

Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission
Public Hearing
Thursday, October 22, 2015, 6:30 p.m.
Justice Center Media Room
Pendleton, OR

Members of Planning Commission

Randy Randall, Chair
Gary Rhinhart, Vice-Chair
Tammie Williams
Don Wysocki
David Lee
Don Marlatt
Suni Danforth
Cecil Thorne

Members of Planning Staff

Tamra Mabbott, Planning Director
Carol Johnson, Senior Planner
Bob Waldher, Senior Planner
Brandon Seitz, Assistant Planner
Julie Alford, GIS
Gina Miller, Code Enforcement

1. Call to order
2. Adopt minutes (September 24, 2015)
3. Continued Hearing:

REQUEST FOR A PUBLIC HEARING FOR LAND USE DECISION REQUEST #LUD-185-15, BLUE MOUNTAIN CHRISTIAN FELLOWSHIP, applicant/property owners. During the public comment period, a "Request for a Public Hearing" was submitted on July 27, 2015. The request is to develop an 80 foot by 80 foot cemetery on church-owned property. The area of the Blue Mountain Christian Fellowship property proposed for the cemetery is located on the south side of Sunquist Road (County Road No. 512) at the northeast corner of Tax Lot #1100, in Township 6N, Range 35E, Section 21A. The situs address for this property is 52322 Sunquist Road, Milton Freewater, OR 97862. Criteria of approval are found in Umatilla County Development Code 152.059 (B), 152.617 (II).

4. Continued Hearing:

CONDITIONAL USE PERMIT REQUEST #C-1248-15 AND LAND USE DECISION REQUEST #LUD-188-15 FOR WALLULA TO MCNARY 230-kV TRANSMISSION LINE, PACIFIC POWER, applicant. Planning Commission will review the Conditional Use Permit Request and Land Use Decision Request by Pacific Power to build a 230-kV transmission line from the McNary Substation near Umatilla, OR to Wallula, WA, near the Oregon/Washington border. The proposed transmission line route would pass through public and private lands and would parallel existing Bonneville Power Administration and Pacific Power transmission lines. Criteria of approval include Umatilla County Development Code 152.059, 152.617 (II)(7), and 1972 Umatilla County Zoning Ordinance 3.114, 3.116, 3.026, and 7.040.

5. New Hearing:

PLAN MAP AMENDMENT #P-114-15, ZONE MAP AMENDMENT #Z-305-15, AND TEXT MAP AMENDMENT #T-15-060 FOR WEBB SLOUGH QUARRY, OREGON DEPARTMENT OF TRANSPORTATION (ODOT), applicant. Planning Commission will review the request of ODOT to amend the Umatilla County Comprehensive Plan to add the existing Webb Slough quarry (listed in the Comprehensive Plan Technical Report), and the proposed quarry expansion, to the list of Goal 5 protected, significant resource aggregate sites. This amendment would expand the Aggregate Resource (AR) Overlay Zone to protect the site and to allow mining of the expanded aggregate site. The subject quarry is located on the west side of US Highway 395, at Mile Post 34.80, described as Township 3 South, Range 30½ East, Sections 12 &13, Tax Lot 503. Standards of approval are provided in Oregon Administrative Rules (OAR) and include OAR 660-023-0180 (3), (5), & (7); OAR 660-023-040; and OAR 660-023-050.

6. New Hearing:

PLAN MAP AMENDMENT #P-115-15, ZONE MAP AMENDMENT #Z-306-15, AND TEXT MAP AMENDMENT #T-15-063 FOR WESTON MOUNTAIN QUARRY, ODOT, applicant. Planning commission will review the request of ODOT to amend the Umatilla County Comprehensive Plan to add the existing Weston Mountain quarry (listed in the Comprehensive Plan Technical Report), and the proposed quarry expansion, to the list of Goal 5 protected, significant resource aggregate sites. This amendment would expand the Aggregate Resource (AR) Overlay Zone to protect the site and to allow mining of the expanded aggregate site. The subject quarry is located on the southeast side of State Highway 204, at Mile Post 2.2, described as Township 4 North, Range 35 East, Sections 24, Tax Lot 7303. Standards of approval are provided in OAR 660-023-0180 (3), (5), & (7); OAR 660-023-040; and OAR 660-023-050.

7. Adjournment

Next Scheduled Meeting:

Thursday, November 19, 2015, 6:30 p.m., Justice Center Media Room, Pendleton, OR.

**UMATILLA COUNTY
PLANNING COMMISSION**

DRAFT MINUTES

SEPTEMBER 24, 2015

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, September 24, 2015
6:30 p.m., Umatilla County Justice Center, Media Room
Pendleton, Oregon

** **

COMMISSIONERS

PRESENT: Randy Randall, Gary Rhinhart, Tammie Williams, Suni Danforth, Don Marlatt, David Lee
ABSENT: Don Wysocki, Cecil Thorne.
STAFF: Tamra Mabbott, Bob Waldher, Gina Miller.

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NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. A RECORDING OF THE MEETING IS AVAILABLE AT THE PLANNING DEPARTMENT OFFICE.

CALL TO ORDER:

Chair Randall called the meeting to order at 6:30 p.m. and read the opening statement.

NEW HEARING:

MICHAEL PARKER REQUEST FOR HEARING #ZP-14-109, Landowner, Eva Swain. On June 2, 2015, county revoked Zoning Permit issued to Michael Parker based on violations of conditions of the permit. Mr. Parker filed a request for a public hearing. The Permit allowed operation of a nursery business and excluded selling or dispensing of marijuana or marijuana products. The property is located on the east side of Highway 395, just north of Power City Road. Property is described as tax lot 300 of Assessor's Map 5N 28 15CC. Applicable code standards include Zoning Ordinance C-1, Zone 3.110-3.3.114 and Ordinance 2014-02.

Chair Randall advised that the attorney for the applicant asked to speak.

Applicant Testimony: William Perkinson, attorney for applicant, 414 NW 5th, Pendleton, OR. Mr. Perkinson requested a continuance for this hearing. Discussion followed on how to proceed. The Planning Commission agreed by consensus to continue to the December 17, 2015 hearing at 6:30 p.m. in the Media Room of the Justice Center, so that it would not have to be re-advertised.

CONTINUED HEARING:

REQUEST FOR A PUBLIC HEARING FOR LAND USE DECISION REQUEST #LUD-185-15, BLUE MOUNTAIN CHRISTIAN FELLOWSHIP, applicant/property owners. During the public comment period, a “Request for a Public Hearing” was submitted on July 27, 2015. The request is to develop an 80 foot by 80 foot cemetery on church-owned property. The area of the Blue Mountain Christian Fellowship property proposed for the cemetery is located on the south side of Sunquist Road (County Road No. 512) at the northeast corner of Tax Lot #1100, in Township 6N, Range 35E, Section 21A. The situs address for this property is 52322 Sunquist Road, Milton Freewater, OR 97802. Criteria of approval are found in Umatilla County Development Code 152.059 (B), 152.617 (II).

Chair Randall re-opened the continued hearing. Mr. Waldher advised the Planning Commission that the applicant had signed the 150-day waiver and had requested that this hearing be continued in order to complete the soils testing. Mrs. Mabbott stated that the applicant had contacted the neighbors present at the last hearing to let them know.

Commissioner Wysocki asked about the soils testing. He stated that he did a soils investigation in 2009 for a different land owner. He said he also wrote a letter to the Planning Commission for the current application that was in their packets. He asked if the problem being reviewed was the water table, and Commissioner Lee advised him that they were also considering the location of the cemetery. Chair Randall also said they had concerns about the soils caving in when attempting to dig a hole for the cemetery. They felt that the soils testing should go deeper than the 24 inches done. Commissioner Wysocki reported that the soils were mostly cobble, which would cave in when dug in. There were also concerns about proximity to adjacent wells. Discussion followed on the state’s cemetery code. Commissioner Danforth explained the applicant’s proposal to move the location of the cemetery on the property, thus requiring a different soils analysis.

Chair Randall confirmed that the Planning Commission approved by consensus to continue this hearing until the November 19, 2015 hearing.

NEW HEARING:

CONDITIONAL USE PERMIT REQUEST #C-1248-15 AND LAND USE DECISION REQUEST #LUD-188-15 FOR WALLULA TO MCNARY 230-kV TRANSMISSION LINE, PACIFIC POWER, applicant. Planning commission will review the Conditional Use Permit Request and Land Use Decision Request by Pacific Power to build a 230-kV transmission line from the McNary Substation near Umatilla, OR to Wallula, WA, near the Oregon/Washington border. The proposed transmission line route would pass through public and private lands and would parallel existing Bonneville Power Administration and Pacific Power transmission lines. Criteria of approval include Umatilla County Development Code 152.059, 152.617 (II)(7), and 1972 Umatilla County Zoning Ordinance 3.114, 3.116, 3.026, and 7.040.

Chair Randall called for declarations of ex-parte' contact, biases, abstentions or objections to jurisdiction. Chair Randall disclosed that he is an adjacent land owner to the subject property, but he feels that this will not affect his participation in this hearing. Members of the Planning Commission did not object to his participation.

Staff report: Bob Waldher, Senior Planner, presented the staff report and read aloud from a prepared statement (see file). Chair Randall asked if there would have to be a separate hearing for the four (4) land owners who have not yet signed land leases with the applicant. Mr. Waldher replied that yes, the Planning Commission would have to have a separate hearing and vote on an amended land use application for those 4 land owners. Commissioner Danforth asked about the impact this project would present to the scenic areas along the highway, and Mr. Waldher said the applicant could better address this question. He advised that this project will be co-locating on an existing line, so it will be within 500 feet of established lines. Mrs. Mabbott stated that a scenic byway must be specifically named in the Comprehensive Plan in order to be protected.

Applicant testimony: Brian Fritz, 825 NE Multnomah St, Suite 1600, Portland, OR. Mr. Fritz works for PacifiCorp and presented a Power Point about the proposed project (See file for copy of Power Point) The project begins at the Wallula substation and goes up the hill to the McNary substation. A portion of this proposed line follows the existing PacifiCorp 230 kV transmission line, with similar structures to the existing line. He described the route of the proposed transmission line, and what kind of towers would be constructed. The proposed line would be 30 miles long, with 22 miles within Umatilla County in a right-of-way that would be 125 feet wide.

Commissioner Danforth asked why they were not upgrading the existing line. Mr. Fritz said they could not operate for long periods of time with that line out of service, as that existing line runs at full capacity. He also explained that it was cost prohibitive, as wood is cheaper than steel structures. He said that the company builds the line, and shares the cost of the line with all the customers who use the line. Mr. Fritz explained the state rate case and how that affects their customers. Commissioner Danforth asked for clarification on the proposed project. Mr. Fritz advised that they are adding another 230 kV line to the existing 230 kV line already there within 500 feet right-of-ways in most cases. They do not want to cross crop circles, so they moved out to the maximum gap.

Commissioner Rhinhart asked about land owner rights in the right-of-ways. Mr. Fritz said that land owners were welcome to use the rights-of-ways for agricultural purposes, but they just asked that no structures be built and no tall trees planted there. Commissioner Rhinhart asked about the B2H line, and the subject of condemnation. Mr. Fritz said he didn't think that B2H had started this process yet. He said that they preferred to work with land owners but that they did have the right to condemn land for their use. Commissioner Rhinhart talked about how Umatilla County residents feel about wind power and transmission lines, and this was followed by a discussion on minimizing these footprints and the width for rights-of-ways depending on the construction of the transmission lines. Mr. Fritz discussed the standards and codes for designing and

building transmission lines, and described “blow-out”. These codes describe how much clearance there must be between conductors and the ground, conductors and lines, etc. They can shrink the right-of-way width, but this requires building more structures. Double circuits require a wider right-of-way to accommodate the lines.

Commissioner Danforth asked about the proposed line being built to parallel other transmission lines. Mr. Fritz referenced a map in the presentation and pointed out the blue line that represents the existing BPA line. He discussed liability issues that are created when placing lines too close to existing lines that are so big. They cannot put larger voltages in as they could actually melt wires if they had too much power going through them.

Commissioner Wysocki asked who will be benefitted by this project. Mr. Fritz said that they will be able to better serve requests from local wind farms, providing more transmission ability in the area that will result in supporting growth, benefits to the county in a larger tax base, and help meet the federal mandate for renewable power. Commissioner Wysocki then asked about wildfire dangers and how it would impact the wood poles. Mr. Fritz said that while wildfires are a considerable danger, the real issue was soot from the fires on the insulators causing the lines to ground out. He could not answer how they planned to work with local fire agencies, but he could find out.

Commissioner Danforth asked if they had any specific wind projects they wanted to tie in to their lines. Mr. Fritz said they had requests but have not signed agreements. He said that Federal law required them to entertain all requests for distribution on their lines. Commissioner Rhinhart asked if the wind projects were asked to help pay for the transmission lines. Mr. Fritz discussed how things worked in their industry on how wind projects pay for using the transmission lines through connect fees, and federal rules that guide their actions. He stated that Umatilla Electric Coop (UEC) has different rules, and do not have to adhere to same Federal rules that Pacificorp has to. Commissioner Rhinhart stated that most of the power generated here is sold out of the area, but local rate payers pay for the projects and this does not set well with county residents. Mr. Fritz said that in order to change this, people would have to go back to the Federal Energy Regulatory Commission (FERC). He explained the rate setting process through FERC and the “wheel-in” costs that are paid by utilities to connect to the grid.

Mr. Fritz discussed some of the problems with co-location. There are issues with putting more than one circuit on a tower, because if the tower is lost then both lines are down and the cost would be too high for the 6-8 month outage to replace that this would result in. Discussion followed on doubling up on lines to avoid too many lines, and the high cost of doing things this way. Mr. Fritz said they would have to purchase new rights-of-ways from land owners. They have to get a Federal permit to cross property owned by Bureau of Land Management (BLM), and have to shrink the span lengths to lessen the impact to high value farmland and irrigation practices.

Commissioner Rhinhart asked about lines going across the top of the Umatilla Ridge, and how this would affect 31 acres of high value farmland. Mr. Fritz said they would use as

many existing roads as they could for line maintenance. He talked about how they would deal with reclamation and said they would replant with native plants and grasses. He said there is a one-time compensation to the land owner for the easement. They hire a qualified appraiser to determine the routes and approach landowners to negotiate the payment. Commissioner Wysocki asked about weed control, and it was confirmed that weed control was a condition of approval already.

Mr. Fritz said there was no difference between the public and private wildlife impact studies and that that they will cross under Bonneville Power Administration (BPA) lines and will have to submit an application to them. Commissioner Danforth asked about possible impacts to the scenic area. Mr. Fritz said they were up over the hump and the line would not be seen. Discussion followed on where the scenic byway is located and whether this project would cross through the area. Mr. Fritz said the minimum height for the wires would be 30 feet. They hope to have this line constructed and operational by 2017.

Mrs. Mabbott said there were no significant Goal 5 resources in the findings. She referred to the Technical Report for a list of outstanding scenic sites for Goal 5 resources and the Gorge and Wallula Gap is on this list for the Comprehensive Plan. She suggested that if the Planning Commission had questions on this, the applicant could come back with a more in-depth analysis of the impacts to Goal 5 Resources.

Public testimony: Joe Carderello: withdrew testimony.

Public testimony: Randy Rupp, 176 Granite St, Richland, WA. Mr. Rupp said that he is against another transmission line across his property. He said that no one from Pacific Power has contacted him, and he doesn't feel that they work with landowners. He bought his land in 2007, and discussed his farming practices and what water usage he has. He said he has 17,300 acres in the area where the proposed line would be. He said he was working on moving water rights from Baker County to this property. Mrs. Mabbott stated that Mr. Rupp has not signed a lease with Pacificorp, and his property would not be affected by the decision made by the Planning Commission.

Patrick Gregg, PO Box 218, Pendleton, OR, attorney with Corey, Byler and Rew. Mr. Gregg advised that he was representing Mr. Rupp. He understood that his client would not be affected by the current application, but they wanted to make general comments for the record. He referenced County Code 152.617, that critical cost points cannot be the determining factor in permitting a transmission line. Mr. Gregg said that the applicant's testimony made it seem that cost was their main reason for creating the new line. He said that the applicant had not presented any analysis to show why they could not upgrade the old line to a double circuit line. He stated that the Planning Commission had the power to apply the county codes to protect agriculture and referenced the restrictions imposed by not allowing structures under the line would present a significant impact to farming practices. If the applicant was to meet the burden, they must provide more analysis of why the double circuit would not work and that cost wasn't the primary factor. Another transmission line would pose a significant footprint on the land and

cause effects to agricultural practices. Mr. Gregg discussed the matter of imminent domain. They are requesting that the application be denied for failure to meet the standards.

Commissioner Wysocki asked what other factors Mr. Gregg was referring to for consideration. Mr. Gregg said that other options should have been considered per ORS 215.275 such as technical engineering feasibility and they were not considered by the applicant. He referenced Staff Report, page 6, on alternative routes and stated that Pacificorp did not provide enough explanation as to why alternative routes weren't considered.

Public agency testimony: none offered

Rebuttal: Mr. Fritz advised that Mr. Rupp had signed the acknowledgement in 2008 so they have reached out and worked with him. He discussed again why they could not utilize the double circuit by putting the lines together as it present too great of liability issues. He said it was not just cost that led to their decision for the line route.

Commissioner Wysocki asked how many other land owners were involved with their application. Staff referenced the property owner list in the packet.

Mrs. Mabbott suggested continuing the hearing to allow staff and the applicant to respond to the Goal 5 issues and cost analysis that were brought up in the hearing. Discussion followed on how to proceed. Mr. Waldher advised that the completeness letter was signed on September 4, 2015.

The Planning Commission agreed by consensus to continue the hearing to October 22, 2015 at 6:30 p.m. in the Media Room of the Justice Center.

Mrs. Mabbott gave an update to the Planning Commission about the Board of Commissioners adopting the medical marijuana code update.

MINUTES:

Commissioner Danforth moved to adopt the minutes from August 27, 2015 Planning Commission hearing, and Commissioner Lee seconded the motion. Motion carried 7:0.

Chair Randall adjourned the hearing at 8:17 p.m.

Respectfully submitted,

Gina Miller
Secretary

UMATILLA COUNTY PLANNING COMMISSION

October 22, 2015

CONTINUED HEARING:

**REQUEST FOR A PUBLIC HEARING FOR LAND USE
DECISION REQUEST #LUD-185-15, BLUE MOUNTAIN
CHRISTIAN FELLOWSHIP, applicant/property owners.** During the public comment period, a "Request for a Public Hearing" was submitted on July 27, 2015. The request is to develop an 80 foot by 80 foot cemetery on church-owned property. The area of the Blue Mountain Christian Fellowship property proposed for the cemetery is located on the south side of Sunquist Road (County Road No. 512) at the northeast corner of Tax Lot #1100, in Township 6N, Range 35E, Section 21A. The situs address for this property is 52322 Sunquist Road, Milton Freewater, OR 97862. Criteria of approval are found in Umatilla County Development Code 152.059 (B), 152.617 (II).

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commissioners

FROM: Bob Waldher, Senior Planner

DATE: October 14, 2015

**RE: October 22, 2015, Planning Commission Hearing
Blue Mountain Christian Fellowship Cemetery - Continued Hearing
Land Use Decision, #LUD-185-15**

Background Information

On June 2, 2015, Blue Mountain Christian Fellowship submitted an application to the Planning Department for a Land Use Decision (LUD) to develop an 80 foot by 80 foot cemetery on church-owned property. Affected agencies and nearby property owners were notified of the LUD and were sent a copy of the Preliminary Findings and Conclusions on July 7, 2015. During the 21-day comment period the Planning Department received two letters from individuals who were opposed to the cemetery and one request for a public hearing. The first public hearing before the Planning Commission was held August 27, 2015. The Planning Commission heard testimony from neighbors opposed the cemetery as well as the applicant, and voted to continue the hearing to September 24, 2015. The Planning Commission asked the applicant to reanalyze the proposed location of the cemetery, conduct further soil analysis demonstrating the cemetery would not impact groundwater resources in the area, and work with adjacent property owners. On September 14, 2015 the applicant submitted to the Planning Department a waiver of the 150-day rule for planning review and asked for an additional hearing continuation to allow more time for the soil analysis. The Planning Commission voted to approve the request of the applicant and continued the hearing to October 22, 2015.

Criteria of Approval

ORS 215. 283 (1) (a) and the Umatilla County Development Code (UCDC) Section 152.059 (B) allow cemeteries in conjunction with churches to be permitted in the Exclusive Farm Use zone. Cemeteries in conjunction with Churches are a Land Use Decision subject to UCDC Section 152.617 (II)

Conclusion

No new information has been added to the project record since the continuation of the original hearing in August. Therefore, the Planning Commission is asked to refer to the August 27, 2015 hearing packet for further information. The Planning Commission's task for this application is either to deny the applicant's request to build a cemetery, or approve the application based on substantial evidence provided by the applicant.

