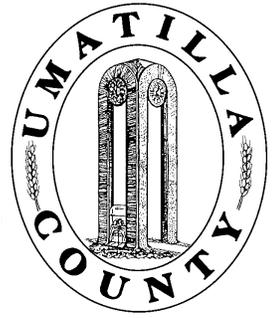


# Umatilla County

Board of County Commissioners

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## **BOARD OF COMMISSIONERS MEETING**

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

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

**TEXT AMENDMENT #T-21-085**  
**PLAN AMENDMENT #P-128-21**  
**ZONE MAP AMENDMENT #Z-317-21**

### **OREGON DEPARTMENT OF TRANSPORTATION (ODOT), APPLICANT/ OWNER**

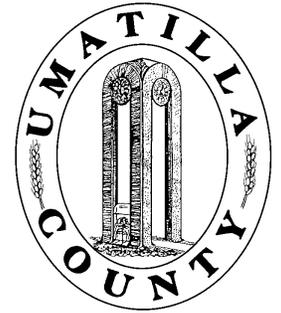
The applicant requests to add an existing quarry (**Vinson Canyon Quarry**) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property is located off the north side of Oregon State Highway 74, identified on Assessor's Map as Township 1 South, Range 30 East, Tax Lot 1901. The property is 8.03 acres and zoned Exclusive Farm Use (EFU).

- D. Adjournment

# Umatilla County

Department of Land Use Planning

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DIRECTOR  
ROBERT WALDHER

## MEMO

LAND USE  
PLANNING,  
ZONING AND  
PERMITTING

**TO:** Umatilla County Planning Commissioners  
**FROM:** Bob Waldher, Director  
**DATE:** October 13, 2021

CODE  
ENFORCEMENT

**RE: October 20, 2021 Planning Commission Hearing**  
Text Amendment T-21-085  
Zone Amendment Z-317-21  
Plan Amendment P-128-21

SOLID WASTE COMMITTEE

SMOKE  
MANAGEMENT

GIS AND  
MAPPING

### ***Background Information***

The applicant, Oregon Department of Transportation (ODOT) requests its existing Vinson Canyon Quarry be added to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites. In addition, ODOT requests the County apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property is located off the north side of Oregon State Highway 74, identified on assessor's map as Township 1 South, Range 30 East, Tax Lot 1901. The property is 8.03 acres and is zoned Exclusive Farm Use (EFU).

RURAL  
ADDRESSING

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

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

LIAISON, NATURAL  
RESOURCES &  
ENVIRONMENT

### ***Land Use Hearings***

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC). The first evidentiary hearing was held before the Planning Commission, at their September 23, 2021 meeting.

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

## **Memo**

**BCC Public Hearing – October 20, 2021**

**Text Amendment T-21-085, Zone Amendment Z-317-21, Plan Amendment P-128-21**

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

A primary concern of the Planning Commission was noise associated with blasting should any of the conflicting uses choose to locate within 1,500 feet of the Vinson Quarry. The Planning Commission requested a condition of approval that requires ODOT to provide forty-eight (48) hours advance notice to landowners within 1,500 feet of the subject property prior to blasting.

The Planning Commission found that the proposed Vinson Canyon Quarry meets the requirements to be established as a large significant site and that the quarry should be protected by the AR Overlay Zone. The Planning Commission voted unanimously to recommend approval by the BCC.

### ***Conclusion***

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

### ***Attachments***

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

- County Preliminary Findings and Conclusions
- Public Notice Map
- Proposed Zoning Map Amendment
- Proposed Comprehensive Plan Text Amendment
- Minutes from 09/23/21 Planning Commission Meeting

...the ...

**UMATILLA COUNTY  
PRELIMINARY FINDINGS AND CONCLUSIONS  
VINSON CANYON QUARRY  
COMPREHENSIVE PLAN MAP AMENDMENT, #P-128-21,  
COMPREHENSIVE PLAN TEXT AMMENDMENT T-21-085  
ZONING MAP AMENDMENT #Z-317-21  
MAP 1S 30; TL #1901, ACCOUNT #163269**

1. APPLICANT: Oregon Department of Transportation (ODOT), 3012 Island Ave, La Grande, OR 97850, Attn: Teresa Penninger
  
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
  
3. OWNER: Oregon Department of Transportation (ODOT), 3012 Island Ave, La Grande, OR 97850
  
4. REQUEST: The request is to add Tax Lot 1901 of Assessor’s Map 1S 30 as described in the attached ODOT survey map (dated June 3, 2021) to the Umatilla County list of significant sites, providing necessary protections under Goal 5 including limiting conflicting uses within the buffer area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site.  
  
The site is currently listed in the *Umatilla County Technical Report* on page D-183 as a 3C Significant Site which requires Umatilla County to limit conflicting uses adjacent to or near the quarry. Page D-196 of the Technical Report states the following... “About 30 ‘3C’ and ‘2A’ resource sites are owned [or] operated by the Oregon State Highway Department and County Road Department. Most of these sites are small (under four acres) and are used as material resources for road repair and construction. Costs and energy are saved by having scattered material sources available through the county.” It is in support of this statement that ODOT is seeking protection for this quarry and others within its network throughout Umatilla County.  
  
ODOT intends to excavate aggregate, process and batch that aggregate for public road projects, and to stockpile unused aggregate material for current and future use.
  
5. LOCATION: The subject property is along Highway 74 approximately 13 miles from Pilot Rock.
  
6. SITUS: No site address is assigned to this property.
  
7. ACREAGE: The subject property is 14.30 acres.

PRELIMINARY FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-128-21, Text Amendment T-21-085, Zoning Map Amendment. #Z-317-21

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- 8. COMP PLAN: The site has Comprehensive Plan designation of North/South Agriculture.
- 9. ZONING: The subject property is zoned Exclusive Farm Use (EFU).
- 10. ACCESS: The site can be accessed via Highway 74.
- 11. ROAD TYPE: Highway 74 is a paved, 2-lane roadway maintained by ODOT.
- 12. EASEMENTS: There are no access or utility easements on the subject property.
- 13. LAND USE: The subject property is currently unutilized rangeland. ODOT acquired this site in 1953 with an intention to extract aggregate for regional maintenance and safety improvements to the road network.
- 14. ADJACENT USE: Property in the vicinity is primarily used as rangeland for grazing. Dryland farming is to the north and east of the site with limited irrigated agriculture to the west of the site along Butter Creek. Existing residences are located approximately 2 miles west along Gurdane and Big Butter Creek Roads.
- 15. LAND FORM: Columbia River Plateau
- 16. SOIL TYPES: The subject property contains Non-High Value soil types. High Value Soils are defined in UCDC 152. 003 as Land Capability Class I and II. The soils on the subject property are predominately Class VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
48E: Lickskillet Very Stony Loam, 7 to 40 percent slopes	VIIIs	---
50F: Lickskillet Rock Outcrop, 40 to 70 percent slopes	VIIIs	---
52D: McKay Silt Loam, 7 to 25 percent slopes	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: There are no buildings located on the subject property.
- 18. UTILITIES: The parcel is not served by utilities.
- 19. WATER/SEWER: There are no water or sewer services on this property.
- 20. FIRE SERVICE: The subject property is located in the Pilot Rock rural fire protection district.
- 21. IRRIGATION: The subject property is not served by an irrigation district.

PRELIMINARY FINDINGS AND CONCLUSIONS

ODOT, Plan Amendment, #P-128-21, Text Amendment T-21-085, Zoning Map Amendment. #Z-317-21

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

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

24. NOTICES SENT: September 13, 2021.

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

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

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

27. COMMENTS: Comments are pending.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) 17 feet in Linn and Benton counties.

The Vinson Canyon Quarry is in eastern Oregon and has an inventory of over 1,000,000 cubic yards of available basalt. Historic DOGAMI mapping and the United States Department of Agriculture Soil Conservation Service Soil Survey identify available basalt inventory. DOGAMI identified lava flows of the Grand Ronde Basalt throughout the Vinson Canyon area as part of the Columbia River Basalt Group. The Soils Survey identifies Licksillet-Rock Outcrop as the primary soil type in the area proposed for mining. The remainder of the subject property between the proposed mining area and Highway 74 is primarily comprised of McKay Silt Loam soils.

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

Department provides evidence the air degradation for both course and fine materials is below the required 30 percent rating at 13.6 percent. The soundness for both course and fine materials rates at 2 percent for course and 3 percent for fine, both below the required 12 percent rating. ODOT has also identified that more than 525,000 tons of material are available.

Umatilla County finds that the quarry meets (exceeds) the criteria for a significant aggregate site in accordance with OAR 660-023-180 (3)(a).

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

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

There are no dwellings within the 1,500-foot impact area based on review of aerial photography and site visits. ODOT provided a map of the project which includes the 1,500 foot impact area. This map has been added to the project record and is included as an attachment to this document. Aerial imagery shows there are no dwellings or structures near the subject property or within the 1,500 buffer area. The only built infrastructure is Highway 74. The nearest residence is approximately 2 miles to the west at the intersection of Highway 74 with Gurdane Road and Big Butter Creek Road.

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

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

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

There are no uses that would be impacted by noise, dust, or other discharges from the proposed mining operation.

ODOT does acknowledge that the mining and processing operation can create noise, dust, and other discharges and will employ normal and customary practices to manage those impacts. Both noise and dust are regulated by the Oregon Department of Environmental Quality, imposing standards that ODOT would be compelled to meet, including obtaining a General Air Contamination Discharge Permit for crushing and processing activities.

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

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

Umatilla County finds that no conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges exist within the 1,500 foot impact area. With application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized within the 1,500-foot impact area.

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

Unlike commercial quarry sites, this quarry will be used to support public road projects, with traffic generation temporary and sporadic. Occasional maintenance by the state will also be customary generally consisting of just a few vehicles. Potential conflicts to the transportation system along Highway 74 between the junction with Highway 395 and the intersections with Big Butter Creek and Gurdane Roads would be minimal and occur during improvements to the regional highway system. The use of the road system should not change based on this request.

ODOT staff have identified that two access connections have been established and are inventoried for benefit to the aggregate operation and adjacent range land uses. These have not been fully developed but will be when aggregate operations are initiated.

Traffic associated with quarry operations would be of a similar size and have similar impacts to traffic associated with farming operations. Road maintenance and improvement projects are usually programmed to occur from the spring through fall with operating hours usually consistent with daylight hours. Traffic would not trigger a traffic impact analysis as it would be less than the 250 average daily trips as outlined at UCDC 152.019(B)(2)(a).

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

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

Umatilla County finds that there are no public airports within the Impact Area. The closest public airport is located near Pendleton. 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;

Umatilla County finds that there are no Goal 5 resource sites within the impact area for the aggregate site.

(E) Conflicts with agricultural practices; and

Agricultural practices in the vicinity and within the 1,500-foot impact area of the Vinson Canyon quarry are limited. A history of livestock grazing occurs in the buffer area. There is dryland farming to the north and east of the site with irrigated agricultural activity approximately two miles to the west, all outside of the buffer area. The nearest agricultural residences are approximately two miles to the west. Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with these agricultural activities or practices.

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

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

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

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

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

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

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

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

- (A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
- (B) Not requested in the PAPA application; or

(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.

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

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

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

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

Processing is not currently authorized at Vinson Canyon Quarry. Umatilla County finds this criterion is not applicable.

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

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

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

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in

detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

(a) Identify conflicting uses;

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

(b) Determine the impact area;

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

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

Items (c) through (d) are addressed below.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

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

**Table 1 - Potential Conflicting Uses**

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

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

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

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

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

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

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

(4) **Analyze the ESEE consequences.** Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use.

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

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

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

The ESSE Analysis follows:

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ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Vinson Canyon Quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<p><b>Consequences related to new use on neighboring properties.</b> There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within 1500 feet of the quarry boundary. Since only a portion of properties, all with a 160-acre minimum lot size, would be affected and some existing limits on dwellings are already in code, the negative impact would be small.</p> <p><b>Consequences related to loss or interruption of quarry access.</b> The economic benefit of preserving ODOT’s ability to access material from sites within the state’s network of material sources is well documented. Offering a state-owned aggregate site on a road project is known to increase the number of contractors bidding on a project. This enables more competition, which results in lower project costs. As this request is seeking approval of a site owned by ODOT since 1953 this is a less costly strategy than seeking a new site. The Vinson Canyon Quarry will provide material for road maintenance and construction along Highways 74 and 395 in southern Umatilla County. All commercial users of these highways will also benefit economically from efficient maintenance of these roads.</p>	<p><b>Consequences related to new use on neighboring properties.</b> The economic impact to neighboring property owners would be neutral. A requirement for a waiver of remonstrance would not restrict the use of the property allowed in the underlying zone.</p> <p>Similar wavers are required by counties around the state as a condition of approval for a new residential structure in a farm or forest zone. These wavers, required by ORS 215.213 and 215.283, restrict a landowner’s ability to pursue a claim for relief or cause of action alleging injury from farming or forest practices.</p> <p>Without evidence that the widespread use of such wavers has negatively impacted property values or development rights, it is reasonable to conclude that the proposed limit on new conflicting uses in the impact area of the Vinson Canyon Quarry will have no negative economic consequence.</p> <p><b>Consequences related to loss or interruption of quarry access.</b> The economic benefit would be the same as that for a decision to prohibit uses since the proposed “limit” is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.</p>	<p><b>Consequences related to new use on neighboring properties.</b> The economic consequence for property owners would be neutral. This decision would maintain the current approval criteria for new residences and gathering places in the impact area.</p> <p><b>Consequences related to loss or interruption of quarry access.</b> The economic impact would be negative. Interruptions in use of a quarry, due to complaints and nuisance lawsuits, have cause delays and increased costs for road projects across the state. Development of this quarry supports economically efficient staging of road maintenance and construction projects in the region. New noise sensitive uses locating within 1500 feet of the quarry will bring the possibility that limitations on quarry activity will be sought by people who are bothered by mining activity. The potential negative economic impact ranges from small to exceptionally large. All commercial users of state and county roads in the service area may also experience negative economic consequences if maintenance of these roads is compromised due to less efficient access to aggregate material.</p>

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	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Social Consequences	<p><b>Consequences related to new use on neighboring properties.</b> Removing the option to place a dwelling, which otherwise meets all existing review criteria, within 1500 feet of the quarry boundary, would have a negative social consequence. This would be similar if gathering spaces were also prohibited. The social consequences stem from a landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p><b>Consequences related to loss of quarry access.</b> Noncommercial users of state and county roads within the region derive social benefit from using these roads. Efficient road maintenance will preserve this benefit.</p>	<p><b>Consequences related to new use on neighboring properties.</b> The social impact to neighboring property owners would be neutral if acceptance of the mining activity were added as a condition of approval for new dwellings and uses related to social gatherings within 1500 feet of the quarry boundary. Options available to property-owners would not be reduced. Dwellings and gathering spaces that meet existing review criteria would be allowed, provided the applicant agreed to accept the mining activity approved by the county.</p> <p><b>Consequences related to loss of quarry access.</b> Noncommercial users of state and county roads within the region derive social benefit from using these roads. Efficient road maintenance will preserve this benefit.</p>	<p><b>Consequences related to new use on neighboring properties.</b> The social impact to neighboring property owners would be neutral if new dwellings and social gathering spaces within 1500 feet of the quarry boundary were allowed under the existing review criteria.</p> <p><b>Consequences related to loss of quarry access.</b> Noncommercial users of state and county roads within the region derive social benefit from using these roads. Obstacles to efficient road maintenance, which could result from opposition to mining activity, would have a negative social impact.</p>
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Environmental Consequences	<p><b>Consequences related to new use on neighboring properties.</b> There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p><b>Consequences related to loss of quarry access.</b> Efficient road maintenance practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.</p>	<p><b>Consequences related to new use on neighboring properties.</b> There could be a negative environmental consequence from noise if new dwellings or social gathering spaces were limited in the impact area. New dwellings and social gathering spaces in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when</p>	<p><b>Consequences related to new use on neighboring properties.</b> There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area. Different than the option to limit a decision, there would be no mechanism in the county’s approval process to inform property owners of the authorized mining activity. This would result in a higher possibility for a residence or social gathering space to be located in the impact area and a higher potential for a negative consequence.</p>

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

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

- (a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.
- (b) A local government may decide that both the resource site and the conflicting uses are

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

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

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

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

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

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

Umatilla County finds that the Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Vinson Canyon Quarry as a significant aggregate resource site.

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

As noted previously, a condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance

prior to final approval. The purpose of this condition is not to disallow these activities, but to ensure that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. This criterion is met.

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

(a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;

(b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

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

As noted previously, blasting will be conducted as part of the mining process. ODOT and their contract operators will use best management practices when engaging in this activity. Blasting can create vibration and fly rock, but the use of best management practices will prevent off-site impacts. In order to limit impacts to conflicting uses that may choose to locate within 1,500 feet of the Vinson Canyon Quarry, Umatilla County imposes a subsequent condition of approval that requires ODOT to provide forty-eight (48) hours notice prior to blasting to landowners within 1,500 feet of the subject property.

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

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

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

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

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

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

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

The Umatilla County Comprehensive Plan and Technical Report both have input into this decision. In the Technical Report on page D-183 the Vinson Canyon Quarry is listed with a 3C designation which compels Umatilla County to protect the site from encroaching uses. This action seeks to apply the Aggregate Resource Overlay Zone to the mining site and to further protect the buffer area adjacent and surrounding the site.

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

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

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

Finding 41 would also be applicable and states, “Several aggregate sites were determined to be

significant enough to warrant protection from surrounding land uses in order to preserve the resource.” Based on this application ODOT requests that the accompanying Policy be updated to list the Vinson Canyon Quarry.

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

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

Umatilla County finds that the applicant’s PAPA shows sufficient information that the inventory of aggregate material at the Vinson Canyon Quarry is over 525,000 cubic yards that meet or exceed ODOT specifications and warrants the overlay. This criterion is met.

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

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

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

The location of the Vinson Canyon Quarry along Highway 74 would be considered remote with the nearest residence located some 2 miles to the west. This type of aggregate activity regularly takes place along highways and county roads to provide easy and cost-effective access to aggregate material for use in road maintenance and preservation projects. ODOT would state that screening of this site would be cost prohibitive and would not provide benefit. Therefore, Umatilla County finds that screening to protect the site from surrounding land uses is not necessary.

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

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

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

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

Umatilla County finds that the applicant shall provide to the Umatilla County Planning Department a

copy of the DOGAMI operating permit and, as a condition of approval, will be required to obtain all necessary State Permits.

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

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

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

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

The applicant notes that extraction is planned for the bluff face which is several hundred feet from Highway 74. Future sedimentation ponds that may be installed will be more than 25 feet from Highway 74. The nearest home is outside the 1500-foot buffer area.

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

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

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

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

Umatilla County finds that the Vinson Canyon Quarry fronts Highway 74 where two ODOT approved access points will be constructed to support the mining activity and in compliance with state access permit requirements. This criterion is met.

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

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

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

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 1 (Citizen Involvement).

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

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

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 2 (Planning).

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

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

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code. In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, is determined to be significant, and ODOT is requesting protection for the site and for mining to be allowed.

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

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

Response: There are no forest lands impacted by this request. The Umatilla National Forest is significantly south of the subject property.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with

Statewide Planning Goal 4 (Forest Lands).

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

Response: The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. There are no mapped wetlands on the subject property and no floodplain has been mapped. There is an ephemeral stream between Highway 74 and the extraction site.

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

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources).

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

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

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

Noise is defined as unwanted sound. The process of mining and processing should not create noise that would impact residents some two miles from the subject property. The location of this site would provide significant open space that will provide protection from noise that may be generated. This is also a site that would be used infrequently in support of Highway improvement and safety projects in the vicinity of the site.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 6 (Air, Water and Land Resource Quality).

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

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

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters).

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

Response: No recreation components are included in this application. The Blue Mountain Century Scenic Bikeway does include the portion of Highway 74 that this aggregate site is adjacent to. Infrequent mining would not create any negative impact to the Scenic Bikeway. ODOT is also requesting that the buffer area be mapped to limiting social gathering uses within that area.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 8 (Recreation Needs).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**32. DECISION:**

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

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

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

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. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
6. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
7. 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.

8. Contour and revegetate the quarry for agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
9. Any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.
10. Forty-eight (48) hours prior to blasting, ODOT shall provide a notice to landowners within 1,500 feet of the subject property.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2021

---

George M. Murdock, *Chair*

---

John M. Shafer, *Commissioner*

---

Daniel L. Dorran, *Commissioner*

**Attachments:**

- ODOT Map of Survey Vinson Canyon Quarry June 3, 2021 (3 sheets) (21-064-B)
- 1500-foot Buffer Area Map
- Laboratory Report (14-002521)
- Development Diagrams (Or 30 036 5 Vinson Canyon DEVELOPMENT CONCEPT)
- ODOT Significant Aggregate Testimony Dated June 21, 2021 (OR-30-036-5 Sig Info)

SE 1/4 SEC. 22 T1S R30E WM  
 NE 1/4 SEC. 27 T1S R30E WM  
 NW 1/4 SEC. 26 T1S R30E WM  
 SW 1/4 SEC. 23 T1S R30E WM



LEGEND	
○	FOUND MONUMENT
●	SET MONUMENT WITH POST & PADDLE NEARBY
⊙	FOUND STONE, REPLACED WITH 5/8" IRON ROD WITH 3-1/4" ALUM. CAP
★	SET GPS CONTROL POINT
( )	RECORD DATA PER REFERENCE LIST
—	EXISTING RIGHT OF WAY
—	RESOLVED BOUNDARY
—x—	EXISTING FENCE

**RECEIVED BY**  
 Umatilla County Surveyor  
 Date: 6/9/21  
 Rec'd By: CT  
 No.: 21-064-B

STATE OF OREGON  
 STATE HIGHWAY COMMISSION  
 DOCUMENT NO. 143890  
 BOOK 206, PAGE 516

STATE OF OREGON  
 STATE HIGHWAY COMMISSION  
 DOCUMENT NO. 149335  
 BOOK 210, PAGE 88

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND MONUMENT THE BOUNDARY OF THOSE TRACTS OF LAND ACQUIRED BY THE STATE OF OREGON BY WARRANTY DEEDS RECORDED IN BOOK 206, PAGE 516, AND BOOK 210, PAGE 88, UMATILLA COUNTY DEED RECORDS. THIS SURVEY IS BEING PERFORMED FOR THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) REGION 5 GEOLOGY SECTION. THIS SURVEY WAS PERFORMED IN MARCH THROUGH MAY 2021. THE SURVEY EQUIPMENT CONSISTED OF A LEICA 1200 GPS BASE STATION AND LEICA GS14 ROVERS.

THE BOUNDARY OF THE STATE OF OREGON TRACT RECORDED IN BOOK 206, PAGE 516 IS DESCRIBED IN PARCEL 4 OF SAID DOCUMENT AS THAT PORTION OF THE NE1/4 NE1/4 OF SECTION 27 LYING NORTHERLY OF THE RIGHT OF WAY ACQUIRED FOR HEPPNER HIGHWAY. THE REMONUMENTED NORTHEAST CORNER OF SAID SECTION 27 BY MATTHEW KENNY DURING THE COURSE OF HIS LEGALIZATION SURVEY OF ALKALI CANYON ROAD WAS ACCEPTED. ORIGINAL GENERAL LAND OFFICE (GLO) STONES WERE FOUND AT THE NORTHWEST CORNER OF SECTION 27 AND THE QUARTER CORNER COMMON TO SECTIONS 26 & 27, AND WERE HELD TO ESTABLISH THE NORTH AND EAST LINES OF SAID TRACT. THE ORIGINAL STONES DESCRIBED IN THE RECOVERED MONUMENT LIST WERE REMONUMENTED WITH 5/8" IRON RODS WITH 3-1/4" ALUMINUM CAPS AS SHOWN IN THE SET MONUMENT LIST, AND LAND CORNER RECORDS WERE FILED CONCURRENTLY WITH THIS SURVEY. THE RECORD SHAPE OF THE CENTER LINE FOR HEPPNER HIGHWAY WAS RECREATED AND POSITIONED BY HOLDING THE MIDPOINT BETWEEN THE MONUMENTS FOUND AT POINTS 1000 AND 1008, THEN ROTATED TO HOLD THE MIDPOINT BETWEEN POINTS 1003 AND 1016. THE ALIGNMENT WAS THEN SHIFTED TO ACHIEVE A BEST FIT IN STATIONING WITH THE FOUND MONUMENTS. RIGHT OF WAY WIDTHS WERE HELD AS SHOWN ON OREGON STATE HIGHWAY DRAWING 7B-12-11.

THE BOUNDARY OF THE STATE OF OREGON TRACT DESCRIBED IN BOOK 210, PAGE 88 WAS ESTABLISHED BY HOLDING THE NORTHEAST AND SOUTHEAST CORNERS OF SECTION 22 TO ESTABLISH THE EAST LINE OF SECTION 22, AND THEN HOLDING RECORD DISTANCE OF 300 FEET ALONG SAID EAST LINE TO ESTABLISH THE NORTHEAST CORNER OF SAID TRACT. THE NORTH LINE OF SAID TRACT WAS HELD PARALLEL TO AND 300 FEET FROM THE SOUTH LINE OF SECTION 22, AND THE WEST LINE WAS HELD PARALLEL AND 1000 FEET FROM THE EAST LINE OF SECTION 22.

**SET MONUMENT LIST**

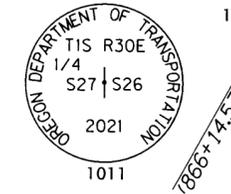
PT. NO.	NORTHING	EASTING	DATE	DESCRIPTION
1	167564.327	148005.227	5/03/2021	SET 5/8"x30" IRON ROD WITH RED PLASTIC CAP MARKED "ODOT CONTROL"
5000	168376.52	148029.47	6/01/2021	SET 5/8"x15" IRON ROD WITH 1-1/2" ALUM CAP MARKED "ODOT"
5001	168389.26	147029.55	6/01/2021	SET 5/8"x15" IRON ROD WITH 1-1/2" ALUM CAP MARKED "ODOT"
5002	168089.27	147028.04	6/01/2021	SET 5/8"x30" IRON ROD WITH 1-1/2" ALUM CAP MARKED "ODOT"
5003	168093.57	146688.76	6/01/2021	SET 5/8"x15" IRON ROD WITH 1-1/2" ALUM CAP MARKED "ODOT"
5004	167851.81	147477.90	6/01/2021	SET 1-1/8" COPPER DISK IN ROCK RETAINING WALL MARKED "ODOT"
5005	167798.64	147605.30	6/01/2021	SET 5/8"x30" IRON ROD WITH 1-1/2" ALUM CAP MARKED "ODOT"
5006	167566.64	148028.05	6/01/2021	SET 5/8"x30" IRON ROD WITH 1-1/2" ALUM CAP MARKED "ODOT"
1011	165491.86	148028.41	5/06/2021	SET 5/8"x30" IRON ROD WITH 3-1/4" ALUM. CAP MKD. AS SHOWN, SEE CORNER FORM
1012	173387.81	148054.71	5/03/2021	SET 5/8"x30" IRON ROD WITH 3-1/4" ALUM. CAP MKD. AS SHOWN, SEE CORNER FORM
1013	168145.39	142624.52	5/03/2021	SET 5/8"x30" IRON ROD WITH 3-1/4" ALUM. CAP MKD. AS SHOWN, SEE CORNER FORM

**REFERENCES**

1. GENERAL LAND OFFICE FIELD NOTES, CADASTRAL SURVEY CONTRACT NO. 154 BY WILLIAMS & PERSHIN, DATED JUNE 6, 1871
2. OREGON STATE HIGHWAY DEPT. DRAWING 2B-22-3, DATED NOV. 1929
3. OREGON STATE HIGHWAY DEPT. DRAWING 1R-5-224, DATED JAN. 1952
4. OREGON STATE HIGHWAY DEPT. DRAWING 1R-5-225, DATED JAN. 1952
5. OREGON STATE HIGHWAY DEPT. DRAWING 7B-12-11, DATED FEB. 1952
6. WARRANTY DEED DOC. NO. 143890, BOOK 206, PAGE 516, REC. SEPT. 24, 1952
7. WARRANTY DEED DOC. NO. 149335, BOOK 210, PAGE 88, REC. MAR. 12, 1953
8. LAND CORNER RESTORATION FORM R17-20-107-B BY MATTHEW KENNY

**RECOVERED MONUMENT LIST**

PT. NO.	NORTHING	EASTING	STATION	OFFSET	DATE	DESCRIPTION & REFERENCE DOCUMENTS
1000	167529.63	148093.94	866+14.70	50.00' LT	3/24/2021	FD 1-1/4" SQUARE BOLT, DN 0.2', POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1001	167615.64	147736.12	862+60.61	50.26' RT	3/24/2021	FD 1-1/4" SQUARE BOLT, DN 0.1', POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1002	167696.54	147591.72	860+92.71	47.75' RT	3/24/2021	FD 3" BRASS CAP IN CONCRETE MKD. "OREGON D.O.T. GEODETIC CONTROL" NO RECORD FOUND
1003	167897.96	146971.24	854+30.49	49.95' RT	3/24/2021	FD 1-1/4" SQUARE BOLT, DN 0.1', POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1005	167264.88	148338.48	869+61.25	49.28' RT	3/24/2021	FD 1-1/4" SQUARE BOLT, FLUSH, POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1006	168301.51	146148.69	845+24.31	49.69' RT	3/24/2021	FD 1-1/4" SQUARE BOLT, UP 0.1', POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1007	168381.86	146207.41	845+24.18	49.83' LT	3/24/2021	FD 1-1/4" SQUARE BOLT, FLUSH, POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1008	167442.34	148045.13	866+14.90	50.00' RT	3/24/2021	FD 1-1/4" SQUARE BOLT, FLUSH, POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1009	168076.52	148027.96	N/A	N/A	3/24/2021	FD 2-1/2" BRASS CAP MKD. AS SHOWN, ON IRON PIPE IN ROCK MOUND, UP 0.3', R17-20-107-B
1011	165491.86	148028.41	N/A	N/A	5/03/2021	FD 18"x8"x6" STONE MKD. "1/4" ON WEST FACE, BURIED 1.0' IN GROUND, IN ROCK MOUND IN FENCE, GLO NOTES
1012	173387.81	148054.71	N/A	N/A	5/03/2021	FD 17"x10"x8" STONE, 3 NOTCHES ON SOUTH FACE & 2 ON EAST FACE, BURIED 1.1' IN GROUND, GLO NOTES
1013	168145.39	142624.52	N/A	N/A	5/03/2021	FD 22"x7"x4" STONE, 4 NOTCHES ON NE CORNER & 3 ON SE CORNER, BURIED 1.1' IN GROUND, GLO NOTES
1014	167702.85	147784.82	862+60.36	49.63' LT	5/06/2021	FD 1-1/4" SQUARE BOLT, DN 0.2', SEVERELY BENT WEST, DRG. 7B-12-11
1015	167912.48	147283.28	857+26.47	49.94' LT	5/06/2021	FD 1-1/4" SQUARE BOLT, DN 1.5', POST W/PADDLE MKD. "SHRW" & OBELISK ALONGSIDE, DRG. 7B-12-11
1016	167994.03	146998.67	854+30.40	49.95' LT	5/06/2021	FD 1-1/4" SQUARE BOLT, FLUSH, DRG. 7B-12-11
2000	168416.29	148027.63	N/A	N/A	6/1/2021	FD 5/8" IRON ROD WITH OBELISK ALONGSIDE, SET BY OSHD, BUT NO RECORD FOUND. THIS MONUMENT WASN'T HELD.



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 JANUARY 14, 2003  
 BRET N. ELITHORP  
 63148

EXPIRES: DEC. 31, 2021

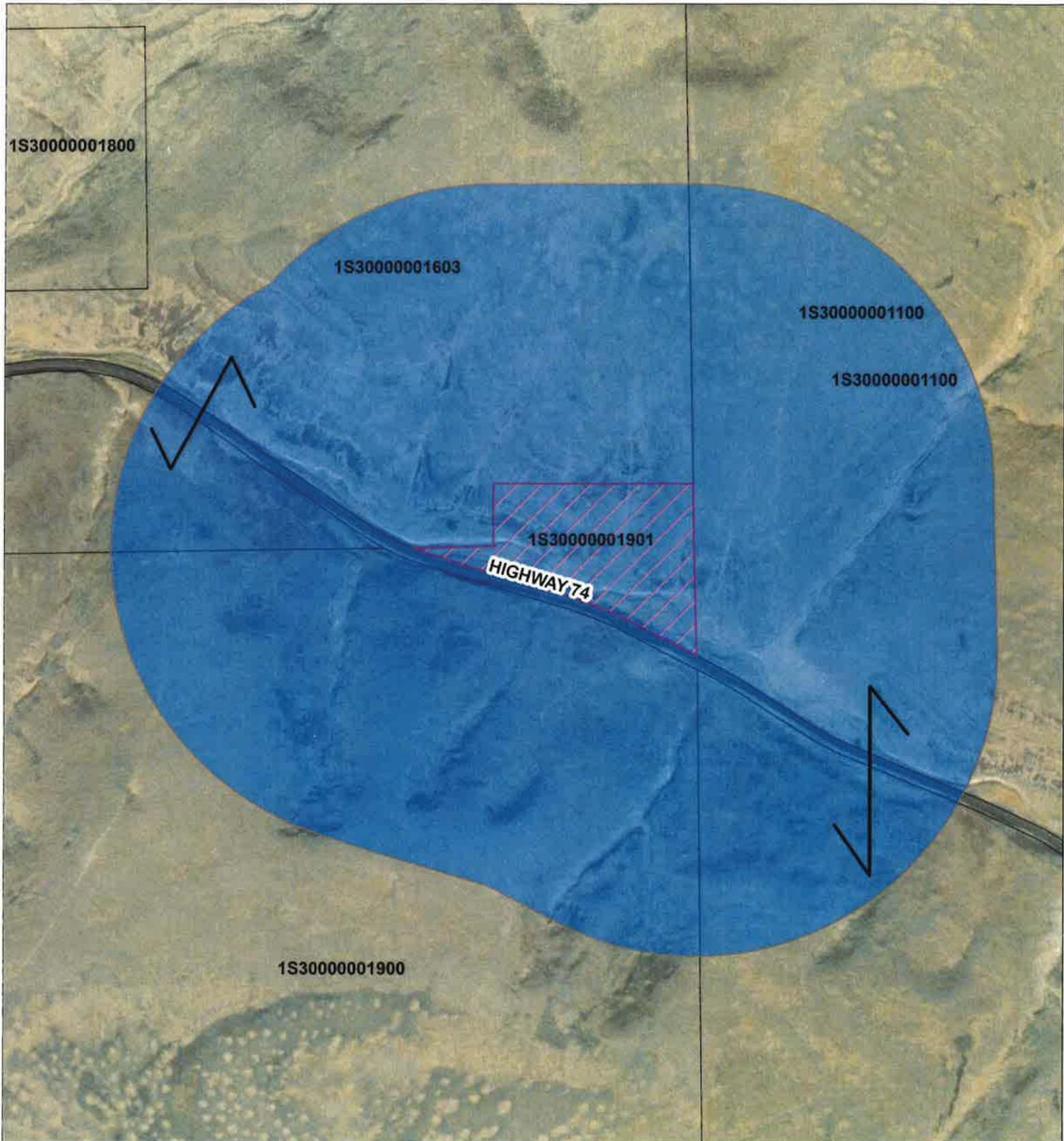
**OREGON DEPARTMENT OF TRANSPORTATION**

BOUNDARY SURVEY  
 VINSON CANYON QUARRY  
 HEPPNER HIGHWAY (OR 74)  
 UMATILLA COUNTY, OR



ODOT REGION 5 TECH CENTER  
 3012 ISLAND AVENUE  
 LA GRANDE, OR 97850

JUNE 3, 2021  
 SCALE: 1" = 100'  
 SHEET 1 OF 1



**Vinson Canyon ODOT Site**



**Legend**

-  Tax Lots
-  Vinson Canyon Parcel
-  Vinson Canyon Buffer



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 6/1/2021

OREGON DEPARTMENT OF TRANSPORTATION

MATERIALS LABORATORY

800 AIRPORT RD. SE SALEM, OR 97301-4792

(503) 986-3000

FAX (503) 986-3096

Contract No.: REG5GEO EA No.: CMS15014 000 J13 Lab No.: 14-002521  
 Project: ODOT REG 5 MATERIAL SOURCES -  
 Highway: PENDLETON-JOHN DAY County: UMATILLA Data Sheet No.: F40235 491  
 Contractor: FA No.:  
 Project Manager: GARY VAN HOUTEN Org Unit: 5630 Bid Item No.:  
 Submitted By: RALPH DEPUY Org Unit: 5000 Sample No.:  
 Material Source: 30-036-5 VINSON CANYON Qty Represented: INFORMATION  
 Sampled At: SOURCE Sampled By: Witnessed By:  
 DATE-Sampled: 14/ 8/ 1 Received: 14/ 8/12 Tested: 14/ 8/25 Date Reported: 14/ 8/26  
 Class/Type: COMPLIANCE Use: QUARRY ROCK

Q or G: QUARRY AGGREGATE LABORATORY REPORT - QUARAG Size: CHUNKS

Sieve	% Passing		Mfg.	As Rec'd
4"		T 176 Sand Equivalent	64.	
3.5		T 89 Liquid Limit	NonDet	
3		T 90 Plastic Index	NonPlastic	
2.5		T 84 Fine Bulk Gravity	2.693	
2		S.S.D.	2.750	
1.5		Apparent	2.855	
1		Absorption (%)	2.10 %	
3/4		T 85 Coarse Bulk Gravity	2.696	
5/8		S.S.D.	2.742	
1/2		Apparent	2.826	
3/8		Absorption (%)	1.71 %	
1/4		TM 208a Coarse Degrade Ht	0.5 in	
# 4		P20	13.6 %	
# 10		TM 208b Fine Degrade Ht		
# 40		P20		
#100				
#200				

T 104 Sodium Sulfate Loss	
1.5 - 3/4: 1.1 %	
3/4 - 3/8: 1.4 %	
3/8 - # 4: 2.2 %	CA: 2.0 %
# 4 - # 8: 1.9 %	
# 8 - #16: 2.5 %	
#16 - #30: 2.7 %	
#30 - #50: 5.2 %	FA: 3.0 %

T 112 Friables	
Weighted Avg.:	
1 1/2 - 3/4:	
3/4 - 3/8:	
3/8 - # 4:	
# 4 - #16:	
T 113 Lightweight Pcs	
Coarse: 0.0% Fine: 0.1%	

T 96 Abrasion	
Type A	17.1 %
TM 225 Woodwaste:	
TM 226 Dust/Clay:	
TM 227 Cleanness:	
TM 229 Elong Pcs:	
T 304 Unc Voids:	

AASHTO T 288 Resist: 6003 Ω-cm	AASHTO T 267 Organic: 1.3 %	T 327 MICRO DEVAL
AASHTO T 289 pH: 7.0	AASHTO T 291 Chloride: 20 PPM	Grading: Type A
	AASHTO T 290 Sulfate: 123 PPM	Loss: 7.6 %

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

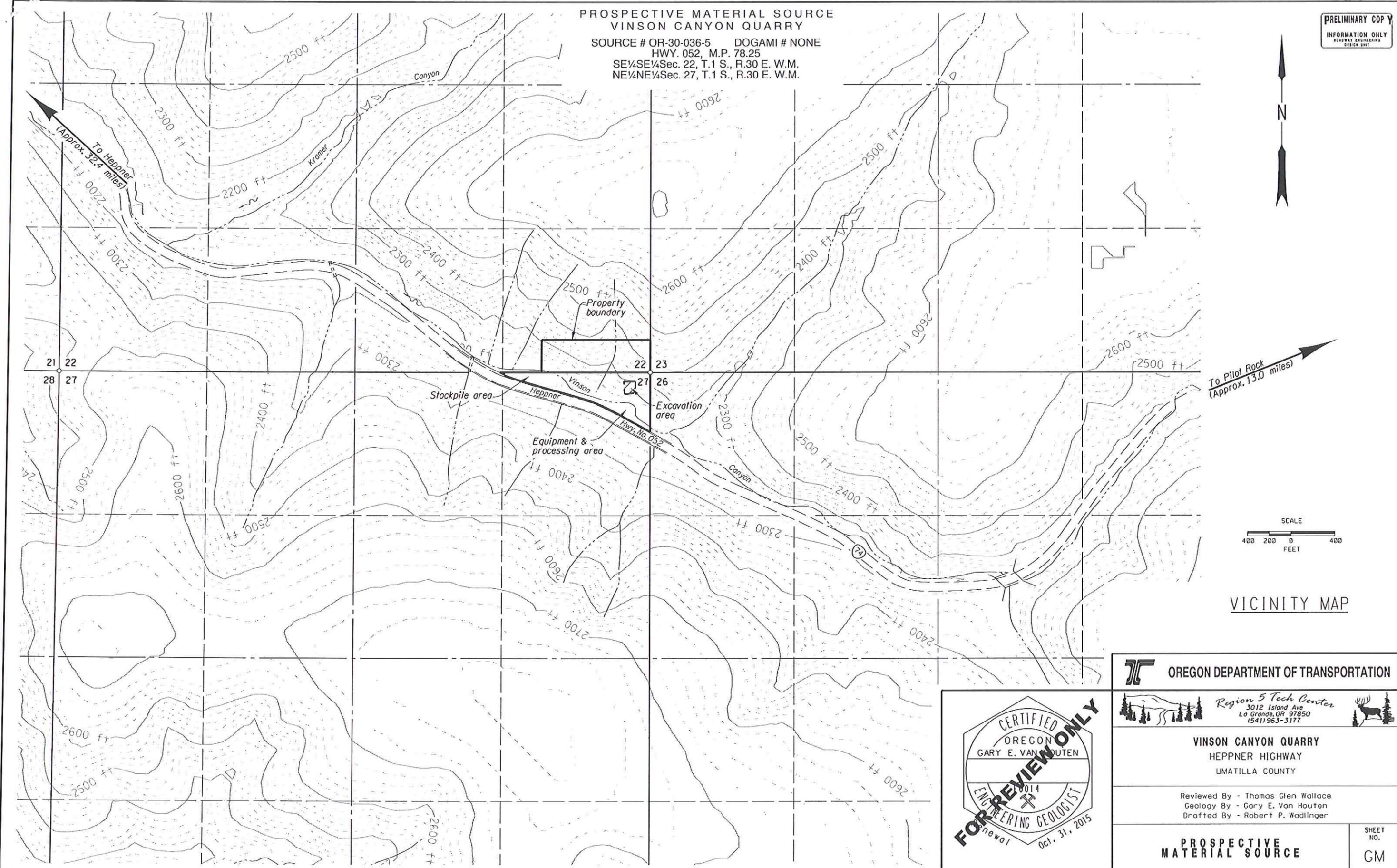
REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

KEVIN BROPHY - LABORATORY SERVICES MANAGER

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

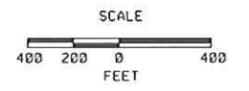
PROSPECTIVE MATERIAL SOURCE  
 VINSON CANYON QUARRY  
 SOURCE # OR-30-036-5 DOGAMI # NONE  
 HWY. 052, M.P. 78.25  
 SE¼SE¼Sec. 22, T.1 S., R.30 E. W.M.  
 NE¼NE¼Sec. 27, T.1 S., R.30 E. W.M.

PRELIMINARY COPY  
 INFORMATION ONLY  
 ROADWAY ENGINEERING  
 DESIGN UNIT



To Heppner  
 (Approx. 32.4 miles)

To Pilot Rock  
 (Approx. 13.0 miles)



VICINITY MAP

OREGON DEPARTMENT OF TRANSPORTATION

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

VINSON CANYON QUARRY  
 HEPPNER HIGHWAY  
 UMATILLA COUNTY

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

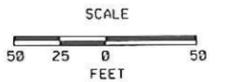
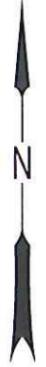
PROSPECTIVE  
 MATERIAL SOURCE

SHEET  
 NO.  
 GM



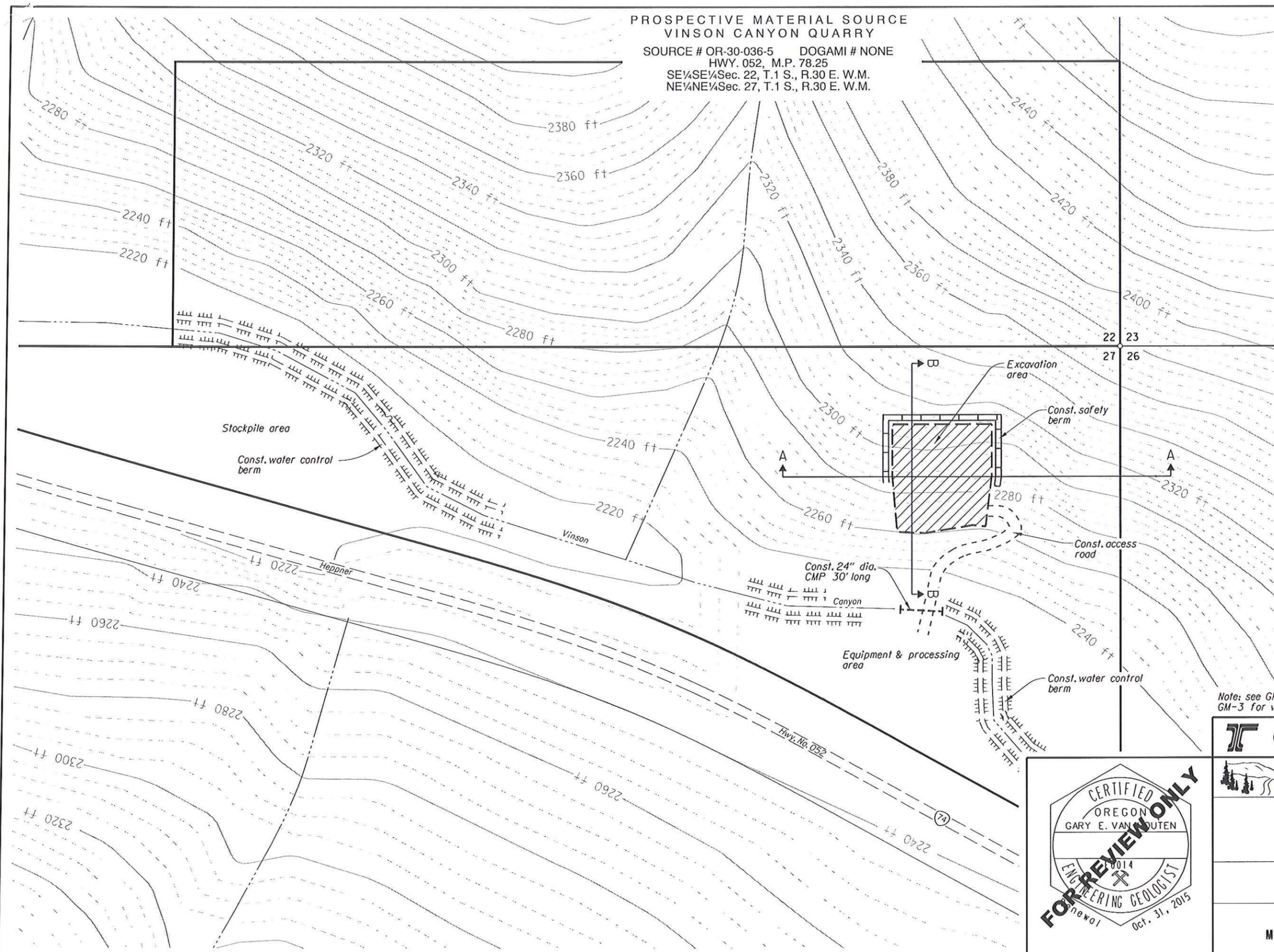
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 VINSON CANYON QUARRY  
 SOURCE # OR-30-036-5 DOGAMI # NONE  
 HWY. 052, M.P. 78.25  
 SE¼SE¼Sec. 22, T.1 S., R.30 E. W.M.  
 NE¼NE¼Sec. 27, T.1 S., R.30 E. W.M.

PRELIMINARY COPY  
 INFORMATION ONLY  
 ROADWAY ENGINEERING  
 DESIGN UNIT



SITE PLAN

Note: see GM-3 for sections A-A & B-B;  
 GM-3 for water control berm detail



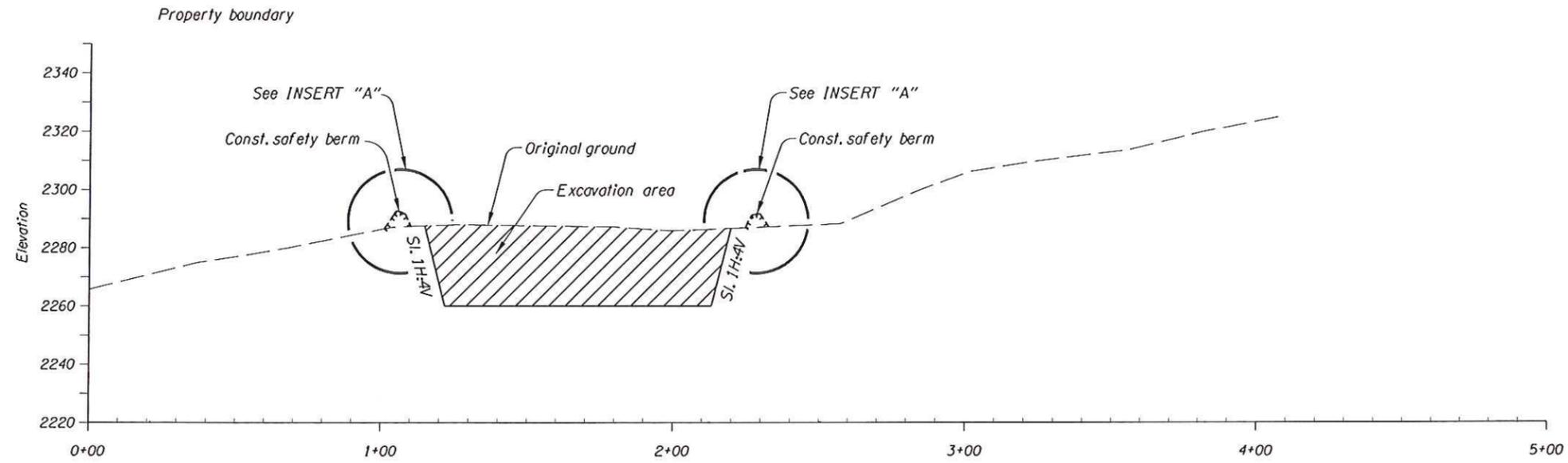
<b>OREGON DEPARTMENT OF TRANSPORTATION</b>	
Region 5 Tech Center 3012 Island Ave La Grange, OR 97850 (541) 963-3177	
<b>VINSON CANYON QUARRY</b> HEPPNER HIGHWAY UMATILLA COUNTY	
Reviewed By - Thomas Glen Wallace Geology By - Gary E. Van Houten Drafted By - Robert P. Wadlinger	
<b>PROSPECTIVE MATERIAL SOURCE</b>	SHEET NO. <b>GM-2</b>

**FOR REVIEW ONLY**

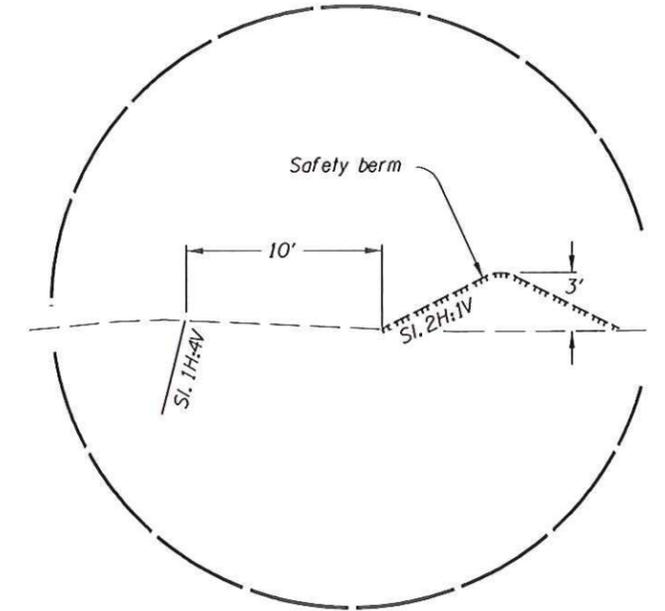
CERTIFIED  
 OREGON  
 GARY E. VAN HOUTEN  
 0014  
 ENGINEERING GEOLOGIST  
 Renewal Oct. 31, 2015

PROSPECTIVE MATERIAL SOURCE  
 VINSON CANYON QUARRY  
 SOURCE # OR-30-036-5 DOGAMI # NONE  
 HWY. 052, M.P. 78.25  
 SE¼SE¼Sec. 22, T.1 S., R.30 E. W.M.  
 NE¼NE¼Sec. 27, T.1 S., R.30 E. W.M.

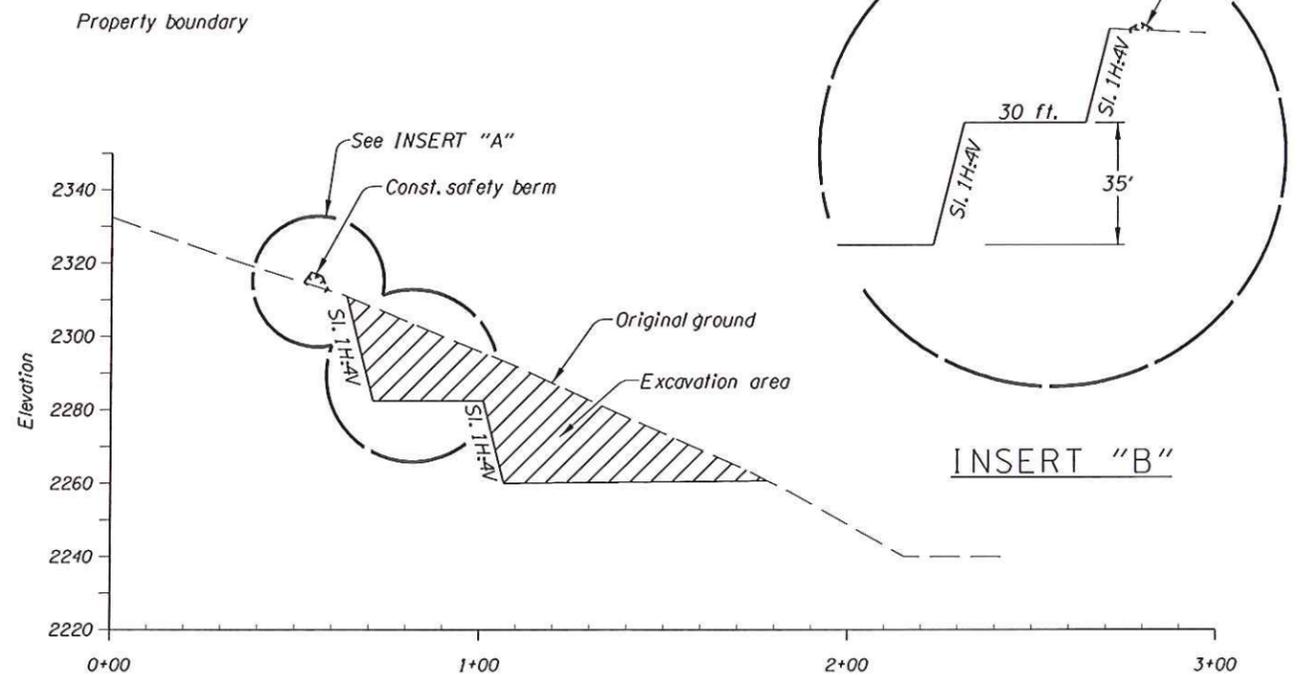
PRELIMINARY COPY  
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 ROADWAY ENGINEERING  
 DESIGN UNIT



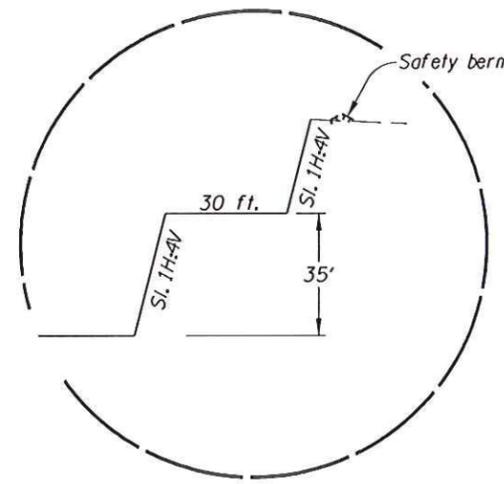
SECTION A-A



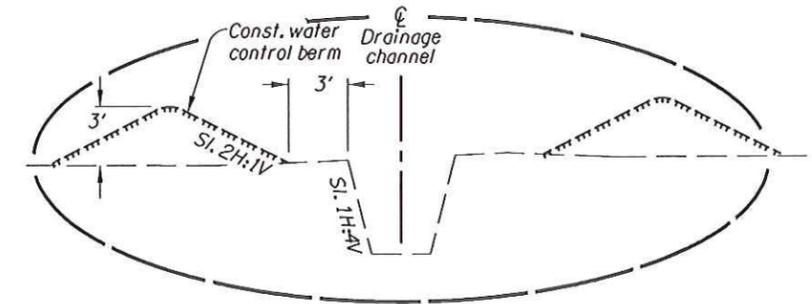
INSERT "A"



SECTION B-B



INSERT "B"



INSERT "C"

Note: see GM-2 for section locations



**OREGON DEPARTMENT OF TRANSPORTATION**

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

**VINSON CANYON QUARRY**  
 HEPPNER HIGHWAY  
 UMATILLA COUNTY

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

**PROSPECTIVE MATERIAL SOURCE**

SHEET NO.  
**GM-3**



## OREGON DEPARTMENT OF TRANSPORTATION

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

June 21, 2021

### Significant Aggregate Site Information

**ODOT Source # OR-30-036-5**

**Vinson Canyon Quarry**

**OR 74 at M.P. 78.40**

**Tax Lot 1901, SE¼ SE¼ of Sec. 22 & NE¼ NE¼ of Sec. 27, T. 1 S., R. 30 E., W.M.**

**Umatilla County, OR**

This letter provides documentation of the location, quantity and quality of aggregate reserves at the above referenced site for a Significant Aggregate Site designation. This site is an existing quarry site known as Vinson Canyon Quarry, which according to ODOT records is two parcels (7.54 + 6.9 acres), encompassing approximately 14.44 acres. It is located adjacent northeast of State Highway OR 74, approximately 5.75 miles west of Nye Junction or 13.8 miles west of Pilot Rock. The site does not have a current DOGAMI Operating Permit. The site is owned by ODOT through two Warranty Deeds of Sale. Attached is a county tax lot map, aerial photo, and right-of-way map for your reference.

The rock at this site consists of in-place basalt lava rock of the Columbia River Basalt Group<sup>1</sup>, which is the bedrock formation which predominates most of the county. Attached ODOT laboratory test results (14-002521) for rock at this site indicates that the rock meets ODOT base rock specifications. According to the requirements in Section 02630.11(c) of the Oregon Standard Specifications for Construction (2021), the Abrasion can be up 35.0% maximum, and the Coarse Degradation can be up to 30.0% maximum with a Sediment Height of 3.0 inches maximum. Lab results for T96 indicate an Abrasion of 17.1%, and TM208a show a Coarse Degradation of 13.6% and a Sediment Height of 0.5 inches.

I have personally observed the site and the rock material, and it is my professional opinion that through typical rock excavation and production processes, the ODOT estimate of 528,361 tons of reserve quantity is reasonably obtainable. More rock can be excavated if/when the additional acreage from Right of Way File #18792 is confirmed to be owned by ODOT. Based on ODOT's experience using aggregate produced from Columbia River Basalt, aggregate produced from this site is anticipated to meet and likely exceed ODOT base aggregate standards.

This site is located along State Highway OR 74 (Heppner Hwy) and is 5.75 miles from US 395B (Pendleton-John Day Hwy), which could be used to provide aggregate for road construction and maintenance of these highways as well as other public roads in the surrounding area. Based on this information, this site should be added to the Umatilla County Significant Site Inventory.

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

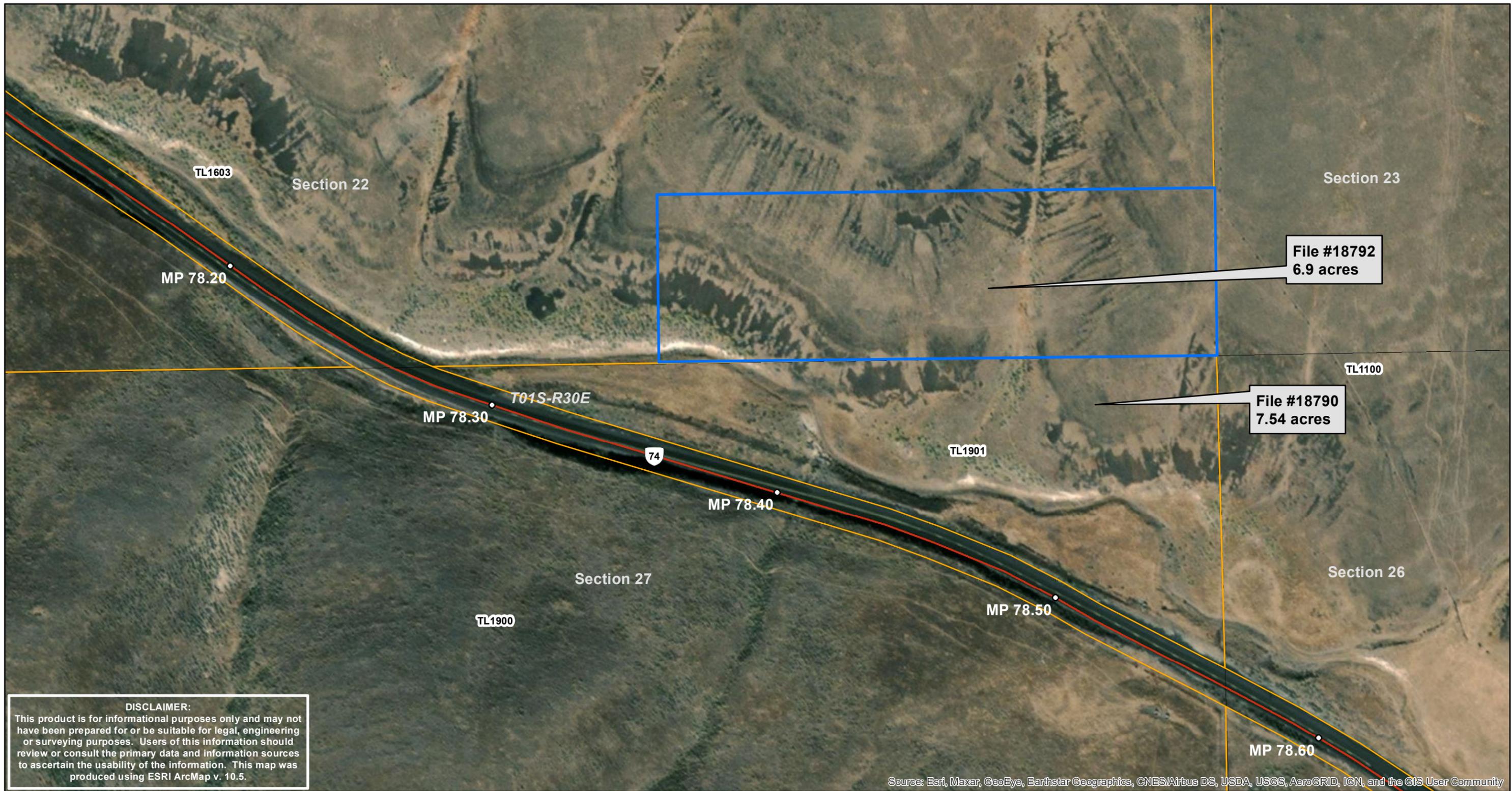
Respectfully submitted,

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

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



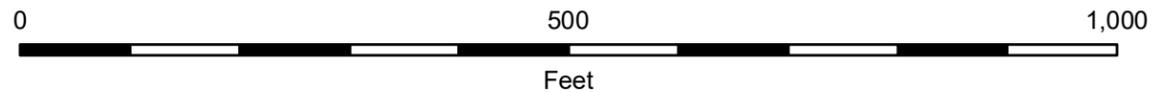
<sup>1</sup> Madin, I.P., and Geitgey, R.P., unpublished, Preliminary geologic map of the Umatilla Basin, Morrow and Umatilla Counties, Oregon: Portland, Ore., Oregon Dept. of Geology and Mineral Industries, scale 1:100,000.



OREGON DEPARTMENT OF TRANSPORTATION

**VINSON CANYON QUARRY**  
**OR-30-036-5**

SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22 & NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 27, T. 1 S., R. 30 E., W.M.  
Umatilla County, Oregon



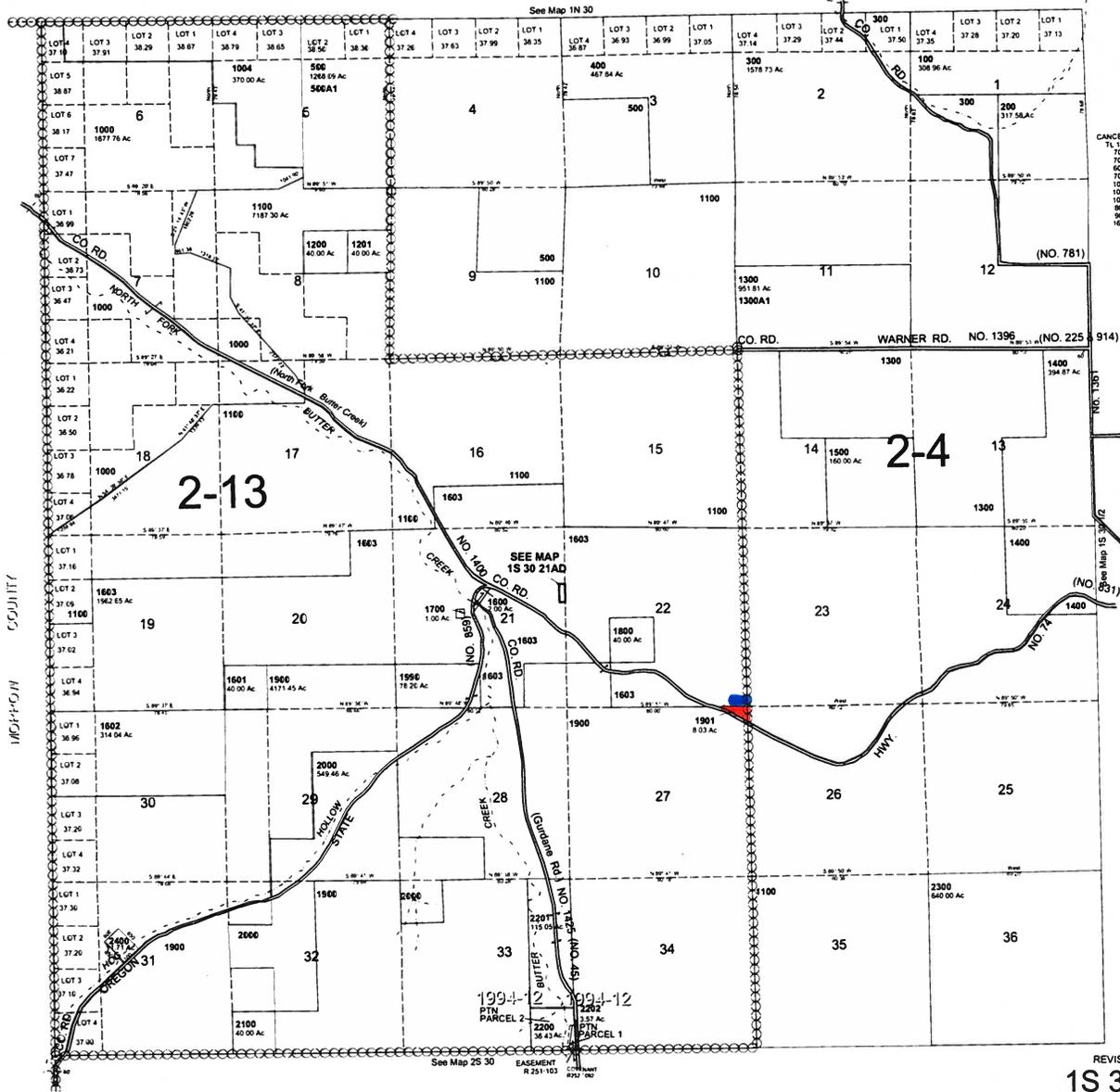
This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

# T1S R30E WM UMATILLA COUNTY

SCALE 1"=2000'

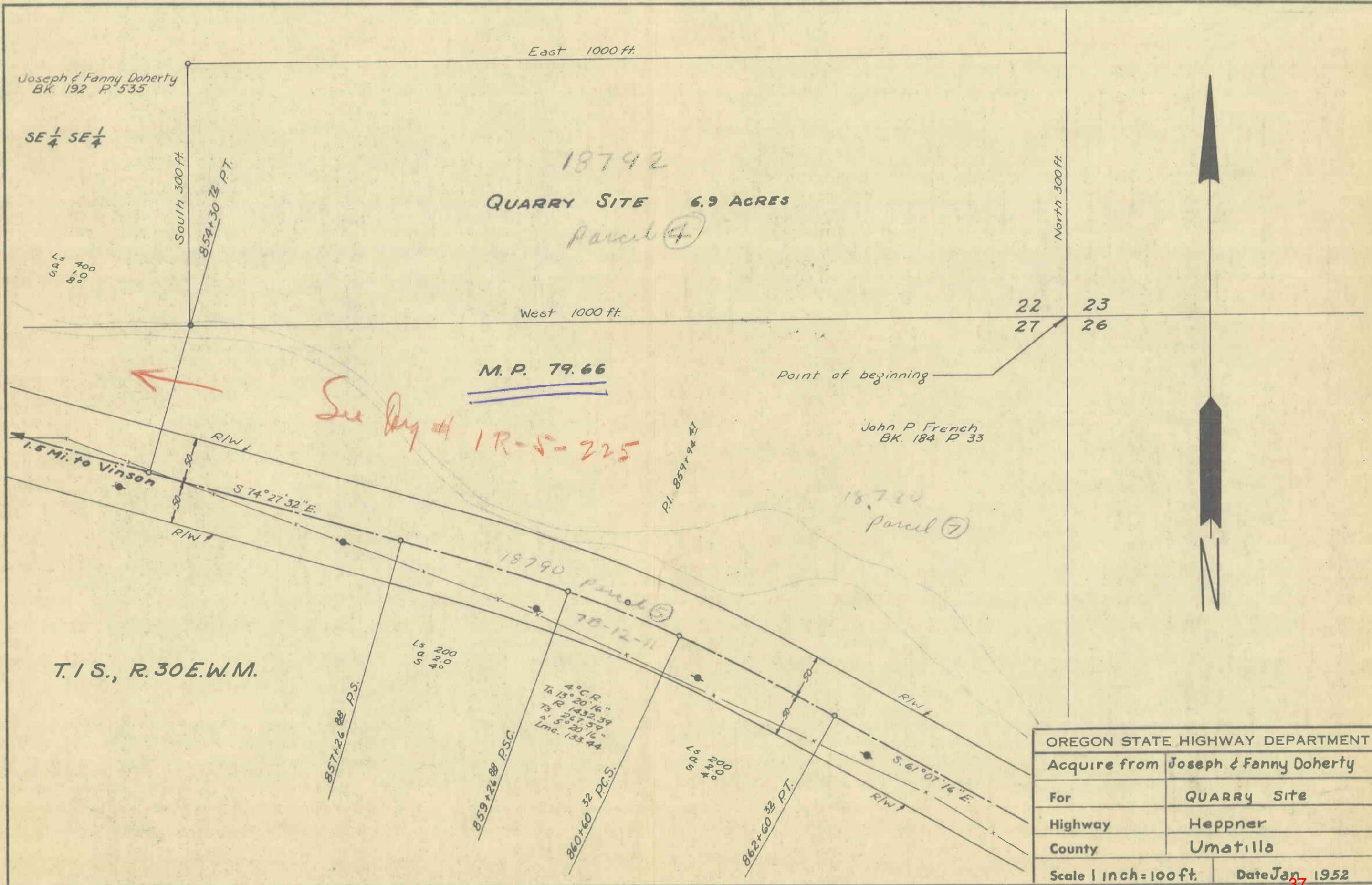
## 1S 30

AERIAL PHOTO NO NZ-7P 53-60 & 120-127



REVISED 03-15-17  
**1S 30**





OREGON STATE HIGHWAY DEPARTMENT	
Acquire from	Joseph & Fanny Doherty
For	QUARRY SITE
Highway	Heppner
County	Umatilla
Scale 1 inch = 100 ft.	Date Jan 1952

T. 1 S., R. 30 E. W. M.



18792  
See Map IR-5-224

West  
M.P. 79.66

± 7.54 Acres

18790  
Parcel 7

Point of beginning

NE 1/4 NE 1/4

North 541.00 approx.

22  
27  
23  
26

1474.00 ft. approximately

Parcel 5 18790

S. 74+27' 32" E.

see 7B-12-11

S. 61° 07' 16" E.

Ls 200  
d 2.0  
S 4°

4° C.R.  
TΔ 138° 20' 16"  
R 1432.39  
TΔ 267.59  
Δ' 5° 20' 16"  
Lmc 133.44

Ls 200  
d 2.0  
S 4°

John P. French  
BK 184 P. 33

857+26 88 P.S.

859+26 88 P.S.C.

860+60 32 P.C.S.

862+60 32 P.T.

OREGON STATE HIGHWAY DEPARTMENT	
Acquire from	John P. French
For	stockpile & setup site
Highway	Heppner
County	Umatilla
Scale 1" = 100 ft.	Date Jan 1952

OREGON DEPARTMENT OF TRANSPORTATION

MATERIALS LABORATORY

800 AIRPORT RD. SE SALEM, OR 97301-4792

(503) 986-3000

FAX (503) 986-3096

Contract No.: REG5GEO EA No.: CMS15014 000 J13 Lab No.: 14-002521  
 Project: ODOT REG 5 MATERIAL SOURCES -  
 Highway: PENDLETON-JOHN DAY County: UMATILLA Data Sheet No.: F40235 491  
 Contractor: FA No.:  
 Project Manager: GARY VAN HOUTEN Org Unit: 5630 Bid Item No.:  
 Submitted By: RALPH DEPUY Org Unit: 5000 Sample No.:  
 Material Source: 30-036-5 VINSON CANYON Qty Represented: INFORMATION  
 Sampled At: SOURCE Sampled By: Witnessed By:  
 DATE-Sampled: 14/ 8/ 1 Received: 14/ 8/12 Tested: 14/ 8/25 Date Reported: 14/ 8/26  
 Class/Type: COMPLIANCE Use: QUARRY ROCK

Q or G: QUARRY AGGREGATE LABORATORY REPORT - QUARAG Size: CHUNKS

Sieve	% Passing		Mfg.	As Rec'd
4"		T 176 Sand Equivalent	64.	
3.5		T 89 Liquid Limit	NonDet	
3		T 90 Plastic Index	NonPlastic	
2.5		T 84 Fine Bulk Gravity	2.693	
2		S.S.D.	2.750	
1.5		Apparent	2.855	
1		Absorption (%)	2.10 %	
3/4		T 85 Coarse Bulk Gravity	2.696	
5/8		S.S.D.	2.742	
1/2		Apparent	2.826	
3/8		Absorption (%)	1.71 %	
1/4		TM 208a Coarse Degrade Ht	0.5 in	
# 4		P20	13.6 %	
# 10		TM 208b Fine Degrade Ht		
# 40		P20		
#100				
#200				

T 104 Sodium Sulfate Loss	
1.5 - 3/4: 1.1 %	
3/4 - 3/8: 1.4 %	
3/8 - # 4: 2.2 %	CA: 2.0 %
# 4 - # 8: 1.9 %	
# 8 - #16: 2.5 %	
#16 - #30: 2.7 %	
#30 - #50: 5.2 %	FA: 3.0 %

T 112 Friables	
Weighted Avg.:	
1 1/2 - 3/4:	
3/4 - 3/8:	
3/8 - # 4:	
# 4 - #16:	
T 113 Lightweight Pcs	
Coarse: 0.0% Fine: 0.1%	

T 96 Abrasion	
Type A	17.1 %
TM 225 Woodwaste:	
TM 226 Dust/Clay:	
TM 227 Cleanness:	
TM 229 Elong Pcs:	
T 304 Unc Voids:	

AASHTO T 288 Resist: 6003 Ω-cm  
 AASHTO T 289 pH: 7.0

AASHTO T 267 Organic: 1.3 %  
 AASHTO T 291 Chloride: 20 PPM  
 AASHTO T 290 Sulfate: 123 PPM

T 327 MICRO DEVAL  
 Grading: Type A  
 Loss: 7.6 %

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

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

KEVIN BROPHY - LABORATORY SERVICES MANAGER

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

...the ...

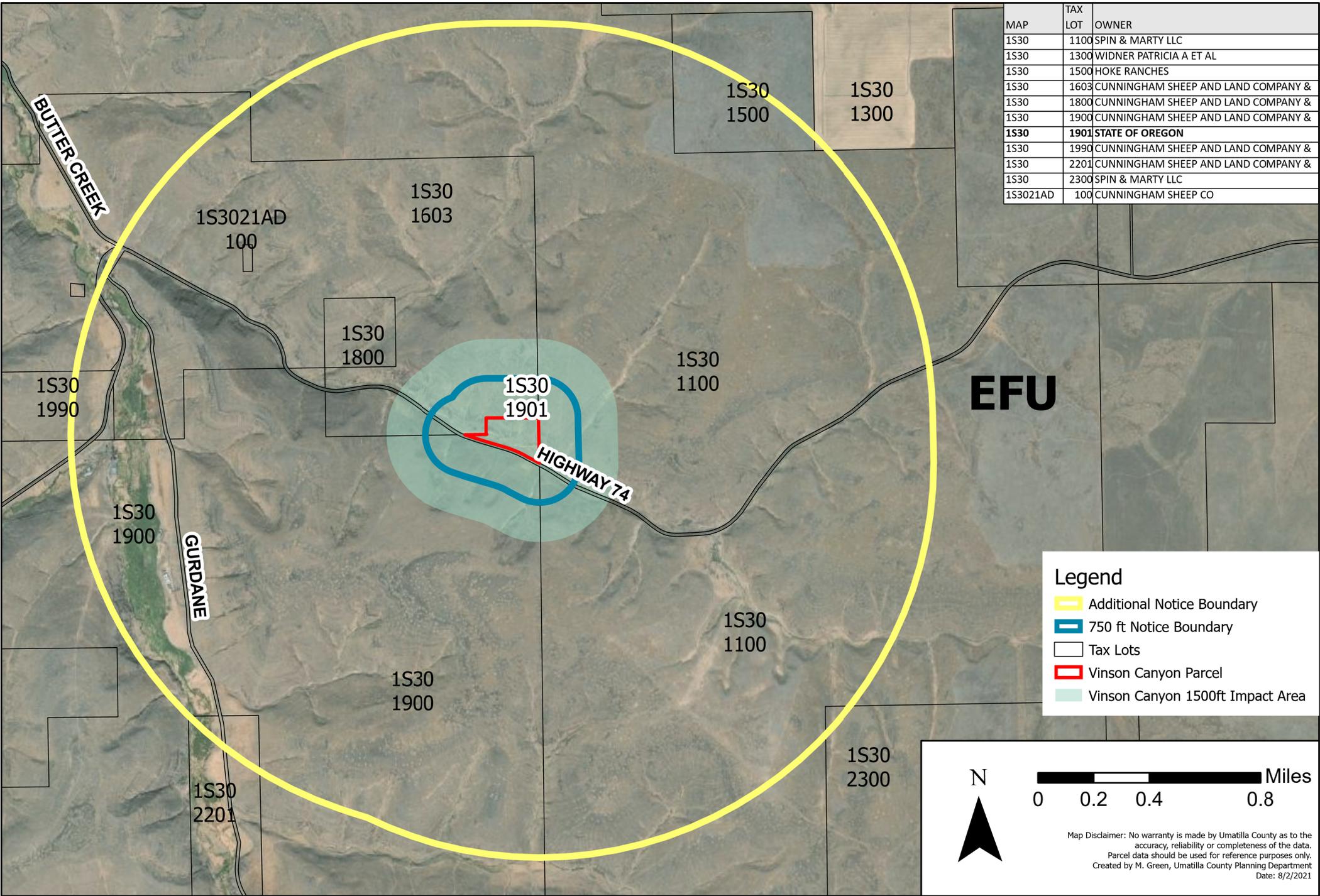
**APPLICANT / OWNER: ODOT OWNER**  
**MAP: 1S30 TAX LOT 1930**

**#T-21-085, #Z-317-21 AND #P-128-21**

**VINSON CANYON SITE**

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

Notified property owners within 750 feet of Subject Parcel



MAP	TAX LOT	OWNER
1S30	1100	SPIN & MARTY LLC
1S30	1300	WIDNER PATRICIA A ET AL
1S30	1500	HOKE RANCHES
1S30	1603	CUNNINGHAM SHEEP AND LAND COMPANY &
1S30	1800	CUNNINGHAM SHEEP AND LAND COMPANY &
1S30	1900	CUNNINGHAM SHEEP AND LAND COMPANY &
<b>1S30</b>	<b>1901</b>	<b>STATE OF OREGON</b>
1S30	1990	CUNNINGHAM SHEEP AND LAND COMPANY &
1S30	2201	CUNNINGHAM SHEEP AND LAND COMPANY &
1S30	2300	SPIN & MARTY LLC
1S3021AD	100	CUNNINGHAM SHEEP CO

**EFU**

**Legend**

- Additional Notice Boundary
- 750 ft Notice Boundary
- Tax Lots
- Vinson Canyon Parcel
- Vinson Canyon 1500ft Impact Area



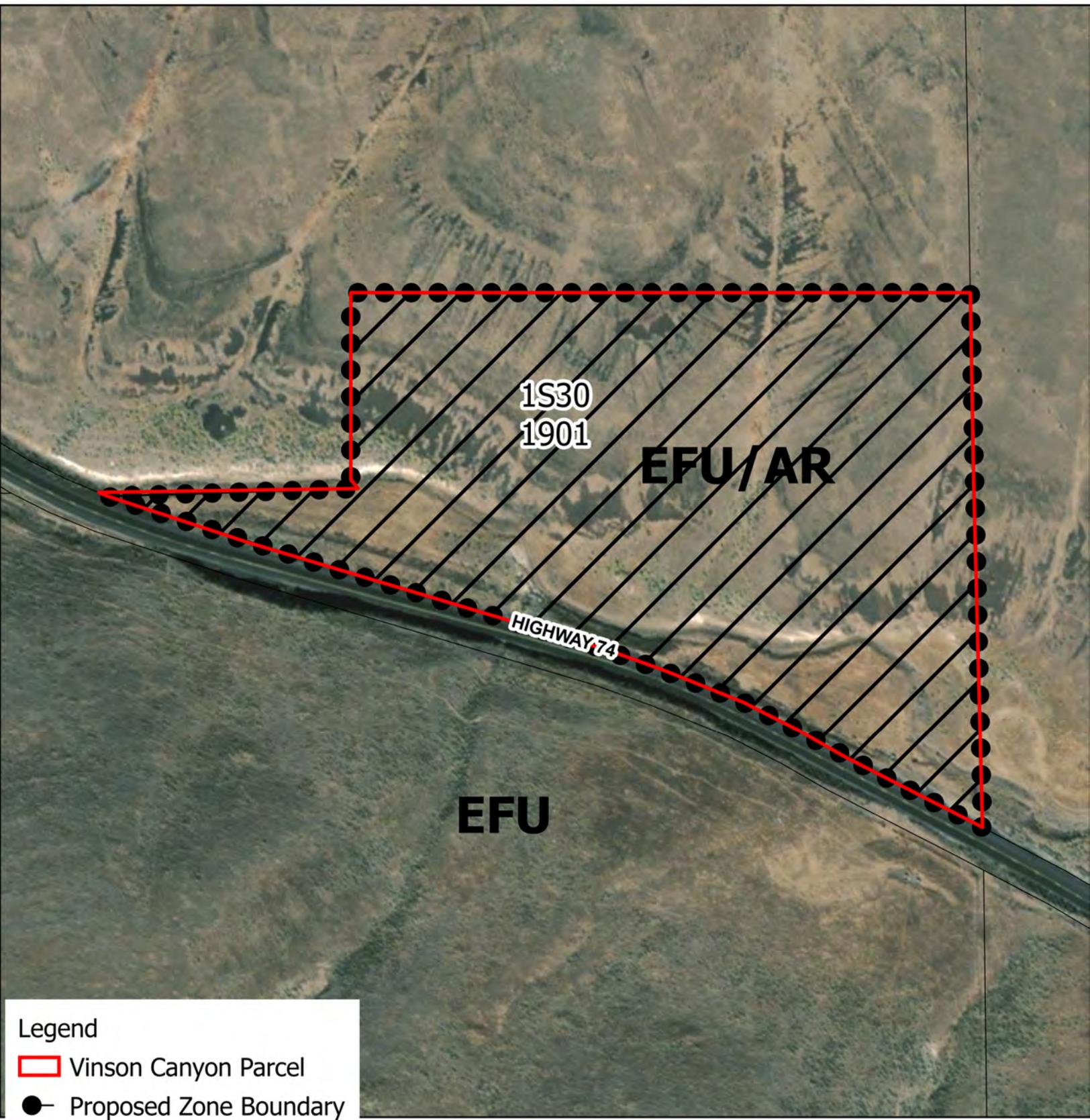
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 8/2/2021

...the ...

**APPLICANT / OWNER: ODOT OWNER**  
**#T-21-085, #Z-317-21 AND #P-128-21**

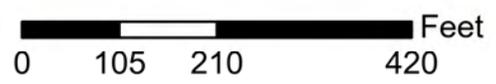


**VINSON CANYON PROPOSED ZONING MAP**



**Legend**

- Vinson Canyon Parcel
- Proposed Zone Boundary
- Proposed AR Overlay
- Tax Lots



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Green, Umatilla County Planning Department Date: 8/5/2021

...the ...

## Proposed Umatilla County Comprehensive Plan Text Amendment

### VINSON CANYON QUARRY Comprehensive Plan Map Amendment #P-128-21 Comprehensive Plan Text Amendment T-21-085 Zoning Map Amendment #Z-317-21 Township 1S, Range 30, Tax Lot 1901

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

Note: Proposed changes are in highlighted text.

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

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

- (1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.
- (2) ODOT quarry, T5N, R29E, Section 22, TL 800 (“Sharp’s Corner”)>
- (3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.
- (4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.
- (5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700
- (6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).
- (7) ODOT quarry, T1S, R30, TL 1901**

# **DRAFT MINUTES**

## **VINSON CANYON QUARRY**

**TEXT AMENDMENT #T-21-085**

**PLAN AMENDMENT #P-128-21**

**ZONE MAP AMENDMENT #Z-317-21**

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

**PLANNING COMMISSION HEARING  
September 23, 2021**

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

\*\* \*\*

**COMMISSIONERS**

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

**ABSENT:** Lyle Smith

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

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

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

**CALL TO ORDER**

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

**NEW HEARING**

**TEXT AMENDMENT #T-21-085, PLAN AMENDMENT #P-128-21 & ZONE MAP AMENDMENT #Z-317-21; Oregon Department of Transportation (ODOT), Applicant/ Owner.** The applicant requests to add an existing quarry (Vinson Canyon Quarry) to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property is located off the north side of Oregon State Highway 74, identified on Assessor’s Map as Township 1 South, Range 30 East, Tax Lot 1901. The property is 8.03 acres and zoned Exclusive Farm Use (EFU).

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

**STAFF REPORT**

Bob Waldher, Planning Director, presented the staff report. Mr. Waldher stated that the applicant, ODOT, requests to add an existing quarry site, Vinson Canyon Quarry, to the Umatilla County Comprehensive Plan list of Goal 5 Protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The property is located off the north side of Oregon State Highway 74, identified on Assessor’s Map as Township 1 South Range 30 East Tax Lot 1901. The tax lot is 8.03 acres and is zoned Exclusive Farm Use (EFU). The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180(3), (5) & (7), and UCDC Sections 152.487 – 488.

The process of approval involves review by the Planning Commission with a recommendation to the Board of County Commissioners (BCC). The BCC must also hold a public hearing and make a decision whether or not to adopt the proposed amendments. A public hearing before the BCC is scheduled for Wednesday, October 20, 2021 at 9am.

Mr. Waldher pointed out a few errors in the Commissioner's packets; page 4, first sentence of the last paragraph, should say Vinson Canyon Quarry, not Butter Creek; page 19, first sentence of the second paragraph, should say Vinson Canyon Quarry, not Butter Creek and should say 525,000 tons instead of 525,000 cubic yards; page 28 Public Notice Map is of the Butter Creek Quarry site, should be the Vinson Canyon Quarry site. The Vinson Quarry Public Notice map was sent to the Planning Commissioner's via email before the hearing today. Commissioner Tucker pointed out that on page 3, under the title, Hearing Date, it says the hearing will be on September 26, 2021, but should be September 23, 2021. Mr. Waldher stated that he will make the revisions.

Mr. Waldher stated that this request is to add 13.6 acres of property owned by ODOT located on Tax Lot 1901 of Assessor's Map 1S30, to the Umatilla County list of significant sites. This action would provide necessary protections under Goal 5 including limiting conflicting uses within the buffer area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. The site is currently listed in the Umatilla County Technical Report on page D-183 as a 3C Significant Site which requires Umatilla County to limit conflicting uses adjacent or near this site.

The Oregon Department of Transportation (ODOT) intends to excavate aggregate, process and batch that aggregate for public road projects, and to stockpile unused aggregate material for current and future use.

**Applicant Testimony:** Carla McLane, Consultant, Carla McLane Consulting, 170 Van Buren Drive, Umatilla, Oregon, 97882. Ms. McLane indicated that she represents the applicant, ODOT. Ms. McLane stated that the applicant's request is for Umatilla County to protect this site, approve mining, stockpiling and processing and apply the Aggregate Resource (AR) Overlay Zone to the subject property. These actions will ensure there is not future encroachment on the site and help limit conflicting uses on properties in close proximity.

Ms. McLane stated that this application is to amend the Umatilla County Comprehensive Plan to list the Vinson Canyon Quarry as a significant site protected by Goal 5; amend the Comprehensive Plan Map to identify the site as significant and to apply the buffer area to limit conflicting uses. Approval of this request will also amend the Zoning Map by applying the AR Overlay Zone to the mining site. She explained that ODOT has owned this property since 1953. ODOT has always intended to use the aggregate at this site for regional maintenance and safety improvements to the road network, but nothing has happened to date. ODOT has identified two

access points for future use, but they have not developed as they have not yet extracted rock from the site.

ODOT has plans to use the site to excavate aggregate, then process, batch and stockpile the aggregate. The intent of this request is to protect this site so it is available for future use in maintenance, preservation and safety projects on state and regional highways in and around Umatilla County.

Ms. McLane stated that this site does meet the requirements to be considered significant. Vinson Canyon quarry has an approximately one million cubic yards of available basalt and an inventory estimated that it contains 525,000 tons of available material. ODOT standards for use require that a site be inventoried to have a minimum of 500,000 tons, so this condition has been met. She stated that the basin was formed in an area where a great deal of basalt flow developed over a long period of time. As a result, the basalt rock in this area is considered to be solid and of high quality. She added that this request also meets air degradation requirements for coarse and fine materials.

Ms. McLane stated that Scott Billings, ODOT Senior Engineering Geologist, is present at the hearing tonight to answer any technical questions. He has also submitted a letter included in the application materials (Commissioner's packet page 33) designating Vinson Canyon quarry as a Significant Aggregate Site.

Ms. McLane stated that this quarry site is very remote and the nearest dwelling is two miles away. Surrounding land is being used for grazing and there is dryland wheat fields located to the north of the site. There are no activities within the 15,000 ft. impact area and no approved land uses have been identified within the buffer area. The only infrastructure present at this time is Highway 74, which runs from the southeast to the northwest toward Morrow County.

Ms. McLane explained that the objective under the Goal 5 process is to protect the mine from uses that may create conflict. ODOT acknowledges that there could be impacts, but there are no uses in the area that would be problematic relative to this operation. She added that ODOT will obtain necessary air discharge permits, comply with noise standards and if they are unable to maintain stormwater on site, they will obtain other permits related to water.

Ms. McLane stated that ODOT pits differ from commercial pits. In a commercial environment mining occurs quite regularly to support regional development and industrial activities. Activity at ODOT quarries only occurs to support regional or state highway projects located near the quarry. In this case, the quarry would support a project that may occur on Highway 74 or Highway 395 and those projects tend to happen every 10-15 years. Therefore, mining activities occurring at the site would be temporary and sporadic; there could be no activity for a number of years.

Ms. McLane stated that traffic impacts due to activity at the mine would be similar to impact created by harvest activities. There may be a lot of traffic for a short period of time while the project is happening. The projects tend to occur in the Spring & Fall. The UCDC does have a requirement for a Traffic Impact Analysis when a project reaches 250 average daily trips. Similar regional projects demonstrate that the activity on this site would not come close to reaching that number. Additionally, there are no public airports and no other known Goal 5 resources within the impact area.

The agricultural practices in the area are limited and there is a history of the land being used for grazing. Property located several miles to the north of the site is used for dryland wheat farming. South of the property is forest land and to the west, the nearest homes are located along Butter Creek in the canyon approximately two miles away.

Ms. McLane explained that the primary reason for this request is to avoid additional impacts on mining activity in the future. The applicant would like to ensure that Vinson Canyon does not see a growth boom and start to develop homes. Although it might be nice to have additional housing in the area, this is a remote location and ODOT feels it is in their best interest to seek protections to limit conflicting uses within the buffer area (1,500 ft. from the potential impact area). The key issue to be decided is whether or not the Planning Commissioners choose to deem this site as Significant. Without the designation of being considered a Significant site, they cannot move forward with next steps to protect the activity. Ultimately the intent is not to disallow potentially conflicting activities, but rather for the applicants with plans for conflicting land use activities to be made aware of the potential conflict and waive their rights to remonstrance against impacts made by aggregate mining activities in the region.

Ms. McLane stated that once the site is determined to be Significant, ODOT can look at the list of possible future uses in the area, identify the conflicts and limit those conflicting uses. UCDC 152.063(D) requires that, “[a] dwelling shall not be located within 500 ft. of an existing aggregate mining operation unless the owner of the property of the proposed dwelling: (1) Obtains a written release from the adjacent mining operation allowing a closer setback; and (2) Waives his or her rights to remonstrate against normal aggregate mining activities allowed by permits issued under this chapter.”

Ms. McLane pointed out that this site is included in the list of Inventory of Rock Material Resources in Umatilla County in the Umatilla County Comprehensive Plan Technical Report (page D-183, table D-XXII). She stated that ODOT will be submitting a Surface Mining Permit application to the State of Oregon Department of Geology and Mineral Industries (DOGAMI) once the Planning Commission request is approved, as it is a requirement prior to mining at the site. They will also be required to improve the site’s access points and obtain ODOT State Highway Approach permits.

Chair Danforth asked for clarification about what the next steps would be if this request were to be approved. Ms. McLane stated that the first step is deeming the site to be Significant. Next, the applicant will request to allow mining at the site and the result could be one of three possibilities; allow mining without conflicting uses, allow mining with conflicting uses in the manner presented, or to prohibit mining. She pointed out that the site can be deemed Significant and still not receives authorization to mine.

Commissioner Green asked for clarifications about the prohibitions that would be attached to dwellings and other gathering spaces. She stated that she is aware of gatherings that take place in that area when ranchers gather to do brandings, for example. Ms. McLane stated that she wanted to be clear that ODOT is not requesting for limitations on uses allowed outright (ie. farming & ranching activities) in the EFU Zone. Regular agricultural activities will be allowed to continue in the area. Limitations would only be placed on applicants who submit permits for development or activities that would not be considered an outright use in the zone. Additionally, the limitation would not necessarily prohibit conflicting activity. The Goal 5 protection would simply ensure that applicants are made aware of the potential conflict of use and waive their rights to remonstrance against impacts made by aggregate mining activities in the region.

Commissioner Timmons asked about the DOGAMI permitting process. She wanted more information about the requirements for reclamation including contouring and revegetation. Ms. McLane stated that the mine will need to meet sloping standards as part of ending the mining operation, when that day comes. Vegetation will not apply much to this mine because there was not much vegetation there before the mining operation came into play. She explained that they remove the top layer of soil at the site and build it into berms as part of their mining operations. At the time of reclamation, the top soil is spread back out over the site and they reseed the area with native plant species. Ultimately, the owner of the mining operation is responsible for returning the site as close as possible to its natural state.

Chair Danforth asked if the mining operations will impact the creek on the site. Ms. Mc Lane explained that the stream on the site is an ephemeral stream, which has flowing water only during the spring season. ODOT will be responsible for protecting the creek and will be required to address impacts during the mining application process.

Chair Danforth asked if there was a timeframe in which ODOT plans to commence mining operations at the site. Ms. McLane deferred to Scott Billings with ODOT to respond.

**Applicant Testimony:** Scott Billings, ODOT Region 4/5 Senior Engineering Geologist, Region 4 Tech Center, 63034 OB Riley Road, Bend, Oregon, 97703. Mr. Billings stated that ODOT has two quarries in use at this time. Franklin Hill Quarry is located approximately 11 miles southwest of this site and Nye Junction Quarry located at the junction of Highway 74 and Highway 395. Both sites have been used regularly but they will not be available forever. ODOT is making future plans to have alternative sites available to take the place of these existing mines

when they are no longer available for extraction. ODOT hopes to get their DOGAMI permit approved in the next nine months. They do not have any plans to start mining operations at Vinson Canyon Quarry at this time. They are just seeking protections to ensure it will be available in the future.

Chair Danforth asked more about blasting impacts. She saw language in the commissioner's packets which indicates that minimizing blasting impacts will be accomplished using best practices within acceptable limits. Chair Danforth asked for more clarification on what that means. Mr. Billings stated that there are two major impacts from blasting as part of mining operations. The first is ground vibration measured in inches per second, which must be kept at a safe and acceptable level. The second impact is noise, including actual sound and sound shockwaves. Acceptable noise levels are determined by the distance between the blasting site and other developments or uses. For example, they are authorized to be louder if there are no homes nearby and must regulate noise levels more heavily when there are homes near a site. ODOT has a policy to provide advance notice to surrounding land owners 48-hours before they blast at a site. They want to give ranchers enough time to relocate livestock if they feel it is necessary. Chair Danforth asked about how far they go, distance wise, in noticing landowners before blasting. Mr. Billings stated that they notify adjacent land owners. He added that the Planning Commission could add additional Conditions of Approval if they would like more owners to receive the blasting notice.

Commissioner Royer asked if this is a typical process as part of requesting Goal 5 protections on a mining site in Umatilla County, or is there something that makes this request special or different compared to others. Chair Danforth stated that she recalls other applications with similar requests in the past, and this seems to be the same process as the others.

**Applicant Testimony:** Teresa Penninger, ODOT Region 5 Planning Manager, 3012 Island Avenue, La Grande, Oregon, 97850. Ms. Penninger stated that ODOT has been working with Umatilla County to get several mining sites on the record for many years. Today's request includes a few of the last sites they will be seeking to protect as they work to secure their network of aggregate mining sites in Umatilla County.

Commissioner Green asked more about the seasonal creek on the site. She stated that the creek is used for stockwater systems to provide suitable water to livestock during the spring grazing season. She wants to ensure the stream will be left unobstructed. Mr. Billings stated that DOGMAI is focused on both environmental protections and reclamation as part of their permitting process. ODOT plans to build a berm on the north side of the creek to ensure the work does not impact the creek. If they have operations while the creek is running with water they will install a small culvert to pass over the creek and avoid going through it. He asserted that ODOT and its contractors would never remove water from the creek to use in operations. He explained that they have various methods for obtaining water, including the purchase of water from adjacent land owners or trucking it in from the city.

Commissioner Green asked if blasting will affect existing wells in the region and if ODOT is aware of issues associated with blasting near wells. Mr. Billings stated that it is possible if the well is very close to the site of the blast. He added that utilities near quarries are noticed before blasting. Commissioner Green stated that she is very familiar with the area and lives in the region so she appreciates all the information provided by the applicant.

**Proponent Testimony:** No comments.

**Opponent Testimony:** No comments.

**Public Agencies:** No comments.

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION**

Chair Danforth moved to add a Condition of Approval to require blast notification 48-hour in advance to any landowner located within 1,500 ft. of the quarry, not just adjacent land owners. Commissioner Wysocki seconded and the motion passed by consensus.

Commissioner Tucker made a motion to recommend approval of the Text Amendment #T-21-085, Plan Amendment #P-128-21 & Zone Map Amendment #Z-317-21; Oregon Department of Transportation, applicant/ owner to Amend the Umatilla County Comprehensive Plan to list the Vinson Canyon Quarry as a Significant Site protected by Goal 5; amend the Comprehensive Plan Map to identify the site as Significant and to apply the buffer area to limit conflicting uses; and amend the Zoning Map by applying the Aggregate Resource Overlay Zone to the mining site, and to add a Condition of Approval requiring blast notification 48-hours in advance for any landowner located within 1,500 ft. of the quarry, to the Board of County Commissioners. Commissioner Timmons seconded the motion. Motion passed with a vote of 8:0.

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