniel L. Dorran, *Commissioner*

Proposed Umatilla County Comprehensive Plan Text Amendment

ROCK IT #2 QUARRY
Comprehensive Plan Map Amendment #P-133-22
Comprehensive Plan Text Amendment T-088-22
Zoning Map Amendment #Z-320-22
Township 4N, Range 27E, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500
AND
Township 4N, Range 27E, Section 25, Tax Lot 900

This proposed amendment to the Umatilla County Comprehensive Plan is to expand the existing Rock It #2 quarry and add the entire Rock It #2 Quarry Site (listed in the Comprehensive Plan Technical Report as a small site) to the list of Goal 5 protected, significant resource aggregate sites. The following proposed changes will be made in Chapter 8, Open Space, Scenic and Historic Areas, and Natural Resources:

Note: Proposed changes are in underlined> text.

41. Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource (see Technical Report).

41. In order to protect the aggregate resource, the County shall apply an aggregate resource overlay zone to the following existing sites:

(1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.

(2) ODOT quarry, T5N, R29E, Section 22, TL 800 (“Sharp’s Corner”)

(3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.

(4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.

(5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700

(6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).

(7) ODOT quarry, T3S, R30 1/2, Section 12, 13, TL 503.

(8) ODOT quarry, T4N, R35, TL 7303.

(9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.

(10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.

(11) ODOT quarry, T1S, R30, TL 1901.

(12) ODOT quarry, T2N, R27, TL 2700.
(13) Private, commercial pit, T4N, R27E,
Section 25, TL 900, Section 36, TL 400,
500, 600, 700, 800, 1400, 1500.

APPLICANT: WADE AYLETT

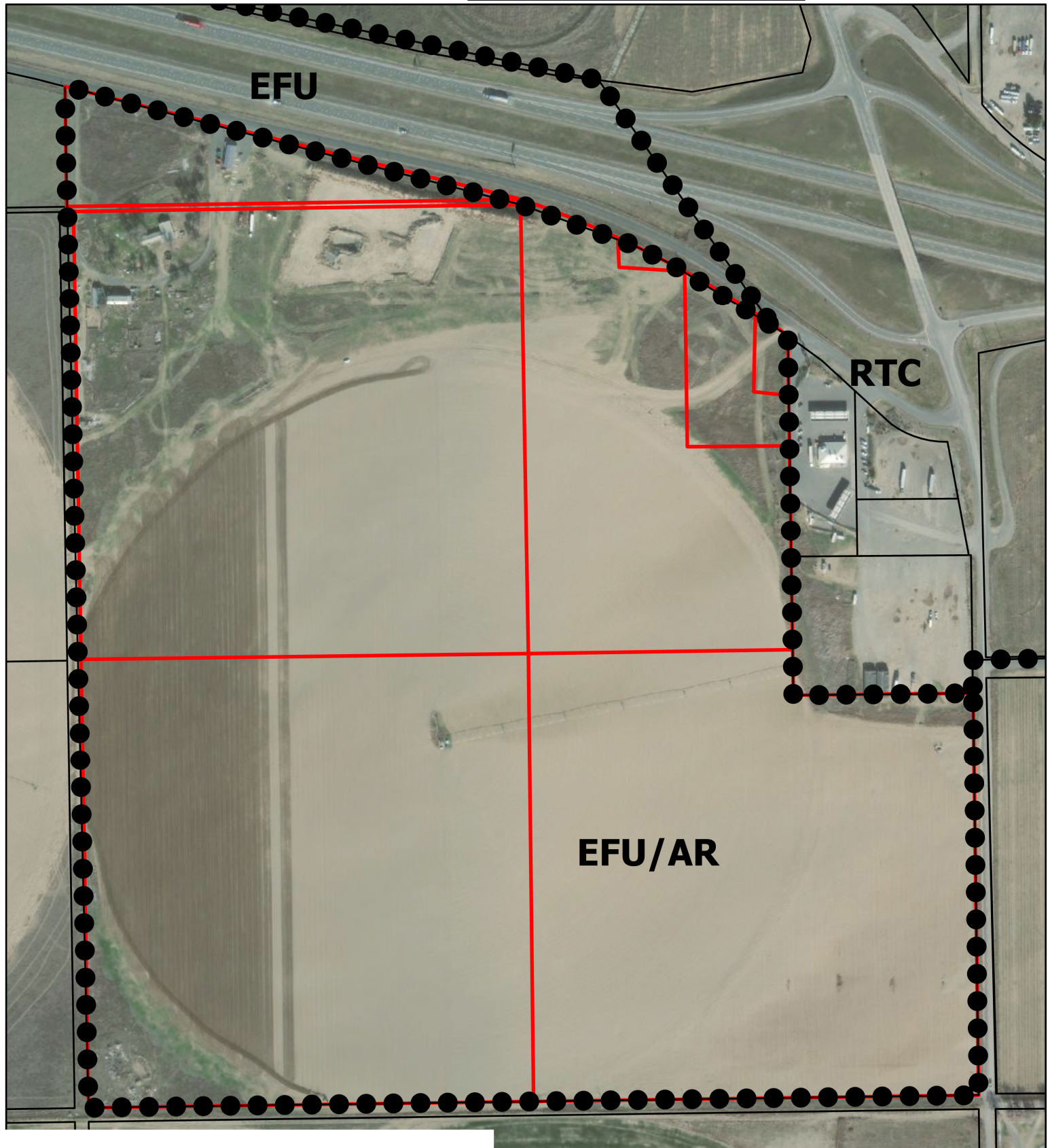
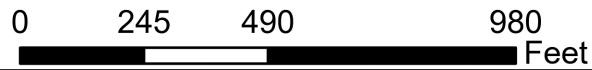
OWNER: ROCK-IT LLC

#P-133-22, Z-320-22, T-088-22

N



PROPOSED ZONING MAP



Legend

- Zoning Boundary
- Property Boundary
- ▭ Subject Parcels

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Wade Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Phone: (541) 922-8903
Fax: (541) 922-8948
Other:

Project: Rock Solid Sand and Gravel
ODOT Product Compliance Testing.

Dear Mr. Aylett,

Materials Testing & Inspection (MTI) performed product compliance testing on Aggregate samples delivered to our Ontario Laboratory July 12th, 2010. The source location was identified as Township 4N, Range 27, Section 36, Tax Lot #1500.

MTI performed testing for Durability on samples identified as:

- LA Abrasion (LA386)
- Oregon Air Degradation (Deg387)

MTI performed testing for Soundness on sample identified as:

- Sodium Sulfate Soundness (Sulfate383)

MTI performed additional testing for grading and density on samples identified as:

- Coarse Aggregate Specific Gravity (SpGr384)
- Sieve Analysis (Sieve382)

All testing was in accordance with current AASHTO standards and the Oregon Dept. of Transportation (ODOT) 2008 Oregon Standard Specifications.

MTI has determined that the material provided to us by representatives of Rock Solid Sand & Gravel has satisfied the 2008 Oregon Standard Specifications for Construction requirements by exceeding the standards outlined under section 00745, 02630, 02640, and 02690.

The attached laboratory reports dated August 15th, 2010 illustrate the result of each test and the minimum and/or maximum requirements as derived from each section.

If you have questions or need to discuss the provided test results, please call us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION, INC.

Reviewed By: Charles D. Walker
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed an LA Abrasion on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100386						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C535:		AASHTO T96:	X			

Nominal Maximum Size of Aggregate	3"
Grading Designation	A
Percent Loss by Abrasion	15.8

ODOT specifications for HMA & PCC Aggregate: 30.0% Max
ODOT specifications for Shoulder & Base Aggregate: 35.0% Max

If you have any questions concerning this report (LA386-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



- Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source and Description:	Supplied By Rock Solid, Source Unknown – 3” Minus						
Date Obtained:	7/15/10						
Sample ID:	100387						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ODOT TM208	X					

Nominal Maximum Size of Aggregate	3”	ODOT Specifications
Sediment Height In Inches:	0.2	3” Max
Percent Passing .850 Sieve:	2.4	30% Max

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (*Deg387*), please call on us at: (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source and Description:	Sampled By Rock Solid - 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500							
Date Obtained:	7/15/10							
Sample ID:	100387							
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:	
Test Standard:	ODOT TM208	X						

Nominal Maximum Size of Aggregate	3"	ODOT Specifications
Sediment Height In Inches:	0.2	3" Max
Percent Passing .850 Sieve:	2.4	30% Max

ODOT Specifications noted satisfy Base/Shoulder Aggregate, PCC Aggregate, HMAC Aggregate

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (*Deg387- Revised*), please call on us at: (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



- Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3" minus						
Date Obtained:	7/15/10						
Sample ID:	100383						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C88:		AASHTO T104:	X	Sodium:	X	Magnesium:
					Fresh Prepared:	X	Previously Used:

Coarse Size Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	3/4"	510.4g		
3/4"	1/2"	675.0g	2.44%	0.66
1/2"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
Total				1.2

ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	3/4"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid - 3" minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500							
Date Obtained:	7/15/10							
Sample ID:	100383							
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:	
Test Standard:	ASTM C88:		AASHTO T104:	X	Sodium:	X	Magnesium:	
					Fresh Prepared:	X	Previously Used:	

Coarse Size Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	¾"	510.4g		
¾"	½"	675.0g	2.44%	0.66
½"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
			Total	1.2

ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	¾"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: Charles D. Walker
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown - 3" Minus						
Date Obtained:	7/15/10						
Sample ID:	100384						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100384						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



- Environmental Services
- Geotechnical Engineering
- Construction Materials Testing
- Special Inspections

Debbie Aylett
 Rock Solid Sand & Gravel
 74854 Washington Lane
 Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3” Minus						
Date Obtained:	7/15/10						
Sample ID:	100382						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X	ASTM D421/D2217
Test Standard:	ASTM C117:		AASHTO T11:	X	ASTM D1140:		ASTM D5444:
	ASTM C136:		AASHTO T27:	X	ASTM D422:		AASHTO T88:

Sieve Size	Percent Passing
3”	100
2.5”	97
2”	92
1.5”	81
1”	64
¾”	52
½”	39
¼”	33
3/8”	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
 Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
Date Obtained:	7/15/10					
Sample ID:	100382					
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X
Test Standard:	ASTM C117:		AASHTO T11:	X	ASTM D1140:	
	ASTM C136:		AASHTO T27:	X	ASTM D422:	

Sieve Size	Percent Passing
3"	100
2.5"	97
2"	92
1.5"	81
1"	64
¾"	52
½"	39
¼"	33
3/8"	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382-Revised), please call on us at (541) 889-3602.
Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager

TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Mon, Apr 11, 2022 at 4:26 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>

Cc: LAPP Thomas <Thomas.Lapp@odot.state.or.us>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hello Bob

Given that ODOT has gone to a great deal of work developing their spacing standards around overpass areas and the fact we did everything we could to meet their standards on the North side of this overpass I would defer to whatever ODOT requires in this particular area.

