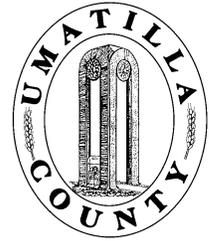


Umatilla County

Department of Land Use Planning



AGENDA

Umatilla County Planning Commission Public Hearing

Thursday, April 28, 2022, 6:30PM

Umatilla County Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, Oregon

To participate in the hearing please submit comments before 4PM on April 28th to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252

Planning Commission

Suni Danforth, Chair

Don Wysocki, Vice-Chair

Tammie Williams

Tami Green

Sam Tucker

Cindy Timmons

John Standley

Jodi Hinsley

Emery Gentry

Planning Staff

Bob Waldher, Director

Carol Johnson, Senior Planner

Megan Davchevski, Planner/ Transit Coordinator

Tamara Ross, Planner II/ GIS

Gina Miller, Code Enforcement Coordinator

Tierney Cimmiyotti, Administrative Assistant

1. Call to Order

2. New Hearing

TEXT AMENDMENT #T-088-22, PLAN AMENDMENT #P-133-22, and ZONE MAP AMENDMENT #Z-320-22: WADE AYLETT, APPLICANT/OWNER. The applicant requests to expand a previously approved aggregate quarry (Rock It #2 Quarry) and add the site 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 site is comprised of several tax lots located southeast of the Interstate 82/84 interchange. The site is identified on assessor's map as Township 4 North, Range 27 East, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500 and Township 4 North, Range 27 East, Section 25, Tax Lot 900. The site is approximately 140 acres and is zoned Exclusive Farm Use (EFU).

3. New Hearing

UMATILLA COUNTY DEVELOPMENT CODE (UCDC) TEXT AMENDMENT, #T-089-22, applicant, Scout Camp, LLC. The applicant requests a Post-Acknowledgment Plan Amendment to amend the text of the Umatilla County Development Code to permit youth camps, as provided in OAR 660-33-130 (40), through issuance of a conditional use permit on lands zoned EFU and GF.

4. Minutes Approval

March 24, 2022 Hearing

5. Other Business

6. Adjournment

Umatilla County

Department of Land Use Planning



DIRECTOR
ROBERT WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

MEMO

TO: Umatilla County Planning Commission

FROM: Megan Davchevski, Planner

DATE: April 21, 2022

RE: April 28, 2022 Planning Commission Hearing

Text Amendment T-088-22,

Zone Amendment Z-320-22 & Plan Amendment P-133-22

CC: Robert Waldher, Planning Director

Background Information

The applicant, Rock-It LLC, requests to expand an existing quarry (Rock-It #2 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. This site is comprised of numerous tax accounts, totaling up to approximately 140 acres. The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road.

The previous approval was for about 55 acres and was considered a small significant site. The proposed expansion would add this site as a large significant site. The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. Both sand and gravel materials are available on this site.

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.

Conclusion

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 must also hold a public hearing(s) and make a decision whether or not to

Memo

Planning Commission Public Hearing – April 28, 2022

Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

adopt the proposed amendments. A public hearing before the BCC is scheduled for June 1, 2022.

Attachments

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

- 1500-Foot Impact Area Map
- County Preliminary Findings and Conclusions
- Proposed Comprehensive Plan Text Amendment
- Proposed Zoning Map Amendment
- Aggregate Quantity Map
- Lab Reports (MT&I 2010)
- ODOT Region 5 comment
- Umatilla County Public Works comments (dated April 11 and April 20)
- Westland Road/I-84/I-82 Interchange Area Transportation Plan pages 5-5 through 5-8

PLANNING COMMISSION RECOMMENDATION OPTIONS

Motion to Recommend Approval Based on Evidence in the Record

I, Commissioner _____, make a motion to recommend approval of the Rock-It LLC Comprehensive Plan Text Amendment #T-088-22, Zoning Map Amendment # Z-320-22 and Comprehensive Plan Map Amendment P-133-22, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

Motion to Recommend Approval with Additional Findings

I, Commissioner _____, make a motion to recommend approval of the Rock-It LLC Comprehensive Plan Text Amendment #T-088-22, Zoning Map Amendment # Z-320-22 and Comprehensive Plan Map Amendment P-133-22, to the Board of Commissioners with the following additional Findings of Fact: _____.

Motion to Recommend Denial Based on Evidence in the Record

I, Commissioner _____, make a motion to recommend denial of the Rock-It LLC Comprehensive Plan Text Amendment #T-088-22, Zoning Map Amendment # Z-320-22 and Comprehensive Plan Map Amendment P-133-22, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – APRIL 28, 2022
UMATILLA COUNTY COMPREHENSIVE PLAN AMENDMENT, COMPREHENSIVE
PLAN TEXT AMENDMENT & ZONING MAP AMENDMENT
ROCK-IT LLC, APPLICANT & OWNER
PACKET CONTENT LIST**

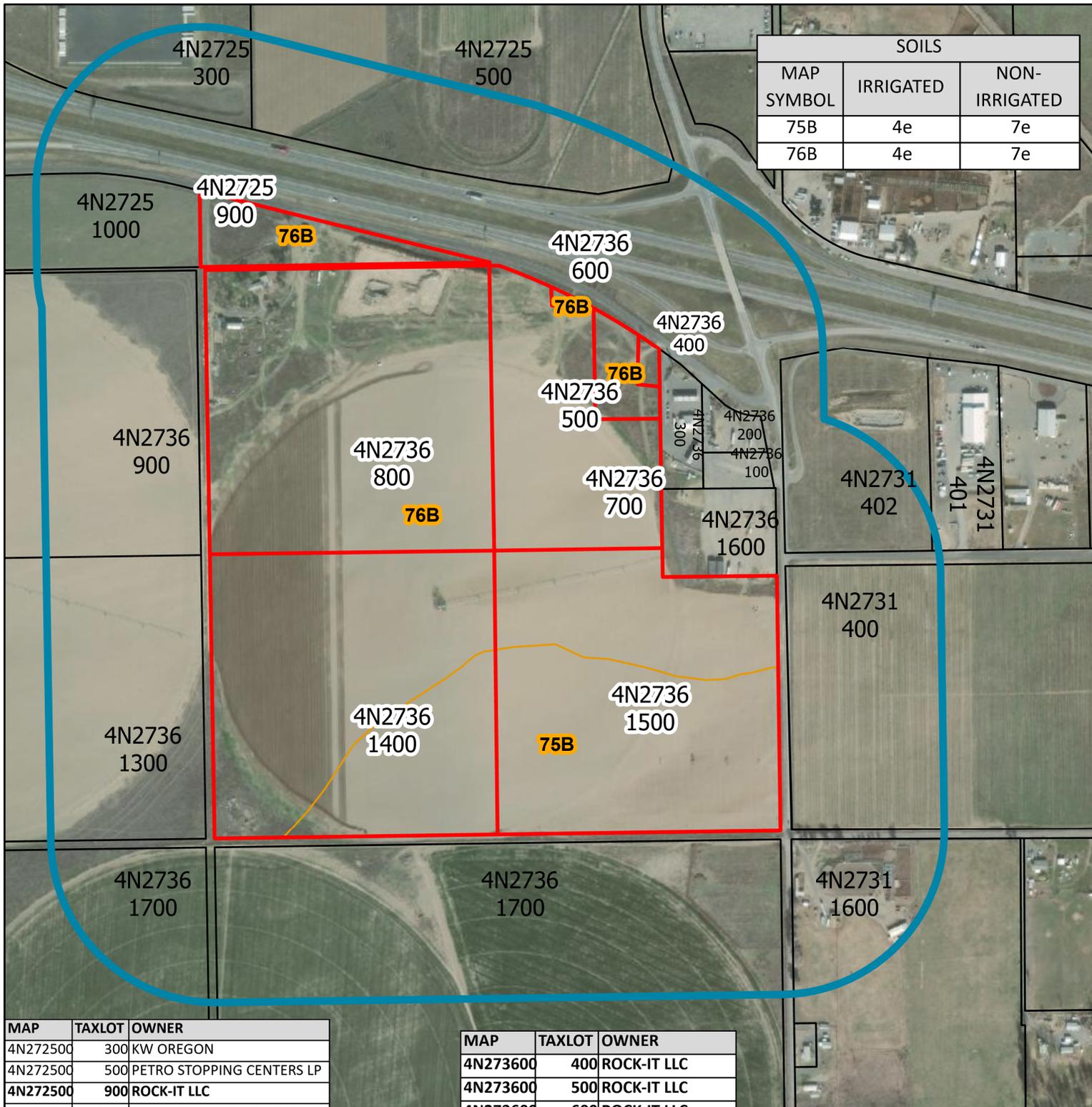
1.	Staff Memo to Planning Commission	Pages 1-2
2.	Notice and Vicinity Map	Page 4
3.	1500 foot Impact Area Map	Page 5
4.	Staff Report & Preliminary Findings	Pages 7-35
5.	Proposed Text Amendment	Pages 36-37
6.	Proposed Zoning Map	Page 38
7.	Aggregate Quantity Map	Page 39
8.	Lab Reports (MT&I 2010)	Pages 40-49
9.	Umatilla County Public Works comment 4/11/22, Tom Fellows	Page 50
10.	ODOT comment, Thomas Lapp	Page 51
11.	Westland Road / I-82 / I-84 IAMP Pages 5-5 through 5-8	Pages 52-55
12.	Umatilla County Public Works comment 4/20/22, Tom Fellows	Page 56

APPLICANT: WADE AYLETT

OWNER: ROCK-IT LLC

#P-133-22, Z-320-22, T-088-22

Notified Property Owners within 750 feet of Subject Parcels



SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
75B	4e	7e
76B	4e	7e

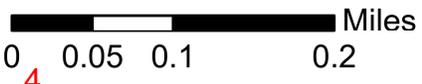
MAP	TAXLOT	OWNER
4N272500	300	KW OREGON
4N272500	500	PETRO STOPPING CENTERS LP
4N272500	900	ROCK-IT LLC
4N272500	1000	DARGATZ LIVING TRUST ET AL
4N273600	100	MO.MM, LLC
4N273600	200	MO.MM, LLC
4N273600	300	MO.MM, LLC

MAP	TAXLOT	OWNER
4N273600	400	ROCK-IT LLC
4N273600	500	ROCK-IT LLC
4N273600	600	ROCK-IT LLC
4N273600	700	ROCK-IT LLC
4N273600	800	ROCK-IT LLC
4N273600	900	GIRTH DOG LLC
4N273600	1300	GIRTH DOG LLC
4N273600	1400	ROCK-IT LLC
4N273600	1500	ROCK-IT LLC

MAP	TAXLOT	OWNER
4N273600	1600	MO.MM, LLC
4N273600	1700	EAGLE RIVER RANCH LLC
4N283100	400	GB HERMISTON LLC
4N283100	401	GB HERMISTON LLC
4N283100	402	GB HERMISTON LLC
4N283100	1600	NOBLE HARRY E & HELEN M

Legend

- 750 ft Notice Boundary
- Subject Parcels
- Soils
- Property Boundary

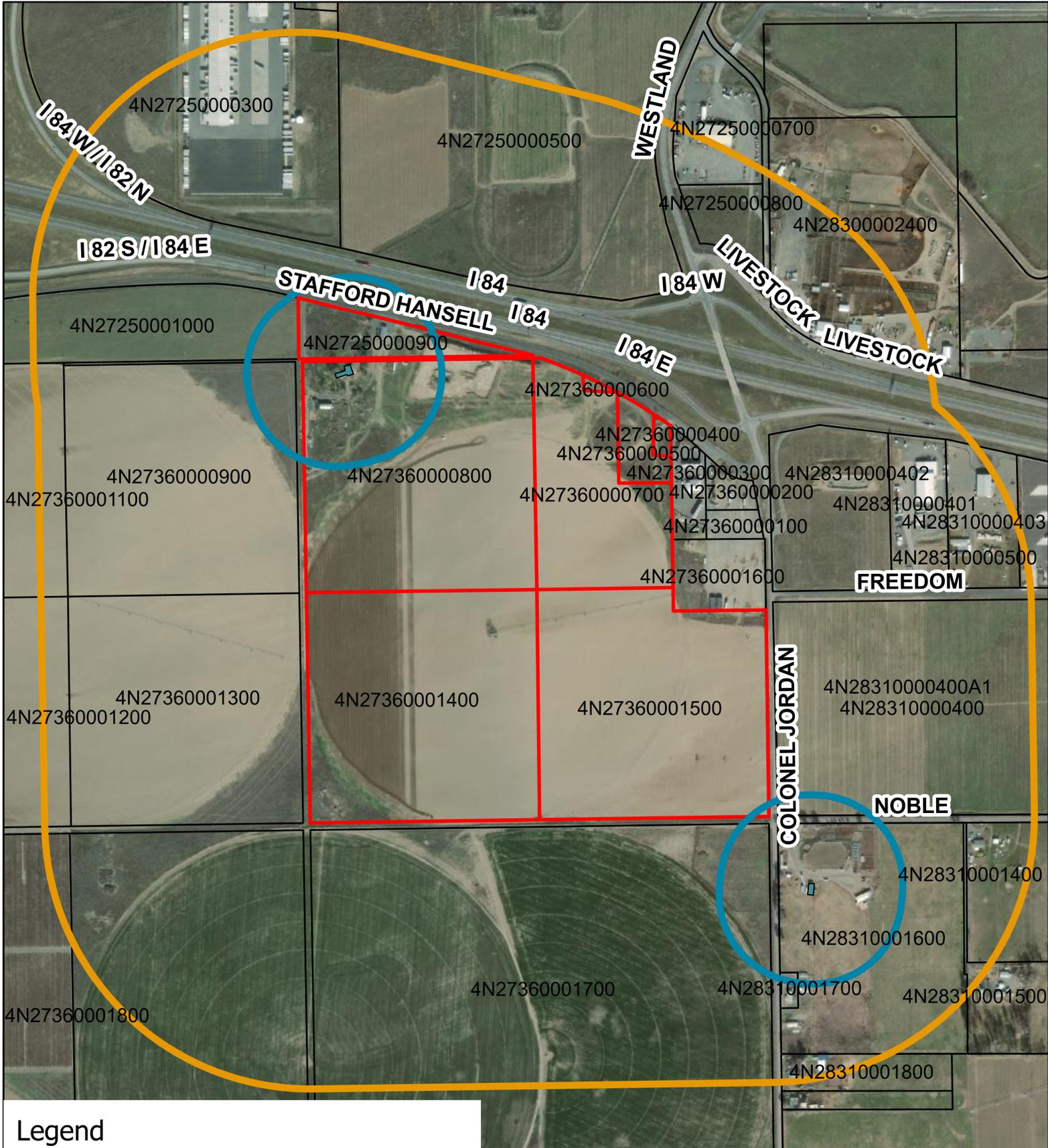


Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department
Date: 3/7/2022

ROCK-IT LLC

1500 FT IMPACT AREA & 500 FT DWELLING BUFFER

MAP 4N 27 25, TL 900 AND MAP 4N 27 36, Tls 400 500 600 700 800 900 1400 AND 1500



Legend

- 1500 ft Buffer
- AR Subject Parcels
- 1500 ft Parcels
- Dwelling Footprint
- Property Boundary
- 500 ft Dwelling 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. Davchevski, Umatilla County Planning Department Date: 3/7/2022

INTENTIONALLY LEFT BLANK

**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
ROCK IT #2 QUARRY
COMPREHENSIVE PLAN MAP AMENDMENT, #P-133-22,
COMPREHENSIVE PLAN TEXT AMMENDMENT T-088-22,
ZONING MAP AMENDMENT #Z-320-22
MAP 4N 27 36; Tls #400, 500, 600, 700, 800, 1400, and 1500 AND
MAP 4N 27 25; TL 900**

1. APPLICANT: Wade Aylett, 28598 Stafford Hansell Road, Hermiston, OR 97838
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Rock-It LLC, 74854 Washington Ave, Irrigon, OR 97844
4. REQUEST:

The request is to add Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25 to Umatilla County's list of Large Significant Sites, providing necessary protections under Goal 5 including limiting conflicting uses within the impact area, and applying the Aggregate Resource Overlay Zone to the subject property, with the objective to allow mining, processing, and stockpiling at the site. In 2012, Tax Lots 700 and 800 were added as a Small Significant Site to the Inventory of Significant Sites and Conditional Use Permit (CUP) #P-106-12 was approved establishing a mining operation. In 2020, Zoning Permit ZP-20-142 was authorized with a site plan depicting the mining area, a scale house / office building, and an asphalt batch plant. However, it was later discovered that the office building was built on Tax Lot 900, which was not included in the original small significant site designation. Since that discovery, the applicant has been working with County Staff to correct the issue. The requested action is designed to establish the entire Rock-It #2 site, composed of all the above listed Tax Lots, as a Large Significant Site with protections under Goal 5 and to allow mining, processing, concrete and asphalt batch plants, and stockpiling.

The applicant intends to continue the activities approved in the 2012 CUP, expanding the mining area to excavate aggregate, batch that aggregate for various commercial and industrial projects, stockpile unused aggregate material for current and future use, and process the aggregate into both asphalt and concrete. For this application 'aggregate' means sand and gravel materials as both are available on this site. This application refers to the "site" or "Subject Property" or "Rock It 2 Quarry" as all of Tax Lots 400, 500, 600, 700, 800, 1400 and 1500 of Assessor's Map 4N 27 36 and Tax Lot 900 of Assessor's Map 4N 27 25.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 2 of 29

5. LOCATION: The subject property is just southeast of the Interstates 82 and 84 Interchange, south of the Westland Road Interchange, west of Colonel Jordan Road, and south of Stafford Hansell Road.
6. SITUS: 28598 Stafford Hansell Road, Hermiston, OR is assigned to the existing dwelling on Tax Lot 800. The aggregate site does not currently have a situs address.
7. ACREAGE: The entire site is approximately 140 acres, spread across the various tax lots.
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 Stafford Hansell Road. Portions of the site front Colonel Jordan Road.
11. ROAD TYPE: Stafford Hansell Road, County Road #1344, is a paved, 2-lane, county-maintained roadway.
12. EASEMENTS: There are no access or utility easements on the subject property.
13. LAND USE: Currently there is mining occurring on the property under Plan Amendment #P-106-12, listing the site as a Small Significant Site and Conditional Use Permit #C-1204-12 approving mining operations. On the southern portion of the site, there are agricultural operations under circle pivot irrigation and a wheel line. On the northwest corner there is a pre-existing dwelling with various out buildings and corrals. The dwelling, which is owned by the applicant, and its associated outbuildings will be removed at the point that the mining operation moves into that area.
14. ADJACENT USE: A truck stop and fueling station sits immediately to the east of the subject property with three trucking related businesses further to the east across Colonel Jordan Road. To the north across Interstate 84 a FedEx Freight facility, a UPS Customer Center, several potato storages, and a food processing and shipping operation are west of Westland Road. To the northeast, and east of Westland Road, is the Northwest Livestock Commission auction facility and an aggregate operation further east. Irrigated farmland is to the west and south of the subject property, most under circle pivot irrigation systems. To the southeast there are several homes sited on land zoned for Exclusive Farm Use. The zoning within the 1,500-foot impact area includes Exclusive Farm Use, Light Industrial, Rural Tourist Commercial, and Agri-Business.
15. LAND FORM: Columbia River Plateau

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 3 of 29

16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The soils on the subject property are predominately Class IV and VII.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
75B: Quincy loamy fine sand, 0 to 5 percent slopes	VIIe	IVe
76B: Quincy loamy fine sand gravelly substratum, 0 to 5 percent slopes	VIIe	IVe
<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 is a pre-existing dwelling and several outbuildings on the site. There is also an office and scale house associated with the aggregate operations.
18. UTILITIES: The site is not served by utilities.
19. WATER/SEWER: The property currently has a domestic well and septic for use of the dwelling. There is also a water right associated with the groundwater use for gravel washing. The groundwater right is listed on certificates #92150 and #89533.
20. FIRE SERVICE: The site is located within Umatilla County Fire District #1.
21. IRRIGATION: The site is located within Westland Irrigation District, however, the applicant has provided that the site is not served by the irrigation district.
22. FLOODPLAIN: This property is NOT in a floodplain.
23. WETLANDS: There are no known wetlands located on the subject property.
24. NOTICES SENT: Notice was sent to the Department of Land Conservation and Development (DLCD) on March 23, 2022. Notice was mailed to neighboring land owners and affected agencies on April 8, 2022. Notice was printed in the April 16, 2022 publication of the East Oregonian.
25. HEARING DATE: A public hearing is scheduled before the Umatilla County Planning Commission in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97838 on **April 28, 2022 at 6:30 PM.**

A subsequent hearing is scheduled before the Umatilla County Board of County Commissioners on **June 1, 2022 at 9:00 AM.** The hearing will be held in Room 130 at the County Courthouse, 216 SE 4th St., Pendleton, OR 97801.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 4 of 29

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Oregon Department of Transportation Region 5-Highways Division, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Department of State Lands, Oregon Water Resources Department, Westland Irrigation District, CTUIR-Natural Resources, CTUIR-Cultural Resources

27. COMMENTS: The Umatilla County Public Works Department provided comment on April 11 2022, deferring spacing standards to ODOT's requirements.

Oregon Department of Transportation (ODOT), provided comment stating that the current access point to Colonel Jordon Road is approximately 240 feet from the I-84 eastbound exit ramp. This could cause congestion at the intersection, should new commercial vehicle trips be generated using the frontage road in close proximity to the interchange. ODOT states there is plenty of space from the eastbound ramps to attain 1,320 feet of separation of the ramps, trucks could enter a new connection to tax lot 1500 from Colonel Jordan Road or further south opposite of Nobles Road. ODOT believes it to be best to build a new connection at a minimum of 1,320 feet south of the interchange ramps per the IAMP, especially since this is the first opportunity to enter tax lot 1500 from the county road system.

On April 20, 2022 Umatilla County Public Works Director, Thomas Fellows, provided an additional comment requesting that the applicant be required to improve Center Street to a County Road gravel standard and relocate access to this public right of way. The existing right of way is 40 feet wide and aligns well with Noble Road, which is also a 40 foot right of way. The applicant's property would have direct access to this new road. This new connection would shift business access away from the frontage road, alleviating ODOT's concerns with the IAMP. Mr. Fellows also suggested that the Center Street ROW be named Noble Road for consistency across the intersection.

Umatilla County finds neither ODOT nor the County Road Department requested the applicant to obtain a traffic impact analysis.

Umatilla County finds that ODOT has requested the applicant to relocate the aggregate operation's entrance to be compliant with the Westland Road / I-82 IAMP's spacing standards.

Umatilla County finds the County Public Works Department has requested the applicant to improve and utilize the Center Street Right of Way, rather than accessing the site from Stafford Hansell Road.

Umatilla County finds the County Public Works Department has requested the applicant to not use Stafford Hansell Road for access.

Umatilla County finds and concludes a condition of approval is imposed that the applicant improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.

Umatilla County finds and concludes a condition of approval is imposed that the applicant's mining operation shall only use the newly improved Noble Road connection, and the existing access from Stafford Hansell Road to Colonel Jordan Road must cease.

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. A portion of the Rock-It #2 site is currently on Umatilla County's Goal 5 Inventory as a small significant site. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to expand the site and add it to the Umatilla County inventory of large 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. As a condition of approval for operation, the applicant must acquire a DOGAMI permit and obtain approval of a reclamation plan. Copies of both the DOGAMI permit and reclamation plan must be submitted to County Planning.

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 Rock-It #2 Quarry is in Eastern Oregon and has an inventory of over 4.8 million tons of available sand and gravel aggregate material. The United States Department of Agriculture Natural Resources Conservation Service Soil Survey of Umatilla County identifies the soils on the subject property as predominately Quincy loamy fine sand, with gravelly substratum, with slopes of 0 to 5 percent. The balance of the subject property in the southeast corner is Quincy loamy fine sand also with a slope of 0 to 5 percent. In both cases the soil is classified as VII when not irrigated or IV when irrigated. There are no Class I, Class II, Prime, or Unique soils on the subject property.

In 2010 samples of material were tested by Material Testing & Inspection from the Rock It #2 quarry and were determined to meet current ODOT specifications. The cover letter to the various laboratory reports indicates that tests were completed for durability, soundness, and specific gravity stating that the material tested satisfied the 2008 Oregon Standard Specifications for Construction.

Umatilla County finds the Rock It #2 quarry consisting of approximately 140 acres meet, and is estimated to exceed, both the quantity and quality criteria for a significant aggregate site in accordance with OAR 660-023-0180(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.

Applicant Response: There are a variety of uses to the north of the property which also places them to the north of Interstate 84 which diminishes the impacts of the mining operation on those activities. There are commercial and light industrial uses to the east of the mining operation and homes sited on land zoned for Exclusive Farm Use to the southeast within the 1,500-foot impact area. Where this request is an expansion of an existing aggregate site the impact area will not be based on Tax Lots 700 and 800 but on Tax Lots 400, 500, 600, 1400 and 1500.

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;

Applicant Response: There are five homes within the 1,500-foot impact area to the southeast all sited on land zoned for Exclusive Farm Use. They were approved as farm dwellings in the Exclusive Farm Use zone on parcels created by deed.

There are no residentially zoned lands within the impact area. There is a truck stop and three different commercial or light industrial operations in support of trucking and freight movement to the east of the mining operation. To the north of the Interstate there is a FedEx freight facility, Triple M Truck and Equipment, and the Northwest Livestock Commission facility. There appear to be residential units at both the Northwest Livestock Commission facility and at the vacant Barton Industries facility. It is unknown whether these residential units have a conditional or final approval or have sought any.

There are uses that may be impacted by noise, dust, or other discharges from the proposed

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 8 of 29

mining operation including the truck stop to the east and the homes to the southeast, all within the 1,500-foot impact area. Even so the applicant has for the existing operation and will continue for the expansion area managed impacts by employing best management practices. Current mining activity has been operating under a Conditional Use Permit since 2012.

The applicant 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 the applicant or contractors on this site would be compelled to meet, including obtaining a General Air Contaminant Discharge Permit (ACDP) for processing and batching activities. Dust is currently managed on site through the application of water or other dust abatement mechanisms.

Another concern related to discharges would be stormwater which the applicant currently and will continue to collect and hold onsite. There does not appear to be a need at this point for the applicant to obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit with over 139-acres available to collect and hold stormwater. If conditions should change one can be obtained.

Blasting will NOT be conducted as part of the mining process as no basalt rock is proposed for extraction, just sand and gravel. As like the earlier requirements the applicant will comply with requirements of DOGAMI.

With application of the management practices described above all potential conflicts due to noise, dust, or other discharges will be minimized or eliminated within the 1,500-foot impact area.

Umatilla County finds that the applicant has identified potential conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and commercial uses) that are sensitive to such discharges exist within the 1,500 foot impact area. Umatilla County finds 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;

Applicant Response: Developed roads adjacent to the subject property are Stafford Hansell Road to the north and Colonel Jordan Road to the east. All material leaving this site will travel one of those roads to then travel east or west along Interstate 84 or continue north along

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 9 of 29

Westland Road to the delivery point. Traffic is dependent upon current workloads and will also vary based on the time of year. At peak usage Average Daily Trips will be under the 250 trips identified within the Umatilla County Development Code as the trigger for a Traffic Impact Study. Employees at the scale and office site would generate no more than 10 trips per day with employees working within the mining pits generating another 10 trips. Material trucks could contribute up to 100 trips per day with the two batch plants combined adding up to 70 trips per day. While most of these trips will initially use Stafford Hansell Road, future access to Colonel Jordan Road will see these trips shared between the two roads before moving onto the Interstate system or continuing north along Westland Road.

The applicant has historical access from Umatilla County for access onto Stafford Hansell Road. Prior to expanding mining activity to the portion of the subject property that fronts Colonel Jordan Road another access permit will need to be obtained. Both roads are paved and in good condition with Colonel Jordan Road seeing significantly more traffic. The affected roads are flat with no impairments to sight distance at the current access along Stafford Hansell or the future access to Colonel Jordan. There are no posted speed limits along either county road.

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. Umatilla County finds that the site will contribute less than 250 daily trips, therefore, a TIA is not required at this time.

Umatilla County inquired with ODOT Region 5 and County Public Works regarding the existing access point. County Public Works deferred to ODOT's response. ODOT stated that the existing access point does not comply with the Westland / I-84 Interchange Area Management Plan's (IAMP) spacing requirements to the interchange ramps. ODOT shared possible concerns with congestion at the intersection, and stated that the applicant's site could construct a new access to Colonel Jordan Road for trucks that would satisfy the 1,320 foot spacing requirement.

Umatilla County finds the applicant is required to obtain a County Road Approach Permit to Colonel Jordan Road. The access shall be constructed a minimum of 1,320 feet from the interchange ramps as requested by ODOT. This will be captured as a subsequent condition of approval.

(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 east of Hermiston and more than five miles away from the site.

(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;

There are no known Goal 5 resource sites within the impact area for the aggregate site. Thus, Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with other Goal 5 resource sites within the 1,500 foot impact area.

(E) Conflicts with agricultural practices; and

Applicant Response: Agricultural practices within the 1,500-foot impact area of the Rock It #2 quarry are to the west, south, and southeast and consist of irrigated agriculture with circle pivot irrigation to the west and south. The crops would be predominately potatoes, corn, wheat, and other row crops. There are no planted vineyards in the impact area or within 2 miles of the proposed expansion site. Mining activity is not expected to conflict with these agricultural activities or practices. Prevailing winds are from the southwest moving any dust or emissions from the aggregate site away from agricultural lands towards an area that is used predominately for various commercial and industrial uses.

Umatilla County finds that the proposed Goal 5 expansion is not expected to conflict with nearby agricultural activities or practices. The existing site has been operating without conflicts to nearby agricultural practices for many years.

(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, the applicant 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, the applicant 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.

Applicant Response: The applicant's experience is that all identified potential conflicts from the mining operation can be minimized as described above. This criterion is not applicable.

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.

Applicant Response: The applicant is currently considering the installation of a photovoltaic solar energy generation facility as a post-mining use. The subject property is not composed of Class I, II, Prime, or Unique farmland and would therefore allow a use allowed under ORS 215.283(2). Other post-mining uses, if allowed under ORS 215.283 and the Umatilla County

Development Code, could also be considered.

Umatilla County finds the applicant has identified a possible post-mining use that is allowed under ORS 215.283. 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.

Applicant Response: Conditional Use Permit #C-1204-12 was issued in 2012 in conjunction with Plan Amendment #P-106-12 that listed a portion of the site that is subject to this request as a Small Significant Site. This action seeks to enlarge the mining area and the total volume that will be extracted from the original and expansion site converting the determination from a Small Significant Site to a Large Significant Site and applying Goal 5 protections.

Processing is currently authorized at the Rock-It #2 Quarry. This request is to expand the authorized quarry site. Umatilla County finds this criterion is applicable and a zoning permit is required to finalize approval (precedent condition).

(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 applicant 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:

The subject property and property within 1500 feet to the west and south 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 impact area. Those uses include homes, churches, parks or certain recreation facilities, farm stands, and other similar uses that allow or create areas where people congregate.

The properties to the east are zoned for Rural Tourist Commercial activities and light industrial activities with land north of Interstate 84 zoned for those same uses as well as Agri-Business uses. Lands north of Interstate 84, while within 1,500-feet of the mining operation and within the impact area, are buffered from the noise and other impacts by the Interstate. Noise and vibration from the mining operation would be overshadowed by the noise from the Interstate traffic.

(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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 14 of 29

Zoning	Code Sections	Potential Conflicting Uses
EFU	152.056 Uses Permitted 152.058 Zoning Permit 152-059 Land Use Decisions or 152.060 Conditional Uses	No conflicting uses identified. Replacement Dwellings, Winery, Farm Stand, Home Occupations. Churches, Dwellings, Schools, Parks, Playgrounds, Community Centers, Hardship Dwellings, Boarding and Lodging Facilities, Various Commercial Uses Related to Agriculture.
Rural Tourist Commercial	152.282 Uses Permitted or 152.283 Conditional Uses	Boarding, Lodging, or Rooming house; Eating or drinking establishment; Accessory Dwelling; Travel Trailer Park.
Light Industrial	152.302 Uses Permitted 152.303 Conditional Uses	No conflicting uses identified. