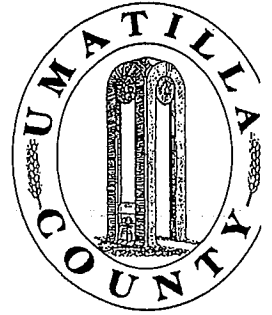


Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

April 15, 2014

LAND USE
PLANNING,
ZONING AND
PERMITTING

Memo

TO: Planning Commission
FROM: Tamra Mabbott
RE: A & B Asphalt - Follow up to March Hearing

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

At the March hearing you asked staff to research and provide information about blasting and Conditional Use Permits for A & B Asphalt. Staff has also assembled information about other aggregate sites in the county to further your understanding about the historical permitting and operation of rock quarries in Umatilla County.

1. Blasting

To address concerns about off-site impacts of blasting at the quarry, staff consulted with Ben Mundie, geologist with DOGAMI. There are technologies to mitigate off site impacts. Several counties and DOGAMI have required an operator to submit a blasting plan prior to and after blasting. There are examples of such plans for blasting adjacent to a natural gas pipeline. Conditions are commonly added that require notice of surrounding property owners. ODOT has a list of approved blasting consultants who can develop a blasting plan. In sum, it appears that reasonable measures can be taken, with appropriate conditions of approval, to minimize and mitigate off-site impacts.

2. Conditional Use Permits at Spence Pit

County Counsel reviewed the existing CUP files and concluded that A & B Asphalt permit(s) were valid, except for a pending citation issued for violation of hours of operation (hours of operation are limited to daylight hours only). A hearing in Circuit Court is scheduled for April 25th. County recorded two mornings in November 2013 where A & B was operating before daylight. County has no record of violations since the citation was issued.

Gina Miller, Code Enforcement/Planning Assistant, assembled a chronology of the three CUP files for the Spence Pit. The attached chronology provides a brief annotation of every document in each of the three files: a 1977 Zoning Map Amendment and CUP for a asphalt plant and rock crusher, a 1984 CUP to allow processing of rip-rap and aggregate, and a 1987 CUP to allow a batch plant at the site.

3. Clarification of Goal 5 Questions

The April 11, 2014 memo written by Planner Shane Finck provides a good background for other questions raised at the March hearing, namely the status of "2A" aggregate sites and consistency with permitting. In her March 27, 2014 letter, Amanda Punton, Goal 5 Specialist with Department of Land Conservation & Development, raises a question about whether or not a portion of the existing site is a "significant" Goal 5 resource. The draft Findings concluded that where the SW quarter of the SW quarter of the Spence Pit is listed as a "2A" site in the Technical Report, that portion is "significant." Importantly, where that SW quarter of SW quarter is significant, a Goal 5 application is not warranted for that portion of the quarry. Therefore, the Goal 5 application is for the balance of the site not currently listed on the county's Goal 5 aggregate inventory.

4. Aggregate Permitting in Umatilla County

At the March hearing, there were questions raised about the consistency of the department's permit process for aggregate operations. One person accused the county as acting unethically and showing favoritism towards A & B Asphalt. Such accusations are taken seriously and subsequently staff looked in to the files on a number of aggregate sites. What we found was that there are indeed inconsistencies in the permitting process, none of which are intentional, albeit there are some inconsistencies. The memo from Shane Finck includes a list of several Conditional Use Permits, most of which were issued a Zoning Permit within a year or two after the CUP was approved. However, some were issued a Zoning Permit a number of years after the CUP and two were never issued a Zoning Permit.

Unfortunately, it confirms the fact that over the years, county has not had a robust program to insure permit compliance. Historically, compliance has been complaint driven, meaning that permits were reviewed only if a complaint was filed. Many CUPs have a requirement for an annual review, a method to insure compliance with the conditions of approval.

Until a few years ago, the Planning Department did not have a staff member dedicated to permit compliance. We now have a person who is charged with tracking permits and compliance, for new permits. However, there are literally hundreds of permits that are not in the tracking system.

In 2009-2010 when the office had a fourth planner on staff, one of his projects was to update the inventory of existing aggregate sites. The next step would have been to update the Technical Report and Comprehensive Plan and to implement Oregon Administrative Rules Division 23 rules for permitting new sites. In 2011 staff proposed language to codify Division 23 Rules, which met resistance from industry and it has since been tabled. The attached database illustrates the vast amount of information, the complexity of and uniqueness of each aggregate site. Most of the existing "significant" sites were permitted under OAR Division 16 rules. Sites added to the inventory since about 2000 were permitted under OAR Division 23 rules.

The County Technical Report includes 277 aggregate sites. DOGAMI, the agency responsible for permitting operation and reclamation, has an inventory of 122 sites in Umatilla County. Of those, 31 are "county exempt" meaning county self-governs the reclamation and DOGAMI bonding is not required. Currently the county has 23 sites that are available, but many have not been used in recent history. The DOGAMI inventory shows 50 sites are currently "closed," although those sites could be re-opened.

Spence Pit permit history

Summary of Conditional Use Permits

#C-479-87 Humbert Asphaltting, applicant

To request "an addition to the existing conditional use permit to establish a hot mix asphalt batch plant to the established riprap and rock crushing operation" filed on March 3, 1987. The application was also signed by the property owner, James Spence. The application was approved with conditions by the Umatilla County Hearings Officer on March 18, 1987. April 8, 1992; approval for a name change on the application to Humbert Excavating.

April 14, 1987: Findings of Fact and Conclusions of Law were signed by Wendell Lampkin
"In the matter of Conditional Use Request #C-479 to allow an asphalt plant...."

April 8, 1992: Minutes from Umatilla County Hearings Officer
Request for a minor modification of #C-479 to allow an asphalt batch plant to be owned and operated by Humbert Excavating. The current batch plant is owned/operated by Humbert Asphaltting. It was noted in testimony that the batch plant from the original permit had already been removed. It was decided to allow Humbert Excavating to bring in a new batch plant as a minor modification to the original permit. A letter from the property owner, James Spence, was included to document that Humbert Asphaltting was no longer operating on the pit, and that Humbert Excavating was now operating on the pit.

May 1993: Site inspection for annual review by Tamra Mabbott. Pit still in operation. Noted change in size of rock crusher to different brand. W.J. Humbert has lease for property.

April 1994: Site inspection for annual review by Tamra Mabbott. Noxious weeds noted.
May 4, 1994: approval notice for extension of one year on permit from Tamra.

May 2, 1995: Site inspection for annual review by Patty Perry. Pit in operation. Noxious weeds noted. RV's noted on property, but did not appear to be occupied.

Mar 12, 1996: Site inspection for annual review by Patty Perry. No recent activity noted. Solid waste present, dumping appeared to be on-going. Gate was open and unlocked. RV still present near scale. Road is deeply eroded.

Nov 5, 1996: Letter in file from DOGAMI rescinding a closure order.

April 10, 1997: Site inspection for annual review by Patty Perry. Scales present and an unoccupied MH. It appears that pit is still in operation, but there is no crusher or asphalt plant present. Solid waste pile present.

Mar 10, 1998: Site inspection for annual review by Patty Perry. No sign of recent activity noted. The gate was unlocked. MH and scale still present. Solid waste pile still present, same size as last year. Fresh gravel noted on the road.

April 22, 1999: Site inspection for annual review by Patty Perry. 2 dump trucks and 1 loader present, but no employees were present. Gate was unlocked. Pit does not appear to be very active. No crusher is present and there are weeds around scale office and MH. There is a stockpile, but not active.

Oct 28, 1999: Inspection report from DOGAMI. Mine site is inactive at time of visit. Activity has been sporadic, and site has not changed significantly since last inspection in January 1998. There are stockpiles in nw corner of pit.

April 18, 2000: Inspection report for annual review by Patty Perry. Locked gate across road, no access to pit. Recent truck prints visible.

April 17, 2000: Renewal request letter from Joe Humbert. He states that they intend to crush gravel this year, and possibly place a batch plant for asphalt production.

August 18, 2001: Suspension Order from DOGAMI.

Sept 12, 2001: Suspension order rescinded from DOGAMI.

April 15, 2002: Inspection report for annual review by Patty Perry. NO recent activity noted, no tracks and weeds are present at front gate. Gate is locked, no access to interior of pit.

June 17, 2003: Inspection report for annual review by Dennis Olson. Similar to 2002 inspection, does not appear to be used to any great extent.

Mar 15, 2006: Letter to Joe Humbert from JR Cook. Notice of deferred annual review inspections unless warranted by complaints.

August 22, 2008: Letter to Joe Humbert from Gina Miller. Request to confirm that pit is still in use.

April 16, 2009: ZP 09-081 issued to change name on permit to WJ Humbert and replace scale house with new single wide MH. Old one destroyed by weather and vandalism.

May 10, 2010: Received complaint about new batch plant and activity happening in the Spence Pit. Tamra Mabbott replied.

#C- 333-84 Humbert Excavating, applicant

Conditional use permit to allow processing of rip-rap and aggregate materials from an existing pit in an EFU-40 zone. The application was signed by James Spence, owner of James Spence Properties, Inc, property owner. The application was approved with conditions by the Umatilla County Hearings Officer on May 9, 1984.

Apr 1984: Lease agreement between James Spence and Robert & Joe Humbert (Humbert Excavating).

Apr 1984: Letter with conditions from City of Milton-Freewater Planning Director.

Oct 22 1984: Findings of Fact and Conclusions of Law C-333

May 9 1984: Staff Report

Apr 1984: Application for C-333, Humbert Excavating, Applicant

Apr 84: Letter to Joe Humbert from Planning – suggesting they oil roads.

Apr 26, 84: Copy of City of MF letter, signed by Joe Humbert accepting their conditions.

May 10, 84: Letter from Planning – notice of 15 day appeal period and approval of #C-333.

- May 24, 84: Letter from Planning – notice of appeal period over, and conditionals of approval to be met.
- Jun 5, 84: Letter from City of MF - met conditions.
- Jul, 84: Letter from Humberts – agreement to conditions and zoning permit application.
- Aug 17, 84: Letter from Planning – site visit report to Joe Humbert.

#C-2232-77 (Zoning Map Amendment #2231) Dan Humbert, Applicant

Zone change and conditional use permit filed on March 18, 1977. The property is owned by Spence Properties, Inc. The application was to amend the Zone Map from F-1 (Exclusive Farm Use) to F-2 (General Rural), and to establish a Conditional Use Permit for an asphalt plant and rock crusher on the existing rock quarry. The application for rezone was confined to 30 acres of Tax Lot 1700, which consisted of 143.61 acres. The Planning Commission recommended to the Board of Commissioners to approve the zone change and conditional use permit, subject to several conditions. Following several public hearings, the Board of Commissioners voted to approve the application, with conditions on July 18, 1977.

Mar 18, 1977: Site plan for #2232 showing NW Pipeline Co natural gas line, and placement of proposed plant/crusher.

April 1977: Opposition letters from Ready Mix

Hand written letter of justification (from Humberts?? Not signed or dated)

Aug, 1977: Notice from Pacific Gas Transmission Company. The pipeline on the subject property does not belong to them, probably belongs to Northwest Pipeline Corp.

April 27, 1977: Staff report and Findings of Fact for Zoning Map Amendment #2231 and Conditional Use Permit #2232 – Staff recommended approval of both applications. Site plans with pictures included in findings. (Scanned)

April 29, 1977: Notice of continuation on the public hearing for the application.

May 27, 1977: Notice to recommend application to the Board of Commissioners from the Planning Commission for approval to change the zone from F-1 to F-2, and place an asphalt plant and rock crusher.

Letters of opposition – see file

June 22, 1977: Memo from Board of Commissioners to Planning Commission, asking them to clarify Condition #2, or consider an alternate access route.

Sept 7, 1977: Findings of Fact – Order approving application.

March 1979: Planning Staff report - approval of extension of effective date for an approved Conditional Use to allow the establishment of an asphalt plant and rock crusher in an F-2 general rural zone (19 acre minimum zone), for 180 days due to inclement weather.

PermitID	Permit Type	Status	Site Name	Permittee	Landowner	Primary Commodity	Section	Township	Range	Districted Acres	Permitted Acres
30-0082	GTE	Closed		William R.		gold & silver	36	6S	32E		
30-0001		Closed		S.D. Spencer &		sand & gravel	24	6N	35E		
30-0032	GTE	Closed	Eastside Pit	Ready-Mix, Ltd.		sand & gravel	36	6N	35E		
30-0035	COX	Exempt	Eastside Pit	Umatilla County		sand & gravel	36	6N	36E		
30-0072	COX	Exempt	Casper Pit	Umatilla County	Bruce & Frances		27	6N	36E		
30-0083	OPA	Closed		Klicker		gold	18	6N	38E		
30-0085	OPA	Closed		T.J. Lund & Son,		Rock	17	6N	37E		
30-0089	COX	Exempt	Casper Quarry	Umatilla County		Basalt	34	6N	36E		
30-0098	OPA	Closed		Ready-Mix, Ltd.		Pit Run	27	6N	35E		
30-0107	OPA	Permitted	Kennedy Pit	Humbert	Kennedy Farms	sand & gravel	36	6N	36E	14.00	20.00
30-0118	TEG	Closed	Columbia River Rockfall - Phase 1	ODOT -		Basalt	25	6N	30E	0.00	
30-0020	OPG	Permitted	OR-30-030-5; Camas Creek Quarry Hwy 28 mp 52.1	ODOT -		Basalt	21	5S	31E	4.00	20.00
30-0025	TEG	Closed		City of Ukiah		sand & gravel	13	5S	31E		
30-0027	TEG	Closed		City of Ukiah		sand & gravel	14	5S	31E		
30-0028	OPG	Closed		City of Ukiah		Clay	24	5S	31E		
30-0088	COX	Exempt	Leverenz Pit	Umatilla County	Melvin &	rock	13	5S	31E		
30-0128	OPG	Permitted	OR-30-052-5 Cable Creek Quarry Hwy 341 MP 6.20	ODOT -		basalt	4	5S	32E	4.00	26.81
30-0012	OPA-LEP	Permitted	Umatilla Pit	Jones-Scott	Jack Morrison	sand & gravel	16	5N	28E	89.00	102.00
30-0026	TEG	Closed		City of Ukiah		sand & gravel	12	5N	31E		
30-0029	LEP	Permitted	Snipes Mountain Sand	Snipes		sand & gravel	27	5N	28E	34.00	
30-0033	OPG	Permitted	OR 30-003-5; Diagonal Quarry Hwy 2 MP 191.5	ODOT -	Mervyn	Basalt	22	5N	29E	10.00	8.00
30-0037	COX	Exempt	Umatilla Pit	Umatilla County		sand & gravel	16	5N	28E		
30-0044	OPA	Permitted	Herriston Pit	Eucon	Clyde Nobles	sand & gravel	21	5N	28E	41.00	38.00
30-0045	OPA-LEP	Permitted	Bonney Gravel Pit	Stuart Bonney		sand & gravel	16 17	5N	28E	20.00	35.50
30-0046	COX	Exempt	Bonney Pit	Umatilla County	Stuart Bonney	rock	16	5N	28E		
30-0047	OPG	Permitted	OR-30-019-5; Dry Creek Quarry (Blue Mtn Stn) Hwy 8 MP 22.9	ODOT -		Basalt	35	5N	35E	27.00	12.00
30-0051	VPA	Closed		Central Pre-Mix	Amstard Farms	sand & gravel	25	5N	27E	0.00	0.00
30-0053	OPA	Permitted	Whitney Quarry	Jim Whitney		basalt	17	5N	34E	5.00	637.58
30-0058	OPG	Permitted	OR-30-038-5; Umatilla Butte Hwy 54 mp 2.7	ODOT -	BLM	Basalt	28	5N	28E	7.00	40.00
30-0060	OPG	Permitted	OR-30-001-5; Powerline Road Quarry (Kennedy) Hwy 2 MP 183.2	ODOT -		Basalt	16	5N	28E	20.00	15.00
30-0066	OPA-LEP	Permitted	Konen Pit	Konen Rock		basalt	30	5N	36E	33.00	66.00
30-0071	COX	Exempt	Schubert Pit	Umatilla County		Basalt	1	5N	34E		
30-0073	COX	Exempt	North Juniper	Umatilla County	Myra Furnish	Basalt	5	5N	32E		
30-0076	OPA	Permitted	Spence Quarry	Adam Schatz	Jim Spence	sand & gravel	7	5N	36E	29.00	30.00
30-0078	OPA	Permitted	Hat Rock Pit	Kenneth D.		Basalt	23	5N	29E	3.00	287.00
30-0087	OPA	Closed	Stone Quarry	Deatley-Eucon			32	5N	28E		
30-0095	COX	Exempt	Rohmann Quarry	Umatilla County	Kayella Simons	Basalt	7	5N	32E		
30-0101	VPA	Closed		Steelman-Duff,		Rock	18	5N	30E		
30-0102	OPA	Closed		Michael K.		borrow/fill/topsoil	27	5N	28E		
30-0108	OPA	Permitted	Schubert Pit	Humbert	Arlene Kessler	sand & gravel	1	5N	34E	14.00	20.00
30-0109	OPA-LEP	Permitted	Bonney Quarry Pit	Stuart Bonney		Basalt	21	5N	28E	23.00	103.00
30-0112	OPA	Closed	Snipes Mountain Sand	Santary	Norris Logsdon	Basalt	27	5N	28E		
30-0113	COX	Exempt	Engdahl Pit	Umatilla County		Basalt	33	5N	32E	5.00	
30-0116	GTE	Closed	Kik Sand Pit	Charles Kik		sand & gravel	27	5N	28E		
30-0117	GTE	Closed	Alluvial Pond	Milton		Rock	3	5N	35E		
30-0120	OPA	Closed	McNary Site	Desert River,	Port of Umatilla	sand & gravel	11	5N	28E	0.00	0.00

Permit ID	Permit Type	Status	Site Name	Permittee	Landowner	Primary Commodity	Section	Township	Range	Disturbed acres	Permitted Acres
30-0038	COX	Exempt	404 Quarry	Umatilla County		Basalt	8	2N	32E		
30-0048	COX	Exempt	Rainville Quarry	Umatilla County		Basalt	25	2N	33E		
30-0049	OPA	Permitted	Grubbs Pit	LaFrance		Basalt	25	2N	33E	12.00	10.00
30-0062	GTE	Closed	Duff	William R. Duff		Rock	3	2N	33E		
30-0075	COX	Exempt	Alkali	Umatilla County		sand & gravel	9	2N	30E		
30-0081	VPA	Closed	Mission Pit	Pendleton		sand & gravel	9	2N	33E	0.00	0.00
30-0086	OPA	Closed		Don Wagner		Rock	12	2N	32E		
30-0103	TEG	Closed		ODFW		Rock	19	2N	32E		
30-0104	TEG	Closed		ODFW		Rock	33	2N	32E		
30-0105	OPA	Closed		H. Gale		Rock	89	2N	32E		
30-0110	GTE	Permitted	Birch Creek	Umabirch LLC		Basalt	13	2N	31E	2.00	0.00
30-0115	VPA	Closed	Torco Ranch	Pendleton		sand & gravel	14	2N	31E	0.00	0.00
30-0119	GTE	Closed	Straughan Pit	James Hatley	James &	Basalt	32, 33	2N	32E	0.00	0.00
30-0122	OPA	Permitted	Schuening Property	Rosemary		basalt	4	2N	32E	6.00	8.80
30-0124	OPG	Closed		City of		basalt	5	2N	32E		
30-0022	OPG	Closed	Pilot Rock	ODOT -		Rock	24	1S	31E		
30-0054	LEP	Closed	Louis Pit	Louisiana Pacific		sand & gravel	8	1S	32E		
30-0057	GTE	Closed	Meacham	Euron	Union Pacific		3, 34, 35	1S	35E		
30-0059	COX	Exempt	Anderson-Sumac	Umatilla County	Rod Anderson	Basalt	5	1S	33E		
30-0070	COX	Exempt	Hoelt	Umatilla County	Fred Hoelt	Basalt	13	1S	32E		
30-0090	OPG	Permitted	OR-30-026-5; Nye Junction Quarry Hwy 28 MP 23.8	ODOT -		Basalt	19	1S	31E	8.00	29.50
30-0091	TEG	Closed	Hwy 26 MP 18.71	ODOT -		Basalt	24	1S	31E		
30-0099	LEP	Permitted		James Hatley	A.H. Ranches	basalt	24	1S	32E	10.00	0.00
30-0008	GTE	Closed		Hughes & Ladd,			12	1N	33E		
30-0009	GTE	Closed		Hughes & Ladd,			6	1N	34E		
30-0018	OPG	Permitted	OR-30-015-5; Meacham Quarry Hwy 6 mp 237.31	ODOT -		Basalt	34	1N	35E	29.00	36.00
30-0030	OPG	Closed	Emigrant Hill	ODOT -		Rock	6	1N	35E		
30-0031	OPG	Permitted	Cabbage Hill Quarry OR-30-010-5 Hwy 6 MP 224	ODOT -		basalt	2	1N	33E	3.50	24.30
30-0039	COX	Exempt	4 Corners	Umatilla County	Pendleton	Basalt	12	1N	30E		
30-0043	OPG	Closed	Meacham Rock Product	ODOT -		Rock	20	1N	35E		

DOGAMI Inventory of Umatilla County Aggregate Resources

Permit ID	Permit Type	Status	Site Name	Permitter	Landowner	Primary Commodity	Section	Township	Range	Disturbed Acres	Permitted Acres
30-0126	OPA	Permitted	Cannon Pit	Robert Cannon		basalt	8	5N	34E	2.00	80.00
30-0003	OPG	Permitted	OR-30-004-5; Ordnance Gravel Pit Hwy 6 mp 179	ODOT -	BLM	sand & gravel	26	4N	27E	17.00	22.00
30-0004	OPG	Permitted	OR-30-049-5; Catron Quarry Hwy 334 MP 14.42	ODOT -		Basalt	22	4N	34E	12.00	
30-0010	COX	Exempt	Westland Pit	Umatilla County		sand & gravel	17	4N	28E		
30-0016	GTE	Closed		Stan Schnell		sand & gravel	9	4N	28E		
30-0023	OPA	Permitted	Hinkle Pit	Union Pacific		sand & gravel	29	4N	28E	60.00	227.00
30-0034	COX	Exempt	Cristley Pit	Umatilla County		sand & gravel	7	4N	29E		
30-0041	COX	Exempt	Struve Pit	Umatilla County	ODOT -		23	4N	32E		
30-0050	COX	Exempt	Terney Pit	Umatilla County	Ralph Terney	sand & gravel	24	4N	30E		
30-0061	OPG	Permitted	OR-30-043-5; Weston Quarry, Hwy 330 MP 2.8	ODOT -		Basalt	24	4N	35E	11.00	6.00
30-0063	GTE	Closed	C & B Pit	C & B Livestock,		sand & gravel	22	4N	28E	0.00	0.00
30-0064	OPA-LEP	Permitted	County Line	Herrington Rock		sand & gravel	27	4N	27E	25.00	27.00
30-0067	OPG	Permitted	OR-30-048-5; Struve Quarry (Hascom) Hwy 334 MP 2.0	ODOT -		Basalt	23	4N	32E	11.00	4.00
30-0068	COX	Exempt	McCormach	Umatilla County	McCormach & Stanfield	Basalt	31	4N	34E		0.00
30-0069	OPA	Closed	Canal Road Pit	Kevin L. Helzer		sand & gravel	7	4N	29E	0.00	0.00
30-0079	OPA	Permitted	Westland Pit	Pioneer		sand & gravel	31	4N	28E	8.35	14.62
30-0080	OPG	Closed	MP 7.1 Um-StantonHwy	ODOT -		sand & gravel	23	4N	28E		
30-0084	OPA	Closed	Lamb Gravel Pit	Steelman-Duff,		sand & gravel	25	4N	27E		
30-0093	TEG	Closed	Cold Springs	ODOT -			2	4N	31E		
30-0100	OPG	Closed	Bannister	ODOT -			12	4N	27E		
30-0106	OPA	Closed	Kalal Site	Kalal		sand & gravel	2	4N	28E	0.00	0.00
30-0111	GTE	Closed	Harris Pit	Harris		sand & gravel	31	4N	38E		
30-0114	OPA	Closed	7-A's Gravel	7-A's, Inc.		sand & gravel	27	4N	27E	29.00	60.00
30-0123	OPA	Permitted	Linton Mtn Property	Eagle Cap		basalt	8 9 16 17	4N	37E		
30-0129	OPA	New	Rock It LLC	Wade Aylett		crushed rock	27 28	4N	27E		
30-0097	OPG	Amendme	Webb Slough Quarry	ODOT -		Basalt	12	3S	30E	14.00	31.25
30-0121	OPA	Permitted	George Wachter Source	Seubert	George	basalt	12	3S	30.5E	1.00	32.00
30-0127	OPG	Permitted	OR30-050-5 Wildhorse Creek Quarry OR 335 MP 9.50	ODOT -		basalt	23	3S	33E	1.00	9.71
30-0007	COX	Exempt	Cayuse Pit	Umatilla County		Basalt	35	3N	34E		
30-0036	COX	Exempt	Squaw Creek	Umatilla County		Basalt	36	3N	35E		
30-0040	COX	Exempt	Ransler Pit	Umatilla County	G.M Ransler	Basalt	6	3N	30E		
30-0052	COX	Exempt	Rogers Pit	Umatilla County	B.L. Davis Ranch	sand & gravel	11	3N	34E		
30-0055	COX	Exempt	Thornhollow	Umatilla County	Barnett-Rugg	Basalt	33	3N	35E		
30-0056	COX	Exempt	Havana	Umatilla County		Basalt	23	3N	33E		
30-0065	OPG	Closed	Sunmit Road Quarry	ODOT -		Basalt	32	3N	38E		
30-0074	COX	Exempt	Tubbs-Cayuse	Umatilla County		Basalt	34	3N	34E		
30-0092	COX	Exempt	Narkaus Pit	Umatilla County	Lenore Narkaus	Basalt	11	3N	36E		
30-0125	OPA	Permitted		City of		basalt	31	3N	32	0.00	25.00
30-0024		Closed		Harold H.		rock	4 5	32E			
30-0094	COX	Exempt	Doherty Sheep Ranch	Umatilla County	Joe P. Doherty	Basalt	17 20	2S	30E		
30-0096	COX	Exempt	Yellow Jacket	Umatilla County	Ralph & Kathryn	Basalt	26	2S	31E	2.00	
30-0002	OPA	Closed	Butter Creek Site	Steelman-Duff,		Basalt	27	2N	27E		
30-0011	LEP	Permitted	Jellum Quarry	American Rock		Basalt	5	2N	32E	17.00	
30-0015	OPA-LEP	Permitted	Barnhart Pit 1	Rod Anderson		Basalt	9 10 15 16	2N	31E	45.70	90.20
30-0017	GTE	Permitted	Barnhart Pit 2	Rod Anderson	Dean Forth	Basalt	16 17	2N	31E	5.00	0.00
30-0021	GTE	Closed	Pendleton Mission	Rogers		sand & gravel	9	2N	33E		

INVENTORY OF UMATILLA COUNTY AGGREGATE RESOURCES

APRIL 28, 2010

UPDATED APRIL 14, 2014

SORTED BY MAP AND TAX LOT

*This inventory is compiled from several sources.

**A more detailed description of each column may be found at the end of the document.

DOCUMENT PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL STATUS
None	110933	6N 37 / 1100	EFU	#ZP-77-2086 #C-2086-77	Michael Lynch	Walla Walla County	Basalt Quarry Remove and Crush Gravel "Lynch Site"	"2A" on Tech Report
30-0072 (COX) Exempt	110450	6N 36 / 1100	EFU		Dennis and Helen Rea	Umatilla County	"Birch Creek" / "Casper Pit"	"3C" on Tech Report; Comprehensive Plan Exempt List
30-0035 (COX) Exempt 30-0107 (GPA) Permitted	110617	6N 36 / 4600	EFU	#ZP-92-062; Approved with #C-630-91 and #P- 054	Barbara Kenny ETAL Kenny Farms Inc.	Humbert Construction & Humber Asphaltting	Rock Pit/Crusher Site, Asphalt Batch Plant "Kenny Pit"	Goal 5 - YES; #P-054 Approved on 3/4/92
30-0089 (COX) Exempt	110771	6N 36 / 8100	EFU	#ZP-87-168 #C-495-87	Catherine and Donald Ritchie	Umatilla County Public Works Department	Rock Pit/Crusher Site "Casper Quarry"	"3C" on Tech Report
		Unable to Determine Specific Tax Lot (T6N R36E 16 NE 1/4)					Small Gravel Pit	"3C" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOALS/STATUS
None	113287; 113858	6N 35 24A / 100; 6N 35 24D / 100	EFU	#P-060 #C-674-93 (Closed)	Lynne A. Chamberlain	Ready Mix Ltd	Aggregate Source - Walla Walla River	Goal 5 - YES; #P-060 Approved on 8/11/93
None	149653	6N 35 24C / 1404	RRSC/ EFU-10	#ZP-97-313; Approved with #C-805-96	Daniel and Charlene Humbert	Dani and Charlene Humbert	Asphalt Plant	Not on Goal 5 inventory.
None	111972; 134839	6N 35 25C / 100; 6N 35 36C / 400	EFU-10	#ZP-93-051; Approved with #C-652-92 and #P-058	Milton-Freewater Pioneer Posse / Milton Freewater Water Control District	Ready Mix Ltd	Extract rock from Walla Walla River	Goal 5 - YES; #P-058 Approved on 3/17/93
None	149327; 134722	6N 35 35A / 3606; 6N 35 35A / 8700	R111	#C-946-00 (Approved but not acted on)	Konen Rock Products Inc.	George Kaup	Gravel/Rock Storage	Not on Goal 5 inventory.
30-0032 (GTE) Closed	135407	6N 35 36B / 101	EFU		Milton Freewater Water Control District	Umatilla County	Gravel Pit "Eastside Pit"	"3C" on Tech Report; Comprehensive Plan Exempt List
None	112218	6N 35 36B / 300	L11		Pioneer Asphalt Inc.	Pioneer Ready Mix	Commercial Gravel Source	"3C" on Tech Report
None	114142	6N 34 / 3800	EFU	#ZP-03-204; Approved with #C-1024-02 #ZP-03-205; Approved with #C-1025-02 #ZP-09-123; Approved with #C-1024-02 and #C-1022-02B	James D. Schubert	Eurus Combine Hills, LLC	Rock Borrow Pit and Crushing Site. Extract/crush 113,500 cy for 4.72 miles of new roads and to improve 21.63 miles of existing roads	Not on Goal 5 inventory.
None	105168	6N 33 / 1600	EFU	#ZP-01-031; Approved with conditions	Leland Demaris 1/2 ETAL 1/2	DH Blattner & Sons	Extract/crush 60,000 cy Apply gravel on roads on same parcel. Stateline Wind Power Project	Not on Goal 5 inventory.

DOGAMI PERMIT	SERIAL#	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
None	113215	6N 33 / 2300	EFU	#ZP-01-235; Approved with conditions.	Thomas W. Campbell 1/4, ETAL 3/4	DH Blattner & Sons	Extract/Crush 40,000 cy.	Not on Goal 5 inventory.
None	113320	6N 33 / 4200	EFU		Tony and Peggy Raymond		Small Basalt Quarry	"2A" on Tech Report
None		Unable to Determine Specific Tax Lot (T6N, R31E)	EFU				Small Basalt Quarry "Pearson Quarry"	"2A" on Tech Report
None	134127	5N 36 / 4700	EFU	#C-634-92 #P-056 ZP not found	Lawrence E. F. (LE) & Talbot S. & Lawrence R.	Humbert Asphalt	Aggregate Source	#P-056; Approved on 01/27/1992
30-0066 (OPA) Permitted	134129; 133993; 159021	5N 36 / 4800; 5N 36 / 5500; 5N 35 / 3801	EFU/AR	#ZP-78-103; Approved by #C-020-78 #ZP-05-107; Approved by #C-1053-03 #T-03-011 #Z-276	Konen Rock Products, Inc.	Konen Rock Products, Inc.	Aggregate Extraction and Processing / Temporary Batch Plant "Couse Creek Quarry" / "Konen Pit"	Yes; "3A" on Tech Report and in AR Overlay; #T-03-011 and #Z-276 Approved on 12/15/03
30-0076 (OPA) Permitted	134106	5N 36 07 / 200	EFU	#ZP-84-168; Approved by #C-333-84 #ZP-87-079; Approved by #C-479-87 #ZP-09-081	James Spence Properties, Inc.	Humbert Excavating, Humbert Asphaltting	Basalt Quarry, Asphalt Plant	"2A" on Tech Report
None	134123	5N 36 17CC / 100	EFU	#C-629-91 #P-053	Smith D & Ruth E & Lampson CE & LJ	Humbert Construction and Humbert Asphaltting	Rock Pit, Crusher, and Asphalt Plant	#P-053; Approved on 12/11/1991
None	134329	5N 36 18B / 1160	EFU		Shaquina Paritin		Small Basalt Quarry	"2A" on Tech Report
None	149705; 134156	5N 36 20 / 300; 5N 36 20 / 1000	EFU	#ZP-86-287	Archie and Sylvia Harris & Romeo and Nevah Bolen / Patrick Kelly	Wallace Bullock	Removal of Gravel and Rock Bar from within Walla Walla River for Flood Control	Not on Goal 5 inventory.

DOGAMI PERMIT	SERIAL#	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	Description of Use	GOALS/STATUS
None	143725	5N 35 35 / 200	EFU		State of Oregon	ODOT	Small Inactive Basalt Quarry	"3C" on Tech Report
30-0047 (OPA) Permitted	137465/ 135290	5N 35 35 / 400	EFU/JAR	#ZP-84-311 #ZP-92-215 #C-831-97 #ZP-11-215	State of Oregon	ODOT	Rock Quarry - Aggregate Mining and Crushing "Dry Creek Quarry"	Yes: "3A" on Tech Report and in AR Overlay
None	113333	5N 34 / 200	EFU	#ZP-03-202 and #ZP-09-126; Both Approved by #C-1024-02	Patrick Kelly	Eurus Combine Hills II, LLC	Rock Borrow Pit and Crushing Site, #5 and #6	Not on Goal 5 inventory.
30-0108 (OPA) Permitted	114038	5N 34 / 300	EFU	#ZP-92-054; Approved by #C-627-91 #P-051	Ariene Kessler and Charles Schubert	Humbert Construction, Inc. and Humbert Asphalt	Rock Crusher and Asphalt Plant "Schubert Pit"	Goal 5 - Yes #P-051 Approved on 3/4/92 "3C" on Tech Report.
30-0071 (COX) Exempt	136051	5N 34 / 301	EFU	#ZP-84-304 #ZP-93-105	Umatilla County	Umatilla County Road Department	Gravel Extraction "Schubert Pit"	Comprehensive Plan Exempt List
None	113181	5N 34 / 600	EFU	#ZP-03-203 and #ZP-09-122; Approved by #C-1022-02B and #C-1024-02	Robert and Betty Schubert	Eurus Combine Hills II, LLC	Rock Borrow Pit and Crushing Site for Wind Tower Project (3.56 acres)	Not on Goal 5 inventory.
30-0053 (OPA) Permitted	105612	5N 34 / 1390	EFU	#ZP-81-160 and #ZP-09-003; Both Approved by #C-184-81	J & P Whitney Properties, LLC	Umatilla County Road Department/ Jim Whitney	Quarry, Aggregate Processing "Whitney Quarry" / "Wayland Pit"	"3C" on Tech Report, Comprehensive Plan Exempt List

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
30-0126 (OPA) Permitted	105081	5N 34 / 1400	EFU / AR	#1-09-033 #Z-289 #P-097 #ZP-09-138; Approved by #C-1149-09 and #C-1150-09	Sunny Cove Ranches, Inc.	Robert M. Cannon / Blattner Energy, Inc.	Aggregate Extraction and Processing / Temporary Batch Plant "Cannon Pit"	Goal 5 - Yes #P-097 Approved on 3/19/09
None	1,19817	5N 34 / 4900	EFU		Alan and Chris Froese		Basalt Quarry "Walker Quarry"	"2A" on Tech Report
None	105663	5N 34 / 5300	EFU		JF Temple Inc, c/o Stacy Namdar		Medium Inactive Basalt Quarry "Rush Quarry"	"3C" on Tech Report
None		T5N, R34E, 35 SE/SE / 3500	EFU			ODOT	Basalt Quarry	"2A" on Tech Report
None	104793	5N 33A / 900	EFU	#ZP-98-133 #ZP-99-210; Approved by #C-868-98	Raymond and Son, Inc.	Red Anderson Construction	Aggregate Extraction Site Raymond Pit	"3C" on Tech Report
30-0073 (COX) Exempt	104165	5N 32 / 700	EFU	#ZP-84-251; Approved by #C-335-84	Myra Furnish Lee, ETAL	Umatilla County Road Department	Rock Quarry "North Juniper" / "Furnish"	"3C" on Tech Report; Comprehensive Plan Exempt List
30-0095 (GOX) Exempt	104167	5N 32 / 800	EFU	#C-549-89 Cancelled 4/99	Kayella Simmons, ETAL	Umatilla County	Basalt "Rohrmann Quarry"	Not on Goal 5 inventory
30-0113 (COX) Exempt	135193	5N 32 / 5600	EFU	#ZP-96-018	Umatilla County	Umatilla County Road Department	Re-Open Existing Gravel Pit "Engdahl Pit"	"3C" on Tech Report
30-0101 (MPA) Closed	127812	5N 30 / 904	EFU	#ZP-91-056; Approved by #C-611-91 #P-048	JB Land, LLC	Steelman-Duff, Inc.	Temporary Rock & Asphalt Plant for Hwy 37 Project	Goal 5 - Yes #P-048 Approved on 4/15/91
30-0078 (OPA) Permitted	126948	5N 29D / 302	EFU	#ZP-81-035; Approved by #C-169-80 #ZP-94-115	Kenneth Peterson	Barnhart Rock Products / Kenneth Peterson	Extract rock, Rock Crusher; "Hat Rock Pit"	Not on Goal 5 inventory.

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOALS/STATUS
30-0033 (OPG) Permitted	127060	5N 29D / 800	EFU/AR	#ZP-79-336 #ZP-82-174, Approved by #C-245-82 #C-567-89 #ZP-95-294 #C-863-98 #ZP-12-057 #ZP-13-169	Lewis and Clark College, TRS	ODOT	Gravel Pit, Extraction, Crushing, Cold Batch Plant	Yes; 35A on Tech Report and in AR Overlay
None	130148	5N 29 27 / 2100	EFU	#ZP-94-222 #C-706-94	Phil and Ardele Hawman, LLC	Daniel Dorrain; Ready Mix Sand & Gravel	Temporary Dry Concrete Batch Plant	Not on Goal 5 inventory.
30-0087 (OPA) Closed	124658	5N 28G / 6500	EFU	#ZP-87-085, Approved by #C-469-86	Fox Harvesting of Oregon, Inc.	DeAtley Corp	Gravel Extraction	Not on Goal 5 inventory
30-0120 (OPA) Permitted	161020; 136243	5N 28 11 / 1500; 5N 28 11 / 2100	M-2	#C-695-94 #ZP-97-150; Approved by #C-832-97 #ZP-00-090	Port of Umatilla	Pioneer Asphalt; Desert River, LLC	Removal of Previously Deposited Material; Mining to include Rock Crushing and Concrete Production	Not on Goal 5 inventory.
30-0037 (COX) Exempt	136270	5N 28 16 / 1700	F-2	#C-496-87 No ZP in file	Umatilla County	Umatilla County Public Works Department	Removal of Gravel Deposits from Existing Pit/Borrow Pit for Construction of Port Road "Umatilla Pit"	Not on Goal 5 inventory.
30-0012 (OPA) Permitted	133085; 133084	5N 28 16 / 2100; 5N 28 16 / 2200	F-2	#ZP-94-041; Approved by #C-684-94 (Zoning Permit for Tax Lot 2100 only)	Jack M. Morrison	Jones-Scott Co.	Quarry Operation to include a wash plant, crusher, scale, and office trailer "Umatilla Pit"	Not on Goal 5 inventory.
30-0045 (OPA) Permitted	154736	5N 28 16 / 2300	M-2	#ZP-10-231, Approved by #C-1169-10, and #C-1170-10, #V-315-10	Stuart Bonney	American Rock Products, Stuart Bonney	Sand and Gravel "Bonney Gravel Pit"	Not on Goal 5 inventory.

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
30-0060 (OPG) Permitted	136269	5N 28 16A / 1700	F-2	#ZP-81-340; Approved by #C-209-81 #ZP-91-035 and #ZP-92- 195; Approved by #C- 609-91 #C-661-93	State of Oregon	ODOT	Rock Crusher & Borrow Pit; Used in I-82 Port of Entry Project and Umatilla to McNary Project "Powerline Road Quarry"	Not on Goal 5 inventory.
30-0046 (COX) Exempt 30-0106 (OPA) Permitted	133087	5N 28 21 / 100	F-1/F-2	#ZP-74-428 #C-1748 (See Property File for Ruling of the County Commissioners)	Stuart Bonney	Stuart Bonney	Crusher and Gravel Pit; Asphalt Plant	Not on Goal 5 inventory
30-0044 (OPA) Permitted	133090	5N 28 21 / 1700	F-1/F-2	#ZP-76-1618 #C-1618	Clyde Nobles Jr. 1/4, ETAL 3/4	LW Vail Co.	Rock Crusher, Asphalt Plant, Office/Scales "Hermiston Pit"	Not on Goal 5 inventory.
None	133115	5N 28 22 / 700	M-1	#C-647-92 #ZP-08-004; Approved by #C-1125-07	Stuart Bonney	GPM Development Corp.	Batch Plant and Aggregate Storage	Not on Goal 5 inventory.
30-0029 (LEP) Permitted	128547	5N 28 27B / 1100	LI/AR	No permits on file for mining	Norris Logsdon	Snipes Mountain Sand	Sand and Gravel "Snipes Mountain"	Yes; "3A" on Tech Report and in AR Overlay
30-0102 (OPA) Closed	128561	5N 28 27D / 100	LI	#ZP-91-131; Approved by #C-617-91	Michael Arterburn	Charles Kik	1.5 acre Sand Excavation Pit	Not on Goal 5 inventory
30-0058 (OPG) Permitted	137707	5N 28 28D / 100	AR/LI	#ZP-80-407; Approved by #C-157-80 #ZP-88-182 #C-537-89 #Z-250 #ZP-11-078	Bureau of Land Management, USA	ODOT	77.27 acre Rock Quarry; "Umatilla Butte"	Goal 5 - Yes; #Z-250 Approved on 4/28/88

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	COMPLIANCE STATUS
30-0051 (VPA) Permitted	128454	5N 27 / 602	EFU	#C-141-80 #ZP-89-162, Approved by #C-564-89 #ZP-95-121, Approved by #C-743-95	Amstad Farms, LLC	Central Pre-Mix of Oregon	Aggregate Resource Pit, Rock Crusher "Baker Pit"	"3C" on Tech Report
30-0111 (GTE) Closed	120725	4N 38 31 / 100	GF	#ZP-94-088, Approved by #C-628-91 #P-052	Harris Development Corp.	Harris Development Corp.	15 acre Rock Quarry "Harris Pit"	#P-052 04/29/1992
30-0123 (OPA) Permitted	134029 134493	4N 37 / 1301 4N 37 / 2101	EFU/ CWR/ AR	#ZP-05-147, Approved by #Z-282 #T-05-022, and #C-1078- 05	Eagle Gap Rentals	Eagle Gap Rentals	Aggregate Site Lincoln Min Property	Goal 5 - Yes; #Z-282 Approved on 02/02/05
None	136894	4N 37 / 5100	FR		State of Oregon		Aggregate Site	"3C" on Tech Report
Not Listed		Unable to Determine Specific Tax Lot (14N, R37E 28 SW/SW)					Basalt Quarry	"3C" on Tech Report
Not Listed		Unable to Determine Specific Tax Lot (14N, R36E, 22 NW/SW)					Basalt Quarry "Big Rayborn Canyon"	"2A" on Tech Report
Not Listed		Unable to Determine Specific Tax Lot (14N, R36E 36)					"Pine Creek"	Comprehensive Plan Exempt List

DOGAMI PERMIT	SERIAL	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
None	122867	4N 35 / 6900	EFU		Jill and Ronald Perrine		Inactive Basalt Quarry "Weston Quarry"	"3C" on Tech Report
30-0061 (OPG) Permitted	142926	4N 35 / 7303	EFU/AR	#ZP-81-339; Approved by #C-210-81 #ZP-86-046; Approved by #C-415-85 #ZP-91-201 #ZP-96-177 #ZP-02-022 #C-1012-02 #ZP-04-249 #Z-247	State of Oregon	ODOT	27.09 acre Aggregate Resource Site	Goal 5 - Yes; #Z-247 Approved on 4/28/88 / "3C" on Tech Report
None	142036; 146549	4N 35 16 / 500; 4N 35 16 / 400	EFU		City of Weston		Inactive Basalt Quarry	"3C" on Tech Report
None	136730	4N 34 / 2300	EFU		State of Oregon		Large Basalt Quarry, Inactive	"3C" on Tech Report
30-0068 (COX) Exempt	101623	4N 34 / 11500	EFU	#ZP-84-116 #C-323-84	Maureen McCormmach, Terry McCormmach, and Alaya Investments LLC	Umatilla County Road Department	Rock Quarry "McCormmach Pit"	"3C" on Tech Report; Comprehensive Plan Exempt List
30-0004 (OPG) Permitted	136732	4N 34-22 / 900	EFU/AR	#ZP-87-015; Approved by #C-473-86 #ZP-88-139 #ZP-05-169 #ZP-07-224 #Z-248	State of Oregon	ODOT	Gravel Extraction, 12.56 acre Aggregate Site "Cairon Quarry"	Goal 5 - Yes; #Z-248 Approved on 4/28/88 / "3C" on Tech Report
(30-0041) / 30-0067 (OPG) Permitted	135182	4N 32 / 4800	EFU/AR	#C-319-84 #C-568-89 #ZP-94-037 #ZP-98-004 #ZP-00-066; Approved by #C-937-00 #Z-249	State of Oregon	Umatilla County / ODOT	14.16 acre Aggregate Site "Struve Pit"	Goal 5 - Yes; #Z-249 Approved on 4/28/88 / "3C" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL STATUS
None	116868, 145527	4N 32 / 7100 4N 32 / 7201	EFU		Dorothy Bissenger and Janet Schultz / Harry and Phyllis Schuening (TRS)		Small Basalt Quarry, inactive "Simpson Quarry"	"3C" on Tech Report
30-0050 (COX) Exempt	100666	4N 30 / 2300	EFU	#ZP-80-207 #ZP-85-003 #C-130-80	Ralph Leroy Terney	Umatilla County Road Department	Rock Pit "Terney Pit"	Comprehensive Plan Exempt List
None	106607	4N 30 / 3100	EFU	#C-1029-02 #P-073	Lloyd & Lois Piercy	Jim Hailey	Quarry site, rock crusher	#P-073 12/02/2002
30-0069 (OPA) Closed; 30-0034 (COX) Exempt	135712; 135713	4N 29 07A / 1600; 4N 29 07A / 1700	RR-2	#ZP-84-104 #MV-017-84	Stanfield Irrigation District	B & M Construction Equipment Company	Rock Pit and Variance "Canal Road Pit" / "Christley Pit"	"3C" on Tech Report
31-Oct-90 Closed	118225	4N 28 31 / 3000	EFU/AR	#P-075 #Z-272 #C-1049-03 ZP# 12-021 - Approved by G-1177-11	Howard Gass Estate	Eldon McDaniels (E- MAG)	Expansion of site for aggregate extraction, GUP has expired	
None	139511; 137072	4N 29 31 / 2100; 4N 29 31 / 2200	EFU	#ZP-83-227 #C-503-87 #C-565-89	Moraine Partners, LLC / Umatilla County	Umatilla County Road Department	Gravel Bar Removal / Rock Crusher	Not on Goal 5 inventory.
30-0023 (OPA) Permitted	139617	4N 28G / 4000	HI/AR	#ZP-76-1655 / #G-1655- 76 #ZP-79-488 - Approved by #C-095-(79)	Oregon-Washington Railroad and Navigation Company / (UPRR)	Oregon-Washington Railroad and Navigation Company/ (UPRR)	Gravel / Ballast Removal Site "Hinkle Pit"	Yes! #5A on Tech Report and in AR Overlay
30-0106 (OPA) Permitted No longer listed	119098	4N 28 02D / 700	FU-10	None	Vivian Kalal	Kalal Construction, Inc.	Sand and Gravel Removal	Not on Goal 5 inventory.

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
30-0010 (COX) Exempt	143471	Unable to Determine Specific Tax Lot (14N, R28E, 17SW/SW)	EFU-40	#C-440-(87)	Hermiston Rural Fire	Umatilla County	Gravel	"3C" on Tech Report
None	151777	4N 28 21D / 701	EFU/FI		City of Hermiston, c/o Port of Umatilla		Small Gravel Pit	"3C" on Tech Report
None	135705	4N 28 21D / 200	EFU/FI		Brady Rettkowski		Small Gravel Pit	"3C" on Tech Report
30-0079 (OPA)	162576	4N 28 30 / 2202	EFU	ZPH-12-021; Approved by C-11/7/11	JTL ENTERPRISES, LLC	Pioneer Asphalt	Rock Quarry	
30-0003 (OPG) Permitted	143482	4N 27 / 207	EFU/AR	#ZP-84-160; Approved by #C-327-84 #Z-251	United States of America - BLM	Oregon State Highway Division	Rock Quarry "Ordnance Pit"	Goal 5 - Yes; #Z-251 Approved on 4/28/88 / "3C" on Tech Report
30-0114 (OPA) Closed 30-0129 (OPA) NEW	148052	4N 27 27 / 300	EFU	#Z-259-97 Denied but placed on the significant site inventory #Z-294-11 #T-11-045 #ZP-12-090	Hansell Brothers, Inc. Surface Owner Wade Aylett	7-A's, Inc. c/o Jeddiah Aylett, Mineral Rights Owner Wade Aylett, Rock II LLC	Not permitted to mine	Added to Inventory as a Significant Site via Z-259-97
30-0100 (OPG) Closed	144515	4N 27 / 401	EFU	#ZP-85-301; Approved by #C-410-85	Westland Irrigation District	Oregon State Highway Division	Gravel Extraction "Bannister"	Not on Goal 5 inventory.

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	COMMENTS
30-0064 (OPA) Permitted No longer listed	116909; 116897	4N 27 / 2101; 4N 27 27 / 700	EFU	#ZP-83-054; Approved by #C-271-83 #ZP-94-070; Approved by #C-681-93	12 H Inc./ Hermiston Rock Products Inc.	Aaron Logsdon	Rock Quarry, Gravel Pit, Rock Crusher, Sediment Ponds "County Line"	"3C" on Tech Report
30-0084 (OPA) Closed No longer listed	116888; 157926	4N 27 25A / 200 4N 27 25A / 202	U/RTC	#C-413-85 #C-748-95 #ZP-90-055 #C-545-89 (4N27 1405)?	Flying J, Inc.	Steelman-Duff, Inc.	Gravel Pit, Asphalt Plant, Rock Crusher	Not on Goal 5 inventory
30-0092 (COX) Exempt	121904	3N 36A / 1900	GF/ CWR	#C-517-88	Sara and James Pitgreen	Umatilla County Public Works Department	Gravel Pit and Rock Crusher "Narkaous Pit" / "Brogioiti Quarry"	"3C" on Tech Report
30-0056 (COX) Exempt	140259; 137007; 140258	Unable to Determine Specific Tax Lot (3N 33 23 E 3 NW/SE)					Small Basalt Quarry	"3C" on Tech Report
30-0040 (COX) Exempt	107911	3N 33 23 / 100; 3N 33 23 / 600; 3N 33 23 / 700 3N 30B / 200	EFU	#ZP-81-257; Approved by #C-201-81 #ZP-87-018	State of Oregon Lucas and Tammy Wagner, ETAL	ODOT Umatilla County Road Department	Rock Quarry "Havana Quarries" "Wild Horse Creek Quarry" Gravel Pit "Rainsier Pit"	"3C" on Tech Report "3C" on Tech Report "3C" on Tech Report "3C" on Tech Report; Comprehensive Plan Exempt List
None	137068	3N 29 05 / 2500	EFU		State of Oregon		Large Gravel Pit, Inactive	"3C" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
30-0104 (TEG) Closed 30-0119 (GTE) Closed	100657	2N 32 / 3800	EFU	#P-050 #C-616-91 #ZP-99-072; Approved by #C-822-97	James and Deborah Straughan	Halley Construction Company	Aggregate Rock Pit	#P-050 8/03/1991
30-0122 (OPA) Permitted	104635	2N 32 04 / 400	EFU	#Z-278 #T-04-015 #C-1063-04	Rosemary Schuening	Rosemary Schuening	Aggregate Site Schuening Property	#Z-278 Approved on 02/23/04
30-0086 (OPA) Closed	104825	2N 32 12 / 1001	RLI	#C-451-86 (Permit expired and voided in 1991)	Justin and Donald Wagner	Don Wagner		Not on Goal 5 inventory
30-0015 (OPA) Permitted	100077; 136828	2N 31 / 400; 2N 31A / 2800	EFU/AR And RHI/AR	#P-076 #Z-273 #C-1050-03	Ted Forth; Barnhart Rock LLC	Barnhart Rock Inc.	Aggregate Source "Barnhart Pit 1"	Goal 5 - Yes; #Z-273 Approved on 10/21/03 / "3A" on Tech Report
30-0017 (GTE) Permitted	103952	2N 31 / 800	RHI/AR	None	Ted and Robert Forth	Rod Anderson Construction Inc.	Aggregate Source "Barnhart Pit 2"	Yes: "3A" on Tech Report and in AR Overlay
30-0115 (OPA) Permitted	100091	2N 31A / 2200	EFU	#C-834-97 #P-064	Vivian Taylor	Warren Taylor	Aggregate Source "Torco Ranch"	#P-064 6/10/1997
30-0110 (GTE) Permitted	100099	2N 31 13 / 400	EFU	#C-644-92 #ZP-03-180; Approved by #C-1016-02 #P-057	Vivian Taylor	Torco Ranch	Rock Crusher and Aggregate Pit "Birch Creek"	#P-057 10/21/1992
		Unable to Determine Specific Tax Lot (T2N, R30E, 1 SE/SE)					Small Basalt Quarry "Filler Pit"	"3C" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	COMPLIANCE
30-0075 (COX) Exempt	107140	2N 30 / 29 / 1600	EFU		Gunningham Sheep Co.	Umatilla County	Medium Basalt Quarry "Alkali"	"2A" on Tech Report
None	103897	2N 30 / 3301	EFU		Mud Springs Ranches, c/o Pendleton Ranches Inc.		Gravel Pit	Comprehensive Plan Exempt List
30-0002 (OPA) Closed	107104	2N 27 / 3000	EFU	#ZP-90-010; Approved by #C-547-89	Hawkins Co. Inc.	Steelman-Duff Inc.	5 Acre Rock Crusher and Asphalt Batch Plant Site "Butter Creek Site"	Not on Goal 5 inventory
30-0043 (OPG) Closed	136706	1N 35 / 6301	GF	None	State of Oregon	ODOT	Quarry "Emigrant Park Quarry" "Meacham Rock Product"	"3C" on Tech Report
		Unable to Determine Specific Tax Lot (1N, R35E, 27 SW/SE)					Basalt Quarry "Horse Quarry"	"3C" on Tech Report
		Unable to Determine Specific Tax Lot (1N, R35E, 29 SE/NE)					Basalt Quarry, Road cut "Borrow Pit"	"3C" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL STATUS
30-0018 (OPG) Permitted	136721 136723 136722	1N 35 34 / 400 1N 35 34 / 800 1N 35 34 / 1000	GF/AR	#ZP-82-175 #ZP-88-183 #ZP-93-245 #ZP-97-062 #ZP-02-093; Approved by #C-1000-01 #ZP-06-251 #Z-246 #C-246-82 #C-538-88 #C-954100; (Not acted upon) #ZP-11-216 #ZP-13-053	State of Oregon	ODOT	Aggregate Site "Meacham Quarry"	Goal 5 - Yes; #Z-246 Approved on 4/28/88 / "3C" on Tech Report
None	161038	1N 32 / 2203	EFU		Gary and Cheri Rhinhardt		Basalt Quarry "Schuening Quarry"	"3C" on Tech Report
None	100640	1N 32 / 5100	EFU	#C-883-98 #P-065 #Z-261	J.G. Simpson Inc.	Umatilla County Road Department	Aggregate Source	#Z-261 (YES approved 1-20-99)
None	136406	1N 32D / 400	EFU		State of Oregon		Basalt Quarry, Inactive	"3C" on Tech Report
None	107392	1N 32D / 1600	EFU	#ZP-98-219; Approved by #C-815-97 and #P-062	Brand X Ranch, LLC	Richard Doherty	Mining & Aggregate Processing	#P-062 4/03/1997; (YES Approved on 6 24-97)
None	108113	1N 32D / 3500	EFU	#ZP-92-077; Approved by #C-631-92 and #P-055	Iris Doherty	Iris Doherty	Rip-rap Extraction from Quarry	? #P-055 11/05/1991; (YES approved on 4- 06-92)

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOALS STATE
None	102219	Unable to Determine Specific Tax Lot (T1N, R31E, 18 SE/SW)	EFU				Basalt Quarry	"3C" on Tech Report
30-0039 (GOX) Exempt	159525	T1N, R30E, 8 SW/NE / 500	EFU				Basalt Quarry "Alkali Canyon Quarry"	"2A" on Tech Report
30-0057 (GTE) Closed	116476	1S 35 / 502	FR-5/ GF	#ZP-81-304; Approved by #C-207-81 #C-651-92 #ZP-95-160; Approved by #C-739-95	Hoke Ranches Eucon Corp. / Denity Co. Inc.	Umatilla County Steelman-Duff Division, Eucon Corporation / J.C. Compton	Quarry and Stockpile Site	Not on Goal 5 Inventory.
30-0070 (GOX) Exempt	152223	1S 32A / 3100	EFU	#ZP-85-023 #C-363-85; (Voided for commercial use in 1991. Still open for county use.)	Harry and Iris Christensen	Umatilla County	Rock Quarry "Hoelt Pit"	"3C" on Tech Report; Comprehensive Plan Exempt List
30-0054 (LEP) Closed	118091	1S 32 08D / 200	F-1	#C-1524-76	Kinzua Resources, LLC	Louisiana Pacific Corporation	Rock Pit	"3C" on Tech Report
30-0022 (OPG) Closed	108210	Unable to Determine Specific Tax Lot (T1S, R32E, 80 NE/NW)	EFU	#ZP-74-641	Cunningham Sheep and Land Co.;	ODOT	Medium Basalt Quarry "West Birch Creek"	"3C" on Tech Report
		1S 31 / 1502	EFU				Aggregate Site, Rock Crusher, Asphalt Plant "Pilot Rock"	"2A" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL STATUS
30-0091 (TEG) Closed	135330	1S 31 24 / 1506	EFU	#ZP-74-641	State of Oregon	ODOT	Basalt Quarry	"2A" on Tech Report
30-0099 (LEP) Permitted	108218	1S 31 24 / 1900	EFU	#C-1040-03 #P-074	A.H. Ranch Inc.	James Hatley	Basalt Quarry	"2A" on Tech Report
None	145970; 108210	Unable to Determine Specific Tax Lot (11S, R31E, 22 SW/4E, SENE)	EFU				Basalt Quarry "Jack Canyon Quarry"	"2A" on Tech Report
30-0090 (OPG) Permitted	135332	1S 31 19 / 1702	EFU/AR	#ZP-88-020; Approved by #C-511-88 #ZP-88-137 #Z-245	ODOT	ODOT	29.54 acre Aggregate Site "Nye Junction Quarry"	Goal 5 -- Yes; #Z-245 Approved on 4/28/88; "2A" on Tech Report
None	108129	1S 30 / 300	EFU		Paul and Kathy Nelson		Basalt Quarry "Victor" "Nelson-Murray"	"3C" on Tech Report; Comprehensive Plan Exempt List
None	108135	1S 30 22 SE/SE / 1100	EFU		Spin and Marty LLC	ODOT	Basalt Quarry	"3C" on Tech Report
None	108135	1S 30 26 NW/NE / 1100	EFU		Spin and Marty LLC	ODOT	Basalt Quarry	"2A" on Tech Report
None	117990	1S 30 / 1900	EFU		Cunningham Sheep Co.	ODOT	Basalt Quarry "Burl Stuart Quarry"	"2A" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL 5 STATUS
None		Unable to Determine Specific Tax Lot (T2S R33E 18 NW/NE)	EFU				Basalt Quarry "Hunter Quarry"	"2A" on Tech Report
None	117974	2S 32 10 / 100	EFU		Mary and Adolph Weinke		Basalt Quarry "East Birch Creek"	"3C" on Tech Report
30-0096 (COX) Exempt	108580	2S 31 / 502	EFU		Kathryn Low (TRS) Et Al	Umatilla County	Basalt "Yellow Jacket"	Not on Goal 5 Inventory
30-0094 (COX) Exempt	108500; 108521	2S 30 / 600; 2S 30 / 1300	EFU	#ZP-88-144; Approved by #C-530-88	Larry and Ludean Anderson; Cunningham Sheep Co.	Umatilla County Road Department	Gravel Pit and Rock Crusher "Doherty Sheep Ranch"	Not on Goal 5 Inventory
		Unable to Determine Specific Tax Lot (T3S R30 1/2E 1 NE/NW)					Basalt Quarry	"3C" on Tech Report
30-0121 (OPA) Permitted;	107356	3S 30 1/2 / 500	EFU/ CWR/ AR	#ZP-90-113; Approved by #C-590-90 #ZP-96-130; Approved by #C-784-96 #C-739-95 #Z-277 #T-03-012 #C-1054-03	Emma Wachter (Est.), c/o George Wachter;	Seubert Excavators, Inc;	Aggregate Mining, Crushing, and Batch Plant Site "Webb Slough Pit"	Goal 5 - Yes; #Z-277 Approved on 12/15/03 / "3C" on Tech Report

DOGAMI PERMIT	SERIAL#	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL STATUS
30-0097 (OPG) Permitted	135290	3S 30 1/2 / 503	EFU/ CWR/ AR	#ZP-90-113; Approved by #C-590-90 #ZP-96-130; Approved by #C-784-96 #C-739-95 #Z-277 #T-03-012 #C-1054-03 #ZP-07-242	State of Oregon	ODOT	Aggregate Mining, Crushing, and Batch Plant Site "Webb Slough Pit"	Goal 5 Yes, #Z-277 Approved on 12/15/03 / "3C" on Tech Report
None	107335	3S 30 / 390	EFU		Spin and Marty LLC		Basalt Quarry "Gurdane"	"3C" on Tech Report
None	101477	4S 31 / 4800	GF		Cunningham Sheep Co.		Basalt Quarry	"3C" on Tech Report
None	118034	(T4S, R30, 5 NW/SE) / 800	EFU/CWR		Doherty		Basalt Quarry "Gurdane Quarry"	"2A" on Tech Report
None		Unable to Determine Specific Tax Lot (T4S, R30, 16 NW/SW)					Basalt Trench	"2A" on Tech Report
30-0025 (TEG) Closed; 30-0088 (COX) Exempt	101684	5S 31 / 1500	GF	#ZP-87-087	Glenda and Melvin Christian	Umatilla County Road Department	1.8 acre Stockpile Pit "Leverenz Pit" "Leverenz-Ukiah"	Comprehensive Plan Exempt List
None	137117	5S 31 / 2800	GF		State of Oregon	ODOT		"3C" on Tech Report

DOGAMI PERMIT	SERIAL #	MAP & TAX LOT	ZONE	COUNTY PERMITS ISSUED	LANDOWNER	APPLICANT	DESCRIPTION OF USE	GOAL STATUS
30-0020 (OPG) Permitted	137117	5S 31 / 2800	GF/ CWR/ AR	#ZP-85-029 #Z-244 #P-059 #ZP-96-002 #C-899-99 #ZP-02-028 #ZP-06-250 #ZP-11-086	State of Oregon	ODOT	Aggregate Site "Camas Creek Quarry"	Goal 5 - Yes; #Z-244 Approved on 04/28/88; #P-059 Approved on 06/16/93; "3C" on Tech Report
None	142888	5S 31 10BD / 200	GF		State of Oregon	ODOT	Stockpile	Not on Goal 5 Inventory.
		Unable to Determine Specific Tax Lot (T5S, R31E, 14 NW/NW)					Small Gravel Pit "Ukiah Gravel Pit"	"3C" on Tech Report
		Unable to Determine Specific Tax Lot (T5S, R31E 36)					Gravel Pit "Soap Hill"	Comprehensive Plan Exempt List
None	102150	6S 31C / 2400	GF/ CWR	#ZP-99-265 #C-916-99	United States of America; BLM	JAL Construction	Portable Rock Crusher and Asphalt Plant, Stockpiling	Not on Goal 5 Inventory.

***SOURCES:**

1. "List of Existing Mining Permits," Oregon Department of Geology and Minerals, as updated 3/12/2014, <http://oregongeology.org/sub/mlr/newmlrpermitting.htm>.
2. "Inventory of Rock Material Sources in Umatilla County," Table D-XXII in Umatilla County Comprehensive Plan Technical Report.
3. "Existing Gravel Pits Exempted from Obtaining Conditional Use Permits," Umatilla County Comprehensive Plan, Chapter 8, Policy 40.
4. Umatilla County Assessor's Maps.
5. Umatilla County Permit Tracking.
6. Umatilla County Planning Department Property Files.

****COLUMN ASSUMPTIONS:**

DOGAMI PERMIT: This column provides information on any permits issued by the Oregon Department of Geology and Mineral Industries (DOGAMI). The first line is the permit number issued by DOGAMI. Under the permit number is the permit code describing the type of permit issued. These codes are explained in the table below. Finally, under the permit code is the current status of the permit. This will be labeled Permitted, Closed, or Exempt. Permitted is for a site that has a current permit, closed is for a site that had a permit but is not currently open, and exempt sites are sites that are permitted to Umatilla County and do not require a full DOGAMI permit.

OPA	-	Operating Permit Aggregate	OPM	-	Operating Permit Metal
OPG	-	Operating Permit Government	XP(A, G, M, or P)	-	Exploration Permit (Aggregate, Government, Metal, or Placer)
LEP/(LEG = Government)	-	Grant of Limited Exemption (Mined prior to 1972)	VP(A, G, M, or P)	-	Vegetation Permit (Aggregate, Government, Metal, or Placer)
LEV	-	Grant of Limited Exemption (Mined prior to 1981)	GTE/(TEG = Government)	-	Grant of Total Exemption
OPP	-	Operating Permit Placer	COX	-	County Exempt

SERIAL #: This column contains the parcel(s) Tax Account Serial Number(s).

MAP # / TAX LOT: This column contains the information for the parcel(s) on which the resource is located. It includes the Umatilla County Assessor's Map Number, the Tax Lot Number.

ZONE: The Zone column lists the zoning of the property where the aggregate resource site is located, as shown on the Umatilla County Zoning Map. Details on each zone may be found in the Umatilla County Development Code.

COUNTY PERMITS ISSUED: All known permits issued by Umatilla County are listed in this column. The letter at the beginning of each permit number describes the type of permit as shown below. These permits were found; as referenced on other permits, in the county's computerized Permit Tracking, and in the county's property files.

- ZP = Zoning Permit
- C = Conditional Use Permit
- Z = Zone or Zone Map Amendment
- P = Plan Amendment
- AR = Aggregate Resources Overlay Zone
- T = Text Amendment

LANDOWNER: This column lists landowners as shown on each parcel's tax account as of the date of the last update.

PERMITEE / APPLICANT: This is the permittee or applicant as listed on the county permit, on the DOGAMI permit, or in the county's permit tracking. The permittee shown is the most recent or current permittee.

DESCRIPTION OF USE: The "Description of Use" column provides information such as: size of operation; amount of the resource to be extracted; purpose of the extraction; or the name of the site. This information was taken from permits, permit tracking, and Umatilla County Technical Report's Aggregate Inventory.

GOAL 5 STATUS: The "Goal 5 Status" column shows any previous determinations as to the resource site's Goal 5, "significance." The term "Tech Report" refers to the site's listing in Umatilla County's Technical Report, Chapter D, under the Mineral and Aggregate Resources section, Table D-XXII, "Inventory of Rock Material Sources in Umatilla County." Sites with a designation of 2A, 3C, or 3A have been included on this list.

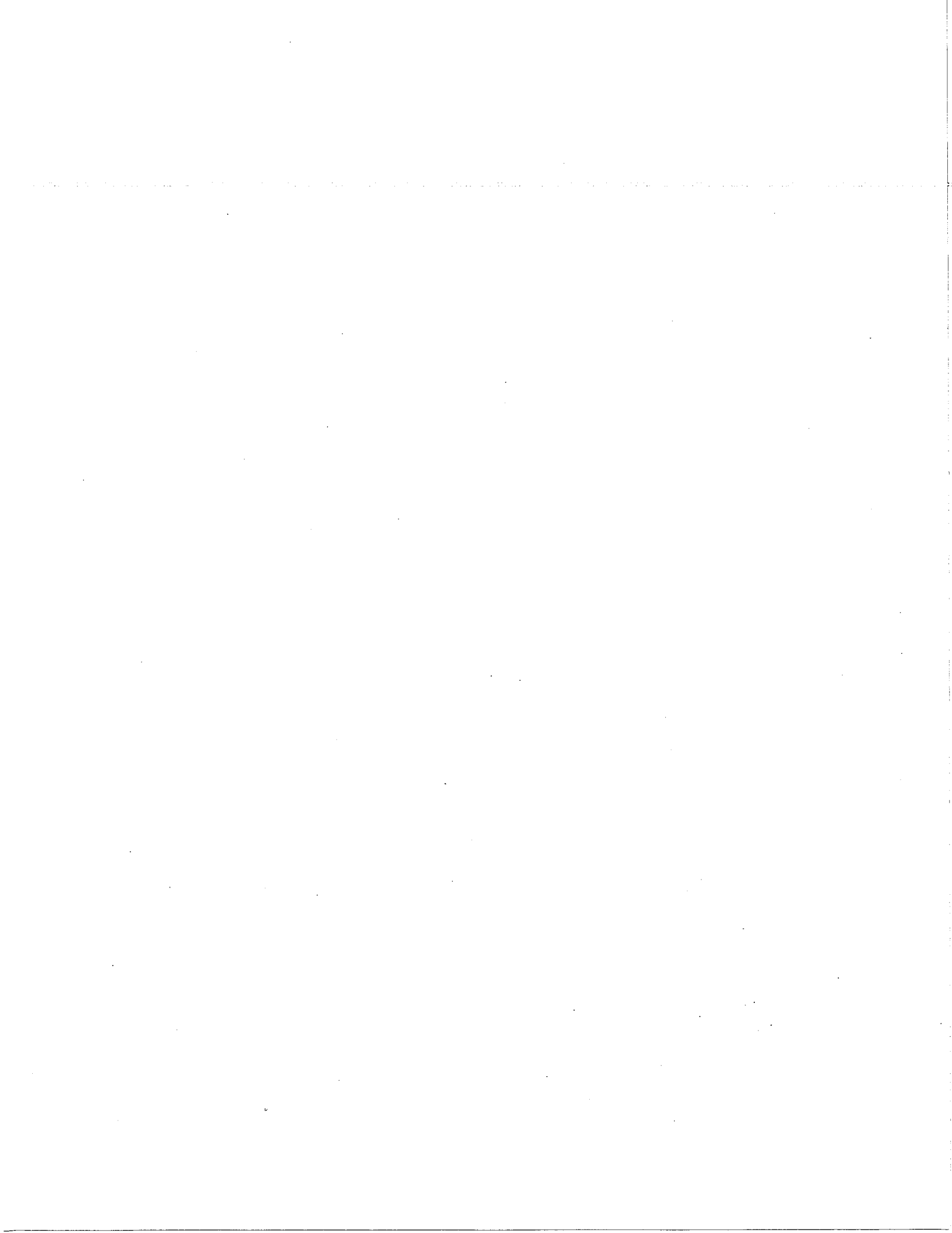
2A = No Conflicting Uses Identified. Manage Resource Site so as to Preserve Original Character.

3C = Conflicting Uses Identified. Specifically Limit Conflicting Use.

3A = Conflicting Uses Identified. Preserve the Resource Site.

A listing on the Umatilla County Comprehensive Plan Exempt list refers to Policy 40 in Chapter 8 of the Umatilla County Comprehensive Plan. This is a list of small sites owned by the county that are exempted from obtaining Conditional Use Permits for operation. These sites still require a zoning permit. In addition, this column includes the permit numbers of any amendments that have been made to place the site on a list of significant resources. The codes for the amendments are the same as the codes under the "County Permits Issued" column.

SITE SPECIFIC UPDATE: The date of any updates that have been made to an individual resource site.



Subject: RE: A & B Asphalt Application

From: "Patterson, Scott C" <Scott.C.Patterson@Williams.com>

Date: 4/17/2014 1:28 PM

To: "tamra@co.umatilla.or.us" <tamra@co.umatilla.or.us>

CC: "Studer, Von R" <Von.R.Studer@Williams.com>, "Morasch, James F" <James.F.Morasch@Williams.com>

Tamra,

As you likely know, Northwest Pipeline had an incident at our Plymouth LNG plant and that has kept us consumed for the past three weeks, especially Jim and the folks who work at the plant. We promised comments regarding the A & B application and the work in Plymouth kind of derailed that temporarily.

In the interim, our big concerns are what they have always been around the A & B operation. We are concerned about any activity on our right-of-way, which has been maintained at 50 feet for going on 60 years. Heavy vehicles crossing our line, excavation on ground near the pipeline that may reduce the support for the pipe and especially blasting are activities that Northwest will want to know about ahead of time. Blasting requires a plan that our engineers will review.

A & B Asphalt has been good to work with over the years and if things continue as they have we shouldn't have an issue with the expansion of their operation. We would ask that they continue to maintain contact with Northwest and call for utility locates when they are excavating. It would be a good idea that A & B invite us to review all phases of the expansion so we can ensure that line markers are in place and we have ample opportunity to stake the pipeline and right-of-way boundaries. It would be a good opportunity to discuss any issues that require special attention.

I have included Jim and our district manager, Von Studer, with this message. As you would expect, they are swamped right now but this message will give them an opportunity to add comments or concerns that I may have missed.

Thank you for including Northwest in your review process.

Scott

Scott Patterson
Senior Land Representative
Northwest Pipeline LLC
Office: (801) 584-6291
Cell: (801) 550-5047
Fax: (801) 584-6518

From: Patterson, Scott C

Sent: Monday, March 24, 2014 4:46 PM

To: 'tamra@co.umatilla.or.us'

Cc: Studer, Von R; Morasch, James F

27

Subject: A & B Asphalt Application

Tamra,

Thank you for your notice regarding the application submitted to Umatilla County by A & B Asphalt. This is of interest to Northwest Pipeline because of our existing lines in the area and the need to preserve our right-of-way and access to our facilities.

Again, we appreciate the invitation and will be in attendance on Thursday.

Scott

Scott Patterson
Senior Land Representative
Northwest Pipeline LLC
Office: (801) 584-6291
Cell: (801) 550-5047
Fax: (801) 584-6518

Michael C. Robinson
PHONE: (503) 727-2264
FAX: (503) 346-2264
EMAIL: MRobinson@perkinscoie.com

April 17, 2014

VIA E-MAIL

Mr. Randy Randall, Chair
Umatilla County Planning Commission
Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

**Re: My Client, Brad Humbert; Second Letter in Opposition to A & B Asphalt
Land Use Applications (County File Nos. T-14-052 and Z-300-14) for May 24,
2014 Continued Planning Commission Hearing**

Dear Chair Randall and Members of the Planning Commission:

This office represents Brad Humbert, who opposes the requests by A & B Asphalt ("Applicant") to: (1) amend the Umatilla County ("County") Comprehensive Plan to designate a 33.26-acre site ("Property") as a Large Significant Site on the Rock Material Resources Inventory; and (2) amend the County Zoning Map to apply the Aggregate Resources Overlay Zone to the Property (County File Nos. T-14-052 and Z-300-14) (together, "Applications"). This letter supplements Mr. Humbert's earlier testimony and provides additional reasons why the Applications fail to meet applicable approval criteria. Accordingly, Mr. Humbert requests that the Planning Commission recommend denial of the Applications.

- 1. At the initial public hearing, Applicant failed to adequately address any of the Applications' shortcomings.**

At the initial public hearing in this matter on March 27, 2014, the undersigned presented oral and written testimony on behalf of Mr. Humbert, including an eight-page letter that raised over a dozen issues with the Project. Applicant failed to adequately address any of

these issues at the hearing in this matter. As such, all of these issues remain unresolved and require that the Planning Commission recommend denial of the Applications.

In summary, these unresolved issues include the following:

- There is insufficient substantial evidence to support the conclusion that the site is a significant aggregate resource.
- The Applicant has drawn the impact area for assessing conflicts with the proposed mine too narrowly.
- The Applicant has not demonstrated that it can minimize conflicts due to dust, noise, emissions, blasting, groundwater, and stormwater with regard to existing and approved uses in the impact area, including inventoried and acknowledged Goal 5 resources in the both the County and City of Milton-Freewater and accepted agricultural practices, including the important City Goal 5 resource of the views of the Blue Mountains on the City's eastern horizon.
- The Applications do not properly identify the post-mining use of the Property.
- The Applicant has failed to address impacts to the natural gas pipeline that is near the proposed mining area.
- There is no legal or evidentiary base to conclude that the Applications are consistent with the relevant Statewide Planning Goals ("Goals").
- The Applications are inconsistent with Goal 6 because there is no substantial evidence in the whole record to support the conclusion that the mine will comply with federal and state air quality standards.
- The Applications are inconsistent with Goal 12 because truck traffic from the mine will cause the transportation system to be unsafe.

Testimony at the initial public hearing in this matter highlighted additional deficiencies with the Applications as follows:

2. **Applicant has not demonstrated that it is feasible to minimize dust conflicts between the mine and houses, schools, and acknowledged Goal 5 resources because Applicant has not demonstrated that there is an adequate, legally authorized water supply available to the Property.**

The County is required to identify and minimize significant conflicts from the proposed mine due to dust with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to dust. OAR 660-023-0180(5)(b)(A). Further, the County is required to identify and minimize significant conflicts from the proposed mine due to dust with regard to acknowledged Goal 5 resources. OAR 660-023-0180(5)(b)(D). The County must find that it is feasible for Applicant to minimize any such dust conflicts. The Court of Appeals held, in a similar context, that feasibility means that "substantial evidence supports findings that solutions to certain problems...are possible, likely and reasonably certain to succeed." *Meyer v. City of Portland*, 67 Or App 274, 280 n 5, 678 P2d 741 (1984).

At the initial public hearing in this matter, several parties, including Mr. Humbert, testified that Applicant's existing mining operations generate significant amounts of dust that is discharged onto other properties. Although Applicant contends that it is feasible to control dust conflicts through use of a water truck, the County should find, for two different reasons, that there is no substantial evidence to support findings that Applicant's proposed solution is feasible.

First, Applicant has not demonstrated that there is an adequate water supply available to control dust on the Property. Applicant has presented vague, conflicting testimony regarding the source of water to the Property. For example, Applicant testified at the hearing that it utilized water from an on-site well to control conveyor dust. This testimony conflicted with Applicant's narrative for the Applications, which stated that Applicant obtained water from the City of Walla Walla, and with the application form, which stated that Applicant would obtain water from the City of Milton-Freewater. This testimony is conflicting and neither credible nor substantial. It also reflects the fact that Applicant has no real plan in place to provide water to the Property. In any event, the testimony does not constitute substantial evidence that Applicant's proposed dust control measures are "possible, likely and reasonably certain to succeed."

Second, Applicant has not demonstrated that water can be legally obtained from any of these sources, and therefore, the County cannot rely upon these water sources to serve the Property. For example, Applicant has not established that its on-site well is permitted or whether Applicant possesses a water right, or alternatively, if it is an exempt well, whether Applicant .

Further, to the extent Applicant is obtaining water from the City of Walla Walla, Applicant has not produced substantial evidence that Applicant meets the prerequisites under the Walla Walla Municipal Code ("WWMC") to use the City's water, not only outside City limits but across state lines. These prerequisites include the restriction that the Walla Walla City Council determine that the extra-territorial use is in the City's best interest. WWMC 13.04.040, set forth in Exhibit A. Further, the water user must submit and obtain approval of an application identifying the purposes for which the water is required. WWMC 13.04.050, set forth in Exhibit A. Applicant has not provided evidence that the City Council has determined that the use of City water at the mine is in the City's best interest. Further, Applicant has not provided evidence that it has completed, and the City has approved, an application for the use of City water at the mine. Therefore, there is no basis to conclude that Applicant's bulk usage of City of Walla Walla water on the Property is lawful.

Finally, to the extent Applicant is obtaining water from the City of Milton-Freewater, Applicant has not produced substantial evidence that Applicant meets the City's requirements for water service, including the prohibition on wasting water. Milton-Freewater City Code ("MFCC") 5-5-11.D, set forth in Exhibit B. Further, the City of Milton-Freewater reserves the right to not provide service to those outside the City limits in the event of a water shortage. MFCC 5-5-1.G. Applicant has not identified a feasible alternative to using City of Milton-Freewater water in the event of such a water shortage. Therefore, Applicant has not proven that any of its potential water sources is adequate or lawful.

The Applications can be approved only if dust can be controlled. The evidence shows it is not presently controlled. Without certainty of adequate water, dust can never be controlled. Applicant's lack of substantial evidence on this issue means that it has not met its legal burden of proof. Dust control is especially important to protecting the views of the Blue Mountains on the City's eastern horizon, an acknowledged City of Milton-Freewater Goal 5 resource. Lack of certain and legally sufficient water supplies means no certainty for dust control, which must lead to the conclusion that Applicant cannot minimize dust conflicts with this Goal 5 resource.

For these reasons, the Planning Commission should find that there is no substantial evidence to support the conclusion that Applicant can minimize significant dust conflicts with existing and approved uses in the impact area. Accordingly, the Planning Commission should recommend denial of the Applications.

3. **Applicant has not presented substantial evidence to support the conclusion that it will minimize conflicts due to blasting discharges from the site. In fact, Applicant's track record of bad blasting practices shows that Applicant will not minimize such conflicts.**

As stated above, the County is required to consider conflicts due to discharges from the mine. OAR 660-023-0180(5)(b)(A). Applicant proposes to engage in blasting activities in the new mining area. Blasting will generate various off-site discharges, including noise, vibration, dust, and air emissions (including combustion byproducts such as nitrogen oxides, carbon monoxide, and particulate matter that are released when explosives are detonated). However, other than a conclusory statement in the noise study, Applicant has not assessed blasting conflicts at all. For example, Applicant has not identified standards that apply to blasting impacts, nor has Applicant presented substantial evidence that the Applications will comply with these standards when preparing for and conducting blasts at the site.

Applicant's failure to address these standards is particularly egregious in light of the record in this case. For example, area residents presented extensive testimony that blasting at Applicant's existing site has damaged foundations, chimneys, and windows on homes and has rerouted underground springs. See written testimony of Shauna Partin, Cyndi Hamby, Joe Bond, and TJ James. Others testified that Applicant does not provide notice of blasting. Additionally, the Superintendent of Milton-Freewater Unified School District expressed concern for the safety of students and staff at Grove Elementary School due to blasting. Finally, counsel for Applicant admitted on rebuttal that "[w]e had a bad blast," but blamed the incident on a third party contractor. Applicant is the one who is ultimately responsible for the discharges from its site, regardless of whether it contracts for that work.

This evidence of Applicant's bad blasting practices underscores an important distinction between the typical land use application and the Applications before the Planning Commission. In the case of the typical land use application, the applicant is new to the site, the use is proposed (not existing), and the parties to the case make their predictions

as to impacts of the use based upon expert reports and studies but without being able to draw from the applicant's ongoing activities on that particular site.

By contrast, in the case of the Applications, Applicant is already operating its proposed use in this very location, so the parties do not need to use expert studies and reports to predict what may happen. Rather, under these circumstances, Applicant's existing track record speaks for itself and is the best evidence of Applicant's future activities. In this instance, Applicant's track record, particularly from a blasting standpoint, is not favorable. As explained above, Applicant's blasting activities have generated discharges that significantly conflict with existing and approved uses, including area residences and an elementary school. The Planning Commission cannot ignore this substantial and un rebutted evidence.

Because Applicant has failed to consider and therefore develop measures to minimize blasting discharges from the site, the Planning Commission should recommend denial of the Applications.

4. Dust generated from the mine will increase spider mite populations at nearby vineyards, which will force a significant increase in the cost of accepted farming practices.

A significant conflict exists if the mine will either force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands. ORS 215.296(1). As explained in the letter from the undersigned dated March 27, 2014, there are multiple vineyards located northeast of, and downwind from, the Property. As a result, these vineyards will experience wind-borne dust from the mine, particularly because, for the reasons explained in Section 2 above, Applicant has not identified reasonable and practicable measures to minimize dust conflicts. Dust may lead to mites invading the vineyards, which may harm the vineyards' grape crops. Literature in the field has documented that dusty conditions can increase mite populations at vineyards, and that the existence of mites can reduce berry sugar content and fruit weight. See summary and citations at last two pages of Oregon State University Viticulture Newsletter dated December 2002, set forth in Exhibit C. Addressing these conditions will either force a significant change in or significantly increase the cost of accepted vineyard practices. Applicant has not assessed these potential conflicts, let alone identified measures that will minimize these conflicts. Therefore, the Planning Commission should deny the Applications.

5. There is no analysis in the record of allowing, limiting, or not allowing the mine as required by OAR 660-023-0180(5)(d).

Because Applicant has not identified reasonable and practicable measures that would minimize identified conflicts based upon dust, blasting, farm impacts, and other areas, the County is required to conduct an analysis of the positive and negative economic, social, environmental, and energy ("ESEE") consequences that could result from allowing, limiting, or not allowing the mine. OAR 660-023-0180(5)(d). This analysis must support allowing the mine in order for the County to approve the Applications. The record does not include an ESEE at this time. Therefore, there is no substantial evidence in the whole record to support a decision to approve the Applications. The Planning Commission should recommend denial of the Applications.

6. Traffic generated by the mine will cause the transportation system to be unsafe, rendering the Applications inconsistent with Statewide Planning Goal 12 - "Transportation."

The purpose of Goal 12 is "[t]o provide and encourage a safe, convenient and economic transportation system." The Applications are inconsistent with this Goal for three (3) reasons. First, truck traffic traveling to and from the mine will create unsafe conditions on SE 15th Avenue near the Grove Elementary School. According to the Applicant's Transportation Impact Analysis ("TIA"), the mine will produce 64 truck trips past the school between 7am and 3pm each weekday, yet there are no continuous sidewalks or bike lanes on this route along SE 15th Avenue and Walla Walla River Road. At the initial public hearing, the Superintendent of Schools expressed concern for the safety of students and staff at the school due to the speed of mine trucks along SE 15th Avenue.

Second, although the TIA states that the mine will not generate any more truck trips than the existing mine, there is no clear and objective mechanism, such as a trip cap, that ensures that this will be the case. As such, there is currently no restriction on the mine at all.

Third, according to ODOT's records, Applicant's trucks have repeatedly exceeded maximum weight standards on roadways in the State, leading to fines of over \$50,000.00. In fact, Applicant's trucks violated these standards nearly 500 times. Heavier weight

Mr. Randy Randall, Chair
April 17, 2014
Page 8

vehicles inflict greater damage on area roadways, rendering them less safe for other drivers.

Applicant has retained a traffic expert to assess the traffic conditions caused by the mine. Applicant anticipates submitting that expert's written assessment before the close of the record.

For these reasons, the Planning Commission should find that the Applications are inconsistent with Goal 12 and must be denied.

7. **Conclusion.**

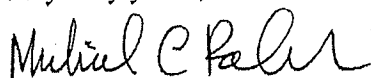
I have asked the Planning Department to place this letter and its enclosures into the official record for this matter.

Mr. Humbert reserves the right to submit additional argument and evidence concerning the Applications into the record before the close of the continued hearing.

For all of the reasons contained in this letter, Mr. Humbert respectfully requests that the Planning Commission recommend denial of the Applications to the County Board of Commissioners.

Thank you for your attention to the points in this letter.

Very truly yours,



Michael C. Robinson

MCR:rsp
Enclosures

cc: Ms. Tamra Mabbott (via email) (w/ encl.)
Client (via email) (w/ encl.)
Mr. Seth King (via email) (w/ encl.)

EXCERPTS OF WALLA WALLA MUNICIPAL CODE

13.04.040 Service – Provided where.

The council will furnish service to all that area within the boundaries of the city where facilities are available and to such other areas as, in its sole discretion, may be in the best interest of the city to serve. (Ord. A-3639 § 1(part), 1990).

13.04.050 Service – Application – Contents required.

Applications for the use of water shall be made on printed forms to be furnished by the city. The applicant shall fully and truly state all the purposes for which the water may be required and also agree to conform to the rules and regulations as a condition for the use of the water. No person, firm, association or corporation supplied with water from the city mains will be entitled to use it for any other purpose than those stated in this application. (Ord. A-3639 § 1(part), 1990).

13.04.060 Service – Standard contract.

When the premises of an applicant are connected to water service as a result of application acceptance, the application shall be considered as a contract, and the applicant, by signature thereon, shall agree to abide by such rates, rules and regulations as are in effect at the time of signing the application or as may be adapted thereafter by the council, and to pay all bills promptly. (Ord. 2000-9 § 32, 2000: Ord. A-3639 § 1(part), 1990).

EXCERPTS OF MILTON-FREEWATER CITY CODE

5-5-1: GENERAL REGULATIONS:

- A. Water service will be supplied by the city through its duly authorized utility to its customers in the city and outside of the city.
- B. These rules shall apply to any person who is now or may hereafter become a residential, commercial or industrial customer of the water utility.
- C. The city manager is responsible for the operation of the water utility. (1956 Code § 5-001)
- D. The water utility will exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of pure water to the customer, and to avoid any shortage or interruption of delivery of same. The utility will not be liable for high or low pressure conditions, chemical or bacteriological conditions, interruptions or shortage or insufficiency of supply or any loss or damage occasioned thereby. The use of water upon the premises of the customer is at the risk of the customer and the responsibility of the utility shall cease at the point of delivery of water as identified in subsection 5-5-2B of this chapter.
- E. The utility, whenever it shall find it necessary for the purpose of making repairs or improvements to its system, shall have the right to suspend, temporarily, the delivery of water, but in all such cases as reasonable notice thereof as circumstances will permit, will be given to the customers, and the making of such repairs or improvements will be prosecuted as rapidly as may be practicable, and if practicable at such times as will cause the least inconvenience to the consumer.
- F. In case of shortage of supply, the utility reserves the right to give preference in the matter of furnishing service to customers as in the judgment of its representatives shall be for the best interest of the city from the standpoint of public convenience or necessity.
- G. All outside city services shall be held at all times liable to disconnection in the event of a shortage of water supply within the city. Pressure and other conditions, in or out of the city, are to be at the risk of the customer without guarantee by the utility. (1956 Code § 5-009)
- H. Whenever it becomes necessary for the utility to issue an order restricting or prohibiting the use of water for any class of service or customer, the order so issued shall affect all like customers served by the system. The city manager shall designate those sprinkling hours which are most beneficial to the city water system. (Res. 249, 1-13-1964; amd. 1978 Code)

5-5-11: DISCONTINUANCE OF SERVICE:

- D. Wasting Water Prohibited: Municipal water shall not be permitted to be wasted in any manner. Wasting of water upon streets or public ways is prohibited hereunder. (1956 Code)



VITICULTURE NEWSLETTER



FROM THE VITICULTURE STAFF AT OREGON STATE UNIVERSITY:
CONTRIBUTORS: JESSE HOWE & ANNE CONNELLY



OREGON STATE UNIVERSITY
EXTENSION SERVICE

DECEMBER 2002

3RD EDITION

In this issue:

- Update from the OSU Viticulture Extension Office
- Upcoming events
- Viticulture and Enology Education in Oregon
- Cold October 2002 Temperatures
- Pruning and training wine grapes
- Spider mites

Update from the OSU Viticulture Extension Office

During the 2002 season OSU Viticulture Extension conducted two major workshops. In the spring we coordinated a Vineyard Equipment Field Day with Dai Crisp and Bruce Franklin of Temperance Hill Vineyards. Industry response was positive. Thanks to all the manufactures that made the workshop possible. The second workshop was a Vineyard Drip Irrigation Workshop conducted in August at OSU Woodhall III Research Vineyard. Researchers, growers, and the irrigation support industry came together to discuss soil water, deficit irrigation, and methods for quantifying wine grape demands in western Oregon. Again, thanks to all that made the workshop possible.

Two major projects are underway thanks to funding from the Wine Advisory Board. One is the Audio/Visual Instruction of Canopy Management for Wine Grapes in Oregon. Lynn Ketchum, Extension Education Video Specialist and Viticulture Extension personnel were on the road during 2002 filming various techniques in canopy management such as head thinning, catch wire placement, and shoot positioning. We will complete our filming of shoot thinning in the spring of 2003. The film will be available in English or Spanish versions through the OSU Extension Communication Office.

The second major project is to utilize the Northwest Berry & Grape Information Network to communicate 'on-farm experimentation' to Oregon wine grape growers. This project in collaboration with John Luna, OSU Department of Horticulture, is designed to help wine grape growers choose cover crops for their vineyards and to teach on-site evaluation of cover performance. A specific location will be created on this web site (berrygrape.orst.edu) to give growers access to cover crop information. This project will be completed in the summer of 2003. Growers will have time to make decisions on cover crop seed choices for fall planting 2003.

Upcoming events

Oregon Horticulture Society Meeting - Wine Grape Section

Portland, Oregon

Janzen Beach, Red Lion Inn

Tuesday — January 28, 2003 — 9:00 to 3:30

Registration \$25 in advance \$30 at the door

To register: email klmconsulting@attbi.com

Or phone 503-763-1833 *Agenda:*

<http://berrygrape.orst.edu/DynGRP/WineGrape.htm>

Spring 2003 Workshop on *Vineyard Ground Management*

Oregon State University and Natural Resource Conservation Service

North Willamette Research and Extension Center, Aurora, Oregon

Date: To be announced

Editor — Lee Ann Julson, Office Specialist I

Oregon State University, Dept. of Horticulture, 4017 Ag. & Life Sciences Bldg., Corvallis, OR 97331-7304
Department Phone: 541-737-3464 — Department Fax: 541-737-3479

EXHIBIT C

Summer 2003 Workshop on *Small Farm Wine Grape Production*
Yamhill County Extension Office
McMinnville, Oregon
Date: To be announced

Viticulture and Enology Education in Oregon

Chemeketa Community College, Oregon State University, and wine grape industry leaders are currently working together to create a dual-enrollment program between the two institutions. A dual-enrollment program will allow students from either institution to participate in coursework at both Chemeketa and OSU. Articulation concerning the dual-enrollment program began this fall and will continue through the beginning of 2003. Dual-enrollment programs have been very successful between OSU and other Oregon Community Colleges thus far. A final articulation agreement is anticipated early 2003.

A dual-enrollment program between Chemeketa and OSU is very exciting for the Oregon wine grape industry. Chemeketa has already established and is continually improving a successful Viticulture and Wine Production program. OSU is currently expanding the coursework it will offer in the departments of Food Science and Technology and Horticulture. Historically, OSU has focused on Viticulture and Enology Research and Extension, while offering a smattering of specific Enology coursework. Beginning Winter Term 2003, OSU will offer the first of three Viticulture Classes offered through the Department of Horticulture. Beginning Fall Term 2003, OSU will also offer the first of three Enology Classes offered through the Department of Food Science and Technology. Both Viticulture and Enology classes offered at OSU will be upper-division courses focused on the science of vine physiology and wine chemistry.

For further information regarding OSU's Viticulture curriculum, please contact Jessie Howe at (541) 737-8022 or howej@onid.orst.edu. For further information regarding OSU's Enology curriculum please contact Barney Watson at (541) 737-6492 or barney.watson@orst.edu. For further information regarding the articulation agreement between Chemeketa and OSU please contact Debbie Maynard at (541) 737-5448 or maynardd@orst.edu.

Cold October 2002 Temperatures

During the month of October wine grape growers throughout the state experienced lower than normal temperatures in the vineyard. On October 29th a cold air mass from the interior of Canada dropped down into the northern United States. The Oregon Climate Service reported that the air-flow was strong enough and the jet stream was far enough south to allow cold air to reach Oregon's valleys and coast. Normally, such an event would not occur due to the sheltering effect of the Rockies and the Cascades.

Numerous regions around the state set record low temperatures. Table 1 illustrates minimum daily temperatures from October 29th – November 4th for some of Oregon's wine grape growing regions. Table 2 illustrates the number of days in October and November that reached a minimum of 32°F or below. Table 3 illustrates which days between October 29th and November 4th record low temperatures were observed in specific grape growing regions. It is clear from Table 3 that some regions have experienced cold temperatures in early fall before. However, some regions have never experienced such cold temperatures during this time and set 4 to 5 records in a week's time.

So, how do cold temperatures during autumn affect grapevines? It is important to emphasize that the physiological stage a plant is in when cold temperatures occur and the duration of cold temperature will affect the possibility of internal damage. Cold temperature has the potential to cause cellular damage in all plant species. Cellular damage can lead to various plant growth and development problems. Numerous factors affect a plant's ability to withstand cold temperatures. Specifically, genetic, environmental, and physiological influences will determine the likelihood and severity at which damage might occur.

Post-harvest, grapevine tissues are progressively developing a degree of frost/cold tolerance. The rate of cold acclimation has been shown to be time and temperature dependant per grapevine variety (1). Different factors such as starch/sugar ratio in the vines perennial structure (4,5) and relative tissue dehydration at the time cold temperatures occur (1) have been shown to contribute to a grapevines' ability to acclimate to cold temperature. Such factors decrease the osmotic potential of the grapevine sap. This reduces the chance of sap

freezing in the cytoplasm and causing cellular damage.

Table 1: Daily average minimum temperature (°F) ¹

Location ²	Oct-29	Oct-30	Oct-31	Nov-1	Nov-2	Nov-3	Nov-4
North Willamette Valley (Portland)	41	33	32	36	27	27	31
Mid Willamette Valley (Salem)	30	22	20	22	20	25	27
South Willamette Valley (Eugene)	33	23	17	16	17	21	25
Rogue Valley (Medford)	30	24	18	31	24	26	27
Columbia Valley (Hood River)	28	22	21	16	15	16	21

¹ Sources: Oregon Climate Services, Agrimet, and NOAA Weather Data 2002

² Daily values were not available for the Umpqua Valley or Milton-Freewater.

Table 2: Number of days during October and November that reached a minimum of 32°F or below ¹

Location ²	October	November
North Willamette Valley (Portland)	1	3
Mid Willamette Valley (Salem)	7	4
South Willamette Valley (Eugene)	8	4
Rogue Valley (Medford)	9	5
Columbia Valley (Hood River)	12	6

¹ Sources: NOAA Weather Data 2002

² Daily values were not available for the Umpqua Valley or Milton-Freewater.

Table 3: Dates which record low temperatures were observed in some grape growing regions ¹

Area	Oct-29	Oct-30	Oct-31	Nov-1	Nov-2	Nov-3	Nov-4
Portland				X	X		
McMinnville						X	
Salem		X	X				
Eugene		X	X	X	X	X	
Roseburg			X	X	X	X	
Medford		X					
Grants Pass			X	X			
Hood River							
Walla Walla		X	X	X	X	X	

¹ Sources: Oregon Climate Services 2002

It is not clear in the literature how drought stress affects a vine's ability to acclimate to cold temperatures. Some reports state that drought stress delays the entire hardiness process and increases the chance of injury during a cold spell (1,3). Other studies report that irrigated vines may prolong vegetative growth late in the season and therefore delay acclimation of cane and bud tissues (5). Wample and Wolf (1996), emphasize that "excessive" drought stress or "excessive" irrigation will most likely delay cold acclimation in the autumn. Moderate drought stress or moderate irrigation will most likely have a minimal affect on

a vine's ability to acclimate to cold autumn temperatures.

There are few studies that have looked at the effect of cold temperatures during autumn on grapevine physiology. This is mainly due to the fact that the grapevines perennial structure naturally "shuts down" post harvest to prepare for dormancy. Numerous studies have identified which varieties are more cold tolerant than others and most grape growing regions have determined which varieties do well given how quickly cold temperatures can arise in autumn. See Oregon State University's Extension

Publication (3) for specific winter injury assessment of grapevines grown in Oregon.

Swiss studies (2) have shown that cold autumn temperatures lead to earlier leaf senescence. These studies observe that earlier leaf senescence due to cold autumn temperatures is more common in vines with low planting densities and high crop loads.

Carbohydrate transport from the leaves to the permanent vine structure begins at the end of ripening and continues until leaf senescence. Cold temperatures may have shortened this physiological process. However, healthy grapevine trunks and roots store abundant amounts of carbohydrates naturally. A slight reduction of carbohydrate movement to the permanent vine structure this autumn is probably a very small percent of what the vine already has. In addition, next spring when leaves begin to emerge, the carbon accumulated via photosynthesis can be used by the vine for seasonal growth and development.

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Pruning and training wine grapes

Introduction

Each winter wine grape growers and their crews head out into the rain to prune grape vines. All of the previous years' growth is removed except for the one-year old canes and/or spurs to provide this coming seasons' fruiting wood. Choices must be made in the number of 'buds' left on the one-year old wood.

This portion of the newsletter is designed to give readers an over-view of pruning and training of wine grapes in Oregon. More information will be provided in the coming years from OSU Viticulture Extension. Of particular interest to growers in Oregon is information on the dynamic relationship of variety, rootstock, and training system when applying cane verses cordon pruning techniques.

Oregon Wine Growers Association will be releasing the new edition of Oregon Wine Growers Guide in 2003. This illustrated manual will provide grape growers with much of the information they need. Check the OWA website under resources for further details <http://oregonwinegrowers.org/>

Dormant pruning

'Cane pruning' during the dormant season is the dominant pruning method for the Willamette Valley. Pruning often starts at the beginning of January when major cuts are made and multiple canes are left long to be 'tip and tied' later when the threat of severe weather has passed. 'Tipping and tying' is the heading back of a cane, wrapping the cane on the fruit wire, and tying the cane to the wire.

'Cordon pruning' is more often seen in the other grape growing regions of Oregon such as the Rogue Valley. Many of the cane pruning systems described below can be adapted to cordon. Certain varieties grown in certain regions of Oregon respond better to cordon pruning then cane.

When changing between cordon and cane pruning care must be taken when making large cuts. The vine can be susceptible to Eutypa dieback. Painting large cuts immediately after pruning with

the fungicide Benlate, can help reduce susceptibility. Care must be taken to insure worker safety and follow the label recommendations.

Training systems in Oregon

Choice of vineyard training systems in Oregon will depend on production objectives in terms of quantity and quality. Next the vineyard site soils must be matched with rootstock choices to maximize your original production objectives. So, site/soil, production objectives, rootstock/clone, and training systems must be put together. These decisions are made years in advance of pruning a mature vine. The wine grape clone (grafted onto the rootstock) will have less of an impact than soil or rootstock when finally deciding on the number of buds to leave on a mature vine during dormant pruning.

The 'Vertical Shoot Position' (VSP) training system, where shoots are trained upwards with permanent or movable catch wires, is very popular (Fig. 1).

The greatest amount of acreage is currently in 'Double Guyot' (Fig. 2). Other training systems can be seen. 'Single Guyot' is gaining popularity (Fig. 3).

Cost efficient training systems such as 'Single High Wire' also have a place in Oregon (Fig. 4). Trellis, trellis maintenance, and labor costs are reduced with 'Single High Wire' but cluster exposure can lead to temperature related problems in fruit development.

'Divided canopies' where two fruiting wires are constructed can be seen with the 'Scott Henry' training system from the Umpqua Region wine grape region of Oregon (Fig. 5). 'VSP' can be converted to 'Scott Henry' during high vigor situations when trellis height will allow. Another divided canopy is the 'Geneva Double Curtain' (GDC) created by Nelson Shaulis in Geneva New York (Fig. 6). The 'Lyre' system, although higher in trellis costs, is used in high quality production systems in Oregon (Fig. 7).

Pruning techniques

'Balance pruning' is a technique where the number of buds left after dormant pruning is dependent on the weight of one-year old pruning wood. A sample number of vines are pruned and weighed ahead of the pruning crews. The number of vines selected to weigh one-year old wood will

depend on the uniformity of the block. Between-vine variance in pruning weights can mislead results. The number of buds per unit of one-year old wood can vary between 26 and 35 buds per kilogram. Once again the dynamic relationship of site, rootstock, plant age, and the many vineyard practices performed throughout the previous season will affect the number of buds used as a multiplier. Growers will learn to identify this in their own vineyards. 'Balance pruning' can teach growers not leave too many buds, which can stress a vine in the coming season. Cycles of vigor and reduced vigor can be seen between years when using the same multiplier each year in a given block. These cycles are due to the dynamic relationship of site, plant, and practices.

Another technique used in 'cane pruning' is to fill the fruiting wire with the cane and use shoot thinning in the spring to regulate the number of buds left behind (Fig. 8). This method will eliminate any crowding around the head of the vine from leaving a short cane.

In high vigor situations where the number of buds has been maximized, a pruning technique called "leaving a kicker cane" can be employed (Fig. 9). Extra canes are left and cut off during the spring at 12 to 18 inches of growth. This method diverts some of the growth to the 'kicker cane', which is later removed. Cycles of vigor and reduced vigor can be seen between years depending on the dynamic relationship of site, plant, and practices. Care must be taken to alter bud numbers when observing these fluctuations.

Pruning young vines

Discussions in pruning must include young vines. The importance of training young vines correctly will help save unnecessary problems later when vines are mature. After planting, young vines are two-budded for one or two years depending on site, plant, and practices (Fig. 10).

At year two or three a cane is trained up and headed (cut) below the fruiting wire during dormant pruning (Fig. 11). Maintaining the 'head' of the vine below the fruiting wire will help save on cane breakage when bending canes down to the wire during 'tipping and tying'. Once the 'head' has been established leaving one or two-bud renewal spurs on the trunk below the cane (not above the cane) will help maintain a lower head height.

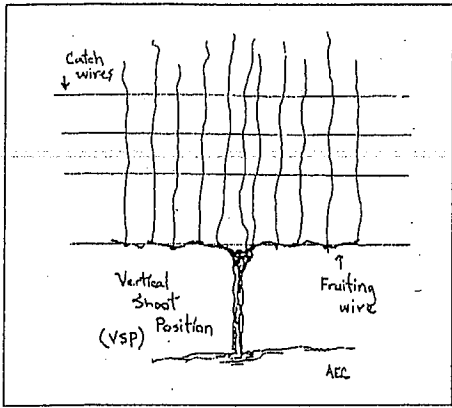


Figure 1

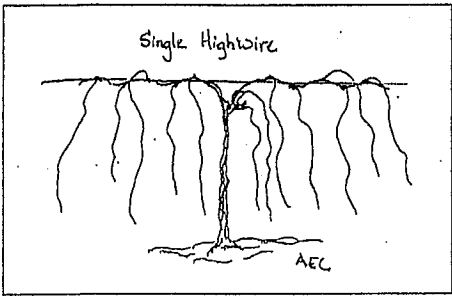


Figure 4

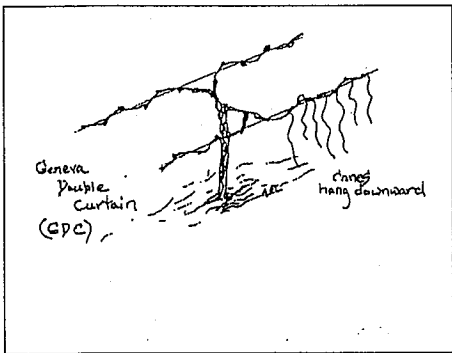


Figure 6

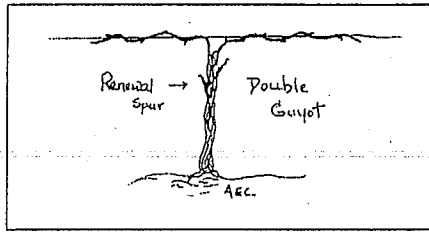


Figure 2

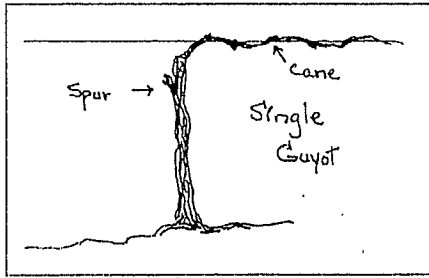


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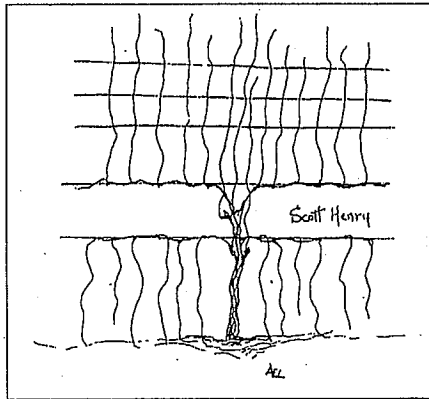


Figure 5

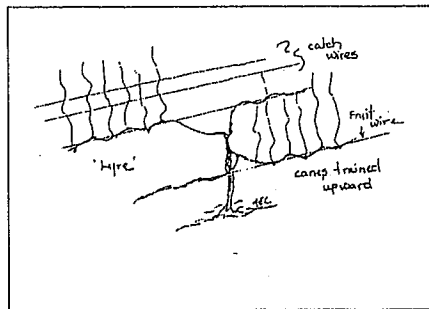


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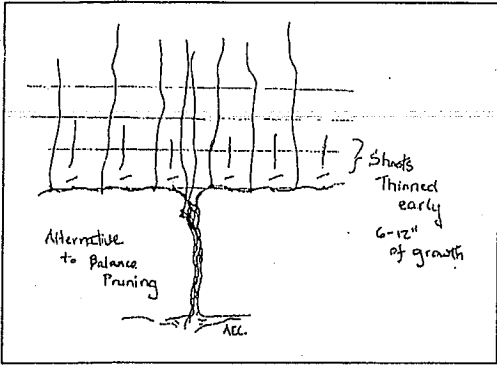


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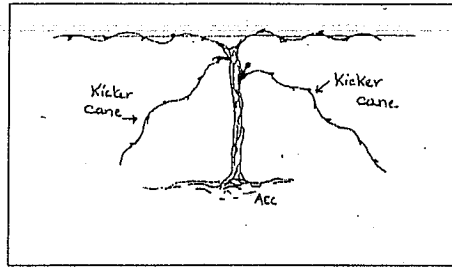


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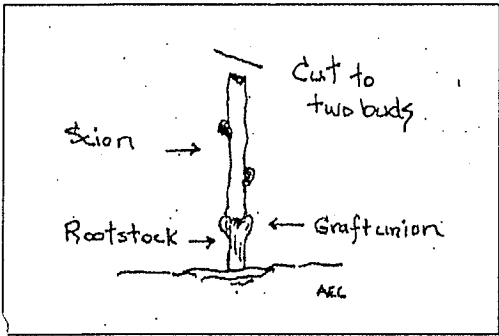


Figure 10

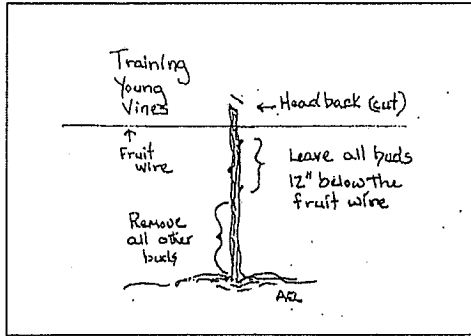


Figure 11

Spider mites

Spider mite activity increased during the 2001-2002 growing-seasons in the North Willamette, particularly in the hills west of Hwy. 99 from McMinnville to Dundee.

Willamette spider mite, *Eotetranychus willamettei* (McGregor), was identified by Acarologist, Dr. Gerald Krantz, Emeritus Professor, Oregon State University, from samples taken in fall 2002. Lynn Royce in the OSU Insect Identification Clinic mounted live samples on slides. Due to budget cuts, the OSU Entomology Department will be eliminated after June 2003. Efforts are under way to absorb some of the faculty in other departments.

General information on spider mite biology and control in wine grapes can be found through the University of California, Grape Pest Management, Publication 3343 (1) and on the UC Pest Management web site (2). Washington State has a web site (3) on spider mites as a secondary pest. The Pacific Northwest Insect Management Handbook is available on line with some information and references to mites (4). All references and URL web sites are listed at the end of this newsletter under references cited.

Willamette spider mite is considered a secondary pest. Research on Willamette spider mite conducted in California in the 1980's and 1990's with mixed results. McNally and Farnham studied the effects of Willamette spider mite feeding on Chenin blanc and Zinfandel and found significant reduction in berry sugar content (5). Welter and associates found a significant reduction in photosynthesis and stomatal conductance from feeding by Willamette spider mite (6), a reduction in soluble solids in the first year of infestation, and a reduction in fruit weight after two years (7). Welter and associates later went on to develop a differential recovery rate model for determining economic injury levels. Longer recovery time and decreased rates in recovery from infestations can underestimate losses (8). In contrast, Karban and English-Loeb showed that vineyards that supported Willamette spider mite populations had reduced numbers of Pacific spider mite, *Tetranychus*

pacificus McGregor (9). In this same study, soluble solids were higher in the Willamette spider mite dominated vineyards than Pacific.

Deirdre Prischmann conducted research in 44 Oregon vineyards in 1998 and 1999. She constructed a sampling survey to assess spider mite pests and their associated biological control by phytoseiid mites (10). *Tetranychus urticae*, the Two-spotted spider mite, was the dominant pest and *Typhlodormus pyri* was the dominant predator mite. Eleven out of the 44 vineyards had excellent control of the spider mite with the predator *T. pyri*, 27 had good control, and six sites had poor control. Sites adjacent to riparian habitat had fewer spider mites but similar levels of predator mites. *T. pyri* does not have a high dispersal rate and does not immigrate rapidly and throughout a vineyard. Caneberry, cherry, and grape habitats were a source of predator immigration, while no vegetation served as a short-range source of spider mite immigration.

Sampling procedures with reference to insect populations in general (11) and for spider mites (12) has been long explored. Variability within plant and between plants can mislead results. The pattern and detail of sampling will vary depending on the objectives. The establishment of life-tables requires a much lower variance between samples than quantifying the distribution of a pest. The establishment of thresholds for treatment will depend on the species of mite and on the control measures, if any (e.g., predator release versus spraying). The release of specific predators as a control measure requires a spider mite threshold number that will not overwhelm the predators' ability to control the target pest.

Vineyard management decisions such as removing cover crop can lead to dusty conditions, which can increase spider mite populations (1). Strategies in reducing tillage in spider mite 'hot spots' over a several years should be tried. Powdery mildew fungicide programs can be harmful to predators. Results from one study suggest that the use of DMI or strobilin fungicides should not impair biological control in the field (13).

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APR 21 2014

Fax

UMATILLA COUNTY
PLANNING DEPARTMENT

To: Umatilla Planning Commission From: Rich Angstrom
 Company: Oregon Concrete & Aggregate Pages: including cover 3
 Fax: 541 279 5480 Date: 4/21/2014
 Phone: 503 588 2430 CC:
 Re: T-14-052 & 2-300-14

- Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Commission Members,

There has been significant discussion regarding AOB's application with the industry and DLCD. The letter from DLCD is instructive in working through the legal issues associated with this application. The letter should be included in the record for your review.

Regards

*Rich Angstrom
President OCAPA*

29



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

Planning Services Division

800 NE Oregon, Suite 1145

Portland, Oregon 97232

Phone: (971) 673-0961

www.oregon.gov/LCD

March 27, 2014

Tamra Mabbott
Umatilla County Planning Department
216 SE 4th Street
Pendleton OR 97801



Subject: Post-Acknowledgement Plan Amendment (PAPA) to add a significant site to the county's Rock Material Resources Inventory. Local file number T-14-052 and Z-300-14 (DLCD file number Umatilla County 001-014)

Dear Ms. Mabbott,

Thank you for the opportunity to comment on the above-referenced case. This letter is intended to address questions that have arisen in our conversations about the proposed aggregate resource expansion proposed by A&B Asphalt. After internal discussions, we realize that some sections of OAR 660-23-0180 are not clear on some points relevant to the county's review. We will provide the department's analysis of the answers to the questions at hand and indicate where we think there is room for another interpretation.

Existing sites

The first issue at hand is the definition of "existing site" and how the location and boundaries of an existing site come into play when defining an "expansion area." The definitions are found in OAR 660-23-0180(1)(c)¹ and (1)(d)² respectively. The applicant has proposed an expansion area that includes approximately 14 acres of land that has been mined under a county conditional use permit (CUP) since the mid-eighties and approximately 11 acres that has never been mined or received land use authorization to mine. It is the department's position that it would be inconsistent with the rule not to recognize the entire existing quarry as an "existing site" and that an "expansion area" and "existing site" cannot overlap.

The department concludes the intent of the "existing site" definition is to allow all legitimate commercial operations in business at the time the rule was adopted to continue operations under existing permits. However, the wording focuses on a specific date, September 1, 1996, and requires that an operation be lawfully operating or be in the county's inventory of significant sites on that date. The term "lawfully operating" leaves some room for interpretation. One

¹ "Existing site" is an aggregate site that meets the requirements of subsection (3)(a) of this rule and was lawfully operating, or was included on an inventory of significant aggregate sites in an acknowledged plan, on September 1, 1996."

² "Expansion area" is an aggregate mining area contiguous to an existing site."

Tamra Mabbott
Umatilla County Planning Department
March 27, 2014

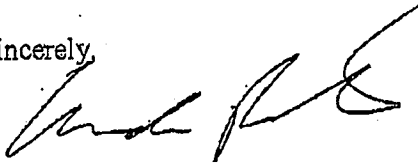
Page 2 of 2

possibility is that a business with a temporary gap in any permit authorization on September 1, 1996 may not have the same status under the rule as one that did not have such a gap. Another possibility is the term refers to land use authorization. The department prefers the latter interpretation, particularly since the term is in DLCD's administrative rule; a rule that deals with land use authorization.

The department recognizes that the questions raised by this PAPA are difficult to work through and appreciates the county's effort to sort through these questions and provide elected officials the information they need to make their decisions. Thanks again for the opportunity to comment on this case. Please enter this letter into the record of the planning commission hearing and any subsequent hearing on the application.

Department staff is available to assist in this process as it moves forward. I can be reached by phone at 971-673-0961 or e-mail at amanda.punton@state.or.us.

Sincerely,



Amanda Punton
Natural Resource Specialist

cc: DLCD staff - Rob Hallyburton, Grant Young
DOGAMI staff - Ben Mundy

LARGE/OVERSIZE EXHIBIT #30

April 17, 2014 letter received April 21, from Charles Konen,
President, Konen Rock Products, with historic series of land use
documents pertaining to Konen Rock Couse Creek quarry
operations, with attachments

(email staff to request a copy)

LARGE/OVERSIZE EXHIBIT #31

April 21, 2014 letter from Daniel Humbert, President,
Humbert Asphalt, with documentation on the historic land
use for Kenney Pit

(email staff to request a copy)

Wendie L. Kellington
Attorney at Law, P.C.

P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@wkellington.com

April 23, 2014

Via Electronic Mail
Planning Commission
Umatilla County
Justice Center, Media Room
Pendleton, Or

RECEIVED

APR 23 2014

UMATILLA COUNTY
PLANNING DEPARTMENT

RE: A & B Asphalt T-14-052/Z 300-14

Dear Chairman Randall and Members of the Planning Commission:

This letter is designed to respond to DLCD's communications of March 27, 2014. DLCD contends in its March 27, 2014 letter:

"It is [DLCD's] position that it would be inconsistent with the rule not to recognize the entire existing quarry as an 'existing site' and that an 'expansion area' and an 'existing site' cannot overlap."

DLCD inconsistently contends in a follow up email of the same date: (Appendix 1, p 4 to this letter):

"An existing site is not precluded from obtaining Goal 5 protection. An operator of an existing site can apply for a comprehensive plan amendment to and seek protection for ongoing operations or new operations following the procedures set out in the Goal 5 rule¹."

DLCD also states in its March 27, 2014 letter that the Goal 5 rule defines an "existing site" to include two types of sites. One type is a site that is already on an inventory of significant sites on September 1, 1996. The other type of "existing site" is one that was "lawfully operating" on September 1, 1996. DLCD goes on to explain it's not clear to it what "lawfully operating" means but gives its preference about the meaning of lawfully operating":

"[t]he term 'lawfully operating' leaves some room for interpretation. One possibility is that a business with a temporary gap in any permit authorization on September 1, 1996 may not have the same status under the rule as one that did not have such a gap. Another possibility is the term refers to land use authorization. The department prefers the latter interpretation, particularly since

¹ The "Goal 5 Rule" is OAR 660-023-180 that we are working through here. It is also sometimes called "the OAR" too.

the term is in DLCD's administrative rule; a rule that deals with land use authorization."

It is difficult to understand what DLCD is getting at or concerned about in these communications. The first two statements quoted above seem contradictory. The final interpretation (if it matters) is contrary to the express words of the Goal 5 rule. As noted, we don't see how any of this matters anyway. DLCD does not explain that it does.

We understand that DLCD is saying an existing site is allowed to be put on the Goal 5 inventory so long as it follows the requirements of the Goal 5 rule. Presumably, if an "existing site" is already on the inventory, then DLCD understands there is no point to putting the existing site on the inventory again. Presumably also, DLCD does not object to adding a site, to the land already on the inventory, when an operator proposes to continue to mine the land to be added to the inventory. If so, then by definition in the rule, the latter would be an expansion area. A & B's proposal is consistent with these principles: A & B does not propose to put the 9.83 acres already on the inventory on the inventory again. A & B is diligently running the proposed 33.26 acre expansion area through the Goal 5 rule process.

The 33.26 acres that A & B proposes to add to the inventory is then an expansion of an existing site – an expansion of the 9.83 acres already on the inventory. DLCD statement this can never happen is not supported by the rule or its other communications in this case. Moreover, the idea that the 33.26 acres is an "existing site" rather than an "expansion area" is also not supported by the evidence or the express terms of the Goal 5 rule in any case.

To explain. DLCD is saying the 14.15 acre portion of the proposed expansion area is also an "existing site" because it had a CUP to mine it on September 1, 1996.² This is incorrect. No part of the expansion area is an "existing site". This is because no part of the 14.15 acres was on the county inventory on September 1, 1996 and also because it could not have been "lawfully operating" on September 1, 1996. It could not have been lawfully operating on that date, because

² Again, it is not clear why this matters given DLCD's communications that it is permissible to place an existing site on the inventory of significant sites. The only part of the Goal 5 rule that talks about expansion areas and existing sites are the following:

(5)(a): "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.*" And

5(g): "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."

None of these say anything about the A & B proposal is improper. What they make clear is A & B appropriately measured the impact area and that the asphalt plant on the 9 acres already on the inventory – the undisputed "existing site – need not be rejustified in this proceeding.

the record is clear that between July 23, 1996 and November 5, 1996 the subject site here under the old CUP was under a DOGAMI "Closure Order".³ Appendix 1, page 1-2. The DOGAMI Closure Ord expressly states:

"No further extractive mining activity or processing or removal of stockpiled material may be conducted at this site in the absence of a valid operating permit."

State law makes clear that in order to operate a mine lawfully, the operator must possess a valid DOGAMI permit. ORS 517.750 et seq. If a person has a license to drive a car that does not mean that they lawfully operate their car when they drive while suspended. No one would seriously dispute that when your driver's license is revoked or suspended, that you can "lawfully operate" a car. Similarly, when your DOGAMI license is suspending you cannot lawfully operate a mine.⁴ It is not possible to credibly claim that a mining operator "lawfully operates" a mine without a valid DOGAMI permit to do so when that is a precondition of lawfully operating.

Finally, the terms of the Goal 5 rule are clear and require no interpretation. However, if it were appropriate, the legislative history of the Goal 5 rule supports that "lawfully operating" means what it says. Specifically, as the Goal 5 rule was being rewritten, there were Goal 5 rule proposals to separately require and attach consequences to both DOGAMI permits and land use permissions. At one point having a DOGAMI permit was proposed for the rule. Appendix 1 p 6, 8. Also during a similar timeframe, 1000 Friends proposed that the Goal 5 rule be written such that land use permits have special significance. Appendix 1 p 10. What we see in the rule is neither of these being specifically called out. Instead, we see only that an existing site must either be on an inventory or "lawfully operating" and that where a property owner has an "enforceable property interest" in an expansion area, certain consequences attach.⁵

Therefore, it is evident from the record and the terms of the Goal 5 rule, that the 33.26 acres A & B's application proposes to add to the county inventory, is an expansion area. It is the area proposed to be mined and for which the evidence shows the significance determination is met. In fact, the undisputed evidence in the record is that the 14.15 acre portion of the expansion area that is also under the old CUP still has 400,000 – 500,000 tons of high quality rock left in it. The 33.26 acre expansion area, is not fairly called an "existing site". The impact analysis boundaries were properly drawn from the 33.26 acre "expansion area," as the rule requires. A & B has no off site significant impacts of the type listed in the Goal 5 rule. DLCD's letter supplies no basis

³ Birch Creek had the subject site at the time.

⁴ Further, the opponents, including the former Humbert operators who had the closure order issued to them (Birch Creek Construction), are tying themselves in knots to try to make the record show Humbert acted without land use permission at all times material.

⁵ A & B does not claim the property owner had an enforceable property interest in the expansion because it does not know whether this is true.

April 23, 2014
Page 4

for conditions or denial. A & B's application should be approved. Thank you for your consideration.

Very truly yours,

Wendie Kellington

Wendie L. Kellington

WLK:wlk
CC: Clients

July 23, 1996



Birch Creek Construction Inc.
Rt 3 Box 242-H
Milton-Freewater OR 97862

CLOSURE ORDER

RE: ID No. 30-0076

Dear Permittee,

By authority of ORS 517.880, your mining operation located in Section 7, Township 5N, Range 36E, Umatilla County, is closed to all surface mining activities. The site shall remain closed until such time as the annual permit fee of \$525.00 is paid, the annual report is submitted, and the performance bond is re-issued in the amount of \$18,000 naming Birch Creek Construction Inc. as principal (originals must be submitted to DOGAMI).

Renewal notices were sent to you in May, June, and July 1996. The permit expired on May 31, 1996. Since then, we have heard nothing from you.

This site must be brought into full compliance with the provisions of ORS 517.750 et seq. within 30 days of this notice, or you must provide evidence that the required reclamation has been completed or is underway and will be completed in accordance with the approved reclamation plan.

No further extractive mining activity or processing or removal of stockpiled materials may be conducted at this site in the absence of a valid operating permit. Violation of this Closure Order is subject to the penalties provided by law.

If you have any questions, please contact Ben Mundie in this office.

Sincerely,

Gary W. Lynch
Supervisor
Mined Land Reclamation

c: Umatilla County Planning Department
DEQ - Pendleton
James Spence Properties Inc.

CERTIFIED MAIL

November 5, 1996

Birch Creek Construction Inc.
Rt 3 Box 242-H
Milton-Freewater OR 97862

Rescinding Of Closure Order

RE: ID No. 30-0076

Dear Permittee,

The Closure Order issued for your mining operation on July 23, 1996, is rescinded.

The annual report, renewal fee, and security have been received.

Thank you for your cooperation.

Sincerely,

Gary W. Lynch
Supervisor
Mined Land Reclamation

c: Umatilla County Planning Department
DEQ - Pendleton
James Spence Properties

GWL/cc:30-00760414.le2

From: Punton, Amanda [<mailto:amanda.punton@state.or.us>]
Sent: Thursday, March 27, 2014 1:36 PM
To: Wendie Kellington
Cc: Tamra Mabbott; Leslie Hauer
Subject: RE: Meaning of a 2A site

I forgot to address your question about the asphalt plant. I don't know the particulars in the comp plan, but I don't believe continued operation of the asphalt plant is dependent on knowing the location of the 2A site. Isn't the asphalt plant allowed to operate under a CUP? Section (5)(g) of the rule allows an approved aggregate processing operation at an "existing site" to process materials from a new or expanded area. It does not mention significant sites.

Amanda Punton | Natural Resource Specialist
Planning Services Division
Oregon Dept. of Land Conservation and Development
800 NE Oregon, #18 | Portland, OR 97232
Office: (971) 673-0961
amanda.punton@state.or.us | www.oregon.gov/LCD

From: Punton, Amanda [<mailto:amanda.punton@state.or.us>]
Sent: Thursday, March 27, 2014 5:39 PM
To: 'Tamra Mabbott'
Cc: Wendie Kellington
Subject: RE: Umatilla Co PAPA 001-014

Tamra,

This is a paragraph I took out of the letter. You will have to count it as unofficial comment at this point in the day, but it might help if people jump to the conclusion that an "existing site" is not eligible for protection as a Goal 5 significant site.

An existing site operates under the terms and conditions of a CUP. OAR 660-23-0180 honors the protections afforded an existing site under the county's plan, code and permits, but the rule does not give any additional protections from new uses that might object to ongoing mining activities. An existing site is not precluded from obtaining Goal 5 protection. An operator of an a an existing site can apply for a comprehensive plan amendment to and seek protection for ongoing operations or new operations following the procedures set out in the Goal 5 rule.

Amanda Punton | Natural Resource Specialist
Planning Services Division
Oregon Dept. of Land Conservation and Development
800 NE Oregon, #18 | Portland, OR 97232
Office: (971) 673-0961
amanda.punton@state.or.us | www.oregon.gov/LCD

From: Tamra Mabbott [<mailto:tamra@co.umatilla.or.us>]
Sent: Thursday, March 27, 2014 5:05 PM
To: Punton, Amanda
Subject: Re: Umatilla Co PAPA 001-014

No problem. Thank you.

We can talk some more later so we are all on the same page with this "expansion" versus "existing" versus "new" stuff.

On 3/27/2014 4:56 PM, Punton, Amanda wrote:

Hi Tamra, Sorry it took so long to get you this. In the end we took out comments on issues we think are important, but were beyond the specific assistance you asked for.

Amanda

Amanda Punton | Natural Resource Specialist
Planning Services Division
Oregon Dept. of Land Conservation and Development
800 NE Oregon, #18 | Portland, OR 97232
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Tanra Mabbott, Planning Director

Umatilla County Department of Land Use Planning

216 SE 4th ST | Pendleton, OR 97801

Phone: 541-278-6246 | Fax: 541-278-5480

<http://www.umatillacounty.net/planning> - Visit our website for copies of planning documents, permit applications and other helpful information.

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May 26, 2004

MEMO

To: Land Conservation and Development Commission
From: Tamra J. Mabbott, Planning Director
CC: Umatilla County Board of Commissioners
RE: Proposed Aggregate Rule Amendments (OAR 660-023-0180)

Overview

Umatilla County is in support of the proposed aggregate rule amendments to OAR 660-023-0180. The proposed amendments appear to offer a balanced approach; protection of valuable farmlands as well as a more expedient and simple process for landowners and the aggregate industry.

General Language

There is new language in the latest draft rule that was not included when Umatilla County initially submitted comments in March, 2004. Of particular interest is the increased threshold limit in eastern Oregon from 100,000 tons to 500,000 tons (660-023-0180(3)(a)) and the language that allows existing sites subject to a valid mining permit or limited exemption from DOGAMI (660-023-0180 (3)(b or c depending on option)). Umatilla County supports this new language based on the following:

- Many of the aggregate sites in Umatilla County are dense basalt quarries capable of producing higher volumes of aggregate than gravel quarries.
- Minor significant sites up to 500,000 tons would appear to enhance the economic and aesthetic reclamation possibilities due to the fact that the owner has more land to work with.
- Many of the sites that have valid permits or exemptions from DOGAMI are already on an inventory in the Umatilla County Comprehensive Plan, as well as SCS soil classification maps. The new rule reduces the redundancy in the current permitting process.
- The new rule will allow mining on sites with valid DOGAMI permits which will lead to more economic activity on sites that are presently dormant.

Options

Our preference is option (4) (1) and (6) (2). Please consider the following comments relative to our preferred options:

OAR 660-023-0180 (4) Option 1

To better protect resource land from conflicts and/or disturbance by the proposed 1-500,000 ton (minor) significant aggregate sites, Umatilla County would prefer Option 1 in this

section. Many existing small or "minor aggregate sites" in Umatilla County are too small to be reclaimed for efficient resource and/or other uses after the aggregate extraction is complete. Allowing larger sites to be classified as "minor significant aggregate sites" on lands not containing high-value soils, enhances the likelihood for feasible economic and aesthetic reclamation options such as grazing, open space and water impoundments.

Umatilla County understands that this option would severely limit "minor" significant sites in the Willamette Valley due to the amount of predominantly high-value farmland parcels. Parcels that contain predominately high-value farmland soils are less abundant in Umatilla County. Aggregate resources by comparison are plentiful. As is the case with the site specific threshold limits, there may be a need to separate "minor" significant soil restrictions based on location as well (e.g. percent rule in the Willamette Valley and zero high-value soil restriction in other locations) to better suit both interests.

OAR 660-023-0180 (6) Option 2

Umatilla County would prefer that Option 2 be considered for adoption. With the proposed threshold limit of 500,000 tons (approx. 355,000 cubic yards) it would appear that most sites permitted under the minor significant site criteria would be utilized as private pits for contractors, or as pits for road projects by public and/or private entities with little need for a large aggregate site. By setting threshold criteria w/in a predetermined radius, local planning officials have more control over the impact of a minor significant aggregate site to the environment and adjacent land use. The aggregate operator always has the option to apply for Goal 5 protection, and proceed with the PAPA process to obtain approval on an expansion from minor to major significance.

If you would clarification of the above comments, please feel free to call myself or JR Cook, Planner, at (541) 278-6251. Thank you for the opportunity to comment. Again, thank you for pursuing this difficult rule-making effort. It has been a long time in the waiting for folks in eastern Oregon.



534 SW Third Avenue, Suite 300 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org
Southern Oregon Office • 33 North Central Avenue, Rm. 429 • Medford, OR 97501 • (541) 245-4535 • fax (541) 776-0443
Willamette Valley Office • 388 State Street, Suite 604 • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596
Lane County Office • 120 West Broadway • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078
Central Oregon Office • P.O. Box 8813 • Bend, OR 97708 • (541) 382-7557 • fax (541) 382-7552

May 20, 2004

DEPT OF

MAY 24 2004

LAND CONSERVATION
AND DEVELOPMENT

SENT VIA FACSIMILE AND FIRST CLASS MAIL

Bob Rindy
Policy/Legislative Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 200
Salem, Oregon 97301-2540

RE: LCDC Aggregate Rulemaking

Dear Bob:

I am submitting these comments concerning the grandfathering provision directly to you in advance of my other comments to the Commission so that you will have the opportunity to review them.

As written, the draft rule proposes to add to section (3)(c) a provision that would include any aggregate site that "is subject to a valid mining permit or limited exemption certificate from the Department of Geology and Mineral Industries (DOGAMI) on the applicable date of this rule" as a "significant site" under the existing Goal 5 provisions for large aggregate sites.

This revision is beyond my recollection of what was discussed by the working group, and raises several policy concerns as well.

Among the issues presented by Douglas County and others was a concern that permits authorized by local governments prior to the *Beaver State* decision, but which would not qualify under that ruling, might be subject to attack or invalidation.¹ As you know, it is my opinion that once a land use application is approved by the local government and not appealed, that decision becomes final and cannot be collaterally attacked in a later proceeding. However, the work group discussed and generally agreed that there was no harm and perhaps some benefit to providing clarity in the proposed rule amendments providing for smaller significant sites.

However, the draft rule proposes to grandfather prior-permitted sites into the Goal 5 process for large sites and extends this grandfathering to any site with a valid DOGAMI

¹ Douglas County proposed grandfathering all sites on listed on any comprehensive plan inventory of aggregate sites, as well as any site that has previously received a land use permit. As noted in the workgroup meeting minutes of 4/15/04, members generally concluded and DLCD advised that grandfathering all sites on any inventory (including inventories of "non-significant" sites) would be beyond the scope of LCDC's authority to interpret the applicable statutes.

Bob Rindy
May 20, 2004
Page 2

permit – not a local government land use permit. This proposal has a number of consequences.

- First, it makes available the exemption from soil protections in section (3)(d) of the current Goal 5 rule. Therefore, any such site could expand onto Class I, II, and unique soils, even if permitted in 1998 under the “conditional use process” of ORS 215.298.
- Second, there may be instances where the underlying land use permit has lapsed or been revoked, but the DOGAMI permit is still valid. This amendment would grandfather such sites as large significant sites and therefore make available the more favorable review criteria under section (4) of the current Goal 5 rule. Any grandfathering provision should be limited to circumstances where the land use permit is still effective.
- Third, this amendment would include aggregate sites that are nonconforming uses (which sites may or may not be on an inventory of significant sites in a county’s comprehensive plan), and through making these sites eligible under section (4) of the current Goal 5 rule would be inconsistent with the limitations of ORS 215.130 on alteration of nonconforming uses.
- Finally, this amendment effectively deletes the date requirement for the aggregate sites deemed significant under the current Goal 5 provisions because they were on an inventory of significant aggregate sites in an acknowledged plan. Specifically, section 3(c) of the current Goal 5 rule provides that such sites are “significant” if they were on the inventory “*on the applicable date of this rule,*” which is September 1, 1996. The proposed amendment, however, moves this date qualification to the end, after the provision relating to sites with a valid DOGAMI permit and retains the language “on the applicable date of this rule.” In so doing, it is not clear whether the date limitation applies at all to the aggregate sites already on an inventory of significant sites as of September 1, 1996, as the current rule provides,² or whether these sites are now subject to the new date of these revisions. In addition, it is not clear how this date limitation applies to the grandfathered sites with DOGAMI permits. In that case, if the applicable date is 1996, then such an aggregate site will not even be required to have a current DOGAMI permit in order to be grandfathered under these provisions. Put differently, it is not clear to me which date applies, and to what.

Therefore, I propose the following language, which I believe meets the intent of clarifying that sites authorized under ORS 215.213 and ORS 215.283 (which carry with them the requirements of ORS 215.298), are considered “significant” for purposes of the new rule provisions for smaller significant sites.

² The February 20, 2004, draft recommended replacing this term with August 30, 1996.

Bob Rindy
May 20, 2004
Page 3

[The language of the proposed rule dated May 6, 2004 has been retained as **bold underline**, the language of my proposal is in **bold underlined italics**]

(4) Notwithstanding Section (3) of this rule, a local government may also determine that an aggregate resource site on farmland is significant if:

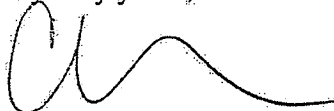
(a)(i) The quantity of material proposed to be mined from the site is estimated to be 2,000,000 tons of aggregate material or less for a site in the Willamette Valley or 500,000 tons to less for a site outside the Willamette Valley; and

(ii) [farmland protection standard adopted by LCDC]; or

(b) The proposed mining area is the subject of an effective land use permit, approved by the local government under ORS 215.213(2)(d)(B) or ORS 215.283(2)(b)(B) prior to April 3, 2003, which allows the mining or processing of aggregate resources; or

Please call me if you have any questions. Thank you for your attention to this issue.

Very truly yours,



Caroline MacLaren
Staff Attorney

cc: Corinne Sherton, Attorney
Bruce Chapin, Chair, Oregon Farm Bureau Aggregate Committee
Don Schellenberg, Oregon Farm Bureau



MARTHA O. PAGEL

Admitted in Oregon and Washington

Direct Line: Salem 503-540-4260; Portland 503-796-2872

E-Mail: mpagel@schwabe.com

RECEIVED

APR 23 2014

UMATILLA COUNTY
PLANNING DEPARTMENT

April 23, 2014

VIA E-MAIL

Umatilla County Planning Commission
216 SE 4th St.
Pendleton, OR 97801

Re: A & B Asphalt Inc. - Response to Comments on Application for Amendment to the Rock Material Resources Inventory and Zone Change to Apply Aggregate Resources Overlay Zone

Dear Commissioners:

I am writing on behalf of our client, A & B Asphalt, Inc. ("A & B") to address comments relating to water supply and potential blasting impacts in connection with the above-referenced application. Please include this letter in the record, along with the letter I previously submitted to the Commission on April 14, 2014.

A. Adequacy of Water Supply

Comments submitted on behalf of Brad Humbert, a business competitor, assert the Applicant has not demonstrated that it is feasible to minimize dust conflicts because Applicant has not shown there is an adequate, legally authorized water supply available to the Property. However, my letter of April 14, 2014, described A & B's plans to ensure a legally available and adequate water supply for the project. This letter provides additional detail and documentation:

A & B will obtain water for dust control and industrial use through a combination of ground water to be provided from an on-site well and from municipal water that will be withdrawn from an authorized hydrant and trucked to the site. Additional water to serve as a back-up supply will be ensured through the use of an existing 10,000-gallon storage tank on site. Applicant also owns two additional storage tanks that could be installed on the site if needed (although such additional need is not expected). A copy of the Applicant's "Hydrant Water Meter Rental Agreement" with the City of Milton-Freewater is enclosed as Attachment 1. The meter was installed by City staff on April 22, 2014, as shown in Attachment 2, a photograph

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taken by A & B Supervisor Michael Stalder. A photograph of the existing on-site storage tank is enclosed as Attachment 3.

A & B estimates peak summer use for dust control will be approximately 6,000 gallons per day. This requirement can be easily satisfied with the combination of municipal supply from the hydrant and up to 5,000 gallons per day from the well, without the need to draw on storage from the tank. In the unlikely event of municipal water shortages and related curtailment, A & B will have access to the on-site storage, along with the well. Together, these strategies demonstrate Applicant's plan to provide water for dust control is possible, likely and reasonably certain to succeed.

Humbert also asserts Applicant has not demonstrated the water can be "legally obtained" from any of the identified sources. Attachment 1 confirms Applicant's legal access to municipal water from the City of Milton-Freewater. Additionally, as explained in my April 14, 2014 letter, use of up to 5,000 gallons per day from the well is authorized pursuant to ORS 537.545(1)(f). A copy of the statute confirming the exemption for commercial and industrial purposes is enclosed as Attachment 4. The statute establishes a landowner's legal right to make use of ground water for the identified purposes and no further documentation or approval is required by the Oregon Water Resources Department ("OWRD") to confirm or authorize a landowner's ability to exercise the statutory exemption. *See*, OAR 690-340-0010 confirming certain uses of water that do not require a water right permit or water right certificate. A copy of the administrative rule is enclosed as Attachment 5. The Applicant has therefore demonstrated sufficient water can be legally obtained for the project.

B. Blasting Impacts

Public comments raised questions about possible impacts to neighboring wells as a result of blasting work associated with the proposed mining operations. As a general rule, mining operations, including blasting, that are carried out in accordance with an operating permit issued by the Oregon Department of Geology and Mineral Industries ("DOGAMI") would not be expected to cause interference with or damage to wells. This is consistent with the fact that current operations and past blasting on the site have not resulted in any interference with or damage to the existing on-site well. DOGAMI rules require an applicant for an operating permit to provide detailed information regarding wells located within one mile of the mining site, and measures to prevent significant adverse impacts to ground water quality or quantity. OAR 632-030-0025(1)(j) and (l). Any complaints, questions or concerns about impacts to neighboring property or wells would also be handled by DOGAMI.

Mining operations at the A & B site will be in accordance with a DOGAMI permit and blasting will be in accordance with a "Master Blast Plan" prepared for the project by Barnes, Inc. (Copy submitted separately into the record of this proceeding.) The blasting plan incorporates appropriate procedures to prevent or minimize impacts to wells, including sequential blasts to minimize vibration, reduced hole diameter; and the use of "benches" and "decking" techniques in the blast design. A representative of Barnes, Inc. will be present at the April 24, hearing to provide testimony and respond to questions about the blasting plan.



Umatilla County Planning Commission
April 23, 2014
Page 3

Thank you for the opportunity to provide this additional information regarding water supply and potential impacts.

Sincerely,



Martha O. Pagel

MOP:kdo

Enclosures

cc: Mr. Mike Stalder
Ms. Wendie Kellington

S&W



City of Milton-Freewater

P. O. Box 6
Milton-Freewater, Oregon 97852

Hydrant Water Meter Rental Agreement

Customer is responsible for lost, stolen or damaged equipment. If equipment is lost, stolen or damaged the customer will be responsible for all costs associated with, but not limited to repairs or replacement of said equipment. Meter will be placed and/or located as designated by staff only.

Fees:

- Deposit is due at the time of rental equal to \$152.75.
- Usage – Billed monthly at \$4.68 per 1,000 gallons used per Resolution 2136 and is subject to change upon any rate increase resolution adoptions set forth during the term of use.

By signing this I hereby agree to the terms of use.

[Signature]
Authorized Signature

9/17/14
Date

Customer Name: A+B Asphalt Inc
 Billing Address: 53847 Watta Watta River Rd
 Phone: 541-938-5205
 Fax: 541-938-6051

Meter location: _____
 Date Out: _____
 Employee: _____

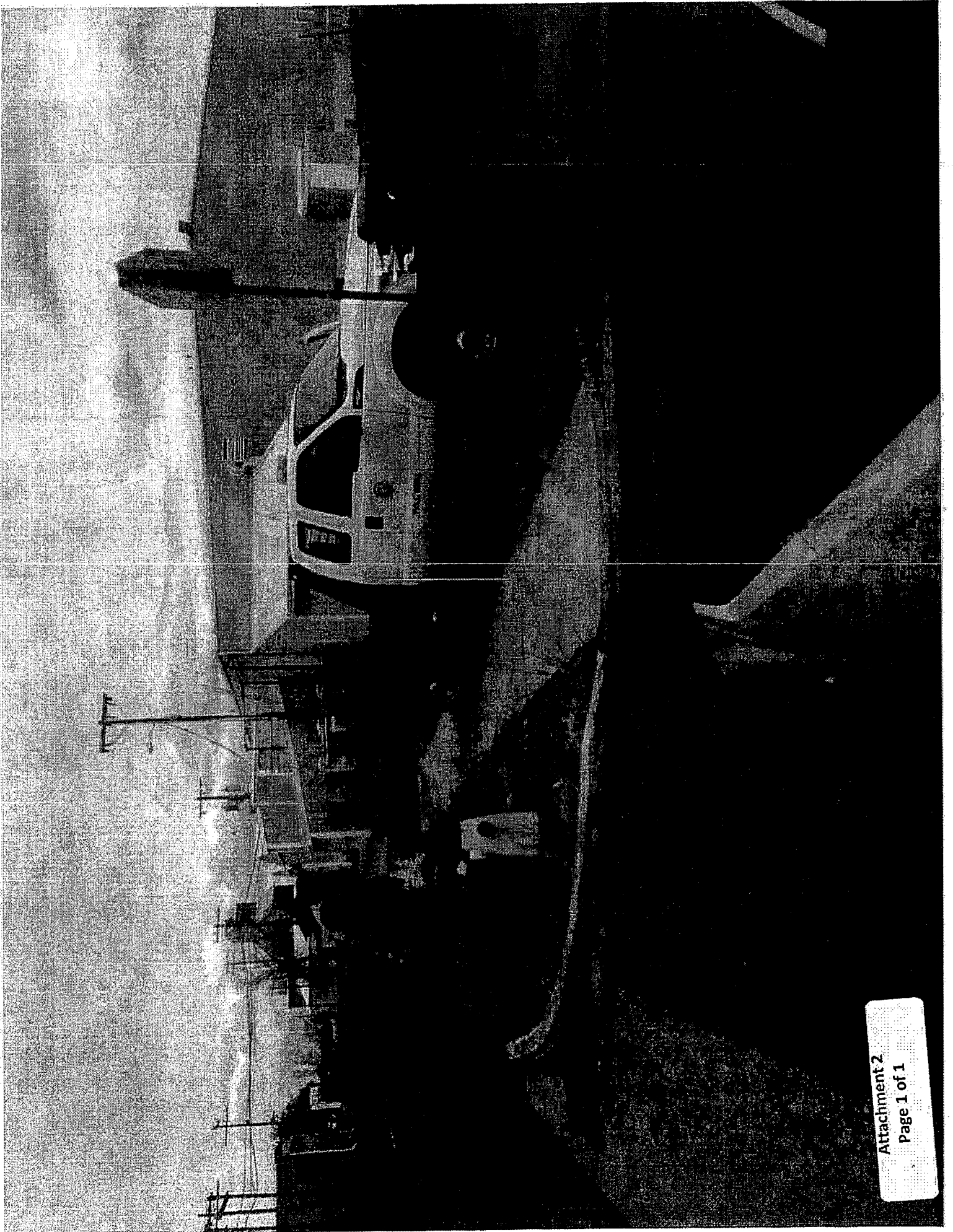
Deposit = \$152.75

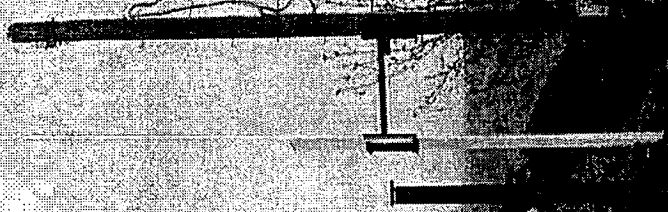
Invoice Customer INV 12052
 Paid - Cash / Check CCR 136

USAGE:				
Starting Read				
Date Read	Reading	Usage	Amount Billed	Date / Invoice
Ending Read:				
Date In:		Employee:		

City of Milton-Freewater | Public Works Department
 PO Box 6
 Milton-Freewater, OR 97852
 PH: 541-938-8270 Fax: 541-938-8289

Attachment 1
Page 1 of 1





ORS 537.545.(1)(f) – exemption for industrial use (Emphasis added)

537.545 Exempt uses; map; filing of use; fee; rules. (1) No registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate under ORS 537.505 to 537.795 and 537.992 is required for the use of ground water for:

- (a) Stockwatering purposes;
- (b) Watering any lawn or noncommercial garden not exceeding one-half acre in area;
- (c) Watering the lawns, grounds and fields not exceeding 10 acres in area of schools located within a critical ground water area established pursuant to ORS 537.730 to 537.740;
- (d) Single or group domestic purposes in an amount not exceeding 15,000 gallons a day;
- (e) Down-hole heat exchange purposes;
- (f) Any single industrial or commercial purpose in an amount not exceeding 5,000 gallons a day; or**

(g) Land application, so long as the ground water:

(A) Has first been appropriated and used under a permit or certificate issued under ORS 537.625 or 537.630 for a water right issued for industrial purposes or a water right authorizing use of water for confined animal feeding purposes;

(B) Is reused for irrigation purposes and the period of irrigation is a period during which the reused water has never been discharged to the waters of the state; and

(C) Is applied pursuant to a permit issued by the Department of Environmental Quality or the State Department of Agriculture under either ORS 468B.050 to construct and operate a disposal system or ORS 468B.215 to operate a confined animal feeding operation.

(2) A ground water use for a purpose that is exempt under subsection (1) of this section, to the extent that the use is beneficial, constitutes a right to appropriate ground water equal to that established by a ground water right certificate issued under ORS 537.700.

(3) Except for the use of water under subsection (1)(g) of this section, the Water Resources Commission by rule may require any person or public agency using ground water for any such purpose to furnish information with regard to such ground water and the use thereof. For a use of water described in subsection (1)(g) of this section, the Department of Environmental Quality or the State Department of Agriculture shall provide to the Water Resources Department a copy of the permit issued under ORS 468B.050 or 468B.215 authorizing the land application of ground

water for reuse. The permit shall provide the information regarding the place of use of such water and the nature of the beneficial reuse.

(4) If it is necessary for the Water Resources Department to regulate the use or distribution of ground water, including uses for purposes that are exempt under subsection (1) of this section, the department shall use as a priority date for the exempt uses the date indicated in the log for the well filed with the department under ORS 537.765 or other documentation provided by the well owner showing when water use began.

(5) The owner of land on which a well is drilled to allow ground water use for a purpose that is exempt under subsection (1) of this section shall provide the Water Resources Department with a map showing the exact location of the well on the tax lot. The landowner shall provide a map required by this subsection to the department no later than 30 days after the well is completed. The map must be prepared in accordance with standards established by the department.

(6) The owner of land on which a well described in subsection (5) of this section is located shall file the exempt ground water use with the Water Resources Department for recording. The filing must be accompanied by the fee described in subsection (7) of this section. The filing must be received by the department no later than 30 days after the well is completed.

(7) The Water Resources Department shall collect a fee of \$300 for recording an exempt ground water use under subsection (6) of this section. Moneys from fees collected under this subsection shall be deposited to the credit of the Water Resources Department Water Right Operating Fund. Notwithstanding ORS 536.009, moneys deposited to the fund under this subsection shall be used for the purposes of evaluating ground water supplies, conducting ground water studies, carrying out ground water monitoring, processing ground water data and the administration and enforcement of this subsection and subsections (3), (5), (6) and (8) of this section.

(8) The Water Resources Commission shall adopt rules to implement, administer and enforce subsections (5) to (7) of this section. [1955 c.708 §5; 1983 c.372 §1; 1983 c.698 §1; 1985 c.673 §48; 1989 c.99 §1; 1989 c.833 §57; 1997 c.244 §3; 2001 c.248 §12; 2003 c.594 §2; 2009 c.819 §1]

WATER RESOURCES DEPARTMENT

DIVISION 340 – (EXCERPT)

WATER USE AUTHORIZATIONS

690-340-0010(1)

Exempt Uses:

The uses of water listed below do not require a water right permit under ORS 537.211 or a water right certificate under ORS 537.250:

(1) The statutory exemptions from permit requirements for use of groundwater include watering any lawn or noncommercial garden not exceeding 1/2 acre in area. Not more than 1/2 acre of lawn and noncommercial garden in total area may be irrigated through a group delivery system under such exemption. The statutory exemptions from permit and certificate requirements for use of groundwater include:

(a) Stockwater use;

(b) Lawn or non-commercial garden watering of not more than 1/2 acre in total can be irrigated from any groundwater source under the exemptions listed in ORS 537.545(1)(b);

(c) Single or group domestic water uses of no more than 15,000 gallons per day;

(d) Industrial or commercial water uses not exceeding 5,000 gallons per day based on peak daily use. A commercial or industrial operation shall be allowed only one well system and exemption under ORS 537.545(1)(f) on each ownership or tax lot, whichever is larger.

(Emphasis added.)

RECEIVED

APR 24 2014

UMATILLA COUNTY
PLANNING DEPARTMENT



TECHNICAL MEMORANDUM

TO: Michael Robinson, Perkins Coie
FROM: Todd Mobley, PE, PTOE
DATE: April 24, 2014
SUBJECT: A&B Asphalt, Inc.
Zone Map & Plan Text Amendments #Z-300-14, #T-14-052
Transportation Review

**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

This memo is written as a peer review of the Transportation Impact Analysis (TIA) that was prepared for the subject application and also a review of other applicable transportation-related goals and policies. The TIA was prepared by Mackenzie, dated July 2, 2013.

TRANSPORTATION IMPACT ANALYSIS REVIEW

The TIA documents the existing operations at the site, stating that a total of 160,000 tons of aggregate are hauled per year, resulting in 64 loads per day. Further, the TIA states that "nearly all" of the aggregate hauling is to and from Oregon-Washington Highway (OR 11). It is important to note that hauling one load results in two trips, with one trip leaving the site and the second trip returning. As such, the reported 64 loads per day results in a total of 128 trips per day.

Based on this level of operation, the TIA finds that impacted intersections operate acceptably through the planning horizon and therefore the Transportation Planning Rule¹ (TPR) is satisfied. However, the TIA fails to conduct an analysis that examines the reasonable worst-case condition that would be allowable should the subject zone map and plan text amendments be approved. There is no mechanism in place to limit the use or ensure that future trip generation and aggregate production will be consistent with historical levels. As such, the analysis as submitted is not sufficient to demonstrate compliance with the TPR.

STATEWIDE PLANNING GOAL 12

The TPR speaks primarily to traffic operations and capacity. However, Statewide Planning Goal 12² is applicable to the proposed zone map and plan text amendments and was not directly addressed in the TIA. This planning goal seeks "To provide and encourage a safe, convenient and economic transportation system".

¹ Oregon Administrative Rule 660-012-0060, *Plan and Land Use Regulation Amendments*

² Oregon Administrative Rule 660-015-0000(12)

#34

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Michael Robinson

April 24, 2014

Page 2 of 2

While the TIA did examine a crash history at two intersections, it did not address potentially significant safety impacts along SE 15th Avenue between the quarry site and OR 11. This section of SE 15th Avenue travels through a school speed zone adjacent to Grove Elementary School, which is located on the north side of the street. The length of the speed zone is significant at over 1,500 feet, which includes two marked and signed school crossings across SE 15th Avenue. There is a significant number of homes in Milton-Freewater south of SE 15th Avenue that are within convenient walking distance to the school. These walking elementary students make use of the two school crossings.

As shown in the TIA, the quarry results in a total of 128 heavy truck trips per day on this roadway segment, passing through the school zone. This represents a significant hazard to the safe operation of the school zone. The relevant comparison for this land-use matter and for the applicant's TIA is the difference between 128 daily truck trips as reported, and no truck trips, which would be the result if the proposed land-use application is not approved. In fact, there are no restrictions proposed for aggregate production at the site and therefore no assurance that actual truck volumes will be even higher than reported.

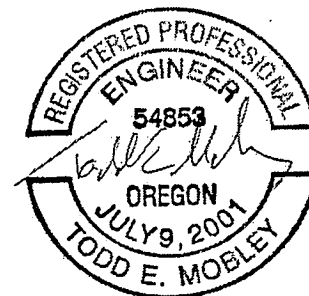
There are no marked bike lanes on SE 15th Avenue in the project study area and on-street parking is allowed. As a result, bicycle traffic must travel between parked cars and passing traffic on SE 15th Avenue. This lack of bicycle facilities is problematic, particularly given the prominent and well-marked school zone. However, the lack of bike lane is even more concerning given the significant volume of heavy truck trips that could be generated by the quarry.

SUMMARY & CONCLUSIONS

The operational analysis in the TIA does not example a reasonable worst-case condition for operation of the quarry should the subject zone map and plan text amendments be approved and therefore, the Transportation Planning Rule is not satisfied.

Based on the applicant's lack of evidence regarding safety and the significant concerns regarding SE 15th Avenue and compatibility between heavy truck traffic and the existing school, the subject application in its current form does not adequately address Statewide Planning Goal 12 and its requirement for a safe and convenient transportation system.

If you have any questions or would like any further information, please don't hesitate to contact me directly.



EXPIRES: 12/31/2014

Subject: A and B Asphalt Hearing Tonight

From: "Robinson, Michael C. (Perkins Coie)" <MRobinson@perkinscoie.com>

Date: 4/24/2014 9:31 AM

To: "tamra@umatillacounty.net" <tamra@umatillacounty.net>, "connieh@umatillacounty.net" <connieh@umatillacounty.net>, "peter.mohr@jordanramis.com" <peter.mohr@jordanramis.com>, "bradhumbert@yahoo.com" <bradhumbert@yahoo.com>

CC: "Robinson, Michael C. (Perkins Coie)" <MRobinson@perkinscoie.com>

RECEIVED
APR 24 2014
UMATILLA
PLANNING DEPARTMENT

Tamra, we will please place this e-mail into the record and before the Planning Commission at the beginning of tonight's hearing. Please discard the original email sent at 7:59 a.m. this morning.

First, my colleague Seth King will be at tonight's hearing to represent Mr. Humbert's interests.

Second, I want to clarify the characterization of this application. Although the Planning Commission characterized the hearing as a "legislative" proceeding at the beginning of the March 27, 2014 hearing, they treated it as a quasi-judicial proceeding, which is entirely correct, by following the process outlined in ORS 197.763, which applies to quasi-judicial hearings. The application meets the test for a quasi-judicial proceeding established by the Oregon Supreme Court in *Strawberry Hill 4-Wheelers v Benton County*.

Third, while Mr. King will rebut the applicant's most recent letter in more detail, the Planning Commission should ignore the personal attacks on Mr. Humbert and evidence of what other companies do. This application is about A and B's proposal, not other companies' proposal. The evidence that Mr. Humbert has offered, while perhaps unsettling to the applicant, goes to the issue of the lack of substantial evidence by the applicant to meet their evidentiary burden of proof for the approval criteria.

The lack of substantial evidence is especially true with respect to the applicant's evidence concerning water. First, their application narrative and application form provided incorrect and inconsistent answers about the source of water, which is essential to the ability to control dust. Second, at the March 27, 2014 hearing, the applicant disclosed for the first time that their dust control plan relies on a well, yet they have submitted no evidence as to the source of the well water and whether its intensive use by the applicant will have an unmitigatable affect on the near-by Umatilla River, which is a County Goal 5 resource as a fish habitat. Third, they now effectively discount the two municipal water sources, which is appropriate since both are sources uncertain as to quantity and longevity, and rely primarily on the well.

Please remember that one of the opponents to the application testified at the March 27, 2014 hearing that after the "bad blast" (which is how the applicant characterized its blast's effects), that her plants died from a lack of water, which shows that there is a hydrological

#35

connection between the mine's activities and the water table. This raises the issue of whether the well can be relied upon for dust control and whether its intensive use will affect a County Goal 5 resource and near-by residential uses. The Planning Commission cannot address these issues with any certainty because the applicant's answers about water have changed dramatically and it has submitted no evidence about these issues. On this basis alone, because of the lack of substantial evidence to show that dust can be controlled, the Planning Commission should recommend denial of the application because the application's conflicts with Goal 5 resources cannot be mitigated.

Finally, Mr. King will submit the entire Milton-Freewater Comprehensive Plan (the "Plan"), including the Goal 5 work sheets into the record. The views of the Blue Mountains on the City's eastern horizon is a Goal 5 resource and the Goal 5 administrative rules that govern this application do not limit applicable Goal 5 resources to County Goal 5 resources. The fact that the building height policy is also in the City's Plan does not diminish the relevance of this Goal 5 resource and its importance to the City and its residents.

Thanks,

Mike

Michael C. Robinson | Perkins Coie LLP
1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2264
MOBILE: 503.407.2578
FAX: 503.346.2264
E-MAIL: mrobinson@perkinscoie.com

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RECEIVED

APR 24 2014

UMATILLA COUNTY
PLANNING DEPARTMENT

Michael C. Robinson
PHONE (503) 727-2264
FAX (503) 346-2264
EMAIL MRobinson@perkinscoie.com

April 24, 2014

VIA E-MAIL AND HAND DELIVERY

Mr. Randy Randall, Chair
Umatilla County Planning Commission
Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

**Re: My Client, Brad Humbert; Response to Letter From Counsel for A&B
Asphalt (County File Nos. T-14-052 and Z-300-14)**

Dear Chair Randall and Members of the Planning Commission:

This office represents Brad Humbert, who opposes the land use applications filed by A & B Asphalt ("Applicant") to designate 33.26 acres ("Property") as a significant aggregate resource ("Applications"). This letter responds to the letter submitted by Applicant's counsel to the Planning Commission on April 14, 2014. For the reasons explained below, Applicant has not met its burden of demonstrating that the Applications satisfy applicable approval criteria. Therefore, the Planning Commission should deny the Applications.

I. Responses to Applicant's Contentions.

A. Mr. Humbert's Participation.

Applicant contends that Mr. Humbert "persists in spreading false rumors about A & B." Kellington Letter, p. 1. The Planning Commission should deny this contention for two reasons. First, Mr. Humbert has presented only valid and relevant argument in this matter that has been directed at the approval criteria and has been supported by substantial evidence. Mr. Humbert has not presented false or irrelevant information in these proceedings and has not attempted to make this matter personal in nature. Second, the existence of separate, unrelated legal proceedings among the parties is not relevant to

113060-0001/LEGAL120584360.1

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Perkins Coie LLP

x36

this matter. Therefore, the Planning Commission should disregard Applicant's contention.

B. Vineyards.

Applicant contends that impacts to vineyards are "wholly irrelevant" to this proceeding. Kellington Letter, p. 1. Applicant is mistaken. Although the vineyards in question are located more than 1,500 feet from the Property, Mr. Humbert has presented factual information that dust generated by the mine will encourage development of mites, which will threaten the grape crops at these vineyards.

As a result, the burden shifts back to Applicant to address this information, and Applicant has not met this burden for two reasons. First, Applicant's response simply dismisses Mr. Humbert's contention without any real analysis or expert testimony. Second, Applicant suggests that it is acceptable to impact the vineyards because they are already impacted by dust-generating uses. But carrying Applicant's contention—that if a use is already impacted by dust, surely it can withstand more dust—to its logical conclusion, there could be no end to the potential dust-generating uses that could be approved near the vineyards. But, the applicable standard is not whether or not the use is already impacted by dust but whether the proposed use will generate dust conflicts, i.e., whether or not the mine will force a significant change in or significantly increase the cost of accepted farm practices at the vineyards. Applicant has not demonstrated that this standard is met.

Therefore, the Planning Commission should deny the Applications.

C. Stormwater.

Applicant contends that it has dramatically improved the stormwater operations on the current mining site and has won an award from DOGAMI for same. Whether true or not, Applicant's statements do nothing to explain the stormwater operations for the new site. As such, there is no evidence in the record to support the conclusion that the new mining site will not create significant stormwater conflicts with off-site uses. Therefore, the Board should deny the Applications.

D. Goal 5 Resources.

1. Views of Blue Mountains.

Although Applicant contends that its mine will not generate significant conflicts with the views of the Blue Mountains from the City of Milton-Freewater, the Planning Commission should deny this contention for three reasons.

First, although Applicant disputes whether the views of the Blue Mountains are an inventoried resource at all, the Planning Commission should deny this contention because there is no legitimate dispute that the views of the Blue Mountains are inventoried by the City of Milton-Freewater. *See* p. A1-13 of Milton-Freewater Comprehensive Plan.

Second, although Applicant contends that the County is not bound by the City's designation of inventoried resources, the Planning Commission should deny Applicant's contention because it misconstrues the applicable rule. In fact, Applicant must identify and minimize conflicts with other Goal 5 resource sites that are on any local government's inventory, not just the inventory of the local government that is making the decision on the application. OAR 660-023-0180(5)(b)(D). Therefore, even though the City, and not the County, included the views of the Blue Mountains on the resource inventory, it does not change the fact that Applicant must minimize conflicts with the views of the Blue Mountains.

Third, although Applicant contends that the City has enacted a policy establishing height limits to protect the views in question and that compliance with this policy will ensure that there are no conflicts, the Planning Commission should deny this contention. Applicant has not identified any authority to support its position that the conflicts analysis is so limited.

Therefore, the Planning Commission should find that Applicant has not minimized a significant potential conflict with the views of the Blue Mountains.

2. Grove School.

On similar grounds, the Planning Commission should deny Applicant's contention that there are no conflicts with the City's inventoried open space at the Grove School. The open space is listed on the City's official inventory, the County is bound to consider it, and there is no authority to support the conclusion that the City's implementation of the "Public Lands Zone" alone will prevent any future conflicts.

For these reasons, the Planning Commission should find that Applicant has not minimized a significant potential conflict with the open space at the Grove School.

3. Walla Walla River.

For two reasons, the Planning Commission should deny Applicant's contention that there is no conflict with the Walla Walla River, a Goal 5 resource inventoried by the County. First, although Applicant contends that the only portion of the river that the County has inventoried is far upstream, in the area of Linton Mountain, the Planning Commission should deny this contention because Applicant is mistaken. In fact, the County has designated the river as a "Sensitive Area for Fish Production." *See* Comprehensive Plan, p. 8-19 and Technical Report, pp. D-66-69 and D-71 (all attached to the letter from the undersigned dated March 27, 2014). Second, although Applicant contends that the river is more than 1,500 feet away and thus should not be considered in the analysis, the Planning Commission should deny this contention because Applicant has not even presented a stormwater control plan or a dust control plan. As such, there is factual information that indicates a potential significant conflict that Applicant has not addressed.

For these reasons, the Planning Commission should find that Applicant has not minimized a significant potential conflict with the Walla Walla River resource.

E. Dust Control and Water Source.

Applicant contends that there is an adequate water supply to the Property and that this will ensure that dust is controlled. In fact, Applicant's testimony is not credible on this point. Applicant has presented conflicting testimony that it will obtain water from an on-site well, the City of Walla Walla, and the City of Milton-Freewater. The conflicting nature of this testimony makes it not credible. Further, Applicant has not presented evidence that the municipal water sources are feasible or that its use of well water will not conflict with other groundwater users. Because Applicant has not demonstrated an adequate water supply to the Property, Applicant has not demonstrated that it can minimize significant potential dust conflicts from the mine.

F. Traffic/Goal 12.

Applicant contends that there is no evidence in the record that undermines the testimony presented by Mackenzie that there are no adverse traffic impacts associated with the mine. Mr. Humbert has retained Lancaster Engineering, which has reviewed Mackenzie's report and has determined that it does not demonstrate that the project will

comply with Goal 12 or the Transportation Planning Rule. See report from Lancaster Engineering. Due to these unassessed and unresolved traffic impacts, the Planning Commission should deny the Applications.

G. Overweight Truck Loads.

Applicant concedes that its trucks have exceeded maximum weight standards on State roadways but offers two points to attempt to divert attention from this fact. First, Applicant contends that the fact that Applicant routinely utilizes overweight trucks is irrelevant to any approval criteria. Applicant is mistaken. In fact, as explained in the letter from the undersigned dated March 27, 2014, heavier weight vehicles inflict greater damage on area roadways, rendering them less safe for other drivers and causing the Applications not to be consistent with Goal 12. Second, Applicant contends that some of its opponents in this matter have also carried overweight loads. Whether true or not, this information is irrelevant to whether or not the Applications satisfy applicable approval criteria. The Planning Commission should deny Applicant's contentions regarding overweight truck loads.

H. Blasting.

Applicant concedes that it had a "bad blast" in July 2013 but attaches a proposed blast plan and contends that compliance with the plan will minimize significant conflicts with neighbors. The Planning Commission should deny this contention for two reasons. First, the plan is internally inconsistent. For example, it states at page 1, that Applicant will give 48 hours' notice "[t]he day before the scheduled blast," a time which is obviously less than 48 hours before the blast. Second, and contrary to Applicant's contention, the plan is not accompanied by expert testimony that compliance with the plan will satisfy applicable standards and minimize significant potential conflicts. Rather, the statement is included in a cover email from the blaster's office manager, who, in the absence of a resume or other description of his qualifications, would not appear qualified to assess blasting impacts.

For these reasons, the Planning Commission should deny the Applications because Applicant has not demonstrated that it will minimize blasting conflicts.

I. Generalized Expressions of Support by Proponents.

Applicant contends that a petition with "scores of signatures" in support of the Applications is in the record. LUBA has held that expressions of support for a land use

Mr. Randy Randall, Chair

April 24, 2014

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application that do not reference or address the merits of whether the proposal complies with relevant approval criteria are legally irrelevant. *David v. City of Hillsboro, 57 Or LUBA 112 (2008)*. The proponents' petition does not refer to or address any approval criteria. Therefore, it is legally irrelevant. The Planning Commission should not give any weight to these signatures.

2. Conclusion.

I have asked the Planning Department to place this letter into the official record for this matter.

Mr. Humbert reserves the right to submit additional argument and evidence concerning the Applications into the record before the close of the continued hearing.

For all of the reasons contained in this letter, Mr. Humbert respectfully requests that the Planning Commission recommend denial of the Applications to the County Board of Commissioners.

Thank you for your attention to the points in this letter.

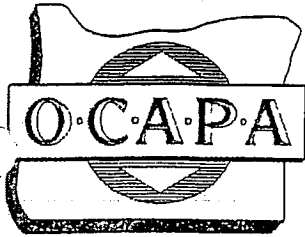
Very truly yours,

Handwritten signature of Michael C. Robinson, consisting of stylized initials and the word "for" written in cursive.

Michael C. Robinson

MCR:rsp

cc: Ms. Tamra Mabbott (via email)
Client (via email)
Mr. Seth King (via email)



OREGON CONCRETE & AGGREGATE PRODUCERS ASSOCIATION, INC.

737 13TH ST. SE - SALEM, OR 97301 - 503-588-2430 - FAX 503-588-2577 - WWW.OCAPA.NET

2013-2014

April 23, 2014

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Chair Randy Randall
County Planning Commission
216 SE 4th St
Pendleton, Oregon 97801

Re: A & B Asphalt T-14-052/Z 300-14

Dear Chairman Randall:

Thank you for the opportunity to comment on the A & B Asphalt application to mine aggregate in Umatilla County.

I am the President of Oregon Concrete & Aggregate Producers Association, Inc. (OCAPA). OCAPA is a 47 year old state association that represents construction materials companies that produce ready mixed concrete, aggregate, asphalt, fly ash and cement. Currently, OCAPA represents 110 construction materials and affiliated companies from across the state. Our membership includes small family operations like Pioneer Asphalt and A & B Asphalt; to large foreign owned businesses like CEMEX, Cal Portland and Oldcastle Materials.

OCAPA is involved in all aspects of government relation work including local, state and federal permitting processes. The primary function of the association is to follow a proposed law from its inception at the legislature to its implementation at the state and local governments. The organization provides testimony and legal analysis to the Oregon state legislature as well as local governments to assist them in their application and interpretation of the law. The association also comments on court decisions involving agency rulemaking and county land use decisions; providing necessary context to the legal interpretation as it relates to the mining industry.

OCAPA has been particularly involved in the development and implementation of the Goal 5 rule to permit surface mining operations. OCAPA has been involved at every level of the rules development including its writing, negotiated work groups (there have been three), its interpretation at the local level, and its defense in court. We assist counties such as Benton, Marion, Jackson and Lane, in applying the rule to surface mining applications.

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OCAPA does not take a position in support of or opposition to a mining application. OCAPA's Board of Director policies specifically prohibit such positioning because members occasionally find themselves on the other side of these local decisions. However, when there is an issue in a surface mining application that has statewide concern to the industry, or is a set of facts whose application would be one of first impression to a local government, the association will weigh in to make sure the application of fact to rule is interpreted in a manner consistent with the rule's intent, and analyzed in a manner that preserves the functioning and reliability of the rule.

With this background, the A & B Asphalt application represents a unique set of facts; the application of which has not occurred to date. OCAPA's involvement became important when DLCD's letter to the commission did not complete the analysis necessary to come to a final determination of the significance of A & B's proposed mine area.

DLCD uses the definition of "existing mine" and "expansion area" to reach the conclusion that the two terms do not overlap, and that a local government can not use an "existing mine" area in determining the soils percentage of the listed protected soil types. This conclusion leaves the impression that an "existing mine" can or should not be included in the significance determination in a new Goal 5 application. I know of no such limitation in the rule. Nothing in the rule prohibits an expansion area from being added to adjacent land included in an existing inventory or permitted under an old conditional use process (CUP) to determine the mine areas significance.

"Expansion area" and "existing site" are terms used in OAR 660-023-0180(3)(d) to protect (exclude) from the significance determination miners who made investments in property specifically purchased as reserves for future mining prior to the 1996 date.¹ This was critical to the 1996 mediated agreement brokered by the Governor and agreed to by the Oregon Farm Bureau. The aggregate industry typically makes investments in property 20 years or more before the site is needed by the mining company to meet demand. The term "expansion area" and "existing site" are used in the rule to protect those reserves from the limiting effects of the soils type determination. The intent of this exclusion is to encourage expansion of existing sites, protect investments by miners, and localize impacts from mining; all good policy considerations intended by the rule and its drafters.

¹ OAR 660-023-0180(5)(d) (impact area) uses "expansion . . . site" and (5)(g) (reauthorization of processing operation) use the term "existing area" and "expansion site". These provisions are outside the significance test and not useful to the analysis here.

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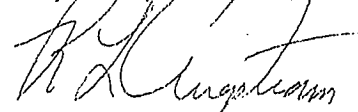
I don't understand DLCD's analysis at this point. The OAR 660-023-0180(3) is generally designed to define the significance of the proposed aggregate site. The proposed "mine area" must have less than 35% protected soils to be significant. "Mine area"² is used in the rule to limit the area the county should look at in applying the soils test. It is the actual area to be mined. The terms "existing site" or "expansion area" are not used in this context and appear to be irrelevant.

With this being said, the definition of "mine area" implies that there is actually something left in the existing mine area to mine. If a mine site is depleted, then an applicant should not be able to use the depleted mine site to increase the acreage count to get around the limitations imposed by the soils percentage analysis. This would be an abuse of the intent of the rule. When the county determines the significance of A & B's proposed mine area, the existing mine area should not be included in the analysis if its aggregate resource has been depleted. However, if, as I understand it does, the existing mine contains substantial marketable material and the company plans to continue to mine the area, then the county should analyze the entire "mine area" for its significance.

The final point I would like to make, is that OCAPA strongly encourages the mining industry to permit their pre 1996 mines, regardless of whether they were previously included on the county inventory, were non-conforming uses or were operating under a conditional use permit, through the current Goal 5 rule. Where this might not be feasible in every political climate in Oregon or cost prohibitive to some small miners, it is good state policy because the Goal 5 rule requires a county to minimize conflicts on the entire proposed mine area with neighbors, the environment and other listed concerns. The miner in turn benefits from protection from encroaching conflicts, a life of mine permit and certain operating conditions through the life of the mine. These are significant benefits to all parties involved. A & B's application should be reviewed under this light.

I hope you find these comments helpful. You are welcome to contact me at (503) 931-4323 if you have any questions and want to discuss the application of this law to A & B's application.

Respectfully Submitted,



Richard Angstrom
President

Oregon Concrete and Aggregate Producers Association

² "Mined area" is defined as "the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized".



Wendie L. Kellington
Attorney at Law, P.C.

P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
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Email: wk@wkellington.com

April 23, 2014

Via Electronic Mail and
Planning Commission
Umatilla County
Justice Center, Media Room
Pendleton, Or

RE: A & B Asphalt T-14-052/Z 300-14

Dear Chairman Randall and Members of the Planning Commission

This firm represents A & B Asphalt. Please include this letter in the record of the above matter. It responds to the piles of paper we just received from our competitor opponents.

1. This first thing to understand is that the opponents have submitted almost nothing that is relevant. Relevant issues have been responded to in A & B's previously submittals. The competitor submissions are apparently designed to undermine A & B's credibility and A & B feels it is important to respond.

2. As a threshold issue, it is important to understand that A & B has made every effort to "turn the other cheek" with these competitors. Last December, when Humbert sought approval for its asphalt plant in a contentious appeal process, and had given A & B no reason to be charitable A & B's Spence Pit mine foreman showed up and testified in favor of Humbert as the December, 17, 2013 minutes reflect:

"Mike Stalder of A & B Asphalt, 3998 Mill Creek, Walla Walla, WA. Mr. Stalder said he was in favor of Humbert Asphalt's proposed new plant. A & B Asphalt produces about 60,000 tons annually and having the new plant will help the Humbert's compete which is good for consumers."

2. The bases for denial and conditions is limited by the Goal 5 rule. Because the county has not adopted requirements to comply with the Goal 5 rule, the only approval standards relevant to A & B's application to allow mining, as a Goal 5 significant site use on the subject 33.26 acre expansion area, are in the Goal 5 rule. *Morse Bros Inc. v. Columbia County*, 37 Or LUBA 85 (1999) ("OAR 660-023-180(7) has the legal effect of preempting county comprehensive plan and land use regulation provisions that would otherwise apply to a post-acknowledgement plan amendment, until the county comprehensive plan and land use regulations have been amended to comply with OAR 660-023-180.") Nothing in the Goal 5 rule makes the competitor's land use approvals or the competitors' views of A & B's existing land use authorization an approval standard here or even remotely relevant. Similarly, the Goal 5 rule includes no approval standard regarding whether the Humbert's (Birch Creek and Humbert Asphalt are Humbert

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affiliated companies that had the mining lease on the site until 2009), obtained all required land use permissions.

3. Per the Goal 5 rule, the impact analysis area is limited to 1500 feet from the proposed 33.26 acre expansion area. There is no factual basis to believe there are significant adverse impacts of the type listed in the Goal 5 rule beyond that boundary.¹ A & B's noise study in fact studied a larger area, contrary to allegations saying otherwise, to determine impacts in the 1500 foot impact analysis area but also to assure compliance with DEQ standards is predicted under the proposal.

4. The only relevant considerations for whether to allow mining are the specific impact considerations listed in the Goal 5 rule. Those Goal 5 rule relevant considerations are limited to:

- a. "conflicts due to noise, dust or other discharges" on uses sensitive to those discharges in the 1500 foot impact analysis area.

The A & B noise analyses establish all noise standards will be met and are being met now. There is no evidence of any significant noise impact within the 1500 foot impact analysis boundary.

- 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".

A & B supplied a traffic analysis that concludes there is no conflict with sight distances, road capacity, or any other clear and objective standards in the analysis area. Moreover, the traffic study conclusively establishes that regardless, neither Walla Walla River Rd. nor 14th Street for that matter are "local roads", so they aren't to be analyzed anyway. *Morse Bros. v. Columbia County*, 37 Or LUBA at 99 (reversing county denial of mining on basis not allowed by the Goal 5 rule). They are "major collectors". The other road used by A & B under the proposal within one mile is OR 11 "Oregon-Washington Highway". There are a lot of trucks and other traffic that goes by Grove School on 14th Street and onto OR 11 and this is by design. This what a major collector street and a state highway does. That traffic includes significant truck traffic from competitor Konan who is complaining in this proceeding. Trucks going past Grove School on 15th Street provides no basis for denial or conditions.

¹ There is no basis to believe there are significant adverse impacts of any type likely from the proposal beyond the 1500 foot impact area boundary.

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5. "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"

A & B pointed out in its previous submittals that its proposal presents no "conflicts" with any inventoried Goal 5 resources, including the alleged views and school open space. With respect to the latter, the inventoried Goal 5 view and public open space inventories expressly state what the conflicts are – building heights and nonpublic zoning. A & B has no building heights identified as conflicts with views by the city and is not proposing to rezone the public open space. This provides no basis for denial or conditions.

- (6) "Conflicts with agricultural practices";

The evidence establishes that there are no significant conflicts between A & B and agricultural practices in the 1500 foot analysis area. The evidence is that dryland wheat farming in the 1500 foot analysis well coexists with the existing mining operations of A & B, Humbert and Konan. A & B has never had a problem with the dryland wheat operations nearby and in fact the owner of the dryland wheat operation to the north (Spence who also leases to A & B) testified there is no problem. In fact, the testimony of Humbert's lawyer at Humbert's December 17, 2014 appeal hearing regarding its proposal for a batch plant was:

"Mr. Shannon referred to a 40 page DEQ permit which is required for the operation of asphalt plants and said that *asphalt plants operate cleanly* and have been built next to waterways. Asphalt is also used to patch reservoirs. *The exhaust from a diesel-operated piece of farm equipment has more emissions than an asphalt plant.*" (Emphasis supplied.)

There is no factual basis whatsoever to expand the impact analysis area to include the two vineyards as the competitor opponents desire. First, the A & B Asphalt plant need not be rejustified per the express terms of the Goal 5 rule. OAR 660-023-180(5)(g). Second, in the context of Humbert's asphalt plant approval, the planning commission and Board of Commissioners determined vineyards as a general matter coexist just fine with Humbert's asphalt plant regardless of letters in the record to the contrary (that for whatever reason Humbert submitted in A & B's record). Apparently, it is true that vineyards do coexist just fine with dust from mining because Konan is about 300 yards away from the vineyard the competitors use to attempt to make trouble for A & B. The record is unequivocal that Konan produces significant dust and the vineyard is doing what vineyards do. There is no reason why Konan's very proximate and dusty operation is fine for the vineyard but A & B's operation nearly 2 miles away is somehow a problem. Where, as here, in the competitors own land use activities and land use approval processes they take positions directly contrary to the positions they take here, the positions here would seem insincere and to lack any serious evidentiary weight.

(7) "Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780"

In order to be relevant, conflicts analyzed under this section must be specifically identified in a land use plan or regulation as conflicts required to be addressed in a Goal 5 mining authorization. *Morse Bros. v. Columbia County*, 37 Or LUBA at 94-95. Opponents cite nothing of the sort and we are aware of nothing of the sort.

(8) Opponents ask for conditions of approval restricting hours of operation and other aspects of the facility that have nothing to do with the Goal 5 rule standards. Under the Goal 5 rule, conditions can only be imposed to deal with adverse impacts in the 1500 foot impact analysis area that the planning commission determines are significant and necessary in order to reduce them to a level where they are no longer significant.

(9) Opponents complain A & B does not have air quality permits. A & B has all required air quality permits. They are attached as Exhibit 1 to this letter. Moreover, if the idea is parity among competitors, then when Humbert obtained county approval for his asphalt plant the minutes of the commission's appeal hearing on December 17, 2013 established that the county said complying with DEQ rules is all that is necessary:

"Mr. Jennings said that emissions from developments, including asphalt batch plants, in the county are monitored by the Department of Environmental Quality Air Contaminant Discharge Program and there had been comments from the appellants criticizing the county for relying on that DEQ program. DEQ is a state-run program with the authority to monitor emissions and enforce the standards. Third party reviews are conducted to monitor asphalt plant sites on a regular basis. If the emissions are within the tolerances allowed by state standards the plant is in compliance with the permit requirement."

(10) Opponents complain A & B's asphalt plant is not properly permitted. This is wrong and irrelevant. The asphalt plant is not relevant to this application as a matter of law. OAR 660-023-0180(5)(g). It is also a claim that is wrong and inflammatory. A & B's asphalt plant has its own CUP. Exhibit 2 (C-479). There is at least one zoning permit for it. Exhibit 3. The county has previously explained (in a letter to Ms. Stocke), that the asphalt plant was lawfully established. Exhibit 4. Mr. Humbert at the time he worked for A & B responded to Ms. Stocke's complaint about the Asphalt Plant stating:

"5/11/10 Talked to Brad Humbert: brand new equipment, minimal smell (wind blows away from ww River Rd.) Permanent basis for batch plant.
"5/12/10 Discussed at staff mtg. Tamra to send letter to Stocke regarding CUP. "
Exhibit 5.

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23. The asphalt plant is more than 500 feet from a residence. *See* March 27 Hearing Exhibit
6. Mr. Dan Humbert obtained deferral of annual reviews for the subject pit in 2006. Exhibit
6. With the greatest of respect, it is A & B's belief it has meet all required standards and its proposal ought to be approved. Thank you for your consideration.

Very truly yours,

Wendie Kellington

Wendie L. Kellington

WLK:wlk
CC: Clients



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Eastern Region Bend Office
475 NE Bellevue Dr., Suite 110
Bend, OR 97701
(541) 388-6146
Fax: (541) 388-8283

January 2014

37-0043-08-01
General Manager
A & B Asphalt, Inc.
PO Box 5280
Benton City, WA 99320-5280

Dear General Permit Holder:

This courtesy letter serves to remind you of the reporting requirements in your General Air Contaminant Discharge Permit. The enclosed annual reporting form for your facility is provided for your convenience. Submittal of an annual report is a requirement of your General Air Contaminant Discharge Permit. Please submit an original and one copy of the completed annual report for 2013 no later than **February 15, 2014** to the regional office indicated below:

Oregon Department of Environmental Quality
ATTN: Nancy Swofford, Permit Coordinator
Eastern Region, Bend Office
475 NE Bellevue Dr., Suite 110
Bend, OR 97701

The enclosed Annual Report form can also be obtained from our Website at www.deq.state.or.us/eq/permit/acdp/general.htm. You will now be able to obtain various types of application forms as well as other forms and information from our Website. We hope that you will find this useful.

Thank you,

Nancy Swofford
Permit Coordinator
Eastern Region, Bend Office

Enclosure



**ANNUAL REPORTING FORM FOR:
ASPHALTIC CONCRETE PLANTS**

AQGP-R07

1. Source Number: 37-0713 2. Reporting period: (calendar year): 2,013

3. Company information:

Legal Name: KAB Asphalt Inc	Other company name (if different than legal name):
Mailing Address: 53847 W.W. River Rd	Site Address (if different than mailing address):
City, State, Zip Code: Milton free water, OR 97862	City, County, Zip Code:

4. Site Contact Person:

Name: 	Telephone number: 541-938-5205
Title: 	Fax Number: 541-938-6631

5. Total amount of asphalt produced in Oregon during the calendar year: 61,385.85 (tons)

6. Asphalt produced by location:

Location	Annual (tons/yr)	Maximum daily (tons/day)*
53847 W.W. River Rd	61,385.85	

*This is only required if the plant was operated in the Medford-Ashland AQMA.

7. Was recycled asphalt product (RAP) used during the calendar year (yes/no)
 If yes, what was the highest percentage used? %

ANNUAL REPORTING FORM FOR:
ASPHALTIC CONCRETE PLANTS

AQGP-R07

8. Fuel usage by location:

Location	Fuel type*	Asphalt Plant		Electric Generator	
		Annual	Max. daily**	Annual	Max. Daily**
53847 W. RIVER Rd	#2 Diesel	82,714	3000	N/A	
	(off-road)				

*Also specify whether the fuel usage is reported as gallons, cubic feet, or therms.
**This is only required if the plant was operated in the Medford-Ashland AQMA.

2. If required by condition 5.3 of the permit, calculate the pollutant emissions for each 12-month period and report the total emissions for each pollutant here:

12-Month Period	PM	PM ₁₀	SO ₂	NO _x	CO	VOC
February 1 to January 31						
March 1 to February 28 or 29						
April 1 to March 31						
May 1 to April 30						
June 1 to May 31						
July 1 to June 30						
August 1 to July 31						
September 1 to August 31						
October 1 to September 30						
November 1 to October 31						
December 1 to November 30						
January 1 to December 31						
Daily maximum (lbs/day)*						

**ANNUAL REPORTING FORM FOR:
ASPHALTIC CONCRETE PLANTS**

AQGP-R07

*This is only required if the plant was operated in the Medford-Ashland AQMA.

9. Records of all planned and unplanned excess emissions: (If necessary, attach a separate page or write the information on the back of this form.) *N/A*

Date	Time	Duration (hours)	Description of excess emissions	Corrective action

10. List any air quality/nuisance complaints received within the last calendar year? How were the complaints addressed? (If necessary, attach a separate page or write the information on the back of this form.) *None*

Date	Time	Complaint	Response
<i>10/15</i>			

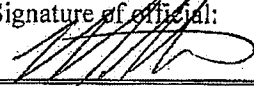
11. List permanent changes made in plant process, production levels, and pollution control equipment that affected air contaminant emissions: (If necessary, attach a separate page or write the information on the back of this form.)

--

12. List major maintenance performed on pollution control equipment: (If necessary, attach a separate page or write the information on the back of this form.)

--

13. Certifying Signature

Name of official (Printed or Typed):	Title of official and phone number:
<i>MICHE STANOVAN</i>	<i>VICE PRES. 509-200-9711</i>
Signature of official:	Date:
	<i>01/13/2014</i>

PLEASE SUBMIT THIS REPORTING FORM TO:

Please submit this form to the Permit Coordinator at the Oregon Department of Environmental Quality regional office shown on the cover page of the permit assignment form. The Permit Coordinator addresses are also listed in the Administrative Requirements section of the General Air Contaminant Discharge Permit.

**ANNUAL REPORTING FORM FOR:
ROCK CRUSHER**

AQGP-R08

1. Source Number: 37-0043 2. Reporting period: (calendar year): 2,012

3. Company information:

Legal Name: <u>A&B Asphalt, Inc</u>	Other company name (if different than legal name):
Mailing Address: <u>53847 W.W. River Rd</u>	Site Address (if different than mailing address):
City, State, Zip Code: <u>Milton-Free Water, OR 97862</u>	City, County, Zip Code:

4. Site Contact Person:

Name:	Telephone number: <u>541-938-5205</u>
Title:	Fax Number: <u>541-938-6631</u>

5. Total amount of rock crushed in Oregon during the calendar year: 125,750.32 (tons)

6. Tons of rock crushed by location:

Location	Annual	Daily maximum*
<u>53847 W.W. River Rd</u>	<u>125,750.32</u>	

*This is only required if the plant was operated in the Medford-Ashland AQMA.

7. If a generator is used to power all or part of the plant, report the types and amount of fuel burned in the generator: NONE - PUD POWER

Fuel type (also specify units – gallons; cubic feet, therms)	All areas of the state		Medford-Ashland AQMA*
	Annual Amount	Annual Amount	Daily Maximum Amount

*This is only required if the plant was operated in the Medford-Ashland AQMA.

ANNUAL REPORTING FORM FOR:
ROCK CRUSHER

AQGP-R08

8. Records of all planned and unplanned excess emissions: (If necessary, attach a separate page or write the information on the back of this form.) *None*

Date	Time	Duration (hours)	Description of excess emissions	Corrective action
<i>N/A</i>				

9. List any air quality/nuisance complaints received within the last calendar year? How were the complaints addressed? (If necessary, attach a separate page or write the information on the back of this form.) *None*

Date	Time	Complaint	Response
<i>N/A</i>			

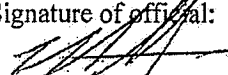
10. List permanent changes made in plant process, production levels, and pollution control equipment that affected air contaminant emissions: (If necessary, attach a separate page or write the information on the back of this form.)

--

11. List major maintenance performed on pollution control equipment: (If necessary, attach a separate page or write the information on the back of this form.)

--

12. Certifying Signature

Name of official (Printed or Typed): <i>MIKE STROEM</i>	Title of official and phone number: <i>VICE PRES 503-200-9741</i>
Signature of official: 	Date: <i>01/13/2014</i>

PLEASE SUBMIT THIS REPORTING FORM TO:

Please submit this form to the Permit Coordinator at the Oregon Department of Environmental Quality regional office shown on the cover page of the permit assignment form. The Permit Coordinator addresses are also listed in the Administrative Requirements section of the General Air Contaminant Discharge Permit.

Print Form

**BURNER TUNING REPORTING FORM FOR:
ASPHALTIC CONCRETE PLANTS**

AQGP-T07

1. Source Number: 37-0713 2. Reporting period: (calendar year): 2013

3. Company information:

Legal Name: <u>Rd B Asphalt Inc</u>	Other company name (if different than legal name):
Mailing Address: <u>63847 W.W. River Rd</u>	Site Address (if different than mailing address):
City, State, Zip Code: <u>Milton Freewater OR 97062</u>	City, County, Zip Code:

4. Site Contact Person:

Name: <u>MILIE STAMEN</u>	Telephone number: <u>509-200-9741</u>
Title: <u>VICE PRES.</u>	Fax Number: <u>541-938-6621</u>

5. Type of plant (ie: batch, drum mix, etc.) drum
6. Company performing tuning: _____
7. Company performing emission monitoring: _____
8. Calibration date for CO and O₂ analyzers used to perform emission monitoring: _____
9. Date Tuning Completed: _____

10. Tuning Results¹:

Parameter	Results	
	Pre Tuning	Post Tuning ⁴
Exhaust gas flow rate (dscfm)		
Carbon Monoxide (CO) concentrations (ppm) ^{2,3}		
Oxygen concentration (%) ²		
Stack Gas Temperature		
Asphalt Production (tons/hr)		
Asphalt Mix Temperature		
% Asphalt oil in mix		
RAP content (as % of mix production)		
Fuel usage (gal/ton, therms/ton, or cf/ton)		

¹ During any year in which burner tuning is required by Condition 3.1 of your General Permit, the tuning must be completed and a report submitted to the Department by July 15th.

² Specify whether on a dry or wet basis.

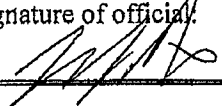
³ For Drum mix plants the recommended maximum target concentration for CO is less than or equal to 180 ppm (dry). For Batch plants the recommended maximum target concentration for CO is less than or equal to 155 ppm (dry)

⁴ If the plant was did not require adjusting, please record N/A in the post tuning column.

**BURNER TUNING REPORTING FORM FOR:
ASPHALTIC CONCRETE PLANTS**

AQGP-T07

11. Certifying Signature

Name of official (Printed or Typed):	Title of official and phone number:
MIKE SINGEN	VICE PRES. 507-200-9781
Signature of official:	Date:
	1/13/14

PLEASE SUBMIT THIS REPORTING FORM TO:

Please submit this form to the Permit Coordinator at the Oregon Department of Environmental Quality regional office shown on the cover page of the permit assignment form. The Permit Coordinator addresses are also listed in the Administrative Requirements section of the General Air Contaminant Discharge Permit.

STAR Certification Form
 Revision: STARCERT-1.2
 Revision Date: 9/3/2003

SOURCE TESTING AUDIT REPORT: CERTIFICATION FORM

Facility: A & B Asphalt Permit #: AQGP-007

Test Date: July 14, 2011

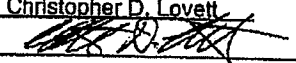
Emission Unit: Hot Mix Asphalt Plant Sampling Location: Baghouse Outlet

SECTION 1: TESTING PROGRAM CERTIFICATION INFORMATION

ITEM OF INQUIRY	Yes	No	EXPLANATION
A. Is the purpose(s) for the testing clearly defined within the test report?	x		
B. Did testing include all pollutants specified within the Source Test Plan (STP)?	x		
C. Were all issues within the Department's response to the STP fully addressed?	x		
D. Was the source operating within $\pm 10\%$ of normal maximum capacity?	x		
E. Are all appropriate operating conditions documented?	x		
F. Were there any test interruptions?		x	
G. Were there any variances or modifications to the STP? (if Yes; reply to i & ii)		x	
i. Were the variances or modifications approved by the Department?			
ii. Does the report include an evaluation of the impact the variances or modifications had on the test data?			

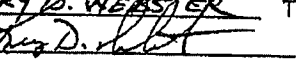
SECTION 2: SOURCE SAMPLING REPORT AUDITOR CERTIFICATION:

I hereby certify that to the best of my knowledge, the information provided within this source sampling audit report is complete and factual.

Name: Christopher D. Lovett Title: Report Writer
 Signature:  Date: 8/22/2011

SECTION 3: PERMITTEE REPRESENTATIVE CERTIFICATION:

I hereby certify that to the best of my knowledge, the information provided within this source sampling audit report is complete and factual.

Name: KERRY D. WEBSTER Title: PLANT SUPERVISOR
 Signature:  Date: 8/23/2011

SECTION 4: DEPARTMENT REPRESENTATIVE:

The Oregon Department of Environmental Quality has evaluated the Source Sampling Audit Report and has determined that the information provided is sufficient for accepting the results originating from the testing program. Although no deficiencies were exposed by the Source Sampling Audit Report, additional errors and/or inconsistencies may be detected through additional Departmental review at a later date, which may lead to a retest or an enforcement action against the permittee.

Name: _____ Title: _____
 Signature: _____ Date: _____



13585 NE Whitaker Way • Portland, OR 97230
Phone (503) 255-5050 • Fax (503) 255-0505
www.horizonengineering.com

EMISSION TESTING QUOTATION

Date: May 26, 2011
Contact Person: Karry Webster
Client: A & B Asphalt
Address: 53847 Walla Walla River Road
Milton-Freewater, Oregon 97862

Testing Location: Same

Source and Tests to be Made:

Source: Hot Mix Asphalt Plant with Baghouse Exhaust

Flow Rate:	EPA Methods 1 and 2 (S-type pitot w/particulate traverses)
CO ₂ and O ₂ :	EPA Method 3A (NDIR and paramagnetic analyzers)
Moisture:	EPA Method 4 (incorporated w/ isokinetic sampling method)
PM:	ODEQ Method 5 (filterable and condensable PM; isokinetic impinger train technique)
NO _x :	EPA Method 7E (chemiluminescent analyzer)
Opacity:	EPA Method 9 (six minutes per test)
CO:	EPA Method 10 (gas filter correlation analyzer)

Three test runs of one hour each to be made using the methods above. Results will be expressed as concentrations (ppmv or gr/scfd), rates (lb/hr), and on a production basis if that information is requested.

Test Plan and Final Reporting:

A test plan will be arranged with ODEQ when we are given the go-ahead for the work.

A complete report will be provided that will include information on the test methods, plant operation, all test data, calibrations, etc., meeting ODEQ requirements. The required Source Test Audit Report (STAR form) will also be submitted with the report.

Reports are normally prepared within 40 days of the completion of field work for 45 day regulatory submittal deadlines. Rushed reports can be prepared within 30, 20, and 10 days after completion of field testing with the associated labor rates billed at +35%, +70%, or +100% respectively. Field labor rates are

Karry Webster, A & B Asphalt, May 26, 2011

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normally not applicable for the rush charges. Rush lab costs and other rush charges will be billed at cost +10%.

Price: \$ 9,495.

Prices quoted are based on our standard rates, estimates of the time, and expenses necessary to complete the work. We will be glad to help with anything needed to complete the project, but additional work or delays that are your responsibility will be billed at our normal rates. Additional testing requirements requested by the regulatory agency that are outside the scope of work included in this cost proposal must be approved by you and will be billed at our normal rates.

Scheduling: This cost proposal assumes sampling according to the following schedule:

Day 1: Mobilize and setup
Day 2: Test and demobilize

The permit requires that the test must be performed within 60 days of achieving the maximum production rate at which the asphalt plant will be operated, but not later than 180 days after initial startup.

The test plan requires a 15 day test notification be submitted to ODEQ before the test date.

Conditions/Assumptions: It is assumed that safe access, suitable sampling ports (which have been loosened prior to our arrival), sufficient electrical power (480V, three phase, 30A is preferred at the Test Truck location), and provisions for supporting the emissions testing equipment will be ready when we arrive to test, unless other arrangements are made previously. We also assume that the source will be ready to test on the day scheduled and that the process will operate without limiting the testing periods.

We have assumed normal working conditions and safety equipment (hard hats, safety glasses, shoes, fall protection harnesses, respirators for dust, and hearing protection). Situations that require additional equipment, training and result in shortened working periods may be billed at additional cost. We need to be informed of any unusual hazards or working conditions prior to our arrival at your facility.

If we are requested to work in the field beyond 15 hours/day, that time will be billed at our current billing rates +\$25/hr. Weekend and holiday field labor rates will be billed at double our current billing rates.

Terms: Net 30 days from date of invoice. A 1-1/2% per month (18% per annum) service charge will be assessed if not paid within 30 days of invoice date. Invoices are normally issued following the completion of test report, but we reserve the right to bill and require payment prior to issuance of the report.

Price quoted is good for 90 days unless an extension is approved. If we schedule your work and you cancel or delay less than 15 days before the scheduled start date, we are not normally permitted to schedule other work in its

***** HORIZON ENGINEERING *****

Karry Webster, A & B Asphalt, May 26, 2011

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place. A charge of 15% of the quoted amount may be billed if we are notified 15 days or less before the scheduled starting date.

This quotation, attached to your Purchase Order, will get preparations for your project started. Insurance certificates will be sent on request.

We hope you look beyond just price comparisons and check our reputation and longevity in the profession. We strive for excellence in the long term. We look forward to working with you.



David Bagwell, QSTI
Managing Member
Horizon Engineering

For information on Horizon Engineering, go to www.horizonengineering.com

***** HORIZON ENGINEERING *****

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**GENERAL
AIR CONTAMINANT DISCHARGE PERMIT**

Department of Environmental Quality
Air Quality Division
811 SW Sixth Avenue
Portland, OR 97204-1390
Telephone: (503) 229-5359

This permit is issued in accordance with the provisions of ORS 468A.040 and incorporated into OAR 340-216-0060 by the Environmental Quality Commission on October 17, 2007 for the following source category:

Asphaltic concrete paving plant, stationary or portable, and associated material handling activities such as storage piles, conveyors, and vehicle traffic. Other equipment may include electric power generators with internal combustion engines. SIC 2951

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2.0 EMISSION STANDARDS AND LIMITS

- 2.1 Visible Emissions The permittee must comply with the following visible emission limits, as applicable:
- a. Emissions from an "existing" air contaminant source (one installed, constructed or modified on or before June 1, 1970), that is not located in a special control area must not equal or exceed 40% opacity for a period aggregating more than 3 minutes in any one hour.
 - b. Emissions from any air contaminant source installed, constructed, or modified after June 1, 1970 or an existing source located in a special control area must not equal or exceed 20% opacity for a period aggregating more than 3 minutes in any one hour.
 - c. In Clackamas, Columbia, Multnomah, or Washington Counties, emissions from any air contaminant source other than fuel burning equipment must not equal or exceed 20% opacity for a period aggregating more than 30 seconds in any one hour.
- 2.2 Particulate Matter Emissions The permittee must comply with the following particulate matter emission limits, as applicable:
- a. Particulate matter emissions from any air contaminant source, other than fugitive emission sources, installed on or before June 1, 1970, must not exceed 0.2 grains per dry standard cubic foot as measured by DEQ Method 5.
 - b. Particulate matter emissions from any air contaminant source, other than fugitive emission sources, installed after June 1, 1970, must not exceed 0.1 grains per dry standard cubic foot as measured by DEQ Method 5.
 - c. No hot-mix asphalt plant for which construction, modification, or reconstruction was commenced after June 11, 1973 (for definitions of construction, modification, reconstruction and/or commenced see 40 CFR Part 60, Subpart A), may emit particulate matter in excess of 0.04 grains per dry standard cubic foot, as measured by EPA Method 5.

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- v. Prompt removal of "tracked-out" material from paved areas.
 - vi. Storing collected materials from air pollution control equipment in a covered container or other method equally effective in preventing the material from becoming airborne during storage and transfer.
- 2.4 Particulate Matter Fallout The permittee must not cause or permit the emission of any particulate matter larger than 250 microns in size at sufficient duration or quantity, as to create an observable deposition upon the real property of another person. The Department will verify that the deposition exists and will notify the permittee that the deposition must be controlled.
- 2.5 Nuisance and Odors The permittee must not cause or allow air contaminants from any source to cause a nuisance. Nuisance conditions will be verified by Department personnel.
- 2.6 Fuels and Fuel Sulfur Content The permittee must not use any fuel other than natural gas, propane, butane, ASTM grade fuel oils, or on-specification used oil.
- a. Fuel oils must not contain more than:
 - i. 0.3% sulfur by weight for ASTM Grade 1 distillate oil;
 - ii. 0.5% sulfur by weight for ASTM Grade 2 distillate oil or on-specification used oil;
 - b. The permittee is allowed to use on-specification used oil that contains no more than 0.5% sulfur by weight. The permittee must obtain analyses from the marketer or, if generated on site, have the used oil analyzed, so that it can be demonstrated that the used oil does not exceed the used oil specifications contained in 40 CFR Part 279.11, Table 1.
- 2.7 Recycled Asphalt Product (RAP) If, during the term of this permit, the permittee intends to use recycled asphalt product (RAP) as a component of hot-mix production, the permittee must first notify the Department and obtain approval. Prior to approval, the Department may require tests be performed to demonstrate compliance with the emission limits while running the maximum projected RAP percentage. The amount of RAP may not exceed the amount approved by the Department.

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4.2 PM₁₀ PSEL for Medford-Ashland AQMA

For sources operating in the Medford-Ashland AQMA, plant site emissions of PM₁₀ must not exceed the following:

Pollutant	Limit	Units
PM ₁₀	4.5	tons per year
	49	pounds per day

4.3 Annual Period

The annual plant site emissions limits apply to any 12-consecutive calendar month period.

5.0 COMPLIANCE DEMONSTRATION

5.1 Testing Requirements

The permittee must demonstrate that the asphalt plant is capable of operating at its normal maximum operating capacity in compliance with the applicable limit(s) in Condition 2.2 by conducting a source test for particulate matter (PM) emissions using the test procedure described in Condition 14.0 at the following minimum frequencies:

- a. **New Plants or Existing Plants beginning operations in Oregon:** If the facility assigned to this permit is a new plant or an existing plant that will begin operations in Oregon for the first time, the test must be performed within 60 days of achieving the maximum production rate at which the asphalt plant will be operated, but not later than 180 days after initial startup.
- b. **Existing Plants:**
 - i. All plants must be tested at least once within 10 years of being assigned to this General Permit if a test was performed that demonstrated compliance with the applicable limit(s) in Condition 2.2 within 5 years prior to being assigned to this permit.
 - ii. For plants that do not meet Condition 5.1b.i, the test must be performed within 5 years after being assigned to this permit.

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data or other documentation (e.g., AP-42 compilation of emission factors) that has been reviewed and approved by the Department.

5.5 Medford/Ashland AQMA

If the source is located in the Medford/Ashland AQMA, the permittee must also maintain records of the daily asphalt production and calculate the daily maximum emissions for the reporting period.

6.0 RECORDKEEPING REQUIREMENTS

6.1 Operation and Maintenance

The permittee must maintain the following records related to the operation and maintenance of the plant and associated air contaminant control devices:

Monitored Parameter	Frequency
Certificate of analysis for used oil fuel demonstrating that fuel is on-specification	Per shipment or batch
Type and quantity of fuels used for the asphalt plant	Monthly
Type and quantity of fuels used for the generator, if applicable	Monthly
Fuel oil sulfur content	Per shipment
Total hot-mix produced	Monthly
Total hot-mix asphalt produced within the Medford-Ashland AQMA	Daily – totaled monthly
12-calendar month rolling summation of monthly asphalt production	Monthly
12-calendar month rolling summation of monthly asphalt production that occurred within the Medford-Ashland AQMA	Monthly – as required*
All operating and production parameters to be reported to the Department annually as required in Condition 7.3	As Required
A record of any maintenance to the air contaminant control system	Each Occurrence

*Calculation to be performed at the completion of each month in which hot-mix production occurred within the Medford-Ashland AQMA

6.2 Excess Emissions

The permittee must maintain records of excess emissions as defined in OAR 340-214-0300 through 340-214-0340 (recorded

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- ii. Type and quantity of fuels used for the generator, if applicable.
 - iii. Total hot-mix asphalt produced during the previous calendar year.
 - iv. Total hot-mix asphalt produced within the Medford-Ashland AQMA for the previous calendar year, if applicable.
 - v. Highest daily hot-mix production rate that occurred within the Medford-Ashland AQMA during the previous calendar year.
 - vi. A calculation of annual emissions to demonstrate compliance with the PSEs stated in Condition 4.0 (see compliance determination method in Condition 5.3), if the hot-mix asphalt production levels are greater than the amounts shown in Condition 15.0. Sources located in the Medford/Ashland AQMA must calculate emissions during any 12-consecutive calendar month period.
 - vii. Highest RAP percentage in any hot-mix formula during the previous calendar year.
- b. Records of all planned and unplanned excess emissions events.
 - c. Summary of complaints relating to air quality received by permittee during the year.
 - d. List permanent changes made in plant process, production levels, and pollution control equipment which affected air contaminant emissions.
 - e. List major maintenance performed on pollution control equipment.
- 7.4 Initial Startup Notice The permittee must notify the Department in writing of the date a new facility is started up. The notification must be submitted no later than seven (7) days after startup.
- 7.5 Portable Plants - Relocation Notice If the facility is portable, the permittee must not install or operate the facility or any portion of the facility at any new site without first providing written notice to the Permit Coordinator in the appropriate regional office. The written notice must include the date of the proposed move, approximate dates of operation, a detailed map showing access to the new site, and a description of the air pollution controls and procedures to be installed, operated, and practiced at the new site. Additional permits may be required

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observations, postmarked not less than 30 days prior to such date.

- d. A written report of the source test results.
- e. The notifications listed above must be submitted to EPA at the following address:

Director
Air and Waste Management Program
U.S. Environmental Protection Agency
Mail Stop OAQ-107
1200 Sixth Avenue
Seattle, WA 98101-3188

8.0 ADMINISTRATIVE REQUIREMENTS

- 8.1 Reassignment to the General ACDP
A complete application for reassignment to this permit is due within 60 days after the permit is reissued. The Department will notify the permittee when the permit is reissued. The application must be sent to the appropriate regional office.
 - a. If the Department is delinquent in renewing the permit, the existing permit will remain in effect and the permittee must comply with the conditions of the permit until such time that the permit is reissued and the source is reassigned to the permit.
 - b. The permittee may submit an application for either a Simple or Standard ACDP at any time, but the permittee must continue to comply with the General ACDP until the Department takes final action on the Simple or Standard ACDP application.
 - c. If a complete application for reassignment to the General ACDP or Simple or Standard ACDP is filed with the Department in a timely manner, the permit will not be deemed to expire until final action has been taken on the application.
- 8.2 Permit Coordinator Addresses
All reports, notices, and applications should be directed to the Permit Coordinator (or for portable sources, reports must be sent to the DEQ regional office located nearest to the company's office of record) for the area where the source is located. The Permit Coordinator addresses are as follows:

Counties	Permit Coordinator Address and Telephone
----------	--

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Counties	Office Address and Telephone
Crook, Deschutes, Harney, Hood River, Jefferson, Klamath, Lake, Sherman, Wasco, and Wheeler	Department of Environmental Quality Bend Office 475 NE Bellevue Dr., #110, Bend, OR 97701 Telephone: (541) 388-6146
Baker, Gilliam, Grant, Malheur, Morrow, Umatilla, Union, and Wallowa	Department of Environmental Quality Pendleton Office 700 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801-2597 Telephone: (541) 276-4063

9.0 FEES

- 9.1 Annual Compliance Fee The Annual Compliance Determination Fee specified in OAR 340-216-0090, Table 2, Part 2(c) for a Class Three General ACDP is due on **December 1** of each year this permit is in effect. An invoice indicating the amount, as determined by Department regulations, will be mailed prior to the above date.
- 9.2 Change of Ownership or Company Name Fee The non-technical permit modification fee specified in OAR 340-216-0090, Table 2, Part 3(a) is due with an application for changing the ownership or the name of the company of a source assigned to this permit.
- 9.3 Where to Submit Fees Fees must be submitted to:
Department of Environmental Quality
Business Office
811 SW Sixth Avenue
Portland, Oregon 97204-1390

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11.0 ABBREVIATIONS, ACRONYMS, AND DEFINITIONS

ACDP	Air Contaminant Discharge Permit	NSR	New Source Review
ASTM	American Society for Testing and Materials	O ₂	oxygen
AQMA	Air Quality Maintenance Area	OAR	Oregon Administrative Rules
bbl	barrel (42 gal)	ORS	Oregon Revised Statutes
calendar year	The 12-month period beginning January 1st and ending December 31st	O&M	operation and maintenance
CFR	Code of Federal Regulations	Pb	lead
CO	carbon monoxide	PCD	pollution control device
date	mm/dd/yy	PM	particulate matter
DEQ	Oregon Department of Environmental Quality	PM ₁₀	particulate matter less than 10 microns in size
dscf	dry standard cubic foot	ppm	part per million
EPA	US Environmental Protection Agency	ppmv	part per million by volume
FCAA	Federal Clean Air Act	PSD	Prevention of Significant Deterioration
gal	gallon(s)	PSEL	Plant Site Emission Limit
gr/dscf	grains per dry standard cubic foot	PTE	Potential to Emit
HAP	Hazardous Air Pollutant as defined by OAR 340-244-0040	RACT	Reasonably Available Control Technology
ID	identification number	scf	standard cubic foot
I&M	inspection and maintenance	SER	Significant Emission Rate
lb	pound(s)	SERP	Source Emission Reduction Plan
MMBtu	million British thermal units	SIC	Standard Industrial Code
NA	not applicable	SIP	State Implementation Plan
NESHAP	National Emissions Standards for Hazardous Air Pollutants	SO ₂	sulfur dioxide
NO _x	nitrogen oxides	Special Control Area	as defined in OAR 204-0070
NSPS	New Source Performance Standard	VE	visible emissions
		VOC	volatile organic compound
		year	A period consisting of any 12-consecutive calendar months

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13.0 BURNER TUNING PROCEDURES

- 13.1 During any year in which burner tuning is required by Condition 3.1, the tuning must be completed and a report submitted to the Department by July 15th.
- 13.2 Burner tuning must be performed by a qualified person after the plant is sufficiently warmed up and while the plant is operating within 10% of the normal maximum operating capacity. Normal maximum operating capacity is the plant's maximum operating capacity or the maximum rate which the permittee expects to achieve within the term of the Air Contaminant Discharge Permit.
- 13.3 The permittee must maintain records that demonstrate that the burner is properly tuned. At a minimum, the following information must be recorded and reported to the Department:
- a. Exhaust gas flow rate (if available);
 - b. Carbon monoxide concentrations (ppm) – specify whether on a wet or dry basis;
 - c. Oxygen concentration (%) – specify whether on a wet or dry basis;
 - d. Stack exhaust gas temperature;
 - e. Asphalt production rate in tons/hr;
 - f. Asphalt mix temperature;
 - g. % asphalt oil in mix;
 - h. RAP content as a percent of mix production; and
 - i. Fuel usage in units of gallons per ton of asphalt produced.

Note: It is not necessary to measure the carbon monoxide and oxygen concentrations in accordance with reference test methods because the burner tuning is not an official compliance source test. Carbon monoxide and oxygen concentrations may be measured using combustion gas analyzers calibrated in accordance with the manufacturer's instructions. Sufficient data must be recorded that shows that the burner is properly tuned. Carbon monoxide and oxygen must be measured at the same location (e.g., drum outlet or stack) on either a dry or wet basis.

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15.0 ALTERNATIVE PRODUCTION LIMITS FOR DETERMINING COMPLIANCE WITH THE PSEL

15.1 Operational limitation – Statewide, except Medford/Ashland AQMA.

The permittee does not have to do emission calculations if the production/operational limitations during any 12-consecutive month period are below the levels shown below (as applicable):

Plant Operational Description	Maximum 12-month asphalt production/generator fuel usage			
	0 gal fuel/oil	25,000 gal oil	50,000 gal oil	75,000 gal oil
Batch Plant – natural gas-fired w/baghouse	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr
Batch Plant – natural gas-fired w/scrubber	340,000 tons/yr	335,000 tons/yr	327,000 tons/yr	320,000 tons/yr
Batch Plant – oil-fired w/baghouse	650,000 tons/yr	523,000 tons/yr	398,000 tons/yr	273,000 tons/yr
Batch Plant – oil-fired w/scrubber	340,000 tons/yr	340,000 tons/yr	340,000 tons/yr	273,000 tons/yr
Drum Plant – natural gas-fired w/baghouse	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr
Drum Plant – natural gas-fired w/scrubber	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr
Drum Plant – oil-fired w/baghouse	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr
Drum Plant – oil-fired w/scrubber	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr	800,000 tons/yr

Permit Number: AQGP-007

Expiration Date: 10/01/2017

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16.0 EMISSION FACTORS

Emissions device type or activity	Pollutant	Emission Factor (EF)	Emission factor units
Batch Plant – natural gas fired	PM – w/baghouse	0.042	lb/ton of production
	PM ₁₀ – w/baghouse	0.027	lb/ton of production
	PM – w/scrubber	0.14	lb/ton of production
	PM ₁₀ – w/scrubber	0.034	lb/ton of production
	SO ₂	0.0046	lb/ton of production
	NO _x	0.025	lb/ton of production
	CO	0.14	lb/ton of production
	VOC	0.0082	lb/ton of production
Batch Plant – oil fired	PM – w/baghouse	0.042	lb/ton of production
	PM ₁₀ – w/baghouse	0.027	lb/ton of production
	PM – w/scrubber	0.14	lb/ton of production
	PM ₁₀ – w/scrubber	0.034	lb/ton of production
	SO ₂	0.088	lb/ton of production
	NO _x	0.12	lb/ton of production
	CO	0.14	lb/ton of production
	VOC	0.0082	lb/ton of production
Drum Plant – natural gas fired	PM – w/baghouse	0.033	lb/ton of production
	PM ₁₀ – w/baghouse	0.023	lb/ton of production
	PM – w/scrubber	0.045	lb/ton of production
	PM ₁₀ – w/scrubber	0.027	lb/ton of production
	SO ₂	0.0034	lb/ton of production
	NO _x	0.026	lb/ton of production
	CO	0.07	lb/ton of production
	VOC	0.032	lb/ton of production

¹ AP-42 section 11.1



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
(541) 388-6146
FAX (541) 388-8283
TTY 711

July 06, 2011

Karry Webster
A & B Asphalt Co.
53847 Walla Walla River Rd.
Milton-Freewater, Oregon 97862

**Re: Emissions Testing: A & B Asphalt
Milton -Freewater Plant
Facility ID 37-0713; Permit #: AQGP-007
Proposed Test Date: July 15, 2011**

Karry Webster:

The Source Test Plan for conducting an emission test on the asphaltic concrete plant for A & B Asphalt has been reviewed and is approved by the Oregon Department of Environmental Quality with the following conditions:

SOURCE OPERATION AND FUEL SAMPLING

- 1.) Source tests must be performed while the plant is operating within 10% of its normal maximum operating capacity. **Otherwise, a retest may be required.** Normal maximum operating capacity is the plant's maximum operating capacity or the maximum rate which the permittee expects to achieve within the term of the Air Contaminant Discharge Permit. **The test report must include documentation of "normal maximum operating rate"**
- 2.) Source tests should be performed while the facility is processing the maximum projected RAP percentage. **Otherwise, a retest may be required** (refer to Condition 2.7 of General Air Contaminant Discharge Permit). It is understood that the plant intends to process a 20% RAP mixture during the tests.
- 3.) The DEQ understands that the testing is currently slated for July 13, 2011. Please notify the DEQ of the plant's start-up time prior to July 13 so that a DEQ observer can be present if available.
- 4.) During the testing, the following process parameters must be monitored and recorded:
 - Asphalt production rate (tons/hr); ✓
 - RAP content as a percent of mix production¹ (if applicable); ✓
 - Asphalt mix temperature (°F); ✓
 - Percent asphalt oil in mix;
 - Grade of asphalt;
 - Type of mix;
 - Gradation of aggregate in mix;
 - Type of fuel;
 - Fuel firing rate in units of therms per ton of asphalt produced;

¹ Additionally, an estimate of the asphaltic shingle content of the RAP will also be provided if asphaltic shingles are a component of the RAP.

- Pressure drop across the baghouse (in. H₂O);
- Reverse Pulse-Air Pressure, psig (if applicable).

5.) The fuel sulfur content shall comply with the limits in Condition 2.6 of the General Air Contaminant Discharge Permit, specifically that the fuel oil contains: (i) less than 0.3 % sulfur by weight (Grade 1 distillate); or (ii) less than 0.5% sulfur (Grade 2 distillate). The permittee can include the corresponding fuel specification sheet from the fuel oil provider in the test report to meet this condition. Alternatively, a sample of the fuel can be analyzed in accordance with the appropriate ASTM analytical procedures. If the permittee has a fuel sample(s) analyzed for sulfur, a sample must be collected from the holding tank just after a shipment of oil is added to the tank.

PARTICULATE SAMPLING AND OPACITY MEASUREMENTS

- 6.) The cross-section traverse layout for the exhaust stack must be consistent with Pt. 60, App. A, Method 1. Any deviations to EPA Method 1 must be approved by the Department prior to testing.
- 7.) The DEQ considers the Method 5 detection limit to be 20 mg per test (i.e., sum of the sampling train components). Particulate emissions from the source may be very low, if the baghouse is operating optimally. The minimum sample volume to be collected is 31.8 dscf. The DEQ recommends that the testing contractor, Horizon, consider collecting higher-than-normal sample volumes (e.g., 45 dscf or higher) if the particulate "catch" appears to be very low.
- 8.) Particulate test results must be reported as follows:
- Filterable Particulate (front-half):
 - gr/dscf;
 - lbs/hr.
 - Total Particulate (filterable & condensable):
 - gr/dscf;
 - lbs/hr;
 - lbs/ton production.
- 9.) Visible emission measurements shall be performed by a certified opacity observer. Note the following New Source Performance Standard (NSPS) requirement for this source (from 40 CFR 60.11):
- "...For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test..."

CO AND NO_x SAMPLING

- 10.) The converter efficiency of the NO_x analyzer shall be documented within the test report.
- 11.) The gaseous sampling system must be leak-checked before and after the testing program (before the first run and after the last run). Results of the leak checks are to be documented within the test report.
- 12.) The test results shall equal 20% - 100% of the span (highest calibration standard).
- 13.) CO and NO_x test results are to be reported as follows:

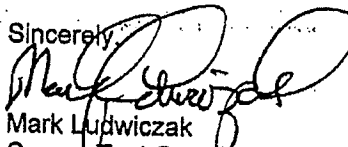
- ppmdv;
- lbs/hr;
- lbs/ ton production.

GENERAL CONDITIONS

- 14.) Only regular operating staff may adjust the combustion system or production process and emission control parameters during the source performance tests and within two (2) hours prior to the tests. Any operating adjustments made during the source performance tests, which are a result of consultation during the tests with source testing personnel, equipment vendors or consultants, may render the source performance test invalid.
- 15.) The DEQ must be notified of any changes in the source test plan and/or the specified methods prior to testing. Significant changes not acknowledged by the DEQ could be basis for invalidating an entire test run and potentially the entire testing program. Documentation of any deviations must include an evaluation of the impact of the deviation on the test data.
- 16.) Method-specific quality assurance/quality control (QA/QC) procedures must be performed to ensure that the data is valid for determining source compliance. Documentation of the procedures and results shall be presented in the source test report for review. Omission of this critical information will result in rejection of the data, requiring a retest.
- 17.) A copy of a completed Source Test Audit Report (STAR) for all applicable methods performed must accompany the submittal of the Source Test Report. A copy of the STAR forms is available electronically from the regional source test coordinator.
- 18.) To adequately complete the STAR document, each applicable page within the test report must be independently identified alphabetically and/or numerically.
- 19.) In an attempt to conserve natural resources and to minimize storage space requirements, the test report must be printed on both sides of each page within the document. The Department recognizes this may not be feasible for some supporting documentation (i.e. figures, maps, etc.).

Please call me at (541) 776-6109 if you have any questions.

Sincerely,



Mark Ludwiczak
Source Test Coordinator
ODEQ, Eastern Region

cc: David Bagwell, Horizon
Tom Hack, DEQ

37-0043-08-01 General Permit Holders

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

3. SUMMARY OF RESULTS

3.1 Tables of Results:

Table 1

Hot Mix Asphalt Plant, Baghouse Outlet - PM and Opacity Test Results

Test Date: July 14, 2011

Units

Run 1

Run 2

Run 3

Average

Start Time

09:08

11:20

14:16

End Time

10:29

13:31

15:26

Sampling Time

minutes

60

60

60

60

Sampling Results

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

Filterable PM Concentration

gr/dscf

0.012

0.012

0.016

0.013

Mass Rate

lb/hr

2.8

2.8

3.5

3.1

Production Basis

lb/ton

0.010

0.010

0.013

0.011

Permit Limit

gr/dscf

0.04

Condensable PM Concentration

gr/dscf

0.00078

0.00013

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

0.00031

0.00041

Mass Rate

lb/hr

0.18

0.031

0.071

0.095

Total PM Concentration

gr/dscf

0.013

0.012

0.016

0.014

Permit Limit

gr/dscf

0.1

Mass Rate

lb/hr

3.0

2.9

3.6

3.2

Production Basis

lb/ton

0.011

0.010

0.013

0.011

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

Emission Factor

lb/ton

0.033

Sample Volume

dscf

33.8

46.7

38.6

39.7

Sample Weight, Filterable

mg

26.7

35.7

39.0

33.8

Sample Weight, Condensable

mg

1.7

0.4

0.8

1.0

Sample Weight, Total

mg

28.4

36.1

39.7

34.8

Percent Isokinetic

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

%

118

95

96

103

Opacity

%

0

0

0

0

Permit Limit

20% for a maximum of 3 min.

pass

Source Parameters

Flow Rate (Actual)

acf/min

45,500

46,800

44,600

45,600

Flow Rate (Standard)

dscf/min

27,100

27,900

26,400

27,200

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

Temperature

.F

214

217

218

217

Moisture

%

21.3

21.2

21.3

21.3

O2

%

13.5

13.6

13.5

13.5

CO2

%

5.7

5.5

5.5

5.6

0

Table 2

Hot Mix Asphalt Plant, Baghouse Outlet - Gaseous Emissions Test Results

Test Date: July 14, 2011

Units

Run 1

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

Run 2

Run 3

Average

Start Time

09:08

11:20

14:16

End Time

10:29

13:31

15:26

Sampling Time

minutes

60

60

60

60

Sampling Results

CO Concentration

ppmv

90

135

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

137

121

Mass Rate

lb/hr

10.6

16.5

15.8

14.3

Production Basis

lb/ton

0.038

0.058

0.056

0.051

Emission Factor

lb/ton

0.07

NOx Concentration

ppmv

70

66

65

67

Rate

lb/hr

13.7

13.2

12.3

13.1

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

Production Basis

lb/ton

0.049

0.047

0.044

0.046

Emission Factor

lb/ton

0.055

Process/Production Data

Asphalt Production Rate

tons/hour

282

283

282

282

Type of Mix

--

HMA 1/2

HMA 1/2

HMA 1/2

--

Asphalt Mix Temperature

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

.F

306

308

307

307

Asphalt Oil in Mix

%

5.6

5.6

5.6

5.6

RAP Content

%

22.1

22.0

21.6

21.9

Diesel Fuel Feed Rate

gal/ton-asphalt

1.6

1.6

1.6

1.6

Baghouse Pressure Drop

in. H2O

4.4

4.3

4.5

4.4

A%20&%20B%20Asphalt%204359%20Rep%20REVISED%20TABLES[1].txt

0

FINDINGS OF FACT AND CONCLUSIONS OF LAW

✓ In the matter of Conditional Use Request #C-479 to allow an asphalt plant in an EFU Exclusive Farm Use (160 acre minimum) zone. Applicant: Humbert Asphaltting. Owner: James Spence Properties, Inc..

4/14/87

UMATILLA COUNTY HEARINGS OFFICER

This matter came before the Umatilla County Hearings Officer for a hearing on March 18, 1987, in Room 20, Basement Conference Room, of the Umatilla County Courthouse, Pendleton, Oregon, upon application of Humbert Asphaltting, for a conditional use to allow an asphalt plant in an EFU Exclusive Farm Use (160 acre minimum) zone for property described as follows:

✓ Tax Lot 1700, Assessor's Map 5n 36. The subject parcel (site) is 30 acres of a larger 143.61 acre parcel lying along the east end of an existing easement that extends east off of the Walla Walla River Road, and approximately .5 miles southeast from the Milton-Freewater city limits.

Present was the Umatilla County Hearings Officer, Wendell Lampkin; also, the applicant Mr. Dan Humbert, was present to speak in favor of the request.

At this time, being fully informed of all the issues, the Umatilla County Hearings Officer makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. Notice of Hearing was given by publication in the East Oregonian newspaper on March 12, 1987, and the Valley Herald newspaper on March 7, 1987.
- 2. Notice was given by mail to the owners of all property within 250 feet of the subject parcel.
- 3. There was no pre-hearing contact between the Hearings Officer and the applicant regarding this request.
- 4. The County Comprehensive Plan, adopted on May 9, 1983, most recently revised on November 6, 1985, and acknowledged by LCDC on November 21, 1985, designates the property as North-South/County Agriculture.
- 5. The County Development Ordinance, adopted on June 12, 1985, and most recently amended on November 6, 1985, designates the site as EFU Exclusive Farm Use (160 acre minimum).

~~#154~~

Findings of Fact and Conclusions of Law
CUR #C-479
Page 2

- ✓ 6. The site is designated by the USDA-Soil Conservation Service as having a gravel pit designation.
- ✓ 7. The site is served by Walla Walla River Road a two-lane paved road maintained by the County Road Department.
- ✓ 8. The site is located outside the Urban Growth Boundary of Milton-Freewater and is dependent on individual wells and septic tanks.
9. Referrals were sent to:
 - A. City of Milton-Freewater - No reply.
 - B. County Road Department - Letter received stating they had no objections to the request.
 - C. Dept. of Geology & Mineral Industries - No reply.
 - D. DEQ - No reply.

10. Mr. Humbert was present at the hearing to speak in favor of the request, stating he would like to establish an asphalt plant at this site in order to be more self-sufficient. He emphasized that in order to operate, he must comply with all the rules and regulation of the DEQ pertaining to dust, smoke, ect.. The plant would be in operation from about April through the middle of December, but would not be in operation every day. The jobs they currently undertake are small projects. Mr. Humbert stated the plant would only operate during daylight hours.

11. Several letters were received pertaining to the proposal as follows: (a) letter from Charles Williamson, retired road supervisor, noting the potential impacts the request would have on the area; (b) letter against request from Mr. and Mrs. Byron Larson, and (c) letter against request from Lewis and Patricia Key.

12. The standards and criteria for granting a conditional use are listed in Sections 7.010 to 7.060 of the County's Development Ordinance. Specific policies within the Comprehensive Plan may also apply to the request concerning limitations in the County's EFU zone; and if so, are addressed herein .

Development Ordinance Criteria

Limitations on Conditional Uses - The following limitations shall apply to all conditional uses in an EFU zone:

1. Is compatible with farm uses described in ORS 215.203(2) and the intent and purpose set forth in ORS 215.243, and will not significantly affect other existing resource uses that may be on the remainder of the parcel or on adjacent lands.
2. Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2) on adjacent lands devoted to farm uses, nor interfere with other resource operations and practices on adjacent lands.

Findings of Fact and Conclusions of Law

CUR #C-479

Page 3

3. Does not materially alter the stability of the overall land use pattern of the area.
4. Is situated upon generally unsuitable land for the production of farm crops and other resource activities considering the terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of tract.
5. Is consistent with agricultural and other resource policies in the Comprehensive Plan and the purpose of this zone.

Development Ordinance Criteria for Granting an Asphalt Plant:

1. Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties.
2. Processing equipment shall not be located or operated within 500 feet from a residential dwelling.
3. Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration.
4. The operation complies with all applicable air, noise and dust regulations of all county, state or federal jurisdictions; and all state and federal permits are obtained before the activity begins.
5. Complies with other conditions deemed necessary by the Hearings Officer.

Development Code Criteria

1. Compatible with farm use - The proposed asphalt plant would not appear to be incompatible with surrounding farm uses as the proposed site is well buffered by scrubland not suitable for agricultural purposes. The proposed site is also the location of an existing quarry that has been in existence for many years.

2. Interfere seriously with accepted farming practices - Approval of this request would not appear to interfere with accepted farming practices on adjacent lands devoted to farm use. The adjacent farmland is also owned by the owner of the quarry site. The agricultural production portion of the property is elevated above the quarry and proposed asphalt activity which lies down in the gully. Also, this area has not been farmed for many years with the existence of the quarry site. These two activities have separate accesses during their operation phases.

Findings of Fact and Conclusions of Law
CUR #C-479
Page 4

3. Materially alter the overall land use pattern of the area -
Approval of this request would not appear to materially alter the overall land use pattern of the area as no new tax lots will be created, and the proposed use is only an expansion on an existing and similar use.

4. Situated upon unsuitable land for the production of farm crops -
The proposed use will occupy the area of an existing quarry site where no additional agricultural land is anticipated to be removed from agricultural production.

5. Consistent with agricultural and resource policies - Approval of this request would not appear to be inconsistent with agricultural or resource policies in the Comprehensive Plan as the site is already occupied by a permitted non-farm use.

6. Access roads - The proposed asphalt plant has direct access off of the Walla Walla River Road via the same access now being used for the quarry operation. This access, and in particular the mouth of the access, has been an area of contention to the property owners living on the adjacent side of the road access. In past years, during heavy rains and spring thaw, this access acts like a spillway for water accumulating up this draw and dumps dirt, mud and large rocks on those parcels across the road. Should this request be granted, this problem should be addressed to avoid any future runoff problems.

CONCLUSIONS OF LAW

1. The opinions of governmental units were sought and no adverse comments were received.

2. Persons were given the opportunity to be heard.

3. Legal notice of hearing was properly advertised.

4. The site has adequate ingress and egress for any additional traffic generated by allowing this conditional use served by Walla Walla River Road a two-lane paved road maintained by the County Road Department.

5. Allowing this request would appear to be compatible with surrounding farm uses as the request will be associated with an existing quarry site that is well buffered on all sides by scabland that is not suitable for farm use.

6. Approval of this request would not interfere with accepted farming practices on adjacent lands due to its location down in a draw and below the existing farming operation also owned by the owner of the gravel pit.

Findings of Fact and Conclusions of Law
CUR #C-479
Page 5

7. Allowing this request would not materially alter the stability of the overall land use pattern of the area as no new lots will be created and the applicant is asking to expand an existing use on an area of land already committed to a mining operation.

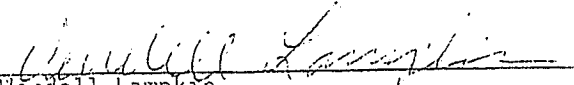
8. Allowing this request would be consistent with agricultural and resource policies as the site is already occupied by a similar use.

9. Letters received stating in favor of this request and also letters received stating opposition to this request.

10. Approval of this request would not be detrimental to Umatilla County as the applicant has agreed to meet the criteria of the Development Ordinance Code and the following conditions:

1. The applicant will be required to locate the batch plant at least 500 feet from the nearest residential residence;
2. The applicant contact the County Road Department concerning the road access and the condition of the interior roads;
3. The applicant show proof that they have complied with all air, noise and sut control as required by the state and federal regulations with regard to the existing gravel extraction operation;
4. The applicant submit a revised plot plan showing the exact location of the batch plant in relation to existing residences and including any recommendation from the Road Department on haul roads;
5. The applicant place a culvert under the road access to the quarry site, according to the County Road Department's specifications and pave the access road into the quarry site to eliminate the depositing of mud on the county road.
6. A one-year review be held to determine if all the conditions have been met.

Based on the above stated Findings of Fact and Conclusions of Law, the Umatilla County Hearings Officer does hereby grant this application.


Wendell Lampkin
Umatilla County Hearings Officer

4 - 14 - 87
Date

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Cont'd - Page 2

The plant would be in operation from about April through the middle of December, but would not be in operation every day. The jobs they currently undertake are small projects. Humbert added that the plant would only operate during daylight hours.

Dick McMillan, with Humbert Asphaltting, explained that they try to prepare for the jobs by having the asphalt ready. At the request of the planning staff, he explained the prepping procedures involved for asphalt.

There followed several clarification questions by Mr. Lampkin pertaining to the number of people required for trucking and to operate the batch plant, and the general activities which take place in an asphalt plant. Mr. Humbert stated that water is available on the site, but he is not sure how much; however, if necessary, a well will be drilled to provide the water necessary for the operation.

Discussion followed next concerning the runoff problem in the area which affects the access road to the site. Mr. Lampkin suggested installing a second culvert so that water on the south side of the road would drain into the river. Chuck Williamson stated there are ways they can keep the water from running across the road, but he added that there is a limit as to the amount of water that can be controlled. He discussed the runoff problem further with Mr. Humbert and with adjacent landowner Raymond Cox, who indicated the water runs down the access road with nothing to stop it; and this needs to be corrected. In addition, Mr. Cox said he would like to see the access road asphalted a further distance to alleviate the dust problem which occurs when mud from the truck tires collects on the county road and dries. Mr. Humbert stated they keep the access road watered to keep the dust to a minimum. At this point, they have no plans to actually pave the road; but if necessary, they can asphalt the road to a specified distance.

Mr. Lampkin again emphasized the need for an additional ditch to catch the runoff water down the south side of the hill. Mr. Humbert agreed that a culvert will adequately handle this problem and can be installed at any time.

Mr. Purcell proceeded with the remainder of the staff report, noting the staff's conclusions and recommended conditions. Following this, Mr. Lampkin asked for those in opposition to speak.

Mr. Cox stated he is opposed to the request for the reasons previously discussed. He then discussed with Mr. Humbert the amount of water necessary to crush and clean the asphalt. Mr. Humbert stated that not that much water is necessary for the operation--and that the only water used is recycled water--and this is to produce the asphalt. He emphasized that if he does not have the adequate amount of water available, the DEQ will not permit him to operate his plant. Mr. Cox stated he agrees with Mr. Lampkin's recommendation of a culvert to properly channel the runoff; plus he reiterated on his recommendation that the access road be paved the necessary distance to alleviate the dust problem.

During rebuttal, Mr. Humbert stated he had no further comments, except to say he would have no problems meeting the conditions recommended in the staff report. Humbert added that he has received a letter from the Portland DEQ office stating Humbert Asphaltting's permit has been sent in, and they are awaiting the results of this hearing before issuing their final approval.

Mr. Lampkin then reiterated on his desire to see the culvert installed and the access road paved together in a piecemeal fashion, so that both are completed by next spring. However, he suggested letting the applicant work out the details

UCHO Mtg of 3/25/87
Cont'd - Page 3

of this with the County Road Department. Mr. Lampkin then closed the hearing. He moved to grant Conditional Use Request #C-479 subject to the following conditions: (1) The applicant will be required to locate the batch plant at least 500 feet from the nearest residential residence; (2) The applicant contact the County Road Department concerning the road access and the condition of the interior roads; (3) The applicant show proof that they have complied with all air, noise and dust control as required by the state and federal regulations with regard to the existing gravel extraction operation; (4) The applicant submit a revised plot plan showing the exact location of the batch plant in relation to existing residences, and including any recommendations from the Road Department on haul roads; (5) The applicant place a culvert under the road access to the quarry site, according to the County Road Department's specifications, and pave the access road into the quarry site to eliminate the depositing of mud on the county road. This condition is to be completed by the applicant within six months and approved by the County Road Department as to meeting county requirements; (6) A one-year review be held to determine if all the conditions have been met.

OTHER BUSINESS:

Yearly Reviews

Conditional Use Request #2178: George Schisler, owner/applicant. Mr. Purcell stated that a letter has been sent to Mr. Schisler, but he has not responded. Mr. Lampkin said he will give Mr. Schisler until the April 8 Hearings Officer meeting to respond.

Conditional Use Request #C-120: Lottie McCracken, owner/applicant. Mr. Purcell said Ms. McCracken has responded with a letter indicating she still needs the conditional use. Mr. Lampkin agreed to grant an extension for one year on Conditional Use Request #C-120.

Conditional Use Request #C-174: Helen J. May, owner/applicant. Mr. Purcell indicated Ms. May also responded to the staff stating her need of the conditional use. Mr. Lampkin granted a one year extension on Conditional Use Request #C-174.

Conditional Use Request #C-361: Mary Ann Pauline, owner/applicant. Mr. Purcell explained that after sending three letters, the staff received a call from Mr. Pauline, who stated they wish to cancel their request for a one-year renewal. Purcell has asked them to send a letter indicating this, but indicated the Hearings Officer could deny this based on the Paulines not responding to the letters sent them by the staff. Mr. Lampkin agreed to deny a one-year extension on Conditional Use Request #C-361.

Conditional Use Request #C-391: Ron Sabuco, owner/applicant. Mr. Purcell said the staff received a complaint about Mr. Sabuco's auto recycling operation; so the staff wrote him a letter requesting a response from him by the March 18 Hearings Officer meeting. Mr. Lampkin felt it best to give Mr. Sabuco until the April 8 meeting to respond in the event that he intended on attending the March 18 meeting, which was canceled.

Conditional Use Request #C-416: Wilma D. Mytinger, owner/applicant. Mr. Purcell stated Ms. Mytinger was sent a certified letter asking her to respond, but she has failed to do so. In addition, Mr. Purcell drove by her house and also attempted

PERMIT FEE
 ADDRESS FEE
 \$ 50.00

UMATILLA COUNTY ZONING PERMIT
 UMATILLA COUNTY DEPARTMENT OF RESOURCE SERVICES AND DEVELOPMENT
 216 S.E. 4TH ST., COURTHOUSE, PENDLETON, OR 97801
 Ph: 541-278-6252 • www.umatillacounty.net • Fax: 541-278-5480

PERMIT NO.
 ZP 09.081

APPLICANT'S NAME W. J. Humbert PHONE HOME 541-938-5728 OFFICE _____

MAILING ADDRESS 54127 Birch Creek Rd CITY Prineville STATE OR ZIP 97862

LEGAL OWNER James S. Spence & Properties INC. PHONE 541-524-3053

ADDRESS 519 W Main St CITY Walla Walla Washington STATE WA ZIP 99162

TWP 5N RING 36 SEC 07 ACCT NO 151623 MAP NO. 5N3607 TAX LOT 200

SUBDIVISION _____ LOT _____ BLOCK _____ PRESENT ZONE EFLU SQ. FT OR ACRES 10.19

LOT WIDTH _____ LOT DEPTH _____ LEGAL ACCESS _____ STATUS ADDRESS _____

REQUIRED SETBACKS (Stream Setback = 100 ft) FRONT _____ ft. SIDE _____ ft. and _____ ft. REAR _____ ft.

PROPOSED USE 1 See below SIZE _____ 3 _____ SIZE _____

2 Replacement manufactured structure (office) SIZE _____ 4 _____ SIZE _____

PLOT PLAN

- 1) Change name of permit applicant on CUP C-479
- 2) Replacement office structure destroyed by vandalism and weather *

see attached site plan

W. J. Humbert
 New applicant

4-14-09
 date

* Old structure must be removed within 90 days of occupancy of new structure and new structure must be placed within permit boundaries of the property.

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. *NOTE - SIGNATURE OF ALL PROPERTY OWNERS REQUIRED

James Spence
 Property Owner

Property Co-Owner

4.15.2009
 Date

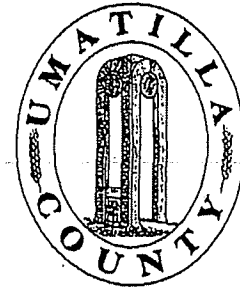
DATE APPROVED 4-16-09 APPROVED BY _____ PERMIT NO. ZP 09.081

RELATED: LUD of CUP NO. C-479 VARIANCE NO. _____

* **VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED**
 NOTE: THIS IS NOT A BUILDING PERMIT OR SUBSURFACE DISPOSAL PERMIT #10
 CALL BEFORE YOU DIG - 1-800-332-2344 - UNDERGROUND LOCATION SERVICE

Umatilla County

Department of Land Use Planning



COPY

Director
Tamra Mabbott

Land Use
Planning
Division:
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(SEPP)
41-567-2084
541-966-3700
1-877-367-2737

✓ May 12, 2010

✓ Nita B. Stocke
53881 Walla Walla River Road
Milton-Freewater, OR 97862

Re: Conditional Use Permit #C-479 (Spence Pit), a.k.a. 5N3607 Tax Lot 200

Dear Mrs. Stocke:

Thank you for your call on May 10, 2010 concerning the operation of an asphalt batch plant at the rock pit known as the Spence Pit. Your concern has been reviewed by the Umatilla County Planning staff.

On April 14, 1987, Conditional Use Permit #C-479 was granted to Humbert Asphaltting to allow placement of an asphalt batch plant in an EFU (Exclusive Farm Use) zone. On April 8, 1992, the Umatilla County Hearings Officer approved a minor modification of this Conditional Use Permit to change the name of the applicant from Humbert Asphaltting to Humbert Excavating. In both cases, public notice was sent out for these hearings.

Our records reflect that you became involved with the ownership of the adjoining parcel, 5N 3607 Tax Lot 400, in 1997. The prior owners were sent notice of the proceedings, and the notices were published in the newspaper of record.

The period for filing an appeal on this Conditional Use Permit has expired, and it is considered a valid permit. The permittee has maintained compliance with the conditions and they have paid the annual renewal fee. Conditional Use Permit #C-479 does allow for an asphalt batch plant to operate at the location named above.

Thank you for your call, and please feel free to call our office at (541)278-6252 if you have any further questions.

Cordially,

Tamra Mabbott
Umatilla County Planning Director

#7



Umatilla County Department of Resource Services and Development

CODE ENFORCEMENT
Complaint Form

05/01/10

To report a possible violation of the Umatilla County Solid Waste or Development Code of Ordinances, please complete the form with the most complete information available. Incomplete information may result in a delay of investigating the violation.

Address of the property being reported: SPENCE PIT

Property owner's name, if known: HUMBERTS

Select the violation that best describes your complaint:

- Solid Waste (garbage, tires, engine/vehicle parts, old appliances, scrap metal/wood, animal waste, hazardous materials, construction/demolition materials, unsightly conditions)
- Inoperable and/or unlicensed vehicles or abandoned vehicles
- Development violations (structures built without permits, built too close to property boundaries)
- Occupation of a Recreational Vehicle (RV)
- Illegal operation of a business
- Other - please describe below

Describe your concerns in the space provided. Please include DETAILED directions to the site:

RP STATES THEY ARE SETTING UP AN ASPHALT BATCH PLANT IN ROCK PIT; SHE WANTS TO KNOW IF THEY ARE ALLOWED TO DO THIS, AND WHY WAS SHE NOT NOTIFIED OF THIS? WHAT CAN SHE DO TO PREVENT THEM FROM DOING THIS? SHE DOES NOT WANT THE SMELL OF ASPHALT IN HER HOME.

When did this violation first occur? RECENTLY

Please include your contact information (all reports are confidential):

Name: NITA STOCKE Phone: 541/938-3000

Address: 53881 WW RIVER RD MF

Thank you for your help in bringing a potential violation to our attention.

Please mail to: Code Enforcement 216 SE 4th Ave Pendleton, OR 97801; Email: ceo@co.umatilla.or.us

For Office Use Only

Map/Tax: 5N 3607 TAX LOT 200 Account: 134309 Zone: EFU

Officer notes: ^{05/11/10} Called to Brad Humbert: brand new equipment minimal smell (wind blows away from WW River Rd.) permanent basis for batch plant.

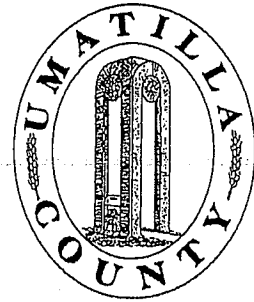
05/12/10 Discussed w. Staff Mgr, Tamara, and letter to Stocke regarding Clp.

Site visit date: _____ Pictures taken: _____ Violation: _____
Warning: _____ Citation: _____ Referral: _____ Initials: _____

#8

Umatilla County

Department of Resource Services & Development



COPY

✓ August 22, 2008

Director
Tamra Mabbott

Joe Humbert
Birch Creek Construction, Inc.
84945 Humbert Lane
Milton-Freewater, OR 97862

**Planning &
Development
Division:**

Re: Conditional Use Permit #C - 479 aka. "Spence Pit"

**LAND USE
PLANNING**
541-278-6252

**CODE
ENFORCEMENT**
541-278-6300

Dear Mr. Humbert:

**Emergency
Management
Division:**

On April 14, 1987, Conditional Use Permit #C-479 was approved to allow you to establish an aggregate quarry site with a crusher and asphalt batch plant in an EFU (Exclusive Farm Use) Zone, in accordance with the Umatilla County Development Code. On March 15, 2006 you were notified that the Umatilla County Planning Department would be deferring the requirement for an annual review process for the aggregate operation known as the "Spence Pit".

**EMERGENCY
MANAGEMENT**
541-966-3700

**CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)**
541-567-2084
541-966-3700
1-877-367-2737

✓ In order to continue the deferred status for the annual review process, please contact our office at your earliest convenience to confirm that this property is still being used for the purposes as outlined in Conditional Use Permit #C- 479. Any changes in operation or in ownership of this parcel must be reported to our office within 30 days of the change in status.

**COUNTY/STATE
AGENCY
LIAISONS:**

Thank you for your timely attention to this matter. You can reach our office at (541)278-6300 Monday through Friday from 9 am – 5pm.

**OSU EXTENSION
SERVICE**
541-278-5403

Best regards,

WATERMASTER
541-278-5456

Gina Miller
Code Enforcement Assistant

#11



OREGON
WINEGROWERS
ASSOCIATION

April 24, 2014

Tamra J. Mabbot
Planning Director
Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

Dear Ms. Mabbot:

The Oregon Winegrowers Association ("OWA") advocates for vineyards and wineries across Oregon. The wine industry generates nearly \$3 billion in Oregon annually, creating good jobs while preserving valuable farmland. For many years, OWA and its members have worked with state and local policymakers and stakeholders to develop land use rules that allow the wine industry to thrive in a manner that supports and strengthens rural communities.

We write today to ask Umatilla County to uphold state law and to carefully consider the impacts on nearby vineyard land of the proposed A&B mining and asphalt production operation. We understand that the A&B operation is located in an Exclusive Farm Use ("EFU") zone and is within two miles of vineyard land, including an approximately 60-acre commercial vineyard owned by Zerba Cellars. Although we do not know the full history of the A&B property, we believe that this situation raises an issue of state law, as well as a practical concern for local viticulture.

State law prohibits the operation of an asphalt batch plant within two miles of a planted vineyard. *See* ORS 215.301. The Oregon Supreme Court has interpreted this statute as specifically applicable to batch plants located within the EFU zone. *See O'Mara v. Douglas County*, 318 Or 72 (1993). Although the statute exempts batching operations that were permitted before 1989, Oregon non-conforming use laws limit the ability of grandfathered land uses to expand or to resume discontinued operations that do not comply with current land use rules. The county should therefore consider whether the A&B operation is consistent with state and local rules regarding the siting of batching and mining operations.

The policy behind the two-mile rule reflects the seriousness of the potential impacts of asphalt batching on wine grapes. Aggregate and asphalt operations can have a variety of impacts on viticulture and winemaking. For example, wine grapes can absorb air pollutants from asphalt batching, which may cause "smoke taint" in wine made from those grapes. It has been documented that smoke taint may negatively impact wine quality and value by producing unpleasant flavors and aromas in the wine. Smoke taint can force winemakers to resort to expensive wine treatment methods such as reverse osmosis. Furthermore, these techniques are not always effective in removing smoke taint.

In addition, dust created by rock crushing and vehicle traffic at aggregate sites facilitates the spread of spider mites, which are a vineyard pest. Eradication of spider mites can require increases in vineyard irrigation, maintenance of a cover crop around vines and application of certain chemicals.

For these reasons, we ask the County to carefully consider A&B's application and ensure that the County's decision protects local winegrowers. Thank you very much for considering these comments.

Sincerely,

A handwritten signature in cursive script that reads "Tom Danowski". The signature is written in dark ink and is positioned above the typed name.

Tom Danowski
Executive Director
Oregon Winegrowers Association

LARGE/OVERSIZE EXHIBIT #41

April 24, 2014 letter from Peter Mohr, attorney for Konen Rock Products, Humbert Asphalt, Inc. and Pioneer Asphalt, Inc., opposition. Concerned with applicant's failure to comply with county development code and permit requirements for installation and operation of the asphalt plant.

(email staff to request a copy)

BARNES, INC.

BARRY M. BARNES - PRESIDENT
P.O. BOX 263 - LEWISTON, IDAHO 83501 - (208) 748-0184

RECEIVED

APR 24 2014

UMATILLA COUNTY
PLANNING DEPARTMENT

Past Experience:

Barnes, Inc. has been in the drilling and blasting business for the past 45 years. We have extensive experience performing controlled blasting, site development and the drilling and blasting of rock quarries, road cuts, building pads, pole holes, and ditch/trench lines. We use approximately 6 million pounds of explosives per year to produce 5 million to 7 million tons of rock.

Barnes, Inc. owns and operates 11 self contained hydraulic rock drills (including 4 Svedala, formerly Gardner Denver, SCH 5000's). We use our own trucks and lowboys to mobilize our equipment to and from each jobsite and we are willing to travel anywhere our customers require our services.

If Barnes, Inc. is asked to strip a quarry, provide our own access, or provide some other service, including development work, we own the following equipment to do the job: a D8K Cat dozer, 235 Cat excavator, 2 front-end loaders, a D-6 Cat dozer and a Case 450 dozer. We also own a 300 Kamatsu track hoe with a 5,000 lb. class, 30G Kent hydraulic rock breaker and a Case 9050B track hoe with 7,500 lb. Class, 40G Kent hydraulic rock breaker to reduce oversize if required. With our fleet of shop and service trucks, our maintenance personnel can perform all required maintenance and repairs on our equipment at the jobsite or back at our shop located in Lewiston, Idaho.

Barnes, Inc. has substantial experience with controlled blasting and has performed numerous projects involving the drilling and blasting of sites in very close proximity of existing commercial structures, residential housing, freeways, and hospitals. Barnes, Inc. completed a project (Lewis Clark High School- Spokane, Washington) that required blasting within 500' of Deaconess Hospital, 250' from the interstate highway, 150' from a laser eye clinic, 150' from a historical church, and within 150' of the existing high school. The job was performed without disturbing any of the above locations. Barnes, Inc. has also completed numerous projects located in Lewiston, Idaho, including over 66 miles of trench, where the vibration limit (PPV) is only .5 inches per second. We completed a job (Lutes Addition) where we drilled and blasted 1,500 feet of trench within 35' of existing residential structures while maintaining the low vibration limit imposed by the City of Lewiston. In addition, Barnes, Inc. has performed the drilling and blasting on some public funded projects requiring in excess of 100,000 linear feet of controlled blasting (line holes). These projects also included substantial roadway rock cuts.

Barnes, Inc. has performed drilling and blasting on numerous projects located at the Micron facility in Boise, ID. Control of vibration was critical on these projects as vibration tolerances for the equipment used to produce the computer components was exceptionally stringent. Barnes, Inc. completed the projects successfully while remaining below allowed vibration levels. Barnes, Inc. also performed the drilling and blasting required to excavate the site for a Wal-mart in Nampa, Idaho. This required drilling and blasting approximately 60,000 solid cubic yards of rock from 150' to within 30' of existing residential houses.

#42

In the past, we have been contracted to drill & blast "year round" projects such as Meacham Hill Rail Road Project near Pendleton, Oregon and a railroad quarry in Connell, Washington for Summit Stone. We are currently performing the drilling & blasting at the Devlin Quarry in Mead Washington (300,000 tons+ for the past 12 years), which is within 1000 feet of the local high school. We are also performing the drilling and blasting to supply rock at a railroad quarry in Sprague, Washington (approximately 500,000 tons per year). Barnes, Inc also performed the drilling and blasting at a quarry located in Spokane, Havana Quarry, that is within 600' of a high school and surrounded by residential and commercial structures.

The following provides more specific details of some of the projects Barnes, Inc. has performed controlled blasting, highway road cuts, and "close-in" blasting.

FedEx Ground Site Excavation: Barnes, Inc was subcontracted by EKC, Inc. to drill and blast 4,200+ cubic yards of rock in very close proximity to existing utilities, parking lots, and buildings. Chris Schwartz was the project Superintendent and Blaster in Charge. 2012, EKC Project Manager was Brian Ellsworth, (208) 345-8944

Dover Bridge, Bonner County: Barnes, Inc. is subcontracted by MA DeAtley Construction, Inc. to drill and blast approximately 80,000 solid cubic meters of material and over 8,000 meters of controlled blasting along US Hwy 2. Larry Schwartz was the project Superintendent. Jeff Andrews and Scott Boyd share Forman and Blaster in Charge duties. 2010-2012, IDT Project Manager was Bill Capaul, (208) 772-1211

Southside Industrial Airport: Barnes, Inc. was subcontracted by M.L. Albright & Sons, Inc. to drill and blast 220,000+ solid cubic yards of excavation and over 4,000 L.f. of trench within the confines of the Lewiston-Nez Perce County Regional Airport with many blasts taking place near existing runways, utilities, and buildings. Jerry Anderson was the project Superintendent and Chris Schwartz was the Foreman/Lead Blaster. 2011, City of Lewiston Public Works hired Riedesel Engineering, (208) 743-3818

Stickney Creek to Hardy Creek: Barnes, Inc. was subcontracted by Schellinger Construction Co., Inc. to drill and blast approximately 7,500 cubic yards of material and over 5,500 L.f. of pre-split holes alongside Interstate 15 in Montana. Chris Schwartz was the Forman and Blaster in Charge. 2010, MDT District Geotechnical Engineer was John Sharkey, (406) 444-6286.

Luttrell Repository Upper Tenmile Creek Mining Area, 2009 Remedial Action: Barnes, Inc. was subcontracted by Bullock Contracting to drill and blast approximately 100,000 banked cubic yards at the Luttrell Repository in Lewis & Clark County, Montana. The work consisted of drilling and blasting high walls down to a 2H:1V slope at the mine reclamation site. Jerry Anderson was the project Superintendent and Chris Schwartz was Blaster in Charge. 2010, CDM Federal Programs Corp was owner, Bullock Contracting Rep. was Tom Butler (406) 225-3894

8 km So of Polson-South: Barnes, Inc. was subcontracted by MA DeAtley Construction, Inc. to drill and blast over 110,000 solid cubic meters of road cuts. Barnes, Inc. also drilled and blasted over 10,000 meters of pre-splitting holes. Larry Schwartz was the project Superintendent and Jeff Andrews was the Foreman and Blaster in Charge. 2009-2010, MDT Geotechnical Engineer was Patrick McCann (406) 444-6277.

Lyle Falls Fishway Improvements: Barnes, Inc. was subcontracted by Apollo, Inc. to perform the drilling and blasting for the 1st phase of a fish ladder improvement. Barnes, Inc. drilled and blasted just under 2,000 solid cubic yards and performed over 3,500 L.f of controlled blasting within 300 feet of the existing fish ladder and directly adjacent to the river. Jerry Anderson was the project Superintendent and Chris Schwartz was the Foreman and Blaster-in-Charge. 2009, Yakima Nation contracted Harbor Consulting Engineers, Project Manager was John Hutchins (206) 709-2397. Yakima Nation Fisheries Manager was Bill Sharp (509) 865-5121

Crowden Energy Dissipater: Barnes, Inc. was subcontracted by Boulder Creek Contracting to drill and blast 7,000 cubic yards of riprap at the Lane Creek Quarry. Larry Schwartz was the project Superintendent and Jay Lawhon was the Blaster-in-Charge. 2009, Colville National Forest, Three Rivers Ranger District. Boulder Creek Contracting, Pete Delange (509) 996-3513

Grand Loop Rd (Madison to Norris, Segment B): Barnes, Inc. was subcontracted by HK Contractors, Inc. to drill and blast a road cut (approximately 11,000 cubic meters of material adjacent to historic rock walls in Yellowstone National Park). Jerry Anderson and Larry Schwartz were the project Superintendents and Jeff Andrews was the Blaster-in-Charge. 2009, US Dept. of Transportation, Federal Hwy Admin, Rafael Castanon (307) 242-7310

Billings Airport Road: Barnes, Inc was subcontracted by Riverside Contracting to perform the drilling and blasting of unclassified excavation and pre-split holes. Barnes, Inc. blasted over 37,500 solid cubic meters of excavation and 1,190 meters of pre-split. Jerry Anderson is the project Superintendent and Jeff Andrews and Chris Schwartz have shared the Foreman and Blaster-in-Charge duties. 2008-2009, MDT Project Manager was Tom Shupak (406) 657-0271

I-84: Pleasant Valley – Durbin Creek Rd Section: Barnes, Inc. drilled and blasted this ODOT road cut as a subcontractor for Hap Talyor & Sons, Inc. DBA Knife River. Almost 100,000 solid yards were blasted in the road cut along with 42,963 L.f. of pre-split. The project was located along the I-84 freeway near Baker, Oregon. Barnes, Inc. also performed approximately \$16,000 dollars worth of T&M work for ODOT to drill and blast an overhang. Jerry Anderson was the project Superintendent and Chris Schwartz was the foreman and Blaster-in-Charge. 2008, ODOT Project Manager was Jay Roundtree (541) 963-1359

Powell County Line - North: Barnes, Inc. drilled and blasted close to 20,000 solid cubic meters of roadway excavation and 961 meters of controlled blasting on the project located near Drummond Montana. Barnes, Inc. performed this MDT project as a subcontractor for Riverside Contracting. Jerry Anderson was the project Superintendent and Jeff Andrews was the Foreman and Blaster-in-Charge.
2008, MDT Engineering Project Manager was Dan Clary, dclary@mt.gov

Little Blackfoot - E. of Garrison: Barnes, Inc. drilled and blasted this MDT project as a subcontractor for PUMCO, Inc. Barnes, Inc. drilled and blasted 9,140 solid cubic meters of roadway excavation and 1,448 meters of controlled blasting. Jerry Anderson and Larry Schwartz shared Superintendent duties and Jeff Andrews was the Foreman and Blaster-in-Charge.
2008, MDT Project Manager was Rick Johnson (406) 494-9651

Big Mountain Road: Barnes, Inc. was subcontracted by M.A. DeAtley to perform the drilling and blasting for this MDT project located in Flathead County. Barnes, Inc. drilled and blasted approximately 150,000 solid cubic meters of roadway excavation on the project. Controlled blasting was anticipated before the project began but was not utilized. Jerry Anderson and Larry Schwartz shared Superintendent duties and Jeff Andrews was the Foreman and Blaster-in-Charge.
2007, MDT Project Manager was Mark Cyr, (406) 751-2000

Setters to Bellgrove Stage 2: Barnes, Inc. performed the drilling and blasting on this Idaho Transportation Department project as a subcontractor for MA DeAtley. This project required over 7,000 meters of controlled blasting and drilling and blasting over 170,000 solid cubic meters of rock within the road cut. Barnes, Inc. also drilled and blasted over 110,000 solid cubic meters in the state designated quarry. This project is located near Worley, Idaho. Jerry Anderson was Barnes, Inc.'s Project Superintendent. Chris Schwartz and Jeff Andrews were the Foremen and Blasters-in-Charge.
2005-2006, ITD Resident Engineer was Marvin Fenn, (208) 772-1253.

South of Ravalli - Medicine Tree: Barnes, Inc. performed the drilling and blasting on this Montana Department of Transportation project as a subcontractor for MA DeAtley. Barnes, Inc. drilled and blasted over 40,000 solid cubic meters of rock within the road cut. The project was located near Ravalli, Montana and Jerry Anderson was Barnes, Inc.'s Project Superintendent. Chris Schwartz and Jay Lawhon were Barnes, Inc.'s Blasters-in-Charge/Project Foremen.
2006, MDT Resident Engineer was Mark Cyr, (406) 751-2000.

SR 31 Metaline Falls to International Border: Barnes, Inc. performed the drilling and blasting of the road cut on this project as subcontractor for MA DeAtley and performed the drilling and blasting of the quarry as a subcontractor for DeAtley Crushing. This was a Washington State Department of Transportation project located near Metaline Falls, Washington. The project required over 7,500 feet of controlled blasting and drilling and blasting over 90,000 solid cubic yards of rock material within the road cut. Barnes, Inc. also drilled and blasted over 250,000 tons of rock in the

designated quarry. Jerry Anderson and Larry Schwartz shared responsibilities as the Project Superintendents and Chris Schwartz was the Blaster-in-Charge/Project Foreman. 2005-2006, WSDOT Resident Engineer was Bob Hilmes, (509) 324-6231.

East of Narrows to Bishoff Canyon: Barnes, Inc. performed the drilling and blasting on this Idaho Transportation Department project as a subcontractor for MA DeAtley. This project required drilling and blasting over 520,000 cubic meters of rock within the roadway and controlled blasting in excess of 43,000 meters. The project was located in Bear Lake County, Idaho. Jerry Anderson was Barnes, Inc.'s Project Superintendent. 2002-2003, ITD Resident Engineer was Tim Swenson, (208) 239-3337. A few months after the project was completed Mr. Swenson sent a letter to Jerry Anderson expressing his gratitude to Barnes, Inc regarding the controlled blasting of the slopes and rock excavation.

The above projects were completed successfully and on time.

REFERENCES

Central Pre-Mix Concrete Co., Spokane, WA - Dennis Miller (509) 534-6221

DeAtley Crushing Co., Inc., Lewiston, ID - Brien DeAtley, (208) 743-6550

M.A. DeAtley Const. Co., Inc. Clarkston, WA - Mark DeAtley, (509) 751-1428

N.A. Degerstrom, Inc., Spokane, WA - Chris Meyer, (509) 928-3333

Dyno Nobel, Inc. - Salt Lake City, UT - Jim O'Brien, (913) 782-8263

Inland Asphalt, Inc., Spokane, WA - Kenny Gibson, (509) 534-2657

North Central Construction, Moses Lake, WA - Garry Kneedler, (509) 765-5885

Poe Asphalt Paving, Inc., Post Falls, ID - Mark Poe, (208) 777-0498

Potlatch Corporation, Headquarters, ID - Mike Weger, (208) 404-2521

Pumco, Inc., Lolo, Montana - Brett Pumnea, (406) 273-2811

Warner Construction, Inc., Boise Idaho - Paul Warner, (208) 333-0189

Western Construction, Boise, Idaho - Jack Snyder, (208)345-1440

Wood's Crushing & Hauling, Sandpoint, ID - Brian Wood, (208) 263-4800

Lewis Oriard, Blasting Consultant, Huntington Beach, CA, (714) 846-1515

Dick Daniels, Blasting Consultant, Beaverton, OR, (503) 644-7544

Humbert Excavating
Rt. 3 Box 242-H
Milton-Freewater, OR 97862

6-6-84

RECEIVED

APR 24 2014

UMATILLA COUNTY
PLANNING DEPARTMENT

JUN 7 84
UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County Planning Dept.
Mr. Stephen Purcell
216 S.E. 4th.
Pendleton, OR 97801

RE: Conditions of Approval for
Conditional Use Permit #C-333

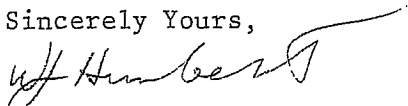
Dear Stephen:

In reference to your letter May 24, 1984. We are submitting our completed zoning permit application for final approval. We have agreed to and/or completed the necessary conditions listed in your letter.

- 1) We agree to operate during day light hours only
- 2) We have met with Mr. Bob Martin and agreed with his conditions (letter from City of Milton-Freewater will be forth coming).
- 3) We are reconstructing access road to quarry site with necessary drainage system.
- 4) We have sprayed the noxious weed and thistles around the pit area.
- 5) A fence will be across the canyon entrance to secure pit from unwanted trespassers.
- 6) We agree to a yearly review to determine if all the conditions have been met.

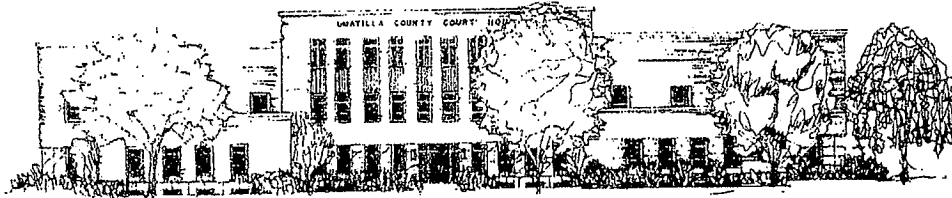
If you have any questions, or need any further information, please don't hesitate to contact us.

Sincerely Yours,


W.J. Humbert

Humbert Excavating

#43



UMATILLA COUNTY PLANNING DEPARTMENT

216 S.E. 4th
Umatilla County Courthouse, ~~P.O. Box 127~~, Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

August 17, 1984

Joe Humbert
Rt. 3 Box 242-H
Milton-Freewater, OR 97862

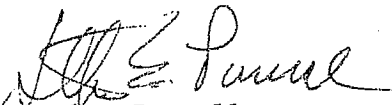
Dear Joe;

On behalf of the staff and the Hearings Officer, I would like to extend our appreciation on the fine job you did at the James Spence Quarry site.

On a recent trip to the site, I was pleasantly surprised to find the improvements you had made to both road and pit area.

We appreciate the conscientious effort on your part and we will look forward to working with you in the future, if you have any other projects.

Sincerely,


Stephen Purcell
Zoning Aide/Inspector

SP:kt

cc: Wendell Lampkin, Board of Commissioners.

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APR 24 2014
UMATILLA COUNTY
PLANNING DEPARTMENT

#441



Since 1889

Office Of
City Manager

CITY OF

MILTON-FREEWATER

RECEIVED

PLANNING

P.O. Box 6 Milton-Freewater, Ore. 97862 Phone 503-938-5531

June 5, 1984

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JUN 6 '84

Mr. Dennis Olson, Director
UMATILLA COUNTY PLANNING DEPT
216 SE 4th
Pendleton, OR 97801

Re: #C 333, Humbert Excavating

Dear Mr. Olson:

This is to inform you that Humbert Excavating has met condition # 2 of their conditional use requirements as outlined in the May 10, 1984 letter from Steve Purcell.

Humberts have reviewed our conditions including haul roads, and have agreed to these conditions. A copy of the conditions which has been signed by Dan Humbert is attached.

Sincerely,

Robert C. Martin
Planning Director

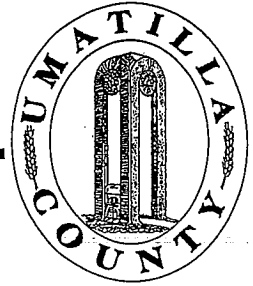
RCM:d1
enc

DO

#45

Umatilla County

Department of Resource Services and Development



Director
Tamra Mabbott

NOTICE OF APPROVAL

Planning &
Development
Division:

YEARLY REVIEW

LAND USE
PLANNING
541-278-6252

March 15, 2006

CODE
ENFORCEMENT
541-278-6300

Joe Humbert
Birch Creek Construction, Inc.
84945 Humbert Lane
Milton-Freewater, OR 97862

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

RE: Conditional Use #C-479 "Spence Pit" (Annual '06
Approval and Discontinuance of Annual Reviews)

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
56-3700
367-2737

County/State
Services
Division:

COUNTY FAIR
541-567-6121

State Agency
Liaisons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456


Dear Mr. Humbert:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have granted approval for aggregate operations in 2006. You are in good standing with the conditions placed on your permit and the permit has been extended.

Additionally, based upon site inspection approvals since 1987, the Umatilla County Planning Department is deferring the requirements to obtain yearly approval of your aggregate operation at the "Spence Pit." You are still required to comply with the conditions placed on your permit, and remain within permit boundaries, but annual review can be deferred unless complaints warrant additional county involvement.

Please feel free to contact the Planning Department if you have any questions or if there are any changes in your approved conditional use.

Best Regards,


J.R. Cook, Asst. Planning Director
Umatilla County Land Use Planning

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UMATILLA COUNTY
PLANNING DEPARTMENT

246

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Fwd: Clarification I am authorized to offer on your behalf tonightRECEIVED
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PLANNING DEPARTMENT

From: **Wendie Kellington** (wk@wkellington.com)
Sent: Thu 4/24/14 3:32 PM
To: Mike Stalder (mdstalder@hotmail.com); Leslie Hauer (hauer@3-cities.com)
1 attachment
image001.jpg (4.4 KB)

Sent from my iPhone

Begin forwarded message:

From: Rich Angstrom <rich.angstrom@ocapa.net>
Date: April 24, 2014 at 3:17:49 PM PDT
To: Wendie Kellington <wk@wkellington.com>
Cc: "tamra@umatillacounty.net" <tamra@umatillacounty.net>
Subject: RE: Clarification I am authorized to offer on your behalf tonight

Wendy,

"Mining area" is defined as "the area of a site within which mining is permitted or proposed. .." In my letter, I meant "entire 'mine area'" to mean entire "proposed mine area" which is language in the rule (660-023-0180(3)(d)). I thus interpret "mining area" to include "proposed mining area" per the definition cited in the footnote as it applies to (3)(d). The County only needs to analyze the proposed mine area for significance, which I also submit can include all or a portion of an existing permitted mine area such as an old CUP. If A & B's application excludes part of the existing mine, then obviously that is not part of the proposed mine area and not part of A & B's application. I see no difference in our interpretation or view, just different word choices to explain it. I apologize for the confusion, it would have been helpful to delete the word "entire". You have my permission to clarify this with the Commission.

Rich

LARGE/OVERSIZE EXHIBIT #48

City of Milton-Freewater Comprehensive Plan

It is posted on the website for the City of Milton-Freewater at
www.mfcity.com

(email staff to request a copy)

To: Umatilla County
Department of Land Use Planning

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APR 24 2014
UMATILLA COUNTY
PLANNING DEPARTMENT

Introduction: Esteemed Commission members my name is Samuel James Ostronik, I have lived within ear and eye shot of the (Spence Pit) site for twenty four years.

My attendance tonight is to give you an idea on how this site impacts my family's life and those whom live just outside of the 1500-ft impact area. We were not given any notice by the County that A&B Asphalt was seeking expand their rock crushing and asphalt production site so I must assume that this is not a requirement of the county. It seems odd that they would not want to contact everyone directly involved.

Previously leaseholders were mindful of their surroundings and respected the homeowners in the area. So because there was little noise coming from the crusher site or the past locations of the asphalt plants. There was just not a need to confront the company about problems.

Now that A & B Asphalt has taken over the lease it is a new ball game. They seem to operate with complete disregard for our neighborhood. Just today I awoke to a backup alarm at 6:20 am in my house with the windows shut. This will continue every morning during the summer the alarms will start as early as 5:15 am with the plant not far behind. Sleeping with the windows open is not an option in my home.

In the past three weeks I have been monitoring the decibel levels coming from the pit area. On four separate occasions the readings were 54-59, 57-60, 53-59, and 57-64 decibels. Never was the reading below 50 decibels with plant and equipment running.

In past summers there has been 14 to 21 day stretches of 24/7 air drilling in the pit preparing for upcoming blast's and all I can expect is that will continue with the same disregard for peace of mind and property values of my neighbors and I.

Before labeling me a malcontent you should know I was employed as a construction worker for 25 years 10 of those in Asphalt. I understand the work must be done and time is money, but the cost of doing business should never exceed anyone's right to peace and quite in his or her sanctuary. The reason why we have rules is to protect us all.

I would like to thank the planning commission for the opportunity to state my concerns on the record. April 24,2014

Samuel James Ostronik