Tom Fellows

[Quoted text hidden]

TIA for Aggregate Project

LAPP Thomas <Thomas.Lapp@odot.oregon.gov>

Tue, Apr 12, 2022 at 10:18 AM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

Robert,

I took a look at the area and tax lots Aylett owns at the SW side of the I-84 interchange. The existing frontage road is approximately 240' from the EB exit ramp and it appears the first access to the subject properties from the frontage road is about 600' west from Colonel Jordan Rd, entering onto tax lot #400. This may cause some congestion at the intersection entering Colonel Jordan if a great deal of new commercial vehicle trips are generated using the frontage road in close proximity to the interchange.

There is plenty of space available from the EB Ramps to attain 1320' of separation from the ramps where trucks could enter a new connection to tax lot 1500 from Colonel Jordan Rd or further south opposite of Noble Rd.

In any case I believe it would be best to build a new connection at a minimum of 1320' South of the interchange ramps per the IAMP especially since this is the first opportunity to enter tax lot 1500 from the county road system.

Thanks

Thomas Lapp

District 12 Permit Specialist

1327 SE 3rd Street

Pendleton, OR 97801

Ph (541)278-3450

Fax (541)276-5767

From: Robert Waldher <robert.waldher@umatillacounty.gov>

Sent: Wednesday, April 6, 2022 3:46 PM

To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; Tom Fellows <tom.fellows@umatillacounty.gov>

5.3 LOCAL STREET NETWORK AND ACCESS MANAGEMENT PLAN

Introduction

The purpose of the development of a local street network and access management plan in the Westland Road/I-84/I-82 interchange area is to predefine the location of the local streets and driveways in relation to the two rural collector streets, Westland Road and Lamb Road.

The local street network and access management plan was developed by using the access spacing standards in the adopted 2002 Umatilla County Transportation System Plan as a guideline. Where physical constraints and/or long lot frontage existed, variances to the standards were sought to balance the need for local access versus through trip capacity.

Existing Access Spacing Standards

There are three relevant access spacing standards in developing the local street network and access management plan. The first standard is the spacing between a freeway ramp junction with a local cross street and the first full public access. The standard adopted in the 2002 Umatilla County Transportation System Plan is 1,320 foot spacing between a freeway ramp intersection with a local cross street and the first full access. This spacing standard is also consistent with the 1999 Oregon Highway Plan.

The second access spacing standard to consider in the development of the local street network and access management plan is the minimum public street to public street spacing standard. The 2002 Umatilla County Transportation System Plan requires that the minimum spacing standard between public roads on a designated rural collector arterial is 500 feet.

The third and final access spacing standard to consider is the minimum driveway spacing standard. The 2002 Umatilla County Transportation System Plan defines minimum driveway spacing on a rural collector arterial at 250 feet.

Existing Accesses on Westland Road south of I-84

Along Westland Road/Colonel Jordan Road, south of I-84 there are two public streets and three driveways within the study area. The two public streets are Stafford Hansel Road and Noble Road. Stafford Hansel Road is less than 200 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road. Noble Road is more than 2,000 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road.

The Shell Gas Station and Truck Stop and Barton Industries driveways are across from each other along Westland Road/Colonel Jordan Road and approximately 308 feet south of the I-84 Eastbound Ramp intersection. The only other driveway between Stafford Hansel Road and

Noble Road is an agricultural driveway to a field approximately 300 feet south of the Shell and Barton Industries driveways.

There are several substandard conditions along Westland Road/Colonel Jordan Road south of I-84. First, Stafford Hansel Road does not meet the minimum spacing standard between an interchange ramp and the first full access public street. The adopted Umatilla County Transportation System Plan standard is 1,320 feet, which is also consistent with the 1999 Oregon Highway Plan. Based on the 1,320 foot spacing standard, none of the driveways meet the current standard either.

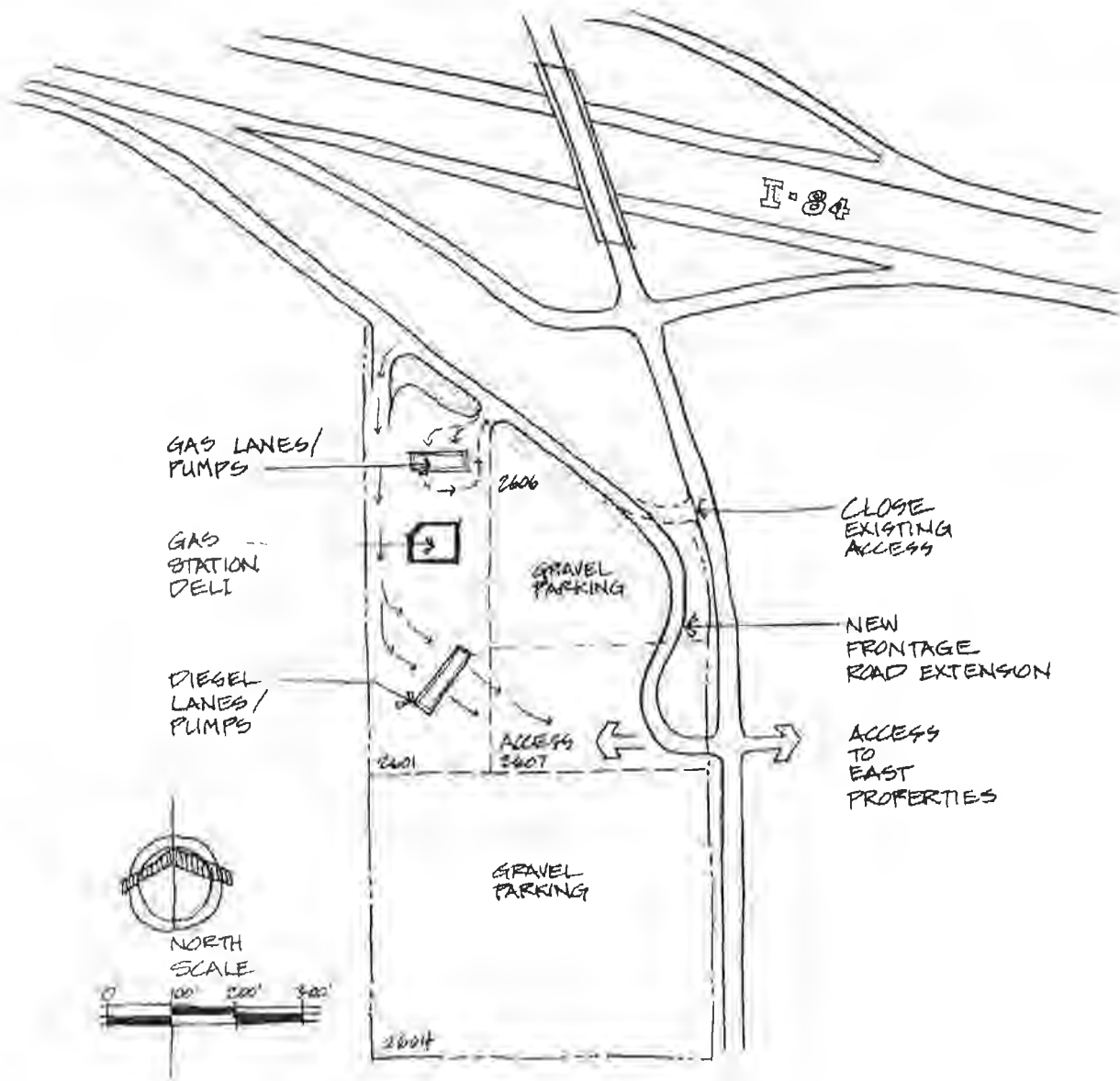
Proposed Future Accesses on Westland Road/Colonel Jordan Road South of I-84

The current 1,320 access spacing standards do not apply until the adjacent property redevelops. Redevelopment is possible only along the areas that are currently zoned commercial or industrial south of I-84. Even at the time of redevelopment, the subject parcels cannot meet the minimum 1,320 foot spacing requirement from the I-84 Eastbound Ramp intersection since the parcel length are less than 900 feet. Therefore, a variance to the standard is needed.

