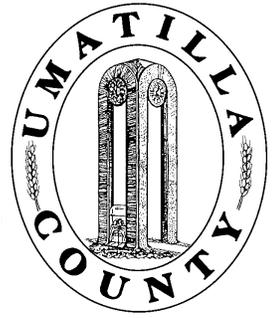


Umatilla County

Board of County Commissioners



BOARD OF COMMISSIONERS MEETING

Wednesday, October 20, 2021, 9AM
Umatilla County Courthouse, Room 130

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

TEXT AMENDMENT #T-21-086
PLAN AMENDMENT #P-129-21
ZONE MAP AMENDMENT #Z-318-21

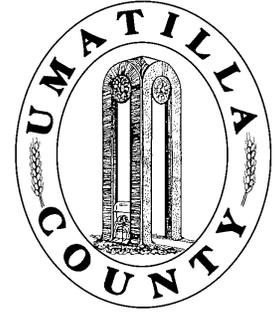
OREGON DEPARTMENT OF TRANSPORTATION (ODOT), APPLICANT/ OWNER

The applicant requests to add an existing quarry (**Butter Creek 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. The property is located off the northeast side of Butter Creek Road, identified on Assessor's Map as Township 2 North, Range 27 East, Tax Lot 2700. The property is 4.76 acres and is zoned EFU. The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180(3), (5) & (7), and UCDC Sections 152.487 – 488.

- D. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Board of Commissioners
FROM: Bob Waldher, Director
DATE: October 13, 2021

CODE
ENFORCEMENT

**RE: October 20, 2021 Board of County Commissioners Hearing
Text Amendment T-21-086
Zone Amendment Z-318-21
Plan Amendment P-129-21**

SOLID WASTE COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

Background Information

The applicant, Oregon Department of Transportation (ODOT) requests its existing Butter Creek Quarry be added to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites. In addition, ODOT requests the County apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property is located off the northeast side of Butter Creek Road, identified on assessor's map as Township 2 North, Range 27 East, Tax Lot 2700. The property is 4.76 acres and is zoned Exclusive Farm Use (EFU).

RURAL
ADDRESSING

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.

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Land Use Hearings

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 first evidentiary hearing was held before the Planning Commission, at their September 23, 2021 meeting.

During the virtual hearing, the Planning Commission heard testimony both in favor and in opposition of the proposed amendment. A copy of the Planning Commission Meeting Minutes is attached. Proponents (ODOT and the consultant) of the amendment presented evidence that the aggregate site meets the quantity and quality standards required by the state to establish the site as a "large significant site." The proponents requested that the county recognize that the resource site and the conflicting uses (dwellings and public/private gathering spaces) are important to each other, and therefore, the conflicting uses within the 1,500-foot impact area of the Butter Creek Quarry should be allowed, but limited in order to protect the Goal 5 site. This protection would be accomplished by requiring a waiver of remonstrance, prior to final

Memo

BCC Public Hearing – October 20, 2021

Text Amendment T-21-086, Zone Amendment Z-318-21, Plan Amendment P-129-21

approval of any conflicting use within the 1,500-foot impact area.

Testimony in opposition to the request was heard from a nearby property owner, John Luciani. Mr. Luciani expressed concerns about the associated impacts of the proposed aggregate operation as well as safety issues that could be caused because of the curvature, “blind corner” of Butter Creek Road in the area of the aggregate site.

The Planning Commission voted 5-3 to not recommend approval by the BCC. However, Planning Commissioners failed to make findings related to the substantive criteria of approval in order to justify their recommendation for denial. In addition, staff believes that much of the opponent testimony consisted of conclusory statements not related to the substantive criteria of approval.

Conclusion

Considering the recommendations of the Planning Commission and information presented in the record the BCC is asked to make a decision whether or not to adopt the proposed amendments to add Butter Creek Quarry to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the AR Overlay Zone to the entire quarry site.

Attachments

The following attachments have been included for review by the BCC:

- County Preliminary Findings and Conclusions
- Public Notice Map
- Proposed Zoning Map Amendment
- Proposed Comprehensive Plan Text Amendment
- Screenshots of Buffer Area provided by Applicant
- Minutes from 09/23/21 Planning Commission Meeting

...the ...

**UMATILLA COUNTY
PRELIMINARY FINDINGS AND CONCLUSIONS
BUTTER CREEK QUARRY
COMPREHENSIVE PLAN MAP AMENDMENT, #P-129-21,
COMPREHENSIVE PLAN TEXT AMMENDMENT T-21-086
ZONING MAP AMENDMENT #Z-318-21
MAP 2N 27; TL #2700, ACCOUNT #135469**

1. APPLICANT: Oregon Department of Transportation (ODOT), 3012 Island Ave, La Grande, OR 97850, Attn: Teresa Penninger
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Oregon Department of Transportation (ODOT), 3012 Island Ave, La Grande, OR 97850
4. REQUEST: The request is to add Tax Lot 2700 of Assessor's Map 2N 27 as described in the attached ODOT survey map (dated December 19,2014) to the Umatilla County list of significant sites, providing necessary protections under Goal 5 including limiting conflicting uses within the buffer area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site.

The site is currently listed in the *Umatilla County Technical Report* on page D-180 as a 1A Site indicating that the location, quality, and quantity of the resource was not important. Page D-196 of the Technical Report states the following... "About 30 '3C' and '2A' resource sites are owned [or] operated by the Oregon State Highway Department and County Road Department. Most of these sites are small (under four acres) and are used as material resources for road repair and construction. Costs and energy are saved by having scattered material sources available through the county." Even though this site was afforded a 1A designation the rationale is the same. It is in support of this statement that ODOT is seeking protection for this quarry and others within its network throughout Umatilla County. It is the objective of this application to show that the site is important and does deserve protection under Goal 5.

ODOT intends to excavate aggregate, process and batch that aggregate for public road projects, and to stockpile unused aggregate material for current and future use.

5. LOCATION: The subject property is along Butter Creek Road approximately 13 miles from the Highway 207 Interchange with Interstate 84, described as Township 2 North, Range 27 East, Tax Lots 2700.
6. SITUS: No site address is assigned to this property.

PRELIMINARY FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-129-21, Text Amendment T-21-086, Zoning Map Amendment. #Z-318-21

Page 2 of 26

- 7. ACREAGE: The subject property is 4.76 acres.
- 8. COMP PLAN: The site has 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 Butter Creek Road.
- 11. ROAD TYPE: Butter Creek Road is a paved, 2-lane, county-maintained roadway.
- 12. EASEMENTS: There are no access or utility easements on the subject property.
- 13. LAND USE: The subject property is currently unutilized rangeland. ODOT acquired this site in 1946 with an intention to extract aggregate for regional maintenance and safety improvements to the road network.
- 14. ADJACENT USE: Property in the vicinity has multiple uses along the Butter Creek with irrigated agriculture along the valley floor, circle pivot irrigation to the west, and dryland farming generally surrounding the site. There is also rangeland mostly to the southeast of the subject property. There are residences along Butter Creek Road from the junction with Highway 207 to the north to Pine City to the south. There are no homes within the buffer area.
- 15. LAND FORM: Columbia River Plateau
- 16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152. 003 as Land Capability Class I and II. The soils on the subject property are predominately Class III and VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
43A: Kimberly Silt Loam, 0 to 3 percent slopes	IIIe	IIE
48E: Licksillet Very Stony Loam, 7 to 40 percent slopes	VIIIs	---
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).</i>		

- 17. BUILDINGS: There are no buildings located on the subject property.
- 18. UTILITIES: The parcel is not served by utilities.
- 19. WATER/SEWER: There are no water or sewer services on this property.

20. FIRE SERVICE: The subject property is located in the Echo rural fire protection district.

21. IRRIGATION: The subject property is not served by an irrigation district.

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

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

24. NOTICES SENT: September 13, 2021.

25. HEARING DATE: A public hearing was held before the Umatilla County Planning Commission on September 23, 2021 at 6:30 PM.

A subsequent hearing was held before the Board of County Commissioners on October 20, 2021 at 9:00 AM.

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Department of Transportation Region 5-Highways Division, Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands

27. COMMENTS: Comments are pending.

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

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 Butter Creek Quarry is in eastern Oregon and has an inventory of over 540,000 tons of available basalt. Historic DOGAMI mapping and the United States Department of Agriculture Soil Conservation Service Soil Survey identify available basalt inventory. DOGAMI identified lava flows of the Frenchman Springs Member of the Wanapum Basalt, part of the Columbia River Basalt Group that erupted during the Miocene. The Soils Survey identifies the area between the road and the slope as Kimberly Silt Loam and the area identified for mining as Lickskillet-Very Stony Loam.

In 2014 samples of material were tested from the Butter Creek quarry and were determined to meet current ODOT specifications. The laboratory report provided to the County Planning

Department provides evidence the air degradation for both coarse and fine materials is below the required 30 percent rating at 13.8 percent. The soundness for both coarse and fine materials rates at 4 percent for coarse and 9 percent for fine, both below the required 12 percent rating. ODOT has also identified that more than 540,000 tons of material are available.

Umatilla County finds that the quarry meets (exceeds) the criteria for a significant aggregate site in accordance with OAR 660-023-180 (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.

There are no dwellings within the 1,500-foot impact area based on review of aerial photography. ODOT provided a map of the project which includes the 1,500 foot impact area. This map has been added to the project record and is included as an attachment to this document. Aerial imagery shows there is one home just outside the buffer area to the northwest and another home sits outside the impact area to the south. There are also homes both further north at the junction with Highway 207 and to the south at Pine City. Other land use activities are agricultural in nature with both irrigated and dryland farming in the vicinity as well as grazing. Butter Creek does flow to the west through this valley, from the south in the Blue Mountains to the north where it flows into the Umatilla River.

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;

There are no uses that would be impacted by noise, dust, or other discharges from the proposed mining operation. There are two areas within the buffer area that are used to store hay, one of which is covered. However, these approvals and activities are farm-based and would not be receptive to discharges associated with a quarry. The nearest existing homes are outside of the buffer area to the north and south. Even so ODOT will manage impacts by employing best management practices.

ODOT 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 ODOT would be compelled to meet, including obtaining a General Air Contamination Discharge Permit for crushing and processing activities.

Another concern related to discharges would be stormwater which ODOT will collect and hold onsite or obtain a NPDES stormwater permit.

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

Umatilla County finds that no conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges exist within the 1,500 foot impact area. 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;

Unlike commercial quarry sites, this quarry will be used to support public road projects, with traffic generation temporary and sporadic. Occasional maintenance by the state will also be customary generally consisting of just a few vehicles. Potential conflicts to the transportation system along Butter Creek Road between the junction with Highway 207 to the north and Pine

City to the south would be minimal and occur during improvements to the regional highway system. The use of the road system should not change based on this request.

Prior to engaging in mining activity ODOT will obtain an access permit from Umatilla County. Initial mining will need to enlarge space for necessary ingress and egress from Butter Creek Road. While this site does sit on a slight curve of the road sight distance is good in both directions. The pavement of Butter Creek Road is in good condition with the road serving a rural part of western Umatilla County seeing generally light traffic with seasonal increases mostly during harvest.

Traffic associated with quarry operations would be of a similar size and have similar impacts to traffic associated with farming operations. Road maintenance and improvement projects are usually programmed to occur from the spring through fall with operating hours usually consistent with daylight hours. 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 and no conflicts from access and egress to the mining site within one mile of the entrance to the site are not expected as a result of the proposed Goal 5 expansion.

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

Umatilla County finds that there are no public airports within the Impact Area. The closest public airport is located near Hermiston. Thus, no conflicts are recognized in terms of public airports and the proposed mining operation.

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

Butter Creek is not a listed Goal 5 resource but is within the Butter Creek Critical Groundwater Area listed by the Oregon Water Resources Department. The mining site is located across the valley from Butter Creek. There are no other known Goal 5 resource sites within the impact area for the aggregate site. 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

Agricultural practices within the 1,500-foot impact area of the Butter Creek quarry consist of irrigated agriculture along the Butter Creek, a small area of dryland agriculture above the Butter Creek and bluff to the east, and limited grazing. There is circle pivot irrigation mostly to the west, and dryland agriculture in the surrounding vicinity with grazing mostly to the south of the site. The crops would be predominately dryland wheat and alfalfa. Because of limited water availability in the Butter Creek crops tend to be limited in variety. Umatilla County finds that the

proposed Goal 5 expansion is not expected to conflict with these agricultural activities or practices.

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

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, ODOT 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, ODOT 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.

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.

When the site is fully excavated post mining use will be consistent with the Exclusive Farm Use zone, or other zone that may be applied, and comply with DOGAMI Reclamation Plan requirements. The site is not on Class I, II, or Unique farmland. It is anticipated that the site would be appropriate for grazing or other animal husbandry activities, could serve as a home site for a farming operation, or could provide habitat for various species living in the Butter Creek ecosystem, all of which would be allowed under the Umatilla County Development Code and Comprehensive Plan. 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.

Processing is not currently authorized at Butter Creek Quarry. Umatilla County finds this criterion is not applicable.

(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.)

ODOT 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;

This area of Umatilla County 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 buffer area. Those uses include homes, churches, parks or certain recreation facilities, farm stands, and other similar uses.

(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

Zoning	Code Sections	Potential Conflicting Uses
EFU	152.056 Uses Permitted Outright;	No Conflicting Uses Identified
EFU	152.083 Zoning Permit;	Replacement Dwellings, Winery, Farm Stands, Home Occupations
EFU	152.084 Land Use Decisions; 152.085 Conditional Uses	Churches, Dwellings (Farm, Non-Farm and Lot of Record), schools, parks, playgrounds, community centers, hardship dwellings, boarding & lodging facilities, various commercial uses related to agriculture

(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 buffer 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:

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ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Butter Creek Quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<p>Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties, all with a 160-acre minimum lot size, would be affected and some existing limits on dwellings are already in code, the negative impact would be small.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit of preserving ODOT’s ability to access material from sites within the state’s network of material sources is well documented. Offering a state-owned aggregate site on a road project is known to increase the number of contractors bidding on a project. This enables more competition, which results in lower project costs. As this request is seeking approval of a site owned by ODOT since 1946 this is a less costly strategy than seeking a new site. The Butter Creek Quarry will provide material for road maintenance and construction along Highways 74 and 395 in southern Umatilla County. All commercial users of these highways will also benefit economically from efficient maintenance of these roads.</p>	<p>Consequences related to new use on neighboring properties. The economic impact to neighboring property owners would be neutral. A requirement for a waiver of 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 Butter Creek Quarry will have no negative economic consequence.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a decision to prohibit uses since the proposed “limit” is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p>Consequences related to new use on neighboring properties. The economic consequence for property owners would be neutral. This decision would maintain the current approval criteria for new residences and gathering places in the impact area.</p> <p>Consequences related to loss or interruption of quarry access. The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have cause delays and increased costs for road projects across the state. Development of this quarry supports economically efficient staging of road maintenance 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. All commercial users of state and county roads in the service area may also experience negative economic consequences if maintenance of these roads is compromised due to less efficient access to aggregate material.</p>

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	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Social Consequences	<p>Consequences related to new use on neighboring properties. Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Noncommercial users of state and county roads within the region derive social benefit from using these roads. Efficient road maintenance will preserve this benefit.</p>	<p>Consequences related to new use on neighboring properties. 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 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>Consequences related to loss of quarry access. Noncommercial users of state and county roads within the region derive social benefit from using these roads. Efficient road maintenance will preserve this benefit.</p>	<p>Consequences related to new use on neighboring properties. The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p> <p>Consequences related to loss of quarry access. Noncommercial users of state and county roads within the region derive social benefit from using these roads. Obstacles to efficient road maintenance, which could result from opposition to mining activity, would have a negative social impact.</p>
Environmental Consequences	<p>Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient road maintenance practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings 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</p>	<p>Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area. 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 located in the impact area and a higher potential for a negative consequence.</p>

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		<p>mining activities are conducted on the site.</p> <p><i>Consequences related to loss of quarry access.</i> Efficient road maintenance 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><i>Consequences related to loss of quarry access.</i> 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 road maintenance practices include obtaining aggregate material from a quarry close to the project site. Vehicle emissions will increase if trucks have to travel further to access material.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Energy Consequences	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p><i>Consequences related to loss of quarry access.</i> Efficient road maintenance practices include obtaining aggregate material from a quarry close to the project site. There will be some energy benefit from reduced use of fuel when truck travel is minimized.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area.</p> <p><i>Consequences related to loss of quarry access.</i> Efficient road maintenance practices include obtaining aggregate material from a quarry close to the project site. There will be some energy benefit from reduced use of fuel when truck travel is minimized.</p>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area.</p> <p><i>Consequences related to loss of quarry access.</i> Efficient road maintenance 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 Butter Creek 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 Butter Creek 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 Butter Creek 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 the Technical Report on page D-180 the Butter Creek Quarry is listed with a 1A designation which identifies the site as having ODOT ownership and a future intent to mine even though the County may not have had enough information to further classify the site. This action seeks to apply the Aggregate Resource Overlay Zone to the mining site and to further protect the buffer area adjacent and surrounding the site.

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.

ODOT 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 ODOT requests that the accompanying Policy be updated to list the Butter Creek Quarry.

Umatilla County finds that ODOT’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 Butter Creek Quarry is over 500,000 cubic yards that meet or exceed 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 Butter Creek Quarry along Butter Creek Road would be considered remote. This type of aggregate activity regularly takes place along highways and county roads to provide easy and cost-effective access to aggregate material for use in road maintenance and preservation projects. ODOT would state that screening of this site would be cost prohibitive and would not provide benefit. Therefore, Umatilla County finds that screening to protect the site from surrounding land uses is not necessary.

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

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 notes that extraction is planned for the bluff face which is nearly adjacent to Butter Creek Road making this criterion potentially difficult to achieve initially. Extraction will need to create space to work and would need to be limited to above the grade of the road. Future sedimentation ponds that may be installed will be more than 25 feet from Butter Creek Road. The nearest home is outside the 1500-foot buffer area.

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 (unless the extraction is into an area that is above the grade of the road, then extraction may occur to the property line).

- (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 that no dwellings currently exist within the 1500-foot buffer area. This criterion is met. Future dwellings or social gathering spaces will be limited and require a remonstrance agreement within the buffer area to assure this standard can be maintained.

- (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 Butter Creek Quarry fronts Butter Creek Road where one or two access points will need to be constructed to support the mining activity. A precedent condition of approval is imposed that requires the applicant to obtain access permit approval from Umatilla County Public Works prior to final approval signified by issuance of a zoning permit.

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 appears to be consistent 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.

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 the applicant's request appears to be consistent with Statewide Planning Goal 2 (Planning).

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

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. In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, is determined to be significant, and ODOT is requesting protection for the site and for mining to be allowed.

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

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.

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 the applicant's request appears to be consistent with Statewide Planning Goal 4 (Forest Lands).

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

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 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.

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 for use in maintaining the highway network for the State of Oregon and residents and visitors to this portion of the State. 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 Quality 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 process of mining and processing should not create noise that would impact residents some two miles from the subject property. The location of this site would provide significant open space that will provide protection from noise that may be generated. This is also a site that would be used infrequently in support of Highway improvement and safety projects in the vicinity of the site.

County Finding: Umatilla County finds that the applicant's request appears 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.

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 the applicant's request appears to be consistent with

Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters).

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

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).

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.

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 to the maintenance and safe operation of the highway and road network that is essential for residents, businesses, and recreation and tourism activities in that 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.

Response: Housing is not a consideration of this application. And while aggregate is a necessary component to the construction of most homes, this site is for road purposes. The approval of this site would keep other private aggregate sites available for use in the housing and commercial construction business.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 10 (Housing).

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.

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 highway road network that provides for the safe movement 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 be consistent with Statewide Planning Goal 11 (Public Services).

Goal 12 Transportation: To provide and encourage a safe, convenient and economic

transportation system.

Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. The approval of this request further supports and implements both the Umatilla County Transportation Plan and the Oregon Highway Plan. Having local aggregate supplies limits the need to move significant amounts of aggregate when accomplishing various highway improvement projects.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 12 (Transportation).

Goal 13 Energy: To conserve energy.

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 maintenance of the local and regional road network.

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.

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

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 14 (Urbanization).

32. DECISION:

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE ODOT 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 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 Butter Creek 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 DLCDC.
2. Pay notice costs as invoiced by the County Planning Department.
3. Obtain access permit approval from Umatilla County Public Works prior to final approval signified by issuance of a zoning permit.

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

4. 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.
5. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.
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.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated _____ day of _____, 2021

George M. Murdock, *Chair*

John M. Shafer, *Commissioner*

Daniel L. Dorran, *Commissioner*

Attachments:

- ODOT Map of Survey Butter Creek Quarry December 18, 2014 (3 sheets) (14-155-B)
- 1500-foot Buffer Area Map
- Lab report (14-002523)
- Development Diagrams (3 sheets) (Preliminary Plan Sheets BC Quarry)
- ODOT Significant Aggregate Site Information Butter Creek Quarry (6 sheets) (OR-30-041-5 Sig Info)

NE 1/4 SECTION 34 T2N R27E WM
 NW 1/4 SECTION 34 T2N R27E WM
 SE 1/4 SECTION 34 T2N R27E WM
 SW 1/4 SECTION 34 T2N R27E WM

SHEET INDEX

1. SHEET INDEX, CONTROL NARRATIVE, SURVEY NARRATIVE, BASIS OF BEARING, REFERENCES AND LEGEND
- 2.-3. BOUNDARY SURVEY

CONTROL NARRATIVE

PROJECT: BUTTER CREEK QUARRY
 LOCATION: UMATILLA COUNTY
 SURVEY DATUM:
 HORIZONTAL - NAD83 (2011) EPOCH 2010 (INTERNATIONAL FEET)
 VERTICAL - NAVD 88 (INTERNATIONAL FEET)

GPS HORIZONTAL CONTROL SURVEY

PRIMARY HORIZONTAL CONTROL FOR THIS SURVEY WAS ESTABLISHED BY USING THE NGS OPUS PROGRAM TO ESTABLISH A POSITION ON POINT 1005. A SUBSEQUENT RTK GPS SURVEY WAS PERFORMED TO ESTABLISH POSITIONS FOR POINTS 1000-1014 AND 2000 BY HOLDING THE OPUS POSITION OF POINT 1005.

BEARINGS SHOWN ON THIS SURVEY ARE GRID BEARINGS BASED UPON THE OREGON STATE PLANE COORDINATE SYSTEM NAD83 (2011) EPOCH 2010, NORTH ZONE.

A LOCAL DATUM PLANE (LDP) COORDINATE SYSTEM WAS USED FOR THIS SURVEY, WHERE ALL POINTS WERE MOVED FROM OREGON STATE PLANE - NORTH ZONE, NAD83 (2011) EPOCH 2010 TO GROUND USING A PROJECT COMBINED SCALE FACTOR OF 0.99987618. TO CONVERT THE PROJECT LDP COORDINATES TO OREGON STATE PLANE COORDINATE SYSTEM - NORTH ZONE, NAD83 (2011) EPOCH 2010, MULTIPLY THE THE VALUES BY A COMBINED FACTOR OF 0.99987618.

REFERENCES

1. JOURNAL F, PAGE 142, DATED MAY 8, 1919
2. ODOT MAP 1R-2-1520 BY THE OREGON STATE HIGHWAY DEPARTMENT, DATED MAY 1945
3. WARRANTY DEED, VOLUME 170, PAGE 568, RECORDED APR. 4, 1946
4. UMATILLA COUNTY ROAD NO. 1400, JARMON-PINE CITY SECTION (BUTTER CREEK ROAD) PLAT, BY THE MORROW COUNTY HIGHWAY DEPARTMENT, DATE UNKNOWN
5. SURVEY NO. 90-53-A BY G. DENNIS EDWARDS, DATED 07/1990.
6. SURVEY NO. 05-111-C BY STEPHEN K. HADDOCK, DATED 05/2005.
7. SURVEY NO. 06-039-B BY STEPHEN K. HADDOCK, DATED 03/15/2006.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AND MONUMENT THE BOUNDARY OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED IN VOLUME 170, PAGE 568, UMATILLA COUNTY DEED RECORDS.

THE SOUTHERLY LINE OF SAID TRACT IS DESCRIBED IN SAID DEED AS THE NORTHERLY LINE OF BUTTER CREEK ROAD. A RIGHT OF WAY MAP CREATED BY THE MORROW COUNTY HIGHWAY DEPARTMENT FOR BUTTER CREEK ROAD WAS DISCOVERED IN THE UMATILLA COUNTY SURVEYORS OFFICE AND THE RECORD SHAPE OF THE CENTER LINE WAS RECREATED AND POSITIONED USING THE EXISTING EDGE OF PAVEMENT. THE EDGE OF PAVEMENT FOR BUTTER CREEK ROAD WAS MAPPED EASTERLY AND WESTERLY OF THE PROJECT AND THE RECORD SHAPE OF SAID CENTER LINE WAS POSITIONED BY SPLITTING THE EDGE OF PAVEMENT IN THE TANGENTS. THE RESULTING LOCATION OF THE CENTER LINE ALIGNMENT FIT VERY WELL WITH THE LINES OF OCCUPATION AND PHYSICAL LOCATION OF BUTTER CREEK ROAD.

TO ESTABLISH THE WIDTH OF BUTTER CREEK ROAD AN EXTENSIVE SEARCH OF THE MORROW COUNTY ROAD DEPARTMENT AND MORROW COUNTY COURTHOUSE RECORDS WAS PERFORMED AND ALL THAT COULD BE FOUND FOR THIS PORTION OF THE ROAD WAS A PETITION TO CONSTRUCT THIS PORTION OF THE ROAD RECORDED IN JOURNAL F, PAGE 142, MORROW COUNTY DEED RECORDS, DATED MAY 8, 1919. BASED UPON THIS DATE AND INPUT FROM THE UMATILLA COUNTY ROAD DEPARTMENT, A STATUTORY WIDTH OF 60.00 FEET WAS DETERMINED FOR THE RIGHT OF WAY WIDTH FOR THE PORTION OF BUTTER CREEK ROAD ADJOINING SAID TRACT.

TO ESTABLISH THE BOUNDARY OF SAID TRACT, THE RECORD SHAPE OF THE BOUNDARY AS DESCRIBED IN SAID DEED WAS RECREATED AND POSITIONED BY HOLDING THE 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID TRACT AND ROTATING TO THE 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID TRACT.

BASED UPON THE DEED FOR SAID PROPERTY, THE SOUTH BOUNDARY OF THIS TRACT IS THE SE 1/16TH LINE OF SECTION 34 AND WAS RESOLVED BY SUBDIVIDING THE SECTION. TO SUBDIVIDE SECTION 34, THE SOUTHEAST AND SOUTHWEST CORNERS OF SECTION 34 WERE RECOVERED AND THE NORTHWEST CORNER OF SECTION 34 WERE RECOVERED. THE NORTHEAST AND NORTHWEST CORNERS OF SAID SECTION 34 WERE CALCULATED BY DOUBLE PROPORTION.

THE EAST QUARTER CORNER FOR SECTION 27 WAS NOT FOUND, HOWEVER, WE WERE ABLE TO LOCATE THE WEST QUARTER CORNER FOR SECTION 27 (POINT 1006) AND A WITNESS MONUMENT SET IN SURVEY NO. 03-227-B TO CALCULATE THE POSITION FOR SAID EAST QUARTER CORNER USING BEARINGS AND DISTANCES SHOWN ON SURVEY NO. 06-039-B.

SET MONUMENT LIST

PT. NO.	LDP NORTHING	LDP EASTING	STATION	OFFSET	DATE	DESCRIPTION & REFERENCE DOCUMENTS
5000	709380.39	8478427.27	55+74.80	30.00' LT	12/15/2014	SET 5/8"x30" IRON ROD W/ALUMINUM CAP MARKED "ODOT"
5001	709235.86	8478612.34	58+21.10	30.00' LT	12/15/2014	SET 5/8"x30" IRON ROD W/ALUMINUM CAP MARKED "ODOT"
5002	709110.44	8478846.91	60+87.09	30.00' LT	12/15/2014	SET 5/8"x30" IRON ROD W/ALUMINUM CAP MARKED "ODOT"
5003	709112.16	8479110.69	N/A	N/A	12/15/2014	SET 5/8"x30" IRON ROD W/ALUMINUM CAP MARKED "ODOT"

RECOVERED MONUMENT LIST

PT. NO.	LDP NORTHING	LDP EASTING	DATE	DESCRIPTION & REFERENCE DOCUMENTS
1000	709015.45	8479012.03	04/28/14	FOUND 5/8" SMOOTH IRON ROD, ODOT DRG. NO. 1R-2-1520
1001	709166.68	8479109.86	04/28/14	FOUND 5/8" SMOOTH IRON ROD, ODOT DRG. NO. 1R-2-1520
1002	709572.98	8478724.57	04/28/14	FOUND 3/4" SMOOTH IRON ROD, ODOT DRG. NO. 1R-2-1520
1003	709569.14	8478424.70	04/28/14	FOUND 5/8" SMOOTH IRON ROD, ODOT DRG. NO. 1R-2-1520
1004	707770.73	8475783.36	05/07/14	FOUND FENCE CORNER HELD FOR SW CORNER OF SECTION 34, T2N, R27E, WM, ACCEPTED IN SURVEY 3-227-B
1005	707793.33	8481090.74	09/17/14	FOUND 2" OUTSIDE DIAMETER IRON PIPE FILLED WITH CONCRETE WITH NAIL AND WASHER MARKED "RLS 506", SURVEY NO. 05-111-C
1006	715688.43	8475676.83	09/17/14	FOUND IRON PIPE WITH 2-1/4" BRASS CAP MARKED "T2N R27E 1/4 S28 S27 2006 56295LS", SURVEY NO. 06-039-B
1007	712935.85	8459476.33	09/17/14	FOUND IRON PIPE WITH 2-3/8" BRASS CAP MARKED "T2N R26E R27E S25 S30 S31 S36 2005 56295LS", SURVEY NO. 05-111-C
1008	707999.34	8491696.38	09/22/14	FOUND IRON PIPE WITH 2-3/8" BRASS CAP MARKED "T2N R27E R28E S1 S6 S31 S36 TIN 2006 56295LS", SURVEY NO. 05-111-C
1009	739830.62	8491238.95	09/22/14	FOUND IRON PIPE WITH 2-3/8" BRASS CAP MARKED "T3N R27E R28E 1 6 31 36 T2N 1990 LS 951" SURVEY NO. 90-53-A
1010	713075.37	8475692.63	09/19/14	FOUND 5/8" IRON ROD, UNKNOWN ORIGIN
1011	715717.26	8477026.68	09/19/14	FOUND 5/8" IRON ROD, BENT, SPUN FOR POSITION, SURVEY NO. 06-039-B
1013	707765.44	8470502.76	10/05/14	FOUND IRON PIPE WITH 2-3/8" BRASS DISK MARKED "T2N R27E S32 S33 S5 S4 TIN 2005 56295LS" SURVEY NO. 05-111-C
1014	707765.44	8470502.76	10/05/14	FOUND 2" INSIDE DIAMETER IRON PIPE WITNESS CORNER, SURVEY NO. 03-227-B
2000	709016.83	8479111.98	04/28/14	FOUND 5/8" SMOOTH IRON ROD, ODOT DRG. NO. 1R-2-1520

REGISTERED PROFESSIONAL LAND SURVEYOR

BTE

RECEIVED BY
 Umatilla County Surveyor
 Date: 12-29-2014
 Recd By: G. Hensley
 No.: 14-155-B

OREGON
 JAN. 14, 2003
 BRET N. ELITHORP
 63148

RENEWAL: DEC. 31, 2015
 SIGNED: 12/18/14

OREGON DEPARTMENT OF TRANSPORTATION



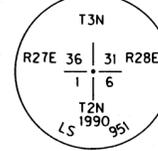
MAP OF SURVEY
 BUTTER CREEK QUARRY
 BUTTER CREEK ROAD
 UMATILLA COUNTY

FOR ODOT REGION 5
 3012 ISLAND AVENUE
 LA GRANDE, OR 97850

DECEMBER 18, 2014
 NO SCALE
 SHEET 1 OF 3

NE 1/4 SECTION 34 T2N R27E WM
 NW 1/4 SECTION 34 T2N R27E WM
 SE 1/4 SECTION 34 T2N R27E WM
 SW 1/4 SECTION 34 T2N R27E WM

1009
 FOUND IRON PIPE WITH
 2-3/8" BRASS CAP
 MARKED AS SHOWN
 SURVEY NO. 90-53-A

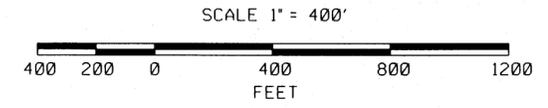


SEE SHEET 1 FOR RECOVERED AND SET
 MONUMENT LISTS

LEGEND

- SET 5/8" X 30" IRON REBAR WITH ALUMINUM CAP MARKED "ODOT" UNLESS OTHERWISE NOTED
- FOUND MONUMENT NOTED IN TABLE ON SHEET 1
- CALCULATED POSITION-NOTHING FOUND NOTHING SET
- () RECORD DATA PER COUNTY ROAD NO. 1400, BUTTER CREEK ROAD, JARMON-PINE CREEK SECTION, MORROW COUNTY ROAD DEPARTMENT
- [] RECORD DATA PER COUNTY SURVEY 06-039-B
- (()) RECORD DATA PER GENERAL LAND OFFICE (GLO) FIELDNOTES

— EXISTING RIGHT-OF-WAY - - - - EDGE OF PAVEMENT
 — ODOT PROPERTY BOUNDARY — X — FENCE



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

RECEIVED BY
 Umatilla County Surveyor
 Date: 12-29-2014
 Recd By: G. Hensley
 No.: 14-155-B

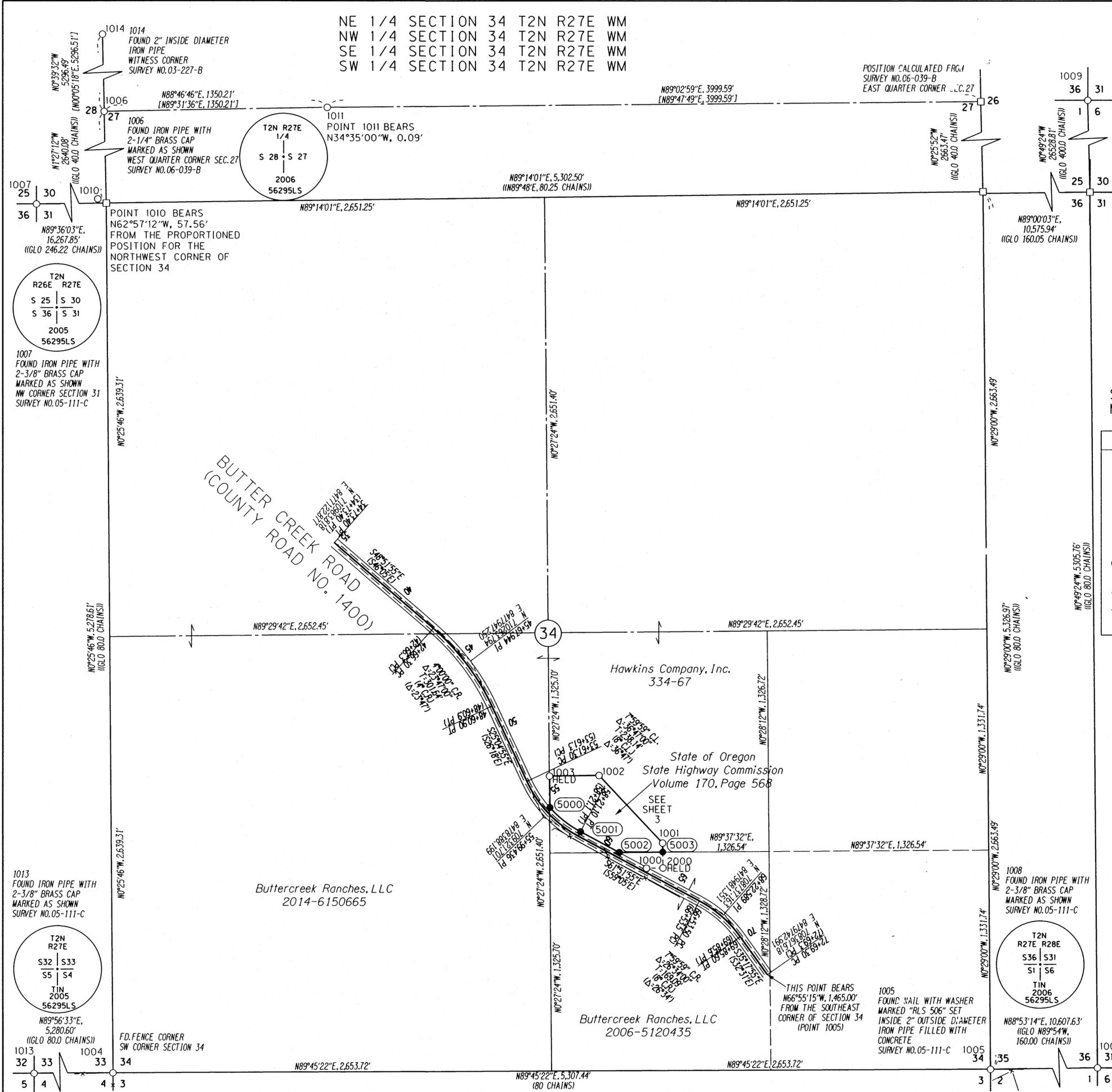
OREGON
 JAN. 14, 2003
 BRET N. ELITHORP
 63148
 RENEWAL: DEC. 31, 2015
 SIGNED: 12/18/14

OREGON DEPARTMENT OF TRANSPORTATION

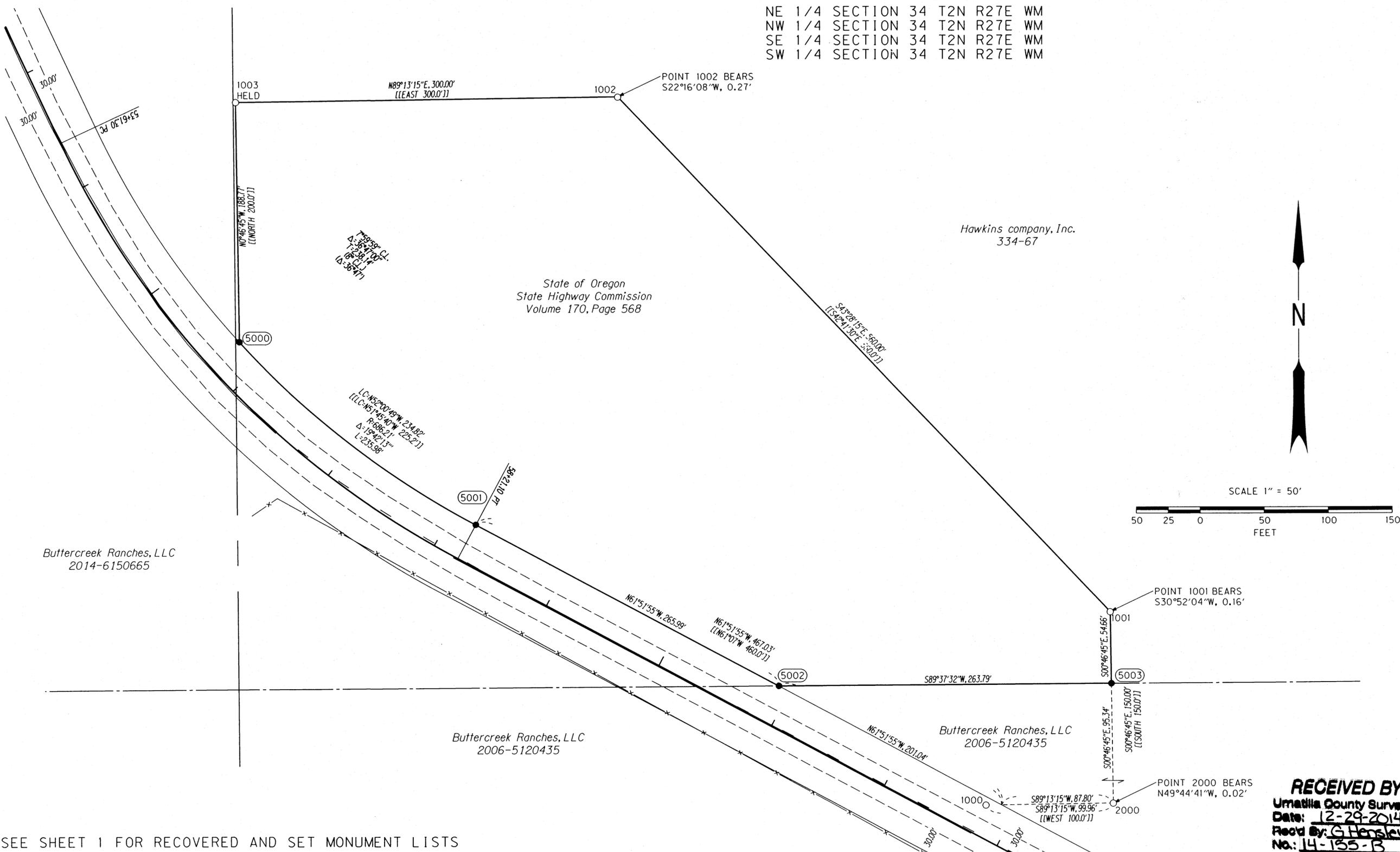
MAP OF SURVEY
 BUTTER CREEK QUARRY
 BUTTER CREEK ROAD
 UMATILLA COUNTY

FOR ODOT REGION 5
 3012 ISLAND AVENUE
 LA GRANDE, OR 97850

DECEMBER 18, 2014
 SCALE: 1" = 400'
 SHEET 2 OF 3



NE 1/4 SECTION 34 T2N R27E WM
 NW 1/4 SECTION 34 T2N R27E WM
 SE 1/4 SECTION 34 T2N R27E WM
 SW 1/4 SECTION 34 T2N R27E WM



SEE SHEET 1 FOR RECOVERED AND SET MONUMENT LISTS

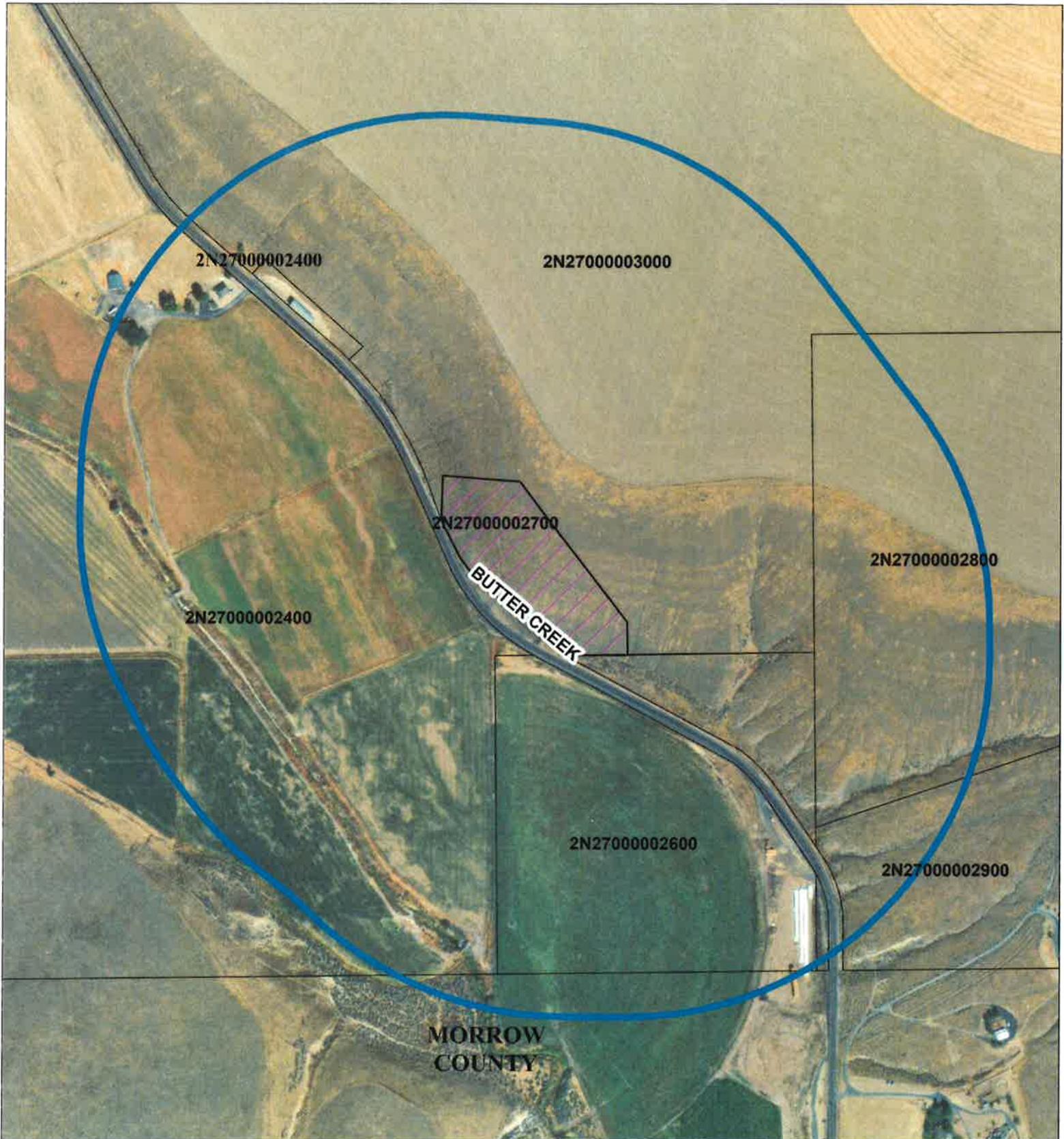
LEGEND	
●	SET 5/8" X 30" IRON REBAR WITH ALUMINUM CAP MARKED "ODOT" AS NOTED IN TABLE ON SHEET 1
○	FOUND MONUMENT NOTED IN TABLE ON SHEET 1
[[]]	RECORD DATA PER ODOT DRG. NO. 1R-2-1520
—	EXISTING RIGHT-OF-WAY
- - -	EDGE OF PAVEMENT
—	ODOT PROPERTY BOUNDARY
-x-	FENCE

REGISTERED PROFESSIONAL LAND SURVEYOR
Bret N. Elithorp
 OREGON
 JAN. 14, 2003
 BRET N. ELITHORP
 63148
 RENEWAL: DEC. 31, 2015
 SIGNED: 12/18/14

OREGON DEPARTMENT OF TRANSPORTATION

 MAP OF SURVEY
 BUTTER CREEK QUARRY
 BUTTER CREEK ROAD
 UMATILLA COUNTY
 FOR ODOT REGION 5
 3012 ISLAND AVENUE
 LA GRANDE, OR 97850
 DECEMBER 18, 2014
 SCALE: 1" = 50'
 SHEET 3 OF 3

RECEIVED BY
 Umatilla County Surveyor
 Date: 12-29-2014
 Rec'd By: G Hensley
 No: 14-155-B



Butter Creek ODOT Site

Legend

-  Tax Lots
-  ButterCreek0603
-  Butter Creek Buffer 0603



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. Green, Umatilla County Planning Department Date: 6/3/2021

OREGON DEPARTMENT OF TRANSPORTATION

MATERIALS LABORATORY

800 AIRPORT RD. SE SALEM, OR 97301-4792

(503)986-3000

FAX (503)986-3096

Contract No.: REG5GEO EA No.: CMS15016 000 Lab No.: 14-002523
 Project: ODOT REG 5 MATERIAL SOURCES -
 Highway: LEXINGTON-ECHO County: UMATILLA Data Sheet No.: F40235 492
 Contractor: FA No.:
 Project Manager: GARY VANHOUTEN Org Unit: 5630 Bid Item No.:
 Submitted By: RALPH DEPUY Org Unit: 5000 Sample No.:
 Material Source: 30-041-5 BUTTER CREEK QUARRY Qty Represented: INFORMATION
 Sampled At: SOURCE Sampled By: Witnessed By:
 DATE-Sampled: 14/ 8/ 1 Received: 14/ 8/12 Tested: 14/ 8/25 Date Reported: 14/ 8/26
 Class/Type: COMPLIANCE Use: QUARRY ROCK

Q or G: QUARRY

AGGREGATE LABORATORY REPORT - QUARAG

Size: CHUNKS

Sieve	% Passing		Mfg.	As Rec'd
4"		T 176 Sand Equivalent	72.	
3.5		T 89 Liquid Limit	NonDet	
3		T 90 Plastic Index	NonPlastic	
2.5		T 84 Fine Bulk Gravity	2.631	
2		S.S.D.	2.732	
1.5		Apparent	2.927	
1		Absorption (%)	3.85 %	
3/4		T 85 Coarse Bulk Gravity	2.691	
5/8		S.S.D.	2.755	
1/2		Apparent	2.875	
3/8		Absorption (%)	2.38 %	
1/4		TM 208a Coarse Degrade Ht	0.8 in	
# 4		P20	13.8 %	
# 10		TM 208b Fine Degrade Ht		
# 40		P20		
#100				
#200				
T 104 Sodium Sulfate Loss		T 112 Friables	T 96 Abrasion	
1.5 - 3/4: 2.0 %		Weighted Avg.:	Type A 19.8 %	
3/4 - 3/8: 4.8 %		1 1/2 - 3/4:		
3/8 - # 4: 3.9 % CA: 4.0 %		3/4 - 3/8:	TM 225 Woodwaste:	
# 4 - # 8: 8.9 %		3/8 - # 4:	TM 226 Dust/Clay:	
# 8 - #16: 5.7 %		# 4 - #16:	TM 227 Cleanness:	
#16 - #30: 8.1 %		T 113 Lightweight Pcs	TM 229 Elong Pcs:	
#30 - #50: 14.4 % FA: 9.0 %		Coarse: 0.0% Fine: 0.1%	T 304 Unc Voids:	
AASHTO T 288 Resist: 2935 Ω-cm		AASHTO T 267 Organic: 1.2 %	T 327 MICRO DEVAL	
AASHTO T 289 pH: 7.0		AASHTO T 291 Chloride: 10 PPM	Grading: Type A	
		AASHTO T 290 Sulfate: 95 PPM	Loss: 7.3 %	

1 @ t84 = \$ 57.00	NSM = Not Sufficient Material REMARKS: INFORMATION ONLY	TOTAL CHARGES: \$ 0.00
1 @ t85 = 45.00		
1 @ t89/90 = 36.00		
1 @ t96 = 97.00		
9 @ t104 = 29.00		
2 @ t113 = 34.00		
2 @ t176 = 41.00		
1 @ t267 = 83.00		
1 @ t288 = 113.00		
1 @ t289 = 16.00		

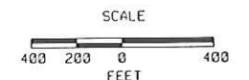
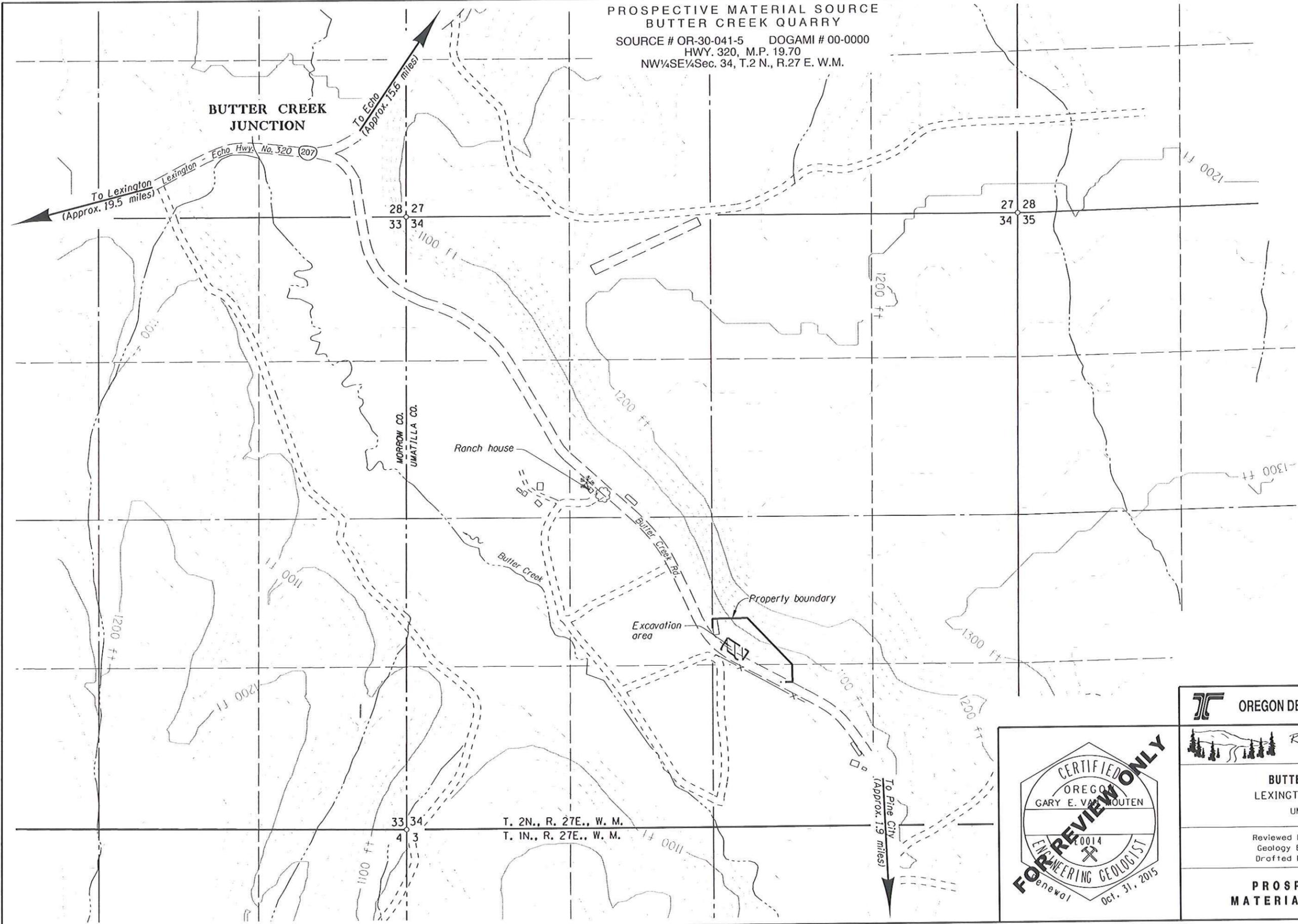
KEVIN BROPHY - LABORATORY SERVICES MANAGER

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

C: FILES ; RALPH DEPUY - REGION 5 QA ; J CIESLAK - AGGREGATE

PRELIMINARY COPY
INFORMATION ONLY
ROADWAY ENGINEERING
DESIGN UNIT

PROSPECTIVE MATERIAL SOURCE
BUTTER CREEK QUARRY
SOURCE # OR-30-041-5 DOGAMI # 00-0000
HWY. 320, M.P. 19.70
NW¼SE¼Sec. 34, T.2 N., R.27 E. W.M.



VICINITY MAP

 OREGON DEPARTMENT OF TRANSPORTATION

 Region 5 Tech Center
3012 Island Ave
La Grange, OR 97850
(541) 963-3177

BUTTER CREEK QUARRY
LEXINGTON - ECHO HIGHWAY
UMATILLA COUNTY

Reviewed By - Thomas Glen Wallace
Geology By - Gary E. Van Houten
Drafted By - Robert P. Wadlinger

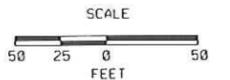
**PROSPECTIVE
MATERIAL SOURCE**

SHEET NO.
GM



PRELIMINARY COPY
INFORMATION ONLY
ROADWAY ENGINEERING
DESIGN UNIT

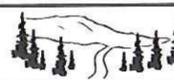
PROSPECTIVE MATERIAL SOURCE
BUTTER CREEK QUARRY
SOURCE # OR-30-041-5 DOGAMI # 00-0000
HWY. 320, M.P. 19.70
NW¼SE¼Sec. 34, T.2 N., R.27 E. W.M.



SITE PLAN

Note: See GM-3 for sections A-A & B-B

 OREGON DEPARTMENT OF TRANSPORTATION

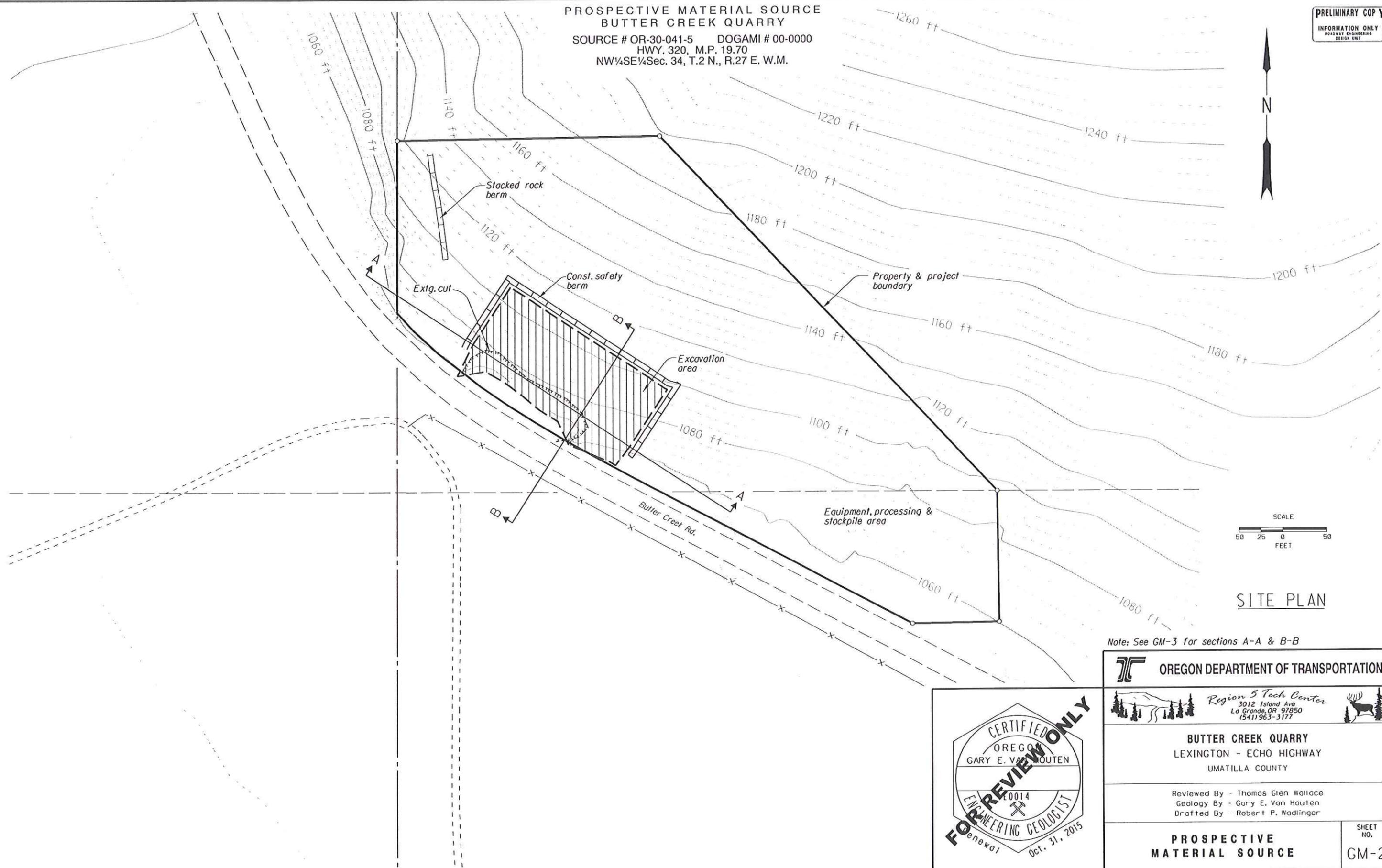
 Region 5 Tech Center
3012 Island Ave
La Grande, OR 97850
(541) 963-3177

BUTTER CREEK QUARRY
LEXINGTON - ECHO HIGHWAY
UMATILLA COUNTY

Reviewed By - Thomas Glen Wallace
Geology By - Gary E. Van Houten
Drafted By - Robert P. Wadlinger

**PROSPECTIVE
MATERIAL SOURCE**

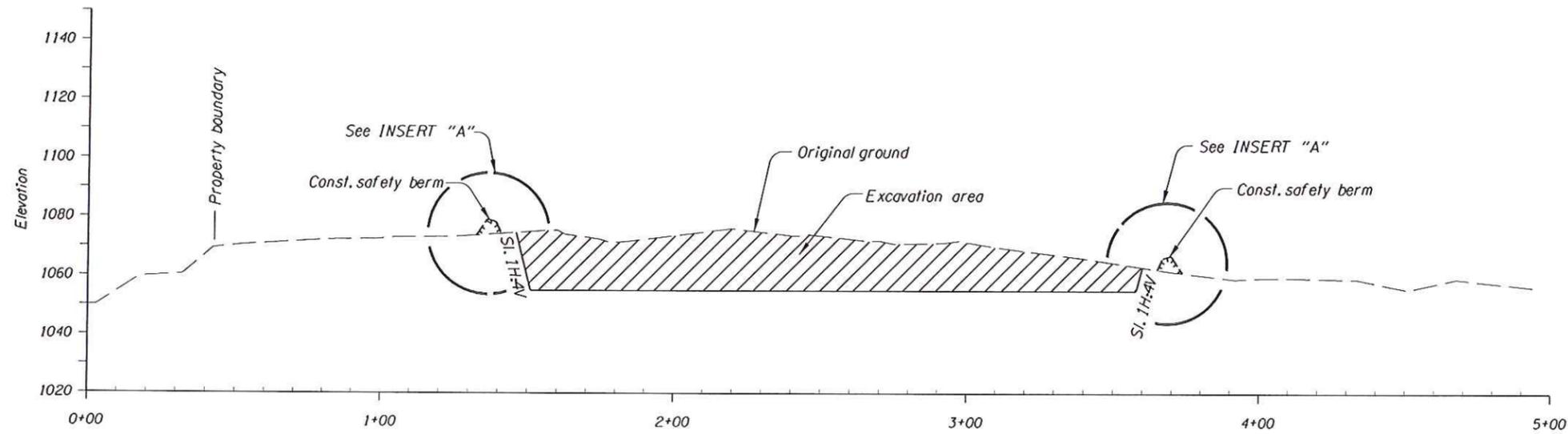
SHEET
NO.
GM-2



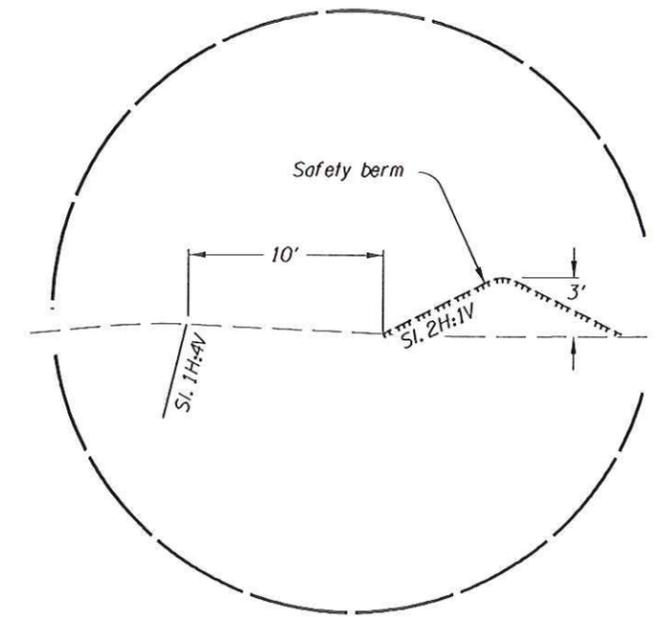
PROSPECTIVE MATERIAL SOURCE
BUTTER CREEK QUARRY

SOURCE # OR-30-041-5 DOGAMI # 00-0000
HWY. 320, M.P. 19.70
NW¼SE¼Sec. 34, T.2 N., R.27 E. W.M.

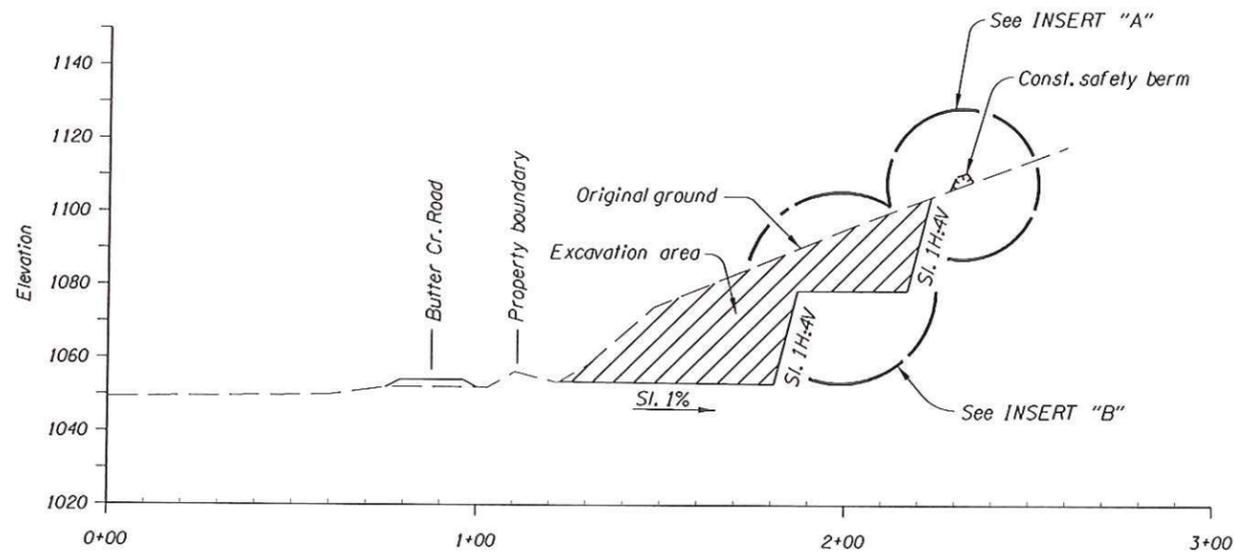
PRELIMINARY COPY
INFORMATION ONLY
ROADWAY ENGINEERING
DESIGN UNIT



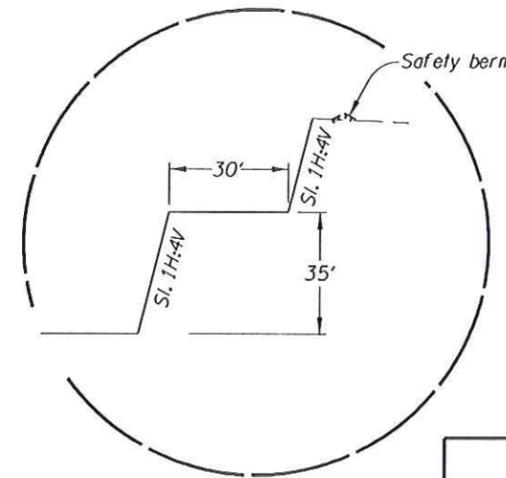
SECTION A-A



INSERT "A"



SECTION B-B



INSERT "B"

Note: See GM-2 for section location

OREGON DEPARTMENT OF TRANSPORTATION	
<i>Region 5 Tech Center</i> 3012 Island Ave La Grande, OR 97850 (541) 963-3177	
BUTTER CREEK QUARRY LEXINGTON - ECHO HIGHWAY UMATILLA COUNTY	
Reviewed By - Thomas Glen Wallace Geology By - Gary E. Van Houten Drafted By - Robert P. Wadinger	
PROSPECTIVE MATERIAL SOURCE	SHEET NO. GM-3





OREGON DEPARTMENT OF TRANSPORTATION

Geo/Environmental Unit
63055 N Highway 97
Bend, OR 97703
Telephone (541) 388-6097
Fax (541) 385-0476

June 21, 2021

Significant Aggregate Site Information

ODOT Source # OR-30-041-5

Butter Creek Quarry

Butter Creek Road off OR 207 at M.P. 19.70

Tax Lot 2700, SW¼ NW¼ SE¼ of Sec. 34, T. 2 N., R. 27 E., W.M.

Umatilla County, OR

This letter provides documentation of the location, quantity and quality of aggregate reserves at the above referenced site for a Significant Aggregate Site designation. This site is an existing quarry site known as Butter Creek Quarry, which encompasses approximately 4.36 acres. It is located adjacent northeast of Butter Creek Road, approximately 1.1 miles southeast of State Highway OR 207 at mile post (M.P.) 19.70. The site does not have a current DOGAMI Operating Permit. The site is owned by ODOT through a Warranty Deed of Sale. Attached is a county tax lot map, aerial photo, and right-of-way map for your reference.

The rock at this site consists of in-place basalt lava rock of the Columbia River Basalt Group¹, which is the bedrock formation which predominates most of the county. Attached ODOT laboratory test results (14-002523) for rock at this site indicates that the rock meets ODOT base rock specifications. According to the requirements in Section 02630.11(c) of the Oregon Standard Specifications for Construction (2021), the Abrasion can be up to 35.0% maximum, and the Coarse Degradation can be up to 30.0% maximum with a Sediment Height of 3.0 inches maximum. Lab results for T96 indicate an Abrasion of 19.8%, and TM208a show a Coarse Degradation of 13.8% and a Sediment Height of 0.8 inches.

I have personally observed the site and the rock material, and it is my professional opinion that through typical rock excavation and production processes, the ODOT estimate of 542,500 tons of reserve quantity is reasonably obtainable. Based on ODOT's experience using aggregate produced from Columbia River Basalt, aggregate produced from this site is anticipated to meet and likely exceed ODOT base aggregate standards.

This site is located only 1.1 miles from State Highway OR 207 (Lexington-Echo) and could be used to provide aggregate for road construction and maintenance of this highway as well as other public roads in the surrounding area. Based on this information, this site should be added to the Umatilla County Significant Site Inventory.

Should you have any questions or require any additional information please contact me at 541-388-6097.

Respectfully submitted,

Scott Billings, C.E.G.
ODOT Region 4/5 Sr. Engineering Geologist
Region 4 Tech Center
63034 OB Riley Road
Bend, Oregon 97703
Phone: 541-388-6097

Attachments: Site Map
County Tax Lot Map and Detail
Right of Way Map
Laboratory Test Results

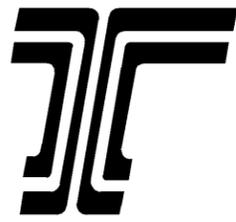


¹ Madin, I.P., and Geitgey, R.P., unpublished, Preliminary geologic map of the Umatilla Basin, Morrow and Umatilla Counties, Oregon: Portland, Oreg., Oregon Dept. of Geology and Mineral Industries, scale 1:100,000.



DISCLAIMER:
 This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This map was produced using ESRI ArcMap v. 10.5.

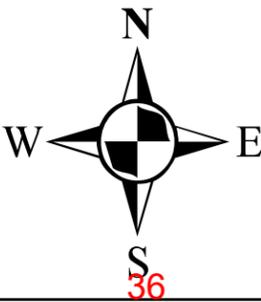
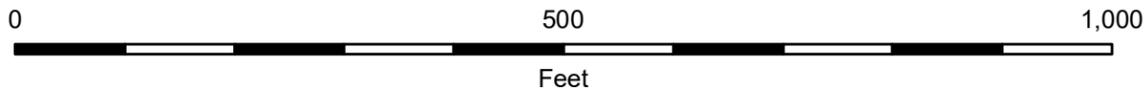
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team



OREGON DEPARTMENT OF TRANSPORTATION

**BUTTER CREEK QUARRY
 OR-30-041-5**

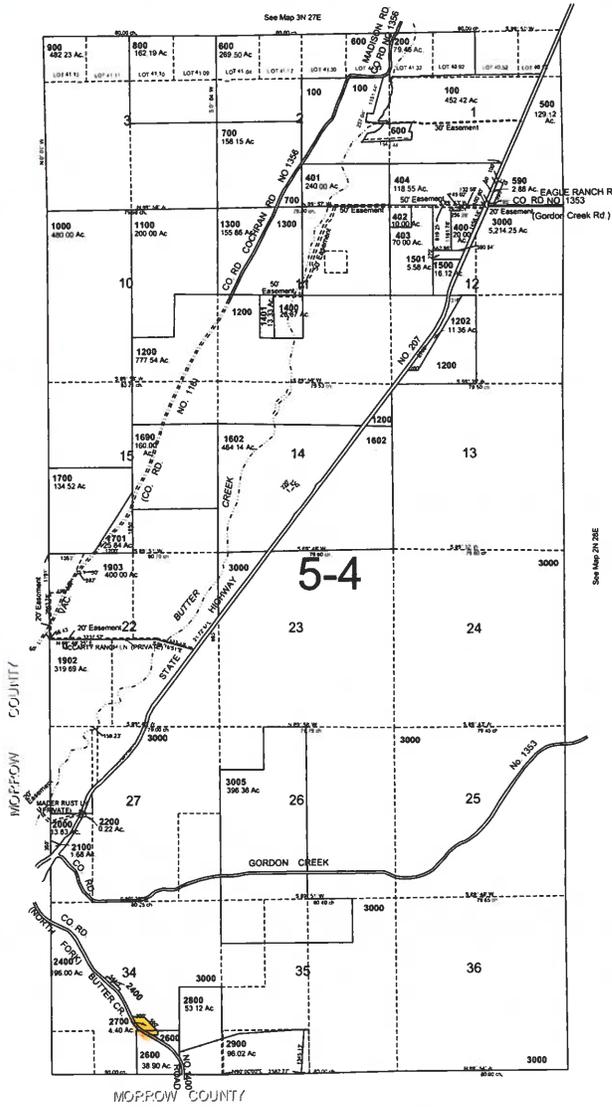
SW1/4 NW1/4 SE1/4 Sec. 34, T. 2 N., R. 27 E., W.M.
 Umatilla County, Oregon



This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

SCALE 1"=2000'

2N 27
 PHOTO NO NZ-2P-165-167,
 3P4-6 & 56-58



- CANCELLED NOS
- 2201
 - 1801
 - 501
 - 1501
 - 1901
 - 3001
 - 3002
 - 3003
 - 3004
 - 1800
 - 2300
 - 1803
 - 1804
 - 2001
 - 2101
 - 3006
 - 1904
 - 1905
 - 3007
 - 1906
 - 1806
 - 1907
 - 2202
 - 300
 - 2900
 - 1900
 - 3000A1
 - 1000A1

Revised 05-01-19

2N 27

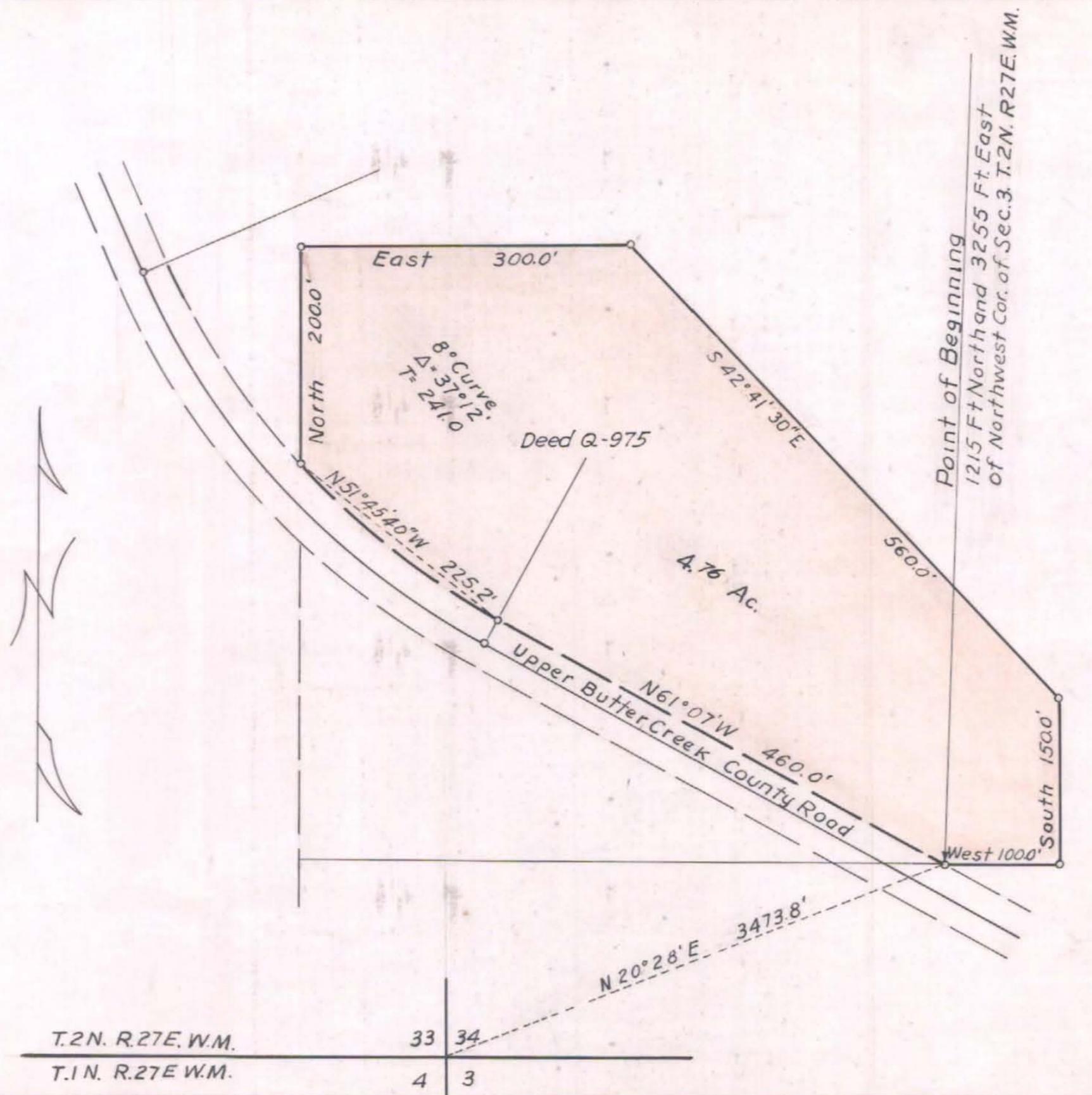
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

2N 27 DETAIL MAP

Aerial Photo No. NZ 2P-165-167
3P-4-6
3P-56-58



2N 27



OREGON STATE HIGHWAY DEPARTMENT	
Aquired from	Bernard P. Doherty
For	QUARRY SITE
Highway	LEXINGTON-ECHO
County	UMATILLA
Scale 1" = 100'	Date May 1945

OREGON DEPARTMENT OF TRANSPORTATION

MATERIALS LABORATORY
800 AIRPORT RD. SE SALEM, OR 97301-4792

Page 1 of 1
(503)986-3000
FAX (503)986-3096

Contract No.: REG5GEO EA No.: CMS15016 000 Lab No.: 14-002523
 Project: ODOT REG 5 MATERIAL SOURCES -
 Highway: LEXINGTON-ECHO County: UMATILLA Data Sheet No.: F40235 492
 Contractor: FA No.:
 Project Manager: GARY VANHOUTEN Org Unit: 5630 Bid Item No.:
 Submitted By: RALPH DEPUY Org Unit: 5000 Sample No.:
 Material Source: 30-041-5 BUTTER CREEK QUARRY Qty Represented: INFORMATION
 Sampled At: SOURCE Sampled By: Witnessed By:
 DATE-Sampled: 14/ 8/ 1 Received: 14/ 8/12 Tested: 14/ 8/25 Date Reported: 14/ 8/26
 Class/Type: COMPLIANCE Use: QUARRY ROCK

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - QUARAG		Size: CHUNKS	
Sieve	% Passing		Mfg.	As Rec'd	
4"		T 176 Sand Equivalent	72.		
3.5		T 89 Liquid Limit	NonDet		
3		T 90 Plastic Index	NonPlastic		
2.5		T 84 Fine Bulk Gravity	2.631		
2		S.S.D.	2.732		
1.5		Apparent	2.927		
1		Absorption (%)	3.85 %		
3/4		T 85 Coarse Bulk Gravity	2.691		
5/8		S.S.D.	2.755		
1/2		Apparent	2.875		
3/8		Absorption (%)	2.38 %		
1/4		TM 208a Coarse Degrade Ht	0.8 in		
# 4		P20	13.8 %		
# 10		TM 208b Fine Degrade Ht			
# 40		P20			
#100					
#200					
T 104 Sodium Sulfate Loss		T 112 Friables	T 96 Abrasion		
1.5 - 3/4: 2.0 %		Weighted Avg.:	Type A 19.8 %		
3/4 - 3/8: 4.8 %		1 1/2 - 3/4:	TM 225 Woodwaste:		
3/8 - # 4: 3.9 % CA: 4.0 %		3/4 - 3/8:	TM 226 Dust/Clay:		
# 4 - # 8: 8.9 %		3/8 - # 4:	TM 227 Cleanness:		
# 8 - #16: 5.7 %		# 4 - #16:	TM 229 Elong Pcs:		
#16 - #30: 8.1 %		T 113 Lightweight Pcs	T 304 Unc Voids:		
#30 - #50: 14.4 % FA: 9.0 %		Coarse: 0.0% Fine: 0.1%			
AASHTO T 288 Resist: 2935 Ω-cm		AASHTO T 267 Organic: 1.2 %	T 327 MICRO DEVAL		
AASHTO T 289 pH: 7.0		AASHTO T 291 Chloride: 10 PPM	Grading: Type A		
		AASHTO T 290 Sulfate: 95 PPM	Loss: 7.3 %		

1 @ t84 = \$ 57.00	NSM = Not Sufficient Material	TOTAL CHARGES: \$ 0.00
1 @ t85 = 45.00	REMARKS:	
1 @ t89/90 = 36.00	INFORMATION ONLY	
1 @ t96 = 97.00		
9 @ t104 = 29.00		
2 @ t113 = 34.00		
2 @ t176 = 41.00		
1 @ t267 = 83.00	KEVIN BROPHY - LABORATORY SERVICES MANAGER	
1 @ t288 = 113.00	REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.	
1 @ t289 = 16.00		
C: FILES ; RALPH DEPUY - REGION 5 QA ; J CIESLAK - AGGREGATE		

...the ...

APPLICANT / OWNER: ODOT OWNER

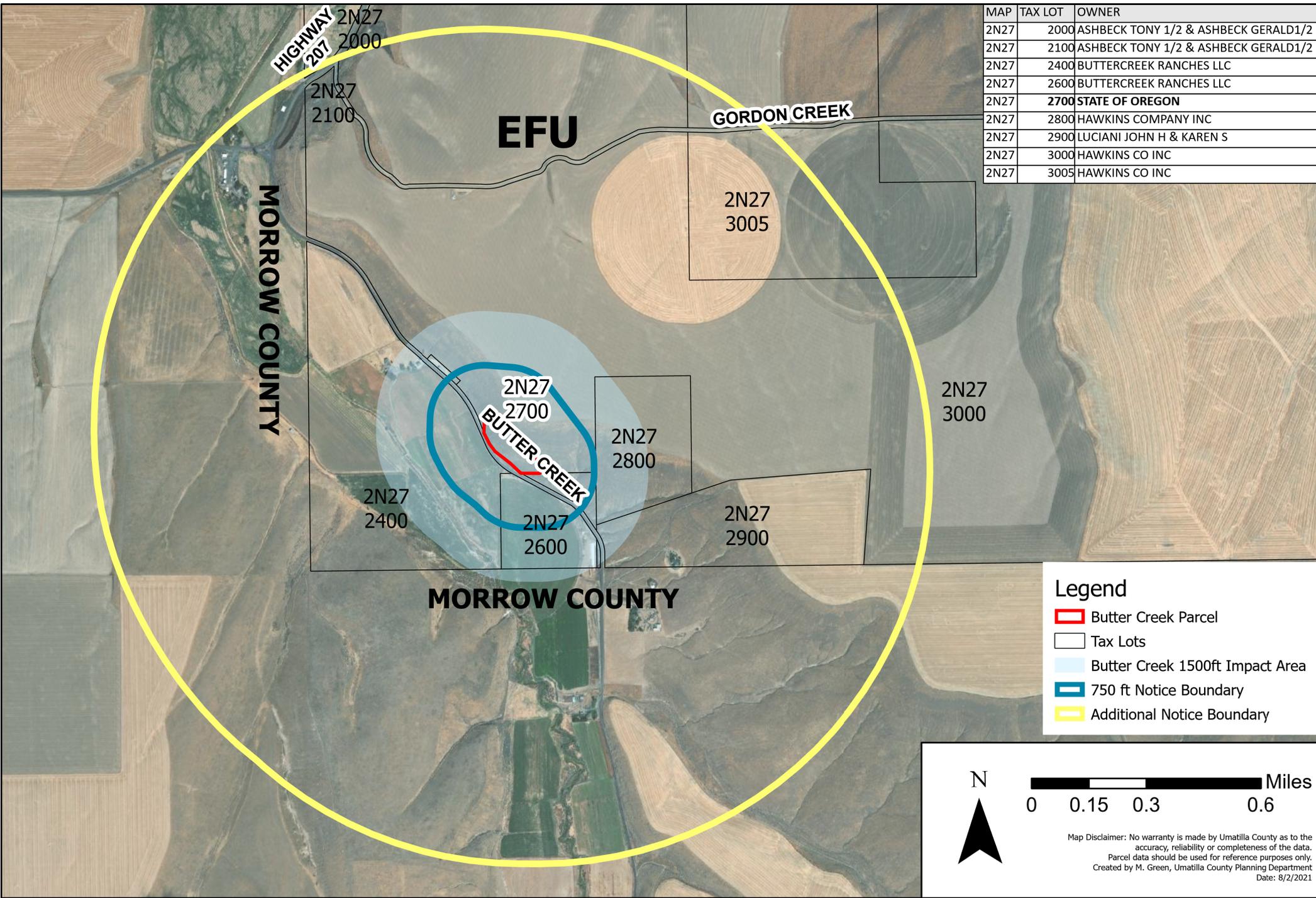
#T-21-086, #Z-318-21 AND #P-129-21

MAP: 2N 27 TAX LOT 2700

BUTTER CREEK SITE

**Per UCDC § 152.770 PUBLIC NOTICES:
Other nearby properties shall be included in the notice
area until at least five (5) different property owners
have been identified.**

Notified property owners within 750 feet of Subject Parcel



MAP	TAX LOT	OWNER
2N27	2000	ASHBECK TONY 1/2 & ASHBECK GERALD 1/2
2N27	2100	ASHBECK TONY 1/2 & ASHBECK GERALD 1/2
2N27	2400	BUTTERCREEK RANCHES LLC
2N27	2600	BUTTERCREEK RANCHES LLC
2N27	2700	STATE OF OREGON
2N27	2800	HAWKINS COMPANY INC
2N27	2900	LUCIANI JOHN H & KAREN S
2N27	3000	HAWKINS CO INC
2N27	3005	HAWKINS CO INC

Legend

- Butter Creek Parcel
- Tax Lots
- Butter Creek 1500ft Impact Area
- 750 ft Notice Boundary
- Additional Notice Boundary

N

0 0.15 0.3 0.6 Miles

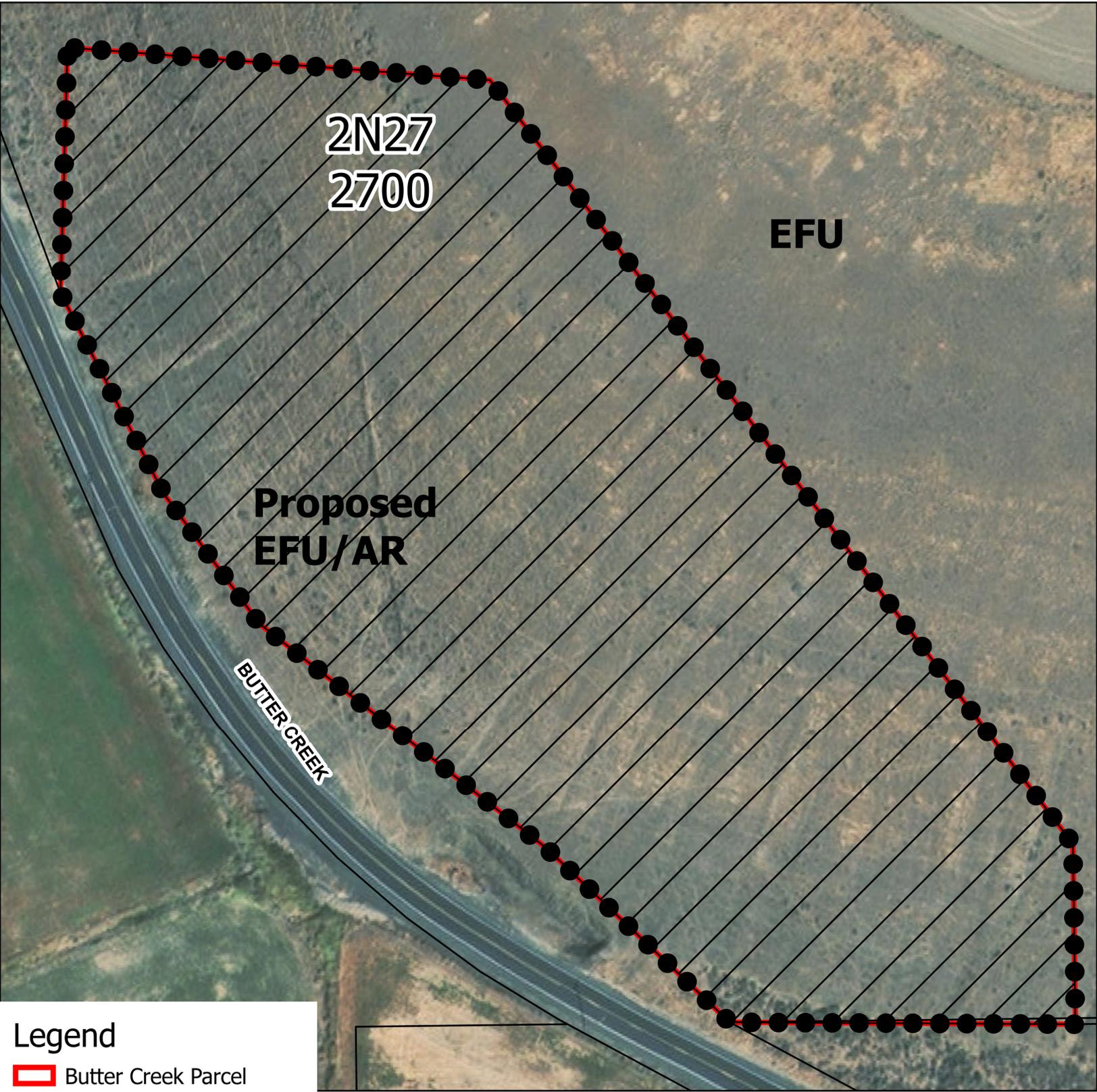
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 8/2/2021

...the ...

**APPLICANT / OWNER: ODOT OWNER
#T-21-086, #Z-318-21 AND #P-129-21**

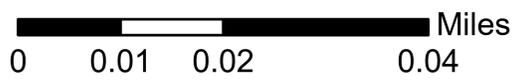


BUTTER CREEK PROPOSED ZONING MAP



Legend

-  Butter Creek Parcel
-  Tax Lots
-  Proposed AR Overlay
-  Proposed Zone 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. Green, Umatilla County Planning Department Date: 8/5/2021

...the ...

Proposed Umatilla County Comprehensive Plan Text Amendment

BUTTER CREEK QUARRY Comprehensive Plan Map Amendment #P-129-21 Comprehensive Plan Text Amendment T-21-086 Zoning Map Amendment #Z-318-21 Township 2N, Range 27, Tax Lot 2700

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

Note: Proposed changes are in highlighted text.

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

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

- (1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.
- (2) ODOT quarry, T5N, R29E, Section 22, TL 800 (“Sharp’s Corner”)
- (3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.
- (4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.
- (5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700
- (6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).
- (7) ODOT quarry, T2N, R27, TL 2700**

DRAFT MINUTES

BUTTER CREEK QUARRY

**TEXT AMENDMENT #T-21-086
PLAN AMENDMENT #P-129-21
ZONE MAP AMENDMENT #Z-318-21**

**OREGON DEPARTMENT OF
TRANSPORTATION,
APPLICANT/ OWNER**

**PLANNING COMMISSION HEARING
September 23, 2021**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, September 23, 2021, 6:30pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
VIRTUAL MEETING VIA ZOOM

** **

COMMISSIONERS

PRESENT: Suni Danforth, Chair, Don Wysocki, Vice Chair, Hoot Royer, Jon Salter, Cindy Timmons, Sam Tucker, Tammie Williams & Tami Green

ABSENT: Lyle Smith

STAFF: Bob Waldher, Planning Director & Tierney Cimmiyotti, Administrative Assistant

** ****

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

CALL TO ORDER

Chair Danforth called the meeting to order at 6:35pm and read the Opening Statement.

NEW HEARING

TEXT AMENDMENT #T-21-086, PLAN AMENDMENT #P-129-21 & ZONE MAP AMENDMENT #Z-318-21: ODOT, Applicant/ Owner. The applicant requests to add an existing quarry (Butter Creek 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. The property is located off the northeast side of Butter Creek Road, identified on Assessor’s Map as Township 2 North, Range 27 East, Tax Lot 2700. The property is 4.76 acres and is zoned EFU. The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180(3), (5) & (7), and UCDC Sections 152.487 – 488.

Chair Danforth read the Opening Statement and called for any abstentions, bias, conflicts of interest, declarations of ex-parte contact or objections to jurisdiction. There were none. She called for the Staff Report.

STAFF REPORT

Bob Waldher, Planning Director, presented the staff report. Mr. Waldher stated that the applicant, ODOT, requests to add Butter Creek Quarry to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant sites, and apply the AR Overlay Zone to the entire quarry site. The property is located off the northeast side of Butter Creek Road on Tax Lot 2700 of Assessor’s Map 2N 27. The subject property is 4.76 acres and zoned EFU.

Mr. Waldher stated that the approval process for this request is similar to the Vinson Quarry request. The Planning Commission will make a recommendation to the BCC. He pointed out an error in the Memo on page 1, under the Butter Creek Quarry section of the Commissioner's packets. The hearing date reads, "September 16, 2021" and should be today's date, September 23, 2021. He stated that he will make the correction in the Final Findings.

Applicant Testimony: Carla McLane, Consultant, Carla McLane Consulting, 170 Van Buren Drive, Umatilla, Oregon, 97882. Ms. McLane indicated that she represents the applicant, ODOT. Ms. McLane stated that the applicant's request is very similar to the last hearing request. However, there are additional impacts in the Butter Creek area that were not present in the Vinson Canyon request. She stated that she would like to pinpoint the dissimilarities in the Butter Creek Quarry request and explain how and why they matter.

Ms. McLane stated that Butter Creek Quarry is a smaller site at 4.76 acres, but it does meet the requirements to be deemed as a Significant site. There is an estimated 540,000 tons of available basalt at the site and samples taken in 2014 determined the site meets the standards for resistance to degradation, soundness and coarseness.

Ms. McLane stated that the biggest difference between Vinson Canyon and Butter Creek is the way the land is being used in and around the sites. In terms of conflicting uses, the analysis for Butter Creek was much more critical. She stated that some agricultural structures are nearby, but no dwellings are located within 1,500 ft. impact area boundary and the nearest home is 1,560 ft. away. She referred to the map on page 31 of the Commissioner's packets which displays a satellite image of the site with overlays representing the 750 ft. advance notice boundary and the 1,500 ft. blasting impact area. She stated that the agricultural uses in the area include dryland farming to the north, circle pivot irrigation farming in the valley and potential for livestock grazing.

Ms. McLane stated that there are no current uses within the buffer area that would be affected by the noise, dust or other discharges from the proposed mining activity. She added that there is a slight increase in traffic on the access road for Butter Creek than for Vinson Canyon, but the impacts would be comparable. The state has designated this site to be part of the Butter Creek Critical Groundwater Area (CGWA). Therefore, the quarry is subject to regulations and standards imposed by the Oregon Water Resources Department (OWRD) including a complex series of administrative rules to ensure groundwater is adequately protected.

Ms. McLane stated that Butter Creek Quarry is included in the list of Inventory of Rock Material Resources in Umatilla County in the Umatilla County Comprehensive Plan Technical Report on page D-180 and classified as a 1A Site. It is the objective of this request to determine that the site is Significant and does deserve protection of mining activities under Goal 5.

Ms. McLane explained that, prior to engaging in mining activity ODOT will obtain a Permit for Construction of Road Approaches onto County & Public Roads (Access Permit) from Umatilla

County Department of Public Works. As part of the permitting process, ODOT will enlarge the access point for safe ingress and egress from Butter Creek Road. She acknowledged that the site is located on a slight curve of the road, but maintained that sight-distance is good in both directions.

Ms. McLane explained that stormwater on the site will be either collected and held onsite or executed in accordance with management standards set by the National Pollutant Discharge Elimination System (NPDES) permit program.

Ms. McLane stated that ODOT intends to excavate, process and batch aggregate for public road projects and to stockpile unused aggregate material for current and future use at Butter Creek Quarry. The applicant's goal through this request is to ensure that this quarry site can avoid additional future impacts on mining activity. ODOT and feels it is in their best interest to seek protections to limit conflicting uses within the buffer area (1,500 ft. from the potential impact area). She explained that the Planning Commission is tasked with making a recommendation to the BCC on whether or not to deem this site as Significant.

Commissioner Tucker asked if the measurement taken to determine the 1,500 ft. distance between the blast site and nearby structures and parcels is measured from the north edge of the mining activity or by starting from the center of the property. Ms. McLane stated that they measured starting from the edge of the property boundary to determine the 1,500 ft. impact area.

Chair Danforth reminded the Planning Commission that the Goal 5 protection request for Butter Creek Quarry will not prohibit conflicting activities in the area. Instead, it would impose requirements for applicants with plans for potentially conflicting land use activities or development near the site to waive their rights to remonstrance against impacts made by aggregate mining activities in the area.

Chair Danforth asked if this request is approved, how landowners already in the area would be affected. She asked whether it would impose a requirement for those with pre-existing dwellings and other structures to also sign documents waiving their rights to remonstrance against impacts made by aggregate mining activities. Mr. Waldher stated that is not an issue in this request because there are no pre-existing conflicting uses within the 1,500 ft. impact area at this time. He further clarified that the requirement for land owners to waive rights to remonstrance against mining impacts will only apply to future requests for activities or development with potential for conflict located within the established 1,500 ft. buffer zone.

Opponent Testimony: John Luciani, 27633 Butter Creek Road, Echo, Oregon 97826. Mr. Luciani stated that he does not feel that ODOT should consider this site for mining due to the close proximity to his home, his daughter's home and a neighbor's home, Mr. Price, which is located 60 ft. outside of the 1,500 ft. impact area. He believes there are other rural sites available in the county for blasting and mining activities which are located further away from residences.

Mr. Luciani questions ODOT's claim that they are running out of rock at current mining sites because he has driven by active quarries in the area and seen a lot of rock there. He does not understand why ODOT would want to mine at this location when they know it is located on a curve in the road and close to three dwellings.

Mr. Luciani stated that he is concerned about damage to his underground cement cistern and the wells on his property. He is also concerned about how the blasting will affect his goats, horses, chickens and cows. He expressed frustration with the proposal and stated that he never imagined he would have to deal with something like this near his home. He urged the Planning Commission to make a site visit before making a final recommendation to the BCC.

Commissioner Green asked for clarification on which property was owned by Mr. Luciani. Ms. McLane stated that Mr. Luciani's property is located southeast of the aggregate site, outside the 1,500 foot impact area, but inside the additional notice boundary area (map in Commissioner's packets, page 31).

Commissioner Wysocki asked Mr. Luciani how long he has lived on his property. Mr. Luciani stated that the home his daughter currently lives in was built by his father in 1965. He built his own home on the site in 1999. Commissioner Wysocki asked if Mr. Luciani has ever seen or heard any mining activity occur at the Butter Creek Quarry site since he has lived in the area. Mr. Luciani replied no, he has not.

Commissioner Timmons asked if Mr. Luciani's neighbor, Mr. Price, received notification of this Goal 5 request as part of the public notice process. Mr. Waldher explained that the state requires public notice be sent to land owners within 750 feet of the subject property. Umatilla County has a provision that requires at least five individual land owners to receive notice. As a result, the public notice area for this request was expanded to include landowners within about ¾ mile of the quarry. Mr. Waldher referred to the list of landowners that received public notices on page 31 of the Commissioner's packets. He pointed out that the name "Price" is not on the list, but there are several corporations and limited liability companies (LLC) listed as surrounding land owners, so Mr. Price may own land under another name.

Chair Danforth thanked Mr. Luciani for calling attention to the curve in the road leading to the site. After reviewing the maps she shares his concern about dangerous conditions in accessing the site off of Butter Creek Road. Mr. Luciani once again urged the Planning Commission to make a site visit before making a recommendation to the BCC.

Public Agencies: No additional comments.

Applicant Rebuttal: Carla McLane, Consultant, Carla McLane Consulting; Scott Billings, ODOT Senior Engineering Geologist; and Teresa Penninger, ODOT Planning Manager. Ms. McLane stated that ODOT has owned this site for over 75 years and it is identified in the

County's Comprehensive plan as a 1A site. She reiterated that the applicant meets the requirements for quality and quantity of aggregate materials at the site.

Ms. McLane explained that ODOT has quarries located throughout the region because they must ensure that they maintain an adequate inventory of materials available for current and future road projects. She pointed out that regional roads will continue to require maintenance over the next several decades and the need for materials will not subside. Although ODOT has not yet used Butter Creek Quarry for mining operations, they are trying to plan for the future. They know they will eventually need to relocate active operations to new sites as materials become less available at current mines. They feel this site is Significant and hope the Planning Commission agrees.

Ms. McLane acknowledged that the road has some curves, but she insisted that you can see for quite a distance.

Ms. Penninger pointed out that the access point will be off a county road and they will be required to obtain an Access Permit from the County Road Department. The process of approval for the Access Permit will ensure that all aspects of the curvature of the road and any sight restrictions that may apply will be taken into account at that time. She stated that safety is important to ODOT and they will comply with all applicable safety standards pertaining to access.

Chair Danforth asked about the estimated lifespan of an average 4 ½ acre mine. Mr. Billings stated that there are a number of factors that come into play in making that estimate.

Mr. Billings stated that the lifespan of the mine will depend on a number of factors including; the number of highways serviced, the size of each highway and how much traffic those highways get.

Commissioner Wysocki stated that there are seven formations of basalt in this region (The Columbia River Basalt Group) and some sites yield better quality rock than others. The formations are subdivided into formal and informal members and flows. He asked which member Butter Creek Quarry is part of. Mr. Billings stated that this site is part of the Wanapum Basalt Formation, Frenchman Springs Member.

Chair Danforth stated that she has not been to the location and asked staff if it would be appropriate for the Planning Commission to make a site visit before making a decision. Mr. Waldher stated that it is a gray area because site inspections performed alone could be considered to be a form of ex-parte contact. He explained that arranging a group visit could be possible, but he warned that the public perception might become problematic so he discouraged the idea.

Chair Danforth closed the hearing for deliberation.

DELIBERATION

Chair Danforth reminded the Planning Commission that this site is an existing quarry owned by ODOT, and is likely to be used for mining at some point. The decision made regarding this proposal will only determine whether or not the mining activities will be protected from conflicting uses in the future. She stated that she is inclined to let the neighbors be peaceful and not grant this quarry a Goal 5 protection.

Commissioner Tucker stated that the Planning Commission's job is to look at the rules that govern this request and determine if they meet the criteria for approval. Based upon the evidence present at this hearing, it appears that the applicant has met the criteria. Commissioner Tucker expressed that he sympathizes with Mr. Luciani's position.

Chair Danforth stated that, even if the applicant proves that they have met the criteria for approval, the Planning Commission has the option of making a recommendation of "no" to the BCC. The BCC will make the final decision.

Commissioner Williams shared her concerns regarding access off Butter Creek Road. She stated that she agrees with Mr. Luciani that it would be very dangerous and cause many accidents. She stated that ODOT always has the option to make a deal with private aggregate companies to obtain rock in the future. She feels that the mining activity at this site would have too much impact on the homes in the area. Chair Danforth agreed and stated that, when taking into account public safety concerns, sometimes the answer just has to be no.

Commissioner Williams made a motion to recommend denial of the Text Amendment #T-21-086, Plan Amendment #P-129-21 & Zone Map Amendment #Z-318-21; Oregon Department of Transportation, applicant/ owner to Amend the Umatilla County Comprehensive Plan to list the Butter Creek Quarry as a Significant Site protected by Goal 5; amend the Comprehensive Plan Map to identify the site as Significant and to apply the buffer area to limit conflicting uses; and amend the Zoning Map by applying the Aggregate Resource Overlay Zone to the mining site, to the Board of County Commissioners. Commissioner Royer seconded the motion. Motion passed with a vote of 5:3.

A public hearing before the BCC is scheduled for Wednesday, October 20, 2021, 9am at the Umatilla County Courthouse.