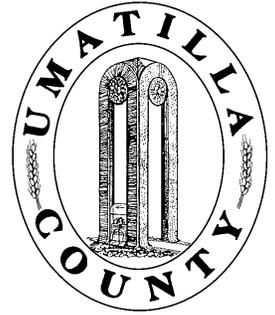


# Umatilla County

Department of Land Use Planning

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LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

CODE  
ENFORCEMENT

SOLID WASTE  
COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

RURAL  
ADDRESSING

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

## MEMO

**TO:** Umatilla County Board of Commissioners

**FROM:** Bob Waldher, Assistant Director

**DATE:** September 13, 2017

**RE: September 20, 2017 Board of Commissioners Hearing**  
**Oregon Department of Transportation – Meacham Quarry**  
**Plan Map Amendment, #P-117-16**  
**Zone Map Amendment, #Z-309-16**  
**Text Map Amendment, #T-16-068**  
**Variance, #V-348-17**

### ***Background Information***

The Oregon Department of Transportation (ODOT) requests to add several tax lots under the same ownership to the Umatilla County Comprehensive Plan list of Goal 5 protected significant sites and apply the Aggregate Resource (AR) Overlay Zone to the entire Meacham Quarry site. The proposed expansion would add approximately 19 acres (Tax Lots #800, 900, 1000, and 100) to the existing 35.70 acre Goal 5 protected site (Tax Lot #400). The entire Meacham quarry, which includes the Goal 5 expansion area, is listed as a 3C site in the Umatilla County Comprehensive Plan Technical Report.

In addition to the proposed amendments, the applicant request a variance from the Umatilla County Development Code criteria which requires an AR overlay setback of at least 1,000 feet from properties zoned for residential use or designated on the Comprehensive Plan for residential.

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

The Umatilla County Development Code has not been updated with the Division 23 Rules for Aggregate. The Oregon Administrative Rules (OAR) 660-023-0180 to establish a Goal 5 Large Significant Site will be directly applied per OAR 660-023-180 (9). This application constitutes a Post Acknowledgement Plan Amendment (PAPA) and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. In addition, Umatilla County Development Code (UCDC) Sections 152.487 and 152.488 will be applied.

### ***Previous Hearings***

The proposed amendments and variance were presented to the Umatilla County Planning Commission at a public hearing held August 24, 2017. The Planning Commission recommended approval of the amendments and variance by the Board of Commissioners. A copy of the Planning Commission Hearing Minutes is attached.

## **Memo**

Board of Commissioners Hearing – September 20, 2017  
Oregon Department of Transportation Meacham Quarry

### ***Conclusion***

The Board of Commissioners will decide whether or not to accept the recommendation of the Planning Commission and decide whether or not to amend the Comprehensive Plan to add the Meacham Quarry expansion to the County's inventory of significant sites and establish an aggregate resource overlay on the expansion area.

### ***Attachments***

The following attachments have been included for review by the Board of Commissioners:

- Final Findings and Conclusions
- Proposed AR Overlay Expansion Map
- Copy of Planning Commission Hearing Minutes

# **FINAL FINDINGS & CONCLUSIONS**

**TEXT AMENDMENT, #T-16-068**

**PLAN AMENDMENT #P-117-16**

**ZONE MAP AMENDMENT #Z-309-16**

**VARIANCE, #V-348-17**

**Oregon Department of Transportation, Applicant**

**Meacham Quarry**

**UMATILLA COUNTY BOARD OF COMMISSIONERS  
FINAL FINDINGS AND CONCLUSIONS  
MEACHAM QUARRY  
COMPREHENSIVE PLAN MAP AMENDMENT, #P-117-16,  
COMPREHENSIVE PLAN TEXT AMMENDMENT T-16-068  
ZONING MAP AMENDMENT #Z-309-16  
VARIANCE REQUEST #V-348-17  
MAP #1N 35 34; TL #800, 900, 1000 AND 1N 35 03AB; TL #100**

1. APPLICANT: Patrick Knight, 3012 Island Ave, La Grande, OR 97850
  
2. OWNERS: Oregon Department of Transportation (ODOT), 3012 Island Ave, La Grande, OR 97850
  
3. REQUEST: 

The applicant requests to add several tax lots under the same ownership to the Umatilla County Comprehensive Plan list of Goal 5 protected significant sites and apply the Aggregate Resource (AR) Overlay Zone to the entire Meacham Quarry site. The proposed expansion would add approximately 19 acres (Tax Lots #800, 900, 1000, and 100) to the existing 35.70 acre Goal 5 protected site (Tax Lot #400). The Meacham quarry is listed as a 3C site in the Umatilla County Comprehensive Plan Technical Report.

The proposed use of the site will be for the periodic excavation and processing of aggregate and batching asphalt under contracts for public roadway projects. Unlike privately owned aggregate quarries, this site will not be in continuous operation. The quarry will mainly be used for aggregate for public highway construction and maintenance purposes. In general, this is a strategic source for the Interstate-84 (I-84) corridor. Major highway construction projects on this highway are conservatively expected to occur approximately once every 10-15 years over duration of about 3 to 10 months. There are times when the quarry may be used in other major projects due to its location and quantity of quality aggregate. In between major projects, the site will remain inactive except for minor maintenance use or emergency needs for rock material.

In addition to the proposed amendments, the applicant request a variance from the Umatilla County Development Code criteria which requires an AR overlay setback of at least 1,000 feet from properties zoned for residential use or designated on the Comprehensive Plan for residential.
  
4. LOCATION: The property is located north of Meacham, off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100.
  
5. SITUS: No site address is assigned to this property.

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 2 of 24

6. ACREAGE: The existing Goal 5 protected site (Tax Lot #400) is 35.70 acres. The Goal 5 expansion area includes Tax Lot #800 (12.40 acres), Tax Lot #900 (2.03 acres), Tax Lot #1000 (1.96 acres), and Tax Lot #100 (3.38 acres). If approved, the entire Goal 5 protection area would be 55.47 acres.
7. PERMITS: Multiple permits have been issued to the subject property. A conditional use permit (C-246) was issued for mining in 1982. Since then multiple zoning permits have been issued for the subject property for ODOT's mining operation. The most recent zoning permit (ZP-06-251) was issued in 2006 to allow ODOT to resume mining operations on the subject property.
- The existing AR overlay on Tax Lot #400 was created in 1988 through Zone Amendment #Z-246.
- A Department of Geology and Mineral Industries (DOGAMI) operating permit has been issued for the site - #30-0018.
8. COMP PLAN: The site has Comprehensive Plan designations of Grazing/Forest and Multi-use.
9. ZONING: The existing Goal 5 protected area is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR).
10. ACCESS: The site can be accessed via Interstate-84 (I-84) from either Exit 234 or Exit 238 to Meacham, and then by travelling to the existing ODOT sand shed. The Meacham quarry is located off US Forest Service Road #3030. The quarry site is located on both sides of the access road, but the southeast side is primarily used by ODOT maintenance crews for the sand shed, stockpiling, and staging areas.
11. ROAD TYPE: Big Horseshoe Road (FS 3030) is a gravel road that is maintained by the US Forest Service.
12. EASEMENTS: There are no access or utility easements on the subject property.
13. LAND USE: The subject property has historically been used as an aggregate operation. The proposed use of the site will continue to be for the periodic excavation and processing of aggregate and batching asphalt under contracts for public roadway projects. Unlike privately-owned aggregate quarries, this site will not be in continuous operation. The quarry will mainly be used for

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 3 of 24

aggregate for public highway construction and maintenance purposes.

In general, this is a strategic source for the I-84 corridor. Major highway construction projects on this highway are conservatively expected to occur approximately once every 10-15 years over duration of about 3 to 10 months. There are times when the quarry may be used in other major projects due to its location, and quantity/quality of aggregate. In between major projects, the site will remain inactive except for minor maintenance use or emergency needs for rock material.

14. ADJACENT USE: Surrounding properties to the East, West, and North, primarily consist of forested land that is used for grazing, timber cutting, and some outdoor recreation. Properties to the south of the subject property consist of several year-round and seasonal residences located within the unincorporated community of Meacham.

15. LAND FORM: Columbia River Plateau

16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152. 003 as Land Capability Class I and II. The soils on the subject property are predominately Class III and VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
113D: Waha-Rocky Complex, 2 to 20 percent slopes	VIIIs	---
112B: Waha-Silty Clay Loam, 1 to 12 percent slopes	IIIe	IIIe
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).</i>		

17. BUILDINGS: A sand shed is located on Tax Lot #1000.

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

19. WATER/SEWER: There are no water or sewer services on this property.

20. FIRE SERVICE: The subject property is not served by a rural fire protection district.

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

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

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

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 4 of 24

24. NOTICES SENT: August 4, 2017.

25. HEARING DATE: A public hearing was held before the Umatilla County Planning Commission on August 24, 2017 at 6:30 PM at the Justice Center, 4700 Pioneer Place, Pendleton, OR 97801.

A subsequent hearing was held before the Board of County Commissioners on September 20, 2017 at 9:00 AM at the Umatilla County Courthouse, Room #130, 216 SE 4<sup>th</sup> Street, Pendleton, OR 97801.

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Department of Transportation Region 5-Highways Division, Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands, US Forest Service, Confederated Tribes of the Umatilla Indian Reservation

24. COMMENTS: During the public hearing on August 24, 2017, the Planning Commission recommended that a subsequent condition be added to the findings requiring ODOT to install “No Firearms Activities” signs at the entrance to the quarry to deter the public from shooting firearms within the quarry site. This is included in Subsequent Condition #5, below.

In addition to obtaining and adhering to all applicable state and federal permits, the Planning Commission recommended that a condition be added to the findings requiring ODOT to comply with all Umatilla County Weed Management Ordinances. This is included in Subsequent Condition #6, below.

Finally, members of the Planning Commission addressed concerns regarding adherence to DEQ permits for air, noise, and water quality issues. As noted in Subsequent Condition #3, below, the applicant shall obtain and adhere to all required state and federal permits.

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

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

In order to mine aggregate in Umatilla County, a site must either be an active insignificant site, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site. This subject property is not currently on the Goal 5 Inventory as a significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan

amendment to add the site to the Umatilla County inventory of significant aggregate sites and obtain Goal 5 protection of the resource. Part of this Goal 5 protection is to include the site under the AR Overlay Zone. The Umatilla County Comprehensive Plan requires that “[a]ny proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA Overlay Zones shall be processed as an amendment to this plan.” Therefore, this application constitutes a Post-Acknowledgement Plan Amendment (PAPA), and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. The Department of Geology and Mining Industries (DOGAMI) reclamation plan (on file with DOGAMI) informs ODOT to replace overburden and seed the site with native grasses for wildlife habitat once the quarry is exhausted. As a condition of approval for operation, the applicant must acquire a DOGAMI permit.

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

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

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

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

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

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

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

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

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

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

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 6 of 24

- (ii) 25 feet in Polk, Yamhill, and Clackamas counties; or
- (iii) 17 feet in Linn and Benton counties.

To assess the quality, quantity, and location of the resource, ODOT reviewed and summarized existing, geologic mapping, topographic surveying, subsurface drilling and laboratory testing of rock materials. The Meacham Quarry site is estimated to contain approximately 2,000,000 cubic yards (5,000,000 tons) of rock of a quality that exceeds ODOT's highway paving aggregate standards, including abrasion and degradation laboratory testing. The quarry meets (exceeds) the criteria for a significant aggregate site in accordance with OAR 660-023-180 (3)(a).

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

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

ODOT's studies, which involved reviewing aerial photographs and conducting field reconnaissance, suggest there is no factual evidence to indicate the presence of significant potential conflicts with other uses beyond the 1,500 foot impact area. ODOT provided a map of the project which includes the 1,500 foot impact area. This map has been added to the project record and is included as an attachment to this document. Umatilla County finds that factual information is not present to indicate that there would be significant conflicts beyond the 1,500 foot impact area from the boundaries of the proposed expansion. The 1,500 foot impact area is sufficient to include uses listed in (b) below. This criterion is satisfied.

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

## FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 7 of 24

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

There are six parcels within the 1,500 foot Impact Area that contain dwellings. Five parcels within the impact area contain storage and maintenance facilities that are owned and operated by ODOT. The following describes the potential conflicts due to noise, dust, or other discharges that could be created by the site and how mitigation would occur.

#### Noise

Umatilla County Planning Department records show that the subject property has historically been utilized for mining activities since at least 1982, and the existing dwellings have coexisted with the Meacham Quarry for many years. ODOT has indicated that crushing and processing of aggregate will continue to be confined to the already protected Goal 5 area (Tax Lot #400) and noise levels from the aggregate operation will not exceed Oregon Department of Environmental Quality (DEQ) recommendations. Since noise generating activities will not expand beyond the existing protected Goal 5 site, a noise study is not necessary. Umatilla County finds that noise levels from the proposed expansion are not expected to conflict with existing uses within the 1,500 foot impact area.

#### Dust

Typically, quarry operations such as aggregate extraction, stockpiling, crushing and processing, and hauling activities are potential sources of dust. Operations at the site must conform to DEQ air quality standards. As part of normal operations at the quarry, contractors have been required to submit a site specific dust control plan and use dust suppression methods to mitigate dust during all operations in the quarry site and during hauling activities. Measures will continue to be taken to mitigate fugitive dust resulting from equipment and vehicle use both onsite and along the haul route. These measures will meet Oregon DEQ air quality permit requirements outlined in the General Air Contamination Discharge Permit for portable crushers and asphalt batch plants and all other applicable laws and regulations. Also, ODOT construction inspectors will continue to ensure that activities such as excavation, processing, crushing, batching, and hauling are in compliance with required permits and the Dust Control Plan for the quarry operation. Because dust suppression is routinely incorporated as part of any operation at the quarry site, and dust is routinely controlled, dust is not considered to be a significant conflict with existing uses. Umatilla County finds that ODOT will continue to implement dust suppression measures and dust is not expected to conflict with existing uses within the 1,500 foot impact area.

#### Stormwater and Pollution

Other discharges typically encountered in quarry activities are stormwater, fluids, and debris from operating equipment. As part of their contract, ODOT requires contractors operating in quarry sites to prepare and adhere to site-specific pollution control and erosion control plans. The applicant has provided the following operating specifications that would be required for contractors:

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 8 of 24

*Develop a site-specific Erosion and Sediment Control Plan (ESCP) for the material source site according to Section 00280.02 of the Oregon Standard Specifications for Construction, and submit it to the Engineer at or before the pre-work meeting. Construct storm-water control berm(s) as needed to control runoff.*

*Do not allow any materials, including sediments, aggregate or crushing by-products to enter into jurisdictional waterways or wetlands.*

*Develop a site-specific Pollution Control Plan (PCP) for the material source site according to Section 00290.30(b) of the Oregon Standard Specifications for Construction, and submit it to the Engineer at or before the pre-work meeting. Include the following details:*

- *Do not discharge waste or by-product if it contains any substance in concentrations that could contaminate soils or result in harm to fish, wildlife, or water sources.*
- *Store bag-house sludge, lime, and all potentially hazardous materials and solid waste in a manner that prevents seepage into the ground or groundwater sources. Lined sumps or pits are allowable options for storage. If pits or sumps are used, construct adequate berms or provide other measures to prevent breaching of the pits or sumps.*
- *For materials capable of causing water pollution if discharged, locate storage facilities in an area that prevents spillage into waterways or wetlands.*

The applicant notes that berms will be constructed to contain stormwater on-site and prevent sediment from entering jurisdictional wetlands or waterways. ODOT construction inspectors ensure that users' activities within the aggregate site are in compliance with erosion and sediment control and pollution control requirements. At the end of each site operation, the site must be cleaned to meet the requirements in the Operating Specifications as follows:

- *Remove all structures, noncombustible debris, and equipment from the material source/disposal site, even if it was pre-existing, except for grass and small shrubs incorporated into the overburden*
- *Pile and burn all combustible debris resulting from use and development of the source, including the preexisting refuse identified at the pre-work meeting, even if it is from outside the material source/disposal site Project boundary except for grass and small shrubs that are incorporated into the overburden. Comply with all open burning regulations in effect at the time of source occupancy. If burning is not allowed, all combustible debris becomes the property of the Contractor, to be treated as noncombustible and removed from the material source/disposal site.*
- *Remove solid waste and hazardous material from the site and dispose of properly. These include, but are not limited to, bag-house sludge or fines, lime, excess liquid asphalt, rejected and excess asphalt mixture, plant cleanings, materials placed in sumps, tires, pipes, belts, screens and truck cleanings. Provide documentary evidence of proper disposal and verify the amount of material removed.*
- *If a spill or dumping has occurred or if a spill or dumping is suspected to have occurred, the Engineer will sample and test underlying material after all contaminated material is removed to assure compliance with DEQ regulations and to make sure that no material*

## FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 9 of 24

*residue has been left behind. If test results show that material residue remains, perform additional cleanup measures according to DEQ requirements.*

- *Hold a post-work meeting at the material source/disposal site to evaluate material source/disposal site rehabilitation work.*

These contract requirements ensure that the equipment, supplies, and methods are used to control stormwater and pollution, and prevent any type of discharges. Stormwater and pollution control has been, and will continue to be a regular part of the quarry operations, therefore these impacts will be minimized or eliminated. Umatilla County finds that ODOT will continue to implement stormwater and pollution control measures and discharges are not expected to conflict with existing uses within the 1,500 foot impact area.

### Blasting

The applicant notes that extensive research on blasting has been conducted by the US Bureau of Mines, the Office of Surface Mining, and numerous universities and private groups for more than 40 years. The impacts from blasting operations studied include vibration, air blast, and fly rock. Studies show that fracturing in the rock around a typical 3.5 inch blast hole is limited to 6 to 12 feet. Ground vibration levels from a blast are set by law to avoid any off site damage, and typical vibrations at safe levels feel the same as a loaded truck or bus traveling 50' to 100' away.

By contract specification, operators of the site are responsible for any damage to property resulting from the blasting operations, so it is in their best interest to ensure that blasting is accomplished in a safe manner. ODOT ensures safe blasting activities within the quarry site by requiring any Contractor operating in the site to follow the contract requirements within the Oregon Standard Specifications for Construction and the Operating Specifications as follows:

- *Blasting and all mineral and aggregate extraction, processing and equipment operation activities, including drilling, are restricted to dates between March 31<sup>st</sup> and December 1<sup>st</sup>. Perform blasting operations according to Section 00335 except the perimeter controlled blasting described in 00335.40(a) is not required.*
- *Restrict blasting to the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. Do not blast on Saturdays, Sundays, or legal holidays.*
- *Prepare and submit a blast plan in accordance with 00335.40(e). The blast plan should address protection of any sensitive cultural features by placing them within "no work" areas according to 00290.51. Blasting will be controlled to prevent fly rock from falling beyond the Project boundary.*
- *Notify the Engineer, Oregon Department of Forestry, recreational users, and all adjacent residents and property owners at least 48 hours before blasting. Do not detonate shots until the person videotaping the shot is prepared, or until the Engineer gives approval to proceed.*
- *Control ground vibrations and air blast pressures by using properly designed delay sequences and allowable charge weights per delay. Base the allowable charge weights per delay on ground vibration and air blast levels which will not cause damage.*

The requirements to control air blast, vibrations, fly rock, and the notification of adjacent land owners are supplemented by videotaping each blast to provide additional documentation of

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 10 of 24

satisfactory performance of the blasting operations

Any archeological sites in the area are a sufficient distance from the blast site that they are unlikely to be impacted by blasting activities. But because the resources need to be protected, any additional measures required to protect the site will be employed to ensure that the sites are not damaged during blasting.

Umatilla County finds that ODOT will continue to implement safe blasting practices, ensuring that conflicts due to blasting are minimized and so that they have limited impact/conflicts on surrounding land uses.

Summary of Existing Impacts

Umatilla County finds that no conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges exist within the 1,500 foot impact area. Although no conflicts have been identified within the impact area and no mitigation measures are imposed, the applicant has addressed voluntary mitigation measures (described above) that will be implemented to minimize potential impacts from noise, dust, or other discharges.

(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;

Since ODOT's quarry operations are not expanding beyond their existing operations, the traffic volumes are not expected to change as a result of the proposed Goal 5 expansion. Unlike commercial quarry sites, this quarry will continue to be used to support public road projects, so the traffic generated from operations at this site will be temporary and sporadic. Other expected uses consist of occasional maintenance by the state or county, consisting of just a few vehicles. The potential conflicts to the transportation system within one mile of the quarry based on clear and objective standards regarding site distance and road capacity are minimal and will not change the use of the road system.

Umatilla County finds that traffic generated by the quarry operations will be consistent with current levels and no conflicts from access and egress to the mining site within one mile of the entrance to the site are not expected as a result of the proposed Goal 5 expansion.

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

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 11 of 24

Umatilla County finds that there are no public airports within the Impact Area. The closest public airport is located some 29 miles northwest of the mine operation. Thus, no conflicts are recognized in terms of public airports and the proposed mining operation.

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

A portion of the ODOT Meacham Quarry (located on Tax Lot #400) is protected as a significant resource with an AR Overlay Zone, but would not be in conflict with the proposed expansion. Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with other Goal 5 resource sites within the 1,500 foot impact area.

(E) Conflicts with agricultural practices; and

Agricultural practices within the 1,500 feet impact area of the quarry site are limited. Several parcels to the east of the existing quarry may be suitable for grazing or timber harvesting. Other surrounding properties are zoned Forest Residential and Unincorporated Community and are primarily used for purposes other than agriculture. The Meacham Quarry has been operational for a number of years without and known impact to surrounding agricultural practices. Therefore, Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with agricultural practices within the 1,500 foot impact area.

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

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

(c) [If conflicts exist, measures to minimize] The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

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

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

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

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

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

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

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

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

Umatilla County finds that the post mining uses must comply with the GF and FR zones and the DOGAMI Reclamation Plan requirements. The applicant's post mining reclamation plan to

contour and revegetate the subject property for wildlife habitat would be in compliance with these requirements. This criterion is satisfied.

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

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

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

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

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

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

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

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

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 14 of 24

applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

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

**Table 1 - Potential Conflicting Uses**

<b>Zoning</b>	<b>Code Sections</b>	<b>Potential Conflicting Uses</b>
GF	152.081 Uses Permitted Outright; 152.083 Zoning Permit; 152.084 Land Use Decisions; 152.085 Conditional Uses	Dwellings (large tract forest, temple, lot of record, hardship, residential homes, room & board); churches; community centers; private and public parks and playgrounds; golf courses; public or private schools
FR	152.216(A)(B) Uses Permitted Outright & Zoning Permit; 152.217 Conditional Uses	Dwellings (mobile home, seasonal, single-family); vacation trailer or recreation vehicle; church or church camp retreat; various commercial uses; parks; campgrounds
UC	152.116(A)(B) Uses Permitted Outright & Zoning Permit; 152.117 Conditional Uses	Dwellings (mobile home, farm/forest, single-family, accessory); churches; schools; parks playgrounds & community buildings; boarding, lodging, or rooming house; various commercial uses

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

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

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

A portion of the ODOT Meacham Quarry (located on Tax Lot #400) is protected as a significant resource with an AR Overlay Zone, but would not be in conflict with the proposed expansion since the existing protected area and the proposed expansion are both aggregate uses. This criterion is satisfied.

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

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

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

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

- Dwellings (typically includes large-tract forest, mobile home, seasonal, template, lot of record, hardship, residential home, room & board facility, farm/forest, single-family, and accessory).
- Public/Private Gathering Spaces (typically includes churches, community centers, private and public parks and playgrounds, golf courses, public or private schools, various commercial uses, campgrounds)

The ESSE Analysis follows:

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

Limiting or prohibiting future dwellings and public/private gathering spaces within the impact area may result in the following economic consequences:

- Decrease in the value of adjacent properties
- Decrease in future County tax revenue
- Decrease in opportunities to attract new commercial businesses to the unincorporated community of Meacham

Allowing dwellings and public/private gathering spaces within the impact area is not likely to impact the aggregate operation economically.

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

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

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

The Comprehensive Plan Technical Report addresses potential environmental consequences as generally temporary: *“In the case of important resource sites, the positive economic and social benefits often outweigh the environmental consequences.”* There are unlikely to be any lasting environmental consequences from the proposed Goal 5 expansion. Certainly, dust, traffic, noise, and other discharges are expected to be no greater than what is currently experienced from the existing quarry operation. As discussed previously in these findings, numerous mitigation measures have been, and will continue to be implemented by ODOT. Therefore, whether future uses are prohibited, limited, or allowed within the Impact Area is unlikely to cause any positive or negative environmental consequences.

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

Prohibiting future potential conflicting uses in the impact area would have essentially no impact on energy usage, as dwellings and public/private gathering spaces would locate elsewhere and consume identical quantities of energy. Likewise, the energy consequences of allowing dwellings and public/private gathering spaces within the impact area are negligible.

**(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit**

conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

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

Umatilla County has determined that the proposed conflicting use should be allowed fully. As noted previously in the findings, mining has been occurring on the subject property for more than 30 years and adequate mitigation is proposed to avoid potential conflicts with the existing residential and commercial uses within the impact area. These mitigation measures would also minimize conflicts for future uses that potentially locate within the impact area. Besides the mitigation requirements of the mining operation, there are no additional standards to be applied to protect the mining operation more than what is typically required for new development by the Umatilla County Development Code.

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

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

There are no additional standards to be applied to protect the mining operation more than what is typically required for new development by the Umatilla County Development Code. This criterion is not applicable.

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

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

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

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

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

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

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

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

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

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

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

**County Response:** The Umatilla County Planning Commission finds the proposal complies with

the Comprehensive Plan, Chapter 8, and Policy 38:

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

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

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

Policy 38 (a) is met through the Goal 5 process. It was found that the potential conflicting land uses use should be allowed fully. As noted previously in the findings, mining has been occurring on the subject property for more than 30 years and adequate mitigation is proposed to avoid potential conflicts with the existing residential and commercial uses within the impact area. These mitigation measures would also minimize conflicts for future uses that potentially locate within the impact area. Besides the mitigation requirements of the mining operation, there are no additional standards to be applied to protect the mining operation more than what is typically required for new development by the Umatilla County Development Code. The mining operation will adhere to DOGAMI rules for operation and reclamation of the site as required by (b). Conditions of approval will be imposed on the applicant as required by 660-023-0180 (5)(c), above, that will place operational restrictions on mining operations to mitigate conflicts.

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

Umatilla County finds that the applicant's PAPA indicates that the proposed aggregate expansion area would produce approximately 2,000,000 cubic yards of aggregate material that exceeds ODOT specifications. The existing mining operation is listed as a 3C site in the Technical Report. These criteria are discussed in the findings under OAR 660-023-0180(3) above regarding quantity/quality.

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

Umatilla County finds that the proposed overlay is closer than 1,000 feet from properties zoned for residential use. Therefore, the applicant is seeking a variance to provide relief from this criterion. The Variance is addressed in **Item #31**, below.

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

The Surrounding landscape is comprised of evergreen forest. Therefore, Umatilla County finds that screening to protect the site from surrounding land uses is not necessary.

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 20 of 24

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

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

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

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

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

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

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

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

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

Umatilla County finds that as a condition of approval, the applicant shall provide a site plan to the Planning Department showing extraction and sedimentation ponds that are not located within 25 feet of a public road or within 100 feet from a dwelling (unless the extraction is into an area that is above the grade of the road, then extraction may occur to the property line).

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

No processing equipment is expected to be operated within the proposed Goal 5 expansion area. Therefore, this criterion is not applicable.

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

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

**31. CIRCUMSTANCES FOR GRANTING A VARIANCE, Section 152.627. A variance may be granted under some or all of the following circumstances:**

- (A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this chapter have had no control;

*Applicant Response*

The applicant states that they did not have control over the 1,000 foot setback from properties zoned residential, as required by the UCDC. In addition, ODOT ownership of the quarry property pre-dates the Comprehensive Plan and the underlying zoning.

*County Response*

Umatilla County finds that there are no exceptional or extraordinary circumstances (related to lot size, shape, or topography constraints) that apply to this property which do not apply generally to other properties in the same zone or vicinity. In general, surrounding properties have similar lot size, shape, and topography. Therefore, this circumstance is not fully addressed or further considered.

- (B) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owner of other property in the same zone or vicinity;

*Applicant Response*

The applicant notes that nearby GF properties have the right to quarry rock but do not have the same setback requirements because of their proximity away from the land zoned Forest Residential.

*County Response*

Umatilla County finds that the required residential setback limits the property rights of the applicant, and may not give them the same rights to mining that are possessed by adjacent property owners in the GF zone who have property more than 1,000 feet from the Forest Residential zone. This criterion is satisfied.

- (C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy;

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 22 of 24

*Applicant Response*

The applicant states that the quarry is not detrimental to surrounding uses because it has been there so long (1926) and will be mitigated through the ESEE analysis in the Goal 5 analysis.

*County Response*

Umatilla County finds that the applicant is proposing mitigation measures to eliminate potential conflicts due to noise, dust, or other discharges. Therefore, the proposed variance would not be materially detrimental to the purposes of Umatilla County Development Code, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy. This criterion is satisfied.

(D) The variance requested is the minimum variance which would alleviate the hardship.

*Applicant Response*

The applicant states there are no other alternative sites that are viable and that this quarry is strategic to ODOT and is the best location based on the historical use. The applicant indicates that ODOT has “a lot” of investment in this quarry area.

*County Response*

Umatilla County finds that the applicants response about investment in the quarry area is not relevant to the criteria for approving a variance request. However, the County does find that allowing the overlay zone to be established closer than the 1,000 foot setback required by UCDC Section 152.487(A)(3) is the minimum variance which would alleviate the hardship. The quarry is already established. Therefore, no other alternatives or alternate locations for establishing the overlay are feasible. This criterion is met.

**Conclusion**

Umatilla County finds that a variance can be approved based on the following circumstances:

*(B) The variance is necessary for the preservation of a property right of the applicant substantially the same as possessed by the owner of other property in the same zone or vicinity;*

*(C) The variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy; and*

*(D) The variance requested is the minimum variance which would alleviate the hardship.*

**32. DECISION:**

**BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE ODOT REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY ON THE EXPANSION AREA IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS.**

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

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

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

3. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
  - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
  - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
4. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion.
5. Install "No Firearms Activities" signage at the entrance of the quarry to provide public safety.
6. Adhere to Umatilla County Ordinance for weed control.
7. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.

FINAL FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-117-16, Text Amendment T-16-068, Zoning Map Amendment. #Z-309-16,

Variance # V-348-17

Page 24 of 24

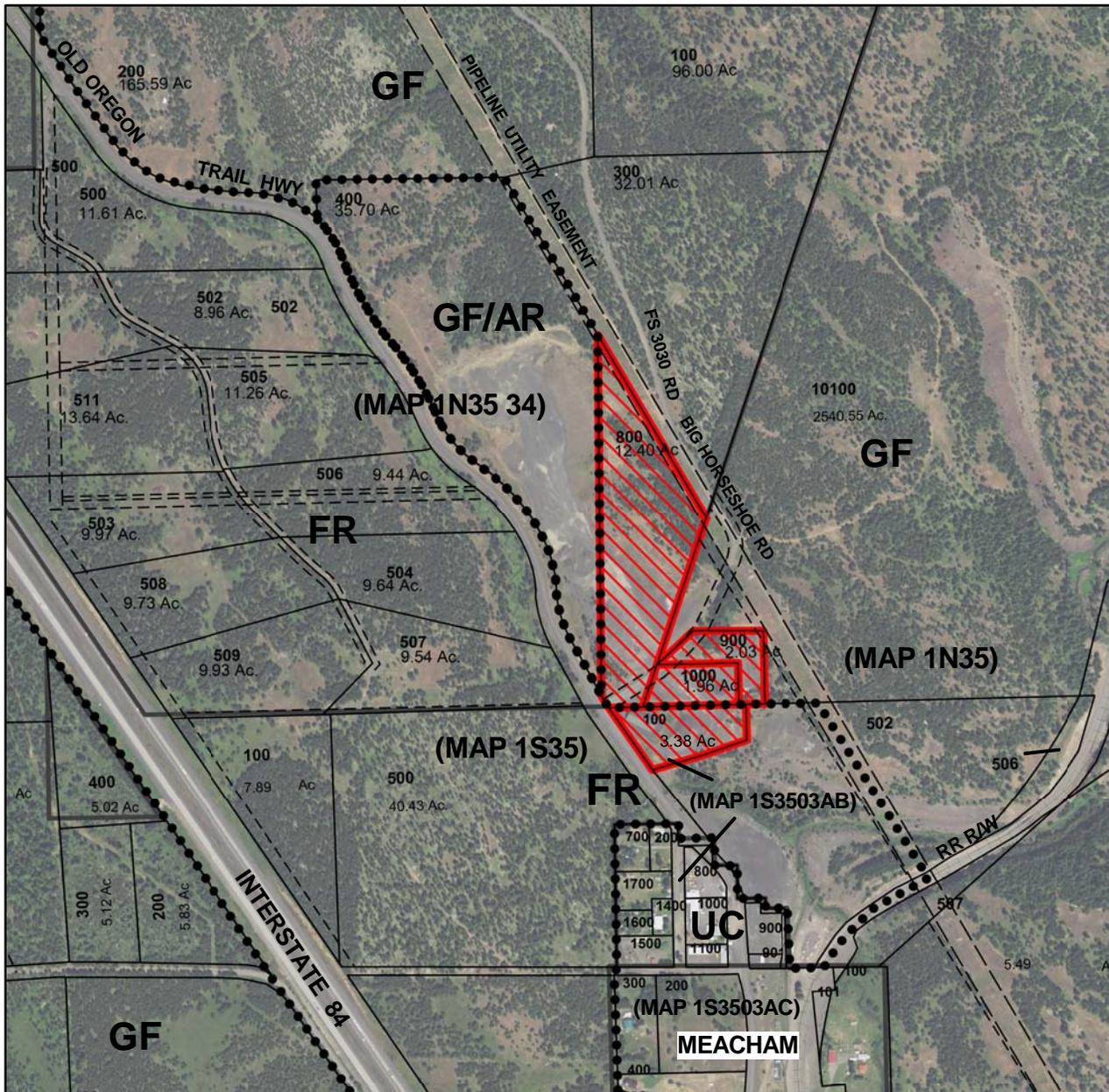
8. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
9. If cultural artifacts are observed during ground-disturbing work, that work must cease in the development area until the find is assessed by qualified cultural resource personnel from the State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Once qualified cultural resource personnel from SHPO and CTUIR are satisfied, the ground-disturbing work may continue.
10. Contour and revegetate the quarry for wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2017

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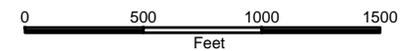
W. Lawrence Givens, *Chair*



PROPERTY OWNERS WITHIN 750' NOTICE AREA FROM SUBJECT PARCELS

MAP & TAXLOT	OWNER
1N35000010100	PENDLETON RANCHES INC
1N35340000300	DOHERTY MATTHEW P & DORIS L & STEVEN P
1N35340000400	STATE OF OREGON
1N35340000504	3R VALVE LLC
1N35340000506	JACK-E-UP LLC
1N35340000507	3R VALVE LLC
<b>1N35340000800</b>	<b>STATE OF OREGON</b>
<b>1N35340000900</b>	<b>STATE OF OREGON PROP DIV DEPT</b>
<b>1N35340001000</b>	<b>STATE OF OREGON</b>
1S35000000500	STONE PROPERTIES LLC
1S35000000502	DEATLEY CRUSHING COMPANY
<b>1S3503AB00100</b>	<b>STATE OF OREGON</b>
1S3503AB00200	CALDWELL JANET L
1S3503AB00700	CALDWELL JANET L
1S3503AB00800	STATE OF OREGON
1S3503AB00900	STONE PROPERTIES LLC
1S3503AB01000	STATE OF OREGON
1S3503AB01400	STATE OF OREGON DEPT TRANS (HWY DIV)
1S3503AB01600	BUCHANAN WINONA, C/O HUTSELL MARY JANE
1S3503AB01700	NYBERG NANCY

2014 AERIAL PHOTO



DATE: 3/29/17

PLAN AMENDMENT #P-117-16 / TEXT AMENDMENT #T-16-068 /  
 ZONE MAP AMENDMENT #Z-309-16 / VARIANCE REQUEST #V-348-17  
 OREGON DEPT OF TRANSPORTATION, APPLICANT/OWNER  
 MAP 1N3534, TAX LOTS 800, 900, 1000 & MAP 1S3503AB, TAX LOT 100



SUBJECT PARCELS

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J. Alford, Umatilla County Planning Department y:\workspace\planning\vicinity maps\M-P\ODOT\_P\_117\_16.gws

**DRAFT MINUTES**  
**PLANNING COMMISSION HEARING**  
**August 24, 2017**

**TEXT AMENDMENT, #T-16-068**

**PLAN AMENDMENT #P-117-16**

**ZONE MAP AMENDMENT #Z-309-16**

**VARIANCE, #V-348-17**

**Oregon Department of Transportation, Applicant**

**Meacham Quarry**

**DRAFT MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, August 24, 2017**  
**6:30 p.m., Umatilla County Justice Center, Media Room, Pendleton, Oregon**

\*\*\*\*\*

**COMMISSIONERS**

**PRESENT:** Randy Randall, Chair, Gary Rhinhart, Vice Chair, Don Marlatt, Tami Green, Clive Kaiser, Don Wysocki

**ABSENT:** Suni Danforth, Tammie Williams, Cecil Thorne

**STAFF:** Tamra Mabbott, Planning Director, Bob Waldher, Assistant Planning Director, Tierney Dutcher, Administrative Assistant, Ginny Kerns, Planning Intern

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

**CALL TO ORDER**

Chair Randall called the meeting to order at 6:33 p.m. and read the opening statement.

**MINUTES**

Chair Randall asked the Planning Commission to review the minutes from June 27, 2017. Commissioner Marlatt moved to adopt the minutes as written. The motion was seconded by Commissioner Green. Motion carried by consensus.

**NEW HEARING**

**TEXT AMENDMENT, #T-16-068, PLAN AMENDMENT #P-117-16, ZONE MAP AMENDMENT, #Z-309-16, and VARIANCE, #V-348-17 application submitted by the OREGON DEPARTMENT OF TRANSPORTATION (ODOT).** The applicant requests to add an expansion of an existing quarry (Meacham Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The proposed expansion would add approximately 19 acres to the existing Goal 5 protected site. The property is located off the west side of the Old Oregon Trail Highway, described as Township 1 North, Range 35 East, Section 34, Tax Lots 800, 900, and 1000, and Township 1 South, Range 35 East, Section 03AB, Tax Lot 100. The existing quarry is zoned Grazing Forest (GF) with Aggregate Resource overlay (AR). The proposed expansion area is currently zoned GF and Forest Residential (FR).

The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-040 – 050, 660-023-0180 (3), (5) and (7), and Umatilla County Development Code (UCDC) 152.487 – 488.

**STAFF REPORT**

Bob Waldher, Assistant Planning Director, stated that the application was submitted by ODOT. They are requesting to add several ODOT owned tax lots to Umatilla County Comprehensive Plan list of Goal 5 protected sites. The proposed expansion includes approximately 19 acres (ac.) to the existing 35.7 ac.

Goal 5 protected site. In addition, the applicant is requesting a Variance from the UCDC criteria which requires an AR overlay setback of at least 1,000 feet (ft.) from properties zoned for residential use.

Mr. Waldher reminded the Planning Commission that this application was originally presented at the Planning Commission hearing on December 15, 2016. After the notices were distributed, it was determined that the 1,000 ft. setback from the FR Zone located to the east of the quarry needed to be addressed. The applicant has now submitted a Variance request. Mr. Waldher noted that the UCDC has not been updated with the Division 23 rules for aggregate. Therefore, the OAR will be directly applied to this application. The task for the Planning Commission is to review the application and determine whether or not it complies with applicable land use standards, recommend conditions of approval and ultimately make a recommendation to the Board of County Commissioners (BCC) whether or not to approve the Variance request, as well as the Plan, Zone and Map Amendment.

Commissioner Kaiser asked about the water that may be present in the bottom of the pit after aggregate is removed. Mr. Waldher stated that the applicant is the best person to answer those specific questions.

**Applicant Testimony:** Patrick Knight, ODOT, 3012 Island Avenue, La Grande, OR 97850. Mr. Knight stated that the water table at the location would not rise above the ground because there is no water source in the area that would lend to pooling. Seasonally, water is allowed to dwindle.

Commissioner Kaiser asked about preventing water seepage. He is concerned if the pooling water is not a balanced pH it could contaminate the groundwater. Mr. Knight stated that the rock does not change the pH of the water and the water dissipates and seeps naturally. The water tables are deep in that area and all run off will be kept on site. Commissioner Kaiser asked if the Department of Environmental Quality (DEQ) will be testing the water. Mr. Waldher stated that the applicant will likely be required to obtain an erosion control and sediment plan from DEQ, so that will be part of the state permitting process. Mr. Knight stated that they do apply an erosion plan and meet all state standards. Mr. Waldher stated that a condition could be added to address that issue. Commissioner Kaiser stated that he would like to see a condition added.

Commissioner Kaiser stated that page 14 of the Commissioners packet mentions a post mining reclamation plan. He asked if he can review that plan. Mr. Knight stated that he believes it was submitted as part of the land use application and is also available through the Oregon Department of Geology and Mineral Industries (DOGAMI). Mrs. Mabbott stated that DOGAMI is the state agency that regulates mining. The county does not have jurisdiction to directly regulate the reclamation plan so we defer to DOGAMI. They have a Reclamationist that visits all the sites and approval is based on strict criteria. Mr. Knight stated that reclamation efforts will include smoothing and contouring land and revegetating with a local seed mix. Mr. Waldher stated that in a forest zone, the OAR requires the applicant to revegetate and reclaim the land for wildlife habitat. Mr. Kaiser asked if weed abatement is included in the plan. Mrs. Mabbott stated that they would need to comply with County weed codes and a condition could be added, as well. Commissioner Kaiser stated that he would hate to see it become a noxious weed pelt, especially when it has been disturbed and reestablished. Mr. Knight stated that the

activity will continue for years and years. Commissioner Kaiser stated that it is all the more reason to preserve the space for the future.

Commissioner Rhinhart asked if all 4 parcels will not be used for mining right away. Mr. Knight stated that they do not have a project planned on those parcels at this time, so there is no plan to mine anytime soon. In September they will be doing their usual mining on the portion that was already a Goal 5 site for gravel for the roads. Mr. Rhinhart asked if they hire a contractor do the mining. Mr. Knight said yes, they provide specifications to the contractors and make sure they comply with DOGAMI, as well as DEQ for the crushing of the aggregate.

Commissioner Rhinhart asked if the property is locked up to keep people out. Mr. Knight said he is not sure, he believes part of the property is fenced. Commissioner Rhinhart stated that the location is close to Meacham and there are homes not far from the site. He is concerned about people shooting guns and asked if they have signs posted warning trespassers and shooters to keep out. Mr. Knight stated that they do have signs posted, but they continue to see shooters from time to time. Commissioner Rhinhart stated that there is a big issue with shooting at aggregate sites because the lead that ends up in the rock pits gets hauled out with the gravel for the roads. The gravel can contain high levels of heavy metals like lead and brass. He stated that he saw a truckload of gravel dumped near his home and noticed a large amount of lead in the gravel. He is concerned that his home is near a limited water quality stream and the runoff from the roads drain directly into the stream. Over time, this could become a serious environmental issue. Mr. Rhinhart requested that a condition is added that requires signage against dumping and shooting at the site. Mr. Waldher stated that, when considering past ODOT quarries, the Planning Commission has added similar conditions. He agreed to add signage conditions to the findings of this application, as well.

Chair Randall closed the hearing for deliberation.

Commissioner Rhinhart stated that they should have a condition that requires the water quality to be tested by DEQ, if pooling occurs. Mr. Waldher stated that a condition like that could become problematic because it is difficult for the Planning Department to regulate. He stated that they already have added a condition that requires the applicant to obtain all applicable permits for the mining operation from DEQ for air, noise and water quality issues before mining activities begin. Commissioner Kaiser stated that he would like to add a condition to require testing if pooling water is present because he doesn't want it seeping into the groundwater if it is acidic. Mr. Knight asked Commissioner Kaiser why he believes the aggregate will make the water acidic. Commissioner Kaiser stated that it smells like sulfur when he drives by the site. Mr. Knight stated that any seepage in the area, regardless if it is an aggregate site or not, will go through the same kind of rock. Commissioner Kaiser stated that the rock being harvested at the site smells like sulfur, which has a natural acidifying effect. Mr. Knight said if there is some way to do this he is open to hearing more, but they can only follow what rules are set for mining at an aggregate site and they abide by all DOGAMI and DEQ rules.

Mrs. Mabbott stated that page 22 in the Commissioners packet addresses regulations on extraction and sedimentation ponds. In order to have a condition or restriction on a permit, it must be applied to a standard, and that is as close as our standards come to addressing sedimentation ponds. The water quality concerns are valid and could be noted in the findings. However, there may not be enough information to specifically impose a condition. Staff will amend the findings to memorialize the discussion that took place about water quality concerns and note that, to the extent possible, ODOT is encouraged to test the water to ensure there is no potential for contamination of groundwater, and to mitigate if ponding water is found. Discussion ensued and the Commissioners agreed that would be a good way to handle the concern.

Commissioner Rhinhart made a motion to approve Text Amendment #T-16-068, Plan Amendment #P-117-16, Zone Map Amendment, #Z-309-16, and Variance, #V-348-17 with additional conditions that require the applicant to keep the area free from noxious weeds according to County weed regulations and post signage for no dumping or shooting on ODOT property. There is an additional condition stating that the applicant shall adhere to DEQ permits for air, noise and water quality issues before these activities begin, and Mr. Waldher will memorialize the discussion in the findings, about water quality concerns and recommended testing of pooling water. The motion was seconded by Commissioner Kaiser. Motion passed with a vote of 6:0.

### **ADJOURNMENT**

Chair Randall adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Tierney Dutcher  
Administrative Assistant

(Minutes adopted by the Planning Commission on \_\_\_\_\_)