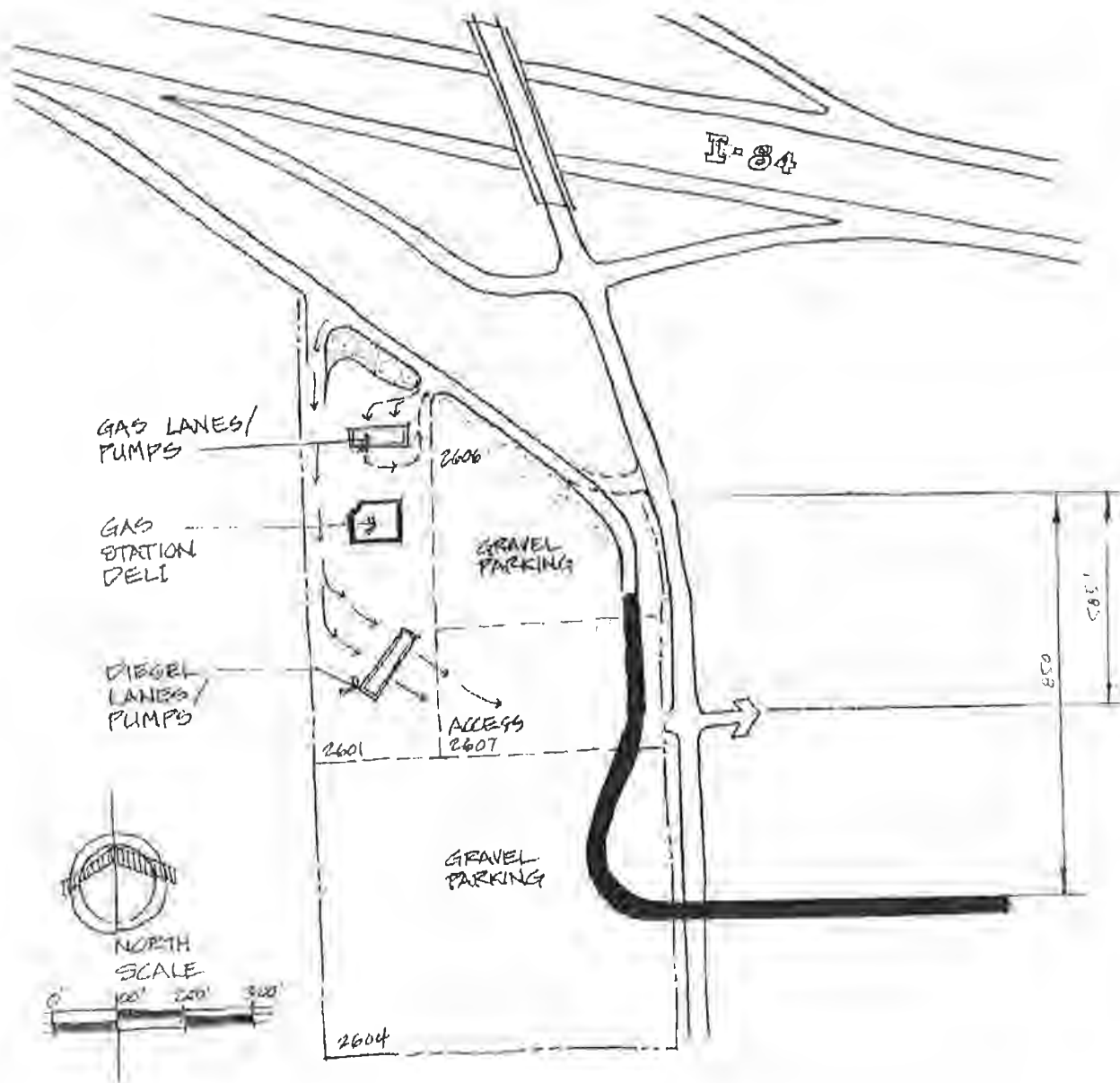
One of the purposes of this plan is to develop a future access plan that would be implemented at the time of redevelopment. By creating this plan in advance of development or redevelopment, the interchange area can be protected and any deviations to the standards pre-approved through the adoption of the local street network and access management plan of this study.

The most logical access management principal to guide the development of future access along Westland Road/Colonel Jordan Road south of I-84 is to consolidated driveways on both sides of the roadway and to make sure that driveways are across from each other. There are two alternatives that could work.

The Shell Gas Station/Truck Stop driveway is already along the southern parcel boundary and is directly across from the Barton Industries driveway. Stafford Hansel Road could be realigned by closing the existing Colonel Jordan Road/Stafford Hansel Road intersection and realigning Stafford Hansel parallel and southward along Colonel Jordan Road. This alignment would intersection at Colonel Jordan Road at the existing Shell Gas Station/Truck Stop and Barton Industries driveway. Although the spacing does not come close to the 1,320 foot spacing standard, it does significantly improve safety and the interaction between the I-84 Eastbound Ramp and Stafford Hansel Road traffic. Since the traffic volumes on Westland Road/Colonel Jordan Road south of I-84 are relatively low compared to the rest of the study area, the compromised spacing standards are not likely to generate any operational or safety problems. The figure on the next page illustrates this future access concept.



The other access option is to realign Stafford Hansel Road further south at the southern end of the Barton parcel. This would provide approximately 800 to 900 feet of separation between the I-84 Eastbound Ramps, Stafford Hansel Road, Shell Gas Station/Truck Stop access, and Barton Industries driveway. The figure below depicts this second access concept for Colonel Jordan Road south of I-84.



Existing Accesses on Westland Road North of I-84

Livestock Road is the only street or driveway that encroaches on the minimum access spacing standard from an interchange ramp. Livestock Road is less than 200 feet from the I-84 Westbound Ramp intersection with Westland Road.

The next access north of Livestock Road along Westland Road is the public street serving Freightliner. This street is approximately 1,425 feet from the I-84 Westbound Ramp intersection with Westland Road. It meets the minimum spacing requirement of 1,320 feet from the interchange ramp intersection.

TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Wed, Apr 20, 2022 at 4:15 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Bob

After looking at Tom Lapp's response and further conversation with my staff as well as County Planning I believe the best solution to this would be for Mr. Aylett to improve Center street to a gravel road standard and utilize it for the access to his operation. Center street right-of-way exists at what appears to be a 40 foot right-of-way and aligns well with Nobel road which is also a 40 foot right-of-way. On the map it appears that Mr. Aylett's property would have direct access to this new road. With this new connection it would shift business access away from the frontage road which would address ODOT's concern with the IAMP. I would also suggest that rather than using center street we simply continue Nobel road across the intersection.

Tom Fellows

----- Forwarded message -----

From: **LAPP Thomas** <Thomas.Lapp@odot.oregon.gov>

Date: Tue, Apr 12, 2022 at 10:18 AM

Subject: RE: TIA for Aggregate Project

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>


Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

3 attachments



I-84 to Colonel Jordan Rd..JPG
227K

 20220406183341.pdf
247K


 20220406183454.pdf
85K

Exhibit A



UMATILLA COUNTY ZONING PERMIT

DEPARTMENT OF LAND USE PLANNING
216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

Table with Permit No. ZP-20-142 and a list of fees: Zoning Permit Fee \$100, Code Violation Fee \$100, Design Review \$350, Floodplain Dev. Permit \$250, Replace Dwelling Verify \$75, Rural Address \$35, Towers (Cell, Met, etc.) \$200.

For information visit- www.umatillacounty.net/planning

SCANNED

Home or Cell 541-571-9200

APPLICANT'S NAME WADE AYLETT PHONE Work (541)-567-0224
MAILING ADDRESS 74854 WASHINGTON LN IRRIGON OR 97844
PROPERTY OWNER(S) ROCK IT #2 - WADE AYLETT PHONE (541)-567-0224
MAILING ADDRESS 74854 WASHINGTON LN IRRIGON OR 97844

TWP 4N RNG 27E SEC 36 ACCT # 116934/116930 Map # 4N 27 36 Tax Lot # 700 & 800

LAND USE ZONE EFU PARCEL SQ FT/ACRES 55.68 SITE ADDRESS 28508 STAFFORD HANSELL RD, HERMISTON OR 97838

REQUIRED SETBACKS (Stream Setback 100-ft) FRONT 100 ft SIDE 5' REAR 5'
Is the property in a FLOODPLAIN? No Yes
Is a Flood Development Permit required? No Yes

If the permit is for an accessory building located within the EFU/GF Zones, how will it be used? Personal Use Farm Use Applicable

ACCESS PERMIT: Has an access permit been issued from the County or ODOT? No Yes In Process Not Applicable

MANUFACTURED HOME (placement/removal) - Has the County Assessor's Office been contacted? No Yes Not Applicable

PROPOSED USE or STRUCTURES: 1) Aggregate Mining approved per CUP #C-1204-12 - Extracting & crushing 100000 tons
Briefly describe the use 2) OF Rock from mine - Scale - Scale House - Asphalt/Boston Plant - Wash Plant transfer

These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.

- Manufactured Home Placement, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the "Insignia of Compliance" if prior to 1976.
Replacement of a dwelling in a resource zone. The dwelling to be replaced MUST be removed, demolished or converted to an approved nonresidential use within one year of the date of certification of occupancy of the new dwelling. A Replacement Covenant and the Covenant Not to Sue must be recorded.
Met Towers, Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
Temporary Mobile Home/Temporary Hardship Dwelling. The home MUST be removed within 90 days from the date the hardship ends. (Contact County Planning as soon as the hardship ends.)

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

* SIGNATURE OF ALL PROPERTY OWNERS REQUIRED (additional signature pages are available upon request)

Signature of Wade Aylett 7/7/2020
Signature of Debora L Aylett 7/7/2020
WADE R AYLETT "MEMBER" - ROCK IT, LLC
DEBORA L AYLETT "MEMBER"

DATE APPROVED 07/07/2020 APPROVED BY [Signature] PERMIT NO. ZP-20-142
RELATED LUD, CUP and/or VARIANCE NO. C-1204-12 (also see ZP-16-034 - not attached upon)
EXTENDED (AMENDED) DATE APPROVED: [Signature]
VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. Revision Date: July 15, 2019

Site Plan for ZP - 20 - 142
 (Also see ZP-10-0349-C-1204-B)

County Assessor's Office Approval Stamp
 for a Manufactured Home (if applicable)

APPROVED BY CW.

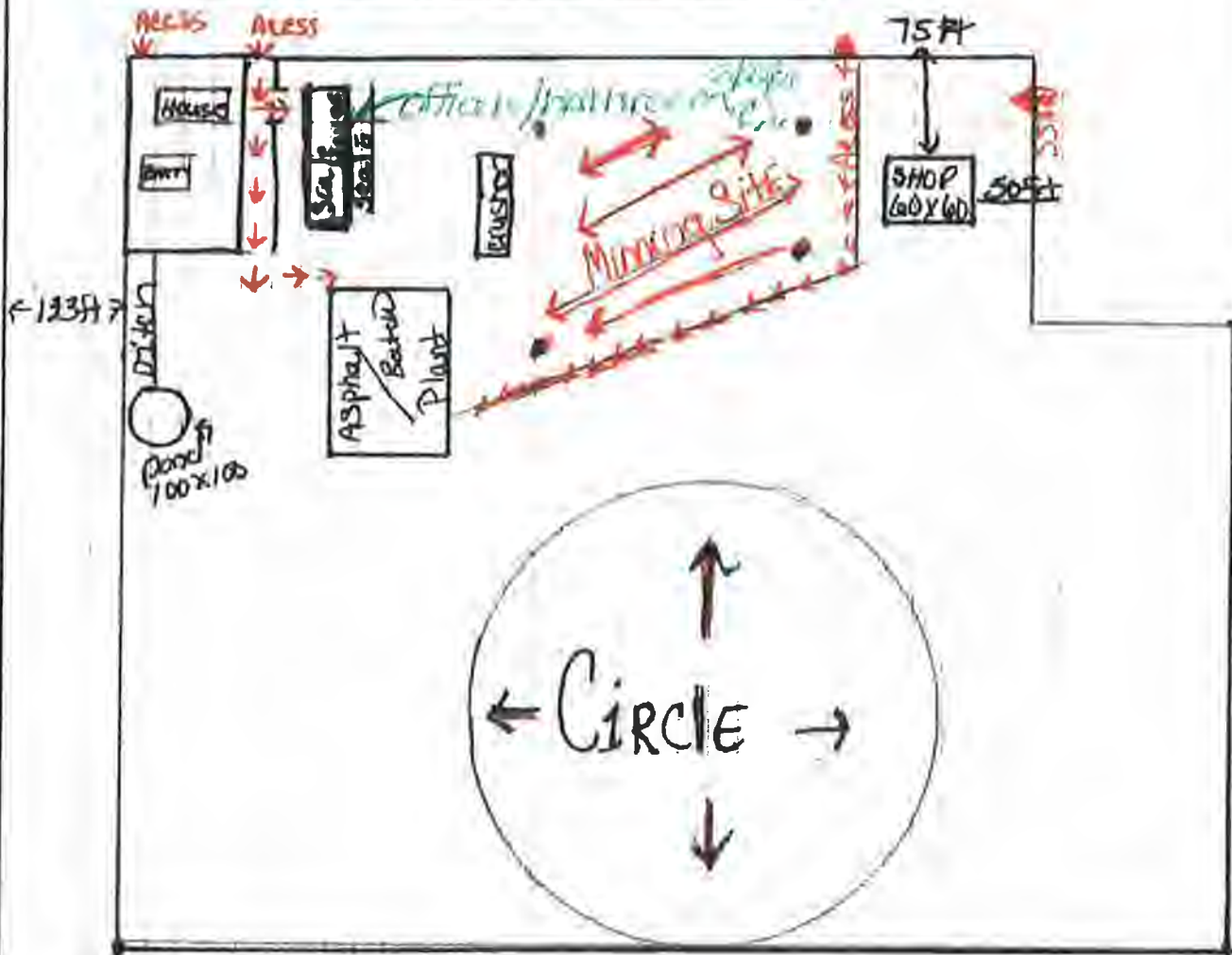
DATE 07/07/2020

Include the following features in the Site Plan - use a ruler or straight edge to draw the Site Plan:

- Site area showing property boundaries and dimensions.
- Proposed and existing structures with dimensions and the distance from all property lines
- Location of existing wells and existing septic systems (i.e. tanks, drain fields).
- Widths and names of roads adjacent to the site which provide direct access to the property.
- Existing access points (driveways, lanes, etc.)
- Easements and/or rights-of-ways
- Existing utility lines (above and below ground).
- Approximate location of any unusual topographical features.
- Location of all creeks, streams, ponds, springs and other drainage ways.



North Arrow indicates map orientation.





Umatilla County Public Health Environmental Health Division



Land Use Compatibility Statement

This form must be completed by the Umatilla County Planning Department to ensure the proposed activity is consistent with zoning and land use regulations. Please submit completed form to Umatilla County Environmental Health.

Section 1: To be completed by the applicant:

Applicant Name: Warren Ewing Demolition & Excavation LLC Telephone: _____
Mailing Address: 75540 Golf Club Rd. Email: _____
City: Hermiston State: OR Zip Code: 97138

Property Information:

Property Owner: Rock It LLC Physical Address: 29998 Stafford Hansell Rd
Township: 4N Range: 27 Section: 36 Tax Lot No: 100420 Account #: 11693 and Hermiston #11693
Map: 4N2736 Directions to property: _____

Describe the proposed use: Office with bathrooms at approved Aggregate site - CUP # C-1204-12

Section 2: To be completed by the Umatilla County Planning Official

Approval being requested (check all that apply): New construction Repair Alteration
 Replacement dwelling Bedroom addition Land use changes involving potential sewage flow increases
 Single Family Dwelling Accessory Structure Other _____

Property Zoning: EFU Location Is: Inside UGB Outside UGB

Subject to: County Jurisdiction Shared City/County Jurisdiction City Jurisdiction
 Permit Not Required PROPERTY IN FLOODPLAIN
 Permit Required Zoning Permit Design Review Conditional Use Land Use Decision
 Permit(s) Issued: _____

Print Name: CAROL JOHNSON Title: Planner
Planning Official Signature: Carol Johnson
Signature date: 03/23/2021 Telephone: 541-278-1252

THIS DOCUMENT IS VALID FOR ONE (1) YEAR FROM THE DATE SIGNED

Umatilla County Environmental Health
200 SE 3rd Street
Pendleton, OR 97801
Ph: (541)278-6394
Fax: (541)278-5433
health@umatillacounty.net

Umatilla County Planning Department
214 SE 4th Street
Pendleton, OR 97801
Phone: (541)278-6252
Fax: (541) 278-5480
planning@umatillacounty.net

Exhibit B

April 28, 2022

Suni Danforth, Chair
Umatilla County Planning Commission
216 SE 4th Street, Room 104
Pendleton, Oregon 97801

Ms. Danforth and Planning Commission Members:

I write in support of my application for the Rock It #2 aggregate site that you are considering tonight.

The developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. We have frontage on both. The primary and existing access for the existing mining operation is along Stafford Hansell Road, which is a paved County road in fair condition. It will also be a primary access for the mining operations as they move around in the area that is proximate to Stafford Hansell. While the subject property does have frontage along Colonel Jordan Road no current access exists there. Colonel Jordan Road is also a County road in good condition. At some point, we will need access to Colonel Jordan, but that is a way out - probably a year or more. I know we will need to get a county access permit for Colonel Jordan when we need an access there and I do not mind making sure that new access point on Colonel Jordan is 1320-feet from the Interchange ramps.

Currently all material leaving the site travels Stafford Hansell Road to the east and then gets on Colonel Jordan where it intersects with Stafford Hansell to either access Interstate 84 or continue north along Westland Road to a delivery point. Trips leaving the site are dependent upon current workloads and will vary based on the time of year. However, because of the way mining works, the number of trips to and from the site won't change much or at all with the expansion. We still will extract the same amount of material from a particular part of the property and when the material in that area is exhausted, we will move to another area. Workday trips now and if you approve the proposal are the same - they are minimally 10 daily trips from our office staff; if activity is happening within the mining area another 10 trips a day on average are expected now and if you approve the proposal.

When material is being moved to offsite location, for a really big job, now and if you approve the proposal material trucks could contribute up to 100 trips per day at the max. The asphalt batch plant is already approved for the site. The additional concrete batch plant being sought here might add 30 new daily trips for a very large job, but more likely on average it will add 10 or fewer daily trips on average. The asphalt batch plant will be located closer to our Colonel Jordan Rd frontage and when that plant is established, we will be asking for an access permit to Colonel Jordan. No asphalt batch plant trips will use our existing access on Stafford Hansell.

Now as under the proposal, all of our trips will still use Stafford Hansell Road. Future operations that operate along the Colonel Jordan frontage will obviously need to have access using Colonel Jordan. But that is not the case now or in the immediate future. When we need that second access point along Colonel Jordan Road, we will seek a county access permit for it and as noted I am happy to have it be 1320' from the interchange ramps. When we add that second access, it will reduce the number of operational trips to Stafford Hansell Road.

Both Stafford Hansell and Colonel Jordan roads are flat with no impairments including that there are no sight distance constraints at either the current Stafford Hansell access that we use or the future access to Colonel Jordan. There are no posted speed limits along either county road.

Please do not close my existing access to Stafford Hansell. It is critically important to my existing operations that are and will remain located there as well as the existing dwelling there that I rent out and will continue to rent out until we start mining where the dwelling is. When that happens, the dwelling will be taken out. But until then, the dwelling needs its access and regardless we will always need a Stafford Hansell access for operations that are closest to that road. Demanding that we close our long-standing Stafford Hansell access and improve Center Street and then take access more than a ½ mile away on Colonel Jordan as the county apparently wants, imposes a harsh and unfair burden on me and my business. The cost to improve Center St as the county wants could be hundreds of thousands of dollars and creates a highly inefficient and for the dwelling potentially dangerous conflicts between our large trucks and private vehicle associated with the dwelling's occupants.

The access I have on Stafford Hansell has been there for a very long time and it is my understanding that not only would it be an unconstitutional condition to require it to be closed, but that state law technically does not even require that it have an access permit. Thank you for your consideration.

Sincerely,

Wade Aylett, Owner
Rock It #2

A handwritten signature in black ink, appearing to read "Wade Aylett", written in a cursive style.

Date: Tue, Apr 12, 2022 at 10:18 AM
Subject: RE: TIA for Aggregate Project

Exhibit C

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>
Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

3 attachments



I-84 to Colonel Jordan Rd..JPG
227K

 **20220406183341.pdf**
247K

 **20220406183454.pdf**
85K

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Tom Fellows <tom.fellows@umatillacounty.gov>
Cc: Robert Waldher <robert.waldher@umatillacounty.gov>

Thu, Apr 21, 2022 at 8:12 AM

Thank you Tom for that additional information. Would you like to see the improvements to the P-1 (16-foot width) or the P-2 (22-foot width) road standard?

[Quoted text hidden]

[Quoted text hidden]

Tom Fellows <tom.fellows@umatillacounty.gov>
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thu, Apr 21, 2022 at 10:49 AM

22 feet would be fine

Tom

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Tom Fellows <tom.fellows@umatillacounty.gov>

Thu, Apr 21, 2022 at 10:49 AM

Thank you!

[Quoted text hidden]

DRAFT MINUTES

**TEXT AMENDMENT #T-088-22,
PLAN AMENDMENT #P-133-22 &
ZONE MAP AMENDMENT #Z-320-22
WADE AYLETT, APPLICANT
ROCK-IT LLC c/o WADE AYLETT, OWNER**

The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource site and apply the Aggregate Resource Overlay Zone to the entire quarry site.

AND

**UMATILLA COUNTY DEVELOPMENT CODE
TEXT AMENDMENT #T-089-22;
RANDALL & MARIE MARTIN SCOUT CAMP LLC,
APPLICANT & OWNER**

The applicant requests a Post-Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code to permit youth camps, as provided in Oregon Administrative Rule (OAR) 660-033-130(40) & OAR 660-006-0031 through issuance of a Conditional Use Permit on lands zoned Exclusive Farm Use and Grazing Farm.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
April 28, 2022**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, April 28, 2022, 6:30pm

Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Sam Tucker, John Standley, Jodi Hinsley & Emery Gentry

ABSENT: Cindy Timmons

STAFF: Bob Waldher, Planning Director; Carol Johnson, Senior Planner, Megan Davchevski, Planner/ Transit Coordinator; & Tamara Ross, Planner II/ GIS

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order at 6:32pm and read the Opening Statement.

NEW HEARING

TEXT AMENDMENT #T-088-22, PLAN AMENDMENT #P-133-22 & ZONE MAP AMENDMENT #Z-320-22; WADE AYLETT, APPLICANT, ROCK-IT LLC c/o WADE AYLETT, OWNER. The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located southeast of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 and Township 4 North, Range 27 East, Section 25, Tax Lot 900. The site is approximately 140 acres and zoned Exclusive Farm Use (EFU).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. She called for the Staff Report. Commissioner Tucker chose to abstain from voting due to the fact that he had previously been hired by the applicant.

STAFF REPORT

Megan Davchevski, Planner, presented the Staff Report. Mrs. Davchevski stated that the applicant, Rock-It LLC, requests to expand an existing quarry (Rock-It #2 Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. This site is comprised of numerous tax accounts, totaling up to approximately 140 acres. The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road and south of Stafford Hansell Road.

Mrs. Davchevski explained that the previous approval for approximately 55 acres was considered a small significant site. This proposed expansion would increase the site as a large significant site. The applicant intends to continue the activities approved in the 2012 Conditional Use Permit (CUP); expanding the mining area to excavate aggregate, batch the aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use and process the aggregate into both asphalt and concrete. She added that, both sand and gravel materials are available on this site. The criteria of approval for this request are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180(3), (5) & (7) and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Mrs. Davchevski distributed a follow-up email from County Public Works Director, Tom Fellows, regarding road improvements. She requested for the email to be added into the record as Exhibit C. Mr. Fellows requested that the applicant be required to improve the public right of way, Center Street (which should be named Noble Road for consistency) to the County Road gravel P-2 standard which is a 22 foot wide improved surface. As previously mentioned, this email was a follow-up response to Mr. Fellow's first email received April 20, 2022 which is included in the Commissioner's packets. This road improvement standard, County P-2 Road Standard, will need to be added to Subsequent Condition #3 for clarification.

Following these comments from Mr. Fellows, staff failed to edit the findings in several areas regarding the Colonel Jordan Road/ Nobles Road access. Edits were made under the Comments section on page 10, and Subsequent Condition #2. Edits to responses to OAR 660-023-040 (5)(b)(C) located on page 15 and UCDC 152.488(4) located on page 29 are needed for clarification and consistency to capture the April 20th comment provided by Tom Fellows.

Staff visited with County Legal Counsel regarding road access and Subsequent Conditions #2, #3 & #4. County Counsel stated that the requested action is an expansion of an existing use and not a new use or "redevelopment" as called out in the Interchange Area Management Plan (IAMP). Therefore, the existing access does not have to comply with the IAMP requirements. Additionally, he pointed out that requiring the existing access to be closed could become problematic because there is an existing use and access point. County Counsel stated that the proposed new access point on Colonel Jordan Road should comply with the IAMP spacing requirement of 1,320 feet, as well as County Public Works requirements.

Mrs. Davchevski explained that the Planning Commission must include in the recommendation to the Board of County Commissioners whether to keep the Conditions of Approval as presented, or modify the imposed conditions and establish new findings.

She concluded that the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of Approval. The Planning Commission is tasked with determining if the application satisfies the Criteria of Approval based

on the facts in the record. Additionally, the BCC must hold a public hearing to make a decision whether or not to adopt the proposed amendments. A public hearing before the BCC is scheduled for June 1, 2022 at 9am in Room 130 of the Umatilla County Courthouse in Pendleton, Oregon.

Mrs. Davchevski stated that the hearing packet includes the following documents for review; 1500-Foot Impact Area Map, County Preliminary Findings and Conclusions, Proposed Comprehensive Plan Text Amendment, Proposed Zoning Map Amendment, Aggregate Quantity Map, Lab Reports (MT&I 2010), ODOT Region 5 comment, Umatilla County Public Works comments (dated April 11 and April 20) and Westland Road/I-84/I-82 Interchange Area Transportation Plan pages 5-5 through 5-8.

Commissioner Wysocki asked if any of the agencies involved in the approval process have requirements for reclamation and grading. Mrs. Davchevski stated that Oregon Department of Geology and Mineral Industries (DOGAMI) will impose requirements for mining reclamation. She pointed out that reclamation is addressed in the Preliminary Findings and Conclusions on page 17 of the Commissioner's packets, under 'Applicants Response' to subsection (f) [Post mining uses], "The applicant is currently considering the installation of a photovoltaic solar energy generating facility as a post-mining use." She explained that the Planning Commission does not have authority to decide how the property will be used when aggregate mining ends, provided the use is allowed within the UCDC.

Applicant Testimony: Applicant, Wade Aylett, 74854 Washington Lane, Irrigon, Oregon 97844. Also testifying on behalf of the applicant; Carla McLane, Consultant, Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, Oregon, 97882; Wendie Kellington, Attorney, Kellington Law Group, PO Box 159, Lake Oswego, Oregon, 97034.

Ms. McLane stated that this application includes requests to; seek Goal 5 protections, apply the AR Overlay Zone, allow mining, processing and batching of asphalt and concrete, and stockpiling of aggregate materials on site. She stated that she has presented similar requests before the Planning Commission in the past, but added that this site is different because it is comprised entirely of sand and gravel aggregate and does not contain basalt rock.

Ms. McLane provided a PowerPoint presentation to the Planning Commission which started with a background explanation and history of the site. She provided a copy of approved Zoning Permit #ZP-20-142, issued by Umatilla County in July of 2020, and requested that the document be added to the hearing record as Exhibit A. The Zoning Permit finalized approval of Conditional Use Request #C-1204-12 to establish a mining operation with an extraction area, stockpile area, batch plant and weigh scale at this site. She clarified that, although it has been approved, the asphalt batch plant has not yet been developed. She directed the Planning Commissioners to a site plan provided by the applicant on page 39 of the packets. The proposed location of the asphalt batch plant is on the east side of the property, south of the truck stop, adjacent to Colonel Jordan Road. They plan for the concrete batch plant to be located on the

northeast section of the property, west of the truck stop. Ms. McLane displayed a Google Earth map and provided further explanation as to how the land is being used at this time, as well as the changes proposed by the applicant. She reiterated that existing mining operations will not change under this proposal.

Ms. McLane explained that approval of #ZP-20-142 allowed for the placement of the scale house connected to Tax Lots #700 & #800 on Assessor's Map 4N2736. However, the applicant realized that the scale house was actually established on Tax Lot #900. Therefore, the applicant requests that Tax Lot #900 be added to the significant aggregate resource site list and be approved for mining operations as well.

Ms. McLane stated that there is a large quantity of high quality material available at this site and the applicant requests to add approximately 85 acres to the county inventory of significant aggregate resource sites, making the entire 140 acre site (4N2736, Tax Lots #400, #500, #600, #1400 and #1500, with #700 & #800 being previously approved, and 4N2736, Tax Lot #900) a large significant site.

Ms. McLane explained that there is an existing dwelling on Tax Lot #800 (addressed as 28598 Stafford Hansell Road) with an access point located on Tax Lot #900 off Stafford Hansell Road. She stated that the applicant has plans to remove the home in the future, when mining operations reach that portion of the property. She added that the existing mining operations currently use the access off Stafford Hansell Road, and that will not change. She clarified that they do not require alternative access off Colonel Jordan Road at this time. In the future, if they do need a new access point off Colonel Jordan Road, they agree to meet the requested access spacing from the interchange of 1,320 feet and the new access point would only serve the new mining operations on 4N2736 Tax Lots #400, #500, #600, #1400 and #1500 and 4N2736, Tax Lot #900.

Commissioner Wysocki asked if the asphalt & concrete batch plants will produce any byproducts which need to be regulated by DOGAMI. Mr. Aylett said no, that is not an issue. However, he expressed that he has been experiencing problems with water at the site. He believes that the water issue has kept him from farming the land properly before this year. He stated that he invested \$70,000 in a well and it dried after one hour of pumping. He has placed a new water tank on site and is currently talking with a person connected with the Amazon facilities in the area and hopes to reach an agreement that allows him to store their wastewater for use in his wash plant and dust abatement activities. Mr. Aylett provided a letter dated April 28, 2022, in support of his request, to be entered into the record as Exhibit B.

Ms. McLane stated that there is an estimated 4.8 million tons of mineable sand and gravel on the subject property and only 10% of the available material has been extracted thus far. Testing of site materials for durability, soundness and specific gravity exceeds the Oregon Standard Specifications for Construction, meeting specifications required to be considered a significant aggregate resource site. Therefore, she believes that this site meets both quantity and quality

criteria to be listed as a significant aggregate resource site, per OAR 660-023-0180(3)(a). She stated that, if approved, any new residential or social gathering uses proposed within the impact area would require the person proposing such activities to be informed of the mining operation and sign a statement accepting normal mining activity at the site, waiving their ability to pursue a claim for relief based on mining activities.

Ms. McLane stated that the applicant strongly objects to the County staff requesting exactions to close the existing access to Stafford Hansell used by the existing operation and dwelling, and access the site only using Colonel Jordan Road via a 30 foot unimproved right-of-way known as Center Street. She stated that the exactions requested by County Staff to close the existing Stafford Hansell access, and to improve Center Street to get to Colonel Jordan Road, rests entirely on the IAMP and ODOT. She argued that the Staff Report acknowledges, “ODOT provided comment stating that the current access point to Colonel Jordan Road is approximately 240 feet from the I-84 eastbound exit ramp. This could cause congestion at the intersection, should new commercial vehicle trips be generated using the frontage road in close proximity to the interchange.”

