



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/22/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Umatilla County Plan Amendment  
DLCD File Number 006-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, November 01, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Richard Jennings, Umatilla County  
Jon Jinings, DLCD Community Services Specialist  
Amanda Punton, DLCD Natural Resources Specialist  
Grant Young, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

**DEPT OF**

OCT 15 2012

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Umatilla County**

Local file number: **P-106-12**

Date of Adoption: **10/10/2012**

Date Mailed: **10/11/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9/10/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A Small Significant Site was added to the County's Inventory of Significant Sites. A CUP was approved by the Planning Commission in conjunction with the Plan Amendment.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **T4N, R27E, Section 36, TL 700 & 800**

Acres Involved: **3817**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** 006-12 (19498) [17210]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD

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Local Contact: **Richard Jennings**

Phone: (541) 278-6249 Extension:

Address: 216 SE 4<sup>th</sup> ST

Fax Number: 541-278-5480

City: Pendleton

Zip: 97801-

E-mail Address: [richardj@umatillacounty.net](mailto:richardj@umatillacounty.net)

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#)).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#)).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#)).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

RECEIVED

OCT 10 2012 THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Amending )  
 Comprehensive Plan and ) ORDINANCE NO. 2012-15  
 Adding Site to Goal 5 )  
 Aggregate Resources Inventory )  
 for Dennis R. Ingram )

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

WHEREAS an application was received from Dennis R. Ingram requesting Umatilla County to amend the Comprehensive Plan to add approximately 38.48 acres located in the Northwest Quarter of the Northeast Quarter of Section 36, Township 4 North, Range 27, as a Small Significant Site to be included in the Goal 5 Aggregate Resources Inventory, #P-106-12;

WHEREAS the Umatilla County Planning Commission held a public hearing on September 27, 2012, to review the application and the proposed amendment to the plan and recommended that the Board of Commissioners adopt the amendment to add the site to the Umatilla County resource inventory, and also approved a conditional use permit for the site;

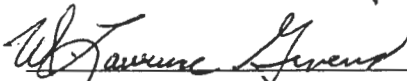
WHEREAS the Board of Commissions held a public hearing on October 10, 2012, to consider the proposed amendment, and voted for the approval of the request to add the subject site to the Umatilla County Rock Materials Resources Inventory.

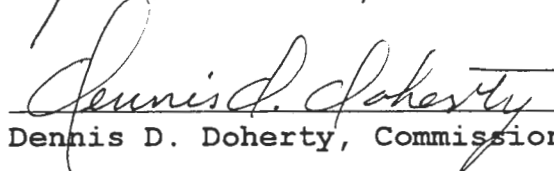
NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Umatilla County Comprehensive Plan, adopted May 9, 1983, be further amended to add the following aggregate site to the Goal 5 Aggregate Resources/Rock Material Sources Inventory as a Small Significant Site, located on Umatilla County Tax Lot 4N2736-800, consisting of approximately 38.48 acres, described as follows:

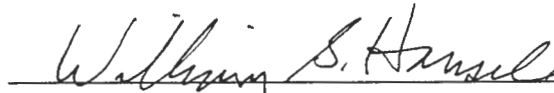
Lot 2, Block 1, Meadow Valley Addition, also described as the Northwest Quarter of the Northeast Quarter, Section 36, Township 4 North, Range 27, East of Willamette Meridian, Umatilla County, Oregon. Excepting any portion lying within roadways.

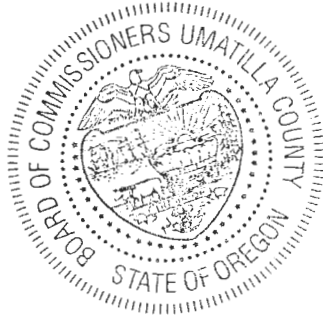
DATED this 10th day of October, 2012.

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
W. Lawrence Givens, Chair

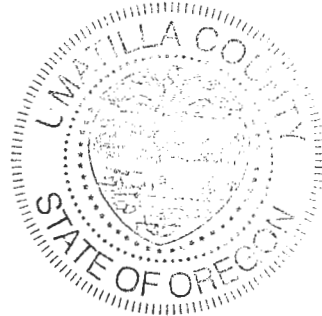
  
\_\_\_\_\_  
Dennis D. Doherty, Commissioner

  
\_\_\_\_\_  
William S. Hansell, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

  
\_\_\_\_\_  
Records Officer



**UMATILLA COUNTY PLANNING COMMISSION  
FINAL FINDINGS AND CONCLUSIONS  
CONDITIONAL USE PERMIT REQUEST, #C-1204-12  
PLAN AMENDMENT, #P-106-12  
MAP #4N 27 36, TAX LOT #700, Account # 116934  
MAP #4N 27 36, TAX LOT #800, Account #116930**

1. APPLICANT: Dennis Ingram, 1216 E. Main ST, Medford, OR 97504
2. OWNERS: Dennis Ingram, 1216 E. Main ST, Medford, OR 97504
3. REQUEST: The request is to add a quarry to the County Inventory of Significant Sites and to review the site as a Small Significant Site (less than 500,000 tons of aggregate to be removed) through a Comprehensive Plan amendment. Also an application for a Conditional Use Permit to establish a Mining Operation will be reviewed. The operation will consist of an extraction area, stockpile area, weighs scale and a shop (60 x 60). The site plan shows a “watchman’s quarters” (40 x 60) - The EFU Zone does not allow for this type of dwelling at the aggregate site and will not be reviewed as part of this decision.
4. LOCATION: The property is located on the south side of Stafford Hansell Road and west of Colonel Jordan Road.
5. SITUS: The site address assigned to Tax Lot 800 is 28598 STAFFORD HANSELL RD, Hermiston, OR 97813.
6. ACREAGE: Tax Lot 700 is 17.20 acres.  
Tax Lot 800 is 38.48 acres.
7. PROP CLASS: Property Codes are assigned by the County Assessor as to what type of use that is present on the property. The Property Code 550 is assigned to this property, which means “Farm, Conforming Zone and Farm Deferred.”
8. TAX CODE: The Tax Code is assigned by the County Assessor. Each Code Area has various taxing rates depending upon the services provided. The property has Tax Code of 08-03, which has the following taxing definition: General County, Umatilla Co Bond, School District #8 Hermiston L\_9y, School District #8 Hermiston Bond, Intermountain ESD, BMCC, BMCC Bond, Port Of Umatilla, Fire District 4 Hermiston (7-4041), County Radio District, Cemetery District 8 Hermiston, West Umatilla Mosquito Control, Umatilla Special Library District, School District #8 Hermiston Bond – 2, West Umatilla Vector Control L/O-2
9. PERMITS: Permits have been issued on Tax Lot 800 as follows:  
  
*Zoning Permit, ZP-74-835, issued on October 30, 1974 for a DW*

MOBILE HOME (24 X 62), STOR BUILD (10 X 10), DOUBLE GARAGE (24 X 24)

*Zoning Permit*, ZP-84-279, issued on September 17, 1984, for a REPLACEMENT MOBILE HOME (14 X 70)

*Land Division*, LD-4N-651-96, issued on November 20, 1996 for a BOUNDARY LINE ADJUSTMENT

*Zoning Permit*, ZP-88-068, issued on May 16, 1998 for a REPLACE MOBILE HONE (14 X 60), REPLACE MOBILE HOME (20 X 60)

10. COMP PLAN: North/South Agricultural Region Designation
11. ZONING: Exclusive Farm Zone (EFU, 160 acre minimum)
12. ACCESS: The property has access from Stafford Hansell RD (#1344).
13. ROAD TYPE: Stafford Hansell Road is gravel, County maintained roadway.
14. EASEMENTS: There are no access easements on this property.
15. LAND USE: The property is under pivot irrigation and raises various crops.
16. ADJACENT USE: Property around this parcel is also in irrigated cropland.
17. LAND FORM: Columbia River Plateau
18. SOIL TYPES: The subject property contains 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 Class VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
76B: Quincy loamy fine sand, gravelly substratum	7e	4e

*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).
19. BUILDINGS: There are buildings on this property including a home, garage and other outbuildings.
20. UTILITIES: The parcel is served by Umatilla Electric Cooperative.
21. WATER/SEWER: There is a domestic well and sanitary septic system that services the existing home on the property.
22. FIRE SERVICE: The subject property is served by Hermiston Fire and Emergency Services.

23. IRRIGATION: There are water rights on this property provided by Westland Irrigation District.
24. FLOODPLAIN: This property is NOT in a floodplain. The property is found in Zone D “Undetermined Flooding”) which is not a special flood hazard zone. The Community Number for Umatilla County is #410204 and the Panel Number that covers this area is #41059-C 0575-G with an effective date of September 3, 2010.
25. NOTICES SENT: Notices to adjacent property owners and agencies were sent on Friday, September 14, 2012.
26. HEARING DATE: A public hearing will be held before the Umatilla County Planning Commission on Thursday, September 27, 2012 at 6:30 PM at the Justice Center, 4700 Pioneer Place, Pendleton, OR 97801.
27. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Department of Geology and Mineral Industries, Oregon Department of Transportation, Westland Irrigation District, Department of Land Conservation and Development, Department of Agriculture
28. COMMENTS: No comments were received. Oral comments were provided at the hearing part of the record.

29. **STANDARDS OF THE OREGON ADMINISTRATIVE RULES to establish an AGGREGATE SITE on farmland are found in OAR 660-023-0180 (4) and (6).** The following standards of approval are underlined and the findings are in normal text.

**OAR 660-023-0180 MINERAL AND AGGREGATE RESOURCES**

(4) Notwithstanding section (3) of this rule, a local government may also determine that an aggregate resource site on farmland is significant if subsections (a) and (b) of this section apply or if subsection (c) of this section applies:

(a) The quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less for a site in the Willamette Valley, or 500,000 tons or less for a site outside the Willamette Valley; and The Umatilla County Planning Commission finds that the aggregate site will have less than 500,000 tons of aggregate material removed. The property is outside of the Willamette Valley and so the applicant can remove up to 500,000 tons to fit within this set of criteria. This criterion is met.

(b) Not more than 35 percent of the proposed mining area consists of soil

(A) Classified as Class I on Natural Resource and Conservation Service (NRCS) maps available on June 11, 2004; or



(B) Classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds the amounts specified in paragraph (B) of subsection (3)(d) of this rule; or

The Umatilla County Planning Commission finds that the entire site is composed of Class VII soils (dry) and Class IVs (irrigated). There are water rights on the property which then would have Class IVs soils throughout the entire property. This criterion is met since the property is not composed of Class II soils.

(c) A local land use permit that allows mining on the site was issued prior to April 3, 2003, and the permit is in effect at the time of the significance determination. The Umatilla County Planning Commission finds that no permit was issued for mining on this property prior to April 3, 2003. This criterion is not applicable.

(6) For an aggregate site on farmland that is determined to be significant under section (4) of this rule, the requirements of section (5) of this rule are not applicable, except for subsection (5)(f), and the requirements of OAR 660-023-0040 through 660-023-0050 are not applicable. Instead, local governments shall decide whether mining is permitted by applying subsections (a) through (d) of this section:

(a) The proposed aggregate mine shall satisfy discretionary conditional use permit approval standards adopted by the local government pursuant to applicable requirements of ORS 215.213(2) or 215.283(2), and the requirements of ORS 215.296 and 215.402 through 215.416; The Umatilla County Planning Commission finds that the conditional use permit requirements to establish the mining operation will be reviewed under paragraph #30 below.

(b) The local government shall determine the post-mining use in accordance with subsection (5)(f) of this rule; The Umatilla County Planning Commission finds that the post-mining uses will be based on farm uses.

OAR 660-023-180 (5) (f) states in whole:

(f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780. The Umatilla County Planning Commission finds that reclamation requirements determined by DOGAMI must be completed. The County will review the required reclamation plan.

(c) The local government shall issue a permit for mining aggregate only for a site included on an inventory of significant aggregate sites in the comprehensive plan in accordance with ORS 215.298(2); and The Umatilla County Planning Commission finds that the subject aggregate site will be included on the County’s Inventory of Significant Sites. The Inventory of Significant Sites was compiled in the early 1980’s and adopted in the Technical Report of the Comprehensive Plan, Section D. The Plan Amendment application is to amend the County’s Inventory of Significant Sites.

(d) The conditional use permit shall not allow mining of more than the maximum amount of aggregate material specified under subsection (4)(a) of this rule. The Umatilla County Planning Commission finds that the subject aggregate site is termed a “small site” where less than 500,000 tons will be removed. As a condition of approval not more than 500,000 tons can be removed from the site. The applicant is required to provide documentation to the County Planning Department on the amount of aggregate removed from the site during annual review.

**30. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR CONDITIONAL USE PERMITS to establish a MINING OPERATION are found in Section 152.060 (B), 152.061, 152.615 and 152.617 (I) (K) Mining.** The following standards of approval are underlined and the findings are in normal text.

**§ 152.060 CONDITIONAL USES PERMITTED.**

In an EFU zone the following uses may be permitted conditionally via administrative review (§ 152.769), subject to the requirements of this section, the applicable criteria in §§ 152.610 through 152.617 and §§ 152.545 through 152.562. A zoning permit is required following the approval of a conditional use pursuant to § 152.025. Existing uses classified as conditional uses and listed in this section may be expanded subject to administrative review and subject to the requirements listed Oregon Administrative Rules, Chapter 660, Division 033.

(B) Operations conducted for:

(2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298; The Umatilla County Planning Commission finds that there will be mining, crushing and stockpiling of aggregate material on the proposed site.

The existing pit covers several acres as shown on the site plan submitted by the applicant. The applicable criteria for mining operations found in UCDC 152.617 (K) will be reviewed below.

**§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.**

The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:

(A) Will not force a significant change in accepted farm or forest practices on surrounding

lands devoted to farm or forest use; and The Umatilla County Planning Commission finds that the use of the aggregate site will not force a significant change in accepted farm practices on surrounding lands devoted to farm use. The pit is completely within the subject property and is several hundred feet from the western property line. The area surrounding the proposed extraction site consists mainly of irrigated crop land with a variety of crops. The proposed extraction area is in the northwest corner of Tax Lot 800 and is not currently farmed. The associated weigh scale, shop will be placed on Tax Lot 700 also outside of the pivot irrigation system. Approval of this application would not interfere with the established farming practices occurring on the remainder of the property or adjacent lands. This criterion is met.

(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use. The Umatilla County Planning Commission finds that the use of the aggregate pit will not significantly increase the cost of accepted farm practices. The crops grown on adjacent property is irrigated cropland. The subject property has direct access to Stafford Hansell Road where no other property will be impacted directly by additional truck traffic. This criterion is met.

#### **§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.**

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such an environmental effects as noise, vibration, air pollution, glare or odor; The Umatilla County Planning Commission finds that the applicant does not mention proposed operation hours or operational days the aggregate processing will occur. If there are significant public or property owner comments and concerns regarding the operation, a day light and weekend restriction might be imposed.

(B) Establishing a special yard, other open space or lot area or dimension; The Umatilla County Planning Commission finds that there is no need to establish a special yard or open space in relation to this use.

(C) Limiting the height, size or location of a building or other structure; The Umatilla County Planning Commission finds that there are no limitations as to height or size to new buildings. The buildings constructed must meet setback standards applicable in the EFU Zone – front yard setback is 60 feet from the center of the roadway right of way for any structure.

(D) Designating the size, number, location and nature of vehicle access points; The Umatilla County Planning Commission finds that the existing private driveway has one access point onto Stafford Hansell Road. The access road onto Stafford Hansell Road must receive an access permit from the Public Works Department. This criterion is met.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way; The Umatilla County Planning Commission finds that the subject property has access directly onto Stafford Hansell Road. No street improvements will be required in relation to this proposal at this point.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area; The Umatilla County Planning Commission finds that the area around the existing pit is large enough to accommodate parking and maneuvering of equipment. The staging area will be graveled. This criterion is met.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs; The Umatilla County Planning Commission finds that no signs were proposed with this request. Any signage must meet the sign regulations in the EFU Zone.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding; The Umatilla County Planning Commission finds that any outdoor lighting in relation to this project must be shielded to prevent glare onto nearby and adjacent properties.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance. The Umatilla County Planning Commission finds that there is no requirement for diking, screening, landscaping or other similar activities. The closest home (located on Tax Lot 800) is located on the same property nearly 1,000 feet away for the pit and the next closest home is more than ½ mile for the pit. It was agreed upon during the public hearing that a row of trees will be planted along the eastern property line of Tax Lot 700 to screen the adjacent development from the aggregate site. The tree line will help to protect the adjacent properties from this development.

(J) Designating the size, height, location and materials for a fence; The Umatilla County Planning Commission finds that a security fence is not a requirement from the County. A security fence will be constructed; however, around the equipment, which the applicant is proposing to keep the site secure when the site is not in operation to prevent vandalism, illegal dumping and trespass. This criterion is met.

(K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources; The Umatilla County Planning Commission finds that the subject property does not contain any trees or other notable landscaping features.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter. The Umatilla County Planning Commission finds that the area around the aggregate pit can accommodate parking of equipment and work trucks necessary for the development.

**§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND LAND USE DECISIONS ON EFU ZONED LANDS.**

(I) EFU CONDITIONAL USES

(K) Mining

Commercial gravel pits or extraction, surface mining and processing and the operations conducted for the exploration, mining and processing of geothermal resources, other mineral resources, or other subsurface resources.

(1) Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:

(b) In a new pit. They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and not exceed 75% of the total land mass. The Umatilla County Planning Commission finds that the aggregate pit is not within 500 feet of a dwelling. The new pit will be located in the northwestern corner of the property and will not cover more than 75% of the property. This criterion is met.

(2) Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

(b) In a new pit. Where the use of processing equipment such as crushers, batch plants, and the like, the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The Umatilla County Planning Commission finds that the nearest dwelling is greater than 500 feet from the proposed processing area. This criterion is met.

(3) All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties; The Umatilla County Planning Commission finds that existing roads will be used for truck traffic in relation to the aggregate site and processing equipment area. Stafford Hansell and Colonial Jordan Roads are County maintained roadways and will handle the additional truck movement without causing danger or nuisance to surrounding properties.

(4) The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If, fencing and/or walls are required, they shall be of a type and color that will blend with

the surrounding landscape and existing uses. In all instances above, the placement and design shall effectively screen and site from the public; The Umatilla County Planning Commission finds that there are no residential districts (zones) adjoining the proposed extraction site. The property is surrounded by agricultural uses. The extraction and processing site is located well away from the public road. Therefore, screening does not seem necessary unless deemed appropriate at some future time.

(5) Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than one inch equals 400 feet and shall show, but not be limited to, the corners and boundaries of the mining areas; the area to be mined; the location and names of all streams, natural areas, roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivisions (section, township and range). If aerial photographs are used as a base, the scale shall be shown; The Umatilla County Planning Commission finds that the applicant provided a site plan showing where the various features of the development will be located. This criterion is met.

(6) Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. Dust free (site) access roads may be required near concentrated residential areas; The Umatilla County Planning Commission finds that the haul roads will be contained on the subject property. The haul roads will be required to have a rocked surface. The driveway accesses point onto Stafford Hansell Road which is a graveled county road can also be graveled. The applicant will be required to work with the County Public Works Director to establish appropriate safety signage and dust control measures.

(7) A reclamation plan has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance; The Umatilla County Planning Department finds that a reclamation plan has not been submitted to the Planning Department. Umatilla County does not review reclamation plans, but the applicant will be required to obtain reclamation plan approval from DOGAMI as a subsequent condition of approval of this application.

(8) The operation complies with all applicable air, noise and water quality regulations of all county, state or federal jurisdictions and all applicable state or federal permits are obtained; The Umatilla County Planning Commission finds that the applicant will be required to obtain all state and federal permits in relation to air, noise and water quality issues. Copies of these permits must be provided to the County Planning Department.

(9) Rehabilitation of landscape after the extraction operations are completed. A bond sufficient to cover costs plus 10% of necessary road improvements, vermin, reclamation, landscaping and other pertinent conditions, may be required. Such bond or time limit will insure timely rehabilitation and protect the health, safety and public welfare of

adjacent property owners and lands. These standards do not apply to any parcel or area as a plan site, work area for an ongoing extractive mining or aggregate operation. The Umatilla County Planning Commission finds that any reclamation plan requirements will be determined by DOGAMI. Additionally, notice will be provided to the County Public Works Director and if road improvements are required then bonding may be necessary.

(10) All equipment, refuse, and temporary structures shall be removed from the project site and the site left free of debris after completion of the project; The Umatilla County Planning Commission finds that this criterion will be a condition of approval for this development. Verification must be provided to the County Planning Department that all equipment, refuse, debris and temporary structures have been removed once the mining operation is complete.

(11) The activity complies with other conditions deemed necessary, which may include, but are not limited to:

(a) Limitations on lighting; The Umatilla County Planning Commission finds that any lighting used for the Mining Operation must be shielded to prevent glare onto adjacent property and roadways.

(b) Restrictions on the hours of operations; The Umatilla County Planning Commission finds that there are no restrictions placed on the mining operation in terms of hours of operation at this time.

(c) Fencing of open pit areas; The Umatilla County Planning Commission finds that there is no requirement to fence the pit area at this time. The processing area with the shop, weigh scale will have a security fence constructed.

(d) An increase or decrease in required setbacks; The Umatilla County Planning Commission finds that the proposed aggregate pit will be several hundred feet from the closest property line and so no special setback requirements are necessary.

(e) Proof of adequate water supplies for dust control, reclamation, and if required, landscaping. The Umatilla County Planning Commission finds that the applicant must provide details on how water will be provided for on-going dust control. It is assumed that a water truck will be utilized to regularly water down the haul road and staging area during extraction and processing. Verification must be given to the County Planning Department that the water truck is located on-site and ready to be utilized when needed. Continuous use of the haul road and staging area will increase the need for dust control and continued maintenance should alleviate the dust issue.

(f) Off site stockpiling and/or processing if located adjacent to concentration of residential dwellings. The Umatilla County Planning Commission finds that this issue is not applicable. The stockpile area will be located on Tax Lot 800.

(12) Within an Exclusive Farm Use Zone, the requested site must be included on an inventory included in the acknowledged Comprehensive Plan in order for a permit for mining of aggregate to occur. The Umatilla County Planning Commission finds that the subject aggregate site will be added to the County's Inventory of Significant Sites. The associated Plan Amendment will amend the noted inventory with this site and applicable details.

**FINAL DECISION: THIS CONDITIONAL USE PERMIT REQUEST TO ESTABLISH A MINING OPERATION AND A PLAN AMENDMENT TO ADD THIS SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES COMPILES 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 haul roads will be required to have a rocked surface. The applicant will be required to work with the County Public Works Director to establish appropriate safety signage and dust control measures if necessary.
2. Obtain an Access Permit from the County Public Works Department and provide a copy to the County Planning Department.
3. Provide the County Planning Department with a dust control plan (water truck, sprinkler system, etc.). Continuous use of the haul road and staging area will increase the need for dust control and continued maintenance should alleviate the dust issue.
4. Plant a tree line along the eastern property line of Tax Lot 700 to provide screening of the aggregate site in regards to noise and dust from adjacent property.
5. 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:

6. Obtain a Zoning Permit from the Umatilla County Planning Department for the Mining Operation. The zoning permit should include an approved site plan showing existing structures, setbacks, etc.
7. Any lighting used for the Mining Operation must be shielded to prevent glare onto adjacent property.
8. 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.
  - b. Obtain all applicable permits for the Mining Operation from DEQ (air, noise, and water quality issues) before these activities begin.
9. If any cultural artifacts are uncovered during the mining process, contact the Cultural Resources Department of the Confederated Tribes of the Umatilla Indian Reservation and the Umatilla County Planning Department.
  10. The applicant is required to provide dust control on the project site and on all haul roads.
  11. The haul roads must be graveled.
  12. All equipment, refuse, and temporary structures shall be removed from the processing site and the site left free of debris. Provide verification to the County Planning Department that the site is clean once the Mining Operation ceases.
  13. The Mining Operation is termed a “Small Significant” site, which means that no more than 500,000 tons of aggregate can be removed from the site. Verification of the amount of aggregate that is removed from the site is to be provided on an annual basis to the County Planning Department.
  14. A review of the Mining Operation will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing this use in the EFU Zone is being met with subsequent yearly reviews. Annual reviews fees will be assessed.

UMATILLA COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
Randy Randall, *Planning Commission Chair*

10-9-12  
Date



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**Umatilla County**  
**Department of**  
**Land Use Planning**  
216 SE 4th Street  
Pendleton, OR 97801

Attn: Plan Amendment Specialist  
Dept of Land Conservation  
and Development  
635 Capitol St. NE, Ste. 150  
Salem, OR 97301-2540

**DEPT OF**

**OCT 15 2012**

**LAND CONSERVATION  
AND DEVELOPMENT**

