Umatilla County

Department of Land Use Planning

DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

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RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: **Umatilla County Planning Commissioners**
FROM: Brandon Seitz, Assistant Planner BS
DATE: March 14, 2016

RE: **March 24, 2016, Planning Commission Hearing**
Pioneer Asphalt, Inc. – Westland Quarry Expansion
Plan Map Amendment, #P-116-16
Zone Map Amendment, #Z-307-16
Text Map Amendment, #T-16-065
Conditional Use Permit, #C-1254-16

Background Information

Pioneer Asphalt, Inc. recently submitted a Post Acknowledgement Plan Amendment (PAPA) application requesting that Umatilla County include the expansion of Westland Quarry in the Umatilla County Goal 5 inventory as a significant aggregate resource site, and protect the site by applying the Aggregate Resource (AR) Overlay Zone over the expansion area. The existing quarry site (Tax Lot 300) is 14.62 acres. Pioneer Asphalt proposes to expand the quarry to include Tax Lots 2200, 2202 and 2203 increasing the quarry by 62.96 acres. The quarry site is listed as a 1A site in the Umatilla County Comprehensive Plan Technical Report. The current aggregate extraction site is a Goal 5 significant aggregate site and is protected by the AR Overlay Zone.

Pioneer Asphalt is also requesting approval of a Conditional Use Permit (CUP) to allow an asphalt and concrete plant in the existing quarry.

Criteria of Approval

The Umatilla County Development Code (UCDC) has not been updated with the Division 23 Rules for Aggregate. The Oregon Administrative Rules (OAR) 660-023-0180 to establish a Goal 5 Large Significant Site will be directly applied per OAR 660-023-180 (9). This application constitutes a PAPA and is subject to the criteria listed in OAR 660-023-0030 through 660-023-0050, and OAR 660-023-0180.

The criteria of approval for the CUP are found in Sections 152.487-488, 152.615 and 152.617(I)(A) of the UCDC.

Conclusion

The Planning Commission may decide to amend the Comprehensive Plan to add the Westland Quarry expansion to the County's inventory of significant sites, establish an aggregate resource overlay on the expansion area and approve the CUP to allow operation of an asphalt and concrete plant.

Attachments

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

- Preliminary Findings and Conclusions
- Proposed AR Overlay Expansion Map
- Applicant Exhibits 1-5

UMATILLA COUNTY BOARD OF COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
COMPREHENSIVE PLAN MAP AMENDMENT, #P-116-16,
COMPREHENSIVE PLAN TEXT AMMENDMENT #T-16-065,
ZONING MAP AMENDMENT #Z-307-16
CONDITIONAL USE PERMIT #C-1254-16
MAP #4N 28 31, TAX LOT #300, ACCOUNT #118225
MAP #4N 28 30, TAX LOTS #2200, 2202, 2203, ACCOUNT #152309, 163028, 162576

1. APPLICANT: Terry Clarke, Pioneer Asphalt, Inc. PO Box 38 Pendleton, OR 97801.

2. OWNERS: JTJ Enterprises, LLC PO Box 38 Pendleton, OR 97801.

3. REQUEST: The applicant is proposing to amend the Umatilla County Comprehensive Plan to add Tax Lots 2200, 2202 and 2203 to the Umatilla County Goal 5 inventory as a significant aggregate resource site, and protect the site by applying the Aggregate Resource (AR) Overlay Zone over the expansion area. The current aggregate extraction site (Tax Lot 300) is a Goal 5 significant aggregate site and is protected by the Aggregate Resource Overlay Zone.

The applicant is also requesting a Conditional Use Permit (CUP) for the processing and production of asphalt and concrete materials. The Asphalt and Concrete Plants would be located on Tax Lot 300 in the existing quarry.

4. LOCATION: The property is located east of the Interstate I-84 and I-82 junction. North of NW Livestock Road.

5. SITUS: No site address is assigned to this property.

6. ACREAGE: Tax Lot 300 is 14.62 acres.
Tax Lot 2200 is 27.51 acres.
Tax Lot 2202 is 20.94 acres.
Tax Lot 2203 is 14.51 acres.

Note: The current aggregate site is located on Tax Lot 300. A Boundary Line Adjustment was completed in 2008 which increased the size of Tax Lot 300 (LD-4N-897-08). Since the adjusted portion is on a different tax map the County Assessor's office assigned a new tax lot number for the portion of Tax Lot 300 on Assessor's Map 4N 28 30 now Tax Lot 2202. These two Tax Lots cannot be sold separately and function as one parcel of land.

7. PERMITS: Multiple permits have been issued for the Tax Lots:

Tax Lot 300: LD-4N-876-07 (Boundary Line Adjustment)
LD-4N-897-08 (Boundary Line Adjustment)

Z-272 (Zone Map Amendment EFU to EFU/AR 2003)
P-075 (Comp Plan Amendment to add site to Goal 5)
C-1049-03 (CUP for Aggregate Mining)
C-1177-11 (CUP for Aggregate Mining)
ZP-72-014 (Zoning Permit for Single Family Dwelling)
ZP-12-021 (Mining/Aggregate Production)

Tax Lot 2200: 4N-876-07 (Boundary Line Adjustment)
4N-897-08 (Boundary Line Adjustment)

Tax Lot 2202: ZP-12-021 (Mining/Aggregate Production)
C-1177-11 (CUP for Aggregate Mining)

Tax Lot 2203: None

8. COMP PLAN: North/South Agriculture Region designation.

9. ZONING: Tax Lot 300 – Exclusive Farm Use (EFU, 160 acre minimum) with an Aggregate Resource (AR) Overlay Zone.
Tax Lots 2200, 2202 and 2203 – Exclusive Farm Use.

10. ACCESS: Tax Lot 300 has access from NW Livestock Road (County Road #1328).

11. ROAD TYPE: NW Livestock Road is a two-lane gravel County Road (#1328).

12. EASEMENTS: There are no access easements on these parcels. There is a 50 foot Westland Irrigation District easement for the canal.

13. LAND USE: Tax Lot 300 has an existing rock quarry.

14. ADJACENT USE: There are a variety of uses in the surrounding area. North of the parcel is land zoned EFU but is currently not in production. East of the parcel is primarily farmland with one dwelling located along Cottonwood Bend Road. South of the parcel is I-84 and two businesses located on parcels zoned Light Industrial both are truck dealership/repair businesses. West of the parcel is a livestock sales yard and various trucking related businesses.

15. LAND FORM: Columbia River Plateau

16. SOIL TYPES: High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The subject parcels contain non-high value soils.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
70: Pits, Gravel	8	-
76B: Quincy loamy fine sand, gravelly substratum, 0-5% slopes.	4e	7e
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).

17. BUILDINGS: There are no buildings on the parcels.

18. UTILITIES: The parcels are served by Umatilla Electric Coop.

19. WATER/SEWER: There are ground water rights on the property (G#49832). Clarification from OWRD states that Tax Lot 2202 has a water right not Tax Lot 300. An industrial use of less than 5,000 gallons of water a day is an exempt use.

20. FIRE SERVICE: The subject property is served by the Hermiston Rural Fire District.

21. IRRIGATION: The subject property is within the Westland Irrigation District.

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

23. NOTICES SENT: Notice sent to DLCD on February 18, 2016.

24. HEARING DATE: A public hearing is scheduled before the Umatilla County Planning Commission on March 24, 2016 at 6:30 PM at the Stafford Hansell Government Center, 915 SE Columbia Drive, Hermiston, OR 97838

A second public hearing will be held before the Board of County Commissioners on April 6, 2016 at 9:00 AM at the Umatilla County Courthouse, Room #130, 216 SE 4th Street, Pendleton, OR 97801.

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

26. COMMENTS: Comments are pending.

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).

27. GOAL 5 ISSUES: Scenic, Open Space, Historic, Wildlife, and other resources.
In order to mine aggregate in Umatilla County a site must be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to add the site to the Umatilla County inventory of significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection would include placing the AR Overlay Zone on the property. 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. The Department of Geology and Mining Industries (DOGAMI) reclamation plan (on file with DOGAMI) requires the applicant to reclaim the pit to standards set by the Natural Resources Conservation Service (NRCS) Conservation Reserve Program. As a condition of approval for operation, the applicant must acquire a DOGAMI permit.

28. APPLICANT NARRATIVE.

Background

The Comprehensive Plan Technical Report identifies an abandoned gravel pit as a "1A" site in the "NW/NE" of T4N R28E Section 31.[1] This appears to be what is now Tax Lot 301.

A Comprehensive Plan Amendment and Zone Change application in 2003 expanded the significant rock resource designation ("RMRI" – Rock and Mineral Resource Inventory) to all of the 27 acres of what was then identified as Tax Lot 3490 (now Tax Lots 300 and 301—separated by a lot line adjustment in 2008). Recent approvals for the site are listed in Table 1.

Table 1 – Previous Land Use Actions

Date	Permit Number	Action & Comment
7/7/12	ZP-12-021	Zoning Permit for mining
3/16/2011	C-1177-11	CUP for aggregate mining (Tax Lots 300 & 2202)
8/1/2008	LD-4N-897-08	Boundary Line Adjustment
8/1/2008	LD-4N-876-07	Boundary Line Adjustment
10/21/2003	Z-272 & P-075	--Comprehensive Plan Text Amendment to add Tax Lot 3490 to the Goal 5 Inventory as a "significant site"[2] --Zoning map amendment to add "AR" overlay to Tax Lot 3490
10/21/2003	C-1049-03	CUP for aggregate mining (Tax Lot 300)

1 Comprehensive Plan Technical Report, page D-176 and chart explaining the classification system, page D-2. A "1A" site is one for which there is "Available information on location, quality and quantity indicates resource site not important: not included on plan inventory...." This site appears to have been used as early as the 1960's and with construction of the freeway. For this site, the reason not to be included on the inventory appears to be that Tax Lot 301 was "mined out" for practical purposes and no longer contained usable rock resource.

2 Tax Lot 3490 was became Tax Lot 300 (14.62 Acres) and Tax Lot 301 (12.38 Acres).

Site and Operations Description

The "site", for purposes of this application, includes the following Tax Lots:

Table 2 – The Site

Tax Lot Number	Location	Area
300	T4N R30E	14.62 Acres
2200	T4N R31E	27.51 Acres
2202	T4N R31E	20.94 Acres
2203	T4N R31E	14.51 Acres
Total Area		77.58

Note: 14.6 Acres of Tax Lot 300 are already designated "RMRI" and are only part of the application for CUP for placement of the asphalt and concrete processing equipment.

Soils on the site are summarized in Table 3. Most of the site has the "Quincy loamy fine sand" on the surface. The underlying gravelly layer sits over a hard clay layer, which caps the ground water level. The various soil, rock, and clay layers vary in depths across the site, but are generally consistent with four to five feet of soil, 10 to 20 feet of sand and rock material, and a hard clay layer at 20 to 30 feet, with ground water below the clay.[3]

Table 3 – Soil Types[4]

Soil Type	Area (approx.)	Percentage	Capability Class (Dry)	Capability Class (Irrigated)
70 Pits, gravel	7.0 Acres	8.2%	8	n/a
76B Quincy loamy fine sand, gravelly substratum, 0-5% slopes	78.6 Acres	91.8%	4e	7e
Total area	85.6 Acres	100%		

The site and surrounding area is designated "Exclusive Farm Use" to the north and east; The livestock sales facility and other land in the vicinity of the Westland/I-84 overpass are designated for "Rural Tourist Commercial", "Agri-Business", and "Light Industrial" uses. Adjacent uses are as follows:

3 Westland Test Holes Map & Spreadsheet, 2015

4 Custom Soil Resource Report for Umatilla County Area, Oregon: Westland Pit (December 10, 2015).

Table 4 – Adjacent Uses within 1,500 Feet

	Land Use	Zoning
North	Farmland	EFU
East	Farmland, residence fronting Cottonwood Bend Road	EFU
South	Westland Road, I-84 freeway	Light Industrial (LI), Rural Tourist Commercial (RTC), EFU
West	Livestock auction yard with residence, farmland	Agri-Business (AB), EFU

Tax Lot 2100, to the northeast, has no water right. The land was farmed several years ago with use of water "borrowed" from an irrigation water right held by the Westland Pit property. The land is presently not farmed.

Within 1,500 feet of the site – the area that will be evaluated for potential impacts – uses are similar to those described in Table 4. Please refer to Exhibit 1, a vicinity map that shows the impact area.

There are no wetlands or water features within 1,500 feet of the site boundaries other than the Westland Irrigation District Canal. There is are two small ponds, one on Tax Lot 300 and one on Tax Lot 301. The Umatilla River lies approximately 3400 feet northeast of Tax Lot 2200.[5]

The site is within the Butter Creek-Ordnance Gravel Critical Groundwater Area. No mining operations will occur below the "hard clay layer" identified by the test pits as the "cap" for ground water level across the site. In addition, precautions will be taken to minimize potential contamination of groundwater, such as lining all settling/holding ponds on site.

The south part of the site (Tax Lot 300) has frontage and direct access to NW Livestock Road, a gravel-surfaced County road. Tax Lots 2202 and 2203 are separated from Tax Lot 2200 by the Westland A Canal. The north part of the site (Tax Lot 2203) also has frontage on NW Livestock Road, connecting at an intersection to Westland Road. Traffic is relatively light on NW Livestock Road and trucks can move freely on and off of the site.

As operations move north into Tax Lot 2200, the applicant anticipates the need for two bridges across the canal. The applicant will coordinate any future actions with the Westland Canal District to ensure there is no damage to the canal or interruption of service.

5 Comprehensive Plan Technical Report, Table D-XI (s) Significant Wetlands Inventory (page D-31); Summer Steelhead habitat in the Umatilla River (page D-71).

At peak operations during the busiest time of year, the applicant anticipates 200 truck trips daily onto either access point. Typically, truck trips would more likely be in the range of 30 to 50 per day. The applicant has spoken to Tom Fellows and no concerns were identified, however the applicant anticipates complying with any reasonable mitigating measures identified by the County's Road Master.

Mining operations currently occur on Tax Lots 300. This application proposes that mining be allowed to occur on the site Monday through Saturday, for up to 24 hours per day, as a maximum of operations through construction season (April through October) and to a lesser extent when demand is reduced during "off season". This request reflects current Oregon Department of Transportation ("ODOT") practice of working through the night on road projects, to minimize traffic conflicts. The applicant anticipates that this would not be a typical situation, but wants to ensure that there is flexibility in the approval to accommodate ODOT projects and, potentially, other road building jobs.

Approximately six persons would be employed on the site, in operations that would include mining of rock and sand, crushing of rock, and preparing asphalt and concrete materials. The rock crusher would be a portable type that could be moved around the floor of the site as necessary. The asphalt production would occur in the existing pit (Tax Lot 300) where there is access to power and NW Livestock Road. Concrete production would also occur in the existing pit area.

Dust can be a problem for mining operations and in the previous CUP application, was an ODOT concern for travel on I-84. The applicant anticipates using an "exempt well" that would allow up to 5,000 gallons of water per day to be utilized primarily as process water for washing aggregate, to minimize dust from crushing and other equipment, and secondarily as dust control around the site. For the most part, the used process water would be pumped to storage pond or ponds, holding up to approximately 750,000 to 1,000,000 gallons, that would be created on site, and used for aggregate processing and to water roads after settling. The storage pond(s) would be lined to minimize the possibility of co-mingling with groundwater.

Noise from mining operations will generally be a minimal problem because there are no noise sensitive uses in the vicinity other than a residence on Cottonwood Bend Road that is located 700 east of the existing pit. No additional operations are anticipated closer than 900 feet to the residence.

Proposal

1. Amend Umatilla County's Inventory of Significant Rock Resources to designate approximately 62.98 acres including Tax Lots 2200, 2202,[6] and 2203 as a Significant Rock Resource site.

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6 C-1177-11 and ZP-12-021 appear to authorize mining on Tax Lot 2202, however it is not on the RMRI with a significant resource designation. Tax Lot 2202 is included in this application to clarify the situation and ensure that mining can continue on that part of the site.

2. Allow mining on the area added to the Inventory through the AR Aggregate Resource Overlay Zone and protect such mining by limiting new potentially conflicting uses around the designated resource.

3. Approve a conditional use permit to allow an asphalt plant to be located on the site.

4. Approve a conditional use permit to allow concrete production on the site.

The Department of Land Conservation and Development ("DLCD") has adopted OAR 660-023, with a set of standards for determining when a resource is significant and when mining is allowed. The UCDC has not been updated and the County advises it is not consistent with current Division 23 Rules dealing with Aggregate. Therefore, OAR 660-023-0180 is directly applied to this application.[7] Accordingly, while adding sites to the Rock Materials Resources Inventory is considered an amendment to the Comprehensive Plan, state law governs how this type of plan amendment is reviewed and the standards that apply. Specifically, Oregon Administrative Rules ("OAR") 660-023-0180 entirely govern this application. It is not clear whether the County's Aggregate Resources Overlay Zone ("AR") applies in view of the direct application of OAR 660-023-0180. This application includes a request to apply the AR Overlay to the site. If for some reason the County determines that the Applicant does not meet the terms of the AR, but does meet the terms of OAR 660-023-0180, then the Applicant reserves the right to apply OAR 660-023-180 directly without also applying the AR zone.[8]

This application proposes that the entire site be designated a "Significant Resource Site" where mining and related activities should be allowed, following the procedure and standards set out in OAR 660-023. This seems the simplest approach, however the proposal also respects the Conditional Use Permit ("CUP") approvals that have been granted for mining and related processing operations on portions of the site.

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.

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7 OAR 660-023-0180(9) applies directly where, as here, local land use regulations have not been amended to conform to the current rule:

> *(9) Local governments shall amend the comprehensive plan and land use regulations to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. Until such local regulations are adopted, the procedures and requirements of this rule shall be directly applied to local government consideration of a PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided:*
>
> *(a) Such regulations were acknowledged subsequent to 1989; and*
>
> *(b) Such regulations shall be amended to conform to the requirements of this rule at the next scheduled periodic review after September 1, 1996, except as provided under OAR 660-023-0250(7).*

8 There may be some question as to whether the County's Aggregate Resources Overlay Zone ("AR") can be applied to a request for significant resource designation, since the provisions appear to predate OAR 660-023-0180.

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 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 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.

Applicant Response: The Rock Materials Resources Inventory ("RMRI") is found in the Umatilla County Comprehensive Plan Technical Report, as part of the discussion of "Mineral and Aggregate Resources." The analysis in the Technical Report focused on operating mining sites and did not attempt to locate all potential future sites where aggregate resources might be found, beyond a general description of the County's geology. The Technical Report provides a factual basis for the policies in the Comprehensive Plan, Umatilla County.

The section on "Mineral and Aggregate Resources," is summarized in the following paragraphs: Umatilla County enjoys an abundant aggregate resource. Three main types of rock material resources are found, Columbia River Basalt, stream alluvium and fluvioglacial gravels, and other rock types.

"Stream alluvium and fluvioplacial [sic] gravels" cover about 17% of the county. According to the Technical Report:

About 23 percent of the rock material sites in the county are in this alluvial and placiofluvial

[sic] materials, and six large gravel pits produced 68 percent of the gravel used in the county.[9]

The Technical Report also notes that most of the commercial aggregate in the county comes from the northwest part, in the vicinity of the cities of Hermiston and Umatilla. As the area where much of the county's growth is expected to occur, the Report notes that "additional rock from quarries will be needed" with the implicit conclusion that additional quarries will also be required.

The test reports from the existing quarry and text pits confirm that the resource in the Westland Pit is good quality material. This rock has been used in road and building construction in around Umatilla County, including school district offices in Hermiston and realignments of Westland and Powerline Roads. "Round rock" has been supplied to Pendleton Ready Mix, for the production of concrete.

The precise extent of the resource on the subject sites can only be estimated. However, the supply rock material in the proposed RMRI is approximately 2,604,000 tons, far greater than the minimum 500,000 tons of rock required by the rule. This estimate was based on test drilling to a depth of 16 to 30 feet, where the hard clay layer was encountered, as well as samples from the existing pit, excluding setback areas, and the Cut/Fill Report (Exhibit 5). The existing pit (Tax Lot 300) is already included in the County's the RMRI and there is significant rock deposit remaining on the west part of Tax Lot that has not been mined. Taken as a whole, the current and expanded RMRI area would be expected to provide high quality aggregate for approximately 25 years.

In summary, OAR 660-023-0180(3) is satisfied because:

(3)(a) A representative set of samples meets the Oregon Department of Transportation specifications for base rock for air degradation, abrasion, and soundness, and the quantity of rock available within the entire proposed RMRI expansion area exceeds 500,000 tons as shown in the geologist's report.

(3)(d)(A) Less than 35% of the area proposed for expansion of the "significant resource" designation includes Class II soils as shown in Table 1 and the Site Map (Exhibit 1).

Therefore, the 77.58 acres, including the existing portion of the site covered by CUP (Tax Lot 2202) and must be considered significant and added to the County's RMRI.

County Findings: As stated above the proposed expansion area is estimated to contain approximately 2,604,000 tons of rock that meets ODOT's standards for aggregate base. The expansion area meets the criteria for a significant aggregate site in accordance with OAR-660-023-180 (3)(a). This criterion is satisfied.

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9 Umatilla County Comprehensive Plan Technical Report, page D-168. Note: the terms "fluvioplacial" and "placiofluvial" appear to be misspellings of the terms "fluvioglacial" and "glaciofluvial", referring to materials deposited by glacier or glacier-melt resulting from the "Ice Age Floods" that affected the Inland Northwest about 10-15,000 years ago.

(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: Impact area: The maximum area to be considered for identifying impacts is measured at 1,500 feet from the boundaries of the new significant area, and the application has used this distance to determine potential impacts with one exception. No noise sensitive uses will be closer to the new RMRI area than the portion of the pit approved by the 2011 CUP. The closest residence is 700 feet distant from the site boundary and the commercial uses to the west have co-existed with the present mining operation without complaint. Mining has occurred at the Westland Pit since the 1960's and there is no reason to expect new or more severe impacts under the proposed expansion of the RMRI area or mining in the expanded area.

Part of the proposed RMRI area includes 20.94 acres that is part of the existing mining operation authorized under the 2011 CUP and will not add "new" impacts. However, adding this area to the RMRI will join it up with the rest of the operation which is on the RMRI and will afford the entire mine protection from potential future conflicting uses. While conflicts are not anticipated under existing development patterns, the proposal is to establish land use acknowledgements to be required for future uses, acknowledging that mining occurs at the subject site to be included on the RMRI and waiving rights to object to lawful mining activity.

Within 1,500 feet of the proposed RMRI, there are no schools, but there are two residences. Both residences have co-existed with operations in the Westland Pit and would not expected to be affected by new activities. Mining would occur closer to the residence on Tax Lot 2400, adjacent to the north-south portion of N.W. Livestock Road, however no crushing operations would occur. [10]

County Findings: As stated above the existing mining operation has been in operation a number of years with no conflicts. There is no factual information to indicate that there would be significant conflicts beyond the 1,500 foot impact area from the boundaries of the proposed

10 This residence most likely is considered an "accessory dwelling" to the livestock sales yard, a use now allowed by CUP in the AB Zone -- Section 152.292(A).

expansion. The 1,500 foot impact area is sufficient to include uses listed in (b) below. This criterion is satisfied.

(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: Noise: The type and intensity of activities at the Westland Pit will increase with the addition of the asphalt and concrete plant and potential impacts are discussed in this report. Primarily, however the proposed change is to add area to the RMRI and to add to the area where extraction activities may occur, as shown on the Site Map.

The noise from the extraction and conveyance activities for the RMRI at noise sensitive receptors will be well within DEQ limits. New noise producing machinery will be mining and hauling equipment, as well as equipment relating to production of asphalt and concrete, mostly located were the existing access road meets the floor area of the pit. New extraction and conveyance activity will be in the pit area, below grade, so noise will be shielded from the adjacent uses. This means noise will be minimized so that it is not significant.

In sum, noise is expected to be well within lawful limits as has been the situation with current mining operations. OAR 660-023-0180.

Dust: Potential impacts from dust are mitigated by graveling on-site roads with crushed basalt and by use of water on haul roads and around the extraction area. A sufficient supply of water can be available from an exempt well and on-site storage of process water in settling pond or ponds.

Dry land farming operations tend to generate significant – unregulated – fugitive dust; therefore dust from the proposed operations is not expected to cause adverse impacts to those nearby farming activities. In any case, the Applicant will employ "best management practices" to control dust on the proposed RMRI mining site which is expected to minimize if not eliminate any off site fugitive dust. However, on-site dust will be managed as described in this section.

County Findings: There are three dwellings located within the 1,500 foot impact area that are considered sensitive to noise, dust, or other discharges. As the existing quarry has been in operation for a number of years with no complaints or issues with the surrounding uses, it is reasonable to assume the expansion area will be similarly managed to minimize impacts to the existing uses. This criterion is satisfied.

(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: Access Road: Roads within a one mile radius of the site are either County-maintained. All existing public roadways are paved or graveled, well maintained, and have the capacity to handle heavy truck traffic. Currently, truck traffic from the mining operation uses these routes and has for many years. Truck traffic from the proposed RMRI expansion will continue to use NW Livestock Road on the south to Westland Road and, as operations expand into Tax Lots 2200 and 2203, direct access to NW Livestock Road and to an existing intersection with Westland Road. The applicant expects to comply with any reasonable mitigating measures required by the County's Road Master, including ensuring that sight distance is maintained at a new access to Westland Road.

County Findings: NW Livestock Road and Westland Road are the two roads currently used by the existing quarry operations. NW Livestock road is a two lane gravel County maintained road (#1328). Westland Road is a two lane paved County road (#1215). It is not anticipated that the continued use of the quarry into the proposed expansion would increase or create new conflicts to the transportation system within one mile of the site beyond current levels already evaluated for operations at the existing quarry.

However, as mining operations expand into Tax Lots 2200 and 2203 a new access point is anticipated. Therefore, a condition of approval is imposed that once new access is required the applicant must obtain a County access permit from the Public Works Department and comply with the all applicable standards in place at that time. In addition a condition of approval is imposed requiring the applicant to comply with the applicable standards for the proposed bridge/crossing of the Westland canal.

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

Applicant Response: Safety Conflicts: The Hermiston Airport is approximate nine miles from the site. Water will be collected in holding/settling ponds, however these open water areas are not anticipated to have any impact on the airport due to the distance. In fact, there are ponds in more natural settings that are closer to the airport.

County Findings: The closest public airport is located approximately nine miles northeast of the mining operations. Thus, no conflicts are found with public airports. This criterion is satisfied.

(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;

Applicant Response: Other Goal 5 resources: None have been identified on or in the vicinity of the existing or proposed mining areas, other than the inventoried rock site noted in the Comprehensive Plan Technical Report (page D-176) and Tax Lot 300, added to the Inventory in 2003. The proposed expansion of the RMRI will be compatible with the existing RMRI designation in the Westland Pit. It will also protect the significant investment in the existing business, supporting compatibility with the existing resource.

County Findings: No Goal 5 resource sites exist within the impact area other than the existing aggregate quarry. The existing quarry will not conflict with the proposed expansion. Thus, it is found that there are no significant conflicts between the proposed expansion area and identified Goal 5 resources. This criterion is satisfied.

(E) Conflicts with agricultural practices; and

Applicant Response: Agricultural practices: The proposed RMRI is located on land zoned EFU. Dry land farming occurs on properties to the north, east, and south. No conflicts other than dust would be anticipated to have any potential for impact on adjacent farm uses and practices. As noted, dry land farming itself tends to produce significant dust. The "best practices" utilized for control of dust at the mining operation include graveled haul roads and watering of potential dust sources. These strategies have in the past and will in the future maintain dust at a level where it is not a significant adverse impact on the dryland farming nearby (OAR 660-023-180).

The standard for evaluating impacts to agriculture is established by Oregon Revised Statutes ("ORS") 215.296. In this case, there is no possibility that mining on the area proposed to be inventoried will either "(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use." Nothing about the proposal is expected to add any cost or any change to agricultural operations, let alone cause significant impacts to the nearby farming activities. Traffic will likely proceed on NW Livestock Road directly to Westland Road to leave the area, minimally affecting transportation for nearby agricultural uses. Perhaps the best evidence of this is that the existing mining operation has coexisted with adjacent farming operations for several years, with no conflicts. The mitigation strategies explained in this narrative have historically been adequate to ensure impacts are not "significant" and so it is reasonably expected that there will be no adverse impacts to agriculture in the area.

County Findings: The land zoned EFU north of the property currently is not in crop production and is used for seasonal grazing. As there are no water rights for those land it is assumed that if farming operations were resumed it would be a dryland operation. However, the predominate farming practice in the surrounding area is irrigated farming. The potential conflicts to agricultural practices stem from the possibility of dust movement onto adjacent farm land.

As outline above the applicant will utilize "best practices" for dust control including gaveling haul roads and watering of potential dust sources. In addition the existing mining operation has been in operation for a number of years with no conflicts to the surrounding farm uses. Therefore, it is reasonable to assume that conflicts with the surrounding farming operations will not have a significant impact. However, a condition of approval is imposed requiring the applicant to provide dust control at the project site and on all haul roads (i.e. gaveling haul roads and watering potential dust sources).

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

Applicant Response: Other conflicts: No other conflicts have been identified or are required to be considered.

County Findings: 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.

Applicant Response: Measures to Minimize Conflicts; No conflicts have been identified that cannot or will not be adequately mitigated, e.g. dust and noise: Haul roads will be graveled and regularly watered; processing equipment will be watered to minimize dust and emissions; and noise will be minimized by having operations within the existing pit, below grade.

County Findings: The applicant has outlined mitigation measures to ensure all potential conflicts with existing uses in the area will be minimized. ORS 215.296 is addressed above and the proposed expansion will not have a significant impact on the surrounding farm operations. No conflicts have been identified that are not adequately mitigated. As addressed above the applicant is required to adhere to DEQ noise standards and provide dust control on haul roads and in the pit area. Thus, reasonable and practical measures have been identified that will minimize all identified conflicts. This criterion is satisfied.

(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: ESEE Required If Conflicts Cannot be Minimized: No conflict has been identified that cannot be minimized and that is not already actively managed. Adequate mitigation measures for noise and dust are established with the current mining operation and will be maintained with the expansion of rock extraction. Regardless of this provision and the conclusion that there are no conflicts that can't be minimized, an ESEE is required by OAR 660-023-0180(7) and discussed below.

County Findings: No conflicts have been identified that cannot be minimized by the mitigation measures outlined above. Therefore, 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.

Applicant Response: Approval of this application will add 62.96 acres (Tax Lots 2200, 2202 and 2203) to the County's RMRI. This makes the property eligible for mining through OAR 660-023-0180(5). No existing conflicting uses have been identified where mitigation does not reduce any potential conflicts below the level of significance, so no special development criteria are justified with one exception.

In response to complaints when people move next to resource uses, the Oregon land use system developed acknowledgement and waivers for nonfarm uses locating in agricultural areas. Frequently, mining resource uses have been the subject of objection no matter how minimal the impact or how lawful the activity. To minimize future problems, the County could require new "Potentially Conflicting Uses" that situate in the impact area (within the 1,500 foot distance area), to be required to sign an acknowledgement and waiver. While few if any new conflicting

uses are likely, this recommendation will protect both the mining operation and new users as it will be clear that lawful mining activities occur within 1,500 feet of the property and that they may not be the subject of objection, avoiding surprises for everyone including of the type that can lead to business disruption and cost. Therefore, the county should allow mining in the proposed RMRI area and could provide protection from future potentially conflicting uses with an Acknowledgement and Waiver similar to that for agricultural uses.

County Findings: Measures to minimize conflicts have been identified above and will be specified in the conditions of approval for this application. However, a condition of approval is imposed to obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion. In addition if the site were to lay inactive for a period of greater than one year, a new Zoning Permit must be obtained from the Planning Department.

(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: Post mining uses must comply with the EFU Zone, and DOGAMI Reclamation Plan requirements.

County Findings: Post mining uses must comply with the EFU Zone and DOGAMI Reclamation Plan requirements. The DOGAMI Reclamation Plan for the existing mine requires the applicant to rip the pit floor with earth-moving equipment to decompact the surface and replace a minimum of 6 inches of soil materials. Seeding will be according to NRCS recommendations and requirements.

(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: The established crushing processing operations within the existing mining site was approved by the 2011 CUP and other actions, and no reauthorization is required. The exception is that the crushing operation is proposed to move when mining activity progresses. However, relocation for the crusher does not cause any significant alteration to expected noise impacts, as operations will remain below grade, and dust will be managed successfully as it has been managed for the existing operations for many years.

The proposed asphalt batch plant and concrete processing plant will be located within the existing RMRI area. These are new facilities on the site and County CUP approvals are required, as discussed in a following section of this narrative.

County Findings: As noted above mining and processing (crushing) were approved by the 2011 CUP (C-1177-11) reauthorization is not required. However, subsequent condition 18 was imposed by CUP C-1177-11 as follows:

18. Processing (rock crushing) hours of operation will be limited to 7 AM to 7 PM.

As stated in the applicant's "site and operations description" the applicant is requesting approval of 24 hours per day operations Monday through Saturday to ensure flexibility to accommodate ODOT and potentially other road projects. The application shows that relocation of the crusher will not cause alteration to noise impacts previously evaluated. Therefore the hours of operation will not be limited and the crusher may be setup at any location within the AR overlay area. However, a condition of approval is imposed that any lighting used during night operations must be shielded to prevent glare onto adjacent properties and roads.

(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.)

County Findings: The process to determine how to protect the site from other uses/conflicts is to conduct an ESEE Analysis. OAR 660-023-0040 & 0050 are addressed below.

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;
(b) Determine the impact area;
(c) Analyze the ESEE consequences; and
(d) Develop a program to achieve Goal 5.

The items (a) through (d) will be 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:

Applicant Response: Identification of conflicting uses: Conflicting uses include existing uses and potential uses. Four zoning districts are within 1,500 feet of the site.

Table 5 - Potentially Conflicting Uses

Zoning District	Code Sections	Potentially Conflicting Uses
EFU	152.056 Permitted Uses Outright; 152.058 Zoning Permit; 152.059 Land Use Decisions; 152.060 Conditional Uses	Churches, community centers, dwellings (farm, non-farm, hardship, residential homes, room & board); private and public parks and playgrounds; golf courses; public or private schools
RTC	152.282(A) & (B) Permitted & Zoning Permit Uses; 152.283 Conditional Uses	Various commercial uses including restaurants, motel; accessory dwelling; travel trailer park
AB	152.291(A) & (B) Permitted & Zoning Permit Uses; 152.292 Conditional Uses	Accessory dwelling
LI	152.302(A) & (B) Permitted & Zoning Permit Uses; 152.303 Conditional uses	Information center; professional office building; accessory dwelling; boarding, lodging or rooming house in conjunction with industrial use; day care center; mobile home or trailer park; rest area

None of the potentially conflicting uses – with the exception of the residence on the AB-zoned site and the residence on EFU land east of the site – are presently located within the 1,500 feet of the proposed RMRI expansion and proposed mining area. However, it is possible that an office building or recreational vehicle park, or other potentially conflicting use, could locate within the analysis area, and could be affected by dust or noise. As noted, mitigating measures are planned to deal with possible potential impacts so that there should be no significant effect on any existing or future uses.

Existing uses including the industrial uses to the south and west, the livestock sales yard immediately to the west, and the service station to the southwest, have co-existed with the existing mining operation without conflict for years. There is no reason to expect that expanding the mining area will cause any disturbance. The prevailing southwest wind would carry any minimal amount of fugitive dust away from the site across unoccupied farm-land and new noise sources will for the most part occur below grade level.

County Findings: The applicant has identified the potentially conflicting use for the zones within the impact area (see table 5 above). This criterion is satisfied.

(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.)

County Findings: Based on applicable zoning various uses have been identified as having potential conflicting uses. 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)).

Applicant Response: None of these potentially conflicting uses identified in Table 5, except for the two residences, are within the RMRI Impact Area at present. Established commercial uses are agricultural or transportation-related. If new potentially conflicting uses were to locate within the Impact Area in the future, there could be conflict with the proposed RMRI mining uses if new residents or businesses were not fully informed of the mining activities on the site and did not waive rights to object to lawful mining activities. This is because mining operations produce some noise, some dust and traffic, and people sometimes just don't like them.

It is also worth noting that there is an active Goal 5 resource -- the existing mining operation that is already on the RMRI as a significant resource site -- within the Impact Area. This application adjusts the boundaries of the existing RMRI to take in the whole of the CUP approved site plus additional area – protecting the entire operation under Goal 5 and adds area around the livestock auction yard. No conflicts with the existing mining use and the proposal are likely as they are part of the same operation and the proposal is to add the acreage to the RMRI as shown on the Site Plan. This will protect the Goal 5 RMRI area and ensure a logical expansion area is designated for that existing mining operation.

County Findings: The only other existing Goal 5 protected resource in the impact area is the existing quarry. Thus, the proposed expansion does not significantly conflict with other Goal 5 resource sites. This criterion is not applicable.

(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.

Applicant Response: The impact area for an aggregate site is 1,500 feet, as specified by OAR 660-023-0180(5)(a). Zoning and adjacent uses are identified in Table 4, above, and include dry land farming on the north and east, and south and some commercial and industrial uses to the west and south. There is no reason for a differently composed Impact Area.

County Findings: The impact area will be 1,500 feet from the boundary of the proposed expansion area. The project site and impact area are shown on the map attached to this document. This criterion is satisfied.

(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.

Applicant Response: A decision to allow proposed mining in the RMRI will allow mining under the rule. The question under this standard is to identify the ESEE consequences of allowing, limiting or prohibiting conflicting uses. The focus then is on the conflicting uses and not on the proposed RMRI uses. The county has already concluded a portion of the Westland Pit is on the existing RMRI.[11] There is no reason to think that the proposed expansion to add to that RMRI poses any conflicts where it is further away from the potentially conflicting uses and the County has already determined the existing mining poses no conflicts.

