



Board of County Commissioners

BOARD OF COMMISSIONERS MEETING

Wednesday, March 29, 2023, 8:30am
Umatilla County Courthouse, Room 130

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

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

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

- D. Adjournment

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Board of Commissioners
FROM: Megan Davchevski, Planning Division Manager
DATE: March 14, 2023

CODE
ENFORCEMENT

RE: March 21, 2023 BCC Hearing
Text Amendment T-092-22,
Zone Amendment Z-322-22 & Plan Amendment P-135-22

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

CC: Robert Waldher, Director

GIS AND MAPPING

Background Information

RURAL ADDRESSING

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

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

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

PUBLIC TRANSIT

Criteria of Approval

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

Land Use Hearings

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

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

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

Memo

BCC Public Hearing – March 21, 2023

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

and Amanda Punton (DLCD)

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

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

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

Upon request from the applicant the Planning Commission continued the hearing to Thursday, December 15, 2022. The applicant's request for a continuation was due to issues raised by neighboring landowners and other aggregate producers. On November 15, 2022, the applicant provided to the Planning Department a signed waiver to the "150-day Rule for Planning Review."

Additional Information – First continued hearing

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

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

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

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

Exhibit I – *December 12, 2022*, Email Communication Between Bob Waldher (Planning Director) and Greg Silbernagel (OWRD)

Exhibit J – *December 14, 2022*, Email Communication submitted by Carla McLane Consulting, LLC (consultant for applicant). Email Submittal included the following: Response to Andrew Stamp's 11/23/22 letter, Coleman Response Letter, Hatley Application, Road Vacation Order and two pictures of rock source testing locations.

Upon request of an opponent, the Planning Commission continued the hearing to Thursday, January 26, 2023. The opponent's request for a continuation was due to new information that was presented at the December 15, 2022 hearing. Additionally, the Planning Commission left the record open for 7 days for new evidence, 7 days for rebuttal, and 7 days for the applicant's final legal arguments in accordance with ORS 197.763. The continued hearing on January 26, 2023 was not to include evidence outside of the 7-7-7 timeframe, nor allow for testimony.

Additional Information – Second continued hearing

Following the December hearing, additional information was submitted by the applicant and several opponents in accordance with the Planning Commission's decision for a continuance. This allowed for 7 days of new

Memo

BCC Public Hearing – March 21, 2023

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

evidence, 7 days for rebuttal, and 7 days for the applicant’s final legal arguments. Additional information is summarized as follows:

Exhibit K – *December 22, 2022*, Additional Evidence submitted by Craig Coleman and Representatives (Applicant)

Exhibit L – *December 22, 2022*, Additional Evidence submitted by Wade Aylett Sr. (Opponent)

Exhibit M – *December 22, 2022*, Additional Evidence submitted by Wade Aylett Jr. (Opponent)

Exhibit N – *December 22, 2022*, Additional Evidence submitted by Andrew Stamp (Attorney Representing Opponents)

Exhibit O – *December 29, 2022*, Rebuttal submitted by Craig Coleman and Representatives (Applicant)

Exhibit P – *January 5, 2023*, Final Legal Arguments submitted by Sarah Stauffer Curtiss (Attorney Representing Applicant)

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

Planning Commission Recommendation

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). Public hearings were held before the Planning Commission on October 20, 2022, December 15, 2022 and January 27, 2023.

On January 27, 2023 the Planning Commission, with a 7-1 vote, recommended approval of the Girth Dog PAPA request to add the proposed site to the County’s list of large significant resource sites, apply the AR overlay zone and approve the site for aggregate mining. The recommendation included a modification of subsequent condition #2 and the addition of subsequent conditions numbered 8 – 13.

Subsequent Condition #2 was modified to include: “Access to the mining operation shall be restricted from Stafford Hansell Road. Processing equipment shall be located at least 500 feet from existing dwellings, shall be located on tax lot 1800 and placed in the pit once opened to the finish depth. Processing equipment shall remain in this location for the duration of the aggregate operation.”

Subsequent Conditions #8 through #13 are located on page 36 of the preliminary findings.

Conclusion

The BCC must also hold a public hearing(s) and decide whether or not to adopt the proposed amendments. The Board may decide to accept and adopt the Planning Commission’s findings and recommendation, or determine new findings with a decision to approve or deny the Post-Acknowledgement Amendment Application (PAPA). The Board’s decision is final unless timely appealed to the Land Use Board of Appeals (LUBA).

**UMATILLA COUNTY
BOARD OF COMMISSIONERS HEARING – MARCH 21, 2023
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT, COMPREHENSIVE
PLAN TEXT AMENDMENT & ZONING MAP AMENDMENT
GIRTH DOG LLC, APPLICANT & OWNER
PACKET CONTENT LIST**

1.	Staff Memo to Board of County Commissioners	Pages 1-3
2.	Notice and Vicinity Map	Page 6
3.	1500 foot Impact Area Map	Page 7
4.	Soil Map	Page 8
5.	Preliminary Findings	Pages 9-45
6.	Proposed Text Amendment	Pages 47-48
7.	Proposed Zoning Map	Page 49
8.	Lab Reports (Atlas 2022) <i>submitted with application</i>	Pages 50-52
9.	Site Sample Map <i>submitted with application</i>	Page 53
10.	Traffic Impact Analysis (Kittelson & Associates) <i>submitted with application</i>	Pages 55-130
11.	Exhibit A - Email Communication Between Megan Davchevski (planner) and Greg Silbernagel (OWRD)	Pages 131-133
12.	Exhibit B - Email Communication Between Megan Davchevski (planner) and Amanda Punton (DLCDD)	Pages 135-136
13.	Exhibit C – Letter to Planning Commission submitted by Carla McLane Consulting, LLC (consultant for applicant)	Pages 137-143
14.	Exhibit D – Additional Information Provided by Andrew Stamp (Representative for Wade Aylett and Rock It, LLC)	Pages 145-169
15.	Exhibit E – Additional Information (photos) Provided by Wade Aylett, Jr. (Rock It, LLC)	Pages 171-178
16.	Exhibit F – Waiver of the 150-day Rule for Planning Review	Page 179

17.	Exhibit G – Additional Testimony Provided by Andrew Stamp (Representative for Wade Aylett and Rock It, LLC)	Pages 181-193
18.	Exhibit H – Additional Testimony Provided by Carla McLane Consulting, LLC (consultant for applicant)	Pages 195-307
19.	Exhibit I – Email Communication Between Bob Waldher (Planning Director) and Greg Silbernagel (OWRD)	Pages 309-310
20.	Exhibit J – Email Communication submitted by Carla McLane Consulting, LLC (consultant for applicant)	Pages 311-336
21.	Exhibit K – Additional Evidence submitted by Craig Coleman and Representatives (Applicant)	Pages 337-357
22.	Exhibit L – Additional Evidence submitted by Wade Aylett Sr. (Opponent)	Pages 359-361
23.	Exhibit M – Additional Evidence submitted by Wade Aylett Jr. (Opponent)	Pages 363-366
24.	Exhibit N – Additional Evidence submitted by Andrew Stamp (Attorney Representing Opponents)	Pages 367-415
25.	Exhibit O – Rebuttal submitted by Craig Coleman and Representatives (Applicant)	Pages 417-431
26.	Exhibit P – Final Legal Arguments submitted by Sarah Stauffer Curtiss (Attorney Representing Applicant)	Pages 433-442

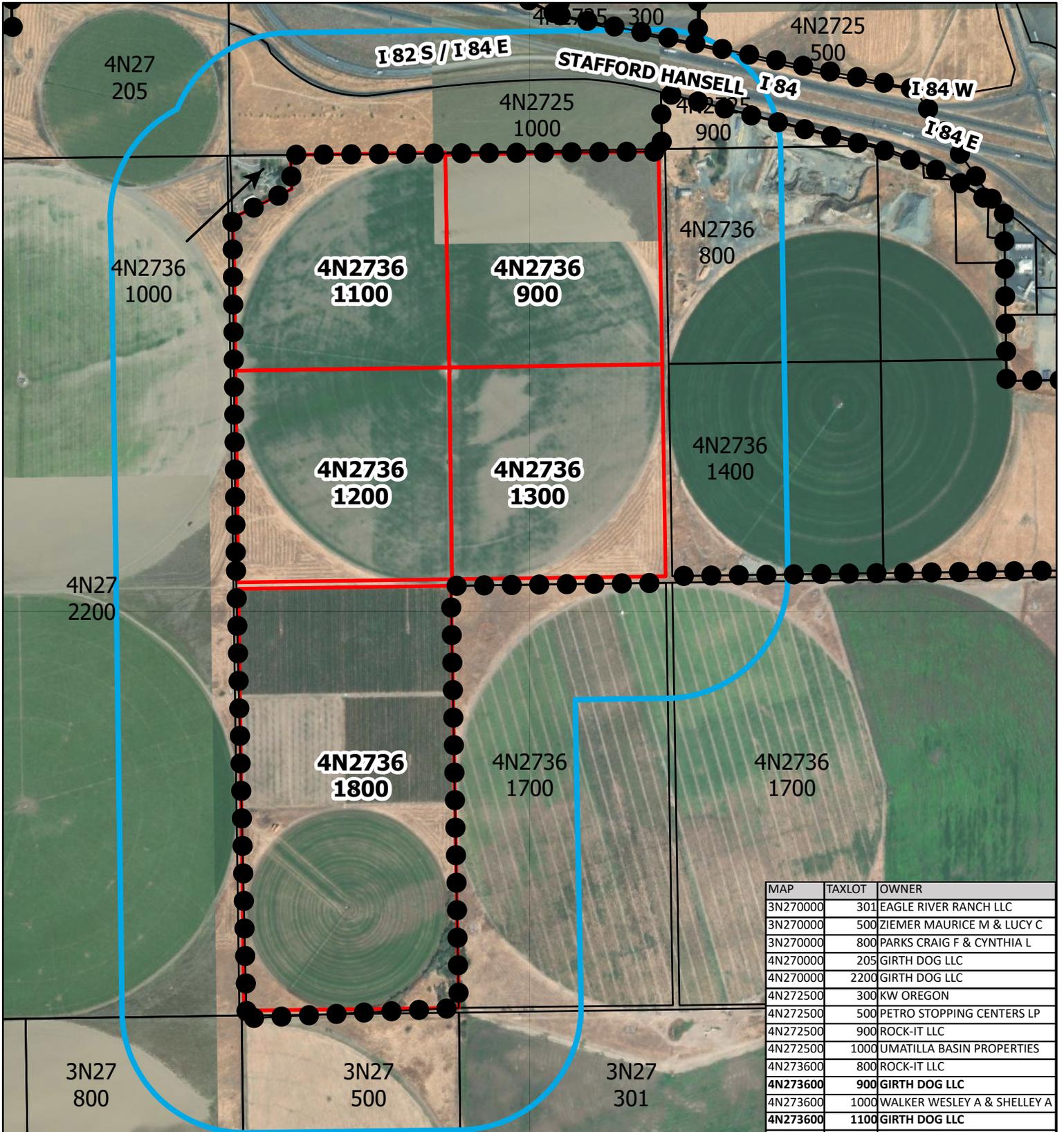
APPLICANT: CRAIG COLEMAN

OWNER: GIRTH DOG LLC

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

Notified Property Owners within 750 feet of Subject Parcels

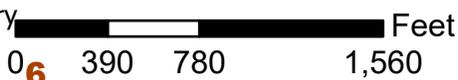
N



MAP	TAXLOT	OWNER
3N270000	301	EAGLE RIVER RANCH LLC
3N270000	500	ZIEMER MAURICE M & LUCY C
3N270000	800	PARKS CRAIG F & CYNTHIA L
4N270000	205	GIRTH DOG LLC
4N270000	2200	GIRTH DOG LLC
4N272500	300	KW OREGON
4N272500	500	PETRO STOPPING CENTERS LP
4N272500	900	ROCK-IT LLC
4N272500	1000	UMATILLA BASIN PROPERTIES
4N273600	800	ROCK-IT LLC
4N273600	900	GIRTH DOG LLC
4N273600	1000	WALKER WESLEY A & SHELLEY A
4N273600	1100	GIRTH DOG LLC
4N273600	1200	GIRTH DOG LLC
4N273600	1300	GIRTH DOG LLC
4N273600	1400	ROCK-IT LLC
4N273600	1700	EAGLE RIVER RANCH LLC
4N273600	1800	GIRTH DOG LLC

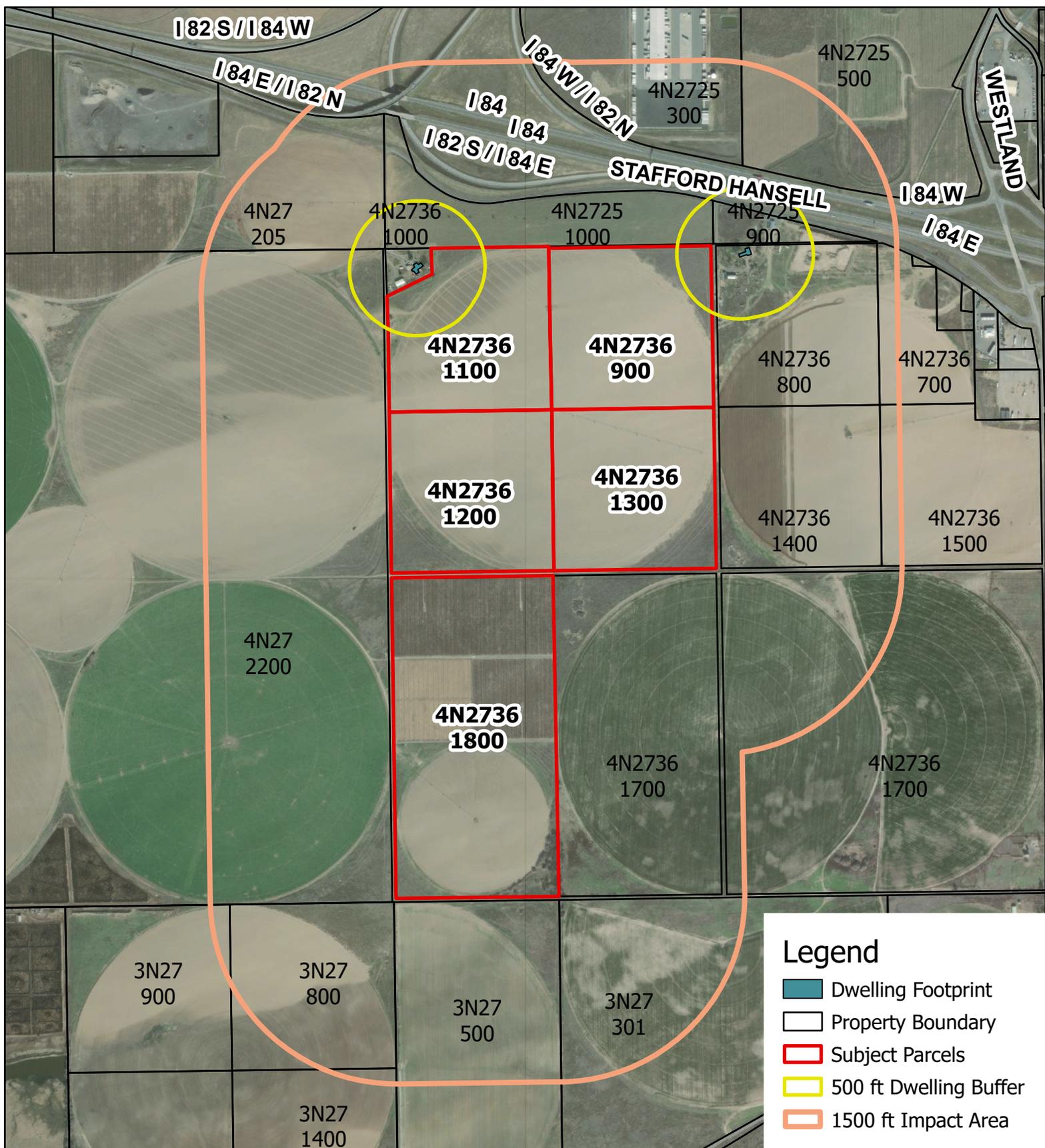
Legend

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



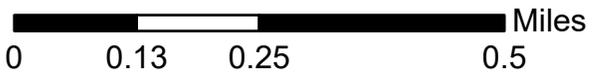
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 2/28/2023

**GIRTH DOG LLC
1500 FT IMPACT AREA & 500 FT DWELLING BUFFER
MAP 4N 27 36, TL 900, 1100, 1200, 1300 AND 1800**

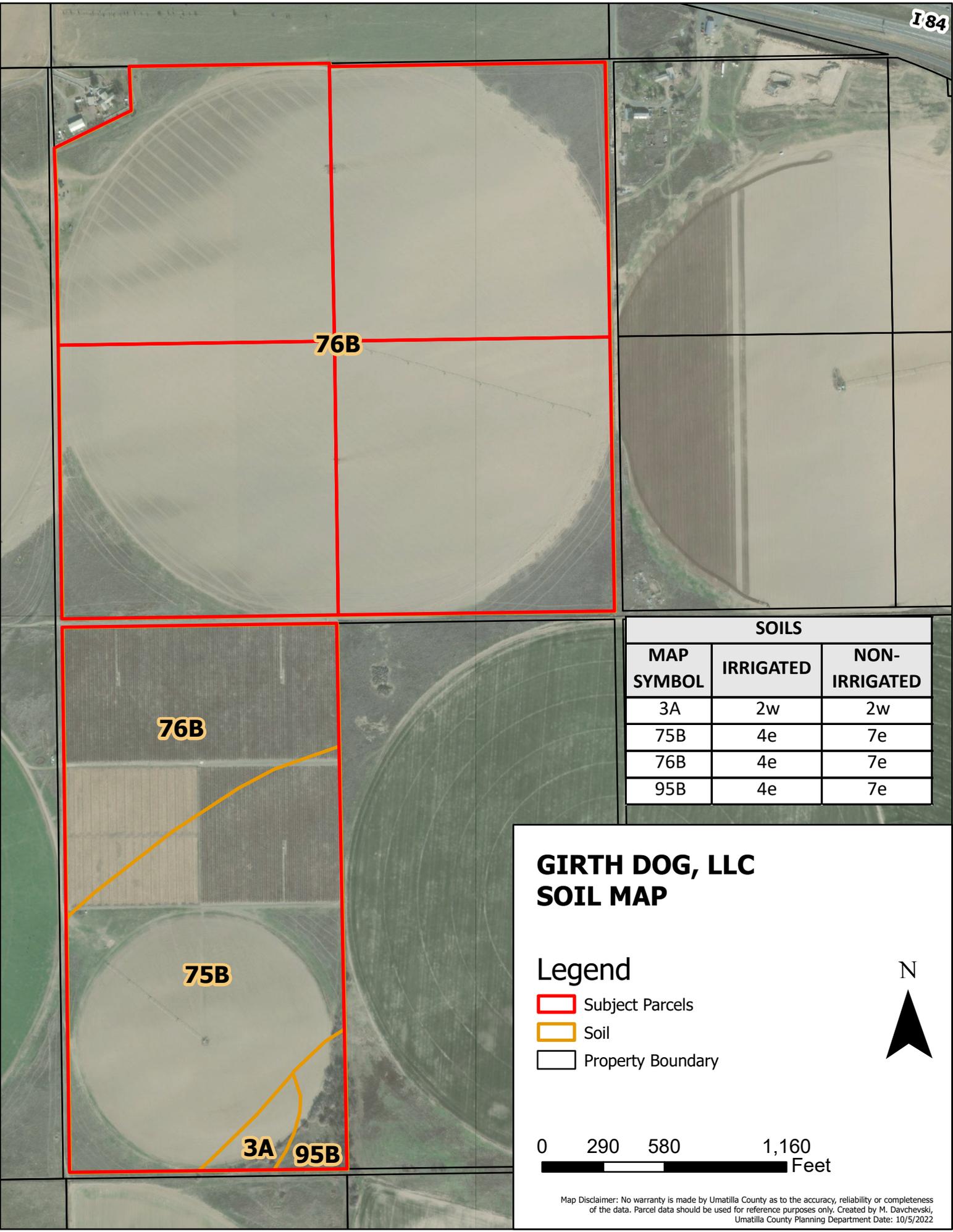


Legend

- Dwelling Footprint
- Property Boundary
- Subject Parcels
- 500 ft Dwelling Buffer
- 1500 ft Impact Area



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 6/7/2022

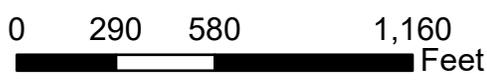


MAP SYMBOL	SOILS	
	IRRIGATED	NON-IRRIGATED
3A	2w	2w
75B	4e	7e
76B	4e	7e
95B	4e	7e

GIRTH DOG, LLC SOIL MAP

Legend

- Subject Parcels
- Soil
- Property Boundary



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 10/5/2022

**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
COMPREHENSIVE PLAN MAP AMENDMENT, #P-135-22,
COMPREHENSIVE PLAN TEXT AMMENDMENT T-092-22,
ZONING MAP AMENDMENT #Z-322-22
MAP 4N 27 36; TLs #900, 1100, 1200, 1300, and 1800**

1. APPLICANT: Craig Coleman, Girth Dog LLC, 33896 E Walls Road, Hermiston, OR 97838
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Girth Dog LLC, 33896 E Walls Road, Hermiston, OR 97838
4. REQUEST: The request is to add Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor’s Map 4N 27 36 to the Umatilla County list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. This action is designed to establish the entire site composed of all tax lots, as a Large Significant Site with protections under Goal 5 and to allow mining, processing, both concrete and asphalt batch plants, and stockpiling. For this application ‘aggregate’ means sand and gravel materials as both are available on this site.
5. LOCATION: The subject property is just south of the interchange for Interstates 84 and 82, southwest of the Westland Road Interchange, just over a quarter of a mile west of Colonel Jordan Road, and south of Stafford Hansell Road. Agricultural operations under circle pivot irrigation and drip irrigation are currently occurring on the subject property.
6. SITUS: The proposed aggregate site does not currently have a situs address.
7. ACREAGE: The entire site is approximately 225 acres, spread across the various tax lots.
8. COMP PLAN: The subject property has a Comprehensive Plan designation of North/South Agriculture.
9. ZONING: The subject property is zoned Exclusive Farm Use (EFU).
10. ACCESS: The site can be accessed from Colonel Jordan Road, via Center Street, an unimproved public right of way.

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 2 of 37

- 11. ROAD TYPE: Center Street is an unimproved, 40-foot wide, public right of way. Colonel Jordan Road, County Road #1325, is a two-lane paved county roadway.
- 12. EASEMENTS: There are no access or utility easements on the subject property.
- 13. LAND USE: Currently there is an agricultural operation occurring with several circle pivots and drip irrigation. The applicant did not provide details on the crops grown on the subject property.
- 14. ADJACENT USE: An approved mining operation is directly to the east of the property with a truck stop and fueling station further to the east. The approved mining site hasn't yet been excavated, and is currently irrigated crop circles. Light industrial and commercial activities are further to the east across Colonel Jordan Road. To the north across Interstate 84 a FedEx Freight facility, a UPS Customer Center, several potato storages, and a food processing and shipping operation are west of Westland Road. Irrigated farmland is to the west, south, and east of the subject property, most under circle pivot irrigation systems. The zoning within the 1,500-foot impact area includes Exclusive Farm Use, Light Industrial, Limited Rural Light Industrial, and Light Industrial/Limited Use Overlay Zone.
- 15. LAND FORM: Columbia River Plateau
- 16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The soils on the subject property are predominately Class IV.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
3A: Adkins fine sandy loam, wet, 0 to 3 percent slopes	IIw	IIw
75B: Quincy loamy fine sand, 0 to 5 percent slopes	VIIe	IVe
76B: Quincy loamy fine sand gravelly substratum, 0 to 5 percent slopes	VIIe	IVe
95B: Taunton fine sandy loam, 1 to 7 percent slopes	VIe	IVe
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (Survey, page. 172).</i>		

- 17. BUILDINGS: There are no buildings on the subject property.
- 18. UTILITIES: The site is not served by utilities.
- 19. WATER/SEWER: The applicant provides there are several water rights associated with the groundwater use for gravel washing. The groundwater rights are listed on certificates #74109 (U-649), #74185 (G-10505), #79531 (G-1671), and #79530 (G-3822). Oregon Water Resources has not confirmed that these groundwater rights may be used for gravel washing.

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22
Page 3 of 37

20. FIRE SERVICE: The site is located within Umatilla County Fire District #1.
21. IRRIGATION: The site is located within Westland Irrigation District; however, the applicant has provided that the site is not served by the irrigation district.
22. FLOODPLAIN: This property is NOT in a floodplain.
23. WETLANDS: There are no known wetlands located on the subject property.
24. NOTICES SENT: Notice was sent to the Department of Land Conservation and Development (DLCD) on September 9, 2022. Notice was mailed to neighboring land owners and affected agencies on September 30, 2022. Notice was printed in the October 8, 2022 publication of the East Oregonian.

DLCD Notice was updated on the PAPA database on March 1, 2023. Notice for the Board of Commissioners hearing was mailed to neighboring land owners, Planning Commission hearing participants, and affected agencies on March 1, 2023. Notice was printed in the March 11, 2023 publication of the East Oregonian.

25. HEARINGS: An initial public hearing was held before the Umatilla County Planning Commission in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97801 on **October 20, 2022 at 6:30 PM**.

The Planning Commission, upon the request of the applicant, continued the hearing to **Thursday, December 15, 2022**. The meeting was held in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97801. The applicant's request for a continuation was due to issues raised by neighboring landowners and other aggregate producers.

The Planning Commission, upon the request of an opponent, continued the hearing to **Thursday, January 26, 2023**. The meeting was held in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97801. The opponent's request for a continuation was due to new information that was presented at the December 15, 2022 hearing. Additionally, the Planning Commission left the record open for 7 days for new evidence, 7 days for rebuttal, and 7 days for the applicant's final legal arguments in accordance with ORS 197.763. The January 26, 2023 hearing included no new evidence or testimony, outside of the timeframe outlined at the December 15th hearing, and only entailed Planning Commission deliberation and decision.

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Oregon Department of Transportation Region 5-Highways Division, Oregon

Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands, Oregon Water Resources Department, Westland Irrigation District, CTUIR-Natural Resources, CTUIR-Cultural Resources

27. COMMENTS: Several comments were received from state agencies and the applicant prior to the October 20, 2022 Planning Commission Hearing. During the hearing, testimony was provided by the applicant and their consultant, several project opponents (including neighboring and nearby aggregate operators), and a representative from Oregon Water Resources Department. Documents received prior the Planning Commission hearings and during testimony were added to the project record.

The following exhibits are in the record:

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

Exhibit B – *October 18, 2022*, Email Communication Between Megan Davchevski (planner) and Amanda Punton (DLCD)

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

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

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

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

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

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

Exhibit I – *December 12, 2022*, Email Communication Between Bob Waldher (Planning Director) and Greg Silbernagel (OWRD)

Exhibit J – *December 14, 2022*, Email Communication submitted by Carla McLane Consulting, LLC (consultant for applicant). Email Submittal included the following: Response to Andrew

Stamp's 11/23/22 letter, Coleman Response Letter, Hatley Application, Road Vacation Order and two pictures of rock source testing locations.

Exhibit K – *December 22, 2022*, Additional Evidence submitted by Craig Coleman and Representatives (Applicant)

Exhibit L – *December 22, 2022*, Additional Evidence submitted by Wade Aylett Sr. (Opponent)

Exhibit M – *December 22, 2022*, Additional Evidence submitted by Wade Aylett Jr. (Opponent)

Exhibit N – *December 22, 2022*, Additional Evidence submitted by Andrew Stamp (Attorney Representing Opponents)

Exhibit O – *December 29, 2022*, Rebuttal submitted by Craig Coleman and Representatives (Applicant)

Exhibit P – *January 5, 2023*, Final Legal Arguments submitted by Sarah Stauffer Curtiss (Attorney Representing Applicant)

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

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

In order to mine aggregate in Umatilla County, a site must either be an active insignificant site, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site. The Umatilla County Comprehensive Plan requires that “[a]ny proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA Overlay Zones shall be processed as an amendment to this plan.” Therefore, this application constitutes a Post-Acknowledgement Plan Amendment (PAPA), and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. As a condition of approval for operation, the applicant must acquire a DOGAMI permit and obtain approval of a reclamation plan. Copies of both the DOGAMI permit and reclamation plan must be submitted to County Planning.

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

OAR 660-023-0180 Mineral and Aggregate Resources

(3) [Large Significant Sites] An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates

that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

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

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

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

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

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

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

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

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

(iii) 17 feet in Linn and Benton counties.

The applicant provides the proposed quarry is in eastern Oregon and has an inventory of over 13 million cubic yards of available sand and gravel aggregate material. The United States Department of Agriculture Soil Conservation Service Soil Survey of Umatilla County identify the soils on the northern portion of the subject property as Quincy loamy fine sand, with gravelly substratum, with slopes of 0 to 5 percent. The balance of the subject property is Quincy loamy fine sand also with a slope of 0 to 5 percent with very small amounts in the southeast corner of the subject property of Adkins fine sandy loam and Taunton fine sandy loam. Except for the very small number of acres of Adkins fine sandy loam and Taunton fine sandy loam, the soil is classified as VII when not irrigated or IV when irrigated. The Taunton fine sandy loam is classified as VI when not irrigated; the Adkins fine sandy loam is classified as II. The portion of the proposed quarry site that has a soil classification of II is between two and three acres or about .01 percent of the site, significantly less than 35 percent of the proposed mining area.

In 2022 samples of material were tested by Atlas Technical Consultants from the proposed quarry and were determined to meet current ODOT specifications. Three laboratory reports for two samples indicate that tests were completed for abrasion, soundness, and specific gravity stating that the material tested satisfied the Oregon Standard Specifications for Construction.

During the Planning Commission hearings, the applicant provided additional information supporting both the quantity and quality of the sand and aggregate materials (see Exhibits C, H,

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 7 of 37

J, K, O and P). To support the quantity of the aggregate on the site, the applicant submitted three well logs identifying that the sand and gravels are present to a depth between 65 and 90 feet. The applicant also submitted a map provided by IRZ Consulting identifying the sample locations on the subject property with photos of the sample holes (see Exhibit K, page 19). To support the quality of the available sand and gravel, the applicant submitted three laboratory reports that address ODOT standards for aggregate rock relating to air degradation, abrasion, and sodium sulfate soundness. The applicant asserted that degradation is required to be less than 30 percent. The submitted samples tested at under 3 percent. Additionally, soundness is required to be under 12 percent and the submitted samples tested at under 2 percent.

The applicant provided that recently, there were six test holes dug, samples were taken from each of these holes and sent to Atlas Laboratory for testing. The holes were 10 feet deep. IRZ Consulting mapped these holes and calculated that 1.23 million tons of aggregate were available across the site. The applicant states that the aggregate is present at least 60 feet deep based on the well logs and neighboring aggregate sites. Thus, the quantity of aggregate far exceeds the required 500,000 tons.

Opposing testimony criticized the legitimacy of the soil samples, and whether or not the submitted aggregate was from the subject property (see Exhibits G and N). The opponent also submitted a letter from Lynn Green, Consulting Engineering Geologist, stating that without a site-specific investigation there is no way to confirm aggregate quality or quantity (see Exhibit D). In response, the applicant submitted the sample location map along with declarations from Craig Coleman, Noel Salinas and Jeff Hines stating that the samples submitted to Atlas Laboratory were taken from the subject property (see Exhibit O). The applicant also referred to IRZ Consulting’s map with calculations on quantity (see Exhibit K, page 19) and provided a table containing ODOT quality requirements (see Exhibit P, page 4), note this information was provided earlier (see Exhibit C) and was put in a more readable format in Exhibit P.

Specification	ODOT Compliance	Applicant’s Aggregate
Abrasion	35% Maximum	14%
Coarse Degradation	30% Maximum	1.9%
Sediment Height	3.0 inches Maximum	0.4 inches
Sulfate Soundness	12%	2.1% and 1.4%

County Finding:

Umatilla County finds that both IRZ Consulting and Lynn Green (consulted geologist) are experts with differing opinions. IRZ Consulting provided site-specific calculations to determine the quantity of aggregate present.

Umatilla County finds the applicant provided well logs, photos, and maps provided by IRZ consulting demonstrate the aggregate materials on the subject property far exceed the required 500,000 tons required.

Umatilla County finds the applicant provided laboratory reports from Atlas Laboratory, demonstrating that the aggregate materials far exceed ODOT specifications for air degradation, abrasion and sodium sulfate soundness.

Umatilla County finds the samples submitted to Atlas Laboratory originated from the subject property, owned by Girth Dog LLC.

Umatilla County finds and concludes the proposed quarry consisting of approximately 225 acres meets, and is estimated to exceed, both the quantity and quality criteria for a significant aggregate site in accordance with OAR 660-023-0180(3)(a).

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

(a) [Impact Area] The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

Applicant Response: The interchange for Interstates 84 and 82 is immediately to the north of the proposed quarry with a variety of light industrial uses to the northeast of the property, all of which are north of Interstate 84 which diminishes the impacts of the mining operation on those activities. There is a mining operation immediately to the east with commercial and light industrial uses further to the east of the mining operation. Another mining operation is to the west, also along Interstate 84. The area to the west, south, and southeast of the mining area are farmed, predominantly under circle pivot irrigation. There are two homes in the impact area of the subject property.

County Finding:

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

(b) [Conflicts created by the site] The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses

for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

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

Applicant Response: There are two homes within the 1,500-foot impact area all sited on land zoned for Exclusive Farm Use. They were approved as farm dwellings in the Exclusive Farm Use zone. There are no residentially zoned lands within the impact area. There is a mining operation and a truck stop to the east of the mining operation. Another mining operation is to the west of the subject property. To the north of Interstate 84 there is a FedEx freight facility, Triple M Truck and Equipment, and other commercial or light industrial uses.

There are uses that may be impacted by noise, dust, or other discharges from the proposed mining operation including the truck stop to the east and the homes, all within the 1,500-foot impact area. The applicant or contractors will manage impacts by employing best management practices that include the installation of a berm and controlling dust during extraction and processing activities.

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

Another concern related to discharges would be stormwater which the applicant or contractors will collect and hold onsite. There does not appear to be a need at this point for the applicant to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit with 225-acres available to collect and hold stormwater. If conditions should change one can be obtained.

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

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

See Exhibit C, the applicant states that mining will initially begin on the southern portion of the aggregate site (tax lot 1800), this is also where processing will occur, and is located away from the existing dwellings. Additionally, the applicant is working with County Public Works to improve Center Street (to be renamed Noble Road). Center Street will be developed to County

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 10 of 37

Road Standard D, which is a paved industrial road standard. The applicant states that between 2,600 and 3,900 feet of the road will be paved in accordance with the County Public Works Director’s requirements. In respect to noise abatement, the applicant originally provided that a condition of approval requiring berm installation along the boundary of the mining site was anticipated. During the Planning Commission hearings, the applicant provided that the current dwelling’s residents did not want a berm to be located adjacent to the dwelling located on tax lot 1000, currently owned by the Walkers.

See Exhibit P, the applicant provided an additional table to support identified conflicts and mitigation measures, this table is also provided below.

OAR 660-023-0180(5)(b)	Impact	Mitigation
(A): Conflicts due to noise or dust with regards to sensitive uses and activities (houses and schools)	There are two dwellings in the impact area.	<ol style="list-style-type: none"> 1. Build a berm. (One dwelling has requested that the Applicant not build a berm) 2. Chemical dust suppression 3. Water dust suppression 4. The location of the crushing will always occur in tax lot 1800. 5. If needed, other methods commonly used by the industry
(B): Conflicts to local roads for access and egress to the mining site within one mile of the entrance to the mining site	The Applicant is developing Center Street exclusively for mining use traffic. Existing farm use traffic will use a different road and be unaffected by the mining activity.	<p>No mitigation is necessary. However, the Applicant has voluntarily agreed to address this issue through:</p> <ol style="list-style-type: none"> 1. Chemical dust suppression 2. Water dust suppression 3. If needed, other methods commonly used by the industry
(C): Airports	There are no airports in the area	No mitigation is necessary
(D): Other goal 5 resource sites	<p>There are two existing goal Sites 5 resources in the impact area.</p> <p>One is not currently in use, so there is no impact on the site.</p> <p>The second is the existing Rock It II facility.</p>	<p>No mitigation is necessary. However, the Applicant has voluntarily agreed to address this issue through:</p> <ol style="list-style-type: none"> 1. Chemical dust suppression 2. Water dust suppression 3. If needed, other methods commonly used by the

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 11 of 37

		industry
(E): Agricultural practices (using the analysis in ORS 215.296)	There is additional farmland to the west, south and east of the subject property. These farming operations are under circle pivot irrigation systems. The crops grown are potatoes, corn, wheat, and other row crops. These properties have existed near mining operations for several years without any impact.	No mitigation is necessary. However, the Applicant will voluntarily mitigate this conflict by: <ol style="list-style-type: none"> 1. Chemical dust suppression 2. Water dust suppression 3. If needed, other methods commonly used by the industry

County Finding:

Umatilla County finds the applicant is actively working with County Public Works in regards to road improvements to Center Street (to be renamed Noble Road). These improvements include paving the right of way to an industrial road standard that includes a 26-foot improved roadway width with 12 inches of compacted gravel. These road improvements will assist in dust mitigation.

Umatilla County finds the applicant has provided other dust mitigation protocols (see Exhibits H, J, O and P) that include chemical and water abatement as appropriate. The applicant provided that Port of Morrow water is available for mitigation until the irrigation water rights have been transferred with a change of use.

Umatilla County finds the adjacent landowners, Mr. and Mrs. Walker, reside in the dwelling adjacent to the proposed mining site. The applicant states that the Walkers do not want a berm around the mining site, as it would obstruct their scenic views. The Walkers did attend some of hearings, but did not provide written or oral testimony. Umatilla County finds a berm is not required to be established around the mining site, instead other dust and noise abatement practices shall be applied and are imposed below.

Umatilla County finds the following subsequent condition of approval is imposed, “applicant shall minimize fugitive dust emissions from the property by application of dust abatement chemicals, water, or similar best management practices recommended by DOGAMI and DEQ for control of dust at aggregate mining sites”.

Umatilla County finds the following subsequent condition of approval is imposed, “applicant shall ensure equipment operating on internal haul roads does not exceed 20 mph to reduce potential dust impacts”.

Umatilla County finds the following subsequent condition of approval is imposed, “if water is used for dust abatement, water must be secured from a permitted source”.

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

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

Applicant Response: Developed roads adjacent to or proposed to be used are Stafford Hansell Road to the north and Colonel Jordan Road to the east. Material leaving this site can travel Stafford Hansell Road to the east, then most likely onto Interstate 84 or north along Westland Road to the delivery point. Access can also occur along Center Street, a platted but undeveloped road, that bisects the subject property and creates an opportunity to access Colonel Jordan Road creating an alignment with Noble Road. The applicant has determined that the best alternative for access is to develop Center Street, to be renamed Noble Road, from the project site to the intersection with Colonel Jordan Road creating a crossroad intersection. The farm operations on the subject property will continue to use Stafford Hansell as their normal and customary access.

Traffic is dependent upon activity within the mining area and will vary based on the time of year. At peak usage, Average Daily Trips will be under the 250 trips identified within the Umatilla County Development Code as the trigger for a Traffic Impact Study. Employees at the anticipated scale and office site would generate less than 10 trips per day with employees working within the mining area generating fewer than 30 trips. Material trucks moving raw material, concrete, or asphalt could contribute up to 160 trips per day. The original submittal of this application is modified by the Traffic Impact Study completed and stamped by Kittelson & Associates dated August 5, 2022. The original narrative concerning trips is slightly different, but the assumptions remain the same. The year 2042 intersection operations both with and without the additional aggregate site trips does not change the Level of Service of the interchange ramps. In all instances the ramps and the intersection of Colonel Jordan and Center Street/Noble Road operate within operational standards. There is no change of note with the addition of the anticipated trips from the aggregate operation. The Traffic Impact Study also analyzed the proposal under the Transportation Planning Rule and found no significant impact on operations of the subject intersections.

The subject property has historical access onto Stafford Hansell Road which is paved for a portion and then becomes gravel, which is generally in good condition. The road is flat with no impairments to sight distance at the current access point. There are no posted speed limits. The

subject property is bisected by Center Street which could be developed providing access to Colonel Jordan Road at the current intersection point with Noble Road. Colonel Jordan Road is paved and in good condition. There are no posted speed limits. As stated earlier the applicant intends to continue to use Stafford Hansell Road for continuing farming operations. Aggregate operations will utilize Center Street/Noble Road with access to Colonel Jordan Road. Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a), however a Traffic Impact Study was completed and submitted.

County Finding: Umatilla County finds that traffic generated by the quarry operations will be consistent with current levels. Umatilla County finds that the site will contribute less than 250 daily trips, as supported by the Traffic Impact Analysis (TIA) submitted by the applicant. Testimony provided by the applicant and applicant’s representatives also supports this (see Exhibit H). The provided TIA concluded that the proposed Aggregate Resource overlay zone and mining operation would not result in a significant effect on the surrounding transportation network, or require offsite mitigation. It was recommended that a new site access be constructed to extend Noble Road, forming the fourth leg to the existing Colonel Jordan Road/Noble Road intersection.

Umatilla County finds the applicant is required to obtain a County Road Approach Permit to Colonel Jordan Road. The access shall be constructed to comply with the County Public Works requirements. This will be captured as a subsequent condition of approval.

Umatilla County finds the farming operations occurring on the subject property will continue to use Stafford Hansell Road, which is the historic access road for the farming operations.

Umatilla County finds the following subsequent condition is imposed: “the mining operation is restricted from utilizing Stafford Hansell Road, and access for the mining operation shall use Center Street, to be renamed Noble Road”.

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

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

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

Applicant Response: There are no known other Goal 5 resource sites within the impact area for the aggregate site. There is a recently approved aggregate site that was approved under these same standards and criteria. The approval rendered by Umatilla County earlier this year has added the Rock It #2 aggregate site and operation to the list of Goal 5 Aggregate Sites in Umatilla County and provided it protections under the Goal 5 program not dissimilar to what is being requested in this application.

This standard seeks to identify if there would be a conflict with this or other Goal 5 resource sites. The applicant asserts that there would not be a conflict. Both aggregate sites have similar impacts related to noise, dust, or other discharges that are evaluated and regulated as customary. We would anticipate conditions aligned with those applied to the Rock It #2 operation.

First Street, as shown on Assessor's Map 4n 27 36 and as platted on the 1910 Meadow Valley Addition plat, provides a barrier between the two operations on the north/south boundary line. That road, dedicated at 60 feet, when considered in addition to the required setback provides over a 100-foot separation between the two operations.

As the operations would be mining similar material in a similar manner with a barrier provided by a road right-of-way no conflicts are anticipated.

County Finding: During the Planning Commission hearing process, it was brought to Planning Staff's attention that a Goal 5 site directly to the west of the Girth Dog site was not identified. The site received Goal 5 protection in 2010, however, in Staff error, it was not added to the County's list of Goal 5 protected sites in the Comprehensive Plan, nor was it properly mapped on Zoning Maps. This site is identified as Township 4 North, Range 27 East, all of Section 35 and is tax lot 200 on 4N27. It is 640 acres in size and is protected as a Goal 5 Large Significant Site for aggregate resources, however, it has not been approved for mining. Therefore, without further land use approval, it cannot be mined. The historic and continued use of this Goal 5 site is farm use. The applicant is the current owner of this property and provided that it will continue to be in farm use with pivot irrigation.

During testimony, the applicant asserted that there would not be any conflicts with this Goal 5 Site, nor the Goal 5 Site directly to the east, also protected for aggregate resources and owned by Rock It LLC.

Umatilla County finds there are two existing Goal 5 resource sites, located directly to the east and to the west of the subject property. Both Goal 5 sites are large significant aggregate resource sites. The Rock It LLC site (to the east) was recently approved under the same criteria that this application is reviewing. Since this is an existing aggregate site, and is a similar operation to the applicant's request, Umatilla County finds there are no Goal 5 conflicts.

Umatilla County finds there are no Goal 5 conflicts to the Goal 5 site to the west (Hansell site). This Large Significant aggregate resource site has not been approved for mining and is currently in crop circle irrigation. Mining operations have been operating along this corridor for decades and have not affected the farming operation. The applicant will implement best practices, as outlined above, to mitigate dust and noise. These mitigation actions are memorialized in subsequent conditions 2, 10, 11 and 12.

(E) Conflicts with agricultural practices; and

Applicant Response: Agricultural practices within the 1,500-foot impact area of the proposed quarry are to the west, south, southeast, and east and consist of irrigated agriculture with circle

pivot irrigation. The crops would be predominately potatoes, corn, wheat, and other row crops. There are no planted vineyards in the impact area or within 2 miles of the proposed site. Mining activity is not expected to conflict with these agricultural activities or practices. Prevailing winds are from the southwest moving any dust or emissions from the aggregate site away from agricultural lands towards an area that is used predominately for various commercial and industrial uses.

County Finding: Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with nearby agricultural activities or practices. Nearby existing aggregate sites have been operating without conflicts to nearby agricultural practices for many years.

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

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

(c) [If conflicts exist, measures to minimize] The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

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

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

(d) [If conflict can't be minimized then conduct an Economic, Social, Environmental, and Energy (ESEE) analysis] The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE

consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:

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

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

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

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

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

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

County Finding: Umatilla County finds that potential conflicts were identified in regards to dust and noise. Conflicts and mitigation actions are further analyzed under the ESEE Decision Process below.

(f) [Post mining uses] Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses,

including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

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

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

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

Applicant Response: This is not applicable as this is being proposed as a new site.

County Finding: Umatilla County finds this criterion is not applicable.

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

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

660-023-0040 ESEE Decision Process

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

(a) Identify conflicting uses;

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

Properties to the north of Interstate 84 are zoned for Light Industrial, Limited Rural Light Industrial, and Light Industrial with a limited use overlay zone. These lands, while within 1,500-feet of the mining operation and within the impact area, are buffered from the noise and other impacts by the Interstate. Noise and vibration from the mining operation would be overshadowed by the noise from Interstate traffic.

(b) Determine the impact area;

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

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

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

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

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

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

Table 1 - Potential Conflicting Uses

Potential Conflicting Uses		
Zoning	Code Sections	Potential Conflicting Uses
EFU	152.056 Uses Permitted 152.058 Zoning Permit 152-059 Land Use Decisions or 152.060 Conditional Uses	No conflicting uses identified. Replacement Dwellings, Winery, Farm Stand, Home Occupations. Churches, Dwellings, Schools, Parks, Playgrounds, Community Centers, Hardship Dwellings, Boarding and Lodging Facilities, Various Commercial Uses Related to Agriculture.
Light Industrial	152.302 Uses Permitted 152.303 Conditional Uses	No conflicting uses identified. Accessory Dwelling; Commercial amusement establishment; Day care center; Mobile home or trailer park.
Light Industrial/Limited Use Overlay Zone	152.302 Uses Permitted 152.303 Conditional Uses 152.533 Uses Permitted 152.534 Use Limitations	No conflicting uses identified. Accessory Dwelling; Commercial amusement establishment; Day care center; Mobile home or trailer park.
Limited Rural Light Industrial	152.314 Uses Permitted 152.315 Conditional Uses	No conflicting uses identified. Accessory Dwelling.

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

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

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

There is an existing Goal 5 resource site directly to the east of the subject property. This Goal 5 site is a large significant aggregate site, which was recently approved under the same criteria that this application is reviewing. Since this is an existing aggregate site, and is a similar operation to the applicant’s request, there are no known conflicts.

Umatilla County finds there are two significant Goal 5 sites within the impact area. One site is adjacent to the subject property on the east, and the other is adjacent on the west. The east site is an existing aggregate operation, which is not identified as a conflicting use since the proposed use being evaluated is also aggregate mining. The west site is also a Large Significant Site, although it has not received approval for mining and is currently in irrigated crop circles. Umatilla County finds market competition cannot be considered a conflicting use. The ESEE analysis is evaluated below.

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

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

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

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

While this site is not listed within the Umatilla County Technical Report to the Comprehensive Plan there are several aggregate sites within the vicinity that are listed, most as a 1A but some with a 3C designation. A 3C designation provides that Umatilla County should specifically limit conflicting uses. It is interesting to note that all the sites in the vicinity have the same soil configuration of Quincy loamy fine sand, with gravelly substratum. The exception is those that were already in production at the time the Soil Survey was being drafted and were assigned with a soil classification acknowledging the aggregate resource called Pits, Gravel. The two aggregate sites with the 3C designation are west of the subject property.

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

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

The ESSE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the proposed quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<p>Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Dwellings are not allowed as outright uses in</p>	<p>Consequences related to new use on neighboring properties. The economic impact to neighboring property owners would be neutral. A requirement for a waiver of remonstrance would not restrict the use of the property allowed in the underlying zone. Similar waivers are required by counties around the state as a condition of approval for a new residential structure in a farm or forest zone. These waivers, required by ORS 215.213 and 215.283, restrict a landowner’s ability to pursue a claim for relief or cause of action alleging</p>	<p>Consequences related to new use on neighboring properties. The economic consequence for property owners would be neutral. This decision would maintain the current approval criteria for new residences and gathering places in the impact area. Consequences related to loss or interruption of quarry access. The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have cause delays</p>

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 22 of 37

	<p>the other use zones within the impact area. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit of preserving the applicant’s ability to access material from this site does have an economic impact through direct employment and employment impacts on the various developments that rock is delivered to. The proposed quarry will provide material for a variety of projects throughout Umatilla and Morrow Counties and possibly beyond.</p>	<p>injury from farming or forest practices.</p> <p>Without evidence that the widespread use of such waivers has negatively impacted property values or development rights, it is reasonable to conclude that the proposed limit on new conflicting uses in the impact area of the proposed quarry will have no negative economic consequence.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a decision to prohibit uses since the proposed “limit” is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p>and increased costs for projects across the state. Development of this quarry supports economically efficient development and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Social Consequences	<p>Consequences related to new use on neighboring properties. Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if acceptance of the mining activity were added as a condition of approval for new dwellings and uses related to social gatherings within 1500 feet of the quarry boundary. Options available to property-owners would not be reduced. Dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p>Consequences related to loss of quarry access. Various development and</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the proposed quarry may have to forgo their development which could impact social activities including those that would benefit recreation and</p>

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 23 of 37

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

	<p>consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>
--	---	--	--

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

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

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

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

to pursue a claim for relief or cause of action alleging injury from the aggregate operation.

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

Umatilla County finds that other adjacent Goal 5 sites, significant for aggregate resource mining, are not conflicting uses.

660-023-0050 Programs to Achieve Goal 5

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

Umatilla County finds that the Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Girth Dog Quarry as a significant aggregate resource site.

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

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

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

(a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;

(b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

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

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

(a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and

(b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).

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

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

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

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

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

The Umatilla County Comprehensive Plan and Technical Report both have input into this decision even though this site is not listed. There are two mining operations to the west with the same soil type and classification that have been afforded a 3C designation indicating that the site

is significant and warrants protection. It should also be noted that there are several aggregate resource sites along the Interstate 84 corridor. This action seeks to protect the proposed aggregate site under Goal 5 as a significant site, to apply the Aggregate Resource Overlay Zone to the mining site, and to allow mining and processing on the site.

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

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

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

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

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

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

Umatilla County finds that the applicant’s PAPA application, laboratory reports, and supplied information from IRZ Consulting demonstrate that the inventory of aggregate material at the Girth Dog Quarry is over 1.2 million tons which exceeds ODOT specifications and warrants the overlay (see Exhibit K, Page 19). This criterion is met.

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

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

(4) Adequate screening, either natural or man-made, is available for protecting the site

from surrounding land uses.

The location of the proposed quarry along Interstate 84 and south and west of industrial uses would make screening unnecessary. This type of aggregate activity regularly takes place along highways and roads to provide easy and cost-effective access to aggregate material for use in development projects. The applicant states that screening beyond the use of berms of this site would be cost prohibitive and would not provide benefit. Umatilla County finds no screening is required. This criterion is met.

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

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

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

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

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

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

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

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

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

Applicant Response: The applicant will mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property. There are two homes on property adjacent to the proposed mining area, one to the northwest and the other to the northeast. Based on the location of the homes on their subject properties mining will not be done within 100 feet of the homes. There are no other homes within the 1,500-foot impact area and the requested remonstrance process would work to ensure that any new homes sited in the 1500-foot impact area do not conflict with the proposed large significant site. Future sedimentation ponds that may be installed will be more than 25 feet from any county roads.

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

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

Applicant Response: There is the two dwellings identified above that are located within 500-foot of the boundary of the subject property. Processing equipment will be sited in such a way as to retain this 500-foot setback requirement. The applicant is requesting that future dwellings or social gathering spaces be limited and require a remonstrance agreement within the impact area to assure this standard can be maintained.

During Planning Commission testimony, the applicant provided that processing equipment will be located on tax lot 1800, the applicant also provided a map to demonstrate where the processing equipment will be placed. This location far more than 500 feet from both existing dwellings.

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

Umatilla County finds as a condition of approval, all crushing, washing, and screening of aggregate materials shall occur on tax lot 1800 in the area shown in on the ArcGIS Web Map located in Exhibit C.

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

Applicant Response: The subject property has access to Stafford Hansell Road with the farming operations continuing to use this access. A new access point is proposed to be constructed to Colonel Jordan Road along Center Street to support the mining activity. The applicant is requesting that future dwellings or social gathering spaces approved in a discretionary land use process to be limited by a requirement to sign a waiver of remonstrance within the impact area to assure this standard can be maintained.

During Planning Commission testimony, the applicant provided that the home directly north of the Girth Dog site did not want to see a berm built around the mining area. The applicant was agreeable to this and mitigating dust utilizing other industry standard practices such as water and chemical application.

County Finding: Umatilla County finds that the proposed Girth Dog Quarry site fronts both Stafford Hansell and Colonel Jordan Roads with an existing historical farm access on Stafford Hansell Road. A new access point will need to be approved and constructed to Colonel Jordan Road to support the mining activity. A subsequent condition of approval is imposed that the applicant obtain access permit approval from Umatilla County Public Works to Colonel Jordan Road at the time the new access is needed by the mining operation, this access point must meet

the 1,320-foot spacing requirements from the interchange ramps.

Umatilla County finds as a condition of approval, all equipment operating on internal haul road does not exceed 20 mph to reduce potential dust impacts.

Umatilla County finds as a condition of approval, if applicant uses water for dust abatement, water must be secured from a permitted source.

31. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

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

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

County Finding: Umatilla County finds the applicant's request was processed through the public hearing process and complies with Statewide Planning Goal 1 (Citizen Involvement).

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

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

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

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

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

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and

codified in the Umatilla County Development Code. There are at six other aggregate sites within a four-mile radius of this site, most to the west, with several of them operating adjacent to lands producing crops.

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

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

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

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

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

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

Applicant Response: The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. There is a portion of a 1.67-acre freshwater pond found on the National Wetlands Inventory map based on aerial photography from 1981. Using google earth imagery today the area is under circle-pivot irrigation with no pond visible or any impacts to farming operations. No floodplain has been mapped on the subject property.

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

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

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

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

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

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

County Finding: Umatilla County finds that the applicant's request addresses air, water and land resource quality and will obtain necessary permits and implement best practices to be consistent with Statewide Planning Goal 6 (Air, Water and Land Resource Quality). The applicant is required to obtain DEQ permits and comply with air quality requirements and obtain change of use permits from OWRD.

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

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

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

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

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

County Finding: Umatilla County finds that the applicant's request appears to be consistent

with Statewide Planning Goal 8 (Recreation Needs) and Goal 8 does not directly apply to this request.

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

Applicant Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County has a comprehensive plan and technical report that has been acknowledged to comply with Goal 9. While the approval of an aggregate site does not, in and of itself, provide significant economic benefit, the aggregate industry can provide an economic benefit to a region. Having said that this site will create at least 10 new jobs serving various development needs throughout Umatilla and Morrow Counties. Aggregate is a necessary component that is essential for residents, businesses, and recreation and tourism activities in this region.

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

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

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

County Finding: Umatilla County finds housing is not a direct consideration of this request, however, the requested activities will allow for aggregate to be available for use in the housing and commercial construction business.

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

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

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

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

Applicant Response: Goal 12 requires local governments to provide and encourage a safe,

convenient, and economic transportation system, implemented through the Transportation Planning Rule. In 2006 Umatilla County adopted an Interchange Area Management Plan (IAMP) for the Westland Interchange which does discuss the intersection of Stafford Hansell Road to Westland Road, identifying concerns with the spacing of Stafford Hansell Road from the interstate eastbound on- and off-ramps. This request is for a use that is allowed conditionally and improvements to the Stafford Hansell Road intersection, while needed, are not appropriately required of this application. Connection for the proposed aggregate site is proposed to be from Center Street at the current intersection of Noble Road and Westland *Colonel Jordan* Road, which is nearly 1,000-feet more than the 1320-feet required by the IAMP.

County Finding: Umatilla County finds as part of this application approval process, the applicant will be required to construct a new access point that complies with the adopted Umatilla County / ODOT Westland Road / I-84 / I-82 Interchange Area Transportation Plan, this access point will serve the proposed mining operation. The existing and continued farm operations occurring on the property will continue to have legal access from Stafford Hansell Road. The applicant submitted a Traffic Impact Analysis which found that the proposed mining operations will add less than 250 daily trips on local roads and is not anticipated to have a significant effect on the local transportation network. Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 12 (Transportation).

Goal 13 Energy: *To conserve energy.*

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

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

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

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

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

32. DECISION:

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE GIRTH DOG LLC REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY TO THE GIRTH DOG SITE IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.

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

1. Pay notice costs as invoiced by the County Planning Department.
2. Obtain a County Road approach permit to Colonel Jordan Road. The access approach shall comply with Road Department standards and satisfy the 1,320-foot spacing standard to the I-84/Westland Road interchange ramps.

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

1. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
2. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling. Access to the mining operation shall be restricted from Stafford Hansell Road. Processing equipment shall be located at least 500 feet from existing dwellings, shall be located on tax lot 1800 and placed in the pit once opened to the finish depth. Processing equipment shall remain in this location for the duration of the aggregate operation.
3. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
4. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
5. 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.
6. Contour and revegetate the quarry for agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
 7. Any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.
 8. Mining is only allowed as proposed in the application, and as otherwise limited in these conditions.
 9. All processing of mineral and aggregate materials shall occur on tax lot 1800 as shown in Exhibit C, page 4.
 10. Applicant shall minimize fugitive dust emissions from the property by application of dust abatement chemicals, water, or similar best management practices recommended by DOGAMI and DEQ for control of dust at aggregate mining sites.
 11. Applicant shall ensure equipment operating on internal haul roads does not exceed 20 mph to reduce potential dust impacts.
 12. The mining operation is restricted from utilizing Stafford Hansell Road, and access for the mining operation shall use Center Street, to be renamed Noble Road.
 13. If water is used for dust abatement, water must be secured from a permitted source.

PRELIMINARY FINDINGS AND CONCLUSIONS

Girth Dog LLC, Plan Amendment, #P-135-22, Text Amendment T-092-22, Zoning Map Amendment. #Z-322-22

Page 37 of 37

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated the _____ day of _____, 2023

John M. Shafer, *Commissioner*

Daniel L. Dorrان, *Commissioner*

Celinda A. Timmons, *Commissioner*

INTENTIONALLY LEFT BLANK

Proposed Umatilla County Comprehensive Plan Text Amendment

GIRTH DOG LLC QUARRY

Comprehensive Plan Map Amendment #P-135-22

Comprehensive Plan Text Amendment T-092-22

Zoning Map Amendment #Z-322-22

Township 4N, Range 27E, Section 36, Tax Lots: 900, 1100, 1200, 1300 and 1800

This proposed amendment to the Umatilla County Comprehensive Plan is to add to the Girth Dog, LLC Quarry Site to the list of Goal 5 protected, significant resource aggregate sites. The following proposed changes will be made in Chapter 8, Open Space, Scenic and Historic Areas, and Natural Resources:

Note: Proposed changes are in underlined> text.

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) ODOT quarry, T2N, R27, TL 2700.

(13) Private, commercial pit, T4N, R27E, Section 25, TL 900, Section 36, TL 400, 500, 600, 700, 800, 1400, 1500.

(14) Private, commercial pit, T2N, R32, Section 04, TL 400.

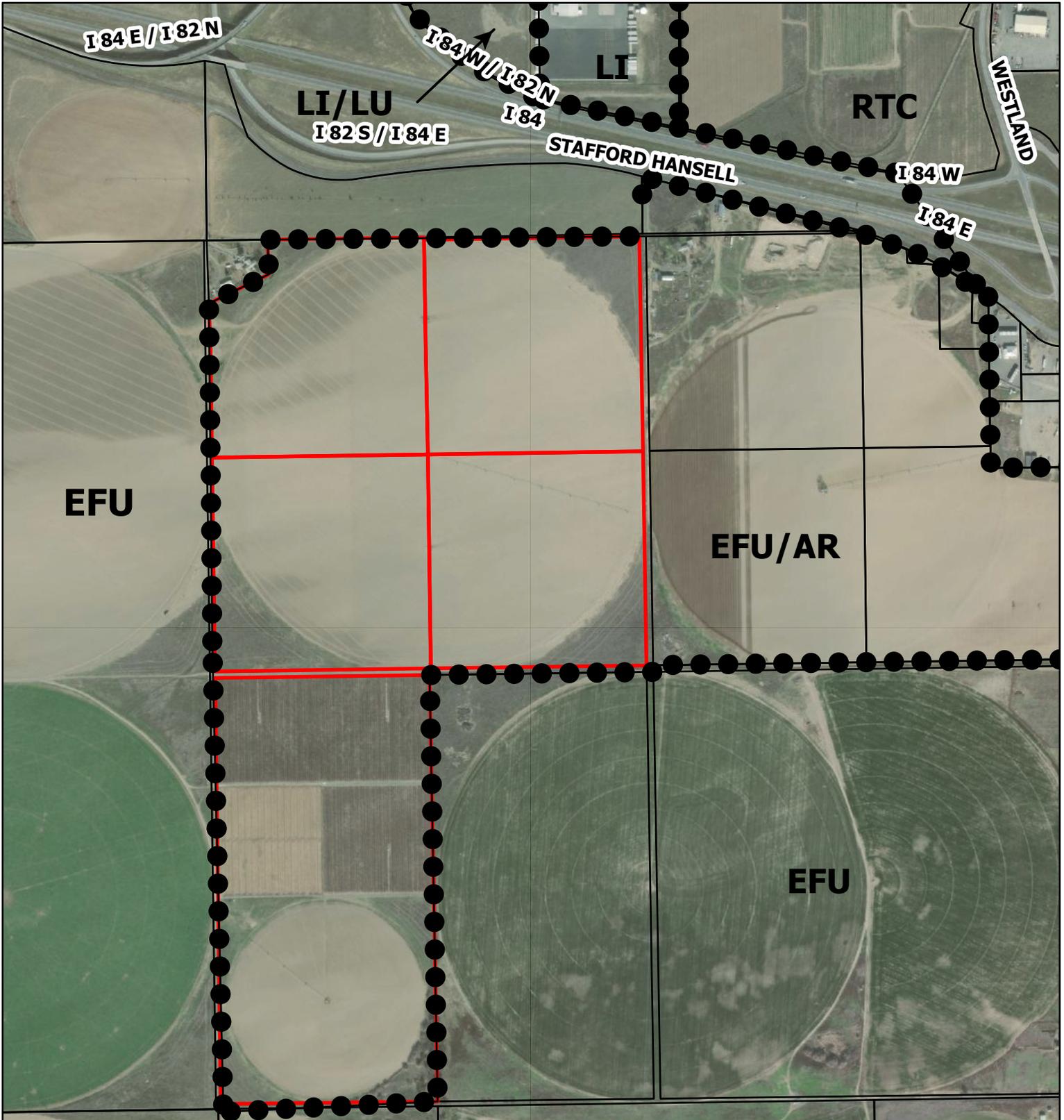
(15) Private, commercial pit, T4N,
R27E, Section 36, TL 900, 1100, 1200,
1300, 1800.

GIRTH DOG, LLC PROPOSED ZONING MAP

N



0 500 1,000 2,000 Feet



Legend

- Zoning Boundary
- Property Boundary
- ▭ Subject Parcels

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department
Date: 8/26/2022



**COARSE AGGREGATE
SPECIFIC GRAVITY**

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

RECEIVED

MAY 23 2022

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

UMATILLA COUNTY
PLANNING DEPARTMENT

Project: 2022 Laboratory Services

Permit #:

Project Manager: Jason Plunkett

Lab Technician: Ryan Hart

Test Date: 3/25/22

As requested Atlas has performed specific gravity 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:	Girth Dog – 29730 Stafford Hansel Rd. Hermiston OR.							
Date Obtained:	3/7/22							
Sample ID:	22-5038							
Sampling and Preparation:	ASTM D75:	X	AASHTO T2:		ASTM D421:	X	AASHTO T87:	
Test Standard:	ASTM C127:	X	AASHTO T85:					

Sample	1
Bulk Specific Gravity	2.741
Bulk SSD Specific Gravity	2.768
Apparent Specific Gravity	2.817
Absorption (%)	0.98

If there are questions concerning this report (*Document1*), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS

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

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
CC:



LA ABRASION OF LARGE SIZE
COARSE AGGREGATE

RECEIVED

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

MAY 23 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services

Permit #:

Project Manager: Jason Plunkett

Lab Technician: Ryan Hart

Test Date: April 6st 2022

As requested Atlas has performed an LA Abrasion testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	Girth Dog – 29730 Stafford Hansel Rd. Hermiston OR.							
Date Obtained:	3/7/22							
Sample ID:	22-5038							
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	ASTM D421:		AASHTO T87:	X
Test Standard:	ASTM C131:		AASHTO T96:	X				

Nominal Maximum Size of Aggregate	1.5"
Grading Designation	C
Loss by Abrasion (%)	14.0%

If there are questions concerning this report (LA 22-5038), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS

Reviewed By: Charles D. Walker
Regional Manager

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
CC:



**SULFATE SOUNDNESS
COARSE AGGREGATE**

RECEIVED

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

MAY 23 2022

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

UMATILLA COUNTY
PLANNING DEPARTMENT

Project: 2022 Laboratory Services
Permit #:
Project Manager: Jason Plunkett
Lab Technician: Ryan Hart
Test Date: March 28th 2022

As requested Atlas has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	Girth Dog – 29730 Stafford Hansel Rd. Hermiston OR.						
Date Obtained:	3/7/22						
Sample ID:	22-5045						
Sampling and Preparation:	ASTM D75:	X	AASHTO T2:		ASTM D421:	X	AASHTO T87:
Test Standard:	ASTM C88:	X	AASHTO T104:				
Solution:	Sodium:	X	Magnesium:		Fresh Prepared:	X	Previously Used:

Coarse Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
2.0"	1.5"	1868.4	0.56	0.23
1.5"	1.0"	954.8		
1.0"	3/4"	498.2	0.89	0.28
3/4"	1/2"	669.9		
1/2"	3/8"	331.0	2.83	0.61
3/8"	#4	300.2	4.53	0.29
			Total	1.41

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		# of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
2.5"	1.5"	1	10							10
1.5"	3/4"							4	9.8	41

If there are questions concerning this report (SS22-5038), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS

Reviewed By: Charles D. Walker
Regional Manager

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.

CC:



0.2mi
-119.387 45.787 Degrees

All rights reserved

CE VED

OCT 10 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

INTENTIONALLY LEFT BLANK

August 5, 2022

Project #: 28044

Robert Waldher and Megan Davchevski
Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801**RECEIVED****AUG 08 2022****UMATILLA COUNTY
PLANNING DEPARTMENT**

RE: Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment

Dear Robert and Megan:

This letter presents a Traffic Impact Analysis supporting a proposed plan map amendment that would overlay the Umatilla County Aggregate Resource Overlay zone on approximately 225 acres of existing Exclusive Farm Use (EFU) zoned property in Umatilla County.

Based on the results of the transportation analysis outlined in this report, the proposed Aggregate Resource Overlay zone and the development of the proposed Girth Dog Pit (herein referred to as an aggregate mining operation) is not anticipated to result in a significant effect on the surrounding transportation network or require offsite transportation improvements. Additional details of our analyses are summarized herein.

PROJECT BACKGROUND

The 225-acre property consists of Tax Lots 900, 1100, 1200, 1300, and 1800 of Map 4N 27 36 (see Figure 1) and is used for farming purposes consistent with the current Exclusive Farm Use (EFU) zoning. In order to support proposed mining, processing, concrete/asphalt batch plants, and aggregate stockpiling operations, the owner is proposing to apply the County's Aggregate Resource Overlay zone to the subject property.

Modifications to existing zoning designations such as the Aggregate Resource Overlay zone must be shown to meet the applicable criteria in Oregon Administrative Rule 660-012-0060, also known as the Transportation Planning Rule (TPR). Per the TPR, an analysis of whether the zoning overlay has the potential to create a significant effect to a transportation facility must be reviewed. The following report addresses the TPR requirements and the specific transportation-related impacts of a proposed aggregate mining operation.

Figure 1 – Site Vicinity Map and Study Intersections



STUDY SCOPE & ANALYSIS METHODOLOGY

The proposed land use action is a unique case in that the existing use of the property (wheat, potatoes, corn, and blueberry farming) already represents a reasonable maximum development scenario under the existing EFU zoning. As such, the focus of this analysis is on incremental impacts of the allowed uses under the proposed Aggregate Resource Overlay zone.

STUDY SCOPE

This analysis identifies the transportation-related impacts associated with the application of the Aggregate Resource Overlay zone. The study was prepared in accordance scope direction from Umatilla County staff. The study scope and overall study area for this project were selected based on an analysis of current and future traffic volumes at study intersections and discussions with County staff. The analysis was prepared to address the following transportation issues:

- Existing land use and transportation system conditions within the site vicinity;
- Review of regional traffic growth and seasonal traffic patterns, in-process developments, and planned transportation improvements;
- Site trip generation and distribution estimates for reasonable worst-case development scenarios for the proposed Aggregate Resource Overlay zone;
- Planning horizon year 2042 traffic operations under existing EFU zoning and proposed Aggregate Resource Overlay zone scenarios;
- Transportation system adequacy to accommodate the proposed reasonable worst case development scenarios for the proposed Aggregate Resource Overlay zone;
- Assessment of overlay zone change compliance with the TPR (OAR Section 660-12-060); and,
- Conclusions and recommendations.

STUDY INTERSECTIONS

The study intersections were identified in collaboration with County staff. Figure 1 illustrates the location of the study intersections that are listed below. For ease of review, each intersection is referenced within this report using a numerical ID.

1. I-84 WB Ramp Terminal / Westland Road
2. I-84 EB Ramp Terminal / Colonel Jordan Road
3. Colonel Jordan Road / Noble Road

TRAFFIC ANALYSIS TIME PERIODS

Study intersection operations were analyzed during the weekday morning (intersection peak hour between 7:00-9:00 AM) and evening peak hour (intersection peak hour between 4:00-6:00 PM).

ANALYSIS METHODOLOGY

The unsignalized and signalized intersection operational analyses presented in this report were prepared following *Highway Capacity Manual 6th Edition* (Reference 1) analysis procedures using Synchro software.

APPLICABLE MOBILITY STANDARDS

Intersection operating targets adopted by the Oregon Department of Transportation (ODOT) and Umatilla County are summarized below.

ODOT MOBILITY TARGETS

ODOT uses volume-to-capacity (v/c) ratios to assess intersection operations. Table 6 of the *Oregon Highway Plan* (OHP) provides maximum volume-to-capacity ratio mobility targets for all signalized/roundabout and unsignalized intersections located outside the major metropolitan areas. Table 1 summarizes the v/c ratio that will be used to identify the existing and potential future operational issues at the ODOT owned/maintained I-84 ramp terminal intersections.

Table 1 - ODOT Mobility Targets

Intersection	OHP Mobility Target
I-84 WB Ramp Terminal / Westland Road	0.70 off ramp approach
I-84 EB Ramp Terminal / Colonel Jordan Road	0.70 off ramp approach

UMATILLA COUNTY OPERATING STANDARDS

Umatilla County's standards specify that LOS "E" or better is considered acceptable at unsignalized intersections, including the Colonel Jordan Road/Noble Road intersection.

EXISTING CONDITIONS TRAFFIC ANALYSIS

The existing conditions analysis identifies field conditions and the current operational, traffic control, and geometric characteristics of the roadways and other transportation facilities within the study vicinity. These conditions will be compared with future year conditions later in this report. Kittelson staff visited the study area and inventoried the existing transportation system to identify lane configurations, traffic control devices, bicycle and pedestrian facilities, transit stops, and geometric features at the study intersections during the summer of 2022.

SITE CONDITIONS AND ADJACENT LAND USES

The overall site is located south of I-84 and approximately ¼ mile west of the Colonel Jordan Road corridor. The majority of the land is currently used for agricultural purposes. A separate aggregate mining operation is located directly to the east of the property with a truck stop and fueling station further to the east. Light industrial and commercial activities are further to the east across Colonel Jordan Road. Irrigated farmland is to the west, south, and east of the subject property, most under circle pivot irrigation systems.

Transportation Facilities

Table 2 summarizes the attributes of key roadways in the site vicinity. Figure 2 illustrates the existing lane configurations and traffic control devices at the study intersections.

Table 2 – Existing Transportation Facilities

Roadway	Jurisdictional Authority	Functional Classification ¹	Number of Auto Lanes	Posted Speed (mph)	Sidewalks Present?	Bike Lanes Present?	On-Street Parking Allowed?
I-84	ODOT	Interstate Highway	4	70	No	No	No
Westland Road	Umatilla County	Major Collector	2	Not Posted	No	No	No
Colonel Jordan Road	Umatilla County	Local Road	2	Not Posted	No	No	No
Noble Road	Umatilla County	Local Road	2	Not Posted	No	No	No

¹Source: Oregon Highway Plan and Umatilla County Transportation System Plan

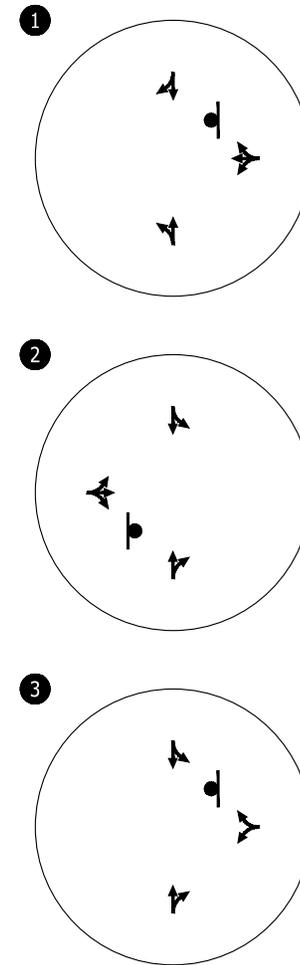
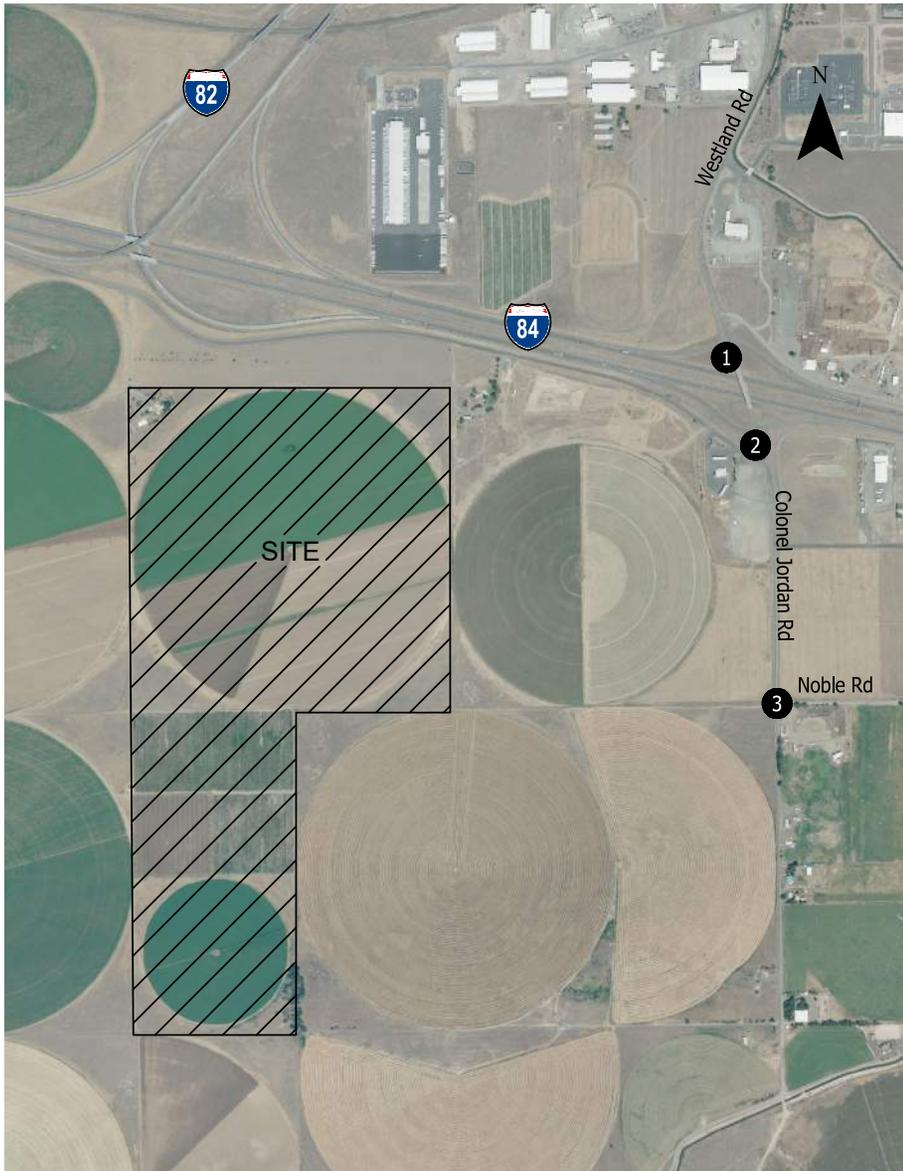
INTERSECTION CRASH HISTORY

Study intersection crash histories were obtained and reviewed in an effort to identify potential safety issues. ODOT provided crash records for the study intersections for the five-year period from January 1, 2016 through December 31, 2020. Table 3 summarizes the ODOT crash data. As shown in the table, there were no crashes at two of the study intersections and only one crash at the I-84 WB ramp terminal. Appendix A contains the crash data summary sheets.

Table 3 - Reported Crash History (January 1, 2016 - December 31, 2020)

Study Intersection	Crash Type					Severity			Total
	Rear End	Turning	Angle	Fixed Object	Other	PDO	Injury	Fatal	
I-84 WB Ramp Terminal/ Westland Road	0	1	0	0	0	1	0	0	1
I-84 EB Ramp Terminal/ Colonel Jordan Road	0	0	0	0	0	0	0	0	0
Colonel Jordan Road/ Noble Road	0	0	0	0	0	0	0	0	0

C:\Users\mruiz-leon\appdata\local\temp\AcPublish_44852\28044 Figures 001.dwg Aug 05, 2022 - 2:27pm - mruiz-leon Layout Tab: ELC & TCD



-  - STOP SIGN
-  - TRAFFIC SIGNAL

Existing Lane Configurations
 & Traffic Control Devices
 Umatilla County, Oregon

Figure
 2

EXISTING CONDITIONS

Turning movement counts at the study intersections were conducted on a mid-week day in late June 2022. *Appendix B contains the intersection turning movement count sheets.*

SEASONAL ADJUSTMENT

To determine an appropriate seasonal factor, three methodologies were investigated as outlined in ODOT's *Analysis Procedures Manual (APM)*: On-Site ATR Method, ATR Characteristic Table Method, ATR Seasonal Trend Method.

On-Site ATR Method

The On-Site ATR Method is used when an Automatic Traffic Recorder (ATR) is within or near the project area. There are three ATRs within relative close proximity of the site. Each of these ATRs are located along the I-84 corridor and are recording volumes along the interstate highway. A seasonal factor for each ATR was calculated for comparison purposes to the other methodologies described herein. As shown in Table 4, the seasonal factors ranged from 1.04% to 1.09% with an average seasonal factor of 1.07%.

Table 4 - Seasonal Adjustment Calculations for ATRs

	2019	2018	2017	2016	2015	Average
ATR 11-009						
Count Month (June)	120	121	123	118	120	120.3
Peak Month	132	130	136	130	131	131
ATR 25-008						
Count Month (June)	111	112	114	112	111	111.7
Peak Month	119	118	121	118	121	119.3
ATR 20-027						
Count Month (June)	114	111	113	113	111	112.3
Peak Month	117	115	123	116	118	117

- ATR 11-009 Season Adjustment Factor = $131\%/120.3\% = 1.09\%$
- ATR 25-008 Seasonal Adjustment Factor = $119.3\%/111.7\% = 1.07\%$
- ATR 20-027 Seasonal Adjustment Factor = $117\%/112.3\% = 1.04\%$

ATR Characteristics Table

The ATR Characteristic Table provides general characteristics for each ATR in Oregon and is typically used when there is not a nearby ATR within the immediate study area. Since two of the study intersections are interchange ramp terminals, a review of the Characteristic Table did not find an ATR that closely matches the unique study area conditions. As such, the ATR Seasonal Trend Method was evaluated as described in the following section.

ATR Seasonal Trend Method

The seasonal trend table is used when there is not an ATR nearby or in a representative area. This method averages seasonal trend groupings from the ATR Characteristics Table. For movements at the study interchange (which has significant industrial and employment generators with limited freeway oriented retail uses), an average of the “commuter” and “summer” trends was deemed appropriate and consistent with other recent development-driven traffic studies in the area. As shown in Table 5, the average of the seasonal adjustment factor calculations for the Commuter and Summer trends would be a factor of 1.02.

Table 5 – ATR Seasonal Trend Method for Commuter and Summer Trends

	June/July Count Month	Seasonal Trend Peak Period Factor
Commuter	Avg of 0.9355 & 0.9470 = 0.94125	0.9335
Summer	Avg of 0.8615 & 0.8457 = 0.8536	0.8299

- The peak period seasonal factor is 0.9355 for the Commuter trend and 0.8299 for the Summer Trend.
- The average June/July count date seasonal factor is 0.94125 for the Commuter trend and 0.8536 for the Summer trend.
- The Commuter seasonal adjustment is $0.94125/0.9355 = 1.01$ and the Summer seasonal adjustment is $0.8536/0.8299 = 1.03$.
- An average of the Commuter and Summer season adjustments is 1.02

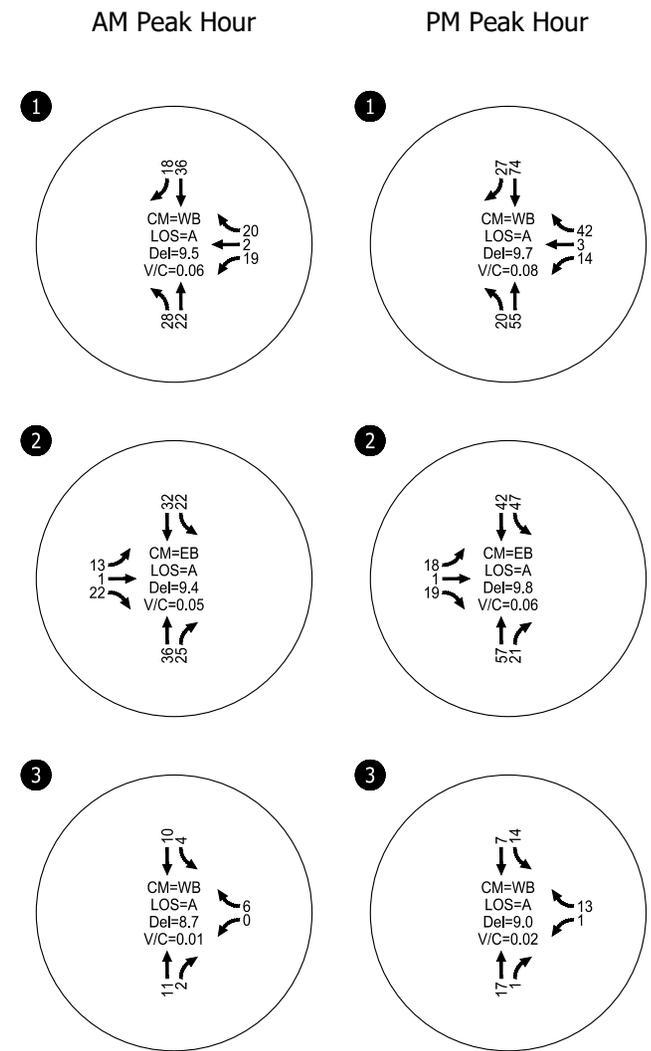
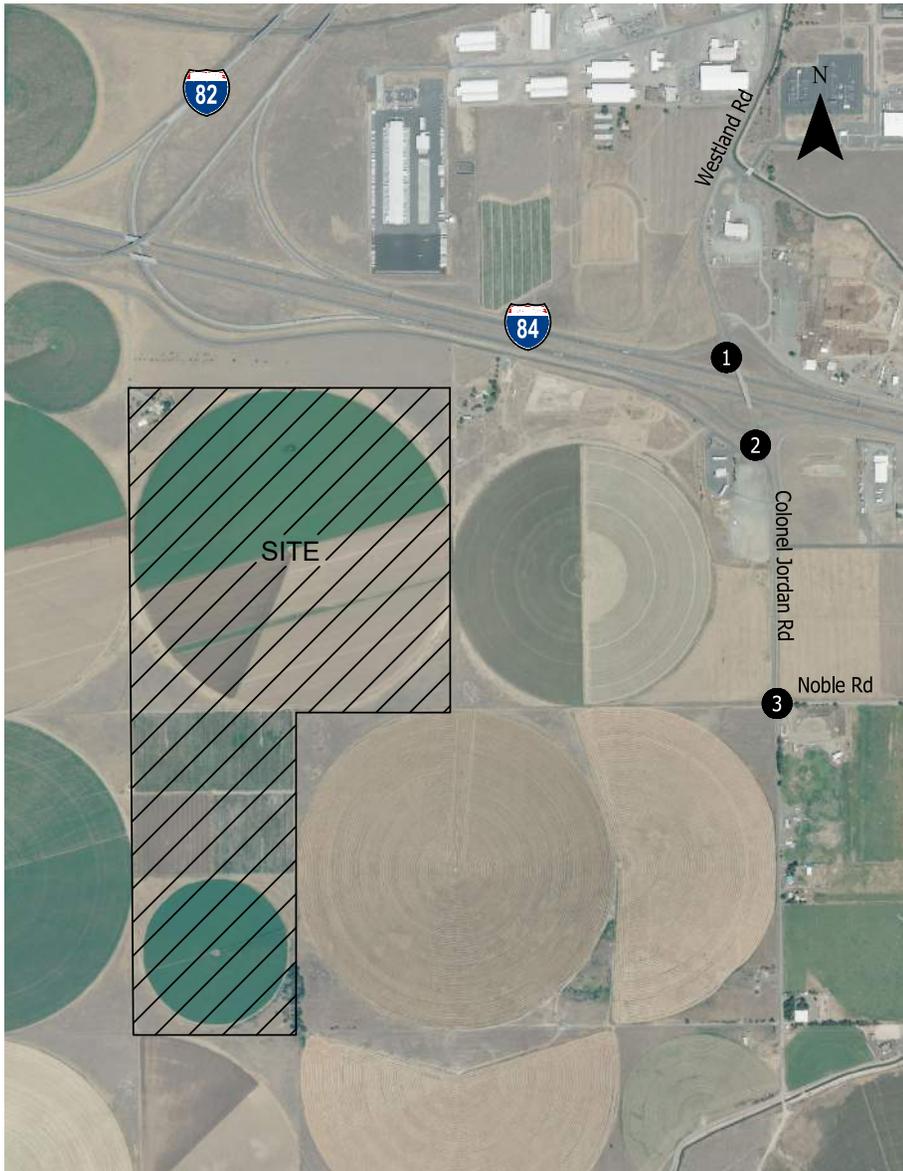
As described in the previous sections, a comparison on the On-Site ATR Method and the ATR Seasonal Trend Method revealed a higher seasonal factor derived from the On-Site ATR Method. However, since the ATRs used in this method primarily reflect freeway traffic volumes and the interchange ramps do not serve a large number of freeway-oriented uses, the ATR Seasonal Trend Method was deemed to be a more representative method. For the purposes of this analysis, a seasonal factor of 1.02 has been applied to existing traffic volumes.

EXISTING INTERSECTION OPERATIONS

Figure 3 illustrates the resulting 2022 existing traffic volumes at the study intersections while Table 6 summarizes the corresponding traffic operations during the weekday AM and PM peak hours (7:55-8:55 AM and 4:15 – 5:15 PM). As shown in Table 6 and detailed in Appendix C (which includes the existing conditions operations analysis worksheets), the study intersection operations satisfy applicable ODOT performance targets and County standards during the AM and PM peak hours.

Table 6 – Existing Traffic Conditions

Intersection	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C	Approach Delay (sec)	Approach LOS	V/C	Approach Delay (sec)	Approach LOS
I-84 WB Ramp Terminal/ Westland Road	0.06	9.5	A	0.08	9.7	A
I-84 EB Ramp Terminal/ Colonel Jordan Road	0.05	9.4	A	0.06	9.8	A
Colonel Jordan Road/ Noble Road	0.01	8.7	A	0.02	9.0	A



CM = INTERSECTION MOVEMENT
 LOS = INTERSECTION MOVEMENT LEVEL OF SERVICE
 Del = INTERSECTION MOVEMENT CONTROL DELAY
 V/C = INTERSECTION VOLUME-TO-CAPACITY RATIO

🛑 - Stop Sign

Existing Traffic Conditions
 Weekday AM & PM Peak Hours
 Umatilla County, Oregon

Figure
 3

C:\Users\mruiz-leon\appdata\local\temp\AcPublish_44852\28044 Figures 001.dwg Aug 05, 2022 - 2:27pm - mruiz-leon - Layout Tab: Exist Traff Cond

YEAR 2042 TRAFFIC CONDITIONS

This section of the report contains a detailed assessment of the long-term traffic impacts associated with and without the proposed plan map amendment. More specifically, it evaluates the impacts of an aggregate mining operation which would be allowed under the Aggregate Resource Overlay zone. The analysis of long-term traffic conditions is mandated by the State's Transportation Planning Rule (TPR, OAR Section 660-12-0060), given that the proposed plan map amendment would require an amendment to an acknowledged land use regulation and may have the potential to significantly affect a transportation facility.

To test for significant effect and development-related impacts, an analysis of traffic conditions was conducted under the existing EFU land use designation (assuming continued farming use of the site) and the proposed Aggregate Resource Overlay zone (assuming the development of an aggregate mining operation).

Based on the required analysis, the impacts of traffic generated by the potential Aggregate Resource Overlay zone (using the proposed aggregate mining operation as a reasonable worst-case proxy) were examined in the following manner:

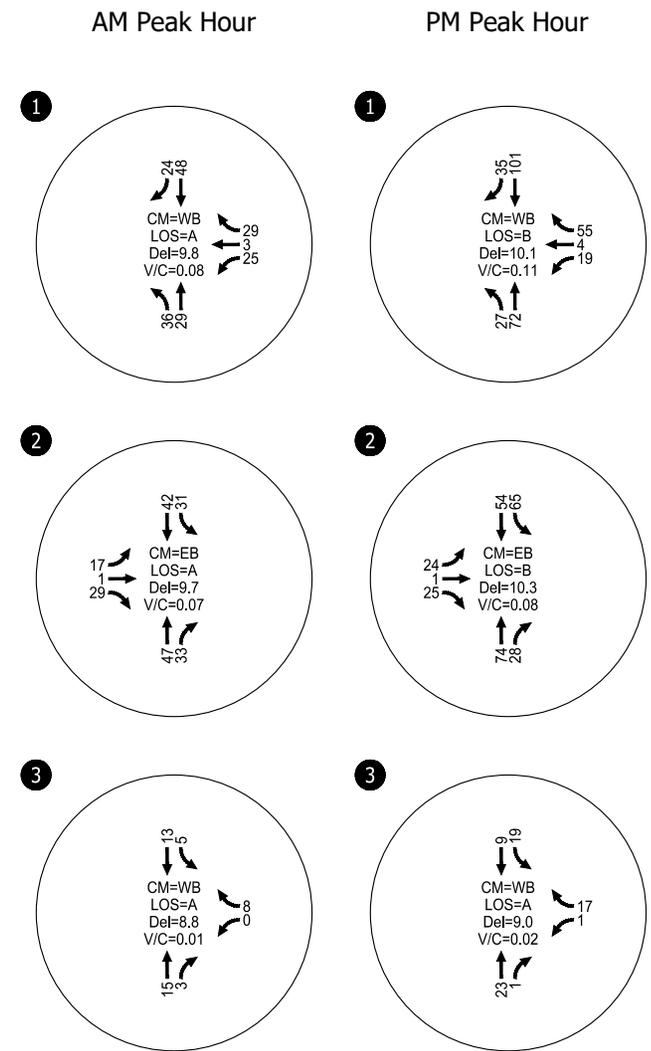
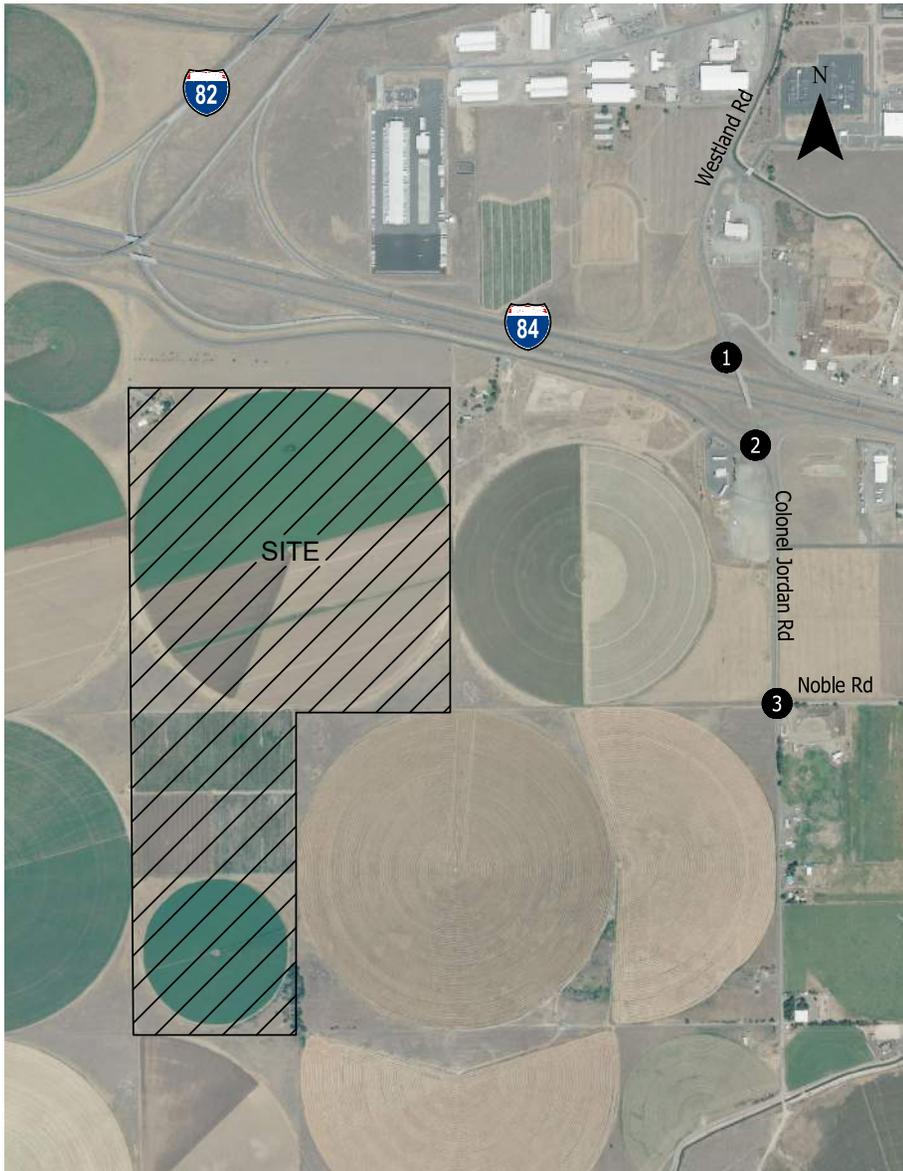
- Anticipated future traffic growth patterns were identified for the weekday AM and PM peak hour under the 2042 planning horizon year. This horizon year assumes no overlay zone and is indicative of future conditions with no land use modifications beyond those allowed under the Exclusive Farm Use designation.
- A reasonable worst-case land development scenario (aggregate mining operation) was developed under the proposed Aggregate Resource Overlay zone. Estimates of average daily, weekday AM, and weekday PM peak hour site trips were prepared for the potential Aggregate Resource Overlay zone using the proposed aggregate mining operation.
- A site trip distribution pattern was derived through a review of existing traffic volumes and knowledge of the regional transportation network.
- Weekday AM and PM peak hour site-generated trips from the proposed aggregate mining operations were assigned to the surrounding street/study intersections network.
- Planning horizon year 2042 traffic volumes and operations were analyzed for the weekday AM and PM peak hour under existing background conditions and for the proposed Aggregate Resource Overlay zone designation.

YEAR 2042 EXISTING ZONING SCENARIO TRAFFIC FORECAST

To achieve a reasonable estimate of existing zoning scenario traffic levels during the 2042 planning horizon year, a 2% per year growth rate was applied to the study intersection traffic volumes. This growth rate is consistent with other recent traffic studies performed in the area. In addition, trips from other in-process developments were identified, including the following:

- VADATA, Inc. Data Center: a data center located north of I-84 and east of Westland Road. This data center is approximately 75% built out. As such, 25% of the overall site-generated trips from the approved 2017 traffic study were assigned to the study intersections.

The resulting Year 2042 existing zoning scenario traffic volumes forecast for the weekday AM and PM peak hour are illustrated in Figure 4 for all study intersections. These figures reflect background traffic levels without any changes to the underlying zoning on the subject site.



CM = INTERSECTION MOVEMENT
 LOS = INTERSECTION MOVEMENT LEVEL OF SERVICE
 Del = INTERSECTION MOVEMENT CONTROL DELAY
 V/C = INTERSECTION VOLUME-TO-CAPACITY RATIO

- Stop Sign

2042 Existing Zoning Traffic Conditions
 Weekday AM & PM Peak Hours
 Umatilla County, Oregon

Figure
 4

C:\Users\mruiz-leon\appdata\local\temp\AcPublish_44852\28044 Figures 001.dwg Aug 05, 2022 - 2:27pm - mruiz-leon - mruiz-leon Layout Tab: 2042 Exist Zoning Traffic Cond

YEAR 2042 EXISTING ZONING INTERSECTION OPERATIONS

Operations of the study intersections under 2042 Existing Zoning Scenario were assessed to understand the base future year operations assuming no changes are made to the site zoning and the land continued to be used for farming purposes. Table 7 summarizes the operational analyses for the weekday AM and PM peak hours reflective of anticipated regional and local traffic volume growth. As shown, all study intersections are forecast to continue to operate acceptably during both the weekday AM and PM peak hours. *Appendix D includes the 2042 existing zoning intersection operations analysis worksheets.*

Table 7 – 2042 Existing Zoning Traffic Conditions

Intersection	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C	Approach Delay (sec)	Approach LOS	V/C	Approach Delay (sec)	Approach LOS
I-84 WB Ramp Terminal/ Westland Road	0.08	9.8	A	0.11	10.1	B
I-84 EB Ramp Terminal/ Colonel Jordan Road	0.07	9.7	A	0.08	10.3	B
Colonel Jordan Road/ Noble Road	0.01	8.8	A	0.02	9.0	A

PROPOSED AGGREGATE RESOURCE OVERLAY ZONE

Under the proposed Aggregate Resource Overlay zone, an aggregate mining operation is proposed to be constructed. This use represents a worst-case development scenario for the site. Based on discussions with the applicant/owner, anticipated operational features of the proposed aggregate mining facility include:

- A rock crushing operation that is expected to generate up to 40 truck loads of aggregate per day.
- An onsite concrete batch plant that is designed to generate up to 15 truckloads of concrete mixture per day.
- An onsite asphalt batch plant that is designed to generate up to 15 truckloads of asphalt mixture per day.
- Up to 15 total staff working at the site with operational hours ranging between 4:00 AM and 5:00 PM.

In recognition of these unique characteristics and the fact that there are no comparable land uses in the standard reference *Trip Generation Manual*, detailed discussions were had with the applicant and operators of other aggregate operations in the region to identify the trip making potential of such an operation. *Appendix E* contains a detailed breakdown of the operations and the associated trip making characteristics and Table 8 summarizes the resulting number of net new trips that can be expected on a typical weekday.

Table 8 – Aggregate Mining Trip Generation Estimates

Land Use	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
		Total	In	Out	Total	In	Out
Aggregate Mining Operation	170	15	9	6	17	6	11

SITE TRIP DISTRIBUTION AND ASSIGNMENT

The site-generated trips from the proposed aggregate mining operation were distributed onto the study area roadway system via an assumed future driveway connection that forms the fourth leg of the existing Colonel Jordan Road/Noble Road intersection. This access road connection was assumed to be a two-lane roadway that would be stop-controlled at Colonel Jordan Road. No other modifications to the intersection were assumed. From there, the regional distribution was determined via a combination of existing traffic patterns and destinations afforded by the regional transportation facilities within the site vicinity. Figure 5 illustrates the resulting trip distribution pattern and site-generated trip assignment at the study intersections.

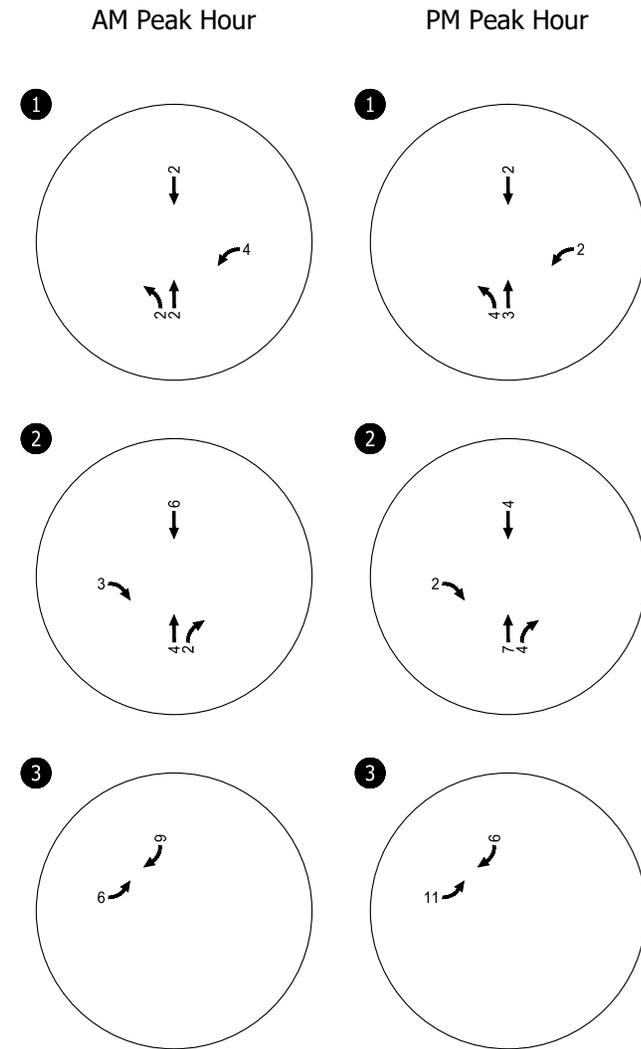
YEAR 2042 OVERLAY ZONE INTERSECTION OPERATIONS

To reflect conditions anticipated under the proposed Aggregate Resource Overlay zone, the weekday AM and PM peak hour site generated traffic volumes shown in Figure 5 were added to the existing zoning traffic volumes shown in Figure 4 to arrive at the cumulative 2042 traffic volumes shown in Figure 6.

Operations of the study intersections under 2042 conditions (with the site converted to an aggregate mining operation) are summarized in Table 9 for the weekday AM and PM peak hours. As shown, all of the study intersections are forecast to continue to operate acceptably during both the weekday AM and PM peak hours. *Appendix F includes the 2042 total traffic conditions intersection operations analysis worksheets.*

Table 9 – 2042 Aggregate Overlay Zoning Traffic Conditions

Intersection	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C	Approach Delay (sec)	Approach LOS	V/C	Approach Delay (sec)	Approach LOS
I-84 WB Ramp Terminal/ Westland Road	0.09	9.9	A	0.11	10.2	B
I-84 EB Ramp Terminal/ Colonel Jordan Road	0.07	9.7	A	0.09	10.4	B
Colonel Jordan Road/ Noble Road	0.01	9.1	A	0.02	9.3	A

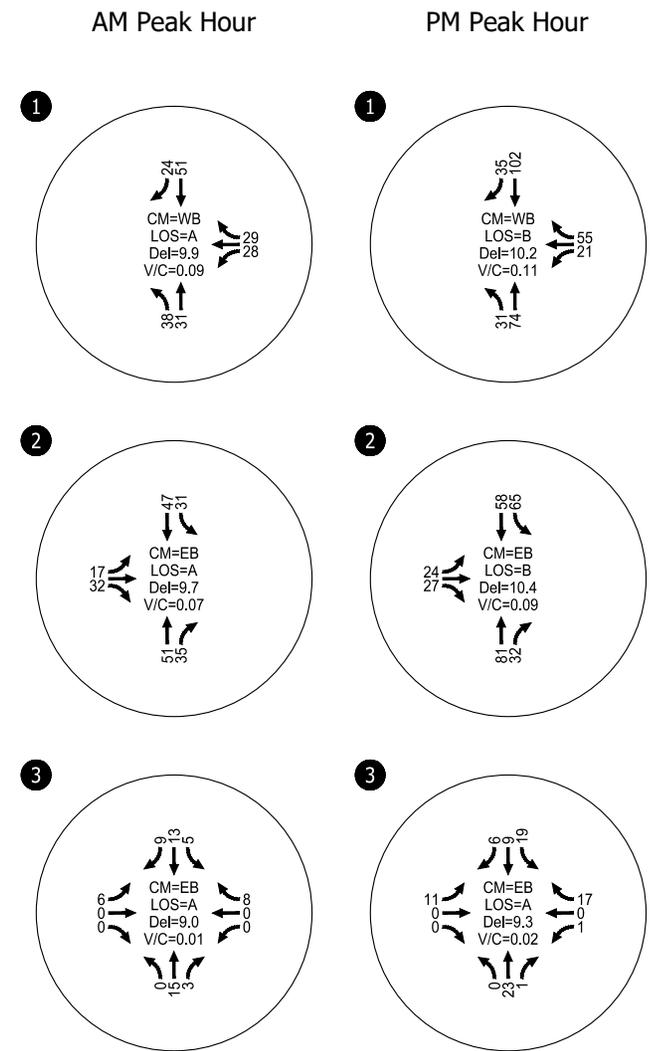
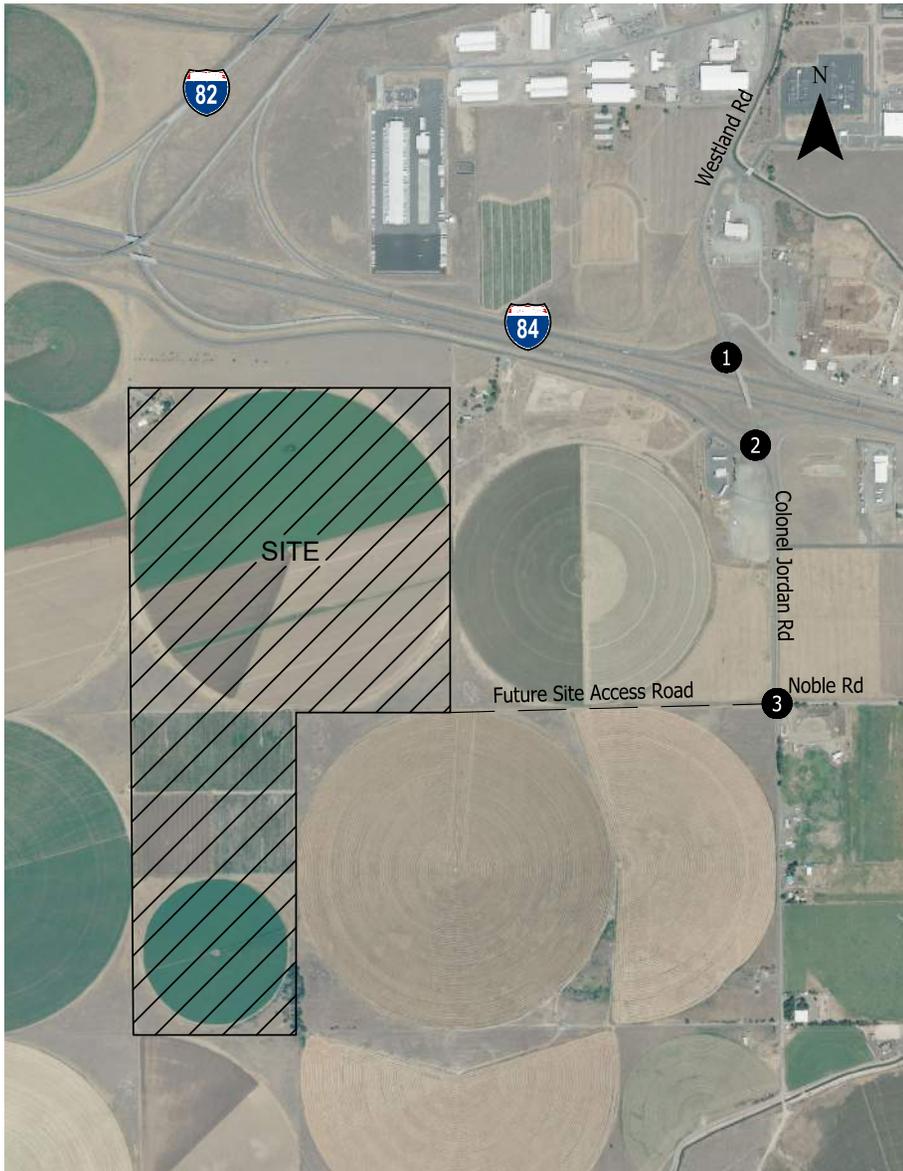


Estimated Trip Distribution Pattern & Site-Generated Trips
Umatilla County, Oregon

Figure 5

C:\Users\mruiz-leon\appdata\local\temp\AcPublish_44852\28044 Figures 001.dwg Aug 05, 2022 - 2:27pm - mruiz-leon Layout Tab: Est Trip Dist

C:\Users\mruiz-leon\appdata\local\temp\AcPublish_44852\28044 Figures 001.dwg Aug 05, 2022 - 2:27pm - mruiz-leon - mruiz-leon Layout Tab: 2042 Prop Overlay Zoning Traffic Cond



CM = INTERSECTION MOVEMENT
 LOS = INTERSECTION MOVEMENT LEVEL OF SERVICE
 Del = INTERSECTION MOVEMENT CONTROL DELAY
 V/C = INTERSECTION VOLUME-TO-CAPACITY RATIO

- Stop Sign

2042 Proposed Overlay Zone Traffic Conditions
 Weekday AM & PM Peak Hours
 Umatilla County, Oregon

Figure
 6

TRANSPORTATION PLANNING RULE COMPLIANCE

This section addresses the Oregon Administrative Rule Section 660-12-0060 of the Oregon Transportation Planning Rule (TPR) requirements for the proposed zone change.

TRANSPORTATION PLAN RULE

OAR Section 660-12-0060 Plan and Land Use Regulation Amendments of the TPR sets forth the criteria for evaluating plan and land use regulation amendments. The criteria establish the determination of significant effect on a transportation system resulting from a land use action; where a significant effect is identified, the criteria establish the means for achieving compliance. The relevant portion of this section of the TPR is reproduced below in italics followed by the response for this project in standard text.

660-12-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

Response: The proposed Aggregate Resource Overlay zone will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site.

(b) Change standards implementing a functional classification system; or

Response: The proposed Aggregate Resource Overlay zone will not require changes to the standards that implement the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Response: The proposed Aggregate Resource Overlay zone would result in future traffic volumes that remain consistent with the functional classifications of the roadways in the study area.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

Response: The proposed Aggregate Resource Overlay zone would not degrade operations of the study intersections below adopted performance targets.

GIRTH DOG PIT ACCESS

As noted herein, the transportation system/study intersections can accommodate the peak-hour transportation-related impacts of the aggregate mining operation and its assumed access road forming the fourth leg of the Colonel Jordan Road/Noble Road intersection. To support a follow up land use application for the aggregate mining operation, the following section includes an assessment of preliminary sight distance at the site access road off Colonel Jordan Road.

PRELIMINARY INTERSECTION SIGHT DISTANCE

Intersection sight distance (ISD) was evaluated at the proposed site access roadway connection at the Colonel Jordan Road/Noble Road intersection. For this assessment, preliminary intersection sight distance measurements were evaluated using the recommended observation reference points¹ outlined in *A Policy on Geometric Design of Highways and Streets*. While there is no posted speed along Colonel Jordan Road, 55 mph was conservatively used based on observed travel speeds during the June 2022 site visit. As noted in *A Policy on Geometric Design of Highways and Streets*, the minimum passenger car intersection sight distance requirement for a 55-mph design speed is 610 feet (left-turn from stop) and 530 feet (right-turn from stop). For combination trucks, the minimum intersection sight distance requirement for a 55-mph design speed is 930 (left-turn from stop) and 850 feet (right-turn from stop).

From the approximate location of the proposed site access driveway approach to Colonel Jordan Road, there is adequate sight distance (>850 feet) looking to the north and adequate sight distance (>930 feet) looking to the south.

To provide and maintain adequate intersection sight distance post development, it is recommended that any proposed signage or landscaping be appropriately located such that the minimum intersection sight distance can be maintained. To confirm adequate sight lines, it is further recommended that a final sight distance evaluation be performed post access road construction and prior to site beginning formal operations.

¹ For passenger cars, an eye height of 3.5 feet, an object height of 3.5 feet, and an observation point located 14.5 feet from the edge of the cross-street travel lane. For combination trucks, an eye height of 7.6 feet, an object height of 3.5 feet, and an observation point located 14.5 feet from the edge of the cross-street travel lane.

SITE ACCESS TRAFFIC CONTROL

To accommodate future traffic movements on the site access road, a STOP (R1-1) sign should be installed on the eastbound access road approach to Colonel Jordan Road in accordance with County standards and the *Manual on Uniform Traffic Control Devices (MUTCD)* in conjunction with site development.

CONCLUSIONS

Based on the results of the transportation analysis outlined in this report, the proposed Aggregate Resource Overlay zone and the assumed aggregate mining operation is not anticipated to result in a significant effect on the surrounding transportation network or require offsite mitigation. To support the land use application for an aggregate mining operation, the following is recommended:

- Construct a new site access roadway forming the fourth (west) leg to the existing Colonel Jordan Road/Noble Road intersection. A STOP (R1-1) sign should be installed on the eastbound approach to Colonel Jordan Road in accordance with County standards and the *Manual on Uniform Traffic Control Devices (MUTCD)* in conjunction with site development.
- To provide and maintain adequate intersection sight distance at the site access road connection to Colonel Jordan Road, locate any proposed signage or landscaping appropriately such that the minimum intersection sight distance can be maintained. To confirm adequate sight lines, it is further recommended that a final sight distance evaluation be performed post access road construction and prior to site occupancy.

We trust this traffic impact analysis adequately addresses impacts associated with the proposed Aggregate Resource Overlay Zone and proposed aggregate mining operation. Please contact us if you have any questions or comments regarding the contents of this report or the analyses performed.

Sincerely,

KITTELSON & ASSOCIATES, INC.



Matt Hughart, AICP
Principal Planner



Sree Gudimella
Analyst



Chris Brehmer, P.E.
Senior Principal Engineer



EXPIRES: 12/31/23

Appendix A Crash Data

OREGON DEPARTMENT OF TRANSPORTATION - POLICY, DATA AND ANALYSIS DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Intersectional Crashes on Colonel Jordan Rd & Noble Rd (CR 1336) in Umatilla County, OR.
 January 1, 2016 through December 31, 2020

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR:														
TOTAL														
FINAL TOTAL														

Disclaimers: Effective 2016, collection of “Property Damage Only” (PDO) crash data elements was reduced for vehicles and participants. Age, Gender, License, Error and other elements are no longer available for PDO crash reporting. Please keep this in mind when comparing 2016 PDO crash data to prior years.

A higher number of crashes may be reported as of 2011 compared to prior years. This does not necessarily reflect an increase in annual crashes. The higher numbers may result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics. For all disclaimers, see https://www.oregon.gov/ODOT/Data/documents/Crash_Data_Disclaimers.pdf.

OREGON DEPARTMENT OF TRANSPORTATION - POLICY, DATA AND ANALYSIS DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Intersectional Crashes on Westland Rd & Interstate 84, Old Oregon Trail Hwy (#006), EB Off-Ramps in Umatilla County, OR.
 January 1, 2016 through December 31, 2020

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR:														
TOTAL														
FINAL TOTAL														

Disclaimers: Effective 2016, collection of “Property Damage Only” (PDO) crash data elements was reduced for vehicles and participants. Age, Gender, License, Error and other elements are no longer available for PDO crash reporting. Please keep this in mind when comparing 2016 PDO crash data to prior years.

A higher number of crashes may be reported as of 2011 compared to prior years. This does not necessarily reflect an increase in annual crashes. The higher numbers may result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics. For all disclaimers, see https://www.oregon.gov/ODOT/Data/documents/Crash_Data_Disclaimers.pdf.

OREGON DEPARTMENT OF TRANSPORTATION - POLICY, DATA AND ANALYSIS DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Intersectional Crashes on Westland Rd & Interstate 84, Old Oregon Trail Hwy (#006), WB Off-Ramps in Umatilla County, OR.
 January 1, 2016 through December 31, 2020

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR: 2019														
TURNING MOVEMENTS	0	0	1	1	0	0	1	1	0	1	0	1	0	0
2019 TOTAL	0	0	1	1	0	0	1	1	0	1	0	1	0	0
FINAL TOTAL	0	0	1	1	0	0	1	1	0	1	0	1	0	0

Disclaimers: Effective 2016, collection of “Property Damage Only” (PDO) crash data elements was reduced for vehicles and participants. Age, Gender, License, Error and other elements are no longer available for PDO crash reporting. Please keep this in mind when comparing 2016 PDO crash data to prior years.

A higher number of crashes may be reported as of 2011 compared to prior years. This does not necessarily reflect an increase in annual crashes. The higher numbers may result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics. For all disclaimers, see https://www.oregon.gov/ODOT/Data/documents/Crash_Data_Disclaimers.pdf.

OREGON DEPARTMENT OF TRANSPORTATION - POLICY, DATA AND ANALYSIS DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CONTINUOUS SYSTEM CRASH LISTING

006 OLD OREGON TRAIL Intersectional Crashes on Westland Rd & Interstate 84, Old Oregon Trail Hwy (#006), WB Off-Ramps in Umatilla County, OR.
 January 1, 2016 through December 31, 2020

SER#	E A / C O	DATE	COUNTY	RD#	FC	CONN #	INT-TYP	SPCL USE																			
INVEST	E L M H R	DAY/TIME	CITY	CMPT/MLG	FIRST	STREET	RD CHAR	TRLR QTY	MOVE	A	S																
UNLOC?	D C J L K	LAT/LONG	URBAN AREA	MILEPNT	SECOND	STREET	DIRECT	OWNER	FROM	PRTC	INJ	G	E	LICNS	PED												
				LRS	INTERSECTION	SEQ#	LOCTN	(#LANES)	CNTL	DRVWY	LIGHT	SVRTY	V#	VEH TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACTN	EVENT	CAUSE	
00180	N N N N N	01/24/2019	UMATILLA	1	01	4	INTER	01 NONE	9	TURN-R																06,27,02	
STATE	N	Thu	2P	CN	0		E	N/A	E	N																00	
				180.81			06	0		N	DAY	PDO		SEMI TOW		01	DRVR	NONE	00	U	UNK		000		000	00	
No	45	47	34.69 -119 22 26.11	0006AK100S00																						00	
														02 NONE	9	STRGHT											00
														N/A	E	W										00	
														PSNGR CAR		01	DRVR	NONE	00	U	UNK		000		000	00	
																										00	

ACTION CODE TRANSLATION LIST

ACTION CODE	SHORT DESCRIPTION	LONG DESCRIPTION
000	NONE	NO ACTION OR NON-WARRANTED
001	SKIDDED	SKIDDED
002	ON/OFF V	GETTING ON OR OFF STOPPED OR PARKED VEHICLE
003	LOAD OVR	OVERHANGING LOAD STRUCK ANOTHER VEHICLE, ETC.
006	SLOW DN	SLOWED DOWN
007	AVOIDING	AVOIDING MANEUVER
008	PAR PARK	PARALLEL PARKING
009	ANG PARK	ANGLE PARKING
010	INTERFERE	PASSENGER INTERFERING WITH DRIVER
011	STOPPED	STOPPED IN TRAFFIC NOT WAITING TO MAKE A LEFT TURN
012	STP/L TRN	STOPPED BECAUSE OF LEFT TURN SIGNAL OR WAITING, ETC.
013	STP TURN	STOPPED WHILE EXECUTING A TURN
014	EMR V PKD	EMERGENCY VEHICLE LEGALLY PARKED IN THE ROADWAY
015	GO A/STOP	PROCEED AFTER STOPPING FOR A STOP SIGN/FLASHING RED.
016	TRN A/RED	TURNED ON RED AFTER STOPPING
017	LOSTCTRL	LOST CONTROL OF VEHICLE
018	EXIT DWY	ENTERING STREET OR HIGHWAY FROM ALLEY OR DRIVEWAY
019	ENTR DWY	ENTERING ALLEY OR DRIVEWAY FROM STREET OR HIGHWAY
020	STR ENTR	BEFORE ENTERING ROADWAY, STRUCK PEDESTRIAN, ETC. ON SIDEWALK OR SHOULDER
021	NO DRVR	CAR RAN AWAY - NO DRIVER
022	PREV COL	STRUCK, OR WAS STRUCK BY, VEHICLE OR PEDESTRIAN IN PRIOR COLLISION BEFORE ACC. STABILIZED
023	STALLED	VEHICLE STALLED OR DISABLED
024	DRVR DEAD	DEAD BY UNASSOCIATED CAUSE
025	FATIGUE	FATIGUED, SLEEPY, ASLEEP
026	SUN	DRIVER BLINDED BY SUN
027	HDLGHTS	DRIVER BLINDED BY HEADLIGHTS
028	ILLNESS	PHYSICALLY ILL
029	THRU MED	VEHICLE CROSSED, PLUNGED OVER, OR THROUGH MEDIAN BARRIER
030	PURSUIT	PURSUING OR ATTEMPTING TO STOP A VEHICLE
031	PASSING	PASSING SITUATION
032	PRKOFFRD	VEHICLE PARKED BEYOND CURB OR SHOULDER
033	CROS MED	VEHICLE CROSSED EARTH OR GRASS MEDIAN
034	X N/SGNL	CROSSING AT INTERSECTION - NO TRAFFIC SIGNAL PRESENT
035	X W/ SGNL	CROSSING AT INTERSECTION - TRAFFIC SIGNAL PRESENT
036	DIAGONAL	CROSSING AT INTERSECTION - DIAGONALLY
037	BTWN INT	CROSSING BETWEEN INTERSECTIONS
038	DISTRACT	DRIVER'S ATTENTION DISTRACTED
039	W/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER WITH TRAFFIC
040	A/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER FACING TRAFFIC
041	W/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT WITH TRAFFIC
042	A/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT FACING TRAFFIC
043	PLAYINRD	PLAYING IN STREET OR ROAD
044	PUSH MV	PUSHING OR WORKING ON VEHICLE IN ROAD OR ON SHOULDER
045	WORK ON	WORKING IN ROADWAY OR ALONG SHOULDER
046	W/ TRAFIC	NON-MOTORIST WALKING, RUNNING, RIDING, ETC. WITH TRAFFIC
047	A/ TRAFIC	NON-MOTORIST WALKING, RUNNING, RIDING, ETC. FACING TRAFFIC
050	LAY ON RD	STANDING OR LYING IN ROADWAY
051	ENT OFFRD	ENTERING / STARTING IN TRAFFIC LANE FROM OFF ROAD
052	MERGING	MERGING

ACTION CODE TRANSLATION LIST

ACTION CODE	SHORT DESCRIPTION	LONG DESCRIPTION
055	SPRAY	BLINDED BY WATER SPRAY
088	OTHER	OTHER ACTION
099	UNK	UNKNOWN ACTION

CAUSE CODE TRANSLATION LIST

CAUSE CODE	SHORT DESCRIPTION	LONG DESCRIPTION
00	NO CODE	NO CAUSE ASSOCIATED AT THIS LEVEL
01	TOO-FAST	TOO FAST FOR CONDITIONS (NOT EXCEED POSTED SPEED
02	NO-YIELD	DID NOT YIELD RIGHT-OF-WAY
03	PAS-STOP	PASSED STOP SIGN OR RED FLASHER
04	DIS SIG	DISREGARDED TRAFFIC SIGNAL
05	LEFT-CTR	DROVE LEFT OF CENTER ON TWO-WAY ROAD; STRADDLING
06	IMP-OVER	IMPROPER OVERTAKING
07	TOO-CLOS	FOLLOWED TOO CLOSELY
08	IMP-TURN	MADE IMPROPER TURN
09	DRINKING	ALCOHOL OR DRUG INVOLVED
10	OTHR-IMP	OTHER IMPROPER DRIVING
11	MECH-DEF	MECHANICAL DEFECT
12	OTHER	OTHER (NOT IMPROPER DRIVING)
13	IMP LN C	IMPROPER CHANGE OF TRAFFIC LANES
14	DIS TCD	DISREGARDED OTHER TRAFFIC CONTROL DEVICE
15	WRNG WAY	WRONG WAY ON ONE-WAY ROAD; WRONG SIDE DIVIDED RO
16	FATIGUE	DRIVER DROWSY/FATIGUED/SLEEPY
17	ILLNESS	PHYSICAL ILLNESS
18	IN RDWY	NON-MOTORIST ILLEGALLY IN ROADWAY
19	NT VISBL	NON-MOTORIST NOT VISIBLE; NON-REFLECTIVE CLOTHIN
20	IMP PKNG	VEHICLE IMPROPERLY PARKED
21	DEF STER	DEFECTIVE STEERING MECHANISM
22	DEF BRKE	INADEQUATE OR NO BRAKES
24	LOADSHFT	VEHICLE LOST LOAD OR LOAD SHIFTED
25	TIREFAIL	TIRE FAILURE
26	PHANTOM	PHANTOM / NON-CONTACT VEHICLE
27	INATTENT	INATTENTION
28	NM INATT	NON-MOTORIST INATTENTION
29	F AVOID	FAILED TO AVOID VEHICLE AHEAD
30	SPEED	DRIVING IN EXCESS OF POSTED SPEED
31	RACING	SPEED RACING (PER PAR)
32	CARELESS	CARELESS DRIVING (PER PAR)
33	RECKLESS	RECKLESS DRIVING (PER PAR)
34	AGGRESV	AGGRESSIVE DRIVING (PER PAR)
35	RD RAGE	ROAD RAGE (PER PAR)
40	VIEW OBS	VIEW OBSCURED
50	USED MDN	IMPROPER USE OF MEDIAN OR SHOULDER
51	FAIL LN	FAILED TO MAINTAIN LANE
52	OFF RD	RAN OFF ROAD

COLLISION TYPE CODE TRANSLATION LIST

COLL CODE	SHORT DESCRIPTION	LONG DESCRIPTION
&	OTH	MISCELLANEOUS
-	BACK	BACKING
0	PED	PEDESTRIAN
1	ANGL	ANGLE
2	HEAD	HEAD-ON
3	REAR	REAR-END
4	SS-M	SIDESWIPE - MEETING
5	SS-O	SIDESWIPE - OVERTAKING
6	TURN	TURNING MOVEMENT
7	PARK	PARKING MANEUVER
8	NCOL	NON-COLLISION
9	FIX	FIXED OBJECT OR OTHER OBJECT

CRASH TYPE CODE TRANSLATION LIST

CRASH TYPE	SHORT DESCRIPTION	LONG DESCRIPTION
&	OVERTURN	OVERTURNED
0	NON-COLL	OTHER NON-COLLISION
1	OTH RDWY	MOTOR VEHICLE ON OTHER ROADWAY
2	PRKD MV	PARKED MOTOR VEHICLE
3	PED	PEDESTRIAN
4	TRAIN	RAILWAY TRAIN
6	BIKE	PEDALCYCLIST
7	ANIMAL	ANIMAL
8	FIX OBJ	FIXED OBJECT
9	OTH OBJ	OTHER OBJECT
A	ANGL-STP	ENTERING AT ANGLE - ONE VEHICLE STOPPED
B	ANGL-OTH	ENTERING AT ANGLE - ALL OTHERS
C	S-STRGHT	FROM SAME DIRECTION - BOTH GOING STRAIGHT
D	S-1TURN	FROM SAME DIRECTION - ONE TURN, ONE STRAIGHT
E	S-1STOP	FROM SAME DIRECTION - ONE STOPPED
F	S-OTHER	FROM SAME DIRECTION-ALL OTHERS, INCLUDING PARKING
G	O-STRGHT	FROM OPPOSITE DIRECTION - BOTH GOING STRAIGHT
H	O-1 L-TURN	FROM OPPOSITE DIRECTION-ONE LEFT TURN,ONE STRAIGHT
I	O-1STOP	FROM OPPOSITE DIRECTION - ONE STOPPED
J	O-OTHER	FROM OPPOSITE DIRECTION-ALL OTHERS INCL. PARKING

DRIVER LICENSE CODE TRANSLATION LIST

LIC CODE	SHORT DESC	LONG DESCRIPTION
0	NONE	NOT LICENSED (HAD NEVER BEEN LICENSED)
1	OR-Y	VALID OREGON LICENSE
2	OTH-Y	VALID LICENSE, OTHER STATE OR COUNTRY
3	SUSP	SUSPENDED/REVOKED
4	EXP	EXPIRED
8	N-VAL	OTHER NON-VALID LICENSE
9	UNK	UNKNOWN IF DRIVER WAS LICENSED AT TIME OF CRASH

DRIVER RESIDENCE CODE TRANSLATION LIST

RES CODE	SHORT DESC	LONG DESCRIPTION
1	OR<25	OREGON RESIDENT WITHIN 25 MILE OF HOME
2	OR>25	OREGON RESIDENT 25 OR MORE MILES FROM HOME
3	OR-?	OREGON RESIDENT - UNKNOWN DISTANCE FROM HOME
4	N-RES	NON-RESIDENT
9	UNK	UNKNOWN IF OREGON RESIDENT

ERROR CODE TRANSLATION LIST

ERROR CODE	SHORT DESCRIPTION	FULL DESCRIPTION
000	NONE	NO ERROR
001	WIDE TRN	WIDE TURN
002	CUT CORN	CUT CORNER ON TURN
003	FAIL TRN	FAILED TO OBEY MANDATORY TRAFFIC TURN SIGNAL, SIGN OR LANE MARKINGS
004	L IN TRF	LEFT TURN IN FRONT OF ONCOMING TRAFFIC
005	L PROHIB	LEFT TURN WHERE PROHIBITED
006	FRM WRNG	TURNUED FROM WRONG LANE
007	TO WRONG	TURNUED INTO WRONG LANE
008	ILLEG U	U-TURNUED ILLEGALLY
009	IMP STOP	IMPROPERLY STOPPED IN TRAFFIC LANE
010	IMP SIG	IMPROPER SIGNAL OR FAILURE TO SIGNAL
011	IMP BACK	BACKING IMPROPERLY (NOT PARKING)
012	IMP PARK	IMPROPERLY PARKED
013	UNPARK	IMPROPER START LEAVING PARKED POSITION
014	IMP STRT	IMPROPER START FROM STOPPED POSITION
015	IMP LGHT	IMPROPER OR NO LIGHTS (VEHICLE IN TRAFFIC)
016	INATTENT	INATTENTION (FAILURE TO DIM LIGHTS PRIOR TO 4/1/97)
017	UNSF VEH	DRIVING UNSAFE VEHICLE (NO OTHER ERROR APPARENT)
018	OTH PARK	ENTERING/EXITING PARKED POSITION W/ INSUFFICIENT CLEARANCE; OTHER IMPROPER PARKING MANEUVER
019	DIS DRIV	DISREGARDED OTHER DRIVER'S SIGNAL
020	DIS SGNL	DISREGARDED TRAFFIC SIGNAL
021	RAN STOP	DISREGARDED STOP SIGN OR FLASHING RED
022	DIS SIGN	DISREGARDED WARNING SIGN, FLARES OR FLASHING AMBER
023	DIS OFCR	DISREGARDED POLICE OFFICER OR FLAGMAN
024	DIS EMER	DISREGARDED SIREN OR WARNING OF EMERGENCY VEHICLE
025	DIS RR	DISREGARDED RR SIGNAL, RR SIGN, OR RR FLAGMAN
026	REAR-END	FAILED TO AVOID STOPPED OR PARKED VEHICLE AHEAD OTHER THAN SCHOOL BUS
027	BIKE ROW	DID NOT HAVE RIGHT-OF-WAY OVER PEDALCYCLIST
028	NO ROW	DID NOT HAVE RIGHT-OF-WAY
029	PED ROW	FAILED TO YIELD RIGHT-OF-WAY TO PEDESTRIAN
030	PAS CURV	PASSING ON A CURVE
031	PAS WRNG	PASSING ON THE WRONG SIDE
032	PAS TANG	PASSING ON STRAIGHT ROAD UNDER UNSAFE CONDITIONS
033	PAS X-WK	PASSED VEHICLE STOPPED AT CROSSWALK FOR PEDESTRIAN
034	PAS INTR	PASSING AT INTERSECTION
035	PAS HILL	PASSING ON CREST OF HILL
036	N/PAS ZN	PASSING IN "NO PASSING" ZONE
037	PAS TRAF	PASSING IN FRONT OF ONCOMING TRAFFIC
038	CUT-IN	CUTTING IN (TWO LANES - TWO WAY ONLY)
039	WRNGSIDE	DRIVING ON WRONG SIDE OF THE ROAD (2-WAY UNDIVIDED ROADWAYS)

ERROR CODE TRANSLATION LIST

ERROR CODE	SHORT DESCRIPTION	FULL DESCRIPTION
040	THRU MED	DRIVING THROUGH SAFETY ZONE OR OVER ISLAND
041	F/ST BUS	FAILED TO STOP FOR SCHOOL BUS
042	F/SLO MV	FAILED TO DECREASE SPEED FOR SLOWER MOVING VEHICLE
043	TOO CLOSE	FOLLOWING TOO CLOSELY (MUST BE ON OFFICER'S REPORT)
044	STRDL LN	STRADDLING OR DRIVING ON WRONG LANES
045	IMP CHG	IMPROPER CHANGE OF TRAFFIC LANES
046	WRNG WAY	WRONG WAY ON ONE-WAY ROADWAY; WRONG SIDE DIVIDED ROAD
047	BASCRULE	DRIVING TOO FAST FOR CONDITIONS (NOT EXCEEDING POSTED SPEED)
048	OPN DOOR	OPENED DOOR INTO ADJACENT TRAFFIC LANE
049	IMPEDING	IMPEDING TRAFFIC
050	SPEED	DRIVING IN EXCESS OF POSTED SPEED
051	RECKLESS	RECKLESS DRIVING (PER PAR)
052	CARELESS	CARELESS DRIVING (PER PAR)
053	RACING	SPEED RACING (PER PAR)
054	X N/SGNL	CROSSING AT INTERSECTION, NO TRAFFIC SIGNAL PRESENT
055	X W/SGNL	CROSSING AT INTERSECTION, TRAFFIC SIGNAL PRESENT
056	DIAGONAL	CROSSING AT INTERSECTION - DIAGONALLY
057	BTWN INT	CROSSING BETWEEN INTERSECTIONS
059	W/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER WITH TRAFFIC
060	A/TRAF-S	WALKING, RUNNING, RIDING, ETC., ON SHOULDER FACING TRAFFIC
061	W/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT WITH TRAFFIC
062	A/TRAF-P	WALKING, RUNNING, RIDING, ETC., ON PAVEMENT FACING TRAFFIC
063	PLAYINRD	PLAYING IN STREET OR ROAD
064	PUSH MV	PUSHING OR WORKING ON VEHICLE IN ROAD OR ON SHOULDER
065	WORK IN RD	WORKING IN ROADWAY OR ALONG SHOULDER
070	LAY ON RD	STANDING OR LYING IN ROADWAY
071	NM IMP USE	IMPROPER USE OF TRAFFIC LANE BY NON-MOTORIST
073	ELUDING	ELUDING / ATTEMPT TO ELUDE
079	F NEG CURV	FAILED TO NEGOTIATE A CURVE
080	FAIL LN	FAILED TO MAINTAIN LANE
081	OFF RD	RAN OFF ROAD
082	NO CLEAR	DRIVER MISJUDGED CLEARANCE
083	OVRSTEER	OVER-CORRECTING
084	NOT USED	CODE NOT IN USE
085	OVRLOAD	OVERLOADING OR IMPROPER LOADING OF VEHICLE WITH CARGO OR PASSENGERS
097	UNA DIS TC	UNABLE TO DETERMINE WHICH DRIVER DISREGARDED TRAFFIC CONTROL DEVICE

EVENT CODE TRANSLATION LIST

EVENT CODE	SHORT DESCRIPTION	LONG DESCRIPTION
001	FEL/JUMP	OCCUPANT FELL, JUMPED OR WAS EJECTED FROM MOVING VEHICLE
002	INTERFER	PASSENGER INTERFERED WITH DRIVER
003	BUG INTF	ANIMAL OR INSECT IN VEHICLE INTERFERED WITH DRIVER
004	INDRCT PED	PEDESTRIAN INDIRECTLY INVOLVED (NOT STRUCK)
005	SUB-PED	"SUB-PED": PEDESTRIAN INJURED SUBSEQUENT TO COLLISION, ETC.
006	INDRCT BIK	PEDALCYCLIST INDIRECTLY INVOLVED (NOT STRUCK)
007	HITCHIKR	HITCHHIKER (SOLICITING A RIDE)
008	PSNGR TOW	PASSENGER OR NON-MOTORIST BEING TOWED OR PUSHED ON CONVEYANCE
009	ON/OFF V	GETTING ON/OFF STOPPED/PARKED VEHICLE (OCCUPANTS ONLY; MUST HAVE PHYSICAL CONTACT W/ VEHICLE)
010	SUB OTRN	OVERTURNED AFTER FIRST HARMFUL EVENT
011	MV PUSHD	VEHICLE BEING PUSHED
012	MV TOWED	VEHICLE TOWED OR HAD BEEN TOWING ANOTHER VEHICLE
013	FORCED	VEHICLE FORCED BY IMPACT INTO ANOTHER VEHICLE, PEDALCYCLIST OR PEDESTRIAN
014	SET MOTN	VEHICLE SET IN MOTION BY NON-DRIVER (CHILD RELEASED BRAKES, ETC.)
015	RR ROW	AT OR ON RAILROAD RIGHT-OF-WAY (NOT LIGHT RAIL)
016	LT RL ROW	AT OR ON LIGHT-RAIL RIGHT-OF-WAY
017	RR HIT V	TRAIN STRUCK VEHICLE
018	V HIT RR	VEHICLE STRUCK TRAIN
019	HIT RR CAR	VEHICLE STRUCK RAILROAD CAR ON ROADWAY
020	JACKKNIFE	JACKKNIFE; TRAILER OR TOWED VEHICLE STRUCK TOWING VEHICLE
021	TRL OTRN	TRAILER OR TOWED VEHICLE OVERTURNED
022	CN BROKE	TRAILER CONNECTION BROKE
023	DETACH TRL	DETACHED TRAILING OBJECT STRUCK OTHER VEHICLE, NON-MOTORIST, OR OBJECT
024	V DOOR OPN	VEHICLE DOOR OPENED INTO ADJACENT TRAFFIC LANE
025	WHEELOFF	WHEEL CAME OFF
026	HOOD UP	HOOD FLEW UP
028	LOAD SHIFT	LOST LOAD, LOAD MOVED OR SHIFTED
029	TIREFAIL	TIRE FAILURE
030	PET	PET: CAT, DOG AND SIMILAR
031	LVSTOCK	STOCK: COW, CALF, BULL, STEER, SHEEP, ETC.
032	HORSE	HORSE, MULE, OR DONKEY
033	HRSE&RID	HORSE AND RIDER
034	GAME	WILD ANIMAL, GAME (INCLUDES BIRDS; NOT DEER OR ELK)
035	DEER ELK	DEER OR ELK, WAPITI
036	ANML VEH	ANIMAL-DRAWN VEHICLE
037	CULVERT	CULVERT, OPEN LOW OR HIGH MANHOLE
038	ATENUATN	IMPACT ATTENUATOR
039	PK METER	PARKING METER
040	CURB	CURB (ALSO NARROW SIDEWALKS ON BRIDGES)
041	JIGGLE	JIGGLE BAR OR TRAFFIC SNAKE FOR CHANNELIZATION
042	GDRL END	LEADING EDGE OF GUARDRAIL
043	GARDRAIL	GUARD RAIL (NOT METAL MEDIAN BARRIER)
044	BARRIER	MEDIAN BARRIER (RAISED OR METAL)
045	WALL	RETAINING WALL OR TUNNEL WALL
046	BR RAIL	BRIDGE RAILING OR PARAPET (ON BRIDGE OR APPROACH)
047	BR ABUTMNT	BRIDGE ABUTMENT (INCLUDED "APPROACH END" THRU 2013)
048	BR COLMN	BRIDGE PILLAR OR COLUMN
049	BR GIRDR	BRIDGE GIRDER (HORIZONTAL BRIDGE STRUCTURE OVERHEAD)
050	ISLAND	TRAFFIC RAISED ISLAND
051	GORE	GORE
052	POLE UNK	POLE - TYPE UNKNOWN
053	POLE UTL	POLE - POWER OR TELEPHONE
054	ST LIGHT	POLE - STREET LIGHT ONLY
055	TRF SGNL	POLE - TRAFFIC SIGNAL AND PED SIGNAL ONLY
056	SGN BRDG	POLE - SIGN BRIDGE
057	STOPSIGN	STOP OR YIELD SIGN

EVENT CODE TRANSLATION LIST

EVENT CODE	SHORT DESCRIPTION	LONG DESCRIPTION
058	OTH SIGN	OTHER SIGN, INCLUDING STREET SIGNS
059	HYDRANT	HYDRANT
060	MARKER	DELINEATOR OR MARKER (REFLECTOR POSTS)
061	MAILBOX	MAILBOX
062	TREE	TREE, STUMP OR SHRUBS
063	VEG OHED	TREE BRANCH OR OTHER VEGETATION OVERHEAD, ETC.
064	WIRE/CBL	WIRE OR CABLE ACROSS OR OVER THE ROAD
065	TEMP SGN	TEMPORARY SIGN OR BARRICADE IN ROAD, ETC.
066	PERM SGN	PERMANENT SIGN OR BARRICADE IN/OFF ROAD
067	SLIDE	SLIDES, FALLEN OR FALLING ROCKS
068	FRGN OBJ	FOREIGN OBSTRUCTION/DEBRIS IN ROAD (NOT GRAVEL)
069	EQP WORK	EQUIPMENT WORKING IN/OFF ROAD
070	OTH EQP	OTHER EQUIPMENT IN OR OFF ROAD (INCLUDES PARKED TRAILER, BOAT)
071	MAIN EQP	WRECKER, STREET SWEEPER, SNOW PLOW OR SANDING EQUIPMENT
072	OTHER WALL	ROCK, BRICK OR OTHER SOLID WALL
073	IRRGL PVMT	OTHER BUMP (NOT SPEED BUMP), POTHOLE OR PAVEMENT IRREGULARITY (PER PAR)
074	OVERHD OBJ	OTHER OVERHEAD OBJECT (HIGHWAY SIGN, SIGNAL HEAD, ETC.); NOT BRIDGE
075	CAVE IN	BRIDGE OR ROAD CAVE IN
076	HI WATER	HIGH WATER
077	SNO BANK	SNOW BANK
078	LO-HI EDGE	LOW OR HIGH SHOULDER AT PAVEMENT EDGE
079	DITCH	CUT SLOPE OR DITCH EMBANKMENT
080	OBJ FRM MV	STRUCK BY ROCK OR OTHER OBJECT SET IN MOTION BY OTHER VEHICLE (INCL. LOST LOADS)
081	FLY-OBJ	STRUCK BY ROCK OR OTHER MOVING OR FLYING OBJECT (NOT SET IN MOTION BY VEHICLE)
082	VEH HID	VEHICLE OBSCURED VIEW
083	VEG HID	VEGETATION OBSCURED VIEW
084	BLDG HID	VIEW OBSCURED BY FENCE, SIGN, PHONE BOOTH, ETC.
085	WIND GUST	WIND GUST
086	IMMERSED	VEHICLE IMMERSED IN BODY OF WATER
087	FIRE/EXP	FIRE OR EXPLOSION
088	FENC/BLD	FENCE OR BUILDING, ETC.
089	OTHR CRASH	CRASH RELATED TO ANOTHER SEPARATE CRASH
090	TO 1 SIDE	TWO-WAY TRAFFIC ON DIVIDED ROADWAY ALL ROUTED TO ONE SIDE
091	BUILDING	BUILDING OR OTHER STRUCTURE
092	PHANTOM	OTHER (PHANTOM) NON-CONTACT VEHICLE
093	CELL PHONE	CELL PHONE (ON PAR OR DRIVER IN USE)
094	VIOL GDL	TEENAGE DRIVER IN VIOLATION OF GRADUATED LICENSE PGM
095	GUY WIRE	GUY WIRE
096	BERM	BERM (EARTHEN OR GRAVEL MOUND)
097	GRAVEL	GRAVEL IN ROADWAY
098	ABR EDGE	ABRUPT EDGE
099	CELL WTNSD	CELL PHONE USE WITNESSED BY OTHER PARTICIPANT
100	UNK FIXD	FIXED OBJECT, UNKNOWN TYPE.
101	OTHER OBJ	NON-FIXED OBJECT, OTHER OR UNKNOWN TYPE
102	TEXTING	TEXTING
103	WZ WORKER	WORK ZONE WORKER
104	ON VEHICLE	PASSENGER RIDING ON VEHICLE EXTERIOR
105	PEDAL PSGR	PASSENGER RIDING ON PEDALCYCLE
106	MAN WHLCHR	PEDESTRIAN IN NON-MOTORIZED WHEELCHAIR
107	MTR WHLCHR	PEDESTRIAN IN MOTORIZED WHEELCHAIR
108	OFFICER	LAW ENFORCEMENT / POLICE OFFICER
109	SUB-BIKE	"SUB-BIKE": PEDALCYCLIST INJURED SUBSEQUENT TO COLLISION, ETC.
110	N-MTR	NON-MOTORIST STRUCK VEHICLE
111	S CAR VS V	STREET CAR/TROLLEY (ON RAILS OR OVERHEAD WIRE SYSTEM) STRUCK VEHICLE
112	V VS S CAR	VEHICLE STRUCK STREET CAR/TROLLEY (ON RAILS OR OVERHEAD WIRE SYSTEM)
113	S CAR ROW	AT OR ON STREET CAR OR TROLLEY RIGHT-OF-WAY

EVENT CODE TRANSLATION LIST

EVENT CODE	SHORT DESCRIPTION	LONG DESCRIPTION
114	RR EQUIP	VEHICLE STRUCK RAILROAD EQUIPMENT (NOT TRAIN) ON TRACKS
115	DSTRCT GPS	DISTRACTED BY NAVIGATION SYSTEM OR GPS DEVICE
116	DSTRCT OTH	DISTRACTED BY OTHER ELECTRONIC DEVICE
117	RR GATE	RAIL CROSSING DROP-ARM GATE
118	EXPNSN JNT	EXPANSION JOINT
119	JERSEY BAR	JERSEY BARRIER
120	WIRE BAR	WIRE OR CABLE MEDIAN BARRIER
121	FENCE	FENCE
123	OBJ IN VEH	LOOSE OBJECT IN VEHICLE STRUCK OCCUPANT
124	SLIPPERY	SLIDING OR SWERVING DUE TO WET, ICY, SLIPPERY OR LOOSE SURFACE (NOT GRAVEL)
125	SHLDR	SHOULDER GAVE WAY
126	BOULDER	ROCK(S), BOULDER (NOT GRAVEL; NOT ROCK SLIDE)
127	LAND SLIDE	ROCK SLIDE OR LAND SLIDE
128	CURVE INV	CURVE PRESENT AT CRASH LOCATION
129	HILL INV	VERTICAL GRADE / HILL PRESENT AT CRASH LOCATION
130	CURVE HID	VIEW OBSCURED BY CURVE
131	HILL HID	VIEW OBSCURED BY VERTICAL GRADE / HILL
132	WINDOW HID	VIEW OBSCURED BY VEHICLE WINDOW CONDITIONS
133	SPRAY HID	VIEW OBSCURED BY WATER SPRAY
134	TORRENTIAL	TORRENTIAL RAIN (EXCEPTIONALLY HEAVY RAIN)
135	RAIL OCC	INJURED OCCUPANT OF RAILWAY TRAIN, LIGHT RAIL, STREET CAR OR CABLE CAR

FUNCTIONAL CLASSIFICATION TRANSLATION LIST

FUNC CLASS	DESCRIPTION
01	RURAL PRINCIPAL ARTERIAL - INTERSTATE
02	RURAL PRINCIPAL ARTERIAL - OTHER
06	RURAL MINOR ARTERIAL
07	RURAL MAJOR COLLECTOR
08	RURAL MINOR COLLECTOR
09	RURAL LOCAL
11	URBAN PRINCIPAL ARTERIAL - INTERSTATE
12	URBAN PRINCIPAL ARTERIAL - OTHER FREEWAYS AND EXP
14	URBAN PRINCIPAL ARTERIAL - OTHER
16	URBAN MINOR ARTERIAL
17	URBAN MAJOR COLLECTOR
18	URBAN MINOR COLLECTOR
19	URBAN LOCAL
78	UNKNOWN RURAL SYSTEM
79	UNKNOWN RURAL NON-SYSTEM
98	UNKNOWN URBAN SYSTEM
99	UNKNOWN URBAN NON-SYSTEM

HIGHWAY COMPONENT TRANSLATION LIST

CODE	DESCRIPTION
0	MAINLINE STATE HIGHWAY
1	COUplet
3	FRONTAGE ROAD
6	CONNECTION
8	HIGHWAY - OTHER

INJURY SEVERITY CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
1	KILL	FATAL INJURY (K)
2	INJA	SUSPECTED SERIOUS INJURY (A)
3	INJB	SUSPECTED MINOR INJURY (B)
4	INJC	POSSIBLE INJURY (C)
5	PRI	DIED PRIOR TO CRASH
7	NO<5	NO INJURY - 0 TO 4 YEARS OF AGE
9	NONE	NO APPARENT INJURY (O)

LIGHT CONDITION CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	DAY	DAYLIGHT
2	DLIT	DARKNESS - WITH STREET LIGHTS
3	DARK	DARKNESS - NO STREET LIGHTS
4	DAWN	DAWN (TWILIGHT)
5	DUSK	DUSK (TWILIGHT)

MEDIAN TYPE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	NONE	NO MEDIAN
1	RSDMD	SOLID MEDIAN BARRIER
2	DIVMD	EARTH, GRASS OR PAVED MEDIAN

MILEAGE TYPE CODE TRANSLATION LIST

CODE	LONG DESCRIPTION
0	REGULAR MILEAGE
T	TEMPORARY
Y	SPUR
Z	OVERLAPPING

MOVEMENT TYPE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	STRGHT	STRAIGHT AHEAD
2	TURN-R	TURNING RIGHT
3	TURN-L	TURNING LEFT
4	U-TURN	MAKING A U-TURN
5	BACK	BACKING
6	STOP	STOPPED IN TRAFFIC
7	PRKD-P	PARKED - PROPERLY
8	PRKD-I	PARKED - IMPROPERLY
9	PARKNG	PARKING MANEUVER

NON-MOTORIST LOCATION CODE TRANSLATION LIST

CODE	LONG DESCRIPTION
00	AT INTERSECTION - NOT IN ROADWAY
01	AT INTERSECTION - INSIDE CROSSWALK
02	AT INTERSECTION - IN ROADWAY, OUTSIDE CROSSWALK
03	AT INTERSECTION - IN ROADWAY, XWALK AVAIL UNKNWN
04	NOT AT INTERSECTION - IN ROADWAY
05	NOT AT INTERSECTION - ON SHOULDER
06	NOT AT INTERSECTION - ON MEDIAN
07	NOT AT INTERSECTION - WITHIN TRAFFIC RIGHT-OF-WAY
08	NOT AT INTERSECTION - IN BIKE PATH OR PARKING LANE
09	NOT-AT INTERSECTION - ON SIDEWALK
10	OUTSIDE TRAFFICWAY BOUNDARIES
13	AT INTERSECTION - IN BIKE LANE
14	NOT AT INTERSECTION - IN BIKE LANE
15	NOT AT INTERSECTION - INSIDE MID-BLOCK CROSSWALK
16	NOT AT INTERSECTION - IN PARKING LANE
18	OTHER, NOT IN ROADWAY
99	UNKNOWN LOCATION

ROAD CHARACTER CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	INTER	INTERSECTION
2	ALLEY	DRIVEWAY OR ALLEY
3	STRGHT	STRAIGHT ROADWAY
4	TRANS	TRANSITION
5	CURVE	CURVE (HORIZONTAL CURVE)
6	OPENAC	OPEN ACCESS OR TURNOUT
7	GRADE	GRADE (VERTICAL CURVE)
8	BRIDGE	BRIDGE STRUCTURE
9	TUNNEL	TUNNEL

PARTICIPANT TYPE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	OCC	UNKNOWN OCCUPANT TYPE
1	DRVR	DRIVER
2	PSNG	PASSENGER
3	PED	PEDESTRIAN
4	CONV	PEDESTRIAN USING A PEDESTRIAN CONVEYAL
5	PTOW	PEDESTRIAN TOWING OR TRAILERING AN OB
6	BIKE	PEDALCYCLIST
7	BTOW	PEDALCYCLIST TOWING OR TRAILERING AN (
8	PRKD	OCCUPANT OF A PARKED MOTOR VEHICLE
9	OTHR	OTHER TYPE OF NON-MOTORIST

TRAFFIC CONTROL DEVICE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
000	NONE	NO CONTROL
001	TRF SIGNAL	TRAFFIC SIGNALS
002	FLASHBCN-R	FLASHING BEACON - RED (STOP)
003	FLASHBCN-A	FLASHING BEACON - AMBER (SLOW)
004	STOP SIGN	STOP SIGN
005	SLOW SIGN	SLOW SIGN
006	REG-SIGN	REGULATORY SIGN
007	YIELD	YIELD SIGN
008	WARNING	WARNING SIGN
009	CURVE	CURVE SIGN
010	SCHL X-ING	SCHOOL CROSSING SIGN OR SPECIAL SIGNAL
011	OFGR/FLAG	POLICE OFFICER, FLAGMAN - SCHOOL PATROL
012	BRDG-GATE	BRIDGE GATE - BARRIER
013	TEMP-BARR	TEMPORARY BARRIER
014	NO-PASS-ZN	NO PASSING ZONE
015	ONE-WAY	ONE-WAY STREET
016	CHANNEL	CHANNELIZATION
017	MEDIAN BAR	MEDIAN BARRIER
018	PILOT CAR	PILOT CAR
019	SP PED SIG	SPECIAL PEDESTRIAN SIGNAL
020	X-BUCK	CROSSBUCK
021	THR-GN-SIG	THROUGH GREEN ARROW OR SIGNAL
022	L-GRN-SIG	LEFT TURN GREEN ARROW, LANE MARKINGS, OR SIGNAL
023	R-GRN-SIG	RIGHT TURN GREEN ARROW, LANE MARKINGS, OR SIGNAL
024	WIGWAG	WIGWAG OR FLASHING LIGHTS W/O DROP-ARM GATE
025	X-BUCK WRN	CROSSBUCK AND ADVANCE WARNING
026	WW W/ GATE	FLASHING LIGHTS WITH DROP-ARM GATES
027	OVRHD SGNL	SUPPLEMENTAL OVERHEAD SIGNAL (RR XING ONLY)
028	SP RR STOP	SPECIAL RR STOP SIGN
029	ILUM GRD X	ILLUMINATED GRADE CROSSING
037	RAMP METER	METERED RAMPS
038	RUMBLE STR	RUMBLE STRIP
040	AUTO. FLAG	AUTOMATED FLAGGER ASSISTANCE DEVICE
090	L-TURN REF	LEFT TURN REFUGE (WHEN REFUGE IS INVOLVED)
091	R-TURN ALL	RIGHT TURN AT ALL TIMES SIGN, ETC.
092	EMR SGN/FL	EMERGENCY SIGNS OR FLARES
093	ACCEL LANE	ACCELERATION OR DECELERATION LANES
094	R-TURN PRO	RIGHT TURN PROHIBITED ON RED AFTER STOPPING
095	BUS STPSGN	BUS STOP SIGN AND RED LIGHTS

VEHICLE TYPE CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
00	PDO	NOT COLLECTED FOR PDO CRASHES
01	PSNGR CAR	PASSENGER CAR, PICKUP, LIGHT DELIVERY, ETC.
02	BOBTAIL	TRUCK TRACTOR WITH NO TRAILERS (BOBTAIL)
03	FARM TRCTR	FARM TRACTOR OR SELF-PROPELLED FARM EQUIPMENT
04	SEMI TOW	TRUCK TRACTOR WITH TRAILER/MOBILE HOME IN TOW
05	TRUCK	TRUCK WITH NON-DETACHABLE BED, PANEL, ETC.
06	MOPED	MOPED, MINIBIKE, SEATED MOTOR SCOOTER, MOTOR BIKE
07	SCHL BUS	SCHOOL BUS (INCLUDES VAN)
08	OTH BUS	OTHER BUS
09	MTRCYCLE	MOTORCYCLE, DIRT BIKE
10	OTHER	OTHER: FORKLIFT, BACKHOE, ETC.
11	MOTRHOME	MOTORHOME
12	TROLLEY	MOTORIZED STREET CAR/TROLLEY (NO RAILS/WIRES)
13	ATV	ATV
14	MTRSCTR	MOTORIZED SCOOTER (STANDING)
15	SNOWMOBILE	SNOWMOBILE
99	UNKNOWN	UNKNOWN VEHICLE TYPE

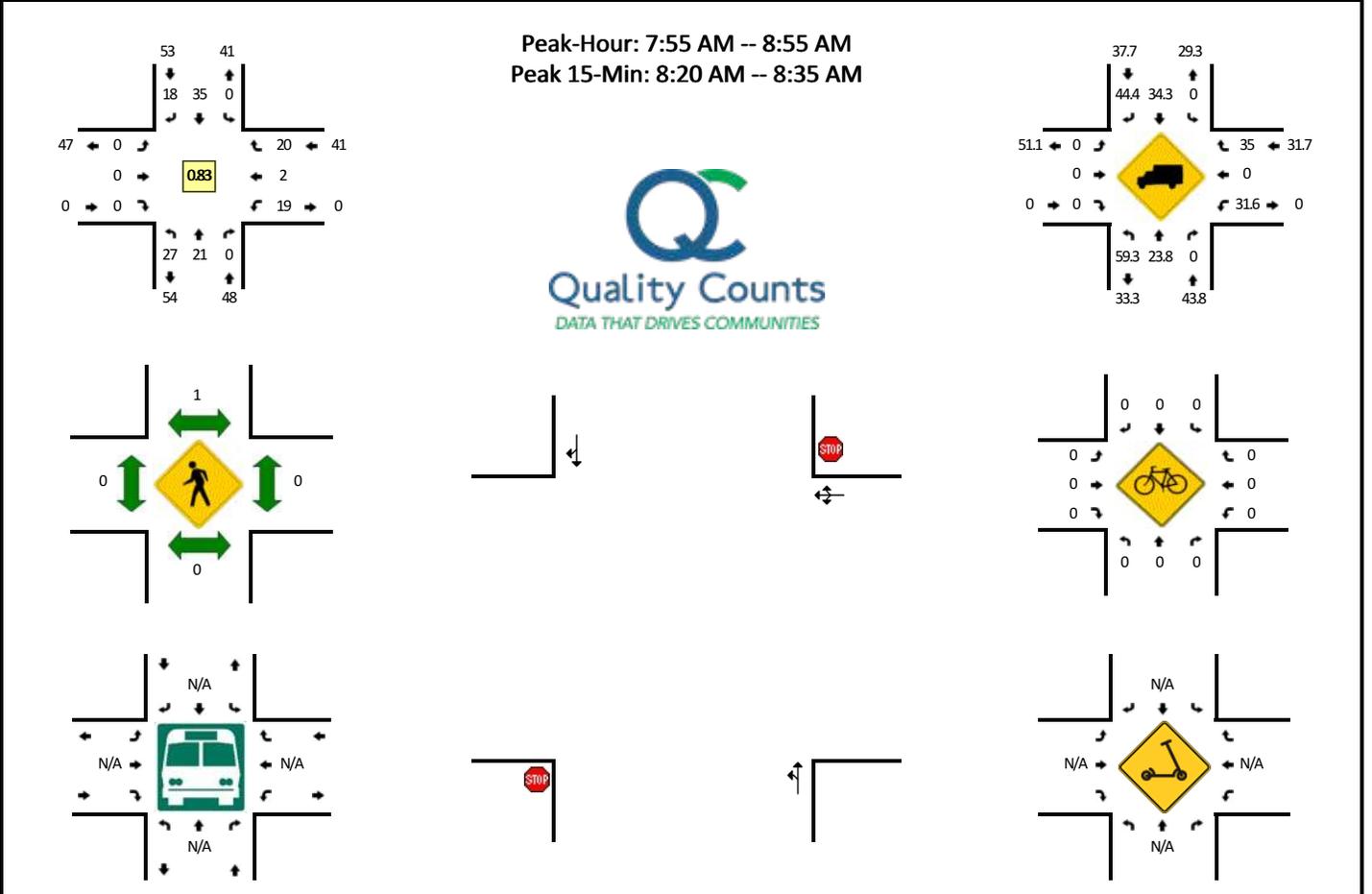
WEATHER CONDITION CODE TRANSLATION LIST

CODE	SHORT DESC	LONG DESCRIPTION
0	UNK	UNKNOWN
1	CLR	CLEAR
2	CLD	CLOUDY
3	RAIN	RAIN
4	SLT	SLEET
5	FOG	FOG
6	SNOW	SNOW
7	DUST	DUST
8	SMOK	SMOKE
9	ASH	ASH

Appendix B Traffic Count Summary
Worksheets

LOCATION: Westland Rd -- I-84 WB Ramps
CITY/STATE: Umatilla, OR

QC JOB #: 15868201
DATE: Thu, Jun 30 2022

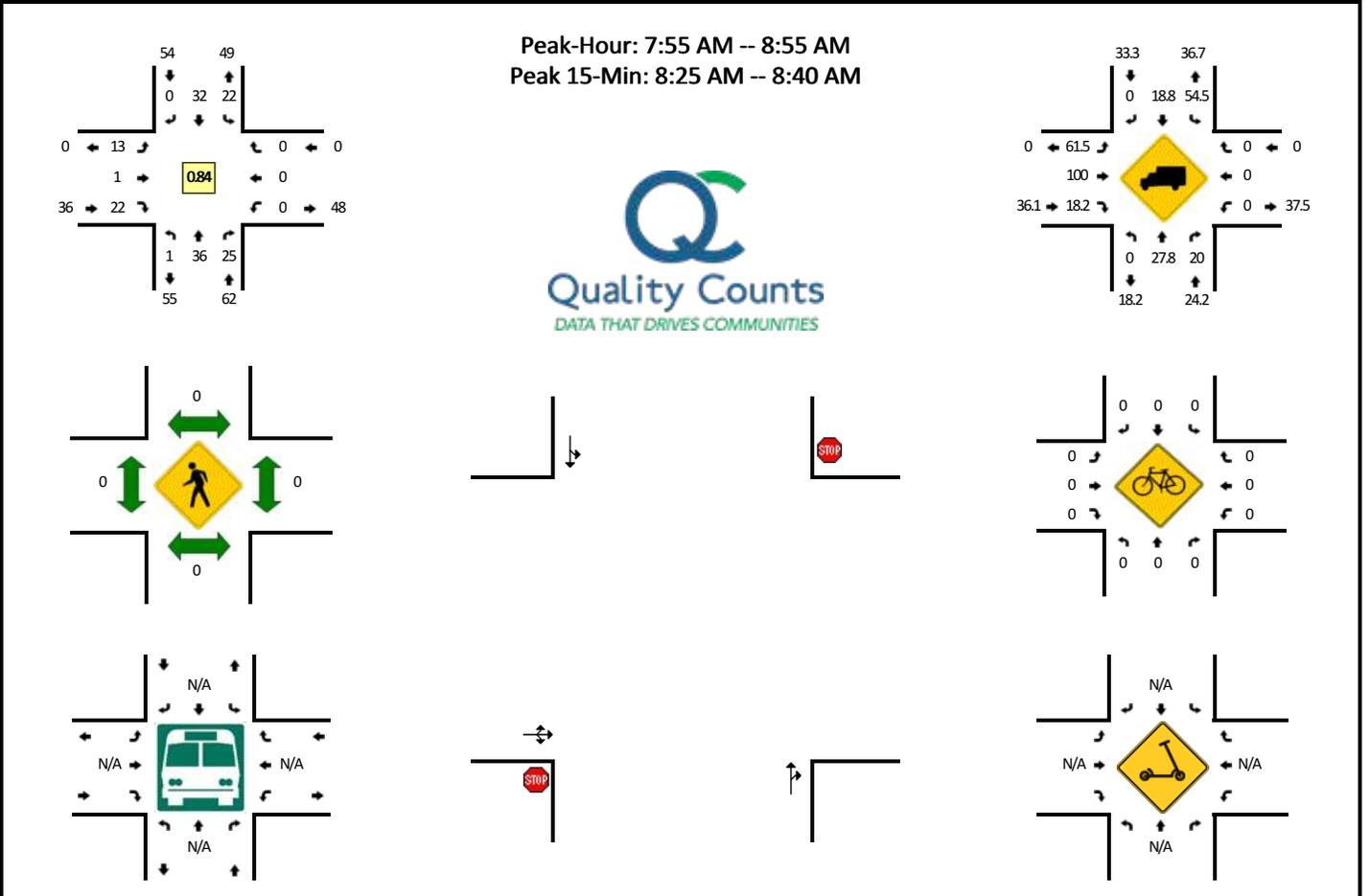


5-Min Count Period Beginning At	Westland Rd (Northbound)				Westland Rd (Southbound)				I-84 WB Ramps (Eastbound)				I-84 WB Ramps (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	1	4	0	0	0	2	0	0	0	0	0	0	1	0	1	0	9	
7:05 AM	1	6	0	0	0	10	2	0	0	0	0	0	1	0	2	0	22	
7:10 AM	1	0	0	0	0	1	1	0	0	0	0	0	1	0	1	0	5	
7:15 AM	0	2	0	0	0	2	1	0	0	0	0	0	1	0	0	0	6	
7:20 AM	0	2	0	0	0	13	1	0	0	0	0	0	0	0	2	0	18	
7:25 AM	0	5	0	0	0	9	0	0	0	0	0	0	0	0	3	0	17	
7:30 AM	1	1	0	0	0	1	1	0	0	0	0	0	0	0	2	0	6	
7:35 AM	1	3	0	0	0	6	0	0	0	0	0	0	3	0	0	0	13	
7:40 AM	2	3	0	0	0	2	2	0	0	0	0	0	1	0	0	0	10	
7:45 AM	1	2	0	0	0	1	2	0	0	0	0	0	2	0	6	0	14	
7:50 AM	2	2	0	0	0	0	1	0	0	0	0	0	1	0	2	0	8	
7:55 AM	4	2	0	0	0	4	1	0	0	0	0	0	5	0	2	0	18	146
8:00 AM	2	2	0	0	0	1	1	0	0	0	0	0	2	0	1	0	9	146
8:05 AM	0	1	0	0	0	3	0	0	0	0	0	0	1	1	0	0	6	130
8:10 AM	1	1	0	0	0	1	3	0	0	0	0	0	1	0	2	0	9	134
8:15 AM	3	2	0	0	0	2	1	0	0	0	0	0	1	0	2	0	11	139
8:20 AM	5	1	0	0	0	6	2	0	0	0	0	0	2	0	1	0	17	138
8:25 AM	1	1	0	0	0	3	2	0	0	0	0	0	2	1	4	0	14	135
8:30 AM	1	3	0	0	0	5	0	0	0	0	0	0	0	0	3	0	12	141
8:35 AM	3	1	0	0	0	0	5	0	0	0	0	0	1	0	1	0	11	139
8:40 AM	2	6	0	0	0	4	2	0	0	0	0	0	1	0	1	0	16	145
8:45 AM	1	0	0	0	0	5	0	0	0	0	0	0	2	0	1	0	9	140
8:50 AM	4	1	0	0	0	1	1	0	0	0	0	0	1	0	2	0	10	142
8:55 AM	0	3	0	0	0	5	1	0	0	0	0	0	0	0	4	0	13	137
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	28	20	0	0	0	56	16	0	0	0	0	0	16	4	32	0	172	
Heavy Trucks	16	8	0	0	0	16	8	0	0	0	0	0	0	0	12	0	60	
Buses																		
Pedestrians		0				4				0				0			4	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

LOCATION: Colonal Jordan Rd -- I-84 EB Ramps
CITY/STATE: Umatilla, OR

QC JOB #: 15868203
DATE: Thu, Jun 30 2022

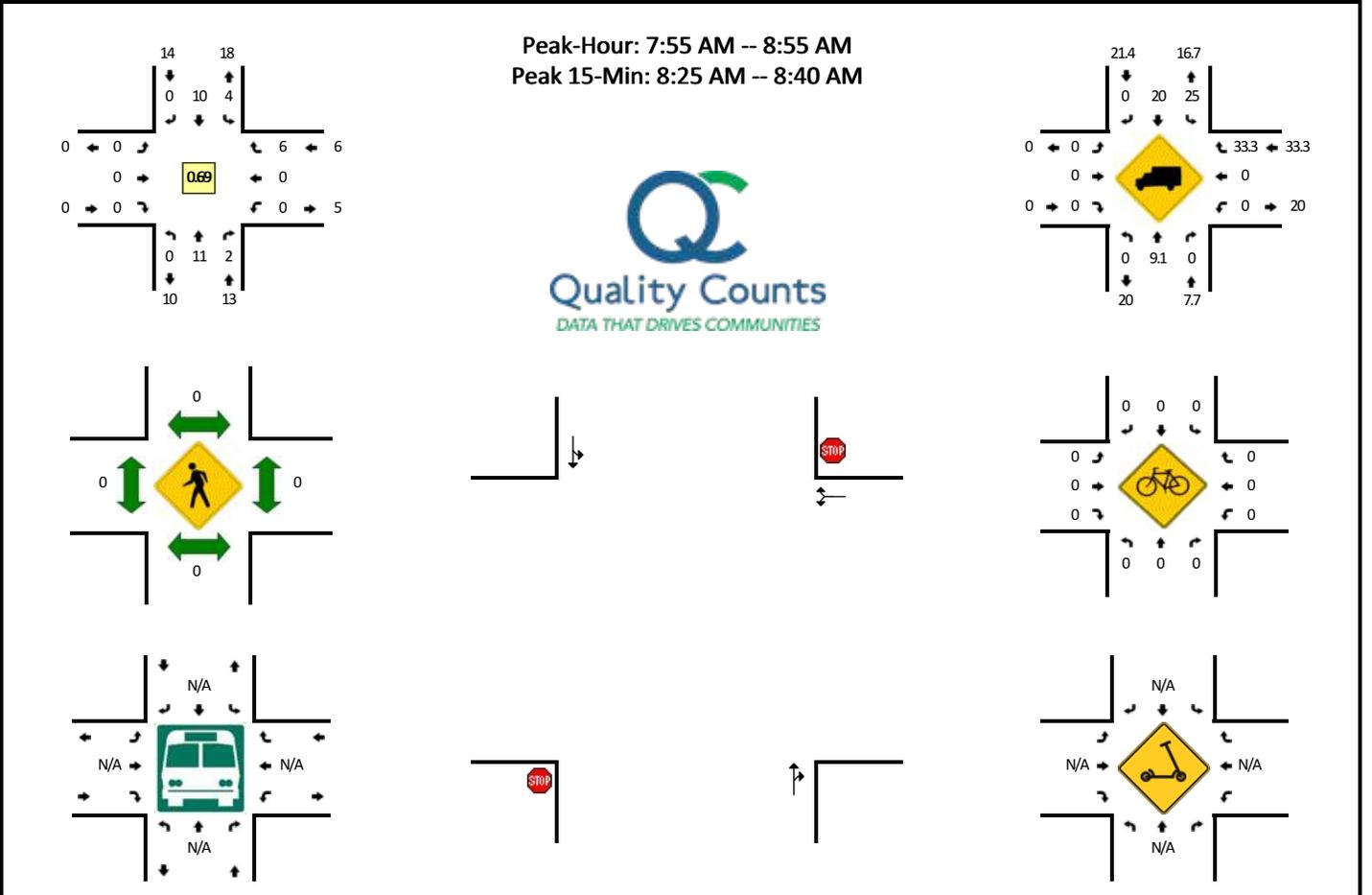


5-Min Count Period Beginning At	Colonal Jordan Rd (Northbound)				Colonal Jordan Rd (Southbound)				I-84 EB Ramps (Eastbound)				I-84 EB Ramps (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	3	1	0	1	2	0	0	2	0	0	0	0	0	0	0	9	
7:05 AM	0	4	2	0	8	2	0	0	3	0	0	0	0	0	0	0	19	
7:10 AM	0	1	0	0	1	2	0	0	0	0	3	0	0	0	0	0	7	
7:15 AM	0	1	2	0	1	1	0	0	1	0	3	0	0	0	0	0	9	
7:20 AM	0	1	2	0	10	3	0	0	1	0	0	0	0	0	0	0	17	
7:25 AM	0	1	2	0	6	3	0	0	4	0	0	0	0	0	0	0	16	
7:30 AM	0	1	0	0	1	1	0	0	1	0	0	0	0	0	0	0	4	
7:35 AM	0	6	0	0	4	5	0	0	0	0	1	0	0	0	0	0	16	
7:40 AM	0	2	2	0	1	2	0	0	1	0	2	0	0	0	0	0	10	
7:45 AM	0	3	2	0	1	2	0	0	0	0	2	0	0	0	0	0	10	
7:50 AM	0	3	1	0	0	1	0	0	1	0	1	0	0	0	0	0	7	
7:55 AM	0	6	1	0	3	6	0	0	0	0	1	0	0	0	0	0	17	141
8:00 AM	0	4	1	0	1	2	0	0	0	0	3	0	0	0	0	0	11	143
8:05 AM	0	0	2	0	3	0	0	0	1	0	1	0	0	0	0	0	7	131
8:10 AM	0	2	1	0	1	2	0	0	0	1	0	0	0	0	0	0	7	131
8:15 AM	0	3	1	0	1	2	0	0	2	0	1	0	0	0	0	0	10	132
8:20 AM	0	5	0	0	3	2	0	0	1	0	2	0	0	0	0	0	13	128
8:25 AM	0	1	4	0	1	6	0	0	1	0	1	0	0	0	0	0	14	126
8:30 AM	0	3	2	0	3	2	0	0	1	0	5	0	0	0	0	0	16	138
8:35 AM	0	4	6	0	0	1	0	0	1	0	3	0	0	0	0	0	15	137
8:40 AM	0	4	2	0	1	3	0	0	3	0	1	0	0	0	0	0	14	141
8:45 AM	0	2	2	1	4	5	0	0	0	0	2	0	0	0	0	0	16	147
8:50 AM	0	2	3	0	1	1	0	0	3	0	2	0	0	0	0	0	12	152
8:55 AM	0	2	1	0	0	4	0	0	1	0	1	0	0	0	0	0	9	144
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	32	48	0	16	36	0	0	12	0	36	0	0	0	0	0	180	
Heavy Trucks	0	4	8		12	0	0		8	0	8		0	0	0		40	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

LOCATION: Colonal Jordan Rd -- CR 1336 Rd
CITY/STATE: Umatilla, OR

QC JOB #: 15868205
DATE: Thu, Jun 30 2022

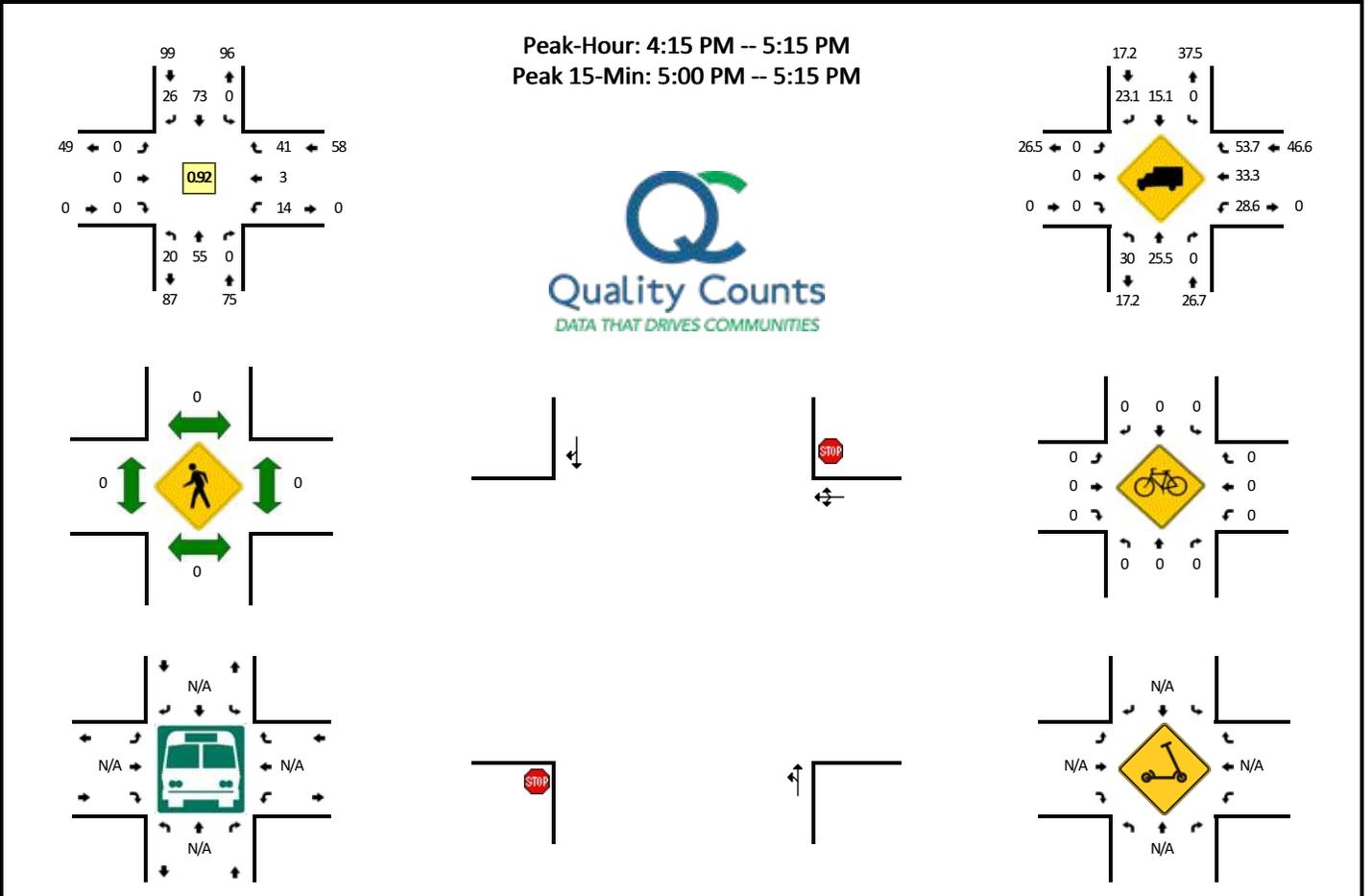


5-Min Count Period Beginning At	Colonal Jordan Rd (Northbound)				Colonal Jordan Rd (Southbound)				CR 1336 Rd (Eastbound)				CR 1336 Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2	
7:05 AM	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	2	
7:10 AM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
7:15 AM	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	2	
7:20 AM	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	
7:25 AM	0	0	0	0	0	2	0	0	0	0	0	0	0	0	1	0	3	
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:35 AM	0	2	1	0	0	1	0	0	0	0	0	0	0	0	1	0	5	
7:40 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:45 AM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	2	
7:50 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
7:55 AM	0	1	0	0	0	2	0	0	0	0	0	0	0	0	1	0	4	25
8:00 AM	0	3	0	0	0	1	0	0	0	0	0	0	0	0	1	0	5	28
8:05 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	26
8:10 AM	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	27
8:15 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	26
8:20 AM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	25
8:25 AM	0	0	0	0	1	2	0	0	0	0	0	0	0	0	1	0	4	26
8:30 AM	0	1	0	0	0	2	0	1	0	0	0	0	0	0	2	0	6	32
8:35 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	29
8:40 AM	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	31
8:45 AM	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	3	32
8:50 AM	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	33
8:55 AM	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	31
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	8	0	0	4	16	0	4	0	0	0	0	0	0	16	0	48	
Heavy Trucks	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	4	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

LOCATION: Westland Rd -- I-84 WB Ramps
CITY/STATE: Umatilla, OR

QC JOB #: 15868202
DATE: Wed, Jun 29 2022

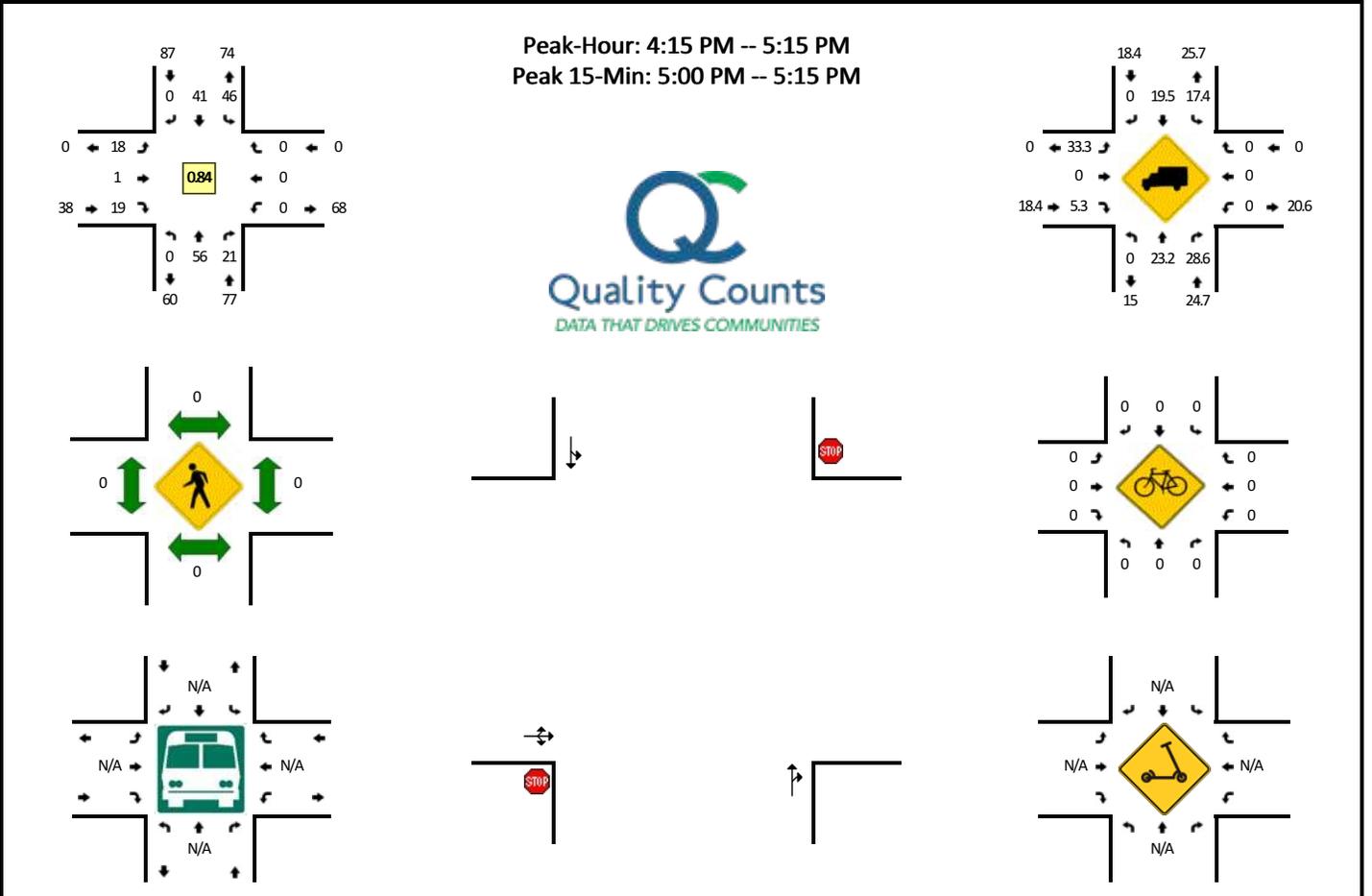


5-Min Count Period Beginning At	Westland Rd (Northbound)				Westland Rd (Southbound)				I-84 WB Ramps (Eastbound)				I-84 WB Ramps (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	2	4	0	0	0	4	1	0	0	0	0	0	1	0	4	0	16	
4:05 PM	1	3	0	0	0	5	2	0	0	0	0	0	1	0	3	0	15	
4:10 PM	3	5	0	0	0	4	1	0	0	0	0	0	2	0	1	0	16	
4:15 PM	0	2	0	0	0	7	0	0	0	0	0	0	2	1	6	0	18	
4:20 PM	4	5	0	0	0	5	4	0	0	0	0	0	0	0	5	0	23	
4:25 PM	5	4	0	0	0	5	2	0	0	0	0	0	0	0	2	0	18	
4:30 PM	0	5	0	0	0	5	2	0	0	0	0	0	2	0	3	0	17	
4:35 PM	2	2	0	0	0	8	1	0	0	0	0	0	1	0	4	0	18	
4:40 PM	2	6	0	0	0	5	2	0	0	0	0	0	0	0	4	0	19	
4:45 PM	1	3	0	0	0	6	0	0	0	0	0	0	3	0	3	0	16	
4:50 PM	0	8	0	0	0	2	3	0	0	0	0	0	1	0	6	0	20	
4:55 PM	1	5	0	0	0	6	2	0	0	0	0	0	2	0	4	0	20	216
5:00 PM	0	6	0	0	0	7	2	0	0	0	0	0	2	0	0	0	17	217
5:05 PM	2	5	0	0	0	10	3	0	0	0	0	0	0	1	2	0	23	225
5:10 PM	3	4	0	0	0	7	5	0	0	0	0	0	1	1	2	0	23	232
5:15 PM	0	4	0	0	0	2	0	0	0	0	0	0	4	0	2	0	12	226
5:20 PM	4	2	0	0	0	6	0	0	0	0	0	0	0	1	5	0	18	221
5:25 PM	2	3	0	0	0	4	2	0	0	0	0	0	0	0	3	0	14	217
5:30 PM	0	3	0	0	0	2	4	0	0	0	0	0	0	0	1	0	10	210
5:35 PM	0	2	0	0	0	2	1	0	0	0	0	0	2	0	3	0	10	202
5:40 PM	1	4	0	0	0	4	0	0	0	0	0	0	0	0	3	0	12	195
5:45 PM	1	2	0	0	0	2	3	0	0	0	0	0	1	1	5	0	15	194
5:50 PM	3	2	0	0	0	6	1	0	0	0	0	0	0	0	3	0	15	189
5:55 PM	1	1	0	0	0	2	3	0	0	0	0	0	1	0	2	0	10	179
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	20	60	0	0	0	96	40	0	0	0	0	0	12	8	16	0	252	
Heavy Trucks	4	12	0	0	0	16	12	0	0	0	0	0	0	4	16	0	64	
Buses																	0	
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																	0	

Comments:

LOCATION: Colonal Jordan Rd -- I-84 EB Ramps
CITY/STATE: Umatilla, OR

QC JOB #: 15868204
DATE: Wed, Jun 29 2022

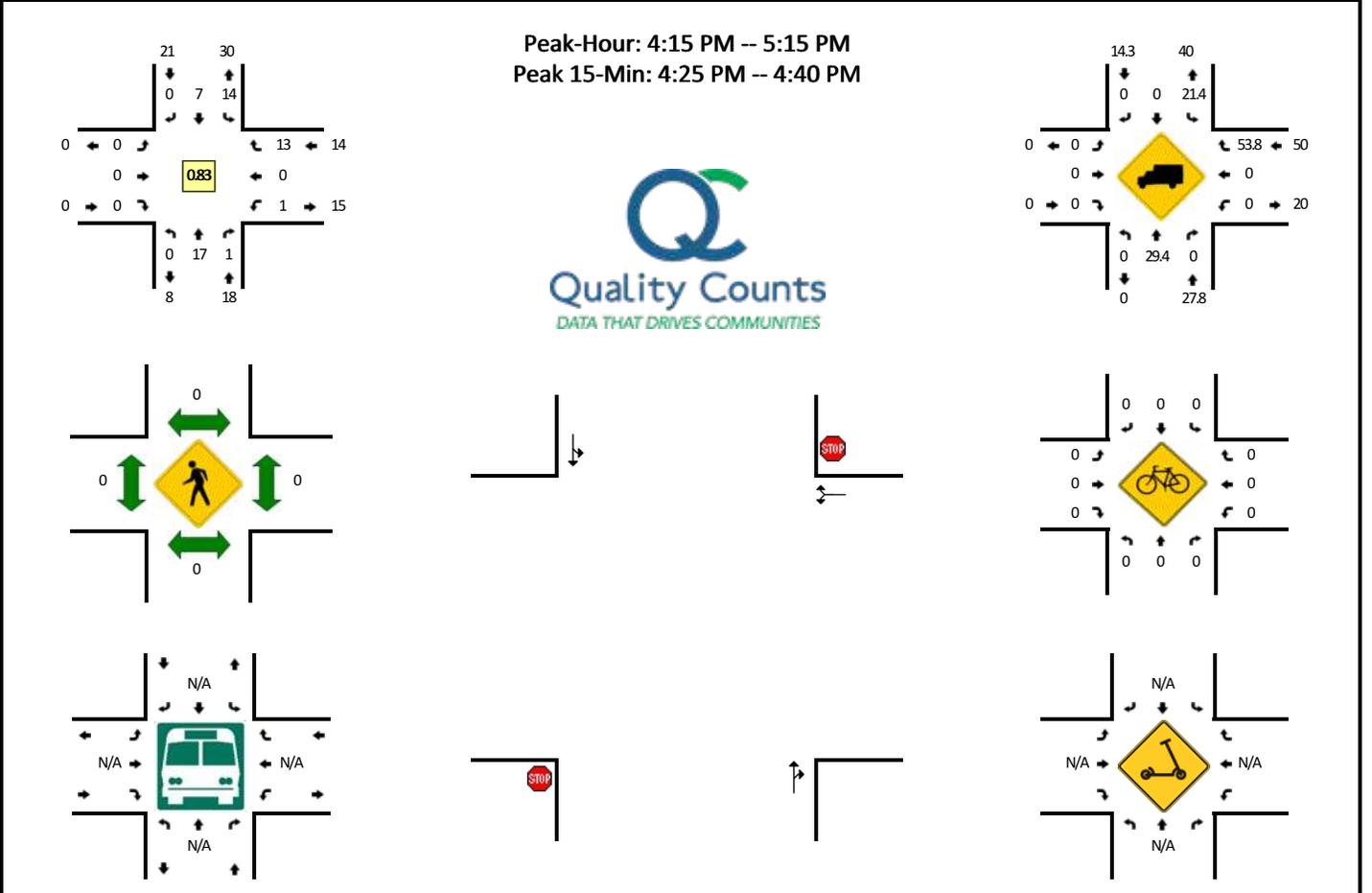


5-Min Count Period Beginning At	Colonal Jordan Rd (Northbound)				Colonal Jordan Rd (Southbound)				I-84 EB Ramps (Eastbound)				I-84 EB Ramps (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	5	2	0	1	5	0	0	1	0	1	0	0	0	0	0	15	
4:05 PM	0	3	4	0	2	4	0	0	2	0	1	0	0	0	0	0	16	
4:10 PM	0	5	1	0	3	3	0	0	2	0	1	0	0	0	0	0	15	
4:15 PM	0	0	6	0	5	4	0	0	3	0	0	0	0	0	0	0	18	
4:20 PM	0	7	1	0	3	2	0	0	0	0	2	0	0	0	0	0	15	
4:25 PM	0	9	2	0	2	3	0	0	0	0	0	0	0	0	0	0	16	
4:30 PM	0	3	1	0	2	5	0	0	2	0	0	0	0	0	0	0	13	
4:35 PM	0	5	3	0	4	4	0	0	0	0	3	0	0	0	0	0	19	
4:40 PM	0	4	1	0	6	1	0	0	3	0	0	0	0	0	0	0	15	
4:45 PM	0	3	0	0	5	4	0	0	2	0	0	0	0	0	0	0	14	
4:50 PM	0	5	1	0	1	2	0	0	2	0	5	0	0	0	0	0	16	
4:55 PM	0	3	2	0	1	4	0	0	3	1	2	0	0	0	0	0	16	188
5:00 PM	0	6	1	0	5	5	0	0	1	0	3	0	0	0	0	0	21	194
5:05 PM	0	5	2	0	8	4	0	0	1	0	2	0	0	0	0	0	22	200
5:10 PM	0	6	1	0	4	3	0	0	1	0	2	0	0	0	0	0	17	202
5:15 PM	0	2	1	0	2	4	0	0	2	0	5	0	0	0	0	0	16	200
5:20 PM	0	4	4	0	3	3	0	0	2	0	0	0	0	0	0	0	16	201
5:25 PM	0	4	2	0	1	3	0	0	1	0	1	0	0	0	0	0	12	197
5:30 PM	0	0	2	0	2	0	0	0	3	0	4	0	0	0	0	0	11	195
5:35 PM	0	1	0	0	2	2	0	0	1	0	2	0	0	0	0	0	8	184
5:40 PM	0	3	3	0	2	1	0	0	2	0	1	0	0	0	0	0	12	181
5:45 PM	0	3	0	0	1	3	0	0	0	0	1	0	0	0	0	0	8	175
5:50 PM	0	4	2	0	4	2	0	0	1	0	2	0	0	0	0	0	15	174
5:55 PM	0	2	0	0	1	2	0	0	0	0	1	0	0	0	0	0	6	164
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	68	16	0	68	48	0	0	12	0	28	0	0	0	0	0	240	
Heavy Trucks	0	8	0	0	16	8	0	0	4	0	4	0	0	0	0	0	40	
Buses																	0	
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																	0	

Comments:

LOCATION: Colonal Jordan Rd -- CR 1336 Rd
CITY/STATE: Umatilla, OR

QC JOB #: 15868206
DATE: Wed, Jun 29 2022



5-Min Count Period Beginning At	Colonal Jordan Rd (Northbound)				Colonal Jordan Rd (Southbound)				CR 1336 Rd (Eastbound)				CR 1336 Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	1	0	0	1	1	0	0	0	0	0	0	1	0	0	0	4	
4:05 PM	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	0	3	
4:10 PM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	4	
4:15 PM	0	1	0	0	2	1	0	0	0	0	0	0	0	0	1	0	5	
4:20 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3	0	5	
4:25 PM	0	1	0	0	0	1	0	0	0	0	0	0	0	0	2	0	4	
4:30 PM	0	0	1	0	2	1	0	0	0	0	0	0	1	0	0	0	5	
4:35 PM	0	3	0	0	2	1	0	0	0	0	0	0	0	0	1	0	7	
4:40 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	0	3	
4:45 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0	3	
4:50 PM	0	2	0	0	2	1	0	0	0	0	0	0	0	0	1	0	6	
4:55 PM	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2	51
5:00 PM	0	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	4	51
5:05 PM	0	3	0	0	1	1	0	0	0	0	0	0	0	0	1	0	6	54
5:10 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0	3	53
5:15 PM	0	1	0	0	0	1	0	0	0	0	0	0	0	0	1	0	3	51
5:20 PM	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	48
5:25 PM	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	3	47
5:30 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	43
5:35 PM	0	0	0	0	2	0	0	0	0	0	0	0	0	0	1	0	3	39
5:40 PM	0	0	0	0	1	1	0	0	0	0	0	0	0	0	2	0	4	40
5:45 PM	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	38
5:50 PM	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	34
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	33
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	16	4	0	16	12	0	0	0	0	0	0	4	0	12	0	64	
Heavy Trucks	0	8	0	0	4	0	0	0	0	0	0	0	0	0	8	0	20	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

Appendix C Existing Traffic Operations
Worksheets

Lanes, Volumes, Timings
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

													
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Traffic Volume (vph)	0	0	0	19	2	20	28	22	0	0	36	18	
Future Volume (vph)	0	0	0	19	2	20	28	22	0	0	36	18	
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Ped Bike Factor													
Frt					0.934					0.954			
Flt Protected					0.977					0.973			
Satd. Flow (prot)	0	0	0	0	1208	0	0	1187	0	0	1215	0	
Flt Permitted					0.977					0.973			
Satd. Flow (perm)	0	0	0	0	1208	0	0	1187	0	0	1215	0	
Link Speed (mph)	30				30				45		45		
Link Distance (ft)	114				94				318		378		
Travel Time (s)	2.6				2.1				4.8		5.7		
Confl. Peds. (#/hr)	1									1			
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	
Heavy Vehicles (%)	0%	0%	0%	32%	0%	35%	59%	24%	0%	0%	34%	44%	
Adj. Flow (vph)	0	0	0	23	2	24	34	27	0	0	43	22	
Shared Lane Traffic (%)													
Lane Group Flow (vph)	0	0	0	0	49	0	0	61	0	0	65	0	
Enter Blocked Intersection	No	No	No	No	No	No							
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right	
Median Width(ft)	0				0				0		0		
Link Offset(ft)	0				0				0		0		
Crosswalk Width(ft)	16				16				16		16		
Two way Left Turn Lane													
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	
Turning Speed (mph)	15		9		15		9		15		9		
Sign Control	Free			Stop			Free			Free			
Intersection Summary													
Area Type:	Other												
Control Type:	Unsignalized												
Intersection Capacity Utilization	19.9%						ICU Level of Service A						
Analysis Period (min)	15												

HCM 6th TWSC
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	4.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕			↕			↕	
Traffic Vol, veh/h	0	0	0	19	2	20	28	22	0	0	36	18
Future Vol, veh/h	0	0	0	19	2	20	28	22	0	0	36	18
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	1	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	83	83	83	83	83	83	83	83	83	83	83	83
Heavy Vehicles, %	0	0	0	32	0	35	59	24	0	0	34	44
Mvmt Flow	0	0	0	23	2	24	34	27	0	0	43	22

Major/Minor	Minor1	Major1	Major2				
Conflicting Flow All	149	160	28	65	0	-	-
Stage 1	95	95	-	-	-	-	-
Stage 2	54	65	-	-	-	-	-
Critical Hdwy	6.72	6.5	6.55	4.69	-	-	-
Critical Hdwy Stg 1	5.72	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.72	5.5	-	-	-	-	-
Follow-up Hdwy	3.788	4	3.615	2.731	-	-	-
Pot Cap-1 Maneuver	778	736	960	1241	-	0	0
Stage 1	859	820	-	-	-	0	0
Stage 2	897	845	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	756	0	959	1241	-	-	-
Mov Cap-2 Maneuver	756	0	-	-	-	-	-
Stage 1	835	0	-	-	-	-	-
Stage 2	897	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.5	4.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	SBT	SBR
Capacity (veh/h)	1241	-	848	-
HCM Lane V/C Ratio	0.027	-	0.058	-
HCM Control Delay (s)	8	0	9.5	-
HCM Lane LOS	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-

Lanes, Volumes, Timings
2: Colonal Jordan Rd & I-84 EB Ramps

Umatilla County Aggregate Mine

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	13	1	22	0	0	0	0	36	25	22	32	0
Future Volume (vph)	13	1	22	0	0	0	0	36	25	22	32	0
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.916						0.945				
Fl _t Protected		0.982									0.980	
Satd. Flow (prot)	0	1160	0	0	0	0	0	1326	0	0	1283	0
Fl _t Permitted		0.982									0.980	
Satd. Flow (perm)	0	1160	0	0	0	0	0	1326	0	0	1283	0
Link Speed (mph)		30			30			45			45	
Link Distance (ft)		88			138			380			281	
Travel Time (s)		2.0			3.1			5.8			4.3	
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Heavy Vehicles (%)	62%	100%	18%	0%	0%	0%	0%	28%	20%	55%	19%	0%
Adj. Flow (vph)	15	1	26	0	0	0	0	43	30	26	38	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	42	0	0	0	0	0	73	0	0	64	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	19.8%						ICU Level of Service A					
Analysis Period (min)	15											

HCM 6th TWSC
 2: Colonal Jordan Rd & I-84 EB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	3.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	13	1	22	0	0	0	0	36	25	22	32	0
Future Vol, veh/h	13	1	22	0	0	0	0	36	25	22	32	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	62	100	18	0	0	0	0	28	20	55	19	0
Mvmt Flow	15	1	26	0	0	0	0	43	30	26	38	0

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	148	163	38	-	0	0	73	0	0
Stage 1	90	90	-	-	-	-	-	-	-
Stage 2	58	73	-	-	-	-	-	-	-
Critical Hdwy	7.02	7.5	6.38	-	-	-	4.65	-	-
Critical Hdwy Stg 1	6.02	6.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.02	6.5	-	-	-	-	-	-	-
Follow-up Hdwy	4.058	4.9	3.462	-	-	-	2.695	-	-
Pot Cap-1 Maneuver	722	583	990	0	-	-	1249	-	0
Stage 1	803	664	-	0	-	-	-	-	0
Stage 2	832	676	-	0	-	-	-	-	0
Platoon blocked, %									
Mov Cap-1 Maneuver	707	0	990	-	-	-	1249	-	-
Mov Cap-2 Maneuver	707	0	-	-	-	-	-	-	-
Stage 1	803	0	-	-	-	-	-	-	-
Stage 2	815	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.4	0	3.2
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	SBL	SBT
Capacity (veh/h)	-	-	862	1249	-
HCM Lane V/C Ratio	-	-	0.05	0.021	-
HCM Control Delay (s)	-	-	9.4	7.9	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

Lanes, Volumes, Timings
 3: Colonal Jordan Rd & CR 1336 Rd



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	0	6	11	2	4	10
Future Volume (vph)	0	6	11	2	4	10
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.865		0.979			
Flt Protected						0.985
Satd. Flow (prot)	1138	0	1593	0	0	1419
Flt Permitted						0.985
Satd. Flow (perm)	1138	0	1593	0	0	1419
Link Speed (mph)	30		30			30
Link Distance (ft)	841		369			1508
Travel Time (s)	19.1		8.4			34.3
Peak Hour Factor	0.69	0.69	0.69	0.69	0.69	0.69
Heavy Vehicles (%)	0%	33%	9%	0%	25%	20%
Adj. Flow (vph)	0	9	16	3	6	14
Shared Lane Traffic (%)						
Lane Group Flow (vph)	9	0	19	0	0	20
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		0			0
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane						
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	14.4%
ICU Level of Service	A
Analysis Period (min)	15

Intersection						
Int Delay, s/veh	2.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	6	11	2	4	10
Future Vol, veh/h	0	6	11	2	4	10
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	69	69	69	69	69	69
Heavy Vehicles, %	0	33	9	0	25	20
Mvmt Flow	0	9	16	3	6	14

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	44	18	0	0	19
Stage 1	18	-	-	-	-
Stage 2	26	-	-	-	-
Critical Hdwy	6.4	6.53	-	-	4.35
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.597	-	-	2.425
Pot Cap-1 Maneuver	972	977	-	-	1460
Stage 1	1010	-	-	-	-
Stage 2	1002	-	-	-	-
Platoon blocked, %					
Mov Cap-1 Maneuver	968	977	-	-	1460
Mov Cap-2 Maneuver	968	-	-	-	-
Stage 1	1010	-	-	-	-
Stage 2	998	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.7	0	2.1
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	977	1460
HCM Lane V/C Ratio	-	-	0.009	0.004
HCM Control Delay (s)	-	-	8.7	7.5
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0	0

Lanes, Volumes, Timings
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	0	14	3	42	20	55	0	0	74	27
Future Volume (vph)	0	0	0	14	3	42	20	55	0	0	74	27
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t					0.903							0.964
Fl _t Protected					0.988			0.987				
Satd. Flow (prot)	0	0	0	0	1061	0	0	1367	0	0	1440	0
Fl _t Permitted					0.988			0.987				
Satd. Flow (perm)	0	0	0	0	1061	0	0	1367	0	0	1440	0
Link Speed (mph)		30			30			45			45	
Link Distance (ft)		114			94			318			378	
Travel Time (s)		2.6			2.1			4.8			5.7	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	0%	0%	29%	33%	54%	30%	25%	0%	0%	15%	23%
Adj. Flow (vph)	0	0	0	15	3	46	22	60	0	0	80	29
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	0	0	64	0	0	82	0	0	109	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	21.5%						ICU Level of Service A					
Analysis Period (min)	15											

HCM 6th TWSC
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	3.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕			↕			↕	
Traffic Vol, veh/h	0	0	0	14	3	42	20	55	0	0	74	27
Future Vol, veh/h	0	0	0	14	3	42	20	55	0	0	74	27
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	1	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	29	33	54	30	25	0	0	15	23
Mvmt Flow	0	0	0	15	3	46	22	60	0	0	80	29

Major/Minor	Minor1	Major1	Major2				
Conflicting Flow All	199	213	60	109	0	-	-
Stage 1	104	104	-	-	-	-	-
Stage 2	95	109	-	-	-	-	-
Critical Hdwy	6.69	6.83	6.74	4.4	-	-	-
Critical Hdwy Stg 1	5.69	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.69	5.83	-	-	-	-	-
Follow-up Hdwy	3.761	4.297	3.786	2.47	-	-	-
Pot Cap-1 Maneuver	732	633	877	1324	-	0	0
Stage 1	857	753	-	-	-	0	0
Stage 2	865	749	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	720	0	877	1324	-	-	-
Mov Cap-2 Maneuver	720	0	-	-	-	-	-
Stage 1	842	0	-	-	-	-	-
Stage 2	865	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.7	2.1	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	SBT	SBR
Capacity (veh/h)	1324	-	832	-
HCM Lane V/C Ratio	0.016	-	0.077	-
HCM Control Delay (s)	7.8	0	9.7	-
HCM Lane LOS	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-

Lanes, Volumes, Timings
2: Colonial Jordan Rd & I-84 EB Ramps

Umatilla County Aggregate Mine

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	18	1	19	0	0	0	0	57	21	47	42	0
Future Volume (vph)	18	1	19	0	0	0	0	57	21	47	42	0
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.931						0.964				
Fl _t Protected		0.977									0.974	
Satd. Flow (prot)	0	1349	0	0	0	0	0	1354	0	0	1439	0
Fl _t Permitted		0.977									0.974	
Satd. Flow (perm)	0	1349	0	0	0	0	0	1354	0	0	1439	0
Link Speed (mph)		30			30			45			45	
Link Distance (ft)		88			138			380			281	
Travel Time (s)		2.0			3.1			5.8			4.3	
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Heavy Vehicles (%)	33%	0%	5%	0%	0%	0%	0%	23%	29%	17%	20%	0%
Adj. Flow (vph)	21	1	23	0	0	0	0	68	25	56	50	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	45	0	0	0	0	0	93	0	0	106	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	21.9%						ICU Level of Service A					
Analysis Period (min)	15											

HCM 6th TWSC
2: Colonal Jordan Rd & I-84 EB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	3.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	18	1	19	0	0	0	0	57	21	47	42	0
Future Vol, veh/h	18	1	19	0	0	0	0	57	21	47	42	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	33	0	5	0	0	0	0	23	29	17	20	0
Mvmt Flow	21	1	23	0	0	0	0	68	25	56	50	0

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	243	255	50	-	0	0	93	0	0
Stage 1	162	162	-	-	-	-	-	-	-
Stage 2	81	93	-	-	-	-	-	-	-
Critical Hdwy	6.73	6.5	6.25	-	-	-	4.27	-	-
Critical Hdwy Stg 1	5.73	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.73	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.797	4	3.345	-	-	-	2.353	-	-
Pot Cap-1 Maneuver	682	652	1010	0	-	-	1412	-	0
Stage 1	797	768	-	0	-	-	-	-	0
Stage 2	870	822	-	0	-	-	-	-	0
Platoon blocked, %									
Mov Cap-1 Maneuver	654	0	1010	-	-	-	1412	-	-
Mov Cap-2 Maneuver	654	0	-	-	-	-	-	-	-
Stage 1	797	0	-	-	-	-	-	-	-
Stage 2	834	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.8	0	4
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	SBL	SBT
Capacity (veh/h)	-	-	799	1412	-
HCM Lane V/C Ratio	-	-	0.057	0.04	-
HCM Control Delay (s)	-	-	9.8	7.7	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

Lanes, Volumes, Timings
 3: Colonal Jordan Rd & CR 1336 Rd

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	1	13	17	1	14	7
Future Volume (vph)	1	13	17	1	14	7
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.873		0.994			
Flt Protected	0.997					0.967
Satd. Flow (prot)	1010	0	1363	0	0	1481
Flt Permitted	0.997					0.967
Satd. Flow (perm)	1010	0	1363	0	0	1481
Link Speed (mph)	30		30			30
Link Distance (ft)	841		369			1508
Travel Time (s)	19.1		8.4			34.3
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83
Heavy Vehicles (%)	0%	54%	29%	0%	21%	0%
Adj. Flow (vph)	1	16	20	1	17	8
Shared Lane Traffic (%)						
Lane Group Flow (vph)	17	0	21	0	0	25
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		0			0
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane						
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	17.9%			ICU Level of Service A		
Analysis Period (min)	15					

Intersection						
Int Delay, s/veh	4.4					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	1	13	17	1	14	7
Future Vol, veh/h	1	13	17	1	14	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	83	83	83	83	83	83
Heavy Vehicles, %	0	54	29	0	21	0
Mvmt Flow	1	16	20	1	17	8

Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	63	21	0	0	21	0
Stage 1	21	-	-	-	-	-
Stage 2	42	-	-	-	-	-
Critical Hdwy	6.4	6.74	-	-	4.31	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.786	-	-	2.389	-
Pot Cap-1 Maneuver	948	924	-	-	1480	-
Stage 1	1007	-	-	-	-	-
Stage 2	986	-	-	-	-	-
Platoon blocked, %			-	-		
Mov Cap-1 Maneuver	937	924	-	-	1480	-
Mov Cap-2 Maneuver	937	-	-	-	-	-
Stage 1	1007	-	-	-	-	-
Stage 2	974	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9	0	5
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	925	1480
HCM Lane V/C Ratio	-	-	0.018	0.011
HCM Control Delay (s)	-	-	9	7.5
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

Appendix D Trip Generation Estimates

FUTURE SITE TRIP GENERATION ASSUMPTIONS

Based on discussions with the applicant and other aggregate mining operators, the following four sources will comprise the daily trips.

ROCK CRUSING OPERATION

- Approximate Hours of Operation
 - Shift 1 – 5:00 AM to 1:00 PM (4 staff)
 - Shift 2 – 1:00 PM to 10:00 PM (4 staff)
- Delivery of aggregate to offsite locations from 7:00 AM to 5:00 PM
- Approximately 40 truck deliveries per day.

CONCRETE BATCH PLAN

- Approximate hours of operation – 4:00 AM to 1:00 PM
- Generates approximately 12-15 mixture loads for misc. delivery per day. Performed by 4-5 mixture trucks which are based at the site.
- 2 staff

ASPHALT BATCH PLANT:

- Approximate hours of operation – 10:00 AM to 5:00 PM
- 2 staff
- Generates approximately 10-15 truck loads for misc. delivery per day. Performed by 4-5 mixture trucks which are based at the site.

STAFF

- 1 scale operator and 2 clerks
- 7:00 AM to 5:00 PM staff hours.

Based on these details, the following table estimates the total number of net new trips that can be expected on a typical weekday.

Land Use	Daily Trips	Weekday AM Peak Hour (7:55-8:55 AM)			Weekday PM Peak Hour (4:15-5:15 PM)		
		Total	In	Out	Total	In	Out
Rock Crushing							
- Staff ¹	16	0	0	0	0	0	0
- Rock Deliveries ²	80	8	4	4	8	4	4
Concrete Batch Plant							
- Staff ¹	4	0	0	0	0	0	0
- Load Deliveries ²	30	2	1	1	0	0	0
Asphalt Batch Plant							
- Staff ¹	4	0	0	0	2	0	2

- Load Deliveries ²	30	0	0	0	2	1	1
Administration/Misc. Operations							
- Staff ¹	6	3	3	0	3	0	3
- Misc. Deliveries/Visitors	10	2	1	1	2	1	1
Total	170	15	9	6	17	6	11

¹ Each employee was assumed to generate 2 daily trips (1 in, 1 out)

² Each delivery was assumed to generate 2 daily trips (1 exit for delivery, 1 return from delivery)

Appendix E 2042 Aggregate Resource
Overlay Zone Operations
Worksheets

Lanes, Volumes, Timings
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

													
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Traffic Volume (vph)	0	0	0	25	3	29	36	29	0	0	48	24	
Future Volume (vph)	0	0	0	25	3	29	36	29	0	0	48	24	
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Ped Bike Factor													
Frt					0.932					0.955			
Flt Protected					0.979					0.973			
Satd. Flow (prot)	0	0	0	0	1213	0	0	1188	0	0	1217	0	
Flt Permitted					0.979					0.973			
Satd. Flow (perm)	0	0	0	0	1213	0	0	1188	0	0	1217	0	
Link Speed (mph)				30			45			45			
Link Distance (ft)				114			94			318			
Travel Time (s)				2.6			2.1			4.8			
Confl. Peds. (#/hr)	1						1						
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	
Heavy Vehicles (%)	0%	0%	0%	32%	0%	35%	59%	24%	0%	0%	34%	44%	
Adj. Flow (vph)	0	0	0	30	4	35	43	35	0	0	58	29	
Shared Lane Traffic (%)													
Lane Group Flow (vph)	0	0	0	0	69	0	0	78	0	0	87	0	
Enter Blocked Intersection	No	No	No	No	No	No							
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right	
Median Width(ft)				0			0			0			
Link Offset(ft)				0			0			0			
Crosswalk Width(ft)				16			16			16			
Two way Left Turn Lane													
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	
Turning Speed (mph)	15			9	15			9	15	9	15	9	
Sign Control	Free			Stop			Free			Free			
Intersection Summary													
Area Type:	Other												
Control Type:	Unsignalized												
Intersection Capacity Utilization	21.1%						ICU Level of Service A						
Analysis Period (min)	15												

HCM 6th TWSC
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	4.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕			↕			↕	
Traffic Vol, veh/h	0	0	0	25	3	29	36	29	0	0	48	24
Future Vol, veh/h	0	0	0	25	3	29	36	29	0	0	48	24
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	1	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	83	83	83	83	83	83	83	83	83	83	83	83
Heavy Vehicles, %	0	0	0	32	0	35	59	24	0	0	34	44
Mvmt Flow	0	0	0	30	4	35	43	35	0	0	58	29

Major/Minor	Minor1	Major1	Major2				
Conflicting Flow All	194	208	36	87	0	-	-
Stage 1	121	121	-	-	-	-	-
Stage 2	73	87	-	-	-	-	-
Critical Hdwy	6.72	6.5	6.55	4.69	-	-	-
Critical Hdwy Stg 1	5.72	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.72	5.5	-	-	-	-	-
Follow-up Hdwy	3.788	4	3.615	2.731	-	-	-
Pot Cap-1 Maneuver	731	692	950	1216	-	0	0
Stage 1	835	800	-	-	-	0	0
Stage 2	879	827	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	705	0	949	1216	-	-	-
Mov Cap-2 Maneuver	705	0	-	-	-	-	-
Stage 1	805	0	-	-	-	-	-
Stage 2	879	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.8	4.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	SBT	SBR
Capacity (veh/h)	1216	-	818	-
HCM Lane V/C Ratio	0.036	-	0.084	-
HCM Control Delay (s)	8.1	0	9.8	-
HCM Lane LOS	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	0.3	-

Lanes, Volumes, Timings
2: Colonial Jordan Rd & I-84 EB Ramps

Umatilla County Aggregate Mine

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	17	1	29	0	0	0	0	47	33	31	42	0
Future Volume (vph)	17	1	29	0	0	0	0	47	33	31	42	0
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.916						0.945				
Fl _t Protected		0.982									0.979	
Satd. Flow (prot)	0	1164	0	0	0	0	0	1326	0	0	1276	0
Fl _t Permitted		0.982									0.979	
Satd. Flow (perm)	0	1164	0	0	0	0	0	1326	0	0	1276	0
Link Speed (mph)		30			30			45			45	
Link Distance (ft)		88			138			380			281	
Travel Time (s)		2.0			3.1			5.8			4.3	
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Heavy Vehicles (%)	62%	100%	18%	0%	0%	0%	0%	28%	20%	55%	19%	0%
Adj. Flow (vph)	20	1	35	0	0	0	0	56	39	37	50	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	56	0	0	0	0	0	95	0	0	87	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	20.9%						ICU Level of Service A					
Analysis Period (min)	15											

Intersection												
Int Delay, s/veh	3.5											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↕			↕	
Traffic Vol, veh/h	17	1	29	0	0	0	0	47	33	31	42	0
Future Vol, veh/h	17	1	29	0	0	0	0	47	33	31	42	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	62	100	18	0	0	0	0	28	20	55	19	0
Mvmt Flow	20	1	35	0	0	0	0	56	39	37	50	0

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	200	219	50	-	0	0	95	0	0
Stage 1	124	124	-	-	-	-	-	-	-
Stage 2	76	95	-	-	-	-	-	-	-
Critical Hdwy	7.02	7.5	6.38	-	-	-	4.65	-	-
Critical Hdwy Stg 1	6.02	6.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.02	6.5	-	-	-	-	-	-	-
Follow-up Hdwy	4.058	4.9	3.462	-	-	-	2.695	-	-
Pot Cap-1 Maneuver	671	538	975	0	-	-	1224	-	0
Stage 1	773	638	-	0	-	-	-	-	0
Stage 2	815	660	-	0	-	-	-	-	0
Platoon blocked, %									
Mov Cap-1 Maneuver	650	0	975	-	-	-	1224	-	-
Mov Cap-2 Maneuver	650	0	-	-	-	-	-	-	-
Stage 1	773	0	-	-	-	-	-	-	-
Stage 2	790	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.7	0	3.4
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	SBL	SBT
Capacity (veh/h)	-	-	823	1224	-
HCM Lane V/C Ratio	-	-	0.068	0.03	-
HCM Control Delay (s)	-	-	9.7	8	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

Lanes, Volumes, Timings
 3: Colonal Jordan Rd & CR 1336 Rd

Umatilla County Aggregate Mine



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	0	8	15	3	5	13
Future Volume (vph)	0	8	15	3	5	13
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.865		0.979			
Flt Protected						0.987
Satd. Flow (prot)	1138	0	1592	0	0	1423
Flt Permitted						0.987
Satd. Flow (perm)	1138	0	1592	0	0	1423
Link Speed (mph)	30		30			30
Link Distance (ft)	841		369			1508
Travel Time (s)	19.1		8.4			34.3
Peak Hour Factor	0.69	0.69	0.69	0.69	0.69	0.69
Heavy Vehicles (%)	0%	33%	9%	0%	25%	20%
Adj. Flow (vph)	0	12	22	4	7	19
Shared Lane Traffic (%)						
Lane Group Flow (vph)	12	0	26	0	0	26
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		0			0
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane						
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	15.5%
ICU Level of Service	A
Analysis Period (min)	15

Intersection						
Int Delay, s/veh	2.5					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	0	8	15	3	5	13
Future Vol, veh/h	0	8	15	3	5	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	69	69	69	69	69	69
Heavy Vehicles, %	0	33	9	0	25	20
Mvmt Flow	0	12	22	4	7	19

Major/Minor	Minor1	Major1	Major2			
Conflicting Flow All	57	24	0	0	26	0
Stage 1	24	-	-	-	-	-
Stage 2	33	-	-	-	-	-
Critical Hdwy	6.4	6.53	-	-	4.35	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.597	-	-	2.425	-
Pot Cap-1 Maneuver	955	970	-	-	1451	-
Stage 1	1004	-	-	-	-	-
Stage 2	995	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	950	970	-	-	1451	-
Mov Cap-2 Maneuver	950	-	-	-	-	-
Stage 1	1004	-	-	-	-	-
Stage 2	990	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	2.1
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	970	1451
HCM Lane V/C Ratio	-	-	0.012	0.005
HCM Control Delay (s)	-	-	8.8	7.5
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0	0

Lanes, Volumes, Timings
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	0	0	0	19	4	55	27	72	0	0	101	35
Future Volume (vph)	0	0	0	19	4	55	27	72	0	0	101	35
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t					0.905							0.965
Fl _t Protected					0.988			0.987				
Satd. Flow (prot)	0	0	0	0	1066	0	0	1367	0	0	1443	0
Fl _t Permitted					0.988			0.987				
Satd. Flow (perm)	0	0	0	0	1066	0	0	1367	0	0	1443	0
Link Speed (mph)		30			30			45			45	
Link Distance (ft)		114			94			318			378	
Travel Time (s)		2.6			2.1			4.8			5.7	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	0%	0%	0%	29%	33%	54%	30%	25%	0%	0%	15%	23%
Adj. Flow (vph)	0	0	0	21	4	60	29	78	0	0	110	38
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	0	0	0	85	0	0	107	0	0	148	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	28.9%						ICU Level of Service A					
Analysis Period (min)	15											

HCM 6th TWSC
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	3.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕			↕			↕	
Traffic Vol, veh/h	0	0	0	19	4	55	27	72	0	0	101	35
Future Vol, veh/h	0	0	0	19	4	55	27	72	0	0	101	35
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	1	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	29	33	54	30	25	0	0	15	23
Mvmt Flow	0	0	0	21	4	60	29	78	0	0	110	38

Major/Minor	Minor1	Major1	Major2				
Conflicting Flow All	265	284	78	148	0	-	-
Stage 1	136	136	-	-	-	-	-
Stage 2	129	148	-	-	-	-	-
Critical Hdwy	6.69	6.83	6.74	4.4	-	-	-
Critical Hdwy Stg 1	5.69	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.69	5.83	-	-	-	-	-
Follow-up Hdwy	3.761	4.297	3.786	2.47	-	-	-
Pot Cap-1 Maneuver	670	576	856	1279	-	0	0
Stage 1	828	728	-	-	-	0	0
Stage 2	834	719	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	654	0	856	1279	-	-	-
Mov Cap-2 Maneuver	654	0	-	-	-	-	-
Stage 1	808	0	-	-	-	-	-
Stage 2	834	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.1	2.1	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	SBT	SBR
Capacity (veh/h)	1279	-	793	-
HCM Lane V/C Ratio	0.023	-	0.107	-
HCM Control Delay (s)	7.9	0	10.1	-
HCM Lane LOS	A	A	B	-
HCM 95th %tile Q(veh)	0.1	-	0.4	-

Lanes, Volumes, Timings
2: Colonial Jordan Rd & I-84 EB Ramps

Umatilla County Aggregate Mine

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	24	1	25	0	0	0	0	74	28	65	54	0
Future Volume (vph)	24	1	25	0	0	0	0	74	28	65	54	0
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr _t		0.932						0.963				
Fl _t Protected		0.976									0.973	
Satd. Flow (prot)	0	1344	0	0	0	0	0	1352	0	0	1439	0
Fl _t Permitted		0.976									0.973	
Satd. Flow (perm)	0	1344	0	0	0	0	0	1352	0	0	1439	0
Link Speed (mph)		30			30			45			45	
Link Distance (ft)		88			138			380			281	
Travel Time (s)		2.0			3.1			5.8			4.3	
Peak Hour Factor	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84	0.84
Heavy Vehicles (%)	33%	0%	5%	0%	0%	0%	0%	23%	29%	17%	20%	0%
Adj. Flow (vph)	29	1	30	0	0	0	0	88	33	77	64	0
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	60	0	0	0	0	0	121	0	0	141	0
Enter Blocked Intersection	No	No	No	No	No	No						
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Stop			Stop			Free			Free	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	23.7%						ICU Level of Service A					
Analysis Period (min)	15											

Intersection												
Int Delay, s/veh	3.7											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↔			↕	
Traffic Vol, veh/h	24	1	25	0	0	0	0	74	28	65	54	0
Future Vol, veh/h	24	1	25	0	0	0	0	74	28	65	54	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	33	0	5	0	0	0	0	23	29	17	20	0
Mvmt Flow	29	1	30	0	0	0	0	88	33	77	64	0

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	323	339	64	-	0	0	121	0	0
Stage 1	218	218	-	-	-	-	-	-	-
Stage 2	105	121	-	-	-	-	-	-	-
Critical Hdwy	6.73	6.5	6.25	-	-	-	4.27	-	-
Critical Hdwy Stg 1	5.73	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.73	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.797	4	3.345	-	-	-	2.353	-	-
Pot Cap-1 Maneuver	612	586	992	0	-	-	1379	-	0
Stage 1	750	726	-	0	-	-	-	-	0
Stage 2	847	800	-	0	-	-	-	-	0
Platoon blocked, %									
Mov Cap-1 Maneuver	577	0	992	-	-	-	1379	-	-
Mov Cap-2 Maneuver	577	0	-	-	-	-	-	-	-
Stage 1	750	0	-	-	-	-	-	-	-
Stage 2	798	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.3	0	4.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	SBL	SBT
Capacity (veh/h)	-	-	734	1379	-
HCM Lane V/C Ratio	-	-	0.081	0.056	-
HCM Control Delay (s)	-	-	10.3	7.8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.3	0.2	-

Lanes, Volumes, Timings
3: Colonal Jordan Rd & CR 1336 Rd

Umatilla County Aggregate Mine



Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	1	17	23	1	19	9
Future Volume (vph)	1	17	23	1	19	9
Ideal Flow (vphpl)	1750	1750	1750	1750	1750	1750
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.871		0.995			
Flt Protected	0.998					0.967
Satd. Flow (prot)	1005	0	1360	0	0	1482
Flt Permitted	0.998					0.967
Satd. Flow (perm)	1005	0	1360	0	0	1482
Link Speed (mph)	30		30			30
Link Distance (ft)	841		369			1508
Travel Time (s)	19.1		8.4			34.3
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83
Heavy Vehicles (%)	0%	54%	29%	0%	21%	0%
Adj. Flow (vph)	1	20	28	1	23	11
Shared Lane Traffic (%)						
Lane Group Flow (vph)	21	0	29	0	0	34
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Right	Left	Left
Median Width(ft)	12		0			0
Link Offset(ft)	0		0			0
Crosswalk Width(ft)	16		16			16
Two way Left Turn Lane						
Headway Factor	1.11	1.11	1.11	1.11	1.11	1.11
Turning Speed (mph)	15	9		9	15	
Sign Control	Stop		Free			Free

Intersection Summary

Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	18.3%
Analysis Period (min)	15
	ICU Level of Service A

Intersection						
Int Delay, s/veh	4.4					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	1	17	23	1	19	9
Future Vol, veh/h	1	17	23	1	19	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	83	83	83	83	83	83
Heavy Vehicles, %	0	54	29	0	21	0
Mvmt Flow	1	20	28	1	23	11

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	86	29	0	0	29
Stage 1	29	-	-	-	-
Stage 2	57	-	-	-	-
Critical Hdwy	6.4	6.74	-	-	4.31
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.786	-	-	2.389
Pot Cap-1 Maneuver	920	914	-	-	1470
Stage 1	999	-	-	-	-
Stage 2	971	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	905	914	-	-	1470
Mov Cap-2 Maneuver	905	-	-	-	-
Stage 1	999	-	-	-	-
Stage 2	955	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9	0	5.1
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	913	1470
HCM Lane V/C Ratio	-	-	0.024	0.016
HCM Control Delay (s)	-	-	9	7.5
HCM Lane LOS	-	-	A	A
HCM 95th %tile Q(veh)	-	-	0.1	0

HCM 6th TWSC
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	4.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕			↕			↕	
Traffic Vol, veh/h	0	0	0	28	3	29	38	31	0	0	51	24
Future Vol, veh/h	0	0	0	28	3	29	38	31	0	0	51	24
Conflicting Peds, #/hr	1	0	0	0	0	1	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	1	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	83	83	83	83	83	83	83	83	83	83	83	83
Heavy Vehicles, %	0	0	0	32	0	35	59	24	0	0	34	44
Mvmt Flow	0	0	0	34	4	35	46	37	0	0	61	29

Major/Minor	Minor1	Major1	Major2				
Conflicting Flow All	205	219	38	90	0	-	-
Stage 1	129	129	-	-	-	-	-
Stage 2	76	90	-	-	-	-	-
Critical Hdwy	6.72	6.5	6.55	4.69	-	-	-
Critical Hdwy Stg 1	5.72	5.5	-	-	-	-	-
Critical Hdwy Stg 2	5.72	5.5	-	-	-	-	-
Follow-up Hdwy	3.788	4	3.615	2.731	-	-	-
Pot Cap-1 Maneuver	721	683	947	1213	-	0	0
Stage 1	828	793	-	-	-	0	0
Stage 2	876	824	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	693	0	946	1213	-	-	-
Mov Cap-2 Maneuver	693	0	-	-	-	-	-
Stage 1	796	0	-	-	-	-	-
Stage 2	876	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.9	4.5	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	SBT	SBR
Capacity (veh/h)	1213	-	802	-
HCM Lane V/C Ratio	0.038	-	0.09	-
HCM Control Delay (s)	8.1	0	9.9	-
HCM Lane LOS	A	A	A	-
HCM 95th %tile Q(veh)	0.1	-	0.3	-

Intersection												
Int Delay, s/veh	3.4											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↔			↕	
Traffic Vol, veh/h	17	1	32	0	0	0	0	51	35	31	47	0
Future Vol, veh/h	17	1	32	0	0	0	0	51	35	31	47	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	62	100	18	0	0	0	0	28	20	55	19	0
Mvmt Flow	20	1	38	0	0	0	0	61	42	37	56	0

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	212	233	56	-	0	0	103	0	0
Stage 1	130	130	-	-	-	-	-	-	-
Stage 2	82	103	-	-	-	-	-	-	-
Critical Hdwy	7.02	7.5	6.38	-	-	-	4.65	-	-
Critical Hdwy Stg 1	6.02	6.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.02	6.5	-	-	-	-	-	-	-
Follow-up Hdwy	4.058	4.9	3.462	-	-	-	2.695	-	-
Pot Cap-1 Maneuver	660	528	967	0	-	-	1215	-	0
Stage 1	767	634	-	0	-	-	-	-	0
Stage 2	810	654	-	0	-	-	-	-	0
Platoon blocked, %									
Mov Cap-1 Maneuver	640	0	967	-	-	-	1215	-	-
Mov Cap-2 Maneuver	640	0	-	-	-	-	-	-	-
Stage 1	767	0	-	-	-	-	-	-	-
Stage 2	785	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.7	0	3.2
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	SBL	SBT
Capacity (veh/h)	-	-	821	1215	-
HCM Lane V/C Ratio	-	-	0.073	0.03	-
HCM Control Delay (s)	-	-	9.7	8.1	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0.2	0.1	-

HCM 6th TWSC
3: Colonal Jordan Rd & CR 1336 Rd

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	2.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	6	0	0	0	0	8	0	15	3	5	13	9
Future Vol, veh/h	6	0	0	0	0	8	0	15	3	5	13	9
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	69	69	69	69	69	69	69	69	69	69	69	69
Heavy Vehicles, %	50	0	0	0	0	33	0	9	0	25	20	50
Mvmt Flow	9	0	0	0	0	12	0	22	4	7	19	13

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	70	66	26	64	70	24	32	0	0	26	0	0
Stage 1	40	40	-	24	24	-	-	-	-	-	-	-
Stage 2	30	26	-	40	46	-	-	-	-	-	-	-
Critical Hdwy	7.6	6.5	6.2	7.1	6.5	6.53	4.1	-	-	4.35	-	-
Critical Hdwy Stg 1	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.95	4	3.3	3.5	4	3.597	2.2	-	-	2.425	-	-
Pot Cap-1 Maneuver	817	829	1056	935	824	970	1593	-	-	1451	-	-
Stage 1	866	866	-	999	879	-	-	-	-	-	-	-
Stage 2	877	878	-	980	861	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	804	825	1056	931	820	970	1593	-	-	1451	-	-
Mov Cap-2 Maneuver	804	825	-	931	820	-	-	-	-	-	-	-
Stage 1	866	862	-	999	879	-	-	-	-	-	-	-
Stage 2	867	878	-	975	857	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	9.5		8.8		0		1.4	
HCM LOS	A		A					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1593	-	-	804	970	1451	-	-
HCM Lane V/C Ratio	-	-	-	0.011	0.012	0.005	-	-
HCM Control Delay (s)	0	-	-	9.5	8.8	7.5	0	-
HCM Lane LOS	A	-	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

HCM 6th TWSC
1: Westland Rd & I-84 WB Ramps

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	3.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations					↕			↕			↕	
Traffic Vol, veh/h	0	0	0	21	4	55	31	74	0	0	102	35
Future Vol, veh/h	0	0	0	21	4	55	31	74	0	0	102	35
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	1	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	29	33	54	30	25	0	0	15	23
Mvmt Flow	0	0	0	23	4	60	34	80	0	0	111	38

Major/Minor	Minor1	Major1	Major2				
Conflicting Flow All	278	297	80	149	0	-	-
Stage 1	148	148	-	-	-	-	-
Stage 2	130	149	-	-	-	-	-
Critical Hdwy	6.69	6.83	6.74	4.4	-	-	-
Critical Hdwy Stg 1	5.69	5.83	-	-	-	-	-
Critical Hdwy Stg 2	5.69	5.83	-	-	-	-	-
Follow-up Hdwy	3.761	4.297	3.786	2.47	-	-	-
Pot Cap-1 Maneuver	658	566	854	1278	-	0	0
Stage 1	818	719	-	-	-	0	0
Stage 2	834	718	-	-	-	0	0
Platoon blocked, %					-	-	-
Mov Cap-1 Maneuver	640	0	854	1278	-	-	-
Mov Cap-2 Maneuver	640	0	-	-	-	-	-
Stage 1	795	0	-	-	-	-	-
Stage 2	834	0	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	10.2	2.3	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBTWBLn1	SBT	SBR
Capacity (veh/h)	1278	-	782	-
HCM Lane V/C Ratio	0.026	-	0.111	-
HCM Control Delay (s)	7.9	0	10.2	-
HCM Lane LOS	A	A	B	-
HCM 95th %tile Q(veh)	0.1	-	0.4	-

Intersection												
Int Delay, s/veh	3.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕						↔			↕	
Traffic Vol, veh/h	24	1	27	0	0	0	0	81	32	65	58	0
Future Vol, veh/h	24	1	27	0	0	0	0	81	32	65	58	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	84	84	84	84	84	84	84	84	84	84	84	84
Heavy Vehicles, %	33	0	5	0	0	0	0	23	29	17	20	0
Mvmt Flow	29	1	32	0	0	0	0	96	38	77	69	0

Major/Minor	Minor2			Major1			Major2		
Conflicting Flow All	338	357	69	-	0	0	134	0	0
Stage 1	223	223	-	-	-	-	-	-	-
Stage 2	115	134	-	-	-	-	-	-	-
Critical Hdwy	6.73	6.5	6.25	-	-	-	4.27	-	-
Critical Hdwy Stg 1	5.73	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	5.73	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.797	4	3.345	-	-	-	2.353	-	-
Pot Cap-1 Maneuver	599	572	986	0	-	-	1363	-	0
Stage 1	746	723	-	0	-	-	-	-	0
Stage 2	838	789	-	0	-	-	-	-	0
Platoon blocked, %									
Mov Cap-1 Maneuver	564	0	986	-	-	-	1363	-	-
Mov Cap-2 Maneuver	564	0	-	-	-	-	-	-	-
Stage 1	746	0	-	-	-	-	-	-	-
Stage 2	789	0	-	-	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	10.4	0	4.1
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBR	EBLn1	SBL	SBT
Capacity (veh/h)	-	-	729	1363	-
HCM Lane V/C Ratio	-	-	0.085	0.057	-
HCM Control Delay (s)	-	-	10.4	7.8	0
HCM Lane LOS	-	-	B	A	A
HCM 95th %tile Q(veh)	-	-	0.3	0.2	-

HCM 6th TWSC
3: Colonal Jordan Rd & CR 1336 Rd

Umatilla County Aggregate Mine

Intersection												
Int Delay, s/veh	4.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	11	0	0	1	0	17	0	23	1	19	9	6
Future Vol, veh/h	11	0	0	1	0	17	0	23	1	19	9	6
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None									
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	83	83	83	83	83	83	83	83	83	83	83	83
Heavy Vehicles, %	50	0	0	0	0	54	0	29	0	21	0	50
Mvmt Flow	13	0	0	1	0	20	0	28	1	23	11	7

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	100	90	15	90	93	29	18	0	0	29	0	0
Stage 1	61	61	-	29	29	-	-	-	-	-	-	-
Stage 2	39	29	-	61	64	-	-	-	-	-	-	-
Critical Hdwy	7.6	6.5	6.2	7.1	6.5	6.74	4.1	-	-	4.31	-	-
Critical Hdwy Stg 1	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.6	5.5	-	6.1	5.5	-	-	-	-	-	-	-
Follow-up Hdwy	3.95	4	3.3	3.5	4	3.786	2.2	-	-	2.389	-	-
Pot Cap-1 Maneuver	779	804	1070	900	801	914	1612	-	-	1470	-	-
Stage 1	843	848	-	993	875	-	-	-	-	-	-	-
Stage 2	867	875	-	955	846	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	753	791	1070	889	788	914	1612	-	-	1470	-	-
Mov Cap-2 Maneuver	753	791	-	889	788	-	-	-	-	-	-	-
Stage 1	843	834	-	993	875	-	-	-	-	-	-	-
Stage 2	848	875	-	940	832	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	9.9	9	0	4.2
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1612	-	-	753	913	1470	-
HCM Lane V/C Ratio	-	-	-	0.018	0.024	0.016	-
HCM Control Delay (s)	0	-	-	9.9	9	7.5	0
HCM Lane LOS	A	-	-	A	A	A	A
HCM 95th %tile Q(veh)	0	-	-	0.1	0.1	0	-



Welcome to Umatilla County

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Craig Coleman Aggregate site

3 messages

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

Tue, Oct 18, 2022 at 3:11 PM

Hi Greg,

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

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

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

Thank you!

Megan

--



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

216 SE 4th Street | Pendleton, OR 97801

http://www.umatillacounty.gov/planning

Megan Davchevski

Land Use Planner

Transit Coordinator

Umatilla County Department of Land Use Planning

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

4N2736.pdf 103K

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

Tue, Oct 18, 2022 at 4:05 PM

Hi Megan,

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

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

Greg Silbernagel - Watermaster, District 5

Oregon Water Resources Department

116 SE Dorion Ave.

Pendleton, OR 97801

(541) 969-1677

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

[Quoted text hidden]

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

Tue, Oct 18, 2022 at 4:09 PM

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

[Quoted text hidden]



Welcome to
Umatilla County

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Craig Coleman Aggregate site

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

Tue, Oct 18, 2022 at 4:30 PM

Certificate - #74109 (U-649) > Cancelled due to transfer 9275 (Irrigation) approved 11/24/2004
https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=126509

Certificate - #74185 (G-10505) > Cancelled due to transfer 9275 (Supplemental Irrigation) approved 11/24/2004
https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=126616

Certificate - #79531 (G-1671) > Cancelled on 3/15/2006 due to erroneous certificate duplication
https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=133169

Certificate - #79530 (G-3822) > Cancelled due to Transfer 7496 (Supplemental irrigation) approved 2/20/1997
https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=133173

[Quoted text hidden]

INTENTIONALLY LEFT BLANK



Welcome to
Umatilla County

Megan Davchevski <megan.davchevski@umatillacounty.gov>

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

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

Tue, Oct 18, 2022 at 5:54 PM

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

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

Megan,

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

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

Determining site significance

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

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

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

Potential impacts on existing and permitted uses

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

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

Minimization of impacts

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

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

Please include my comments in the record.

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

Amanda

Amanda Punton



Natural Resource Specialist

Oregon Department of Land Conservation and Development

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

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

www.oregon.gov/LCD

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

October 18, 2022

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

Umatilla County Planning Commission:

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

DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OREGON WATER RESOURCES DEPARTMENT:

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

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

Cordially,

Carla McLane

Carla McLane

Enclosures:

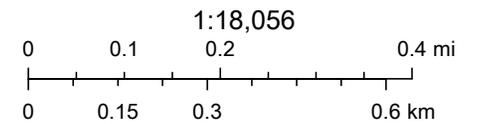
- Coleman Site Map
- Well Report 4N 27E 36 NW Quarter (Domestic Well)
- Well Log 4N 27E 36 NW Quarter

ArcGIS Web Map



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

- Streets
- Tax_Lots



Maxar

UMAT 1806
RECEIVED
 JAN 24 1955
 STATE ENGINEER
 SALEM, OREGON

UMAT
 1806

4N/27-36E(1)
 Umatilla

G.W. Redwine

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

REPORT ON COMPLETION OF WELL

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

Date of Report JAN. 21, 1955

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

7. LOG OF MATERIALS ENCOUNTERED

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

Remarks: _____

WELL INFORMATION

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

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

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

WELL I.D. # L 70033

START CARD # 179845

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

(1) LAND OWNER Well Number _____

Name CRATIA COLEMAN
 Address 28286 STAFFORD - HANSEL ROAD
 City HELMSTON State OREGON Zip 97838

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

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

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

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

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

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

(6) CASING/LINER

Diameter	From	To	Gauge	SEAL			
				Steel	Plastic	Welded	Threaded
Casing: 8"	0	218	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

(7) PERFORATIONS/SCREENS

Perforations Method _____
 Screens Type _____ Material _____

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

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
100		347	1hr
100		247	1hr
0		147	

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

(9) LOCATION OF WELL (legal description)

County UMATILLA
 Tax Lot 2301 Lot _____
 Township 4N or S Range 27E or W WM
 Section 30 NW 1/4 NW 1/4

Lat _____ or _____ (degrees or decimal)
 Long _____ or _____ (degrees or decimal)

Street Address of Well (or nearest address) SAME

(10) STATIC WATER LEVEL

106 ft. below land surface. Date 11/07/05
 _____ ft. below land surface. Date _____
 Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES

Depth at which water was first found 170'

From	To	Estimated Flow Rate	SWL
170	203	40 gpm	82'
300	332	60 gpm	

(12) WELL LOG Ground Elevation _____

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

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

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number 1735 Date 11-8-05

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 544 Date 11/08/05

Signed Jerry R... ..

INTENTIONALLY LEFT BLANK

Lynn D. Green
Consulting Engineering Geologist

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

October 17, 2022



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

Site Locations

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

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

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

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

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

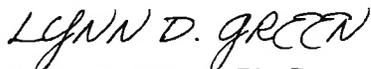
Quaternary surficial deposits related to the Missoula Floods, these deposits are variable and consist of mixed grained sedimentary deposits.

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

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

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

Sincerely,



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

Figure:

Site Vicinity Plan

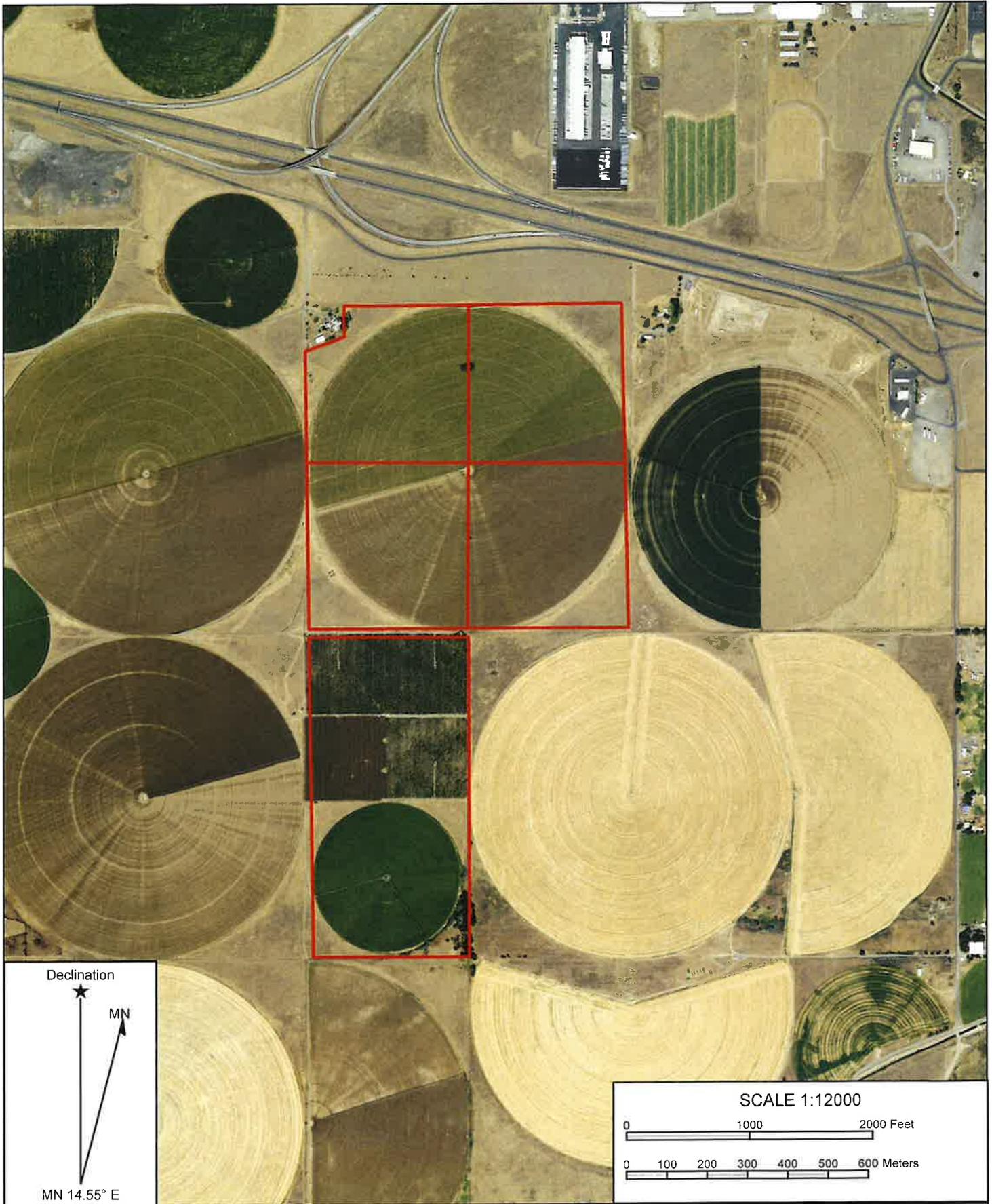
Attachments:

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

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

FIGURE





Declination



MN 14.55° E

SCALE 1:12000

0 1000 2000 Feet

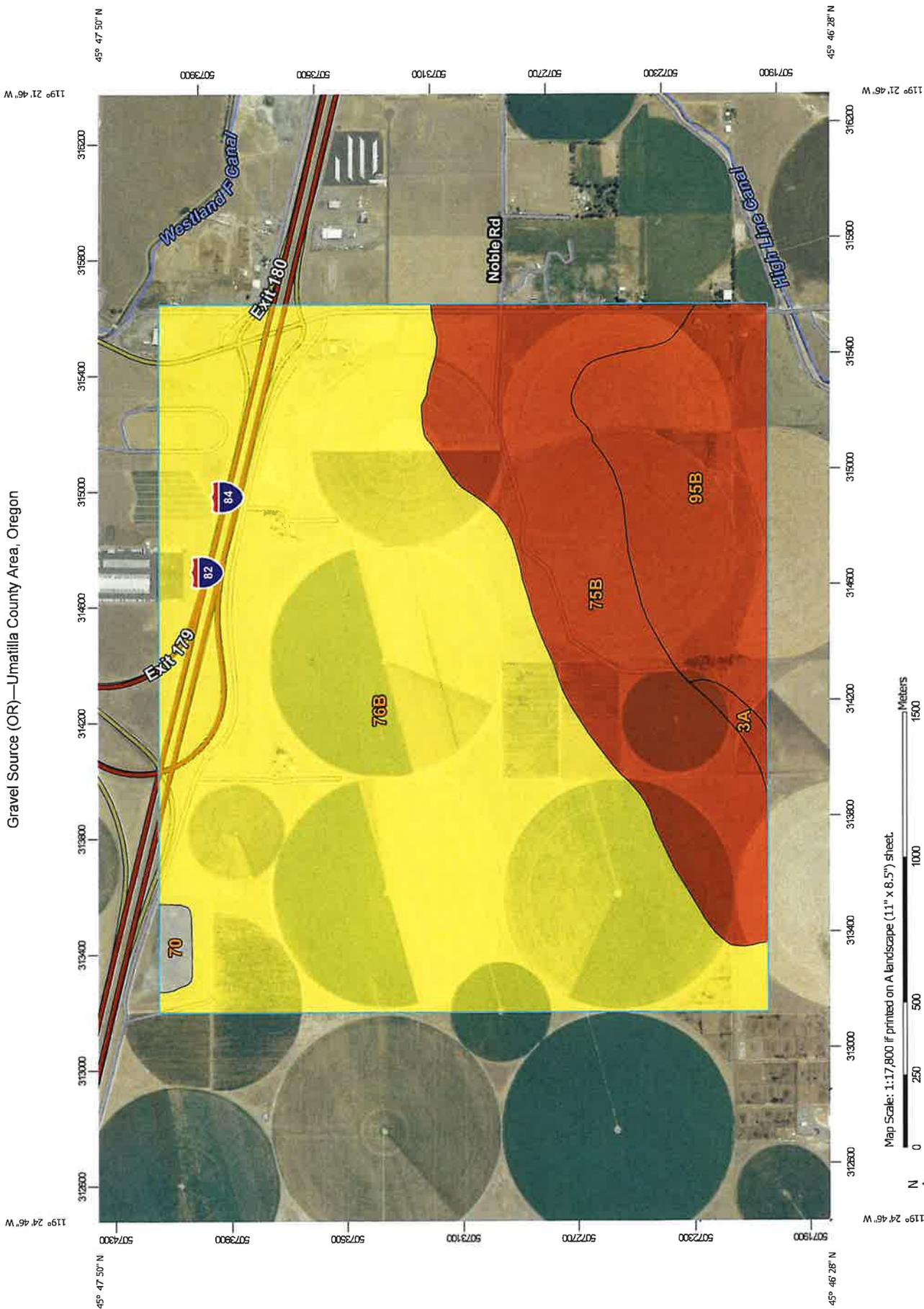
0 100 200 300 400 500 600 Meters

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

Location: 045.785428° N, 119.387245° W

ATTACHMENT 1

Gravel Source (OR)—Umatilla County Area, Oregon



MAP LEGEND

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

MAP INFORMATION

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

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

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

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

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

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

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

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

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

Gravel Source (OR)

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

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

Description

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

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

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

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

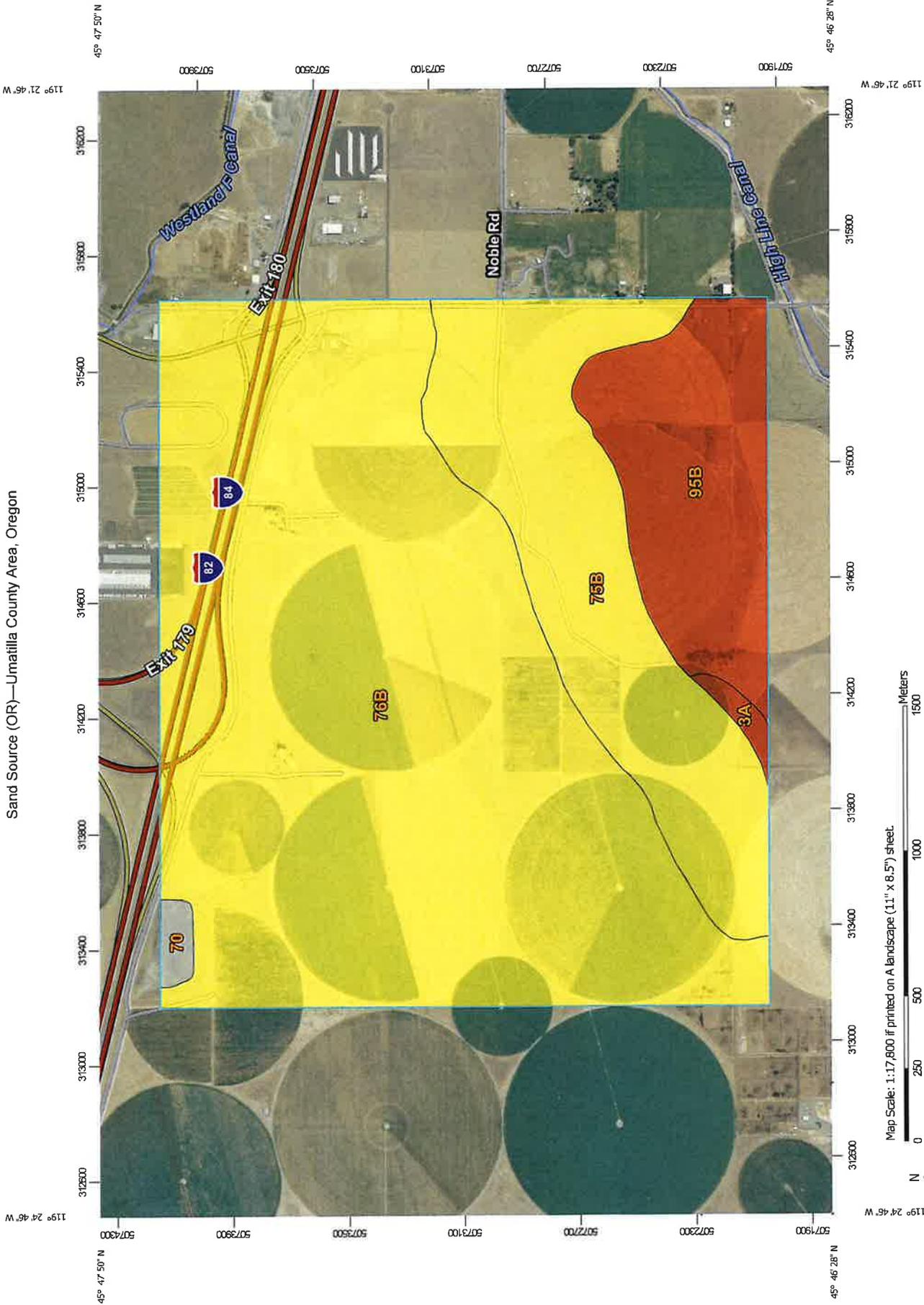
Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the Selected Soil Interpretations report with this interpretation included from the Soil Reports tab in Web Soil Survey or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

Rating Options

Aggregation Method: Dominant Condition

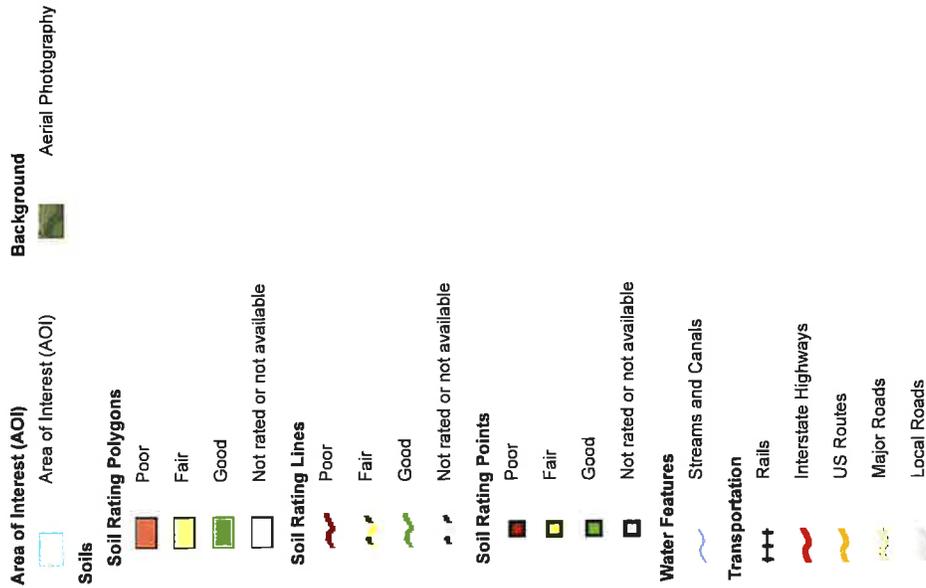
Component Percent Cutoff: None Specified

Tie-break Rule: Lower



Sand Source (OR)—Umatilla County Area, Oregon

MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.
 Please rely on the bar scale on each map sheet for map measurements.
 Source of Map: Natural Resources Conservation Service Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)
 Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.
 This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.
 Soil Survey Area: Umatilla County Area, Oregon
 Survey Area Data: Version 20, Sep 14, 2022
 Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.
 Date(s) aerial images were photographed: Jun 3, 2020—Jun 26, 2020
 The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Sand Source (OR)

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

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

Description

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

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

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

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

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

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

ATTACHMENT 2

**AGGREGATE RESOURCE INVENTORY
AND NEEDS FORECAST STUDY**

Final Report

SPR 314

by

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

for

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

and

Federal Highway Administration
Washington, DC 20590

September 2002

1.0 INTRODUCTION

1.1 PROBLEM STATEMENT

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

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

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

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

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

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

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

1.2 OBJECTIVES

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

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

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

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

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

1.3 REPORT FORMAT

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

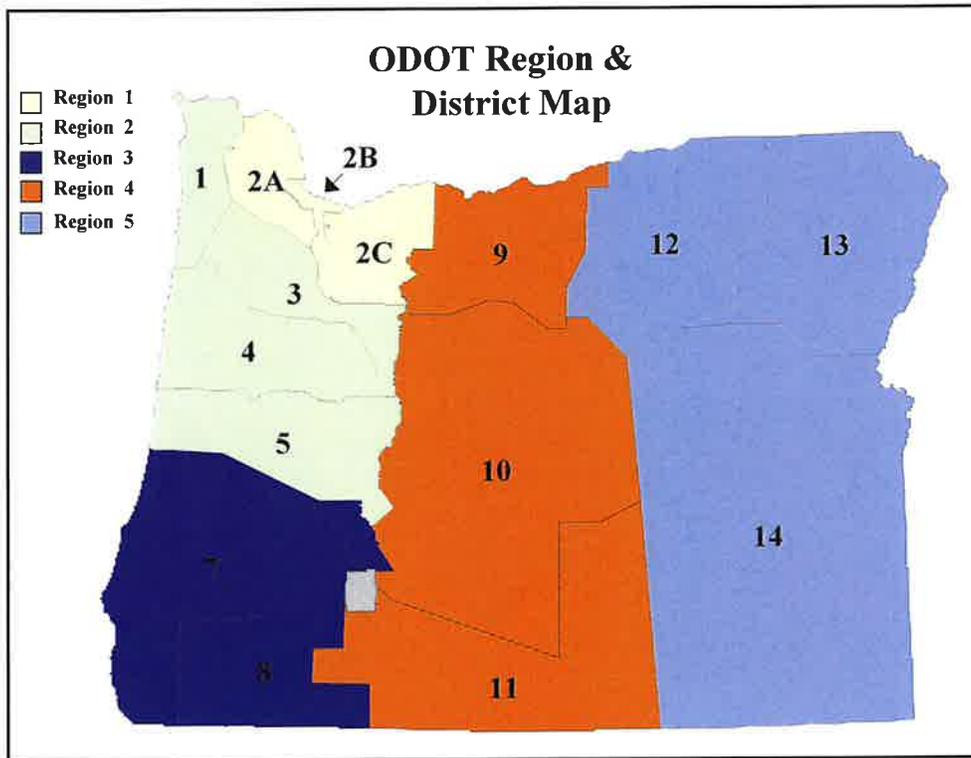


Figure 1.1: ODOT Region and District Map

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

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

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



Figure 8.2: Cason Canyon Quarry

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



Figure 8.3: Weston Pit

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



Figure 8.4: Site 30-016-5

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



Figure 8.5: Nye Junction Quarry

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



Figure 8.6: Lexington Quarry

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



Figure 8.7: Site 30-032-5

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



Figure 8.8: Site 30-027-5

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



Figure 8.9: Dry Creek Quarry

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



Figure 8.10: Kennedy Pit

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

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

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

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

8.2 DISTRICT 13

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

INTENTIONALLY LEFT BLANK

⊕

3/4 Round



Pea Rock





3 weeks
worth of
operation
3/4 rock



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



*3/4 Pea Rock (1st pit)
65 feet deep*



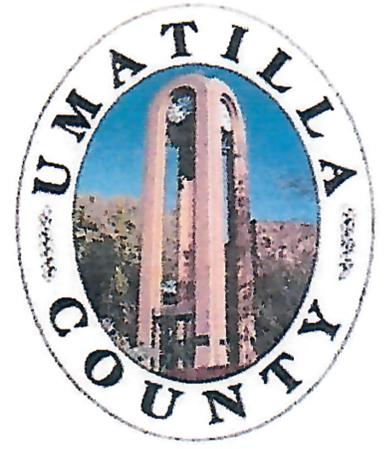
3/4 - Round Con Ag .





Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

WAIVER OF 150 DAY RULE FOR PLANNING REVIEW

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

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

In accordance with ORS 215.427, I understand that:

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

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

[Signature]
Applicant signature

11/16/22
Date

Signature of Acknowledgement by Department

Date

216 S.E. 4th Street • Pendleton, OR 97801 • Ph: 541-278-6252 • Fax: 541-278-5480

Website: www.umatillacounty.net/planning • Email: planning@umatillacounty.net

INTENTIONALLY LEFT BLANK

ANDREW H. STAMP, P.C.
ATTORNEY AT LAW
Kruse-Mercantile Professional Offices, Suite 16
4248 Galewood St.
Lake Oswego, OR 97035

Admitted in Oregon.

Tele: 503.675.4318
Fax: 503.675.4319
andrew@stampplaw.com

23 November 2022

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

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

Dear Members of the Planning Commission and Staff:

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

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

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

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

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

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

I. Executive Summary of Reasons Application Must be Denied.

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

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

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



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

Street, will be managed.

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

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

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

II. Legal Framework.

A. Generally.

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

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

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

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

/// /// ///

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

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

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

¹OAR 660-023-0180(3) provides:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Precautionary Objections.

1. The Impact Area Analysis is Inadequate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Conclusion.

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

Sincerely,

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS/rs

cc: Client

Amanda Punton, DLCD Punton@dlcd.oregon.gov

Attachments:

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

INTENTIONALLY LEFT BLANK

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

November 30, 2022

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

Chair Danforth and Umatilla County Planning Commission members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cordially,

Carla McLane

Carla McLane, MBA
Carla McLane Consulting, LLC

Attachments:

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

November 29, 2022

Sarah Stauffer Curtiss
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9829
sarah.curtiss@stoel.com

VIA EMAIL

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

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

Dear Commissioners:

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

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

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

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

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

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

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

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

C. Conclusion

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

Very truly yours,



Sarah Stauffer Curtiss

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

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

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

Intended Outcomes of Application Process:

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

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

Location and Current Use of the Property:

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

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

Surrounding Uses:

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

Required Review:

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

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

OAR 660-023-0180 Mineral and Aggregate Resources

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

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

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

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

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

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

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

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

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

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

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

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

- (a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.**

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

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

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

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

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

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

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

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

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

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

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

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

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

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

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

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

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

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

(E) Conflicts with agricultural practices; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

660-023-0040 ESEE Decision Process

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

(a) Identify conflicting uses;

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

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

(b) Determine the impact area;

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

(c) Analyze the ESEE consequences; and

See the analysis below.

(d) Develop a program to achieve Goal 5.

See a full analysis below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The ESEE Analysis follows:

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

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

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

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

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

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.**
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.**
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.**

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

660-023-0050 Programs to Achieve Goal 5

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

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

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

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

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

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

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

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

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

152.487 CRITERIA FOR ESTABLISHING AR OVERLAY ZONE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152.488 MINING REQUIREMENTS:

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

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

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

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

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

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

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

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

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

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

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

Analysis of the Statewide Planning Goals 1 through 14 follows.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goal 13 Energy: To conserve energy.

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

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

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

Conclusion:

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

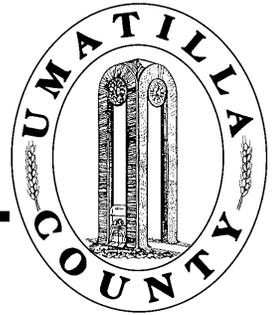
Specifically, the applicant is requesting: 1) that the Rock It #2 Quarry site of approximately 140 acres be listed within the Umatilla County Comprehensive Plan as part of Finding 41 and within the list of significant aggregate sites under Policy 41 in compliance with the approval of this request; 2)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

Attachments:

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

Umatilla County

Board of County Commissioners



BOARD OF COMMISSIONERS MEETING

Wednesday, June 1, 2022, 9:00am

Umatilla County Courthouse, Room 130

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

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

- D. New Business

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

- E. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Board of County Commissioners

FROM: Megan Davchevski, Planner

CODE
ENFORCEMENT

DATE: May 25, 2022

SOLID WASTE COMMITTEE

Re: **June 1, 2022 Board of Commissioners Hearing**

SMOKE
MANAGEMENT

Comprehensive Plan Map Amendment #P-133-22,

Comprehensive Plan Text Amendment #T-088-22 and

Zoning Map Amendment #Z-320-22

Rock It #2 Aggregate Site

GIS AND
MAPPING

RURAL
ADDRESSING

CC: Robert Waldher, Planning Director

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Background Information

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

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

Criteria of Approval

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

Conclusion

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

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

Memo

Board of Commissioners Public Hearing – June 1, 2022

Rock-It #2 Amendments #P-133-22, #T-088-22 and #Z-320-22

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

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

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

Attachments

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

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

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

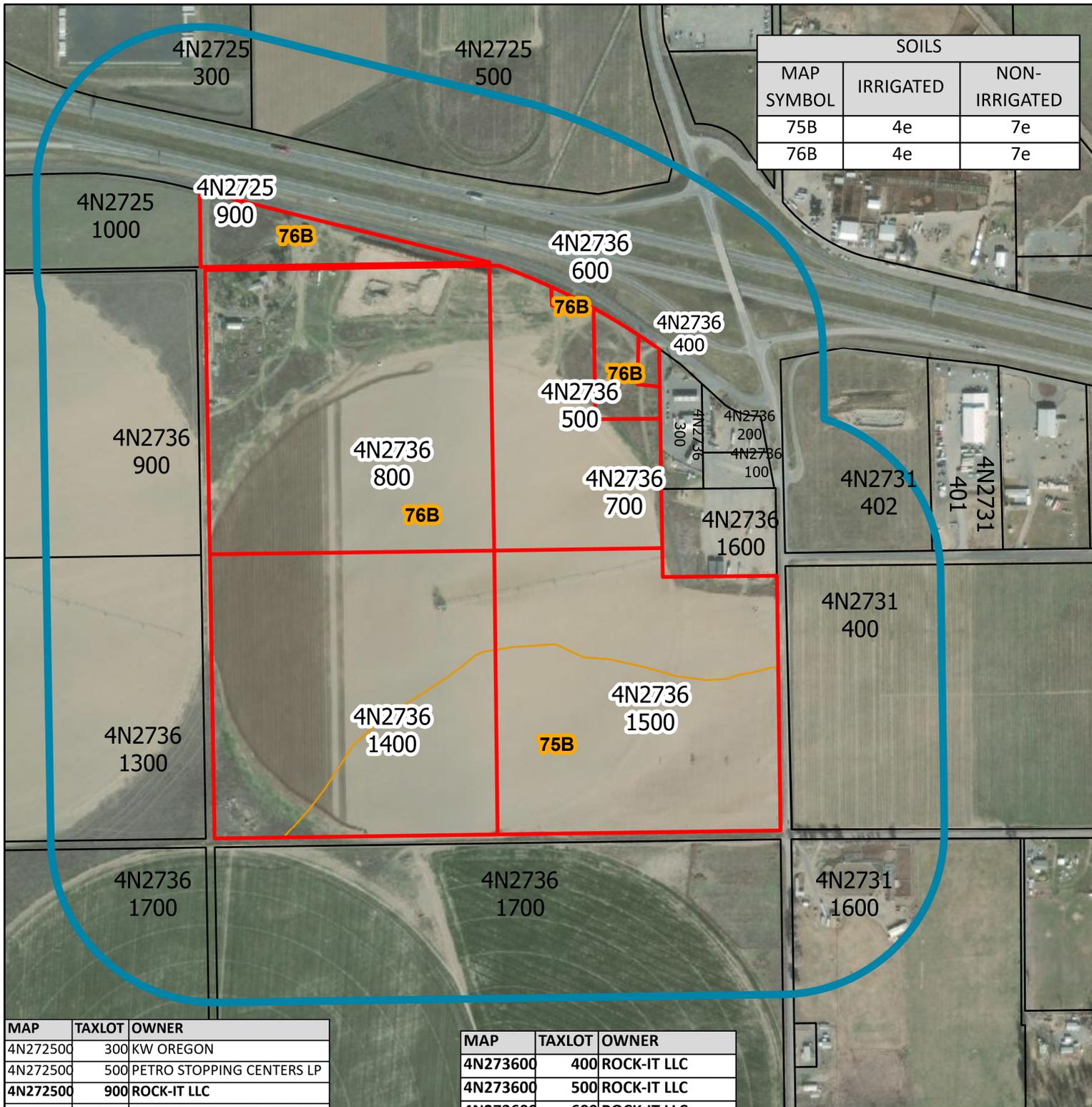
1. Staff Memo	Pages 1-2
2. Notice and Vicinity Map	Page 4
3. 1500 foot Impact Area Map	Page 5
4. Staff Report & Preliminary Findings	Pages 7-36
5. Proposed Text Amendment	Pages 37-38
6. Proposed Zoning Map	Page 39
7. Aggregate Quantity Map	Page 40
8. Lab Reports (MT&I 2010)	Pages 41-50
9. Umatilla County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

APPLICANT: WADE AYLETT

OWNER: ROCK-IT LLC

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

Notified Property Owners within 750 feet of Subject Parcels



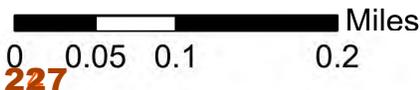
MAP	TAXLOT	OWNER
4N272500	300	KW OREGON
4N272500	500	PETRO STOPPING CENTERS LP
4N272500	900	ROCK-IT LLC
4N272500	1000	DARGATZ LIVING TRUST ET AL
4N273600	100	MO.MM, LLC
4N273600	200	MO.MM, LLC
4N273600	300	MO.MM, LLC

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

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

Legend

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

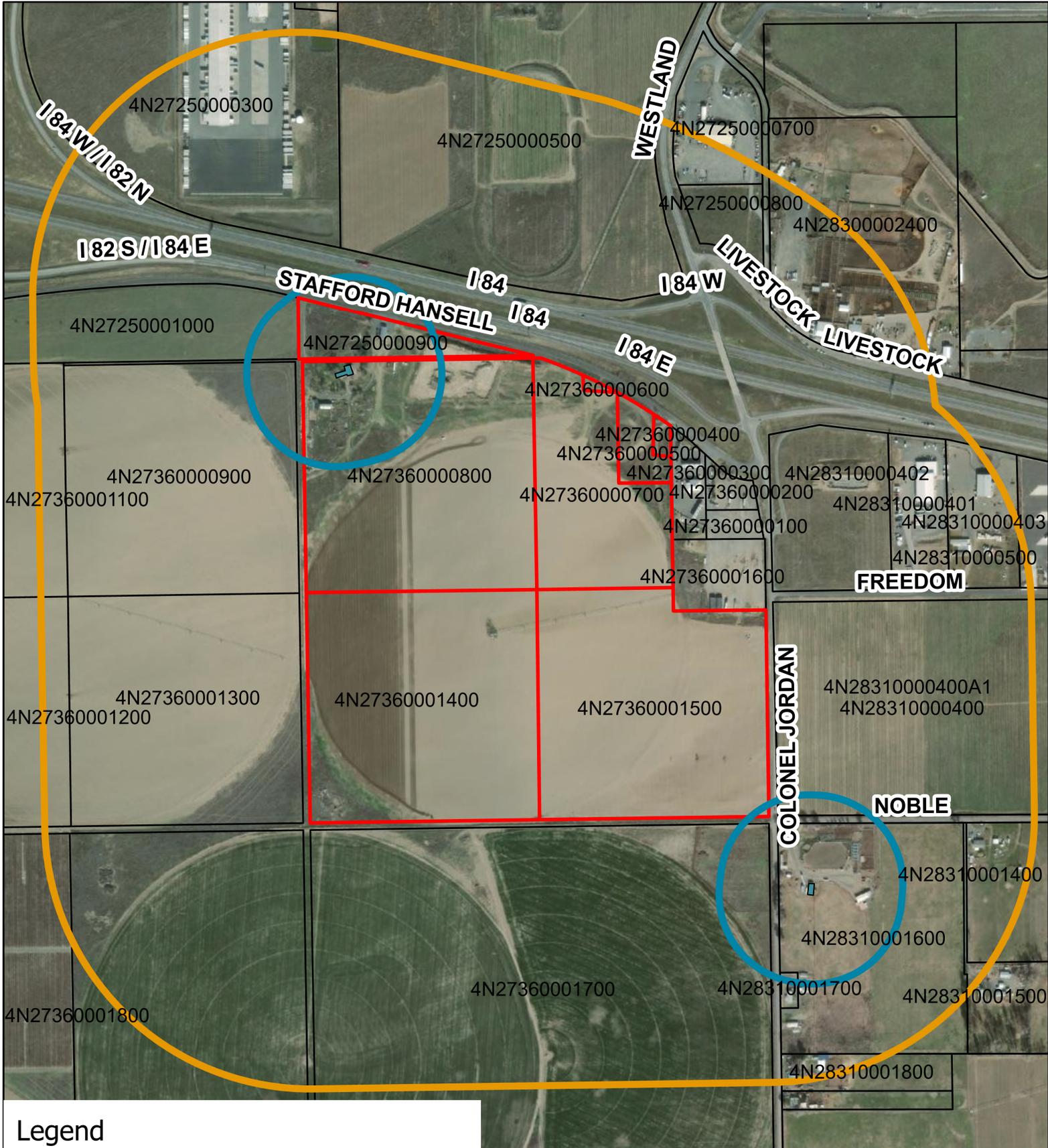


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 3/7/2022

ROCK-IT LLC

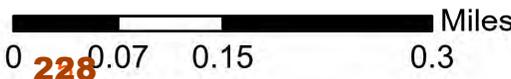
1500 FT IMPACT AREA & 500 FT DWELLING BUFFER

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



Legend

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



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

INTENTIONALLY LEFT BLANK

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

1. APPLICANT: Wade Aylett, 28598 Stafford Hansell Road, Hermiston, OR 97838
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Rock-It LLC, 74854 Washington Ave, Irrigon, OR 97844
4. REQUEST: The request is to add Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25 to Umatilla County's list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. In 2012, Tax Lots 700 and 800 were added as a Small Significant Site to the Inventory of Significant Sites and Conditional Use Permit (CUP) #P-106-12 was approved establishing a mining operation. In 2020, Zoning Permit ZP-20-142 was authorized with a site plan depicting the mining area, a scale house / office building, and an asphalt batch plant. However, it was later discovered that the office building was built on Tax Lot 900, which was not included in the original small significant site designation. Since that discovery, the applicant has been working with County Staff to correct the issue. The requested action is designed to establish the entire Rock-It #2 site, composed of all the above listed Tax Lots, as a Large Significant Site with protections under Goal 5 and to allow mining, processing, concrete and asphalt batch plants, and stockpiling.

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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 2 of 30

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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 3 of 30

15. LAND FORM: Columbia River Plateau

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

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

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

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

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

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

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

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

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

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

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

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

OR 97801.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OAR 660-023-0180 Mineral and Aggregate Resources

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

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

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

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

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

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

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

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

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

(iii) 17 feet in Linn and Benton counties.

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

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

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

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

(a) [Impact Area] The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

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

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

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

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

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

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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 8 of 30

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

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

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

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

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

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

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

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Conflicts with agricultural practices; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

660-023-0040 ESEE Decision Process

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

(a) Identify conflicting uses;

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

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

(b) Determine the impact area;

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

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

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

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

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

Table 1 - Potential Conflicting Uses

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

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

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

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

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

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

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

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

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

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

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

The ESSE Analysis follows:

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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 16 of 30

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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 17 of 30

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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 18 of 30

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

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

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

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

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

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

660-023-0050 Programs to Achieve Goal 5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

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

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

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

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

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

Applicant Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This application meets those requirements for this request.

County Finding: Umatilla County finds that through this amendment process, the applicant's request complies with the County's Comprehensive Plan and Development Code and therefore complies with Statewide Planning Goal 2 (Planning).

Goal 3 Agricultural Lands: *To preserve and maintain agricultural lands.*

Applicant Response: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. The current mining operation on this property (tax lots 700 and 800) was approved as a Conditional Use in 2012 and was at that time listed in the Inventory of Significant Sites as a Small Significant Site. It has operated since that time with agricultural activities to the west, south, and southeast with no conflicts or concerns. There are at least five other aggregate sites within a five-mile radius of this site with several of them operating adjacent to lands producing crops.

In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, can be determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed. Here, approval of the proposal allows both the objectives of Goal 3 and Goal 5 to be realized.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 3 (Agricultural Lands) as demonstrated throughout this document.

Goal 4 Forest Lands: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Applicant Response: There are no forest lands impacted by this request. The Umatilla National

Forest is significantly south of the subject property.

County Finding: Umatilla County finds that Statewide Planning Goal 4 (Forest Lands) does not directly apply to the applicant's request.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Applicant Response: The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped.

This application for a Comprehensive Plan amendment to protect an aggregate resource has been reviewed under Oregon Administrative Rule 660-023-0180, the process required under Goal 5.

County Finding: Umatilla County finds that the applicant's request is to apply Goal 5 protection to the site, the request has been reviewed under the necessary Goal 5 process and appears to be consistent with Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources).

Goal 6 Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Applicant Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The request to protect the subject property under Goal 5 and to allow mining, based on the analysis above can and will be compliant with Goal 6. The objective of this process is to protect an aggregate resource. Required measures protecting water are required under Oregon law and will be implemented during mining, processing, and stockpiling of aggregate material. Any mining or processing of aggregate material will be required to meet Oregon Department of Environmental Quality requirements for air quality through the imposition of air quality standards with some activities having to obtain an Air Contaminate Discharge Permit. The use of mining and processing techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention can achieve compliance with both clean air and water standards.

Noise is defined as unwanted sound. The location of this site adjacent to Interstate 84 would provide significant mitigation based on the noise generated by the Interstate and provide protection from noise that may be generated.

County Finding: Umatilla County finds that the applicant’s request addresses air, water and land resource quality and will obtain necessary permits and implement best practices to be consistent with Statewide Planning Goal 6 (Air, Water and Land Resource Quality).

Goal 7 Areas Subject to Natural Hazards and Disasters: *To protect people and property from natural hazards.*

Applicant Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property.

County Finding: Umatilla County finds that Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters) does not directly apply to this request.

Goal 8 Recreation Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Applicant Response: No recreation components are included in this application.

County Finding: Umatilla County finds that the applicant’s request appears to be consistent with Statewide Planning Goal 8 (Recreation Needs) and Goal 8 does not directly apply to this request.

Goal 9 Economy: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

Applicant Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County has a comprehensive plan and technical report that has been acknowledged to comply with Goal 9. While the approval of an aggregate site does not, in and of itself, provide significant economic benefit, the aggregate industry can provide an economic benefit to a region. Aggregate is a necessary component that is essential for residents, businesses, and recreation and tourism activities in this region.

County Finding: Umatilla County finds that the applicant’s request appears to be consistent with Statewide Planning Goal 9 (Economy).

Goal 10 Housing: *To provide for the housing needs of citizens of the state.*

Applicant Response: Housing is not a consideration of this application. However, the approval of this site would allow for aggregate to be available for use in the housing and commercial construction business.

County Finding: Umatilla County finds housing is not a direct consideration of this request,

however, the requested activities will allow for aggregate to be available for use in the housing and commercial construction business.

Goal 11 Public Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Applicant Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. The approval of this request would support the local economy that provides for the employment of residents, delivery of goods, and allows for recreation and tourism in the region.

County Finding: Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 11 (Public Services).

Goal 12 Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Applicant Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This rock could be used for transportation projects in and around the greater Hermiston area.

County Finding: Umatilla County finds as part of this application approval process, the applicant will be required to ~~relocate~~ **construct a new** access points ~~to~~ **that complies** with the adopted Umatilla County / ODOT Westland Road / I-84 / I-82 Interchange Area Transportation Plan, **at the time the new access point is necessary**. ~~This relocation will make the access point compliant with spacing standards to Interstate 84 and support Goal 12.~~ Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 12 (Transportation), as the mined rock could support future transportation projects in the area.

Goal 13 Energy: *To conserve energy.*

Applicant Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Approval of this request provides opportunities for energy efficiency and convenience for residents, the movement of farm goods, and for access to recreation and tourism opportunities by providing improved and safe highways. It also recognizes the energy savings of having aggregate sites throughout a region in support of residential, commercial, and industrial development.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 13 (Energy).

Goal 14 Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Applicant Response: Goal 14 prohibits urban uses on rural lands. Goal 14 is not specifically applicable to this action.

County Finding: Umatilla County finds that Statewide Planning Goal 14 (Urbanization) is not specifically applicable to this request.

32. DECISION:

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE AYLETT REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY TO THE ROCK-IT #2 SITE IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.

Precedent Conditions: The following precedent conditions must be fulfilled prior to final approval of this request:

1. The County Planning Department will prepare an Ordinance to amend the County Comprehensive Plan to add this aggregate site known as the Rock-It #2 Quarry to the County's Inventory of Significant Sites as a Large Significant Site. After approval by the Board of Commissioners, the County will submit the Notice of Adoption to DLCD.
2. Pay notice costs as invoiced by the County Planning Department.

Subsequent Conditions: The following subsequent conditions must be fulfilled following final approval of this request:

1. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
- ~~2. Obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road.~~

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 29 of 30

- ~~3. Improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.~~
- ~~4. Discontinue the site access from Stafford Hansell Road to comply with the Westland Road / I-84 IAMP access requirements.~~
5. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling.
6. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
7. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
8. If cultural artifacts are observed during ground-disturbing work, that work must cease in the development area until the find is assessed by qualified cultural resource personnel from the State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Once qualified cultural resource personnel from SHPO and CTUIR are satisfied, the ground-disturbing work may continue.
9. Contour and revegetate the quarry for agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
10. Any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.
11. Obtain a County Road Access Permit from Colonel Jordan Road that meets the 1,320 foot spacing requirement from the interchange, once the second access is requested by the mining operation.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 30 of 30

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated _____ day of _____, 2022

George M. Murdock, *Commissioner*

John M. Shafer, *Commissioner*

Daniel L. Dorran, *Commissioner*

Proposed Umatilla County Comprehensive Plan Text Amendment

ROCK IT #2 QUARRY

Comprehensive Plan Map Amendment #P-133-22

Comprehensive Plan Text Amendment T-088-22

Zoning Map Amendment #Z-320-22

Township 4N, Range 27E, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500

AND

Township 4N, Range 27E, Section 25, Tax Lot 900

This proposed amendment to the Umatilla County Comprehensive Plan is to expand the existing Rock It #2 quarry and add the entire Rock It #2 Quarry Site (listed in the Comprehensive Plan Technical Report as a small site) to the list of Goal 5 protected, significant resource aggregate sites. The following proposed changes will be made in Chapter 8, Open Space, Scenic and Historic Areas, and Natural Resources:

Note: Proposed changes are in underlined> text.

41. Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource (see Technical Report).

41. In order to protect the aggregate resource, the County shall apply an aggregate resource overlay zone to the following existing sites:

(1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.

(2) ODOT quarry, T5N, R29E, Section 22, TL 800 (“Sharp’s Corner”)

(3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.

(4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.

(5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700

(6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).

(7) ODOT quarry, T3S, R30 1/2, Section 12, 13, TL 503.

(8) ODOT quarry, T4N, R35, TL 7303.

(9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.

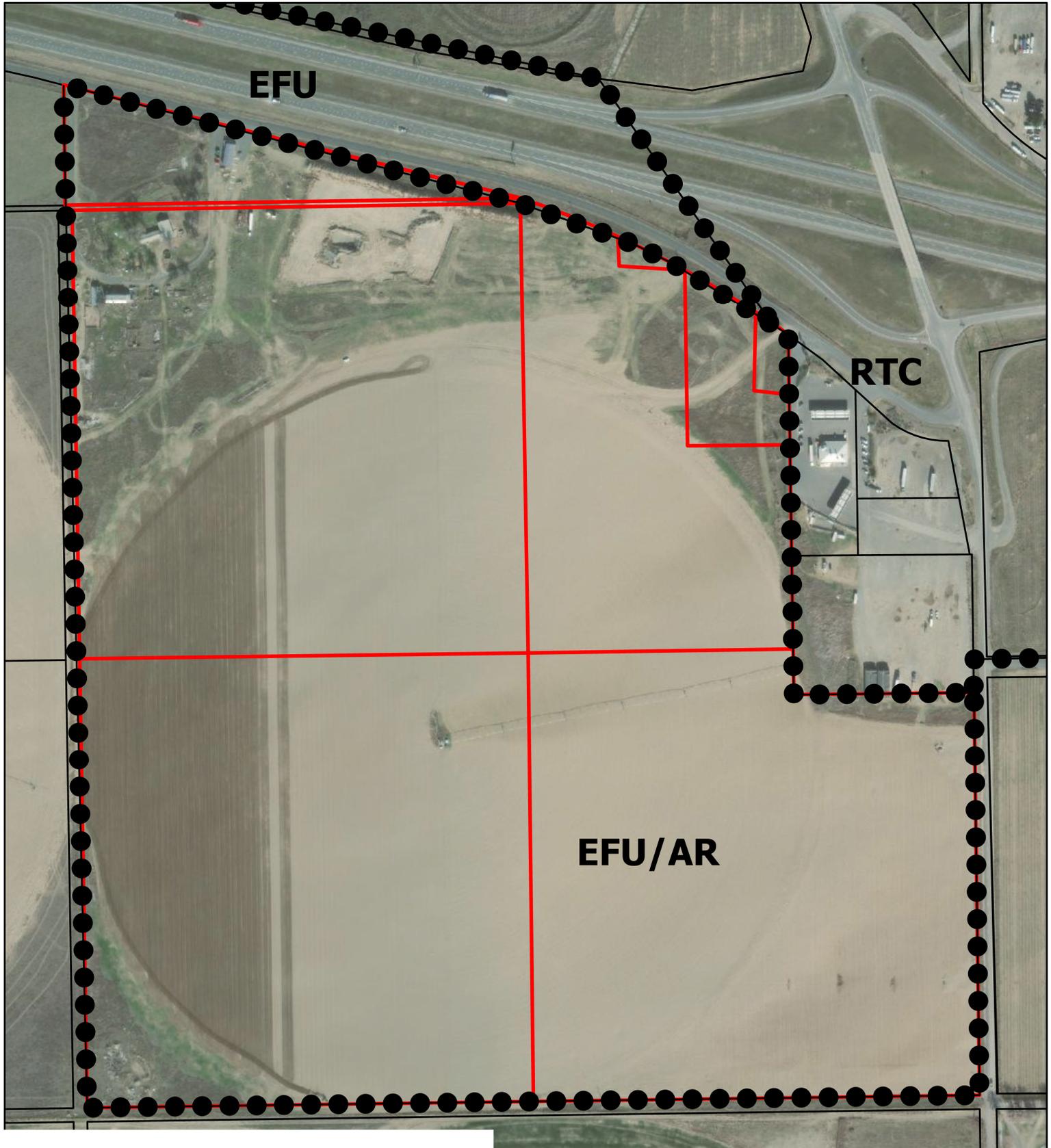
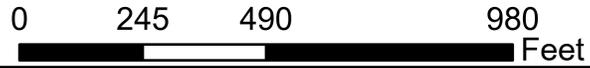
(10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.

(11) ODOT quarry, T1S, R30, TL 1901.

(12) ODOT quarry, T2N, R27, TL 2700.
(13) Private, commercial pit, T4N, R27E,
Section 25, TL 900, Section 36, TL 400,
500, 600, 700, 800, 1400, 1500.



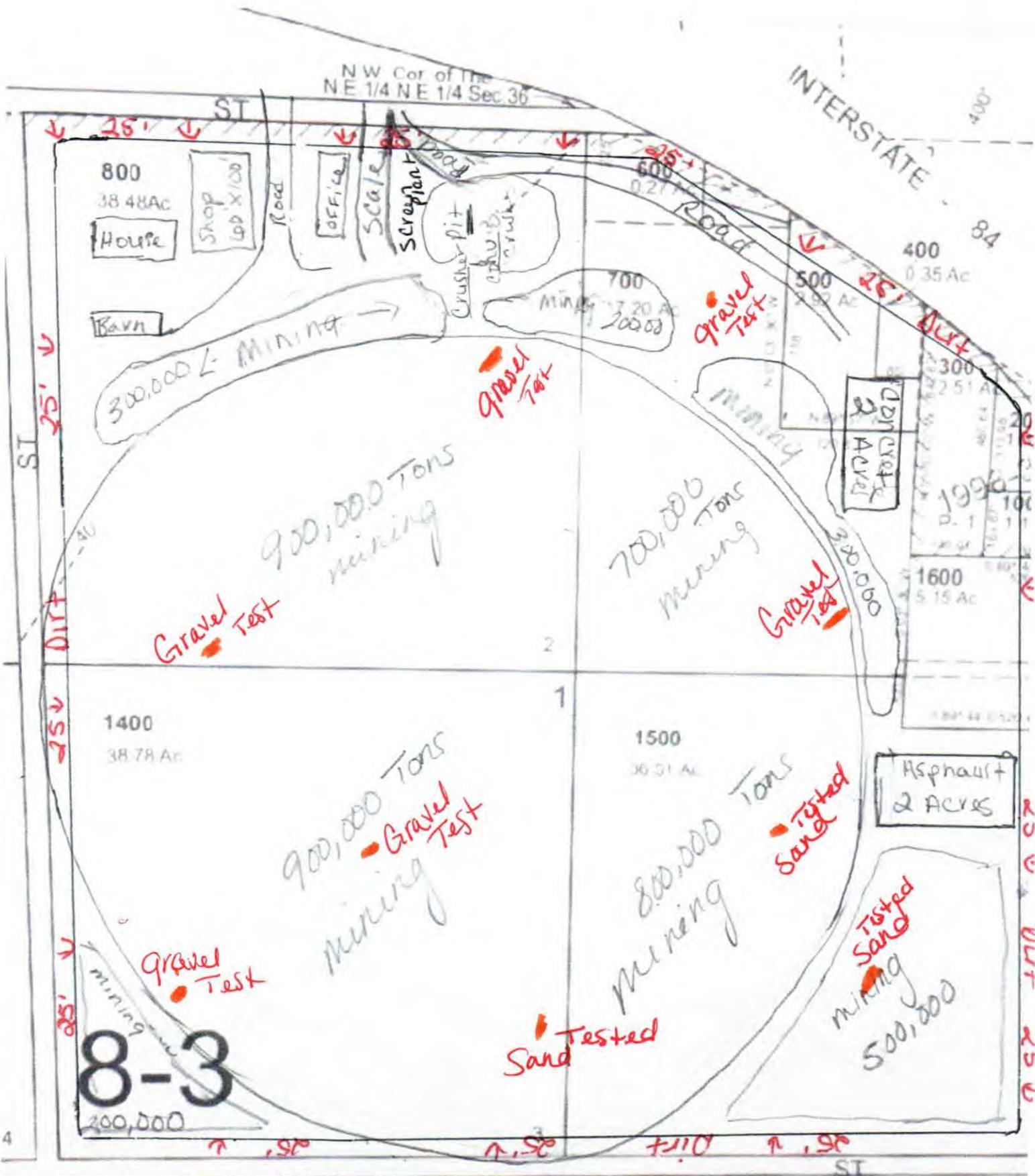
PROPOSED ZONING MAP



Legend

- Zoning Boundary
- Subject Parcels
- Property Boundary

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only.
Created by M. Davchevski, Umatilla County Planning Department
Date: 4/19/2022



NW Cor of the NE 1/4 NE 1/4 Sec 36

INTERSTATE

800
38.48 AC
House

Shop
60' X 100'

Office

Scale

Screener

Crusher Pit

Barn

300,000 Tons Mining

Gravel Test

700
7.20 AC
200,000
Mining

Gravel Test

900,000 Tons Mining

Gravel Test

700,000 Tons Mining

Gravel Test

1400
38.78 AC

900,000 Tons Mining

Gravel Test

1500
36.31 AC

800,000 Tons Mining

Sand Tested

Asphalt & ACRES

500,000 Tons Mining
Tested Sand

8-3
200,000

Sand Tested

139.66
6.3 ACRES

Total Product
4,800,000 Tons

133.36 ACRES



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Wade Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Phone: (541) 922-8903
Fax: (541) 922-8948
Other:

Project: Rock Solid Sand and Gravel
ODOT Product Compliance Testing.

Dear Mr. Aylett,

Materials Testing & Inspection (MTI) performed product compliance testing on Aggregate samples delivered to our Ontario Laboratory July 12th, 2010. The source location was identified as Township 4N, Range 27, Section 36, Tax Lot #1500.

MTI performed testing for Durability on samples identified as:

- LA Abrasion (LA386)
- Oregon Air Degradation (Deg387)

MTI performed testing for Soundness on sample identified as:

- Sodium Sulfate Soundness (Sulfate383)

MTI performed additional testing for grading and density on samples identified as:

- Coarse Aggregate Specific Gravity (SpGr384)
- Sieve Analysis (Sieve382)

All testing was in accordance with current AASHTO standards and the Oregon Dept. of Transportation (ODOT) 2008 Oregon Standard Specifications.

MTI has determined that the material provided to us by representatives of Rock Solid Sand & Gravel has satisfied the 2008 Oregon Standard Specifications for Construction requirements by exceeding the standards outlined under section 00745, 02630, 02640, and 02690.

The attached laboratory reports dated August 15th, 2010 illustrate the result of each test and the minimum and/or maximum requirements as derived from each section.

If you have questions or need to discuss the provided test results, please call us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION, INC.

Reviewed By: Charles D. Walker
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed an LA Abrasion on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100386						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C535:		AASHTO T96:	X			

Nominal Maximum Size of Aggregate	3"
Grading Designation	A
Percent Loss by Abrasion	15.8

ODOT specifications for HMA & PCC Aggregate: 30.0% Max
ODOT specifications for Shoulder & Base Aggregate: 35.0% Max

If you have any questions concerning this report (LA386-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



- Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source and Description:	Supplied By Rock Solid, Source Unknown – 3” Minus						
Date Obtained:	7/15/10						
Sample ID:	100387						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ODOT TM208	X					

Nominal Maximum Size of Aggregate	3”	ODOT Specifications
Sediment Height In Inches:	0.2	3” Max
Percent Passing .850 Sieve:	2.4	30% Max

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (Deg387), please call on us at: (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source and Description:	Sampled By Rock Solid - 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
Date Obtained:	7/15/10					
Sample ID:	100387					
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X
Test Standard:	ODOT TM208	X			ASTM D421/D2217:	

Nominal Maximum Size of Aggregate	3"	ODOT Specifications
Sediment Height In Inches:	0.2	3" Max
Percent Passing .850 Sieve:	2.4	30% Max

ODOT Specifications noted satisfy Base/Shoulder Aggregate, PCC Aggregate, HMAC Aggregate

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (*Deg387- Revised*), please call on us at: (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



- Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3" minus						
Date Obtained:	7/15/10						
Sample ID:	100383						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C88:		AASHTO T104:	X	Sodium:	X	Magnesium:
					Fresh Prepared:	X	Previously Used:

Coarse Size Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	3/4"	510.4g		
3/4"	1/2"	675.0g	2.44%	0.66
1/2"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
Total				1.2

ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	3/4"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid - 3" minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
Date Obtained:	7/15/10					
Sample ID:	100383					
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X
						ASTM D421/D2217:
Test Standard:	ASTM C88:		AASHTO T104:	X	Sodium:	X
					Magnesium:	
				Fresh Prepared:	X	Previously Used:

Coarse Size Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	¾"	510.4g		
¾"	½"	675.0g	2.44%	0.66
½"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
			Total	1.2

ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	¾"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: Charles D. Walker
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown - 3" Minus						
Date Obtained:	7/15/10						
Sample ID:	100384						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100384						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



- Environmental Services
- Geotechnical Engineering
- Construction Materials Testing
- Special Inspections

Debbie Aylett
 Rock Solid Sand & Gravel
 74854 Washington Lane
 Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3” Minus						
Date Obtained:	7/15/10						
Sample ID:	100382						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X	ASTM D421/D2217
Test Standard:	ASTM C117:		AASHTO T11:	X	ASTM D1140:		ASTM D5444:
	ASTM C136:		AASHTO T27:	X	ASTM D422:		AASHTO T88:

Sieve Size	Percent Passing
3”	100
2.5”	97
2”	92
1.5”	81
1”	64
¾”	52
½”	39
¼”	33
3/8”	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382), please call on us at (541) 889-3602.

Respectfully submitted,

MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
 Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
Date Obtained:	7/15/10					
Sample ID:	100382					
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X
Test Standard:	ASTM C117:		AASHTO T11:	X	ASTM D1140:	
	ASTM C136:		AASHTO T27:	X	ASTM D422:	

Sieve Size	Percent Passing
3"	100
2.5"	97
2"	92
1.5"	81
1"	64
¾"	52
½"	39
¼"	33
3/8"	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager

TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Mon, Apr 11, 2022 at 4:26 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>

Cc: LAPP Thomas <Thomas.Lapp@odot.state.or.us>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hello Bob

Given that ODOT has gone to a great deal of work developing their spacing standards around overpass areas and the fact we did everything we could to meet their standards on the North side of this overpass I would defer to whatever ODOT requires in this particular area.

Tom Fellows

[Quoted text hidden]

TIA for Aggregate Project

LAPP Thomas <Thomas.Lapp@odot.oregon.gov>

Tue, Apr 12, 2022 at 10:18 AM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

Robert,

I took a look at the area and tax lots Aylett owns at the SW side of the I-84 interchange. The existing frontage road is approximately 240' from the EB exit ramp and it appears the first access to the subject properties from the frontage road is about 600' west from Colonel Jordan Rd, entering onto tax lot #400. This may cause some congestion at the intersection entering Colonel Jordan if a great deal of new commercial vehicle trips are generated using the frontage road in close proximity to the interchange.

There is plenty of space available from the EB Ramps to attain 1320' of separation from the ramps where trucks could enter a new connection to tax lot 1500 from Colonel Jordan Rd or further south opposite of Noble Rd.

In any case I believe it would be best to build a new connection at a minimum of 1320' South of the interchange ramps per the IAMP especially since this is the first opportunity to enter tax lot 1500 from the county road system.

Thanks

Thomas Lapp

District 12 Permit Specialist

1327 SE 3rd Street

Pendleton, OR 97801

Ph (541)278-3450

Fax (541)276-5767

From: Robert Waldher <robert.waldher@umatillacounty.gov>

Sent: Wednesday, April 6, 2022 3:46 PM

To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; Tom Fellows <tom.fellows@umatillacounty.gov>

5.3 LOCAL STREET NETWORK AND ACCESS MANAGEMENT PLAN

Introduction

The purpose of the development of a local street network and access management plan in the Westland Road/I-84/I-82 interchange area is to predefine the location of the local streets and driveways in relation to the two rural collector streets, Westland Road and Lamb Road.

The local street network and access management plan was developed by using the access spacing standards in the adopted 2002 Umatilla County Transportation System Plan as a guideline. Where physical constraints and/or long lot frontage existed, variances to the standards were sought to balance the need for local access versus through trip capacity.

Existing Access Spacing Standards

There are three relevant access spacing standards in developing the local street network and access management plan. The first standard is the spacing between a freeway ramp junction with a local cross street and the first full public access. The standard adopted in the 2002 Umatilla County Transportation System Plan is 1,320 foot spacing between a freeway ramp intersection with a local cross street and the first full access. This spacing standard is also consistent with the 1999 Oregon Highway Plan.

The second access spacing standard to consider in the development of the local street network and access management plan is the minimum public street to public street spacing standard. The 2002 Umatilla County Transportation System Plan requires that the minimum spacing standard between public roads on a designated rural collector arterial is 500 feet.

The third and final access spacing standard to consider is the minimum driveway spacing standard. The 2002 Umatilla County Transportation System Plan defines minimum driveway spacing on a rural collector arterial at 250 feet.

Existing Accesses on Westland Road south of I-84

Along Westland Road/Colonel Jordan Road, south of I-84 there are two public streets and three driveways within the study area. The two public streets are Stafford Hansel Road and Noble Road. Stafford Hansel Road is less than 200 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road. Noble Road is more than 2,000 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road.

The Shell Gas Station and Truck Stop and Barton Industries driveways are across from each other along Westland Road/Colonel Jordan Road and approximately 308 feet south of the I-84 Eastbound Ramp intersection. The only other driveway between Stafford Hansel Road and

Noble Road is an agricultural driveway to a field approximately 300 feet south of the Shell and Barton Industries driveways.

There are several substandard conditions along Westland Road/Colonel Jordan Road south of I-84. First, Stafford Hansel Road does not meet the minimum spacing standard between an interchange ramp and the first full access public street. The adopted Umatilla County Transportation System Plan standard is 1,320 feet, which is also consistent with the 1999 Oregon Highway Plan. Based on the 1,320 foot spacing standard, none of the driveways meet the current standard either.

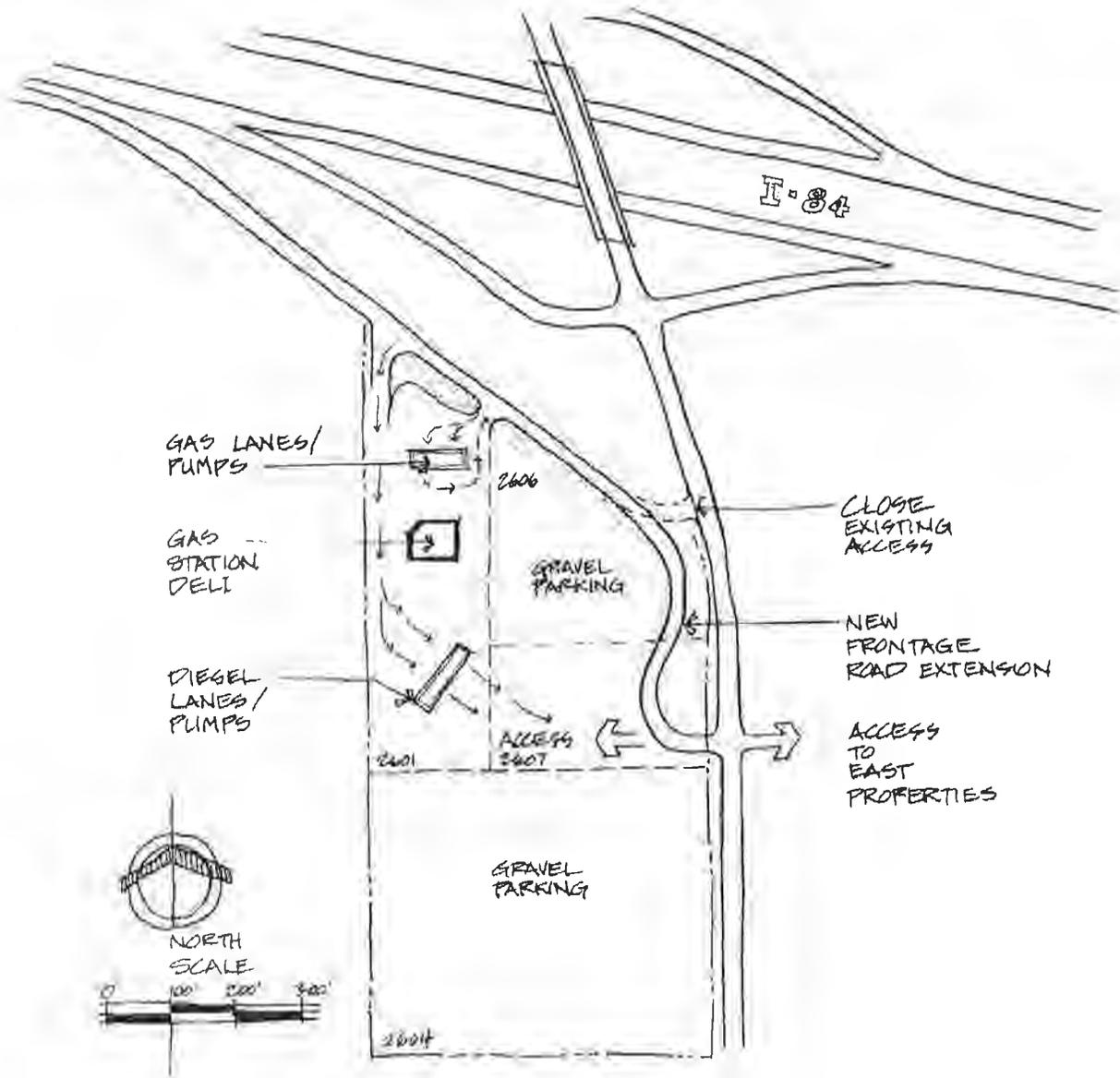
Proposed Future Accesses on Westland Road/Colonel Jordan Road South of I-84

The current 1,320 access spacing standards do not apply until the adjacent property redevelops. Redevelopment is possible only along the areas that are currently zoned commercial or industrial south of I-84. Even at the time of redevelopment, the subject parcels cannot meet the minimum 1,320 foot spacing requirement from the I-84 Eastbound Ramp intersection since the parcel length are less than 900 feet. Therefore, a variance to the standard is needed.

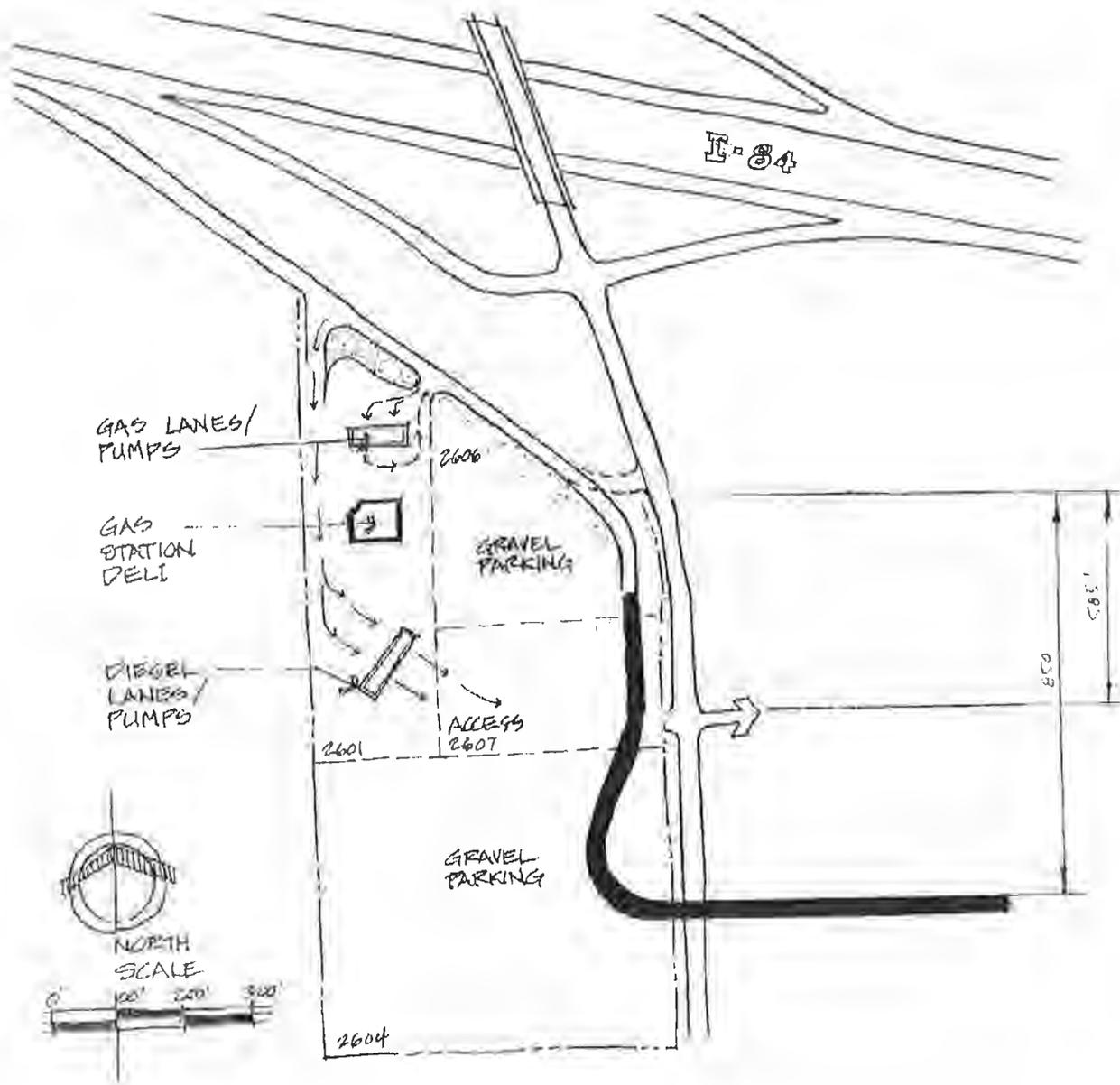
One of the purposes of this plan is to develop a future access plan that would be implemented at the time of redevelopment. By creating this plan in advance of development or redevelopment, the interchange area can be protected and any deviations to the standards pre-approved through the adoption of the local street network and access management plan of this study.

The most logical access management principal to guide the development of future access along Westland Road/Colonel Jordan Road south of I-84 is to consolidated driveways on both sides of the roadway and to make sure that driveways are across from each other. There are two alternatives that could work.

The Shell Gas Station/Truck Stop driveway is already along the southern parcel boundary and is directly across from the Barton Industries driveway. Stafford Hansel Road could be realigned by closing the existing Colonel Jordan Road/Stafford Hansel Road intersection and realigning Stafford Hansel parallel and southward along Colonel Jordan Road. This alignment would intersection at Colonel Jordan Road at the existing Shell Gas Station/Truck Stop and Barton Industries driveway. Although the spacing does not come close to the 1,320 foot spacing standard, it does significantly improve safety and the interaction between the I-84 Eastbound Ramp and Stafford Hansel Road traffic. Since the traffic volumes on Westland Road/Colonel Jordan Road south of I-84 are relatively low compared to the rest of the study area, the compromised spacing standards are not likely to generate any operational or safety problems. The figure on the next page illustrates this future access concept.



The other access option is to realign Stafford Hansel Road further south at the southern end of the Barton parcel. This would provide approximately 800 to 900 feet of separation between the I-84 Eastbound Ramps, Stafford Hansel Road, Shell Gas Station/Truck Stop access, and Barton Industries driveway. The figure below depicts this second access concept for Colonel Jordan Road south of I-84.



Existing Accesses on Westland Road North of I-84

Livestock Road is the only street or driveway that encroaches on the minimum access spacing standard from an interchange ramp. Livestock Road is less than 200 feet from the I-84 Westbound Ramp intersection with Westland Road.

The next access north of Livestock Road along Westland Road is the public street serving Freightliner. This street is approximately 1,425 feet from the I-84 Westbound Ramp intersection with Westland Road. It meets the minimum spacing requirement of 1,320 feet from the interchange ramp intersection.



TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Wed, Apr 20, 2022 at 4:15 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Bob

After looking at Tom Lapp's response and further conversation with my staff as well as County Planning I believe the best solution to this would be for Mr. Aylett to improve Center street to a gravel road standard and utilize it for the access to his operation. Center street right-of-way exists at what appears to be a 40 foot right-of-way and aligns well with Nobel road which is also a 40 foot right-of-way. On the map it appears that Mr. Aylett's property would have direct access to this new road. With this new connection it would shift business access away from the frontage road which would address ODOT's concern with the IAMP. I would also suggest that rather than using center street we simply continue Nobel road across the intersection.

Tom Fellows

----- Forwarded message -----

From: **LAPP Thomas** <Thomas.Lapp@odot.oregon.gov>

Date: Tue, Apr 12, 2022 at 10:18 AM

Subject: RE: TIA for Aggregate Project

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

3 attachments



I-84 to Colonel Jordan Rd..JPG
227K

20220406183341.pdf
247K

20220406183454.pdf
85K

Exhibit A



UMATILLA COUNTY ZONING PERMIT

DEPARTMENT OF LAND USE PLANNING
216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

Table with Permit No. ZP-20-142 and a list of fees: Zoning Permit Fee \$100, Code Violation Fee \$100, Design Review \$350, Floodplain Dev. Permit \$250, Replace Dwelling Verify \$75, Rural Address \$35, Towers (Cell, Met, etc.) \$200.

SCANNED

For information visit- www.umatillacounty.net/planning

Home or Cell 541-571-9200

APPLICANT'S NAME WADE AYLETT PHONE Work (541)-567-0224
MAILING ADDRESS 74854 WASHINGTON LN IRRIGON OR 97844
PROPERTY OWNER(S) ROCK IT #2 - WADE AYLETT PHONE (541)-567-0224
MAILING ADDRESS 74854 WASHINGTON LN IRRIGON OR 97844

TWP 4N RNG 27E SEC 36 ACCT # 116934/116930 Map # 4N 27 36 Tax Lot # 700 & 800

LAND USE ZONE EFU PARCEL SQ FT/ACRES 55.68 SITE ADDRESS 28508 STAFFORD HANSELL RD, HERMISTON OR 97838

REQUIRED SETBACKS (Stream Setback 100-ft) FRONT 100 ft SIDE 5' REAR 5'
Is the property in a FLOODPLAIN? No Yes
Is a Flood Development Permit required? No Yes

If the permit is for an accessory building located within the EFU/GF Zones, how will it be used? Personal Use Farm Use Applicable

ACCESS PERMIT: Has an access permit been issued from the County or ODOT? No Yes In Process Not Applicable

MANUFACTURED HOME (placement/removal) - Has the County Assessor's Office been contacted? No Yes Not Applicable

PROPOSED USE or STRUCTURES: 1) Aggregate Mining approved per CUP #C-1204-12 - Extracting & crushing 100000 tons
Briefly describe the use 2) OF Rock from mine - Scale - Scale House - Asphalt/Boston Plant - Lumber Plant transfer

These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.

- Manufactured Home Placement, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the "Insignia of Compliance" if prior to 1976.
Replacement of a dwelling in a resource zone. The dwelling to be replaced MUST be removed, demolished or converted to an approved nonresidential use within one year of the date of certification of occupancy of the new dwelling. A Replacement Covenant and the Covenant Not to Sue must be recorded.
Met Towers, Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
Temporary Mobile Home/Temporary Hardship Dwelling. The home MUST be removed within 90 days from the date the hardship ends. (Contact County Planning as soon as the hardship ends.)

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

* SIGNATURE OF ALL PROPERTY OWNERS REQUIRED (additional signature pages are available upon request)

Signature of Wade Aylett 7/7/2020
Signature of Debora L Aylett 7/7/2020
WADE R AYLETT "MEMBER" - ROCK IT, LLC
DEBORA L AYLETT "MEMBER"

DATE APPROVED 07/07/2020 APPROVED BY [Signature] PERMIT NO. ZP-20-142
RELATED LUD, CUP and/or VARIANCE NO. C-1204-12 (also see ZP-16-004 - not attached upon)
EXTENDED or (AMENDED) DATE APPROVED: [Signature]
VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. Revision Date: July 15, 2019

Site Plan for ZP - 20 - 142
 (Also see ZP-10-0349-C-1204-B)

County Assessor's Office Approval Stamp
 for a Manufactured Home (if applicable)

APPROVED BY CW.

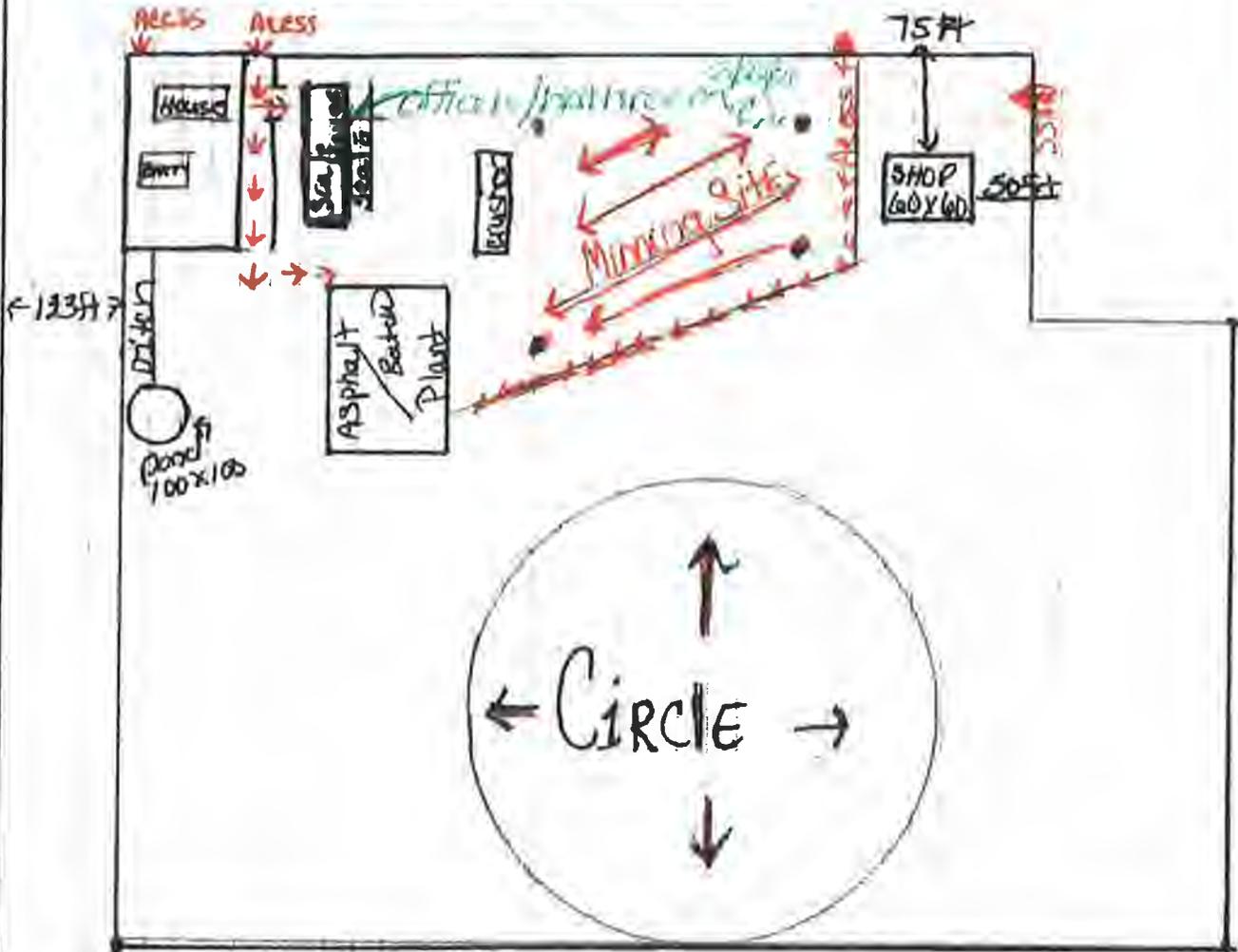
DATE 07/07/2020

Include the following features in the Site Plan - use a ruler or straight edge to draw the Site Plan:

- Site area showing property boundaries and dimensions.
- Proposed and existing structures with dimensions and the distance from all property lines
- Location of existing wells and existing septic systems (i.e. tanks, drain fields).
- Widths and names of roads adjacent to the site which provide direct access to the property.
- Existing access points (driveways, lanes, etc.)
- Easements and/or rights-of-ways
- Existing utility lines (above and below ground).
- Approximate location of any unusual topographical features.
- Location of all creeks, streams, ponds, springs and other drainage ways.



North Arrow indicates map orientation.





Umatilla County Public Health Environmental Health Division



Land Use Compatibility Statement

This form must be completed by the Umatilla County Planning Department to ensure the proposed activity is consistent with zoning and land use regulations. Please submit completed form to Umatilla County Environmental Health.

Section 1: To be completed by the applicant:

Applicant Name: Warren Ewing Demolition & Excavation LLC Telephone: _____
Mailing Address: 75540 Gdn Club Rd. Email: _____
City: Hermiston State: OR Zip Code: 97138

Property Information:

Property Owner: Rock It LLC Physical Address: 29998 Stafford Hansell Rd
Township: 4N Range: 27 Section: 36 Tax Lot No: 100420 Account #: 11693/and Hermiston #11693
Map: 4N2736 Directions to property: _____

Describe the proposed use: Office with bathrooms at approved Aggregate site - CUP # C-1204-12

Section 2: To be completed by the Umatilla County Planning Official

Approval being requested (check all that apply): New construction Repair Alteration
 Replacement dwelling Bedroom addition Land use changes involving potential sewage flow increases
 Single Family Dwelling Accessory Structure Other _____

Property Zoning: EFU Location Is: Inside UGB Outside UGB

Subject to: County Jurisdiction Shared City/County Jurisdiction City Jurisdiction
 Permit Not Required PROPERTY IN FLOODPLAIN
 Permit Required Zoning Permit Design Review Conditional Use Land Use Decision
 Permit(s) Issued: _____

Print Name: CAROL JOHNSON Title: Planner
Planning Official Signature: Carol Johnson
Signature date: 03/23/2021 Telephone: 541-278-1252

THIS DOCUMENT IS VALID FOR ONE (1) YEAR FROM THE DATE SIGNED

Umatilla County Environmental Health
200 SE 3rd Street
Pendleton, OR 97801
Ph: (541)278-6394
Fax: (541)278-5433
health@umatillacounty.net

Umatilla County Planning Department
214 SE 4th Street
Pendleton, OR 97801
Phone: (541)278-6252
Fax: (541) 278-5480
planning@umatillacounty.net

Exhibit B

April 28, 2022

Suni Danforth, Chair
Umatilla County Planning Commission
216 SE 4th Street, Room 104
Pendleton, Oregon 97801

Ms. Danforth and Planning Commission Members:

I write in support of my application for the Rock It #2 aggregate site that you are considering tonight.

The developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. We have frontage on both. The primary and existing access for the existing mining operation is along Stafford Hansell Road, which is a paved County road in fair condition. It will also be a primary access for the mining operations as they move around in the area that is proximate to Stafford Hansell. While the subject property does have frontage along Colonel Jordan Road no current access exists there. Colonel Jordan Road is also a County road in good condition. At some point, we will need access to Colonel Jordan, but that is a way out - probably a year or more. I know we will need to get a county access permit for Colonel Jordan when we need an access there and I do not mind making sure that new access point on Colonel Jordan is 1320-feet from the Interchange ramps.

Currently all material leaving the site travels Stafford Hansell Road to the east and then gets on Colonel Jordan where it intersects with Stafford Hansell to either access Interstate 84 or continue north along Westland Road to a delivery point. Trips leaving the site are dependent upon current workloads and will vary based on the time of year. However, because of the way mining works, the number of trips to and from the site won't change much or at all with the expansion. We still will extract the same amount of material from a particular part of the property and when the material in that area is exhausted, we will move to another area. Workday trips now and if you approve the proposal are the same - they are minimally 10 daily trips from our office staff; if activity is happening within the mining area another 10 trips a day on average are expected now and if you approve the proposal.

When material is being moved to offsite location, for a really big job, now and if you approve the proposal material trucks could contribute up to 100 trips per day at the max. The asphalt batch plant is already approved for the site. The additional concrete batch plant being sought here might add 30 new daily trips for a very large job, but more likely on average it will add 10 or fewer daily trips on average. The asphalt batch plant will be located closer to our Colonel Jordan Rd frontage and when that plant is established, we will be asking for an access permit to Colonel Jordan. No asphalt batch plant trips will use our existing access on Stafford Hansell.

Now as under the proposal, all of our trips will still use Stafford Hansell Road. Future operations that operate along the Colonel Jordan frontage will obviously need to have access using Colonel Jordan. But that is not the case now or in the immediate future. When we need that second access point along Colonel Jordan Road, we will seek a county access permit for it and as noted I am happy to have it be 1320' from the interchange ramps. When we add that second access, it will reduce the number of operational trips to Stafford Hansell Road.

Both Stafford Hansell and Colonel Jordan roads are flat with no impairments including that there are no sight distance constraints at either the current Stafford Hansell access that we use or the future access to Colonel Jordan. There are no posted speed limits along either county road.

Please do not close my existing access to Stafford Hansell. It is critically important to my existing operations that are and will remain located there as well as the existing dwelling there that I rent out and will continue to rent out until we start mining where the dwelling is. When that happens, the dwelling will be taken out. But until then, the dwelling needs its access and regardless we will always need a Stafford Hansell access for operations that are closest to that road. Demanding that we close our long-standing Stafford Hansell access and improve Center Street and then take access more than a ½ mile away on Colonel Jordan as the county apparently wants, imposes a harsh and unfair burden on me and my business. The cost to improve Center St as the county wants could be hundreds of thousands of dollars and creates a highly inefficient and for the dwelling potentially dangerous conflicts between our large trucks and private vehicle associated with the dwelling's occupants.

The access I have on Stafford Hansell has been there for a very long time and it is my understanding that not only would it be an unconstitutional condition to require it to be closed, but that state law technically does not even require that it have an access permit. Thank you for your consideration.

Sincerely,

Wade Aylett, Owner
Rock It #2

A handwritten signature in black ink, appearing to read "Wade Aylett", written in a cursive style.

Date: Tue, Apr 12, 2022 at 10:18 AM
Subject: RE: TIA for Aggregate Project
To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>
Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

3 attachments



I-84 to Colonel Jordan Rd..JPG
227K

 20220406183341.pdf
247K

 20220406183454.pdf
85K

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Tom Fellows <tom.fellows@umatillacounty.gov>
Cc: Robert Waldher <robert.waldher@umatillacounty.gov>

Thu, Apr 21, 2022 at 8:12 AM

Thank you Tom for that additional information. Would you like to see the improvements to the P-1 (16-foot width) or the P-2 (22-foot width) road standard?

[Quoted text hidden]
[Quoted text hidden]

Tom Fellows <tom.fellows@umatillacounty.gov>
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thu, Apr 21, 2022 at 10:49 AM

22 feet would be fine

Tom
[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Tom Fellows <tom.fellows@umatillacounty.gov>

Thu, Apr 21, 2022 at 10:49 AM

Thank you!
[Quoted text hidden]

DRAFT MINUTES

**TEXT AMENDMENT #T-088-22,
PLAN AMENDMENT #P-133-22 &
ZONE MAP AMENDMENT #Z-320-22
WADE AYLETT, APPLICANT
ROCK-IT LLC c/o WADE AYLETT, OWNER**

The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource site and apply the Aggregate Resource Overlay Zone to the entire quarry site.

AND

**UMATILLA COUNTY DEVELOPMENT CODE
TEXT AMENDMENT #T-089-22;
RANDALL & MARIE MARTIN SCOUT CAMP LLC,
APPLICANT & OWNER**

The applicant requests a Post-Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code to permit youth camps, as provided in Oregon Administrative Rule (OAR) 660-033-130(40) & OAR 660-006-0031 through issuance of a Conditional Use Permit on lands zoned Exclusive Farm Use and Grazing Farm.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
April 28, 2022**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, April 28, 2022, 6:30pm

Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Sam Tucker, John Standley, Jodi Hinsley & Emery Gentry

ABSENT: Cindy Timmons

STAFF: Bob Waldher, Planning Director; Carol Johnson, Senior Planner, Megan Davchevski, Planner/ Transit Coordinator; & Tamara Ross, Planner II/ GIS

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order at 6:32pm and read the Opening Statement.

NEW HEARING

TEXT AMENDMENT #T-088-22, PLAN AMENDMENT #P-133-22 & ZONE MAP AMENDMENT #Z-320-22; WADE AYLETT, APPLICANT, ROCK-IT LLC c/o WADE AYLETT, OWNER. The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located southeast of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 and Township 4 North, Range 27 East, Section 25, Tax Lot 900. The site is approximately 140 acres and zoned Exclusive Farm Use (EFU).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. She called for the Staff Report. Commissioner Tucker chose to abstain from voting due to the fact that he had previously been hired by the applicant.

STAFF REPORT

Megan Davchevski, Planner, presented the Staff Report. Mrs. Davchevski stated that the applicant, Rock-It LLC, requests to expand an existing quarry (Rock-It #2 Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. This site is comprised of numerous tax accounts, totaling up to approximately 140 acres. The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road and south of Stafford Hansell Road.

Mrs. Davchevski explained that the previous approval for approximately 55 acres was considered a small significant site. This proposed expansion would increase the site as a large significant site. The applicant intends to continue the activities approved in the 2012 Conditional Use Permit (CUP); expanding the mining area to excavate aggregate, batch the aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use and process the aggregate into both asphalt and concrete. She added that, both sand and gravel materials are available on this site. The criteria of approval for this request are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180(3), (5) & (7) and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Mrs. Davchevski distributed a follow-up email from County Public Works Director, Tom Fellows, regarding road improvements. She requested for the email to be added into the record as Exhibit C. Mr. Fellows requested that the applicant be required to improve the public right of way, Center Street (which should be named Noble Road for consistency) to the County Road gravel P-2 standard which is a 22 foot wide improved surface. As previously mentioned, this email was a follow-up response to Mr. Fellow's first email received April 20, 2022 which is included in the Commissioner's packets. This road improvement standard, County P-2 Road Standard, will need to be added to Subsequent Condition #3 for clarification.

Following these comments from Mr. Fellows, staff failed to edit the findings in several areas regarding the Colonel Jordan Road/ Nobles Road access. Edits were made under the Comments section on page 10, and Subsequent Condition #2. Edits to responses to OAR 660-023-040 (5)(b)(C) located on page 15 and UCDC 152.488(4) located on page 29 are needed for clarification and consistency to capture the April 20th comment provided by Tom Fellows.

Staff visited with County Legal Counsel regarding road access and Subsequent Conditions #2, #3 & #4. County Counsel stated that the requested action is an expansion of an existing use and not a new use or "redevelopment" as called out in the Interchange Area Management Plan (IAMP). Therefore, the existing access does not have to comply with the IAMP requirements. Additionally, he pointed out that requiring the existing access to be closed could become problematic because there is an existing use and access point. County Counsel stated that the proposed new access point on Colonel Jordan Road should comply with the IAMP spacing requirement of 1,320 feet, as well as County Public Works requirements.

Mrs. Davchevski explained that the Planning Commission must include in the recommendation to the Board of County Commissioners whether to keep the Conditions of Approval as presented, or modify the imposed conditions and establish new findings.

She concluded that the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of Approval. The Planning Commission is tasked with determining if the application satisfies the Criteria of Approval based

on the facts in the record. Additionally, the BCC must hold a public hearing to make a decision whether or not to adopt the proposed amendments. A public hearing before the BCC is scheduled for June 1, 2022 at 9am in Room 130 of the Umatilla County Courthouse in Pendleton, Oregon.

Mrs. Davchevski stated that the hearing packet includes the following documents for review; 1500-Foot Impact Area Map, County Preliminary Findings and Conclusions, Proposed Comprehensive Plan Text Amendment, Proposed Zoning Map Amendment, Aggregate Quantity Map, Lab Reports (MT&I 2010), ODOT Region 5 comment, Umatilla County Public Works comments (dated April 11 and April 20) and Westland Road/I-84/I-82 Interchange Area Transportation Plan pages 5-5 through 5-8.

Commissioner Wysocki asked if any of the agencies involved in the approval process have requirements for reclamation and grading. Mrs. Davchevski stated that Oregon Department of Geology and Mineral Industries (DOGAMI) will impose requirements for mining reclamation. She pointed out that reclamation is addressed in the Preliminary Findings and Conclusions on page 17 of the Commissioner's packets, under 'Applicants Response' to subsection (f) [Post mining uses], "The applicant is currently considering the installation of a photovoltaic solar energy generating facility as a post-mining use." She explained that the Planning Commission does not have authority to decide how the property will be used when aggregate mining ends, provided the use is allowed within the UCDC.

Applicant Testimony: Applicant, Wade Aylett, 74854 Washington Lane, Irrigon, Oregon 97844. Also testifying on behalf of the applicant; Carla McLane, Consultant, Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, Oregon, 97882; Wendie Kellington, Attorney, Kellington Law Group, PO Box 159, Lake Oswego, Oregon, 97034.

Ms. McLane stated that this application includes requests to; seek Goal 5 protections, apply the AR Overlay Zone, allow mining, processing and batching of asphalt and concrete, and stockpiling of aggregate materials on site. She stated that she has presented similar requests before the Planning Commission in the past, but added that this site is different because it is comprised entirely of sand and gravel aggregate and does not contain basalt rock.