Ms. McLane insisted that no new commercial trips will be added. Therefore, she believes that the IAMP and ODOT do not require these exactions as there is no essential nexus to any approval standard for the exactions. She estimated that, at worst, approximately 30 new trips will be added to retrieve product from the concrete batch plant, but those will take place at the other access point that already exists on Stafford Hansell Road. She insisted it is not enough of an increase to demand that they close an access point and require the applicant to build hundreds of thousands of dollars’ worth of new access over an otherwise totally unimproved Center Street. Additionally, she believes that those requirements would result in unsafe and vastly inefficient vehicular travel.

Ms. Kellington explained that Stafford Hansell Road is the current point of access for the existing mining operations and is a paved County Road providing access to a dwelling which has established a legal right of access. She believes it is inappropriate for County Staff to require the closure of the existing access point on Stafford Hansell Road and inappropriate that they require the applicant to build a new access point through the property to Center Street to meet Colonel Jordan Road. She believes the only condition that should be imposed by County Staff should be that when they apply for an access permit in the future, they must comply with the 1,320 foot setback requirement from the interchange.

Ms. Kellington stated that the following proposed Conditions of Approval should be rejected; requirement to obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road; requirement to improve the existing 30 foot public right-of-way, Center Street, to be named Noble Road to the gravel County Road Standard; requirement to discontinue the site access from Stafford Hansell Road.

Ms. McLane stated that the applicant requests for County Staff to amend the Staff Report to remove the findings related to the IAMP and the relocation of the access from Stafford Hansell Road to Colonel Jordan Road via Center Street (Noble Road). Additionally, they request that Staff remove Conditions of Approval 2, 3, & 4 and include a Condition of Approval to require that if the applicant requests an access to Colonel Jordan Road in the future, they must obtain a county access permit. She made clear that the applicant does not object to a condition requiring that new access off Colonel Jordan Road be required to meet a 1,320 foot setback standard, even though it does not automatically apply.

Opponent Testimony: None.

Public Agencies: Mrs. Davchevski asked that the follow-up email comment from Tom Fellows at Umatilla County Public Works, dated 04/20/22, be entered into the record as Exhibit C.

There were no additional comments from public agencies.

Chair Danforth closed the hearing for deliberation and added the following documents into the hearing record; Copy of approved Zoning Permit #ZP-20-142, issued by Umatilla County 07/07/20 as Exhibit A; Mr. Aylett's letter in support of his request dated 04/28/22 as Exhibit B; and follow-up email comment from Tom Fellows at Umatilla County Public Works, dated 04/20/22 as Exhibit C.

DELIBERATION & DECISION

Chair Danforth stated that she believes it is reasonable for the applicant to request removal of Conditions of Approval 2, 3, & 4 and include a Condition of Approval to require that if the applicant requests an access to Colonel Jordan Road in the future, they must obtain a county access permit. Commissioner Standley concurred. Commissioner Williams also agreed and stated that she is comfortable approving the request with the conditions requested by the applicant. She believes the location of this site is ideal because the activity does not affect any dwellings and it's close proximity to the interstate will allow for the applicant to easily provide materials to support new development occurring all over the county.

Commissioner Standley made a motion to recommend approval of Text Amendment #T-088-22, Plan Amendment #P-133-22 & Zone Map Amendment #Z-320-22; Wade Aylett, Applicant & Owner, striking Subsequent Conditions #2, #3 & #4 and adding a Subsequent Condition stating, "when the property owner requests a new road access from Colonel Jordan Road to serve the batch plant, a County Road Access Permit shall be obtained that meets at a minimum, the 1,320 foot spacing requirement from the interchange ramps", to the Board of County Commissioners. Commissioner Williams seconded the motion. Motion passed with a vote of 8:0.

A public hearing before the BCC is scheduled for Wednesday, June 1, 2022 at 9am, Room 130 of the Umatilla County Courthouse.

RECEIVED

JUN 01 2022

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 Comprehensive Plan and) ORDINANCE NO. 2022-06
 Adding Site to Goal 5)
 Aggregate Resources Inventory)
 for Rock-It LLC for Rock It #2)
 Quarry)

WHEREAS the Board of Commissioners has adopted a Comprehensive Plan for Umatilla County;

WHEREAS an application was received from Rock-It LLC requesting Umatilla County to expand a previously approved aggregate quarry and amend the Comprehensive Plan to add approximately 140 acre site located in Sections 25 and 36, Township 4 South, Range 27, to the Goal 5 protected significant aggregate sites, #T-320-22 and #P-133-22;

WHEREAS the Umatilla County Planning Commission held a public hearing on April 28, 2022, to review the application and the proposed amendments and recommended that the Board of Commissioners adopt the amendments to add the quarry to the Umatilla County resource inventory;

WHEREAS the Board of Commissions held a public hearing on June 1, 2022, to consider the proposed amendments, and voted for the approval of the request to add the site to the Umatilla County Rock Materials Resources Inventory.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Comprehensive Plan, adopted May 9, 1983, be further amended to add the following property to the existing aggregate site identified as the Rock It 2 Quarry to the Goal 5 Aggregate Resources/Rock Material Sources Inventory as a Significant Site, located on Umatilla County Tax Lots 4N2725-900, and 4N2736-400, -500, -600, -700, -800, -1400 and -1500, consisting of approximately 140 acres, described below, and apply the Aggregate Resource (AR) Overly Zone to the entire quarry site:

All that portion of Southwest Quarter of Southeast Quarter, Section 25, Township 4 North, Range 37, E.W.M., lying South of the southerly line of Interstate 84;


Northwest Quarter of Northeast Quarter, Southwest Quarter of Northeast Quarter, Southeast Quarter of Northeast Quarter, Section 36, Township 4 North, Range 27, E.W.M. also known as Lots 2, 3 and 4, Block 1, Plat of Meadow Valley, excepting that property conveyed by Instrument No. 1968-302491, in Book 293, Page 518, Umatilla County Records;

Northeast Quarter of Northeast Quarter, Section 36, Township 4 North, Range 27, also known as Lot 1, Block 1, Plat of Meadow Valley, lying South of the southerly line of Interstate 84; excepting East 557 feet.

All being East of Willamette Meridian, Umatilla County, Oregon.

DATED this 1st day of June, 2022.

UMATILLA COUNTY BOARD OF COMMISSIONERS



John M. Shafer, Chair



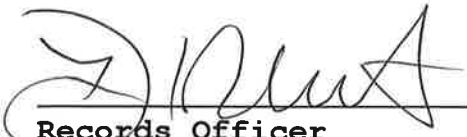
Daniel N. Dorran, Commissioner



George L. Murdock, Commissioner

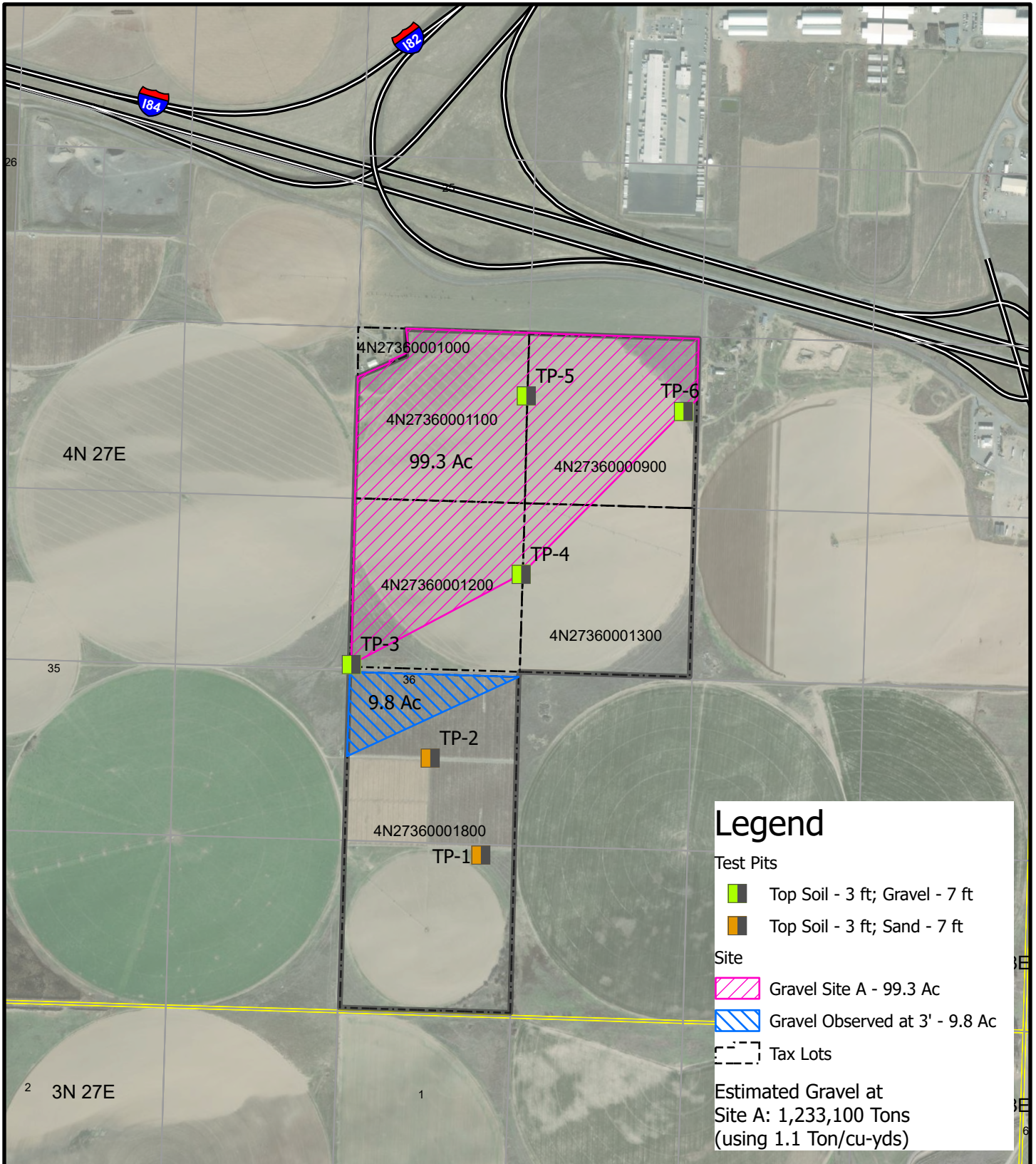


ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer





Legend

Test Pits

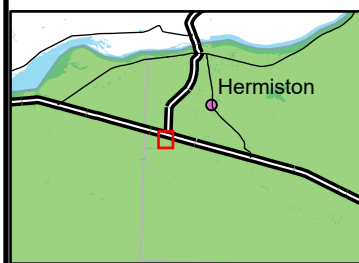
- Top Soil - 3 ft; Gravel - 7 ft
- Top Soil - 3 ft; Sand - 7 ft

Site

- Gravel Site A - 99.3 Ac
- Gravel Observed at 3' - 9.8 Ac
- Tax Lots

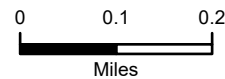
Estimated Gravel at Site A: 1,233,100 Tons (using 1.1 Ton/cu-yds)

Date Saved: 11/16/2022 1:21 PM



Projection: UTM Zone 11
 Datum: NAD 1983
 Date: 11/16/2022
 Data Sources: Aerial Photography - NAIP Imagery 2014.