Most future uses in the EFU and nearby industrial and commercial zones will be compatible with mining operations as most would be expected to be resource-related or will serve a traveling public moving through the area. There is no reason to think that there is any conflict between accepted farming practices on EFU zoned land and the proposed mining in the RMRI. The uses that might be incompatible are future dwellings, public and private schools, churches and community centers, parks and golf courses, and tourist-related commercial uses as listed in Table 5 -- Potentially Conflicting Uses if they were located within the 1,500 foot impact area. Only two dwellings, and no schools, churches, or community centers are presently located in this impact area. Regardless, Potentially Conflicting Uses are considered below. For purposes of the ESEE analysis, possible conflicting future uses identified in Table 5 if eventually allowed in the impact

11 Note that the pit on Tax Lot 301 if included on the RMRI as a 1C site and deemed "abandoned".

area will be considered in a general fashion, as impacts would be similar regardless of the specific use.

Economic Consequences

The Comprehensive Plan Technical Report anticipates economic consequences of not utilizing rock resources in proximity to the areas where such resource is needed:

> *Because sand, gravel and crushed rock are bulky and heavy, the deposits nearest to developing areas are, of necessity, the best ones. In order to remain economically viable, only a small increase in hauling costs can be tolerated. Energy costs increase dramatically for every mile that material is transported from a supply source. As a result, the energy consequences of protecting the best mineral resource sites (those close to construction areas) is entirely positive.12*

Limiting or prohibiting these Potentially Conflicting Uses in the impact area could have the following effects:

- decrease the value of adjacent properties
- decrease future County tax revenue
- benefit the mining operation as investment in mitigating conflicts would not be necessary, however measures to minimize dust, noise, and so on are already utilized

Allowing Potentially Conflicting Uses analyzed under this section would maintain property values but potentially allow these conflicting uses to be added. Like accepted farming practices, mining activities produce noise, dust and traffic. Adequate mitigation is proposed to avoid potential conflicts with the existing residence and commercial uses within the impact area. The County could utilize a "Waiver" document to protect mining operations from Potentially Conflicting Uses – acknowledging lawful resource use and waiving any right to object to lawful resource uses – if the County determines it is necessary to take steps to ensure that new Potentially Conflicting Uses proposed within the Impact Area are made aware of the existence of an RMRI Impact Area and accept the lawful impacts of such RMRI use.

To summarize: Limiting Potentially Conflicting Uses is unnecessary because the number of dwellings or industrial or commercial uses because of limitations on such uses in EFU and commercial or industrial zones and mitigating measures commonly employed in mining operations. However, where future Potentially Conflicting Uses will be issued discretionary County land use permits, such permits should be conditioned with an acknowledgement that the new use will be within the 1,500 foot RMRI Impact area and to waive objections to the lawful mining activities within the RMRI area.

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12 Comprehensive Plan Technical Report, pages D-170-171.

Social Consequences

As noted, the size of the available area, lack of access as well as the applicable zoning limits the potential for new potentially conflicting uses. These uses are unlikely to locate in the RMRI impact area and so the social consequences are likely to be insignificant. There is no reason to further limit the County's ability to approve new commercial or industrial uses, or dwellings, churches, community centers or schools, from locating in the 1,500 foot Impact Area from the standards that already exist to protect agricultural resources other than if such uses are otherwise approvable, to apply the same protection to mining that the County would apply to protect agricultural uses from such new uses.

Environmental Consequences

The Comprehensive Plan Technical Report also addresses potential environmental consequences as generally temporary: "In case of important resource sites, the positive economic and social benefits often outweigh the environmental consequences."[13]

There are unlikely to be any lasting environmental consequences from the proposed RMRI designation. If in the future, there were Potentially Conflicting Uses situated in the Impact Area, then they might be affected, although not significantly, by noise, dust, or truck traffic associated with the lawful mining use of the proposed RMRI. However, the mining activities within the RMRI are located far enough from sensitive receptors that dust and noise is expected to be minimal and mitigating measures will be utilized to minimize potential impacts. Certainly, dust, traffic and noise are expected to be no greater than currently experienced in the Impact Area from the existing mining in the existing approved Westland Pit, including within the existing RMRI. As discussed elsewhere in this narrative, the mining operation already takes effective measures to minimize the potential impacts from these factors. Therefore, few if any legitimate complaints from new conflicting uses are anticipated.

Therefore, it is most likely that there would be little impact from future Potentially Conflicting Uses given the mitigating measures are already in place and the proposal for the acknowledgement and waiver described in this application.

Energy Consequences

The Comprehensive Plan Technical Report addresses potential energy consequences, as noted in the "Economic Consequences" discussion. As a heavy and bulky material, gravel resources are most economically utilized in proximity to the supply source.

Prohibiting future Potentially Conflicting Uses in the Impact Area would have essentially no impact on energy usage, as businesses or dwellings would locate elsewhere and consume identical quantities of energy. Either allowing or limiting these uses would likewise have no negative effects on energy use. However, protecting the mining use by enables the existing operation to function efficiently and conserve energy by minimizing new trips and energy

13 Comprehensive Plan Technical Report, page D-170.

consumption that would be required if the RMRI were established in an area disconnected from the existing RMRI site and existing operations.

County Findings: There are four zones in the impact area. The uses that are considered conflicting are listed in Table 5 – Potentially Conflicting Uses (see above). The ESEE consequences are as follows:

Economic: Allowing future uses in the impact area is unlikely to cause any positive or negative economic consequences. Future uses, especially dwelling, are already limited by the underlying zoning. Allowing future uses within the impact area is not likely to cause an economic impact to the aggregate operation.

Social: Allowing future uses within the impact area is unlikely to cause any positive or negative social consequences. Allowing future uses in the impact area could cause negative social consequences if unmitigated noise occurs for the operation. However, as stated above the quarry must adhere to DEQ Noise Standards as found in OAR 340-035-0035 and all mining operations will take place below grade shielding noise sensitive uses.

Environmental: Whether future uses are prohibited, limited, or allowed within the impact area is unlikely to cause any positive or negative environmental consequences.

Energy: Whether future uses are prohibited, limited, or allowed within the impact area is unlikely to cause any positive or negative energy consequences.

(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.

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)).

Applicant Response: Identifying and resolving conflicts between a resource and other uses is the purpose of the "Goal 5" Analysis. This type of analysis was performed for sites identified in the County's RMRI and though site specific, that analysis also considers the importance of rock resources to the local economy and potential negative consequences of not protecting the resource in more general terms. The Comprehensive Plan Technical Report concludes that protecting rock material resource sites through resolution of conflicts and competing uses will help to ensure a strong economic future for the County. This justification applies to the proposed RMRI.

Allowing mining in the proposed new RMRI is strong protection of the RMRI. There is no need to restrict other uses to protect the RMRI other than the proposed acknowledgement and waiver discussed below. In this regard, the County may wish to ensure that new conflicting uses are conditioned (where conditions of approval are appropriate in the land use process) to provide an acknowledgement and waiver. Energy costs for hauling rock products increase dramatically with distance, so protecting resource lands like the subject land that is close to construction areas is positive. It is also important to enhance efficiencies like allowing expansion of existing RMRIs as opposed to establishing new ones. The Comprehensive Plan Technical Report concludes that limiting conflicting uses in and around identified resource sites is a substantial benefit to the economic, social, and energy systems of the County. Generally, limiting conflicting resources is considered to be warranted. The suggestion for the proposed acknowledgement and waiver for new Potentially Conflicting Uses is an adequate response.

For this application, the "significant resource" designation should be extended to protect this resource, with the further requirement that new Potentially Conflicting Uses approved by the County in a discretionary land use process be required to sign the acknowledgement and waiver in a form as substantially described below.

County Findings: 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 the desired extent. As noted in the ESEE analysis above, the number of conflicting uses are already limited by the underlying zoning. There are no standards to be applied to protect the mining operation more than what is typically required for development.

(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).

Applicant Response: The standard proposed in this application to protect the RMRI relates to new conflicting uses proposed on land within the county. As noted agricultural uses are deemed not to be a conflicting use and are not within the scope of this proposed condition. Only new Potentially Conflicting Uses described in this section would be subject to the condition requiring an acknowledgement and waiver.

County Findings: There are no standards to be applied to protect the mining operation more than what is typically required for development. This criterion is not applicable.

(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).

Applicant Response: No alternative regulations are needed or specified to protect the mining operation.

County Findings: There are no alternative regulations specified to protect the mining operation. This criterion is not applicable.

30. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTALISHING 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;

Applicant Response: This application requests that 62.96 acres be added to the RMRI area. This is a request to amend the Comprehensive Plan. Aggregate operations are an allowed use in the EFU zone both by statute and the county plan. Apart from impacts evaluated under the Goal 5 rule (OAR 660-023-0180) the plan provisions governing agricultural areas speak to minimization of impacts on agriculture. This application explains that impacts to agriculture are fully mitigated. Further, this request satisfies standards of OAR 660-023-0180(3), previously discussed, and therefore the RMRI should be amended accordingly, and this criterion is be satisfied.

County Findings: The proposal complies with the Comprehensive Plan, Chapter 8, and Policy 38 as follows:

> 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
>
> Policy 38 (a) is met through the Goal 5 process. It was found 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. The mining operation will adhere to DOGAMI rules for operation and reclamation of the site as required by (b). Conditions of approval will be imposed on the applicant as required by 660-023-0180 (5)(c), above, that will place operational restrictions on mining operations to mitigate conflicts. This criterion is satisfied.

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

Applicant Response: The discussion of OAR 660-023-0180(3) and the information on the quantity and quality of rock material available on the site demonstrates that this criterion is satisfied.

County Findings: The applicant's PAPA indicates that the proposed aggregate expansion area would produce approximately 2,604,000 tons of aggregate that exceeds ODOT specifications. These criteria are discussed in the findings under OAR 660-023-0180 (3) above. This criterion is satisfied.

(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;

Applicant Response: There is no residential zoning in the vicinity of this proposal. This criterion is satisfied.

County Findings: The surrounding properties are zoned EFU, RTC, AB and LI. No residential zoning is present within 1,000 feet of the proposed overlay. This criterion is satisfied.

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

Applicant Response: As previously discussed, the site and vicinity are nearly flat. A condition with the 2011 CUP requires that overburden and stockpiling only occur within the excavated areas, so mining activities primarily will occur well below the present ground surface. This criterion is satisfied.

County Findings: As discussed above and required by the 2011 CUP all overburden and stockpiling will occur in the excavated areas below grade. No additional screening is required to protect surrounding land uses. However, a condition of approval is imposed that all overburden and stockpiling must occur within the excavated areas.

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

County Findings: The standards found in (OAR) 660-023-0180 were found to be met as addressed above. This criterion is satisfied.

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.

County Findings: The Planning Department has a copy of the DOGAMI operating permit for the existing quarry. However, a condition of approval is imposed to obtain all necessary state permits for the proposed expansions area and provide a copy to the Planning Department.

(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;

County Findings: The reclamation plan requirements must meet the standards of DOGAMI and a copy of the reclamation plan shall 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;

County Findings: The existing sedimentation pond complies with this requirement. However, a condition of approval is imposed requiring any extraction and sedimentation ponds to be located 25 feet from a public road or 100 feet from a dwelling, unless the extraction is into an area that is above the grade of the 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.

County Findings: There are three dwellings in the impact area. Therefore a condition of approval is imposed requiring all processing equipment be located at least 500 feet from the existing dwellings.

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

County Findings: As previously addressed the existing quarry has approved access and haul roads are managed to minimize dust and nuisances to surrounding properties. In addition the applicant will be required to comply with the applicable County standards for access to the expansion area. This criterion is satisfied.

31. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR CONDITIONAL USE REQUEST, asphalt plants. The standards of approval contained in Sections 152.617 (I) and 152.615. Criteria are listed and underlined. Evaluation responses are provided in standard text.

Note: As outlined in Section 152.060(B)(3) "Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement as provided in § 152.617 (I) (A)". The applicants request for a CUP for portland cement and asphalt plant will be processed as a single CUP.

152.617 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS

(I) EFU AND GF ZONE CONDITIONAL USES

(A) *Asphalt plants.*

(1) Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;

Applicant Response: Access roads were discussed previously, in response to OAR 660-023-0180 requirements. In summary, access is proposed to continue to the south as at present, to NW Livestock Road. When operations expand to the north, access is proposed to be routed to the frontage on NW Livestock Road. This County road connects directly to Westland Road, and thereby minimizes potential impacts to surrounding properties.

County Findings: The asphalt/concrete plants are limited to placement on Tax Lot 300. Tax Lot 300 has approved access off of NW livestock road to the existing quarry. This access point has been previously approved for existing mining operations.

(2) Processing equipment shall not be located or operated within 500 feet from a residential dwelling;

Applicant Response: No dwelling is within 500 feet of the site, and processing equipment is proposed for the existing pit, at even greater distance from the residence on Cottonwood Bend Road.

County Findings: No dwellings are located within 500 of the site. However, a condition of approval is imposed requiring that processing equipment shall not be located or operated within 500 feet from a residential dwelling.

(3) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration;

Applicant Response: Haul roads will be constructed and maintained as previously discussed, graveled and regularly watered to minimize dust.

County Findings: As previously discussed, the existing haul roads for ingress/egress have been approved and would be maintained to reduce noise, dust and vibration.

(4) The operation complies with all applicable air, noise, and dust regulations of all county, state or federal jurisdictions; and all state and federal permits are obtained before the activity begins;

Applicant Response: The DEQ requires a variety of permits relating to air and water quality. The applicant expects to obtain and maintain all necessary permits, as has been done for current operations.

County Findings: A condition of approval is imposed to obtain all other federal and state permits necessary for development. The applicant shall provide copies of these permit approvals to the County Planning Department.

(5) New plants proposed on EFU zoned lands. Plants that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted Vineyard totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

Applicant Response: No vineyard is within two miles of the site.

County Findings: There are no vineyards located within two miles of the site.

(6) Complies with other conditions deemed necessary.

Applicant Response: The applicant expects to comply with any reasonable conditions found to be necessary through review of the application.

County Findings: No additional conditions are deemed necessary.

152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.
In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;
(B) Establishing a special yard, other open space or lot area or dimension;
(C) Limiting the height, size or location of a building or other structure;
(D) Designating the size, number, location and nature of vehicle access points;
(E) Increasing the required street dedication, roadway width or improvements within the street right of way;
(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;
(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;
(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;
(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.
(J) Designating the size, height, location and materials for a fence;
(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources;
(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter.

County Findings: As discussed previously these issues have been address in this report. Therefore no additional conditions are required.

32. DECISION: THIS 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 ON THE EXPANSION AREA MAY COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, SUJECT 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 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:

3. 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.

4. If new access is required obtain a County access permit from the Public Works Department and comply with the all applicable standards in place at that time.

5. If access is required over the existing Westland Canal comply with all applicable standards of the Westland Irrigation District for the bridge/crossing.

6. The applicant shall be required to provide dust control on the project site and on all haul roads.

7. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.

8. If the site were to lay inactive for a period of greater than one year, a new Zoning Permit must be obtained.

9. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.

10. Lighting must be shielded to prevent glare onto adjacent properties and roads.

11. All overburden and stockpiling must occur within the excavated areas.

12. Any extraction and sedimentation ponds must be located 25 feet from a public road or 100 feet from a dwelling, unless the extraction is into an area that is above the grade of the road.

13. 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.

14. Rip the pit floor with earth-moving equipment to decompact the surface and replace a minimum of 6 inches of soil materials. Seeding will be according to NRCS recommendations and requirements in accordance with the requirements of the DOGAMI application.

33. DECISION: THE PIONEER ASPHALT CONDITIONAL USE REQUEST TO ESTABLISH AN ASPHALT PLANT COMPLIES WITH THE UMATILLA COUNTY DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals and evaluation reports to the County Planning Department.

    a. Obtain all applicable permits for the asphalt plant from DOGAMI before the activity begins.

    b. Obtain all applicable permits for the asphalt plant from DEQ (air, noise, and water quality issues) before the activity begins.

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 Umatilla County:

3. Obtain a Zoning Permit from the Umatilla County Planning Department. The Zoning Permit should include an approved site plan showing existing structures, setbacks, etc.

4. Lighting used for the asphalt/concrete plants must be shielded to prevent glare onto adjacent property.

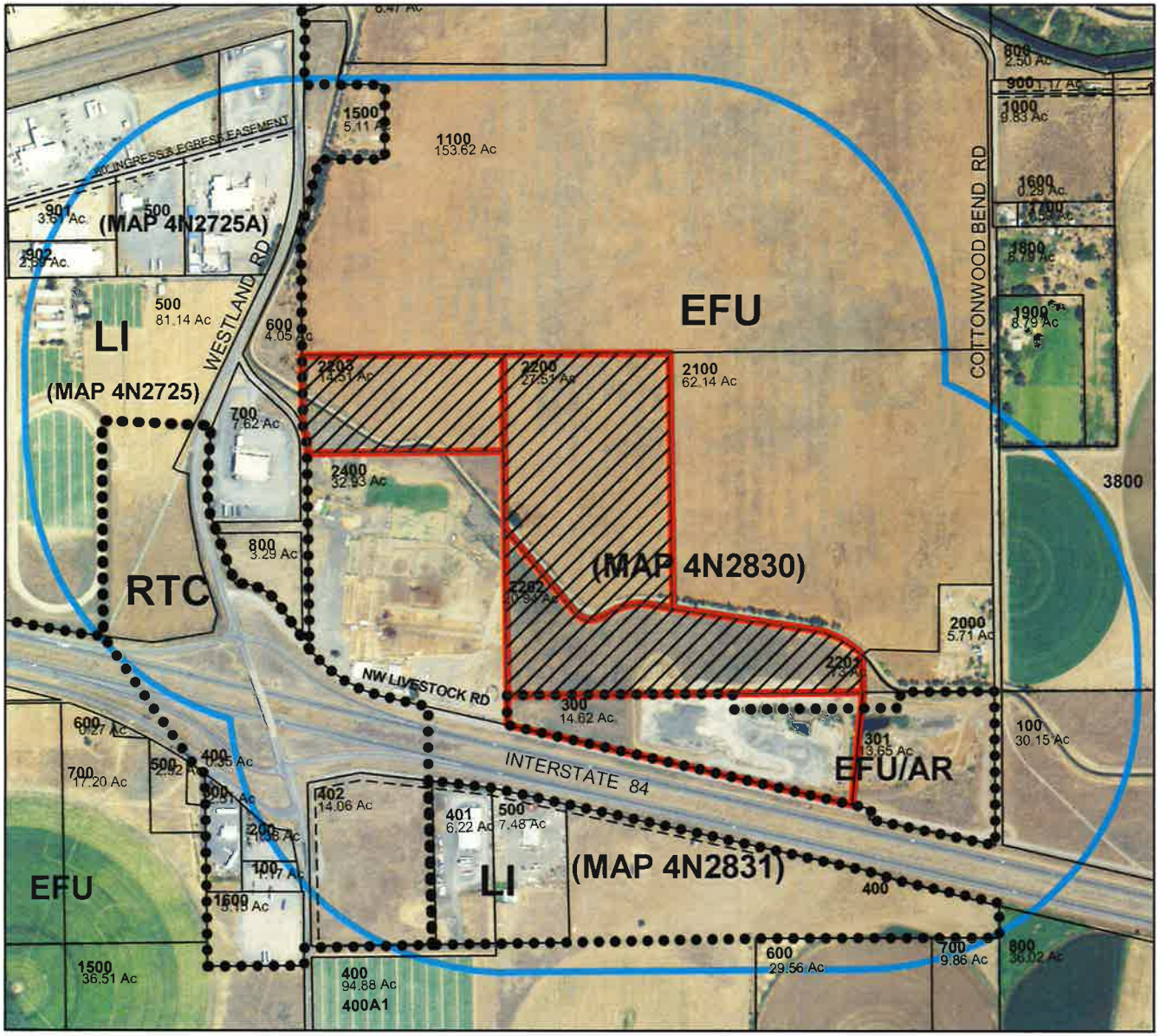
5. The applicant shall be required to provide dust control on the project site and on all haul roads.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated _____ day of _____, 2016

_____

George L. Murdock, *Chair*



CONDITIONAL USE REQUEST #C-1254-16 ON MAP 4N2831, TAX LOT 300
PLAN AMENDMENT #P-116-16, ZONE MAP AMENDMENT #Z-307-16
& TEXT AMENDMENT #T-16-065 ON MAP 4N2830, TAX LOTS 2200, 2202 & 2203

PIONEER ASPHALT, APPLICANT / JTJ ENTERPRISES LLC, OWNER

Pioneer Asphalt Parcels
Pit Expansion Parcels
1500 ft Buffer Area
Zone Boundary

PROPERTY OWNERS WITHIN 750' NOTICE AREA OF SUBJECT PARCELS

MAP & TAX LOT	OWNER
4N27250000500	PETRO STOPPING CENTERS LP TRAVELCENTERS OF AMERICA
4N27250000600	MEDELEZ TRUCKING LLC
4N27250000700	MEDELEZ TRUCKING LLC
4N27250000800	MEDELEZ TRUCKING LLC
4N2725A000500	AO OPERATIONS LLC DBA RIVERPOINT FARMS LLC
4N28300001100	LIBERATED L & E LLC
4N28300001500	HERMISTON GENERATING CO & PACIFICORP
4N28300002000	LIBERATED L & E LLC COLMENERO FRED (AGT)
4N28300002100	LIBERATED L & E LLC
4N28300002200	JTJ ENTERPRISES LLC
4N28300002201	MCDANIELS ELDON
4N28300002202	JTJ ENTERPRISES LLC
4N28300002203	JTJ ENTERPRISES LLC
4N28300002400	J & A COELHO LLC
4N28310000300	JTJ ENTERPRISES LLC
4N28310000301	MCDANIELS ELDON
4N28310000400	BARTON GEORGE H
4N28310000400A1	J R ZUKIN CORP DBA MEADOW OUTDOOR ADVERTISING
4N28310000401	GB HERMISTON LLC C/O VALLEY FREIGHTLINER INC
4N28310000402	BARTON GEORGE H
4N28310000500	BARTON RICHARD R
4N28310000600	WOOD DANIEL J & DEBORA

2014 AERIAL PHOTO

N
W E
S

0 500 1000 1500
Feet

DATE: 2/18/16

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use. Created by J. Alford, Umatilla County Planning Department 2/11/16
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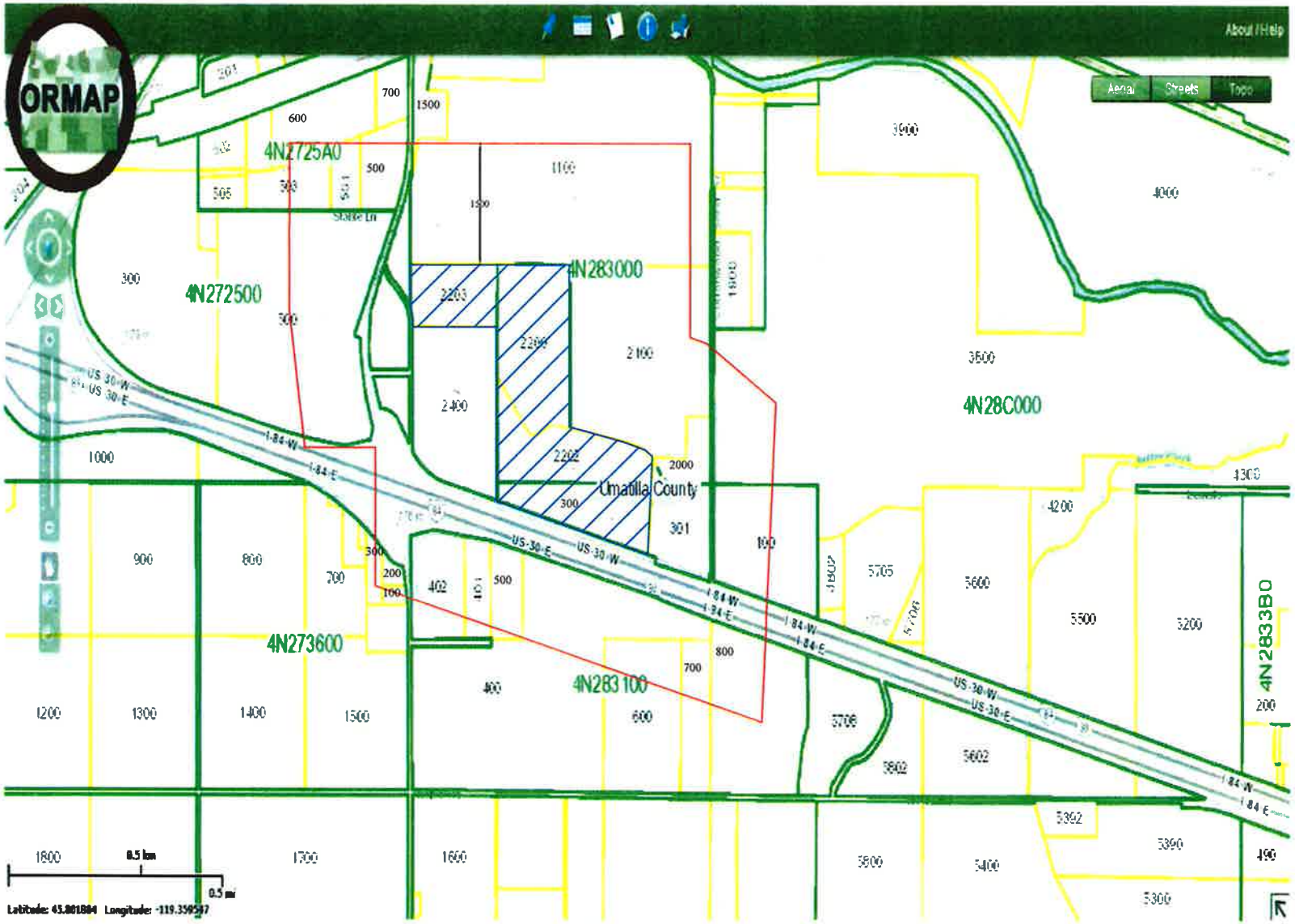


NOTES:

1) This taxlot map representation is a depiction of the properties within the 1500 ft notification area;
2) Ownership information associated with the taxlot numbers can be found on page 2 of this exhibit;

Exhibit 1-1

Pioneer Asphalt, Inc.

Project: Westland Pit
Adjacent Property Ownership Map

Date: 1/13/16
Scale:

Revisions:

ADJACENT PROPERTY OWNERSHIP INFORMATION

Township/Range	Section	Taxlot Map	Taxlot #	Ownership	Address
4N28	30	4N383000	300	JTJ Enterprises, LLC.	P.O. Box 38, Pendleton, OR 97801
			301	Eldon McDaniels	412 S. Penn Pl., Kenniwick, WA
			1100	Liberated L&E LLC	2229 E. Ave Q, Palmdale, CA 93550-14400
			2000	Liberated L&E LLC	80261 E Edwards Rd, Hermiston, OR 97838-6564
			2100	Liberated L&E LLC	2229 E. Ave Q, Palmdale, CA 93550-14400
			2200	JTJ Enterprises, LLC.	P.O. Box 38, Pendleton, OR 97801
			2202	JTJ Enterprises, LLC.	P.O. Box 38, Pendleton, OR 97801
			2203	JTJ Enterprises, LLC.	P.O. Box 38, Pendleton, OR 97801
			2400	J&A Coelho LLC	P.O. Box 953, Hermiston, OR
4N28	31	4N28C000	3800	Snak Corp c/o Shearers Food, Inc	692 Wabash Ave N, Breuster, OH 44613
			100	Westland Irrigation District	P.O. Box 977, Hermiston, OR 97838
4N28	31	4N283100	400	George H Barton	1390 SW 11th, Hermiston, OR 97838-9420
			401	GB Hermiston c/o Valley Freightliner	277 Stewart Rd, Pacific, WA 98047-2155
			402	George H Barton	1390 SW 11th, Hermiston, OR 97838-9420
			500	Richard R Barton	77609 Col. Jordan Rd, Hermiston, OR 97838
			600	Daniel J & Debora L Wood	33256 E. Walls Rd, Hermiston OR 97838-6370
			700	Daniel J & Debora L Wood	33256 E. Walls Rd, Hermiston OR 97838-6370
			800	Phillip E & Lora L Sharkey	29689 Noble Rd, Hermiston, OR 97838-6188
4N27	36	4N273600	100	Kamaljit Singh	1903 Jadwin Ave, Richland, WA
			200	Kamaljit Singh	1903 Jadwin Ave, Richland, WA
			300	Kamaljit Singh	1903 Jadwin Ave, Richland, WA
4N27	25	4N272500	500	Petro Shopping Center LP/Travelcenters of America	24601 Center Ridge Rd, Westlake, OH 44145
		4N2725AD	500	River Point Farms/AO Operations LLC	115 W. Hermiston Ave, Hermiston, OR 97838
			501	River Point Farms/AO Operations LLC	115 W Hermiston Ave, Suite 240, Hermiston, OR 97838
			503		
			600	BT Property LLC	Attn Tax Dept, P.O. Box 28606, Atlanta, GA 30358
			600	Medelez Trucking	1186 E. Punkin Center Rd, Hermiston, OR 97838
			700	Medelez Trucking	1186 E. Punkin Center Rd, Hermiston, OR 97838
			800	Medelez Trucking	1186 E. Punkin Center Rd, Hermiston, OR 97838

Exhibit 1-2

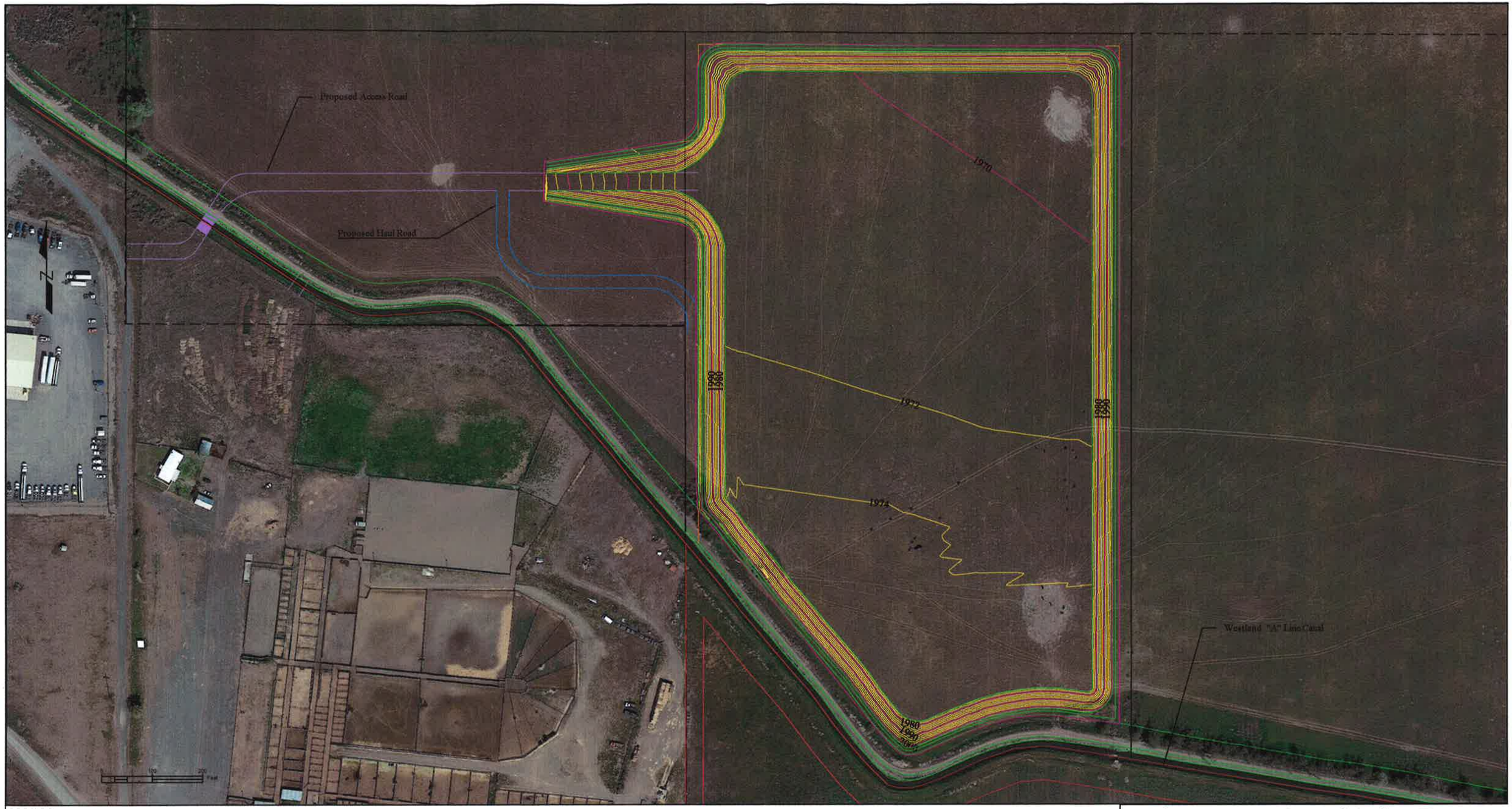
Test Pits were dug on 2/13/15 and 2/16/15 using a Volvo 240 excavator with a 60 inch smooth lip bucket;

Test Pit #1 -Silty Sand (0-3 ft), Sandy Gravel(3-8ft), Sandy Gravel (some cliche) (8-12 ft), Clay (10-16 ft) stopped excavation @ 16 ft;
Test Pit #2 Silty Sand (0-3 ft), Sandy Gravel (3-12 ft.), Sandy Gravel (darker coloration) (12-21ft) stopped digging ;
Test Pit #3 Silty Sand (0-3 ft), Sandy Gravel (3-9 ft),Sandy Gravel (9-19 ft), Boulders encountered- stopped digging;
Test Pit #4 Silty Sand (0-4 ft), Sandy Gravel 4-12 ft), Sandy Gravel (some cliche)(12-17 ft), Clay (17-19 ft) -stopped digging;
Test Pit #5 Silty Sand (0-3ft), Sandy Gravel (3-30 ft) stopped digging;
Test Pit #6 Silty Sand (0-4ft), Sandy Gravel (4-22 ft), Clay (22-24ft), stopped digging;
Test Pit #7 Silty Sand (0-4ft), Sandy Gravel (4- 20 ft), Clay (20-22 ft) stopped digging;

Pioneer Asphalt, Inc.

Project: Westland Pit Expansion
Site Exploration-Test Pits

Date: June 11, 2015	Revisions:
Scale:	



NOTES:

1) The image imposed on this drawing is a print from Google Earth 4/18/15;
2) The land area shown as Phase 3 is 42.02 acres, with 25.14 acres included as mining;
3) The contour intervals depicted are 2 ft minor and 10 ft major intervals;
4) Secondary access for Phase 3 is via a 'Proposed Access Road' linking the site to NW Livestock Rd realignment;
5) Phase 3 Mine Area accounts for 50 ft setback from the top edge of Westland 'A' Canal and a 25 ft property line setback;

Pioneer Asphalt, Inc.

Project: Westland Pit Expansion 2016
Phase 3

Date:	Revisions:
Scale: AS SHOWN	

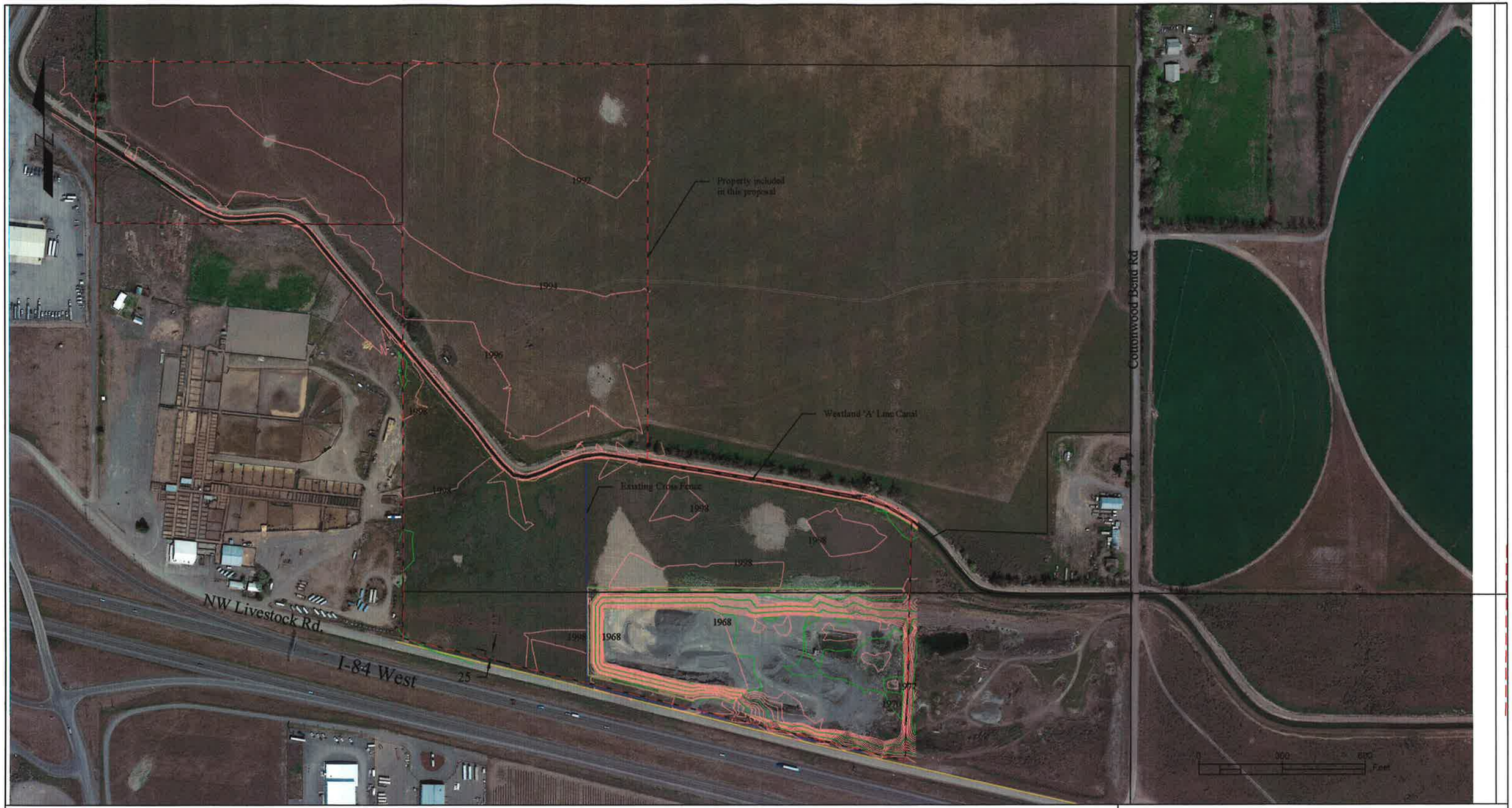
NOTES:

1) The image imposed on this drawing is a print from Google Earth 4/18/15;
2) The land area shown as Phase 2 is 35.46 acres which includes 10.77 acres under Phase 1;
3) The contour intervals depicted are 2 ft minor and 10 ft major intervals;
4) The reference to 'Phase 1' herein represents the original the land area mined under CUP #C-1177-11;
5) Phase 2 accounts for a 50 ft setback from the top edge of Westland 'A' Canal , 30 ft easement along the west edge of the property and 25 feet from the south property line along NW Livestock Road;

Pioneer Asphalt, Inc.

Project: Westland Pit Expansion 2016
Phase 2

Date:	Revisions:
Scale: AS SHOWN	



NOTES:

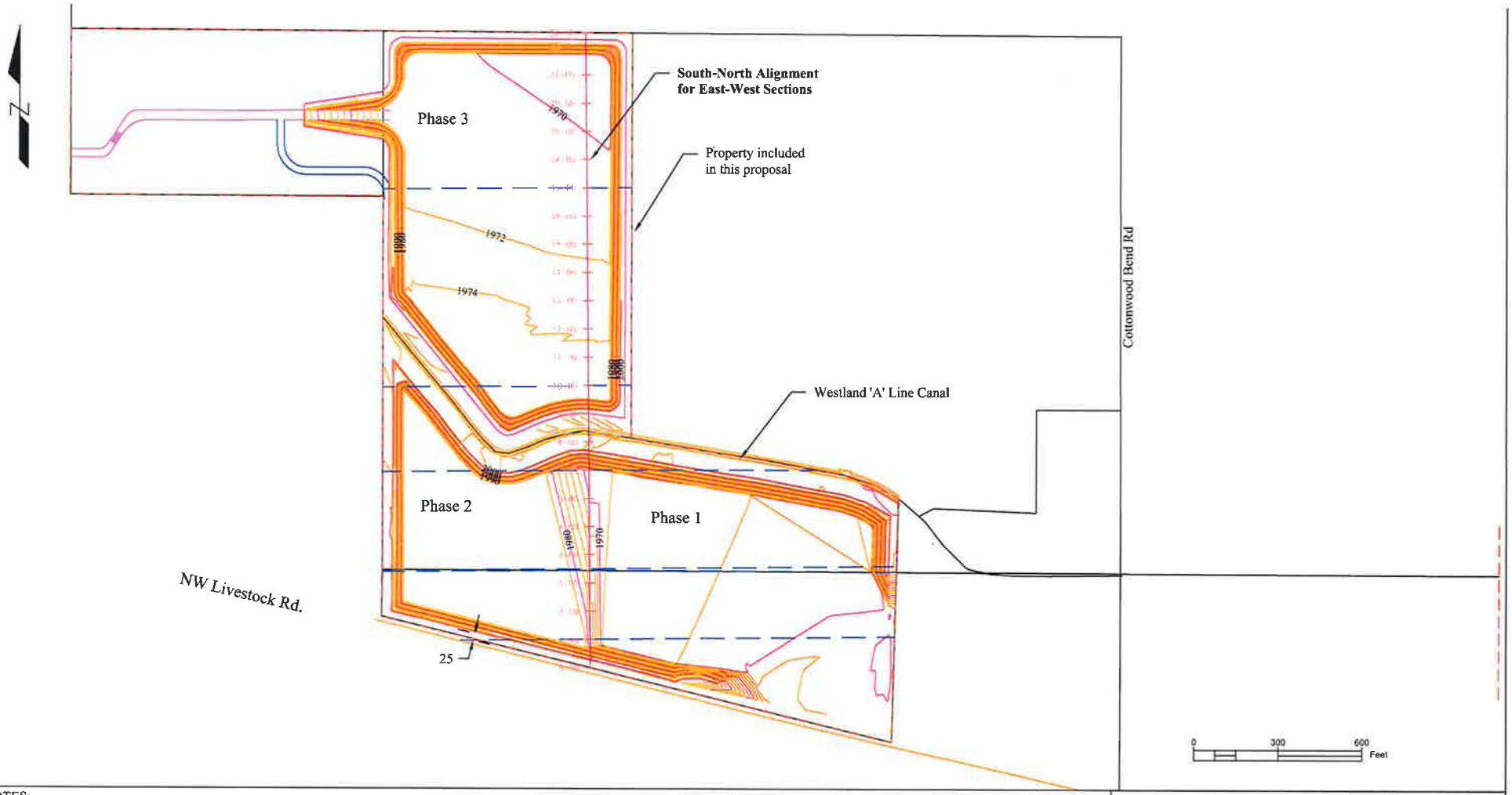
1) The image imposed on this drawing is a print from Google Earth 4/18/2015;
2) The land area included in this proposal is 77.58 acres of which 10.77 acres are currently being mined;
3) The contour intervals depicted are 2 ft minor and 10 ft major intervals;
4) The reference to 'Phase 1' herein represents the original the land area mined under CUP #C-1177-11;
5) Primary access for the site is NW Livestock Rd, the use of which is covered under a CountyRoad Maintenance Agreement;

Exhibit 1-3

Pioneer Asphalt, Inc.

Project: Westland Pit Expansion 2016
Phase 1 - Existing Features 2015

Date:	Revisions:
Scale: AS SHOWN	



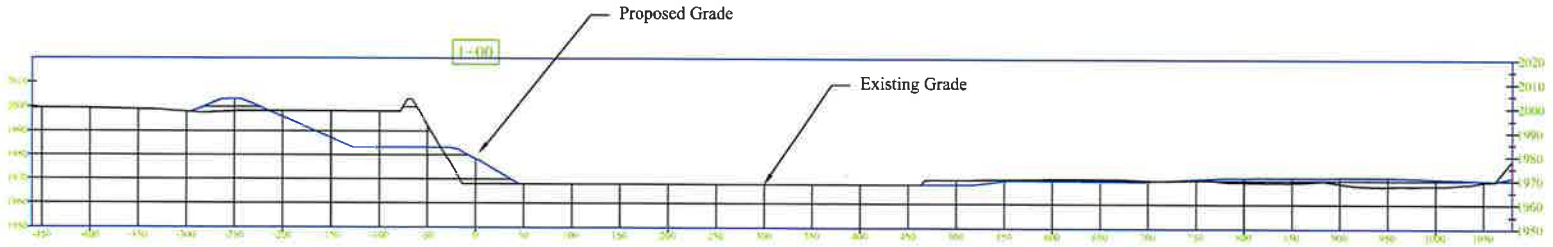
NOTES:

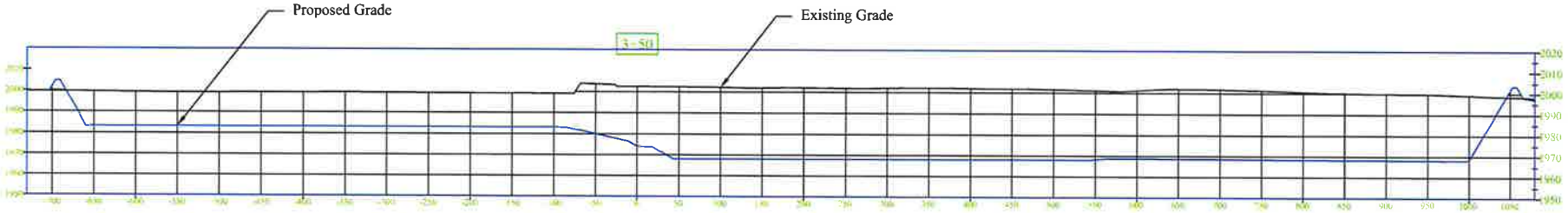
1) The South-North Alignment is the base line for the East-West Sections on the following sheets;

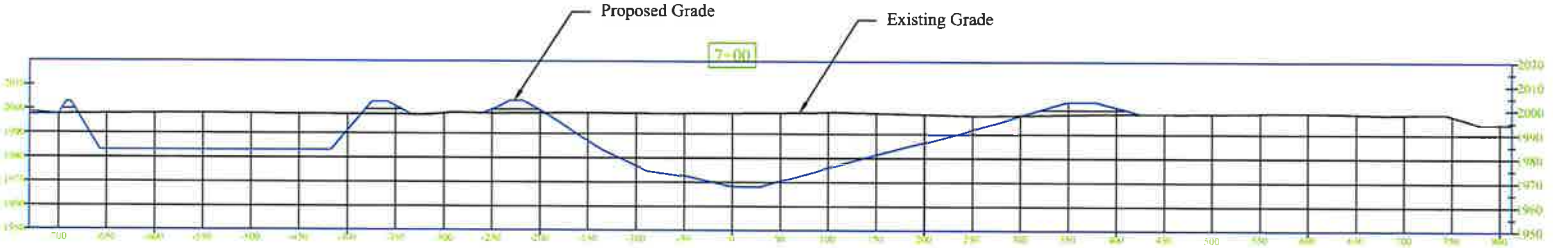
Pioneer Asphalt, Inc.

Project: Westland Pit Expansion 2016
East West-Sections on S-N
Alignment Key

Date:	Revisions:
Scale: AS SHOWN	







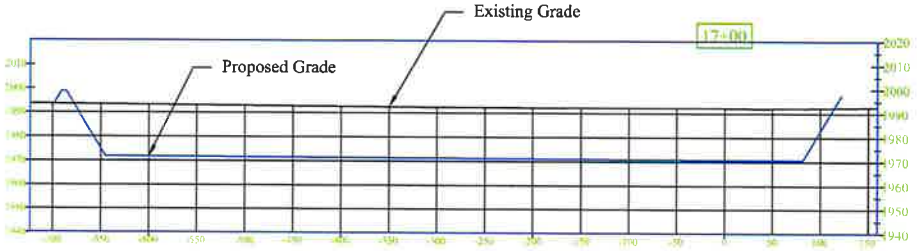
NOTES:
The sections shown above are taken from the S-N Alignment representing cross-sections running east and west.

Pioneer Asphalt, Inc.

Project: Westland Pit Expansion 2016
East West-Sections on S-N Alignment

Date:
Scale: AS SHOWN

Revisions:



NOTES:
The sections shown above are taken from the S-N Alignment representing cross-sections running east and west.

Pioneer Asphalt, Inc.

Project: Westland Pit Expansion 2016
East West-Sections on S-N Alignment

Date:
Scale: AS SHOWN

Revisions:

MATERIALS TESTING & INSPECTION

OREGON DEGRADATION
LA ABRASION OF SMALL SIZE COARSE AGGREGATE

❑ Environmental Services ❑ Geotechnical Engineering ❑ Construction Materials Testing ❑ Special Inspections

Terry Clark
Pioneer Asphalt
PO Box 38
Pendleton, OR 97801

Phone: 541-276-6951
Fax: 541-276-7886
Other: EMAIL ONLY

Project: **Miscellaneous Laboratory Services**
Project Manager: **Jason Plunkett**
Lab Technician: **Ryan Hart**
Test Date: **June 5, 2015**

As requested MTI 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:	Westland, Test Pits 1, 3, 4 ,5, & 6							
Date Obtained:	6/1/2015							
Sample ID:	150047							
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	ASTM D421:		AASHTO T87:	X
Test Standard:	ODOT TM208:	X	AASHTO T96:	X				

Oregon Degradation

Mass Placed in 1000ml Hydrometer	100.0 grams
Sediment Height	**0.4 inches**
ODOT Specification	3.0" Max
Percent Mass Passing No. 20 Sieve After Wash and Sieve	**4.1%**
ODOT Specification	30.0% Max

The results shown herein are the result from a composite sample of 7 test pits

L.A. Abrasion

Nominal Maximum Size of Aggregate	1 ½"
Grading Designation	A
Percent Loss by Abrasion	**15%**
ODOT Specification	30.0% Max

If there are questions concerning this report (*LAA150047*), please contact the project manager at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION, INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager

cc:

Exhibit 3

Oregon Department of Transportation
Region 5 Quality Assurance Group

3012 Island Ave
La Grande, Oregon 97850
(541) 963-1596 FAX (541) 963-1903

July 6, 2015

TO: Whom it Concerns

FROM: Jim Brown
Region 5 QAC

SUBJECT: Commercial Source Aggregates
Pendleton Ready-Mix/Pioneer Asphalt

PROJECT: ODOT Region 5 QA Commercial Source Program

	Product	Lab #	Source #
½-#4	HMAC Aggregate*	15-000943	30-068-5(Grubb)
¼"-0	HMAC Aggregate	15-000944	30-068-5(Grubb)
¾"-0	Aggregate Base	15-000942	30-068-5(Grubb)
¾"-0	Aggregate Base	15-000496	30-124-5(Westland)
¾"-#4	PCC Coarse Agg. (round)	15-000497	30-124-5(Westland)
#4-0	PCC Fine Aggregate**	15-000498	30-124-5(Westland)

*Meets Level 4 SE
** Average FM: 3.14

The aggregates listed above have been produced and identified under the ODOT Quality Assurance Commercial Source Program. The aggregates listed are acceptable for use on ODOT projects. Copies of the product compliance reports, process control and verification test results are on file at the Region 5 Quality Assurance Office for your review.

Jim Brown

Region 5 Quality Assurance Coordinator
(541) 963-1596

Washington State Department of Transportation
Paula J. Hammond, P.E.
Secretary of Transportation

Environmental and Engineering
State Material Laboratory
PO Box 47365
Olympia, WA 98504-7365

360-709-5400 / Fax 360-709-5585
TTY: 1-800-833-6388
www.wsdot.wa.gov

8/29/2011

Terri Brown
Pendleton Ready Mix
Po Box 38
Pendleton, Oregon 97801
(541) 969-2787

Re: Preliminary Source Evaluation, ASA2011067

Dear Mr. Brown:

This letter is to inform you that preliminary testing for Concrete Aggregate applications have been completed on the sample taken from the site designated as PS-OR-79 in Oregon. The sample tested passed the requirements for the Concrete Aggregate applications as indicated in Section 9-03 of the Washington State Department of Transportation (WSDOT) Standard Specifications for Road, Bridge, and Municipal Construction (2010). However, the sample exceeded the maximum expansion of 0.45% according to Section 9-03 of the Standard Specification. Therefore, mitigation measures shall be required as indicated in Std. Spec. Section 9-03.1(1), Prior to using this aggregate for Portland Cement Concrete in WSDOT Contracts.

The enclosed Aggregate Source Approval (ASA) Report lists specific approved uses for the aggregate from this site. The Aggregate Source Approval database is available on the Internet at: http://www.wsdot.wa.gov/biz/mats/asa/asaSearch.cfm

The reports and all backup data will remain on file at the WSDOT Materials Laboratory. If there are any questions concerning this matter, please contact Michael Niehl at (360) 709-5444.

Sincerely,

Rob Molohon
State Materials Documentation Engineer

RM: men
Enclosure
cc via e-mail: K. Williams – Construction Materials Engineer
B. Briggs – Assistant Construction Materials Engineer – Admin
M. Polodna – Structural Materials Engineer
P. Gonseth – South Central Region Materials Engineer
T. Brown – Pendleton Ready Mix (terri@pioneerasphaltinc.com)

Washington State Department of Transportation

WSDOT MATERIALS LAB

08/29/2011

Aggregate Source Approval Report

Owner: J.T.J. Enterprises, LLC
Lessee: Pioneer Asphalt, Inc
Located in: . Section 30 T28N R8E

Aggregate Source: PS-OR-79
Known as: Westland Pit
County: Oregon

Remarks:

Pit Run Materials:
Prior to incorporating any of the following into a job, Gradation and Sand Equivalent tests shall be performed to determine if the material does in fact meet specification for the intended use:

Backfill for Rock Wall	Backfill for Sand Drains	Bedding Material for Rigid Pipe
Bedding Material for Thermoplastic Pipe	Blending Sand	Foundation Material for Classes A, B or C
Gravel Backfill for Drains and Drywells	Gravel Backfill for Foundation Class B	Gravel Backfill for Pipe Zone Bedding
Gravel Backfill for Walls	Gravel Borrow	Sand Drainage Blanket
Select or Common Borrow		

No Preliminary Tests are required to be performed by the State Materials Lab

Gravel Base: Test Date: Expiration Date:
Drainage: R Value: Swell Pressure:

Contact the Regional Materials Office to request PRELIMINARY SAMPLES be acquired. Evaluation and approval of this site as a source of GRAVEL BASE is required prior to use.

Mineral Agg. and Surfacing: Test Date: Expiration Date:

Absorption:	Apparent Sp. G.:	Bulk Sp. G. (SSD):	Bulk Sp. G.:
Deg:	LA:		

Contact the Regional Materials Office to request PRELIMINARY SAMPLES be acquired. Evaluation and approval of this site as a source of MINERAL AGGREGATES AND SURFACING is required prior to use.

Portland Cement Concrete Aggregates: Test Date: 08/26/2011 Expiration Date: 08/26/2016

ASR - 14 Day : 0.58	ASR - One Year:	CCA Absorption: 1.89	CCA Sp.G: 2.72
FCA Absorption: 2.88	FCA Organics: 1	FCA Sp. G: 2.69	LA: 14
Mortar Strength:	Petrographic Analysis:		

Currently approved for:
Coarse Concrete Aggregates
Fine Concrete Aggregates

ASR MITIGATION MEASURES ARE REQUIRED PER WSDOT STD. SPEC. 9-03.1(1), WHEN USING AGGREGATE FROM THIS SOURCE FOR PORTLAND CEMENT CONCRETE.
Acceptance tests need to be performed as necessary

Riprap and Quarry Spalls: Test Date: Expiration Date:

Absorption:	Apparent Sp. G.:	Bulk Sp. G. (SSD):	Bulk Sp. G.:
Deg:	LA:		

Contact the Regional Materials Office to request PRELIMINARY SAMPLES be acquired. Evaluation and approval of this site as a source of RIP RAP AND QUARRY SPALLS is required prior to use.

Distribution: Physical Testing_____ Project Engineer_____ Region Operations_____ Region Materials_____

Aggregate Source Approval System

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Umatilla County Area, Oregon

Westland Pit

Exhibit 4

December 10, 2015

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (http://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means

for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

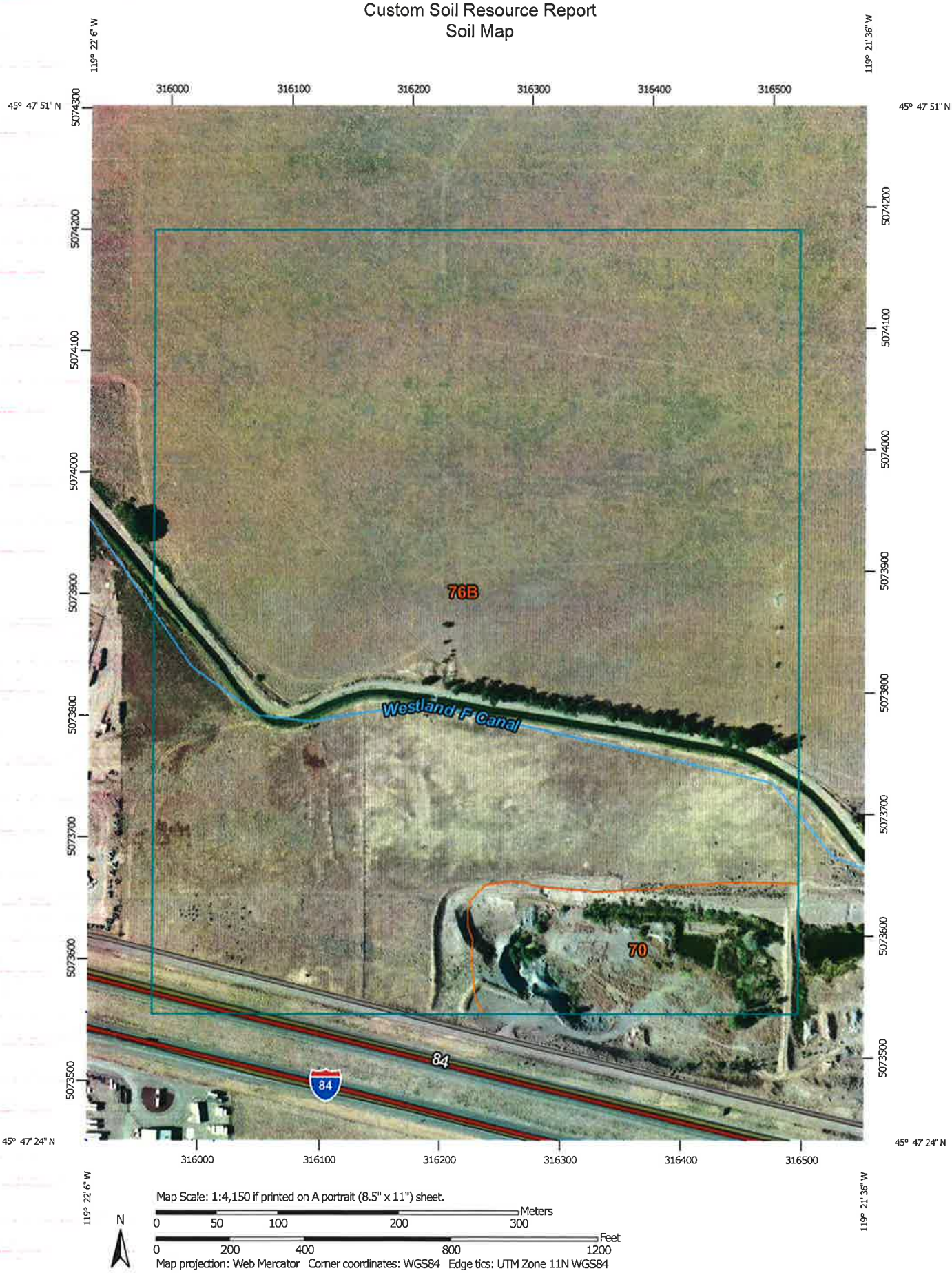
Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



Map Scale: 1:4,150 if printed on A portrait (8.5" x 11") sheet.

N

Meters: 0, 50, 100, 200, 300

Feet: 0, 200, 400, 800, 1200

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

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 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
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 11, Sep 18, 2015

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

Date(s) aerial images were photographed: Aug 7, 2010—Aug 21, 2010

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

Umatilla County Area, Oregon (OR667)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
70	Pits, gravel	7.0	8.2%
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	78.6	91.8%
Totals for Area of Interest		**85.6**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If

intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Umatilla County Area, Oregon

70—Pits, gravel

Map Unit Composition

Pits: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pits

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 8

76B—Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes

Map Unit Setting

National map unit symbol: 255g

Elevation: 300 to 1,100 feet

Mean annual precipitation: 8 to 10 inches

Mean annual air temperature: 52 to 54 degrees F

Frost-free period: 160 to 190 days

Farmland classification: Not prime farmland

Map Unit Composition

Quincy, gravelly substratum, and similar soils: 85 percent

Minor components: 5 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Quincy, Gravelly Substratum

Setting

Landform: Strath terraces

Landform position (three-dimensional): Tread

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: Eolian sands over gravelly alluvium

Typical profile

H1 - 0 to 4 inches: loamy fine sand

H2 - 4 to 41 inches: loamy fine sand

H3 - 41 to 60 inches: very gravelly fine sand

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 5.0
Available water storage in profile: Low (about 4.1 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 7e
Hydrologic Soil Group: A
Ecological site: SANDS 8-10 PZ (R007XY011OR)

Minor Components

Wanser

Percent of map unit: 5 percent
Landform: Depressions
Ecological site: SODIC BOTTOM (R010XY007OR)

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Cut/Fill Report

Generated: 2016-01-29 10:41:12

By user: Terry

Drawing: C:\Users\Terry\Documents\Pits\Westland\C:\Users\Terry\Documents\Pits\Westland\2011-Westland Pit Existing- G1.dwg

Volume Summary

Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Phase1-2	full	1.000	1.000	1566118.84	643512.94	19301.76	624211.17<Cut>
Phase 3-1	full	1.000	1.000	1046579.62	730026.27	5797.95	724228.32<Cut>

Totals

	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	2612698.46	1373539.21	25099.71	1348439.50<Cut>

* Value adjusted by cut or fill factor other than 1.0

Mass for this proposal was determined as follows 1,373,539 x 1.5 tons/c.y. in place = 2,060,309