Ms. McLane provided a PowerPoint presentation to the Planning Commission which started with a background explanation and history of the site. She provided a copy of approved Zoning Permit #ZP-20-142, issued by Umatilla County in July of 2020, and requested that the document be added to the hearing record as Exhibit A. The Zoning Permit finalized approval of Conditional Use Request #C-1204-12 to establish a mining operation with an extraction area, stockpile area, batch plant and weigh scale at this site. She clarified that, although it has been approved, the asphalt batch plant has not yet been developed. She directed the Planning Commissioners to a site plan provided by the applicant on page 39 of the packets. The proposed location of the asphalt batch plant is on the east side of the property, south of the truck stop, adjacent to Colonel Jordan Road. They plan for the concrete batch plant to be located on the

northeast section of the property, west of the truck stop. Ms. McLane displayed a Google Earth map and provided further explanation as to how the land is being used at this time, as well as the changes proposed by the applicant. She reiterated that existing mining operations will not change under this proposal.

Ms. McLane explained that approval of #ZP-20-142 allowed for the placement of the scale house connected to Tax Lots #700 & #800 on Assessor's Map 4N2736. However, the applicant realized that the scale house was actually established on Tax Lot #900. Therefore, the applicant requests that Tax Lot #900 be added to the significant aggregate resource site list and be approved for mining operations as well.

Ms. McLane stated that there is a large quantity of high quality material available at this site and the applicant requests to add approximately 85 acres to the county inventory of significant aggregate resource sites, making the entire 140 acre site (4N2736, Tax Lots #400, #500, #600, #1400 and #1500, with #700 & #800 being previously approved, and 4N2736, Tax Lot #900) a large significant site.

Ms. McLane explained that there is an existing dwelling on Tax Lot #800 (addressed as 28598 Stafford Hansell Road) with an access point located on Tax Lot #900 off Stafford Hansell Road. She stated that the applicant has plans to remove the home in the future, when mining operations reach that portion of the property. She added that the existing mining operations currently use the access off Stafford Hansell Road, and that will not change. She clarified that they do not require alternative access off Colonel Jordan Road at this time. In the future, if they do need a new access point off Colonel Jordan Road, they agree to meet the requested access spacing from the interchange of 1,320 feet and the new access point would only serve the new mining operations on 4N2736 Tax Lots #400, #500, #600, #1400 and #1500 and 4N2736, Tax Lot #900.

Commissioner Wysocki asked if the asphalt & concrete batch plants will produce any byproducts which need to be regulated by DOGAMI. Mr. Aylett said no, that is not an issue. However, he expressed that he has been experiencing problems with water at the site. He believes that the water issue has kept him from farming the land properly before this year. He stated that he invested \$70,000 in a well and it dried after one hour of pumping. He has placed a new water tank on site and is currently talking with a person connected with the Amazon facilities in the area and hopes to reach an agreement that allows him to store their wastewater for use in his wash plant and dust abatement activities. Mr. Aylett provided a letter dated April 28, 2022, in support of his request, to be entered into the record as Exhibit B.

Ms. McLane stated that there is an estimated 4.8 million tons of mineable sand and gravel on the subject property and only 10% of the available material has been extracted thus far. Testing of site materials for durability, soundness and specific gravity exceeds the Oregon Standard Specifications for Construction, meeting specifications required to be considered a significant aggregate resource site. Therefore, she believes that this site meets both quantity and quality

criteria to be listed as a significant aggregate resource site, per OAR 660-023-0180(3)(a). She stated that, if approved, any new residential or social gathering uses proposed within the impact area would require the person proposing such activities to be informed of the mining operation and sign a statement accepting normal mining activity at the site, waiving their ability to pursue a claim for relief based on mining activities.

Ms. McLane stated that the applicant strongly objects to the County staff requesting exactions to close the existing access to Stafford Hansell used by the existing operation and dwelling, and access the site only using Colonel Jordan Road via a 30 foot unimproved right-of-way known as Center Street. She stated that the exactions requested by County Staff to close the existing Stafford Hansell access, and to improve Center Street to get to Colonel Jordan Road, rests entirely on the IAMP and ODOT. She argued that the Staff Report acknowledges, “ODOT provided comment stating that the current access point to Colonel Jordan Road is approximately 240 feet from the I-84 eastbound exit ramp. This could cause congestion at the intersection, should new commercial vehicle trips be generated using the frontage road in close proximity to the interchange.”

Ms. McLane insisted that no new commercial trips will be added. Therefore, she believes that the IAMP and ODOT do not require these exactions as there is no essential nexus to any approval standard for the exactions. She estimated that, at worst, approximately 30 new trips will be added to retrieve product from the concrete batch plant, but those will take place at the other access point that already exists on Stafford Hansell Road. She insisted it is not enough of an increase to demand that they close an access point and require the applicant to build hundreds of thousands of dollars’ worth of new access over an otherwise totally unimproved Center Street. Additionally, she believes that those requirements would result in unsafe and vastly inefficient vehicular travel.

Ms. Kellington explained that Stafford Hansell Road is the current point of access for the existing mining operations and is a paved County Road providing access to a dwelling which has established a legal right of access. She believes it is inappropriate for County Staff to require the closure of the existing access point on Stafford Hansell Road and inappropriate that they require the applicant to build a new access point through the property to Center Street to meet Colonel Jordan Road. She believes the only condition that should be imposed by County Staff should be that when they apply for an access permit in the future, they must comply with the 1,320 foot setback requirement from the interchange.

Ms. Kellington stated that the following proposed Conditions of Approval should be rejected; requirement to obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road; requirement to improve the existing 30 foot public right-of-way, Center Street, to be named Noble Road to the gravel County Road Standard; requirement to discontinue the site access from Stafford Hansell Road.

Ms. McLane stated that the applicant requests for County Staff to amend the Staff Report to remove the findings related to the IAMP and the relocation of the access from Stafford Hansell Road to Colonel Jordan Road via Center Street (Noble Road). Additionally, they request that Staff remove Conditions of Approval 2, 3, & 4 and include a Condition of Approval to require that if the applicant requests an access to Colonel Jordan Road in the future, they must obtain a county access permit. She made clear that the applicant does not object to a condition requiring that new access off Colonel Jordan Road be required to meet a 1,320 foot setback standard, even though it does not automatically apply.

Opponent Testimony: None.

Public Agencies: Mrs. Davchevski asked that the follow-up email comment from Tom Fellows at Umatilla County Public Works, dated 04/20/22, be entered into the record as Exhibit C.

There were no additional comments from public agencies.

Chair Danforth closed the hearing for deliberation and added the following documents into the hearing record; Copy of approved Zoning Permit #ZP-20-142, issued by Umatilla County 07/07/20 as Exhibit A; Mr. Aylett's letter in support of his request dated 04/28/22 as Exhibit B; and follow-up email comment from Tom Fellows at Umatilla County Public Works, dated 04/20/22 as Exhibit C.

DELIBERATION & DECISION

Chair Danforth stated that she believes it is reasonable for the applicant to request removal of Conditions of Approval 2, 3, & 4 and include a Condition of Approval to require that if the applicant requests an access to Colonel Jordan Road in the future, they must obtain a county access permit. Commissioner Standley concurred. Commissioner Williams also agreed and stated that she is comfortable approving the request with the conditions requested by the applicant. She believes the location of this site is ideal because the activity does not affect any dwellings and it's close proximity to the interstate will allow for the applicant to easily provide materials to support new development occurring all over the county.

Commissioner Standley made a motion to recommend approval of Text Amendment #T-088-22, Plan Amendment #P-133-22 & Zone Map Amendment #Z-320-22; Wade Aylett, Applicant & Owner, striking Subsequent Conditions #2, #3 & #4 and adding a Subsequent Condition stating, "when the property owner requests a new road access from Colonel Jordan Road to serve the batch plant, a County Road Access Permit shall be obtained that meets at a minimum, the 1,320 foot spacing requirement from the interchange ramps", to the Board of County Commissioners. Commissioner Williams seconded the motion. Motion passed with a vote of 8:0.

A public hearing before the BCC is scheduled for Wednesday, June 1, 2022 at 9am, Room 130 of the Umatilla County Courthouse.

RECEIVED

JUN 01 2022

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending)
 Comprehensive Plan and) ORDINANCE NO. 2022-06
 Adding Site to Goal 5)
 Aggregate Resources Inventory)
 for Rock-It LLC for Rock It #2)
 Quarry)

WHEREAS the Board of Commissioners has adopted a Comprehensive Plan for Umatilla County;

WHEREAS an application was received from Rock-It LLC requesting Umatilla County to expand a previously approved aggregate quarry and amend the Comprehensive Plan to add approximately 140 acre site located in Sections 25 and 36, Township 4 South, Range 27, to the Goal 5 protected significant aggregate sites, #T-320-22 and #P-133-22;

WHEREAS the Umatilla County Planning Commission held a public hearing on April 28, 2022, to review the application and the proposed amendments and recommended that the Board of Commissioners adopt the amendments to add the quarry to the Umatilla County resource inventory;

WHEREAS the Board of Commissions held a public hearing on June 1, 2022, to consider the proposed amendments, and voted for the approval of the request to add the site to the Umatilla County Rock Materials Resources Inventory.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Comprehensive Plan, adopted May 9, 1983, be further amended to add the following property to the existing aggregate site identified as the Rock It 2 Quarry to the Goal 5 Aggregate Resources/Rock Material Sources Inventory as a Significant Site, located on Umatilla County Tax Lots 4N2725-900, and 4N2736-400, -500, -600, -700, -800, -1400 and -1500, consisting of approximately 140 acres, described below, and apply the Aggregate Resource (AR) Overly Zone to the entire quarry site:

All that portion of Southwest Quarter of Southeast Quarter, Section 25, Township 4 North, Range 37, E.W.M., lying South of the southerly line of Interstate 84;

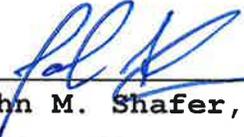
Northwest Quarter of Northeast Quarter, Southwest Quarter of Northeast Quarter, Southeast Quarter of Northeast Quarter, Section 36, Township 4 North, Range 27, E.W.M. also known as Lots 2, 3 and 4, Block 1, Plat of Meadow Valley, excepting that property conveyed by Instrument No. 1968-302491, in Book 293, Page 518, Umatilla County Records;

Northeast Quarter of Northeast Quarter, Section 36, Township 4 North, Range 27, also known as Lot 1, Block 1, Plat of Meadow Valley, lying South of the southerly line of Interstate 84; excepting East 557 feet.

All being East of Willamette Meridian, Umatilla County, Oregon.

DATED this 1st day of June, 2022.

UMATILLA COUNTY BOARD OF COMMISSIONERS



John M. Shafer, Chair



Daniel N. Dorran, Commissioner



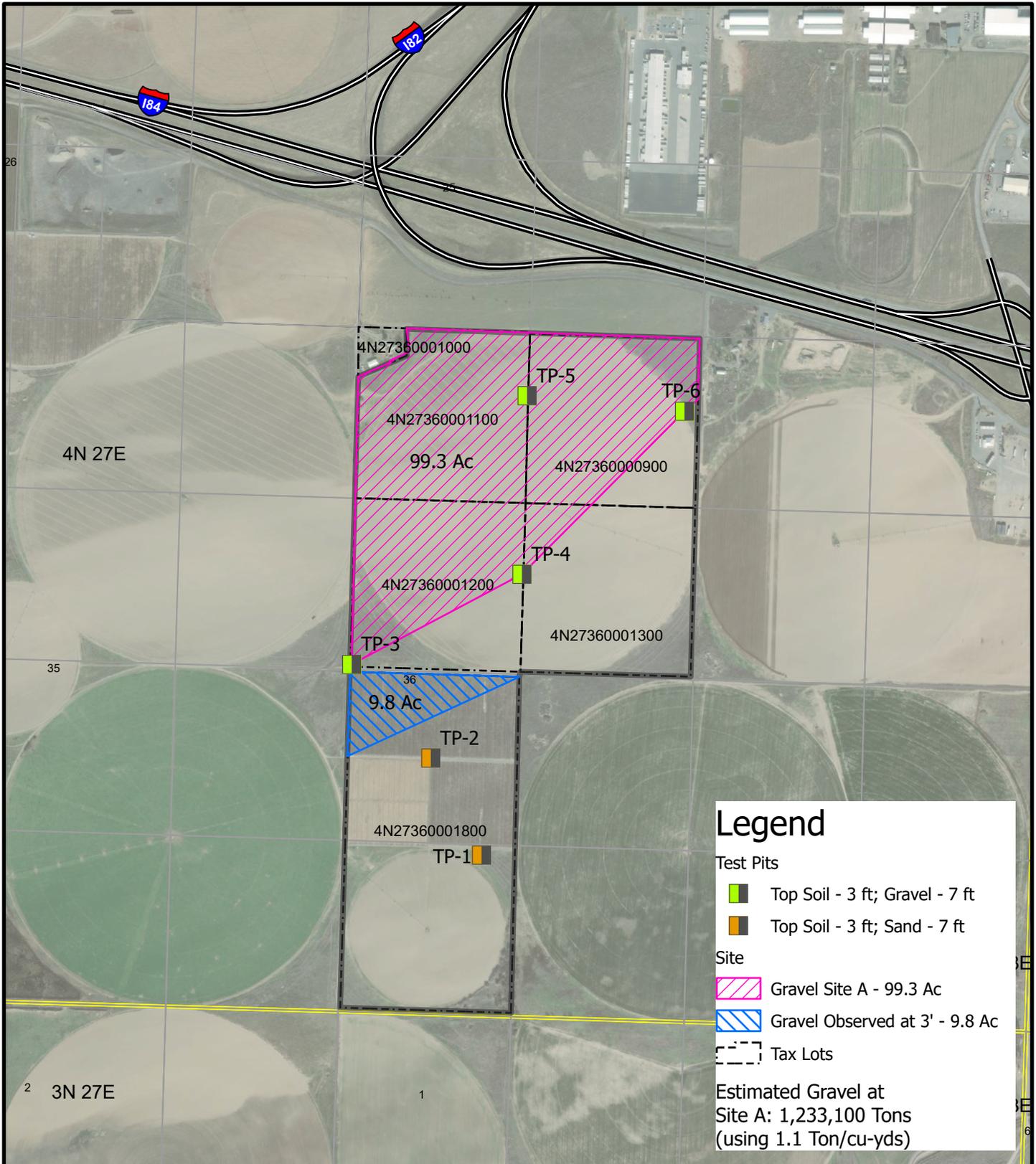
George L. Murdock, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer





Legend

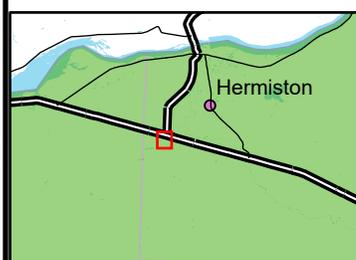
Test Pits

- Top Soil - 3 ft; Gravel - 7 ft
- Top Soil - 3 ft; Sand - 7 ft

Site

- Gravel Site A - 99.3 Ac
- Gravel Observed at 3' - 9.8 Ac
- Tax Lots

Estimated Gravel at Site A: 1,233,100 Tons (using 1.1 Ton/cu-yds)



Projection: UTM Zone 11
 Datum: NAD 1983
 Date: 11/16/2022
 Data Sources: Aerial Photography - NAIP Imagery 2014.

This map was prepared for the purpose of identifying the location of specified subject matter and it is not intended to provide legal dimension or locations of property ownership lines.

Craig Coleman

Map of Gravel Zone
 November 2022



Date Saved: 11/16/2022 1:21 PM

Path: Z:\Clients\Coleman, Craig - 511\OrdinanceGround\CraigColeman_Ordinance.aprx

UMAT 1806
RECEIVED
 JAN 24 1955
 STATE ENGINEER
 SALEM, OREGON

UMAT
 1806

4N/27-36E(1)
 Umatilla

G.W. Redwine

Application No. U 736
 Permit No. U 649
 Well No. 1

REPORT ON COMPLETION OF WELL

(Note: This report should be submitted to the State Engineer, Salem, Oregon, as soon as possible after the well is completed. If more than one well is covered by this permit, a separate report shall be filed for each)

Date of Report JAN. 21, 1955

1. Location of well: SW 1/4 of NW 1/4 of Section 36 Twp. 4N Rge. 27E, W. M.
2. Name of nearest natural surface stream Umatilla River
3. Distance from well to that stream: approx 5 Miles feet.
4. If the well is less than 1300 feet from a natural surface stream, give the difference in elevation between the ground surface at the well and the lowest point in stream channel: Approx 3 Miles feet.
5. Date of beginning drilling or digging: August 16, 1952
6. Date well was completed September 8, 1952

7. LOG OF MATERIALS ENCOUNTERED

Character of Material	Depth at which encountered	Thickness of stratum
<u>Sandy loam Top Soil</u>	<u>At surface</u>	<u>20</u> ft.
<u>Sand + Gravel</u>	<u>20</u> ft.	<u>30</u> ft.
<u>Gravel</u>	<u>30</u> ft.	<u>65</u> ft.
<u>Gray Clay</u>	<u>95</u> ft.	<u>10</u> ft.
<u>Gray Rock</u>	<u>105</u> ft.	<u>30</u> ft.
<u>Blue clay + Shale</u>	<u>125</u> ft.	<u>59</u> ft.
	ft.	ft.
	ft.	ft.
	ft.	ft.

Remarks: _____

WELL INFORMATION

8. Diameter of well 12 inches. Depth of well 194 feet.
9. Depth at which water was first encountered 55 feet.
10. Water level when completed: 55 feet below ground surface.
11. Additional information regarding well; such as soil conditions, quick sand, caves, obstructions, rock, etc.: Gravel had tendency to cake from 60' to 95' where Gray Clay was first found.

well in SW 1/4 of NW 1/4 of Section 36 R4N T27E



**LA ABRASION OF SMALL SIZE
COARSE AGGREGATE**

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services
Permit #:
Project Manager: Charles Walker
Lab Technician: Ryan Hart
Test Date: November 11, 2022

As requested Atlas has performed an LA Abrasion testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	The Sample was Collected and Delivered by the Client.							
Date Obtained:	October 31, 2022							
Sample ID:	22-5190							
Sampling and Preparation:	ASTM D75:		AASHTO T2:		ASTM D421:		AASHTO T87:	X
Test Standard:	ASTM C131:		AASHTO T96:	X				

Nominal Maximum Size of Aggregate	2"
Grading Designation	B
Loss by Abrasion (%)	14

(ODOT) Loss shall not exceed % of Wear	Base Agg 45% Concrete Agg 30% ACP 30%
--	---

If there are questions concerning this report (O2206271-103122=L=S=AGG-LAA225190.pdf), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS

Ryan Hart
Ontario Laboratory Manager

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
CC:



OREGON AIR AGGREGATE DEGRADATION

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services
Permit #:
Project Manager: Charles Walker
Lab Technician: Ryan Hart
Test Date: November 11, 2022

As requested Atlas has performed an Oregon Air Aggregate Degradation testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	The Sample was Collected and Delivered by the Client.							
Date Obtained:	October 31, 2022							
Sample ID:	22-5190							
Sampling and Preparation:	ASTM D75:		AASHTO T2:		ASTM D421:		AASHTO T87:	X
Test Standard:			ODOT TM208:	X				

Percent of Aggregate Passing No. 20 Sieve	1.9%
Sediment Height in Sand Equivalent Tube	0.4"

If there are questions concerning this report (*O2206271-103122=L=S=AGG-ORDEG225190.pdf*), please contact the project manager at (541) 889-3602.

Respectfully submitted,
ATLAS TECHNICAL CONSULTANTS

Ryan Hart
Ontario Laboratory Manager

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
CC:



**SULFATE SOUNDNESS
COARSE AGGREGATE**

Jeff Hines
HNS, INC.
63830 Industrial Lane
La Grande, OR 97850

Phone: 541-786-0540
Fax:
Other: E-REPORTS ONLY

Project: 2022 Laboratory Services
Permit #:
Project Manager: Charles Walker
Lab Technician: Ryan Hart
Test Date: November 11, 2022

As requested Atlas has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current standards indicated below. The results obtained in our laboratory were as follows:

Source:	The Sample was Collected and Delivered by the Client.							
Date Obtained:	October 31, 2022							
Sample ID:	22-5190							
Sampling and Preparation:	ASTM D75:		AASHTO T2:		ASTM D421:		AASHTO T87:	X
Test Standard:	ASTM C88:		AASHTO T104:	X				
Solution:	Sodium:	X	Magnesium:		Fresh Prepared:	X	Previously Used:	

Coarse Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
2.0"	1.5"	1927.2	1.2	0.5
1.5"	1.0"	959.2	2.5	0.8
1.0"	¾"	511.9		
¾"	½"	667.8	2.3	0.5
½"	3/8"	332.1		
3/8"	#4	300.3	4.9	0.3
ODOT Weight loss not to exceed 12%			Total Loss	2.1

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		# of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
2.5"	1.5"	1	7.7							13
1.5"	¾"	1	2.6							39

If there are questions concerning this report (O2206271=L=S=AGG-Sulfate225190.pdf), please contact the project manager at (541) 889-3602.

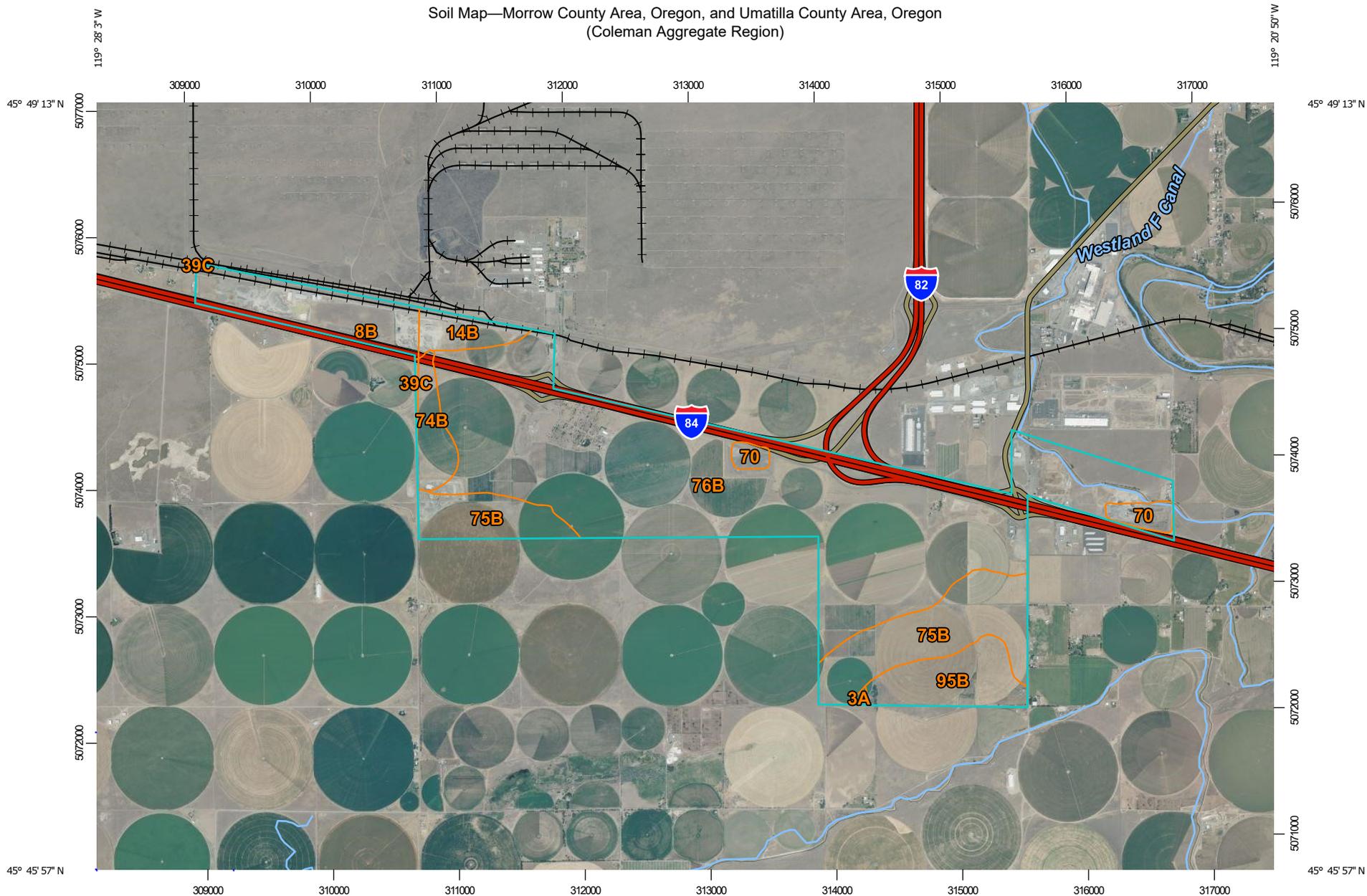
Respectfully submitted,

ATLAS TECHNICAL CONSULTANTS

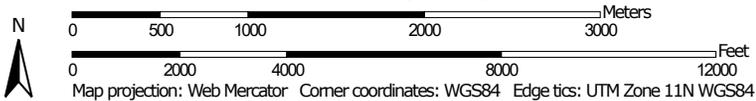
Ryan Hart
Ontario Laboratory

Note: The recording of false, fictitious or fraudulent statements or entries on this document may be punishable as a felony under Federal Statute.
cc:

Soil Map—Morrow County Area, Oregon, and Umatilla County Area, Oregon
(Coleman Aggregate Region)



Map Scale: 1:42,700 if printed on A landscape (11" x 8.5") sheet.



Soil Map—Morrow County Area, Oregon, and Umatilla County Area, Oregon
(Coleman Aggregate Region)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at scales ranging from 1:20,000 to 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morrow County Area, Oregon

Survey Area Data: Version 9, Sep 14, 2022

Soil Survey Area: Umatilla County Area, Oregon

Survey Area Data: Version 20, Sep 14, 2022

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 3, 2020—Jun 26, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8B	Burbank loamy fine sand, 2 to 5 percent slopes	155.5	7.7%
39C	Quincy fine sand, 2 to 12 percent slopes	2.8	0.1%
Subtotals for Soil Survey Area		158.3	7.8%
Totals for Area of Interest		2,019.9	100.0%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3A	Adkins fine sandy loam, wet, 0 to 3 percent slopes	2.5	0.1%
14B	Burbank loamy fine sand, 0 to 5 percent slopes	50.6	2.5%
70	Pits, gravel	39.0	1.9%
74B	Quincy fine sand, 0 to 5 percent slopes	57.3	2.8%
75B	Quincy loamy fine sand, 0 to 5 percent slopes	299.3	14.8%
76B	Quincy loamy fine sand, gravelly substratum, 0 to 5 percent slopes	1,293.7	64.0%
95B	Taunton fine sandy loam, 1 to 7 percent slopes	119.3	5.9%
Subtotals for Soil Survey Area		1,861.6	92.2%
Totals for Area of Interest		2,019.9	100.0%

Subject **Fwd: Hydrant Water Usage Agreement - Port of Morrow**
From Craig Coleman <craig@ordnancebrewing.com>
To <mclane@eoni.com>
Cc Bob Coleman <bob@ordnancebrewing.com>
Date 2022-11-16 2:16 pm



POM water.

Craig Coleman
Ordnance Brewing
Girth Dog LLC
541-314-8568

Begin forwarded message:

From: Elizabeth Schultz <ElizabethS@portofmorrow.com>
Date: November 16, 2022 at 2:15:22 PM PST
To: Craig@ordnancebrewing.com
Subject: Hydrant Water Usage Agreement - Port of Morrow

Good Morning,

Thank you for your interest in hydrant water usage for your project.

Here is what you need to know:

- The rate for water will be billed at \$3.50 per 1000 gallons with a \$75 minimum monthly charge. Meters are read weekly and billed monthly.
- Port of Morrow will supply a meter and backflow assembly (RP) on a hydrant near your worksite.

Policies and procedures will be provided to you by our Water shop or Water Quality Division. If your company fails to comply with these policies, and the meter or RP are damaged, you can be billed for the replacement costs.

It is your responsibility to notify us when you no longer need water. Returning the meter to the Port of Morrow Maintenance shop is an option for notifying the Port and is appreciated.

If you accept these conditions, please respond to this email with a name, address and phone number for billing purposes.

When you know a project start date, please notify us no less than 5 days in advance to ensure your connection is prepared in a timely manner.

Listed below are our points of contact for all water related questions and concerns

Ismael Tinoco (Shop)	541-571-1684
Elizabeth Schultz (Main office)	541-371-6032
Miff Devin (Supervisor)	541-481-7467

For billing issues or concerns, please contact Kain Garcia at KainG@portofmorrow.com.

Thank you



Elizabeth Schultz
Water Quality Assistant

541.371.6032
PO Box 200 | 2 E Marine Drive | Boardman, OR 97818
ElizabethS@portofmorrow.com | www.portofmorrow.com

November 22, 2022

Project #: 28044

Robert Waldher and Megan Davchevski
Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

RE: Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment Planning Commission Response
Letter

Dear Robert and Megan:

BACKGROUND

Kittelison & Associates, Inc. prepared a detailed transportation assessment to support a proposed plan amendment and zone map amendment for a new aggregate mining operation. This report titled *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment* and was submitted/dated August 5, 2022. On October 20, 2022, there was a hearing before the Umatilla County Planning Commission. During that hearing, there was public testimony that touched on several transportation-related topics. This letter is a response to that testimony.

GOAL 12

During the public testimony, a general comment was made that the August 5, 2022 *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment* failed to address Oregon's Statewide Land Use Planning Goal 12 (Transportation). Oregon Administrative Rule (OAR) 660-012 implements Goal 12. For the proposed plan and zoning map amendment, OAR 660-012-0060 (Plan and Land Use Regulation Amendments) must be addressed. Under this section of the OAR, an analysis should be prepared to assess the land use modification's potential to create a significant impact to a transportation facility.

As noted in the August 5, 2022 report, a complete transportation assessment was provided that documents the transportation impacts of the proposed Aggregate Resource Overlay zone. All relevant components of the OAR transportation planning rule are documented on page 16 of the report where it was concluded that the proposed land use amendment and subsequent development of an aggregate mining operation is not anticipated to result in a significant effect on the surrounding transportation network or require offsite transportation improvements. As such, we conclude that all relevant Goal 12 criteria were adequately documented and addressed.

WESTLAND ROAD/I-84/I-82 INTERCHANGE AREA TRANSPORTATION PLAN

During the public testimony, another comment was made that the August 5, 2022 *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment* was not in compliance with the *Westland Road/I-84/I-82 Interchange Area Transportation Plan (IAMP)*. This 2004 plan is a long-range transportation plan that identifies infrastructure improvements to the interchanges and the local transportation network that serves them. One identified improvement involves a realignment of Stafford Hansel Road such that it would intersect Colonel Jordan Road approximately 900 to 1,425 feet south of the I-84 eastbound ramp terminal. Since the proposed aggregate mining operation would not take access off Stafford Hansell Road, this potential realignment did not need to be assessed as part of the August 5, 2022 *Aggregate Overlay Zone/Girth Dog Pit Transportation Assessment*.

Please let us know if you have any questions.

Sincerely,

KITTELSON & ASSOCIATES, INC.



Matt Hughart, AICP
Principal Planner

INTENTIONALLY LEFT BLANK



Coleman Mining

2 messages

Mon, Dec 12, 2022 at 4:15 PM

SILBERNAGEL Greg M * WRD <Greg.M.SILBERNAGEL@water.oregon.gov>

To: Robert Waldher <robert.waldher@umatillacounty.gov>

Bob,

I spoke with Craig and Bob Coleman this morning. They contacted me on 12/8 regarding the water rights for their proposed mining operation. We discussed a character of use transfer from irrigation to mining/industrial use with existing water rights on the property. To do this, they would need to apply for a water right transfer to initiate the process. As of today, there is approximately a two year back log if there were no public protests or agency concerns. They also would not be able to change the irrigation season of the water right through this process which could leave them short of a year round water source to operate with.

The Colemans other option is to request water from the County Line Improvement Company. They divert water from the Umatilla River during the winter for aquifer storage and recovery purposes. T.J. Hansell is the current president and has told me they are planning to create a policy for additional water requests outside of the original irrigation intent of the recharge project. They only meet once a year and have not created this policy yet. Recharge water use is generally not identified for more than a year because of the variable nature and amount diverted for storage each year.

To summarize my conversation with the Colemans, there are some options of which none are guaranteed or timely.

Greg Silbernagel - Watermaster, District 5
Oregon Water Resources Department
116 SE Dorion Ave.
Pendleton, OR 97801
(541) 969-1677

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Robert Waldher <robert.waldher@umatillacounty.gov>

Thu, Dec 15, 2022 at 3:30 PM

To: Jodi Hinsley <jhinsley@papemh.com>, Suni Danforth <CDSJ@yahoo.com>, John Standley <bigjohnstandley@gmail.com>, Tami Green <tgreen4g@gmail.com>, Tammie Williams <tammiew75@gmail.com>, Emery Gentry <emerywgentry@gmail.com>, Don Wysocki <dwysocki@oregonstate.edu>, "Cindy Timmons (cindy_timmons2003@hotmail.com)" <cindy_timmons2003@hotmail.com>, Sam Tucker <sam@mgtlegal.com>

Good Afternoon Commissioners - Please see the email I am forwarding from Greg Silbernagel from OWRD. This will need to be added to the record.

Also, as a reminder, please bring your hearing packets from last time. See you soon!

Bob

[Quoted text hidden]

--

Robert Waldher, RLA

Director

Umatilla County Department of Land Use Planning

Tel: 541-278-6251 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>



Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.



Coleman Submittal - Response to 11232022 Stamp Letter

2 messages

mclane@eoni.com <mclane@eoni.com> Wed, Dec 14, 2022 at 8:19 AM
To: Robert Waldher <robert.waldher@umatillacounty.net>, Megan Davchevski <megan.davchevski@umatillacounty.net>
Cc: Sarah Stauffer Curtiss <sarah.curtiss@stoel.com>, Craig Coleman <craig@ordnancebrewing.com>

Bob,
Good morning!

Attached is the limited response to Mr. Stamp's 11232022 letter. You will find a letter and four items comprising three attachments. We are asking that these items be provided to the Planning Commission to be made a part of the record. They include our letter, the Hatley application, the Road Vacation Order, and two pictures of the rock source locations.

Please let me know if you have any questions or need additional information.
Cordially,
Carla

5 attachments



Coleman Response Letter II attachment 3a.jpg
6103K



Coleman Response Letter II attachment 3b.jpg
4757K

-  **Coleman Response Letter 12132022 signed.pdf**
163K
-  **Coleman Response Letter II attachment 1.pdf**
1085K
-  **Coleman Response Letter II attachment 2.pdf**
80K

Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

December 13, 2022

Chair Danforth and Members of the Umatilla County Planning Commission
Robert Waldher, Planning Director
Umatilla County Planning Department (VIA EMAIL)
216 SE 4th Street
Pendleton, Oregon 97801

Chair Danforth and Umatilla County Planning Commission members:

Please accept this as the response to testimony provided by Andrew Stamp, legal counsel to the Aylett family, dated November 23, 2022, regarding the application for Goal 5 protections and approval of mining as represented by local file numbers Comprehensive Plan Map Amendment #P-135-22, Comprehensive Plan Text Amendment #T-092-22, and Zoning Map Amendment #Z-322-22 on property owned by Craig Coleman, or Girth Dog, LLC, and currently defined as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36.

Addressed in this letter will be three arguments raised by Mr. Stamp: 1) adequacy of Mr. Coleman's application and consistency with the Aylett application; 2) access points for both farming and mining activities and information concerning the vacation of a portion of Center Street; and 3) the location of the rock submitted for testing. Attachments are provided for each of these items.

Adequacy of Coleman Application and Consistency with the Aylett Application: The application materials submitted by Mr. Coleman are like those submitted by Mr. Aylett. And the Aylett application is like three previous ODOT applications. And the Hatley expansion application looks very similar as well but was completed by a different land use planning consultant and is attached to provide additional information concerning overall consistency of recent aggregate applications submitted to the Umatilla County Planning Department leading to review and approval by the Planning Commission and Board of Commissioners. It should be noted that the ODOT applications were developed with the input of the Department of Land Conservation and Development Goal 5 Specialist Amanda Punton. Please see the attached Hatley application.

The applicant would ask that the Planning Commission find that the application is adequate for review and recommendation of approval to the Board of Commissioners.

Access for Farming and Mining Activities and Vacation of Center Street: To provide additional clarity Mr. Coleman currently has access to Stafford Hansell Road for his farm operation. He will continue to use that road for farm purposes on both the subject property and on property he owns to the west. The application indicates that clearly and identifies that Center Street, to be renamed Noble Road, will be used for the mining activities exiting the subject property to access Colonel Jordan Road at a point

exceeding the distance requirements outlined in the Westland Road Interchange Area Management Plan. To best meet the needs of the mining operation and to allow for mining to be accomplished throughout the subject property, a petition was submitted to the Umatilla County Road Master for vacation of the portion of Center Street that abuts the subject property to both the north and south. That vacation was granted on November 9, 2023. Please see the attached Order No. RD2022-06.

The applicant would ask that the Planning Commission find that the access for Mr. Coleman's farming activities will continue to use Stafford Hansell Road for ingress and egress. We would also ask that you find that access for the mining activities will use Colonel Jordan Road via Center Street, to be renamed Noble Road.

Location of the Rock Samples: Mr. Stamp continues to assert, without providing any evidence, that the rock tested did not come from Mr. Coleman's property. That is not true with the attached pictures taken from the locations of two of the recent rock samples indicating the location within the subject property – test pit 3 and 6. Please see the attached pictures.

The applicant would ask that the Planning Commission find that the rock samples were taken from Mr. Coleman's property.

Thank you for the ability to further respond to the comments of Mr. Stamp. The applicant will be available at the Public Hearing to answer these and other questions that may arise. Your consideration and approval of the requests outlined in the proposal is appreciated.

Cordially,

Carla McLane

Carla McLane, MBA
Carla McLane Consulting, LLC

Attachments:

1. Hatley Application
2. Road Vacation Order
3. Pictures of Rock Sample Locations

APPLICATION NARRATIVE

SUMMARY: Application is to amend the Umatilla County Comprehensive Plan to expand an existing Goal 5 significant aggregate site known as the Scheuning Quarry. Application includes an amendment to the Goal 5 Inventory in the Comprehensive Plan and amendment to the Zoning map to expand the Aggregate Resource Overlay Zone and add 25.8 acres to the existing 8.8 Goal 5 site.

Background: In 2004, Umatilla County approved the application to add an 8.8-acre site to the Significant Aggregate Site inventory in the Comprehensive Plan. The quarry, known as the Scheuning Quarry, has been active since then, providing crushed rock and aggregate to private businesses and City of Pendleton. The source has proven to be a popular source and meets Oregon Department of Transportation (ODOT) asphalt specifications.

Since its operation, there have not been any nuisance or other complaints filed with county. Mining activity has been conducted in compliance with County Conditional Use. The landowner and quarry operator, Jim Hatley, Hatley Construction, work well with the neighbors and take precautions to minimize negative impacts of noise, dust, truck traffic.

The 8.8-acre site has some remaining material. However, the landowner and operator are seeking approval of a larger mining area to ensure the valuable source is available for years into the future. Thus, this request is to add 25.8 acres and provide the Goal 5 protection to limit conflicting uses to allow mining.

Letters of support from the City of Pendleton and neighboring landowner is attached. The owner and operator has been in good standing with the county permit (C-1063-04) and state mining permit (DOGAMI ID No 30-0122).

Owner: Rosemary Scheuning Estate
1104 Old Airport Road
Pendleton, OR 98801

Applicant: Jim Hatley
Hatley Construction

Location: The property is located on the north side of Oregon Trail Highway (known as Westgate), approximately 500 feet east of the intersection of Old Airport Road and approximately one-half mile west of the Pendleton city center.

Property: Tax lot 400 of Assessor's May 2N 32 04. Total parcel acreage is 150.4 acres. Existing Goal 5 Significant Area is 8.8 acres.

Zoning: The parcel is Zoned Exclusive Farm Use. The existing 8.8 acres quarry also has the Goal 5 Significant Resources Overlay Zone. The parcel is within the City of Pendleton Urban Growth Boundary.

Request: The request is to expand the existing 8.8-acre Goal 5 Aggregate Resource and add 25.8 acres. The applicant intends to continue the mining and processing that was permitted in 2004.

Specifically, request includes:

- 1) Comprehensive Plan Text Amendment to add 25.8 acres to the Goal 5 Significant Resources Inventory.
- 2) Zoning Map Amendment to include the 25.8 acres in the Aggregate Resources Overlay Zone.

Surrounding Uses:

Land to the north and east is of similar terrain including steeper slopes and used for grazing. Adjacent land to the west contains rental houses. Multiple industrial and commercial businesses are in the vicinity.

Required Review:

- Oregon Administrative Rule (OAR) Chapter 660 Land Conservation and Development Department Division 23 Procedures and Requirements for Complying with Goal 5 is applicable, providing the procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This application will specifically review 660-023-0180 Mineral and Aggregate Resources, 660-023-0040 ESEE Decision Process and 660-023-0050 Programs to Achieve Goal 5.
- Umatilla County Development Code for Establishing an Aggregate Resource (AR) Overlay Zone (OZ) as outlined in Sections 152.487 and 152.488.
- Statewide Planning Goals 1 through 14.

Note: Where the Umatilla County Development Code has not been updated to include the Division 23 Rules for Aggregate Resources, the Oregon Administrative Rules 660-023-0180 to establish a Goal 5 Large Significant Site is directly applied per OAR 660-023-180 (9).

STANDARDS OF THE OREGON ADMINISTRATIVE RULES, DIVISION 23 FOR GOAL 5 LARGE SIGNIFICANT SITES are found in OAR 660-023-0180 (3), (5), & (7), OAR 660-023-0040, and OAR 660-023-0050. The standards for approval are provided in **bold text** and the responses are indicated in standard text.

OAR 660-023-0180 Mineral and Aggregate Resources

(3) An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or

(c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.

(d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:

(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or

(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:

- (i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;**
- (ii) 25 feet in Polk, Yamhill, and Clackamas counties; or**
- (iii) 17 feet in Linn and Benton counties.**

The current 8.8-acre Scheuning Quarry has been active since 2004 when the 8.8 acres were added to the significant Goal 5 resource inventory and permitted with a Conditional Use Permit. This application is an expansion of an existing quarry. Attachments provide evidence that the material meets the ODOT specifications for base rock and the expansion area includes more than 100,000 tons of material.

Predominant Soil type according to the US Department of Agriculture Soil Conservation Service Soil Survey of Umatilla County, is Anderley silt loam, a class IIIe/IVe soil type. Slope is 7-12%.

Soil Samples show that material from the quarry meet ODOT specifications. Evaluation conducted by Jerry Odom, licensed engineer, estimates material to exceed quality and quantity requirements. See attached letter. The Scheuning quarry meets the criteria for a significant aggregate site in accordance with OAR 660-023-180 (3)(a).

(5) For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving an aggregate site determined to be significant under section (3) of this rule, the process for this decision is set out in subsections (a) through (g) of this section. A local government must complete the process within 180 days after receipt of a complete application that is consistent with section (8) of this rule, or by the earliest date after 180 days allowed by local charter.

- (a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.**

This request is to expand an existing quarry. Evaluation of impacts therefore is directed at the expansion area. For purposes of this standard, evaluations of conflicting uses are to be based on the center of the expansion area. However, the applicant provides analysis of conflicts based on the exterior boundary of the expansion area. As noted above, the existing operation has resulted in no known impacts to neighboring properties. Operation in the expansion area can be expected to create the same results thus generating no negative impacts. The expansion area was designed so as to create an adequate buffer from the houses located on the parcel to the east. Dwellings are the only known land use where quarry operation may cause conflict. Again, the buffer provides assurance that the operation will not conflict with the dwellings. If county or neighbors identify potential conflicts that warrant limitations in order to protect the resource, applicant will respond.

- (b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local**

government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e. g., houses and schools) that are sensitive to such discharges;

There are not homes within the 1,500-foot impact area. The existing quarry has operated without conflicts to the existing dwellings since 2004. The owner of the adjacent parcel that has homes has provided a letter in support of the quarry expansion. There is not a school within the 1,500-foot impact area. No other conflicting land uses are known.

The adjacent homes may be modestly impacted by noise, dust, or other discharges from the proposed expansion however, based on historic compatibility, such impacts are expected to be minimal. The applicant will minimize impacts by employing best management practices and complying with conditions in the Conditional Use Permit.

The applicant acknowledges that the mining and processing operation can create noise, dust, and other discharges and will employ normal and customary practices to manage those impacts. Both noise and dust are regulated by the Oregon Department of Environmental Quality. Applicant has been in good standing with the General Air Contamination Discharge Permit for crushing and processing activities and will continue to do so with the expanded quarry area.

Blasting will be conducted as part of the mining process. The applicant and other contract operators will use best management practices when engaging in this activity. Blasting can create vibration and fly rock, but the use of best management practices will prevent off-site impacts. As like the earlier requirements the applicant will comply with requirements of DOGAMI.

With application of the sustainable management practices that have occurred to date, potential conflicts due to noise, dust, or other discharges will be minimized within the 1,500-foot impact area.

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a). Operator will utilize existing access from Westgate (Highway 30) which indirectly provides access thru two parcels owned by Jim Hatley, tax lot 1000 and 900. If a secondary access is warranted, applicant will secure an Access Permit for Old Airport Road from County Public Works.

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013;

The Pendleton Public Airport is located approximately 2 miles north and west of the parcel.

(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

There are no known Goal 5 resource sites within the impact area except the existing 8.8 aggregate site.

(E) Conflicts with agricultural practices; and

There are no agricultural practices within the 1,500-foot impact area of the quarry.

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations pursuant to ORS 517.780;

Umatilla County does not have an ordinance that supersedes DOGAMI regulations.

(b) The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

The applicant has identified limited impacts from dust and stormwater that can be managed or mitigated through various voluntary measures and best management practices. During mining and processing, if approved on site, the applicant and its contractors will implement best management practices and, as necessary or required, obtain necessary permits in the management of dust, stormwater, or other identified discharges.

(c) The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:

(A) The degree of adverse effect on existing land uses within the impact area;

(B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and

(C) The probable duration of the mining operation and the proposed post-mining use of the site.

The applicant has extensive experience with mining and rock crushing and other processing and heavy construction work. All identified potential conflicts can be minimized. Substantially based on the mining activities since 2004.

(E)

Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e. g., site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:

- (A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
- (B) Not requested in the PAPA application; or
- (C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.

The applicant will implement best management practices and will continue to maintain permits as necessary to ensure management of dust and stormwater. Applicant agrees to reasonable conditions county may require.

- (F) ~~(A)~~ Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

The applicant and landowner do not have plans for post-mining land use given that mining will occur into the foreseeable future. The land does not contain class I, II or unique farmland soils and therefore post-mining activities are not required.

- (G) ~~(A)~~ 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.

Based on this state standard, Umatilla County should approve mining operation at the expanded area contiguous to the existing quarry.

- (7) Except for aggregate resource sites determined to be significant under section (4) of this rule, local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (5) of this rule, the local government decides that mining will not be authorized at the site.)

The applicant has provided an ESEE analysis below. The analysis supports a decision to limit new conflicting uses within the impact area to assure protection of the aggregate site.

660-023-0040 ESEE Decision Process

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

- (a) Identify conflicting uses;

The subject property is zoned Exclusive Farm Use (EFU). Adjacent property to the north and east is of similar terrain and is not cultivated farm ground. Parcel to the east has two rental houses. Multiple industrial and commercial businesses are in the vicinity.

(b) Determine the impact area;

A 1,500-foot buffer extending from the center of the proposed 25.8-acre aggregate expansion area.

(c) Analyze the ESEE consequences; and

See the analysis below.

(d) Develop a program to achieve Goal 5.

See a full analysis below.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

Based on the compatibility of the existing mining operation, and the fact that no complaints have been filed against the operator since 2004 and based on the landowner and operator's compliance with DEQ and DOGAMI mining permits, there are no conflicts expected.

(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.)

(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)).

The only known Goal 5 resource within the boundary of the mining area or within the 1,500 feet impact area is the existing 8.8-acre quarry.

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

The impact area for an aggregate site is 1,500 feet, as specified by OAR 660-023-0180(5)(a). While there are businesses and dwellings nearby, there are no known impacts within the 1,500-foot impact area.

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish

a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

The ESEE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the quarry				
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>	
Economic Consequences	<p>Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit of preserving the applicant's ability to access material from this site has economic impact through employment and by providing material to important private and public construction projects.</p>	<p>Consequences related to new use on neighboring properties. The economic impact to neighboring property owners would be neutral given that dwellings already exist. Additional dwellings would not be permitted prior to land being annexed into city.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a decision to prohibit uses since the proposed "limit" is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p>Consequences related to new use on neighboring properties. The economic consequence for property owners would be neutral. This decision would maintain the current approval criteria for new residences and gathering places in the impact area.</p> <p>Consequences related to loss or interruption of quarry access. The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have caused delays and increased costs for projects in the region. Expansion of this quarry supports economically efficient development and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large.</p>	
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>	

<p>Social Consequences</p>	<p>Consequences related to new use on neighboring properties. Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also prohibited. The social consequences stem from a landowner's desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region and in the Pendleton area in particular, could forestall important projects that are dependent upon a good source of aggregate.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral since the neighbor has already supported the project. New dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material from this quarry may not transpire.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in Pendleton that would otherwise utilize the aggregate material in the quarry may have to forgo their development which could impact social activities including those that would benefit business.</p>
	<p><i>Prohibit dwellings and gathering spaces</i></p>	<p><i>Condition the placement of new dwellings and gathering spaces</i></p>	<p><i>No change to review standards for dwellings and gathering spaces</i></p>
<p>Environmental Consequences</p>	<p>Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be significant environmental benefit from fewer vehicle emissions given hauling distance is minimized.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings or business were limited in the impact area. New dwellings and businesses in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area.</p> <p>Consequences related to loss of quarry access. There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining aggregate material from a quarry close to the project site. Vehicle emissions will increase if trucks must travel further to access material.</p>

		Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be environmental benefit from fewer vehicle emissions when truck travel is minimized.	
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Energy Consequences	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry located in close proximity to the development. There will be some negative energy consequences from additional fuel consumption if truck travel is increased due to loss of access to this quarry.</p>

(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.**
- (b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.**
- (c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.**

The applicant requests that Umatilla County determine that the additional 25.8-acre aggregate resource site is significant. Based on the ESEE analysis, the identified conflicting uses, dwellings, should be allowed. The protection sought from potential conflicting uses would be within the 1,500-foot impact area and for the life of the Scheuning quarry. Specifically, local authorization of new residential development or social gathering places should be limited to achieve that goal.

660-023-0050 Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5) (b) and (c)). The applicant requests that Umatilla County take action to facilitate protection of this aggregate site by mapping the 1,500-foot impact area within the Comprehensive Plan map and acknowledge that conflicting residential and social gathering space uses identified previously will be limited and require that activities approved through a land use permit process will be required to waive rights to remonstrate against normal aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. The intent of this request is not to disallow these activities but that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision.

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;**
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or**
- (c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).**

The applicant has requested protection consistent with OAR 660-023-0040(5)(b) seeking that identified conflicting uses be limited within the buffer area as discussed above.

(3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:

- (a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and**
- (b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).**

These provisions would not be applicable as the request is related to aggregate resources.

STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTABLISHING AN AR OVERLAY ZONE are found in Sections 152.487 and 152.488. The standards of approval are shown in **bold** type with the response in normal text.

152.487 CRITERIA FOR ESTABLISHING AR OVERLAY ZONE:

(A) At the public hearing the Planning Commission shall determine if the following criteria can be met:

(1) The proposed overlay would be compatible with the Comprehensive Plan;

The Umatilla County Comprehensive Plan currently includes the existing 8.8-acre significant site. Expansion of the site is consistent with the Comprehensive Plan and applicable Administrative Rules.

Comprehensive Plan Findings and Policies are also applicable. Finding 38 states, "Extraction of non-renewable aggregate and mineral resources requires ongoing exploration, reclamation, separation from adjacent incompatible land uses and access." The accompanying policy would also be applicable:

Policy 38. (a) The County shall encourage mapping of future aggregate sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.

(b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.

(c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.

The applicant is seeking protection of the aggregate site by the application of the Aggregate Resource Overlay Zone and protection from encroaching and conflicting uses by mapping of the impact area to best achieve both this Finding and Policy.

Comprehensive Plan Finding 41 "Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource."

Based on the findings in this application the applicant requests that the Scheuning Quarry Expansion be added to the list of Significant Resources Sites.

The applicant's request for limitations of conflicting residential and social gathering space uses is reasonable under the Goal 5 protection program. Placement of an overlay zone or mapping the site as part of the Comprehensive Plan with provisions to limit those conflicting uses within the impact area is a reasonable request and accommodation.

(2) There is sufficient information supplied by the applicant to show that there exist quantities of aggregate material that would warrant the overlay;

The applicant has determined that the inventory of aggregate material at the Scheuning quarry is more than 3 million tons that meet or exceed ODOT specifications. See attached letter from Engineer Jerry Odom.

(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;

The proposed overlay is located at least 1,000 feet from property zoned R2. There are two houses just outside the impact area. Those houses are located on land zoned R2 and located in the Pendleton Urban Growth Area.

(4) Adequate screening, either natural or man-made, is available for protecting the site from

surrounding land uses.

The configuration of the 25.8-acre expansion was designed to provide a barrier to the R2 zoned parcel to the east. This man-made feature will provide adequate buffer and protection.

(5) The site complies with Oregon Administrative Rules (OAR) 660-023-0180.

The required analysis for OAR 660-023-0180 is above.

152.488 MINING REQUIREMENTS:

(A) All work done in an AR Overlay Zone shall conform to the requirements of DOGAMI or its successor, or the applicable state statutes.

The applicant complies with DOGAMI mining permit requirements and will continue to do so relative to the 25.8-acre expansion area.

(B) In addition to those requirements, an aggregate operation shall comply with the following standards:

(1) For each operation conducted in an AR Overlay Zone the applicant shall provide the Planning Department with a copy of the reclamation plan that is to be submitted under the county's reclamation ordinance;

The applicant will complete the necessary reclamation plan required by DOGAMI and submit the same to Umatilla County. As noted above, the applicant and landowner does not have any immediate plans for reclamation given the longevity of mining in the 25.8-acre area. Any future reclamation activity would be compliant with the Exclusive Farm Use zone. Applicant will submit a reclamation plan for post-mining use upon request by county.

(2) Extraction and sedimentation ponds shall not be allowed within 25 feet of a public road or within 100 feet from a dwelling, unless the extraction is into an area that is above the grade of the road, then extraction may occur to the property line;

The applicant has and will continue to mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property.

(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.

The dwellings currently located to the east of the quarry are more than 500 feet from the proposed expansion area. The landowner has provided a letter in support of the expanded quarry. Processing equipment will be sited in such a way as to retain this 500-foot setback requirement for the processing equipment.

(4) All access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties and eliminate dust.

Applicant will continue to use roadway from Highway 30 (Westgate). If access from the north is warranted, applicant will obtain an Access Permit from Umatilla County Public Works and applicant will provide water or other dust abatement to prevent dust.

Analysis of the Statewide Planning Goals 1 through 14 follows.

Goal 1 Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Response: Umatilla County's Comprehensive Plan and development codes outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process. More specifically this request will be publicly noticed and discussed at a public hearing and will be subject to input from citizens.

Goal 2 Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This application meets those requirements for this request.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Response: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Mining is allowed as a condition use per ORS 215.283 and has been permitted at this location since 2004.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, is determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Response: There are no forest lands impacted by this request. The Umatilla National Forest is significantly south of the subject property.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

Response: This application is to protect the subject property under Statewide Planning Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural resources or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped.

This application for a Comprehensive Plan amendment to protect an aggregate resource has been reviewed under Oregon Administrative Rule 660-023-0180, the process required under Goal 5.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The request to protect the subject property under Goal 5 and to allow mining, based on the analysis above can and will be compliant with Goal 6. The objective of this process is to protect an aggregate resource. Required measures protecting water are required under Oregon law and will be implemented during mining, processing, and stockpiling of aggregate material. Any mining or processing of aggregate material will be required to meet Oregon Department of Environmental Quality requirements for air quality through the imposition of air quality standards with some activities having to obtain an Air Quality Permit. The use of mining and processing techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention can achieve compliance with both clean air and water standards.

Goal 7 Areas Subject to Natural Hazards and Disasters: To protect people and property from natural hazards.

Response: Goal 7 provides for the planning and response to natural hazards and disasters. Given compliance with state DOGAMI mining requirements the quarry operation will not create any natural hazards. There are no known natural hazards on the subject property.

Goal 8 Recreation Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: No recreation components are included in this application.

Goal 9 Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Response: Umatilla County has a comprehensive plan that has been acknowledged to comply with Goal 9. The proposed quarry expansion has general economic benefit to construction and development in the Pendleton area as well as the region.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Response: Housing is not being proposed and the expansion area will be conducted in a manner that does not negatively impact housing in the vicinity.

Goal 11 Public Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. The approval of this request would support the local economy that provides for the employment of residents, delivery of goods, and allows for recreation and tourism in the region.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Response: Rock from this quarry is used for transportation projects in and around the greater Pendleton area. City of Pendleton relies on this aggregate resource and has submitted a letter in support of the Plan Amendment and application.

Goal 13 Energy: To conserve energy.

Response: Approval of this quarry expansion will continue to make aggregate material available for municipal and private construction activities in the Greater Pendleton area, thus minimizing and reducing hauling distance. Hauling of aggregate is perhaps the largest energy consumption and therefore reducing hauling reduces energy consumption.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Proposed uses are not considered urban and therefore Goal 14 is not specifically applicable. The expansion area is configured so as to not limit urban development on nearby lands within the city of Pendleton Urban Growth Area and City Limits.

Conclusion:

The applicant has provided within this narrative and with other information provided as part of the application package evidence and testimony in support of protection for the Scheuning Quarry. Applicant and landowner request county approval. The applicant requests approval of the additional 25.8 acres significant aggregate resources, adoption of the Aggregate Resources Overlay Zone and approval of a Conditional Use Permit.

Attachments:

- Map of Scheuning Quarry and expansion area
- Letter from Engineer
- Authorization letter from landowner
- Assessor Tax Lot Map 2N 32 04

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Vacation of)
Center Street, Meadow Valley,) Order No. RD2022-06
an Unimproved Public Road)

WHEREAS, in accordance with ORS 368.341(1)(c), the Umatilla County Board of Commissioners received and accepted a petition to vacate a portion of Center Street, an unimproved Public Road, dedicated as part of the Meadow Valley Plat in 1910, located on the North line of Northwest Quarter of Southwest Quarter of Section 36, Township 4 North, Range 27, between Lot 3, Block 2, and Lot 2, Block 3, Meadow Valley Addition, which petition had been signed by all of the owners of the property abutting the road, and

WHEREAS, the Public Works Department has prepared a report on the petition, and

WHEREAS, the Director of Public Works, after reviewing the proposed action, has recommended that approximately 1,300 feet of the road be vacated, and

WHEREAS, ORS 368.351 allows a county governing body to vacate public property without holding a public hearing if the petition to vacate contains signatures of 100 percent of owners of property abutting a proposed vacation.

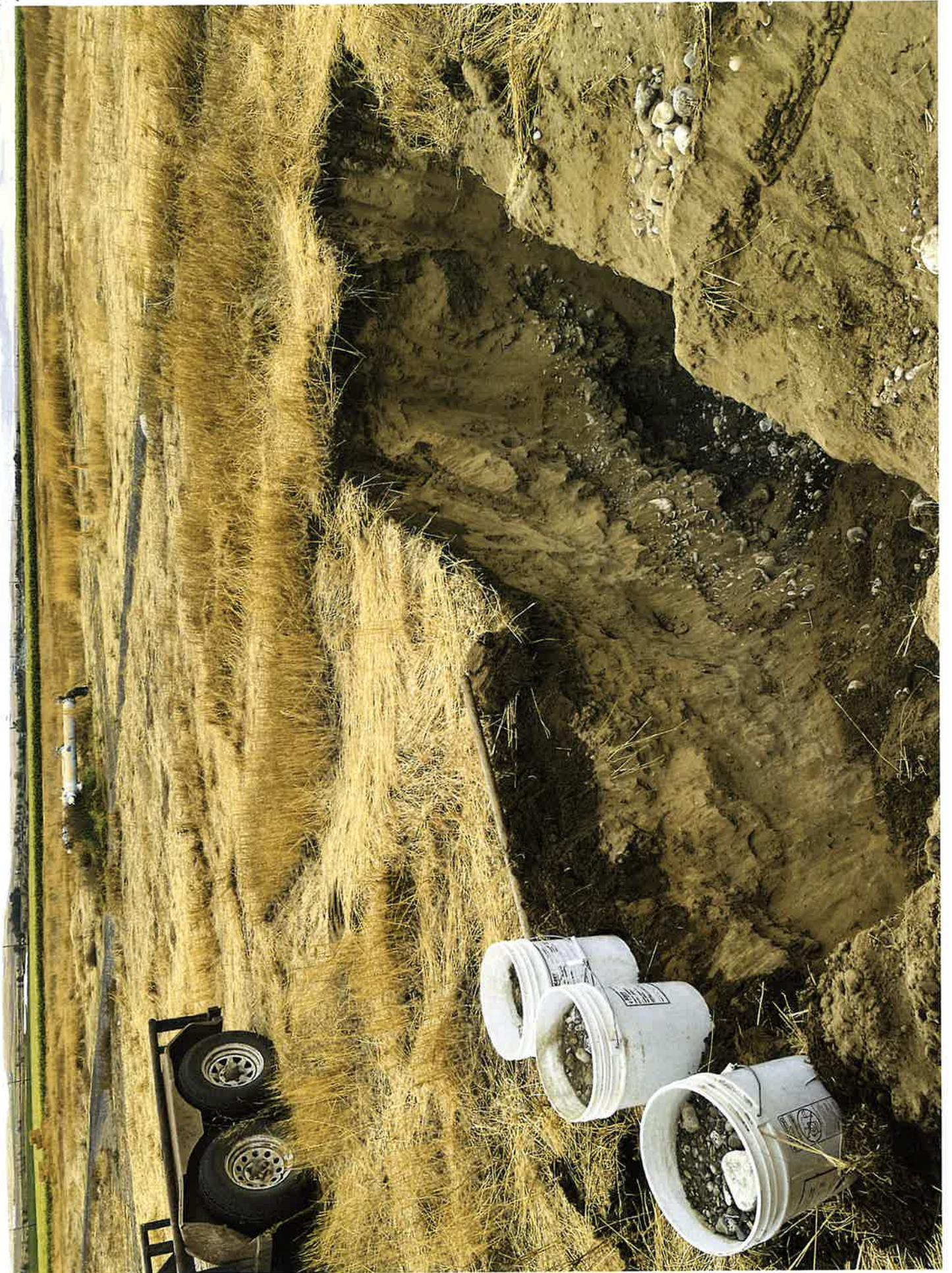
NOW THEREFORE, the Board of Commissioners finds and orders that:

1. It is in the public interest to vacate a portion of Center Street, an unimproved Public Road, 40 feet in width, dedicated as part of the Meadow Valley Plat in 1910, as described below.

2. The following portion of the Public Road identified as Center Street is vacated:

Commencing at the Northwest corner of Lot 2, Block 3, Meadow Valley; thence North 40 feet to the South line of Lot 3, Block 2, Meadow Valley; thence East along the said South line of Lot 3 to the Southeast corner of said Lot 3; thence South 40 feet to the Northeast corner of Lot 2, Block 3, Meadow Valley ; thence West along the North line of said Lot

After Recording return original
to: Commissioners' Journal
cc: County Counsel





Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

RECEIVED

DEC 22 2022

**UMATILLA COUNTY
PLANNING DEPARTMENT**

December 22, 2022

Chair Danforth and Members of the Umatilla County Planning Commission
Robert Waldher, Planning Director
Umatilla County Planning Department (VIA EMAIL)
216 SE 4th Street
Pendleton, Oregon 97801

Chair Danforth and Umatilla County Planning Commission members:

Please accept this as the response to testimony provided by Andrew Stamp, legal counsel to the Aylett family, and other testimony from the December 15, 2022, Public Hearing regarding the application for Goal 5 protections and approval of mining as represented by local file numbers Comprehensive Plan Map Amendment #P-135-22, Comprehensive Plan Text Amendment #T-092-22, and Zoning Map Amendment #Z-322-22 on property owned by Craig Coleman, or Girth Dog, LLC, and currently defined as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36.

Submitted with this letter are the following:

1. An email from Bill Porfily concerning the availability of water on the subject property with water rights and their associated maps as further evidence of the availability of water. We want to also reiterate that a water availability letter (email) from the Port of Morrow has already been submitted to the record.
2. An updated map from IRZ Engineering and Consulting with the calculations included indicating how the estimated 1.2 million tons was arrived at. This calculation is only capturing the top 10 feet of a portion of the property. When the available area is considered to a depth of between 40 and 60 feet, average for most aggregate sites, the available rock is closer to 13 million tons.
3. Oregon Standard Specifications for Construction pages 1111 and 1112.

Questions continue around the geology of the area and the ability of the rock to meet the quantity and quality requirements. To further address quantity a revised map from IRZ Engineering and Consulting is included (see #2 above). As to quality the applicable Oregon Department of Transportation (ODOT) requirements are found in Section 02630.11(c) of the Oregon Standard Specifications for Construction (2021) and indicate that Abrasion can be up to 35% maximum, Coarse Degradation can be up to 30% maximum, and Sediment Height should be 3.0 inches maximum (see attached pages identified as #3 above).

For abrasion, with an ODOT standard to not exceed 35% the two Atlas tests identify the rock to test at 14%, significantly below the standard. For Coarse Degradation with a standard not to exceed 30% the

Atlas test shows the rock testing at 1.9%, exceeding the standard. The earlier test completed for Course Degradation has several results looking at different aspects with results between .98 and 2.8, again exceeding the ODOT standards. Sediment Height was identified at .4 inches. For sulfate soundness the two Atlas tests identify the rock to test at 2.1 and 1.4 percent, below the 12% sought by ODOT.

In all cases the rock removed from the test pits identified on the IRZ map meets and significantly exceeds the identified ODOT standards.

Also addressed in this letter will be several arguments raised by Mr. Stamp along with other testimony from December 15: 1) Goal 5 Resources in the vicinity and to the west; 2) is equity a standard; 3) analysis of Goal 12; 4) water availability as a standard; and 5) why a Conditional Use Permit is not required.

Goal 5 Resources in the Vicinity and to the West: The standard for review found at Oregon Administrative Rule (OAR) 660-023-0180(5)(b) states that “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...” with (D) stating that “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.” This would require the applicant to address those listed in the acknowledged Comprehensive Plan which none were at the beginning of the application process. Once the Aylett site was added to the Comprehensive Plan the following was submitted to address the Goal 5 site:

There are no known other [meaning non-aggregate] Goal 5 resource sites within the impact area for the aggregate site. There is a recently approved aggregate site that was approved under these same standards and criteria. The approval rendered by Umatilla County earlier this year has added the Rock It #2 aggregate site and operation to the list of Goal 5 Aggregate Sites in Umatilla County and provided it protections under the Goal 5 program not dissimilar to what is being requested in this application.

This standard seeks to identify if there would be a conflict with this or other Goal 5 resource sites. The applicant asserts that there would not be a conflict. Both aggregate sites have similar impacts related to noise, dust, or other discharges that are evaluated and regulated as customary. We would anticipate conditions aligned with those applied to the Rock It #2 operation.

First Street, as shown on Assessor’s Map 4n 27 36 and as platted on the 1910 Meadow Valley Addition plat, provides a barrier between the two operations on the north/south boundary line. That road, dedicated at 60 feet, when considered in addition to the required setback provides over a 100-foot separation between the two operations.

As the operations would be mining similar material in a similar manner with a barrier provided by a road right-of-way no conflicts are anticipated.

The acreage to the west that was identified as significant in the mid- to late-1990s is not on the list of significant sites, although Planning staff has indicated that they are working to rectify that oversight. The applicant's narrative however would not change. There are no conflicts under Goal 5 with either sites designation of significance. The potential impacts of dust, noise, or other discharges are the responsibility of the respective operators and should be considered in the same manner for this application as they were for the Aylett request.

The applicant would ask that the Planning Commission find that 1) there are no other, non-aggregate, Goal 5 Resources in the impact area, 2) that the Coleman/Girth Dog site is significant for the purposes of Goal 5, and 3) that the Goal 5 protected resource to the west is not a consideration of this approval.

Is Equity a Standard: Mr. Andrew Stamp, the attorney for the Aylett family and Rock It #2, has asked the Planning Commission to take a political position and determine that equity should be considered and either deny the request before you or compel Mr. Coleman to allow the Aylett to mine on property owned by him. There is nothing in the applicable OAR to base that request upon. In fact, Oregon Revised Statutes (ORS) 517.790(3), which governs mining and mining claims, states that:

(3) The department may not issue an operating permit to an operator other than the owner or owners of the surface and mineral interests of the lands included within the surface mining area unless the operator:

(a) Has written approval from the owner or owners of all surface and mineral interests of the lands included within the surface mining area; and

(b) Maintains a legal interest in the lands that is sufficient to ensure that the operator has the authority to operate and reclaim the lands as provided in the operating permit and reclamation plan.

The applicant would ask that the Planning Commission find that the property to the west of the proposed mining site is not available for mining purposes and that there are no provisions that would compel Mr. Coleman to mine those acres.

Analysis of Goal 12: OAR Chapter 660 Division 12 is the Transportation Planning Rule and states in the Purpose statement that "This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient, and economic transportation system." The Department of Land Conservation and Development website states on its Goal 5 page that the OARs that implement Goal 12 are Division 12 Transportation Planning and Division 34 Airport Planning. During the application process, Planning staff asked that a Traffic Impact Analysis be submitted to address both the Westland Road Interchange Area Management Plan and the Transportation Planning Rule. Also as part of the original application Goal 12 was analyzed with the following:

Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. In 2006 Umatilla County adopted an Interchange Area Management Plan (IAMP) for the Westland Interchange which does discuss the intersection of Stafford Hansell Road to Westland Road, identifying concerns with the spacing of Stafford Hansell Road

from the interstate eastbound on- and off-ramps. This request is for a use that is allowed conditionally and improvements to the Stafford Hansell Road intersection, while needed, are not appropriately required of this application. Connection for the proposed aggregate site is proposed to be from Center Street at the current intersection of Noble Road and Colonel Jordan Road, which is nearly 1,000-feet more than the 1320-feet required by the IAMP.

Mr. Andrew Stamp continues to assert that the applicant has not addressed Goal 12 but has not stated what provisions of Goal 12 would be applicable.

Therefore, the applicant would ask that the Planning Commission find that the requirements of the Transportation Planning Rule, which implements Goal 12, have been satisfied through the analysis accomplished in the Traffic Impact Study and that the connection of the mining operation to the transportation network along Center Street, to be renamed Noble Road, with access to Colonel Jordan Road is sufficient for the mining operation.

Water Availability as a Standard: Mr. Stamp is asking for you to apply OAR 660-023-0180(5)(b)(A), which states, “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,” in such a way that water availability, or lack thereof, would compel you to deny the request. He is making this connection because the applicant has indicated as a response that “dust will be managed on site through the application of water or other dust abatement mechanisms.” Even with water available an operator of the site could still choose to use other dust abatement mechanisms, reserving water for other uses within the mining operation. And there are aggregate sites that do operate without water available. The applicant continues to assert that water is available and to support that included with this submittal and identified at the beginning of this letter is an email from Bill Porfily, a local Water Rights Examiner, and several water rights documents with associated maps. As was stated at the December 15, 2022, public hearing once the land use approvals are in hand the applicant will be making application with the Oregon Water Resources Department for necessary and appropriate water rights transfers to support the proposed mining operation.

Based on this the applicant would ask that the Planning Commission find that water availability, while not a standard for approval, is feasible as demonstrated by the information provided by Bill Porfily, an Oregon Water Rights Examiner.

Why a Conditional Use Permit is Not Required: OAR 660 Division 23 provides the necessary Procedures and Requirements for Complying with Goal 5 and addresses a broad spectrum of Goal 5 resources and provides the processes for a local government to use to inventory those resources. Section 0180 deals with Mineral and Aggregate Resources and allows for two paths to significance. The first is the large significant site as outlined in the application found under (3) which requires tonnage over 500,000 in eastern Oregon and a statement that the materials meet ODOT specifications for base rock. The second option is found in (4) and is for sites mining less than 500,000 tons in eastern Oregon that are on farmland.

Each of these subsections of the Mineral and Aggregate Resources Section are paired with standards found at (5) and (6). The application under review is seeking the protections offered by (3) and (5) while the standards at (4) and (6) do not provide those same protections with (6) identifying that the local

jurisdiction will allow mining through the issuance of a Conditional Use Permit and shall limit mining to not exceed 500,000 tons in eastern Oregon.

Based on this the applicant would ask that the Planning Commission find that the applicant and staff are using the correct provisions in OAR 660-023-0180 to approve a Goal 5 significant site and allow mining.

Thank you for the ability to provide further comment. The applicant will be available at the Public Hearing on January 26 should any questions arise. Your consideration and recommendation of approval of the requests outlined in the proposal is appreciated.

Cordially,

Carla McLane

Carla McLane, MBA
Carla McLane Consulting, LLC

Attachments:

1. Email from Bill Porfily with Water Rights and Maps.
2. Updated map from IRZ Engineering and Consulting.
3. Standards from the Oregon Standard Specifications for Construction (2021) pages 1111 and 1112.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

RECEIVED
DEC 22 2022
UMATILLA COUNTY
PLANNING DEPARTMENT

THIS CERTIFICATE ISSUED TO

HANSELL BROTHERS, INCORPORATED
ROUTE 1 BOX 1710
HERMISTON, OREGON 97838

confirms the right to use the waters of THREE WELLS in the UMATILLA RIVER BASIN for IRRIGATION OF 320.0 ACRES AND SUPPLEMENTAL IRRIGATION OF 258.3 ACRES.

This right was perfected under Permit G-3822. The date of priority is FEBRUARY 15, 1968. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 4.0 CUBIC FOOT PER SECOND, BEING 2.2 CFS FROM WELL 8 FOR PRIMARY IRRIGATION WITH ANY DEFICIENCY IN WELL 8 TO BE MADE UP BY DIVERSION FROM WELLS 3 AND 4; AND 1.8 CFS FROM WELL 3 FOR SUPPLEMENTAL IRRIGATION WITH ANY DEFICIENCY IN WELL 3 TO BE MADE UP BY DIVERSION FROM WELLS 4 AND 8, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

WELL 3: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, T 4 N, R 27 E, WM; 2740 FEET NORTH AND 1890 FEET EAST FROM THE SW CORNER, SECTION 27.

WELL 4: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, T 4 N R 27 E, WM; 230 FEET NORTH AND 1210 FEET EAST FROM THE W $\frac{1}{2}$ CORNER, SECTION 27.

WELL 8: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T 4 N, R 27 E, WM; 1160 FEET NORTH AND 370 FEET EAST FROM THE W $\frac{1}{2}$ CORNER, SECTION 26.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

PRIMARY IRRIGATION FROM WELL 8;
WITH ANY DEFICIENCY TO MADE UP FROM WELLS 3 AND 4

NW $\frac{1}{4}$ NE $\frac{1}{4}$	28.1 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	31.4 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	9.3 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.4 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.4 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	31.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	31.4 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.4 ACRES

SECTION 35
TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

V54 p136
T-8425
Jmp

SUPPLEMENTAL IRRIGATION FROM WELL 3;
WITH ANY DEFICIENCY TO BE MADE UP FROM WELLS 4 AND 8

SE¼ SE¼ 10.1 ACRES
SECTION 26

SW¼ NW¼ 9.8 ACRES
SE¼ NW¼ 8.9 ACRES
NE¼ SW¼ 35.9 ACRES
NW¼ SW¼ 39.4 ACRES
SW¼ SW¼ 13.5 ACRES
SE¼ SW¼ 12.6 ACRES
SW¼ SE¼ 16.6 ACRES
SE¼ SE¼ 14.7 ACRES

SECTION 27

NE¼ NE¼ 37.5 ACRES
NW¼ NE¼ 39.5 ACRES
SW¼ NE¼ 10.1 ACRES
SE¼ NE¼ 7.1 ACRES
NE¼ NW¼ 2.6 ACRES

SECTION 34

TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

This certificate describes that portion of the water right confirmed by Certificate 74107, State Record of Water Right Certificates, NOT modified by the provisions of an orders of the Water Resources Director entered FEB 20 1997, approving Transfer Applications 7496 and 7499

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,
affixed FEB 20 1997

/s/ MARtha O. PAGEL

Martha O. Pagel, Director

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

TELEPHONED
V53 P58

Recorded in State Record of Water Right Certificates numbered 74133.

T-7496 & 7499.LHN

T-8114 1/7/29

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

RECEIVED
DEC 22 2022
UMATILLA COUNTY
PLANNING DEPARTMENT

THIS CERTIFICATE ISSUED TO

CRAIG COLEMAN
33896 E. WALLS ROAD
HERMISTON, OREGON 97838

confirms the right to use the waters of TWO WELLS [THE SOURCE OF WATER GRANTED HEREIN INCLUDES EFFLUENT FROM THE HOG RAISING OPERATION] in the UMATILLA RIVER BASIN for IRRIGATION OF 266.7 ACRES.

This right was perfected under Permit G-2672. The date of priority is JUNE 5, 1964. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed a total of 3.33 CUBIC FEET PER SECOND (CFS), being 2.92 CFS from Well #1 and 3.33 CFS from Well #1a in any combination, or its equivalent in case of rotation, measured at the wells.

The quantity of water diverted at the additional point of appropriation, together with that diverted at the original point of appropriation, shall not exceed the quantity of water available from the original point of appropriation; Well 1.

The wells are located as follows:

WELL #1: NE 1/4 SE 1/4, SECTION 27, T 4 N, R 27 E, W.M.; 1420 FEET NORTH AND 490 FEET WEST FROM THE SE CORNER, SECTION 27.

WELL #1a: NE 1/4 SE 1/4, SECTION 27, T 4 N, R 27 E, W.M.; 1350 FEET NORTH AND 430 FEET WEST FROM THE SE CORNER, SECTION 27.

T-9275.RA

Certificate Number 83417

RECEIVED

DEC 22 2022

PAGE TWO

UMATILLA COUNTY
PLANNING DEPARTMENT

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet for each acre irrigated during the irrigation season of each year; PROVIDED FURTHER THAT THE RIGHT TO THE USE OF THE EFFLUENT FROM HOG RAISING FOR IRRIGATION IS EXEMPT FROM THOSE LIMITS AND CONTINUES THROUGHOUT THE YEAR AS REQUIRED FOR DISPOSAL PURPOSES. SUCH WATERS WILL BE IMPOUNDED AT TIMES IN THE SEWER LAGOONS TO PROVIDE TEMPORARY SYSTEM STORAGE.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SE 1/4 SE 1/4 10.1 ACRES
SECTION 26

SW 1/4 NW 1/4 9.8 ACRES
SE 1/4 NW 1/4 8.9 ACRES
NE 1/4 SW 1/4 35.9 ACRES
NW 1/4 SW 1/4 39.4 ACRES
SW 1/4 SW 1/4 13.5 ACRES
SE 1/4 SW 1/4 12.6 ACRES
SW 1/4 SE 1/4 16.6 ACRES
SE 1/4 SE 1/4 23.1 ACRES
SECTION 27

NE 1/4 NE 1/4 37.5 ACRES
NW 1/4 NE 1/4 39.5 ACRES
SW 1/4 NE 1/4 10.1 ACRES
SE 1/4 NE 1/4 7.1 ACRES
NE 1/4 NW 1/4 2.6 ACRES
SECTION 34

ALL IN TOWNSHIP 4 NORTH, RANGE 27 EAST, W.M.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

T-9275.RA

Certificate Number 83417

RECEIVED

DEC 22 2022

PAGE THREE

UMATILLA COUNTY
PLANNING DEPARTMENT

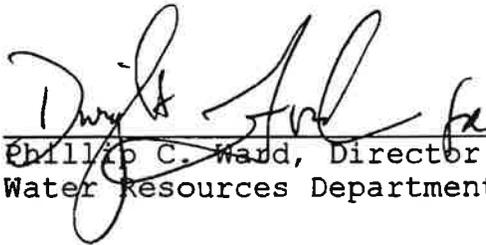
The water user shall maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated.

This certificate is issued to confirm an ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered NOVEMBER 24, 2004, and supersedes Certificate 74111, State Record of Water Right Certificates.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed

JUN 29 2007


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 83417.

T-9275.RA

STATE OF OREGON
 COUNTY OF UMATILLA
 CERTIFICATE OF WATER RIGHT

RECEIVED

DEC 22 2022

UMATILLA COUNTY
 PLANNING DEPARTMENT

THIS CERTIFICATE ISSUED TO

CRAIG COLEMAN
 33896 E WALLS RD
 HERMISTON OR 97838

confirms the right to the use of water perfected under the terms of Permit G-10505. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the wells. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: NINE WELLS IN UMATILLA RIVER BASIN

PURPOSE OR USE: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 1174.6 ACRES

MAXIMUM RATE: 14.68 CUBIC FEET PER SECOND (CFS); FURTHER LIMITED TO 1.40 CFS FROM WELL 3, 1.37 CFS FROM WELL 4, 1.39 CFS FROM WELL 5, 2.18 CFS FROM WELL 6, 4.22 CFS FROM WELL 7, 2.69 CFS FROM WELL 8, 0.33 CFS FROM WELL 9, 6.92 CFS FROM WELL 10 AND 2.74 CFS FROM WELL 11

DATE OF PRIORITY: JANUARY 9, 1970

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
4 N	27 E	WM	26	SW NW	WELL 6 (ORIGINAL) - 1130 FEET NORTH AND 60 FEET EAST FROM W1/4 CORNER, SECTION 26
4 N	27 E	WM	26	SW NW	WELL 7 (ORIGINAL) - 1130 FEET NORTH AND 60 FEET EAST FROM W1/4 CORNER, SECTION 26
4 N	27 E	WM	26	SW NW	WELL 8 (ORIGINAL) - 1160 FEET NORTH AND 370 FEET EAST FROM W1/4 CORNER, SECTION 26
4 N	27 E	WM	27	NE NE	WELL 11 (ADDITIONAL) - 1300 FEET SOUTH AND 1215 FEET WEST FROM NE CORNER, SECTION 27
4 N	27 E	WM	27	SW NW	WELL 10 (ADDITIONAL) - 2880 FEET NORTH AND 1310 FEET EAST FROM SW CORNER, SECTION 27
4 N	27 E	WM	27	SW NW	WELL 4 (ORIGINAL) - 230 FEET NORTH AND 1210 FEET EAST FROM W1/4 CORNER, SECTION 27
4 N	27 E	WM	27	SE NW	WELL 5 (ORIGINAL) - 960 FEET NORTH AND 1850 FEET EAST FROM W1/4 CORNER, SECTION 27
4 N	27 E	WM	27	SE NW	WELL 3 (ORIGINAL) - 2740 FEET NORTH AND 1890 FEET EAST FROM SW CORNER, SECTION 27
4 N	27 E	WM	36	SW NW	WELL 9 (ORIGINAL) - 1884 FEET SOUTH AND 1315 FEET EAST FROM NW CORNER, SECTION 36

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be subject to the provisions of the question of determination of a critical ground water area in the ordinance area, Morrow and Umatilla counties, Oregon, by special order recorded at Volume 27, Pages 40 through 79, dated the 2nd day of April 1976.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use is as follows:

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
4 N	27 E	WM	26	SE NW	4.7	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	26	NE SW	9.2	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	26	SE SW	22.1	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	26	SW SE	18.0	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	26	SE SE	1.2	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	27	NE NW	10.3	5, 3, 4, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	NW NW	15.2	5, 3, 4, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SW NW	3.5	5, 3, 4, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SE NW	9.2	5, 3, 4, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SE SW	0.5	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	27	NW SE	3.4	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	27	SW SE	10.5	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	NE NE	27.1	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	NW NE	4.9	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	SE NE	22.1	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	NE NW	2.1	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	NE SE	31.4	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	NW SE	31.4	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	SW SE	31.4	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	SE SE	31.4	7, 3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	36	NE NW	33.9	9, 3, 4, 5, 6, 7, 8, 10, 11
4 N	27 E	WM	36	NW NW	3.9	9, 3, 4, 5, 6, 7, 8, 10, 11
4 N	27 E	WM	36	SW NW	23.0	9, 3, 4, 5, 6, 7, 8, 10, 11
4 N	27 E	WM	36	SE NW	28.3	9, 3, 4, 5, 6, 7, 8, 10, 11
4 N	27 E	WM	36	NW SW	30.2	9, 3, 4, 5, 6, 7, 8, 10, 11

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
4 N	27 E	WM	26	SW NW	30.3	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	26	SE NW	14.0	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	26	NE SW	9.8	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	26	NW SW	24.9	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	26	SW SW	40.0	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	26	SE SW	13.5	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	26	SE SE	16.1	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SW NW	9.8	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SE NW	8.9	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	NE SW	35.9	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	NW SW	39.4	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SW SW	13.5	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SE SW	12.6	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	NE SE	2.8	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	27	SW SE	16.6	3, 4, 5, 6, 7, 8, 9, 10, 11

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	Acres	Wells
4 N	27 E	WM	27	SE SE	31.6	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	34	NE NE	37.5	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	34	NW NE	39.5	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	34	SW NE	10.1	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	34	SE NE	7.1	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	35	NE NE	5.8	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	35	NW NE	3.3	3, 4, 5, 6, 8, 9, 10, 11
4 N	27 E	WM	35	NW NE	28.1	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	SW NE	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	SE NE	9.3	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	NE NW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	NW NW	2.6	3, 4, 5, 6, 7, 8, 9, 10, 11
4 N	27 E	WM	35	NW NW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	SW NW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	SE NW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	NE SW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	NW SW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	SW SW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	35	SE SW	31.4	3, 4, 5, 6, 7, 9, 10, 11
4 N	27 E	WM	36	NW NW	14.8	3, 4, 5, 6, 7, 8, 10, 11
4 N	27 E	WM	36	SW NW	5.3	3, 4, 5, 6, 7, 8, 10, 11

RECEIVED
 DEC 22 2022
 UMATILLA COUNTY
 PLANNING DEPARTMENT

The wells shall be maintained in accordance with the General Standards for the Construction and Maintenance of water wells in Oregon.

Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

The quantity of water diverted at the additional points of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

The water user shall maintain in-flow meters or other suitable devices for measuring and recording the quantity of water appropriated.

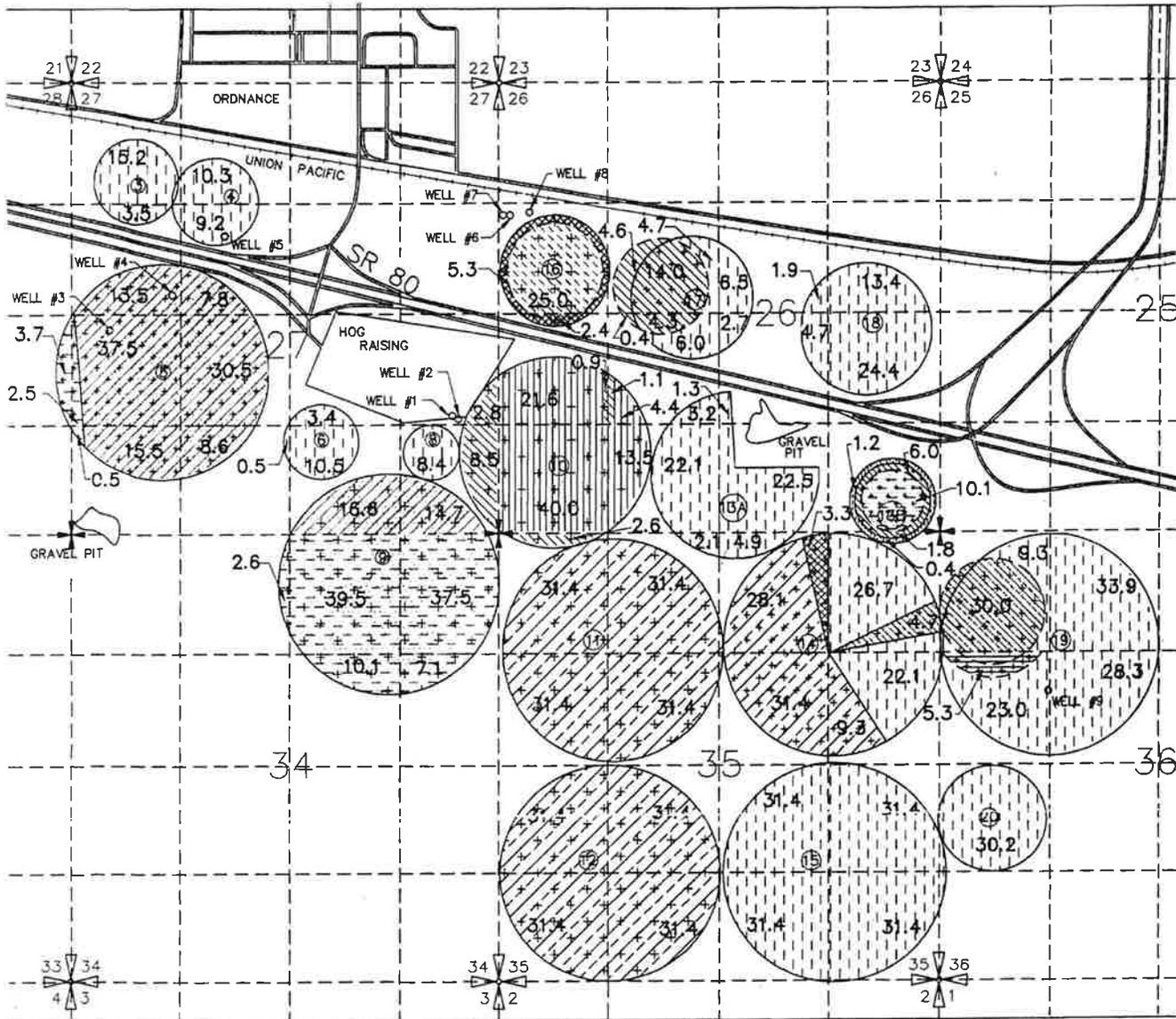
The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm a change in ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered February 7, 2006, at Special Order Volume 68, Page 52, approving Transfer Application T-9996, and together with Certificate 81634, supercedes Certificate 80915, State record of Water Right Certificates.

Issued MAR 03 2017


 Dwight French
 Water Right Services Division Administrator, for
 Thomas M. Byler, Director
 Oregon Water Resources Department

T. 4N., R.27E., W.M.
HANSELL BROTHERS INC. FINAL PROOF



WELL 1 LOCATED 1420'N & 490'W FROM SE COR. SEC.27 BEING WITHIN NE 1/4 SE 1/4
 WELL 2 LOCATED 1390'N & 430'W FROM SE COR. SEC.27 BEING WITHIN NE 1/4 SE 1/4
 WELL 3 LOCATED 2450'N & 460'E FROM SW COR. SEC.27 BEING WITHIN NW 1/4 SW 1/4
 WELL 4 LOCATED 230'N & 1210'E FROM W 1/4 COR. SEC.27 BEING WITHIN SW 1/4 NW 1/4

WELL 5 LOCATED 960'N & 1850'E FROM W 1/4 COR SEC.27 BEING WITHIN SE 1/4 NW 1/4
 WELL 6,7 LOCATED 1130'N & 60'E FROM W 1/4 COR. SEC.26 BEING WITHIN SW 1/4 NW 1/4
 WELL 8 LOCATED 1160'N & 370'E FROM W 1/4 COR. SEC.26 BEING WITHIN SW 1/4 NW 1/4
 WELL 9 LOCATED 1884'S & 1315'E FROM NW COR. SEC.36 BEING WITHIN SW 1/4 NW 1/4

- | | | | | | |
|--|---------------------------------|--|-------------------|------|-------------------|
| | T-4152 | | PERMIT NO. G-2694 | ① | CIRCLE NUMBER |
| | PERMIT NO. U-649 | | T-4928 | 31.4 | IRRIGATED ACREAGE |
| | PERMIT NO. G-3822 SUPPLEMENTAL | | PERMIT NO. G-2335 | | |
| | G-3822 PRIMARY | | T-4926 | | |
| | PERMIT NO. G-2672 | | PERMIT NO. G-1671 | | |
| | PERMIT NO. G-10505 SUPPLEMENTAL | | T-4927 | | |
| | PERMIT NO. G-10505 PRIMARY | | | | |

RECEIVED

MAY 30 1995

SALEM, OREGON



RECEIVED

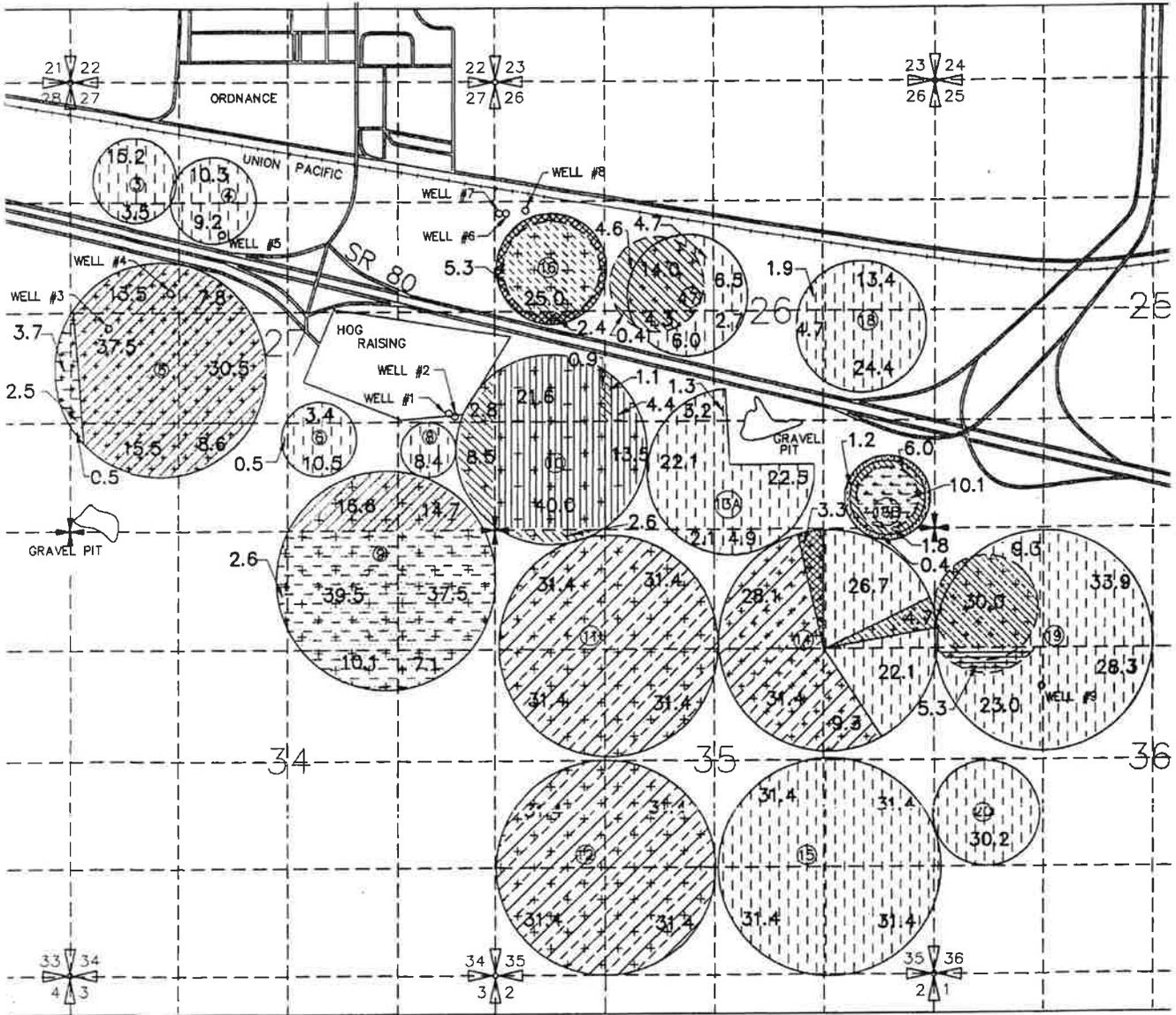
DEC 22 2022

UMATILLA COUNTY PLANNING DEPARTMENT



NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

T. 4N., R.27E., W.M.
HANSELL BROTHERS INC. FINAL PROOF



WELL 1 LOCATED 1420'N & 490'W FROM SE COR. SEC.27 BEING WITHIN NE¹/₄SE¹/₄
 WELL 2 LOCATED 1390'N & 430'W FROM SE COR. SEC.27 BEING WITHIN NE¹/₄SE¹/₄
 WELL 3 LOCATED 2450'N & 480'E FROM SW COR. SEC.27 BEING WITHIN NW¹/₄SW¹/₄
 WELL 4 LOCATED 230'N & 1210'E FROM W¹/₄ COR. SEC.27 BEING WITHIN SW¹/₄NW¹/₄

WELL 5 LOCATED 960'N & 1850'E FROM W¹/₄ COR SEC.27 BEING WITHIN SE¹/₄NW¹/₄
 WELL 6,7 LOCATED 1130'N & 60'E FROM W¹/₄ COR. SEC.28 BEING WITHIN SW¹/₄NW¹/₄
 WELL 8 LOCATED 1160'N & 370'E FROM W¹/₄ COR. SEC.28 BEING WITHIN SW¹/₄NW¹/₄
 WELL 9 LOCATED 1884'S & 1315'E FROM NW COR. SEC.36 BEING WITHIN SW¹/₄NW¹/₄

- | | | | |
|--|---------------------------------|--|-------------------|
| | T-4152 | | PERMIT NO. G-2694 |
| | PERMIT NO. U-649 | | T-4928 |
| | PERMIT NO. G-3822 SUPPLEMENTAL | | PERMIT NO. G-2335 |
| | G-3822 PRIMARY | | T-4926 |
| | PERMIT NO. G-2672 | | PERMIT NO. G-1671 |
| | PERMIT NO. G-10505 SUPPLEMENTAL | | T-4927 |
| | PERMIT NO. G-10505 PRIMARY | | |

- ① CIRCLE NUMBER
 31.4 IRRIGATED ACREAGE

RECEIVED

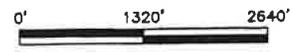
MAY 10 1995
 WATER RESOURCES DEPT.
 SALEM, OREGON



RECEIVED

DEC 22 2022

UMATILLA COUNTY
 PLANNING DEPARTMENT

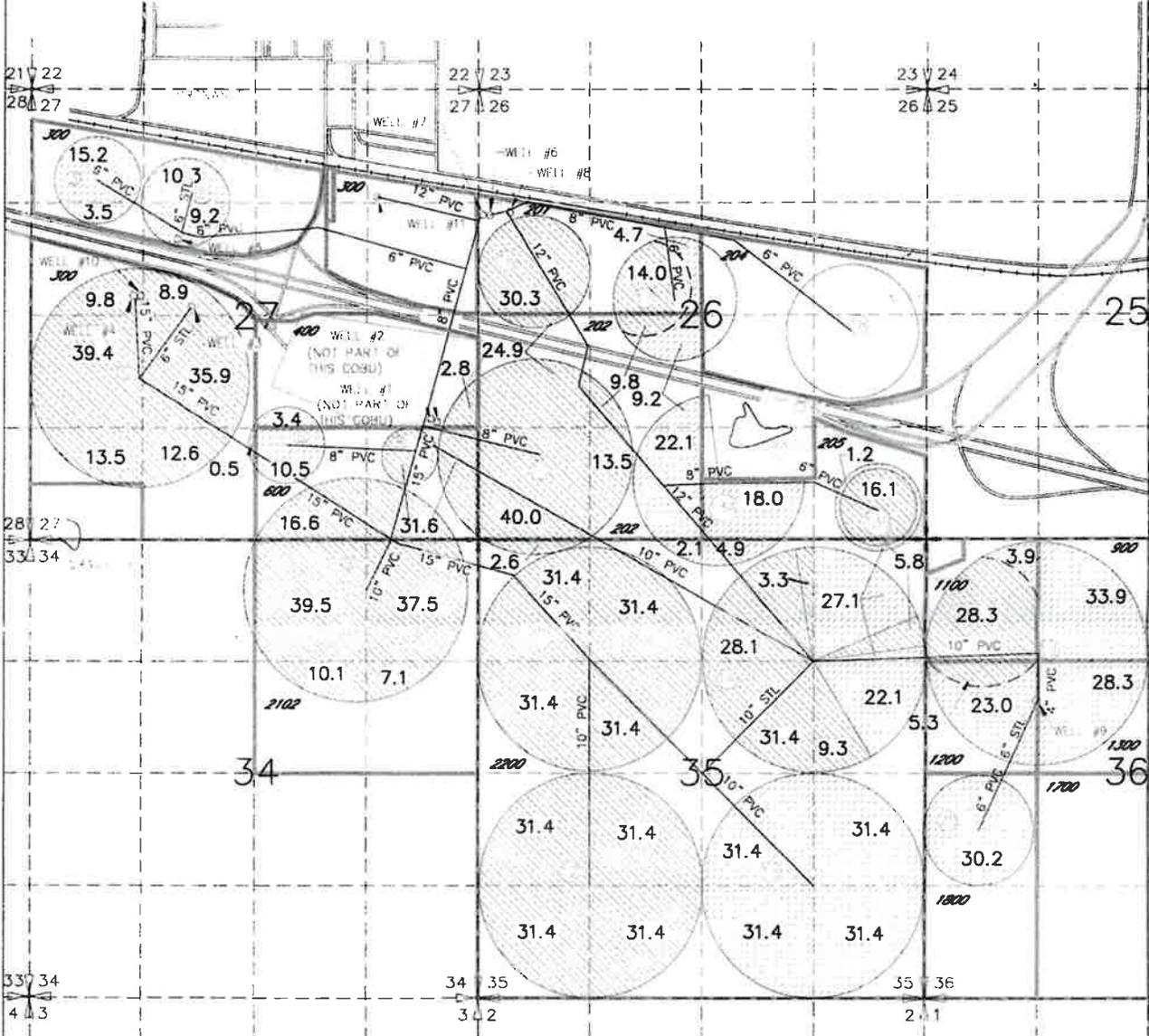


NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION REGARDING PROPERTY OWNERSHIP BOUNDARY LINES.

0414

CLAIM OF BENEFICIAL USE MAP
FOR TRANSFER T-9996
IN THE NAME OF CRAIG COLEMAN
SECTIONS 26, 27, 34, 35 & 36
T4N, R27E, WM
UMATILLA COUNTY

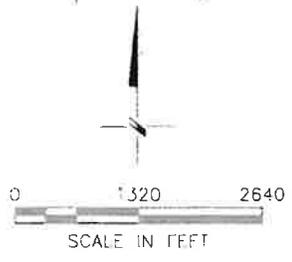
0414



LOCATION OF POINTS OF APPROPRIATION AND FLOW METERS
WELL 3 LOCATED 2740'N & 1890'E FROM SW COR. SEC.27 BEING WITHIN SE1/4 NW1/4
WELL 4 LOCATED 230'N & 1210'E FROM W1/4 COR. SEC.27 BEING WITHIN SW1/4 NW1/4
WELL 5 LOCATED 960'N & 1850'E FROM W1/4 COR. SEC.27 BEING WITHIN SE1/4 NW1/4
WELL 6,7 LOCATED 1150'N & 60'E FROM W1/4 COR. SEC.26 BEING WITHIN SW1/4 NW1/4
WELL 8 LOCATED 1160'N & 370'E FROM W1/4 COR. SEC.26 BEING WITHIN SW1/4 NW1/4
WELL 9 LOCATED 1884'S & 1315'E FROM NW COR. SEC.36 BEING WITHIN SW1/4 NW1/4
WELL 10 LOCATED 2880'N & 1310'E FROM SW COR. SEC.27 BEING WITHIN SW1/4 NW1/4
WELL 11 LOCATED 1300'S & 1215'W FROM NE COR. SEC.27 BEING WITHIN NE1/4 NE1/4

- HATCHING LEGEND
- PERMIT NO. G-10505 PRIMARY
 - PERMIT NO. G-10505 SUPPLEMENTAL
 - 2100 TAX LOT

NOTE: THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



RECEIVED
DEC 22 2022
UMATILLA COUNTY
PLANNING DEPARTMENT

Subject **Fwd: Irrigation Water Rights Available to Transfer to Other Uses**
From Craig Coleman <craig@ordnancebrewing.com>
To <mclane@eoni.com>
Date 2022-12-19 10:52 am



RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

Craig Coleman
Ordnance Brewing
Girth Dog LLC
541-314-8568

Begin forwarded message:

From: mclane@eoni.com
Date: December 19, 2022 at 10:39:05 AM PST
To: Craig Coleman <craig@ordnancebrewing.com>
Cc: Sarah Stauffer Curtiss <sarah.curtiss@stoel.com>, Bob Coleman <bob@ordnancebrewing.com>, Jeff Hines <jffhines3@gmail.com>, Janna Coleman <janna.l.coleman@gmail.com>
Subject: Re: Fwd: Irrigation Water Rights Available to Transfer to Other Uses

We can make this work. Forward again without any message from you. I want to capture just his email.
Carla

On 2022-12-19 10:18 am, Craig Coleman wrote:

Carla, this is what Bill sent last week. Will it work or should I reach back out to him? Thanks,

Craig Coleman
Ordnance Brewing
Girth Dog LLC
541-314-8568

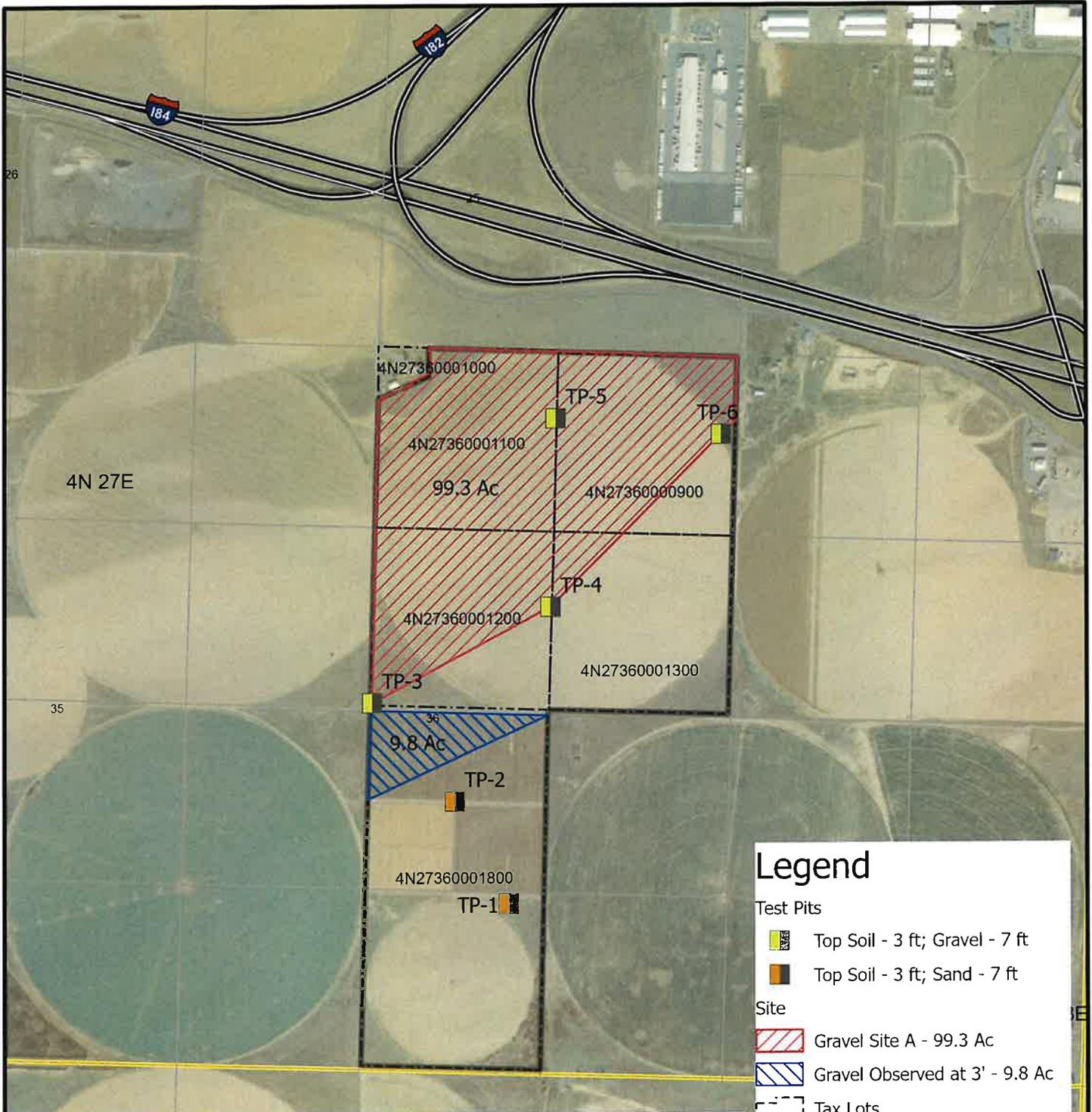
Begin forwarded message:

From: wporfily@gmail.com
Date: December 16, 2022 at 1:41:58 PM PST
To: Craig@ordnancebrewing.com
Subject: Irrigation Water Rights Available to Transfer to Other Uses

Morning Craig

I am response to your question what water rights you have on your ownership available for use for Industrial gravel mining operation.

I have used my experience of 10 years as an Oregon State Watermaster, 13 years manager of three irrigation District and 33 years as a Water Rights Consultant to research your question and find there are three water rights associated with your ownership. A 40-acre(250 gpm) portion of any one of these three water right could be transferred from Irrigation to provide enough water for Industrial to use. I have attached copies of these three water right Certificates and their associate map. As an consultant, I have assisted 5 other clients with similar transfer.



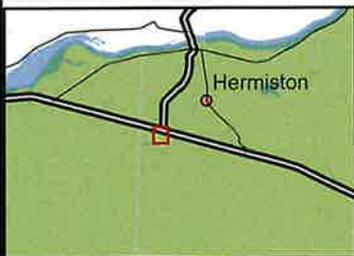
Legend

- Test Pits**
- Top Soil - 3 ft; Gravel - 7 ft
 - Top Soil - 3 ft; Sand - 7 ft
- Site**
- Gravel Site A - 99.3 Ac
 - Gravel Observed at 3' - 9.8 Ac
 - Tax Lots

Estimated Gravel at Site A: 1,233,100 Tons (using 1.1 Ton/cu-yds)

Estimated Total Tons of Gravel (tons) = (Depth of Gravel (ft)) * (Gravel Site Area (acres)) * (43560 (ft²) / 1 (acre)) * (1 (yd³) / 27 (ft³)) * (Assumed Gravel Density (1.1 (tons) / (yd³)))

Date Saved: 12/21/2022 11:13 AM



Projection: UTM Zone 11
 Datum: NAD 1983
 Date 12/21/2022
 Data Sources: Aerial Photography - NAIP Imagery 2014

This map was prepared for the purpose of identifying the location of specified subject matter and it is not intended to provide legal dimension or locations of property ownership lines.

RECEIVED

DEC 22 2022

**TIMATILLA COUNTY
 CLERK'S DEPARTMENT**



Craig Coleman

Map of Gravel Zone
 November 2022



Section 02630 - Base Aggregate**Description**

02630.00 Scope - This Section includes the requirements for Aggregates in Base.

RECEIVED

DEC 22 2022

MaterialsUMATILLA COUNTY
PLANNING DEPARTMENT

02630.10 Dense-Graded Aggregate:

(a) **Grading** - Dense-graded base Aggregate shall be crushed Rock, including sand. Uniformly grade the Aggregates from coarse to fine. Sieve analysis shall be determined according to AASHTO T 27. The Aggregates shall conform to one of the grading requirements of Table 02630-1 as identified in the Special Provisions or indicated by the Pay Items in the Contract Schedule of Items.

Table 02630-1
Grading Requirements for Dense-Graded Aggregate
Separated Sizes

Sieve Size	2 1/2" - 0	2" - 0	1 1/2" - 0	1" - 0	3/4" - 0
	Percent Passing (by Weight)				
3"	100				
2 1/2"	95 - 100	100			
2"	—	95 - 100	100		
1 1/2"	—	—	95 - 100	100	
1 1/4"	55 - 75	—	—	—	
1"	—	55 - 75	—	90 - 100	100
3/4"	—	—	55 - 75	—	90 - 100
1/2"	—	—	—	55 - 75	—
3/8"	—	—	—	—	55 - 75
1/4"	30 - 45	30 - 45	35 - 50	40 - 55	40 - 60
No. 4 ¹	—	—	—	—	—
No. 10	2	2	2	2	2

¹ Report percent passing sieve when no grading requirements are listed

² Of the fraction passing the 1/4 inch sieve, 40 percent to 60 percent shall pass the No. 10 sieve

(b) **Fracture Of Rounded Rock** - Fracture of rounded Rock shall be determined according to AASHTO T 335. Provide at least one fractured face based on the following percentage of particles retained on the 1/4 inch sieve for the designated size:

Minimum Percent of Fractured Particles
(by Weight of Material)

Designated Size	Retained on 1/4 inch Sieve
1 1/2" - 0 and larger	50
Smaller than 1 1/2" - 0	70

(c) **Durability** - Dense-graded Aggregate shall meet the following durability requirements:

Test	Test Method	Requirements
Abrasion	AASHTO T 96	35.0% maximum
Degradation (coarse Aggregate) Passing No. 20 sieve	ODOT TM 208	30.0% maximum
Sediment Height	ODOT TM 208	3.0" maximum

(d) **Sand Equivalent** - Dense-graded Aggregate shall be tested according to AASHTO T 176, and shall have a sand equivalent of not less than 30.

02630.11 Open-Graded Aggregate:

(a) **Grading** - Open-graded Aggregate shall conform to the following grading requirements:

**Table 02630-2
Aggregate Gradation for Open-Graded Aggregate**

Sieve Size	Percent Passing (by Weight)
1"	100
3/4"	80 - 98
1/2"	60 - 85
3/8"	30 - 65
No. 10	5 - 20
No. 40	0 - 6
No. 100	0 - 3 (Dry Sieve)

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

(b) **Fracture of Rounded Rock** - Fracture of rounded Rock shall be determined according to AASHTO T 335. Open-graded Aggregate fracture requirements shall conform to the following:

Percentage of Fracture (by Weight)

Material Retained on 3/4", 1/2", and 1/4" Sieves (two fractured faces)	90
Material Retained on No. 10 Sieve (one fractured face)	75

(c) **Durability** - Open-graded Aggregate shall meet the durability requirements of 02630.10(c).

INTENTIONALLY LEFT BLANK



Rock Solid Sand & Gravel LLC,
28598 Stafford Hansel Rd
Hermiston, OR 97838

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

December 22, 2022

Umatilla County Planning Commission
c/o Robert Waldher and Megan Davchevski
Umatilla County Dept of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

Re: **TEXT AMENDMENT #T-092-22. PLAN AMENDMENT #P-135-22 and ZONE
MAP AMENDMENT #Z-322-22: GIRTH DOG LLC. APPLICANT / OWNER**

Dear Members of the Planning Commission:

My name is Wade Aylett. I am the owner of Rock It, LLC and Rock Solid Sand & Gravel, LLC. As you know from my testimony, I am opposed to the idea of locating a new aggregate site right next to my three existing mining operations.

1. The County Should Deny the Application Because There is a 1000+ Acre Site Next Door that is Already on the Inventory.

Rather than add a new mine to the Goal 5 inventory of "Significant Sites," the Planning Commission should deny this application and let the applicant work with us to mine the 1000(+) acre site next door which is already on the Goal 5 inventory.

As we discussed at the hearing, my father Jedediah Aylett (7-A's, Inc.) applied to get the 1000(+) acre site located directly west of the subject property permitted in 1997. The County agreed that the site was "significant" as that term is used in the Goal 5 law, and added it to the Goal 5 inventory. But at the same time, it turned around and denied my father the right to mine that property. The County gave three reasons for the denial:

First, the County concluded that there was a conflict with residential uses in the area, and that DEQ noise standards would be violated. Second, the County found that the dust impacts could not be mitigated and would cause conflicts with nearby residents as well as the state highway. Third, the County found that the owner of the surface rights, Hansell Brothers, Inc. ("HBI"), vigorously oppose the application. The County found that HBI's farm, which would necessarily be destroyed by the mining, was a "conflicting use." The County found that it was

more important to keep irrigated farmland in farm production rather than to mine that property. My father's attorneys told the County that this was not a valid basis for denying, but they did not listen. Unfortunately, my father had already spent over \$500,000.00 on the project and he decided not to appeal. Recently, my lawyers told me that LUBA decided a case two years later that vindicated the position my father's lawyers had taken at the hearing. LUBA said that the County cannot consider the farm above the proposed mine as a "conflicting use."

Ironically, the applicant in this case has submitted no expert evidence regarding dust and noise, so it seems really unfair that an applicant can now get an approval but my father could get denied for those reasons.

I have reached out to Craig Coleman at least three times to try to work together on the 1000-acre land that he owns the surface rights to. I think Craig Coleman is a hard worker and a good man, and I think we could work well together. I would like to start barging rock to the Portland Metro region, and that would be a big operation that we could work on together.

2. Jeff Hines Should Not Be Relied on to Provide Expert Testimony.

One of the things that deeply disturbs me about this case is that Craig Coleman has apparently decided to join forces with Jeff Hines. I sat at the hearing and listened to Mr. Hines' testimony and had to roll my eyes. I believe that Mr. Hines is not a man to be trusted because he is not credible. I also question his knowledge, proficiency, and competence as a mine operator. I would like to convey some of my experiences with Mr. Hines to you, so you can make up your mind about him and his testimony.

Back when I did not know Jeff Hines as well as I do now, I partnered with him as a joint venture to take on a project for the Port of Morrow. Jeff has been telling me that he was down on his luck, and he had experienced some deaths in family. I felt sorry for him, so I gave him a good recommendation to the Port of Morrow. The job involved providing rock for railroad tracks. The job called for both railroad basalt rock and ¾- top rock. We don't sell basalt, but Mr. Hines did have a source for that type of rock product, so I thought we could team up and complete the job together. But Mr. Hines cut me out of the deal once we got the job, by providing the ¾- top rock from another source.

Well, even though that experience bothered me, it wasn't that big of a deal so I brushed it off. I had another opportunity to work with Mr. Hines when I introduced him to Krome Trucking, who has a truck shop and wash next to the Space Age Truck Stop. I was supposed to supply the rock for the project and Mr. Hines was supposed to perform the dirt-work and the truck hauling. Mr. Hines worked behind my back and ended up cutting me out of the deal. I found out after the job was done that he had provided the rock himself.

I had another case when I had been hired to provide rock for a client. I hired Jeff Hines to do the trucking for the job. Halfway through the job I got a phone call from the client, asking me why they had received an invoice directly from Jeff Hines for the rock. They said that Mr. Hines had told them that I was out of rock, product even though I had 10,000 tons of rock in a big pile that I set aside for precisely that job. After that incident, I finally learned my lesson, and I will not do any work with Jeff Hines again.

Ltr: Planning Commission

December 22, 2022

Page 3

Beyond my personal experience, Jeff Hines has continued to cause problems in the industry. Delhur is a large company that, among other things, provides heavy civil construction services for a wide variety of customers. Not too long ago, Delhur was working on the Finley Butte disposal cell project. Jeff Hines somehow finagled his way into that project by giving owner of the project a low-ball bid on roughly 25,000 tons total of round rock for all phases. The owner forced Delhur to hire Jeff Hines as a sub-contractor. It turned out that Mr. Hines could not deliver on the project, because he has junk equipment which constantly breaks down. Delhur got frustrated and called us to provide 5,000-6,000 tons of round rock on short notice. Delhur needed to finish that phase of the job in a hurry. Delhur and the owner agreed to our prices, which were much more in line with industry standards, and we completed the job on short notice. This is an example of how unreliable Jeff Hines can be, and we had to bail him out.

Recently, we heard through the grapevine that Jeff Hines was seeking jobs and was quoting \$8.00 per ton delivered for crushed rock. We honestly can't verify that this is true, but if it is true, that quote is well below industry standards. Typical pricing in the current market is closer to \$12.00 to \$13.00 a ton, and if delivery is included, it is \$17-18 a ton. This is a problem because if Mr. Hines low-balls contracts and can't deliver, then that creates an emergency for us and we end up working too much overtime to help out the contractors.

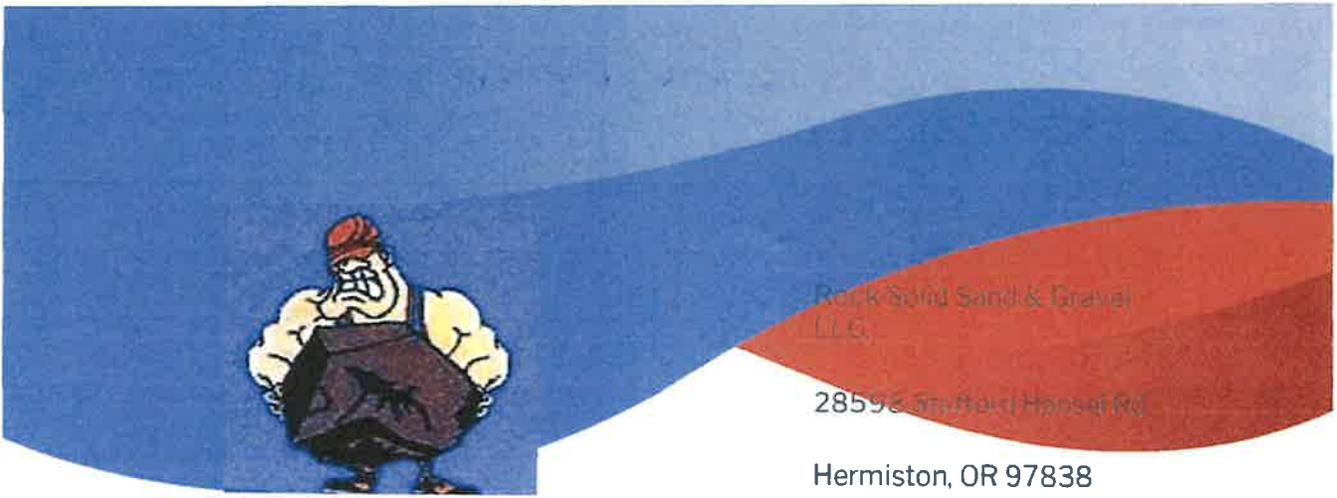
I could say more but I think you can get the idea. He talks a good game, but he can't deliver the goods and has no credibility. The experiences that I and others have had demonstrate his inability to perform and he that he lacks credibility.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wade Aylett', written in a cursive style.

Wade Aylett
Member Rock Solid Sand & Gravel LLC.

INTENTIONALLY LEFT BLANK



December 22, 2022

Umatilla County Planning Commission
c/o Robert Waldher and Megan Davchevski
Umatilla County Dept of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

RECEIVED

DEC 22 2022

**UMATILLA COUNTY
PLANNING DEPARTMENT**

**Re: TEXT AMENDMENT #T-092-22. PLAN AMENDMENT #P-135-22 and
ZONE MAP AMENDMENT #Z-322-22: GIRTH DOG LLC. APPLICANT /
OWNER**

Dear Members of the Planning Commission:

I am writing in regards to the application for a proposed mining operation submitted by Girth Dog, LLC. I manage a gravel mining operation directly adjacent to the proposed mining site. My knowledge, skill, experience, training, and education acquired over a lifetime of work in gravel mining allow me to offer viable insight into the viability of the plans proposed by Girth Dog.

I have been involved in gravel mining and rock crushing my entire life, starting with my family's small mining operation where I received my Mine Safety and Health Administration (MSHA) safety certification at the age of 10. I have been working officially for the family mining company, now "Rock Solid Sand & Gravel LLC," since my junior year of high school in 2010. Since June of 2017, I have been a part of company management. Along with my extensive, lifelong experience in gravel mining, rock washing, and dust mitigation, I trained under Troy Hewett, supervisor at American Rock Products, on large rock washing water systems to increase our own capacity. I manage our operations, train our employees, set up water systems, and handle sampling, air quality tests, and noise monitoring. I believe that my combined expertise in not only gravel mining generally but also in the immediate area set forth in Girth Dog's proposal allow me to provide accurate opinion evidence as to the feasibility of the operation they have proposed.

Sampling

When our company conducts sampling prior to opening a new mining site, we always hire an outside, third-party licensed geologist. We hired a third-party to conduct sampling for our mining permit application. We always hire an outside party for any sampling we provide for current or potential clients. We do this for one primary reason: an independent licensed geologist will always be more accurate and trustworthy. This practice ensures that any sampling is representative of the full potential mining area and paints an accurate picture of the quality and density of the rock material.

A third-party geologist can also verify where and when samples were taken and show how they were handled throughout the sampling and testing process. This attention to detail and chain of custody for samples allows us to keep accurate records of our samples in the event that a client or other group were to challenge our product's quality. Ultimately our goal is to provide a quality product, and enlisting a third-party to conduct sampling is an industry standard method to add a layer of trust to the process.

Girth Dog's in-house sampling for their application opens them up to questions regarding whether their samples are accurate or representative of the proposed mining area. They will not be able to prove where a given sample was actually taken from, or whether a given sample is representative of the quality, quantity, and hardness of the rock at the proposed mining location; we can only go by their word. Mining is an all-or-nothing business, and it is my opinion that the lack of third-party sampling in this instance is indicative of the likelihood that Girth Dog will continue to cut corners here and elsewhere.

Water Usage – Dust Mitigation

Girth Dog's proposal suggests that they will truck water in to support rock washing and dust mitigation while they transfer their irrigation water right to mining/industrial use (itself a process that will take years and not provide a year-round water source once perfected). It is my expert opinion that their plan is not feasible on a number of levels; even if it were, there is not nearly enough information in their application for approval.

At our operation, with water on-site, dust mitigation alone is a full-time job for one of our employees. Dust is a serious problem that we contend with; in Eastern Oregon, we consistently see winds at 10-20 mph. If not addressed, that wind kicks up dust that creates both pollution and hazards to any road or highway activities. This affects not only our mining activities, but the surrounding community as well – what we do affects everyone else around us, and it is imperative that we keep dust controlled as much as possible.

We use a 10,000-gallon water truck that takes 20 to 25 minutes to fill. Once filled, that water is applied to the road to combat dust pollution. Once applied, it is immediately filled again; the next truckload is used to combat dust pollution in the yard, mining site, and haul roads. Once applied there, it is filled again and returns to water the road. This cycle repeats constantly throughout the day. Additionally, mining rock creates byproducts that must be hauled away.

These are generally taken along haul roads and either put into berms or stockpiles, which must be watered until growth appears to control dust and sand. This process further stresses water resources.

This dust mitigation is in constant operation during standard weather and wind conditions; it is common to see much more severe wind in Eastern Oregon, especially during springtime. 30 mph winds occur often and require much more dust mitigation activity. During severe windstorms, we use a 10,000-gallon truck, another 5,000 gallon truck, and sometimes rent an additional 4,000 gallon truck. These trucks operate around the clock, 24 hours a day, in order to keep dust pollution levels manageable.

Failure to properly mitigate dust can lead to a number of dangerous scenarios for both the mining site and the community at large. One particular area of concern is the potential for dust to create hazardous conditions along Interstate 84. If Girth Dog fails to properly contain the dust on its site, prevailing winds will carry the dust over my site and across the highway, which could lead to accidents and injuries. Because my site lies in between Girth Dog's proposed site and the highway, this would likely put me in the position of having to defend my operation against any legal claims brought by injured motorists – they will assume that the dust came from my operation, as it is the closest site to the highway and they will not be able to immediately tell where the dust came from.

Water Usage – Rock Washing

Another aspect of their operation that will require water beyond their capacity is rock washing. A rock washing operation takes a large up-front investment in time and money and requires significant amounts of water to get up and running. Once in operation, rock washing requires 200 to 250 gallons of water per minute; at the lowest rate, that will empty a standard 5,000 gallon water truck in 25 minutes. Though water used in rock washing circulates through holding ponds that allow sediment to settle and the water to be re-used, enough water is lost through evaporation and into the ground that these operations require consistent replenishment.

I fail to see how Girth Dog's proposal will allow them to successfully manage dust pollution from their operation. A standard 4-axle water truck holds 5,000 gallons, half of what we use on an hourly basis. It is not feasible for them to truck in enough water to successfully mitigate dust from their operation; they will either allow dangerous levels of dust to migrate over the surrounding community, including our operations as well as nearby highways, or they will have to bring a steady stream of trucks along the road far in excess of what they have proposed. Their proposal does not provide for haul roads and stockpiles that will have to be watered for dust mitigation, so their estimates are even further off. Rock washing will take an additionally large amount of water. Their proposal is incomplete as it does not address how many trucks they will employ, where the water will come from, how long the trip will take back and forth between the water supply and mining location, and how they plan to make it all work. It is my opinion that what Girth Dog has proposed is not feasible, and they have not included enough detail in their application to show how the might make it workable.

At my mining operation, we have set everything up in a certain way to make everything work together – our sampling is conducted in a way that allows for clients and regulators to trust that our material is of the highest quality, and our onsite water allows us to conduct our operations in manner that does not affect the surrounding community and gives us control and flexibility to handle the numerous challenges associated with this type of mining project. This is a basic requirement for running such a mining operation; you have to be fully committed to make it work. As I have stated above, it is my opinion that the proposal submitted by Girth Dog is not feasible; even if they have a plan to make the operation workable, they have not included enough detail in their application to show that they can do so. Their failure to successfully manage this mining operation would have negative impacts on the surrounding community, including my own operation, and cannot be allowed to move forward as proposed.

Please let me know if I can provide additional clarification to the above comments. I appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Wade R. Aylett Jr.", written in a cursive style.

Wade Aylett Jr.

Manager, Rock Solid Sand & Gravel

LLC

ANDREW H. STAMP, P.C.
ATTORNEY AT LAW
Kruse-Mercantile Professional Offices, Suite 16
4248 Galewood St.
Lake Oswego, OR 97035

Tele: 503.675.4318
Fax: 503.675.4319
andrew@stampplaw.com

Admitted in Oregon.

22 December 2022

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County Planning Commission
c/o Robert Waldher and Megan Davchevski
Umatilla County Dept of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

**Re: TEXT AMENDMENT #T-092-22. PLAN AMENDMENT #P-135-22 and ZONE MAP
AMENDMENT #Z-322-22: GIRTH DOG LLC. APPLICANT / OWNER**

Dear Members of the Planning Commission and Staff:

This office represents Wade Aylett Sr., "Rock Solid Sand & Gravel LLC," and Rock It, LLC. Please include this letter in the record of the above consolidated matter.

The applicant summarized his application best when he said that he did not know what he is dealing with. Mr. Coleman stated at the December 15, 2022 hearing that he "can't answer definitively what we will do" with regard to the rock crushing operation. Basically, he admitted that he did not have a plan. We knew going into that hearing that the application was half-baked, but the applicant proved it beyond a shadow of a doubt.

As we previously discussed, the Planning Commission can't adequately evaluate the impacts of the proposal unless and until there is a plan in place. The applicant was essentially making up the plan on the fly as he discussed the proposed operations at the hearing. Denial is required in that situation.

I. Analysis.

A. There is no Vested Right to a Zone Change or Permit Based on Past Decisions.

Both the applicant's consultant and the applicant's attorney made it a point of emphasis to state that their application "just as good" as applications that had been approved by the County in the past. However, it is well understood that a local government's quasi-judicial land use decision does not set precedent for future applications. Stated another way, there is no vested right to a zone change or permit based on past local precedent. In *Reeder v. Clackamas County*, 20 Or LUBA, 238, 242-3 (1990), LUBA stated:

We have explained on several occasions that when this Board reviews land use decisions for compliance with relevant approval standards, it does not matter whether the challenged decision is consistent with prior decisions, if those prior decisions applied incorrect interpretations of the applicable approval standards. As we explained in *Okeson v. Union County*, 10 Or LUBA 1, 5 (1983) in rejecting petitioner's arguments that the county's decision in that case should be remanded for failure to follow prior decisions:

“The issue here is whether [the challenged decision] meets all the applicable criteria based upon the facts in the record. There is no requirement local government actions must be consistent with past decisions, but only that a decision must be correct when made. Indeed, to require consistency for that sake alone would run the risk of perpetuating error.”

See also BenjFran Development v. Metro Service Dist., 17 Or LUBA 30, 46-47 (1988); *S & J Builders v. City of Tigard*, 14 Or LUBA 708, 711-712 (1986).

It may well be the case that the County's past decisions were approved on relatively incomplete records which would not have survived LUBA review. However, that is not legally relevant. The County needs to follow the law, even if that means setting a new higher standard for this and future cases.

B. The Rock Samples Submitted by the Applicant Lack Any Sort of Chain of Custody.

Speaking of past decisions, we will note that Mr. Aylett actually hired a licensed Geologist to dig his rock samples and maintain a chain of custody of those samples as they traveled to the testing lab. Here, the applicant admits he dug his own samples and states that delivered them to a lab. No proof of that is offered, other than self-serving verbal testimony.

The industry standard for proving the quality of rock samples involves the use of chain of custody forms. See Letter from Mr. Lynn Green, P.G./R.G./L.G./C.E.G./ L.E.G. CWRE/ CESCL, Evern Northwest, Inc. dated 22 Dec. 2022. Chain-of-custody procedures have been established throughout the sand & gravel industry. Accurate reporting starts at the beginning with the collection of the sample and a properly completed Chain of Custody (COC) form. The COC is a hard copy trail of the history of the sample collection including customer information, testing to be performed, and the date and time of sampling. It is important to always follow chain-of-custody procedures whenever environmental samples and data are collected, transferred, stored, analyzed, or destroyed. A secure chain of custody, combined with the use of proper analytical methods and techniques, is necessary for a legally-defensible reporting of the sample. In addition, it is also good scientific practice to guarantee the identity and integrity of the sample and data from collection through reporting of the test results.

The issue presented here is one of substantial evidence. Does a reasonable decisionmaker rely on the applicant to deliver his own rock samples, knowing that is not the industry standard, or does a

reasonable decisionmaker insist on the applicant using a legally-defensible chain of custody? It is our recommendation that the Planning Commission insist that the applicant do things in a correct & legally-defensible manner, and deny any application that tries to cut corners.

C. The Applicant's Evidence Related to Dust Suppression is Inadequate.

At the continued hearing held on December 15, 2022, we heard for the first time that the applicant was planning to truck in water to run its wash plant and for dust suppression purposes. This appears to be a considerable change in plan from the original application.

The applicant has not demonstrated that it can wash rock on site, or effectively accomplish dust suppression as required by OAR 660-023-0180(5)(b). It states in its application that it will use water to suppress dust, but that is just a conclusory statement. We need to know the "who, what, where, and when."

Frankly, we don't even know how the mining operation is feasible, since Girth Dog has to send its trucks to Boardman to pull water from one of the urban water hydrants owned by the Port of Morrow. As the Planning Commission undoubtedly is fully aware, the Port of Morrow has had a lot of problems with its nitrogen-rich wastewater. Our understanding is that the Port is no longer applying that wastewater to farmer's fields, and Girth Dog cannot use that type of wastewater on its mine site. On the other hand, the Port's urban potable water supply apparently meets drinking water standards, but that water is a long way away from the subject property. The applicant needs to provide more details about its plan to truck in water from the Port of Morrow before the County approves its mining operation.

As a related matter, the applicant states that it does not need to apply for the transfer of water rights until after it has its mining authorization. Zoning codes sometimes require compliance with standards that ultimately can only be determined by a state agency (*i.e.* water rights, wetlands and highway access). In these situations, it is permissible for the local government to condition the land division approval upon the applicant successfully obtaining a state permit. The lead case is *Bouman v. Jackson County*, 23 Or LUBA 628, 645 (1992).

In *Bouman*, the county's land use code contained a standard that required the applicant to demonstrate that adequate water service is available. LUBA held that the county would demonstrate compliance with the criterion by first adopting a finding that, based on evidence in the record that it is feasible to obtain water for the site, and (2) conditioning the final permit on the applicant successfully obtaining a water right permit from the Water Resources Department (WRD). *See also, Thomas v. Wasco County*, 30 Or LUBA 302, 311 (1996); *Burghardt v. City of Molalla*, 29 Or LUBA 223, 236 (1995); *Miller v. City of Joseph*, 31 Or LUBA 472 (1996); *McArthur v. Lane County*, 31 Or LUBA 309 (1997).

Nonetheless, a local government cannot defer to a state agency the responsibility to ensure compliance with its own approval criteria. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997) (When criteria required that the applicant show that it had an adequate water supply, the County was required to affirmatively find that water was available to serve the proposed subdivision by adopting a "feasibility" finding); *Vizina v. Douglas County*, 16 Or LUBA 936 (1988) (when local code requires that a permit for aggregate extraction meet all applicable DSL and DOGAMI regulations, it is

improper for county to merely impose a condition requiring compliance with DSL and DOGAMI regulations.

The applicant has simply not met its burden in this regard because it has not shown it is feasible to provide water to the site in the quantities needed for rock washing and for dust suppression.

D. In Light of the New Information Regarding Water Trucks, the Kittelson Transportation Assessment Needs to Be Redone.

The applicant's change in plan (regarding the use of trucked-in water) demands that the remainder of the application be revisited. For example, The applicant's Transportation Assessment provided by Kittelson & Associates did not factor in the trips needed to accommodate water trucks. the Transportation Assessment estimated the anticipated traffic as follows:

- ❖ Rock Crusher: 40 truckloads of aggregate per day.
- ❖ Concrete Batch Plant: 15 truck loads of concrete mixture per day.
- ❖ Asphalt Batch Plant: 15 truck loads of asphalt per day.
- ❖ 15 staff / employees.

Kittelson estimated that the Average Daily Trips (ADT) daily trip count will be 170. (40+15+15=85, 85x2=170). Keep in mind that when a truck enters and leaves a site, that counts as two trips (one trip for the arrival, and another trip for the exit). No trips are factored in for water trucks. For this reason, the TA does not constitute substantial evidence that a reasonable decisionmaker would rely on to support an approval. Based on the applicant's new half-baked proposal to truck in water from Boardman, the TIA needs to be revised.

Wade Aylett Jr. testified that he runs three water trucks during the peak summer season. See Letter from Wade Aylett Jr., dated Dec. 22 2022. Based on his experience running three water trucks non-stop all day long, we believe that the Girth Dog pit will need more than 200,000 gallons a day to keep the dust adequately suppressed on the site and the ½ haul road. None of this is factored into the application from a trip generation standpoint.

Aside from that, the applicant has still not provided any findings that demonstrate compliance with Goal 12. The applicant views Goal 12 as being one-and-the-same with the TPR (OAR 660, Div. 012) but that is not true, as previously discussed.

E. There is no Evidence To Demonstrate a Lack of Impacts to Sensitive Receptors such as Dwellings.

The applicant states that it will abide whatever requirements are contained in the Umatilla Development code related to impacts of a mine operation on a home. Unfortunately for the applicant, a mere promise to do something (or not do something, as the case may be), is not the same as demonstrating compliance with an approval standard. Here we have a "no impact standard at issue, OAR 660-023-0180(5)(b), and the applicant does nothing to demonstrate compliance with that standard other than make empty promises. Also, conditions of approval cannot substitute for findings demonstrating compliance with an approval criterion. *Sigurdson v. Marion County*, 9 Or LUBA 163, 170 (1983); *Vizina v. Douglas County*, 16 Or LUBA 936 (1988); *Gilson v. City of Portland*, 22 Or

LUBA 343 (1992); *Rhyne v. Multnomah County*, 23 Or LUBA 442 (1992). For this reason, a condition of approval alone does not solve the problem.

For example, in the case of noise, a simple condition of approval does not substitute for a finding of compliance with a noise standard. The only way to meet a noise standard is to perform a noise study, which requires expert testimony. The applicant has still not met its burden of proof to show compliance with impact criteria such as noise and dust as it relates to the two homes in the impact area.

F. There is No Evidence To Demonstrate a Lack of Impacts to Goal 5 Resources.

The applicant testified at the hearing that their proposed mine will have no impacts on other mines. This is simply not true. First, the dust impacts could be quite significant, especially given that the prevailing winds run from the southwest to the northeast. Also, the Transportation Assessment proposed by Kittelson & Associates did not factor in the trips from the 1000+ acre significant site, nor did it consider the heavy truck traffic from the Rock-It 2 site or the Hermiston Rock Product site. All of these sites will be operating concurrently in the future, and the TA is inadequate to address how all of the truck traffic can co-exist and not cause problems on key intersections. Furthermore, the TA does not factor in the fact that heavy rock-laden trucks are slower than cars when moving from a stop, thereby allowing less traffic to flow through an intersection as compared to typical urban traffic.

G. Mr. Jeff Hines' Testimony Should Not Be Relied on Because His Past Actions Indicate a Lack of Credibility.

I don't know Jeff Hines personally, but Wade Aylett Sr. has dealt with him on numerous occasions. Mr. Aylett does not have a high opinion of Mr. Hines ethics and competence. Mr. Aylett says that Jeff Hines is not a man to be trusted and no business giving expert testimony because he can't complete jobs. See Letter from Wade Aylett Sr., dated Dec. 22 2022.

II. Conclusion.

The theme for this application is "half-baked." In his own words, the applicant states that he is not a rock guy and that "can't answer definitively what [he] will do" on site. The applicant proves that to be the case. He does not have an adequate plan, and until he gets one, we can't assess impacts. Until then, the application must be denied.

Sincerely,

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS/rs

cc: Client

Lynn D. Green
Consulting Engineering Geologist

PO BOX 14488, Portland, Oregon 97293
503-849-5895

December 22, 2022



Umatilla County Planning Commission
Attn: Robert Waldher and Megan Davchevski
Umatilla County Dept of Land Use Planning
216 SE 4th Street, Pendleton, OR 97801

RECEIVED
DEC 22 2022
UMATILLA COUNTY
PLANNING DEPARTMENT

Site Locations

Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36,
Umatilla County, Oregon (see attached Site Vicinity Plan)

Re: TEXT AMENDMENT #T-092-22. PLAN AMENDMENT #P-135-22 and
ZONE MAP AMENDMENT #Z-322-22: GIRTH DOG LLC. APPLICANT /
OWNER

Dear Members of the Umatilla County Planning Commission:

The principals of Rock Solid Sand & Gravel LLC have ask me to discuss the issue of best management practices as it related to rock sample testing.

In my experience, when companies involved in the Aggregate / Sand & Gravel business are required to provide legally-defensible documentation that their product meets certain specified quality standards, they will use "Chain of Custody" ("COC") protocol. This protocol is designed to provide a paper trail, so an operator has a defensible way of documenting when, how and by whom the rock samples the laboratory has tested came from the mining site in question to the laboratory. Such procedures have been established throughout the sand & gravel industry and are particularly important when accurate reporting of the quality of rock is required.

Once a sample is collected, a COC form is filled out by the consulting Geologist. The COC form is typically a hard copy trail of the history of the sample collection including customer information, testing to be performed, and the date and time of sampling. A COC then records the movement of a sample through

the collection process, safeguarding, and laboratory analysis lifecycle by documenting each person who handled the sample, and the date/time it was collected or transferred or destroyed. A secure chain of custody, combined with the use of proper analytical methods and techniques, is necessary for the legally-defensible reporting of the sample data. In addition, it is also good scientific practice to guarantee the identity and integrity of the sample and data from collection through reporting of the test results.

There are times when Aggregate / Sand & Gravel operators will not use strict COC procedures; however, this is usually done when the information they are seeking is only for internal consumption or edification. However, in a case such as this, where there is a need to prove with legal certainty that a standard is met, a prudent operator would engage a consulting Geologist to ensure the chain of custody of the rock product.

Thank you for allowing me to comment in this most important matter.

Sincerely,



Lynn D. Green, Ph. D.
P.G./R.G./L.G./C.E.G./L.E.G./CWRE/CESCL
Consulting Engineering Geologist



Port of Morrow continued to pollute after January fine, now faces \$2.1 million fine, state says

The Oregon Department of Environmental Quality found the port continued to dump excess nitrogen-rich water onto area farms atop a critical aquifer

BY: ALEX BAUMHARDT - JUNE 17, 2022 11:11 AM



RECEIVED
DEC 22 2022
UMATILLA COUNTY
PLANNING DEPARTMENT

The Port of Morrow is surrounded by four industrial parks with data processing centers, an ethanol plant and food processors. It produces tons of nitrogen-rich water that it sends out to area farms to use on crops, but over the years, too much nitrogen has been spread, contributing to groundwater contamination. (Kathy Aney/Oregon Capital Chronicle)

Following a record fine in January for illegally dumping wastewater, the Port of Morrow continued to pump nitrogen-rich water onto northeast Oregon farms, according to a revised penalty from the Oregon Department of Environmental Quality.

On Friday, the department announced it is raising the port's fine, to more than \$2.1 million, for violations that took place during the winter of 2020, and the winter of 2021 into February 2022. The new enforcement action increases the pending penalty by about \$800,000.

DEQ estimates the additional eight months of violations added 96 tons of excess nitrogen to area farmland above an already contaminated aquifer that is the drinking supply for portions of Morrow and Umatilla counties.

The initial \$1.3 million fine DEQ issued the port was for allowing 165 tons of excess nitrogen to be pumped onto northeast Oregon farms from 2017 through 2020.

The port is currently contesting this fine.

The nitrogen-rich water is free for farmers – a vital commodity to help grow their onions, potatoes, corn and more. Once applied to the farmland, nitrogen transforms into nitrate that in turn can make drinking water unsafe.

An investigation earlier this year by the Capital Chronicle found the port's contamination had persisted far longer than three years, and with little enforcement from DEQ until this January.

Water high in nitrates consumed over long periods can lead to stomach, bladder and intestinal cancers, according to the National Cancer Institute, as well as miscarriages and “blue baby syndrome,” inhibiting oxygen from moving through an infant’s bloodstream.

According to the amended enforcement notice sent from DEQ to the port’s executive director, Lisa Mittelsdorf, the port’s violations “are likely to cause additional adverse impacts to nitrate-nitrogen levels in the Lower Umatilla Basin Groundwater Management Area.”

The conduct was cited as Class 1 violations – the most serious possible from DEQ.

In an email, Mittelsdorf wrote, “the Port of Morrow recognizes groundwater contamination is a serious problem, and has been for decades. The Port believes this is a community problem that will require a community solution. By the DEQ’s own analysis, the Port’s industrial wastewater reuse program is responsible for less than 5 percent of the area’s nitrates. We will continue to work with DEQ to collaborate on a solution that will address what happens to industrial wastewater during winter months without shutting down the industries generating that wastewater.”

The basin has become increasingly contaminated by nitrogen during the last 30 years from farm fertilizers, animal manure and wastewater from the port and area food processors. There are about 1,300 private domestic wells drawing water from that basin in Morrow County. Many who rely on those wells for their drinking water are low income and Latino.

In the notice, DEQ reiterates its interest in working with the port to find a solution to the port’s wastewater management issues, but notes that since its first enforcement in January, “The port has not submitted to DEQ for review and approval a plan to achieve compliance with the nitrogen loading limits in the permit.”

The port may divert up to 80% of its penalty to funding instead an environmental project to address the pollution. In the letter to the port, DEQ said it “encourages the port to collaborate with local partners” to find a project that “addresses high nitrate concentrations in drinking water.” Last week, Morrow County declared an emergency over the groundwater nitrate contamination, and has launched an effort to get people’s taps tested and get state and federal funding for essential home filters. Next week, neighboring Umatilla County, where hundreds also rely on the Lower Umatilla Basin for their well water, will begin a tap-water testing campaign.

Laura Gleim, a public affairs specialist at DEQ, wrote in an email that, “While these are very serious violations, Port of Morrow is one of many sources of nitrate pollution in the basin.” She said the port alone can’t solve the nitrate contamination in the area.

“It’s going to take work from everyone who uses water or land in this area, including farmers, ranchers, businesses and homeowners,” she wrote.

This story has been updated to include a statement from the Port of Morrow’s executive director.

SCIENCE & ENVIRONMENT

Groundwater pollution puts drinking water at risk in Eastern Oregon counties



By **Monica Samayoa** (OPB)
Boardman, Ore. May 5, 2022 1:32 p.m.

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

More than 30 years after nitrate contamination was recognized as a problem, it's still making well water unsafe to drink in Morrow and Umatilla counties.

Silvia Hernandez has been living in a small home near the outskirts of Boardman for the past ten years with her husband and 8-year-old child. Since her home is near the city limits, she has no access to public water services — just a private well for water.

When she moved in, her realtor told her the well water was safe to drink straight from the faucet, but she never felt comfortable drinking it that way.

And it's a good thing she didn't.

Recently, the local health department tested Hernandez's well water for nitrates, a naturally occurring chemical that's also a common ingredient in fertilizer. The results came in at nearly five times the federal safe drinking water limit.

When used properly, nitrates are beneficial nutrients that help crops grow. But when excess amounts of nitrates seep down into the groundwater — the primary source of drinking water in Morrow and Umatilla counties — they become pollutants that can cause respiratory infections, thyroid dysfunctions and bladder cancer.



Morrow County Commissioner Jim Doherty is showing Silvia Hernandez her well water test results for nitrates which exceeded the federal safe drinking water limits by nearly five times on April 15, 2022.

Monica Samayoa / OPB

When Hernandez saw her results, she was left speechless. She was not aware that homeowners like herself needed to maintain their private wells to flush out harmful contaminants, so she never had a filter system that would have removed excess nitrate.

For a while, Hernandez used her well water for cooking, but lately she has been buying bottled water for that.

“About 10 gallons a week,” she said in Spanish. “We use the well water for everything else, like showering, laundry and washing dishes.”

Nitrates seeping through the soil and contaminating the groundwater is a national problem that’s often seen downstream from large agricultural operations and industrial food processors. In Morrow and Umatilla counties, where both of those industries play a big role in the economy, widespread groundwater contamination has steadily increased over the last 30 years, according to data collected by the Oregon Department of Environmental Quality.

The agency says irrigated agriculture makes up the majority of excess nitrate to the area’s groundwater. But federal and state governments rely on voluntary measures to reduce nitrate contamination from agriculture.

A committee made up of state and local governments, farmers and Oregon State University has been working for decades to reduce nitrate contamination in the Lower Umatilla Basin groundwater, but the problem persists and continues to put the area’s drinking water at risk.

Critics say it’s only getting worse because federal and state agencies are relying too heavily on voluntary measures while falling behind on enforcement of pollution permits. Earlier this year, DEQ flagged two major wastewater violations that added more than 254 tons of excess nitrate to the area’s groundwater over a six-year period.

With no clear path to solving the problem, nitrates are continuing to affect local communities, especially private well owners like Hernandez.

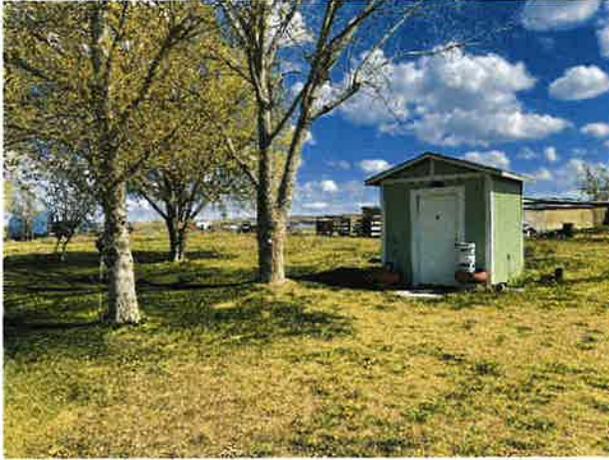
30-year effort falls short

Morrow County Commissioner Jim Doherty has been visiting homes in the outskirts of Boardman to collect drinking water samples from private wells for nitrate testing. He’s checking to see how many homes have water filter systems installed and telling people who don’t know about the high nitrate issue.

Doherty took about 15 samples from one neighborhood and noted only about half of the homes had filter systems for their wells that would protect them from drinking contaminated water. He said the test results were astounding.

“Every single one of them was high enough to cause horrific health concerns, and I have a feeling if I test another hundred, 90% of them are going to be the same,” he said.

About 30 years ago, Doherty was part of a committee that was formed to address the nitrate contamination problem in the Lower Umatilla Basin Groundwater Management Area after groundwater samples from 1989 showed the area exceeded the federal safe drinking water standard. According to the Environmental Protection Agency, nitrate levels exceeding 10 milligrams per liter in drinking water can cause serious health risks if consumed.



Silvia Hernandez's private well on the outskirts of Boardman, Oregon on April 15, 2022
Monica Samayoa / OPB

The Lower Umatilla Basin Groundwater Management Area groundwater committee is made up of members representing state agencies, local governments, water districts and farmers. Their task was to identify what's causing the high levels of nitrate in the groundwater and develop recommendations for reducing them.

Early on, DEQ sampled nearly 200 wells in the area to better understand the extent of the groundwater contamination. Using that data, the committee identified five sources of contamination: irrigated agriculture, food processing wastewater, animal operations like dairies and feedlots, sewage from septic tank systems and the U.S. Army Umatilla Chemical Depot's bomb washout lagoons.

But without regulatory power, the committee could only go so far. Doherty, who is a cattle rancher and was representing both ranchers and farmers at the time, said he found no one was taking responsibility for their contributions of nitrate. At the time, he said, everyone on the committee including himself was trying to protect the agricultural and industrial business interests.

"I was on it for a half a dozen years," Doherty said. "And we didn't do anything other than try and float it past DEQ and try and talk nice to them and keep them from coming out here, so we could continue doing what we're doing."

State regulators face criticism

Doherty, who stepped away from the committee and is now a commissioner in Morrow County, said he doesn't know why state agencies still haven't created tougher regulations, especially as nitrate levels have increased.

Both the Oregon Department of Agriculture and DEQ say they're doing what they can to reduce the nitrate problem.

DEQ issues wastewater permits for industrial facilities like food processing plants to limit the amount of nitrogen-rich wastewater they can apply to farmland, a common practice that can contribute to the contamination problem if it's done in excess.

Doherty said DEQ should not have allowed entities like the Port of Morrow or food processor Lamb Weston to continually violate their wastewater permits at high rates year after year. The agency only became aware of the violations after each entity applied to renew

their permits. The Port of Morrow received a \$1.3 million fine — the second largest in state history — for violating its permit more than a thousand times over the course of four years.



The Port of Morrow's East Beach Facility, where Lamb Weston operates a potato processing facility in Boardman, Oregon on April 15, 2022.
Monica Samayoa / OPB

Doherty said the agency should have acted a lot sooner, and its lack of oversight is frustrating.

“They should have done that 30 years ago, 20 years ago, 10 years ago,” he said.

Newly appointed DEQ Eastern Region Administrator Shannon Davis said it’s a challenge when governments need to regulate an economic engine as big as these entities, which collectively, bring billions of dollars to the region and provide hundreds of jobs to residents. But she said she recognizes both the agency and the Port of Morrow could have done a lot better in preventing excess nitrate from contaminating the groundwater.

“I know that DEQ is holding itself accountable, from the director on down, holding ourselves accountable to what our regulatory authority is, and that’s to issue really good permits and to also take enforcement actions where those are needed,” Davis said.

Because nitrate is a naturally occurring chemical, Davis said, it’s not a regulated substance, which creates bigger challenges in understanding who can make what decisions and what methods can be used to clean it up.

“So we all have our little pieces in it but we don’t understand what everybody else’s pieces are, and we don’t understand what the gaps are, so we have a lot of work ahead of us,” she said.

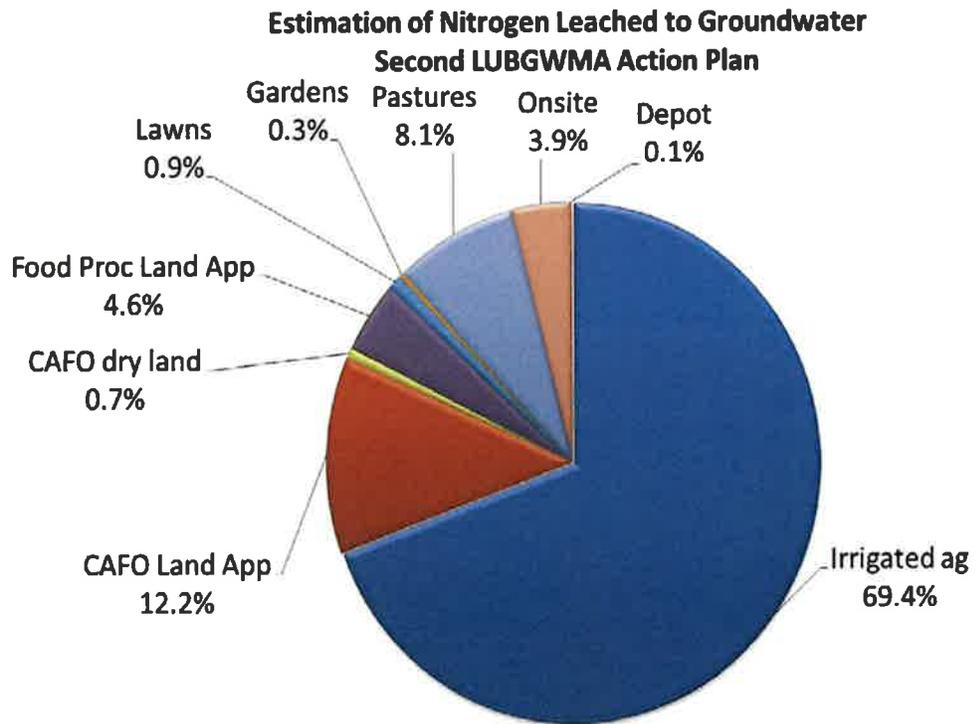
For example, the Oregon Department of Agriculture is the lead agency for regulating dairy farms or CAFOs — Concentrated Animal Feeding Operations — by issuing water pollution permits. The agency also implements [agricultural water quality plans and rules](#) to prevent and [control water pollution](#) from from CAFOs and farmers who irrigate and apply nutrients to farmland outside of DEQ’s wastewater irrigation permits.

ODA’s Agricultural Water Quality Program Manager Marganne Allen said her agency supports voluntary efforts by agricultural industries and then puts up a regulatory backstop if needed.

“Ultimately, it’s about a voluntary effort first,” she said. “And where [we] either [are] not achieving what we want, or if there’s individuals that we are able to identify with compliance issues, then we would look to a compliance approach after that.”

THANKS TO OUR SPONSOR:
[Become a Sponsor](#)

If the agency receives a formal written complaint of an alleged occurrence of agricultural pollution, the agency may conduct an investigation. ODA said they have not received any irrigated agriculture complaints in the Lower Umatilla Basin area.



A pie chart from the Oregon Department of Environmental Quality shows the state's estimates of the sources of nitrogen leaching into the groundwater in the Lower Umatilla Basin Groundwater Management Area.
Oregon Department of Environmental Quality / Oregon Department of Environmental Quality

But [according to data from DEQ](#), the number one contributor of nitrate contamination in the region is irrigated agriculture. It accounts for nearly 70% of the estimated nitrates that leach

into the groundwater. And yet, it's unclear how the current monitoring system from both DEQ or ODA accounts for the influence of individual farms.

A balancing act for farmers

Fourth-generation farmer Jake Madison owns about 17,000 acres in Echo, Oregon. He grows a range of crops on his farm including grass seeds, onions, potatoes and wheat. He's facing many challenges as a farmer — from climate change to skyrocketing fertilizer costs and water shortages.



Fourth generation farmer Jake Madison stands on his farm located in Echo, Oregon on April 15, 2022. In order to reduce nitrates in the groundwater, Madison is using science and technology to better understand what's in his soil and how to best manage it for his crops.

Monica Samayoa / OPB

He said he understands that irrigated agriculture or farmers like himself get a bad reputation because of past generations. Historically, he said, farmers were planting and applying all the fertilizer they could on their farms to get the highest crop yield. He said that could be one of the many reasons why there are such high levels of nitrate found in the area today.

So, Madison turned to science to better understand his land and to make sure he's using every bit of nutrients, including fertilizer and water, as efficiently as possible.

“Those are two precious resources, natural resources that are extremely valuable and we can’t afford to waste from a sustainability standpoint or from a financial standpoint or from a community health standpoint,” he said.

For every crop that he grows, Madison collects soil samples to determine how much nitrate is already in the soil at the starting point for the next crop. Once it’s planted, he continues to collect soil samples every two weeks until the crop is harvested.

“It’s scheduled, and it’s metered, and it’s monitored because we can’t afford to waste it,” he said. “We manage the crap out of it.”

Madison said it’s a lot of work, but it helps him understand what’s already in his soil, and it gives him some assurance that he’s not contributing to groundwater contamination. He and his father were previously on the Lower Umatilla Basin groundwater committee, and his brother is on the committee now. But he said, there continues to be disagreement about what data should be used to determine how much nitrate is in the groundwater and soil and how data should be used to create regulations.

“Nobody’s come together and said, ‘All right, we’re done pointing fingers, let’s start talking about real solutions,’ and that’s what it’s going to take,” Madison said. “That’s why it’s been 30-50 years of nothing happening. It can’t be everybody pointing fingers at farmers or everybody pointing fingers at industry or everybody pointing fingers at regulators.”

Nitrate levels increasing

Annie and Adam Philpott purchased their home in the outskirts of Boardman in the spring of 2018. About a year and a half after moving into their new home, the Philpotts decided to refinance with a new mortgage company. The new lender required a water quality test from their private well to ensure the groundwater has not exceeded safe drinking water limits.

But when Adam Philpott submitted the first test, the nitrate levels were at 17 milligrams per liter. After using chlorine tablets and flushing his system several times, he submitted a second test that came back at 20 milligrams per liter.

“The more we flushed it, the more nitrates we kept getting,” he said.

Because his well levels came back too high, he was not able to refinance his home — even though he has a filter system for his kitchen sink that removes excess nitrates.



Annie Philpott says her family's private well needs to be replaced, but they don't have the money to replace it. The Philpott's were hoping to refinance their home but did not qualify after their well system tested too high for nitrates.
Monica Samayoa / OPB

He contacted his current lender but because he could not pass the water quality test, he wasn't able to get the type of loan he wanted that would have allowed him to take cash out to pay off debt.

"I have a lot of equity in my property," he said. "It would be really nice to use that to pay off debt or buy a vehicle or whatever, but I can't, it's just got to stay there and just be what it is."

Philpott said if he wanted to sell his home, he'd have the same problem. No lender would be able to finance anyone interested in his home until he replaces his well system, which he said could cost more than \$5,000.

"That's money I don't have, so it's not going to happen anytime soon," he said.

Since the groundwater contamination problem in Morrow and Umatilla counties was first identified in 1989, well testing in the region has actually decreased.

Of the original 198 wells that were tested to understand the extent of the groundwater contamination, only 31 wells are still routinely tested. In the early 90s, those wells were tested twice a month, but to save money, DEQ reduced testing from six to four times a year.

Despite ongoing efforts to address the problem, there's actually been a 55% increase in nitrates contaminating groundwater in Morrow and Umatilla counties since 1997, according to the Lower Umatilla Basin [committee's 2020 report](#). About 30% of the wells tested exceeded the federal limit for safe drinking water.

This prompted a [coalition of environmental groups](#) to file a petition in early 2020 asking the Environmental Protection Agency [to take emergency action](#) under the [Safe Drinking Water Act](#) in Umatilla and Morrow counties.

"We're asking EPA to use those emergency powers to come in and effectively take emergency action in the form of potentially enforcement actions, providing clean and free drinking water, conducting investigations, requiring more groundwater monitoring and establishing more transparency about what people may be exposed to," Food and Water Watch Legal Director Tarah Heinzen said.

The petition also calls for prohibiting any new CAFOs from opening in the region until nitrate concentrations in the area fall below the federal safe drinking water limit.

Heinzen said under the Safe Drinking Water Act, the EPA can step in when a state is not addressing a dangerous public health problem and when it can demonstrate that an imminent and sustainable endangerment does exist.

Despite having been two years since the petition was filed, Heinzen said they've only seen the state double down on its voluntary approach.

"That to us isn't the state doing its job or taking this problem seriously," she said. "And we'd like EPA to respond accordingly."

Long way to go

The Lower Umatilla Basin groundwater committee still has a [long list of goals for addressing the nitrate problem](#). Those include securing more funds for soil and water testing, minimizing the amount of nitrate that is applied to farmland to reduce what is leaching into groundwater, working with researchers at Oregon State University to study the problem and creating better voluntary practices that farmers can follow.

DEQ's Davis said she hopes the groundwater studies will help the agency set new limits for how much nitrate can be applied to farmland by entities like the Port of Morrow and potato processor Lamb Weston.

"Once you can get the source where the contamination is coming from, it's easier to be able to understand what the contamination is," Davis said. "But I think we need to understand the water flows better than we do, the hydrogeology."

Most of the committee's current goals were set to begin in 2020 — thirty years after the committee was first formed. One of the goals is to find funding for the United States

Geological Survey to develop a model of the Lower Umatilla Basin that will help identify where nitrate contamination is coming from. But that isn't scheduled to start until 2025.

ODA's Allen said some of the committee's plans haven't happened or have been delayed because of a lack of funds.

"We have a new plan," she said. "We're trying to implement it with our partners the best that we can and move forward."

For Jim Doherty, time is of the essence. He remembers when he first moved to Boardman in the 1970s, he did not have to buy water filters for the well water at his home. He's worried he'll continue to encounter homes that don't have filters, or if they do, they're broken and need to be replaced.

He said the state should be providing filters for private well owners, so people don't have to buy them. And he said he's hopeful that state agencies might enforce tougher permits and issue bigger fines for water pollution violations that will help to reduce the nitrate contamination and break through any resistance from agricultural and industrial businesses.

"I think there's the forces from the DEQ coming down and from the EPA coming down," Doherty said. "And there's forces from the bottom up in the community that I think are not going to allow it this time."

FINDINGS AND DECISION OF THE UMATILLA COUNTY BOARD OF COMMISSIONERS

RECEIVED

DEC 22 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

File No.: Z-259-97

Applicant: 7-A's Inc., c/o Jedediah Aylett, Route 1, Box 1818, Hermiston, Oregon 97838.

Represented by: Paul Hribernick and Leslie Ann Hauer.

Tentative County Board Decision Date: January 29, 1998.

Planning Commission Recommendation to Board of Commissioners: Approve addition of site to inventory; deny mining on site.

Board of Commissioners Decision: Approve addition of site to inventory, with a determination that mining is prohibited in order to protect agriculture. This statement of findings and decision supersedes and replaces any earlier versions.

I. GENERAL INFORMATION

Location: The property is located north and south of Interstate 84, just east of the Morrow County line.

Legal Description: Tax Lots 1802 and 1803, Section 27 and all of Section 35, T4N, R27E, W.M.

Site Size: 1015 acres (375 acres in Section 27; 640 acres in Section 35)

Zoning: Exclusive Farm Use (EFU).