UMATILLA COUNTY PLANNING COMMISSION

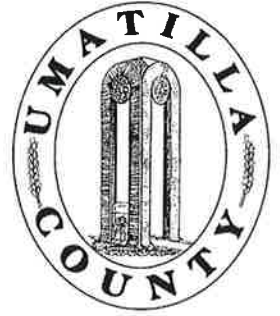
October 22, 2015

CONTINUED HEARING:

CONDITIONAL USE PERMIT REQUEST #C-1248-15 AND LAND USE DECISION REQUEST #LUD-188-15 FOR WALLULA TO MCNARY 230-kV TRANSMISSION LINE, PACIFIC POWER, applicant. Planning Commission will review the Conditional Use Permit Request and Land Use Decision Request by Pacific Power to build a 230-kV transmission line from the McNary Substation near Umatilla, OR to Wallula, WA, near the Oregon/Washington border. The proposed transmission line route would pass through public and private lands and would parallel existing Bonneville Power Administration and Pacific Power transmission lines. Criteria of approval include Umatilla County Development Code 152.059, 152.617 (II)(7), and 1972 Umatilla County Zoning Ordinance 3.114, 3.116, 3.026, and 7.040.

Umatilla County

Department of Land Use Planning



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MEMO

TO: Umatilla County Planning Commissioners

FROM: Bob Waldher, Senior Planner

DATE: October 14, 2015

**RE: October 22, 2015, Planning Commission Hearing
PacifiCorp Wallula to McNary 230 kV Transmission Line
Land Use Decision, #LUD-188-15
Conditional Use Permit Request, #C-1248-15**

Background Information

CH2M (Consultant) submitted an application on behalf of PacifiCorp (DBA Pacific Power) for a proposed 230 kV transmission line that will connect the McNary substation at Umatilla to the Wallula, Washington substation. The route is identified in the original application packet. The proposed transmission line within Oregon is approximately 22 miles in length. The project will require new rights-of-way at a minimum width of 125 feet. The proposed route parallels the existing Pacific Power and Bonneville Power Administration (BPA) transmission lines. The new transmission line is proposed by Pacific Power as part of its northwest transmission system.

The proposed route is located within three jurisdictions; City of Umatilla, City of Umatilla Urban Growth Area (UGA) and Umatilla County. This land use decision and findings applies to the segments located within the UGA and Umatilla County only. Pacific Power is coordinating separately with the City of Umatilla since the city has exclusive authority to make land use decisions within the city limits. The segment of the transmission line located outside the UGA is in the North/South County Agriculture Plan designation area.

The application was submitted to the Planning Department on August 10, 2015 and a completeness letter (dated September 4) was sent the consultant. Draft findings and conclusions were prepared September 14 and are included as an attachment to this memo. The notice for public hearing was sent to property owners and agencies on September 4, 2015. In addition, the public notice was posted in the September 12, 2015 issue of the East Oregonian.

The first public hearing before the Planning Commission was held September 24, 2015. The Planning Commission heard testimony from the applicant as well as one party who was opposed to the transmission line. The Planning Commission voted to continue the hearing to October 22, 2015 based on a request that PacifiCorp provide additional information/clarification on various project elements. The applicant/consultant provided a technical memorandum to the Planning Department on October 9, 2015.

Memo

Planning Commission Public Hearing – October 22, 2015
PacifiCorp Wallula to McNary 230 kV Transmission Line
Land Use Decision #LUD-188-15, Conditional Use Permit #C-1248-15

The technical memorandum is included as an attachment to this memo and provides additional information on the following topics:

- Potential visual impacts from the Project related to “Outstanding Sites and Views” and the “Historic and Scenic Highway Program” identified in the Statewide Planning Goal 5 resource inventory to the Umatilla County Comprehensive Plan Technical Report (Umatilla County, 1980)
- Supplemental information for findings related to the EFU Provisions in Chapter 152 of the Umatilla County Development Code
- Feasibility of double-circuiting the existing 230-kV Pacific Power transmission line
- Potential cumulative impacts associated with the Project

In addition to this technical memorandum, on October 13, 2015 PacificCorp provided a copy of the Oregon Department of State Lands removal/fill permit renewal for wetlands and waters of the State. This document is also provided in the attachments.

Criteria of Approval

Criteria of approval include for each zoning jurisdiction of the underlying property are shown in the table below:

Zone	Applicable Document and Section
EFU (Exclusive Farm Use)	Umatilla County Development Ordinance – Section 152.059, 152.617 (II)(7)
C-1 (General Commercial)	1972 Zoning Ordinance – Section 3.114, 3.116, 7.040
F-2 (General Rural)	1972 Zoning Ordinance – Section 3.026, 7.040

Umatilla County has responsibility to review and approve the land use permit. Regulatory authority for siting multi-jurisdictional transmission lines typically is through the Oregon Energy Facility Siting Council (EFSC). However, where the proposed line is within 500 feet of the existing Pacific Power and BPA corridors, the regulatory jurisdiction is exempt from EFSC permitting.

Conclusion

The Planning Commission is asked to refer to the original application, the September 24, 2015 hearing packet, as well as the attached technical memorandum provided by the applicant for further information. The Planning Commission’s task for this application is to determine whether or not the application complies with the applicable County standards and criteria of approval.

Attachments

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

- Supplemental Technical Memorandum Provided by Applicant/Consultant
- DSL Removal/Fill Permit Renewal

Supplemental Material to the Land Use Decision and Conditional Use Application for the Wallula to McNary 230-kilovolt Transmission Line

PREPARED FOR: Umatilla County Planning Commission

COPY TO: Tamra Mabbott/Umatilla County Planning Director
Bob Waldher/Umatilla County Senior Planner

PREPARED BY: Brian Fritz/Pacific Power
Paul Hicks/CH2M
Mark Greenig/CH2M

DATE: October 9, 2015

FIGURES: Figure 1: View from Hat Rock South Toward the Project Alignment
Figure 2: View from Highway 730 South Toward the Project Alignment
Figure 3: View from Highway 37 West Toward the Project Alignment

1.0 Introduction

On August 7, 2015, the applicant PacifiCorp (doing business as Pacific Power) submitted an application titled *Land Use Decision and Conditional Use Application for the Wallula to McNary 230-kilovolt Transmission Line* (application) to the Umatilla County Department of Land Use Planning. Pacific Power's application contains two separate approval requests for the construction and operation of a new 230-kilovolt (kV) transmission line (Project) from the McNary substation to the Oregon/Washington border. This Umatilla County segment of the proposed line is approximately 22.4 miles long. Pacific Power requests a conditional use permit (CUP) for a segment of the line located outside the City of Umatilla incorporated area, but inside the City's urban growth boundary (UGB), and a land use decision (LUD) approval for a segment of the line located within the Exclusive Farm Use (EFU) zone in rural Umatilla County.

This technical memorandum (TM) provides additional evidence in support of Pacific Power's application. Umatilla County staff deemed the application complete on September 4, 2015. On September 17, 2015, Umatilla County staff issued the *Umatilla County Planning Department Preliminary Findings of Fact and Conclusions of Law Wallula to McNary 230-kV Transmission Line Pacific Power* (referred to herein as the Staff Report) for review by the Umatilla County Planning Commission (Planning Commission). The preliminary decision documented in the Staff Report recommends that the Planning Commission may accept the findings presented in the Staff Report as provided, may find that the application complies with the applicable county standards, and can be approved subject to the conditions of approval provided in the Staff Report. The supplemental information in this TM was prepared by CH2M HILL Engineers, Inc. (CH2M) on behalf of Pacific Power to further support the findings provided in Pacific Power's application and to supplement the preliminary findings of fact provided by Umatilla County in its Staff Report to the Planning Commission.

This TM also addresses comments raised by members of the Planning Commission and through public testimony provided during the Planning Commission meeting that occurred on September 24, 2015. Based on the suggestion of staff, the Planning Commission continued the hearing until October 22, 2015, and requested that Pacific Power provide additional information on the following topics:

- Potential visual impacts from the Project related to “Outstanding Sites and Views” and the “Historic and Scenic Highway Program” identified in the Statewide Planning Goal 5 resource inventory to the *Umatilla County Comprehensive Plan Technical Report* (Umatilla County, 1980)
- Supplemental information for findings related to the EFU Provisions in Chapter 152 of the Umatilla County Development Code (UCDC)
- Feasibility of double-circuiting the existing 230-kV Pacific Power transmission line
- Potential cumulative impacts associated with the Project

Accordingly, this TM is organized into the following sections:

- 1.0 Introduction
- 2.0 Goal 5: Outstanding Sites and Views and Historic and Scenic Highway Program
- 3.0 Exclusive Farm Use
- 4.0 Miscellaneous Topics
- 5.0 References

2.0 Goal 5: Outstanding Sites and Views and Historic and Scenic Highway Program

The Planning Commission requested that Pacific Power discuss whether the Project will impact outstanding sites and views and potential scenic highways identified in the *Umatilla County Comprehensive Plan Technical Report* (referred to herein as Technical Report) (Umatilla County, 1980). Umatilla County prepared the Technical Report in 1980 with major additions in 1982 and 1984. The Technical Report provided data to assist in forming the basis of the goals and policies of the *Umatilla County Comprehensive Plan* adopted in 1983 (Umatilla County, 1983).

The Technical Report contains the County’s inventory of existing and potential scenic resources provided in accordance with Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) (ODLCD, 2015). The Technical Report classifies Scenic Areas according to “Outstanding Sites and Views,” “Historic and Scenic Highway Program,” and “Federal Wild and Scenic Waterways and State Scenic Waterways.” Umatilla County staff confirmed that “Federal Wild and Scenic Waterways and State Scenic Waterways” do not exist in Umatilla County and do not need to be addressed in this analysis (Waldher, 2015, personal communication).

Therefore, the analysis provided in this section is limited to the Project’s potential visual impacts on “Outstanding Sites and Views” and the “Historic and Scenic Highway Program” as listed in Table D-XVII of the Technical Report. As supported by the analysis provided below, the Project will not significantly impact visual resources associated with “Outstanding Sites and Views” and the “Historic and Scenic Highway Program” in Umatilla County.

2.1 Outstanding Sites and Views

Table D-XVII of the Technical Report (see page D-106) lists and describes 32 existing and potential outstanding sites and views throughout Umatilla County. The Technical Report (see page D-104) explains that 22 of the listed sites and views described in Table D-XVII were “determined to be not important enough to be included in the inventory, or not under the jurisdiction of the County” (Umatilla County, 1980). As verified by Umatilla County staff, these 22 locations are labeled “1A” in the “Goal 5 Analysis” column of Table D-XVII. Because these 22 features labeled “1A” are not classified as outstanding sites and views, they are not included in this analysis.

Table D-XVII of the Technical Report (see page D-106) lists and describes 10 of the 32 existing and potential outstanding sites and views throughout Umatilla County that are deemed important enough to

inventory and consider for protection. These 10 locations are labeled “3C” or “3A” in the “Goal 5 Analysis” column of Table D-XVII.

Of the 10 sites, only four (Hat Rock, Wallula Gap, Lake Wallula, and Lake Umatilla) are considered in this visual resource impact analysis because they are 1.25 miles from the Project or closer and labeled “3C” or “3A” in Table D-XVII of the Technical Report (see **Table 1**). The remaining six sites are located beyond 1.25 miles from the Project and as a result of this lack of proximity are excluded from further visual analysis. Where the Project might be visible from these six resources, it will blend into the two existing transmission lines located next to it.

Table D-XVII also categorizes how the sites and views are enjoyed (Umatilla County, 1980). The sites and views either are looked “upon” (looked at from other places), serve as a location to look “from” at the surrounding landscape, or are experienced as they are “traveled through.” Table D-XVII identified all four sites (again, Hat Rock, Wallula Gap, Lake Wallula, and Lake Umatilla) near the Project as being important resources to “look upon,” meaning that efforts should be considered to avoid impacting views towards these four sites from nearby areas. The Project is within 1.25 miles of these four sites and is intentionally located adjacent to an existing transmission line corridor to minimize conflict with scenic values and to minimize new scenic impacts along the route. In its entirety across Umatilla County, the Project has been specifically routed to be no less than 500 feet from other existing transmission lines. The Project will not intrude on views of these four areas from nearby areas.

Hat Rock is the only site of the four that was also categorized in Table D-XVII as offering enjoyment by serving as a platform to look “from” at the surrounding landscape. Hat Rock is approximately 1.25 miles from the Project. **Figure 1** provides a GoogleEarth image that shows the “view” from Hat Rock south towards the Project alignment. Given the viewing distance, features between Hat Rock and the Project route such as trees and topography, and the Project’s location adjacent to an existing transmission line in an existing transmission line corridor, it is doubtful that the Project will be seen from Hat Rock or will be distinguishable from the existing transmission line (see **Figure 1**). The proposed pole structures, the most visible feature of the Project, will be installed approximately every 800 feet to spread out the visual effect of the pole placement across this distance of the line. The pole structures will be constructed of wood, which minimizes potential glare and enables them to blend better with the surroundings. Therefore, if parts of the Project are seen, their presence will not change the visual character or quality of the landscape viewed from Hat Rock.

Table 1
Outstanding Sites and Views in Umatilla County in the Vicinity of the Project From Table D-XVII of the Umatilla County Comprehensive Plan Technical Report

Sites	Goal 5 Analysis Category	Approximate Distance from Project at Nearest Point (Miles)	How Enjoyed	Notes
Hat Rock	3C	1.25	Look upon and look from	The closest part of Project will be approximately 1.25 mile away and located in an existing transmission line corridor. Vegetation and topography will tend to block or screen views of the Project from Hat Rock. If parts of Project were seen, their presence will not change the character of the landscape viewed from Hat Rock or impact the visual quality of the view.
Wallula Gap	3A	0.5	Look upon	The proposed transmission line will not block views of Wallula Gap.

Lake Wallula	3C	0.4	Look upon	The proposed transmission line will not block views of Lake Wallula.
Lake Umatilla	3C	0.5	Look upon	The proposed transmission line will not block views of Lake Umatilla.
Cold Springs Reservoir	3C	2.1	Look upon and look from	The closest part of Project will be approximately 2 miles away and located in an existing transmission line corridor. Vegetation and topography will tend to block or screen views of the Project from Cold Springs Reservoir. If parts of Project are seen, their presence will not change the character of the landscape viewed from Cold Springs Reservoir or impact the visual quality of the view.
McKay Reservoir	3C	26	Look upon	The proposed transmission line will not block views of McKay Reservoir.
Langdon Lake	3C	42	Look upon	The proposed transmission line will not block views of Langdon Lake.
Earnest S. Haney Vista	3C	42	Look from	The proposed transmission line will not block views from Earnest S. Haney Vista.
State Highway 204	3C	27	Look from	The proposed transmission line will not block views from Cold Springs Reservoir.
Elephant Rock	3C	35	Look upon	The proposed transmission line will not block views of Elephant Rock.

Goal 5 Analysis Descriptions:

3A = A very important visual resource for which the County should develop a policy to protect views of.

3C = Inventoried and suggested in Technical Report that the County adopt a policy for these sites that would show special consideration for a series of factors - including "protecting vistas and other views that are important to be recognized because of their limited number and importance to the visual attractiveness of the area."

2.2 Historic and Scenic Highway Program

At the request of the Oregon Department of Transportation (ODOT), Umatilla County developed an inventory of suggested highways and roads located in Umatilla County to consider for inclusion in the 1983 Historic and Scenic Highway Program. The Technical Report (see page D-110) lists and describes nine potential candidate highway and county roads. Two of the potential candidate highways are within the vicinity of the Project (Highway 730 and Highway 37) (**Table 2**). At its nearest point to the proposed transmission line at approximately milepost (MP) 6.5, Highway 730 is located approximately 275 feet from the Project. Highway 37 intersects with the Project at approximately MP 10.6. At both of these locations, the Project will not change the visual character or visual quality of the landscape viewed from the respective highways. Desktop analysis shows that the remaining seven potential candidate highway and county roads listed in the Technical Report (see page D-110) exceed a distance of approximately 9 miles from the Project and are not included in this analysis.

Table 2

Highways and Roads In the Vicinity of the Project That Were Included in the List of Roads to Consider for Inclusion in State Historic and Scenic Highway Program

Highway or Road Near Project	Closest Distance to Project	Notes
Highway 730	0.4 mile at intersection with Hat Rock Road and 0.4 mile from closest portion of highway along Columbia River to Project.	County stated that this highway has historic, geologic, and scenic significance, but that potential inclusion into the Historic and Scenic Highway Program at the time the Technical Report was written would be premature. Project will not be seen from majority (or all) of highway adjacent to Columbia River and where seen in areas near Hat Rock Road, will be similar in appearance and character to the existing transmission line corridor it will be located in and will not impact the visual quality of views from the road.
Highway 37	Crosses over this highway.	Not considered for inclusion in the Program. The Project will cross over the highway where the existing transmission line corridor crosses at a location along the highway where the Columbia River comes into view (see Figure 1). The Project will not block views of the river or change the character of the existing transmission line corridor.

Although none of the highways and county roads listed in the Technical Report (see page D-110) are recognized by ODOT in the 1983 Historic and Scenic Highway Program, the county recognizes Highway 730 in the *Umatilla County Comprehensive Plan* and in the Technical Report for historic, geologic, and scenic significance (Umatilla County, 1980). However, Highway 730 currently has no status as a state or county scenic highway (Umatilla County, 1980).

Although not recognized in ODOT’s Historic and Scenic Highway Program, this section provides a visual impact analysis of the views of the Project from Highway 730. **Figure 2** provides a GoogleEarth image showing the “view” from Highway 730 south towards the Project alignment. These views will be limited and restricted to areas where the highway veers away from the Columbia River near the turn-off to Hat Rock State Park. Views to the south from the highway along the majority of its route adjacent to the Columbia River are blocked by adjacent steep canyon walls or hills (see **Figure 2**). If a portion of the Project were visible from parts of Highway 730, it would be seen along an existing transmission line corridor between approximately MP 0.0 at the McNary Substation and approximately MP 7.3 near the intersection of Highway 207 and Highway 730, and would not change the visual character or visual quality of the landscape viewed from the highway.

Highway 37, which will pass underneath the Project, was listed in the Technical Report but not considered to be worthy of potential inclusion in ODOT’s Historic and Scenic Highway Program. The description of Highway 37 in the Technical Report notes that the north end of the highway has “a spectacular view of the Columbia River.” The location along Highway 37 where the Columbia River first comes into view is where the existing transmission line corridor crosses over the highway (see **Figure 3**). The Project will be sited in the middle of this corridor. The presence of the transmission line associated with the Project will not block views of Columbia River from the part of the highway depicted in **Figure 3**.

3.0 Exclusive Farm Use

This section contains information to further support findings to the EFU Provisions in Chapter 152 of the UCDC. This section is organized to show the chronological order in which findings were provided to Umatilla County.

First, this section restates Pacific Power's initial findings, submitted in the application narrative to the *Land Use Decision and Conditional Use Application for the Wallula to McNary 230-kilovolt Transmission Line*. Second, this section provides the preliminary findings of fact from the Staff Report in response to the applicable provisions, as provided for review by the Planning Commission on September 17, 2015. Third, this section provides Pacific Power's supplemental applicant responses to the applicable provisions of UCDC 152. The supplemental applicant responses address comments raised by members of the Planning Commission and through public testimony provided during the Planning Commission meeting on September 24, 2015.

Again, the chronological order in which findings were provided to Umatilla County (date included) is as follows:

Original Applicant Response (August 7, 2015): Findings submitted in the application.

Preliminary Staff Finding (September 15, 2015): *Umatilla County staff's Preliminary Findings of Fact.*

Supplemental Applicant Response (October 9, 2015): Pacific Power's supplemental responses to the applicable provisions of UCDC 152. Responses address comments raised by members of the Planning Commission and through public testimony provided at the Planning Commission meeting on September 24, 2015.

In summary, the Project is locationally dependent and complies with four of the six provisions to UCDC 152.617(II)(7)(A)(1). Therefore, the Project complies with UCDC 152.617(II)(7)(A)(1).

In accordance with UCDC 152.617(II)(7)(A)(2), Pacific Power did not consider cost "alone" in locating the Project route. The main factors in siting the route were the locations of existing substations, transmission line right-of-way (ROW), and minimizing impacts to sensitive biological and cultural resources. It is not possible to connect the McNary and Wallula substations without crossing land in the EFU zone regardless of cost. Furthermore, the Project is designed to strengthen and improve the reliability of the transmission system serving the Boise Cascade plant at Wallula, which is served by Pacific Power's Wallula substation. Therefore, ensuring the reliability of the transmission system is a key consideration in siting the alignment of the proposed route, and again "cost alone" is not the only consideration. Therefore, the Project complies with UCDC 152.617(II)(7)(A)(2).

The Project complies with UCDC 152.617(II)(7)(A)(3). Section 2.8 (Reclamation) of the application narrative describes several site reclamation measures to comply with UCDC 152.617(II)(7)(A)(3). As may be required by the landowners, disturbed areas will be recontoured and seeded. Surface scarification for seeding will be done where necessary for germination. Some landowners may not request reclamation at minor soil compaction and vegetation disturbance areas. This will be decided on a case-by-case basis with the landowner. Work sites will be restored to as near original condition as possible and as required by landowners. All sites, with the exception of structure sites, will be graded as closely as possible to the original contours. Excess soil materials, rock, and other non-native materials will be disposed of at an approved landfill.

Pacific Power will also accept Subsequent Condition 19 as provided by Umatilla County in the Staff Report. Condition 19 proposes to "Restore (i.e. grading and reseeding with native vegetation) areas disturbed by construction activities." Therefore, the Project complies with UCDC 152.617(II)(7)(A)(3).

Lastly, the Project will not force a significant change in accepted farm practices and will not result in a significant increase in the cost of farm practices on surrounding farmlands. Therefore, the Project complies with UCDC 152.617(II)(7)(A)(4).

The Project is necessary for public service because it must cross through the EFU zone in order to improve the transmission capacity, strengthen and improve system reliability, alleviate system restraints, and satisfy contractual obligations to customers. As a result of topography and current land use designations, there is no option to site a line between the McNary and Wallula substations without crossing lands zoned EFU.

Although the Project route cannot avoid crossing lands zoned EFU, the proposed route was specifically chosen to remain within the 500-foot zone of existing transmission lines to limit potential impacts to current land use, including irrigated farm use. Siting the line farther to the south compared to the proposed route would impact significantly more developed agricultural land with active farm uses such as irrigated crop circles.

As described in greater detail below, the Project complies with the applicable provisions of UCDC 152.617(II)(7)(A).

3.1 Applicable Criteria from the 1983 Umatilla County Development Code (Revised September 17, 2014) – Land Use Decision

3.1.1 Umatilla County Development Code Chapter 152. Development Code—Exclusive Farm Use Zone

UCDC 152.059. Land Use Decisions. In an EFU zone the following uses may be permitted through a land use decision via administrative review (§ 152.769) and subject to the applicable criteria found in §152.617. Once approval is obtained a zoning permit (§ 152.025) is necessary to finalize the decision.

(C) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission or communication towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275 and in § 152.617(II)(7).

Original Applicant Response (August 7, 2015): The Project is subject to UCDC § 152.059(C) because it is for electrical power transmission only (not power generation) and does not include transmission towers over 200 feet in height. Thus, the Project may be established as provided in Oregon Revised Statute (ORS) 215.275. The state legislature enacted ORS 215.275 to clarify when a utility facility is necessary for public service as this phrase is used in ORS 215.283(1)(c). Any person applying to site a utility facility on EFU lands must establish that the facility is in fact necessary for public service according to the standards set forth in ORS 215.275 and restated in UCDC § 152.617(II)(7).

According to ORS 215.275(1), a utility facility is necessary for public service if the facility must be sited in an EFU zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an EFU zone due to one or more of the criteria listed under § 152.617(II)(7) (see Section 4.1.3 below). The Project is consistent with § 152.617(II)(7) and consequently ORS 215.275.

Preliminary Staff Finding (September 15, 2015): Application for “utility facilities necessary” in an Exclusive Farm Use zone (EFU) is listed as a use allowed pursuant to UCDC Section 152.059 (C), through the approval of a Land Use Decision request. Following the approval of a Land Use Decision a county zoning permit is required prior to establishing a land use or pursuing construction, as provided in § 152.025 and § 152.612 (D).

ORS 215.275 sets out what an applicant must provide to demonstrate that a “utility facility is necessary.” The criteria in ORS 215.275 for siting a facility on land zoned EFU has been incorporated into state administrative rules at OAR 660-33-130(16) and by Umatilla County in Umatilla County Development Code (UCDC) Section 152.617(II)(7). The applicable criteria are shown in underlined text and responses are shown in standard text.

Supplemental Applicant Response (October 9, 2015): Pacific Power does not propose revisions to the original applicant response (August 7, 2015) or preliminary staff finding (September 15, 2015).

3.1.2 UCDC Chapter 152. Standards for Review: Land Use Decisions on EFU Zoned Land

UCDC 152.617. Standards for Review of Conditional Uses and Land Use Decisions on EFU Zoned Land.

(II) EFU Land Use Decisions

(7) Utility Facility Necessary for Public Service.

(A) A utility facility established under ORS 215.283(1)(c) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must:

(1) Demonstrate that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

Original Applicant Response (August 7, 2015): The Project is necessary for public service because it must cross through the EFU zone in order to improve the transmission capacity and satisfy the various reasons for the proposal as described in the purpose and need section of this application (see Section 3). To summarize, the Project is required to:

- Integrate new resources into the transmission system satisfying the current and projected demand for electrical transmission brought by regional development of energy resources, predominantly renewable wind in the Walla Walla area
- Satisfy Pacific Power’s contractual obligations to transmit electricity for customers within their service area
- Alleviate transmission system restraints
- Strengthen and improve the reliability of the transmission system serving the Boise Cascade plant at Wallula, which is served by Pacific Power’s Wallula substation

Pacific Power examined various route alternatives during the formal route selection process. As described in Section 2.2, the main criteria used in the evaluation of route alternatives were as follows:

- Double-circuit an existing Pacific Power transmission line.
- Establish distance from the existing City of Umatilla Water Tower.
- Use existing Bonneville Power Administration (BPA) ROW.
- Avoid potential development.
- Avoid wetlands.
- Locate the route per landowner request on the south side of an existing transmission line.

These criteria were developed to minimize potential Project impacts. The existing substations (McNary and Wallula) were fixed as corridor end points and geographic information system software was used to develop an initial corridor. Pacific Power then examined data for zoning, existing land use and development, property boundaries, and the locations of sensitive

biological and cultural resources to minimize impacts. The corridor was modified further based on information from potentially affected landowners during the public outreach process. The general route was also evaluated in the field for the presence of sensitive biological and cultural resources. The route was then further adjusted to minimize impacts to wetlands/jurisdictional waters identified during the field surveys.

The transmission line route proposed in this application is the result of this analysis and shows that it must be sited in the EFU zone to provide public service. No alternative route exists that can connect the existing substations without crossing the EFU zone as shown in the Route Location and Zoning Map – Rural Umatilla County (see Figure 3 to the application narrative).

Furthermore, State of Oregon transmission line siting rules express a State policy preference for new transmission lines to be within 500 feet of existing lines. If the lines are more than 500 feet apart, the State requires a more comprehensive permitting process. This policy is intended to promote colocation of ROW and to minimize new ROW in previously undeveloped areas.

Pacific Power’s discussions with landowners also indicated a clear preference to keep the proposed line next to existing lines.

As a result of topography and current land use, there is no option to site a line between the McNary and Wallula substations without crossing lands zoned EFU. Note that the EFU zoning designation extends from the Columbia River well to the south (refer to Figure 3 of the application narrative). The proposed route was chosen to remain within the 500-foot zone of existing transmission and to limit the impacts to current land use, including irrigated farm use. Siting the line farther to the south compared to the proposed route would impact significantly more developed agricultural land with active farm uses such as irrigated crop circles.

Preliminary Staff Finding (September 15, 2015): See preliminary staff findings to UCDC 152.67(II)(7)(A)(1)(a through f) (September 15, 2015) provided below.

Supplemental Applicant Response (October 9, 2015): The Project is necessary for public service because it must cross through the EFU zone in order to improve the transmission capacity, strengthen and improve system reliability, alleviate system restraints, and satisfy contractual obligations to customers. As a result of topography and current land use designations, there is no option to site a line between the McNary and Wallula substations without crossing lands zoned EFU. Note that the EFU zoning designation extends from the Columbia River well to the south, as shown in Figure 3 to the application narrative.

Although the Project route cannot avoid crossing lands zoned EFU, the proposed route was specifically chosen to remain within the 500-foot zone of existing transmission lines to limit potential impacts to current land use, including irrigated farm use. Siting the line farther to the south compared to the proposed route would impact significantly more developed agricultural land with active farm uses such as irrigated crop circles.

The various reasons for the proposal are described in Section 3 (Purpose and Need) of the application narrative. To summarize, the Project is required to:

- Integrate new resources into the transmission system satisfying the current and projected demand for electrical transmission brought by regional development of energy resources, predominantly renewable wind in the Walla Walla area
- Satisfy Pacific Power’s contractual obligations to transmit electricity for customers within their service area
- Alleviate transmission system restraints

- Strengthen and improve the reliability of the transmission system serving the Boise Cascade plant at Wallula, which is served by Pacific Power’s Wallula substation.

Although not required to do so, Pacific Power examined various route alternatives during the formal route selection process to minimize potential impacts to current land use. Umatilla County staff made the following statement in their preliminary staff findings to UCDC 152.617(II)(7)(A)(1)(b) as provided in the Staff Report:

Even though there is no legal requirement to evaluate alternative routes within the EFU zone, the Applicant looked at other routes for the transmission line. The evidence indicates that the route selected was based on available easements and minimum impact to EFU zoned property. From the beginning, Applicant has been actively studying the feasibility of the most direct transmission routes, all of which must cross EFU land. Applicant has consulted with the effected landowners with regard to alignment on individual parcels.

As described in Section 2.2 (Proposed Route) of the application narrative, the main criteria used in the evaluation of route alternatives were as follows:

- Site within 500 feet of existing transmission lines.
- Double-circuit an existing Pacific Power transmission line.
- Establish distance from the existing City of Umatilla Water Tower.
- Use existing BPA ROW where feasible.
- Avoid potential development.
- Avoid wetlands.
- Locate the route per landowner request on the south side of an existing transmission line.
- Avoid proximity to existing structures.
- Minimize impacts to farm ground.

These criteria were developed to minimize potential Project impacts to land owners, farm ground, and sensitive biological and cultural resources. The existing substations (McNary and Wallula) were fixed as corridor end points and geographic information system software was used to develop an initial corridor. Pacific Power then examined data for zoning, existing land use and development, property boundaries, and the locations of sensitive biological and cultural resources to minimize impacts. The corridor was modified further based on information from potentially affected landowners during the public outreach process. The general route was also evaluated in the field for the presence of sensitive biological and cultural resources. The route was then further adjusted to minimize impacts to wetlands/jurisdictional waters identified during the field surveys.

The transmission line route proposed in this application is the result of this analysis and shows that it must be sited in the EFU zone to provide public service. No alternative route exists that can connect the existing substations without crossing the EFU zone as shown in the Route Location and Zoning Map – Rural Umatilla County (see Figure 3 to the application narrative).

Furthermore, State of Oregon transmission line siting rules express a State policy preference for new transmission lines to be within 500 feet of existing lines. This policy is intended to promote colocation of ROW and to minimize new ROW in previously undeveloped areas.

Pacific Power’s discussions with landowners also indicated a clear preference to keep the proposed line next to existing lines.

(a) Information provided in the technical and engineering feasibility;

- (b) *The proposed facility is locationally dependent. (It must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands.)*
- (c) *Show a lack of available urban and non-resource lands;*
- (d) *Due to availability of existing rights of way.*
- (e) *Due to public health and safety concerns; and*
- (f) *Show it must meet other requirements of state and federal agencies.*

Original Applicant Response (August 7, 2015): The Project is locationally dependent because it must cross lands zoned EFU in order to achieve a reasonably direct route between the existing McNary and Wallula power substations. The Route Location and Zoning Map – Rural Umatilla County (see Figure 3 to the application narrative), shows that all of the land on the south side of the Columbia River between the McNary and Wallula substations is within the EFU zone. Urban and nonresource lands are largely unavailable between the substations to accommodate new lines. Therefore, the most direct route between the substations crosses EFU zoned land.

In addition, Pacific Power will minimize potential impacts to surrounding uses by co-locating the Project with existing transmission line ROW. The location of the existing ROW guided the selection of the proposed corridor through previously disturbed EFU-zoned areas, enabling Pacific Power to avoid undisturbed agricultural land to the maximum extent practicable. As described in Section 2, the Project parallels the existing BPA Lower Monumental-McNary 500-kV line for the first approximately 7.0 miles in Umatilla County and is then within 500 feet of the existing PacifiCorp 230-kV McNary to Walla Walla line for the remaining distance through Umatilla County to the Wallula substation (see Figure 4 to the application narrative). The existing transmission line corridors are already located across land in the EFU zone.

Based on the factors cited above, the transmission system improvements qualify as utility facilities necessary for public service according to UCDC § 152.617(II)(7) and ORS 215.275.

Preliminary Staff Findings to UCDC 152.67(II)(7)(A)(1)(a through f) (September 15, 2015):

_____ - *A formal technical and engineering feasibility report was not provided as part of this application.*

_____ - *A review of submitted application materials and of the tax and zoning maps shows that the proposed transmission line has no non-EFU routes available to connect the two substations, McNary and Wallula. Therefore, the proposed facility is considered locationally dependent.*

Even though there is no legal requirement to evaluate alternative routes within the EFU zone, the Applicant looked at other routes for the transmission line. The evidence indicates that the route selected was based on available easements and minimum impact to EFU zoned property. From the beginning, Applicant has been actively studying the feasibility of the most direct transmission routes, all of which must cross EFU land. Applicant has consulted with the effected landowners with regard to alignment on individual parcels. And, as part of the land use application, the applicant secured and has provided signed Land Use Authorization forms from most of the underlying landowners. Where the applicant was not able to obtain signed Land Use Authorization forms from the underlying landowner, the applicant will comply with Precedent Condition 5 as included below in these preliminary findings. Route selection is an iterative process of elimination, until a point is reached when the most feasible route has been secured. The Applicant will enter into private easements for the route segments across private property, which, when combined with public ROW, will provide the most feasible route.

- A review of submitted application materials and of the tax and zoning maps shows that the proposed transmission line has no urban and non-resource routes available to connect the two substations, McNary and Wallula.

- Existing rights of way were not available for the construction of the new transmission line.

Information related to public health and safety concerns was not provided by the applicant as part of the project.

The applicant's request to cross EFU zoned land was not based on requirements of state or federal agencies.

Supplemental Applicant Response (October 9, 2015): The code criteria provided in UCDC 152.617(II)(7)(A)(1) requires Pacific Power to demonstrate that the Project "must be sited in an exclusive farm use zone due to one or more" of the factors described in UCDC 152.67(II)(7)(A)(1)(a through f). As described in Pacific Power's *Land Use Decision and Conditional Use Application for the Wallula to McNary 230-kilovolt Transmission Line* and verified by Umatilla County staff in their Staff Report to UCDC 152.67(II)(7)(A)(1)(a through f), Pacific Power directly complies with four of the six provisions to UCDC 152.617(II)(7)(A)(1). Therefore, the Project complies with UCDC 152.617(II)(7)(A)(1). Details showing Pacific Power's compliance with UCDC 152.617(II)(7)(A)(1) are described below.

A comment raised by a commenter during public testimony before the Planning Commission suggested that Pacific Power had not completed a technical and engineering feasibility report. As noted in the Staff Report pertaining to UCDC 152.67(II)(7)(A)(1)(a), Pacific Power did not provide a formal technical and engineering feasibility report as part of this application. Pacific Power does not need to submit a formal technical and engineering feasibility report since it complies with more than one of the other provisions under UCDC 152.617(II)(7)(A)(1).

Pacific Power did complete engineering surveys that show the layout and location of the 125-foot-wide ROW within the individual parcels crossed (see Figure 4 to the application narrative). Initial engineering surveys were completed in 2011 and have been revised through multiple iterations to meet the preference of landowners and minimize impacts to wetlands. The engineering survey information includes both the location of the ROW and of the individual pole structures. The final design of the transmission line will be completed prior to Construction of the Project.

The Project complies with UCDC 152.617(II)(7)(A)(1)(b). As a result of topography and current land use designations, there is no option to site a line between the McNary and Wallula substations without crossing lands zoned EFU. Note that the EFU zoning designation extends from the Columbia River well to the south, as shown in Figure 3 to the application narrative. Therefore, the Project is locationally dependent because it must cross lands zoned EFU in order to achieve a reasonably direct route between the existing McNary and Wallula power substations. The Route Location and Zoning Map – Rural Umatilla County (see Figure 3 to the application narrative), shows that all of the land on the south side of the Columbia River between the McNary and Wallula substations is within the EFU zone. Therefore, the most direct route between the substations crosses EFU zoned land.

Umatilla County staff verified that the Project is considered locationally dependent. Staff provided the following statement pertaining to UCDC 152.617(II)(7)(A)(1)(b) as shown in the Staff Report:

A review of submitted application materials and of the tax and zoning maps shows that the proposed transmission line has no non-EFU routes available to connect the two

substations, McNary and Wallula. Therefore, the proposed facility is considered locationally dependent.

In addition, Pacific Power will minimize potential impacts to surrounding uses by co-locating the Project with existing transmission line ROW. The location of the existing ROW guided the selection of the proposed corridor through previously disturbed EFU-zoned areas, enabling Pacific Power to avoid undisturbed agricultural land to the maximum extent practicable. As described in Section 2, the Project parallels the existing BPA Lower Monumental-McNary 500-kV line for the first approximately 7.0 miles in Umatilla County and is then within 500 feet of the existing PacifiCorp 230-kV McNary to Walla Walla line for the remaining distance through Umatilla County to the Wallula substation (see Figure 4). The existing transmission line corridors are already located across land in the EFU zone.

The Project complies with UCDC 152.617(II)(7)(A)(1)(c). Urban and nonresource lands are not available between the substations to accommodate new transmission lines. Umatilla County staff verified that the Project has no urban and nonresource routes available to connect the two substations. Staff provided the following statement pertaining to UCDC 152.617(II)(7)(A)(1)(c) as shown in the Staff Report:

A review of submitted application materials and of the tax and zoning maps shows that the proposed transmission line has no urban and non-resource routes available to connect the two substations, McNary and Wallula.

The Project complies with UCDC 152.617(II)(7)(A)(1)(d). Existing ROW is not available for construction of the Project. Umatilla County staff verified that existing ROW is not available for the construction of the new transmission line. Staff provided the following statement pertaining to UCDC 152.617(II)(7)(A)(1)(d) as provided in the Staff Report:

Existing rights of way were not available for the construction of the new transmission line.

The Project will require new easement acquisition, for the length of the line at a minimum width of 125 feet. The 125-foot-wide ROW will be a contiguous series of easements and permits. Each component of the Project, including the guy wires that will support angle poles with subsurface anchors, will be constructed and operated within the width of the new easement acquisition area. Pacific Power's preference is to obtain the ROW in a perpetual easement from the landowner. Easements will provide Pacific Power with construction and maintenance access.

The proposed transmission line within Umatilla County will be routed adjacent to existing Pacific Power and BPA transmission lines. The centerline of the newly proposed ROW/easement will be at least 62.5 feet and a maximum of 437.5 feet from the edge of existing line easement. The line separation variation will be used to improve reliability, accommodate existing land use, and minimize environmental and landowner impacts.

The Project complies with UCDC 152.617(II)(7)(A)(1)(e). In the Staff Report, Umatilla County staff stated that Pacific Power did not provide information related to public health and safety concerns as part of the Project. Pacific Power disagrees with this preliminary staff finding. Pacific Power addresses public health and safety concerns in Section 2.14 (Fire Protection) of the application narrative.

Specifically, construction will adhere to federal, state, and county laws, ordinances, rules, and regulations that pertain to fire prevention, presuppression, and suppression. All construction personnel will be advised of their responsibilities under the applicable fire laws and regulations. The construction contractor will be required to notify the local fire district if a construction-related fire occurs.

Specific safety measures will be implemented during line construction to prevent fires and to ensure quick response and suppression in the event a fire occurs. These activities and requirements include the following:

- All vehicles will stay on designated roads or park in areas free of vegetation, to the extent practicable.
- Vehicles, gas-powered equipment, and any fuel handling, dispensing, or storage equipment will be equipped with spark arrestors.
- The construction contractor will provide (and store in a place easily accessed at each construction site) five shovels, two backpack pumps with water, and one 5-pound ABC dry powder carbon monoxide fire extinguisher during all construction activities.
- All vehicles will be equipped with at least one fire extinguisher.

The Project will adhere to the governing safety code for transmission line construction, operation, and maintenance as defined by NESC and adopted by the State of Oregon. The NESC comprehensively prescribes the measures to be taken to provide for personnel safety, structure safety, and suitable fire prevention practices and measures for electrical transmission lines. The State of Oregon Public Utility Commission (OPUC) enforces the NESC. This enforcement takes the form of periodic inspections for code compliance and an OPUC process to verify that remedial actions are taken if violations are found.

The practices required by the NESC provide for long-term fire prevention. That said, lightning or equipment failure can potentially lead to a fire. In those cases, Pacific Power would look to the Umatilla County Rural Fire Department for fire response and control.

Following construction of the line, normal maintenance activities will be undertaken to assure the structural and electrical integrity of the structures, conductors and related equipment, and to manage vegetation within the ROW to minimize the potential for trees and bushes to grow or fall into the line, creating the possibility for a fire to start. Vegetation in the immediate area of individual structures will also be managed to minimize the possibility of fires spreading from a structure, should the structure be struck by lightning.

Pacific Power will require the construction contractor to develop and provide a fire prevention and control plan prior to the start of construction. This plan will be provided to the local fire authorities for information and coordination purposes and will be consistent with the specific fire prevention safety measures provided above in this subsection. Furthermore, the Project will generally be located away from populated areas and analysis provided in Section 2.2.2 (Rural Umatilla County) of the application narrative indicates that the nearest dwellings are approximately 340 feet from the centerline of the proposed route. Therefore, the Project complies with UCDC 152.617(II)(7)(A)(1)(e).

The code provision UCDC 152.617(II)(7)(A)(1)(f) does not apply to the Project. Although the Project is not routed across EFU zoned land based on requirements imposed by state or federal agencies, the State of Oregon transmission line siting rules express a State policy preference for new transmission lines to be within 500 feet of existing lines. This policy is intended to promote colocation of ROW and to minimize new ROW in previously undeveloped areas. Based on the factors cited above, the transmission system improvements qualify as utility facilities necessary for public service according to UCDC § 152.617(II)(7) and ORS 215.275. Pacific Power directly complies with four of the six provisions under UCDC 152.617(II)(7)(A)(1). Therefore, the Project complies with UCDC 152.617(II)(7)(A)(1).

(2) *Costs associated with any of the factors listed in subsection (A) above may be considered, but cost alone, including the cost of land, may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.*

Original Applicant Response (August 7, 2015): Pacific Power did not consider cost in locating the Project route. The main factors in siting the route were the locations of existing substations, transmission line ROW, and biological and cultural resources. It is not possible to connect the McNary and Wallula substations without crossing land in the EFU zone.

Preliminary Staff Finding (September 15, 2015): *The applicant indicates that costs were not the only consideration in determining that the proposed facility is necessary for public service. The applicant states that the project is necessary to provide additional system capacity, relieve congestion, and improve the reliability of the transmission system in the area.*

Supplemental Applicant Response (October 9, 2015): In accordance with UCDC 152.617(II)(7)(A)(2), Pacific Power did not consider cost “alone” in locating the Project route. The main factors in siting the route were the locations of existing substations, transmission line ROW, and biological and cultural resources. It is not possible to connect the McNary and Wallula substations without crossing land in the EFU zone, regardless of cost.

Umatilla County staff verified that costs were not the only consideration in determining that the proposed facility is necessary for public service. Staff provided the following statement pertaining to UCDC 152.617(II)(7)(A)(2) as shown in the Staff Report:

The applicant indicates that costs were not the only consideration in determining that the proposed facility is necessary for public service. The applicant states that the project is necessary to provide additional system capacity, relieve congestion, and improve the reliability of the transmission system in the area.

Section 2.2 (Proposed Route) of the application narrative and the Supplemental Applicant Response (October 9, 2015) to UCDC 152.617(II)(7)(A)(1) described above provide the main criteria used in the evaluation of route alternatives:

- Site within 500 feet of existing transmission lines.
- Double-circuit an existing Pacific Power transmission line.
- Establish distance from the existing City of Umatilla Water Tower.
- Use existing BPA ROW where feasible.
- Avoid potential development.
- Avoid wetlands.
- Locate the route per landowner request on the south side of an existing transmission line.
- Avoid proximity to existing structures.
- Minimize impacts to farm ground.

Again, these criteria do not include cost and were developed to minimize potential Project impacts to land owners, farm ground, and sensitive biological and cultural resources. The existing substations (McNary and Wallula) were fixed as corridor end points and geographic information system software was used to develop an initial corridor. Pacific Power then examined data for zoning, existing land use and development, property boundaries, and the locations of sensitive biological and cultural resources to minimize impacts. The corridor was modified further based on information from potentially affected landowners during the public outreach process. The general route was also evaluated in the field for the presence of sensitive

biological and cultural resources. The route was then further adjusted to minimize impacts to wetlands and jurisdictional waters identified during the field surveys.

The transmission line route proposed in this application is the result of this analysis and shows that it must be sited in the EFU zone to provide public service. No alternative route exists that can connect the existing substations without crossing the EFU zone as shown in the Route Location and Zoning Map – Rural Umatilla County (see Figure 3 to the application narrative).

For the reasons described herein, the Project complies with UCDC 152.617(II)(7)(A)(2).

(3) The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this paragraph shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

Original Applicant Response (August 7, 2015): As described in Section 2.3 (Rights-of-Way) of the application narrative, Pacific Power prefers to obtain fee title (deeds) for the new 125-foot-wide ROW from landowners along the proposed transmission line route only when the option is acceptable to the landowner, allowed by current land use law, and does not adversely impact the Project schedule or cost. When the purchase of the ROW is not feasible, Pacific Power will obtain the ROW in a perpetual easement from the landowner. In either situation, farming can continue in areas of the proposed ROW that were previously in farm use as negotiated through an agreement with Pacific Power. In addition, part of this negotiation will include an agreement on how the areas disturbed during construction will be restored by Pacific Power for continued use in agricultural production. Pacific Power will similarly restore all areas disturbed during required maintenance or repair of the Project. Therefore, the Project complies with this criterion.

Preliminary Staff Finding (September 15, 2015): *The applicant included several site reclamation measures as part of this project. Conditions of approval are recommended requiring the applicant to restore, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Additionally, bonding or other financial assurance may be required as a condition of approval to insure compliance with this standard.*

Supplemental Applicant Response (October 9, 2015): As described in Section 2.3 (Rights-of-Way) of the application narrative, Pacific Power prefers to obtain fee title (deeds) for the new 125-foot-wide ROW from landowners along the proposed transmission line route only when the option is acceptable to the landowner, allowed by current land use law, and does not adversely impact the Project schedule or cost. When the purchase of the ROW is not feasible, Pacific Power will obtain the ROW in a perpetual easement from the landowner. In either situation, farming can continue in areas of the proposed ROW that were previously in farm use as negotiated through an agreement with Pacific Power. In addition, part of this negotiation will include an agreement on how the areas disturbed during construction will be restored by Pacific Power for continued use in agricultural production. Pacific Power will similarly restore all areas disturbed during required maintenance or repair of the Project.

Section 2.8 (Reclamation) of the application narrative describes several site reclamation measures to comply with UCDC 152.617(II)(7)(A)(3). As may be required by the landowners, disturbed areas will be recontoured and seeded. Surface scarification for seeding will be done where necessary for germination. Some landowners may not request reclamation at minor soil compaction and vegetation disturbance areas. This will be decided on a case-by-case basis with

the landowner. Work sites will be restored to as near original condition as possible and as required by landowners. All sites, with the exception of structure sites, will be graded as closely as possible to the original contours. Excess soil materials, rock, and other non-native materials will be disposed of at an approved landfill.

Umatilla County staff verified that Pacific Power included site reclamation measures as part of its application for the requisite CUP and LUD permits. Staff provided the following statement pertaining to UCDC 152.617(II)(7)(A)(3) as shown in the Staff Report:

The applicant included several site reclamation measures as part of this project. Conditions of approval are recommended requiring the applicant to restore, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Additionally, bonding or other financial assurance may be required as a condition of approval to insure compliance with this standard.

Pacific Power would accept Subsequent Condition 19 as provided by Umatilla County in the Staff Report. Condition 19 proposes to "Restore (i.e. grading and reseeding with native vegetation) areas disturbed by construction activities."

Therefore, the Project complies with UCDC 152.617(II)(7)(A)(3).

(4) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

Original Applicant Response (August 7, 2015): Where areas of the proposed ROW were previously in farm use, the previous owner will be able to continue farming it through an agreement negotiated with Pacific Power at the time of purchase. Thus, impacts from the proposal on surrounding land devoted to farm use will be minimized.

Permanent impacts from the Project on surrounding lands devoted to farm use will be minimized as the transmission line conductor will be above the ground and access roads in cultivated areas will only be necessary for construction. Over cultivated lands, construction access roads will be temporary and reinstalled only if equipment access is needed again. As described in Section 2.7 (Estimated Land Disturbances) of the application narrative, the majority (approximately 18.9 miles) of construction access roads in Umatilla County will be on uncultivated land. Only approximately 0.23 mile of construction access roads will cross cultivated lands in Umatilla County, resulting in approximately 0.6 acre of temporary disturbance, which will be restored as required by the landowner. New pole structures constitute permanent impacts to farmlands requiring a small footprint that will be spaced approximately 800 feet apart. During installation of the new poles, land or construction clearing will be minimized to reduce soil disturbances and to maintain water quality from stormwater runoff. Pacific Power and its construction contractor will maintain awareness of wheel-line irrigation systems near the ROW corridor and will coordinate with surrounding agricultural practices as construction occurs.

Furthermore, any impacts from the Project will be minimized because construction will be primarily adjacent to existing transmission line ROW and previously disturbed corridors. Therefore, the Project will not force a significant change in accepted farm practices.

Preliminary Staff Finding (September 15, 2015): *The applicant has indicated its willingness to mitigate impacts to farm land through negotiations with landowners. See also (b) above. This*

might include restoration of construction disturbances, pole structure locations, and right-of-way access. Additional appropriate mitigation measures may be considered by the Planning Commission.

Supplemental Applicant Response (October 9, 2015): Where areas of the proposed ROW were previously in farm use, the previous owner will be able to continue farming it through an agreement negotiated with Pacific Power at the time of purchase. Thus, impacts from the proposal on surrounding land devoted to farm use will be minimized.

Umatilla County staff acknowledges Pacific Power's willingness to mitigate impacts to farmland through negotiations with landowners. Staff provided the following statement pertaining to UCDC 152.617(II)(7)(A)(4) as shown in the Staff Report:

The applicant has indicated its willingness to mitigate impacts to farm land through negotiations with landowners. See also (b) above. This might include restoration of construction disturbances, pole structure locations, and right-of-way access. Additional appropriate mitigation measures may be considered by the Planning Commission.

This Supplemental Applicant Response also responds to comments from the Planning Commissioners requesting that Pacific Power review the percentage and linear miles of high-value soils crossed by the Project. Umatilla County staff acknowledged that the provisions of UCDC 152.617(II)(7)(A)(1 through 7) do require an analysis of high-value soils crossed by a utility facility that is necessary for public service. Nonetheless, Pacific Power meets the request of the Planning Commission and provides the percentage and linear miles of high-value soils crossed by the Project.

UCDC 152.003 defines high-value farmland as land in a tract composed predominantly of soils that are:

- (1) *Irrigated and classified prime, unique, Class I, or Class II; or*
- (2) *Not irrigated and classified prime, unique, Class I, or Class II.*

Based on the definition of high-value farmland provided in UCDC 152.003, the Project will cross approximately 1.5 miles (or approximately 5 percent of Project located in Umatilla County) of high-value soils that are "Not irrigated and classified prime, unique, Class I, or Class II." Umatilla County staff also provided a geographic information system (GIS) map layer for high-value soils "if Irrigated and classified prime, unique, Class I, or Class II." Using data provided by the Umatilla County, the Project will cross approximately 1.9 miles (or approximately 7 percent of the Project located in Umatilla County) of high-value soils that fall under Umatilla County GIS data classification as "if irrigated and classified prime, unique, Class I, or Class II." Thus, the Project will cross approximately 3.4 miles (or approximately 12 percent of the Project located in Umatilla County) of high-value soils (classified as not irrigated and if irrigated prime, unique, Class I, or Class II soils). Of the approximately 3.4 miles of high-value soils crossed, approximately 1.3 miles (or 4.5 percent of the overall Project in Umatilla County) will occur in the City of Umatilla UGB and approximately 2.1 miles (or 7.2 percent of the overall Project in Umatilla County) will occur in rural Umatilla County.

As described in the Original Applicant Response and expanded upon in this Supplemental Applicant Response to UCDC 152.617(II)(7)(A)(4), permanent impacts from the Project on surrounding lands devoted to farm use will be minimized as the transmission line conductor will be above the ground and access roads in cultivated areas will only be necessary for construction. Over cultivated lands, construction access roads will be temporary and reinstalled only if equipment access is needed again. As described in Section 2.7 (Estimated Land Disturbances) of the application narrative, the majority (approximately 18.9 miles) of

construction access roads in Umatilla County will be on uncultivated land. Only approximately 0.23 mile of construction access roads will cross cultivated lands in Umatilla County, resulting in approximately 0.6 acre of temporary disturbance, which will be restored as required by the landowner. New pole structures constitute permanent impacts to farmlands requiring a small footprint that will be spaced approximately 800 feet apart. During installation of the new poles, land or construction clearing will be minimized to reduce soil disturbances and to maintain water quality from stormwater runoff. Pacific Power and its construction contractor will maintain awareness of wheel-line irrigation systems near the ROW corridor and will coordinate with surrounding agricultural practices as construction occurs.

Furthermore, any impacts from the Project will be minimized because construction will be primarily adjacent to existing transmission line ROW and previously disturbed corridors.

Impacts to farm ground will only occur where components of the Project cross land in farm use. Impacts where the Project does cross existing farm ground will be limited to areas within the 125 foot-wide transmission line ROW and temporary impacts outside the ROW from new access roads and conductor pulling and tensioning areas. Section 2.7 (Estimated Land Disturbances) of the application narrative provides a detailed description of the estimated land disturbances. Section 2.8 (Reclamation) of the application narrative, along with the Supplemental Applicant Response to UCDC 152.617(II)(7)(A)(3) above, describes the reclamation that will occur in coordination with the existing landowners.

The only permanent impacts inside the ROW are the areas necessary for pole structures, guy wires, and anchors (see Table 1 of the application narrative). Thus, permanent removal of farming activities will only be connected to the location of these components. Whenever possible, pole structure locations will be selected to minimize the impact on current farming activities (for example, avoid crop circles and use edge of fields). Temporary impacts inside the ROW will be limited to the extent possible and include areas necessary for construction such as the pads needed to operate cranes (see Section 2.6 [Construction] and Table 2 of the application narrative). As described in Section 2.8 (Reclamation) of the application narrative, Pacific Power will grade all areas within the ROW as closely as possible to the original contours, with the exception of the permanent components. In addition, Section 2.3 (Rights-of-Way) of the application narrative explains that the transmission line ROW/easement can continue to be used for its current purpose if the adjacent landowner chooses to do so, as long as the use does not conflict with the safe operation of the line and meets the National Electric Safety Code (NESC) and Pacific Power standards for clearances and use. Allowed uses include agriculture and grazing.

Temporary impacts outside the transmission line ROW will be limited to new access roads and conductor pulling and tensioning areas (see Table 2 of the application narrative). The use of new roads and conductor pulling and tensioning areas will be limited to the greatest extent possible. Pacific Power will also use existing access roads whenever possible including those for nearby existing transmission lines. Again, farm ground used for new access roads or conductor pulling and tensioning areas can return to production upon completion of construction.

The existing soil capability classes found along the study corridor, as defined by the Natural Resources Conservation Service, are contained in Appendix B to this application. For the reasons described herein, the Project will not force a significant change in accepted farm practices and will not result in a significant increase in the cost of farm practices on surrounding farmlands. Therefore, the Project complies with UCDC 152.617(II)(7)(A)(4).

(6) In addition to the provisions of paragraphs (1) to (4) of this subsection, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.

Original Applicant Response (August 7, 2015): Pacific Power does not include a proposed extension of a sewer system into the EFU zone. Therefore, this criterion does not apply.

Preliminary Staff Finding (September 15, 2015): *The application is for a transmission line and not for the extension of a sewer system. This criterion is not applicable.*

Supplemental Applicant Response (October 9, 2015): Pacific Power does not propose revisions to the original applicant response or preliminary staff finding.

(7) The provisions of paragraphs (1) to (4) of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

Original Applicant Response (August 7, 2015): Pacific Power does not include a proposal for an interstate natural gas pipeline and associated facilities. Therefore, this criterion does not apply.

Preliminary Staff Finding (September 15, 2015): *The application is for a transmission line and not for a natural gas pipeline or associated facilities. This criterion is not applicable.*

Supplemental Applicant Response (October 9, 2015): Pacific Power does not propose revisions to the original applicant response or preliminary staff finding.

4.0 Miscellaneous Topics

This section responds to comments from the Planning Commissioners and others requesting that Pacific Power review the feasibility of double-circuiting the length of the existing Pacific Power 230-kV transmission line as opposed to siting a new 230-kV transmission line adjacent to the existing transmission line corridor. This section also addresses a comment regarding identification of potential cumulative impacts associated with the Project.

Pacific Power and Umatilla County staff agreed in a conference call on September 29, 2015, that the conditional use criteria in the Umatilla County Zoning Code (UCZC) and the EFU land use decision criteria in the UCDC do not require an explanation of the feasibility of double-circuiting and existing transmission line or an explanation of potential cumulative impacts associated with the proposed transmission line. However, Pacific Power provides this additional analysis to address comments received from the Planning Commission and commenters in the meeting on September 24, 2015.

4.1 Feasibility of Double-circuiting

Some commenters asked whether Pacific Power considered cost as the only criterion for developing the Project. The suggestion was made that Pacific Power did not review the feasibility of double-circuiting the existing Pacific Power 230-kV transmission line because it would be more costly than siting the proposed route which is adjacent to the existing transmission line corridor.

In response to this comment, Pacific Power reaffirms its criteria for co-locating a new 230-kV transmission line adjacent to an existing transmission line corridor. Again, Pacific Power's Original Applicant Response (August 7, 2015) to UCDC 152.67(II)(7)(2) shows that "cost alone" is not the only consideration in locating the Project route. Furthermore, Section 3 (Purpose and Need) of the application narrative, and the Supplemental Applicant Response (October 9, 2015) to UCDC 152.67(II)(7)(2) described above, show that the Project is designed to strengthen and improve the reliability of the transmission system serving the Boise Cascade plant at Wallula, which is served by Pacific Power's Wallula substation. The Project is designed to meet the reliability standards developed and enforced by the North American Electric Reliability Corporation (NERC). Therefore, ensuring the reliability of the transmission system is a key consideration in siting the alignment of the proposed route, and again "cost alone" is not the only consideration.

NERC is a not-for-profit international regulatory authority whose mission is to assure the reliability of the bulk power system in North America. NERC develops and enforces transmission line reliability standards; annually assesses seasonal and long-term reliability; monitors the bulk power system through system awareness; and educates, trains, and certifies industry personnel. NERC is the electric reliability organization for North America, subject to oversight by the Federal Energy Regulatory Commission. NERC's jurisdiction includes users, owners, and operators of the bulk power system, which serves more than 334 million people (NERC, 2015a).

NERC does not consider the simultaneous loss of two high-voltage, 230-kV transmission lines to be a credible planning event (plausible and likely to occur) if they are not co-located on a common structure. However, when those two 230-kV transmission circuits are on a common structure, the simultaneous loss of both circuits is considered credible or plausible and likely to occur. NERC standard TPL-001-4 requires that "The loss of: Any two adjacent (vertically or horizontally) circuits on common structure" be evaluated as a credible planning event (plausible and likely to occur) (NERC, 2015b). The result of the simultaneous loss of two high-voltage, 230-kV transmission lines is significantly more severe than the loss of a single 230-kV transmission line, impacting service to customers (load and generation, particularly those in the Wallula area) and loading on parallel facilities, negating much of the benefit of the line. For example, the generating projects connected to Wallula Substation would trip off-line for the double-circuit outage, but would ride through a single-circuit outage. Thus, the use of a double-circuit configuration on a common structure would result in the addition of a transmission line that does not provide the desired reliability or capacity during outage events, which in turn can result in the need for additional transmission infrastructure to support current and future needs.

In accordance with reliability standards developed and enforced by NERC, it is infeasible for Pacific Power to double-circuit the existing 230-kV transmission line along common poles regardless of cost.

4.2 Cumulative Impacts

This section responds to comments from the Planning Commissioners regarding identification of potential cumulative impacts associated with the Project. As stated above, Pacific Power and Umatilla County staff agreed in a conference call on September 29, 2015, that the conditional use criteria found within the UCZC and the EFU land use decision criteria in the UCDC do not require an explanation of cumulative impacts associated with the proposed transmission line. However, Pacific Power provides this brief additional analysis to address comments received in the meeting on September 24, 2015.

This analysis of cumulative land use effects resulting from the Project within the County's decision space considers past land use actions that have affected the Project area, present land uses that affect the Project area, and reasonably foreseeable land use actions that might affect the decision area. Potential cumulative effects of the County's decision are effects that remain unaccounted for after all of the direct and indirect effects have been considered. They may be positive or negative.

Past land use actions in the decision area have promoted agricultural uses, importantly grazing, livestock production, and crop production. Water for irrigation has been developed to support the farming practices. Largely in support of agriculture—but significantly in support of commerce, industry, and tourism—a transportation and utilities infrastructure has been developed. Particularly relevant is the prior development of electrical generation and distribution systems, including BPA's existing 500-kV McNary-to-Lower-Monumental transmission line and Pacific Power's existing 230-kV McNary to Walla Walla transmission line. The existing transmission lines limits land uses within the ROWs where existing structures are located.

After centuries of traditional tribal practices, decades of grazing, ranching, cultivation, and transportation have altered plant communities, introduced non-native vegetation, and shifted habitat quality, as well as introduced vehicle traffic, noise, and dust. Presently, the Project route through the County is used primarily for grazing and agriculture; truck and car transportation where roads are

present; federal land management by the Bureau of Land Management and United States (U.S.) Fish and Wildlife Service; and wildlife management by the Confederated Tribes of the Umatilla Indian Reservation in cooperation with the U.S. Department of the Interior Bureau of Indian Affairs; in addition to various other uses by private property owners.

Reasonably foreseeable future land uses include continued grazing and agriculture; truck and car travel; road and highway maintenance and expansion; federal and Tribal land management; and other private property uses; in addition to continued operation of the two existing aboveground electric transmission lines, and the proposed construction of the proposed electric transmission line (Project).

The proposed transmission line potentially will affect land uses by precluding or displacing them at the structural components or by limiting activities within the ROW to maintain safety per the National Electric Safety Code (NESC). Allowed uses typically include grazing, agriculture, hunting, and limited development such as parking lots or roads. Uses not allowed by NESC include buildings or any use that degrades the required ground-to-line clearances. Beneficial effects of the Project include employment, infrastructure support, and increased reliability of electricity.

The Proposed Action will require additional ROW and placement of new transmission line structures. However, virtually all existing uses will be compatible. Furthermore, the proposed transmission line will be routed, in its entirety, within 500 feet of BPA's existing 500-kV Lower Monumental-McNary transmission line or PacifiCorp's existing 230-kV McNary to Walla Walla transmission line, limiting land use impacts to the existing defined corridor rather than spreading them across a broader area. In addition, co-locating the proposed transmission line with the existing lines minimizes the area of land impacted by a new transmission line, no permanent roads will be installed, temporarily disturbed soils will be stabilized, and vegetation will be restored. Finally, the Project complies with the applicable provisions of the UCZO and the UCDC.

After consideration of past, present, and reasonably foreseeable land uses in the County's decision space, the compatibility of the proposed line with most zoned land uses, co-location of the proposed transmission line with the existing power lines, post-construction stabilization, and UCZO/UCDC consistency, it is reasonable to conclude that cumulative adverse and beneficial impacts from the Project will be negligible or not important.

5.0 References

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Figures

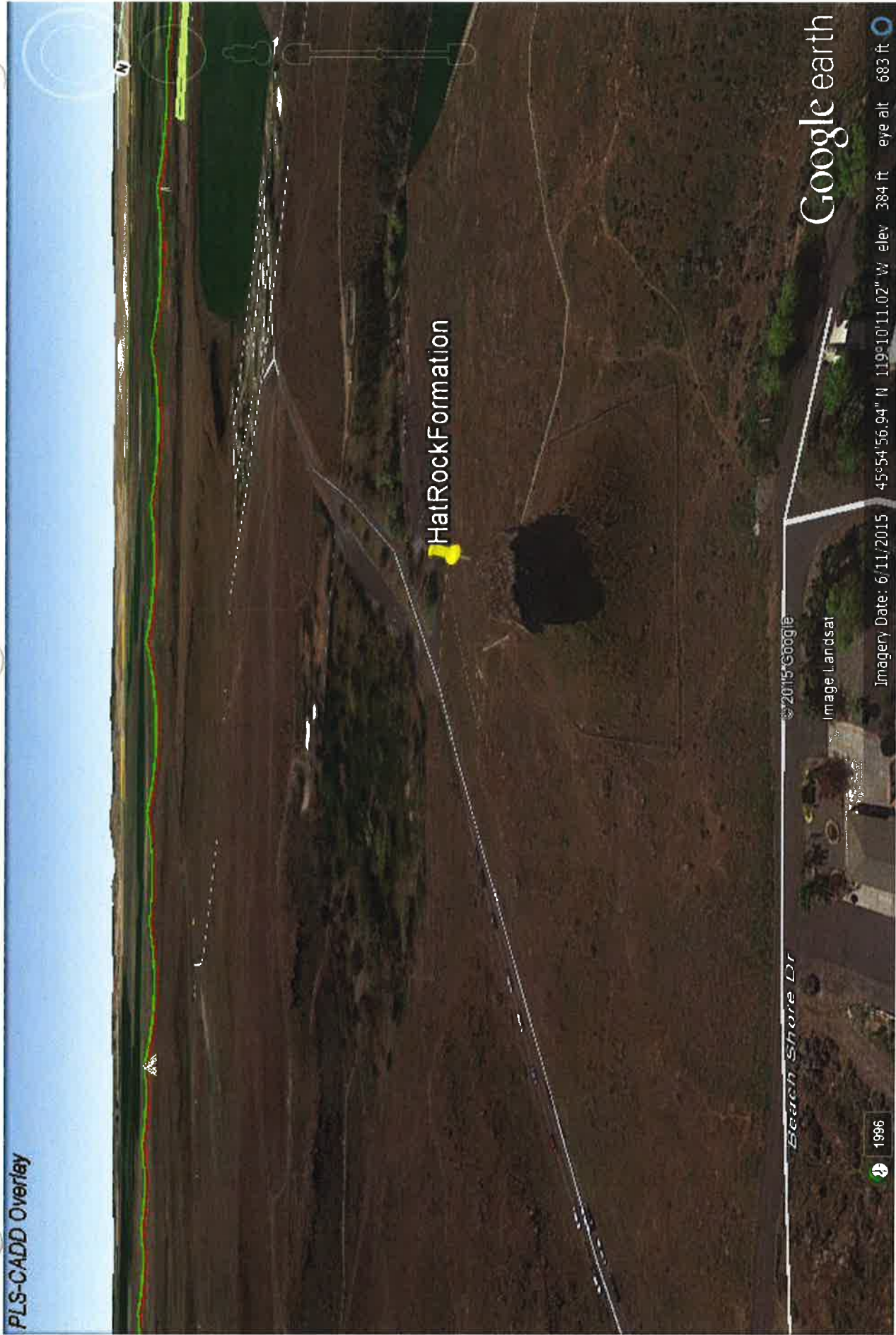


FIGURE 1
View from Hat Rock South Toward the Project Alignment



FIGURE 2
View from Highway 730 South Toward the Project Alignment

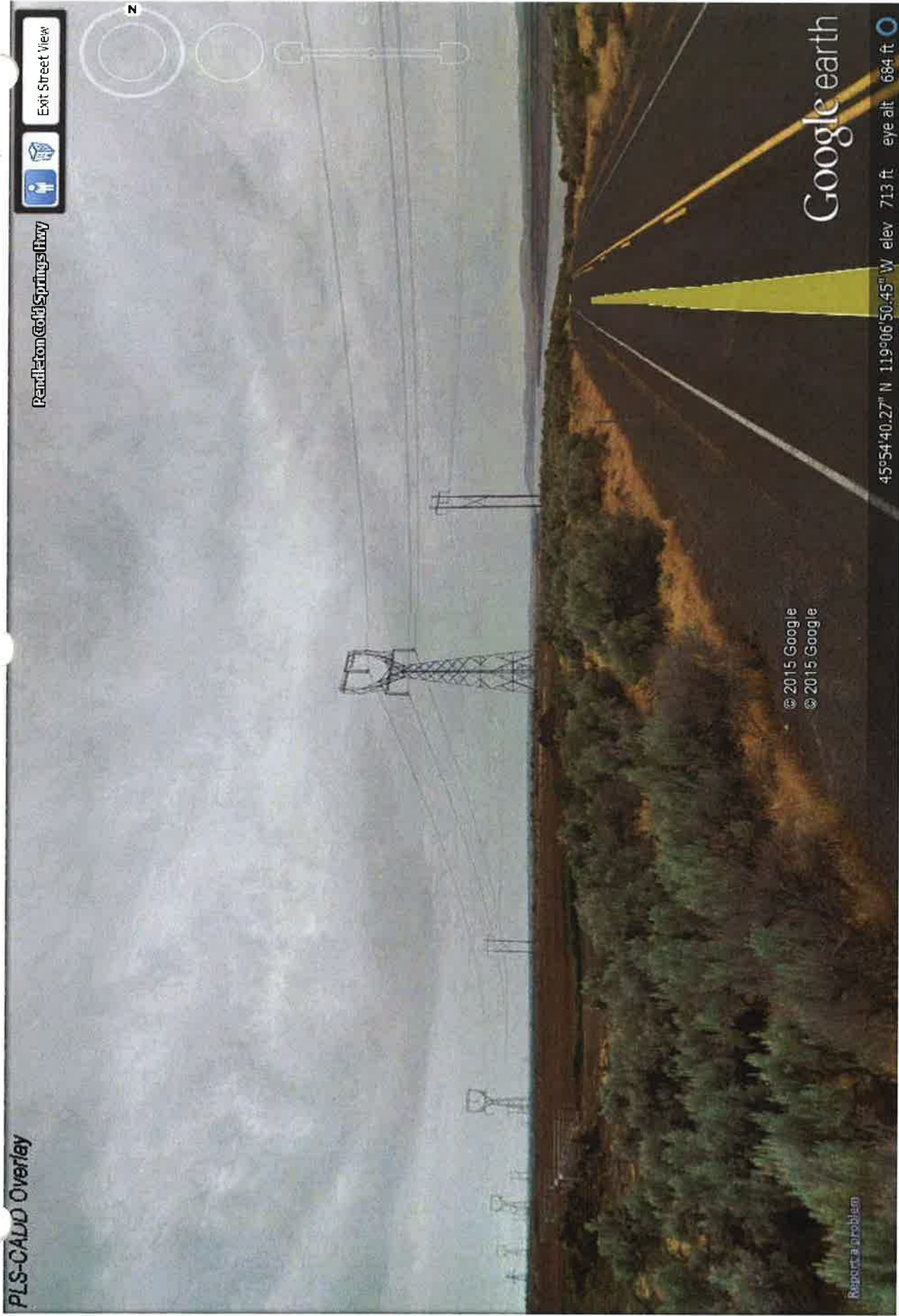


FIGURE 3
View from Highway 37 West Toward the Project Alignment

Department of State Lands
1645 NE Forbes Road, Suite 112
Bend, OR 97701
☎ 541-388-6112

Permit No.:	<u>42258-RF Renewal</u>
Permit Type:	<u>Removal/Fill</u>
Waterway:	<u>Wetland</u>
County:	<u>Umatilla</u>
Expiration Date:	<u>October 13, 2020</u>

PACIFICORP

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
7. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
8. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
9. Authorization from the U.S. Army Corps of Engineers may also be required.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 541-388-6112.

Nancy Quackenbush
Eastern Region Manager
Oregon Department of State Lands

Nancy R. Quackenbush
Authorized Signature

October 13, 2015
Date Issued

ATTACHMENT A

Permittee: PacifiCorp

Special Conditions for Removal/Fill Permit No. 42258-RF Renewal

READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. DSL has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

- 1. Responsible Party:** By proceeding under this permit, PacifiCorp agrees to comply with and fulfill all terms and conditions of this permit. PacifiCorp is responsible for carrying out the terms and conditions of this permit unless the permit is officially transferred to another party as approved by DSL.
- 2. Authorization to Conduct Removal and/or Fill:** This permit authorizes the placement of up to 595 cubic yards and removal of up to 208 cubic yards of material in T5N R29E Sections 22 and 23, Tax Lot 900, and T5N R28E Sections 14 and 15, Tax Lots 100, 200, 1000, 1400, and 800, wetland, Umatilla County, as described in the attached permit application, map and drawings, received March 23, 2009, revised Attachment E received December 16, 2009 and revisions received July 13, 2010 and August 4 and October 2, 2015. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
- 3. Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permittee's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation and/or operating conditions to comply with conditions imposed by other permits must be approved by DSL prior to implementation.
- 4. DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.
- 5. DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

Pre-Construction

- 6. Local Government Approval Required Before Beginning Work:** Issuance of this permit is contingent upon acquisition of a Conditional Use Approval permit from Umatilla County.
- 7. Stormwater Management Approval Required Before Beginning Work:** Issuance of the permit is contingent upon acquisition of a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality, if required.
- 8. Pre-construction Resource Area Flagging:** Before any site grading, the surveyed boundaries of the avoided wetlands shall be surrounded by bright orange construction fencing, which shall be

maintained during construction of the project. There shall be no heavy equipment within fenced areas, except during mitigation construction.

General Construction Conditions

9. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.
10. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) shall be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
- a. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.
 - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used to prevent movement of soil into waterways and wetlands.
 - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
 - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
 - e. Where vegetation is used for erosion control on slopes steeper than 2:1, tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
 - f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways and wetlands.
 - g. Erosion control measures shall be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
 - h. All erosion control structures shall be removed when the project is complete and soils are stabilized and vegetated.
11. **Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated area to prevent spillage into waters of this state. Barges shall have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

12. **Federally Listed Endangered or Threatened Species:** When listed species are present, the authorization holder must comply with the Federal Endangered Species Act. If previously unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder must contact DSL.
13. **Archaeological Resources:** If any archaeological resources and/or artifacts are encountered during construction, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted at (503) 986-0674.
14. **Hazards to Recreation, Navigation or Fishing:** The activity shall be timed so as not to interfere with or create a hazard to recreational or commercial navigation or fishing.
15. **Construction Corridor:** There shall be no removal of vegetation or heavy equipment operating or traversing outside the designated construction footprint (Appendix A: Map Book).
16. **Excavation/Trenching in Wetlands:** During trenching or excavation, the top layer of soil shall be separated from the rest of the excavated material and put back on top when the trench or pit is back-filled. If the native underlying soils are not used as bedding material, and a coarser, non-native soil or other material is used, preventative measures such as clay or concrete plugs shall be used so that underground hydraulic piping does not dewater the site and adjacent wetlands.
17. **Temporary Ground Disturbances:** All temporarily disturbed areas shall be returned to original ground contours at project completion, as proposed in the Site Restoration Plan in the application (Attachment E).

Mitigation For Temporary Impacts

18. **Site Restoration Required for Temporary Wetland Impacts:** Site restoration for temporary impacts to 2.49 acres of wetland shall be conducted according to the rehabilitation plan included with the application. Failure to implement the rehabilitation plan may result in additional compensatory mitigation.
19. **Pre-construction Elevations Must Be Restored Within the Same Construction Season:** Construction activities within areas identified as temporary impact shall not exceed two construction seasons and rectification of temporary impacts must be completed within 24 months of the initiation of impacts. However, if the temporary impact only requires one construction season, re-establishment of pre-construction contours must be completed within that same construction season.
20. **Post-construction report required:** A post-construction report demonstrating as-built conditions and discussing any variation from the approved plan shall be provided within 90 days of the completion of the wetland restoration grading. The post-construction report shall include:
 - a. A scaled drawing, accurate to 1-foot elevation showing the finished contours of the temporary impacts.
 - b. A narrative that describes any deviation from the approved restoration plan.

Bank Credits, PIL or FIL

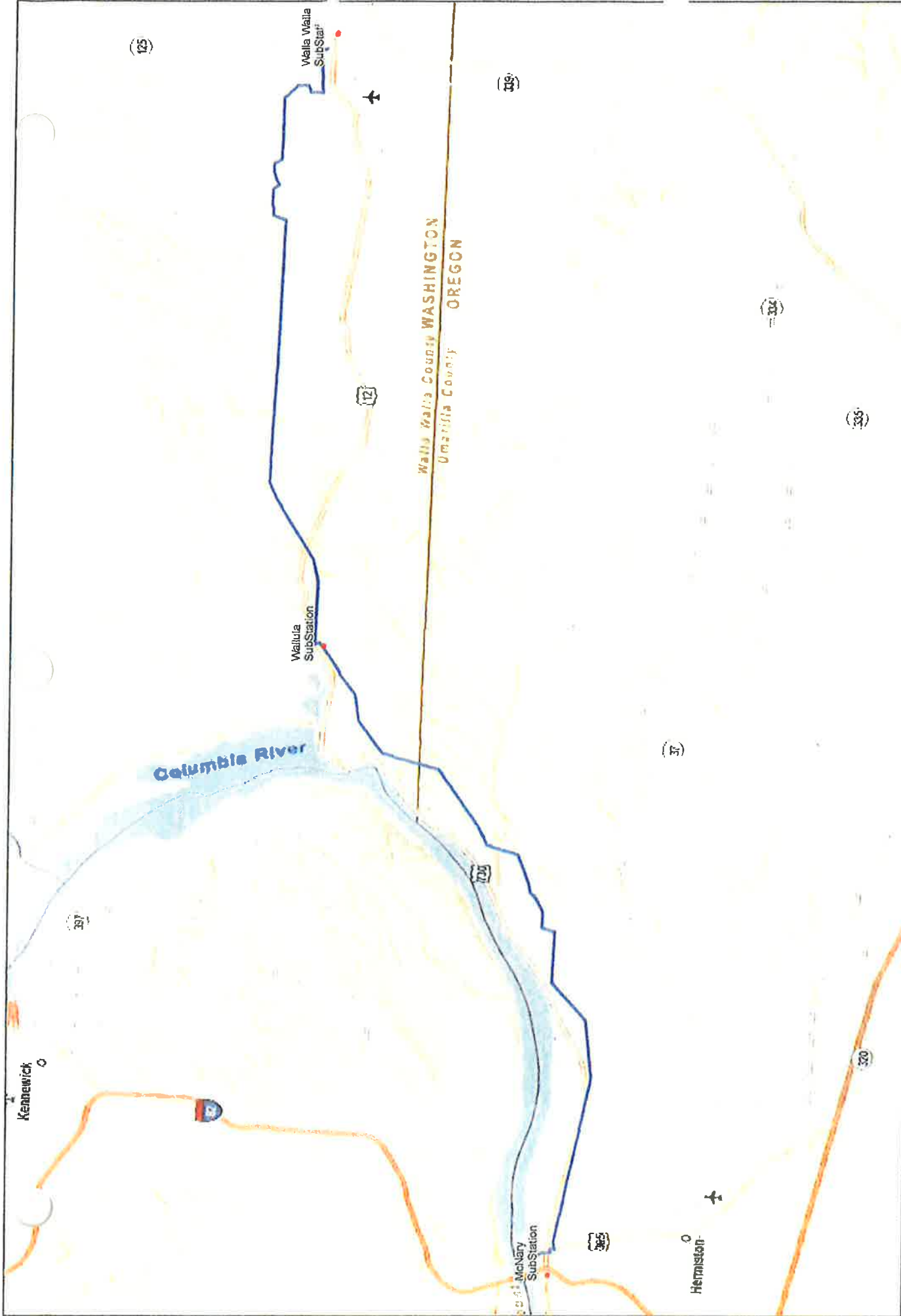
21. **Payment-in-lieu Mitigation:** Wetland mitigation for the unavoidable loss of 0.0023 acres of depressionnal, PEM wetlands has been accomplished via payment to the Department's Wetland Mitigation Bank Revolving Fund in the amount of \$178.15 (\$49.80 with original issuance and \$128.35 for 2011 modification for additional .0017 Acres.) Once the permitted fill has commenced, the payment is non-refundable.

ATTACHMENT B

Permit Holder: PacifiCorp

Project Name: Wallula to McNary 230-kilovolt Transmission Line

Maps and Drawings for Removal/Fill Permit No. 42258-RF



Legend
 - Proposed Transmission Line
 - Wallula-Walla Walla Route
 • Sub Station

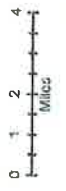


Figure 1
 Project Vicinity Map

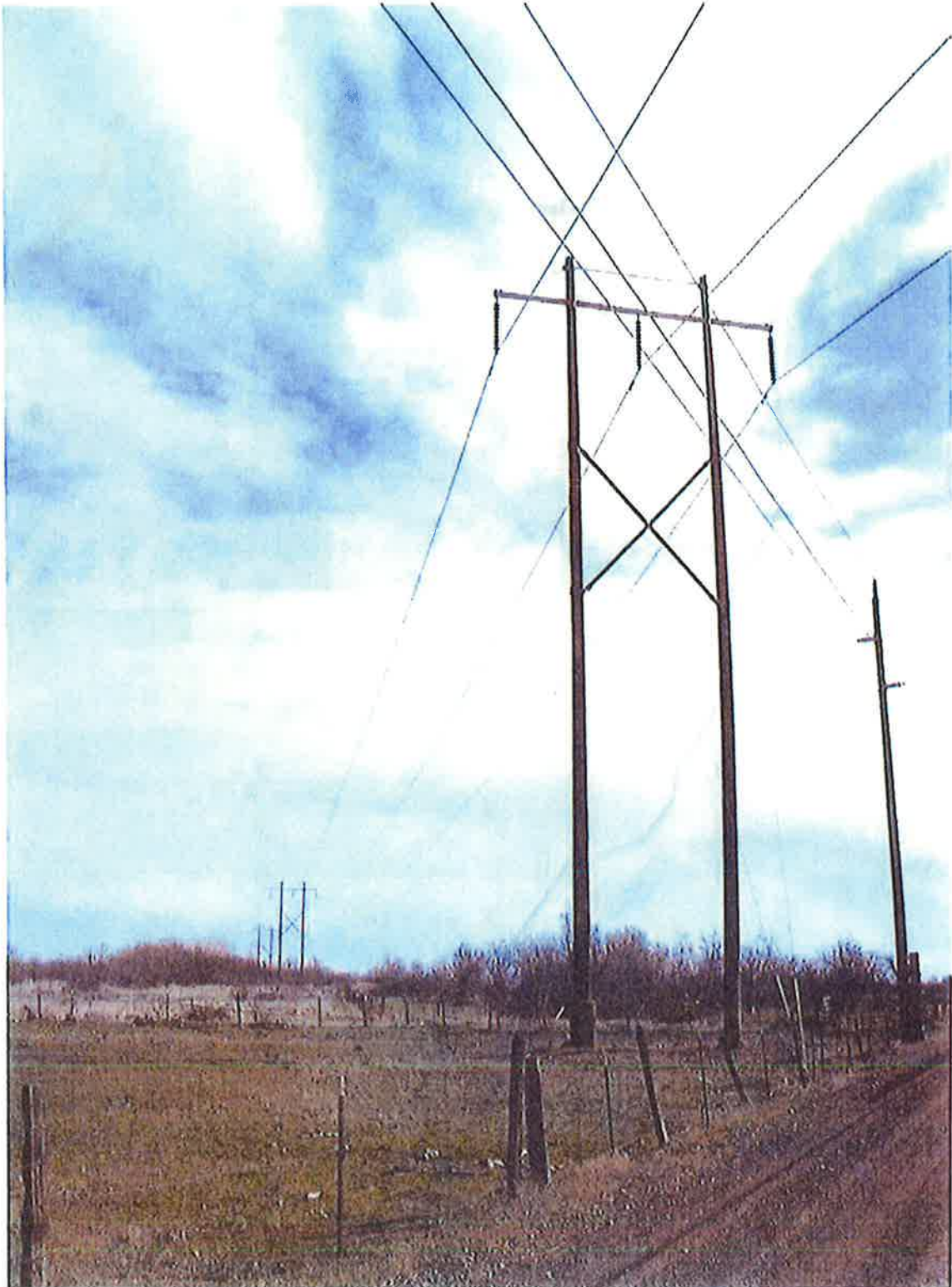


Figure 2
Typical 230-kV, Two-Pole, Wood-Pole, H-Frame Construction

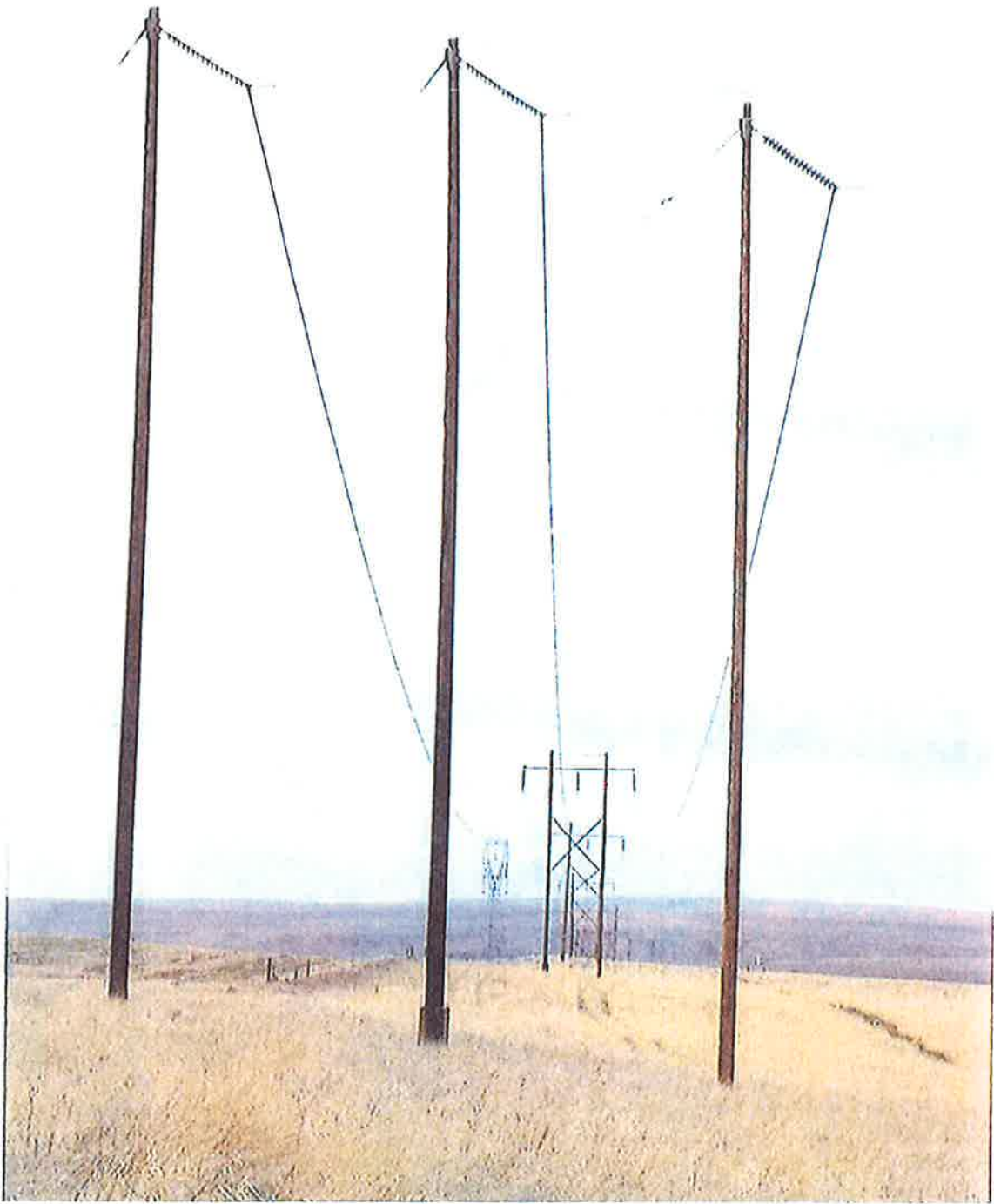


Figure 3
Typical Three-Pole, Wood-Pole Construction
(H-frame Construction and 500-kV Steel Tower in Background)

UMATILLA COUNTY PLANNING COMMISSION

October 22, 2015

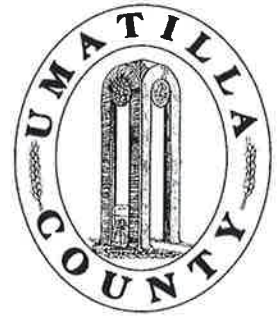
NEW HEARING:

PLAN MAP AMENDMENT #P-114-15, ZONE MAP AMENDMENT #Z-305-15, AND TEXT MAP AMENDMENT #T-15-060 FOR WEBB SLOUGH QUARRY, OREGON DEPARTMENT OF TRANSPORTATION (ODOT), applicant.

Planning Commission will review the request of ODOT to amend the Umatilla County Comprehensive Plan to add the existing Webb Slough quarry (listed in the Comprehensive Plan Technical Report), and the proposed quarry expansion, to the list of Goal 5 protected, significant resource aggregate sites. This amendment would expand the Aggregate Resource (AR) Overlay Zone to protect the site and to allow mining of the expanded aggregate site. The subject quarry is located on the west side of US Highway 395, at Mile Post 34.80, described as Township 3 South, Range 30½ East, Sections 12 & 13, Tax Lot 503. Standards of approval are provided in Oregon Administrative Rules (OAR) and include OAR 660-023-0180 (3), (5), & (7); OAR 660-023-040; and OAR 660-023-050.

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commissioners

FROM: Bob Waldher, Senior Planner

DATE: October 14, 2015

RE: October 22, 2015, Planning Commission Hearing
Oregon Department of Transportation – Weston Mountain Quarry Expansion
Plan Map Amendment, #P-115-15
Zone Map Amendment, #Z-306-15
Text Map Amendment, #T-15-063

Background Information

The Oregon Department of Transportation (ODOT) recently submitted a Post Acknowledgement Plan Amendment (PAPA) application requesting that Umatilla County include the expansion of Weston Mountain Quarry in the Umatilla County Goal 5 inventory as a significant aggregate resource site, and protect the site by applying the Aggregate Resource (AR) Overlay Zone over the expansion area. The existing quarry site (Tax Lot 7303) is 24.60 acres. ODOT recently completed a property line adjustment to expand Tax Lot 7303 to 29.19 acres. The quarry site is listed as a 3C site in the Umatilla County Comprehensive Plan Technical Report. The current aggregate extraction site is a Goal 5 significant aggregate site and is protected by the AR Overlay Zone.

Criteria of Approval

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). This application constitutes a 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.

Conclusion

The Planning Commission may decide to amend the Comprehensive Plan to add the Weston Mountain Quarry expansion to the County's inventory of significant sites and establish an aggregate resource overlay on the expansion area.

Attachments

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

- Preliminary Findings and Conclusions
- Proposed AR Overlay Expansion Map

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
WESTON MOUNTAIN QUARRY
COMPREHENSIVE PLAN MAP AMENDMENT, #P-115-15,
COMPREHENSIVE PLAN TEXT AMMENDMENT T-15-063
ZONING MAP AMENDMENT #Z-306-15
MAP #4N 35, TAX LOT #7303, Account # 142926**

1. APPLICANT: Patrick Knight (ODOT), 3012 Island Ave, La Grande, OR 97850
2. OWNERS: Oregon Department of Transportation, 3012 Island Ave, La Grande, OR 97850
3. REQUEST: The Oregon Department of Transportation (ODOT) recently completed a property line adjustment to expand Tax Lot 7303 from approximately 24.6 acres to 29.19 acres. As a result, ODOT is requesting that Umatilla County include the expansion in the Umatilla County Goal 5 inventory as a significant aggregate resource site, and protect the site by applying the Aggregate Resource (AR) Overlay Zone over the expansion area. The quarry site is listed as a 3C site in the Umatilla County Comprehensive Plan Technical Report. The current aggregate extraction site is a Goal 5 significant aggregate site and is protected by the Aggregate Resource Overlay Zone.
4. LOCATION: The property is located on the southeast side of State Highway 204, approximately 2 miles east of the community of Weston.
5. SITUS: No site address is assigned to this property.
6. ACREAGE: Prior to the property line adjustment, Tax Lot 7303 was approximately 24.6 acres. The property line adjustment resulted in an expanded parcel of 29.19 acres.
7. PERMITS: Multiple permits have been issued to Tax Lot 503. Since 1981 three (3) Conditional Use Permits and nine (9) zoning permits have been issued for aggregate mining and crushing operations. The most recent permit, ZP-11-085, was issued in 2011 for extraction and processing operations.
8. COMP PLAN: North/South Agriculture Region Designation
9. ZONING: Exclusive Farm Use Zone (EFU, 160 acre minimum)
10. ACCESS: The property has access directly off of Kirk Road (County Road #648) which is approximately 250 feet from the intersection with Highway 204.
11. ROAD TYPE: Kirk Road is a graveled, county-maintained road. Highway 204 is a paved, state-maintained roadway.

PRELIMINARY FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-115-15, Text Amendment T-15-063, Zoning Map Amendment. #Z-306-15

Page 2 of 19

- 12. EASEMENTS: There are no access easements on these parcels.
- 13. LAND USE: The property has historically been used as pasture land and a quarry site.
- 14. ADJACENT USE: Property around this parcel is used for farming and grazing.
- 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 VI.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
64E: Palouse Silt Loam, 20 to 35 percent slopes	Ile	---
112B: Waha Silty Clay Loam, 1 to 12 percent slopes	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 this property.
- 18. UTILITIES: The parcel is not served by utilities.
- 19. WATER/SEWER: There are no ground water rights on this property.
- 20. FIRE SERVICE: The subject property is served by a rural fire district.
- 21. IRRIGATION: The subject property is not served by an irrigation district
- 22. FLOODPLAIN: This property is NOT in a floodplain.
- 23. NOTICES SENT: Notice sent to DLCD September 17, 2015.
- 24. HEARING DATE: A public hearing will be held before the Umatilla County Planning Commission on October 22, 2015 at 6:30 PM at the Justice Center, 4700 Pioneer Place, Pendleton, OR 97801.
- 25. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Department of Transportation Region 5-Highways Division, Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands
- 26. COMMENTS: Comments are pending.

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

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

In order to mine aggregate in Umatilla County, a site must either be an active insignificant site, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site. This site is not currently on the Goal 5 Inventory as a significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to add the site to the Umatilla County inventory of significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection 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. The Department of Geology and Mining Industries (DOGAMI) reclamation plan (on file with DOGAMI) informs ODOT to replace overburden and seed the site with native grasses for wildlife habitat once the quarry is exhausted. As a condition of approval for operation, the applicant must acquire a DOGAMI permit.

28. 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.

To assess the quality, quantity, and location of the resource, ODOT reviewed and summarized existing, geologic mapping, topographic surveying, subsurface drilling and laboratory testing of rock materials. The proposed quarry site is estimated to contain approximately 2,000,000 cubic yards (1,000,000 tons) of rock of a quality that exceeds ODOT's standard specifications for base rock. The quarry meets (exceeds) the criteria for a significant aggregate site in accordance with OAR 660-023-180 (3)(a). In addition the adjoining existing site is listed in the Umatilla County Comprehensive Plan Technical Report of Goal 5 Resources in the Inventory of Rock Material Sources as a 3C Significant Site. This criterion is satisfied.

(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.

ODOT's studies, which involved reviewing aerial photographs and conducting field reconnaissance, suggest there is no factual evidence to indicate the presence of significant potential conflicts with other uses beyond the 1,500 foot impact area. Without such evidence, the impact area is limited to 1,500 feet. Umatilla County has prepared a map which includes the 1,500 foot impact area. This map has been added to the project record and is included as an attachment to this document. The Umatilla County Planning Commission 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. The 1,500 foot impact area is sufficient to include uses listed in (b) below. This criterion is satisfied.

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

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

The Umatilla County Planning Commission finds that no 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 exist within the 1500 foot impact area. Land within the impact area is zoned EFU and is used primarily for agricultural activities such as farming and grazing. Although no conflicts have been identified within the impact area and no mitigation measures are imposed, the applicant has addressed voluntary mitigation measures that will be implemented to minimize potential impacts from noise, dust, or other discharges. These measures are described below:

Noise

Mining is already approved on the existing quarry which has been used as an aggregate source in the past. Noise levels from future operations are not expected to exceed the noise levels from previous mining operations at the site. The noise level will not exceed DEQ recommendations. Noise levels are not an issue to existing uses, as there are no conflicts identified in proximity of the quarry.

Dust

Typically, quarry operations such as aggregate extraction, stockpiling, crushing and processing, and hauling activities are potential sources of dust. Operations in the site must conform to Oregon Department of Environmental Quality (DEQ) air quality standards. As part of normal operations, contractors must submit a site specific dust control plan and use dust suppression methods to mitigate dust during all operations in the quarry site and during hauling activities. Measures will be taken to mitigate fugitive dust resulting from equipment and vehicle use both onsite and along the haul route. These measures will meet Oregon DEQ air quality permit requirements outlined in the General Air Contamination Discharge Permit for portable crushers and asphalt batch plants and all other applicable laws and regulations. Also, ODOT construction inspectors will ensure that contractor activities such as dust suppression are routinely incorporated into operation of the quarry site.

Stormwater and Pollution

Other discharges typically encountered in quarry activities are stormwater, fluids, and debris from the operating equipment. As part of their contract, ODOT requires contractors operating in

quarry sites to prepare and adhere to site-specific pollution control and erosion control plans. Stormwater and pollution control is a regular part of the quarry operations, therefore these impacts will be minimized.

(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;

The Umatilla County Planning Commission finds that the only roads within a one mile area of the proposed expansion area are Highway 204 and Kirk Road (County Road #648). Highway 204 is a paved two lane state highway and has the capacity to handle heavy truck traffic and additional truck trips each day. Kirk Road is a gravel road which provides local access between Highway 204 and the community of Weston to the west. Access to the expansion area will be from the existing quarry access which is an approved access. This quarry site is only used to support public road projects (transportation system improvements), and the traffic generated from operations at this site will be temporary and sporadic. It is not anticipated that the expansion of this quarry would create or increase conflicts to the transportation system within one (1) mile of the site beyond current levels already associated with the existing quarry operations.

(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 Umatilla County Planning Commission finds that there are no public airports within the Impact Area. The closest public airport is located some 24 miles northeast of the mine operation. Thus, no conflicts are recognized in terms of public airports and the proposed mining operation.

(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;

The Umatilla County Planning Commission finds that the existing aggregate quarry is protected as a significant resource with an AR Overlay Zone, but would not be in conflict with the proposed expansion. There are no other Goal 5 sites within the impact area.

(E) Conflicts with agricultural practices; and

The Umatilla County Planning Commission finds that the agricultural practices within the 1,500 foot impact zone of the quarry site are primarily pasture and cropland. The potential conflicts to agricultural practices stems from the possibility of dust movement onto adjacent cropland. Aggregate extraction from this quarry is done to support road construction and maintenance

activities on public roads and the quarry is used on an as-needed basis. Haul roads and heavy trucks which have the potential to cause large amounts of dust are not proposed as part of this project. Although there will be some truck movement, when the quarry is in use, truck movement will not be of a level typically experienced in a commercial mining operation. In summary, the agricultural practices in the Impact Area are those that would not be adversely impacted by the mining operation.

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

The Umatilla County Planning Commission 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.

The Umatilla County Planning Commission finds that no conflicts were identified within the 1,500 foot impact area. Therefore, this criterion is not applicable. Although no conflicts have been identified within the impact area, the applicant has addressed mitigation measures that will voluntarily be implemented to minimize potential impacts from noise, dust, or other discharges. These measures are described (b)(A) above.

(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.

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

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

(A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;

(B) Not requested in the PAPA application; or

(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.

The Umatilla County Planning Commission 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.

The Umatilla County Planning Commission finds that the post mining uses must comply with the EFU Zone and the DOGAMI Reclamation Plan requirements. The applicant's post mining reclamation plan to contour and revegetate the subject property for wildlife habitat would be in compliance with these requirements. 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.

The Umatilla County Planning Commission finds that the aggregate processing will be limited to the boundaries of the existing approved quarry site. Therefore, reauthorization of the existing processing operation is not required.

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

660-023-0040 ESEE Decision Process

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

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

The items (a) through (d) are be addressed below.

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

The subject parcel is surrounded on all sides by EFU zoning. The permitted and conditional uses available in the EFU Zone are found in Umatilla County Development Code Chapter 152.056, 058, 059 and 152.060. A list of uses that may be possible within the Impact Area is shown as follows (possible conflicting uses are shown in bold):

UCDC 152. 056 - EFU Permitted Uses –
Outright

- (A) Farm Use
- (B) Harvesting of a forest product.
- (C) On-site filing
- (D) Temporary public roads
- (E) Projects specifically identified in the TSP
- (F) Landscaping
- (G) Emergency measures
- (H) Construction of a road
- (I) Utility facility service lines
- (J) Maintenance or minor betterment of existing Transmission lines
- (K) The transport of biosolids
- (L) Reconstruction of roads
- (M) Irrigation canals
- (N) Minor betterment of roads

UCDC 152. 058 - EFU Permitted Uses –
Zoning Permit

- (A) Activities within parks
- (B) Operation for the exploration of geothermal
- (C) Operations for the exploration for minerals
- (D) Winery
- (E) Farm stands
- (F) Replacement Dwellings**
- (G) Signs
- (H) Accessory buildings
- (I) On-site filming
- (J) Takeoff and landing of model aircraft
- (K) Fire Service facilities
- (L) Gathering of fewer than 3,000 persons
- (M) Wetlands
- (N) Climbing and passing lanes
- (O) Accessory structures to a farm use
- (P) Met towers
- (Q) Home Occupations
- (R) Agri-Tourism

UCDC 152. 059 - EFU Permitted Uses –
Land Use Decisions

- (A) (Item Deleted)
- (B) **Churches** and Cemeteries
- (C) Utility Facilities Necessary for Public Service
- (D) A facility for the processing of forest products
- (E) Continuation of fire arms training
- (F) A facility for the processing of farm crops
- (G) The land application of reclaimed water
- (H) (Item Deleted)
- (I) (Item Deleted)
- (J) (Item Deleted)
- (K) Dwellings – Farm, Non-Farm and Lot of Record Dwellings**

UCDC 152. 060 - EFU Conditional Uses

- (A) Commercial activities in conjunction with farm use
- (B) Mining
- (C) Private Parks, private playgrounds, private hunting and fishing preserves and private campgrounds
- (D) Public parks
- (E) Golf Courses
- (F) Commercial utility facilities for the purpose of generating power for public use
- (G) Personal Use Airports
- (H) Home occupations**
- (I) Community centers**
- (J) Hardship Dwellings**
- (K) Dog kennels
- (L) A site for the disposal of solid waste
- (M) The propagation, cultivation, maintenance and harvesting of aquatic species.
- (N) Construction of additional passing lanes
- (O) Reconstruction of additional passing lanes
- (P) Improvement of public roads

- | | |
|--|-----------------------------------|
| (Q) Destination Resorts | (Y) Room and board |
| (R) Living History Museum | (Z) Wildlife habitat |
| (S) Bottling of water | (AA) Aerial fireworks display |
| (T) On-Site filming | (BB) Composting facilities |
| (U) Construction of highways | (CC) Uses compatible with the TSP |
| (V) Residential houses | (DD) Public or private schools |
| (W) Transmission or communication towers | (EE) Agri-Tourism |
| (X) Expansion of existing county fairgrounds | |

Uses that might be considered conflicting are potential dwellings and certain uses allowed either through a land use decision or conditional use process, including churches, schools, community centers and home occupations. Thus, possible conflicting future uses in the Impact Area are identified as:

- Dwelling Uses (includes churches, schools, community centers, and home occupations)

- (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.)

Based on applicable zoning, the Umatilla County Planning Commission identified dwelling uses as potential conflicting uses. This criterion is not applicable.

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

The Umatilla County Planning Commission finds that the only Goal 5 protected resource site within the 1,500 foot Impact Area is the existing Aggregate Resource overlay. The Umatilla County Planning Commission determined in the findings above that the impact area does not conflict with other Goal 5 resource sites. This criterion is not applicable.

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

The Umatilla County Planning Commission finds that an Impact Area was defined as 1,500

feet from the boundary of the proposed expansion area of Tax Lot 7303. The project site and impact area are included in the map attachment to this document.

(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.

There are seven (7) properties in the impact area zoned EFU. Within the ordinance for the EFU Zone, there are over 40 permitted uses and some 31 conditional uses listed above. In the past, the quarry has been mined intermittently to support road construction and maintenance activities on nearby roadways with the latest operations permitted in 2011. Most EFU uses are compatible with the mining operation. Uses that might be considered conflicting are potential dwellings and certain uses allowed either through a land use decision or conditional use process, including churches, schools, community centers and home occupations. Thus, possible conflicting future uses in the Impact Area are identified as:

- Dwelling Uses (includes churches, schools, community centers, and home occupations)

The ESSE Analysis follows:

(a) Economic Consequences of Future Uses

Prohibiting future uses in the Impact Area may decrease the value of land in the EFU Zone. There are currently no dwelling uses located within the 1,500 foot Impact Area. If future dwelling uses were proposed on any of the parcels, all but two of the property owners in the Impact Area could locate dwelling uses to be outside of the Impact Area, likely resulting no change to the overall value of land. In addition, these two parcels are quite small (less than seven acres) for the EFU zone, and are located on higher-quality soils, so permitting a dwelling use on these parcels would be extremely difficult/unlikely due to the underlying zoning requirements for establishing a dwelling on EFU land.

Limiting future uses in the Impact Area is unlikely to cause any positive or negative economic consequences. Future uses, especially dwelling uses, are already limited by the underlying EFU zoning.

Allowing future uses within the Impact Area is not likely to cause an economic impact to

the aggregate operation. Future uses, as a condition of approval, would require landowners to sign a Covenant Not to Sue, protecting the mining activities covered by the AR Zoning Overlay.

(b) Social Consequences of Future Uses

Both prohibiting and limiting future uses within the Impact Area is unlikely to cause any positive or negative social consequences.

Allowing future uses, such as dwellings, in the impact area could cause negative social consequences if unmitigated noise occurs from the operation. The applicant did not conduct a noise study as part of this application because there were no conflicts identified within the 1,500 foot study area. The applicant notes that mining operations at this site are only intermittent (the site would not operate on a daily basis) so any conflicts that could arise would be very temporary in nature.

The quarry operator must adhere to the DEQ Noise Standard as found in OAR 340-035-0035 *Noise Control Regulations for Industry and Commerce*. If future uses such as dwellings do occur, and complaints from associated with noise from the operation do occur, a Noise Study may be required to verify what noise levels are being experienced and whether or not the noise levels exceed the DEQ standards. The cost of the Noise Study would be the responsibility of the mine operator. Additional review by the County would be required if noise complaints are received.

(c) Environmental Consequences of Future Uses

Whether future uses are prohibited, limited, or allowed within the Impact Area is unlikely to cause any positive or negative environmental consequences.

(d) Energy Consequences of Future Uses

Whether dwelling uses are prohibited, limited, or allowed within the Impact Area is unlikely to cause any positive or negative energy consequences.

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

(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.

(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

As noted in the ESEE analysis above, the number of dwellings and dwelling uses are already limited by the underlying EFU zoning. Future uses, as a condition of approval, would require landowners to sign a Covenant Not to Sue, protecting the mining activities covered by the AR Zoning Overlay. The Umatilla County Planning Commission has determined 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.

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 \(c\)](#)).

As noted in the ESEE analysis, above, future uses within the 1,500 foot impact area are limited by the underlying EFU zoning. However, land use applications for uses (such as dwellings) within the impact area will have additional review criteria of demonstrating that the use will not conflict with the mining operation. Future uses, as a condition of approval, would require landowners to sign a Covenant Not to Sue, protecting the operation as covered by the County's AR Overlay zoning.

(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 Umatilla County Planning Commission finds that there are no standards to be applied to protect the mining operation more than what is typically required for development. This criterion is not applicable.

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

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

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

The Umatilla County Planning Commission finds that there are no alternative regulations specified to protect the mining operation. This criterion is not applicable.

29. 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 Planning Commission finds the proposal complies with the Comprehensive Plan, Chapter 8, and Policy 38:

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

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

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

land uses.

Policy 38 (a) is met through the Goal 5 process. It was found that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent. The mining operation will adhere to DOGAMI rules for operation and reclamation of the site as required by (b). Conditions of approval will be imposed on the applicant as required by 660-023-0180 (5)(c), above, that will place operational restrictions on mining operations to mitigate conflicts.

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

The Umatilla County Planning Commission finds that the applicant's PAPA indicates that the proposed aggregate expansion area would produce approximately 2,000,000 cubic yards of aggregate material that exceeds ODOT specifications. The existing mining operation is listed as a medium quantity site in the Technical Report and the applicant has provided that with the proposed expansion area, the quarry is estimated to contain 2,000,000 cubic yards of aggregate resources to meet the OAR-660-023-180(3) and (4) standards. These criteria are discussed in the findings under OAR 660-023-0180(3) above regarding quantity/quality.

(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 Umatilla County Planning Commission finds that surrounding properties are zoned EFU and designated as North/South Agriculture in the Umatilla County Comprehensive Plan. No residential zoning is present within 1,000 feet of the proposed overlay.

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

Surrounding land use consists of pasture and cropland. Therefore, the Umatilla County Planning Commission finds that screening to protect the site from surrounding land uses is not necessary.

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

The Umatilla County Planning Commission 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.

The Umatilla County Planning Commission finds that the applicant has submitted 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;

The Umatilla County Planning Commission 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;

No extraction and sedimentation ponds related to mining are planned as part of the project. This criterion is not applicable.

- (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.

No dwellings are located within the 1,500 foot impact area, and processing equipment is currently located on the existing quarry site. Therefore, this criterion is not applicable.

- (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 Umatilla County Planning Commission finds that an approved access is currently in use for quarry ingress and egress. No new access is being proposed for the expansion area. The access road is arranged in a manner that has and will continue to minimize traffic danger and nuisance to surrounding properties throughout the existence of the quarry.

30. PRELIMINARY DECISION: THIS REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY ON THE EXPANSION AREA MAY COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, 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 Weston Mountain 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 Umatilla County:

3. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
4. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.
5. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
6. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
7. 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.

8. Contour and revegetate the quarry for wildlife habitat during post-mining activities according to the requirements of the DOGAMI application.

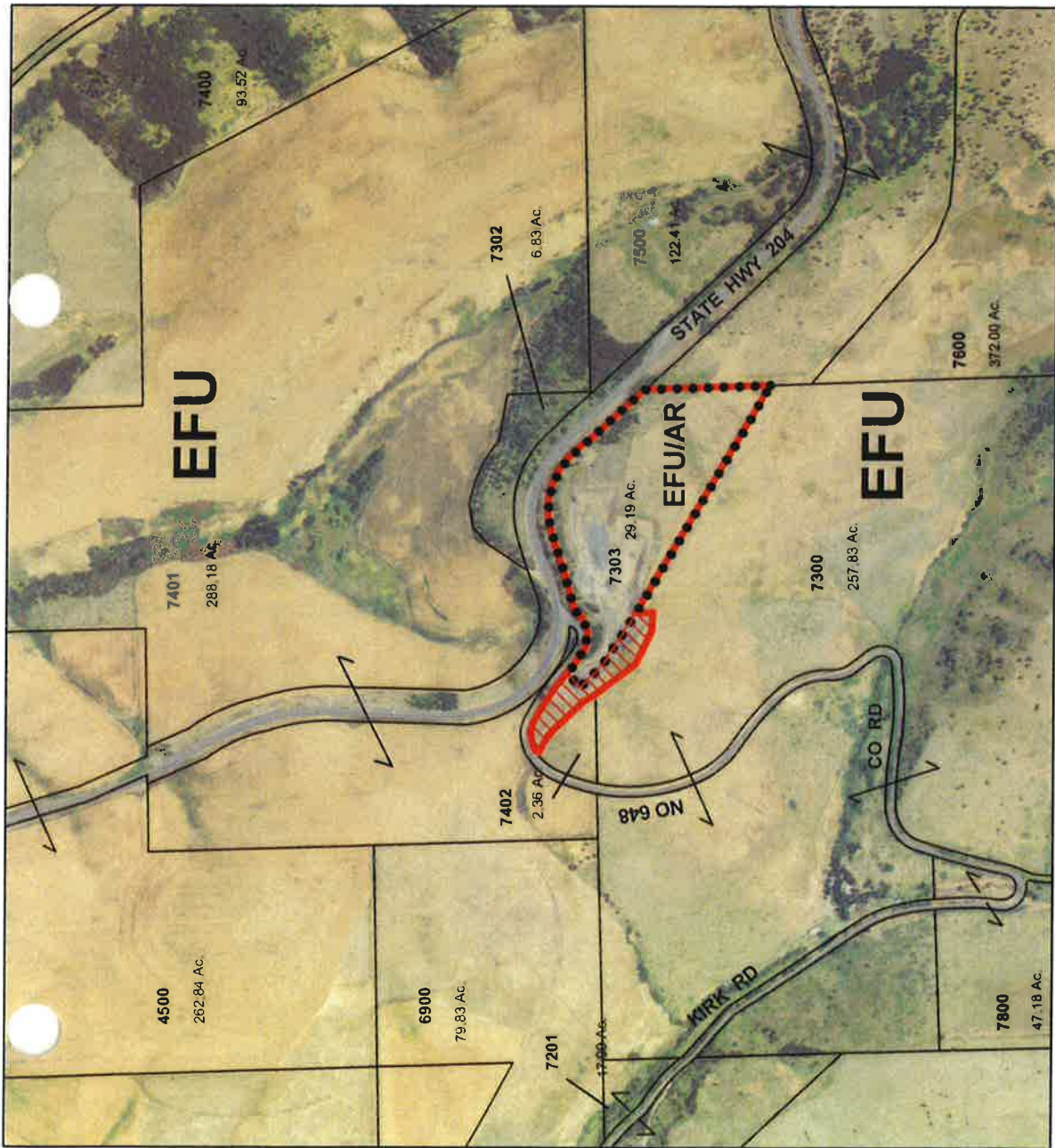
UMATILLA COUNTY PLANNING COMMISSION

Randy Randal, *Planning Commission Chair*

Date

PROPERTY OWNERS WITHIN NOTICE AREA OF SUBJECT PROPERTY

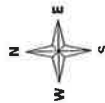
MAP & TAXLOT	OWNER
4N35000006900	PERRINE RONALD J & JILL S
4N35000007300	ELLIS RUTH
4N35000007302	STUMBO CORINNE E
4N35000007303	STATE OF OREGON
4N35000007401	STUMBO CORINNE E
4N35000007402	SAMPSON RUTH A
4N35000007500	SCHMIDT GORDON R & SCHMIDT RICHARD D
4N35000007600	HATLEY JAMES D & EVELYN E
4N35000007600A1	KWHT
4N35000007600A2	FALCON CABLE ATTN TAX DEPT
4N35000007600A3	BLUE MT CELLULAR/CELLULAR ONE



2014 AERIAL PHOTO

PLAN AMENDMENT #P-115-15
 ZONE MAP AMENDMENT #Z-306-15
 TEXT AMENDMENT #T-15-063
 OREGON DEPT OF TRANSPORTATION, APPLICANT/OWNER
 MAP 4N35, TAX LOT 7303

 Subject Property  To Be Zoned EFU/AR



DATE: 9/8/15

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

UMATILLA COUNTY PLANNING COMMISSION

October 22, 2015

NEW HEARING:

**PLAN MAP AMENDMENT #P-115-15, ZONE MAP
AMENDMENT #Z-306-15, AND TEXT MAP AMENDMENT #T-
15-063 FOR WESTON MOUNTAIN QUARRY, ODOT, applicant.**

Planning commission will review the request of ODOT to amend the Umatilla County Comprehensive Plan to add the existing Weston Mountain quarry (listed in the Comprehensive Plan Technical Report), and the proposed quarry expansion, to the list of Goal 5 protected, significant resource aggregate sites. This amendment would expand the Aggregate Resource (AR) Overlay Zone to protect the site and to allow mining of the expanded aggregate site. The subject quarry is located on the southeast side of State Highway 204, at Mile Post 2.2, described as Township 4 North, Range 35 East, Sections 24, Tax Lot 7303. Standards of approval are provided in OAR 660-023-0180 (3), (5), & (7); OAR 660-023-040; and OAR 660-023-050.

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commissioners

FROM: Bob Waldher, Senior Planner

DATE: October 14, 2015

RE: October 22, 2015, Planning Commission Hearing
Oregon Department of Transportation – Webb Slough Quarry Expansion
Plan Map Amendment, #P-114-15
Zone Map Amendment, #Z-305-15
Text Map Amendment, #T-15-060

Background Information

The Oregon Department of Transportation (ODOT) recently submitted a Post Acknowledgement Plan Amendment (PAPA) application requesting that Umatilla County include the expansion of Webb Slough Quarry in the Umatilla County Goal 5 inventory as a significant aggregate resource site, and protect the site by applying the Aggregate Resource (AR) Overlay Zone over the expansion area. The existing quarry site (Tax Lot 503) is 11.2 acres. ODOT recently completed a property line adjustment to expand Tax Lot 503 by 19.98 acres with land purchased from Tax Lot 500. The quarry site is listed as a 3C site in the Umatilla County Comprehensive Plan Technical Report. The current aggregate extraction site is a Goal 5 significant aggregate site and is protected by the AR Overlay Zone.

Criteria of Approval

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). This application constitutes a 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.

Conclusion

The Planning Commission may decide to amend the Comprehensive Plan to add the Webb Slough Quarry expansion to the County's inventory of significant sites and establish an aggregate resource overlay on the expansion area.

Attachments

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

- Preliminary Findings and Conclusions
- Proposed AR Overlay Expansion Map

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
WEBB SLOUGH QUARRY
COMPREHENSIVE PLAN MAP AMENDMENT, #P-114-15,
COMPREHENSIVE PLAN TEXT AMMENDMENT T-15-060
ZONING MAP AMENDMENT #Z-305-15
MAP #3S 30 1/2, TAX LOT #503, Account # 135290**

1. APPLICANT: Patrick Knight, 3012 Island Ave, La Grande, OR 97850
2. OWNERS: Oregon Department of Transportation, 3012 Island Ave, La Grande, OR 97850
3. REQUEST: The Oregon Department of Transportation (ODOT) recently completed a property line adjustment to expand Tax Lot 503 by 19.98 acres with land purchased from Tax Lot 500. As a result, ODOT is requesting that Umatilla County include the expansion in the Umatilla County Goal 5 inventory as a significant aggregate resource site, and protect the site by applying the Aggregate Resource (AR) Overlay Zone over the expansion area. The quarry site is listed as a 3C site in the Umatilla County Comprehensive Plan Technical Report. The current aggregate extraction site is a Goal 5 significant aggregate site and is protected by the Aggregate Resource Overlay Zone.
4. LOCATION: The property is located on the west side of US Highway 395, at mile post 34.80.
5. SITUS: No site address is assigned to this property.
6. ACREAGE: Prior to the property line adjustment, Tax Lot 503 was approximately 11.2 acres and Tax Lot 500 approximately 590.03 acres. The 19.98 acre expansion of Tax Lot 503 resulted in a parcel of approximately 31.62 acres.
7. PERMITS: Multiple permits have been issued to Tax Lot 503. Since 1974 seven (7) Conditional Use Permits and ten (10) zoning permits have been issued for aggregate mining and crushing operations. The most recent permit, ZP-07-242, was issued in 2007 to resume operations. The existing AR overlay was created in 2003 through Zone Amendment #Z-277 and Text Amendment #T-03-012.
8. COMP PLAN: North/South Agriculture Region Designation
9. ZONING: Exclusive Farm Use Zone (EFU, 160 acre minimum) and Critical Winter Range Overlay (CWR)
10. ACCESS: The property has access from Highway 395 South.

PRELIMINARY FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-114-15, Text Amendment T-15-060, Zoning Map Amendment. #Z-305-15

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- 11. ROAD TYPE: Highway 395 South is a paved, state-maintained roadway.
- 12. EASEMENTS: There are no access easements on these parcels.
- 13. LAND USE: The property has historically been used as pasture land and a quarry site.
- 14. ADJACENT USE: Property around this parcel is used for farming and grazing.
- 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 VI.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
31D: Gurdane Silty Clay Loam, 7 to 25 percent slopes	IVe	---
33D: Gurdane-Rockly Complex, 2 to 20 percent slopes	VIIIs	---
<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 this property.
- 18. UTILITIES: The parcel is not served by utilities.
- 19. WATER/SEWER: There are no ground water rights on this property.
- 20. FIRE SERVICE: The subject property is served by a rural fire district.
- 21. IRRIGATION: The subject property is not served by an irrigation district
- 22. FLOODPLAIN: This property is NOT in a floodplain.
- 23. NOTICES SENT: Notice sent to DLCD August 20, 2015.
- 24. HEARING DATE: A public hearing will be held before the Umatilla County Planning Commission on October 22, 2015 at 6:30 PM at the Justice Center, 4700 Pioneer Place, Pendleton, OR 97801.
- 25. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Department of Transportation Region 5-Highways Division, Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands

26. COMMENTS: Comments are pending.

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

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

In order to mine aggregate in Umatilla County, a site must either be an active insignificant site, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site. This site is not currently on the Goal 5 Inventory as a significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to add the site to the Umatilla County inventory of significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection 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. The Department of Geology and Mining Industries (DOGAMI) reclamation plan (on file with DOGAMI) informs ODOT to replace overburden and seed the site with native grasses for grazing once the quarry is exhausted. As a condition of approval for operation, the applicant must acquire a DOGAMI permit.

28. 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.

To assess the quality, quantity, and location of the resource, ODOT reviewed and summarized existing, geologic mapping, topographic surveying, subsurface drilling and laboratory testing of rock materials. The proposed quarry site is estimated to contain approximately 1,000,000 cubic yards (500,000 tons) of rock of a quality that exceeds ODOT's standard specifications for base rock. The quarry meets (exceeds) the criteria for a significant aggregate site in accordance with OAR 660-023-180 (3)(a). In addition the adjoining existing site is listed in the Umatilla County Comprehensive Plan Technical Report of Goal 5 Resources in the Inventory of Rock Material Sources as a 3C Significant Site. This criterion is satisfied.

(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.

ODOT's studies, which involved reviewing aerial photographs and conducting field reconnaissance, suggest there is no factual evidence to indicate the presence of significant potential conflicts with other uses beyond the 1,500 foot impact area. ODOT provided a map of the project which includes the 1,500 foot impact area. This map has been added to the project record and is included as an attachment to this document. The Umatilla County Planning Commission 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. The 1,500 foot impact area is sufficient to include uses listed in (b) below. This criterion is satisfied.

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

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

One dwelling exists within 1,500 feet of the existing quarry. However, there are no dwellings within the 1,500 foot Impact Area of the proposed expansion. The Umatilla County Planning Commission finds that no 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 exist within the 1500 foot impact area. Land within the impact area is zoned EFU and is used primarily for agricultural activities such as farming and grazing. Although no conflicts have been identified within the impact area and no mitigation measures are imposed, the applicant has addressed voluntary mitigation measures that will be implemented to minimize potential impacts from noise, dust, or other discharges. These measures are described below:

Noise

Mining is already approved on the existing quarry which has been used as an aggregate source in the past. Noise levels from future operations are not expected to exceed the noise levels from previous mining operations at the site. The noise level will not exceed DEQ recommendations. Noise levels are not an issue to existing uses, as there are no conflicts identified in proximity of the quarry.

Dust

Typically, quarry operations such as aggregate extraction, stockpiling, crushing and processing, and hauling activities are potential sources of dust. Operations in the site must conform to Oregon Department of Environmental Quality (DEQ) air quality standards. As part of normal operations, contractors must submit a site specific dust control plan and use dust suppression methods to mitigate dust during all operations in the quarry site and during hauling activities. Measures will be taken to mitigate fugitive dust resulting from equipment and vehicle use both onsite and along the haul route. These measures will meet Oregon DEQ air quality permit requirements outlined in the General Air Contamination Discharge Permit for portable crushers and asphalt batch plants and all other applicable laws and regulations. Also, ODOT construction inspectors will ensure that contractor activities such as dust suppression are routinely incorporated into operation of the quarry site.

Stormwater and Pollution

Other discharges typically encountered in quarry activities are stormwater, fluids, and debris from the operating equipment. As part of their contract, ODOT requires contractors operating in quarry sites to prepare and adhere to site-specific pollution control and erosion control plans. Stormwater and pollution control is a regular part of the quarry operations, therefore these impacts will be minimized.

(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;

The Umatilla County Planning Commission finds that the only roads within a one mile area of the proposed expansion area are US Highway 395 and Bear Creek Road (County Road #1411). US Highway 395 is a paved two lane state highway and has the capacity to handle heavy truck traffic and additional truck trips each day. Bear Creek Road is a dirt road which provides local access and roughly parallels US Highway 395. Bear Creek Road has no access points to/from US Highway 395 within one mile of the access to the quarry and would not provide any beneficial use for quarry operations. Therefore, Bear Creek Road would not be impacted by the aggregate operation. Access to the expansion area will be from the existing quarry access which is an ODOT approved access. This quarry site is only used to support public road projects (transportation system improvements), and the traffic generated from operations at this site will be temporary and sporadic. It is not anticipated that the continued use of this quarry would create or increase conflicts to the transportation system within one (1) mile of the site beyond current levels already associated with the existing quarry operations.

(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 Umatilla County Planning Commission finds that there are no public airports within the Impact Area. The closest public airport is located some 27 miles northeast of the mine operation. Thus, no conflicts are recognized in terms of public airports and the proposed mining operation.

(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;

The Umatilla County Planning Commission finds that the existing aggregate quarry is protected as a significant resource with an AR Overlay Zone, but would not be in conflict with the proposed expansion. The proposed expansion is also in a Critical Winter Range (CWR) Overlay

Zone which protects winter range for deer and elk by limiting dwelling density and commercial development. Table D-V, on page D-15, of the Umatilla County Comprehensive Plan Technical Report identifies land uses that are compatible and incompatible with elk and deer winter ranges. A rock pit is not identified as an incompatible use. Construction of residences or commercial development is not proposed as part of this mining expansion. The 20 acre expansion of the existing quarry would have little to no effect on the carrying capacity of the winter range as road work projects, including the extraction of aggregate materials, are typically not completed in the winter. Therefore, conflicts should not occur to the winter range. Thus, it is found that there are no significant conflicts between the proposed aggregate site and identified Goal 5 resources.

(E) Conflicts with agricultural practices; and

The Umatilla County Planning Commission finds that the agricultural practices within the 1500 foot impact zone of the quarry site are primarily pasture and grazing. The potential conflicts to agricultural practices stems from the possibility of dust movement onto adjacent farmland. Aggregate extraction from this quarry is done to support road construction and maintenance activities on public roads and the quarry is used on an as-needed basis. Haul roads and heavy trucks which have the potential to cause large amounts of dust are not proposed as part of this project. Although there will be some truck movement, when the quarry is in use, truck movement will not be of a level typically experienced in a commercial mining operation. In summary, the agricultural practices in the Impact Area are those that would not be adversely impacted by the mining operation.

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

The Umatilla County Planning Commission 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.

The Umatilla County Planning Commission finds that no conflicts were identified within the 1,500 foot impact area. Therefore, this criterion is not applicable. Although no conflicts have been identified within the impact area, the applicant has addressed mitigation measures that will voluntarily be implemented to minimize potential impacts from noise, dust, or other discharges. These measures are described (b)(A) above.

(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.

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

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

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

The Umatilla County Planning Commission 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.

The Umatilla County Planning Commission finds that the post mining uses must comply with the EFU Zone and the DOGAMI Reclamation Plan requirements. The applicant's post mining

reclamation plan to contour and revegetate the subject property for grazing would be in compliance with these requirements. 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.

The Umatilla County Planning Commission finds that the aggregate processing will be limited to the boundaries of the existing approved quarry site. Therefore, reauthorization of the existing processing operation is not required.

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

660-023-0040 ESEE Decision Process

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

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

The items (a) through (d) will be addressed below.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to

consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

The subject parcel is surrounded on all sides by EFU zoning. The permitted and conditional uses available in the EFU Zone are found in Umatilla County Development Code Chapter 152. 056, 058, 059 and 152. 060. A listing is shown below of uses that may be possible within the Impact Area (possible conflicting uses are shown in bold).

UCDC 152. 056 - EFU Permitted Uses –

Outright

- (A) Farm Use
- (B) Harvesting of a forest product.
- (C) On-site filing
- (D) Temporary public roads
- (E) Projects specifically identified in the TSP
- (F) Landscaping
- (G) Emergency measures
- (H) Construction of a road
- (I) Utility facility service lines
- (J) Maintenance or minor betterment of existing Transmission lines
- (K) The transport of biosolids
- (L) Reconstruction of roads
- (M) Irrigation canals
- (N) Minor betterment of roads

UCDC 152. 058 - EFU Permitted Uses –

Zoning Permit

- (A) Activities within parks
- (B) Operation for the exploration of geothermal
- (C) Operations for the exploration for minerals
- (D) Winery
- (E) Farm stands
- (F) Replacement Dwellings**
- (G) Signs
- (H) Accessory buildings
- (I) On-site filming
- (J) Takeoff and landing of model aircraft

- (K) Fire Service facilities
- (L) Gathering of fewer than 3,000 persons
- (M) Wetlands
- (N) Climbing and passing lanes
- (O) Accessory structures to a farm use**
- (P) Met towers
- (Q) Home Occupations
- (R) Agri-Tourism

UCDC 152. 059 - EFU Permitted Uses –

Land Use Decisions

- (A) (Item Deleted)
- (B) Churches and Cemeteries**
- (C) Utility Facilities Necessary for Public Service
- (D) A facility for the processing of forest products
- (E) Continuation of fire arms training
- (F) A facility for the processing of farm crops
- (G) The land application of reclaimed water
- (H) (Item Deleted)
- (I) (Item Deleted)
- (J) (Item Deleted)
- (K) Dwellings – Farm, Non-Farm and Lot of Record Dwellings**

UCDC 152. 060 - EFU Conditional Uses

- (A) Commercial activities in conjunction with farm use
- (B) Mining
- (C) Private Parks, private playgrounds, private hunting and fishing preserves and

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- private campgrounds
- (D) Public parks
- (E) Golf Courses
- (F) Commercial utility facilities for the purpose of generating power for public use
- (G) Personal Use Airports
- (H) Home occupations**
- (I) Community centers**
- (J) Hardship Dwellings**
- (K) Dog kennels
- (L) A site for the disposal of solid waste
- (M) The propagation, cultivation, maintenance and harvesting of aquatic species.
- (N) Construction of additional passing lanes
- (O) Reconstruction of additional passing lanes
- (P) Improvement of public roads
- (Q) Destination Resorts
- (R) Living History Museum
- (S) Bottling of water
- (T) On-Site filming
- (U) Construction of highways
- (V) Residential houses
- (W) Transmission or communication towers
- (X) Expansion of existing county fairgrounds
- (Y) Room and board**
- (Z) Wildlife habitat
- (AA) Aerial fireworks display
- (BB) Composting facilities
- (CC) Uses compatible with the TSP
- (DD) Public or private schools
- (EE) Agri-Tourism

Uses that might be considered conflicting are potential dwellings and certain uses allowed either through a land use decision or conditional use process, including churches, schools, community centers and home occupations. Thus, possible conflicting future uses in the Impact Area are identified as:

- Dwelling Uses (includes churches, schools, community centers, and home occupations)

(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.)

Based on applicable zoning, the Umatilla County Planning Commission identified dwelling uses as potential conflicting uses. This criterion is not applicable.

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

The Umatilla County Planning Commission finds that there are Goal 5 protected resource sites, namely the existing Aggregate Resource overlay and a small fraction of the Critical

Winter Range overlay, that lie within the 1,500 foot Impact Area. The Umatilla County Planning Commission determined in the findings above that the impact area does not significantly conflict with other Goal 5 resource sites. This criterion is not applicable.

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

The Umatilla County Planning Commission finds that an Impact Area was defined as 1,500 feet from the boundary of the proposed expansion area of Tax Lot 503. The project site and impact area are included in the map attachment to this document.

(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.

There are six (6) properties in the impact area zoned EFU. Within the ordinance for the EFU Zone, there are over 40 permitted uses and some 31 conditional uses listed above. In the past, the quarry has been mined intermittently to support road construction and maintenance activities on nearby roadways with the latest operations permitted in 2007. Most EFU uses are compatible with the mining operation. Uses that might be considered conflicting are potential dwellings and certain uses allowed either through a land use decision or conditional use process, including churches, schools, community centers and home occupations. Thus, possible conflicting future uses in the Impact Area are identified as:

- Dwelling Uses (includes churches, schools, community centers, and home occupations)

The ESSE Analysis follows:

(a) Economic Consequences of Future Uses

Prohibiting future uses in the Impact Area may decrease the value of land in the EFU Zone. There are currently no dwelling uses located within the 1,500 foot Impact Area. If future dwelling uses were proposed on any of the parcels, all but one of the property

owners in the Impact Area could locate dwelling uses to be outside of the Impact Area, likely resulting no change to the overall value of land. This one parcel is that is approximately 40 acres and is almost fully within the 1,500 foot Impact Area. This parcel is of a size that would not typically allow for the establishment of a dwelling in the current underlying EFU Zone and CWR overlay. However, if a dwelling could be approved, it can be sited greater than the 500 foot minimum distance allowed by the County Development Code from a mining site.

Limiting future uses in the Impact Area is unlikely to cause any positive or negative economic consequences. Future uses, especially dwelling uses, are already limited by the underlying EFU and CWR overlay zoning.

Allowing future uses within the Impact Area is not likely to cause an economic impact to the aggregate operation. Future uses, as a condition of approval, would require landowners to sign a Covenant Not to Sue, protecting the mining activities covered by the AR Zoning Overlay.

(b) Social Consequences of Future Uses

Both prohibiting and limiting future uses within the Impact Area is unlikely to cause any positive or negative social consequences.

Allowing future uses, such as dwellings, in the impact area could cause negative social consequences if unmitigated noise occurs from the operation. The applicant did not conduct a noise study as part of this application because there were no conflicts identified within the 1,500 foot study area. The applicant notes that mining operations at this site are only intermittent (the site would not operate on a daily basis) so any conflicts that could arise would be very temporary in nature.

The quarry operator must adhere to the DEQ Noise Standard as found in OAR 340-035-0035 *Noise Control Regulations for Industry and Commerce*. If future uses such as dwellings do occur, and complaints from associated with noise from the operation do occur, a Noise Study may be required to verify what noise levels are being experienced and whether or not the noise levels exceed the DEQ standards. The cost of the Noise Study would be the responsibility of the mine operator. Additional review by the County would be required if noise complaints are received.

(c) Environmental Consequences of Future Uses

Whether future uses are prohibited, limited, or allowed within the Impact Area is unlikely to cause any positive or negative environmental consequences.

(d) Energy Consequences of Future Uses

Whether dwelling uses are prohibited, limited, or allowed within the Impact Area is

unlikely to cause any positive or negative energy consequences.

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

(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.

(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

As noted in the ESEE analysis above, the number of dwellings and dwelling uses are already limited by the underlying EFU zoning. Future uses, as a condition of approval, would require landowners to sign a Covenant Not to Sue, protecting the mining activities covered by the AR Zoning Overlay. The Umatilla County Planning Commission has determined 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.

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)).

As noted in the ESEE analysis, above, future uses within the 1,500 foot impact area are limited by the underlying EFU zoning. However, land use applications for uses (such as dwellings) within the impact area will have additional review criteria of demonstrating that the use will not conflict with the mining operation. Future uses, as a condition of approval, would require

landowners to sign a Covenant Not to Sue, protecting the operation as covered by the County's AR Overlay zoning.

(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 Umatilla County Planning Commission finds that there are no standards to be applied to protect the mining operation more than what is typically required for development. This criterion is not applicable.

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

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

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

The Umatilla County Planning Commission finds that there are no alternative regulations specified to protect the mining operation. This criterion is not applicable.

29. 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;

County Response: The Umatilla County Planning Commission finds the proposal complies with the Comprehensive Plan, Chapter 8, and Policy 38:

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

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

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

Policy 38 (a) is met through the Goal 5 process. It was found that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent. The mining operation will adhere to DOGAMI rules for operation and reclamation of the site as required by (b). Conditions of approval will be imposed on the applicant as required by 660-023-0180 (5)(c), above, that will place operational restrictions on mining operations to mitigate conflicts.

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

The Umatilla County Planning Commission finds that the applicant's PAPA indicates that the proposed aggregate expansion area would produce approximately 1,000,000 cubic yards of aggregate material that exceeds ODOT specifications. The existing mining operation is listed as a medium quantity site in the Technical Report and the applicant has provided that with the proposed expansion area, the quarry is estimated to contain 1,000,000 cubic yards of aggregate resources to meet the OAR-660-023-180(3) and (4) standards. These criteria are discussed in the findings under OAR 660-023-0180(3) above regarding quantity/quality.

(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 Umatilla County Planning Commission finds that surrounding properties are zoned EFU and designated as North/South Agriculture in the Umatilla County Comprehensive Plan. No residential zoning is present within 1,000 feet of the proposed overlay.

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

Surrounding land use consists of pasture and cropland and the site is somewhat obscured by the topography along Highway 395. Therefore, the Umatilla County Planning Commission finds that screening to protect the site from surrounding land uses is not necessary.

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

The Umatilla County Planning Commission 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.

The Umatilla County Planning Commission finds that the applicant has submitted 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;

The Umatilla County Planning Commission 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;

No extraction and sedimentation ponds related to mining are planned as part of the project. This criterion is not applicable.

- (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.

No dwellings are located within the 1,500 foot impact area, and processing equipment is currently located on the existing quarry site. Therefore, this criterion is not applicable.

- (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 Umatilla County Planning Commission finds that an approved access is currently in use for quarry ingress and egress. No new access is being proposed for the expansion area. The access road is arranged in a manner that has and will continue to minimize traffic danger and nuisance to surrounding properties throughout the existence of the quarry.

30. PRELIMINARY DECISION: THIS REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY ON THE EXPANSION AREA MAY COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, 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 Webb Slough 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 Umatilla County:

3. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
4. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.
5. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.

6. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
7. 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.
8. Contour and revegetate the quarry for grazing purposes during post-mining activities according to the requirements of the DOGAMI application.

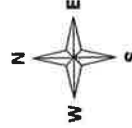
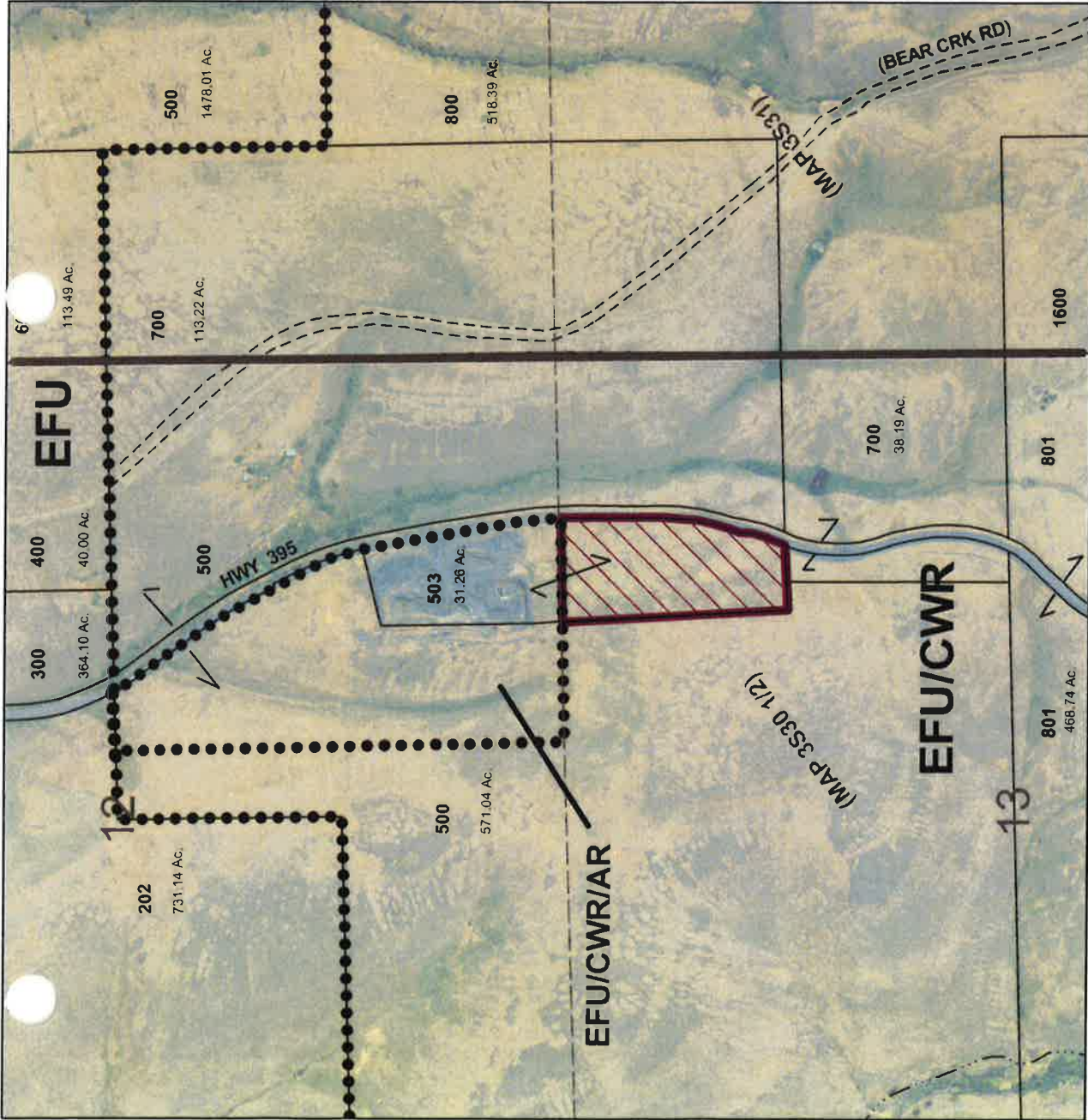
UMATILLA COUNTY PLANNING COMMISSION

Randy Randal, *Planning Commission Chair*

Date

PROPERTY OWNERS WITHIN NOTICED AREA OF SUBJECT PARCEL

MAP & TAX LOT	OWNER
3S30H000000202	ANDERSEN RANCHES
3S30H000000300	KOPP MAYANNA (TRS)
3S30H000000400	WACHTER GEORGE
3S30H000000500	PIQUET EMMA WACHTER (EST) C/O WACHTER G
3S30H000000503	STATE OF OREGON, DEPT OF TRANSPORTATION
3S30H000000700	HEDMAN MELISSA ET AL
3S30H000000801	CUNNINGHAM SHEEP & LAND CO
3S310000000500	SPIN & MARTY LLC
3S310000000600	WACHTER GEORGE
3S310000000700	PIQUET EMMA WACHTER (EST) C/O WACHTER G
3S310000000800	HEDMAN MELISSA ET AL
3S31000001600	CUNNINGHAM SHEEP & LAND CO



DATE: 8/20/15

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

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COMP PLAN AMENDMENT #P-114-15/ TEXT AMENDMENT #T-15-060
 ZONING MAP AMENDMENT #Z-305-15
 OREGON DEPT OF TRANSPORTATION, APPLICANT/OWNER
 MAP 3S30 1/2, TAX LOT 503

 To Be Zoned EFU/CWR/AR