This map was prepared for the purpose of identifying the location of specified subject matter and it is not intended to provide legal dimension or locations of property ownership lines.



Craig Coleman

Map of Gravel Zone
 November 2022



File Original and Duplicate with the STATE ENGINEER, SALEM, OREGON.

1584 WATER WELL REPORT CANC. MAY 13 1958 STATE OF OREGON G593

State Well No. 77/27-26 D11 State Permit No. G527

(1) OWNER: STATE ENGINEER
Name: GEORGE W. SALEM
Address: RR. 1 Box 74A LYLE MILLER
HERMISTON, OREGON

(11) WELL TESTS: Drawdown is amount water level is lowered below static level.
Was a pump test made? Yes No If yes, by whom? BEN DREVE
Yield: 1400 gal./min. with 26 ft. drawdown after 6 hrs.

(2) LOCATION OF WELL: OBSERVATION WELL
County: UMATILLA Owner's number, if any—
1/4 1/4 Section T. R. W.M.
Bearing and distance from section or subdivision corner
N14°59'30" E4957.8' FROM THE
S.W. CORNER OF SECTION 36
TOWNSHIP 4NR 27 E.W.M

Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m. Date
Temperature of water Was a chemical analysis made? Yes No

(12) WELL LOG: Diameter of well 15 inches
Depth drilled 812 ft. Depth of completed well 812 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
TOP SOIL	0	31
CEMENT GRAVEL + BOULDERS	3	54
YELLOW CLAY, GRAVEL + SAND	54	62
WHITE CLAY	62	67
YELLOW CLAY, HARD PAN, SAND + WATER	67	90
BROWN CLAY TURNING BLUE	90	135
ROCK, NOT HARD	135	152
BROWN CLAY	152	207
BASALT	207	273
HARD GREY ROCK	273	291
SOFT GREEN CLAY	291	307
BLACK ROCK	307	321
GREY ROCK + BLACK SHALE	321	366
GREEN SHALE, CAVES	366	390
BLACK ROCK WITH BROWN	390	433
GREY ROCK, VERY HARD	433	528
BROWN ROCK, SOFT	528	556
BASALT HARD	556	633
GREY HARD	633	703
BASALT	703	775
ALL CUTTINGS WASHED AWAY		
WATER LEVEL DROPPED FROM	656	112 FT
BLACK ROCK	775	812

(3) TYPE OF WORK (check):
 Deepening Reconditioning Abandon
Comment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):
 Industrial Municipal
 Test Well Other
(5) TYPE OF WELL:
Rotary Driven
Cable Jetted
Dug Bored

(6) CASING INSTALLED: Threaded Welded
15" Diam. from 0 ft. to 122 ft. Gage
10" Diam. from 357 ft. to 394 ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS: Perforated? Yes No
Type of perforator used TORCH
SIZE of perforations 1/4 in. by 6 in.
540 perforations from 87 ft. to 122 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS: Well screen installed Yes No
Manufacturer's Name
Model No.
Slot size Set from ft. to ft.
Slot size Set from ft. to ft.

(9) SEALS: Gravel packed? Yes No Size of gravel:
placed from ft. to ft.
Surface seal provided? Yes No To what depth? ft.
Material used in seal—
Did any strata contain unusable water? Yes No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:
Static Level 112 ft. below land surface Date 3-10-58
Artesian pressure lbs. per square inch Date

Log Accepted by
[Signed] G. W. Reubine (Owner) Date 1958

Work started 5/27 1957 Completed 3/10 1958

(13) PUMP:
Manufacturer's Name
Type: H.P.

Well Driller's Statement:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
NAME TROY GRIFFIN (Person, firm, or corporation) (Type or print)
Address 881 HERMISTON AVE.
Driller's well number HERMISTON ORE.
[Signed] Troy Griffin (well Driller)
License No. 65 Date 5-10 1958

(USE ADDITIONAL SHEETS IF NECESSARY)

Well in N 1/2 of NE 1/4 of section 36 T4N R27E

UMAT 1806
RECEIVED
 JAN 24 1955
 STATE ENGINEER
 SALEM, OREGON

UMAT
 1806

4N/27-36E(1)
 Umatilla

G.W. Redwine

Application No. U 736
 Permit No. U 649
 Well No. 1

REPORT ON COMPLETION OF WELL

(Note: This report should be submitted to the State Engineer, Salem, Oregon, as soon as possible after the well is completed. If more than one well is covered by this permit, a separate report shall be filed for each)

Date of Report JAN. 21, 1955

1. Location of well: SW 1/4 of NW 1/4 of Section 36 Twp. 4N Rge. 27E, W. M.
2. Name of nearest natural surface stream Umatilla River.
3. Distance from well to that stream: approx 5 Miles feet.
4. If the well is less than 1300 feet from a natural surface stream, give the difference in elevation between the ground surface at the well and the lowest point in stream channel: Approx 3 Miles feet.
5. Date of beginning drilling or digging: August 16, 1952
6. Date well was completed September 8, 1952

7. LOG OF MATERIALS ENCOUNTERED

Character of Material	Depth at which encountered	Thickness of stratum
<u>Sandy loam Top Soil</u>	<u>At surface</u>	<u>20</u> ft.
<u>Sand + Gravel</u>	<u>20</u> ft.	<u>30</u> ft.
<u>Gravel</u>	<u>30</u> ft.	<u>65</u> ft.
<u>Gray Clay</u>	<u>95</u> ft.	<u>10</u> ft.
<u>Gray Rock</u>	<u>105</u> ft.	<u>30</u> ft.
<u>Blue clay + Shale</u>	<u>125</u> ft.	<u>59</u> ft.
	ft.	ft.
	ft.	ft.
	ft.	ft.

Remarks: _____

WELL INFORMATION

8. Diameter of well 12 inches. Depth of well 194 feet.
9. Depth at which water was first encountered 55 feet.
10. Water level when completed: 55 feet below ground surface.
11. Additional information regarding well; such as soil conditions, quick sand, caves, obstructions, rock, etc.: Gravel had tendency to cake from 60' to 95' where Gray Clay was first found.

well in SW 1/4 of NW 1/4 of Section 36 R4N T27E

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services
Permit #:
Project Manager: Charles Walker
Lab Technician: Ryan Hart
Test Date: November 11, 2022

As requested Atlas has performed an LA Abrasion testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	The Sample was Collected and Delivered by the Client.							
Date Obtained:	October 31, 2022							
Sample ID:	22-5190							
Sampling and Preparation:	ASTM D75:		AASHTO T2:		ASTM D421:		AASHTO T87:	X
Test Standard:	ASTM C131:		AASHTO T96:	X				

Nominal Maximum Size of Aggregate	2"
Grading Designation	B
Loss by Abrasion (%)	14

(ODOT) Loss shall not exceed % of Wear	Base Agg 45% Concrete Agg 30% ACP 30%
--	---

If there are questions concerning this report (*O220627I-103122=L=S=AGG-LAA225190.pdf*), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS



Ryan Hart
Ontario Laboratory Manager

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
CC:

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services
Permit #:
Project Manager: Charles Walker
Lab Technician: Ryan Hart
Test Date: November 11, 2022

As requested Atlas has performed an Oregon Air Aggregate Degradation testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	The Sample was Collected and Delivered by the Client.							
Date Obtained:	October 31, 2022							
Sample ID:	22-5190							
Sampling and Preparation:	ASTM D75:		AASHTO T2:		ASTM D421:		AASHTO T87:	X
Test Standard:			ODOT TM208:	X				

Percent of Aggregate Passing No. 20 Sieve	1.9%
Sediment Height in Sand Equivalent Tube	0.4"

If there are questions concerning this report (*O220627I-103122=L=S=AGG-ORDEG225190.pdf*), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS



Ryan Hart
Ontario Laboratory Manager

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
CC:

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services
Permit #:
Project Manager: Charles Walker
Lab Technician: Ryan Hart
Test Date: November 11, 2022

As requested Atlas has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	The Sample was Collected and Delivered by the Client.							
Date Obtained:	October 31, 2022							
Sample ID:	22-5190							
Sampling and Preparation:	ASTM D75:		AASHTO T2:		ASTM D421:		AASHTO T87:	X
Test Standard:	ASTM C88:		AASHTO T104:	X				
Solution:	Sodium:	X	Magnesium:		Fresh Prepared:	X	Previously Used:	

Coarse Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
2.0"	1.5"	1927.2	1.2	0.5
1.5"	1.0"	959.2	2.5	0.8
1.0"	¾"	511.9		
¾"	½"	667.8	2.3	0.5
½"	3/8"	332.1		
3/8"	#4	300.3	4.9	0.3
ODOT Weight loss not to exceed 12%			Total Loss	2.1

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		# of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
2.5"	1.5"	1	7.7							13
1.5"	¾"	1	2.6							39

If there are questions concerning this report (O220627I=L=S=AGG-Sulfate225190.pdf), please contact the project manager at (541) 889-3602.

Respectfully submitted,

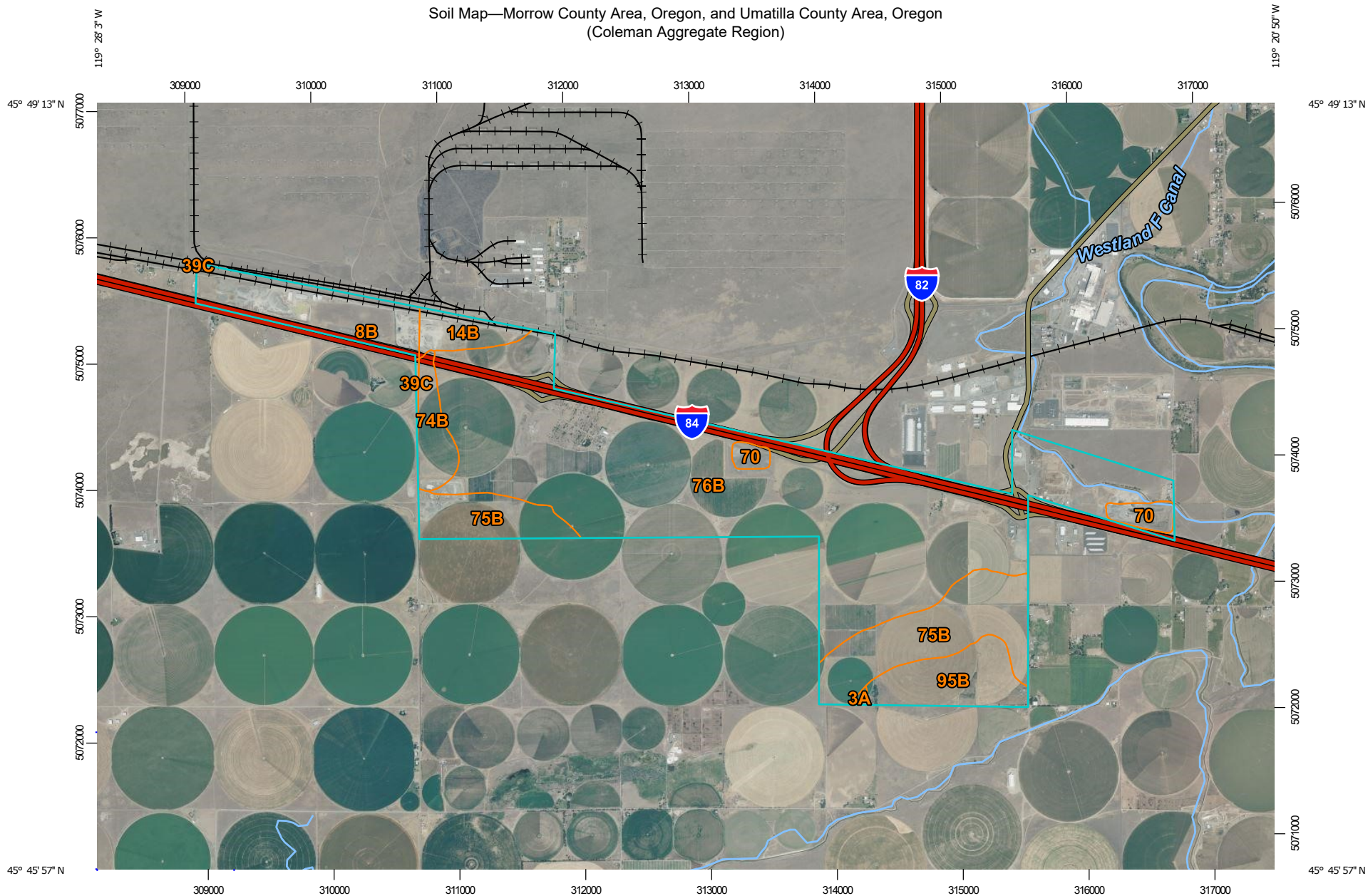
ATLAS TECHNICAL CONSULTANTS



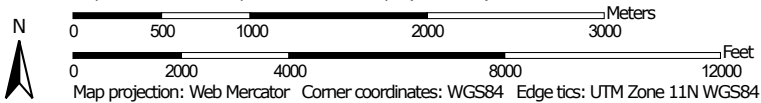
Ryan Hart
Ontario Laboratory

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
cc:

Soil Map—Morrow County Area, Oregon, and Umatilla County Area, Oregon
(Coleman Aggregate Region)




Map Scale: 1:42,700 if printed on A landscape (11" x 8.5") sheet.



Soil Map—Morrow County Area, Oregon, and Umatilla County Area, Oregon
(Coleman Aggregate Region)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils





 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at scales ranging from 1:20,000 to 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morrow County Area, Oregon
Survey Area Data: Version 9, Sep 14, 2022

Soil Survey Area: Umatilla County Area, Oregon
Survey Area Data: Version 20, Sep 14, 2022

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 3, 2020—Jun 26, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8B	Burbank loamy fine sand, 2 to 5 percent slopes	155.5	7.7%
39C	Quincy fine sand, 2 to 12 percent slopes	2.8	0.1%
Subtotals for Soil Survey Area		158.3	7.8%
Totals for Area of Interest		2,019.9	100.0%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3A	Adkins fine sandy loam, wet, 0 to 3 percent slopes	2.5	0.1%
14B	Burbank loamy fine sand, 0 to 5 percent slopes	50.6	2.5%
70	Pits, gravel	39.0	1.9%
74B	Quincy fine sand, 0 to 5 percent slopes	57.3	2.8%
75B	Quincy loamy fine sand, 0 to 5 percent slopes	299.3	14.8%
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	1,293.7	64.0%
95B	Taunton fine sandy loam, 1 to 7 percent slopes	119.3	5.9%
Subtotals for Soil Survey Area		1,861.6	92.2%
Totals for Area of Interest		2,019.9	100.0%

Subject **Fwd: Hydrant Water Usage Agreement - Port of Morrow**
From Craig Coleman <craig@ordnancebrewing.com>
To <mclane@eoni.com>
Cc Bob Coleman <bob@ordnancebrewing.com>
Date 2022-11-16 2:16 pm



POM water.

Craig Coleman
Ordnance Brewing
Girth Dog LLC
541-314-8568

Begin forwarded message:

From: Elizabeth Schultz <ElizabethS@portofmorrow.com>
Date: November 16, 2022 at 2:15:22 PM PST
To: Craig@ordnancebrewing.com
Subject: Hydrant Water Usage Agreement - Port of Morrow

Good Morning,

Thank you for your interest in hydrant water usage for your project.

Here is what you need to know:

- The rate for water will be billed at \$3.50 per 1000 gallons with a \$75 minimum monthly charge. Meters are read weekly and billed monthly.
- Port of Morrow will supply a meter and backflow assembly (RP) on a hydrant near your worksite.

Policies and procedures will be provided to you by our Water shop or Water Quality Division. If your company fails to comply with these policies, and the meter or RP are damaged, you can be billed for the replacement costs.

It is your responsibility to notify us when you no longer need water. Returning the meter to the Port of Morrow Maintenance shop is an option for notifying the Port and is appreciated.

If you accept these conditions, please respond to this email with a name, address and phone number for billing purposes.

When you know a project start date, please notify us no less than 5 days in advance to ensure your connection is prepared in a timely manner.

Listed below are our points of contact for all water related questions and concerns

Ismael Tinoco (Shop)	541-571-1684
Elizabeth Schultz (Main office)	541-371-6032
Miff Devin (Supervisor)	541-481-7467

For billing issues or concerns, please contact Kain Garcia at KainG@portofmorrow.com.

Thank you



Elizabeth Schultz
Water Quality Assistant

541.371.6032
PO Box 200 | 2 E Marine Drive | Boardman, OR 97818
ElizabethS@portofmorrow.com | www.portofmorrow.com

November 22, 2022

Project #: 28044

Robert Waldher and Megan Davchevski
Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

RE: Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment Planning Commission Response Letter

Dear Robert and Megan:

BACKGROUND

Kittelson & Associates, Inc. prepared a detailed transportation assessment to support a proposed plan amendment and zone map amendment for a new aggregate mining operation. This report titled *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment* and was submitted/dated August 5, 2022. On October 20, 2022, there was a hearing before the Umatilla County Planning Commission. During that hearing, there was public testimony that touched on several transportation-related topics. This letter is a response to that testimony.

GOAL 12

During the public testimony, a general comment was made that the August 5, 2022 *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment* failed to address Oregon's Statewide Land Use Planning Goal 12 (Transportation). Oregon Administrative Rule (OAR) 660-012 implements Goal 12. For the proposed plan and zoning map amendment, OAR 660-012-0060 (Plan and Land Use Regulation Amendments) must be addressed. Under this section of the OAR, an analysis should be prepared to assess the land use modification's potential to create a significant impact to a transportation facility.

As noted in the August 5, 2022 report, a complete transportation assessment was provided that documents the transportation impacts of the proposed Aggregate Resource Overlay zone. All relevant components of the OAR transportation planning rule are documented on page 16 of the report where it was concluded that the proposed land use amendment and subsequent development of an aggregate mining operation is not anticipated to result in a significant effect on the surrounding transportation network or require offsite transportation improvements. As such, we conclude that all relevant Goal 12 criteria were adequately documented and addressed.

WESTLAND ROAD/I-84/I-82 INTERCHANGE AREA TRANSPORTATION PLAN

During the public testimony, another comment was made that the August 5, 2022 *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment* was not in compliance with the *Westland Road/I-84/I-82 Interchange Area Transportation Plan (IAMP)*. This 2004 plan is a long-range transportation plan that identifies infrastructure improvements to the interchanges and the local transportation network that serves them. One identified improvement involves a realignment of Stafford Hansel Road such that it would intersect Colonel Jordan Road approximately 900 to 1,425 feet south of the I-84 eastbound ramp terminal. Since the proposed aggregate mining operation would not take access off Stafford Hansell Road, this potential realignment did not need to be assessed as part of the August 5, 2022 *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment*.

Please let us know if you have any questions.

Sincerely,

KITTELSON & ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Matt Hughart". The signature is written in a cursive, flowing style.

Matt Hughart, AICP
Principal Planner