

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, November 9, 2023, 6:30pm

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, John Standley, Emery Gentry and Ann Minton

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet

COMMISSIONERS

ABSENT: Tammie Williams, Tami Green, and Sam Tucker

PLANNING STAFF:

Robert Waldher, Community Development Director, Megan Davchevski, Planning Manager, Tierney Cimmiyotti, Planner, and Shawna Van Sickle, 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 6:34PM and read the Opening Statement.

NEW HEARING

COMPREHENSIVE PLAN TEXT AMENDMENT #T-093-23, and ZONE MAP AMENDMENT #Z-323-23: DOUG COX, APPLICANT / RANDY RUPP, OWNER. The applicant requests to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed site is located south of Highway 730 and east of Highway 207, south of the Hat Rock community. The site is identified on assessor’s map as Township 5 North, Range 29 East, Section 22, Tax Lot 400. The site is approximately 46.7 acres and is zoned Exclusive Farm Use (EFU). 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.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Danforth called for the Staff Report.

STAFF REPORT

Mrs. Megan Davchevski, Umatilla County Planning Division Manager, stated the applicant is requesting to add a portion of Tax Lot 400 on Assessor’s Map 5N 29 22 to the Umatilla County

list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the proposed site. The applicant is requesting approval for occasional blasting, extraction, operation of a rock crusher, scale, office, stockpile areas and an asphalt batch plant. The proposed Goal 5 site is a 46.7-acre portion of TL 400, which is 109.65-acres.

Mrs. Davchevski stated the proposal, if approved, would add this site as a large significant site onto the County's Goal 5 inventory of significant sites. The applicant desires to establish the 46.7-acre Large Significant Site with protections under Goal 5 and to allow mining (including blasting), processing, stockpiling and operation of an asphalt batch plant.

Mrs. Davchevski wanted to note that aggregate may be mined in limited quantities with a conditional use permit in the EFU zone. The Umatilla Ready Mix site to the east of this proposed site was approved with a conditional use permit. However, when an applicant requests protection under Statewide Planning Goal 5 it is because the applicant desires to extract more materials than allowed under a conditional use permit, because they recognize that the site has a significant inventory of both quality and quantity of aggregate materials and because they desire protections from conflicting uses. Therefore, the bar for approval of Goal 5 sites versus sites under a conditional use permit are much higher.

Mrs. Davchevski said notice of the applicant's request was mailed on October 20, 2023 to nearby property owners and agencies. The applicant requests all conflicting uses to be limited to outside the 1,500-foot impact area. Staff determined this would limit allowed uses for nearby properties. For this reason, the notice boundary was extended from the required 750-feet to also include properties within the 1,500-foot impact area. Notice of the Planning Commission and Board of Commissioner hearings was published in the East Oregonian on October 28, 2023.

Mrs. Davchevski stated that the criteria of approval can be 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.

Mrs. Davchevski explained staff were unable to determine that several criteria of approval were satisfied based on the information supplied by the applicant. Additionally, the applicant contradicts themselves in numerous statements regarding conflicts. She states it is the applicant's burden to justify measures to protect existing uses. It is then the County decision maker's responsibility to determine whether the proposed protection measures are adequate, fair and objective. The applicant also does not provide the analysis required to inform a decision to allow, limit, or prohibit future new uses within the impact area.

Mrs. Davchevski shared that the applicant would have the opportunity to address the criteria and supply additional information to the Planning Commission. Staff had previously requested this information from the applicant, however it was not provided. The questionable criteria of approval include the following.

OAR 660-023-0182 (3), states an aggregate resource site shall be considered significant if adequate information regarding the quantity, quality and location of the resource... The applicant provided two lab reports and identified one aggregate sample location. Based on the information provided, staff could not conclude that a representative set of aggregate samples were provided.

OAR 660-023-0182 (5)(b)(A), [Conflicts created by the site] Determine conflicts from proposed mining of a significant aggregate site... due to noise, dust or other discharges... Applicant provides blasting of the basalt rock will be required and will occur occasionally, and noise impacts from blasting will be mitigated with the existing basalt outcropping. The Applicant provided an analysis of anticipated impacts from blasting from Fulcrum Geo Resources (Exhibit E). The Fulcrum report includes one detailed map (Figure 2) to support the findings, however, the map does not specifically identify the area subject to blasting. Based on the applicant's information, basalt is on the entire site, covered by sand and gravels thus the entire site would be potentially subject to blasting, although this is unclear. Fulcrum's Figure 2 map, received by Planning on September 13, 2023, identifies several basalt outcrops. The applicant provides that the basalt outcrops will serve as a natural barrier to protect existing uses from the mining activities. However, if the applicant also intends to mine these basalt outcrops, the natural barrier will eventually diminish. Because the areas subject to blasting are unclear, impacts caused by blasting cannot be determined.

OAR 660-023-0182 (5)(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. The applicant consulted with Fulcrum GeoResources LLC to develop an Anticipated Impacts from Blasting report (Exhibit E) the Figure 2 map submitted with this report identifies a basalt extraction area subject to blasting, however the map was provided to Planning staff as a grayscale. It is difficult to determine where the proposed blasting area is located. Figure 2 of Exhibit A identifies the basalt extraction area as the southeast corner of the proposed site. The applicant will have the opportunity to clarify the proposed blasting area.

Mrs. Davchevski explained the Planning Commission may find the applicant's supplied Fulcrum Anticipated Impacts from Blasting report adequately addresses blasting concerns and provides guidelines for mitigating potential blasting impacts by properly planning controlled blasts, implementing blast procedures and time-delays to prevent excessive vibrations, other emissions, and by monitoring blasting to collect vibration data. A subsequent condition of approval requiring these procedures and practices could be imposed to mitigate conflicts. Subsequent Condition #2 has been added to the preliminary findings for consideration.

UCDC 152.487 (A) (4) Adequate screening, either natural or man-made, is available for protecting the site from surrounding land uses. As stated above, the applicant relies on the existing basalt outcrops to provide screening of the site. However, the applicant does not address whether they intend to extract these outcrops. Additionally, the applicant does not offer an

additional screening should the basalt outcrops be mined. The Planning Commission may find that additional screening is required along the site boundaries and may impose an additional condition of approval.

Mrs. Davchevski explained additionally that the Planning Commission may find the request satisfies these criteria. These findings must be based on facts in the record. There have been two recent LUBA decisions providing clear expectations of applicants requesting Goal 5 protections for a Large Significant Aggregate Resource Site: LUBA No. 2022-060 (Beath & Koopowitz vs. Douglas County) and LUBA No. 2023-033 (Rock Solid Sand & Gravel & Aylett vs. Umatilla County). In the Douglas County case, LUBA found that describing the entire Mining Site is not adequate for identifying the location of the aggregate resources. LUBA also concluded a single sample of gravel is not “representative” of the proposed site, and is not adequate for finding compliance of the rule. LUBA determined the Administrative rule requires “a set of samples, meaning multiple samples” and that sample locations must be identified to be found representative.

Mrs. Davchevski stated in the Umatilla County case, LUBA found the levels of noise, dust or other discharges generated by the aggregate mining and processing activities must be identified and analyzed. The analysis should detail discharges by separate activities at different locations and explain how the activities will affect conflicting uses within the impact area. Until this analysis is completed, measures for minimizing conflicts cannot be identified.

Mrs. Davchevski explained 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. Staff have provided Preliminary Findings of Fact and Conclusions of Law based on the applicant’s supplied information. The criteria that could not be conclusory determined as satisfied include statements about potential Planning Commission findings and state “the Planning Commission may find”. These statements will be amended to reflect the findings made by the Planning Commission this evening.

Mrs. Davchevski concluded by stating following the Planning Commission’s recommendation, the Board of County Commissioner’s must also hold a public hearing(s) and decide whether or not to adopt the proposed amendments. A public hearing before the Board of County Commissioner’s is scheduled for December 6, 2023.

Mrs. Davchevski noted staff had received several written comments today from notified property owners. These comments have been emailed to the Planning Commissioners and applicant, hard copies are also available. She requested they be entered into the record as Exhibits K through S.

Chair Danforth had a question for staff regarding what was listed in the application on page 192 in the packet. Farm was not selected as a listed structure of facility that might be disturbed within 1500 feet of the permit area.

Mrs. Davchevski explained this was the applicant's DOGAMI application and the applicant would be the best to answer questions regarding this application since it was a supplemental form added to the packet.

Chair Danforth called Mr. Cox and his representatives to allow for applicant testimony.

Applicant Testimony: Mr. Doug Cox, 78376 Lincton Mountain Rd, Weston, OR 97886; Ms. Jennifer Currin, PO Box 218, Pendleton, OR 97838; Mr. Erick Staley, 17600 Pacific Hwy, Marylhurst, OR 97036

Ms. Currin opened her testimony by introducing herself as an attorney with Corey, Byler and Rew in Pendleton, Oregon. She introduces her support of the applicant, Mr. Doug Cox, and asked for the Planning Commission to approve the application as submitted. She additionally notes a supplement letter addressing some of the concerns brought forth by staff tonight. She provided additional background information for all to hopefully help supplement the record. This letter was entered into the record as Exhibit S.

Ms. Currin stated she believes after hearing all the testimony and material tonight the Planning Commissioners will decide this isn't a close case and to approve because of the quality of the application. She stated this site is in a particularly good location. Being close to a highway, but not near a lot of residences, and it will not have an impact on transportation. Mr. Cox had a transportation study completed to show no adverse impacts to neighbors. Along with the quality of resources, so much so that another quarry in the same area is operated by ODOT, and there is a need for aggregate.

Ms. Currin explained Mr. Cox is a business owner that's been working tirelessly now for a year to meet the criteria and the Planning Commission will see he meets or exceeds the criteria at every level. She stated most of the complaints filed today do not address complaints made regarding the criteria. Mr. Cox must meet certain criteria. She stated complaints are not based on criteria not met, but about concerns they were not happy about. She asked the Planning Commission to remember the criteria when reviewing the complaints.

Ms. Currin states the applicant's goal is to minimize the impact to the environment and all of Mr. Cox's proposal today will do that along with providing a great service to the community. Mr. Cox is a hometown guy and grew up in Hermiston. He began by digging ditches and continues to make a living digging ditches. He wants what is best for this community, and he is doing this by working in construction for 30-40 years. She added we need aggregate. This is a service for our communities. She states the applicant will meet the criteria as described by staff.

Mr. Cox stated he owns and operates CRP & Hauling and is co-owner of Sign-Co Construction, both companies are based out of Hermiston, Oregon. He adds he has been in the construction business for almost 35 years. Recently it has continued to be tough on contractors around the Hermiston to get aggregate. The town is growing rapidly and through experience in this industry he has seen those changes, especially getting materials to build sites. He states himself, along with his business partner, drive for their company and the amount of time spent to get product is overwhelming.

Mr. Cox emphasized the needs of the community and this particular aggregate source is excellent and in a great location. He also brought up his communications with local county officials and their needs for sources and this parcel is ideal for their needs as well.

Ms. Currin also wanted to highlight Randy Rupp is the landowner of this tax lot and he is here in support today. She introduced Erick Staley, a licensed certified engineering geologist, whom Mr. Cox hired. He has evaluated this aggregate site and is using his education and expertise to help the Planning Commission understand why this is an ideal location. She added Mr. Staley will share information about this site and address concerns from staff. She stated he will use Google Maps to share his perspective on this quarry and the steep bluff providing a buffer with horizontal and vertical barriers.

Mr. Erick Staley began by introducing himself. He is a Certified Engineering Geologist in Oregon and he's consulted on mining sites for 23 years, across more than 20 states. His experience lends to understanding resources, doing the geologic research, on-site reconnaissance, evaluating resources, and doing a drill program where appropriate. Mr. Staley stated Mr. Cox hired him to look at the site, evaluate it for volume estimation, and create a mining plan that meets state and/or local regulations. As well as help maximize the use of resources on the site.

Mr. Staley stated the site is located at the southeast corner of State Highway 730 and State Highway 207. Mr. Staley shared his computer screen to Google Earth and demonstrated, in blue, where the subject property is located, including the proposed mining area. He stated additional factors to consider include the presence of wetlands, which are shown in green on the screen. The wetlands were determined in coordination with the Department of State Lands (DSL). He stated initially DSL identified the wetland conflicts and the applicant adjusted the mining plan to avoid the wetlands, which resulted in agreement with DSL.

Mr. Staley stated additional benefits to this site include the presence of a basalt outcrop. Mr. Staley identified the basalt outcrops as the area on screen in magenta (Exhibit T). This bluff transects the property as well as the few isolated knobs of the basalt bed rock, which are visible when walking the site and can be viewed on an aerial as well. Additional outcrops off the property to the south were discovered as well, which are indicated in pink on Exhibit T. He stated these are effective indications of an extensive basalt flow that's on the property and in the area.

Mr. Staley indicates on the screen regarding another basalt flow on the north side of State Highway 730 that has a similar bluff edge. Mr. Staley demonstrated what the topography is like in this area, as he changed view to show the westerly angle. A steep slope comes down past the bluffs then levels off into a relatively flat area south of the wetlands. He described the deposit as primarily basalt bedrock, but accumulation of sand is present to the north. The area is effectively enclosed by natural topography on the north and south and it extends abundantly east and west, which is an important aspect for this site.

Mr. Staley discussed how they would develop a mine plan with the existing topography. He showed a wetland buffer, indicated in green on Exhibit T. A 25-foot buffer was added as an appropriate setback with coordination from DSL. Additionally, a permit boundary, indicated in red. DOGAMI will require all mining operations to occur within this area. Operations include extraction and processing of the basalt, extraction and processing of the sand, forming stockpiles, the asphalt batch plant, and stormwater management. He stated County Staff questioned why there was only one sample obtained from this site. He indicated where the sample was retrieved as a white dot on Exhibit T. He stated according to his expertise, this site is more unusual where there is a transection of basalt exposed across the site. Indications of basalt further off the property indicates the resource is extensive. He stated he knows of a LUBA case regarding a sand and gravel only site, that had one sample and was remanded. Mr. Staley has been involved with projects where Goal 5 designations were done without any drill or sampling because of similarities in the surrounding area. This site is important because not only does it have a natural outcrop around and across the site, but there's also mining in the vicinity that meets the criteria.

Mr. Staley explained that ODOT has a pit to use for their own material, and their base rock must pass classifications. He performed a hammer test, which tests how many strikes are needed to break the material. They analyze exposure, fresh material, weatherization, clay filled partings, and degradation of material. Which he did not see. With the findings he felt the material was very high quality and submitted a report even though they only had one confirmation sample.

Mr. Staley demonstrated, in orange, where the extraction will occur on Exhibit T. He stated the 38-acre permit boundary would allow for both basalt extraction and sand extraction on the lower slopes. The gap between the orange (extraction) and the red (permit boundary) is a 25-foot setback, in accordance with DOGAMI. DOGAMI requested a setback between the extent of the mining and the ultimate property boundary to account for any over blast or error in placement of that edge. He added a comment, included in the blast report, stating blasting would occur where the salt outcrops and the cliffs bluff and approximately 100 feet north.

Mr. Staley again stated the magenta area, on Exhibit T, is where they anticipate blasting to occur. This area includes the bluff, south of the bluff, and a marginal area that may have shallow sand. The yellow area indicates where sand extraction will occur. The proposed finished mine floor is where the slope comes down.

Mr. Staley pulled up a similar document for the mine plan on screen and demonstrated the basalt outcrops in magenta, sample location in white, wetlands in green, so those are all similar with the previous map. New features on this are some stormwater management ponds the applicant plans to build into the site. He stated an access road will come off Highway 730, which will go over a culvert for the outlet out of the wash indicated on screen. He stated it will come around the site outside the wetland buffer and then come down to the operations area in the southwest. He added there will be a ditch, along the roadway, that captures drainage coming off the site and lead through a series of check dams to the infiltration pond.

Mr. Staley showed Exhibit D, Site Plans, located on page 72 in the packet and explained the site plan. He continued to show the next topographic map representing the floor of the site sitting at 420 feet above mean sea level. Side elevations range from 480 to 500 feet. Which showed an approximately 60 to 80-foot-high wall key for containment or formation of barriers of the operation to the surrounding area. He described the topography will ultimately look like a benched excavation. Reduction of materials will take time to mine and will probably operate for decades. He stated currently there's a bluff, initial mining will include drilling and blasting up top, but as soon as it's incised those benches will be lowered from mining activity. Especially the operations area shown will always exist behind the either natural or man-made steep slope that forms a barrier for noise and dust from the site.

Ms. Currin directed a statement at Mr. Staley. Asking if the staff notes indicated the applicant intends to mine those basalt outcrops, the natural barrier will eventually diminish. Was he stating that is not the case and it will increase?

Mr. Staley answered it will indeed increase the vertical barrier as mining continues. Blasting will occur a few times a year and it is unnecessary to be more frequent. Only some of those blasts will be above the basalt outcrops. Blasting only takes seconds, where drilling can take a matter of days. Mining will be down over the edge of the slope and contained within, or downslope of the vertical barrier.

Mr. Staley stated based on his expertise there must be enough hard rock to warrant the effort, and close to transport for marketing. The aggregate site must have the appropriate logistics to support the type of mining needed and where it can be found. They want it to be as close as possible to a highway, disrupt the least number of neighbors, and have decent amount of material. He assures this site has all of those, which is not very common. It has a very short route from the site to the highway and has a very large amount of high-quality material.

Commissioner Gentry asked about the sample site and whether drilling was used to procure the sample or if a representative sample from the surface was obtained? Mr. Staley answered he took a representative sample from the cliff, which is 30 to 50 vertical feet. He mentioned it had a pretty good thickness exposed which indicates it has had some degree of weathering by being exposed to the surface conditions and passed all the tests performed. Commissioner Wysocki

asked what the chain of custody for that sample was. Mr. Staley responded that he retrieved the sample and then transported it to the lab, Carlson testing, in Tigard.

Commissioner Standley requested the applicant speak about the concerns received regarding impacts to neighbors from the rock pit and asphalt batch plant. Ms. Currin responded stating there is speculation that property values will drop. She reiterated the area already has a rock quarry used by ODOT which has operated there for many years, likely before some of these farm properties were established. Commissioner Standley asked Ms. Currin when the ODOT quarry was approved. Mr. Cox stated it was established in 1935.

Commissioner Standley mentioned this land has been zoned as Exclusive Farm Use (EFU) since 1972 onward. Ms. Currin reiterated the ODOT quarry has operated for many years and the neighbors have not submitted complaints about the site. Chair Danforth asked if blasting occurs at the ODOT site. Mr. Staley responded yes, there would be no way to mine this area without blasting.

Commissioner Standley asked about the asphalt batch plant, are there additional benefits other than creating asphalt. Asphalt plants create odor, and he asked if there be any ill effects from it? Mr. Staley responded the site is confined and with predominantly west winds it would have minimal impact to individuals living nearby, which would also reduce sound impacts.

Commissioner Standley asked what the hours of operation would be for this site. Per the packet it was listed as 6am to 3pm for commercial access. He wanted to know what operating times would be for work taking place inside the pit. Mr. Cox stated industry standard is from 6am until between 5pm to 7pm. Crushing rock would take place for three weeks after blasting to form stock piles, and then sale of the stock piles would happen thereafter. Mr. Staley commented and agreed with Mr. Cox who stated he will bring in another company to perform the drilling, blasting and crushing and forming of stock piles.

Commissioner Standley asked the applicant again to clarify a more precise operating time, and to explain activities for asphalt processing. Mr. Cox stated the proposed hours are 6am to 7pm. He tried to investigate hours of operation for the nearby ODOT quarry and could not find them. He stated once stock piles are created the commercial hours will be 6am to 3pm. Mr. Staley stated the site must receive approval and DOGAMI permit before purchases like a boiler can be made. General assumptions are made based on the business plan proposal, but until all approvals and permits are received they really can't make guarantees.

Commissioner Gentry asked if any problems have arisen regarding obtaining access permits with Oregon Department of Transportation (ODOT). Mr. Cox stated he has his access permit granted from ODOT. The permit requires a buffer lane of asphalt to widen the road for trucks to enter and exit. Commissioner Gentry asked about the wetlands and any concerns with the wetland regulations. Mr. Staley stated if the fill is under 50 cubic yards Department of State Lands (DSL) will approve. Commissioner Minton requested information regarding any run-off into the current

wetlands. Mr. Staley responded a buffer is required. If they abide by the buffer and maintain the floor of the site, run-off will go into the ditch and not into the wetland.

Commissioner Standley asked if a pre-blasting notification will be sent to residents nearby. Mr. Cox responded a notification 48 hours prior to any blasting activities is required. All rules will be followed. He went into detail about his business with construction and the need for following rules and dealings with the public.

Commissioner Standley stated he wants to get all the information answered. The hope is that the neighbors' concerns can be answered ahead of time and the applicant needs to address those concerns before a decision can be made. Chair Danforth reminded Commissioner Standley and the other commissioners that they are giving a recommendation to the County Commissioners.

Chair Danforth asked a question regarding the wetland setback on the site plan, which stated it was 50-feet. Mr. Staley stated the setback is 25-feet. Chair Danforth brought forth the regulation listed on page 20 in the packet, stating the Goal 5 analysis for this wetland calls for limiting conflicting uses with implementation of a 100-foot setback from wetlands and streams. Mr. Staley stated that is in the Technical Report from 1980 from Umatilla County. Mrs. Davchevski stated the standard is also in the Umatilla County Development Code that all wetlands must have setbacks 100 feet from conflicting uses, but this wetland is also a Goal 5 protected wetland as listed in the 1980 Technical Report. Mr. Staley asked about the conflicting uses stated. Mrs. Davchevski answered it just references mining activities associated with mining, including stockpiling and ponds. Mr. Staley stated they can change the site plan to accommodate that standard.

Chair Danforth requested more information regarding the probability of the location or check dams for runoff. She asked if there was a firm plan, and if any existing fault lines run through this property. Mr. Staley responded the plans made for mining sites are more dynamic, monitoring standards and other things dictate the design and adjustments must occur over time. He stated no active faults run through this property that have been mapped by the United States Geological Survey (USGS).

Chair Danforth asked about the DOGAMI application, referring to page 192 in the packet, and why farm was not checked as a Structure, Facilities or Surface Disturbances within 1,500 feet of the permit area. Mr. Staley responded it may have been an oversight and could be corrected since the application will not be processed until the site passes the local process first. Chair Danforth added she wanted a clear representation of the application.

Commissioner Standley asked about the next section of the DOGAMI application, does the answer regarding 1,100 feet "...from the nearest structure not owned by the permittee", does that represent an outbuilding, property line or home. He asked what type of different effect does blasting have on a structure housing animals but not people. Mr. Staley demonstrated on the computer the structure the application referred to. He stated generally the structures represent

those occupied by people or a critical structure, like a school. He was able to show the nearest outbuilding on-screen.

Commissioner Standley asked about the amount of dust that might be created while crushing takes place and with 10-15 trucks a day into the site. He asked how many loads they would have, and the dust created during a typical busy day, what would neighbors expect. Mr. Cox answered likely five trucks every half-hour. There would be a water truck on site, which can and will be permitted should it need to. He plans to adhere to all the standards for air quality.

Chair Danforth asked about their plans to mitigate runoff in the site area and the aggregate samples. Mr. Staley explained why they chose one sample site instead of several samples across different areas in the proposed site. Access to the site was difficult at this time of year due to recent snowfall. He used LIDAR imagery and looked at hill shade elevations demonstrating prior scouring of the basalt flats and locations of the sand deposits.

Chair Danforth had questions regarding the terminology used regarding the buffer zone and asked if mining would diminish the basalt outcrop over time. Mr. Staley and Ms. Currin both answered stating there would always be a vertical barrier and referred to the mining of this site as a side hill excavation.

Chair Danforth asked why a supplemental blasting plan was not provided as part of the application to Planning staff. Mr. Staley stated this would be something added by a licensed blaster involved and could be provided but those plans are prepared depending on what approach the blaster takes with design and there are strict criteria to follow.

Commissioner Wysocki asked what the volume of basalt was and its thickness. Mr. Staley responded a maximum depth of 80 feet from the mine floor to the top of the vertical cliff, referring to the area on-screen in purple. They have ability to expand about 25 acres.

Commissioner Standley asked about the two different types of applications and differences in Large Goal 5 sites and the limit of aggregate that can be mined each year. Mrs. Davchevski answered there are less criteria and more limits on the amount of aggregate mined each year. She believes the amount mined yearly cannot exceed 500,000 tons for the smaller site. Discussions went on with Commissioner Gentry, Commissioner Wysocki and Mrs. Davchevski regarding the differences between small and large Goal 5 sites.

Commissioner Wysocki asked if Mr. Staley had identified what stratigraphic unit of basalt his specimen sample was. Mr. Staley said he did but was unable to confirm at that time.

Commissioner Gentry asked what the maximum production and projected lifespan of this site. Mr. Staley stated it has the capability of being a large significant site. Rock volume is estimated at 2 million cubic yards, approximately 4.7 million tons, which can be found on page 13 in the findings.

Commissioner Wysocki asked Mr. Cox which county officials were in support of this project. Mr. Cox answered Tom Fellows, the Umatilla County Roadmaster.

Commissioner Standley asked Mr. Cox if the nearby rock source to the east was still producing quite a bit of product. Mr. Cox said he is unsure how they operate and quantity. He shared his business plan includes newer equipment to have shorter periods of time for blasting and crushing. The other quarry has outdated equipment and is said to run for longer periods of time per a local landowner.

Commissioner Standley asked about regulations regarding the other site mentioned to staff and what inventory might exist. Mrs. Davchevski stated the site was grandfathered in and a conditional use permit was granted for their batch plant in the early 1990s.

Ms. Currin mentioned existing dwellings have operated well within the area surrounding the ODOT quarry. She stated this proposed location is better since it has those buffers along the north face, as well as south and west.

Neutral: Casie Hull, 34287 Diagonal Rd, Hermiston, OR 97838. Ms. Casie Hull asked what other property this landowner has with exposed basalt that could be used for mining.

Opponents: Cody Basford, 33869 E. Progress Rd, Hermiston, 97838. Mr. Cody Basford asked if his submitted comment had been received. Mrs. Davchevski answered the document noted as Exhibit N was provided to the Planning Commissioners.

Mr. Basford read his statement submitted, Exhibit N, before the Planning Commissioners.

Opponents: Kyla Latham, 82532 Salmon Point Ln, Hermiston, 97838. Ms. Kyla Latham read her statement submitted as comment, Exhibit M.

She also added the site would disrupt the wildlife on the land and could cause traffic problems along Highway 730 and Diagonal Road. She added it would cause the area to have increase of dust, foul smells, and poor air quality. Chair Danforth asked where her property was located, and she demonstrated on the map her property is located on 5N 29 22 Tax Lot 1300 and 5N 29 Tax Lot 4600. Mrs. Davchevski with further clarification, relayed to Ms. Latham that her property is not included in the site boundary. Chair Danforth and Commissioner Gentry asked if Ms. Latham was aware which boundaries now impact her home and she stated she understood the map better now. Additionally, Chair Danforth asked if she has been impacted by the ODOT quarry nearest her property. Ms. Latham said no, she hardly witnesses any activity.

Commissioner Standley asked if any of the comments this evening put her mind at ease. Ms. Latham stated if anything it has made her more concerned, due to traffic. Commissioner Standley reiterated some of the things covered, including transportation and signage, hours of operation and wind prevailing to the west, so dust would move from where they live. Chair Danforth also

asked if she had any farm buildings within that area. Ms. Latham stated she only has pivots and circles in that area.

Opponents: Joyce Langley, PO Box 577, Umatilla, OR 97882. Ms. Joyce Langley shared her concerns regarding the traffic report that Highway 730 is very busy, along with Diagonal Road and onto Salmon Point Lane. She expressed concerns with farmers and their equipment entering, exiting the road on an already very busy area.

Opponents: Barbara Atwood, 33679 E. Progress Rd, Hermiston, OR 97838. Ms. Barbara Atwood stated her property is southwest of the proposed site. She expressed concern regarding the impact of noise. The quarry one and one-half miles from their farm is very noisy. Even though there are west prevailing winds they still smell odors from the jobsite. She noted the ODOT quarry had an asphalt grinding or recycling machinery and it was quite odiferous. She expressed her family has allergies, and her daughter has asthma. She states that she is a physician and has history of patients having severe sensitivity to dust and strong smells.

Ms. Atwood also mentioned worries about her land value decreasing. She is getting older and worries if the noise, traffic, and unsightly area cause loss of money on any future sale. They enjoy the ability to see the wildlife running through their property. She also expressed how they have tolerated the ODOT quarry because it isn't very active. She mentioned they were not aware of the quarry East of their property until the last several years when it started becoming more active.

Commissioner Standley asked what her property is zoned. Ms. Atwood responded her property is zoned EFU. They raise animals and utilize their farming property. She worries about the horses she raises and how easily spooked they can be. At times have ran through fences in the past with disturbances like fireworks, so she can only imagine how blasting might affect them and her alfalfa. She indicated that the dust could impact the quality of the farm products including alfalfa and hay. She is unable to feed those dusty crops to her livestock.

Opponents: Justin & Jenny Estes, 34214 Diagonal Rd, Hermiston, OR 97838. Mr. Justin Estes expressed concerns about how the determination of tonnage based on the one sample taken. He also spoke about how he has worked as a ranch hand from the age of twelve and now currently forty-nine, he has worked hard to get what he has. He spoke about the ODOT quarry and how infrequent it has operated noticeably over the past 18 years he has owned his property. He also referenced the other quarry located 1.4 miles from his house and the amount of dust produced from it. He doesn't agree with the comments made stating the site is confined, he differs in opinion and believes it is more of a canyon and dust won't be confined. Chair Danforth interrupted to question which quarry was close to his home. Mr. Estes answered it was the Umatilla Ready Mix site.

Mr. Estes also brought up the comment regarding predominant west winds during the summer time. He mentioned during this time of year those change and get pushed their direction instead.

He expressed additional concerns regarding the placement of the rock crusher and the noise that would be produced from that site. Discussion went on regarding the property owner's acreage with basalt and stated Mr. Rupp owns 20,000 acres to the east and asked why that property can't be mined. Mr. Estes spoke in length regarding the road, his inability to move his mailbox to the side of road nearest his property and was refused citing USPS safety for their drivers. He mentioned links to studies in his comment, Exhibit P, regarding EPA studies with effects of silica and prolonged exposure. He also mentioned concern for the false statements he states Staff brought forward.

Mrs. Jenny Estes stated she wants to highlight the study regarding traffic counts, she questioned the safety portion of the operation. She added this area is very busy and if trucks are entering the roadway at a slow rate of speed how is that going to effect other travelers and their safety. She does not want to take away his ability to mine rock, but states there is a lot of land to the south that could be a good location further away from the eight homes that existing in this area.

Opponents: Steve White, 33551 E. Progress Rd, Hermiston, OR 97838. Mr. Steve White stated he lives west of Dr. Atwood, and south of the Estes'. He stated his complaints are redundant and wanted to share his silence should not be mistaken for agreeing with this proposal. He added he has a lot of the same concerns being brought forth by others.

Chair Danforth asked how long Mr. White has lived in the area. Mr. White responded by stating he has lived in his current home for 11 years, and in the Hermiston, area combined over 20 years. His wife is unable to attend tonight but has resided in Hermiston for several years. They are concerned with the traffic report and stated 356 trips per day would be a large nuisance.

Opponents: Brandon Hayden, 81255 N. Golda Rd, Hermiston, OR 97838. Mr. Brandon Hayden shares a lot of the same concerns by others stated this evening. He stated he lives approximately one and one-half miles away from the proposed site. Chair Danforth asked him which direction. Mr. Hayden indicated closer to Progress Road. Chair Danforth asked if that was more to the west. Mr. Hayden confirmed. He mentioned he only recently learned about this notice. He stated he would like to see what studies were used to determine the impact radius. He would also like to see the supportive information from those who do agree with this proposed site to understand both sides.

Opponents: Rob Curry, 33779 Diagonal Rd, Hermiston, OR 97838. Mr. Rob Curry stated he lives at mile marker one headed into town. His biggest concern is the safety aspect. He has kids who ride the school bus just prior to 7am each school day. He describes a situation regarding a loaded dump truck traveling at 55 to 60 miles-per-hour in the fog and danger presented if sight is diminished and stopping can't happen quickly in those conditions. He added the Edwards area is already accident prone and adding a potential 300 plus trucks, where is the safety factor in this all.

Public Agencies: None

Applicant Rebuttal: Mr. Doug Cox, 78376 Linton Mountain Rd, Weston, OR 97886; Ms. Jennifer Currin, Attorney for applicant, PO Box 218, Pendleton, OR 97838; Mr. Erick Staley, 17600 Pacific Hwy, Marylhurst, OR 97036

Ms. Currin stated many consistent themes were heard by opposition testimony. She asked that focus be placed on this particular site and not other issues or matters between Mr. Cox and other property owners. Ms. Currin stated herself, Mr. Cox and Mr. Staley have addressed the issues regarding dust, noise, safety concerns and criteria must be met before any work (blasting or otherwise) can begin. She reiterated Mr. Cox will do all that is necessary to abide by the provisions, statutes, and safety criteria is always followed. Ms. Currin repeated some information from Ms. Kyla Latham's testimony regarding a misunderstanding of the maps boundaries and that has been interpreted correctly now. Ms. Currin referenced Ms. Latham's statement written in Exhibit M.

Ms. Currin stated she also heard comments in the audience regarding information presented and those individuals may have not been fully informed about this site and what even some of the maps might mean. She commented about studies brought forth from testimony regarding reduction of property values as much as 30% when rock pits are established nearby. She questioned if those studies are relevant to this region, if they are in Eastern Oregon. Ms. Currin continued to state factors specific to this area and whether multiple quarries are nearby. She questioned if those are facts brought up in this mentioned study of reduced property values.

Ms. Currin explains many concerns shared by Ms. Barbara Atwood regarding odor and air quality. She stated Ms. Atwood does not have a history of complaints regarding the already existing sites filed with Umatilla County. She stated Ms. Atwood has continued to live on her property long-term and raise horses despite the nearby quarries. She added the concerns have been noted but believes most of this to be speculation and asks the Planning Commissioners to consider all Mr. Cox has done to meet the criteria for this proposed site. Ms. Currin added Mr. Staley, who was hired by Mr. Cox, was able to provide the information about studies regarding the topography, testing done on-site, and why only one sample was tested on multifactorial analysis. She asked that Mr. Staley have creditability based on his expertise and the information he presented tonight.

Mr. Cox discussed the traffic study that he paid for and wanted to speak about the 365 trips mentioned. Mr. Staley corrected him by mentioning the trips listed on the study per truck being two trips. Mr. Cox recalled a statement about 15-minute intervals and trucks from the proposed site would be traveling from many routes and not always on Diagonal Road. Mr. Staley referenced the 15-minute traffic stated it was from the Staff Report. Mrs. Davchevski stated the information used was from the Traffic Impact Analysis submitted by the applicant is located on page 93 in the packet, referencing 'Table 7 – Aggregate Mining/Asphalt Batch Plant Trip Generation Estimates' and daily trips section outlining 356 trips.

Mr. Cox mentioned a concern expressed by opposition testimony this evening. He was required to have a survey of the property to start the process. He hired someone to do the fence around the property and this worker was stopped by the Basford's. Mr. Cox contacted the Basford family and brought forth information about the fence line and location being over the property line into the proposed site. He personally, has never removed any fencing. Mr. Cox stated he agreed to put up the fence over the bluff, but not until the proper permit is granted and he can access the area. He further explained the area can only be accessed by foot or ATV. Chair Danforth asked why the area is inaccessible by truck. Mr. Cox answered there is no access.

Mr. Cox added he does not have a permit from ODOT yet. Once all approvals are granted he intends to build an actual road off from Highway 730 and safely unload a low-boy. He stated currently there is no safe area to unload equipment on that property, he would have to unload across the road and drive across. He further explained this is one of the reasons he has been unable to return to build the fence because access is very limited. He wanted to add he is a very friendly and neighborly person. Mr. Cox continued to speak about his neighborly nature and how he intends to keep everyone's interest in mind.

Ms. Currin stated she hopes decisions are based upon fencing or surveying in this case. She commented regarding testimony by Mrs. Hull and Mrs. Estes speaking about ownership of property by the same landowner. Ms. Currin asked to have Mr. Staley speak to those comments. Mr. Staley stated he was unsure how much additional land is available to the landowner. He explained this site was an ideal location not only because of the basalt, but due to proximity of transportation, and other factors mentioned prior. He added the landowner could find something similar, it's possible but it may not be in the best location to serve this market. From his understanding, the landowner has had multiple parties approach him stating interest in the aggregate resource. However, the landowner would be the best resource to speak to that subject.

Ms. Currin added Mr. Rupp does have other property, but this property was the most economical and reduced the amount of environmental impacts. Mr. Cox added he attempted to use the ODOT rock pit but was unable to. Chair Danforth asked if they had tried to look further east. Mr. Cox said no, that area was not looked at.

Mr. Staley approached the concern about blasting occurring close to other properties and flying rock during a blast. He stated fly rock is very dangerous and if such an incident occurred there would be reports of this. He added blasters motivation is to perform safely, otherwise fines and loss of license could occur.

Commissioner Standley stated they can't mitigate the ground shaking; any vibration could startle animals and can't be controlled. Mr. Staley stated shaking can be controlled by distance. Animals could be taken elsewhere if property owners think they may be affected. This is mitigated by providing notice 48-hours ahead of time. Commissioner Standley asked where the owner is supposed to move the animals or simply place earmuffs on them. Mr. Staley stated most

animals are tolerant of blasting, and he could cite many examples of ranches right next to functioning quarries that have not been affected. He mentioned a site on the west side of Washington, in Lewis County where a deer raises one or two fawns yearly and they always return. This quarry continues to blast, and the animals are always there or return.

Mr. Staley further discussed why fly rock is detrimental to any project; loss of money, because the process is expensive and if charges are not deep enough you are repeating the process to fracture the rock for processing. Fly rock is a waste and operators don't want to pay for that, beyond controlling regulations and safety. He added dust will be managed with construction of a top soil berm material at the edge of the property. Mr. Staley stated the goal is to maintain topsoil which consists of organic material for future revegetation of the site. The berms must be stabilized against erosion, will be seeded with mulch added to keep the berm intact.

Mr. Staley stated regarding testimony made about storage of fuel and oil, DEQ would be involved with standards and criteria for storage of hydrocarbons like these. Either double walls or exterior containment can be used as a secondary measure in case of tank ruptures. Commissioner Standley shared those types of things need to be known to the Planning Commission. Commissioner Standley further explained previous approvals have been questioned due to the lack of questions asked regarding containment, hours of operation and what standards for this operation. Commissioner Standley added more information to firm up these details so there is no question to their operations or out of compliance. He referenced page 79 in the packet, Mr. Staley's report in Exhibit E, *Fulcrum Geo Resources, Anticipated Impacts from Blasting*, "No warranty or other conditions, express or implied, should be understood." He interpreted you can but can't guarantee everything, like blasting errors can be made during an operation can affect EFU zoned property and was his concern.

Mr. Staley stated is difficult to publish any professional report without limitations, it is a requirement he must follow because his insurance requires it. Commissioner Standley, Mr. Staley and Ms. Currin further discussed the rules outlined to meet criteria. They referred to previous statements about aggregate testing and what criteria have been met based on facts, expertise and evidence.

Chair Danforth stated she wanted to give attention to the concerns from the affected neighbors of this proposed site. She directed a question towards Mr. Cox's statement, will he lease the project to someone else. Mr. Cox stated he will hire someone to do the blasting and crushing, their equipment would be brought on-site to drill, blast, and crush. That would be the extent of their use on-site. Mr. Cox will be responsible for piling the aggregate, operations of the scale house, loading material. Chair Danforth asked if the contractor would be responsible for the dust abatement. Mr. Cox added yes, but he would also be responsible. Chair Danforth added our county is primarily complaint driven and it would be on the neighbors to complain to get something resolved, and it would be more neighborly to mitigate that, so complaints don't take

place. Mr. Cox added he wants to make sure that is done. Mr. Cox added during blasting there will be a water truck on site to address dust issues.

Mr. Staley spoke about the concerns on traffic. He referenced the *Preliminary Findings and Conclusions* on page 46 of the packet, under goal 12 County Finding, “The applicant submitted a Traffic Impact Analysis (Exhibit F) which found that the proposed mining operations will add approximately 356 daily trips on local roads, which overall will have minimal impact on both Highway 207 and Highway 730. The current 15-minute traffic count for the intersection of these two state highways is nearly equivalent to the average daily trips of the mining operation.” Mr. Staley added this was one of the reasons they didn’t feel there would be much impact on traffic because the 15-minute traffic count is equivalent to the trips per day of the aggregate site.

Ms. Currin lastly referred to Exhibit K submitted by Dr. Barbara Atwood, citing her quote regarding OSHA and asphalt fumes, Dr. Atwood cites health concerns. Ms. Currin stated the document does not reflect OSHA standards for exposure regulating of asphalt fumes, and this information is not relevant to this case. She hoped the Planning Commission requires discerning factors made on complaints like the requirements imposed on Mr. Cox and his business CRP & Hauling.

Chair Danforth closed the hearing for deliberation.

Chair Danforth adopted the following exhibits into the record:

Exhibit K; November 8, 2023, Letter to Planning Commission submitted by Dr. Barbara Atwood

Exhibit L; November 8, 2023, Letter to Planning Commission submitted by Crystal Atwood

Exhibit M; November 9, 2023, Letter to Planning Commission submitted by Kyla Langley Latham

Exhibit N; November 9, 2023, Letter to Planning Commission submitted by Wylie Ranch and Aaron Basford

Exhibit O; November 9, 2023, Letter to Planning Commission submitted by Jenny Estes

Exhibit P; November 9, 2023, Letter to Planning Commission submitted by Justin Estes

Exhibit Q; November 9, 2023, Letter to Planning Commission submitted by Casie and Michael Hull (Terra Electric, LLC)

Exhibit R; November 9, 2023, Letter to Planning Commission submitted by Joyce Langley

Exhibit S; Submitted during November 9, 2023 hearing, additional information provided by Jennifer E. Currin (Attorney for Doug Cox, CRP & Hauling)

Exhibit T; Submitted during November 9, 2023 hearing, Project Site map presented by Erick Staley (Geologist for Doug Cox, CRP & Hauling)

DELIBERATION & DECISION

Commissioner Gentry started by stating he does not know much about mining and geology. From his perspective he believes they have done their due diligence with finding this site and wouldn't move forward if they didn't think it was a significant site with adequate aggregate supply.

Commissioner Standley shared that many concerns were stated this evening. He talked about hours of operation, impact to neighbors and how to mitigate concerns. He added this is a large significant site and has impact on neighbors. He asked if Mr. Cox is going to regulate the concerns, if he is going to hire someone, who will that be. Commissioner Standley asked the other commissioners if anyone is familiar with asphalt batch plants and odors from these plants. Chair Danforth answered she has one near her home and thankfully cannot smell it very often.

Commissioner Standley added he has experience hauling asphalt and doesn't care for the smell. Chair Danforth stated she lives near a mine that blasts and she feels the blasting. Commissioner Standley spoke about a pit in Pilot Rock, there are not many concerns related to animals because it's located in the Urban Growth Boundary (UGB).

Chair Danforth stated she would have no opposition on this project except for the proximity of neighbors. She added the zoning classification for area around this site as well. This approval would require property owners to sign paperwork regarding Goal 5 protection and restrictions put in place. She further explained how this presents more of a conflict for her because it is permanent. She mentioned a previous case that was approved by the Planning Commission was recently remanded by LUBA (Land Use Board of Appeals) because adequate soil samples were not obtained. She finished by stating she does not feel enough due diligence was done, she respected Mr. Staley's experience and expert opinion, but felt more could have been done with testing.

Commissioner Minton asked Chair Danforth about the zoning changes she talked about. Chair Danforth explained the previous statement and that the non-remonstrance agreements affect all the surrounding properties in the impact area. She added the properties would still be zoned EFU.

Mrs. Davchevski asked to clarify this information. She stated the properties would remain zoned EFU, but within the 1,500-foot impact area, the applicant identifies conflicting uses they are wanting to protect against for the aggregate site. She added the conflicting uses include

dwellings, wineries, farm stands, gathering spaces which are all allowed in EFU zone, but would conflict with the aggregate operations. She further explained if an applicant wants to establish one of these proposed uses they would have to sign a non-remonstrance agreement if it is included on the Goal 5 approval. Mrs. Davchevski stated the applicant has requested conflicting uses not be allowed at all in the 1,500-foot impact area. She expressed the Planning Commission would have the choice to recommend or not recommend this limitation to the Board of Commissioners. She ended by stating the non-remonstrance agreement states property owner's will not sue the aggregate operations for impacting their new use because it came after the aggregate operation was established. Mrs. Davchevski demonstrated the impact area on the map, page 6 in the packet.

Chair Danforth stated she does not favor the imposition of this restriction on the neighboring properties. She stated the sound does not dissipate much from this area because it is against a canyon, not an open space where the sound is drowned out. Commissioner Standley added further discussion regarding nearby facilities to his own home that he hears on a regular basis.

Commissioner Wysocki countered Chair Danforth's comment and stated he wouldn't identify this area as a canyon.

Mrs. Davchevski clarified there are two decisions for recommendation. First, is there a significant amount of resources that meet the requirements to deem it significant. Second, if it is significant to approve mining at the site.

Commissioner Minton asked if enough information has been gathered to approve a significant site.

Chair Danforth stated she does not feel there is enough information gathered to determine the first point, therefore the second point would not be met.

Commissioner Minton stated she wished there were more samples taken to give them a fuller picture.

Commissioner Standley made a motion to recommend denial of the Doug Cox Comprehensive Text Plan Amendment #T-093-23 and Zoning Map Amendment #Z-323-23, to the Board of Commissioners based on evidence in the record and with the following addition Findings of Fact: Concerns weren't mitigated enough based on shared concerns on impacts by the neighbors, including dust, noise, and blasting. Hours of operation not clearly defined, nor how the asphalt batch plant would be managed. Proximity to neighbors and effects on those properties. Proposed restrictions were not adequately addressed. Lack of soil samples taken to verify quantity and quality of aggregate. How much topsoil exists and would be taken off the property. Noise impacts because of the canyon and wind direction were not addressed.

Commissioner Minton seconded the motion. Motion failed with a vote of 3:3.

Further Deliberation ensued. Clarifications were made by Mrs. Davchevski regarding how the vote can proceed. Chair Danforth agreed they cannot determine, based on testimony and evidence, if there is enough resource to call this site significant. Commissioner Standley added that if they collectively are asking these questions that others are going to question it further above the Planning Commissioners. He further expressed how he hoped the application could have been continued so more information could be gathered by the applicant to address more of the detailed issues, like aggregate samples. Commissioner Standley stated even the smallest of parts in this application will be looked at under magnifying glass.

Chair Danforth added there has been a LUBA case, seen before the Planning Commission, sent back because lack of soil analysis. She stated this case made her rethink methods and request more due diligence.

Commissioner Minton added she could make a good argument on both sides of this proposal. Commissioner Standley stated he has no personal feelings about rock pits. He discussed previous points made prior regarding concerns made by neighbors.

After additional discussion a secondary vote was called.

Commissioner Minton made a new motion to recommend denial of the Doug Cox Comprehensive Text Plan Amendment #T-093-23 and Zoning Map Amendment #Z-323-23, to the Board of Commissioners based on evidence in the record and citing the same above Findings of Fact.

Commissioner Standley seconded the motion. Motion carried with a vote of 5:1 recommending denial to the Board of County Commissioners.

The Planning Commission found the following criteria of approval were not met by the applicant:

1. OAR 660-023-130 (3)(a) A representative set of samples of aggregate material in the deposit on the site
2. OAR 660-023-130 (5) (b) [Conflicts created by the site]
3. OAR 660-023-130 (5) (c) [If conflicts exist, measures to minimize]
4. UCDC 152.487(A)(2) There is sufficient information supplied by the applicant to show that there exists quantities of aggregate material that would warrant the overlay
5. UCDC 152.487(A)(5) The site complies with Oregon Administrative Rules (OAR) 660-023-0180.

OTHER BUSINESS

Mrs. Davchevski provided an update regarding long-term Planning projects. They anticipate a work session in February to discuss new animal density standards and to discuss Senate Bill 1013 which was passed by Legislature. She stated our office has received request to consider adoption of Senate Bill 1013 to permit Recreation Vehicles (RVs) as accessory dwellings in residential zoning. She added the Planning Commission would look at developing standards around the Senate Bill or pursue allowing RVs as accessory dwellings.

ADJOURNMENT

Chair Danforth adjourned the meeting at 9:44PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

Minutes adopted by the Planning Commission on April 11, 2024