



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: December 29, 2015

Jurisdiction: Umatilla County

Local file no.: P-115-15, T-15-063,

DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/23/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-15 {24024}

Received: 12/23/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Umatilla County

Local file no.: **P-115-15, T-15-063, Z-306-15**

Date of adoption: 12-16-2015      Date sent: 12/23/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09-17-2015

No

Is the adopted change different from what was described in the Notice of Proposed Change?      Yes      No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): Bob Waldher, Senior Planner

Phone: 541-278-6251

E-mail: robert.waldher@umatillacounty.net

Street address: 216 SE 4<sup>th</sup> Street

City: Pendleton

Zip: 97801

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Chapter 8 (Open Space, Scenic and Historic Areas, and Natural Resources) - Statewide Planning Goal 5.

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from N-S Agriculture      to N-S Agriculture/AR Overlay      4.59 acres.      A goal exception was required for this change.

Change from      to      acres.      A goal exception was required for this change.

Change from      to      acres.      A goal exception was required for this change.

Change from      to      acres.      A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T 4N, R 35E, Sec. 24; TL 7303

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from EFU	to EFU/AR Overlay	Acres: 4.59
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: AR Acres added: 4.59 Acres removed:

Location of affected property (T, R, Sec., TL and address): T 4N, R 35E, Sec. 24; TL 7303

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List affected state or federal agencies, local governments and special districts: ODOT, DOGAMI, Umatilla County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

RECEIVED

DEC 16 2015

UMATILLA COUNTY  
RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending	)	
Comprehensive Plan and	)	ORDINANCE NO. 2015-10
Adding Site to Goal 5	)	
Aggregate Resources Inventory	)	
for State of Oregon, ODOT for	)	
Weston Mountain Quarry	)	
Expansion	)	

WHEREAS the Board of Commissioners has adopted a Comprehensive Plan for Umatilla County;

WHEREAS an application was received from the State of Oregon, by and through its Oregon Department of Transportation, requesting Umatilla County to amend the Comprehensive Plan to add approximately 4.59 acres located in the Southwest Quarter of Section 24, Township 4 North, Range 35, to the existing Goal 5 significant aggregate site, #P-115-15;

WHEREAS the Umatilla County Planning Commission held a public hearing on November 19, 2015, to review the application and the proposed amendments to the plan and recommended that the Board of Commissioners adopt the amendments to add the expansion to the Umatilla County resource inventory, and also approved a conditional use permit for the site;

WHEREAS the Board of Commissions held a public hearing on December 16, 2015, to consider the proposed amendments, and voted for the approval of the request to add the subject expansion site to the Umatilla County Rock Materials Resources Inventory.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Comprehensive Plan, adopted May 9, 1983, be further amended to add the following to the aggregate site identified as Weston Mountain Quarry to the Goal 5 Aggregate Resources/Rock Material Sources Inventory as a Significant Site, located on Umatilla County Tax Lot 4N35-7303, consisting of approximately 4.59 acres (for a total of 29.19 acres), described as follows:

A parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of Section 24, Township 4 North, Range 35 East, W. M., Umatilla County, Oregon, and being a portion of that tract of land described in that

certain deed to Sidney Tucker, recorded in Book 150, Page 378 of Umatilla County Records of Deeds, the said parcel being that portion of said property lying in said Northeast Quarter of the Southwest Quarter (NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) and lying Southerly of that property described in that deed to the State of Oregon by and through its State Highway Commission, recorded in Book 230, Page 156, Umatilla County Deed Records.

Also, a parcel of land lying in the South Half of the Southwest Quarter of Section 24, Township 4 North, Range 35 East, W. M., Umatilla County, Oregon; the said parcel being described as follows: Beginning at an iron rod with an aluminum cap stamped: "OREGON DEPT OF TRANS" that marks the Northwesterly corner of that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded September 2, 1983 on Microfilm R-105, Page 434, Umatilla County Deed Records; thence South 55° 16' 50" East 20.000 meters along the Southwesterly line of said property to the TRUE POINT OF BEGINNING of this description; thence North 87° 03' 58" West 50.213 meters to an iron rod with an aluminum cap stamped: "PLS 933"; thence North 64° 25' 54" West 63.965 meters ; thence North 37° 12' 40" West 95.929 meters; thence North 27° 09' 37" West 18.599 meters; thence North 41° 21' 44" West 61.285 meters; thence North 50° 01' 15" West 34.000 meters; thence North 63° 20' 18" West 27.000 meters; thence South 84° 59' 37" East 37.000 meters; thence South 57° 18' 10" East 81.174 meters; thence South 46° 20' 08" East 67.236 meters; thence South 86° 40' 30" West 39.568 meters to an iron rod with an aluminum cap stamped: "PLS 933", thence South 54° 28' 08" East 165.010 meters to said Northwesterly corner; thence Southeasterly along said Southwesterly line to said TRUE POINT OF BEGINNING, which point bears South 20° 02' 28" East 1388.471 meters from the Northwest corner of said section. (Bearings are based on County Survey No. 02-135-C, filed May 2002, Umatilla County, Oregon.)

All being East of Willamette Meridian, Umatilla County, Oregon.

DATED this 16th day of December, 2015.

UMATILLA COUNTY BOARD OF COMMISSIONERS

*George L. Murdock*

George L. Murdock, Chair

*W. Lawrence Givens*

W. Lawrence Givens, Commissioner

*William J. Elfering*

William J. Elfering, Commissioner

ATTEST:

OFFICE OF COUNTY RECORDS

*Jan Chubb*

Records Officer



This map was prepared for Assessment purposes only.



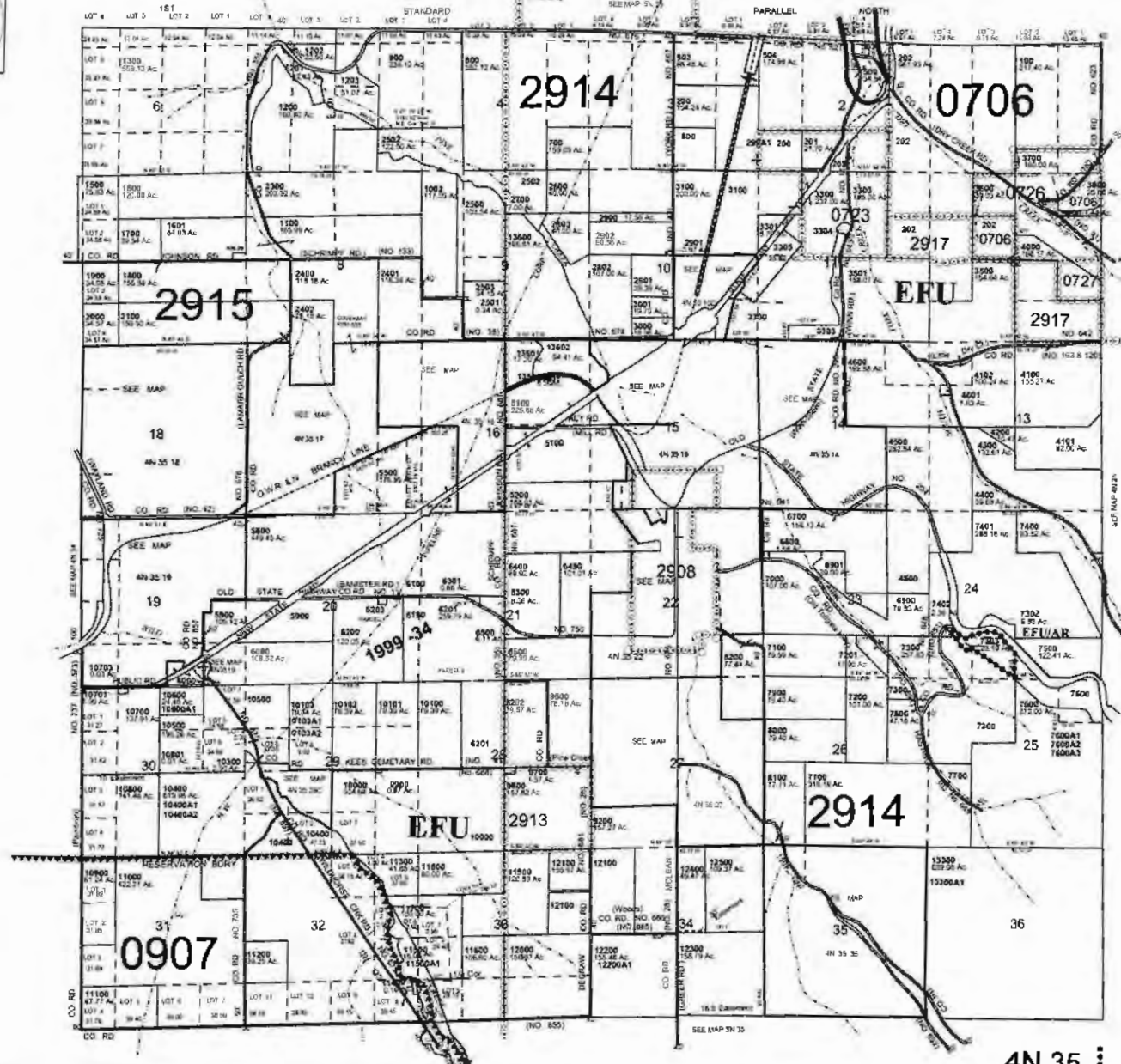
T4N R35E WM  
UMATILLA COUNTY, OR  
SCALE 1"=2000'

4/28/04

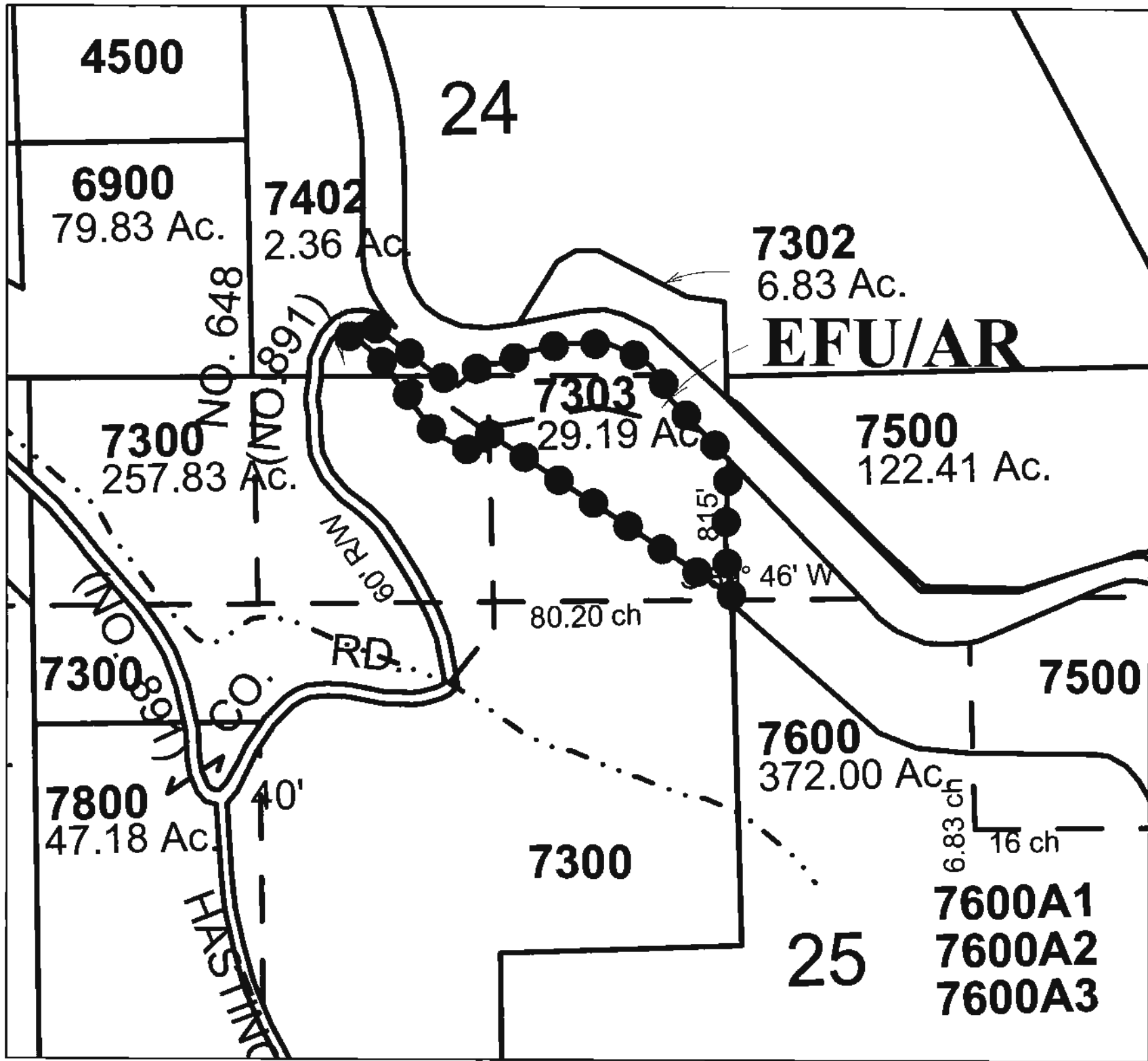
4N 35

AERIAL PHOTO NO. NC-SP-61-05

95-00  
134-142



4N 35

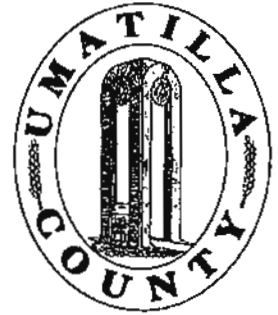




# Umatilla County

Department of Land Use Planning

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DIRECTOR  
TAMRA MABBOTT

December 18, 2015

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

Oregon Department of Transportation

CODE  
ENFORCEMENT

Attn: Mr. Patrick Knight

SOLID WASTE  
COMMITTEE

3012 Island Ave

La Grande, OR 97850

SMOKE  
MANAGEMENT

**Re: Approval of Weston Mountain Quarry Expansion**

Comprehensive Plan Map Amendment, #P-115-15

Comprehensive Plan Text Amendment, #T-15-063

Zoning Map Amendment, #Z-306-15

GIS AND  
MAPPING

RURAL  
ADDRESSING

Dear Mr. Knight:

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

The Umatilla County Board of Commissioners (BCC), at their December 16, 2015 hearing, approved Comprehensive Plan Map Amendment #P-115-15, Comprehensive Plan Text Amendment #T-15-063, and Zoning Map Amendment #Z-306-15 for expansion of the Oregon Department of Transportation Weston Mountain Quarry (Map #4N, 35; Tax Lot 7303). Enclosed is a copy of the Final Findings signed on December 16, 2015 by the BCC Chair. The approval is subject to the Conditions listed on pages 18 and 19 of the Findings.

The date the Findings are signed commences a statutory 21-day appeal period in which those who participated or testified during the approval process, may appeal the BCC decision to the Land Use Board of Appeals. This appeal period will close on January 5, 2016.

In conclusion, if you have questions please contact me, at (541) 278-6251, or if it is more convenient you may e-mail me at [robert.waldher@umatillacounty.net](mailto:robert.waldher@umatillacounty.net). Thank you for your cooperation.

Kind Regards,

A handwritten signature in blue ink that reads "Robert T. Waldher".

Robert Waldher,  
Senior Planner

**Enclosure:** Signed Final Findings

**CC:** Amanda Punton – DLCD  
Kelly Wood – DOGAMI  
Corinne Stumbo – Adjacent Property Owner

**UMATILLA COUNTY BOARD OF COMMISSIONERS  
FINAL FINDINGS AND CONCLUSIONS  
WESTON MOUNTAIN QUARRY  
COMPREHENSIVE PLAN MAP AMENDMENT, #P-115-15,  
COMPREHENSIVE PLAN TEXT AMMENDMENT T-15-063  
ZONING MAP AMENDMENT #Z-306-15  
MAP #4N 35, TAX LOT #7303, Account #I42926**

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

- 12. EASEMENTS: There are no access easements on these parcels.
- 13. LAND USE: The property has historically been used as pasture land and a quarry site.
- 14. ADJACENT USE: Property around this parcel is used for farming and grazing.
- 15. LAND FORM: Columbia River Plateau
- 16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The soils on the subject property are predominately Class VI.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
64E: Palouse Silt Loam, 20 to 35 percent slopes	Ile	---
112B: Waha Silty Clay Loam, 1 to 12 percent slopes	IVe	---
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as "e" – erosion prone, "c" – climate limitations, "s" soil limitations and "w" – water (Survey, page. 172).</i>		

- 17. BUILDINGS: There are no buildings on this property.
- 18. UTILITIES: The parcel is not served by utilities.
- 19. WATER/SEWER: There are no ground water rights on this property.
- 20. FIRE SERVICE: The subject property is served by a rural fire district.
- 21. IRRIGATION: The subject property is not served by an irrigation district
- 22. FLOODPLAIN: This property is NOT in a floodplain.
- 23. NOTICES SENT: Notice sent to DLCD September 17, 2015.
- 24. HEARING DATE: A public hearing will be held before the Umatilla County Planning Commission on October 22, 2015 at 6:30 PM at the Justice Center, 4700 Pioneer Place, Pendleton, OR 97801.  
  
A second public hearing will be held before the Board of County Commissioners on December 16, 2015 at 9:00 AM at the Umatilla County Courthouse, Room #130, 216 SE 4<sup>th</sup> Street, Pendleton, OR 97801.
- 25. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Department of Transportation Region 5-Highways Division, Department of Land Conservation and Development, Department of Environmental Quality,

Department of Geology and Mineral Industries, Department of State Lands

**26. COMMENTS:** One comment letter was received from an adjacent landowner, Ms. Corinne Stumbo on October 26, 2015. In her letter, Ms. Stumbo noted that she is the owner of two adjacent tax lots and had concerns regarding conflicts between truck traffic and farm equipment accessing her property. Ms. Stumbo requested that ODOT improve the access approaches into her farm field. The Planning Commission discussed Ms. Stumbo's concerns at the November 19, 2015 hearing and noted that her property has bordered the aggregate site for many years and matters regarding access road improvements should be addressed between ODOT and the land owner.

During the public hearing on November 19, 2015, the Planning Commission recommended that a precedent condition be added to the findings requiring ODOT to install "No Firearms Activities" signs at the entrance to the quarry to deter the public from shooting firearms within the quarry site. This is included in Subsequent Condition #5, below.

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

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

In order to mine aggregate in Umatilla County, a site must either be an active insignificant site, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site. This site is not currently on the Goal 5 Inventory as a significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to add the site to the Umatilla County inventory of significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection is to include the site under the AR Overlay Zone. The Umatilla County Comprehensive Plan requires that "[a]ny proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA Overlay Zones shall be processed as an amendment to this plan." Therefore, this application constitutes a Post-Acknowledgement Plan Amendment (PAPA), and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. The Department of Geology and Mining Industries (DOGAMI) reclamation plan (on file with DOGAMI) informs ODOT to replace overburden and seed the site with native grasses for wildlife habitat once the quarry is exhausted. As a condition of approval for operation, the applicant must acquire a DOGAMI permit.

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

**OAR 660-023-0180 Mineral and Aggregate Resources**

**(3) [Large Significant Sites]** An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

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

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

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

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

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

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

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

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

(iii) 17 feet in Linn and Benton counties.

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

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

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

ODOT's studies, which involved reviewing aerial photographs and conducting field reconnaissance, suggest there is no factual evidence to indicate the presence of significant potential conflicts with other uses beyond the 1,500 foot impact area. Without such evidence, the impact area is limited to 1,500 feet. Umatilla County has prepared a map which includes the 1,500 foot impact area. This map has been added to the project record and is included as an attachment to this document. The Umatilla County Planning Commission finds that factual information is not present to indicate that there would be significant conflicts beyond the 1,500 foot impact area from the boundaries of the proposed expansion. The 1,500 foot impact area is sufficient to include uses listed in (b) below. This criterion is satisfied.

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

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

The Umatilla County Planning Commission finds that no conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges exist within the 1500 foot impact area. Land within the impact area is zoned EFU and is used primarily for agricultural activities such as farming and grazing. Although no conflicts have been identified within the impact area and no mitigation measures are imposed, the applicant has addressed voluntary mitigation measures that

will be implemented to minimize potential impacts from noise, dust, or other discharges. These measures are described below:

#### Noise

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

#### Dust

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

#### Stormwater and Pollution

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

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

The Umatilla County Planning Commission finds that the only roads within a one mile area of the proposed expansion area are Highway 204 and Kirk Road (County Road #648). Highway 204 is a paved two lane state highway and has the capacity to handle heavy truck traffic and additional truck trips each day. Kirk Road is a gravel road which provides local access between Highway 204 and the community of Weston to the west. Access to the expansion area will be from the existing quarry access which is an approved access. This quarry site is only used to

support public road projects (transportation system improvements), and the traffic generated from operations at this site will be temporary and sporadic. It is not anticipated that the expansion of this quarry would create or increase conflicts to the transportation system within one (1) mile of the site beyond current levels already associated with the existing quarry operations.

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

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

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

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

(E) Conflicts with agricultural practices; and

The Umatilla County Planning Commission finds that the agricultural practices within the 1,500 foot impact zone of the quarry site are primarily pasture and cropland. The potential conflicts to agricultural practices stems from the possibility of dust movement onto adjacent cropland. Aggregate extraction from this quarry is done to support road construction and maintenance activities on public roads and the quarry is used on an as-needed basis. Haul roads and heavy trucks which have the potential to cause large amounts of dust are not proposed as part of this project. Although there will be some truck movement, when the quarry is in use, truck movement will not be of a level typically experienced in a commercial mining operation. In summary, the agricultural practices in the Impact Area are those that would not be adversely impacted by the mining operation.

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

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

(c) [If conflicts exist, measures to minimize] The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to



minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **660-023-0040 ESEE Decision Process**

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

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

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

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

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

UCDC 152. 056 - EFU Permitted Uses – Outright

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

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

UCDC 152. 058 - EFU Permitted Uses – Zoning Permit

- (A) Activities within parks

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

- (A) (Item Deleted)

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

UCDC 152.060 - EFU Conditional Uses

- (A) Commercial activities in conjunction with farm use
- (B) Mining
- (C) Private Parks, private playgrounds, private hunting and fishing preserves and private campgrounds
- (D) Public parks
- (E) Golf Courses
- (F) Commercial utility facilities for the purpose of generating power for public use
- (G) Personal Use Airports

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

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

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

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

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

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

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

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

The Umatilla County Planning Commission finds that an Impact Area was defined as 1,500 feet from the boundary of the proposed expansion area of Tax Lot 7303. The project site and impact area are included in the map attachment to this document.

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

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

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

The ESSE Analysis follows:

**(a) Economic Consequences of Future Uses**

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

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

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

**(b) Social Consequences of Future Uses**

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

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

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

**(c) Environmental Consequences of Future Uses**

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

**(d) Energy Consequences of Future Uses**

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

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

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

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

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

As noted in the ESEE analysis above, the number of dwellings and dwelling uses are already limited by the underlying EFU zoning. Future uses, as a condition of approval, would require landowners to sign a Covenant Not to Sue, protecting the mining activities covered by the AR Zoning Overlay. The Umatilla County Planning Commission has determined that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

**660-023-0050 Programs to Achieve Goal 5**

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to

achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5) (b) and (c)).

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

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

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or
- (c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

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

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

- (a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and
- (b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).

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

## **29. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR**



**ESTABLISHING AN AR OVERLAY ZONE** are found in Sections 152.487 and 152.488. The following standards of approval are underlined and the findings are in normal text.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**30. FINAL DECISION: THIS REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY ON THE EXPANSION AREA MAY COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

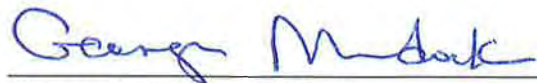
Subsequent Conditions: The following subsequent conditions must be fulfilled following final approval of this request Umatilla County:

3. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
  - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.

- b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
4. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.
5. Install "No Firearms Activities" signage at the entrance of the quarry to provide public safety.
6. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
7. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
8. If cultural artifacts are observed during ground-disturbing work, that work must cease in the development area until the find is assessed by qualified cultural resource personnel from the State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Once qualified cultural resource personnel from SHPO and CTUIR are satisfied, the ground-disturbing work may continue.
9. Contour and revegetate the quarry for wildlife habitat during post-mining activities according to the requirements of the DOGAMI application.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated 16<sup>th</sup> day of December, 2015



George L. Murdock, Chair

# Proposed Umatilla County Comprehensive Plan Text Amendment

## **Weston Mountain Quarry Expansion Comprehensive Plan Map Amendment #P-115-15, Comprehensive Plan Text Amendment T-15-063 Zoning Map Amendment #Z-306-15 Township 4N, Range 35, Tax Lot 7303**

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

Note: Proposed changes are in **highlighted** 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**