

A G E N D A
UMATILLA COUNTY BOARD OF COMMISSIONERS

Meeting of Wednesday June 11, 2014, 9:00 a.m.

Umatilla County Courthouse, 216 SE 4th St. Room 130, Pendleton, OR

** **

A. CALL TO ORDER

B. NEW HEARING:

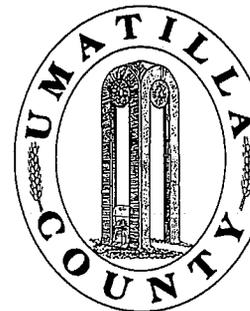
COMPREHENSIVE PLAN AMENDMENT #T-14-052 AND ZONE MAP AMENDMENT #Z-300-14. A & B Asphalt, Applicant. The applicant requests approval to establish a Goal 5 Large Significant Site to the Rock Material Resources Inventory of the Comprehensive Plan and to apply the Aggregate Resources Overlay Zone to the Site. The Amendment will add 33.26 acres to the aggregate inventory. The subject parcel is 286 acres in size and is located east of the Walla Walla River Road, approximately ¼ mile from the City of Milton Freewater. Property is defined as tax lot 200 of Assessor’s Map 5N 36 07. The property is zoned Exclusive Farm Use.

C. ADJOURN

H2014\agendasjune112014bcc

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

June 4, 2014

LAND USE
PLANNING,
ZONING AND
PERMITTING

Memo

TO: Board of Commissioners
FROM: Tamra Mabbott *Tamm*
CC: Doug Olsen, County Counsel
RE: A & B Asphalt Goal 5 Aggregate Application

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

Planning Commission reviewed the A & B Asphalt application at their March and April meetings. Where this is a legislative action, the role of the Planning Commission is to make a recommendation to the Board of Commissioners. The Planning Commission voted to recommend approval.

SMOKE
MANAGEMENT

GIS AND
MAPPING

Your packet contains Draft Findings. Again, as a legislative matter, Planning Commission provides Draft findings for your consideration. The commission did recommend changes to the "subsequent" conditions of approval, as follows:

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

1. Follow the blasting plan which includes a notification area of 2,500 feet
2. Conduct one pre-blast analysis within the 1,500 foot impact area
3. Hours of operation will be 6:00 a.m. to 7:00 p.m.
4. Plant a buffer zone of trees to mitigate noise and dust
5. Install a flow meter on the well
6. Insure all DEQ and DOGAMI permits are in place

A discussion about the conditions is found on the final pages of April 24, 2014 meeting minutes.

Goal 5 Aggregate applications are complicated; the A & B Asphalt application is no exception. The color maps in your packet are useful to understanding the various boundaries of the *existing* and *proposed* operation.

In summary, the application request is to add 33.26 acres of land as a Goal 5 Large Significant Site to the Rock Material Resources Inventory (RMRI) of the Comprehensive Plan, and to apply the Aggregate Resources Overlay Zone (ARoz) to the 33.26 acres. The 33.26 acres to be added to the County RMRI includes three areas:

1. A 14.15 acre portion of an existing quarry site approved for mining

under 1984 and 1987 County conditional use permits (CUPs). Some of the 14.15 acre area has been mined and some has not been mined. Mining is proposed to continue or begin anew, as applicable, on all of the 14.15 acres. None of this area is on the existing County RMRI.

2. A 7.47 acre area composed of a half arc around the above area, generally to the south and east. This 7.47 acre area is outside the CUP and existing RMRI areas.
2. 11.64 acres of land to the north of the areas described above. This 11.64 acre area is also outside of the CUP and not on the existing RMRI.

Please let me know if I may answer any questions or provide additional information prior to the hearing.

.tamra/amendments/aggregate/A&B/Mmemo to BOC for June Hearing

Documents Submitted at March 27, 2014 Hearing

14 03/07/14 letter from Rob Clark, Superintendent Milton Freewater School District, with recommend safety standards

15 Document submitted by Mike Stalder, "things to mention in opposition to rock quarry"

16 03/27/2014 letters submitted by Mike Stalder and petition in support of application.

a. Von Der Ahe, Inc

b. Ashlee Londo Elsay

c. Ashlee Elsay

d. Petition in support with 60 signatures

17 "Goal 5 Worksheet of City of Milton Freewater" submitted by Mike Robinson, attorney for Humbert

18 03/27/14 letter by Mike Robinson, attorney for Brad Humbert, in opposition due to lack of evidence, site is not "significant," impact area too narrow, conflicts not minimized, impacts to gas pipeline, etc. photos

19 March 26, 2014 letter from Shauna Partin, homeowner adjacent to quarry. Concerned about blasting

20 03/27/14 letter from Cyndi Hamby, adjacent property owner, concerned about potential damage to her home, impacts from previous blasting, impacts from gas line, livability.

21 03/27/14 letter from TJ James, adjacent landowner. Concerned about impacts from blasting, past and future and A & B compliance with permit.

22 Letter submitted 03/27/14 by Joe Bond, impacts from previous blasting, concerns about future blasting potential decrease in his property value.

23 Site Plan of Plant submitted by A & B Asphalt.

Documents Submitted after the March 27, 2014 Hearing

- 24 04/14/12 letter from Wendie Kellington, attorney for A & B Asphalt, response to competitor's complaints, with 14 exhibits
1. Declaration of Darren Bender and Mike Stalder in A & B Asphalt v. Humbert Asphalt, Inc.
 2. Exhibit 2, page 1. 2012 Aerial Phot, Umatilla County Oregon, 2 mile buffer from existing gravel pits
Exhibit 2, page 2. 2012 Aerial Phot, Umatilla County Oregon, 2 mile buffer from existing gravel pits
 3. Photos of Konen Rock Products rock crusher plant operation
 4. Email from Tom Hack, DEQ to Gina Miller, Co Code Enforcement. A & B Asphalt Air Contaminant Discharge Permit
 5. 2011 Reclamation Awards, Outstanding Operator, Small, A & B Asphalt, 30-0076
 6. Memo from Daly Standlee & Associates, Inc., responding to comments about noise impacts
 7. Materials Testing & Inspection, Addendum 1, clarifying rock samples meet 2002 ODOT Standard Specifications according to section 02630.
 8. SCS Soil survey, sheet 17
 9. Supplemental Reclamation Plan
 10. "Enforcement 3rd Quarter 2010, with Humbert Asphalt violation
 11. April 14, 2014 letter from Martha Pagel, Attorney, address wter supply issues for A & B Asphalt.
 12. letters of support and petition in support of A & B Asphalt.
 13. Email from David Judd, Barnes, Inc. with Master Blast Plan for A & B's Spence Quarry
 14. Letter to Hector Ortiz, Williams NW Pipeline Co, from Leslie Ann Hauer, clarifying conversation that A & B mining in the vicinity of the pipeline is not problematic so long as no material is removed within the pipeline right of way.

- 25 April 11, 2014 memo from Shane Finck, Planner, re "2a" aggregate sites and Review of Conditional Use Permits, with table D-XXII of "2a" sites from Technical Report.

- 26 April 15, 2014 memo from Tamra Mabbott, Planning Director, re blasting, CUP at Spence Pit, Aggregate Resources in Umatilla County, w/ attachments
1. "Spence Pit permit history"
 2. DOGAMI Inventory of Umatilla County Aggregate Resources
 3. Inventory of Aggregate Resources in Umatilla County

Documents Submitted After Packets Mailed to Planning Commission for the April 24, 2014 Hearing

- 27 April 17, 2014 email from Scott Patterson, Williams Company Senior Land Representative. Indicating A & B is good to work with and request line markers for pipeline r-o-w

- 28 April 17, 2014 letter from Mike Robinson, Attorney for Brad Humbert
Second Letter in Opposition to A & B, applicant failed to address application shortcomings.

29	April 21, 2014 fax from Rich Angstrom, President OCAPA, referencing letter from DLCD.
30	April 17, 2014 letter received April 21, from Charles Konen, President, Konen Rock Products, with historic series of land use documents pertaining to Konen Rock Couse Creek quarry operations, with attachments.
31	April 21, 2014 letter from Daniel Humbert, President, Humbert Asphalt, with documentation on the historic land use for Kenney Pit.
32	April 23, 2014 letter from Wendie Kellington, Attorney for A & B, addressing communication from DLCD with attachments.
33	April 23, 2014 letter from Martha Pagel, Water Attorney for A & B Asphalt, describing adequacy of water supply, blasting impacts. With attachments.
34	April 24, 2014 memo from Lancaster Engineering, with Transportation Impact Analysis Review.
35	April 24, 2014 email from Mike Robinson, Attorney for Brad Humbert, opponent
36	April 24, 2014 letter from Mike Robinson, Attorney for Brad Humbert, opponent, with response to letter from Counsel for A & B
37	April 23, 2-14 letter from OCAPA, received April 24, 2014, explaining OCAPA's involvement in development of the Goal 5 Rule; OCAPA does not take a position in support or opposition.
38	April 24, 2014 letter from Allen Renville, Spyglass, LLC, in opposition
39	April 23, 2014 letter received April 24, 2014 from Wendie Kellington, with response to exhibits submitted by Konen Rock Products and Humbert Asphalt, with 6 exhibits.
	Exhibits submitted at Planning Commission Hearing, April 24, 2014
40	April 24, 2014 letter from Oregon Winemakers Association, requesting county uphold state law and consider impacts on nearby vineyards.

41	April 24, 2014 letter from Peter Mohr, attorney for Konen Rock Products, Humbert Asphalt, Inc. and Pioneer Asphalt, Inc., opposition. Concerned with applicant's failure to comply with county development code and permit requirements for installation and operation of the asphalt plant.
42	Blasting plan and resume for Barnes, Inc, drilling and blasting company, submitted on April 24, 2014
43	Letter dated June 6, 1984 to County Planning from W.J. Humbert, regarding CUP - 333, confirming compliance with conditions for C-333.
44	Letter dated August 17, 1984 to Joe Humbert from Umatilla County Planning, acknowledging improvements made to the road and pit area.
45	Letter dated June 5, 1984 to Dennis Olson, Umatilla County Planning Director, from City of Milton Water, confirming Humbert Excavating has met conditions for C-333.
46	March 15, 2006 Notice of Approval Yearly Review from County Planning for CUP #C-479, Spence Pit.
47	Email from Rich Angstrom, OCAPA, to Wendie Kellington, with definition of "mining area."
48	City of Milton Freewater Comprehensive Plan, submitted by Seth King, Attorney for Brad Humbert
49	Letter presented to County Planning Commission from Samuel Ostronik, describing impacts of A & B Asphalt rock crushing and asphalt production.
	Exhibits Submitted after Planning Commission Hearing
50	Minutes of March 27, 2014 Planning Commission Hearing
51	Minutes of April 24, 2014 Planning Commission Hearing
52	May 30, 2014 letter from Mackenzie engineering, with response to tech memo by Lancaster Engineering relative to the Traffic Impact Analysis

February 19, 2014 draft
UMATILLA COUNTY PLANNING COMMISSION
DRAFT FINDINGS AND CONCLUSIONS
ZONE MAP AMENDMENT REQUEST, #Z-300-14
PLAN TEXT AMENDMENT REQUEST, #T-14-052
MAP #5N 36 07, TAX LOT #200, Account #134106

1. APPLICANT: A & B Asphalt
PO Box 5280
Benton City, WA 99320
2. OWNER: James Spence Properties
510 West Main Street
Walla Walla, WA 99362
3. REQUEST: The request is to establish a Goal 5 Large Significant Site to the Rock Material Resources Inventory of the Comprehensive Plan, and to apply the Aggregate Resources Overlay Zone to the site. More specifically, the request is to designate approximately 14.15 of the existing quarry and approximately 19 acres of additional as a significant aggregate resource, resulting in an expansion of the existing quarry operation.
4. LOCATION: The property is located east of the Walla Walla River Road, approximately ¼ mile from the city of Milton Freewater.
5. SITUS: There is no situs address for this property.
6. ACREAGE: Tax Lot 200 is 286.79 acres.
7. COMP PLAN: North/South Agricultural Region Plan Designation
8. ZONING: Exclusive Farm Use (EFU, 160 acre minimum).
9. ACCESS: The property has access to Walla Walla River Road (Co. Rd. No.610) via a private roadway.
10. ROAD TYPE: Walla Walla River Road, (No.610), is a paved County roadway.
11. EASEMENTS: There is a natural gas easement on the parcel. The specific location of the easement is identified on the county property owner notice map. The natural gas line transects the parcel from north to south, approximately in the middle of the existing quarry area.
12. LAND USE: The property is used for agricultural purposes (dry land wheat farming) and there is as an active 30-acre quarry, asphalt batch plant and rock crusher operation at the quarry site.

13. ADJACENT USE: Properties surrounding the subject property are also zoned EFU, and are used in similar ways as is the subject property – dryland wheat farming. Abutting the west property boundary is the Milton Freewater Urban Growth Boundary. A small portion of the west boundary abuts a rural residential area with home sites. To the west approximately 1500 feet from the parcel boundaries is the Milton Freewater City Limits.

14. SOIL TYPES: The subject property contains non-high value and high value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
61C: Oliphant silt loam, 3-12% slopes	Ie	Ie
50F: Lickskillet- rock outcrop complex, 40-70% slopes	7e	--

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).

15. BUILDINGS: There is an office and scale house at the southern boundary of the property. There is also a portable asphalt plant and a rock crusher located in the quarry area.

16. UTILITIES: The parcel is served with electrical power.

17. WATER/SEWER: According to the application there are no water rights. The application indicates that water for dust control is available from the City of Milton Freewater. The application does not identify whether there is a well and/or septic servicing the office structure.

18. RURAL FIRE: The property is not within a rural fire district, however, it is within the Milton Freewater Ambulance Service District.

19. IRRIGATION: The property is not within an irrigation district. There are no known water rights permitted by the Oregon Water Resources Department.

20. FLOODPLAIN: The property is NOT in a floodplain. The property is found in Zone D (“Undetermined flooding”) which is NOT a special flood hazard. The Community Number for Umatilla County is #41059C and the Panel Number that covers this area is #0575-G effective September 3, 2010. The Panel is not printed.

21. NOTICES SENT: Notice was sent on February 20, 2014 to the Department of Land Conservation & Development and to affected agencies. Notice to

adjacent property owners will be sent on March 14, 2014.

22. PUBLIC HEARING: A public hearing is scheduled before the Umatilla County Planning Commission on Thursday, March 27, 2014. Planning Commission action will be to make a recommendation to the Board of Commissioners on the two legislative amendments. The hearing before the County Board of Commissioners is scheduled for Tuesday, April 29, 2014.

23. AGENCIES: Department of Land Conservation and Development, Department of Agriculture, Department of Geology and Mineral Industries, Oregon Water Resource Department, Oregon Department of Transportation, County Assessor, County Public Works, Walla Walla Watershed Council, Milton Freewater School District, Confederated Tribes of the Umatilla Indian Reservation, Department of Natural Resources.

24. COMMENTS/EXHIBITS: To date, exhibits include maps developed by county and the Application and materials submitted by the applicant.

NOTE: The Umatilla County Development Code has not been updated to incorporate the Division 23 Rules relative to Goal 5 Aggregate Resources. Therefore, 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).

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

The description of the proposal provided by the applicant is as follows:

Adjust the existing "Rock Material Resources Inventory" to add 33.26 acres to the existing adjacent RMRI area and allow mining as an expansion of the RMRI existing basalt quarry site. There are 9.83 Acres of the existing mining site that are currently on the RMRI and thus is not included in this request to add to the RMRI boundaries. Approximately 14.15 acres of the area to be added to the RMRI is authorized for mining under an existing County CUP, but for whatever reason is not on the existing RMRI. This application will put the entire CUP approved mining operation plus additional area on the RMRI.

The last sentence in the proposal may not be accurate and requires clarification. Not all of the existing CUP area is included in the application (the application specifically excludes the west half of the existing CUP area), and, only a small portion of the existing CUP area is currently listed on the RMRI in the Comprehensive Plan. Please see attached tax lot cadastral map that shows the quarter sections. In the Comprehensive Plan RMRI (see attached page D-173 of the Technical Report), there are two general areas located on the subject parcel that are included in the inventory. Those two areas are described as follows:

The SW quarter of the SW quarter (of Section 7) is listed is inventoried as a "2A" site.

That translates as a "significant" site for purposes of applying Goal 5 OAR Division 23 rules.

The NW quarter of the SW quarter (of section 7) is inventoried as "not significant."

Therefore, only the portion of the "proposed expansion area" as identified in red hatch mark and as submitted as part of the application, are subject to Planning Commission action. The remainder of the existing quarry area located in the NW quarter of the Southwest quarter will continue to be inventoried as "not significant" in the Comprehensive Plan.

The applicant submitted a map, see Exhibit 1 of the application, to identify the areas to be added to the RMRI. This map further clarifies the three distinct areas subject to Planning Commission action. The acreage of the three areas is as follows:

- a) 14.15 acres within the existing CUP area to be added to the RMRI inventory
- b) 7.47 acres of poor soils outside the existing CUP area to be added to the RMRI inventory
- c) 11.6 acres of high value soils outside the existing CUP area to be added to the RMRI inventory

The 1,500 foot impact area required for Goal analysis of potential impacts, is based on the "proposed Expansion area" only and does not include the approximately 9.83 acres located on the west half of the existing CUP site.

Note: Staff met with Amanda Punton, Goal 5 specialist with the Department of Land Conservation and Development, to discuss this matter. After Ms. Punton consulted with other DLCD staff, the state concluded that the Administrative Rule requires an evaluation of the entire existing site, and that no part of it can also be an expansion area. County staff will evaluate further the implications this interpretation has on the application and Findings may be modified accordingly. The Findings below were written with the assumption that the application and related 1,500 impact area analysis could be limited to the "expansion area only" as defined in the application.

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 applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;

The applicant has submitted a geologist report and a materials testing report for a portion of the "proposed expansion area." Plate 2 of application Exhibit 3 identifies three boring hole samples extracted from the 11.64 acre area to the north (the high value farmland area). No samples were provided for either the existing CUP area or for the area to the south of the existing CUP area (the 7 acre area.)

Based on the definition in OAR Division 23 Rules, the "existing quarry area" as outlined in purple on the county map, (the 30 acre CUP area) could be considered "significant" provided the applicant can prove that "the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date." See OAR 660-023-0180(3)(d). The applicant has not provided this information nor has the applicant requested that the county identify the entire existing quarry as "significant." Again, the application requests that scope of the county action be limited to the "proposed expansion area."

Therefore, the applicant will be required to submit a representative sample for the areas within the existing CUP quarry area, as well as the approximately 7 acre areas to the east and south of the existing quarry area. Without additional aggregate sampling data, Planning Commission may not have adequate data to deem the entire "proposed expansion area" as significant.

The Comprehensive Plan inventoried two general areas on the Spence property. The NW quarter of the SW quarter is designated as a "1A" site, a "not significant" site. The SW quarter of the SW quarter is designated as a "2A" site, or a site considered being significant. No portion of the "proposed expansion area" is within the inventoried "2A" quadrangle. Please see attached chart from Comprehensive Plan Technical Report. The original inventory did not identify any of the "proposed expansion area" as a "significant" resource.

The current application requests that the county identify 33.26 acres as "significant." That 33.26 acres includes a portion (approximately half) of the 30 acre site permitted in 1997 as a Conditional Use, as well as two expanded or new areas, the 7.47 acres to the east and south and the 11.6 acres to the north. The applicant has submitted a rock sampling report to show that the material can meet the standard of ODOT rock specifications for the 11.6 acre area located in high value soil. The aggregate report concludes that there is more than 500,000 tons of rock that can be extracted.

(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. The County identified a 1,500 feet Impact Area from the boundary of the "proposed expansion area" which is

what the applicant identified and included in their impact analysis. See attached map "1500 feet impact area from Proposed Expansion Area." Again, there is a complicating factor here and staff has presumed, for this analysis, that the impact area is limited to the "proposed expansion area" only. The applicant will have an opportunity to further defend their proposal, including the appropriate impact area analysis. For purposes of this draft Findings document, the 1,500 impact area includes the smaller area, as shown on the attached county map. The 1,500 impact area is shown in blue.

(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:

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 numerous "noise sensitive properties"¹ in the Impact Area.

(A) Within the 1,500 Impact Area there are 9 dwellings as shown in the table below.

<u>ACCT</u>	<u>MAP TAXLOT</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>CITY</u>
134576	5N3512DA01000	JOHNSON JOHN L	PO BOX 128	MILTONFREEWATER
134577	5N3512DD00100	LONDO ASHLEE M	53664 WALLA WALLA RIVER RD	MILTONFREEWATER
134312	5N36070000300	ELSEY JOE T & LONDO ASHLEE M	53664 WALLA WALLA RIVER RD	MILTONFREEWATER
134309	5N36070000400	STOCKE NITA B (TRS)	311 S MAIN ST	MILTONFREEWATER
134315	5N36070000500	FREE CAROL S	53840 WALLA WALLA RIVER RD	MILTONFREEWATER
134313	5N36070000600	CASTLE PETER M & BARBARA A	53862 WALLA WALLA RIVER RD	MILTONFREEWATER
134314	5N36070000700	CULP ASHLEY C DR	53874 WALLA WALLA RIVER RD	MILTONFREEWATER
134310	5N36070000800	RORDEN JOLENE L & POTTER KEVIN	53896 WALLA WALLA RIVER RD	MILTONFREEWATER
134311	5N36070000900	VALDES LINDA L	53918 WALLA WALLA RIVER RD	MILTONFREEWATER

(B) The impact of noise on adjacent property is analyzed in a report submitted with the application. Noise will likely be increased in relation to this proposal. The applicant must adhere to the DEQ Noise Standard as found in OAR 340-035-0035 *Noise Control Regulations for Industry and Commerce*.

The applicant submitted a Goal 5 Noise Study conducted by Daly-Standlee & Associates. The study concludes that "the noise radiating from the A&B Asphalt's new RMRI site

¹ OAR 340-035-0015 Definitions: (38) "Noise Sensitive Property" means real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.

will comply with the DEQ noise criteria at all times during time that mining operations occur in proposed new RMRI site. Therefore, mining noise conflicts can be minimized as required by the Oregon Statewide Planning Goal 5 and the application can be approved." See page 24 of applicants Exhibit 6. Although Daly-Standlee do not recommend noise mitigation measures, such measures can be imposed by the Planning Commission.

Additionally, staff recommends Planning Commission evaluate the noise study, and specifically the noise study area that was limited only to the "expansion area."

(C) 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; Roads within a one mile area are either County roads or State Highways. Currently, truck traffic uses this same route for operation of the existing rock quarry. The applicant submitted a traffic study conducted by MacKenzie. See applicants Exhibit 5. The study concludes that no road or other traffic improvements are warranted. Planning Commission may consider traffic mitigation if deemed appropriate.

(D) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013; There are no airports within the Impact Area. The closest public airport is located some 15 miles to the north in Walla Walla. Thus, no conflicts are recognized in terms of public airports and the proposed mining operation.

(E) 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; The County finds that there are no other Goal 5 resources within the Impact Area. Thus, no conflicts exist between the proposed aggregate site and other Goal 5 resources.

(F) Conflicts with agricultural practices; and Agricultural crops grown in the Impact Area appear to be of the type that will not be adversely impacted by the mining operation. The crops include dryland wheat farming.

(G) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780; The County recognizes the authority of DOGAMI. Additional reclamation requirements have not been identified.

(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. The County finds that conflicts from dust and noise will be present from this mining operation on the noise sensitive property, roads and agricultural practices. Below is a list of mitigation measures for Planning Commission consideration. The purpose of the mitigation measures is to minimize conflicts due to dust and noise for dwellings, roads and agricultural practices:

1. Haul roads will be watered regularly with the use of water trucks.
2. Extraction areas will be watered regularly with the use of a sprinkler system.
3. Noise will be minimized through the installation of earthen berms.
4. Operator will provide notice to neighboring property owners 48 hours prior to blasting.

(d) [If conflict can't be minimized then conduct ESEE] 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.

An ESEE analysis was provided by the applicant as is required by OAR 660-023-0180(7). See pages 15 – 25 of the application. In summary, the applicant contends that any conflicts can be sufficiently mitigated.

(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.

If the Planning Commission finds that impacts can be mitigated, as outlined in (b) above, then the Planning Commission may recommend to the Umatilla County Board of Commissioners that an amendment to the Comprehensive Plan is appropriate. The recommendation would be to add the 33.26 acres to the RMRI Inventory and classified as "significant."

(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.

(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. The Umatilla County Board of Commissioners finds that the mining operation is limited to the boundaries shown on the county map, including the 33.26 acres.

A specific boundary is set for the aggregate site. The volume of rock can exceed 500,000 tons. Once the aggregate site is exhausted no further mining can occur without further authorizations from Umatilla County. The extraction of aggregate from the site can occur without any further permitting and if the mining operation is inactive for a period greater than one year then a zoning permit is necessary to re-activate the mining operation.

(7) [Protecting the site from other uses/conflicts] Except for aggregate resource sites determined to be significant under section (4) of this rule, local governments shall follow the

standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (5) of this rule, the local government decides that mining will not be authorized at the site.)

The process to determine how to protect the site from other uses/conflicts is referred to as an ESEE Analysis. The standards for the ESEE analysis are set forth in OAR 660-023-0040 & 0050 and are listed below. The applicant provided an ESEE analysis on pages 17-22 of their application. If Planning Commission concurs with the applicant's analysis, findings can be incorporated in the standards below.

660-023-0040 ESEE Decision Process

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

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

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

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

UCDC 152.056 - EFU Permitted Uses -- Outright

- (A) Farm Use
- (B) Harvesting of a forest product.

- (C) On-site filing
- (D) Temporary public roads
- (E) Projects specifically identified in the TSP
- (F) Landscaping

- (G) Emergency measures
- (H) Construction of a road
- (I) Utility facility service lines
- (J) Maintenance or minor betterment of existing Transmission lines
- (K) The transport o biosolids
- (L) Reconstruction of roads
- (M) Irrigation canals
- (N) Minor betterment of roads

UCDC 152.058 - EFU Permitted Uses – Zoning Permit

- (A) Activities within parks
- (B) Operation for the exploration of geothermal
- (C) Operations for the exploration for minerals
- (D) Winery
- (E) Farm stands
- (F) Replacement Dwellings
- (G) Signs
- (H) Accessory buildings
- (I) On-site filming
- (J) Takeoff and landing of model aircraft
- (K) Fire Service facilities
- (L) Gathering of fewer than 3,000 persons
- (M) Wetlands
- (N) Climbing and passing lanes
- (O) Accessory structures to a farm use\
- (P) Met towers
- (Q) Home Occupations

UCDC 152.059 - EFU Permitted Uses – Land Use Decisions

- (A) (Item Deleted)
- (B) Churches and Cemeteries**
- (C) Utility Facilities Necessary for Public Service
- (D) A facility for the processing of forest products
- (E) Continuation of fire arms training

- (F) A facility for the processing of farm crops
- (G) The land application of reclaimed water
- (H) (Item Deleted)
- (I) (Item Deleted)
- (J) (Item Deleted)
- (K) Dwellings – Farm, Non-Farm and Lot of Record Dwellings**

UCDC 152.060 - EFU Conditional Uses

- (A) Commercial activities in conjunction with farm use
- (B) Mining
- (C) Private Parks, private playgrounds, private hunting and fishing preserves and private campgrounds**
- (D) Public parks**
- (E) Golf Courses**
- (F) Commercial utility faculties for the purpose of generating power for public use
- (G) Personal Use Airports
- (H) Home occupations
- (I) Community centers
- (J) Hardship Dwellings**
- (K) Dog kennels
- (L) A site for the disposal of solid waste
- (M) The propagation, cultivation, maintenance and harvesting of aquatic species.
- (N) Construction of additional passing lanes
- (O) Reconstruction of additional passing lanes
- (P) Improvement of public roads
- (Q) Destination Resorts
- (R) Living History Museum
- (S) Bottling of water
- (T) On-Site filming
- (U) Construction of highways
- (V) Residential houses**
- (W) Transmission or communication towers
- (X) Expansion of existing county firgrounds

- | | |
|-------------------------------|-----------------------------------|
| (Y) Room and board | (BB) Composting facilities |
| (Z) Wildlife habitat | (CC) Uses compatible with the TSP |
| (AA) Aerial fireworks display | (DD) Public or private schools |

Uses in the Rural Residential Zone

RR2, RURAL RESIDENTIAL ZONE

(A) Uses permitted outright. In a RR-2 Zone, the following uses and their accessory uses are permitted without a zoning permit:

- (1) Farm use, as defined in ORS 215.203 except livestock feed yards and sale yards, hog or poultry farms and the raising of fur-bearing animals or hogs, and except the dwelling and other buildings customarily provided in conjunction with farm use referred to in ORS 215.203
- (2) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- (3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- (4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- (5) Landscaping as part of a transportation facility.
- (6) Emergency measures necessary for the safety and protection of property
- (7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
- (8) Construction of a road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(B) Uses permitted with a zoning permit.

In a RR-2 Zone, the following uses and their accessory uses are permitted upon the issuance of a zoning permit, pursuant to §152.025:

- (1) **Dwelling, single-family;**
- (2) Home occupations as provided in §152.573;
- (3) **Mobile home**
- (4) Non-commercial greenhouse or nursery.
- (5) Public or semi-public use
- (6) Signs
- (7) **Residential home (adult foster care)**
- (8) **Nursery**

CONDITIONAL USES PERMITTED In a RR-2 Zone:

- (A) **Church**
- (B) Commercial greenhouse or nursery
- (C) Roadside stand for the sale of agricultural products grown by the owner
- (D) Grange hall or community center, park, playground or recreational facility
- (E) **Boarding, lodging or rooming house**
- (F) **Rest home, home for the aged, nursing home, or convalescent home**
- (G) Utility facility

- (H) Veterinary clinic or animal hospital
- (I) Model home including sales office, subdivision or development sales office
- (J) Special exemptions, as provided in §§152.575
- (K) Cemetery
- (L) Home occupation/cottage industry
- (M) Personal-use landing strip for airplanes and helicopter pads
- (N) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects

Summary of Uses allowed in the EFU and RR2 Zones

The uses allowed that could be negatively impacted by an aggregate operation are highlighted in bold.

(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.)

The uses allowed in the EFU and RR2 Zone that may be impacted by the proposed quarry expansion are highlighted in the lists above.

(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)).

The County finds that there are uses that have the potential of conflicting with the aggregate site if located within the Impact Area as detailed above. There are no active Goal 5 resources within the Impact Area.

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site. The County finds that an Impact Area was defined as 1,500 feet from the proposed expansion area.

(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.

There are numerous dwellings within the Impact Area. A school is located just outside of the impact area.

The ESSE Analysis follows:

(a) Economic Consequences of Future Uses

Dwelling Uses

The existing aggregate operation has created some impacts to the existing dwellings. The ESEE analysis requires consideration for limiting future dwellings in the Impact Area. Although there is likely only one parcel that is not developed with a residence, limiting that use would decrease the value of land. Operation of the mining operation may have the effect of decreasing the value of the residential properties. Mitigation measures placed for the resource use (namely dust control, equipment location siting, hours of operation, limitation on blasting) may mitigate negative impacts.

(b) Social Consequences

Dwelling Uses

Whether dwellings, churches, community centers or schools are allowed prohibited or limited will have no social consequences, except that if dwellings are allowed, there may be impacts on schools, but the number of future dwellings that can be allowed is so minimal that it is unlikely to make a statistical difference.

(c) Environmental Consequences

Dwelling Uses

(d) Energy Consequences

Dwelling Uses

(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.

Categories of conflicting future uses have been identified in the RR2 and EFU lists above.

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)).

(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).

(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).

26. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE TO ESTABLISH AN AGGREGATE RESOURCE OVERLAY ZONE as found in UCDC 152.487 - 488. The standards for approval are provided in underlined text and the responses are indicated in standard text.

§ 152.487 CRITERIA FOR ESTABLISHING AR OVERLAY ZONE.

(A) At the public hearing the Board of Commissioners shall determine if the following criteria can be met:

(1) The proposed overlay would be compatible with the Comprehensive Plan; The Planning Commission may find the proposal complies with the Comprehensive Plan, Chapter 8, and Policy 38 states:

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

Compliance with Policy 38 (a) can be achieved by the Goal 5 process. The mining operation will adhere to DOGAMI rules for operation and reclamation of the site as required by 5(b).

(2) There is sufficient information supplied by the applicant to show that there exist quantities of aggregate material that would warrant the overlay; The applicant has provided a study to show that the proposed significant mining operation consists of some 33.26 acres and has been determined to be significant containing greater than 500,000 tons of aggregate.

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; The County finds that there is a residential zone district within 1,000 feet from the proposed mining operation. Parcels within the Impact Area (1,500 feet from the mining operation) are zoned EFU and Rural Residential.

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

(5) The site complies with OAR 660-023-0180. The Planning Commission may find that the application complies with the standards found in OAR 660-023-0180 as outlined above.

§152.488 MINING REQUIREMENTS.

(A) All work done in an AR Overlay Zone shall conform to the requirements of the Department of Geology and Mineral Industries or its successor, or the applicable state statutes. The County finds that this criterion will be a condition of approval.

(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; The 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 County 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 County finds that these standards are to be applied.

(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. The County finds that there are no dwellings within 500 feet. This criterion does not apply.

(4) All access roads shall be arranged in such a manner as to minimize traffic danger, nuisance to surrounding properties and eliminate dust. The County finds that the haul road will be the same as what is currently utilized. Watering of the haul road is required to manage dust.

DECISION: OPTIONS FOR PLANNING COMMISSION:

Option 1: THIS GOAL 5 LARGE SIGNIFICANT SITE AND THE ZONE MAP AMENDMENT TO APPLY THE AGGREGATE RESOURCES (AR) OVERLAY ZONE REQUEST DOES NOT COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE AND THE OREGON ADMINISTRATIVE RULE AND THE APPLICATION IS THEREFORE DENIED.

Option 2: THIS GOAL 5 LARGE SIGNIFICANT SITE AND THE ZONE MAP AMENDMENT TO APPLY THE AGGREGATE RESOURCES (AR) OVERLAY ZONE REQUEST MAY COMPLY WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE AND THE OREGON ADMINISTRATIVE RULE HOWEVER, THE APPLICATION DOES NOT PROVIDE SUFFICIENT ANALYSIS OF BOTH THE ENTIRE EXISTING AND PROPOSED RESOURCE AREA, AND THE ASSOCIATED IMPACT AREA ANALYSIS, THEREFORE THE COUNTY FINDS THE APPLICATION MUST BE DENIED, OR, CONTINUED TO ALLOW THE APPLICANT THE OPPORTUNITY TO MODIFY THE APPLICATION.

Option 3: THIS GOAL 5 LARGE SIGNIFICANT SITE AND THE ZONE MAP AMENDMENT TO APPLY THE AGGREGATE RESOURCES (AR) OVERLAY ZONE REQUEST COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE AND THE OREGON ADMINISTRATIVE RULE AND IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL.

SUBJECT TO THE FOLLOWING CONDITIONS:

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

1. Provide an updated site plan showing the location of the scale house, berms, haul roads conveyor/hopper equipment and extraction area.
2. Sign and record a Covenant Not to Sue Agreement. The Agreement will be provided by the County Planning Department.
3. Pay public notice costs.
4. Submit core samples for the "proposed expansion area" that is to the east and south of the existing aggregate area.

Subsequent Conditions: The following subsequent conditions must be fulfilled following

final approval of the request:

5. Obtain a Zoning Permit from the Umatilla County Planning Department to place the scale house on the property with an approved site plan showing setbacks, existing structures, driveways, utilities, etc.
6. Obtain all other State permits necessary for development (i.e. building codes, DEQ On-site, etc.) including the following permits regarding the aggregate site:
 - a. DOGAMI. Comply with DOGAMI permit and Reclamation Plan requirements. A copy of the DOGAMI permit and Reclamation Plan is to be provided to the County Planning Department when issued.
 - b. DEQ. Obtain all necessary DEQ permits in relation to an aggregate site.
 - c. DEQ. Continue to meet the DEQ Noise Standard as found in OAR 340-035-0035(B). Additionally, implement recommendations of the Noise Analysis.
7. The applicant shall remove all debris at the conclusion of mining operations and leave the extraction area in a safe and useable condition.
8. If lighting is added then shielding is required to prevent glare onto the adjoining properties and roadways.

Dated this the _____ day of April, 2014

UMATILLA COUNTY BOARD OF COMMISSIONERS

William Elfering, Chair

W. Lawrence Givens, Commissioner

George Murdock, Commissioner

ATTEST:

OFFICE OF COUNTY RECORDS

RECORDS OFFICER

The remainder of the packet for the Board of Commissioners hearing for A & B Asphalt is a duplicate of the two packets for the Planning Commission hearings on March 27th and April 24th. These packets are posted on the website at the links listed below.

<http://www.co.umatilla.or.us/planning/Planminutes/03MARCH2014.PC.pdf>

http://www.co.umatilla.or.us/planning/Planminutes/24_APRIL_2014.pdf