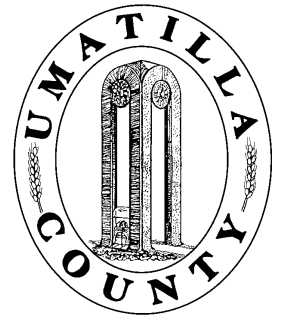


Umatilla County

Board of County Commissioners



BOARD OF COMMISSIONERS MEETING

Wednesday, September 21, 2022, 9:00am

Umatilla County Courthouse, Room 130

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

TEXT AMENDMENT #T-091-22, PLAN AMENDMENT #P-134-22 & ZONE MAP AMENDMENT #Z-321-22

JIM HATLEY, APPLICANT

ROSEMARY SCHEUNING ESTATE, OWNER

The applicant requests to expand a previously approved aggregate quarry (Scheuning Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource Overlay Zone.

The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail highway, just outside the City of Pendleton Urban Growth Boundary. The subject property is zoned Exclusive Farm Use.

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

- D. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

MEMO

TO: Umatilla County Board of Commissioners
FROM: Tamara Ross, Planner
DATE: September 12, 2022

RE: September 21, 2022 Board of Commissioners Hearing
Text Amendment T-091-22,
Zone Amendment Z-321-22 & Plan Amendment P-134-22

CC: Robert Waldher, Planning Director

Background Information

In 2004, the subject property was approved to include approximately 8.8 acres under Goal 5 Inventory and has been active since. There has not been any nuisance or other complaints filed with the county. The quarry has provided crushed rock and aggregate to private businesses and the City of Pendleton resulting in a local source which meets Oregon Department of Transportation asphalt specifications. The landowner and operator are seeking approval of a larger mining area to ensure the valuable resource is available for years into the future.

The applicant requests to expand a previously approved aggregate quarry (Westgate Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone. The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail Highway, just outside the City of Pendleton Urban Growth Boundary. The subject property is zoned Exclusive Farm Use (EFU).

Criteria of Approval

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

Conclusion

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). A public hearing was held before the Planning Commission on July 28th, 2022.

The Planning Commission recommended approval of T-091-22, Z-321-22 & P-134-22 with no additional edits to the findings.

Memo

BOARD OF COMMISSIONERS FINDINGS AND CONCLUSIONS – SEPTEMBER 21, 2022
TEXT AMENDMENT T-091-22, ZONE AMENDMENT Z-321-22 & PLAN AMENDMENT P-134-22

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

Attachments

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

- Notice and Vicinity Map
- 1500-Foot Impact Area Map
- County Preliminary Findings and Conclusions
- Proposed Comprehensive Plan Text Amendment
- Proposed Zoning Map Amendment
- Lab Reports (C13407)
- City of Pendleton – Letter of Support
- Adjacent Property Owner – Letter of Support

**UMATILLA COUNTY
BOARD OF COUNTY COMMISSIONERS HEARING – SEPTEMBER 21, 2022
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT, COMPREHENSIVE
PLAN TEXT AMENDMENT & ZONING MAP AMENDMENT
PACKET CONTENT LIST**

1.	Staff Memo to BCC	Pages 1-2
2.	Notice and Vicinity Map	Page 5
3.	1500 ft. Impact Area Map	Page 6
4.	Staff Report & Preliminary Findings	Pages 7-33
5.	Proposed Text Amendment	Pages 34
6.	Proposed Zoning Map	Page 35
7.	Materials Lab Reports (C13407)	Pages 37-41
8.	City of Pendleton – Letter in Support	Page 42
9.	Adjacent Property Owner – Letter in Support	Page 43

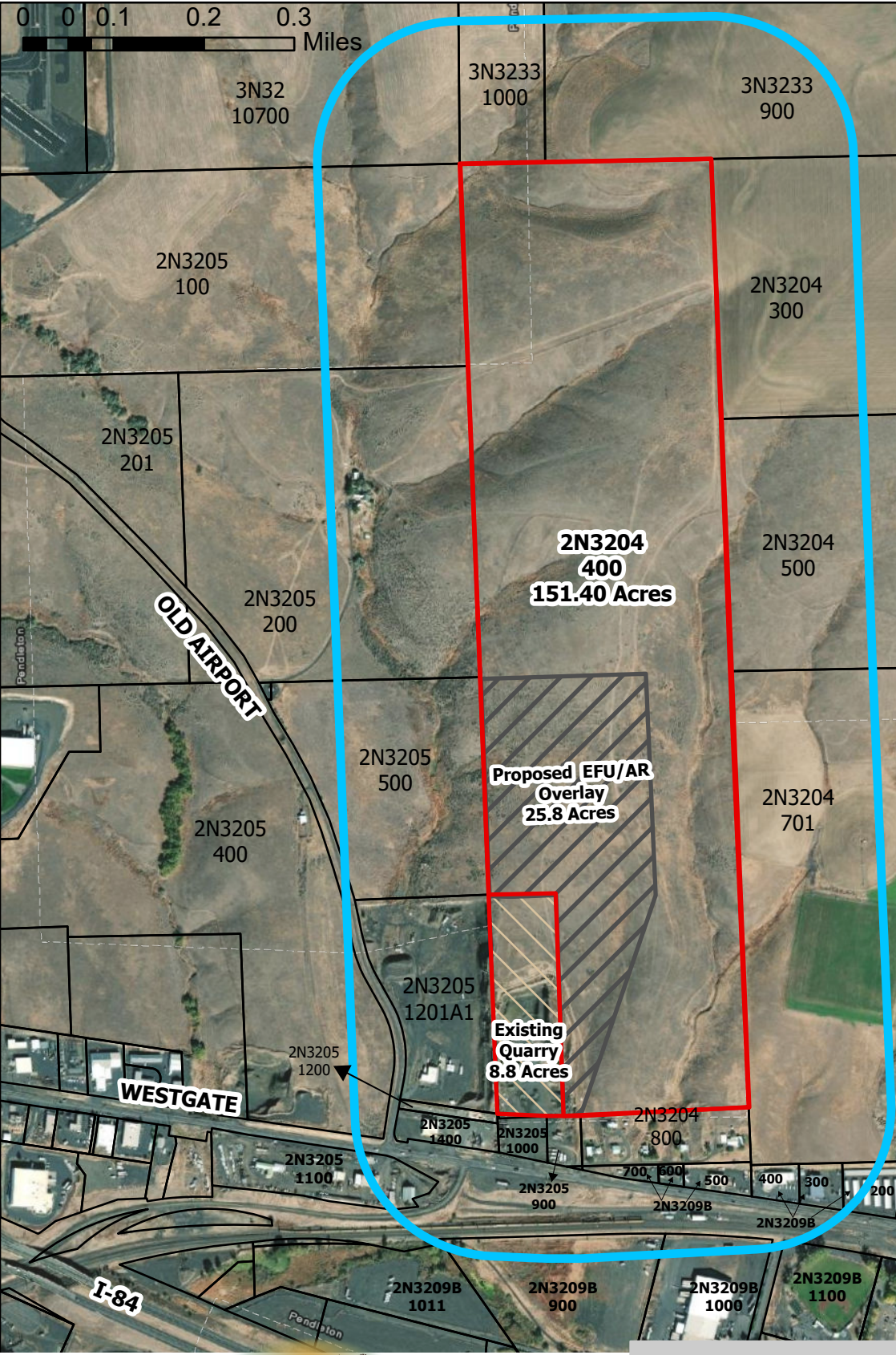
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APPLICANT: HATLEY CONSTRUCTION
OWNER: SCHUENING AIRPORT LAND LLC
MAP: 2N 32 04 TAX LOT: 400

T-091-22
Z-321-22
P-134-22



Notified Property Owners within 750ft of the Subject Parcel.



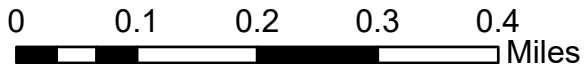
Map	Taxlot	Owner
2N3204	300	APPLEGATE SHANER NELSON
2N3204	400	SCHUENING AIRPORT LAND LLC
2N3204	500	PELETT ZACHARY WALTON CASH
2N3204	701	BLUE MT AREA EDUC DIST
2N3204	800	YOUNG ROBERT R
2N3204	900	HATLEY J D
2N3204	1000	HATLEY CONSTRUCTION INC
2N3205	100	PENDLETON CITY OF
2N3205	200	SCHUENING RONALD
2N3205	400	BARHYTE INVESTMENT GROUP LLC
2N3205	1100	UMATILLA COUNTY OF
2N3205	1200	HUGHES MJ & BARTLETT & SCHNELL
2N3205	1201	MID-COLUMBIA ASPHALT CO
2N3205	1400	HUGHES MJ & BARTLETT & SCHNELL
2N3208	1011	FIELDHOUSE & 17TH LLC
2N3209B	200	STORAGE CONCEPTS LLC
2N3209B	300	THIEME KRIS
2N3209B	400	CMA HOLDINGS LLC
2N3209B	500	GUTTERUD DAVID & DENA
2N3209B	600	GUTTERUD DAVID & DENA
2N3209B	600	UNITED PARCEL SERVICE
2N3209B	700	GUTTERUD DAVID & DENA
2N3209B	800	HATLEY J D
2N3209B	900	PENDLETON CITY OF
2N3209B	1000	ANGELL REALTY X LLC
2N3209B	1100	PENDLETON CITY OF
3N32	10700	PENDLETON CITY OF
3N3233	900	APPLEGATE SHANER NELSON
3N3233	1000	PENDLETON CITY OF



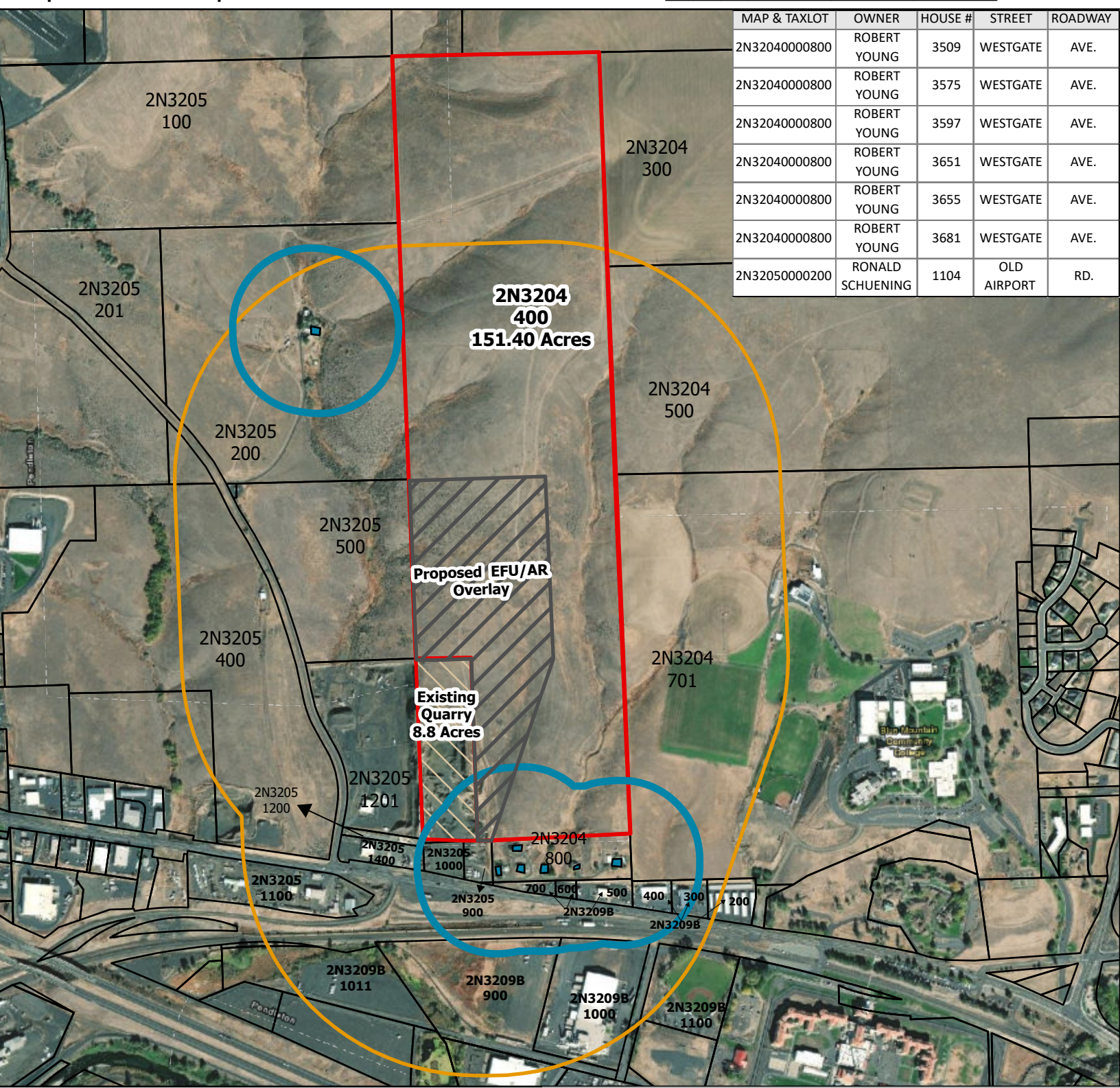
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T. Ross, Umatilla County Planning Department
 Date: 7/10/2022

LEGEND

- Property Boundaries
- 750' Notice Buffer
- Subject Property
- ▨ Proposed AR Overlay
- ▨ Existing Quarry



Impact Area Map



MAP & TAXLOT	OWNER	HOUSE #	STREET	ROADWAY
2N32040000800	ROBERT YOUNG	3509	WESTGATE	AVE.
2N32040000800	ROBERT YOUNG	3575	WESTGATE	AVE.
2N32040000800	ROBERT YOUNG	3597	WESTGATE	AVE.
2N32040000800	ROBERT YOUNG	3651	WESTGATE	AVE.
2N32040000800	ROBERT YOUNG	3655	WESTGATE	AVE.
2N32040000800	ROBERT YOUNG	3681	WESTGATE	AVE.
2N32050000200	RONALD SCHUENING	1104	OLD AIRPORT	RD.

**2N3204
400
151.40 Acres**

**Proposed EFU/AR
Overlay**

**Existing
Quarry
8.8 Acres**

Legend

- 500 ft. Dwelling Buffer
- 1,500 ft. Buffer
- Dwelling Footprint
- Existing Quarry
- Proposed AR Overlay
- Subject Property
- Property Boundaries



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Impact Area per ORS 660-023-0180(5) (a). Created by T. Ross, Umatilla County Planning Department Date: 7/10/2022

**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
SCHUENING ESTATE QUARRY
COMPREHENSIVE PLAN MAP AMENDMENT, #P-134-22,
COMPREHENSIVE PLAN TEXT AMENDMENT #T-091-22,
ZONING MAP AMENDMENT #Z-321-22
MAP 2N 32 04; TL #400 ACCT. #104635**

1. APPLICANT: Jim Hatley, 512 NW Cedar Street, Pilot Rock, OR 97868
2. CONSULTANT: T.M. Consulting, LLC., 80379 Zimmer Lane, Hermiston, OR 97838
3. OWNER: Schuening Airport Land LLC, 1104 Old Airport Road, Pendleton, OR 98801
4. REQUEST: The request is to expand an existing 8.8 acre quarry located on Tax Lot 400 of Assessor's Map 2N 32 04. The quarry is included in Umatilla County's list of large significant sites. The proposal involves three separate applications: A Comprehensive Plan Map Amendment to identify the quarry as a large significant site; a Comprehensive Plan Text Amendment to establish the additional acreage as a large significant site with protections under Goal 5 to allow mining; and a Zoning Map Amendment to include the site under the Aggregate Resource Overlay zone. The proposed 25.8 acres would be added to the existing 8.8 acres listed in Goal 5 Inventory within the Umatilla County Comprehensive Plan.
5. LOCATION: The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail Highway. It is just outside the City of Pendleton's Urban Growth Boundary.
6. SITUS: A situs address has not been assigned at this time.
7. ACREAGE: Tax Lot # 400 is 151.40 acres.
8. COMP PLAN: The site has a Comprehensive Plan designation of North/South Agriculture.
9. ZONING: The subject property is zoned Exclusive Farm Use (EFU).
10. ACCESS: The applicant provides that existing access is provided from Westgate Avenue (U.S. Hwy. 30). The existing access is presumed to be permitted. The applicant proposes continued use of this existing access road and is not seeking additional access at this time.
11. ROAD TYPE: Westgate Ave. is a paved, 2-lane, state-maintained highway.

12. EASEMENTS: There are no known easements on the subject property.
13. LAND USE: The property is zoned to preserve and maintain agricultural lands for farm use, including range and grazing uses, consistent with existing and future needs for agricultural products, forest and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county. Mining occurs on the property under permit C-1063-04, Z-04-278 and T-04-015. The remainder of the property remains zoned for agricultural use.
14. ADJACENT USE: Adjacent land to the east consists of residential development with mixed light industrial uses. Areas to the south and west are light and heavy industrial uses. Areas to the north are undeveloped and zoned for farm use.
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 III and VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
6C: Anderly silt loam, 7 to 12 percent slopes	IIIe	IVe
6D: Anderly silt loam, 12 to 20 percent slopes	IIIe	-
48E: Licksillet very stony loam, 7 to 40 percent slopes	VIIIs	
70: Pits, gravel	-	-
<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: None.
18. UTILITIES: The subject property is within the service territory of Pacific Power Co. for electricity and Century Link for telephone service.
19. WATER/SEWER: Water for the subject property is provided through city services. The applicant provides, a septic system does not exist on the property; however, a porta potty is on site and maintained for the employees.
20. FIRE SERVICE: Riverside Fire District.
21. IRRIGATION: The subject property is not within an irrigation district and does not contain water rights.
22. FLOODPLAIN: This property is NOT in a floodplain.

23. WETLANDS: There are no known wetlands located on the subject property.
24. NOTICES SENT: Notice was sent to the Department of Land Conservation and Development (DLCD) on July 21, 2022.
Notice was mailed to neighboring land owners and affected agencies on August 15, 2022 and a public notice was printed in the August 13, 2022 publication of the East Oregonian.
25. HEARING DATE: A public hearing is scheduled before the Umatilla County Planning Commission in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97838 on August 25, 2022 at 6:30 PM.
- A subsequent hearing is scheduled before the Umatilla County Board of County Commissioners on September 21, 2022 at 9:00 AM. The hearing will be held in Room 130 at the County Courthouse, 216 SE 4th St., Pendleton, OR 97801.
26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Pendleton Fire Department, City of Pendleton, Oregon Department of Transportation Region 5-Highways Division, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands, and Oregon Water Resources Department.

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. In 2004, 8.8 acres of this 151.4-acre EFU zoned parcel was included under the Umatilla County Goal 5 Inventory as a significant aggregate site. Additionally, the AR Overlay Zone was approved to protect the site from conflicting uses. This proposal will expand the existing site by 25.8 additional acres.

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

and reclamation plan must be submitted to County Planning.

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.

The applicant provides that the material within this mining area would meet ODOT specifications for base rock and the expansion area would include more than 500,000 tons of material. A site evaluation has been conducted by Jerry Odom, licensed engineer, showing estimates of material which exceed quality and quantity requirements.

Umatilla County Finds the Schuening Quarry proposed expansion of 25.8 additional acres to the existing 8.8 acres listed in the Goal 5 Inventory meets the Oregon Department of Transportation (ODOT) specifications. First being, samples of aggregate material will be far more than 100,000 tons, the minimum required. Secondly, the rock samples demonstrate the quality of rock in both

the existing quarry and proposed expansion area is in accordance with OAR 660-023-0180(3)(a).

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

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

Applicant Response: Evaluations provided show analysis of conflicts based on the exterior boundary of the expansion area. The existing operation has resulted in no known impacts to neighboring properties. The operation area can be expected to create the same results thus generating no negative impacts. Dwellings are the only known land use where the operation may cause conflict, however, the buffer provides assurance that the operation will not conflict with the existing dwellings. If county or neighbors identify potential conflicts that warrant limitations in order to protect the source, applicant will respond.

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

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

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

Applicant Response: There are no homes or schools within the 1,500-foot impact area and the quarry has operated without conflicts to the existing dwellings since 2004. The

owner of the adjacent parcel has provided a letter in support of this expansion. The adjacent homes may be modestly impacted by noise, dust, or other dischargers from the proposed expansion however, based on historic compatibility, such impacts are expected to be minimal.

The applicant does acknowledge that the mining and processing operation can create noise, dust, and other discharges and will employ normal and customary practices to manage those impacts. Both noise and dust are regulated by the Oregon Department of Environmental Quality and the applicant has been in good standing with the General Air Contamination Discharge Permit for crushing and processing activities and will continue to do so with the expanded quarry area.

Blasting will be conducted as part of the mining process. The applicant and other contract operations will use best management practices when engaging in this activity. Blasting can create vibration and fly rock, but the use of beset management practices will prevent off-site impacts. As like earlier requirements the applicant will comply with requirements of DOGAMI.

With application of the sustainable management practices that have occurred, noise, dust, or other discharges will be minimized or eliminated within the 1,500-foot impact area.

County Finding: Umatilla County has identified one existing dwelling within the 1,500-foot impact area, and on lands zoned under the county's jurisdiction. This existing dwelling is more than 1,000 feet from the proposed expansion area. Six existing dwellings are located south of the proposed quarry expansion. These dwellings are located within the Urban Growth Boundary and are outside the county's zoning jurisdiction and are not included in the impact area analysis. However, a letter written from the associated property owner has been submitted with this application indicating no major conflicts or complaints with the current operation. Umatilla County finds with application of the management practices described above by the applicant, potential conflicts due to noise, dust, or other discharges will be minimized within the 1,500-foot impact area.

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

Applicant Response: Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a). The operator will utilize existing access from Westgate (HWY 30) which indirectly provides access through two parcels owned by Jim Hatley, tax lot 1000 and 900. If a secondary access is

warranted, applicant will secure Access Point for Old Airport Road from County Public Works. It has been provided that there are three employees working on site, two of which have CDL licenses, resulting in two of the three trucks on site running at any given time. One tandem axel dump truck with a 15-ton capacity and the other two are belly dump tractor trailer units with tandem axels and a 25-ton capacity. If operating at peak capacity, two trucks would haul approximately 5 loads per day, for a total of 10 hauls. With regards to blasting at the quarry the typical schedule would be 3-4 times per year maximum and Hatley Construction Inc. has one employee licensed to do all the blasting.

County Finding: Umatilla County finds that the operator will continue to utilize the existing access from Westgate and traffic conflicts generated as part of the mining operation are not expected to increase significantly as part of the proposed expansion.

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

Applicant Response: The Pendleton Public Airport is located approximately 2 miles north and west of the subject parcel.

County Finding: Umatilla County finds the existing Pendleton Public Airport is located approximately 2 miles northwest of the existing aggregate site. There are no open water impoundments, that could attract birds and conflict with the existing airport are proposed.

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

Applicant Response: There are no known Goal 5 resource sites within the impact area except the existing 8.8 aggregate site.

County Finding: Umatilla County finds there are no known Goal 5 resource sites within the impact area for the aggregate site.

(E) Conflicts with agricultural practices; and

Applicant Response: There are no agricultural practices within the 1,500-foot impact area of the quarry.

County Finding: Umatilla Count finds that there does not appear to be agricultural practices occurring within the 1,500-foot impact area, given the steep topography and marginal, rocky soils. Therefore, the proposed quarry expansion is not expected to conflict with agricultural practices.

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

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

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

Applicant Response: The applicants extensive experience with mining, rock crushing, processing and other heavy construction work minimize all identified potential conflicts. Substantially based on the mining activities since 2004.

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

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

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

Applicant Response: The applicant will implement best management practices and continue to maintain permits as necessary to ensure management of dust and stormwater. The applicant agrees to reasonable conditions the county may require.

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

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

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

(B) Not requested in the PAPA application; or

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

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

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

Applicant Response: Similar to the originally permitted Schuening Quarry, the post mining use will involve reseeding disturbed areas with native grasses and keeping the land as a holding area until such time that the City of Pendleton amends their Urban Growth Boundary to include additional industrial or commercial acreage. The land does not contain class I, II or unique farmland soils and therefore post-mining activities are not required.

County Finding: Umatilla County finds the applicant has identified reseeding the disturbed areas and keeping them undeveloped for future inclusion into the City of Pendleton as a possible post-mining use. As a condition of approval, the applicant shall obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.

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

Applicant Response: Based on the state standard, Umatilla County should approve the mining operation at the expanded area continuous to the existing quarry.

County Finding: Umatilla County finds processing is currently authorized at the Schuening Quarry under a previously authorized permit. This request is to expand the authorized quarry site. This criterion is applicable and a zoning permit is required to finalize approval as a precedent condition.

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

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

660-023-0040 ESEE Decision Process

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

(a) Identify conflicting uses;

The subject property is zoned Exclusive Farm Use (EFU). Adjacent property to the north and east is of similar terrain and is not cultivated farm ground. Parcel to the east has two rental houses. Multiple industrial and commercial businesses are in the vicinity.

(b) Determine the impact area;

A 1,500-foot buffer extending from the center of the proposed 25.8-acre aggregate expansion area.

(c) Analyze the ESEE consequences; and

See the analysis below.

(d) Develop a program to achieve Goal 5.

See the analysis below.

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

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

Table 1 - Potential Conflicting Uses

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

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

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

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

The only known Goal 5 resource within the boundary of the mining area or within the 1,500 foot impact area is the existing 8.8-acre quarry.

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

The impact area for an aggregate site is 1,500 feet, as specified by OAR 660-023-0180(5)(a). While there are businesses and dwellings nearby, there are no known impacts within the 1,500-foot impact area.

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

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

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

The ESSE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Schuening Quarry.			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<p>Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit of preserving the applicant’s ability to access material from this site does have an economic impact through direct employment and employment impacts on the various developments that rock is delivered to. The Rock It #2 Quarry will provide material for a variety of projects throughout Umatilla and Morrow Counties and possibly beyond.</p>	<p>Consequences related to new use on neighboring properties. The economic impact to neighboring property owners would be neutral given that the dwellings already exist. Additional dwellings would not be permitted prior to land being annexed into city.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a decision to prohibit uses since the proposed “limit” is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p>Consequences related to new use on neighboring properties. The economic consequence for property owners would be neutral. This decision would maintain the current approval criteria for new residences and gathering places in the impact area.</p> <p>Consequences related to loss or interruption of quarry access. The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have caused delays and increased costs for projects in the region. Expansion of this quarry supports economically efficient development and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large.</p>

	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Social Consequences	<p>Consequences related to new use on neighboring properties. Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region and in the Pendleton area in particular, could forestall important projects that are dependent upon a good source of aggregate.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral since the neighbor had already supported the project.</p> <p>New dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material from this quarry may not transpire.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in Pendleton that would otherwise utilize the aggregate material in the quarry may have to forego their development which could impact social activities including those that would benefit business.</p>

	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Environmental Consequences	<p>Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be significant environmental benefit from fewer vehicle emissions given hauling distance is minimized.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings or social gathering spaces were limited in the impact area. New dwellings and businesses in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area.</p> <p>Consequences related to loss of quarry access. There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining aggregate material from a quarry close to the project site. Vehicle emissions will increase if trucks must travel further to access material.</p>

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

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

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

Umatilla County has determined, through the ESEE analysis, that the resource site and the conflicting uses (dwellings and public/private gathering spaces) are important compared to each other. Therefore, Umatilla County finds that proposed conflicting uses

should be limited within the 1,500-foot impact area for the life of the Schuening Quarry in order to achieve Goal 5.

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

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

660-023-0050 Programs to Achieve Goal 5

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

Umatilla County finds that Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Schuening Quarry as a significant aggregate resource site. The Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited. As noted previously, a condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area, and zoned under the county's jurisdiction, requires a waiver of remonstrance prior to final approval. The purpose of this condition is not to disallow these activities, but to ensure that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. This criterion is met.

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

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

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

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

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

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

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

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

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

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 Comprehensive Plan and Technical Report both have input into this

decision. In 2004, the Umatilla County Comprehensive Plan was amended with Ordinance 2004-09 to include Tax Lot 400 located on Map 2N 32 04 as a significant site under the County's Goal 5 Aggregate Resources Inventory. This action seeks to expand the Goal 5 protection, and apply the Aggregate Resource Overlay Zone to the mining site along with a mapped buffer area to further protect the resource.

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

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

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

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

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

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

Umatilla County finds that the applicant's PAPA shows sufficient information that the inventory of aggregate material at the Schuening Quarry is over 3.75 million tons and exceeds ODOT specifications and warrants the overlay. This criterion is met.

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

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

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

Umatilla County finds that the quarry expansion was configured in a way that provides screening from the surrounding dwellings. This criterion is met.

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

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

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.

Applicant Response: The applicant complies with DOGAMI mining permit requirements and will continue to do so relative to the 25.8-acre expansion area.

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

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

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

Applicant Response: The applicant will complete the necessary reclamation plan require by DOGAMI and submit the same to Umatilla County. As noted above, the applicant and landowner does not have any immediate plans for reclamation given the longevity of mining in the 25.8-acre area. Any future reclamation activity would be compliant with the Exclusive Farm Use zone. Applicant will submit a reclamation plan for post-mining use upon request by county.

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

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

Applicant Response: The applicant has and will continue to mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property.

County Finding: Umatilla County finds there are no existing dwellings that are within 100 feet from

the property boundary where the mining operation will be established and extraction ponds are not within 25 feet of a public road. As a condition of approval, the applicant shall provide a site plan to the Planning Department showing extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling.

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

Applicant Response: The dwelling currently located to the east of the quarry is more than 500 feet from the proposed expansion area. The landowner has provided a letter in support of the expanded quarry. Processing equipment will be set in such a way to retain this 500-foot setback requirement for the processing equipment.

County Finding: Umatilla County finds that there are no dwellings under the county's jurisdiction within 500 feet of processing equipment. This criterion is met. As a condition of approval, the applicant shall provide a site plan demonstrating that processing equipment will be sited to retain the 500-foot setback to the existing dwelling.

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

Applicant Response: The applicant will continue to use roadway from Highway 30 (Westgate). If access from the north is warranted, applicant will obtain an Access Permit from Umatilla County Public Works and applicant will provide water or other dust abatement to prevent dust.

County Finding: Umatilla County finds that the applicant will continue to utilizing the exiting access road. No other access roads are under consideration at this time. This criterion is met.

30. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

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

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

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

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

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

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

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

Applicant Response: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq. Mining is allowed as a condition use per ORS 215.283 and has been permitted at this location since 2004.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, is determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed.

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

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

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

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

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

Applicant Response: the application is to protect the subject property under Statewide Planning

Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural resources or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped.

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

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

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

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

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

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

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

Applicant Response: Goal 7 provides for the planning and response to natural hazards and disasters. Given compliance with State DOGAMI mining requirements the quarry operation will not create any natural hazards. There are no known natural hazards on the subject property.

County Finding: Umatilla County finds that the applicants request is consistent with Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters).

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

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

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

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

Applicant Response: Umatilla County has a comprehensive plan that has been acknowledged to comply with Goal 9. The proposed quarry expansion has general economic benefit to construction and development in the Pendleton area as well as the region.

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

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

Applicant Response: Housing is not being proposed and the expansion area will be conducted in a manner that does not negatively impact housing in the vicinity.

County Finding: Umatilla County finds housing is not a part of this proposal.

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

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

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

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

Applicant Response: Rock from this quarry is used for transportation project in and around the greater Pendleton area. City of Pendleton relies on this aggregate resource and has submitted a

letter in support of the Plan amendment and application.

County Finding: Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 12 (Transportation), as the mined rock could support future transportation projects in the area.

Goal 13 Energy: *To conserve energy.*

Applicant Response: Approval of this quarry expansion will continue to make aggregate material available for municipal and private construction activities in the greater Pendleton area, thus minimizing and reducing hauling distance. Hauling of aggregate is perhaps the largest energy consumption and therefore reducing hauling reduces energy consumption.

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

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

Applicant Response: Proposed uses are not considered urban and therefore Goal 14 is not specifically applicable. The expansion area is configured so as to not limit urban development on nearby lands within the city of Pendleton Urban Growth area and City limits.

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

31. DECISION:

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

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

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

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

1. Conform to the requirements of DOGAMI or its successor, or the applicable state statutes. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
2. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.
3. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
4. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
5. If cultural artifacts are observed during ground-disturbing work, that work must cease in the development area until the find is assessed by qualified cultural resource personnel from the State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Once qualified cultural resource personnel from SHPO and CTUIR are satisfied, the ground-disturbing work may continue.
6. Contour and revegetate the quarry during post-mining activities according to the requirements of the DOGAMI application.
7. Any land use application for a proposed conflicting use within the 1,500-foot impact area, and within the zoning jurisdiction of Umatilla County, requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated _____ day of _____, 2022

George M. Murdock, *Commissioner*

John M. Shafer, *Commissioner*

Daniel L. Dorrان, *Commissioner*

Proposed Umatilla County Comprehensive Plan Text Amendment

SCHEUNING QUARRY Comprehensive Plan Map Amendment #P-134-22 Comprehensive Plan Text Amendment T-091-22 Zoning Map Amendment #Z-321-22 Township 2N, Range 32E, Section 04, Tax Lot 400

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

Note: Proposed changes are in underlined text.

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

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

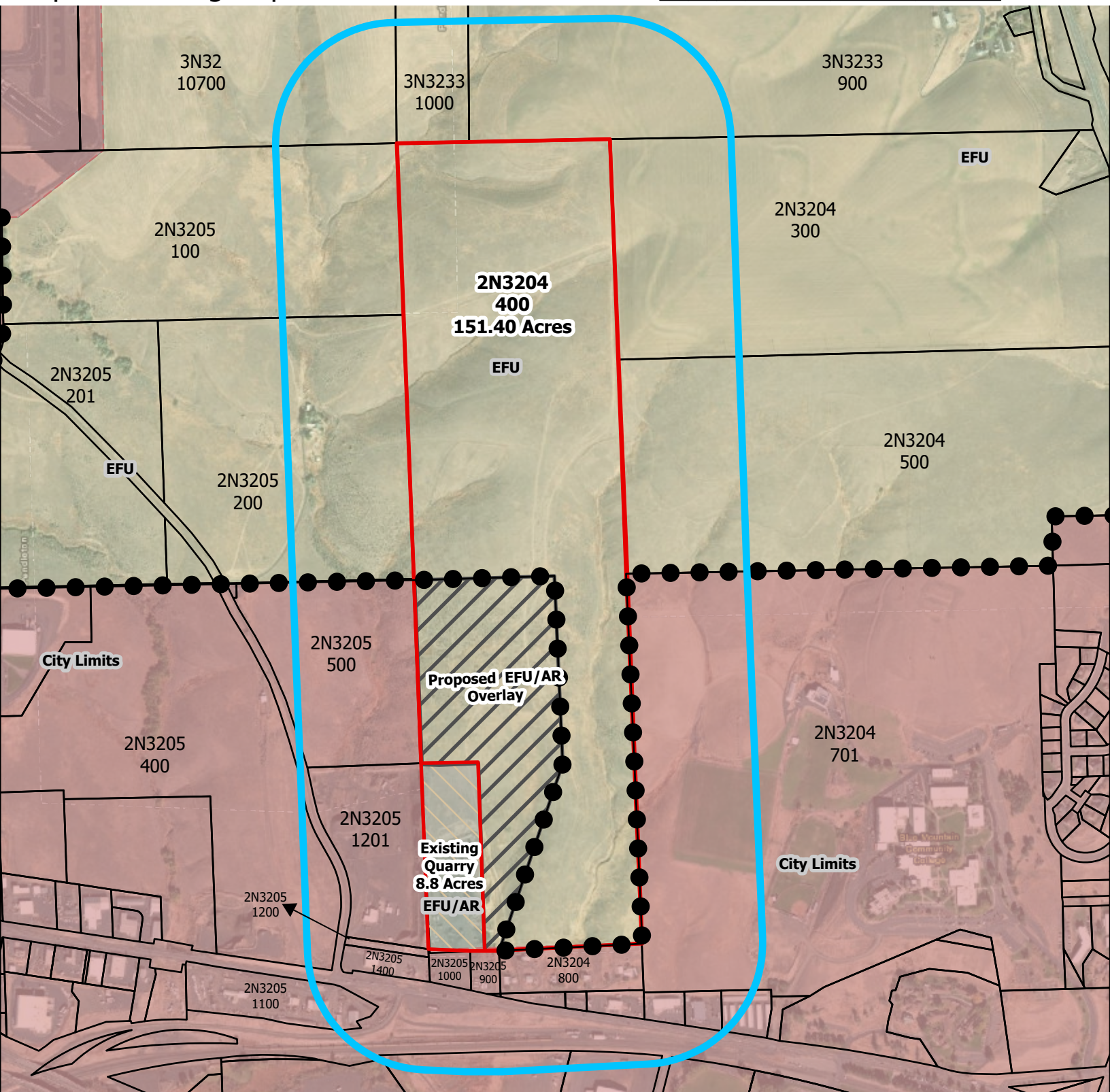
- (1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.
- (2) ODOT quarry, T5N, R29E, Section 22, TL 800 (“Sharp’s Corner”)
- (3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.
- (4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.
- (5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700
- (6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).
- (7) ODOT quarry, T3S, R30 1/2, Section 12, 13, TL 503.
- (8) ODOT quarry, T4N, R35, TL 7303.
- (9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.
- (10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.
- (11) ODOT quarry, T1S, R30, TL 1901.
- (12) ODOT quarry, T2N, R27, TL 2700.
- (13) Private, commercial pit, T4N, R27E, Section 25, TL 900, Section 36, TL 400, 500, 600, 700, 800, 1400, 1500.
- (14) Private, commercial pit, T2N, R32, Section 04, TL 400

APPLICANT: HATLEY CONSTRUCTION
OWNER: SCHUENING AIRPORT LAND LLC
MAP: 2N 32 04 TAX LOT: 400

T-091-22
Z-321-22
P-134-22



Proposed Zoning Map



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by T. Ross, Umatilla County Planning Department Date: 7/10/2022

Legend

- Subject Property
- Property Boundaries
- Existing Quarry
- Proposed AR Overlay
- Zone Boundary
- City UGB

INTENTIONALLY LEFT BLANK

Contract No.: C13407 EA No.: CON02659 Lab No.: 08-000901
 Project: US395; PENDLETON INTERCHANGE RAMPS
 Highway: PENDLETON-JOHN DAY County: UMATILLA Data Sheet No.: F42699 099
 Contractor: WEAVER CONSTRUCTION CO FA No.: X-STP-80-8028 (C27)
 Project Manager: HEATHER MCLOREN Org Unit: 5803 Bid Item No.: 220
 Submitted By: MIKE DENNER Org Unit: 5803 Sample No.: 1
 Material Source: 10-107-5 WESTGATE Qty Represented: 12 MONTHS
 Sampled At: FINAL BELT Sampled By: Witnessed By:
 DATE-Sampled: 08/ 4/ 2 Received: 08/ 4/ 7 Tested: 08/ 4/10 Date Reported: APR 11 2008
 Class/Type: COMPLIANCE Use: SHOULDER & AGGREGATE BASE

Q or G: QUARRY			AGGREGATE LABORATORY REPORT - BASHAG		Size: 3/4-0
Test	Field	Lab			
T 174 S.E.			T 84 F. Grav.		T 85 C. Grav.
T 88 D.L.			Bulk:		Bulk:
T 90 P.I.			S.G.D.:		S.N.D.:
TP 61 Ttl Frac.			Appar.:		Appar.:
TM 226 Dust/Clay			Absorp.:		Absorp.:
TM 227 Cleaness			T 104 Soundness		TM 208 Degrade
TM 229 Blong pas			C A: T A:		
T 304			1.5-3/4:		
Uncomp. Voids			3/4-3/8:		
			1/8- #4:		Cycr Ht: 1.1 in.
			#4- #8:		WTD: 15.0 %
			#8- #16:		Finn Ht:
			#16-#20:		P20:
			#20-#50:		
T 329 Moisture			T 96 Abrasion		T 21 Impurity
T 27/11			13.7 %		Plate #:
Sieve	Passing	Passing	Type B		
2.5			TP 61 Fracture		TM 221 Friables
2			3/4:		Wt'd Avg:
1.5			1/2:		1.5 3/4:
1			3/8:		3/4-1/8:
3/4			1/4:		3/8- #4:
1/2			#10:		#4 #16:
3/8					
1/4			T 113 Lightweight		TM 225 Woodwaste
# 4			Coarse:		Lab:
# 8			Fine:		Field:
# 10			AASHTO T 288/289		AASHTO T 267
# 16			Resist: 0		Organic:
# 30			pN:		
# 40			AASHTO T 291		AASHTO T 290
# 50			Chloride:		Sulfate:
#100					
#200					

1 @ T96 - \$ 97.00
 1 @ 208A - \$ 74.00
 NSM - Not Sufficient Material
 REMARKS:
 Material represented by sample DOES comply with specifications.

TOTAL CHARGES: \$ 171.00

BUYER SHALL NOT BE RESPONSIBLE, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

C: FILES : PROJ MGR: HEATHER MCLOREN ; WEAVER CONSTRUCTION CO ; PWS & C ; D TEST - AGGREGATE
 MIKE DENNER OCCS

Exhibit B

Contract No.: C13333 EA No.: CON02589 Lab No.: 07-002217
 Project: OR335 @ ADAMS INTERSECTION & GREASEWOOD CR BR
 Highway: HAVANA-HELIX County: UMATILLA Data Sheet No.: F40736 641
 Contractor: WEAVER CONSTRUCTION CO FA No.: X STP BRP-8335(006)
 Project Manager: HEATHER McLOREN Org Unit: 5803 Bid Item No.: 390
 Submitted By: FRED OSWALD Org Unit: 5803 Sample No.: 3
 Material Source: 30-107-5 WESTGATE Qty Represented: ANNUAL COMPL
 Sampled At: STOCKPILE Sampled By: Witnessed By:
 DATE-Sampled: 07/ 6/26 Received: 07/ 6/29 Tested: 07/ 7/10 Date Reported: 7/ 20/10
 Class/Type: COMPLIANCE Use: SHOULDER & AGGREGATE BASE

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - BASEAG		Size: 3/4-0	
Test	Field	Lab	T 84 F. Grav.	T 85 C. Grav.	
T 176 S.E.			Bulk:	Bulk:	
T 89 L.L.			M.S.D.:	S.S.D.:	
T 90 P.I.			Appar.:	Appar.:	
TP 61 Tbl Frac.			Absorp.:	Absorp.:	
TM 226 Dust/Clay			T 104 Soundness	TM 208 Degrade	
TM 227 Cleanness			C A: F A:		
TM 229 Elong pcs			2.5 3/4:		
T 304			3/4 3/8:		
Uncomp. Voids			3/8 #4:		Crse Mt: 0.5 in
			#4 #8:		P20: 13.5 %
T 329 Moisture			#8 #16:		fine mt:
T 27/11			#16 #30:		P20:
Sieva	Passing	Passing	#30 #50:		
2.5			T 96 Abrasion	T 21 Impurity -	
2			12.6 %	Plate #:	
1.5			Type R		
1			TP 61 Fracture	TM 221 Friables	
3/4			3/4:	Wt'd Avg:	
1/2			1/2:	1.5 3/4:	
3/8			3/8:	3/4-3/8:	
1/4			1/4:	3/8 #4:	
# 4			#10:	#4-#16:	
# 8			T 113 Lightweight	TM 225 Woodwast	
# 10			Coarse:	Lab:	
# 16			Fine:	Field:	
# 30			ASHTO T 288/289	ASHTO T 267	
# 40			Resist: Ω	Organic:	
# 50			pH:		
#100			ASHTO T 291	ASHTO T 290	
#200			Chloride:	Sulfate:	

1 @ T96 = \$ 97.00
 1 @ 208A = 74.00

NEM = Not Sufficient Material

TOTAL CHARGES: \$ 171.00

REMARKS:

Material represented by sample DOES comply with specifications.

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

C. FILES: PROJ NO: HEATHER McLOREN, WEAVER CONSTRUCTION CO, 800 S.O.A.C. 10/2007 - APPROPRIATE
 FRED OSWALD-JUL

Exhibit B
[Signature]
 Laboratory Services Manager

Contract No.: C13407 EA No.: CON02659 Lab No.: 07-003796
 Project: US395; PENDLETON INTERCHANGE RAMP
 Highway: PENDLETON-JOHN DAY County: UMATILLA Data Sheet No.: P42699 085
 Contractor: WEAVER CONSTRUCTION CO Org Unit: 5803 FA No.: X-RTP-80-5028(027)
 Project Manager: FRATHER MCLORREN Org Unit: 5803 Bid Item No.:
 Submitted By: MICHAEL DENNIE Sample No.: 1
 Material Source: 30-107-5 WESTGATE Qty Represented: 5000 TONS
 Sampled At: SOURCE Sampled By: Witnessed By:
 DATE-Sampled: 07/10/17 Received: 07/10/22 Tested: 07/10/26 Date Reported:
 Class/Type: COMPLIANCE Use: SHLDR & AGG BASE QUARRY ROCK D.T. 2 0 2007

Q or G: QUARRY Sieve	AGGREGATE LABORATORY REPORT - QUARRIES % Passing	Size: CHUNKS Mfg. As Rec'd
4"	T 176 Sand Equivalent	72.
3.5	T 89 Liquid Limit	
3	T 90 Plastic Index	
2.5	T 84 Fine Bulk Gravity	
2	S.S.D.	
1.5	Apparent Absorption (%)	
1		
3/4	T 85 Coarse Bulk Gravity	
5/8	S.S.D.	
1/2	Apparent Absorption (%)	
3/8		
1/4		
# 4	TM 208a Coarse Degrad. Ht	1.9 in
# 10	F2D	18.6 %
# 40		
# 100	TM 208b Fine Degrad. Ht	
# 200	F2D	
T 104 Sodium Sulfate Loss	TM 221 Friables	T 96 Abrasion
1.5 - 3/4:	Weighted Avg.:	Type A 20.0 %
3/4 - 3/8:	1 1/2 - 3/4:	
3/8 - # 4:	3/4 - 3/8:	TM 225 Woodwaste:
# 4 - # 8:	3/8 - # 4:	TM 226 Dust/Clay:
# 8 - # 16:	# 4 - # 16:	TM 227 Cleaness:
# 16 - # 30:	T 113 Lightweight Pcs	TM 229 Blong Pcs:
# 30 - # 50:	Coarse: Fine:	T 104 Unc Voids:

1 @ T96 = \$ 57.00	NSM - Not Sufficient Material	TOTAL CHARGES: \$ 311.00
1 @ T176 = 41.00	REMARKS:	
1 @ 208A = 74.00	INFORMATIONAL	
3 @ 233X = 33.00		
MERTS SPECIFICATION SECTIONS 02630.10(C) (D) & 02640.10(C) (D).		

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

CL: 7/17/2017 10:00 AM; FRATHER MCLORREN; WEAVER CONSTRUCTION CO; 800 & G.A.C.; D TEST - SOURCEGATE
 MIVE DENNIE GLEN

Exhibit B

Contract No.: C13333 EA No.: CON02589 Lab No.: 07-001841
 Project: CRSS @ ADAMS INTERSECTION & GRASEWOOD CR RR
 Highway: HAVANA-HELIX County: UMATILLA Data Sheet No.: F40736 633
 Contractor: WEAVER CONSTRUCTION CO Org Unit: 5803 PA No.: X-BTP-BRP 5335(006)
 Project Manager: HEATHER MULOREN Org Unit: 5803 Bid Item No.: 290
 Submitted By: FRED OSWALD Sample No.: 1
 Material Source: 30-107-5 WESTGATE City Represented: ANNUAL COMPLIANCE
 Sampled At: STOCKPILE Sampled By: Witnessed By:
 DATE Sampled: 07/ 6/ 3 Received: 07/ 6/ 7 Tested: 07/ 6/ 18 Date Reported:
 Class/Type: COMPLIANCE Use: RIPRAP AGGR

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - RRAPAG		Size: CRUMKS	
Test	Field	Lab			
T 174 S.E.			T 84 F. Grav.		T 85 C. Grav.
T 89 L.L.			Bulk:		Bulk: 2.849
T 90 P.I.			S.S.D.:		S.S.D.: 2.858
TP 61 Tol. Frac.			Appar.:		Appar.: 2.877
TM 226 Dust/Clay			Absorp.:		Absorp.: 0.34 %
TM 227 Cleaness			T 104 Soundness		TM 208 Degrad
TM 229 Elong pcs			RapRap Avg.: 0.9 %		
208 Inclin/Ga A/C			2.5-1.5: 0.6 %		
Total A/C			1.5-3/4: 1.2 %		
Retention					Crack No: 0.8 in
T 129 Moisture					M20: 15.1 %
T 27/11					Fine Mt:
Sieve	Passing	Passing			D20:
2.5			T 96 Abrasion		T 21 Impurity
2					Plate #:
1.5					
1			TP 61 Fracture		TM 221 Friables
3/4			3/4:		Wt'd Avg:
1/2			1/2:		1.5-3/4:
3/8			3/8:		3/4-1/8:
1/4			1/4:		1/8- #4:
# 4			#4 #10:		#4 #16:
# 8			T 113 Lightweight		TM 225 Woodwaste
# 10			Course:		Lab:
# 16			Fine:		Field:
# 30			AASHTO T 268/269		AASHTO T 267
# 40			Resist: 0		Organic:
# 50			pH:		
#100			AASHTO T 291		AASHTO T 290
#200			Chloride:		Sulfate:

1 @ T85 = \$ 45.00
 2 @ T104 = 29.00
 1 @ TM208A = 74.00

NSM = Not Sufficient Material

REMARKS:

Material represented by sample DORS comply with specifications.

TOTAL CHARGES: \$ 177.00

REMARKS: NOT BE REISSUED. RECEIPT IN FULL. WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

C: FILED: 2007 SEP. HEATHER MULOREN; WEAVER CONSTRUCTION CO; 207 S O.A.C.; D TEST; AGGR; FRED OSWALD (SIC)

Exhibit B

Heather Muloren
 Laboratory Services Manager

Contract No.: C14017 EA No.: CON02792 Lab No.: 09-004790
 Project: US30: COURT - DORION (PENDLETON) - OR11 @ ATHENA
 Highway: OMSOON WASHINGTON/PENDLETON County: UMATILLA Data Sheet No.: P42699 146
 Contractor: PIONEER CONSTRUCTION, INC PA No.: X-NW-STP-MTSA-0000(411)
 Project Manager: CRAIG RIPP Org Unit: 5803 Bid Item No.:
 Submitted By: MIKE DENNER Org Unit: 5803 Sample No.:
 Material Source: 30-107-S WESTGATE Qty Represented: 12 MONTHS
 Supplied At: KING PIT Sampled By: Witnessed By:
 DATE-Sampled: 09/8/26 Received: 09/10/16 Tested: 09/10/26 Date Reported: 09/10/26
 Class/Type: COMPLIANCE Use: AGGREGATE BASE

Test	Field	Lab	Size: 3/4-0
T 176 S.G.			T 84 F. Grav.
T 89 U.L.			Sulf:
T 90 P.T.			S.S.D.:
TP 61 Ttl. Fin.			Appar.:
TM 226 Dust/Clay			Absorp.:
TM 227 Cleaness			T 104 Soundness
TM 229 Blong pos			TM 208 Degrade
T 304			C A: F A:
Uncomp. Voids			1.5-3/4:
			3/4 3/8:
			3/8- #4:
			#4- #16:
			#16-#30:
			#30-#50:
T 329 Moisture			T 96 Abrasion
T 27/11			16.5 #
Diave	Passing	Passing	Type B
2.5			TP 61 Fracture
2			3/4:
1.5			1/2:
1			3/8:
3/4			1/4:
1/2			#10:
3/8			T 113 Lightweight
1/4			Coarse:
# 4			Fine:
# 8			AASHTO T 286/289
# 10			Resist: Ω
# 15			pH:
# 30			AASHTO T 291
# 40			Chloride:
# 50			
#100			
#200			

1 @ T96 = \$ 97.00 NSM - Not Sufficient Material TOTAL CHARGES: \$ 0.00
 1 @ 208A = 74.00 REMARKS: Material represented by sample DOES comply with specifications.

KEVIN BROPHY - LABORATORY SERVICES MANAGER

REPORT SHALL NOT BE REPRODUCED EXCEPT IN FULL, WITHOUT THE WRITTEN APPROVAL OF THIS LABORATORY.

CI 8788, 8807 MSB CR60 8788, PIONEER CONSTRUCTION, INC, 800 S O A C, O TRST - AGGREGATE BASE
 MIKE DENNER 0000

Exhibit B



CITY OF PENDLETON

Public Works Department
500 S.W. Dorion Avenue
Pendleton, Oregon 97801-2090
Telephone (541) 966-0202
FAX (541) 966-0251
TDD Phone (541) 966-0230
Website: www.pendleton.or.us

January 31, 2022

To Whom It May Concern:

The City of Pendleton is in support of Hatley Construction expanding their pit on Westgate Avenue. The City has been sourcing rock from this pit for our projects for many years. The central location and short haul times have helped the City save our taxpayers thousands of dollars over the years.

Over the last ten years, we have purchased an average of 5,000-10,000 tons of rock per year. Last year, for example, we used approximately 8,000 tons. This gravel has been used for several projects throughout town such as for trench backfill, road base, gravel street surfacing, etc. The City of Pendleton would like to be able to continue to utilize this very convenient and cost-effective source for gravel needs.

Sincerely,

Jeff Brown
Public Works Superintendent

Bob Patterson, PE
Public Works Director

JB/BP/jb/jh



3-3-22

JIM HATLEY,

I OWN APPROXIMATELY

6 ACRES NEXT TO YOUR

GRAVEL PIT AT WESTGATE

IN PENDELTON.

YOU WERE THINKING OF

EXPANDING YOUR PIT,

THAT WOULD BE PERFECTLY

FINE WITH ME, AND I

WOULD HAVE NO COMPLAINTS

SINCERELY,

ROBERT YOUNG

Robert Young

DRAFT MINUTES

**TEXT AMENDMENT #T-091-22,
PLAN AMENDMENT #P-134-22 &
ZONE MAP AMENDMENT #Z-321-22**

**JIM HATLEY, APPLICANT ROSEMARY
SCHEUNING ESTATE, OWNER**

The applicant requests to expand a previously approved aggregate quarry (Scheuning Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone.

**UMATILLA COUNTY PLANNING
COMMISSION HEARING**

AUGUST 25, 2022

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, August 25, 2022

** ****

COMMISSIONERS

PRESENT: Tammie Williams, Tami Green, John Standley & Jodi Hinsley

COMMISSIONERS

VIRTUAL (ZOOM): Suni Danforth, Chair & Cindy Timmons

COMMISSIONERS

ABSENT: Don Wysocki, Vice Chair, Sam Tucker & Emery Gentry

PLANNING STAFF: Bob Waldher, Planning Director; Tamara Ross, Planner; Tierney Cimmiyotti, Administrative Assistant

** ** **** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ** ****

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

CALL TO ORDER

Chair Danforth called the meeting to order at 6:32pm and read the Opening Statement.

NEW HEARING

TEXT AMENDMENT #T-091-22, PLAN AMENDMENT #P-134-22 & ZONE MAP AMENDMENT #Z-321-22; JIM HATLEY, APPLICANT/ ROSEMARY SCHEUNING ESTATE, OWNER. The applicant requests to expand a previously approved aggregate quarry (Scheuning Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone. The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail highway, just outside the City of Pendleton Urban Growth Boundary. The subject property is zoned Exclusive Farm Use. The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180(3), (5) & (7), and Umatilla County Development Code Section (UCDC) 152.487 – 488.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Standley disclosed that he will abstain from voting because he does business with Mr. Hatley. Chair Danforth called for the Staff Report.

STAFF REPORT

Tamara Ross, Planner, presented the Staff Report. Mrs. Ross stated that in 2004, the subject property was approved to include approximately 8.8 acres under Goal 5 Inventory and has been active since that time. She added that there have been no complaints filed with Umatilla County concerning the activity onsite. The quarry provides crushed rock and aggregate to private businesses and the City of Pendleton resulting in a local source which meets Oregon

Department of Transportation (ODOT) aggregate specifications. The landowner and operator are seeking approval of a larger mining area to ensure the resource is available for years into the future.

Mrs. Ross explained that the applicant requests to expand a previously approved aggregate quarry (Westgate Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the AR Overlay Zone. The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail Highway, just outside the City of Pendleton's Urban Growth Boundary (UGB) and zoned Exclusive Farm Use (EFU).

Mrs. Ross concluded that the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of approval. The Planning Commission is tasked with determining if the application satisfies the criteria of approval, based on the facts in the record. The BCC will also hold a public hearing and decide whether to adopt the proposed amendments. A public hearing before the BCC is scheduled for September 21, 2022 at the Umatilla County Courthouse in Pendleton.

Commissioner Timmons asked if the situation with this property being used the way it is, in the location that it is, is a result of the town growing around the established mining site. Mr. Waldher, Planning Director, stated that he does not know the history of the UGB in this specific area. He added that the applicant may be able to provide insight during his testimony.

Chair Danforth asked if the Oregon Trail goes through the subject property. Mr. Waldher stated that staff has not found any maps indicating the Oregon Trail crosses through the subject property.

Applicant Testimony: Jim Hatley, Hatley Construction, 64880 E Birch Creek Road, Pilot Rock, Oregon & Tamra Mabbott, T.M. Consulting, LLC, 80379 Zimmer Lane, Hermiston, Oregon. Mrs. Mabbott stated that she is in attendance to assist Mr. Hatley as a favor to an old family friend. She thanked Planning Staff for their hard work preparing the Findings and stated that she doesn't have much to add. In terms of rock quarries, she states that this request is quite simple.

Mrs. Mabbott responded to Commissioner Timmons' earlier question regarding the location and whether the town grew around the established quarry, she believes this is the case. She stated that she also thought it was an odd place for a quarry but after further thought, she believes it actually works well. Mr. Hatley stated that the mining site was permitted in 2004, but rock was being extracted prior to that. Mrs. Mabbott pointed out that Mr. Hatley has

received letters of support for this request from both the City and neighboring property owners and added that there has been no concern expressed by surrounding land owners.

Mrs. Mabbott referred to a map of the property and explained that the existing quarry is 8.8 acres and has not yet been exhausted. She explained that the primary reason for this request to expand is to ensure the availability of quality, locally sourced aggregate in the area for years to come. She added that they are a primary provider of aggregate for the City of Pendleton and having the source of the material close to worksites allows for additional convenience and reduced cost of transport. She explained that Mr. Hatley would continue to use the existing ingress and egress sites for access along the highway while expanding the quarry to the north.

Mrs. Mabbott stated that there are some dwellings within the 1500-foot buffer area, however the owner of those homes has no complaints and provided a letter of support. Mrs. Mabbott believes the activity to be compatible with the residential use on adjacent properties. She explained that Mr. Hatley owns 3 tracts of land and only has 2 CDL (commercial driver license) drivers so the daily traffic at the site is minimal. She didn't believe a traffic impact study was warranted because traffic will not be increased.

Mrs. Mabbott stated that Mr. Hatley has all required permits including his Department of Environmental Quality (DEQ) air quality permit which regulates equipment used at the site. She made clear that there is no batch plant at this site and a batch plant is not being proposed as part of this request. She and Mr. Hatley have reviewed the proposed Conditions of Approval provided by Planning Staff and agree with the terms. She concluded by displaying a photo of Scheuning Quarry taken from Westgate, also known as Highway 30.

Commissioner Green asked if any farming activities are taking place on the property at this time. Mrs. Mabbott replied, no. Commissioner Green asked for more details about how the rock is being mined. Mr. Hatley stated that they use drilling and blasting to extract rock at the quarry. Mrs. Mabbott clarified that the material is not typically used to produce asphalt, it's mainly used for graveling roadways, rock face stabilization and construction purposes. Therefore, a batch plant and rock crusher are not necessary.

Chair Danforth called for any requests for the hearing to be continued or the record to remain open, there were none. The photo of Scheuning Quarry provided by Mrs. Mabbott was added to the record as Exhibit A. Chair Danforth closed the hearing for deliberation.

DELIBERATION & DECISION

Commissioner Williams made a motion to recommend approval of the Schuening Quarry Comprehensive Plan Text Amendment #T-091-22, Zoning Map Amendment #Z-321-22 & Comprehensive Plan Map Amendment #P-134-22 to the Board of County Commissioners

based on the foregoing Findings of Fact and Conclusions of Law. Commissioner Hinsley seconded the motion. Motion passed with a vote of 5:0.

MINUTES

Chair Danforth called for any corrections or additions to the minutes from the June 23, 2022 meeting. There were none. Commissioner Standley moved to approve the minutes as presented. Commissioner Williams seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Mr. Waldher provided information about the proposed Nolin Hills Wind Power Project. He explained that the project plans involve development of a new wind and solar energy generation facility located on approximately 48,196 acres of private land, primarily zoned EFU. The facility is proposed to be located in Umatilla County, south of I-84, and approximately 4 miles south of Echo and 10 miles west of Pendleton.

Mr. Waldher reminded the Planning Commissioners that he attended the Oregon Department of Energy's (ODOE) public hearing to provide comments pertaining to the Draft Proposed Order for the Nolin Hills Wind Power Project back in May 2022. He provided comments to ODOE to call attention to the fact that 8 turbines fail to meet the County's land use standard which requires a 2-mile setback from a wind turbine to a rural residence. The applicant and ODOE found in their Draft Proposed Order that they did not need to comply with the County's setback standard to residences because it is not included as part of Oregon's Statewide Planning Goals.

Mr. Waldher stated that the project is now before the Energy Facility Siting Council which is the agency responsible for overseeing the development of large electric generating facilities in the State of Oregon. Umatilla County has chosen to file a request for Petition Party Status in the Contested Case Hearing for an Application for Site Certificate. The County has retained outside legal counsel though the services of attorney Wendie Kellington, of Kellington Law Group in Lake Oswego.

Mr. Waldher read from the ODOE, Energy Facility Siting Council, OAR 345-022-0030(3) which states, "As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group (in this case, Umatilla County) recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals." Mr. Waldher explained that the County interprets this language

as a requirement for the applicant to follow Umatilla County standards. He agreed to keep the Planning Commission informed as the project progresses.

Mr. Waldher notified the group that there is no Planning Commission hearing scheduled for the month of September 2022. The October hearing has been moved up one week due to scheduling conflicts and is now scheduled for Thursday, October 20, 2022 at 6:30pm.

The October 2022 hearing will include two items for consideration; a proposal for a new aggregate quarry in west county and a request for Conditional Use approval for commercial activity in conjunction with farm use to operate a construction/ contracting business on an 11-acre EFU zoned parcel. The applicant contends they meet the standard because the work they do often serves farming operations. However, Mr. Waldher is not sure this request demonstrates a clear relationship to the essential practice of agriculture, so he is bringing it before the Planning Commission to make a final decision on the matter.

ADJOURNMENT

Chair Danforth adjourned the meeting at 7:09pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant