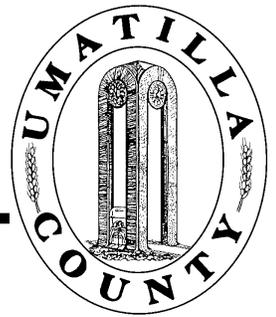


# Umatilla County

Board of County Commissioners

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## BOARD OF COMMISSIONERS MEETING

Wednesday, June 1, 2022, 9:00am

Umatilla County Courthouse, Room 130

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

**TEXT AMENDMENT #T-088-22, PLAN AMENDMENT #P-133-22, and ZONE MAP AMENDMENT #Z-320-22: WADE AYLETT, APPLICANT/OWNER.** The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located southeast of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500 and Township 4 North, Range 27 East, Section 25, Tax Lot 900. The site is approximately 140 acres and zoned Exclusive Farm Use.

- D. New Business

**UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT #T-089-22, RANDALL & MARIE MARTIN SCOUT CAMP LLC, APPLICANT & OWNER.** The applicant requests a Post-Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code to permit youth camps, as provided in OAR 660-33-130(40), through issuance of a Conditional Use Permit on lands zoned Exclusive Farm Use & Grazing/ Farm.

- E. Adjournment

# Umatilla County

Department of Land Use Planning



DIRECTOR  
ROBERT WALDHER

## MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Board of County Commissioners

**FROM:** Megan Davchevski, Planner

CODE  
ENFORCEMENT

**DATE:** May 25, 2022

SOLID WASTE COMMITTEE

**Re:** **June 1, 2022 Board of Commissioners Hearing**

SMOKE  
MANAGEMENT

Comprehensive Plan Map Amendment #P-133-22,

Comprehensive Plan Text Amendment #T-088-22 and

Zoning Map Amendment #Z-320-22

Rock It #2 Aggregate Site

GIS AND  
MAPPING

RURAL  
ADDRESSING

**CC:** Robert Waldher, Planning Director

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

### ***Background Information***

The applicant, Rock-It LLC, requests to expand an existing quarry (Rock-It #2 Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. This site is comprised of numerous tax accounts, totaling up to approximately 140 acres. The subject property is just southeast of the Interstate 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road.

The previous approval was for about 55 acres and was considered a small significant site. The proposed expansion would add this site as a large significant site. The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. Both sand and gravel materials are available on this site.

### ***Criteria of Approval***

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

### ***Conclusion***

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners. A public hearing was held before the Planning Commission on January 27, 2022.

The Planning Commission recommended approval of P-133-22, T-088-22 and Z-320-22, with some amendments to the findings. The recommendation includes striking Subsequent Conditions #2, #3 and #4 and adding a new Subsequent Condition #11,

## Memo

Board of Commissioners Public Hearing – June 1, 2022

Rock-It #2 Amendments #P-133-22, #T-088-22 and #Z-320-22

which is, *“Obtain a County Road Access Permit from Colonel Jordan Road that meets the 1,320 foot spacing requirement from the interchange, once the second access is requested by the mining operation.”*

The findings have several edits, as guided by the Planning Commission’s recommendation. Text to be removed from the findings are identified with a strikethrough (~~strike~~), and new text is underlined and red.

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

### ***Attachments***

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

- 1500-Foot Impact Area Map
- County Preliminary Findings and Conclusions
- Proposed Comprehensive Plan Text Amendment
- Proposed Zoning Map Amendment
- Aggregate Quantity Map
- Lab Reports (MT&I 2010)
- ODOT Region 5 comment
- Umatilla County Public Works comments (dated April 11, April 20, )
- Westland Road/I-84/I-82 Interchange Area Transportation Plan pages 5-5 through 5-8
- Planning Commission Exhibits A, B and C

**UMATILLA COUNTY  
BOARD OF COMMISSIONER HEARING – JUNE 1, 2022  
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT, COMPREHENSIVE  
PLAN TEXT AMENDMENT & ZONING MAP AMENDMENT  
ROCK-IT LLC, APPLICANT & OWNER  
PACKET CONTENT LIST**

1. Staff Memo	Pages 1-2
2. Notice and Vicinity Map	Page 4
3. 1500 foot Impact Area Map	Page 5
4. Staff Report & Preliminary Findings	Pages 7-36
5. Proposed Text Amendment	Pages 37-38
6. Proposed Zoning Map	Page 39
7. Aggregate Quantity Map	Page 40
8. Lab Reports (MT&I 2010)	Pages 41-50
9. Umatilla County Public Works comment 4/11/22, Tom Fellows	Page 51
10. ODOT comment, Thomas Lapp	Page 52
11. Westland Road / I-82 / I-84 IAMP Pages 5-5 through 5-8	Pages 53-56
12. Umatilla County Public Works comment 4/20/22, Tom Fellows	Page 57
13. Planning Commission Exhibits A, B & C	Pages 58-63

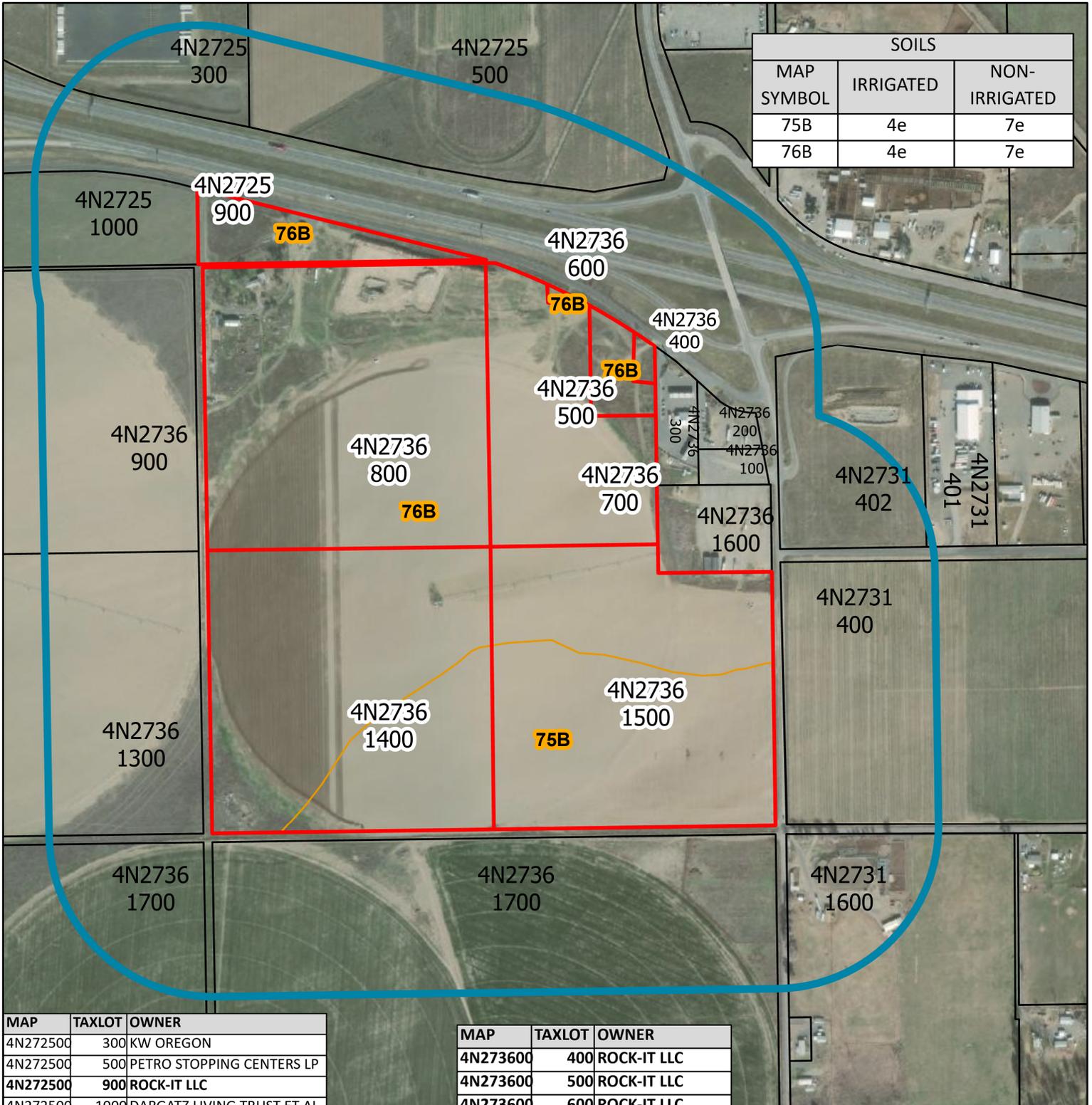
# APPLICANT: WADE AYLETT

## OWNER: ROCK-IT LLC

## #P-133-22, Z-320-22, T-088-22

Notified Property Owners within 750 feet of Subject Parcels

N



SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
75B	4e	7e
76B	4e	7e

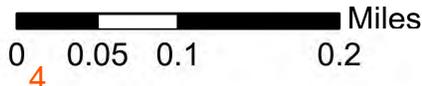
MAP	TAXLOT	OWNER
4N272500	300	KW OREGON
4N272500	500	PETRO STOPPING CENTERS LP
<b>4N272500</b>	<b>900</b>	<b>ROCK-IT LLC</b>
4N272500	1000	DARGATZ LIVING TRUST ET AL
4N273600	100	MO.MM, LLC
4N273600	200	MO.MM, LLC
4N273600	300	MO.MM, LLC

MAP	TAXLOT	OWNER
<b>4N273600</b>	<b>400</b>	<b>ROCK-IT LLC</b>
<b>4N273600</b>	<b>500</b>	<b>ROCK-IT LLC</b>
<b>4N273600</b>	<b>600</b>	<b>ROCK-IT LLC</b>
<b>4N273600</b>	<b>700</b>	<b>ROCK-IT LLC</b>
<b>4N273600</b>	<b>800</b>	<b>ROCK-IT LLC</b>
4N273600	900	GIRTH DOG LLC
4N273600	1300	GIRTH DOG LLC
<b>4N273600</b>	<b>1400</b>	<b>ROCK-IT LLC</b>
<b>4N273600</b>	<b>1500</b>	<b>ROCK-IT LLC</b>

MAP	TAXLOT	OWNER
4N273600	1600	MO.MM, LLC
4N273600	1700	EAGLE RIVER RANCH LLC
4N283100	400	GB HERMISTON LLC
4N283100	401	GB HERMISTON LLC
4N283100	402	GB HERMISTON LLC
4N283100	1600	NOBLE HARRY E & HELEN M

### Legend

- 750 ft Notice Boundary
- Subject Parcels
- Soils
- Property Boundary

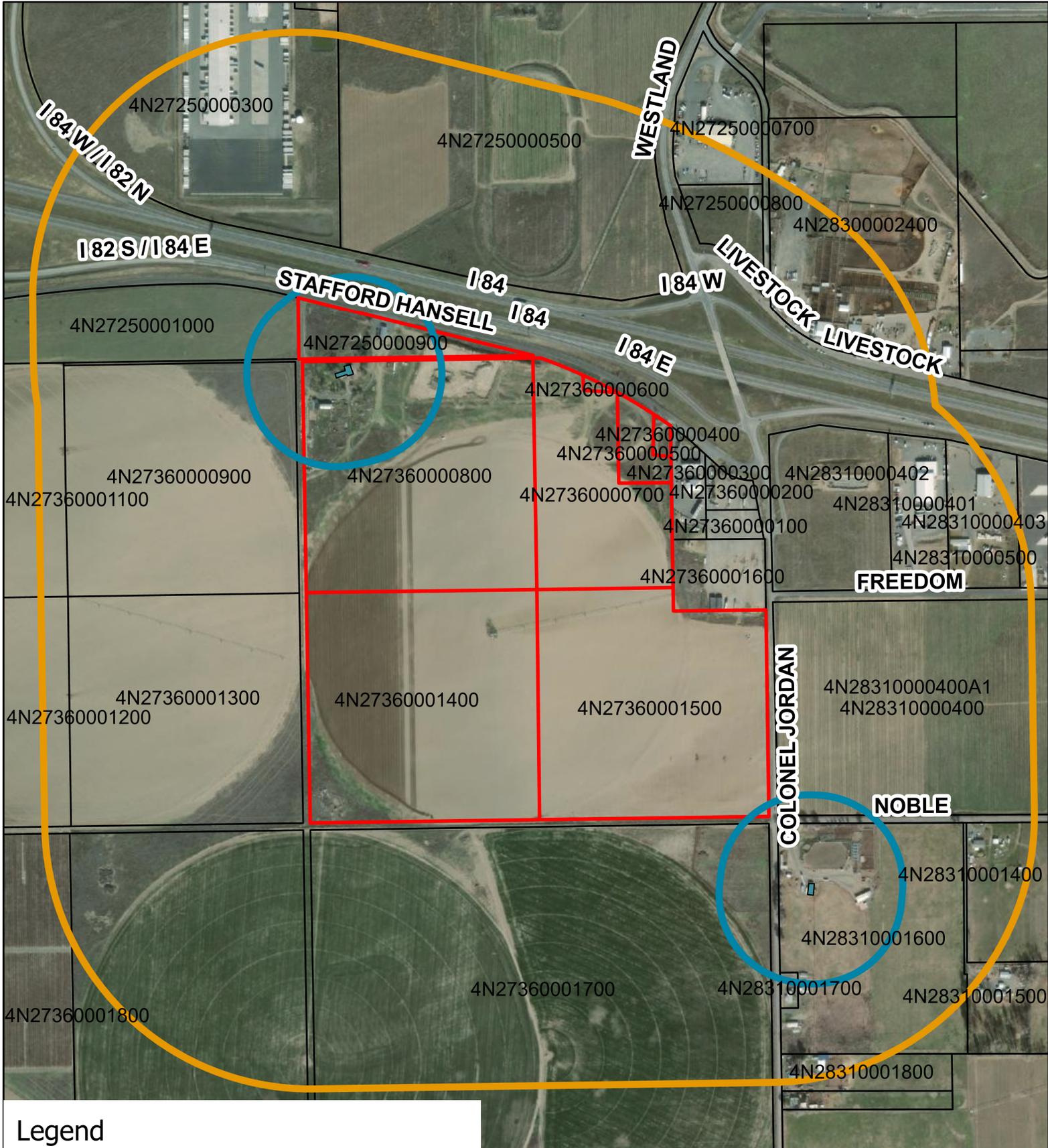


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department  
Date: 3/7/2022

# ROCK-IT LLC

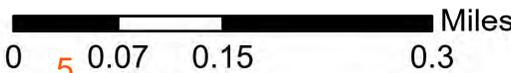
## 1500 FT IMPACT AREA & 500 FT DWELLING BUFFER

MAP 4N 27 25, TL 900 AND MAP 4N 27 36, Tls 400 500 600 700 800 900 1400 AND 1500



### Legend

- 1500 ft Buffer
- AR Subject Parcels
- 1500 ft Parcels
- Dwelling Footprint
- Property Boundary
- 500 ft Dwelling Buffer



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 3/7/2022

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**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS  
PRELIMINARY FINDINGS AND CONCLUSIONS  
ROCK IT #2 QUARRY  
COMPREHENSIVE PLAN MAP AMENDMENT, #P-133-22,  
COMPREHENSIVE PLAN TEXT AMMENDMENT T-088-22,  
ZONING MAP AMENDMENT #Z-320-22  
MAP 4N 27 36; Tls #400, 500, 600, 700, 800, 1400, and 1500 AND  
MAP 4N 27 25; TL 900**

1. APPLICANT: Wade Aylett, 28598 Stafford Hansell Road, Hermiston, OR 97838
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Rock-It LLC, 74854 Washington Ave, Irrigon, OR 97844
4. REQUEST: 

The request is to add Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25 to Umatilla County's list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. In 2012, Tax Lots 700 and 800 were added as a Small Significant Site to the Inventory of Significant Sites and Conditional Use Permit (CUP) #P-106-12 was approved establishing a mining operation. In 2020, Zoning Permit ZP-20-142 was authorized with a site plan depicting the mining area, a scale house / office building, and an asphalt batch plant. However, it was later discovered that the office building was built on Tax Lot 900, which was not included in the original small significant site designation. Since that discovery, the applicant has been working with County Staff to correct the issue. The requested action is designed to establish the entire Rock-It #2 site, composed of all the above listed Tax Lots, as a Large Significant Site with protections under Goal 5 and to allow mining, processing, concrete and asphalt batch plants, and stockpiling.

The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. For this application 'aggregate' means sand and gravel materials as both are available on this site. This application refers to the "site" or "Subject Property" or "Rock It 2 Quarry" as all of Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

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5. LOCATION: The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road.
6. SITUS: 28598 Stafford Hansell Road, Hermiston, OR is assigned to the existing dwelling on Tax Lot 800. The aggregate site does not currently have a situs address.
7. ACREAGE: The entire site is approximately 140 acres, spread across the various tax lots.
8. COMP PLAN: The site has a Comprehensive Plan designation of North/South Agriculture.
9. ZONING: The subject property is zoned Exclusive Farm Use (EFU).
10. ACCESS: The site can be accessed via Stafford Hansell Road. Portions of the site front Colonel Jordan Road.
11. ROAD TYPE: Stafford Hansell Road, County Road #1344, is a paved, 2-lane, county-maintained roadway.
12. EASEMENTS: There are no access or utility easements on the subject property.
13. LAND USE: Currently there is mining occurring on the property under Plan Amendment #P-106-12, listing the site as a Small Significant Site and Conditional Use Permit #C-1204-12 approving mining operations. On the southern portion of the site, there are agricultural operations under circle pivot irrigation and a wheel line. On the northwest corner there is a pre-existing dwelling with various out buildings and corrals. The dwelling, which is owned by the applicant, and its associated outbuildings will be removed at the point that the mining operation moves into that area.
14. ADJACENT USE: A truck stop and fueling station sits immediately to the east of the subject property with three trucking related businesses further to the east across Colonel Jordan Road. To the north across Interstate 84 a FedEx Freight facility, a UPS Customer Center, several potato storages, and a food processing and shipping operation are west of Westland Road. To the northeast, and east of Westland Road, is the Northwest Livestock Commission auction facility and an aggregate operation further east. Irrigated farmland is to the west and south of the subject property, most under circle pivot irrigation systems. To the southeast there are several homes sited on land zoned for Exclusive Farm Use. The zoning within the 1,500-foot impact area includes Exclusive Farm Use, Light Industrial, Rural Tourist Commercial, and Agri-Business.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

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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 IV and VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
75B: Quincy loamy fine sand, 0 to 5 percent slopes	VIIe	IVe
76B: Quincy loamy fine sand gravelly substratum, 0 to 5 percent slopes	VIIe	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 is a pre-existing dwelling and several outbuildings on the site. There is also an office and scale house associated with the aggregate operations.

18. UTILITIES: The site is not served by utilities.

19. WATER/SEWER: The property currently has a domestic well and septic for use of the dwelling. There is also a water right associated with the groundwater use for gravel washing. The groundwater right is listed on certificates #92150 and #89533.

20. FIRE SERVICE: The site is located within Umatilla County Fire District #1.

21. IRRIGATION: The site is located within Westland Irrigation District, however, the applicant has provided that the site is not served by the irrigation district.

22. FLOODPLAIN: This property is NOT in a floodplain.

23. WETLANDS: There are no known wetlands located on the subject property.

24. NOTICES SENT: Notice was sent to the Department of Land Conservation and Development (DLCD) on March 23, 2022. Notice was mailed to neighboring land owners and affected agencies on April 8, 2022. Notice was printed in the April 16, 2022 publication of the East Oregonian.

25. HEARING DATE: A public hearing is scheduled before the Umatilla County Planning Commission in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97838 on **April 28, 2022 at 6:30 PM.**

A subsequent hearing is scheduled before the Umatilla County Board of County Commissioners on **June 1, 2022 at 9:00 AM.** The hearing will be held in Room 130 at the County Courthouse, 216 SE 4<sup>th</sup> St., Pendleton,

OR 97801.

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Oregon Department of Transportation Region 5-Highways Division, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands, Oregon Water Resources Department, Westland Irrigation District, CTUIR-Natural Resources, CTUIR-Cultural Resources

27. COMMENTS: The Umatilla County Public Works Department provided comment on April 11 2022, deferring spacing standards to ODOT's requirements.

Oregon Department of Transportation (ODOT), provided comment stating that the current access point to Colonel Jordon Road is approximately 240 feet from the I-84 eastbound exit ramp. This could cause congestion at the intersection, should new commercial vehicle trips be generated using the frontage road in close proximity to the interchange. ODOT states there is plenty of space from the eastbound ramps to attain 1,320 feet of separation of the ramps, trucks could enter a new connection to tax lot 1500 from Colonel Jordan Road or further south opposite of Nobles Road. ODOT believes it to be best to build a new connection at a minimum of 1,320 feet south of the interchange ramps per the IAMP, especially since this is the first opportunity to enter tax lot 1500 from the county road system.

On April 20, 2022 Umatilla County Public Works Director, Thomas Fellows, provided an additional comment requesting that the applicant be required to improve Center Street to a County Road gravel standard and relocate access to this public right of way. The existing right of way is 40 feet wide and aligns well with Noble Road, which is also a 40 foot right of way. The applicant's property would have direct access to this new road. This new connection would shift business access away from the frontage road, alleviating ODOT's concerns with the IAMP. Mr. Fellows also suggested that the Center Street ROW be named Noble Road for consistency across the intersection.

Umatilla County finds neither ODOT nor the County Road Department requested the applicant to obtain a traffic impact analysis.

Umatilla County finds that ODOT has requested the applicant to relocate the aggregate operation's entrance to be compliant with the Westland Road / I-82 IAMP's spacing standards.

Umatilla County finds the County Public Works Department has requested the applicant to improve and utilize the Center Street Right of Way, rather than accessing the site from Stafford Hansell Road.

Umatilla County finds the County Public Works Department has requested the applicant to not use Stafford Hansell Road for access.

Umatilla County finds that because the applicant has been legally using the existing access point to Stafford Hansell Road, and the use remains the same, the County cannot impose a condition forcing the applicant to relocate access.

~~Umatilla County finds and concludes a condition of approval is imposed that the applicant improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.~~

~~Umatilla County finds and concludes a condition of approval is imposed that the applicant's mining operation shall only use the newly improved Noble Road connection, and the existing access from Stafford Hansell Road to Colonel Jordan Road must cease.~~

*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).*

## **28. 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. A portion of the Rock-It #2 site is currently on Umatilla County's Goal 5 Inventory as a small significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to expand the site and add it to the Umatilla County inventory of large significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection is to include the site under the AR Overlay Zone. The Umatilla County Comprehensive Plan requires that "[a]ny proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA Overlay Zones shall be processed as an amendment to this plan." Therefore, this application constitutes a Post-Acknowledgement Plan Amendment (PAPA), and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. As a condition of approval for operation, the applicant must acquire a DOGAMI permit and obtain approval of a reclamation plan. Copies of both the DOGAMI permit and reclamation plan must be submitted to County Planning.

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

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

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

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

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

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

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

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

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

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

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

(iii) 17 feet in Linn and Benton counties.

The Rock-It #2 Quarry is in Eastern Oregon and has an inventory of over 4.8 million tons of available sand and gravel aggregate material. The United States Department of Agriculture Natural Resources Conservation Service Soil Survey of Umatilla County identifies the soils on the subject property as predominately Quincy loamy fine sand, with gravelly substratum, with slopes of 0 to 5 percent. The balance of the subject property in the southeast corner is Quincy loamy fine sand also with a slope of 0 to 5 percent. In both cases the soil is classified as VII when not irrigated or IV when irrigated. There are no Class I, Class II, Prime, or Unique soils on the subject property.

In 2010 samples of material were tested by Material Testing & Inspection from the Rock It #2 quarry and were determined to meet current ODOT specifications. The cover letter to the various laboratory reports indicates that tests were completed for durability, soundness, and specific gravity stating that the material tested satisfied the 2008 Oregon Standard Specifications for Construction.

Umatilla County finds the Rock It #2 quarry consisting of approximately 140 acres meet, and is estimated to exceed, both the quantity and quality criteria for a significant aggregate site in accordance with OAR 660-023-0180(3)(a).

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

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

**Applicant Response:** There are a variety of uses to the north of the property which also places them to the north of Interstate 84 which diminishes the impacts of the mining operation on those activities. There are commercial and light industrial uses to the east of the mining operation and homes sited on land zoned for Exclusive Farm Use to the southeast within the 1,500-foot impact area. Where this request is an expansion of an existing aggregate site the impact area will not be based on Tax Lots 700 and 800 but on Tax Lots 400, 500, 600, 1400 and 1500.

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

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

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

**Applicant Response:** There are five homes within the 1,500-foot impact area to the southeast all sited on land zoned for Exclusive Farm Use. They were approved as farm dwellings in the Exclusive Farm Use zone on parcels created by deed.

There are no residentially zoned lands within the impact area. There is a truck stop and three different commercial or light industrial operations in support of trucking and freight movement

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 8 of 30

to the east of the mining operation. To the north of the Interstate there is a FedEx freight facility, Triple M Truck and Equipment, and the Northwest Livestock Commission facility. There appear to be residential units at both the Northwest Livestock Commission facility and at the vacant Barton Industries facility. It is unknown whether these residential units have a conditional or final approval or have sought any.

There are uses that may be impacted by noise, dust, or other discharges from the proposed mining operation including the truck stop to the east and the homes to the southeast, all within the 1,500-foot impact area. Even so the applicant has for the existing operation and will continue for the expansion area managed impacts by employing best management practices. Current mining activity has been operating under a Conditional Use Permit since 2012.

The applicant does acknowledge that the mining and processing operation can create noise, dust, and other discharges and will employ normal and customary practices to manage those impacts. Both noise and dust are regulated by the Oregon Department of Environmental Quality, imposing standards that the applicant or contractors on this site would be compelled to meet, including obtaining a General Air Contaminant Discharge Permit (ACDP) for processing and batching activities. Dust is currently managed on site through the application of water or other dust abatement mechanisms.

Another concern related to discharges would be stormwater which the applicant currently and will continue to collect and hold onsite. There does not appear to be a need at this point for the applicant to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit with over 139-acres available to collect and hold stormwater. If conditions should change one can be obtained.

Blasting will NOT be conducted as part of the mining process as no basalt rock is proposed for extraction, just sand and gravel. As like the earlier requirements the applicant will comply with requirements of DOGAMI.

With application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized or eliminated within the 1,500-foot impact area.

Umatilla County finds that the applicant has identified potential conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and commercial uses) that are sensitive to such discharges exist within the 1,500 foot impact area. Umatilla County finds with application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized within the 1,500-foot impact area.

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and

similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

**Applicant Response:** Developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. All material leaving this site will travel one of those roads to then travel east or west along Interstate 84 or continue north along Westland Road to the delivery point. Traffic is dependent upon current workloads and will also vary based on the time of year. At peak usage Average Daily Trips will be under the 250 trips identified within the Umatilla County Development Code as the trigger for a Traffic Impact Study. Employees at the scale and office site would generate no more than 10 trips per day with employees working within the mining pits generating another 10 trips. Material trucks could contribute up to 100 trips per day with the two batch plants combined adding up to 70 trips per day. While most of these trips will initially use Stafford Hansell Road, future access to Colonel Jordan Road will see these trips shared between the two roads before moving onto the Interstate system or continuing north along Westland Road.

The applicant has historical access from Umatilla County for access onto Stafford Hansell Road. Prior to expanding mining activity to the portion of the subject property that fronts Colonel Jordan Road another access permit will need to be obtained. Both roads are paved and in good condition with Colonel Jordan Road seeing significantly more traffic. The affected roads are flat with no impairments to sight distance at the current access along Stafford Hansell or the future access to Colonel Jordan. There are no posted speed limits along either county road.

Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a).

Umatilla County finds that traffic generated by the quarry operations will be consistent with current levels. Umatilla County finds that the site will contribute less than 250 daily trips, therefore, a TIA is not required at this time.

Umatilla County inquired with ODOT Region 5 and County Public Works regarding the existing access point. County Public Works deferred to ODOT's response. ODOT stated that the existing access point does not comply with the Westland / I-84 Interchange Area Management Plan's (IAMP) spacing requirements to the interchange ramps. ODOT shared possible concerns with congestion at the intersection, and stated that the applicant's site could construct a new access to Colonel Jordan Road for trucks that would satisfy the 1,320 foot spacing requirement.

The County Public Works department requested the existing Stafford Hansell Road access point be closed, and a new access point to Colonel Jordan Road be constructed and used. As detailed above, Umatilla County finds the existing Stafford Hansell Road access is a legal access point that cannot be revoked.

Umatilla County finds the applicant is required to obtain a County Road Approach Permit to Colonel Jordan Road, once a Colonel Jordan Road access is necessary. The access shall be

constructed a minimum of 1,320 feet from the interchange ramps as requested by ODOT. This will be captured as a subsequent condition of approval.

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

Umatilla County finds that there are no public airports within the Impact Area. The closest public airport is east of Hermiston and more than five miles away from the site.

(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;

There are no known Goal 5 resource sites within the impact area for the aggregate site. Thus, Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with other Goal 5 resource sites within the 1,500 foot impact area.

(E) Conflicts with agricultural practices; and

**Applicant Response:** Agricultural practices within the 1,500-foot impact area of the Rock It #2 quarry are to the west, south, and southeast and consist of irrigated agriculture with circle pivot irrigation to the west and south. The crops would be predominately potatoes, corn, wheat, and other row crops. There are no planted vineyards in the impact area or within 2 miles of the proposed expansion site. Mining activity is not expected to conflict with these agricultural activities or practices. Prevailing winds are from the southwest moving any dust or emissions from the aggregate site away from agricultural lands towards an area that is used predominately for various commercial and industrial uses.

Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with nearby agricultural activities or practices. The existing site has been operating without conflicts to nearby agricultural practices for many years.

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

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

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

section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

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

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

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

**Applicant Response:** The applicant's experience is that all identified potential conflicts from the mining operation can be minimized as described above. This criterion is not applicable.

Umatilla County finds that all identified potential conflict will be minimized as described above. This criterion is not applicable.

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

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

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

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

**Applicant Response:** The applicant is currently considering the installation of a photovoltaic solar energy generation facility as a post-mining use. The subject property is not composed of Class I, II, Prime, or Unique farmland and would therefore allow a use allowed under ORS 215.283(2). Other post-mining uses, if allowed under ORS 215.283 and the Umatilla County Development Code, could also be considered.

Umatilla County finds the applicant has identified a possible post-mining use that is allowed under ORS 215.283. Umatilla County finds 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.

**Applicant Response:** Conditional Use Permit #C-1204-12 was issued in 2012 in conjunction with Plan Amendment #P-106-12 that listed a portion of the site that is subject to this request as a Small Significant Site. This action seeks to enlarge the mining area and the total volume that will be extracted from the original and expansion site converting the determination from a Small Significant Site to a Large Significant Site and applying Goal 5 protections.

Processing is currently authorized at the Rock-It #2 Quarry. This request is to expand the authorized quarry site. Umatilla County finds this criterion is applicable and a zoning permit is required to finalize approval (precedent condition).

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

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

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

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

(a) Identify conflicting uses;

The subject property and property within 1500 feet to the west and south is zoned Exclusive Farm Use (EFU) which allows a variety of farm related uses including dwellings if certain criteria are met. There are also additional uses that are allowed with standards or conditionally. Some of these uses could create conflicts with an aggregate operation. Conflicts are most likely to arise when a new use would place people, living or working, within the impact area. Those uses include homes, churches, parks or certain recreation facilities, farm stands, and other similar uses that allow or create areas where people congregate.

The properties to the east are zoned for Rural Tourist Commercial activities and light industrial activities with land north of Interstate 84 zoned for those same uses as well as Agri-Business uses. Lands north of Interstate 84, while within 1,500-feet of the mining operation and within the impact area, are buffered from the noise and other impacts by the Interstate. Noise and vibration from the mining operation would be overshadowed by the noise from the Interstate traffic.

(b) Determine the impact area;

The impact area is a 1,500-foot buffer extending from the aggregate site boundary.

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

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

**Table 1 - Potential Conflicting Uses**

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

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

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

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

There are no other known Goal 5 resources within the boundary of the mining area or within the proposed impact area.

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which

allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

The impact area for an aggregate site is 1,500 feet, as specified by OAR 660-023-0180(5)(a). Based on the list of potential conflicting uses identified in **Table 1**, above, Umatilla County has determined that the 1,500 foot impact area is sufficient for conducting the ESEE analysis.

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

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

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

The ESSE Analysis follows:

<b>ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Rock It #2 Quarry</b>			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<b>Consequences related to new use on neighboring properties.</b> There may be some negative economic impact to neighboring property owners if new dwellings or gathering	<b>Consequences related to new use on neighboring properties.</b> The economic impact to neighboring property owners would be neutral. A requirement for a waiver of	<b>Consequences related to new use on neighboring properties.</b> The economic consequence for property owners would be neutral. This decision would maintain the current approval

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	<p>places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Dwellings are not allowed as outright uses in the other use zones within the impact area. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p><b>Consequences related to loss or interruption of quarry access.</b></p> <p>The economic benefit of preserving the applicant’s ability to access material from this site does have an economic impact through direct employment and employment impacts on the various developments that rock is delivered to. The Rock It #2 Quarry will provide material for a variety of projects throughout Umatilla and Morrow Counties and possibly beyond.</p>	<p>remonstrance would not restrict the use of the property allowed in the underlying zone.</p> <p>Similar waivers are required by counties around the state as a condition of approval for a new residential structure in a farm or forest zone. These waivers, required by ORS 215.213 and 215.283, restrict a landowner’s ability to pursue a claim for relief or cause of action alleging injury from farming or forest practices.</p> <p>Without evidence that the widespread use of such waivers has negatively impacted property values or development rights, it is reasonable to conclude that the proposed limit on new conflicting uses in the impact area of the Rock It #2 Quarry will have no negative economic consequence.</p> <p><b>Consequences related to loss or interruption of quarry access.</b></p> <p>The economic benefit would be the same as that for a decision to prohibit uses since the proposed “limit” is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p>criteria for new residences and gathering places in the impact area.</p> <p><b>Consequences related to loss or interruption of quarry access.</b></p> <p>The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have cause delays and increased costs for projects across the state. Development of this quarry supports economically efficient development and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large.</p>
	<p><i>Prohibit dwellings and gathering spaces</i></p>	<p><i>Condition the placement of new dwellings and gathering spaces</i></p>	<p><i>No change to review standards for dwellings and gathering spaces</i></p>
<p>Social Consequences</p>	<p><b>Consequences related to new use on neighboring properties.</b></p> <p>Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also</p>	<p><b>Consequences related to new use on neighboring properties.</b></p> <p>The social impact to neighboring property owners would be neutral if acceptance of the mining activity were added as a condition of approval for new dwellings and uses related to social gatherings within 1500 feet of</p>	<p><b>Consequences related to new use on neighboring properties.</b></p> <p>The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p>

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	<p>prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p><b>Consequences related to loss of quarry access.</b> Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>the quarry boundary. Options available to property-owners would not be reduced. Dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p><b>Consequences related to loss of quarry access.</b> Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p><b>Consequences related to loss of quarry access.</b> Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Environmental Consequences	<p><b>Consequences related to new use on neighboring properties.</b> There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p><b>Consequences related to loss of quarry access.</b> Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p><b>Consequences related to new use on neighboring properties.</b> There could be a negative environmental consequence from noise if new dwellings or social gathering spaces were limited in the impact area. New dwellings and social gathering spaces in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site.</p> <p><b>Consequences related to loss of quarry access.</b> Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some</p>	<p><b>Consequences related to new use on neighboring properties.</b> There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area. Different than the option to limit a decision, there would be no mechanism in the county’s approval process to inform property owners of the authorized mining activity. This would result in a higher possibility for a residence or social gathering space to be in the impact area and a higher potential for a negative consequence.</p> <p><b>Consequences related to loss of quarry access.</b> There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining</p>

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

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

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

Umatilla County has determined, through the ESEE analysis, that the resource site and the conflicting uses (dwellings and public/private gathering spaces) are important compared to each other. Therefore, Umatilla County finds that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Rock-It #2 Quarry in order to achieve Goal 5.

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

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

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

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

Umatilla County finds that the Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Rock-It #2 Quarry as a significant aggregate resource site.

The Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited.

As noted previously, a condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The purpose of this condition is not to disallow these activities, but to ensure that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. This criterion is met.

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

division, a standard shall be considered clear and objective if it meets any one of the following criteria:

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

Umatilla County finds that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Rock-It #2 Quarry in order to achieve Goal 5. The Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited. A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval.

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

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

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

**30. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTABLISHING AN AR OVERLAY ZONE** are found in **Sections 152.487 and 152.488**. The following standards of approval are underlined and the findings are in normal text.

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

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

met:

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

The Umatilla County Comprehensive Plan and Technical Report both have input into this decision. In 2012, the Umatilla County Comprehensive Plan was amended with Ordinance 2012-15 to include Tax Lots 4N 27 36; 700 and 800 as a Small Significant Site under the County's Goal 5 Aggregate Resources Inventory. This action seeks to expand the previously mentioned site to a Large Significant Site, adding the remaining tax lots that make up Rock-It #2 Quarry under Goal 5, and apply the Aggregate Resource Overlay Zone to the mining site along with a mapped buffer area to further protect the resource.

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

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

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

Finding 41 would also be applicable and states, "Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource." Based on this application, the applicant requests that the accompanying Policy be updated to list the Rock-It #2 Quarry.

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

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

Umatilla County finds that the applicant's PAPA shows sufficient information that the inventory of aggregate material at the Rock-It #2 Quarry is over 2.4 million cubic yards exceeds ODOT specifications and warrants the overlay. This criterion is met.

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

Umatilla County finds that there are no residences or properties zoned for residential use within 1,000 feet of the proposed overlay. This criterion is met.

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

The location of the Rock It #2 Quarry along Interstate 84 and south and west of industrial uses would make screening unnecessary. This type of aggregate activity regularly takes place along highways and roads to provide easy and cost-effective access to aggregate material for use in development projects. The applicant would state that screening beyond the use of berms of this site would be cost prohibitive and would not provide benefit.

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

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

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

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

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

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

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

The applicant has and will continue to mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property. There is a home on the property that will be removed at a future date to allow mining of the full site. Until that time mining will not be done within 100 feet of the home. There are no other homes within 100 feet of the subject property and the requested

remonstrance process could work to ensure that any new homes sited in the 1500-foot impact area do not conflict with the proposed large significant site. Future sedimentation ponds that may be installed will be more than 25 feet from either Stafford Hansell Road or Colonel Jordan Road.

Umatilla County finds that as a condition of approval, the applicant shall provide a site plan to the Planning Department showing extraction and sedimentation ponds that are not located within 25 feet of a public road or within 100 feet from a dwelling.

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

Umatilla County finds there is one dwelling to the southeast of the mining site that is located within 500-feet of the boundary of the subject property being about 475 feet from the boundary of the subject property. Processing equipment will be sited in such a way as to retain this 500-foot setback requirement.

Umatilla County finds as a condition of approval, the applicant shall provide a site plan demonstrating that processing equipment will be sited to retain the 500-foot setback to the existing dwelling.

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

Umatilla County finds that the Rock It #2 Quarry fronts both Stafford Hansell and Colonel Jordan Roads with an existing historical access on Stafford Hansell Road. A new access point will need to be approved and constructed to Colonel Jordan Road to support the mining activity once the expansion begins. A subsequent condition of approval is imposed that the applicant obtain access permit approval from Umatilla County Public Works to Colonel Jordan Road at the time the new access is needed by the mining operation, this access point must meet the 1,320 foot spacing requirements from the interchange ramps.

### 31. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

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

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

**County Finding:** Umatilla County finds that the applicant's request will go through the public

hearing process and complies with Statewide Planning Goal 1 (Citizen Involvement).

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

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

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

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

**Applicant Response:** Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. The current mining operation on this property (tax lots 700 and 800) was approved as a Conditional Use in 2012 and was at that time listed in the Inventory of Significant Sites as a Small Significant Site. It has operated since that time with agricultural activities to the west, south, and southeast with no conflicts or concerns. There are at least five other aggregate sites within a five-mile radius of this site with several of them operating adjacent to lands producing crops.

In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, can be determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed. Here, approval of the proposal allows both the objectives of Goal 3 and Goal 5 to be realized.

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

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

**Applicant Response:** There are no forest lands impacted by this request. The Umatilla National

Forest is significantly south of the subject property.

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

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

**Applicant Response:** The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped.

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

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

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

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

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

Noise is defined as unwanted sound. The location of this site adjacent to Interstate 84 would provide significant mitigation based on the noise generated by the Interstate and provide protection from noise that may be generated.

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

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

**Applicant Response:** Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property.

**County Finding:** Umatilla County finds that Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters) does not directly apply to this request.

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

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

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

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

**Applicant Response:** Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County has a comprehensive plan and technical report that has been acknowledged to comply with Goal 9. While the approval of an aggregate site does not, in and of itself, provide significant economic benefit, the aggregate industry can provide an economic benefit to a region. Aggregate is a necessary component that is essential for residents, businesses, and recreation and tourism activities in this region.

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

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

**Applicant Response:** Housing is not a consideration of this application. However, the approval of this site would allow for aggregate to be available for use in the housing and commercial construction business.

**County Finding:** Umatilla County finds housing is not a direct consideration of this request,

however, the requested activities will allow for aggregate to be available for use in the housing and commercial construction business.

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

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

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

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

**Applicant Response:** Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This rock could be used for transportation projects in and around the greater Hermiston area.

**County Finding:** Umatilla County finds as part of this application approval process, the applicant will be required to ~~relocate~~ construct a new access points ~~to~~ that complies with the adopted Umatilla County / ODOT Westland Road / I-84 / I-82 Interchange Area Transportation Plan, at the time the new access point is necessary. ~~This relocation will make the access point compliant with spacing standards to Interstate 84 and support Goal 12.~~ Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 12 (Transportation), as the mined rock could support future transportation projects in the area.

**Goal 13 Energy:** *To conserve energy.*

**Applicant Response:** Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Approval of this request provides opportunities for energy efficiency and convenience for residents, the movement of farm goods, and for access to recreation and tourism opportunities by providing improved and safe highways. It also recognizes the energy savings of having aggregate sites throughout a region in support of residential, commercial, and industrial development.

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

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

**Applicant Response:** Goal 14 prohibits urban uses on rural lands. Goal 14 is not specifically applicable to this action.

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

### **32. DECISION:**

**BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE AYLETT REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY TO THE ROCK-IT #2 SITE IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.**

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

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

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

1. 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.
- ~~2. Obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road.~~

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 29 of 30

- ~~3. Improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.~~
- ~~4. Discontinue the site access from Stafford Hansell Road to comply with the Westland Road / I-84 IAMP access requirements.~~
5. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling.
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 agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
10. Any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.
11. Obtain a County Road Access Permit from Colonel Jordan Road that meets the 1,320 foot spacing requirement from the interchange, once the second access is requested by the mining operation.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

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**UMATILLA COUNTY BOARD OF COMMISSIONERS**

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
George M. Murdock, *Commissioner*

\_\_\_\_\_  
John M. Shafer, *Commissioner*

\_\_\_\_\_  
Daniel L. Dorran, *Commissioner*

Proposed Umatilla County Comprehensive Plan Text Amendment

**ROCK IT #2 QUARRY**  
**Comprehensive Plan Map Amendment #P-133-22**  
**Comprehensive Plan Text Amendment T-088-22**  
**Zoning Map Amendment #Z-320-22**  
**Township 4N, Range 27E, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500**  
**AND**  
**Township 4N, Range 27E, Section 25, Tax Lot 900**

This proposed amendment to the Umatilla County Comprehensive Plan is to expand the existing Rock It #2 quarry and add the entire Rock It #2 Quarry Site (listed in the Comprehensive Plan Technical Report as a small site) to the list of Goal 5 protected, significant resource aggregate sites. The following proposed changes will be made in Chapter 8, Open Space, Scenic and Historic Areas, and Natural Resources:

Note: Proposed changes are in underlined> text.

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

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

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

(12) ODOT quarry, T2N, R27, TL 2700.  
(13) Private, commercial pit, T4N, R27E,  
Section 25, TL 900, Section 36, TL 400,  
500, 600, 700, 800, 1400, 1500.

**APPLICANT: WADE AYLETT**

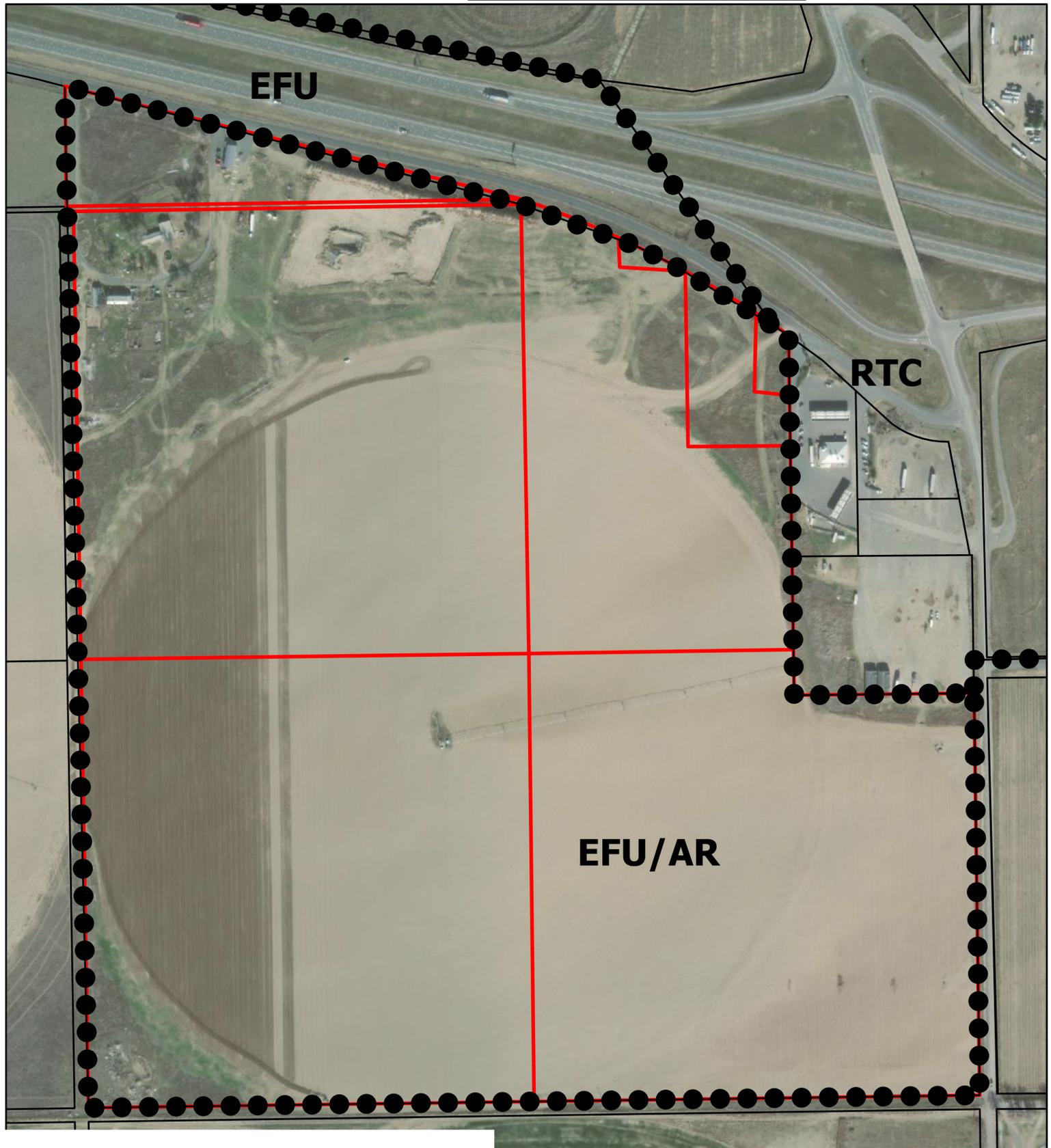
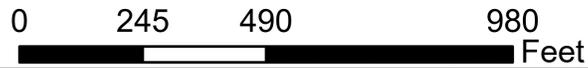
**OWNER: ROCK-IT LLC**

**#P-133-22, Z-320-22, T-088-22**

N



**PROPOSED ZONING MAP**



**Legend**

- Zoning Boundary
- Property Boundary
- Subject Parcels

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department  
Date: 4/19/2022





**MATERIAL  
TESTING &  
INSPECTION**

Environmental Services       Geotechnical Engineering       Construction Materials Testing       Special Inspections

Wade Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

Phone: (541) 922-8903  
Fax: (541) 922-8948  
Other:

**Project: Rock Solid Sand and Gravel  
ODOT Product Compliance Testing.**

Dear Mr. Aylett,

Materials Testing & Inspection (MTI) performed product compliance testing on Aggregate samples delivered to our Ontario Laboratory July 12<sup>th</sup>, 2010. The source location was identified as Township 4N, Range 27, Section 36, Tax Lot #1500.

MTI performed testing for Durability on samples identified as:

- LA Abrasion (LA386)
- Oregon Air Degradation (Deg387)

MTI performed testing for Soundness on sample identified as:

- Sodium Sulfate Soundness (Sulfate383)

MTI performed additional testing for grading and density on samples identified as:

- Coarse Aggregate Specific Gravity (SpGr384)
- Sieve Analysis (Sieve382)

All testing was in accordance with current AASHTO standards and the Oregon Dept. of Transportation (ODOT) 2008 Oregon Standard Specifications.

MTI has determined that the material provided to us by representatives of Rock Solid Sand & Gravel has satisfied the 2008 Oregon Standard Specifications for Construction requirements by exceeding the standards outlined under section 00745, 02630, 02640, and 02690.

The attached laboratory reports dated August 15<sup>th</sup>, 2010 illustrate the result of each test and the minimum and/or maximum requirements as derived from each section.

If you have questions or need to discuss the provided test results, please call us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION, INC.**

Reviewed By: Charles D. Walker  
Regional Manager



Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed an LA Abrasion on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
<b>Date Obtained:</b>	7/15/10						
<b>Sample ID:</b>	100386						
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
<b>Test Standard:</b>	ASTM C535:		AASHTO T96:	X			

Nominal Maximum Size of Aggregate	3"
Grading Designation	A
Percent Loss by Abrasion	15.8

ODOT specifications for HMA & PCC Aggregate: 30.0% Max  
ODOT specifications for Shoulder & Base Aggregate: 35.0% Max

If you have any questions concerning this report (LA386-Revised), please call on us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

Reviewed By: Charles D. Walker  
Regional Manager



**MATERIALS  
TESTING &  
INSPECTION**

**OREGON AIR  
AGGREGATE DEGRADATION**

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SOLID SAND AND GRAVEL O. SOURCE APPROVAL  
(ONTARIO, OR)\DEG387.DOC

- Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G ODOT Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source and Description:</b>	Supplied By Rock Solid, Source Unknown – 3" Minus						
<b>Date Obtained:</b>	7/15/10						
<b>Sample ID:</b>	100387						
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
<b>Test Standard:</b>	ODOT TM208	X					

Nominal Maximum Size of Aggregate	3"	ODOT Specifications
Sediment Height In Inches:	0.2	3" Max
Percent Passing .850 Sieve:	2.4	30% Max

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (Deg387), please call on us at: (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

Reviewed By: **Charles D. Walker**  
Regional Manager



Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G ODOT Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source and Description:</b>	Sampled By Rock Solid - 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500							
<b>Date Obtained:</b>	7/15/10							
<b>Sample ID:</b>	100387							
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:	
<b>Test Standard:</b>	ODOT TM208	X						

Nominal Maximum Size of Aggregate	3"	ODOT Specifications
Sediment Height In Inches:	0.2	3" Max
Percent Passing .850 Sieve:	2.4	30% Max

**ODOT Specifications noted satisfy Base/Shoulder Aggregate, PCC Aggregate, HMAC Aggregate**

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (*Deg387- Revised*), please call on us at: (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

Reviewed By: Charles D. Walker  
Regional Manager



- Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G ODOT Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Supplied by Rock Solid, Source Unknown – 3" minus						
<b>Date Obtained:</b>	7/15/10						
<b>Sample ID:</b>	100383						
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
<b>Test Standard:</b>	ASTM C88:		AASHTO T104:	X	Sodium:	X	Magnesium:
					Fresh Prepared:	X	Previously Used:

**Coarse Size Aggregate**

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	3/4"	510.4g		
3/4"	1/2"	675.0g	2.44%	0.66
1/2"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
Total				1.2

**ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%**

**Coarse Aggregate Examination**

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	3/4"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

*Charles D. Walker*

Reviewed By: **Charles D. Walker**  
Regional Manager



Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G ODOT Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Sampled by Rock Solid - 3" minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
<b>Date Obtained:</b>	7/15/10					
<b>Sample ID:</b>	100383					
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X
					ASTM D421/D2217:	
<b>Test Standard:</b>	ASTM C88:		AASHTO T104:	X	Sodium:	X
					Magnesium:	
					Fresh Prepared:	X
					Previously Used:	

**Coarse Size Aggregate**

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	¾"	510.4g		
¾"	½"	675.0g	2.44%	0.66
½"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
			<b>Total</b>	<b>1.2</b>

**ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%**

**Coarse Aggregate Examination**

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	¾"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

*Charles D. Walker*

Reviewed By: Charles D. Walker  
Regional Manager



Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G ODOT Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Supplied by Rock Solid, Source Unknown – 3" Minus						
<b>Date Obtained:</b>	7/15/10						
<b>Sample ID:</b>	100384						
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
<b>Test Standard:</b>	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384), please call on us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

Reviewed By: **Charles D. Walker**  
Regional Manager



Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G ODOT Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
<b>Date Obtained:</b>	7/15/10						
<b>Sample ID:</b>	100384						
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
<b>Test Standard:</b>	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384-Revised), please call on us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

Reviewed By: Charles D. Walker  
Regional Manager



- Environmental Services
- Geotechnical Engineering
- Construction Materials Testing
- Special Inspections

Debbie Aylett  
 Rock Solid Sand & Gravel  
 74854 Washington Lane  
 Irrigon, OR 97844

**Project: Rock Solid S&G Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Supplied by Rock Solid, Source Unknown – 3” Minus						
<b>Date Obtained:</b>	7/15/10						
<b>Sample ID:</b>	100382						
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X	ASTM D421/D2217
<b>Test Standard:</b>	ASTM C117:		AASHTO T11:	X	ASTM D1140:		ASTM D5444:
	ASTM C136:		AASHTO T27:	X	ASTM D422:		AASHTO T88:

Sieve Size	Percent Passing
3”	100
2.5”	97
2”	92
1.5”	81
1”	64
¾”	52
½”	39
¼”	33
3/8”	26
#4	23
#8	16
<del>#10</del>	14
#16	11
#30	7
<del>#40</del>	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382), please call on us at (541) 889-3602.

Respectfully submitted,  
**MATERIALS TESTING & INSPECTION INC.**

Reviewed By: Charles D. Walker  
 Regional Manager



- Environmental Services     Geotechnical Engineering     Construction Materials Testing     Special Inspections

Debbie Aylett  
Rock Solid Sand & Gravel  
74854 Washington Lane  
Irrigon, OR 97844

**Project: Rock Solid S&G Source Testing**  
**Test Date: August 15<sup>th</sup> 2010**

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

<b>Source &amp; Description:</b>	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
<b>Date Obtained:</b>	7/15/10					
<b>Sample ID:</b>	100382					
<b>Sampling and Preparation:</b>	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X
						ASTM D421/D2217
<b>Test Standard:</b>	ASTM C117:		AASHTO T11:	X	ASTM D1140:	ASTM D5444:
	ASTM C136:		AASHTO T27:	X	ASTM D422:	AASHTO T88:

Sieve Size	Percent Passing
3"	100
2.5"	97
2"	92
1.5"	81
1"	64
¾"	52
½"	39
¼"	33
3/8"	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382-Revised), please call on us at (541) 889-3602.

Respectfully submitted,

**MATERIALS TESTING & INSPECTION INC.**

*Charles D. Walker*

Reviewed By: **Charles D. Walker**  
Regional Manager

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## TIA for Aggregate Project

---

Tom Fellows <tom.fellows@umatillacounty.gov>

Mon, Apr 11, 2022 at 4:26 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>

Cc: LAPP Thomas <Thomas.Lapp@odot.state.or.us>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hello Bob

Given that ODOT has gone to a great deal of work developing their spacing standards around overpass areas and the fact we did everything we could to meet their standards on the North side of this overpass I would defer to whatever ODOT requires in this particular area.

Tom Fellows

[Quoted text hidden]

## TIA for Aggregate Project

LAPP Thomas <Thomas.Lapp@odot.oregon.gov>

Tue, Apr 12, 2022 at 10:18 AM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

Robert,

I took a look at the area and tax lots Aylett owns at the SW side of the I-84 interchange. The existing frontage road is approximately 240' from the EB exit ramp and it appears the first access to the subject properties from the frontage road is about 600' west from Colonel Jordan Rd, entering onto tax lot #400. This may cause some congestion at the intersection entering Colonel Jordan if a great deal of new commercial vehicle trips are generated using the frontage road in close proximity to the interchange.

There is plenty of space available from the EB Ramps to attain 1320' of separation from the ramps where trucks could enter a new connection to tax lot 1500 from Colonel Jordan Rd or further south opposite of Noble Rd.

In any case I believe it would be best to build a new connection at a minimum of 1320' South of the interchange ramps per the IAMP especially since this is the first opportunity to enter tax lot 1500 from the county road system.

Thanks

Thomas Lapp

District 12 Permit Specialist

1327 SE 3<sup>rd</sup> Street

Pendleton, OR 97801

Ph (541)278-3450

Fax (541)276-5767

**From:** Robert Waldher <robert.waldher@umatillacounty.gov>

**Sent:** Wednesday, April 6, 2022 3:46 PM

**To:** LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; Tom Fellows <tom.fellows@umatillacounty.gov>

## **5.3 LOCAL STREET NETWORK AND ACCESS MANAGEMENT PLAN**

### **Introduction**

The purpose of the development of a local street network and access management plan in the Westland Road/I-84/I-82 interchange area is to predefine the location of the local streets and driveways in relation to the two rural collector streets, Westland Road and Lamb Road.

The local street network and access management plan was developed by using the access spacing standards in the adopted 2002 Umatilla County Transportation System Plan as a guideline. Where physical constraints and/or long lot frontage existed, variances to the standards were sought to balance the need for local access versus through trip capacity.

### **Existing Access Spacing Standards**

There are three relevant access spacing standards in developing the local street network and access management plan. The first standard is the spacing between a freeway ramp junction with a local cross street and the first full public access. The standard adopted in the 2002 Umatilla County Transportation System Plan is 1,320 foot spacing between a freeway ramp intersection with a local cross street and the first full access. This spacing standard is also consistent with the 1999 Oregon Highway Plan.

The second access spacing standard to consider in the development of the local street network and access management plan is the minimum public street to public street spacing standard. The 2002 Umatilla County Transportation System Plan requires that the minimum spacing standard between public roads on a designated rural collector arterial is 500 feet.

The third and final access spacing standard to consider is the minimum driveway spacing standard. The 2002 Umatilla County Transportation System Plan defines minimum driveway spacing on a rural collector arterial at 250 feet.

### **Existing Accesses on Westland Road south of I-84**

Along Westland Road/Colonel Jordan Road, south of I-84 there are two public streets and three driveways within the study area. The two public streets are Stafford Hansel Road and Noble Road. Stafford Hansel Road is less than 200 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road. Noble Road is more than 2,000 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road.

The Shell Gas Station and Truck Stop and Barton Industries driveways are across from each other along Westland Road/Colonel Jordan Road and approximately 308 feet south of the I-84 Eastbound Ramp intersection. The only other driveway between Stafford Hansel Road and

Noble Road is an agricultural driveway to a field approximately 300 feet south of the Shell and Barton Industries driveways.

There are several substandard conditions along Westland Road/Colonel Jordan Road south of I-84. First, Stafford Hansel Road does not meet the minimum spacing standard between an interchange ramp and the first full access public street. The adopted Umatilla County Transportation System Plan standard is 1,320 feet, which is also consistent with the 1999 Oregon Highway Plan. Based on the 1,320 foot spacing standard, none of the driveways meet the current standard either.

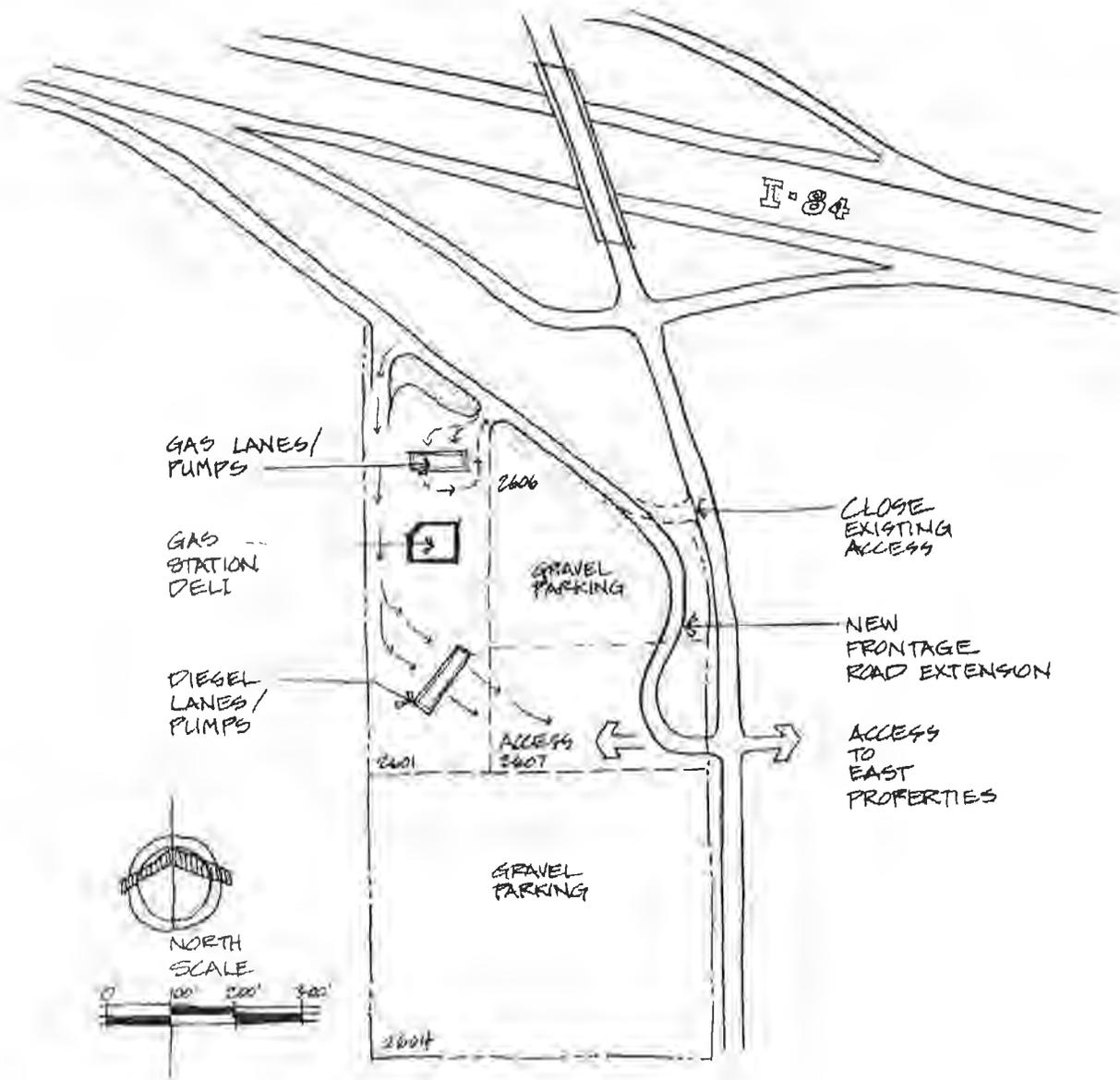
### **Proposed Future Accesses on Westland Road/Colonel Jordan Road South of I-84**

The current 1,320 access spacing standards do not apply until the adjacent property redevelops. Redevelopment is possible only along the areas that are currently zoned commercial or industrial south of I-84. Even at the time of redevelopment, the subject parcels cannot meet the minimum 1,320 foot spacing requirement from the I-84 Eastbound Ramp intersection since the parcel length are less than 900 feet. Therefore, a variance to the standard is needed.

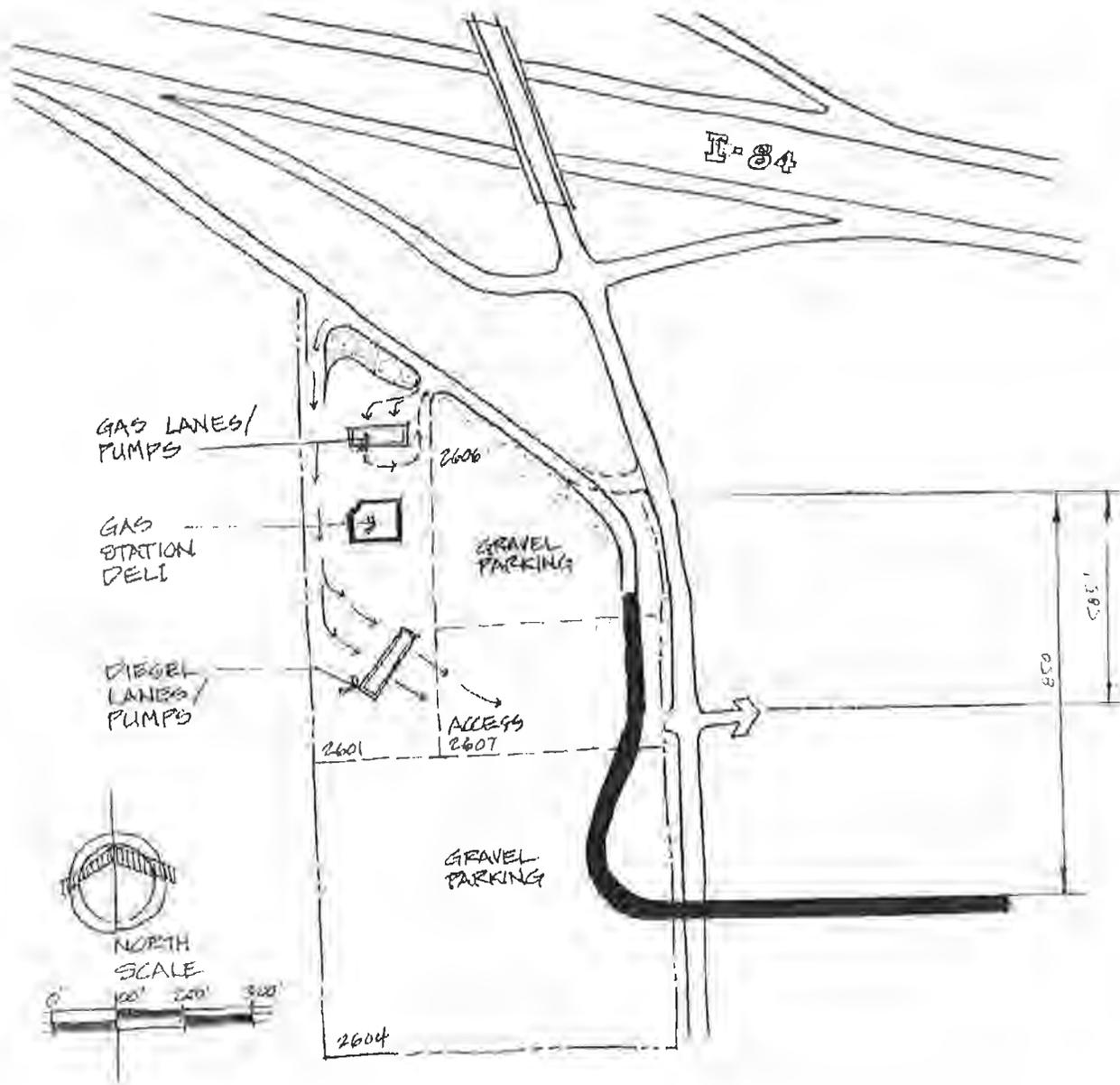
One of the purposes of this plan is to develop a future access plan that would be implemented at the time of redevelopment. By creating this plan in advance of development or redevelopment, the interchange area can be protected and any deviations to the standards pre-approved through the adoption of the local street network and access management plan of this study.

The most logical access management principal to guide the development of future access along Westland Road/Colonel Jordan Road south of I-84 is to consolidated driveways on both sides of the roadway and to make sure that driveways are across from each other. There are two alternatives that could work.

The Shell Gas Station/Truck Stop driveway is already along the southern parcel boundary and is directly across from the Barton Industries driveway. Stafford Hansel Road could be realigned by closing the existing Colonel Jordan Road/Stafford Hansel Road intersection and realigning Stafford Hansel parallel and southward along Colonel Jordan Road. This alignment would intersection at Colonel Jordan Road at the existing Shell Gas Station/Truck Stop and Barton Industries driveway. Although the spacing does not come close to the 1,320 foot spacing standard, it does significantly improve safety and the interaction between the I-84 Eastbound Ramp and Stafford Hansel Road traffic. Since the traffic volumes on Westland Road/Colonel Jordan Road south of I-84 are relatively low compared to the rest of the study area, the compromised spacing standards are not likely to generate any operational or safety problems. The figure on the next page illustrates this future access concept.



The other access option is to realign Stafford Hansel Road further south at the southern end of the Barton parcel. This would provide approximately 800 to 900 feet of separation between the I-84 Eastbound Ramps, Stafford Hansel Road, Shell Gas Station/Truck Stop access, and Barton Industries driveway. The figure below depicts this second access concept for Colonel Jordan Road south of I-84.



**Existing Accesses on Westland Road North of I-84**

Livestock Road is the only street or driveway that encroaches on the minimum access spacing standard from an interchange ramp. Livestock Road is less than 200 feet from the I-84 Westbound Ramp intersection with Westland Road.

The next access north of Livestock Road along Westland Road is the public street serving Freightliner. This street is approximately 1,425 feet from the I-84 Westbound Ramp intersection with Westland Road. It meets the minimum spacing requirement of 1,320 feet from the interchange ramp intersection.

## TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Wed, Apr 20, 2022 at 4:15 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Bob

After looking at Tom Lapp's response and further conversation with my staff as well as County Planning I believe the best solution to this would be for Mr. Aylett to improve Center street to a gravel road standard and utilize it for the access to his operation. Center street right-of-way exists at what appears to be a 40 foot right-of-way and aligns well with Nobel road which is also a 40 foot right-of-way. On the map it appears that Mr. Aylett's property would have direct access to this new road. With this new connection it would shift business access away from the frontage road which would address ODOT's concern with the IAMP. I would also suggest that rather than using center street we simply continue Nobel road across the intersection.

Tom Fellows

----- Forwarded message -----

From: **LAPP Thomas** <Thomas.Lapp@odot.oregon.gov>

Date: Tue, Apr 12, 2022 at 10:18 AM

Subject: RE: TIA for Aggregate Project

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

### 3 attachments



I-84 to Colonel Jordan Rd..JPG  
227K

 20220406183341.pdf  
247K

 20220406183454.pdf  
85K

Exhibit A



UMATILLA COUNTY ZONING PERMIT

DEPARTMENT OF LAND USE PLANNING
216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

Table with Permit No. ZP-20-142 and a list of fees: Zoning Permit Fee \$100, Code Violation Fee \$100, Design Review \$350, Floodplain Dev. Permit \$250, Replace Dwelling Verify \$75, Rural Address \$35, Towers (Cell, Met, etc.) \$200.

SCANNED

For information visit- www.umatillacounty.net/planning

Home or Cell 541-571-9200

APPLICANT'S NAME WADE AYLETT PHONE Work (541)-567-0224
MAILING ADDRESS 74854 WASHINGTON LN IRRIGON OR 97844
PROPERTY OWNER(S) ROCK IT #2 - WADE AYLETT PHONE (541)-567-0224
MAILING ADDRESS 74854 WASHINGTON LN IRRIGON OR 97844

TWP 4N RNG 27E SEC 36 ACCT # 116934/116930 Map # 4N 27 36 Tax Lot # 700 & 800

LAND USE ZONE EFU PARCEL SQ FT/ACRES 55.68 SITE ADDRESS 28508 STAFFORD HANSELL RD, HERMISTON OR 97838

REQUIRED SETBACKS (Stream Setback 100-ft) FRONT 100 ft SIDE 5' REAR 5'
Is the property in a FLOODPLAIN? No Yes
Is a Flood Development Permit required? No Yes

If the permit is for an accessory building located within the EFU/GF Zones, how will it be used? Personal Use Farm Use Applicable

ACCESS PERMIT: Has an access permit been issued from the County or ODOT? No Yes In Process Not Applicable

MANUFACTURED HOME (placement/removal) - Has the County Assessor's Office been contacted? No Yes Not Applicable

PROPOSED USE or STRUCTURES: 1) Aggregate Mining approved per CUP #C-1204-12 - Extracting & crushing 100000 tons
Briefly describe the use 2) OF Rock from mine - Scale - Scale House - Asphalt/Boston Plant - Wash Plant transfer

These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.

- Manufactured Home Placement, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the "Insignia of Compliance" if prior to 1976.
Replacement of a dwelling in a resource zone. The dwelling to be replaced MUST be removed, demolished or converted to an approved nonresidential use within one year of the date of certification of occupancy of the new dwelling. A Replacement Covenant and the Covenant Not to Sue must be recorded.
Met Towers, Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
Temporary Mobile Home/Temporary Hardship Dwelling. The home MUST be removed within 90 days from the date the hardship ends. (Contact County Planning as soon as the hardship ends.)

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

\* SIGNATURE OF ALL PROPERTY OWNERS REQUIRED (additional signature pages are available upon request)

Signature of Wade Aylett 7/7/2020
Signature of Debora L Aylett 7/7/2020
WADE R AYLETT "MEMBER" - ROCK IT, LLC
DEBORA L AYLETT "MEMBER"

DATE APPROVED 07/07/2020 APPROVED BY [Signature] PERMIT NO. ZP-20-142
RELATED LUD, CUP and/or VARIANCE NO. C-1204-12 (also see ZP-16-034 - not attached upon)
EXTENDED or (AMENDED) DATE APPROVED: [Signature]
VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. Revision Date: July 15, 2019

**Site Plan for ZP - 20 - 142**  
 (Also see ZP-10-0349C-1204-B)

APPROVED BY CW.

DATE 07/07/2020

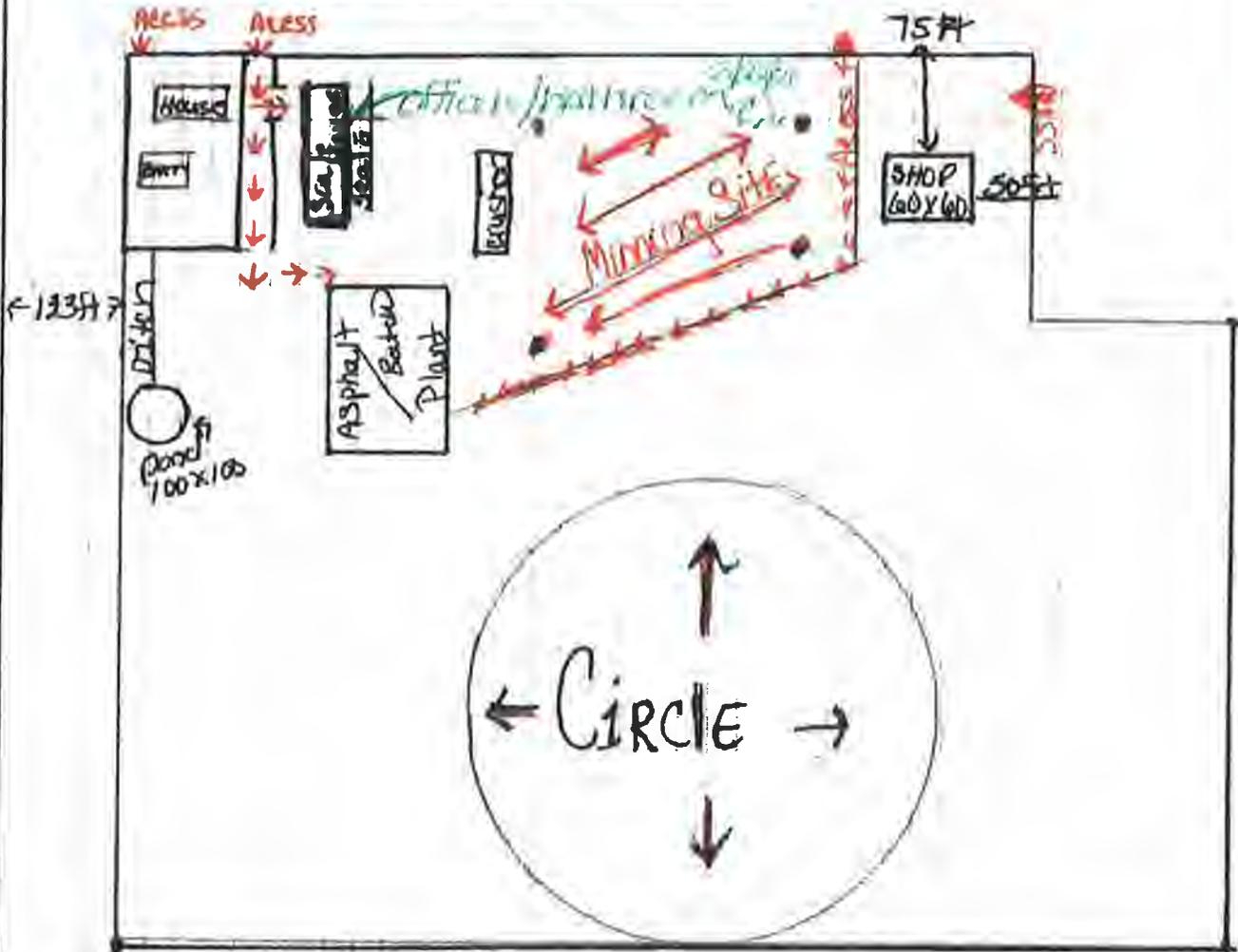
County Assessor's Office Approval Stamp  
 for a Manufactured Home (if applicable)

**Include the following features in the Site Plan - use a ruler or straight edge to draw the Site Plan:**

- Site area showing property boundaries and dimensions.
- Proposed and existing structures with dimensions and the distance from all property lines
- Location of existing wells and existing septic systems (i.e. tanks, drain fields).
- Widths and names of roads adjacent to the site which provide direct access to the property.
- Existing access points (driveways, lanes, etc.)
- Easements and/or rights-of-ways
- Existing utility lines (above and below ground).
- Approximate location of any unusual topographical features.
- Location of all creeks, streams, ponds, springs and other drainage ways.



North Arrow indicates map orientation.





# Umatilla County Public Health Environmental Health Division



## Land Use Compatibility Statement

This form must be completed by the Umatilla County Planning Department to ensure the proposed activity is consistent with zoning and land use regulations. Please submit completed form to Umatilla County Environmental Health.

### Section 1: To be completed by the applicant:

Applicant Name: Warren Ewing Demolition & Excavation LLC Telephone: \_\_\_\_\_  
Mailing Address: 75540 Gdn Club Rd. Email: \_\_\_\_\_  
City: Hermiston State: OR Zip Code: 97138

### Property Information:

Property Owner: Rock It LLC Physical Address: 29998 Stafford Hansell Rd  
Township: 4N Range: 27 Section: 36 Tax Lot No: 100420 Account #: 11693/and Hermiston #11693  
Map: 4N2736 Directions to property: \_\_\_\_\_

Describe the proposed use: Office with bathrooms at approved Aggregate site - CUP # C-1204-12

### Section 2: To be completed by the Umatilla County Planning Official

Approval being requested (check all that apply):  New construction  Repair  Alteration  
 Replacement dwelling  Bedroom addition  Land use changes involving potential sewage flow increases  
 Single Family Dwelling  Accessory Structure  Other \_\_\_\_\_

Property Zoning: EFU Location Is:  Inside UGB  Outside UGB

Subject to:  County Jurisdiction  Shared City/County Jurisdiction  City Jurisdiction  
 Permit Not Required  PROPERTY IN FLOODPLAIN  
 Permit Required  Zoning Permit  Design Review  Conditional Use  Land Use Decision  
 Permit(s) Issued: \_\_\_\_\_

Print Name: CAROL JOHNSON Title: Planner

Planning Official Signature: Carol Johnson

Signature date: 03/23/2021 Telephone: 541-278-1252

THIS DOCUMENT IS VALID FOR ONE (1) YEAR FROM THE DATE SIGNED

Umatilla County Environmental Health  
200 SE 3<sup>rd</sup> Street  
Pendleton, OR 97801  
Ph: (541)278-6394  
Fax: (541)278-5433  
health@umatillacounty.net

Umatilla County Planning Department  
214 SE 4<sup>th</sup> Street  
Pendleton, OR 97801  
Phone: (541)278-6252  
Fax: (541) 278-5480  
planning@umatillacounty.net

# Exhibit B

April 28, 2022

Suni Danforth, Chair  
Umatilla County Planning Commission  
216 SE 4<sup>th</sup> Street, Room 104  
Pendleton, Oregon 97801

Ms. Danforth and Planning Commission Members:

I write in support of my application for the Rock It #2 aggregate site that you are considering tonight.

The developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. We have frontage on both. The primary and existing access for the existing mining operation is along Stafford Hansell Road, which is a paved County road in fair condition. It will also be a primary access for the mining operations as they move around in the area that is proximate to Stafford Hansell. While the subject property does have frontage along Colonel Jordan Road no current access exists there. Colonel Jordan Road is also a County road in good condition. At some point, we will need access to Colonel Jordan, but that is a way out - probably a year or more. I know we will need to get a county access permit for Colonel Jordan when we need an access there and I do not mind making sure that new access point on Colonel Jordan is 1320-feet from the Interchange ramps.

Currently all material leaving the site travels Stafford Hansell Road to the east and then gets on Colonel Jordan where it intersects with Stafford Hansell to either access Interstate 84 or continue north along Westland Road to a delivery point. Trips leaving the site are dependent upon current workloads and will vary based on the time of year. However, because of the way mining works, the number of trips to and from the site won't change much or at all with the expansion. We still will extract the same amount of material from a particular part of the property and when the material in that area is exhausted, we will move to another area. Workday trips now and if you approve the proposal are the same - they are minimally 10 daily trips from our office staff; if activity is happening within the mining area another 10 trips a day on average are expected now and if you approve the proposal.

When material is being moved to offsite location, for a really big job, now and if you approve the proposal material trucks could contribute up to 100 trips per day at the max. The asphalt batch plant is already approved for the site. The additional concrete batch plant being sought here might add 30 new daily trips for a very large job, but more likely on average it will add 10 or fewer daily trips on average. The asphalt batch plant will be located closer to our Colonel Jordan Rd frontage and when that plant is established, we will be asking for an access permit to Colonel Jordan. No asphalt batch plant trips will use our existing access on Stafford Hansell.

Now as under the proposal, all of our trips will still use Stafford Hansell Road. Future operations that operate along the Colonel Jordan frontage will obviously need to have access using Colonel Jordan. But that is not the case now or in the immediate future. When we need that second access point along Colonel Jordan Road, we will seek a county access permit for it and as noted I am happy to have it be 1320' from the interchange ramps. When we add that second access, it will reduce the number of operational trips to Stafford Hansell Road.

Both Stafford Hansell and Colonel Jordan roads are flat with no impairments including that there are no sight distance constraints at either the current Stafford Hansell access that we use or the future access to Colonel Jordan. There are no posted speed limits along either county road.

Please do not close my existing access to Stafford Hansell. It is critically important to my existing operations that are and will remain located there as well as the existing dwelling there that I rent out and will continue to rent out until we start mining where the dwelling is. When that happens, the dwelling will be taken out. But until then, the dwelling needs its access and regardless we will always need a Stafford Hansell access for operations that are closest to that road. Demanding that we close our long-standing Stafford Hansell access and improve Center Street and then take access more than a ½ mile away on Colonel Jordan as the county apparently wants, imposes a harsh and unfair burden on me and my business. The cost to improve Center St as the county wants could be hundreds of thousands of dollars and creates a highly inefficient and for the dwelling potentially dangerous conflicts between our large trucks and private vehicle associated with the dwelling's occupants.

The access I have on Stafford Hansell has been there for a very long time and it is my understanding that not only would it be an unconstitutional condition to require it to be closed, but that state law technically does not even require that it have an access permit. Thank you for your consideration.

Sincerely,

Wade Aylett, Owner  
Rock It #2

A handwritten signature in black ink, appearing to read "Wade Aylett", written in a cursive style.

Date: Tue, Apr 12, 2022 at 10:18 AM

Subject: RE: TIA for Aggregate Project

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

3 attachments



I-84 to Colonel Jordan Rd..JPG  
227K

 20220406183341.pdf  
247K

 20220406183454.pdf  
85K

**Megan Davchevski** <megan.davchevski@umatillacounty.gov>  
To: Tom Fellows <tom.fellows@umatillacounty.gov>  
Cc: Robert Waldher <robert.waldher@umatillacounty.gov>

Thu, Apr 21, 2022 at 8:12 AM

Thank you Tom for that additional information. Would you like to see the improvements to the P-1 (16-foot width) or the P-2 (22-foot width) road standard?

[Quoted text hidden]

[Quoted text hidden]

**Tom Fellows** <tom.fellows@umatillacounty.gov>  
To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thu, Apr 21, 2022 at 10:49 AM

22 feet would be fine

Tom

[Quoted text hidden]

**Megan Davchevski** <megan.davchevski@umatillacounty.gov>  
To: Tom Fellows <tom.fellows@umatillacounty.gov>

Thu, Apr 21, 2022 at 10:49 AM

Thank you!

[Quoted text hidden]

# DRAFT MINUTES

**TEXT AMENDMENT #T-088-22,  
PLAN AMENDMENT #P-133-22 &  
ZONE MAP AMENDMENT #Z-320-22  
WADE AYLETT, APPLICANT  
ROCK-IT LLC c/o WADE AYLETT, OWNER**

The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource site and apply the Aggregate Resource Overlay Zone to the entire quarry site.

AND

**UMATILLA COUNTY DEVELOPMENT CODE  
TEXT AMENDMENT #T-089-22;  
RANDALL & MARIE MARTIN SCOUT CAMP LLC,  
APPLICANT & OWNER**

The applicant requests a Post-Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code to permit youth camps, as provided in Oregon Administrative Rule (OAR) 660-033-130(40) & OAR 660-006-0031 through issuance of a Conditional Use Permit on lands zoned Exclusive Farm Use and Grazing Farm.

**UMATILLA COUNTY  
PLANNING COMMISSION HEARING  
April 28, 2022**

**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, April 28, 2022, 6:30pm**

**Umatilla County Justice Center, Media Room, 4700 NW Pioneer Place, Pendleton, OR**

\*\* \*\* \*\* \*\*

**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Sam Tucker, John Standley, Jodi Hinsley & Emery Gentry

**ABSENT:** Cindy Timmons

**STAFF:** Bob Waldher, Planning Director; Carol Johnson, Senior Planner, Megan Davchevski, Planner/ Transit Coordinator; & Tamara Ross, Planner II/ GIS

\*\* \*\* \*\*\*\*

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

**CALL TO ORDER**

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

**NEW HEARING**

**TEXT AMENDMENT #T-088-22, PLAN AMENDMENT #P-133-22 & ZONE MAP AMENDMENT #Z-320-22; WADE AYLETT, APPLICANT, ROCK-IT LLC c/o WADE AYLETT, OWNER.** The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property site is comprised of several tax lots located southeast of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 and Township 4 North, Range 27 East, Section 25, Tax Lot 900. The site is approximately 140 acres and zoned Exclusive Farm Use (EFU).

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. She called for the Staff Report. Commissioner Tucker chose to abstain from voting due to the fact that he had previously been hired by the applicant.

**STAFF REPORT**

Megan Davchevski, Planner, presented the Staff Report. Mrs. Davchevski stated that the applicant, Rock-It LLC, requests to expand an existing quarry (Rock-It #2 Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected significant aggregate resource sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. This site is comprised of numerous tax accounts, totaling up to approximately 140 acres. The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road and south of Stafford Hansell Road.

Mrs. Davchevski explained that the previous approval for approximately 55 acres was considered a small significant site. This proposed expansion would increase the site as a large significant site. The applicant intends to continue the activities approved in the 2012 Conditional Use Permit (CUP); expanding the mining area to excavate aggregate, batch the aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use and process the aggregate into both asphalt and concrete. She added that, both sand and gravel materials are available on this site. The criteria of approval for this request are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180(3), (5) & (7) and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Mrs. Davchevski distributed a follow-up email from County Public Works Director, Tom Fellows, regarding road improvements. She requested for the email to be added into the record as Exhibit C. Mr. Fellows requested that the applicant be required to improve the public right of way, Center Street (which should be named Noble Road for consistency) to the County Road gravel P-2 standard which is a 22 foot wide improved surface. As previously mentioned, this email was a follow-up response to Mr. Fellow's first email received April 20, 2022 which is included in the Commissioner's packets. This road improvement standard, County P-2 Road Standard, will need to be added to Subsequent Condition #3 for clarification.

Following these comments from Mr. Fellows, staff failed to edit the findings in several areas regarding the Colonel Jordan Road/ Nobles Road access. Edits were made under the Comments section on page 10, and Subsequent Condition #2. Edits to responses to OAR 660-023-040 (5)(b)(C) located on page 15 and UCDC 152.488(4) located on page 29 are needed for clarification and consistency to capture the April 20th comment provided by Tom Fellows.

Staff visited with County Legal Counsel regarding road access and Subsequent Conditions #2, #3 & #4. County Counsel stated that the requested action is an expansion of an existing use and not a new use or "redevelopment" as called out in the Interchange Area Management Plan (IAMP). Therefore, the existing access does not have to comply with the IAMP requirements. Additionally, he pointed out that requiring the existing access to be closed could become problematic because there is an existing use and access point. County Counsel stated that the proposed new access point on Colonel Jordan Road should comply with the IAMP spacing requirement of 1,320 feet, as well as County Public Works requirements.

Mrs. Davchevski explained that the Planning Commission must include in the recommendation to the Board of County Commissioners whether to keep the Conditions of Approval as presented, or modify the imposed conditions and establish new findings.

She concluded that the process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The decision includes a set of Precedent and Subsequent Conditions of Approval. The Planning Commission is tasked with determining if the application satisfies the Criteria of Approval based

on the facts in the record. Additionally, the BCC must hold a public hearing to make a decision whether or not to adopt the proposed amendments. A public hearing before the BCC is scheduled for June 1, 2022 at 9am in Room 130 of the Umatilla County Courthouse in Pendleton, Oregon.

Mrs. Davchevski stated that the hearing packet includes the following documents for review; 1500-Foot Impact Area Map, County Preliminary Findings and Conclusions, Proposed Comprehensive Plan Text Amendment, Proposed Zoning Map Amendment, Aggregate Quantity Map, Lab Reports (MT&I 2010), ODOT Region 5 comment, Umatilla County Public Works comments (dated April 11 and April 20) and Westland Road/I-84/I-82 Interchange Area Transportation Plan pages 5-5 through 5-8.

Commissioner Wysocki asked if any of the agencies involved in the approval process have requirements for reclamation and grading. Mrs. Davchevski stated that Oregon Department of Geology and Mineral Industries (DOGAMI) will impose requirements for mining reclamation. She pointed out that reclamation is addressed in the Preliminary Findings and Conclusions on page 17 of the Commissioner's packets, under 'Applicants Response' to subsection (f) [Post mining uses], "The applicant is currently considering the installation of a photovoltaic solar energy generating facility as a post-mining use." She explained that the Planning Commission does not have authority to decide how the property will be used when aggregate mining ends, provided the use is allowed within the UCDC.

**Applicant Testimony:** Applicant, Wade Aylett, 74854 Washington Lane, Irrigon, Oregon 97844. Also testifying on behalf of the applicant; Carla McLane, Consultant, Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, Oregon, 97882; Wendie Kellington, Attorney, Kellington Law Group, PO Box 159, Lake Oswego, Oregon, 97034.

Ms. McLane stated that this application includes requests to; seek Goal 5 protections, apply the AR Overlay Zone, allow mining, processing and batching of asphalt and concrete, and stockpiling of aggregate materials on site. She stated that she has presented similar requests before the Planning Commission in the past, but added that this site is different because it is comprised entirely of sand and gravel aggregate and does not contain basalt rock.

Ms. McLane provided a PowerPoint presentation to the Planning Commission which started with a background explanation and history of the site. She provided a copy of approved Zoning Permit #ZP-20-142, issued by Umatilla County in July of 2020, and requested that the document be added to the hearing record as Exhibit A. The Zoning Permit finalized approval of Conditional Use Request #C-1204-12 to establish a mining operation with an extraction area, stockpile area, batch plant and weigh scale at this site. She clarified that, although it has been approved, the asphalt batch plant has not yet been developed. She directed the Planning Commissioners to a site plan provided by the applicant on page 39 of the packets. The proposed location of the asphalt batch plant is on the east side of the property, south of the truck stop, adjacent to Colonel Jordan Road. They plan for the concrete batch plant to be located on the

northeast section of the property, west of the truck stop. Ms. McLane displayed a Google Earth map and provided further explanation as to how the land is being used at this time, as well as the changes proposed by the applicant. She reiterated that existing mining operations will not change under this proposal.

Ms. McLane explained that approval of #ZP-20-142 allowed for the placement of the scale house connected to Tax Lots #700 & #800 on Assessor's Map 4N2736. However, the applicant realized that the scale house was actually established on Tax Lot #900. Therefore, the applicant requests that Tax Lot #900 be added to the significant aggregate resource site list and be approved for mining operations as well.

Ms. McLane stated that there is a large quantity of high quality material available at this site and the applicant requests to add approximately 85 acres to the county inventory of significant aggregate resource sites, making the entire 140 acre site (4N2736, Tax Lots #400, #500, #600, #1400 and #1500, with #700 & #800 being previously approved, and 4N2736, Tax Lot #900) a large significant site.

Ms. McLane explained that there is an existing dwelling on Tax Lot #800 (addressed as 28598 Stafford Hansell Road) with an access point located on Tax Lot #900 off Stafford Hansell Road. She stated that the applicant has plans to remove the home in the future, when mining operations reach that portion of the property. She added that the existing mining operations currently use the access off Stafford Hansell Road, and that will not change. She clarified that they do not require alternative access off Colonel Jordan Road at this time. In the future, if they do need a new access point off Colonel Jordan Road, they agree to meet the requested access spacing from the interchange of 1,320 feet and the new access point would only serve the new mining operations on 4N2736 Tax Lots #400, #500, #600, #1400 and #1500 and 4N2736, Tax Lot #900.

Commissioner Wysocki asked if the asphalt & concrete batch plants will produce any byproducts which need to be regulated by DOGAMI. Mr. Aylett said no, that is not an issue. However, he expressed that he has been experiencing problems with water at the site. He believes that the water issue has kept him from farming the land properly before this year. He stated that he invested \$70,000 in a well and it dried after one hour of pumping. He has placed a new water tank on site and is currently talking with a person connected with the Amazon facilities in the area and hopes to reach an agreement that allows him to store their wastewater for use in his wash plant and dust abatement activities. Mr. Aylett provided a letter dated April 28, 2022, in support of his request, to be entered into the record as Exhibit B.

Ms. McLane stated that there is an estimated 4.8 million tons of mineable sand and gravel on the subject property and only 10% of the available material has been extracted thus far. Testing of site materials for durability, soundness and specific gravity exceeds the Oregon Standard Specifications for Construction, meeting specifications required to be considered a significant aggregate resource site. Therefore, she believes that this site meets both quantity and quality

criteria to be listed as a significant aggregate resource site, per OAR 660-023-0180(3)(a). She stated that, if approved, any new residential or social gathering uses proposed within the impact area would require the person proposing such activities to be informed of the mining operation and sign a statement accepting normal mining activity at the site, waiving their ability to pursue a claim for relief based on mining activities.

Ms. McLane stated that the applicant strongly objects to the County staff requesting exactions to close the existing access to Stafford Hansell used by the existing operation and dwelling, and access the site only using Colonel Jordan Road via a 30 foot unimproved right-of-way known as Center Street. She stated that the exactions requested by County Staff to close the existing Stafford Hansell access, and to improve Center Street to get to Colonel Jordan Road, rests entirely on the IAMP and ODOT. She argued that the Staff Report acknowledges, “ODOT provided comment stating that the current access point to Colonel Jordan Road is approximately 240 feet from the I-84 eastbound exit ramp. This could cause congestion at the intersection, should new commercial vehicle trips be generated using the frontage road in close proximity to the interchange.”

Ms. McLane insisted that no new commercial trips will be added. Therefore, she believes that the IAMP and ODOT do not require these exactions as there is no essential nexus to any approval standard for the exactions. She estimated that, at worst, approximately 30 new trips will be added to retrieve product from the concrete batch plant, but those will take place at the other access point that already exists on Stafford Hansell Road. She insisted it is not enough of an increase to demand that they close an access point and require the applicant to build hundreds of thousands of dollars’ worth of new access over an otherwise totally unimproved Center Street. Additionally, she believes that those requirements would result in unsafe and vastly inefficient vehicular travel.

Ms. Kellington explained that Stafford Hansell Road is the current point of access for the existing mining operations and is a paved County Road providing access to a dwelling which has established a legal right of access. She believes it is inappropriate for County Staff to require the closure of the existing access point on Stafford Hansell Road and inappropriate that they require the applicant to build a new access point through the property to Center Street to meet Colonel Jordan Road. She believes the only condition that should be imposed by County Staff should be that when they apply for an access permit in the future, they must comply with the 1,320 foot setback requirement from the interchange.

Ms. Kellington stated that the following proposed Conditions of Approval should be rejected; requirement to obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road; requirement to improve the existing 30 foot public right-of-way, Center Street, to be named Noble Road to the gravel County Road Standard; requirement to discontinue the site access from Stafford Hansell Road.

Ms. McLane stated that the applicant requests for County Staff to amend the Staff Report to remove the findings related to the IAMP and the relocation of the access from Stafford Hansell Road to Colonel Jordan Road via Center Street (Noble Road). Additionally, they request that Staff remove Conditions of Approval 2, 3, & 4 and include a Condition of Approval to require that if the applicant requests an access to Colonel Jordan Road in the future, they must obtain a county access permit. She made clear that the applicant does not object to a condition requiring that new access off Colonel Jordan Road be required to meet a 1,320 foot setback standard, even though it does not automatically apply.

**Opponent Testimony:** None.

**Public Agencies:** Mrs. Davchevski asked that the follow-up email comment from Tom Fellows at Umatilla County Public Works, dated 04/20/22, be entered into the record as Exhibit C.

There were no additional comments from public agencies.

Chair Danforth closed the hearing for deliberation and added the following documents into the hearing record; Copy of approved Zoning Permit #ZP-20-142, issued by Umatilla County 07/07/20 as Exhibit A; Mr. Aylett's letter in support of his request dated 04/28/22 as Exhibit B; and follow-up email comment from Tom Fellows at Umatilla County Public Works, dated 04/20/22 as Exhibit C.

### **DELIBERATION & DECISION**

Chair Danforth stated that she believes it is reasonable for the applicant to request removal of Conditions of Approval 2, 3, & 4 and include a Condition of Approval to require that if the applicant requests an access to Colonel Jordan Road in the future, they must obtain a county access permit. Commissioner Standley concurred. Commissioner Williams also agreed and stated that she is comfortable approving the request with the conditions requested by the applicant. She believes the location of this site is ideal because the activity does not affect any dwellings and it's close proximity to the interstate will allow for the applicant to easily provide materials to support new development occurring all over the county.

Commissioner Standley made a motion to recommend approval of Text Amendment #T-088-22, Plan Amendment #P-133-22 & Zone Map Amendment #Z-320-22; Wade Aylett, Applicant & Owner, striking Subsequent Conditions #2, #3 & #4 and adding a Subsequent Condition stating, "when the property owner requests a new road access from Colonel Jordan Road to serve the batch plant, a County Road Access Permit shall be obtained that meets at a minimum, the 1,320 foot spacing requirement from the interchange ramps", to the Board of County Commissioners. Commissioner Williams seconded the motion. Motion passed with a vote of 8:0.

A public hearing before the BCC is scheduled for Wednesday, June 1, 2022 at 9am, Room 130 of the Umatilla County Courthouse.