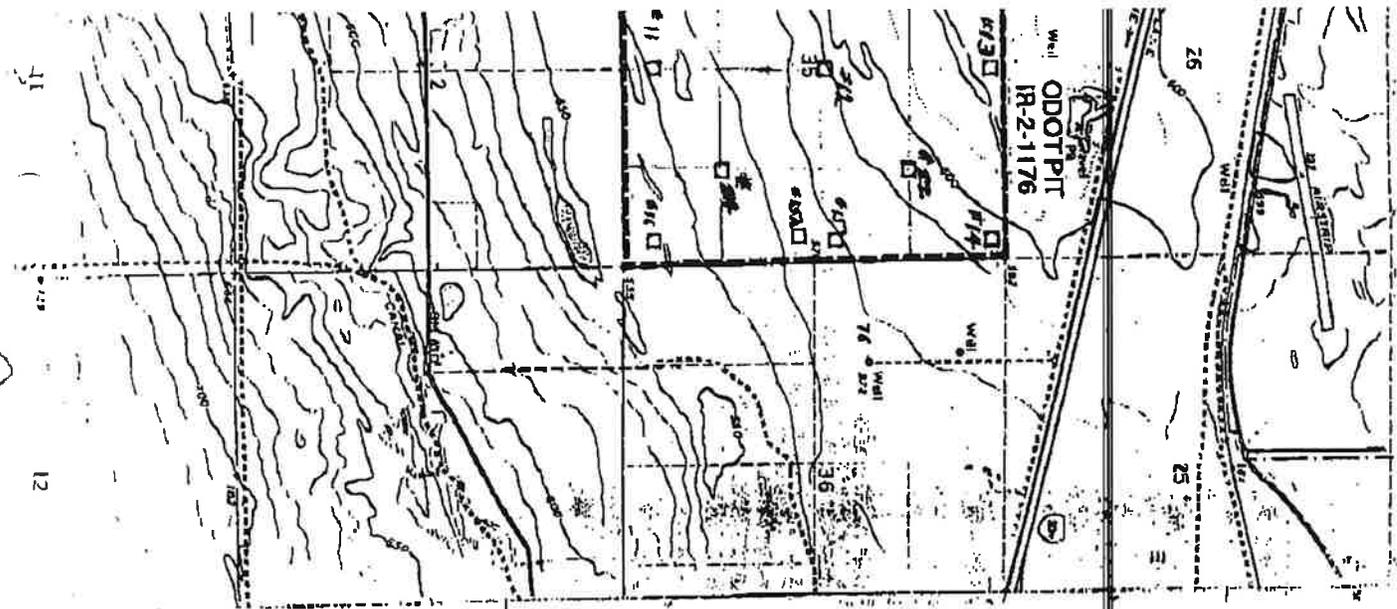
Comprehensive Plan: North/South County Agriculture.

Proposal: Applicant originally requested: (1) adding the entire 1015-acre site to the Umatilla County Rock Materials Resources Inventory through an amendment to the Comprehensive Plan; and (2) applying the Aggregate Resource (AR) Overlay Zone to the entire site pursuant to Umatilla County Code Section 152.485. In the hearings before the Board of Commissioners, applicant amended its request for application of the AR overlay to delete all of Section 35 except 20 acres along the southern end of Section 35, consisting of two 5-acre triangles in the southeastern and southwestern corners of Section 35 and a 10-acre triangle centered on the middle of the southern boundary of Section 35 (all intended to remain outside established center pivot irrigation circles).

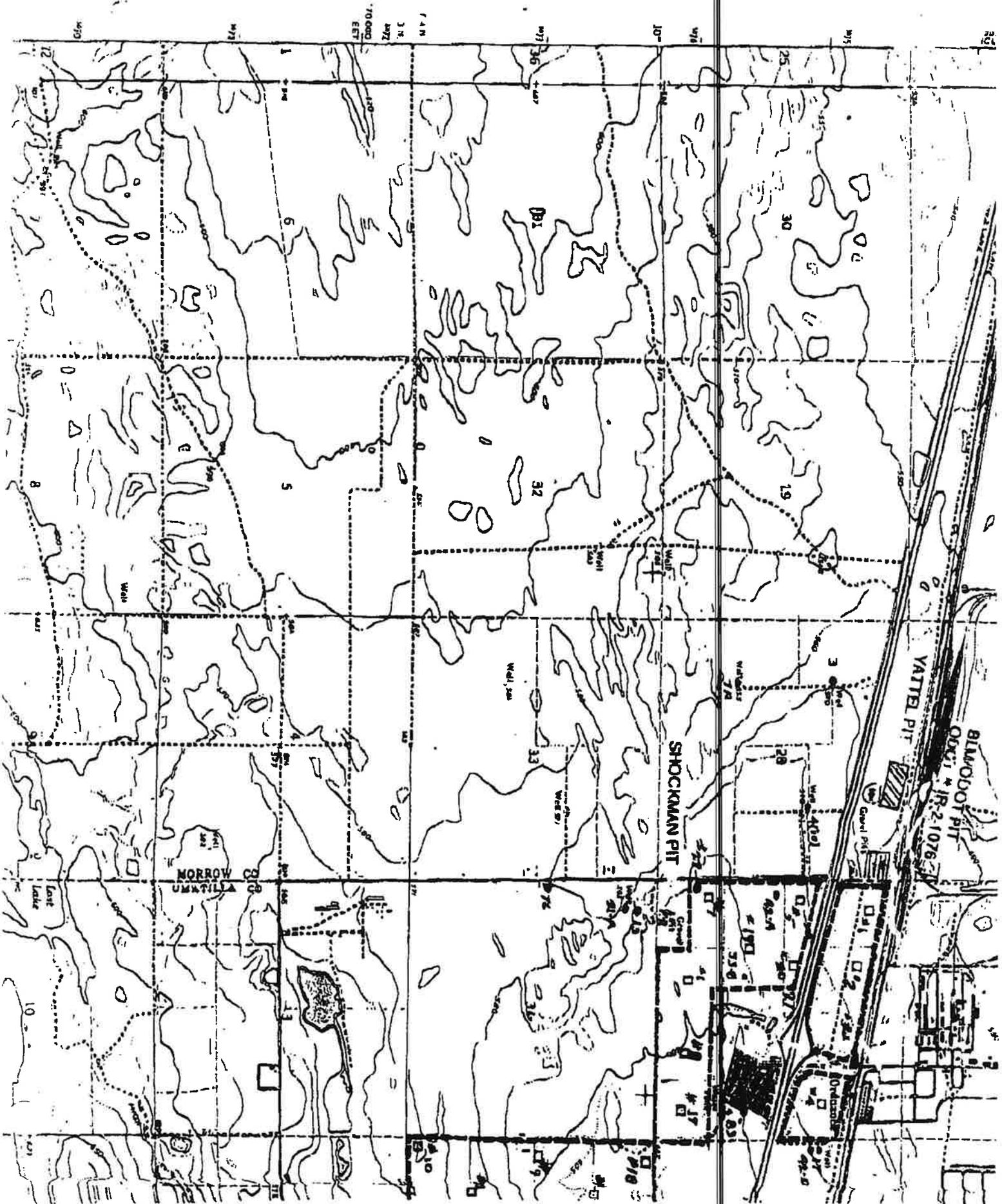
II. INTRODUCTION

The record indicates that the applicant is the holder of the mineral rights on the site (which the applicant apparently is purchasing under a land sale contract). The subject and is currently in agricultural production, and is farmed by the owner of the surface rights, Hansell Brothers, Inc.

Map Showing Location of
Testholes
Wells
Aylett Property Line



Section 27 and 30; 14N, R27E, W1M



(HBI). HBI has vigorously opposed the application before both the Planning Commission and the Board of Commissioners.

The proposal by applicant will require an amendment to the Umatilla County Comprehensive Plan in order to add the site to the Umatilla County Rock Materials Resources Inventory. Because this proposal would require amending the Comprehensive Plan, we must apply the criteria of the Goal 5 rule (OAR 660-23-180) which govern review of post-acknowledgment plan amendments (PAPAs).

As discussed below, the Board concludes that the aggregate resource on the site is "significant" as defined in the Goal 5 rule, and that the Comprehensive Plan must be amended to add the site to the County's inventory. However, we also conclude that mining on HBI's productive farmland presents conflicts that cannot be minimized, and that our analysis of the economic, social, energy and environmental impacts of allowing, limiting, or not allowing mining leads us to the determination that mining should not be allowed. We therefore agree with the unanimous recommendation of the Umatilla County Planning Commission and adopt the Findings and Conclusions herein. These findings and conclusions supersede any prior oral or written decision by the Board with respect to this application.

III. ANALYSIS OF POST-ACKNOWLEDGMENT PLAN AMENDMENT UNDER THE GOAL 5 RULE

OAR 660-23-180 Post Acknowledgment Plan Amendment Approval Criteria. Amendments to an acknowledged Comprehensive Plan as they relate to Goal 5 resources (including mineral and aggregate resources) require that the applicant satisfy specific Goal 5 criteria. The criteria for post-acknowledgment plan amendments (PAPAs) for mineral and aggregate resources are set forth in OAR 660-23-180. In this section of the findings, we address each of the criteria in turn. To summarize the decisionmaking steps under the rule, a determination to allow mining requires answering the following questions:

1. Has the applicant submitted a complete application?
2. Is the aggregate resource "significant," under the Goal 5 criteria?
3. If the resource is significant, are there any significant conflicts between mining and existing or proposed land uses within the "impact area"?
4. If there are significant conflicts, are there measures that can minimize those conflicts, i.e. render them insignificant?
5. If the conflicts cannot be minimized, what are the economic, social, energy and environmental ("ESEE") consequences of allowing mining, limiting mining, or not allowing mining?
6. In light of the ESEE consequences, should mining be allowed?

7. If mining is allowed, what restrictions should be placed on new land uses within the impact area that conflict with mining?

We do not reach the last question because we conclude that mining should not be allowed.

A. IS THE APPLICATION COMPLETE?

Standard: OAR 660-23-180(6) describes the requirements for a complete application.

Findings: The application originally submitted by the applicant (April 1997) did not address all of the applicable requirements of the Goal 5 rule. However, the applicant subsequently supplemented the application to provide the required information. Therefore, the application was complete.

B. IS THE AGGREGATE RESOURCE "SIGNIFICANT"?

Standard: OAR 660-23-180(3) provides:

"An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley."

Findings: In determining whether or not to place the requested area on the County's inventory of significant mineral and aggregate resources, Umatilla County received substantial information about the Goal 5 resource site and carefully reviewed the information. Based on the information, we have determined that the site is a significant resource site and hereby find and conclude that it is appropriate to add it to the County's inventory.

The testimony of Mr. Lewis E. Scott is particularly helpful. We note that Mr. Scott is a professional engineer and is a registered engineering geologist in the state of Oregon and a registered geotechnical engineer in the state of Arizona. Mr. Scott's resume demonstrates that he has appropriate professional credentials and nearly 50 years of engineering experience related to geology, materials engineering, geotechnical services and consulting. Mr. Scott provided a number of reports for our review including a November 26, 1997 summary report of the overall exploration and testing of the requested areas in Section 27 and Section 35. Mr. Scott participated in an extensive exploration of the site, including examination of two active sand and gravel operations adjacent to the site and two older adjacent sand and gravel pits and the

corresponding laboratory tests for some of these sites. He examined the drilling logs of a significant number of nearby irrigation wells. He also supervised the extraction of sampling of 25 test holes on the subject property. We find that the test holes are carefully distributed throughout the entire requested portions of Section 27 and Section 35 to provide a thorough review of the geology of the requested site.

From our examination of the map showing the distribution of the test sites, we are convinced and persuaded that the sampling locations provide an accurate picture of the geology of the site. We find that Mr. Scott's geologic investigation is thorough and credible. Based on Mr. Scott's information, which we specifically adopt, we conclude that there are more than 63 million yards of sand and gravel in Section 35 and in those portions of Section 27 where significant inventory listing has been requested.

As we indicated in our preliminary order, we have concerns about the differences in the threshold levels of materials set forth in the Goal 5 rule that serve as guidance for our determination of significance. We are particularly bothered by the disparity between the amount required outside the Willamette Valley (e.g., Eastern Oregon)--100,000 tons—compared to the amount of material that is required inside the Willamette Valley—2 million tons—to meet the Goal 5 rule's definition of significance. We question the wisdom of the policy makers in drawing this east/west distinction. However, we find and conclude that the site at issue contains a quantity of material that is significantly greater than the amount of material which meets the Goal 5 threshold for significance, even for a site located in the Willamette Valley. We find that the site contains 63 million cubic yards of materials which we find to be approximately 95 million tons of mineral and aggregate material. Accordingly, we find and conclude that the site contains approximately 40 times the threshold amount indicated in the Goal 5 rule for significance, even for Willamette Valley sites.

With regard to quality of material, we again find the reports and testimony of Mr. Scott to be helpful and persuasive. The applicant excavated and visually examined 25 pits at various depths. The applicant prepared detailed logs of the excavations and that materials from the excavations were provided to well-known testing laboratories for analysis. In addition, the applicant visually examined two adjacent active pits and two older adjacent sand and gravel pits and laboratory test results from some of those pits. Finally, the applicant provided laboratory testing of 44 samples from the test holes and borings that it excavated on the property and from these samples conducted 125 laboratory tests. We find that the results of this testing regime, which we find to have been conducted under appropriate professional oversight, demonstrate that material from the site is of superior quality. We find and conclude that the overwhelming majority of the test results significantly exceed the basic required ODOT standards provided in the Goal 5 rule. By that, we mean that the material taken from the test sites and examined in the laboratories had qualities that made it significantly better than the threshold standard of quality found in the Goal 5 rule. We agree with Mr. Scott's stated professional opinion that the mineral and aggregate resources from this site are high quality paving aggregates that are of significant higher quality than base rock standards which are threshold standards provided by Goal 5. After reviewing all of the evidence and testimony before us, we find and conclude that Mr. Scott's professional conclusion is credible and accurate. Accordingly, we find and conclude that the quality of the

materials from the proposed site is high and substantially and significantly exceeds the minimum Goal 5 standards.

With regard to location, the applicant has provided the County detailed maps and testimony about the surface resource area together with detailed discussion and study of the subsurface mineral and aggregate resources. We find and conclude that this evidence accurately establishes the location of the site and resources on the site.

The opponents provided testimony, including the testimony of Mr. James D. Graham, to question the applicant's evidence related to quality, quantity and location of materials on the site. We have considered this testimony, including the written testimony and spoken testimony of Mr. Graham, and find and conclude that it does not alter our conclusion. Even using a smaller figure suggested by Mr. Graham, the proposed site would have at least 14 million cubic yards, or nearly 22 million tons of extractable material using the standard average multiplying figure of 1.57 tons per each cubic yard. This quantity figure is ten times greater than the threshold amount for the Willamette Valley as required in the Goal 5 rule. Accordingly, we find and conclude that Mr. Graham's testimony supports our conclusion regarding quantity of materials on the site.

Mr. Graham also suggested that there were clay lenses on portions of the site which could affect quantity of the materials as well as its quality. These suggestions were rebutted to our satisfaction by Mr. Scott. We find that there are no clay lenses on portions of the site in Section 27 and in the northerly portion of Section 35. We find that clay lenses may be present on the southerly portion of Section 35, but that they occur at a depth below the proposed commercial mining activity.

We also find that the opponents raise a quality issue related to sand on the southerly portion of Section 35. With regard to the sand issue, we find that there are at least two factors upon which we base our significance determination. First, we find the work prepared and submitted by Mr. Scott to be credible and persuasive on this issue. Mr. Scott's analysis, which we find correct, is that all the material on the site--sand, and sand and gravel--has the same geologic origin and the same composition. We find, as Mr. Scott points out, that the material on the southern site is the same as the material on the northern site and that it differs only in size. Taken as a whole, the sand and gravel in this single unit or deposit is of extremely high quality.

Second, we find that sand is a mineral. The sand in the southern portion of Section 35 is extremely clean, is an extremely valuable mineral, and in and of itself is deserving of Goal 5 protection. We note that the Goal 5 rule provides for consideration of both aggregate resources and mineral resources. Under the rule, "aggregate resources" are defined as naturally occurring concentrations of sand and gravel. We find that under the rule, either the entire sand and gravel resource must be analyzed as a unit, as Mr. Scott has suggested, or in the alternative the site consists of two separate resources: sand and gravel resources to the north and a sand resource in the lower section of Section 35. In either event, based on the professional evidence that we have before us, we find the entire site significant. We further note that the aggregate resource test requirements in the Goal 5 rule refer to "an aggregate resource" that is defined as naturally occurring concentrations of "sand and gravel." The whole site clearly passes and exceeds

minimum testing standards for sand and gravel. We further find that if the entire site is deemed not to be one unit and to pass the sand and gravel portions of the Goal 5 test as we have determined, the southern portion of Section 35 is an independent sand resource that is valuable and should be protected on the County's mineral and aggregate resources inventory.

We find as a general matter that opponents provided very little direct information about resource quantity and quality, but rather chose to criticize the information provided by Mr. Scott, the applicant's professional engineer. After analyzing the entire record, including Mr. Scott's reports, the criticism of those reports, and the responses to the criticism, we find and conclude, based on the reasoning explained above, that the site has a significant quantity of mineral resources and aggregate resources, that the quality of the mineral resources and aggregate resources on the site is high and significant, and that the location of the site has been adequately described to us to allow us to make a reasonable decision on the facts.

Based on these findings, we conclude that the site shall be added to the County's inventory of mineral and aggregate resources as a significant site.

C. ARE THERE ANY SIGNIFICANT CONFLICTS BETWEEN MINING AND EXISTING OR PROPOSED LAND USES WITHIN THE "IMPACT AREA"?

Standard: OAR 660-23-180(4) sets forth the criteria for determining whether to allow mining of significant mineral and aggregate resource sites. In order to identify conflicts between mining and other land uses, the local government must determine an 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." OAR 660-23-180(4)(a).

Findings: Except as discussed below with respect to conflicts with agricultural practices, we find that the impact area extends 1,500 feet from the boundaries of the mining area. As discussed below, the applicant has contended that the "impact area" does not include the mining site itself. Although we disagree with the applicant's interpretation of the rule, we find that the distinction is irrelevant to our analysis of conflicts, except conflicts with agricultural practices: the other conflicts required to be considered under the rule are predominantly conflicts with uses off the mining site.

Standard: OAR 660-23-180(4)(b) requires the County to identify land uses that will be adversely affected by proposed mining operations and to specify the predicted conflicts:

“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.”

Finding: Our analysis of predicted conflicts is based on conflicts with existing land uses rather than “approved land uses.”

Standard: OAR 660-23-180(4)(b) lists the six types of conflicts that a local government may consider in determining whether to allow mining:

“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 ...”

Findings:

Noise: There are several residences in three locations that could give rise to conflicts resulting from noise. These are the residences on the U.S. Army Depot, about 250 feet north of Section 27, the residence 1000 feet west of the northwest corner of Section 27 and south of I-84, and the Hansell residence, east of the northeast corner of Section 35, approximately 250 feet from the property line. The noise control regulations for industry and commerce of the Department of Environmental Quality (DEQ), found at OAR 340-35-035, provide the applicable standards for noise levels. Based on the data provided by the applicant’s consultant, we conclude that it is likely that noise standards would be violated and that a conflict with the residential uses in the impact area would result.

Dust: The Board finds that dust generated by the mining operations would conflict with existing land uses within the impact area. The record includes credible testimony that the soils in the area are extremely susceptible to wind erosion. Irrigation and crop cover reduces such wind erosion significantly. Mining operations could promote wind erosion by disturbing cover crops and exposing unprotected soils to the wind. In addition, topsoil berms would be exposed to the wind and would be a source of dust unless adequately irrigated and covered with a stabilizing crop. Dust would create a conflict with nearby residences (identified above, in the discussion regarding noise). Dust would also cause conflict with public transportation and safety because dust would impair visibility along I-84 and adjacent County roads.

Other Discharges: The subject property is part of a critical groundwater area. Credible testimony in the record indicates that contamination of the aquifer could have serious negative consequences for area farms as well as food processors. While no direct discharges from the mining site to surface or ground water are anticipated, potential conflicts between the mining activity and water quality are serious concerns. HBI presented evidence in the form of a video tape that excavation equipment used by the applicant to dig test pits on the site leaked hydraulic fluid.

Standard: OAR 660-23-180(4)(b)(B) requires analysis of:

"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."

Findings: Based on the data provided by the applicant in the transportation impact analysis prepared by Kittelson and Associates, the Board determines that potential conflicts as provided in this section do exist. As discussed below, however, the Board also concludes that this conflict could be minimized by imposing reasonable and practicable mitigation measures.

Standard: OAR 660-23-180(4)(b)(C) requires identification of:

"Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments."

Finding: There are no existing public airports in the vicinity of the mining site.

Standard: OAR 660-23-180(4)(b)(D) requires identification of:

"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."

Findings: There is a wetland to the south of Section 35 that is inventoried as a "Significant Wetland" in the Comprehensive Plan. Umatilla County Comprehensive Plan Technical Report, Map D-49. While the Comprehensive Plan requires a 500-foot setback from the wetland, we note that the wetland is still within 1,500 feet of the proposed mining areas at the southern line of

Section 35, and is therefore within the impact area. Potential conflicts between mining and the wetland include possible loss of recharge if all or part of the Hansell farm is taken out of irrigated agricultural production, and impacts to species that use the wetland. However, based on the record before us, we are unable to conclude that such conflicts will occur or to determine the extent of any conflict. Therefore, we do not rely on conflicts between mining and the wetland in making our decision not to authorize mining of the site.

Standard: OAR 660-23-180(4)(b)(E) requires identification of:

“Conflicts with agricultural practices.”

Findings: The record demonstrates that conflicts between mining and agriculture are severe. However, before addressing those conflicts in more detail, we must address several interpretive issues raised in this proceeding. The applicant contended throughout the Planning Commission and Board of Commissioners proceedings that the County may not consider the conflicts between mining and agricultural practices on the mining site itself. For the reasons explained below, we disagree. However, as also discussed below, we find in the alternative that there are also serious conflicts between the proposed mining operations and farming off of the mining site on the remainder of the HBI farm.

1. The County may consider conflicts between proposed mining operations and agricultural practices on the proposed mining site itself.

The applicant presents two arguments in support of its contention that the County may not consider conflicts between mining and agricultural practices on the mining site itself. First, the applicant points to the language of OAR 660-23-180(4), which states that the impact area “shall be limited to 1,500 feet from the boundaries of the mining area” This language, according to the applicant, indicates that the impact area is only the area measured outward “from the boundaries of the mining area.” We disagree. The rule limits the outward extent of the impact area, but it does not by doing so exclude the mining site itself from the impact area. Indeed, the same subsection of the rule states that “[t]he impact area shall be large enough to include uses listed in subsection (b) of this section” The impact area would not be large enough to address “conflicts with agricultural practices” if it did not include the mining site itself, where agricultural practices will be the most severely impacted. Finally, the term “impact area” is used to limit the consideration not only of conflicts with farming, but also conflicts “with other Goal 5 resource sites within the impact area.” OAR 660-23-180(4)(b)(D). Applicant’s interpretation of “impact area” would prohibit the County from considering conflicts between proposed mining operations and other significant Goal 5 resources within a mining site. In essence, significant mineral and aggregate resources would automatically “trump” any other significant Goal 5 resource if the other Goal 5 resource were located on the proposed mining site, but not if the other Goal 5 resource were located within 1,500 feet outside the proposed mining area. We decline to interpret “impact area” in a way that prohibits us from considering the impacts of mining where those impacts are likely to be greatest -- on the mining site itself.

Second, the applicant points to OAR 660-23-180(4)(c), which provides:

“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.”

ORS 215.296 provides, in relevant part, as follows:

“(1) A use allowed under ORS 215.213(2) or 215.283(2) may be approved only where the local governing body or its designee finds that the use will not:

- (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.”*

The applicant contends that the references in ORS 215.296 to “surrounding lands” compel the County to limit its inquiry to conflicts with agricultural practices on surrounding lands. Again, we disagree. We note that the Goal 5 requires the County to address “conflicts with agricultural practices.” OAR 660-23-180(4)(b)(E). In other words, the requirement to identify conflicts is not limited by reference to ORS 215.296, which is referred to in the rule only as relevant to determining whether identified conflicts with agricultural practices can be minimized. Second, the staff report to the Planning Commission reported a conversation between Ms. Beier of the Planning Department and Bob Rindy of the Department of Land Conservation and Development, who was involved in the drafting of the Goal 5 rule. According to Ms. Beier’s staff report, Mr. Rindy stated that the reference to ORS 215.296 is not intended to limit the impact area. Rather, it tells the County that if conflicts with agricultural practices force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices, then the conflict has not been “minimized.” We believe that this is a sensible and persuasive interpretation, and we adopt it.

However, we also realize that these interpretive issues may be the subject of an appeal. We wish to make it clear that our decision would be the same even if we were limited to considering conflicts with agricultural practices within the portion of the impact area outside of the proposed mining site itself. We have structured our findings to address “onsite” and “offsite” conflicts.

2. The “offsite” impact area includes all portions of the HBI farm located off of the proposed mining site.

As provided in OAR 660-23-180(4), the impact area extends beyond the 1,500 foot perimeter “where factual information indicates significant potential conflicts beyond this distance.” Applying this provision, we find that the impact area includes the entirety of the Hansell Brothers farm, including all remaining portions that extend beyond this 1,500 foot perimeter. HBI submitted numerous maps of the farming operation, depicting “offsite” farming in Sections 26, 34 and 36, and on part of Section 27 not included in the applicant’s mineral rights. In

addition, with the amendment to the applicant's request, most of Section 35 is now "offsite" in the sense that it is outside the area actually proposed for mining. Factual data, discussed below, shows that significant potential *and actual* impacts from mining would affect the entire farm site and would not be confined to a 1,500 foot perimeter around the mining area.

3. Description of agricultural practices on the Hansell Brothers farm

Extensive evidence in the record persuasively demonstrates that the Hansell Brothers farm is highly productive, and depends on the combination of several key "ingredients" for its success: soils that have been improved over several decades by the addition of organic matter and nutrients; a complicated assemblage of water rights; a complex and interconnected system of wells, pumps, and irrigation pipelines; use of advanced technology to manage the application of water and nutrients; and the accumulated knowledge from farming the land for over three decades.

With the exception of small fields used for crops such as melons, all crops are grown in "circles" irrigated with center pivot irrigation systems. Crops grown in the circles include potatoes, onions, wheat, alfalfa, and peas. The centers and corners of the fields (i.e., the portions of the fields outside the irrigation circles) are also essential to the agricultural practices. The centers and corners are used for bee keeping, greenhouses, crop storage (e.g., as a stacking yard for alfalfa hay) and storage of farming equipment, among other agricultural purposes.

4. Identification of "onsite" conflicts with agricultural practices

(a) Loss of use of land being mined

Even assuming that the mined areas can be reclaimed for agricultural production, the proposed mining operations will displace all agricultural activities on the portion of the site being actively mined.

(b) Loss of pit slopes

The applicant proposes to mine to a depth of 50 feet over much if not all of the proposed mining site. As a consequence, after mining the pit floor will be about 50 feet below the surrounding terrain. Unless the slope between the pit floor and the surrounding terrain is sufficiently level, no farming on the pit slope is possible. This could result in the loss of a significant portion of the tillable area on the HBI farm. For example, if all of Section 35 were mined, and a 150-foot perimeter of slope were left, approximately 70 acres, or 11 percent of the total 640 acres, would be lost for agricultural use even if the pit floor could be reclaimed.¹ The calculation of lost acreage on Section 27 would be more difficult; however, given the shape of the mining areas on Section 27, it is clear that an even higher percentage of the mining area in that section would be lost to future farming.

¹ We realize that the applicant no longer is proposing to mine all of Section 35; we include this calculation in our findings only to illustrate the potential loss of farmland.

The applicant has not committed to any particular post-mining slope (a reclamation plan submitted by the applicant to the Department of Geology and Mineral Industries indicates that the maximum slope would be 1-1/2:1, but the applicant indicates that the reclamation plan application is not final). One of the applicant's experts, Phil Small, testified that although 12-15% slopes might be farmed, a slope of 5% maximum would be preferable. In the irregular shape of Section 27, such a slope could leave little or no "pit floor"; i.e., the slopes around the sides could meet in the middle. For example, the opponents calculated that an 8 percent slope in a 50-foot deep pit would create a 625-foot, sloped perimeter (i.e., 50 foot "rise", 625-foot "run").

The slope cannot be flattened by extending the slope outward onto adjacent portions of the farm on which the applicant has no mineral rights. This leaves the applicant with the options of "flattening" the slope by either: (1) taking less material out of the mine to start with; (2) raising the mine floor with fill material after mining; (3) extending the slope further into the mine pit; or (4) a combination of two or more of these measures. Either of these alternatives would entail tremendous expense and difficulty. Assuming a 50 foot pit depth, the difference between a 2:1 slope (30 degrees) and a 3:1 slope (unfarmable with current methods) along even a one-quarter mile stretch of pit slope is about 60,000 cubic yards of material. Assuming a 50-foot pit depth and a 100-foot perimeter slope (measured on the horizontal, or a 2:1 slope), the pit floor would have to be filled with over 16 feet of material to change the slope to 3:1 without increasing the 100-foot perimeter. This would require a large volume of fill material. We note that the applicant has produced no evidence that it is willing or able to engage in the kind of reclamation that would be able to return the pit slopes to production.

If the slopes are not farmable, then the pit floor provides a smaller area in which to continue farming than was available prior to mining.

(c) Disturbance of pit floor for post-mining agricultural use

Even the applicant and its experts concede that the floor of a mining pit can be returned to agricultural use only through careful reclamation practices. The evidence in the record is convincing that without careful reclamation, the floor of the pit would be lost to any future agricultural use. Under the applicant's current proposal, that would result in the loss of almost all farming within Section 27 (considering only the mining site itself). By any reasonable standard, that is a major conflict between farming and mining. We address below the issue of whether the conflict can be minimized through reclamation of the pit floor.

(d) Loss of water rights

As Steve Bloom, water rights attorney for Hansell Brothers, Inc., testified at the July 8 Planning Commission hearing, the water rights on the Hansell Brothers farm are extremely complicated. The truth of that statement was illustrated on a water rights map of the Hansell Brothers irrigation rights, and in the water rights documentation submitted by the applicant in the April 1997 application. As Steve Bloom stated, mining of the Hansell Brothers farm would necessitate numerous applications to the Oregon Water Resources Department to transfer water rights to other lands in order to avoid losing them. Under Oregon law, water rights not used for a period of five consecutive years are automatically forfeited. ORS 540.610(1); Rencken v. Young, 300 Or

352 (1985). As has been noted repeatedly, the Hansell Brothers farm is located in a critical groundwater area; the regulations applicable to groundwater in the area are not likely to become any more flexible. The applicant certainly is not in a position to guarantee that the transfers would be approved, or that transfers back to the Hansell Brothers farm (at some indefinite point in the future) would be approved.

5. Identification of "Offsite" Impacts

(a) Interference with the Irrigation System

The irrigation wells and the irrigation pipelines for the Hansell Brothers farm are interconnected in a complex system. As Fred Ziari, a highly experienced irrigation consultant, testified on May 29 and July 8, removal of one segment of pipeline can affect the ability to irrigate a large area of the farm. For example, a 16-inch steel pipeline carries water from Well #s 6 and 7 south under the freeway. It is literally interconnected with all but two irrigation circles on the farm. Mining in the areas requested by the applicant (e.g., initially mining north of I-84) would disrupt the ability to deliver water to "offsite" irrigation circles in Sections 26, 34, 35 and 36. The pipelines are only 4-5 feet beneath the surface. In addition, testimony from the Water Resources Department indicated that WRD standards will not allow well casings to be "up in the air": as mining proceeds, wells would have to be redrilled and/or recased. Mining will invariably require redesigning and rebuilding the irrigation system (including replacement of wells) that serves not only the proposed mining site but the rest of the farm as well. It should be noted that this is a conflict between mining and farming offsite as well as on the mining site itself (because the same irrigation system serves the entire farm).

(b) Interference with Irrigation Circles

The letter to the Planning Commission from Dale Van Schoiack of SCM Consultants, submitted at the July 31 hearing, demonstrates that mining of the portions of the farm within Sections 27 will require alteration of center pivot irrigation circles off the mining site because a center pivot system cannot simultaneously irrigate land at surface level and land in a 50 or 60-foot pit. Three irrigation circles (#s 6, 9, and 10) extend into the Section 27 mining area from off the mining site. If the applicant were to mine as proposed in Section 27, these circles would have to be altered significantly, as shown on Enclosure 2 of Mr. Van Schoiack's letter (map titled "Hansell Brothers Inc. Irrigated Acreage Affected by Mineral Rights").² Based on the overall acreage losses shown on that map, and the acreages for water rights shown on a map of Hansell Brothers water rights found at Tab F of HBI's July 31, 1997 submittal, it is possible to calculate the offsite (i.e., "surrounding lands") irrigated acreage lost as a result of changes to these irrigation circles:

² That map shows changes to Circles 13A and 13B, which would not be necessary with the change proposed in the applicant (i.e., mining only 20 acres at the southern end of Section 35).

<u>Circle No.</u>	<u>Total Acres Lost</u>	<u>"Onsite" Acres Lost</u>	<u>"Offsite" Acres Lost</u>
9	43.5	31.3	12.2
10	34.2	11.1	23.1

The total "offsite" irrigated acreage in Circles 9 and 10 that would be lost through changes to the dimensions of the circles is 35.3 acres. In addition, 3.4 acres of Circle 6 extends off the portion of Section 27 on which 7A's holds the mineral rights; that small acreage could not be reconfigured as part of an irrigation circle. Thus, the total offsite acreage lost through reconfiguration is approximately 39 acres.

(c) County Line Water Improvement District ("CLWID")

Testimony and documentation from Jim Key, President of the County Line Water Improvement District and from Donn Miller of the Oregon Water Resources Department establishes the importance of the CLWID not only to the farms that are direct participants in the CLWID, but also to the other groundwater users whose properties benefit from higher water table that has resulted from CLWID's recharge efforts. The evidence indicates the CLWID has succeeded in raising groundwater levels. A letter from Donn Miller of the Oregon Water Resources Department dated May 16, 1997 identifies 35 wells in the Westland Road subarea and the Lost Lake Depot subarea that have benefited from the recharge efforts. The Hansell Brothers farm accounts for approximately 20 percent of the land contributing to the CLWID. For purposes of this conflict, the Board concludes that there is sufficient evidence in the record to conclude that the impact area extends to all of the wells identified in Mr. Miller's letter.

Mr. Key's letter of July 14, 1997 clearly describes the essential role of the Hansell Brothers farm, historically and prospectively, in the success of the CLWID. The continued participation of Hansell Brothers is threatened by the mining of the property. There is no assurance that Hansell Brothers can continue as an economically viable operation if the site is mined: Hansell Brothers would have to absorb losses of cultivated land both on and off the mining site, and might have to pay for the costs of reestablishing the irrigation system.

There is at least a potential conflict between mining and the irrigated agriculture fostered by the County Line Water Improvement District (the "CLWID") because the Hansell Brothers farm accounts for 20 percent of the land contributing to the CLWID.

Standard: OAR 660-23-180(4)(b)(F) requires identification of:

"Other conflicts for which consideration is necessary in order to carry out ordinances that supersede DOGAMI regulations if all of Section 35 were mined, and a 150 foot perimeter of slope were left, approximately 70 acres, or 11 percent of the total 640 acres, would be lost for agricultural use even if the pit floor could be reclaimed. pursuant to ORS 517.780."

Finding: Umatilla County no longer has its own reclamation ordinance. Therefore, this standard does not apply.

D. ARE THERE REASONABLE AND PRACTICABLE MEASURES THAT CAN MINIMIZE THE CONFLICTS?

Standards: OAR 660-23-180(4)(c) requires the local government to “determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section.” With the exception of conflicts with agricultural practices (discussed below), the definition of “minimize a conflict” is set forth in OAR 660-23-180(1)(f):

“‘Minimize a conflict’ means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to ‘minimize a conflict’ means to ensure conformance with the applicable standard.”

In addition, OAR 660-23-180(4)(e) requires that “[a]ny required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective.”

Findings: We address whether there are “reasonable and practicable measures” that would minimize each of the conflicts discussed above under OAR 660-23-180(4)(b).

Noise: This conflict can be mitigated with appropriate noise control measures. Such measures would include conditions of approval that mandate compliance with DEQ noise standards, establishment of operating hours that will not disturb neighboring residences, and installation of acoustical berms along property lines to minimize noise impacts on adjacent properties.

Dust: It is possible that this conflict could be mitigated by conditions of approval requiring air quality permits as necessary from DEQ, specific measures for controlling dust on haul roads and other gravel roads used for transportation of materials on site, and mitigation measures along I-84, subject to ODOT approval. However, the applicant has failed to provide credible evidence that it has available an adequate source of water for effective dust control. The applicant has no water rights on the property, and neither it nor this Board can force HBI to transfer any of its water rights to the applicant for mining purposes. The applicant contended that it already has transferred water rights from its own farming operations to its mining operation in Morrow County (the “Yattel pit”). However, the “transfer” document submitted to the Board was a limited license, which is temporary. The applicant also indicated that it could develop a well to provide 5000 gal/day, without Water Resources Department approval. However, we find credible the testimony from Jim Graham that 5,000 gal/day is sufficient to irrigate approximately 1/2 acre. Calculations submitted by HBI indicate that the surface area of berms alone is likely to greatly exceed 1/2 acre, without even taking into consideration the

potential need for water to suppress dust from mining activities themselves. In the absence of evidence that the applicant has access to an adequate source of water, we conclude that the impact from dust cannot be minimized.

Other Discharges: As discussed above, mining operations on the site would create at least the potential for ground water contamination. The following measures would be required to mitigate such conflicts: (1) maintain at least 10 feet between the bottom of any mining location and the ground water table; (2) obtain from DEQ any necessary discharge permits including any permits needed for water discharges associated with dust control; (3) develop a spill prevention program to minimize the potential for groundwater contamination resulting from accidental spills of materials such as gasoline and other petroleum products during mining operations. Such measures would minimize potential conflicts from other discharges.

Roads/Traffic: The Board finds that this conflict could be minimized by imposing conditions of approval requiring: (1) compliance by applicant with the requirements of the Morrow County and Umatilla County TSP's; (2) agreement to cooperate with the Morrow County and Umatilla County road departments to enter into any necessary road maintenance agreements resulting from impacts on roads caused by hauling aggregate material; (3) ensure that access points have proper visibility as discussed in the Kittelson study; (4) work with Umatilla Ordnance Depot to minimize traffic conflicts on Ordnance Road; and (5) use only existing agricultural roads (improved to a standard that supports large trucks) and/or existing public roads to transport materials from the mine site.

Other Goal 5 Resources: As discussed above, the potential for impacts to the wetland south of Section 35 appears speculative. We believe it is likely that the potential for such impacts could be minimized by requiring an adequate buffer between the aquifer and the floor of any mining operation in Section 35. In any event, we do not rely on conflicts between mining and the wetland as a basis for our decision not to allow mining of the site.

Agricultural Practices:

Standards: OAR 660-23-180(4)(c) states that “[t]o 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.” ORS 215.296 provides, in relevant part, as follows:

(1) A use allowed under ORS 215.213(2) or 215.283(2) may be approved only where the local governing body or its designee finds that the use will not:

(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.

Thus, in determining whether the proposed measures would minimize conflicts with agricultural practices, Goal 5 requires us to look only at whether the proposed measures would force a

significant change in or significantly increase the cost of accepted farm practices on land devoted to farm use.

We also note that both ORS 215.296(2) and OAR 660-23-180(4)(e) require that any conditions imposed on mining operations to “minimize” impacts on farming must be “clear and objective.” Conditions of approval are “clear and objective” if they do not require the exercise of “any significant factual or legal judgment.” Flowers v. Klamath County, 98 Or App 384 (1989), rev. denied, 308 Or 592.

Findings: The first question we must answer in determining whether conflicts with agricultural practices can be “minimized” under the Goal 5 rule and ORS 215.296(1) is: “What are the accepted farm practices in the area?”

1. Description of accepted farm practices

We are persuaded by testimony and documentation, including testimony and an exhibit submitted by Leslie Hauer in the hearing before the Board, that “accepted farming practices” on the HBI farm and in a large surrounding area, consist almost entirely of center pivot irrigation for crops such as those grown on the HBI farm. In addition, smaller areas may be cultivated using other irrigation techniques such as drip irrigation. However, we are persuaded by the evidence in the record that drip irrigation is currently an accepted farming practice only for certain high-value crops (such as melons) and for growing hybrid poplars or cottonwoods for wood pulp. Although a few farms in the area may use wheel irrigation, it is not as efficient as center pivot irrigation. Moreover, we are persuaded by testimony that food processors in the area will not contract to purchase potatoes, a key crop, from farmers using wheel irrigation. Thus, center pivot irrigation is preferable, and is overwhelmingly the dominant form of irrigation in the area. We find that the current farming practices on the HBI farm are representative of the range of accepted farming practices in the area.

2. Analysis of Potential to Minimize Conflicts

(a) Loss of use of land being mined

There is no way of avoiding the fact that the land being mined cannot be in agricultural production. However, the applicant in closing argument before the Board proposed a condition of approval requiring that the applicant pay to Hansell Brothers the county average rent for the land being mined (at either the irrigated or unirrigated rate, depending on whether the Hansell Brothers would provide the applicant with water). This condition, however, is not “clear and objective.” To the contrary, monitoring compliance with this condition of approval would require the County to become enmeshed on a regular basis in potential factual disputes between the applicant and HBI over what constitutes the current county average rent. Therefore, we conclude that we could not impose this condition under the Goal 5 rule. Moreover, as a policy matter we do not believe that the County has the staff and resources to arbitrate essentially private disputes over compensation. Thus, we do not see a way, within the constraints of the Goal 5 rule, of minimizing this conflict. Finally, compensation paid between private parties -- whether under a condition of approval or in accordance with the terms of the applicant’s mineral

rights -- does not address the effect that the loss of agricultural production has on the economy as a whole (employees, food processors, suppliers, etc.). Goal 3, in other words, does not allow unlimited conflict with agriculture as long as the individual farmer is compensated. On the area being actively mined, all agricultural production will cease, which is a significant change in agricultural practices.

(b) Measures to minimize loss of pit slopes

The applicant has not identified any reasonable and practicable means to “minimize” the conflict resulting from the loss of pit slopes. The applicant contended that the loss of acreage to pit slopes did not amount to a real loss in farmable land because there is already a substantial amount of unfarmed land in the “centers” and “corners” around the center pivot circles. This ignores the fact that in order to reestablish “accepted farming practices,” the center pivots would have to be reestablished in the pit bottoms. The center pivot circles would have to be smaller, and there still would be centers and corners, in addition to the pit slopes. Moreover, the current centers and corners are used for farming purposes, as discussed above, whereas the applicant has not identified farm uses for steep pit slopes. The substantial loss of farmable land and the reduced size of post-mining irrigation circles represents a significant increase in the cost of accepted farming practices and a significant change in accepted farming practices.

The applicant also suggested that HBI could compensate for the loss of area to pit slopes by using different farming methods -- in particular by using irrigation methods (such as wheel systems, “programmable big guns” and “corner catchers” on center pivot systems, that would allow rectangular fields to be irrigated (and thus allow the entire pit bottom to be farmed). However, we find persuasive the testimony from John Hansell and Fred Ziani that such systems are costly and less efficient than current methods, and produce inferior results in terms of yields and crop quality. Moreover, in the case of wheel systems, the unrebutted testimony before this Board was that a farmer could not get a contract from potato processors for fields that are irrigated with wheel systems. We conclude that these “mitigation measures” would not “minimize” the conflict because they would either (or both) significantly increase the cost of accepted farming practices or force a significant change in accepted farming practices.

(c) Potential to reclaim pit floors

We are unconvinced by the applicant’s evidence regarding reclamation. After reviewing the evidence in the record, we are unpersuaded by the scant evidence of successful reclamation of irrigated agricultural croplands presented by the applicant because such examples are too dissimilar in location, extent of disturbance, soil type and purpose. Nor has the applicant presented any evidence of reclamation of such croplands to their prior level of production. Thus, while some reclamation may be feasible, the Board finds nothing that persuades us to believe that any particular level of production, let alone full production of the type previously attained, can be recovered. This finding is supported by evidence submitted by and on behalf of HBI, which we consider persuasive, that even temporary disturbance of surface soils on farms in the area (including the HBI farm) results in significant and long-lasting negative impacts on productivity.

The applicant contended that we should “think outside the box,” i.e., consider innovative ways of farming the reclaimed land. We find based on the testimony that HBI has been innovative, and that the current farm practices in the area generally and on the HBI farm in particular are the positive result of that innovation. Some of the types of farm practices suggested by the applicant (including growing exotic fruits and vegetables in greenhouses growing containerized nursery stock) were completely unsupported by testimony that they are possible as a matter of climate and technology, let alone that there is a market to support the sale of the crops produced. We cannot consider these practices to be “accepted farm practices” in the area. Other practices suggested by the applicant (drip irrigation and growing melon seedlings in greenhouses) are used in the area (and on the HBI farm) but are limited in their application. For example, persuasive testimony in the record (from Fred Ziari) establishes that drip irrigation is not practical or economical for most crops grown in the area. It is very expensive, and is limited to use on a few crops (melons, and hybrid trees grown for pulp). John Hansell testified that he could grow all the melon seedlings needed on his farm in one small greenhouse, and in fact already does so. Therefore, we conclude that the applicant’s suggested farming practices do not present a way of minimizing the conflict between farming and mining. In fact, the applicant’s suggestions would significantly increase farming costs and would force significant changes in accepted farm practices.

The applicant argued that the Planning Commission erred in recommending to this Board that “restoration” rather than “reclamation” should be the standard. In essence, the applicant contends that DOGAMI has exclusive jurisdiction to regulate reclamation, and DOGAMI does not require restoration. We do not disagree. However, our task under Goal 5 is to determine whether conflicts have been “minimized.” For purposes of these findings, we assume that the applicant is correct that we cannot require restoration to pre-mining farm uses and levels of productivity. In that event, our task is to determine whether conflicts can or will be minimized. We conclude that the impact of mining on the agricultural productivity of the pit floor cannot be minimized.

We do not intend to criticize DOGAMI or its implementation of statutory and regulatory reclamation requirements. However, as the applicant has noted, DOGAMI does not require “restoration.” Although Ben Mundie of DOGAMI testified before this Board that Hansell Brothers would have to give its approval to any reclamation plan before DOGAMI would approve the plan and issue an operating permit, we find that we cannot rely on his assertion. As was pointed out in cross-examination of Mr. Mundie, DOGAMI’s rules do not necessarily give the surface rights holder a “veto” over the issuance of an operating permit. In order to issue the permit, the rules require:

“Written evidence that the surface estate and mineral estate owners concur with the reclamation plan and that they will allow Department access to complete reclamation with the permit area if the permittee fails to comply with the approved reclamation plan.
If the applicant can document a legal right to mine without the consent of the surface estate owner, including legal right of access

to the site, the Department may issue an Operation Permit.” DAR 632-30-025(3)(a) (emphasis added).

We are not in a position to make a legal determination about the applicant's legal right to mine without HBI's permission. However, we see nothing in the grant of mineral rights that gives HBI express authority to deny the right to mine; therefore, find that we cannot rely on any "veto" authority of HBI as a means of ensuring that any reclamation plan approved by DOGAMI would be acceptable to HBI and would allow the continuation of accepted farm practices after mining.

Instead of proving that reclamation to the "accepted farming practices" described above is possible, the applicant proposed, in closing argument before this Board, a condition of approval requiring that the applicant demonstrate that the mining area can be "successfully reclaimed" before being allowed to mine south of I-84. There are several problems with this proposed condition:

First, the applicant would be allowed to mine the portion of Section 27 north of I-84, an area of approximately 100 acres, before the applicant would ever have to demonstrate that "successful reclamation" is possible.

Second, the applicant offered no definition of "successful reclamation"; thus, we do not even know what standard the applicant would have to meet.

Third, the applicant proposed that the success of the reclamation be determined by a 3-person panel, consisting of a representative of DOGAMI, a representative of the Oregon Department of Agriculture, and a third expert selected by the other two. We question whether it is legal for the County to delegate a land use decision (i.e., whether a condition of approval precedent to mining south of I-84 has been satisfied) to a non-County panel. In any event, we decline as a policy matter to turn that decision over to such a panel.

Fourth, HBI would be required under the condition to lease the surface of its land to the applicant to farm for five years. We doubt our authority to compel a private landowner to lease its surface rights to another private party.

Fifth, and most critically, the condition is not "clear and objective." Indeed, it requires the panel to address a key legal issue (what is "successful reclamation") and to examine evidence regarding farm productivity to determine whether the standard is met. The degree of factual and legal discretion involved is significant.

With respect to conflicts with accepted agricultural practices outside of the mining site, employing the narrow definition of "surrounding lands" advocated by the applicant, we similarly conclude that there are no measures adequate to minimize the conflicts created by mining. Specifically, we focus on two areas of conflict: (1) conflict with the irrigation system on adjacent portions of the Hansell farm, and (2) conflict with irrigation circles on the adjacent lands. Both of these practices are modes of operation that are common in this County to farms of this type

and necessary for the operation of such a farm for profit, and customarily utilized in conjunction with farm use.

(d) Loss of Water Rights

The applicant's only suggestion for preserving the water rights is for Hansell Brothers to transfer water to the applicant for use in mining. We are convinced by HBI's repeated protestations that HBI will never make such a transfer. Moreover, a transfer to Mr. Aylett or his company for mining purposes would involve not only a change in place of use (to allow use outside existing irrigation circles) and point of appropriation (because of the need to move wells that are in mining areas), but also a change of use. That significantly complicates any transfer.

Even if Hansell Brothers could transfer its water rights to some other use (including offsite agricultural use) there is no assurance that the rights could be transferred back. Moreover, Hansell Brothers would bear the costs of such repeated applications.

In summary, the applicant cannot demonstrate that there will be adequate (or any) water available for farming after the mining is completed. Without water, all of the applicant's various reclamation schemes are worthless. Loss of water rights would force a significant change in agricultural practices because irrigated agriculture appears to be the only accepted farming practice in the area. We lack adequate information on the cost of water right transfers to determine whether the need to pursue numerous such transfers would constitute a significant increase in the cost of operating the Hansell Brothers farm.

(e) Interference with the Irrigation System

In closing argument, the applicant proposed conditions of approval requiring that the mining operator: (1) "coordinate" with the surface owner to minimize farm disruption and safeguard water availability and distribution; (2) not disrupt or interfere with irrigation wells and water distribution; and (3) at its expense, protect or re-drill wells and re-route delivery pipes as necessary to avoid disruption or interference with irrigation. Although these conditions might help to alleviate the conflict, they are not "clear and objective" conditions. We cannot objectively determine whether the applicant is "coordinating" with HBI, nor can we objectively determine what is "necessary" to avoid disruption or interference with irrigation. These conditions are an open invitation to ongoing factual and legal disputes, with the County as the referee. We decline the invitation, both because the Goal 5 rule does not allow us to impose such conditions, and because the County does not have the staff and resources to police such conditions.

Given the complexity of the HBI irrigation system, we cannot imagine (and the parties have not suggested), reasonable and practicable, clear and objective conditions that would allow mining to proceed and still protect the irrigation system that serves the entire HBI farm. Thus, we conclude that the conflict cannot be minimized. Without an adequate and reliable irrigation system, irrigated agriculture on the HBI farm is not possible, and irrigated agriculture is essential to any "accepted farm practices" on the HBI farm.

(f) Interference with Irrigation Circles

At the hearing on January 6, 1998, Leslie Hauer submitted a plan showing how irrigation circles could be relocated and altered in size and number to compensate for the loss in cultivated area in irrigation circles. We conclude that the applicant's proposal would not minimize the conflict because the un rebutted testimony in the record is that the applicant's plan would require the relocation of at least one existing center pivot and the installation of 3 or 4 new center pivots, at a combined cost that could exceed \$100,000. That is a significant capital investment, with no concomitant increase in farm productivity, and we therefore conclude that it would constitute a significant increase in the cost of accepted farm practices.

(g) County Line Water Improvement District

This conflict probably could be minimized by requiring the applicant to pay the CLWID assessment for an portion of the Hansell Brothers farm being mined, and for the entire farm if the land were to be cease being farmed because of the impact of mining.

E. WHAT ARE THE ECONOMIC, SOCIAL, ENERGY AND ENVIRONMENTAL ("ESEE") CONSEQUENCES OF ALLOWING MINING, LIMITING MINING, OR NOT ALLOWING MINING?

Standards: Because we have determined that there are no reasonable or practicable measures that would minimize all identified conflicts, whether looking at only "offsite" conflicts or conflicts both on the mine site and on surrounding affected lands, OAR 660-23-180(4)(c) requires that we analyze the ESEE consequences of allowing mining, limiting mining, or not allowing mining. OAR 660-23-180(4)(d) provides:

"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."

In addition, OAR 660-23-180(5) requires us to "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.” The steps in a standard ESEE process are: (a) identify conflicting uses; (b) determine the impact area; (c) analyze the ESEE consequences; and (d) develop a program to achieve Goal 5. We have previously identified the conflicting uses and the extent of the impact area. We have also addressed the degree of adverse effect on existing land uses (particularly agriculture) and any reasonable and practicable (and clear and objective) conditions to mitigate the adverse effects. The applicant has not stated the probable duration of the mining operation; even at the applicant’s most optimistic projections for sales, mining would last for many decades. Duration of mining of individual phases (10 acres according to the applicant) is similarly uncertain because of a lack of information from the applicant concerning likely actual sales. The proposed post-mining use of the property, according to the applicant, is agricultural. As discussed above, however, the applicant has not committed to any particular form of agriculture or to any particular level of productivity. In short, the applicant has not demonstrated that productive and profitable post-reclamation agricultural use is possible on this site.

We now analyze the ESEE consequences of allowing mining, limiting mining, or not allowing mining. This analysis is based solely on the conflicts that we found were not “minimized”: dust; loss of use of land being mined; loss of pit slopes; loss of pit floor after mining; loss of water rights; interference with HBI irrigation system; and interference with “offsite” irrigation circles. With the exception of dust impacts, these impacts all relate to the ability to continue to farm the HBI property.

Economic Consequences

Findings: Both parties have presented us with expert testimony regarding economics. The analyses presented by the applicant are informative, but they suffer from some common flaws:

- (1) The applicant’s analyses appear to assume that our analysis of the economic consequences of allowing mining depends only on a comparison of: (a) the revenues that HBI can earn on its farming operations, and (b) the revenues that the applicant might earn on its mining operations. We disagree fundamentally with that approach. Statewide Planning Goal 3, and our Comprehensive Plan and ordinance provisions implementing it, require the protection of agricultural land. We do not believe that we are required to allow a conflicting use such as mining simply because the short-term revenue stream from that conflicting use is potentially greater than the revenue from farming. That rationale could lead to the loss of a great deal of farmland.
- (2) The applicant and its experts provide no credible, factually supported analysis of how much aggregate the applicant may be able to sell from the mining site. The applicant and its experts simply make a range of assumptions about potential sales. As pointed out by the opponents, in some cases those assumptions are highly questionable, in that they would require the applicant to capture a high percentage of the County aggregate market in order to achieve the projected

sales.³ By comparison, Dr. Ziari's analysis of the economic benefits of farming the HBI farm is based on actual production and sales from the farm.

(3) The applicant and its experts do not address the extent to which the applicant's sales of aggregate from this site would displace sales of aggregate by other producers. There is nothing in the record to persuade us that the opening of an additional source for aggregate will generate additional demand. We note that the sand and gravel at this site, while of high quality, is not unique, nor is the deposit at this location unique in comparison to other sites in the surrounding area. Thus, the benefit to the County economy of allowing or limiting mining is minimal or nonexistent. As Dr. Ziari points out, in a local market for sand and gravel that is already adequately supplied, the applicant's sales will only displace sales by other producers. We find that this additional mining site will not have significant economic benefits for the county. By contrast, continued farming on the site does not compete only or primarily with local sales. The market for agricultural products from the Hansell farm extends far beyond the County and therefore brings significant net economic benefit to the local economy.

We do not choose to analyze economic consequences simply by comparing revenue streams. If the County allows mining or limits mining (under reasonable and practicable, clear and objective conditions), part of the HBI farm will be removed from production, and we do not believe that a productive, irrigated farm producing the types and yields of crops could be re-established within the mining areas. Moreover, given the "offsite conflicts" that cannot be minimized, there is a substantial risk that all or part of the remainder of the HBI farm could be removed from production. Although there may be other lands in the County that can be farmed, the HBI farm already has a large investment at this site in water rights, wells, pipelines, pumps, center pivot irrigation equipment, and several decades of soil enhancement and farming "know how." The County economy, which depends to a large measure on agriculture, would suffer a loss.

By contrast, if we do not allow mining, we believe that the County will still have enough aggregate to supply the County's market, and other markets (Portland/Vancouver, for instance) as well. Both the applicant (in the April 1997 application) and the opponent emphasized that 17% of Umatilla County has commercial deposits of aggregate. In other words, Umatilla County is blessed with an enormous potential supply. Unlike many other counties in Oregon, Umatilla County (particularly the northwest corner of the County) can have all the aggregate it needs (including for export) for the foreseeable future without having to sacrifice productive farmland

³ The applicant has suggested that it will be able to sell aggregate to the Portland/Vancouver market, or even to San Francisco or Seattle consumers. We have seen no credible evidence to support that conclusion. We find persuasive the evidence that the applicant will be at a significant competitive disadvantage in comparison to other aggregate suppliers who are closer to those markets and in particular to suppliers who can load aggregate onto barges in the Columbia River directly from their mining sites.

to get it. In other words, a decision to not allow mining at this site results in the best economic outcome for the County:⁴

- (1) The County gets the full value of farm production on the HBI farm. Unrebutted testimony indicated that with proper stewardship, this land could be farmed for many decades -- if not centuries -- into the future.
- (2) The County gets the full benefit of whatever aggregate markets currently exist or develop in the future by mining sites that are not on productive farmland. Although it could be argued that there are other sites for farming as well, we have already noted the significant investment in making the HBI farm productive.
- (3) The aggregate resource under the farm is protected, so that if farming becomes permanently unfeasible on this site in the future, the aggregate resource is available for mining.

In summary, we find that allowing mining or limiting mining on this site results in negative economic consequences (loss of agricultural production), whereas the County can enjoy the full benefits of agriculture and an adequate supply of aggregate if mining is not allowed.

We realize that the best economic outcome for the County is not the best economic outcome for the applicant. However, we are not required to perform our ESEE analysis based on private returns on investment.⁵

Social

Findings: For many of the same reasons as discussed above under economic consequences, there are negative social consequences of allowing or limiting mining. The Hansell Brothers farm has been a part of Umatilla County's social fabric for several decades, and with proper stewardship can continue indefinitely. It provides food, which is a basic necessity. Allowing or limiting mining would interfere with the provision of food by taking land out of production and threatening the remainder of the HBI farm.

Mining also provides benefits to society. Aggregate is needed for buildings, roads, and other critical items of infrastructure. As already discussed, however, Umatilla County is blessed with a large supply of aggregate. In some senses, the supply could be too much of a good thing if the County does not carefully address the impacts of allowing mining. Given that the northwest corner of the County is underlain by huge sand and gravel deposits, there is the potential that this part of the County could be pockmarked with many competing sand and gravel pits, if the County simply allows mining because of the general usefulness of aggregate. In the case of social consequences, as with economic consequences, Umatilla County is in the enviable

⁴ We believe that this is the case whether our analysis is limited to impacts on "surrounding" agricultural lands (the remainder of the HBI farm) or also includes the mining site itself.

position of being able to protect the social benefits of farming without losing the social benefits of mining.

Environmental Consequences

Findings: Allowing or limiting mining will likely result in adverse impact to air quality from dust associated with mining. Reasonable and practicable measures to mitigate this impact are possible, such as watering and crop cover. However, the applicant has offered supposition, rather than substantial evidence, supporting its ability to obtain sufficient water rights for dust control, for irrigation of a cover crop on the berm, and to irrigate trees the applicant has proposed as a visual buffer (and that also might serve as a windbreak).

We find that there would not be adverse environmental consequences from not allowing mining. The applicant has attempted to characterize some of HBI's management practices as environmentally undesirable, in particular the application of hog effluent to the land. However, the application of hog effluent has been discontinued, and the record indicates that the HBI farm is carefully managed to minimize any potential for fertilizer to escape the root zone of the crops and potentially enter groundwater.

Energy

Findings: Goal 5 provides that the "efficient consumption of energy should be considered when utilizing natural resources." Goal 13 requires that land and land uses "be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." The location of mining sites relative to construction sites has a direct impact on consumption of energy. The greater the distance, the more energy is consumed. If the applicant were proposing to sell the aggregate locally, the goal of efficient use of energy would likely be met. The applicant has stated that it intends to ship aggregate from the mining site to the Portland/Vancouver market and possibly to even more distant markets. This reduces the energy efficiency argument ordinarily presented in support of aggregate mining. The energy efficiency of the applicant's proposal is further reduced by the applicant's proposal to process the aggregate at its current mining site in Morrow County. In other words, the material would have to be transported once to the Morrow County site (presumably in trucks) if it requires processing, and then shipped again to the customer. Given the uncertainty of where the applicant will sell aggregate, the Board cannot conclude that there are energy benefits associated with allowing mining or limiting mining.

The energy consequences of not allowing mining consist of the energy "cost" of supplying aggregate markets from other sites. As discussed above, Umatilla County has a large supply of aggregate, particularly in the northwest corner of the County where this site is located. Therefore, it is likely that other sites could provide aggregate to customers at a similar level of energy efficiency.

F. IN LIGHT OF THE ESEE CONSEQUENCES, SHOULD MINING BE ALLOWED?

The parties have acknowledged that we have considerable discretion to determine, based on our analysis of the ESEE consequences, whether to allow mining, limit mining, or not allow mining. The economic, social, and environmental consequences of allowing mining are, in our view, unacceptable. Similarly, we do not believe that we can limit mining through legally supportable conditions of approval such that the negative economic, social, and environmental consequences of mining could be minimized or eliminated. The impact on the HBI farm (whether including the mining site or not), and the importance of farming to the Umatilla County economy, are decisive in our view. We determine that mining should not be allowed on the site.

IV. AGGREGATE RESOURCE OVERLAY ZONE.

Standards: The standards for application of the AR overlay zone are found in Umatilla County Code sections 152.485 to 152.491.

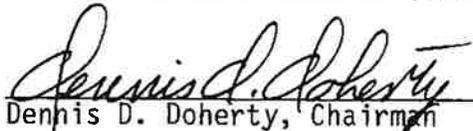
Findings: The Board finds that an analysis of whether to apply the aggregate resource overlay zone is moot because we have decided under the standards of the Goal 5 rule that mining will not be allowed on the site.

V. DECISION

While the Board approves the request to add the subject site to the Umatilla County Rock Materials Resources Inventory, it also finds that based on and supported by the ESEE analysis above, the applicant's proposal to mine part of the site and to apply the Aggregate Resource Overlay Zone to that portion of the site should be and hereby is denied.

DATED: February 17, _____, 1998

UMATILLA COUNTY BOARD OF COMMISSIONERS


Dennis D. Doherty, Chairman


Emile M. Holeman, Commissioner

*Commissioner William S. Hansell did not participate in this decision.

INTENTIONALLY LEFT BLANK

Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

RECEIVED

DEC 29 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

December 29, 2022

Chair Danforth and Members of the Umatilla County Planning Commission
Robert Waldher, Planning Director
Umatilla County Planning Department (VIA EMAIL)
216 SE 4th Street
Pendleton, Oregon 97801

Chair Danforth and Umatilla County Planning Commission members:

Please accept this as the response to testimony provided by Wade Aylett, Wade Aylett JR, and Andrew Stamp, legal counsel to the Aylett family, submitted for the December 22, 2022, deadline as set by the Planning Commission at the conclusion of the December 15, 2022 Public Hearing regarding the application for Goal 5 protections and approval of mining as represented by local file numbers Comprehensive Plan Map Amendment #P-135-22, Comprehensive Plan Text Amendment #T-092-22, and Zoning Map Amendment #Z-322-22 on property owned by Craig Coleman, or Girth Dog, LLC, and currently defined as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36.

Addressed in this letter will be arguments raised by Wade Aylett, Wade Aylett JR, and Mr. Stamp from their December 22 submittals: 1) gravel samples submitted exceed required standards (including declarations concerning collection and transport); 2) water availability and mining without water (including Port of Morrow Compliance Letter from the Oregon Drinking Water Services and a declaration concerning mining without water); 3) adjacency is not a standard; 4) dust suppression; and 5) Goal 12 is the Transportation Planning Rule.

Gravel Samples Submitted Exceed Required Standards: Testimony from the Aylett's continues to provide more confusion to the applicable standard for quality. The requirement found at OAR 660-023-0180(3)(a) for quality states, "**(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...**" The applicable Oregon Department of Transportation (ODOT) requirements are found in Section 02630.11(c) of the [Oregon Standard Specifications for Construction](#) (2021) and indicate that Abrasion can be up to 35% maximum, Coarse Degradation can be up to 30% maximum, and Sediment Height should be 3.0 inches maximum (the two applicable pages were submitted as part of our December 15 submittal). This table indicates the test, the standard, and the results from the samples submitted in both March and November.

Abrasion	Standard: Not to exceed 35%	Result: 14% (Both Samples)
Course Degradation	Standard: Not to exceed 30%	Result: 1.9% (November Sample) Result: .98% through 2.8% (March Sample)

Sediment Height	Standard: 3.0 inches	Result: .4 inches (November Sample)
Sulfate Soundness	Standard: 12%	Result: 2.1% (November Sample) Result: 1.4% (March Sample)

The requirement is to determine if the aggregate is significant based on the requirements in the rule. The applicant has proven that it meets the standard for quality. Earlier testimony and evidence indicate that the site is also significant for quantity (earlier map generated by IRZ Engineering and Consulting with calculations indicating over 1.2 million tons within the top 10-feet of the site).

While not an ODOT standard or a requirement of the approval process, the opponents have questioned how the samples were collected and delivered for the analysis completed by Atlas Technical Consultants. Please see the attached declarations completed by Craig Coleman, Noel Salinas, and Jeff Hines providing additional information concerning when the samples were collected and transported to Ontario, Oregon.

The applicant requests that the Planning Commission find the subject property significant for both quantity and quality meeting the requirements in OAR 660-023-0180(3).

Water Availability and Mining Without Water: As part of the December 15 submittal the applicant provided information from Mr. Porfily, a well-respected Water Rights Examiner in the greater Umatilla and Morrow County area, indicating that the applicant has significant water rights that can be modified for a change in use. Mr. Porfily has significant experience in doing this work under the requirements of the Oregon Department of Water Resources. The time involved to accomplish this work could be significant so the applicant has indicated that for dust mitigation water or a chemical dust abatement measure could be used. This is a true and accurate statement and has not changed. The applicant did not, as part of the application, address water usage for other purposes. The intent has been to mine without water until water is available. That may mean that initial mining would be for unwashed base rock. Further processing of the rock, including washing, would need to be done at another site or at the place of processing or use until an onsite water source is secured.

Should water be identified as a need the applicant has also submitted to the record a letter from the Port of Morrow indicating available hydrant water for use. Mr. Stamp has attempted to cloud this available water with the submittal of two articles about process water high in nitrates. Hydrant water in any jurisdiction comes from the same source as your tap water, meaning that it is potable and safe to drink. To assure the Planning Commission that the Port of Morrow hydrant water is potable find attached a statement from the Oregon Health Authority Center for Health Protection Drinking Water Services indicating that the Port of Morrow water is a Public Water System as it serves both residential units and serves a local population.

While the Aylett's use significant water, based on their testimony, mining occurs on the other side of Interstate 84, on property owned by JTJ Enterprises, LLC and operated by Terry Clark, who has testified in these proceedings, without any water available. A check of the Oregon Water Resources Department Water Rights Information Query by location shows no water rights (ground, surface, or storage pond) pertinent to that property.

The applicant has every intention to obtain water to operate the proposed mining operation and provide services beyond what can be done without water (see Jeff Hines declaration concerning mining

and water usage). Until the water is available there is no reason that mining without water cannot begin and continue through the water right permit modification process.

The applicant requests that the Planning Commission find that mining can occur without water; that the applicant has available water resources that can be modified to be used in the mining operation; and that having water is not a standard that the applicant must meet. The applicant also requests that the Planning Commission find that using chemical abatement to control dust is an adequate measure to abate fugitive dust that is created as part of the mining process.

Adjacency is NOT a Standard: The Aylett's and Mr. Stamp continue to argue that the application should be denied for no other reason than the 1,000-acre significant site to the west should be mined first. In 1998 the then Board of Commissioners correctly denied mining as the surface and mineral rights were owned by two different parties. While the specific parties have changed there is still not common ownership of both the surface and mineral rights. Oregon Revised Statute 517.790(3) which governs the Oregon Department of Geology and Mineral Industries (DOGAMI) is still applicable and states, "The department may not issue an operating permit to an operator other than the owner or owners of the surface and mineral interests of the lands included within the surface mining area unless the operator: (a) Has written approval from the owner or owners of all surface and mineral interests of the lands included within the surface mining area; and (b) Maintains a legal interest in the lands that is sufficient to ensure that the operator has the authority to operate and reclaim the lands as provided in the operating permit and reclamation plan." Even though the 1,000-acre site has been deemed significant there is not an interest on the part of the holder of the surface rights to have that land mined.

The applicant continues to assert that there are no conflicts under Goal 5 with either adjacent sites designation of significance. The potential impacts of dust, noise, or other discharges are the responsibility of the respective operators and should be considered in the same manner for this application as they were for the Aylett request. Fugitive dust and noise are both regulated by the Oregon Department of Environmental Quality (DEQ). Stormwater and other water retention would also be regulated by DEQ with additional oversight by DOGAMI for mining impacts.

The applicant would ask that the Planning Commission find that 1) there are no other, non-aggregate, Goal 5 Resources in the impact area, 2) that the Coleman/Girth Dog site is significant for the purposes of Goal 5, and 3) that the Goal 5 protected resource to the west is not a consideration of this approval. The applicant would also ask that the Planning Commission find that the property to the west of the proposed mining site is not available for mining purposes, not changing the 1998 decision rendered by the Planning Commission and Board of Commissioners.

Dust Suppression: The applicant continues to assert that dust can and will be managed through mitigation that would consist of chemical abatement as well as water when appropriate (with water available through the Port of Morrow or onsite when water rights have been through a change in use review and approval). For the home to the northeast of the mining site a berm will be installed for protection from mining impacts that may include fugitive dust. The home to the northwest has asked that no berm be installed as they do not want to have a berm impact their current view to the south of their property.

The opponent is concerned that unmitigated dust could be attributed to their site. That assertion could also be made by the applicant as the wind can and does blow from the northeast to the south or

southeast, albeit not with the prevalence as the wind blows from the southwest to the northeast. The appropriate subsequent Condition of Approval applied to the Aylett approval is as follows:

1. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operation 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.

The applicant would support the same condition be applied to this request which will work to assure both operations meet the same standards relative to air, noise, and water quality.

The applicant requests that the Planning Commission find that the proposed mining operation can mine with limited water and that the Condition of Approval identified above be applied to the recommended decision.

Goal 12 is the Transportation Planning Rule: Again Mr. Stamp asserts that the applicant has not addressed Goal 12, but he fails to identify what component of Goal 12 has not been addressed (Goal 12 is attached to this submittal). As stated in our December 15, 2022, submittal OAR Chapter 660 Division 12 is the Transportation Planning Rule and states in the Purpose statement that “This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient, and economic transportation system.” The Department of Land Conservation and Development website states on its Goal 12 page that the OARs that implement Goal 12 are Division 12 Transportation Planning and Division 34 Airport Planning. During the application process, Planning staff asked that a Traffic Impact Analysis be submitted to address both the Westland Road Interchange Area Management Plan and the Transportation Planning Rule. Also, as part of the original application Goal 12 was analyzed with the following:

Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. In 2006 Umatilla County adopted an Interchange Area Management Plan (IAMP) for the Westland Interchange which does discuss the intersection of Stafford Hansell Road to Westland Road, identifying concerns with the spacing of Stafford Hansell Road from the interstate eastbound on- and off-ramps. This request is for a use that is allowed conditionally and improvements to the Stafford Hansell Road intersection, while needed, are not appropriately required of this application. Connection for the proposed aggregate site is proposed to be from Center Street at the current intersection of Noble Road and Colonel Jordan Road, which is nearly 1,000-feet more than the 1320-feet required by the IAMP.

There was also an assertion by Mr. Stamp that the Traffic Impact Analysis must be redone to address additional trips for water trucks. That is not necessary as the proposed mining operation will use minimal water until the water rights change in use process is completed to allow for industrial use water at the site. If water is hauled in it would not be more than one or two trucks per week to address limited dust mitigation as part of the rock crushing operation. No change in the Traffic Impact Analysis is warranted as four trips per week would not change the analysis.

Based on this the applicant would ask that the Planning Commission find that the requirements of the Transportation Planning Rule, which implements Goal 12, have been satisfied through the analysis accomplished in the Traffic Impact Study and that the connection of the mining operation to the transportation network along Center Street, to be renamed Noble Road, with access to Colonel Jordan Road is sufficient for the mining operation. We would also ask that the Planning Commission find that the addition of up to four trips per week would not change the analysis of the submitted Traffic Impact Analysis and that it continues to be adequate for purposes of review and approval of the proposed mining operation.

Thank you for the ability to provide further comment. The applicant will be available at the Public Hearing on January 26 should any questions arise. Your consideration and recommendation of approval of the requests outlined in the proposal is appreciated.

Cordially,

Carla McLane

Carla McLane, MBA
Carla McLane Consulting, LLC

Attachments:

1. Craig Coleman Declaration
2. Noel Salinas Declaration
3. Jeff Hines Declaration re sample collection and delivery
4. Port of Morrow Compliance Letter – Oregon Drinking Water Services.
5. Jeff Hines Declaration re mining and water
6. Oregon’s Statewide Planning Goals & Guidelines – GOAL 12: TRANSPORTATION.

**BEFORE THE
PLANNING COMMISSION
OF UMATILLA COUNTY**

RECEIVED

DEC 29 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

In the Matter of the Application for)
Girth Dog, LLC)
_____)
_____)

DECLARATION OF CRAIG COLEMAN

I, the undersigned, declare under penalty of perjury under the laws of the State of Oregon that the following is true and correct to the best of my knowledge:

1. My name is Craig Coleman and I am the co-owner and manager of Girth Dog, LLC.
2. On October 25, 2022, I collected sand and gravel samples for delivery to Atlas Technical Consultants in Ontario Oregon.
3. The intent of the samples was to determine if the material meets the standard found at OAR 660-023-0180(3) related to quality, otherwise known as the ODOT standards.
4. These samples were collected on the property identified as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36 which is under consideration for Goal 5 protections and approval of mining.
5. I collected three buckets of sand and gravel at four different sites, for a total of 12 buckets.
6. After collecting the samples, the 12 buckets were loaded on a trailer and stored at 29730 Stafford Hansel Road, Hermiston, Oregon, 97838 under my control until my employee Noel Salinas loaded the buckets into a Ford Transit Connect van for transport to Atlas on October 31, 2022.

SIGNED at Umatilla County, Oregon on this 29 day of December 2022

Signed: Craig F Coleman

Printed Name: Craig F Coleman

BEFORE THE
PLANNING COMMISSION
OF UMATILLA COUNTY

RECEIVED

DEC 29 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

In the Matter of the Application for)
Girth Dog, LLC)
_____)
_____)

DECLARATION OF NOEL SALINAS

I, the undersigned, declare under penalty of perjury under the laws of the State of Oregon that the following is true and correct to the best of my knowledge:

1. My name is Noel Salinas and I am an employee of Craig f. Coleman, Inc.
2. On October 31, 2022, I picked up 12 buckets of gravel from Craig Coleman's shop located at 29730 Stafford Hansel Road in Hermiston, Oregon and transported the buckets to Atlas Technical Consultants in Ontario, Oregon.
3. The buckets were leaded in a Ford Transit Connect van and under my control at all times until they were delivered to Atlas on October 31, 2022.

SIGNED at Umatilla County, Oregon on this 29 day of December 2022

Signed: _____



Printed Name: _____

NOEL E. SALINAS

6. After collecting the samples, I loaded the buckets into my vehicle where it was stored securely under my control until I transported the buckets to Atlas on March 4, 2022.

SIGNED at Umatilla County, Oregon on this 29 day of December 2022

Signed: _____

Printed Name: _____

**Oregon Health Authority
Center for Health Protection
Drinking Water Services**

RECEIVED

DEC 29 2022

UMATILLA COUNTY
PLANNING DEPARTMENT

800 NE Oregon St. Suite 640
Portland, OR 97232-2162
(971)673-0405
FAX: (971)673-0694
TTY-Nonvoice: (971)673-0372

Public Water System Compliance Information

December 28, 2022

The PORT OF MORROW in Morrow County is classified as a "non-transient non-community" water supply and is identified on the Oregon Health Authority Drinking Water Services public water system inventory by **Public Water System (PWS) Identification Number OR4101328**. This classification is based on the system serving 30 residential connections and a population of 1,350 people.

Public water systems are subject to the requirements of Oregon Administrative Rules, Chapter 333 as administered by the Oregon Health Authority. The state rules are established as required by the federal Safe Drinking Water Act and Environmental Protection Agency.

For specific information regarding this water system, check Data Online at <https://yourwater.oregon.gov/inventory.php?pwsno=01328> or contact:

MIFF DEVIN
PORT OF MORROW OR4101328
541-481-7467

**BEFORE THE
PLANNING COMMISSION
OF UMATILLA COUNTY**

RECEIVED

DEC 29 2022

**UMATILLA COUNTY
PLANNING DEPARTMENT**

In the Matter of the Application for)
Girth Dog, LLC)
_____)

DECLARATION OF JEFF HINES

I, the undersigned, declare under penalty of perjury under the laws of the State of Oregon that the following is true and correct to the best of my knowledge:

1. My name is Jeff Hines and I am the owner and manager of HNS, Inc.
2. I have 38 years of experience with aggregate operations in Eastern Oregon, including the mining of basalt and gravel sites.
2. I am working with Girth Dog, LLC on its application to mine the subject property identified as Tax Lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36, which is under consideration for Goal 5 protections and approval of mining.
3. Based on my experience in the industry, water is used in the mining and processing of rock for several purposes including: dust mitigation on roads and other traveled surfaces, the control of dust created during the crushing of rock, and to wash rock prior to processing to concrete.
3. Dust on roads and other traveled surfaces can be mitigated with water but chemical mitigation can also be used. Until sufficient water is available at the proposed site, chemical abatement will be used to manage this fugitive dust.
4. Dust mitigation during the process of crushing rock does require water but not a significant amount to achieve the desired results. The intent is to contain fugitive dust which can be accomplished with less water than it takes to water a lawn. In similar operations of this type, dust mitigation has been accomplished with approximately 80 gallons of water an hour. It should

be noted that removing too much dust through this process for rock to be converted to asphalt can be detrimental.

5. Rock washing is required when rock is to be converted to concrete. This does require significant amounts of water and will not be accomplished at the proposed site until water is available for this purpose upon completion of the necessary water right change in use.

6. Rock washing is NOT required when rock is to be converted to asphalt. The production of asphalt is a requested use at this site and does NOT require water for that production.

SIGNED at Umatilla County, Oregon on this 29 day of December 2022

Signed: _____

Printed Name: _____

Oregon's Statewide Planning Goals & Guidelines

RECEIVED

GOAL 12: TRANSPORTATION

DEC 29 2022

OAR 660-015-0000(12)

UMATILLA COUNTY
PLANNING DEPARTMENT

To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Transportation -- refers to the movement of people and goods.

Transportation Facility -- refers to any physical facility that moves or assists in the movement of people and goods excluding electricity, sewage and water.

Transportation System -- refers to one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

Mass Transit -- refers to any form of passenger transportation which

carries members of the public on a regular and continuing basis.

Transportation Disadvantaged -- refers to those individuals who have difficulty in obtaining transportation because of their age, income, physical or mental disability.

GUIDELINES

A. PLANNING

1. All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.

2. Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.

3. No major transportation facility should be planned or developed outside urban boundaries on Class 1 and II agricultural land, as defined by the U.S. Soil Conservation Service unless no feasible alternative exists.

4. Major transportation facilities should avoid dividing existing economic farm units and urban social units unless no feasible alternative exists.

5. Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit,

low-density developments with dispersed origins and destinations should be principally served by the auto.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. IMPLEMENTATION

1. The number and location of major transportation facilities should conform to applicable state or local land use plans and policies designed to direct urban expansion to areas identified as necessary and suitable for urban development. The planning and development of transportation facilities in rural areas should discourage urban growth while providing transportation service necessary to sustain rural and recreational uses in those areas so designated in the comprehensive plan.

2. Plans for new or for the improvement of major transportation facilities should identify the positive and negative impacts on: (1) local land use patterns, (2) environmental quality, (3) energy use and resources, (4) existing transportation systems and (5) fiscal resources in a manner sufficient to enable local governments to rationally consider the issues posed by the construction and operation of such facilities.

3. Lands adjacent to major mass transit stations, freeway interchanges, and other major air, land and water terminals should be managed and controlled so as to be consistent with and supportive of the land use and development patterns identified in the comprehensive plan of the jurisdiction within which the facilities are located.

4. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

INTENTIONALLY LEFT BLANK

RECEIVED

JAN 05 2023

UMATILLA COUNTY
PLANNING DEPARTMENTSarah Stauffer Curtiss
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9829
sarah.curtiss@stoel.com

January 5, 2023

Umatilla County Planning Commission
c/o Robert Waldher, Planning Director
Umatilla County Department of Land Use Planning
216 SE 4th Street, Room 104
Pendleton, OR 97801**Re: #T-092-22, #P-135-22, #Z-322-22 - Applicant's Final Legal Argument**

Dear Commissioners:

This office represents Girth Dog, LLC, the applicant in the above-referenced matter ("Applicant"). Applicant is seeking approval from Umatilla County ("County") to add tax lots 900, 1100, 1200, 1300, and 1800 of Assessor's Map 4N 27 36 ("Property") to the County's Large Significant Sites list, providing Goal 5 protections and applying an Aggregate Resource Overlay Zone to the Property. In accordance with the County's order extending the deadline for new evidence to December 22, 2022, rebuttal evidence to December 29, 2022, and the Applicant's final legal argument to January 5, 2022, please find the Applicant's final legal argument below for submittal to the record.

I. Background and Public Process**A. Application Process**

As summarized in the County's Staff Reports, Applicant submitted its land use application in September 2022 ("Application").¹ The materials in the Application and the subsequent submissions provide extensive information about the Applicant's proposal, including substantial evidence in support of the Statewide Planning Goal 5 post-acknowledgement plan amendment or PAPA.² The Applicant provided additional support and project "highlights" in supplemental submittals and at the public hearings on October 20, 2022 and December 15, 2022.

At the public hearing, Andrew Stamp, attorney for Wade Aylett Sr., Rock Solid Sand & Gravel, LLC, and Rock It LLC testified in opposition to the Application. Wade Aylett Sr. and Wade Aylett Jr. ("Ayletts") testified in opposition.

¹ Preliminary Findings and Conclusions for public hearing on October 20, 2022, 9 (2022) ("October Hearing Packet").

² See October Hearing Packet; Preliminary Findings and Conclusions for public hearing on December 15, 2022, 9 (2022) ("December Hearing Packet"); Letter from Carla McLane to the Umatilla County Planning Commission (Dec. 22, 2022) ("McLane December 22 Letter").

B. Property and Zoning

The Property is located just south of the interchange for Interstates 84 and 82, southwest of the Westland Road interchange, and just over a quarter of a mile west of Colonel Jordan Road, and south of Stafford Hansell Road (“Property”). The Applicant’s current Property use is agricultural operations under circle pivot irrigation and drip irrigation. The proposed use is to establish a Large Significant Site for mining and processing of concrete and asphalt batch plants and stockpiling.

The Property is in an Exclusive Farm Use (EFU) zone. The purpose of the EFU zone is to “preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural projects.”³ In an EFU zone, mining operations, including the mining, crushing, and stockpiling of aggregate and other minerals and the process of aggregate into asphalt or cement, are allowable through the Goal 5 and Aggregate Resource Overlay processes.⁴

II. Response to Oral and Written Comments⁵

A. Andrew Stamp and the Ayletts have raised numerous arguments that have nothing to do with the applicable standards.

Throughout these proceedings, Andrew Stamp and the Ayletts have raised numerous arguments in support of their position that the County should deny the Application but most of the arguments raised have nothing to do with the applicable standards. For example, during the public hearing on the Application, Mr. Stamp argued that the County should deny the Application because the Applicant has not demonstrated consistency with a long list of state standards. However, as the Applicant’s representatives explained during the December 15 hearing, County approval of the Goal 5 PAPA and application of the Aggregate Resource Overlay Zone is only one of the many approvals the Applicant must secure before mining the Property. It is not the County’s responsibility to evaluate Applicant’s proposal for compliance with state standards. Rather, it is the responsibility of the state agencies with jurisdiction over the applicable standards to evaluate compliance with their standards. For example, prior to mining the Property, the Applicant must secure an Operating Permit from the Department of Geology and Mineral Industries (DOGAMI). The purpose of a DOGAMI operating permit is to ensure that the applicant conducts the mining operation in a way that protects land, air and water resources, avoids off-site impacts, and ensures reclamation. DOGAMI renews operating permits

³ Umatilla Development Code § 152.055.

⁴ Umatilla Development Code § 152.060.

⁵ Recent testimony from Wade Aylett Senior has attacked the credibility and reputation of Jeff Hines. However, Jeff Hines’s reputation has nothing to do with this Application. The claims are baseless and unprofessional. They go beyond normal attacks of witness credibility, and the Planning Commissioner should not consider them as part of its evaluation of the Application.

annually so that it can evaluate compliance with applicable permit conditions.⁶ The Applicant understands that it must secure a DOGAMI operating permit and comply with applicable standards, but there is no requirement that the Applicant demonstrate compliance with those standards as part of the County's process.

Likewise, during the public hearing Mr. Stamp and the Ayletts argued that the Application does not contain sufficient evidence of aggregate quantity and quality (i.e., that the Application is "half-baked") and asked the County to deny the Application on the grounds that the record contains insufficient information. However, like the argument related to state standards, the "half-baked" argument has no connection to a relevant County approval criteria or application requirements. Although Mr. Stamp and the Ayletts have argued over and over that the Application was done on the "cheap" and that there are evidentiary items that are missing from the Application, they have failed to point to any land use standards or application requirements to support their position.

It is easiest to understand the absence of any support for the position that the Application is "half-baked" by comparing what evidence was (and was not) submitted by the Ayletts in their Rock It 2 application. Unlike the Rock It 2 application, the Applicant hired an outside third-party consultant to determine aggregate quantity on the site.⁷ Also, unlike the Rock It 2 application, the Applicant completed a traffic impact report. Accordingly, Mr. Stamp and the Ayletts have not provided any support for their claim that the Application is "half-baked" because, after weighing the record as a whole and considering what prior applicants submitted, the Applicant has clearly provided a more comprehensive application package than other previous aggregate applications.⁸

B. The Results of Aggregate Testing on the Entire Property Show the Project Meets the Standards for Quality, Quantity, and Location.

In various oral and written comments on the record, Mr. Stamp and the Ayletts raised concerns about the quality and quantity of aggregate on the Property. While the Applicant has worked diligently to address Mr. Stamp's and the Ayletts' concerns, there is overwhelming evidence in the record that the proposed aggregate site has sufficient quality and quantity to warrant Goal 5 protection.

⁶ There are numerous other state requirements that apply to the development and operation of sand and gravel facilities, but none of those standards (including those cited by Mr. Stamp) apply to the County's review of the Application. As discussed during the public hearing, the Applicant will ensure compliance with DOGAMI, Oregon Department of Environmental Quality, Oregon Water Resources Department, and Oregon Occupational Safety and Health Safety requirements by securing all required permits and complying with all applicable standards.

⁷ Compare Letter from Carla McLane to the Planning Commission (Dec. 22, 2022) ("Coleman Response Letter III") at 19; with December Hearing Packet, *supra* note 2, at 121 & 149.

⁸ Although it is true that the County is not bound by its past interpretations, it would be fundamentally unfair for the County to arbitrarily require additional evidence and analysis in this instance simply because a competitor has argued that the Application is half-baked or done "on the cheap".

As OAR 660-023-0180 dictates, the County considers an aggregate resource site significant “if adequate information regarding the quality, quantity, and location of the resource demonstrates” that the site meets the criteria for designation. One criteria is that the sampling of aggregate material be “representative.”⁹ The Land Use Board of Appeals (“LUBA”) has determined that sampling is representative when the testing is either attributable to the entire property or spread throughout the property.¹⁰ LUBA does not require a specific number of test pits as long as the test pits dug are representative.¹¹ For example, in *Sanders v. Yamhill County*, a case cited by Mr. Stamp,¹² the applicant dug a number of test holes on an 120-acre property to show sufficient quantity and quantity for Goal 5 large significant site status.¹³ The court found that the planning commission did not have substantial evidence of quantity and quality because the applicant had only dug one test hole in the property’s southern half.¹⁴

Unlike the *Sanders v. Yamhill County* case, the Applicant’s samples are representative. The Applicant dug six test pits throughout the entire site.¹⁵ The 10-foot deep test pits are located throughout the property. Two well logs supplement the record. Well log 1584 is attached to a well in tax lot 1100 adjacent to test pit 5. Well log 1806 is on the border of tax lots 1200 and 1300 adjacent to test pit 4. This sampling is representative because the Applicant has spread the testing throughout the entire site, as shown in Coleman Response Letter III, Attachment 2.

1. The Property’s aggregate samples meet Oregon Department of Transportation (ODOT) specifications for quality of aggregate.

OAR requires that a “representative set of samples of aggregate material in the deposit on the site meets applicable ODOT specifications for base rock for air degradation, abrasion, and soundness.”¹⁶ The table below compares the ODOT specifications with the Applicant’s samples.

Specification	ODOT Compliance	Applicant’s Aggregate
Abrasion	35% Maximum	14%
Coarse Degradation	30% Maximum	1.9%
Sediment Height	3.0 inches Maximum	.4 inches
Sulfate Soundness	12%	2.1% and 1.4%

⁹ OAR 660-023-0180(3).

¹⁰ *Sanders v. Yamhill County*, 34 Or. LUBA 69, 98-99 (1998).

¹¹ *Id.*

¹² See December Hearing Packet, *supra* note 2, at 72.

¹³ *Sanders v. Yamhill County*, 34 Or. LUBA at 97-98 (1998).

¹⁴ *Id.* at 99.

¹⁵ See, December Hearing Packet, *supra* note 2, at 182.

¹⁶ OAR 660-023-0180(3)(a).

Nothing in OAR 660-023-0180(3) nor the ODOT specifications require the Applicant to use a geologist to confirm quality of aggregate. Mr. Stamp claims that a geologist is “standard practice in these types of cases.”¹⁷ However, his own client’s application is devoid any confirmation of quality from a geologist.¹⁸ The Applicant has provided sufficient evidence of quality through testing completed by Atlas Technical Consultants, a nationwide professional engineering consulting and testing firm.¹⁹

Although there is no “chain of custody” requirement in the applicable land use standards, to address questions regarding how the applicant delivered samples to the lab, the Applicant and the employees involved in taking and delivering the samples have filed affidavits swearing that the Applicant took the samples from the site and did not tamper with them. In addition, the Applicant fully expects that ODOT or other clients will test the material to ensure it meets ODOT standards. The testing of aggregate on the site is not a one and done situation, because the Applicant will need to continue to meet the quality requirements to sell the aggregate. The Applicant fully expects Wade Aylett Jr.’s description of testing for current and potential clients to apply to its practices, including using a geologist to confirm that the aggregate meets ODOT standards.²⁰

2. There is sufficient *quantity* of aggregate on the Property.

OAR 660-023-0180(3) requires that the quantity of aggregate material be greater than 2,000,000 tons in the Willamette Valley or 500,000 tons outside the Willamette Valley.

The Applicant used a variety of sources to confirm the quantity of material on the site. First, Applicant hired IRZ Engineering and Consulting to estimate gravel present based on the test pits dug by the Applicant.²¹ There is at least 7 feet of gravel in each test pit. The firm used these numbers to estimate that the gravel at Site A (only a portion of the Property) was at least 1.23 million tons, well over the Goal 5 requirements. Second, the Applicant submitted a soil map created by the U.S. Department of Agriculture that shows lines of aggregate that run through the property and indicate that the property contains gravel, gravelly substratum, fine and sandy loam in sufficient quantity.

¹⁷ December Hearing Packet, *supra* note 2, at 71.

¹⁸ *Id.* at 148-172.

¹⁹ The Aylett’s Rock It 2 application used the same laboratory for quality testing as Girth Dog, LLC’s. While the Rock It 2 application says that it used Material Testing and Inspection, Inc., that is an Atlas Company that has officially changed its name to Atlas Technical Consultants.

²⁰ *See*, Letter to the Umatilla County Planning Commission from Wade Aylett Jr. (Dec. 22, 2022).

²¹ The Aylett’s Rock It 2 application did not use a third party to determine quantity. It only used the U.S. Department of Agriculture soil map. Girth Dog, LLC has gone above and beyond what the County has previously required for a large significant site determination.

C. The Applicant has identified and mitigated conflicts with its proposed use.

OAR 660-023-0180(5) directs the local government to 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.”²² The regulations define conflicting use as “a use or activity that is subject to land use regulations and that would interfere with or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site.”²³ After identifying conflicts, it is the local governments responsibility to “determine reasonable and practicable measures that would minimize the conflicts identified”.²⁴ The table below summarizes the impact analysis and findings as required by OAR 660-023-0180(5).

OAR 660-023-0180(5)(b)	Impact	Mitigation
(A): Conflicts due to noise or dust with regards to sensitive uses and activities (houses and schools)	There are two dwellings in the impact area.	1. Build a berm. ²⁵ 2. Chemical dust suppression 3. Water dust suppression 4. The location of the crushing will always occur in tax lot 1800. 5. If needed, other methods commonly used by the industry
(B): Conflicts to local roads for access and egress to the mining site within one mile of the entrance to the mining site	The Applicant is developing Center Street exclusively for mining use traffic. Existing farm use traffic will use a different road and be unaffected by the mining activity.	No mitigation is necessary. However, the Applicant has voluntarily agreed to address this issue through: 1. Chemical dust suppression 2. Water dust suppression 3. If needed, other methods commonly used by the industry
(C): Airports	There are no airports in the area	No mitigation is necessary.

²² OAR 660-023-0190(5)(b).

²³ OAR 660-023-0180(1)(b).

²⁴ OAR 660-023-0180(5)(c).

²⁵ One dwelling has requested that the Applicant not build a berm because it will impede on their views.

<p>(D): Other goal 5 resource sites</p>	<p>There are two existing goal 5 resources in the impact area.</p> <p>One is not currently in use, so there is no impact on the site.</p> <p>The second is the existing Rock It II facility.</p>	<p>No mitigation is necessary. However, the Applicant has voluntarily agreed to address this issue through:</p> <ol style="list-style-type: none"> 1. Chemical dust suppression 2. Water dust suppression 3. If needed, other methods commonly used by the industry
<p>(E): Agricultural practices (using the analysis in ORS 215.296)</p>	<p>There is additional farmland to the west, south and east of the subject property. These farming operations are under circle pivot irrigation systems. The crops grown are potatoes, corn, wheat, and other row crops. These properties have existed near mining operations for several years without any impact.</p>	<p>No mitigation is necessary. However, the Applicant will voluntarily mitigate this conflict by:</p> <ol style="list-style-type: none"> 1. Chemical dust suppression 2. Water dust suppression 3. If needed, other methods commonly used by the industry

1. The Applicant has proposed several industry standard mitigation measures to address any potential conflicts.

Chemical Dust Abatement: The Applicant will use chemical dust abatement processes to suppress dust on the Property. Chemical dust abatement does not require water.

Water Dust Abatement: The Applicant will use water to suppress dust on the Property. Mr. Stamp has *incorrectly* identified water as a key problem in this Application. As demonstrated throughout the submittals, if water is necessary, the Applicant has sufficient water to suppress dust through clean drinking water provided by the Port of Morrow and/or conversion of the Applicant’s own water rights. The water provided by the Port of Morrow will be able to meet all the Applicant’s needs without significant increases in traffic, because, prior to accomplishing the necessary water rights transfers, the Applicant does not plan to wash the rock onsite and plans to use other forms of dust abatement in addition to water. Finally, as stated during the December 15 public hearing, the Applicant is open to a condition of approval requiring the Applicant to secure water from a permitted source.

Berms: The Applicant will build berms to protect the neighboring dwelling to the northeast. The owner of the dwelling to the northwest has asked that a berm not be installed to protect their view to the south of their home.

Location of Crushing: As discussed during the December 15 public hearing, the Applicant proposes to locate its crushing equipment in tax lot 1800. The applicant will start the crushing equipment at the surface. Once the pit is opened up to the finish depth and there is enough room, the crushing equipment will be relocated down in the pit.²⁶ This location will keep all impacts away from the residences in the area. The County can place a condition on approval that will require the Applicant to keep the location of the crushing there throughout the entire operation.

Additional measures as required to maintain compliance with DEQ: In addition to the above measures and as required by law, the Applicant will receive the necessary approvals and conduct operations to maintain compliance with the applicable legal standards, like DEQ and DOGAMI. These measures are sufficient to mitigate the impacts of the mining operation as required by OAR 660-023-0180(5).

2. The County can ensure compliance with applicable standards through imposition of conditions of approval.

Although the Applicant believes it has met the applicable standards for approval as required above, as noted during the December 15 public hearing, the Applicant is open to conditions of approval that memorialize the commitments made in the Application and supplemental submittals. Specifically, the Applicant recommends that the Commission consider the following conditions:

- **Mining is only allowed as proposed in the Application, and as otherwise limited in these conditions.**
- **All crushing, washing, and screening of mineral and aggregate materials shall occur on tax lot 1800 in the area shown in the Coleman Response Letter III, attachment 2..**
- **Permittee shall minimize fugitive dust emissions from the Property by application of dust abatement chemicals, water, or similar best management practices recommended by DOGAMI and DEQ for control of dust at aggregate mining sites. Permittee shall also ensure equipment operating on internal haul roads does not exceed 20 mph to reduce potential dust impacts.**
- **If Permittee uses water for dust abatement, water must be secured from a permitted source.**

²⁶ December Hearing Packet, *supra* note 2, at 16.

3. The County *can impose conditions of approval* that require the Applicant to secure water from an approved source.

Opposing counsel improperly argues that the County cannot require water availability as a condition of approval. Mr. Stamp correctly asserts that “a local government cannot defer to a state agency the responsibility to ensure compliance with its own approval criteria.”²⁷ However, to support his improper deferral claim, Mr. Stamp must identify the authority that the County is deferring and the conditions that defer that authority.²⁸ He cannot show either.

Mr. Stamp fails to identify the language that requires the County to make a “feasibility” determination.²⁹ A feasibility determination is not a part of a Goal 5 analysis.³⁰ Even if there was a feasibility criterion, the Applicant has demonstrated that it is feasible to suppress dust on the Property through a variety of mechanisms.

Mr. Stamp fails to identify the conditions that defer the authority to a state agency.³¹ The conditions proposed by the Applicant are based on a determination by the County that its proposed measures will mitigate the dust impact. The County would be properly imposing conditions to ensure that the Applicant complies with the criteria.³²

²⁷ Letter submitted by Andrew Stamp 12/22/2022.

²⁸ *Harcourt v. Marion County*, 33 Or LUBA 400, 407 (1997) (finding that the county had not expressly addressed the availability of water *as required by its comprehensive plan*, which stated that approval be based on a determination that there is no significant evidence of inability to obtain a suitable domestic water supply.); *Vizina v. Douglas County*, 16 Or LUBA 936, 948 (1988) (finding that the petitioners did not identify the conditions that they believe represent impermissible deferrals of compliance with mandatory approval criteria).

²⁹ Letter submitted by Andrew Stamp 12/22/2022.

³⁰ OAR 660-023-0180(3) & (5).

³¹ *See Vizina v. Douglas County*, 16 Or LUBA 936, 948 (1988) (finding that the petitioners did not identify the conditions that they believe represent impermissible deferrals of compliance with mandatory approval criteria).

³² *Id.* at 942 (“Once a local government decides that a proposed use can meet applicable criteria, the imposition of conditions is an appropriate way to ensure that the criteria is met.”).

III. Conclusion

With this argument and the evidence in the record, Girth Dog, LLC has met the applicable criteria for approval of all aspects of the requested Goal 5 post-acknowledgement plan amendment and application of the Aggregate Resource Overlay Zone. Accordingly, we respectfully request that you forward the Application with a recommendation to approve to the Board of Commissioners with the conditions proposed.

Very truly yours,



Sarah Stauffer Curtiss

cc: Carla McLane, Carla McLane Consulting, LLC
Craig Coleman, Girth Dog, LLC
Emily Schimelpfenig, Stoel Rives

MEETING MINUTES

**TEXT AMENDMENT #T-092-22,
PLAN AMENDMENT #P-135-22 &
ZONE MAP AMENDMENT #Z-322-22
GIRTH DOG LLC, APPLICANT/ OWNER**

The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site.

The property site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
October 20, 2022**

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, October 20, 2022, 6:30pm

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Cindy Timmons, John Standley, Emery Gentry & Jodi Hinsley

COMMISSIONERS

PRESENT VIA ZOOM: Sam Tucker

STAFF: Bob Waldher, Planning Director; Megan Davchevski, Planner/ Transit Coordinator; Tamara Ross, Planner & Tierney Cimmiyotti, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order at 6:30 pm and read the Opening Statement.

NEW HEARING

TEXT AMENDMENT #T-092-22, PLAN AMENDMENT #P-135-22 & ZONE MAP AMENDMENT #Z-322-22; CRAIG COLEMAN, APPLICANT/ GIRTH DOG LLC, OWNER. The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on assessor’s map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Tucker stated that he represented Carla McLane’s (applicant’s consultant) mother’s estate as an attorney. The Planning Commissioners determined there is no conflict of interest in this matter.

Chair Danforth called for the Staff Report.

STAFF REPORT

Megan Davchevski, Planner, presented the Staff Report. Mrs. Davchevski stated that the applicant requests a Post-Acknowledgement Plan Amendment (PAPA) to add their property to the County’s inventory of Goal 5 protected large significant sites. The request includes a County Comprehensive Plan Text Amendment to list the site on the inventory and map amendments to apply the aggregate resource overlay zone. She explained that the property is comprised of several tax lots approximately 225 acres in size and zoned Exclusive Farm Use (EFU). The subject property is

located south of the Interstates 82 and 84 Interchange, southwest of the Westland Road Interchange and south of Stafford Hansell Road.

Mrs. Davchevski stated that applicant desires to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. The applicant provides both sand and gravel materials are available on this site.

The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180 (3), (5) & (7) and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Mrs. Davchevski explained that the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of Approval. The Planning Commission is tasked with determining if the application satisfies the criteria of approval, based on the facts in the record. The BCC must also hold a public hearing and decide whether to adopt the proposed amendments. A public hearing before the BCC is scheduled for November 30, 2022 at 9am.

Mrs. Davchevski pointed out that Planning Staff received two comments from public agencies; Oregon Water Resources Department (OWRD) and Department of Land Conservation and Development (DLCD). Due to the nature and length of the comments, they were provided to the applicant and Planning Commissioners in preparation of the hearing. She explained that these public agency comments must be addressed. If they cannot be addressed due to a lack of information provided by the applicant tonight, Planning Staff recommends that the hearing be continued to provide time for the applicant to supply additional information.

The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

Applicant Testimony: Carla McLane, Consultant, 170 Van Buren Drive, Umatilla, Oregon; Jeff Hines, Site Operator, 63830 Industrial Lane, La Grande, Oregon; Matt Hughart, Kittleson & Associates, 851 SW 6th Avenue, Suite #600, Portland, Oregon (via Zoom); Sarah Stauffer Curtiss, Land Use Attorney, Stoel Rives, LLP, 760 SW Ninth Avenue, Suite #3000, Portland, Oregon (via Zoom); Craig Coleman, 71888 Wilson Lane, Boardman, Oregon.

Ms. McLane explained that this is a Goal 5 request to add 225 acres to the County's list of protected large significant sites. Additionally, the applicant is asking for the County to amend the Comprehensive Plan Map to designate the site as significant and to apply the impact area to limit conflicting uses. Finally, this request includes an amendment to the County's Zoning Map to apply the Aggregate Resource (AR) Overlay Zone to the entirety of the site.

Ms. McLane stated that the property is located directly to the west of the Aylett Rock It, LLC site, which was approved by the Planning Commission a few months ago. The subject properties include tax lots 900, 1100, 1200, 1300 & 1800 on Assessor's Map 4N2736. The properties are immediately south of the Interstate 82/84 Interchange, southwest of the Westland Road Interchange and south of Stafford Hansell Road.

Ms. McLane stated that the property currently supports a large circle, a small circle and about 40 acres of blueberries under drip irrigation. There are industrial activities occurring north of the interstate and commercial uses at the Westland Road interchange including a truck stop and other various businesses on the east side of Colonel Jordan Road. She pointed out that on this stretch of Interstate 84, from 3 miles to the west of the property to approximately 2 miles to the east, there are no fewer than 6 aggregate sites. She added that many of the nearby sites are mined-out or approaching their end.

Ms. McLane stated that the applicant is requesting for the site to be identified as significant and pointed out the Atlas Lab Reports included in the Commissioner's Packets (pages 40-42) to demonstrate that the site meets ODOT specifications. She explained that laboratory reports for 2 samples indicate that tests were completed for abrasion, soundness and specific gravity showing the material tested is estimated to exceed both the quantity and quality criteria for a significant aggregate site. Additionally, she emphasized that approximately 75% of the site is covered with a Quincy loamy fine sand with gravelly substratum. She believes the whole vicinity is covered with the gravelly substratum and that is why there is so much aggregate activity in the area.

Ms. McLane stated that there are 2 homes within the 1,500 ft. impact area. One of the homes (immediately to the east) is owned by Wade Aylett and was identified in a recently approved mining request to be used as a residence in support of mining activity with a focus on security associated with the mining operation. When mining on the property reaches the homesite the dwelling will be removed. The second home located northwest of the subject property owned by Wesley and Shelley Walker (Tax Lot 1000) is not associated with the mining operation. She explained that mining will begin in the area currently planted in blueberries (Tax Lot 1800), about a half-mile from the Walker's home and the applicant plans to mine the southernmost 80 acres first.

Ms. McLane explained that the home unrelated to the neighboring mining operation (on Tax Lot 1000) was originally part of Tax Lot 1100. Mr. Coleman divided the land to create a smaller piece with the dwelling and sold it to the Walkers. She reiterated that the applicant will do everything they can to protect the home from impacts of the mining activities. It's why they chose to begin mining in the middle of the site and move to the south. They will eventually mine the northern parts of the property as well, but she believes by that time the property owners will have had a chance to become accustomed to the activity. She reiterated that mining activities are already occurring on properties to the east and west of the Tax Lot 1000.

Ms. McLane stated that the haul route to move the aggregate resource offsite will occur along Center Street which is a platted, undeveloped road that bisects the subject property. She explained that the applicant plans to develop Center Street (to be renamed Noble Road) from the project site to the intersection with Colonel Jordan Road, creating a crossroad intersection.

Ms. McLane stated that the applicant was asked to complete a Traffic Impact Analysis (TIA) as part of this request. The TIA was completed by Matt Hughart with Kittleson & Associates and is included in the Commissioner's Packets (pages 45-62). Mr. Hughart is in attendance (via Zoom) and available to answer any questions the Planning Commissioner's may have concerning the TIA.

Ms. McLane stated that the applicant or contractors will collect and hold stormwater onsite. The applicant will implement best management practices and obtain all necessary permits to ensure management of dust and stormwater discharges. She explained that the applicant is currently considering the installation of a photovoltaic solar energy generation facility as a post-mining use. The subject property is predominately not composed of Class I, II, Prime, or Unique farmland and would therefore allow a use allowed under ORS 215.283(2). She added that, other post-mining uses allowed under ORS 215.283 and the Umatilla County Development Code could also be considered.

Ms. McLane directed the group to, "Table 1 – Potential Conflicting Uses" on page 19 of the Planning Commissioner's packet. She explained that the applicant identified potential conflicting uses including Replacement Dwellings, Winery, Farm Stand, Home Occupations and other uses which allow for people to gather. The applicant requests that the County limit future residential uses and other uses that would place people within the impact area, such as gathering spaces, to protect the mining area from encroachment and provide protections to residents and landowners near the proposed quarry. She reiterated that mining has operated in this area without any significant conflicts for many years. She believes it is appropriate that the County impose a condition of approval on discretionary approvals of assembly or residential uses in the 1500 ft. impact area, waiving any rights to object to mining and mining related activity at the significant site.

Mr. Hughart stated that he analyzed the before and after impacts of the proposed activity at the site and found that the amount of traffic generated would not cause any operational degradation to the County owned or ODOT owned intersections along Colonel Jordan Road.

Ms. McLane stated that there was a comment provided by DLCD requesting additional information in support of the quantity and quality of the available sand and gravel at the mining site. As a result, the applicant provided 3 well logs from the subject property. She explained that the well logs identify the material retrieved consists of sand and gravels found throughout this area of Umatilla County, to a depth of between 65 - 90 ft. The anticipated depth of the resource is to at least 50 ft., with mining not anticipated once the water table is reached.

Ms. McLane stated that Greg Silbernagel, Watermaster with OWRD, indicated that the necessary water right for a mining operation would be an industrial right. He also stated that the only industrial right in the area belongs to Wade Aylett on property located to the east. The applicant has been working with Bill Porfily, Water Rights Examiner, to identify the necessary steps to obtain an industrial water right for the proposed mining operation. She explained that, once the land use approvals are in place, the applicant intends to submit the necessary applications to OWRD to achieve those changes in water use on the subject property.

Opposition Testimony: Andrew Stamp, Attorney, 4248 Galewood Street, Suite #9, Lake Oswego, Oregon. Mr. Stamp stated that he is testifying on behalf of Wade Aylett Sr., Wade Aylett Jr. and Rock It, LLC.

Mr. Stamp stated that he would like to request a continuance or a 30-day open record period. He believes there are many people who were not aware of the hearing and would like the opportunity to provide comments. Additionally, he believes the large volume of materials that have been submitted require additional time to review.

Mr. Stamp addressed a comment provided by Ms. McLane during her earlier testimony stating that the Planning Commission gets deference in its interpretations. He clarified that governing bodies do get deference if the Planning Commission's findings are adopted by the Board of Commissioners. He stated that, if the Planning Commission is the final decision-making body, they do not get deference. He added that most criteria for this applicant's request falls under state law, therefore deference does not apply.

Mr. Stamp pointed out that there are 6 aggregate sites in the area and asked if another pit is needed. He believes having too many pits in one spot is unnecessary and could cause problems. He agreed with DLCD's assessment that there is not enough information on record to determine if the site meets criteria required under OAR 660-023-0180(3)(a) which states that, "A representative set of samples of aggregate material in the deposit on the site meets applicable ODOT specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley."

Mr. Stamp pointed out that the applicant only provided test results from samples taken in one corner of the proposed site and did not include supporting documentation to indicate that the sample is representative of the entire site. Mr. Stamp believes the applicant is trying save money by providing water logs from 1958 as evidence to prove this criterion is met. He argues that water logs do not qualify as substantial evidence as to the quantity and quality of rock at the site, particularly since the applicant has not indicated where the wells are located. He added that rock layers are highly variable at aggregate sites and suggested that the applicant needs to hire a geologist, dig test pits, take photos and analyze samples to accurately determine quality of the rock.

Mr. Stamp stated that he believes the applicant has not made a serious attempt to do a complete impact analysis. He believes the information provided is deficient because the applicant fails to adequately describe the mining operation. Until they are more transparent about the activities taking place onsite (i.e. concrete processing and batching, aggregate batching, rock crushing, asphalt production, etc.), the impacts cannot be fully identified.

Mr. Stamp pointed out an inconsistency in the materials provided by the applicant. In the application they indicate they plan to use Stafford Hansell Road as an access point. However, the TIA identifies the designated haul route will be along the dedicated and currently unimproved Center Street, to be renamed Noble Road. He believes this difference is important because the access point off Stafford Hansell Road does not meet ODOT's Interchange Area Management Plan (IAMP) access spacing requirements. He believes the applicant should remove this information if they do not intend to use Stafford Hansell road for access. Conversely, if they do intend to use Stafford Hansell Road to access the property they will need to make improvements to ensure the standards are met.

Mr. Stamp stated that the haul road, topsoil removal, stockpiling, aggregate extraction and reclamation activities proposed at the site are all sources of dust. The applicant states that they will use best management practices and voluntary measures to control dust but did not explain exactly what that entails or prove that it is feasible to provide those measures. He believes the applicant failed to demonstrate any practical way to provide dust suppression using water, as they provide no evidence of a water right.

Mr. Stamp pointed out that the applicant has not submitted any evidence to show they meet the standards for nighttime noise emissions required under ORS 467.120(2) for agricultural operations, mining or rock processing activities. He believes they will have a difficult time meeting the standard and a more rigorous analysis should be applied to this matter before a decision is made.

Mr. Stamp argued that the Planning Commission must consider whether future operations at the subject site will generate impacts or conflicts with agricultural practices in the area. The County is required to follow ORS 215.296 when conducting the analysis rather than the requirements of the Goal 5 rule. ORS 215.296(1) requires that a use will not: "(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use."

Mr. Stamp stated that he believes the applicant failed to provide the required analysis and evidentiary support to demonstrate compliance with the above criteria with regard to accepted farm practices in the immediate area. Also, the haul road is problematic for Rock It's agricultural operations and the ag operation to the southeast. He argued that to comply with ORS 215.296(1), the applicant carries the burden to identify farm uses occurring on lands surrounding the subject

parcel and examine the practices necessary to continue those uses. He believes the applicant needs to identify and discuss each farm use by describing the operations on each of the surrounding properties devoted to farm or forest use. To date, he believes they have failed to make any serious effort to comply with these standards.

Mr. Stamp asked that the applicant address rumors in the community suggesting that they are lining up contracts using rock from the site, even though they have not received the required land use permits or water rights. He contended that if the rumors are true he is concerned, and he views this as aggressive action. Additionally, he saw that they are already working on preparations for the proposed haul road at the site. Mr. Stamp believes the applicant is presuming this request will be approved, but with all the issues raised, approval is not looking good for them. He added that it is a little arrogant to begin working on a project before getting all the approvals and he would like them to address these issues tonight.

Mr. Stamp again requested that the hearing be continued to give the applicant an opportunity to address the many concerns presented today. He also presented a report from Lynn Green, Consulting Engineering Geologist at Evren Northwest Inc. to support his argument that the applicants inventory analysis is woefully inadequate. Mr. Green's opinion is that, "Without performing site-specific investigation into the nature and extent of these deposits on the subject site, there is no way to confirm that the quality and extent of these materials meets the definition of 'significant' as defined by LCDC (Oregon Land Conservation and Development Commission)." Mr. Stamp emphasized that the site-specific investigation should be completed by a geologist.

Commissioner Williams asked for clarification about information provided by Mr. Stamp suggesting the applicant cannot ask for approval for Goal 5 because there is an existing 1000-acre significant aggregate site nearby. Mr. Stamp explained that part of the process is to consider if approval of mining at this proposed site will conflict with an existing Goal 5 significant site. He pointed out that the applicant incorrectly stated in their application that there are no known Goal 5 resource sites within the impact area for the proposed aggregate site. Mr. Stamp argued that Mr. Aylett's significant aggregate site is located directly east of the subject property and the applicant failed to address the issue of conflicts with this site.

Opposition Testimony: Wade Aylett Jr., 75134 W Oregon Lane, Irrigon, Oregon & Wade Aylett Sr., 74854 Washington Lane, Irrigon, Oregon. Mr. Aylett (Jr.) stated that he heard a statement made suggesting that people are hurting for rock. He disputes that claim and stated that for the past 2 years he has had approximately 80,000 tons of rock in stockpiles waiting to be used. Therefore, he does not believe people are actually hurting for rock. Furthermore, he stated that he used to have open communication with others regarding available work in the area but that has recently changed. He used to be able to call people and understand the quantity he needed to produce but now he feels he is being left in the dark and he does not know why. He finds it suspicious that this request is occurring at the same time things are changing.

Mr. Aylett Sr. stated that he believes there are a lot of politics going on right now. Commissioner Wysocki asked for clarity on who is leaving them in the dark. Mr. Aylett Jr. stated that there are a lot of contracts with Amazon lately and he has never ran out of rock. He insisted that there has never been a supply issue for rock.

Mr. Aylett Sr. stated that they work hard to take care of their employees. He argued that there are quite a few pits in the area already and the existing aggregate operations can supply enough rock to support the community. He believes if this keeps going on they will struggle because it costs a lot of money to run a successful company. He believes the outsiders coming into the area and making a lot of promises need to stop. He concluded that he would like the record to remain open and for the hearing be continued and provided pictures of the site to be added to the record.

Opposition Testimony: Debora L Aylett, 74854 Washington Lane, Irrigon, Oregon. Ms. Aylett stated that she and her family have been in operation since 2004. She expressed concerns about the proposed new site being so large and she questioned if the area can support another pit.

Neutral Testimony: Terry Clarke, 1325 NW Horn Avenue, Pendleton, Oregon. Mr. Clarke stated that he represents JTJ Enterprises, LLC which operates a mining site to the east of the subject property (Assessor's Map 4N2830, Tax Lots 2200, 2202 & 2203). He explained that it is an 80-acre site with Goal 5 protections and is leased to American Rock Products at this time.

Mr. Clarke stated that he does not want to deny Mr. Coleman the right to establish a mining site. However, he expressed concern about the large size of the site and pointed out that Mr. Coleman described it as a '50-year site'. He believes that is a significant timespan and he doesn't think there is a public need for additional product.

Mr. Clark urged the Planning Commission to think deeper than an average aggregate site plan and remarked that he does not see a complete site plan represented in the applicant's materials. He would like additional information about how the mining fits and where they intend to start with plans for water rights, berms, road improvements and screening included. He believes the applicant should provide engineered plans to demonstrate exactly how they plan to execute the operation over time because there is too much information missing.

Public Agency: Greg Silbernagel, Watermaster, Oregon Water Resources Department, 116 SE Dorion Avenue, Pendleton, Oregon. Mr. Silbernagel stated that the applicant provided information that 4 water rights are associated with the groundwater use for gravel washing at the aggregate site. After further research, Mr. Silbernagel determined the water rights being referenced in the application are no longer associated with the subject property. He explained that the certificates issued were all canceled irrigation water rights and were not valid for use in gravel washing or mining.

Mr. Silbernagel stated that this area is within the Ordinance Basalt Critical Groundwater Area (CGWA) as well as the Ordinance Gravels CGWA, where water rights have been closed since the

1970's. Therefore, OWRD would not accept an application for a new water right if it were submitted today. He explained that the applicant does not have an industrial water right associated with the mining site. However, if the applicant wants to transfer irrigation water rights to industrial uses, there is a process for that. He further explained that the timeline for the request is approximately 1.5-2 years and the applicant cannot change the irrigation season as part of that process. This means they cannot have year-round irrigation at the site with their existing water right certificates.

Mr. Silbernagel clarified that, typically when an irrigation water right is transferred to industrial use the land owner cannot continue irrigating with it. As part of the process, the irrigation water right is cancelled, and a new water right certificate is issued for industrial uses.

Mr. Silbernagel stated that the issues outlined above are usually assessed in advance and addressed by the land owner prior to applications being submitted. He would have liked to have had more dialogue with the applicant prior to this meeting. He heard rumors from surrounding land owners for months that this was happening, however he was not made aware of the application until the day before the Planning Commission hearing. He concluded that his opinion is neutral about the rock pit operating at this site, but reiterated his concerns surrounding lack of water.

Commissioner Wysocki acknowledged that there are several pits operating in the area and asked if they all have water rights. Mr. Silbernagel confirmed that they do. He added that the irrigation in the area is supplied by groundwater aquifer recharge.

Applicant Rebuttal: Carla McLane, Consultant, 170 Van Buren Drive, Umatilla, Oregon. Ms. McLane stated that the applicant is comfortable with moving forward with a continuance.

Chair Danforth and Director Waldher determined the continued hearing will be scheduled for December 15, 2022 at 6:30pm at the Umatilla County Justice Center, Media Room.

Chair Danforth adopted the following exhibits into the record;

Exhibit A; October 18, 2022, Email communication between Megan Davchevski (Planner) and Greg Silbernagel (Watermaster, OWRD)

Exhibit B; October 18, 2022, Email communication between Megan Davchevski (Planner) and Amanda Punton (DLCD)

Exhibit C; October 18, 2022, Letter to Planning Commission submitted by Carla McLane Consulting, LLC (Consultant for applicant)

Exhibit D; Submitted during October 20, 2022 hearing, additional information provided by Andrew Stamp (Representative for Wade Aylett/ Rock It, LLC)

Exhibit E; Submitted during October 20, 2022 hearing, additional information provided by Wade Aylett, Jr. (Rock It, LLC)

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the August 25, 2022 meeting. There were none. Commissioner Tucker moved to approve the minutes as presented. Commissioner Timmons seconded the motion. Motion carried by consensus.

ADJOURNMENT

Chair Danforth adjourned the meeting at 10:08pm.

Respectfully submitted,

Tierney Cimmiyotti, Administrative Assistant

Minutes adopted by the Planning Commission on January 26, 2023.

MEETING MINUTES

**TEXT AMENDMENT #T-092-22,
PLAN AMENDMENT #P-135-22 &
ZONE MAP AMENDMENT #Z-322-22
GIRTH DOG LLC, APPLICANT/ OWNER**

The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site.

The property site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
December 15, 2022**

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, December 15, 2022, 6:30pm

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Sam Tucker, John Standley, Emery Gentry & Jodi Hinsley

COMMISSIONERS

ABSENT: Tammie Williams & Tami Green

PLANNING STAFF:

Bob Waldher, Planning Director; Megan Davchevski, Planner/ Transit Coordinator & Tierney Cimmiyotti, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE

CALL TO ORDER

Chair Danforth called the meeting to order at 6:30 pm and read the Opening Statement.

CONTINUED HEARING

TEXT AMENDMENT #T-092-22, PLAN AMENDMENT #P-135-22 & ZONE MAP AMENDMENT #Z-322-22; CRAIG COLEMAN, APPLICANT/ GIRTH DOG LLC, OWNER. The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on Assessor’s Map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Tucker stated that he represented Carla McLane’s (applicant’s consultant) mother’s estate as an attorney. The Planning Commissioners determined there is no conflict of interest in this matter.

Chair Danforth called for the Staff Report.

STAFF REPORT

Bob Waldher, Planning Director, presented the Staff Report. Mr. Waldher stated that this hearing is a continuation of Girth Dog, LLC’s request to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property is comprised of several tax lots located south of the Interstate 82/84 interchange, southwest of the Westland Road Interchange and south of Stafford Hansell Road. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

The proposal, if approved, would add this site as a Large Significant Site onto the County's Goal 5 inventory of significant sites. The applicant requests to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. Both sand and gravel material are available on this site.

Mr. Waldher explained that the Umatilla County Planning Commission held a public hearing regarding this matter on Thursday, October 20, 2022. Testimony was provided by the applicant, the applicant's consultant, project opponents (including neighbors and nearby aggregate operators) and a representative from the Oregon Water Resources Department (OWRD).

Mr. Waldher pointed out that several documents were introduced at the October 20, 2022 hearing which were not included in the Commissioner's hearing packets. Exhibits adopted into the record on October 20, 2022 include:

Exhibit A; October 18, 2022, Email communication between Megan Davchevski (Planner) and Greg Silbernagel, Watermaster, Oregon Water Resources Department

Exhibit B; October 18, 2022, Email communication between Megan Davchevski (Planner) and Amanda Punton, Oregon Department of Land Conservation & Development (DLCD)

Exhibit C; October 18, 2022, Letter to Planning Commission submitted by Carla McLane Consulting, LLC (Consultant for applicant)

Exhibit D; Submitted during October 20, 2022 hearing, additional information provided by Andrew Stamp (Representative for Wade Aylett/ Rock It, LLC)

Exhibit E; Submitted during October 20, 2022 hearing, additional information provided by Wade Aylett, Jr., Rock It, LLC

Mr. Waldher stated that, upon request by the applicant the Planning Commission continued the hearing to Thursday, December 15, 2022. The applicant's request for a continuation was due to issues raised by neighboring landowners and other aggregate producers. On November 15, 2022, the applicant provided to the Planning Department a signed waiver to the "150-day Rule for Planning Review." Under the waiver, the applicant voluntarily agreed to extend the 150-day provisions of Oregon Revised Statute (ORS) 215.427 by a period not to exceed 30 days, or February 6, 2023.

After the October hearing, additional information was submitted by one opponent of the amendment, as well as the applicant, including:

Exhibit F; November 15, 2022, Waiver of the 150-day Rule for Planning Review Provided by Carla McLane Consulting, LLC (consultant for applicant)

Exhibit G; November 23, 2022, Additional Testimony Provided by Andrew Stamp (Representative for Wade Aylett/ Rock It, LLC)

Exhibit H; November 30, 2022, Additional Testimony Provided by Carla McLane Consulting, LLC (Consultant for applicant)

After December 15, 2022 hearing packets were distributed, additional information was provided, and Mr. Waldher proposed that it be adopted into the record as Exhibits I & J:

Exhibit I; December 12, 2022, Email communication between Bob Waldher (Planning Director) and Greg Silbernagel (Watermaster, OWRD).

Exhibit J; December 14, 2022, Email Response to Mr. Stamps 11/23/22 letter. From Carla McLane to planning staff including; Coleman Response Letter, Hatley Application, Road Vacation Order & two pictures of the rock source locations.

Mr. Waldher read Exhibit I aloud (12/12/22 email from Greg Silbernagel, Watermaster):

“Bob, I spoke with Craig and Bob Coleman this morning. They contacted me on 12/8 regarding the water rights for their proposed mining operation. We discussed a character of use transfer from irrigation to mining/industrial use with existing water rights on the property. To do this, they would need to apply for a water right transfer to initiate the process. As of today, there is approximately a two year back log if there were no public protests or agency concerns. They also would not be able to change the irrigation season of the water right through this process which could leave them short of a year-round water source to operate with.

The Colemans other option is to request water from the County Line Improvement Company. They divert water from the Umatilla River during the winter for aquifer storage and recovery purposes. T.J. Hansell is the current president and has told me they are planning to create a policy for additional water requests outside of the original irrigation intent of the recharge project. They only meet once a year and have not created this policy yet. Recharge water use is generally not identified for more than a year because of the variable nature and amount diverted for storage each year.

To summarize my conversation with the Colemans, there are some options of which none are guaranteed or timely. - Greg Silbernagel, Watermaster, District 5”

Mr. Waldher explained that, in addition to the information provided above, relevant information pertaining to this request can be found in the October 20, 2022 hearing packet available on the County website at <https://www.co.umatilla.or.us/departments/planning/plan-packets>. The criteria

of approval are found in OAR 660-023-0040 – 0050, 660-023-0180(3), (5) & (7) and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Mr. Waldher further explained that the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of Approval. The Planning Commission is tasked with determining if the application satisfies the criteria of approval, based on the facts in the record. The BCC must also hold a public hearing and decide whether to adopt the proposed amendments. A public hearing before the BCC will be scheduled upon a recommendation from the Planning Commission.

Mr. Waldher reminded the Planning Commission that each decision that comes before them is unique and must be able to stand on its own. While there may be some precedence of approving other Goal 5 aggregate sites, the Planning Commission's recommendation to the BCC must be based on whether the standards for approval are met. He added that other Goal 5 sites approved in the last year were a bit different than this request. The two Oregon Department of Transportation (ODOT) sites were already established quarry sites requesting Goal 5 protection. Additionally, the Hatley application was a request to expand an existing Goal 5 aggregate site and the Rock-It 2 application was a request to expand a Small Significant Site to a Large Significant Site.

Commissioner Standley asked for more information about the neighboring 1000-acre property with Goal 5 protections located to the west of the subject property. Mr. Waldher stated that planning staff learned that Seven A's, Inc. submitted an application in 2010 requesting to add roughly 1000 acres to an existing site. The request was approved and the site was deemed significant. However, the decision was never incorporated into an ordinance and adopted by the BCC at that time. As a result, the AR Overlay Zone was never applied to the site and planning staff overlooked it when identifying other Goal 5 sites in the area. He added that the site has never been approved for mining activity.

Chair Danforth pointed out that Exhibits A & B are in reverse order in the Commissioner's hearing packets. Mr. Waldher stated that he would make that correction in the BCC hearing packets.

Chair Danforth stated that this is a continued hearing. Therefore, it is important to present new information and to not provide repetitive testimony. She called for the applicant.

Applicant Testimony: Carla McLane, Consultant, 170 Van Buren Drive, Umatilla, Oregon; Sarah Stauffer Curtiss, Land Use Attorney, Stoel Rives, LLP, 760 SW Ninth Avenue, Suite #3000, Portland, Oregon; Craig Coleman, Girth Dog LLC, 71888 Wilson Lane, Boardman, Oregon; Jeff Hines, Site Operator, HNS, Inc. 63830 Industrial Lane La Grande, Oregon.

Ms. McLane stated that she believes the project opponents are asking the Planning Commission to apply more onerous application requirements and interpret standards more rigidly than the County has for other aggregate operations. She feels they have also raised many issues that are outside the

scope of the County's review. She believes the applicant has submitted detailed responses to the issues raised.

Ms. McLane stated that aggregate facilities are subject to many legal standards, most of which are not relevant to the County's review. She pointed out that the opponent argued that the applicant failed to show how they will comply with ambient air quality and air particulate standards, but that is regulated by the Oregon Department of Environmental Quality (DEQ). The opponent argued that the application does not contain an operations plan, but that is regulated by Oregon Department of Geology and Mineral Industries (DOGAMI). The opponent argued that the application fails to consider and mitigate the dust impact of the haul road on agricultural workers and mining employees on adjacent roads, but that is regulated by Oregon Occupational Safety and Health Division (OSHA). Finally, the opponent argued that the applicant does not provide any evidence of water rights on the property or that the water rights can be transferred from irrigation use, but that is regulated by Oregon Water Resources Department (OWRD). Ms. McLane added that the applicant materials include a letter from Elizabeth Schultz, Water Quality Assistant with the Port of Morrow demonstrating that they do have an available source of water to move forward with.

Ms. Stauffer Curtiss stated that the applicant understands that aggregate facilities are subject to many layers of regulation on county, state and federal levels. She acknowledged that the request before the Planning Commission is one of many permits Girth Dog LLC will be required to obtain along the way. She explained that the applicant is prepared to work with OWRD to convert water rights and has another option to source water through the Port of Morrow, as well. She added that DOGAMI requires detailed operating plans as part of their approval process.

Ms. McLane stated that she believes the applicant has met the standards for approval for a Goal 5 site because they have demonstrated that aggregate exists in sufficient quality, quantity and location. She referenced a map completed by IRZ Engineering & Consulting, LLC (Commissioner's hearing packets, page 182) which shows the location of where they took six additional rock samples and submitted them for testing. After testing samples up to 10 feet in depth, IRZ concluded that this site contains 1.23 tons of gravel. She added that the rock in this area is known to go 60 feet deep, and at that depth, they estimate the site to contain 13 million cubic tons.

Ms. McLane reiterated that she believes the applicants request is compatible with the Comprehensive Plan and there is enough aggregate material at the site to warrant the overlay. She added that the proposed overlay area is located at least 1,000 feet from properties zoned for residential use and adequate screening is available to protect the site from surrounding land uses.

Ms. McLane stated that the applicant has mitigated impacts on existing conflicting land uses and stated that noise at the site can easily be mitigated through best practices. Additionally, dust will be managed using bulk water and chemical abatement measures. The applicant also completed a

traffic study showing no impact, and they are in compliance with ODOT and County standards to develop Center Street for use with the mining activity.

Ms. Stauffer Curtiss clarified that the 1000-acre Goal 5 property located to the west is also owned by the applicant, Mr. Coleman, and he currently has no plan to mine that site.

Commissioner Standley asked for more information about expectations for water usage at the mining site. Mr. Coleman stated that he does not have specific numbers available because they have not reached that part of their plan yet. He explained that there are approximately 1,300 acres of irrigated ground on the farm. They have not started the process of converting the water rights because they do not want to take the farm ground out of production until they have to. They plan to apply for a Limited Water Use License, which is common in the area. They will also use water from the Port of Morrow, as needed. Commissioner Standley asked if they plan to truck in water for the washing process and use settling ponds to recycle the water. Mr. Coleman confirmed that they will transport water to the site and plan to reuse the water as much as possible.

Mr. Standley asked if they plan to start mining in the area currently covered in blueberries (Tax Lot 1800). Mr. Coleman confirmed they plan to start mining there. Mr. Standley asked for more information about where the crushing, batching and washing facilities will be in relation to the dwelling on Tax Lot 1000. Mr. Coleman stated that those activities will take place inside the pit, located as close as possible to the new access point at the end of Center Street. Commissioner Standley asked if the pit will stay in the same location as mining activity progresses. Mr. Coleman stated that, until they get down to the physical nuts and bolts of the operation and know what they're dealing with, he is unable to answer definitively if that will happen. He added that he has been in contact with the Walkers and he would never put a processing facility next to a neighbor because there is nothing worse than a neighbor that is not happy.

Chair Danforth stated that she has concerns about the statement made by Mr. Coleman about 'not knowing yet what they're dealing with'. She believes that he ought to know what he is dealing with, and that statement does not set well with her. She stated that information was presented about certain things being within the County's purview and other things that are not. However, she reminded the applicant that the process starts with the County.

Chair Danforth asked Mr. Coleman if he completed a geology report as part of his application. Mr. Coleman replied that he did not get a geology report. He stated that he reviewed applications which were previously approved by the County and used them as an example of what was required to apply. Chair Danforth pointed out that this request is a different application and unique from others approved in the past.

Mr. Hines, Site Operator, explained that they will start crushing on top of the ground until a hole is made. Then, all equipment will remain inside the pit and stay there year-round. As they continue to mine toward the north of the site they will keep the equipment where it started and truck the

material over to where the equipment is. They do not plan to move the equipment once it is set inside the hole.

Commissioner Wysocki asked for more information about the results of the IRZ tests. He asked the applicant to explain how they came up with the numbers. Ms. McLane stated that 6 recent test holes were dug to a depth of 10 feet and they discovered sand in the topsoil. At 3 feet deep, they reached aggregate material. Commissioner Wysocki asked if they measured the volume of aggregate material excavated from each test hole. Ms. McLane stated that IRZ used information including the location of the test pits and presence of cobbles between 3-10 feet and made a calculation which concluded that the site has approximately 1.23 million tons of material. She explained that they only went 10 feet down and based on well logs and other aggregate sites in the area they believe rock goes down to at least 60 feet. Commissioner Wysocki asked again if IRZ measured the aggregate material excavated from the volume of material removed from the test pit. Ms. McLane referenced the map provided by IRZ on page 182 of the Commissioner's hearing packets. She explained that the map demonstrates that they found 3 feet of top soil and 7 feet of gravel in a ten-foot-deep test pit. They multiplied 7 feet of gravel spread over 99 acres of land and concluded that there is 1,233,100 tons at the site (using 1.1 ton per cubic yard). She added that the applicant will likely mine to between 40-60 feet in depth at the site.

Commissioner Wysocki asked for information about the quality of rock at the site. Ms. McLane stated that Atlas has performed testing on samples from the site (Commissioner's hearing packets, page 185-187) which show that it meets the various ODOT standards for abrasion, sulfate soundness and air degradation.

Chair Danforth referred the group to an October 17, 2022 letter provided by Lynne D Green, Ph. D., Consulting Engineering Geologist, Evren Northwest, Inc. (page 23 & 24 of the Commissioner's hearing packets). She pointed out that Mr. Green stated that, "[b]ased on USDA soil classification data, the gravel and sand resources in the area of the above-referenced sites are fair to poor quality." Chair Danforth stated the Planning Commission is looking for evidence that the aggregate at the site meets the Goal 5 significant resource standards for quality and that is one of the reasons she asked about a geologist report. She added that the geologist went on to state that, "[w]ithout performing a site-specific investigation into the nature and extent of these deposits on the subject site, there is no way to confirm that the quality and extent of these materials meet the definition of significant, as defined by OAR 660-023-0180." Ms. McLane stated that the geologist uses the term 'significance' to describe quantity and quality. Chair Danforth asked for more evidence of quality, not quantity. Ms. Stauffer Curtiss explained that the OARs specifically define 'quality' with reference to the standards set in place related to air degradation, abrasion, and sodium sulfate soundness. Ms. McLane stated that the Atlas reports demonstrate that they meet the ODOT standards for quality.

Chair Danforth stated that this hearing should be based on new evidence. She asked if there were individual results for each of the 6 samples submitted for evaluation. Mr. Coleman stated that they delivered all 6 samples and received collective lab results.

Chair Danforth asked for detailed plans on how they intend to get water to the site. Mr. Coleman acknowledged that it would be costly to haul water to the site. He stated that he believes there is no reason to make detailed plans until they receive all the necessary approvals to move forward. He is using the water rights on site for irrigation purposes at this time. However, once they receive all approvals they will immediately submit applications for limited licenses to OWRD to secure water for use in the mining operation. Mr. Hines stated that they will not be washing rock right away, so they won't need much water to get started.

Opposition Testimony: Wade Aylett Jr., 75134 W Oregon Lane, Irrigon, Oregon; Wade Aylett Sr., 74854 Washington Lane, Irrigon, Oregon & Andrew Stamp, Attorney representing the Aylett's and Rock It, LLC, 4248 Galewood Street, Suite #9, Lake Oswego, Oregon.

Mr. Stamp stated that he believes the biggest issue with this application is water. He argued that the statement made by the applicant that there is no approval standard that relates to water usage, is incorrect. He referenced OAR 660-023-0180(5)(b)(A) which regulates conflicts due to noise, dust, or other discharges. He pointed out that the applicant acknowledges that the mining and processing operation can create dust and they plan to manage dust onsite through the application of water. He believes this is conflicting information because water is not available right now. Mr. Stamp does not believe a Condition of Approval that the applicant must have water would be appropriate because the Planning Commission must first have a feasibility finding showing that it's possible to meet the criteria. He argued that there is no evidence in the record showing that the applicant can get water and many unanswered questions remain.

Mr. Stamp stated that he still has questions about the aggregate samples. He believes there is a conflict between experts when it comes to the quality and quantity of rock at the site. Additionally, he and his client did not get a chance to review the new information provided by the applicant before the hearing today. He believes all parties should have adequate time to review new evidence. When evidence is presented the day of the hearing, he does not have time to consult with experts and he believes this creates a procedural problem. He stated that his substantial right to a full and fair hearing involves the right to rebut evidence. He believes the new evidence should have been provided to him sufficiently in advance of the hearing to allow for experts to analyze the material, but that did not happen. Mr. Stamp stated that he objects to any evidence that was not submitted before the Thanksgiving break because he understood that was the established deadline.

Mr. Stamp stated that the applicants use of examples of previously approved aggregate applications when compiling their request is not a valid excuse for their application being incomplete. He stated that, when the Ayletts submitted their application they included reports from licensed geologists who came to the site and transported the rock through a chain of custody to the

testing facility. He believes this is very different from the way Mr. Coleman & Mr. Hines submitted their samples. He stated that they have not demonstrated that the rock samples tested by Atlas were taken from the subject 225-acre site. He added that, his clients have reason to believe that the rock submitted to Atlas originated on the property to the east (owned by Rock It, LLC) and not from the subject site.

Mr. Stamp stated that he has concerns that the impact area analysis is inadequate. He explained that OAR 660-023-0180(5)(a) requires the local government to identify conflicts with existing and approved uses located within 1,500 feet of the boundaries of the mining area. He believes it's imperative that he applicant tell the County what the operation will consist of because the decision-makers are unable to evaluate impacts if the County does not know the details of the operation. He believes Girth Dog LLC's application fails to disclose what the operation will be, making it impossible to evaluate impacts. Additionally, the applicant fails to consider the proposed haul road as part of the impact area. He pointed out that the new haul road will border agricultural pivots and crops that are located north and south of the road as well as the Rock It 2 mining site. He believes this will subject agricultural workers and mining employees to dust, causing Oregon Occupational Safety and Health Administration (OSHA) issues. He added that the neighboring aggregate operation to the east should be identified as a conflicting use as well. He feels the Kittelson & Associates traffic study fails to address the effect of traffic generated by the proposed operation, or how these two uses can coexist without conflict.

Mr. Stamp stated that there are enough rock pits in the area and Umatilla County does not need another. He believes the Planning Commission must deny this request because Rock It 2 has already been granted Goal 5 protections and should be mined first if more rock is needed.

Mr. Stamp asked Mr. Aylett Jr. how many gallons of water is needed to wash rock. Mr. Aylett Jr. stated they use between 200-250 gallons of water per minute. More water is needed when there are clay deposits in the area because they have to triple-wash the rock to remove all the clay balls. Mr. Stamp noted that the applicant provided testimony stating that they have a well which could provide up to 75 gallons per minute and another source could give them more. Mr. Aylett Jr. stated that when it comes to washing material the most important thing is water pressure, not volume. He believes the applicants plan to truck water in and recycle it is not feasible.

Commissioner Standley asked for more information on where it states that a site must have water to qualify as a Goal 5 significant site. He added that some crushing sites do not use water. Mr. Stamp asked how they plan to suppress dust without water. Commissioner Standley stated that water for dust abatement could easily be trucked to the site. He asked again where it states that water is a requirement to deem a site significant. Mr. Stamp stated that it is not part of the significant site analysis, it's part of the Goal 5 rules to determine if they can mine the site. He believes expert testimony is required at this stage to determine that it is or is not feasible to obtain subsequent permits.

Commissioner Standley asked for more information about Mr. Aylett's pit and why he is not mining the site. Mr. Stamp stated the property was deemed significant over 30 years ago, but mining was not approved as part of the review and decision process in the 1990's. He explained that Mr. Aylett Sr. is the holder of the mineral rights to the site, but another party owns the surface rights. The property was in agricultural production at the time and the owner of the surface rights was opposed to mining activity occurring on property, and the BCC ultimately ruled in their favor. Mr. Stamp added that 3 years later, LUBA decided in another case that a farm on top of a subject mine cannot be considered a conflicting use for purposes of Goal 5 analysis. Mr. Stamp believes the County wrongfully denied the 1997 request for a mining permit because when mineral rights are sold, the seller loses any surface rights that interfere with the mining activity. Therefore, he believes if Mr. Aylett wants to mine the site he can, and there is nothing anyone can do about it. He stated that he doesn't care that there is a law that the surface owner needs to sign off on mining because he doesn't believe that would hold up if challenged in court. He concluded that when it comes down to surface rights versus mineral rights, mineral rights predominate.

Mr. Stamp stated that the applicant failed to provide the required adequate information regarding the quantity, quality, and location of the resource as required by OAR 660-023-0180(3). Before a site can qualify as being 'significant', there must be adequate information regarding quantity, quality and location of the resource, and that information must be supported by substantial evidence in the record. He explained that Girth Dog, LLC asserts that the site contains 13 million cubic yards of sand and gravel material but there is no evidence in the record to support that estimate. He believes the applicant must provide test results from a series of test bores to substantiate this claim. He added that the applicant does not carry its burden of proof by merely assuming the sand and gravel on the subject property is the same as another, or that sand and gravel is evenly distributed throughout an entire site. The aggregate may be concentrated on a portion of a site and not distributed throughout. He insisted that this is an important factor because only the portion of a proposed mining site that qualifies as 'significant' can lawfully be included on the County's Comprehensive Plan Inventory of Significant Aggregate Resource Sites under Statewide Planning Goal 5. He believes the applicant provides no evidence that the sand and gravel layer is uniform and has not documented the depth of the sand and gravel resource.

Neutral Testimony: Terry Clarke, 1325 NW Horn Avenue, Pendleton, Oregon. Mr. Clarke represents JTJ Enterprises, LLC which operates a mining site to the east of the subject property (Assessor's Map 4N2830, Tax Lots 2200, 2202 & 2203).

Mr. Clarke expressed concern about the lack of water at the site. He explained that he doesn't think there is enough information for the Planning Commission to make a decision at this time.

Discussion continued about the approval process for a Large Significant Site versus a Small Significant Site. Mr. Waldher explained that a request for a Small Significant Site is processed as

a Conditional Use Permit (CUP) request. Additionally, a Plan Amendment is required when establishing a Small Significant Site within EFU or Grazing/Farm (GF) Zones unless the property is already on the inventory of significant sites. The process for establishing a Large Significant Site is different. Mr. Waldher stated that Umatilla County has not codified OAR 660, Division 23 rules for complying with Goal 5. Therefore, planning staff applies the procedures and requirements directly from the Administrative Rules. As a result, the CUP standards in the UCDC do not apply to requests for Large Significant Sites.

Public Agency: Greg Silbernagel, Watermaster, Oregon Water Resources Department, 116 SE Dorion Avenue, Pendleton, Oregon. Mr. Silbernagel provided an email comment on December 12, 2022 to be entered into the record.

Applicant Rebuttal: Carla McLane, Consultant, 170 Van Buren Drive, Umatilla, Oregon & Sarah Stauffer Curtiss, Land Use Attorney, Stoel Rives, LLP, 760 SW Ninth Avenue, Suite #3000, Portland, Oregon.

Ms. McLane stated that OAR 660, Division 23 contains the Goal 5 rules for approval of a Large Significant Site and provides a process for local review of an application for a new or expanding aggregate mine located on farmland (EFU or GF Zone). She reiterated that the standards are different from the CUP process for approving a Small Significant Site on farmland. She added that the County could adopt Division 23 and include the CUP standards in the Goal 5 process, if they choose to. She reiterated that planning staff is required to apply the procedures and requirements directly from the Administrative Rules written by DLCD until new standards are adopted.

Ms. McLane stated that the applicant has provided proof that they meet the standards for quality and quantity of material at the site. She believes the aggregate testing was adequate and pointed out that Mr. Aylett's 1,000-acre Rock It 2 site contained a comparable amount of test pits as Mr. Coleman's site. She believes 33 test holes on approximately 1,000 acres versus 6 test holes on a 200-acre site shows that, acre-for-acre it's consistent with previous applications.

Ms. McLane stated that she does not believe mining this site will negatively impact other Goal 5 sites located to the east and west of the subject property. She added that competition, market and equity are not standards to apply when considering this request, they are political issues. She added that the opponents can raise those types of issues at the subsequent BCC hearing, if they want.

Ms. McLane stated that the applicant has proven that they do have access to a source of water through the Port of Morrow which meets their needs for dust abatement, along with chemical application. Additionally, Mr. Coleman has significant available water rights and has indicated that he is prepared to complete the process with OWRD as soon as the BCC approves his request.

With regard to surface rights versus mineral rights, Ms. Stauffer Curtiss stated that operating permits are required for surface mining. She added that ORS 517.790(3)(a) states that DOGAMI, "...may not issue an operating permit to an operator other than the owner or owners of the surface

and mineral interests of the lands included within the surface mining area unless the operator has written approval from the owner or owners of all surface and mineral interests of the lands included within the surface mining area.”

Discussion continued about other agencies involved in the process of approval for mining. After a request is approved by the County, state agencies regulate the development and operation of aggregate mining and processing in the State of Oregon. Oregon Department of Environmental Quality (DEQ) regulates air quality, stormwater runoff, and wastewater. DOGAMI oversees site reclamation and mine safety standards. Oregon Department of State Lands (DSL) oversees earth removal and fill permits. Finally, OWRD regulates water rights for onsite use and processing activities. Ms. McLane asked if the Planning Commission has confidence in state agencies to regulate the activities they are responsible for.

Commissioner Tucker asked for clarification about Mr. Stamp’s statement objecting to evidence that was not submitted before the Thanksgiving break. He asked for explanation about the deadline for submitting evidence. Megan Davchevski, Umatilla County Planner, explained that she announced at the October hearing that materials to be included in the December Planning Commission hearing packets must be submitted to planning staff before the November 24, 2022 Thanksgiving holiday break. She added that the deadline was specifically for including materials in the December Hearing Packet, and not an all-inclusive deadline to provide evidence or testimony to the Planning Commission.

Chair Danforth asked if there are any requests for the hearing to be continued or for the record to remain open. Mr. Stamp stated that he would like the record to remain open. Chair Danforth asked on what grounds Mr. Stamp would like the hearing to remain open. Mr. Stamp stated that he and his clients have not had time to review the new evidence presented at this hearing. It was noted that ORS 197.763 outlines hearing procedures for how to conduct local quasi-judicial land use hearings and ORS 197.763(4)(b) specifically states that, “...[i]f additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.”

Mr. Stamp pointed out that ORS 197.797(6)(b) states that, “...[i]f new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.”

Mrs. Davchevski stated that the Planning Commission can leave the record open without continuing the hearing. She outlined next steps as follows; the record will remain open for 7 days to allow for all parties to submit new evidence (deadline 12/22/22); then, 7 additional days for rebuttal (deadline 12/29/22); and finally, 7 additional days for the applicant to submit final legal arguments only – no new evidence (deadline 1/5/23). She added that new evidence can also be presented at the subsequent BCC hearing.

Chair Danforth announced that the record will remain open for 21 days under the schedule of deadlines outlined by Mrs. Davchevski. Deliberation and decision will be made on a recommendation to the Board of County Commissioners at the next Planning Commission hearing scheduled for Thursday, January 26, 2023 at 6:30PM.

Chair Danforth adopted the following exhibits into the record;

Exhibit I; December 12, 2022, Email communication between Bob Waldher (Planning Director) and Greg Silbernagel (Watermaster, OWRD).

Exhibit J; December 14, 2022, Email Response to Mr. Stamps 11/23/22 letter. From Carla McLane to Planning Staff including; Coleman Response Letter, Hatley Application, Road Vacation Order & two pictures of the rock source locations.

ADJOURNMENT

Chair Danforth adjourned the meeting at 9:41pm.

Respectfully submitted,

Tierney Cimmiyotti, Administrative Assistant

Minutes adopted by the Planning Commission on January 26, 2023.

MEETING MINUTES

**TEXT AMENDMENT #T-092-22,
PLAN AMENDMENT #P-135-22 &
ZONE MAP AMENDMENT #Z-322-22
GIRTH DOG LLC, APPLICANT/ OWNER**

The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site.

The property site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
January 26, 2023**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, January 26, 2023, 6:30pm

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Tami Green, Sam Tucker,
John Standley, Emery Gentry & Jodi Hinsley

COMMISSIONER

PRESENT VIA ZOOM: Tammie Williams

PLANNING STAFF: Bob Waldher, Planning Director; Megan Davchevski, Planner/ Transit
Coordinator & Tierney Cimmiyotti, Administrative Assistant

NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE.

CALL TO ORDER

Chair Danforth called the meeting to order at 6:31 pm and read the Opening Statement.

CONTINUED HEARING

TEXT AMENDMENT #T-092-22, PLAN AMENDMENT #P-135-22 & ZONE MAP AMENDMENT #Z-322-22; CRAIG COLEMAN, APPLICANT/ GIRTH DOG LLC, OWNER. The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed site is comprised of several tax lots located south of the Interstate 82/84 interchange. The site is identified on Assessor’s Map as Township 4 North, Range 27 East, Section 36, Tax Lots 900, 1100, 1200, 1300 & 1800. The site is approximately 225 acres and is zoned Exclusive Farm Use (EFU).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Tucker stated that he represented Carla McLane’s (applicant’s consultant) mother’s estate as an attorney. The Planning Commissioners determined there is no conflict of interest in this matter.

MINUTES

Chair Danforth called for any corrections or additions to the October 20, 2022 & December 16, 2022 meeting minutes. There were none. Commissioner Tucker moved to approve the minutes as presented. Commissioner Wysocki seconded the motion. Motion carried by consensus.

Chair Danforth called for the Staff Report.

STAFF REPORT

Mr. Waldher, Umatilla County Community Development Director, stated that the applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan

list of Goal 5 protected Large Significant Sites and apply the AR Overlay Zone to the entire quarry site. He explained that the property is comprised of several tax lots totaling approximately 225 acres and is zoned EFU. The property is located south of the Interstate 82 and 84 Interchange, southwest of the Westland Road Interchange and south of Stafford Hansell Road. If the proposal is approved, the County will add this site as a Large Significant Site to Umatilla County's Goal 5 Aggregate Resource Inventory.

Mr. Waldher stated that the applicant requests to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use and process the aggregate into both asphalt and concrete. Both sand and gravel materials are available on this site.

The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7) and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Mr. Waldher stated that the Umatilla County Planning Commission held a first evidentiary hearing on this matter Thursday, October 20, 2022. The hearing was subsequently continued to Thursday, December 15, 2022. During the continued hearing in December, testimony was provided by the applicant and their consultant, as well as project opponents (including neighboring and nearby aggregate operators). Several documents which were not included in the original October and December hearing packets were introduced into the record and are summarized as follows:

Exhibit I; December 12, 2022, Email communication between Bob Waldher (Planning Director) and Greg Silbernagel (Watermaster, OWRD).

Exhibit J; December 14, 2022, Email Response to Mr. Stamps 11/23/22 letter (Attorney Representing Opponents) from Carla McLane (Consultant for Applicant) to planning staff including; Coleman Response Letter, Hatley Application, Road Vacation Order & two pictures of the rock source locations.

During the December hearing, upon request from Mr. Stamp, the Planning Commission agreed to leave the record open for a period of 21 days, outlined as follows; 7 days to allow for all parties to submit new evidence (deadline 12/22/22); then, 7 additional days for rebuttal (deadline 12/29/22); and finally, 7 days for the applicant to submit final legal arguments only – no new evidence (deadline 01/05/23). Deliberation and a decision (recommendation to the Board of County Commissioners) was announced for the hearing scheduled on January 26, 2023 at 6:30 pm at the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, Oregon.

Subsequent to the continued December 2022 hearing, additional information was submitted and received by the County Planning Department during the 21-day open record period, summarized as follows:

Exhibit K; December 22, 2022, Additional Evidence submitted by Craig Coleman & Representatives (Applicant)

Exhibit L; December 22, 2022, Additional Evidence submitted by Wade Aylett Sr. (Opponent)

Exhibit M; December 22, 2022, Additional Evidence submitted by Wade Aylett Jr. (Opponent)

Exhibit N; December 22, 2022, Additional Evidence submitted by Andrew Stamp (Attorney Representing Opponents)

Exhibit O; December 29, 2022, Rebuttal submitted by Craig Coleman & Representatives (Applicant)

Exhibit P; January 5, 2023, Final Legal Arguments submitted by Sarah Stauffer Curtiss (Attorney Representing Applicant)

Mr. Waldher added that, in addition to the information included in the Staff Report, relevant information pertaining to this agenda item can be found in the previous October and December 2022 hearing packets. Previous hearing packets can be found on the County's website at: <https://www.co.umatilla.or.us/departments/planning/plan-packets>.

Mr. Waldher noted that, during the final 7-day period in which only the applicant was to submit final legal arguments, additional emails and comments were received from Terry Clarke representing JTJ Enterprises, LLC which operates a mining site to the east of the subject property, and Andrew Stamp, Attorney representing the Aylett's and Rock It, LLC. After discussion with legal counsel, these documents were not included in the January 26, 2023 hearing packets because they were received outside the deadline set by the Planning Commission at the December 15, 2022 hearing. However, staff noted that this information can be presented in arguments before the Board of County Commissioners (BCC) as part of the de novo hearing review and decision process.

Mr. Waldher stated that the process of approval by the County involves review by the County Planning Commission with a recommendation to the BCC. The decision includes a set of Precedent and Subsequent Conditions of Approval. He explained that the Planning Commission is tasked with determining if the application satisfies the criteria of approval. First, they must decide whether the site can be established as a Goal 5 site added to the County's Aggregate Resource Inventory and second, whether or not to allow mining. He added that this decision must be based on evidence and facts in the record. Subsequently, the BCC must hold a public hearing and decide whether or not to adopt the proposed amendments. A public hearing before the BCC will be scheduled upon a recommendation from the Planning Commission.

Chair Danforth closed the hearing for deliberation and adopted Exhibits K - P into the record.

Mr. Stamp Andrew Stamp (Representative for Opponent, Wade Aylett, Rock It, LLC) stated that he objects to the proceeding. Chair Danforth noted Mr. Stamps objection and moved forward with deliberation.

DELIBERATION & DECISION

Commissioner Tucker stated that believes that at a higher level, this request could be decided differently than what the Planning Commission decides. There could be appeals to the Oregon Land Use Board of Appeals (LUBA) and they could find problems with their recommendation. However, he feels that possibility should not be considered when deciding this matter. He explained that after the first hearing he was left with the impression that the applicant did not have everything they needed. However, as the opponent presented complaints about the application they essentially made a road map of what was incomplete. As a result, the applicants came back to the second hearing and addressed each concern presented by the opponents at the first hearing. Ultimately, they proceeded to check all the necessary boxes.

Commissioner Tucker explained that he believes the job of the Planning Commission is to read the rules and apply them to the facts presented in the applicant's request. Therefore, the argument that there are already too many aggregate pits in the area does not play a role in making the final decision. He expressed that he would not want to stop development and explained that his general philosophy is that the government should stay out of the way unless there is a reason to get involved. He feels that, if the applicant meets criteria, they meet it. If the concern is competition, he believes that is what our economic theory is based upon and competition controls price.

Commissioner Tucker acknowledged that there is a water issue at the site and the applicant is unsure how they will get water. He stated that, although this is a concern, it is not the Planning Commission's problem. He does not think the Planning Commission should deny the request because they think another agency may not approve something down the line. He believes approval is appropriate because the applicant has checked all the boxes necessary to meet the Planning Commissions requirements. He trusts that the applicant has drilled and tested an adequate amount of test holes and demonstrated with overwhelming evidence that they meet the quality and quantity standards for material at the site. He stated that he supports approval of the application.

Commissioner Hinsley stated that her biggest struggle with this application was that the applicant does not have water rights to support operations at the facility. Additionally, she was concerned about adding another aggregate operation to the area when there are already a number of existing sites close by.

Commissioner Standley agreed with Commissioner Tucker. He stated that he was originally concerned about the lack of water at the site, but believes the applicant has presented several ways to mitigate that issue. He added that it's the applicant's role to provide more details about their intended water source as they advance in the application process with other agencies. The

Department of Environmental Quality (DEQ) and Department of Geology and Mineral Industries (DOGAMI) will have standards the applicant has to meet that don't involve County Planning.

Commissioner Williams stated that she agrees with the other Commissioners. She thinks the applicant meets the requirements and water at the site is not the Planning Commission's issue. She added that it can take 2-3 years to establish a water right and it's not something the Planning Commission looks at when making their decision.

Commissioner Gentry stated that he also agrees with the others. He added that the Planning Commission has met several times on this issue and the request has been thoroughly examined. It is important to consider what is within the purview of the County and the role of the Planning Commission. He believes the applicant has met the criteria for approval in this application and restated that they will have additional standards to meet when they move forward with other agencies.

Commissioner Wysocki stated that he feels this is a difficult decision and he has empathy for both the applicant and opponents. He reiterated that the Planning Commission is required to make decisions based on the rules and regulations required by the County.

Chair Danforth stated that this is the first time in her tenure with the Planning Commission that an issue has been continued to a third hearing. She has empathy for both sides and stated that she has learned a lot during this process. She agrees with Commissioner Tucker that the opponent was able to outline a path forward for the applicant. She was not able to review the application submitted by Mr. Coleman and wondered why the application was not in the packets. She stated that the applicant used previous applications to complete their own application and contended that this request is just like the others that the Planning Commission has approved in the past. However, she does not believe this request is like the others. She explained that this is a new request for Goal 5 protections, not adding additional acreage to an existing site. She feels it is important to look at this request as its own unique application and not compare it to past aggregate requests.

Chair Danforth stated that she is concerned that the applicant does not have a definitive plan for onsite operations. She was frustrated that, when asked for specific details, the applicant and proponents used phrases like, 'we will see what we're working with'. She reiterated that there is no actual plan in place and asked, "How do you approve something without a plan?"

Chair Danforth stated that she believes this operation will affect residential sites in the area and she would like a standard in place to protect those residents, not just the applicant's word at the hearing. She views this issue as particularly problematic because enforcement of environmental impact standards is complaint driven, so the resident will carry the burden. She pointed out that, with no water at the site they cannot properly manage dust and she believes they do not have all the necessary parts in place to operate at this time. She explained that the applicant expressed that they plan to produce asphalt and concrete but they do not have water, which is required to clean

the rock. Additionally, she does not believe the applicant showed proof of a certified geological study completed at the site.

Chair Danforth expressed that she has confidence that the Planning Commission has been able to come to a clear understanding of what this request entails over last few months and feels that the concerns expressed by her and others should be voiced to the BCC. She wants to be sure the Planning Commission continues to approve only applications which meet the required standards when reviewing aggregate requests and not lower the bar moving forward.

Commissioner Standley stated that he has apprehensions about potentially conflicting issues not being in writing. For example, the applicant does not intend to use a berm as part of the operation because they contend the nearest neighbor prefers that they not impede his view. Commissioner Standley explained that it makes him uneasy that this agreement has not been solidified as part of the operation plan. He would like more documentation in the record to show exactly what is being approved and what was not, to ensure things do not change over time.

Commissioner Gentry reiterated that the Planning Commission has specific criteria to consider when approving or denying these requests. He explained that the applicant will be required to provide many more specific details and meet strict requirements when they apply for permits related to mining operations because there will be a number of permits required by a variety of agencies at that time. Additionally, other agencies will enforce regulatory standards for environmental concerns like dust and noise so it's not the Planning Commissions role to make those determinations.

Commissioner Gentry asked if it is appropriate for the Planning Commission to tell an applicant that they need to spend the money to conduct a full geological survey. He stated that he has the impression that some of the Commissioners feel the applicants testing of rock samples may have been inadequate. However, he believes the only way to do more is to conduct a full geological survey of the site, and that seems like a big ask.

Commissioner Standley stated that he is unsure what other regulatory agencies are responsible for when it comes to permitting operations like this. He pointed out that, as part of his testimony at previous hearings, Mr. Clark asked for additional information about the site plan, among other things. Commissioner Standley stated that he is unsure if a site plan is required for our process or if another agency oversees that piece. He stated that he would feel better about not fully addressing every aspect of the operation if he knew they were being taken care of by another agency.

Commissioner Hinsley stated that she originally had concerns about impacts to the neighbor living near the operation. However, she pointed out that the neighbor received notification about the public hearing and did not object to anything.

Mr. Waldher reminded the Planning Commissioners that they have the opportunity to add conditions. For instance, a site plan is required when obtaining the Zoning Permit to complete the

process. He stated that they could impose conditions like spelling out that the processing equipment will be setback at least 500 feet from existing dwellings and require the applicant to show the berm on the site plan. In terms of water, a condition could be added to ensure they obtain all required permits from Oregon Water Resources Department (OWRD) or otherwise demonstrate whatever method they plan to use to obtain water at the site.

Commissioner Tucker asked whether additional conditions like that are necessary or if they are redundant, because those requirements will be mandatory either way. Chair Danforth stated that they could add conditions of approval, but the matter will ultimately be decided by the BCC. They could add more conditions or remove all the conditions recommended by the Planning Commission, it's their decision. Commissioner Wysocki stated that, although he knows the additional conditions are already required steps, he thinks it's important to send a message to the BCC that they have considered all the elements by adding them as conditions of approval. Commissioner Hinsley agreed. She added that it makes a statement to the BCC that these pieces of the plan are not yet in place, and she would like it to be noted. Chair Danforth was in agreement.

Chair Danforth stated that she would like to see a berm around the pit. Commissioner Tucker argued that a requirement like that would be counterproductive because the pit will eventually be near the residence, placing the berm near the residence. This is something the neighbors clearly asked not to be done. Discussion continued among the Planning Commissioners about potential conditions of approval. It was decided not to require the applicant to include the berm as part of the site plan because the neighbor stated that they do not want a berm blocking their view.

Commissioner Standley pointed out that, in the January hearing packets, under Exhibit P (January 5, 2023, Final Legal Arguments submitted by Sarah Stauffer Curtiss, Attorney Representing Applicant), Ms. Stauffer Curtiss wrote:

“Location of Crushing: As discussed during the December 15 public hearing, the Applicant proposes to locate its crushing equipment in tax lot 1800. The applicant will start the crushing equipment at the surface. Once the pit is opened up to the finish depth and there is enough room, the crushing equipment will be relocated down in the pit. This location will keep all impacts away from the residences in the area. The County can place a condition on approval that will require the Applicant to keep the location of the crushing there throughout the entire operation.”

Commissioner Standley stated that he would like to find a way to ensure that the processing equipment will stay inside the pit on Tax Lot 1800 as the permanent site for operations, not to be relocated. He would like this detail documented as part of the conditions of approval.

Commissioner Tucker made a motion to recommend approval of Text Amendment #T-092-22, Plan Amendment #P-135-22 & Zone Map Amendment #Z-322-22, Craig Coleman, Applicant, Girth Dog LLC, Owner to the Board of County Commissioners with the following addition to

Subsequent Condition #2 (changes bolded & underlined below), Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling. Access to the mining operation shall be restricted from Stafford Hansell Road. **Processing equipment shall be located at least 500 feet from existing dwellings, shall be located on tax lot 1800 and placed in the pit once opened to the finish depth. Processing equipment shall remain in this location for the duration of the aggregate operations.**

With the addition of the following Subsequent Conditions:

8. Mining is only allowed as proposed in the application, and as otherwise limited in these conditions.

9. All processing of mineral and aggregate materials shall occur on the northwest corner of Tax Lot 1800 as shown in Exhibit C, (October 18, 2022, Letter to Planning Commission submitted by Carla McLane) on page 16 of the December 15, 2022 hearing packets.

10. Applicant shall minimize fugitive dust emissions from the property by application of dust abatement chemicals, water, or similar best management practices recommended by DOGAMI and DEQ for control of dust at aggregate mining sites.

11. Applicant shall ensure equipment operating on internal haul roads does not exceed 20 mph to reduce potential dust impacts.

12. If water is used for dust abatement, water must be secured from a permitted source.

Commissioner Gentry seconded the motion. Motion carried with a vote of 7:1.

OTHER BUSINESS

Mr. Waldher stated that because this is the first meeting of 2023, Planning Commission Chair and Vice-Chair positions are due for reelection. Commissioner Standley nominated Chair Suni Danforth to continue as Chair and Commissioner Don Wysocki to continue as Vice-Chair. Commissioner Green seconded the motion. Motion carried by consensus.

Mr. Waldher explained that the Planning Department is going through a reorganization. We will now be operating as the Planning Division of the Umatilla County Community Development Department. Additionally, there have been some recent role changes. Mr. Waldher is now the Umatilla County Community Development Director and will focus more on economic & community development projects and issues. He explained that the County created a new position, Planning Manager, to oversee day-to-day operations in the Planning office. The Planning Manager position is open for recruitment and they hope to make a decision as soon as possible.

Mr. Waldher announced that Tierney Cimmiyotti has been promoted from Administrative Assistant to Planner II/ GIS. As a result, the Planning Administrative Assistant role is open for recruitment and Mr. Waldher asked for anyone who knows of a good candidate to encourage them to apply.

Mr. Waldher stated that staff is also seeking two Planning Commissioners to fill vacancies. He explained that Cindy Timmons resigned when she became Umatilla County Commissioner. Also, Tammie Williams' term is ending soon. Again, he asked for anyone who knows of a good candidate to encourage them to apply.

Mr. Waldher stated that we will likely not have a Planning Commission hearing in February. Staff will follow up with an email announcement when we know for sure.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:42pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant