

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, August 25, 2022**

\*\* \*\*

**COMMISSIONERS**

**PRESENT:** Tammie Williams, Tami Green, John Standley & Jodi Hinsley

**COMMISSIONERS**

**VIRTUAL (ZOOM):** Suni Danforth, Chair & Cindy Timmons

**COMMISSIONERS**

**ABSENT:** Don Wysocki, Vice Chair, Sam Tucker & Emery Gentry

**PLANNING STAFF:** Bob Waldher, Planning Director; Tamara Ross, Planner; 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 6:32pm and read the Opening Statement.

**NEW HEARING**

**TEXT AMENDMENT #T-091-22, PLAN AMENDMENT #P-134-22 & ZONE MAP AMENDMENT #Z-321-22; JIM HATLEY, APPLICANT/ ROSEMARY SCHEUNING ESTATE, OWNER.** The applicant requests to expand a previously approved aggregate quarry (Scheuning Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the Aggregate Resource (AR) Overlay Zone. The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail highway, just outside the City of Pendleton Urban Growth Boundary. The subject property is zoned Exclusive Farm Use. The criteria of approval are found in Oregon Administrative Rule (OAR) 660-023-0040 – 0050, 660-023-0180(3), (5) & (7), and Umatilla County Development Code Section (UCDC) 152.487 – 488.

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Standley disclosed that he will abstain from voting because he does business with Mr. Hatley. Chair Danforth called for the Staff Report.

**STAFF REPORT**

Tamara Ross, Planner, presented the Staff Report. Mrs. Ross stated that in 2004, the subject property was approved to include approximately 8.8 acres under Goal 5 Inventory and has been active since that time. She added that there have been no complaints filed with Umatilla County concerning the activity onsite. The quarry provides crushed rock and aggregate to private businesses and the City of Pendleton resulting in a local source which meets Oregon

Department of Transportation (ODOT) aggregate specifications. The landowner and operator are seeking approval of a larger mining area to ensure the resource is available for years into the future.

Mrs. Ross explained that the applicant requests to expand a previously approved aggregate quarry (Westgate Quarry) to include 25.8 acres of a 151.4-acre site to the Umatilla County Comprehensive Plan list of Goal 5 protected Significant Sites and apply the AR Overlay Zone. The subject property is on the north side of the Oregon Trail Highway, approximately 500 ft. east of the intersection of Old Airport Road and the Oregon Trail Highway, just outside the City of Pendleton's Urban Growth Boundary (UGB) and zoned Exclusive Farm Use (EFU).

Mrs. Ross concluded that 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 decision includes a set of Precedent and Subsequent Conditions of approval. The Planning Commission is tasked with determining if the application satisfies the criteria of approval, based on the facts in the record. The BCC will also hold a public hearing and decide whether to adopt the proposed amendments. A public hearing before the BCC is scheduled for September 21, 2022 at the Umatilla County Courthouse in Pendleton.

Commissioner Timmons asked if the situation with this property being used the way it is, in the location that it is, is a result of the town growing around the established mining site. Mr. Waldher, Planning Director, stated that he does not know the history of the UGB in this specific area. He added that the applicant may be able to provide insight during his testimony.

Chair Danforth asked if the Oregon Trail goes through the subject property. Mr. Waldher stated that staff has not found any maps indicating the Oregon Trail crosses through the subject property.

**Applicant Testimony:** Jim Hatley, Hatley Construction, 64880 E Birch Creek Road, Pilot Rock, Oregon & Tamra Mabbott, T.M. Consulting, LLC, 80379 Zimmer Lane, Hermiston, Oregon. Mrs. Mabbott stated that she is in attendance to assist Mr. Hatley as a favor to an old family friend. She thanked Planning Staff for their hard work preparing the Findings and stated that she doesn't have much to add. In terms of rock quarries, she states that this request is quite simple.

Mrs. Mabbott responded to Commissioner Timmons' earlier question regarding the location and whether the town grew around the established quarry, she believes this is the case. She stated that she also thought it was an odd place for a quarry but after further thought, she believes it actually works well. Mr. Hatley stated that the mining site was permitted in 2004, but rock was being extracted prior to that. Mrs. Mabbott pointed out that Mr. Hatley has

received letters of support for this request from both the City and neighboring property owners and added that there has been no concern expressed by surrounding land owners.

Mrs. Mabbott referred to a map of the property and explained that the existing quarry is 8.8 acres and has not yet been exhausted. She explained that the primary reason for this request to expand is to ensure the availability of quality, locally sourced aggregate in the area for years to come. She added that they are a primary provider of aggregate for the City of Pendleton and having the source of the material close to worksites allows for additional convenience and reduced cost of transport. She explained that Mr. Hatley would continue to use the existing ingress and egress sites for access along the highway while expanding the quarry to the north.

Mrs. Mabbott stated that there are some dwellings within the 1500-foot buffer area, however the owner of those homes has no complaints and provided a letter of support. Mrs. Mabbott believes the activity to be compatible with the residential use on adjacent properties. She explained that Mr. Hatley owns 3 tracts of land and only has 2 CDL (commercial driver license) drivers so the daily traffic at the site is minimal. She didn't believe a traffic impact study was warranted because traffic will not be increased.

Mrs. Mabbott stated that Mr. Hatley has all required permits including his Department of Environmental Quality (DEQ) air quality permit which regulates equipment used at the site. She made clear that there is no batch plant at this site and a batch plant is not being proposed as part of this request. She and Mr. Hatley have reviewed the proposed Conditions of Approval provided by Planning Staff and agree with the terms. She concluded by displaying a photo of Scheuning Quarry taken from Westgate, also known as Highway 30.

Commissioner Green asked if any farming activities are taking place on the property at this time. Mrs. Mabbott replied, no. Commissioner Green asked for more details about how the rock is being mined. Mr. Hatley stated that they use drilling and blasting to extract rock at the quarry. Mrs. Mabbott clarified that the material is not typically used to produce asphalt, it's mainly used for graveling roadways, rock face stabilization and construction purposes. Therefore, a batch plant and rock crusher are not necessary.

Chair Danforth called for any requests for the hearing to be continued or the record to remain open, there were none. The photo of Scheuning Quarry provided by Mrs. Mabbott was added to the record as Exhibit A. Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Williams made a motion to recommend approval of the Schuening Quarry Comprehensive Plan Text Amendment #T-091-22, Zoning Map Amendment #Z-321-22 & Comprehensive Plan Map Amendment #P-134-22 to the Board of County Commissioners

based on the foregoing Findings of Fact and Conclusions of Law. Commissioner Hinsley seconded the motion. Motion passed with a vote of 5:0.

## **MINUTES**

Chair Danforth called for any corrections or additions to the minutes from the June 23, 2022 meeting. There were none. Commissioner Standley moved to approve the minutes as presented. Commissioner Williams seconded the motion. Motion carried by consensus.

## **OTHER BUSINESS**

Mr. Waldher provided information about the proposed Nolin Hills Wind Power Project. He explained that the project plans involve development of a new wind and solar energy generation facility located on approximately 48,196 acres of private land, primarily zoned EFU. The facility is proposed to be located in Umatilla County, south of I-84, and approximately 4 miles south of Echo and 10 miles west of Pendleton.

Mr. Waldher reminded the Planning Commissioners that he attended the Oregon Department of Energy's (ODOE) public hearing to provide comments pertaining to the Draft Proposed Order for the Nolin Hills Wind Power Project back in May 2022. He provided comments to ODOE to call attention to the fact that 8 turbines fail to meet the County's land use standard which requires a 2-mile setback from a wind turbine to a rural residence. The applicant and ODOE found in their Draft Proposed Order that they did not need to comply with the County's setback standard to residences because it is not included as part of Oregon's Statewide Planning Goals.

Mr. Waldher stated that the project is now before the Energy Facility Siting Council which is the agency responsible for overseeing the development of large electric generating facilities in the State of Oregon. Umatilla County has chosen to file a request for Petition Party Status in the Contested Case Hearing for an Application for Site Certificate. The County has retained outside legal counsel though the services of attorney Wendie Kellington, of Kellington Law Group in Lake Oswego.

Mr. Waldher read from the ODOE, Energy Facility Siting Council, OAR 345-022-0030(3) which states, "As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group (in this case, Umatilla County) recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals." Mr. Waldher explained that the County interprets this language

as a requirement for the applicant to follow Umatilla County standards. He agreed to keep the Planning Commission informed as the project progresses.

Mr. Waldher notified the group that there is no Planning Commission hearing scheduled for the month of September 2022. The October hearing has been moved up one week due to scheduling conflicts and is now scheduled for Thursday, October 20, 2022 at 6:30pm.

The October 2022 hearing will include two items for consideration; a proposal for a new aggregate quarry in west county and a request for Conditional Use approval for commercial activity in conjunction with farm use to operate a construction/ contracting business on an 11-acre EFU zoned parcel. The applicant contends they meet the standard because the work they do often serves farming operations. However, Mr. Waldher is not sure this request demonstrates a clear relationship to the essential practice of agriculture, so he is bringing it before the Planning Commission to make a final decision on the matter.

### **ADJOURNMENT**

Chair Danforth adjourned the meeting at 7:09pm.

Respectfully submitted,

Tierney Cimmiyotti,  
Administrative Assistant

Minutes adopted by the Planning Commission on October 20, 2022.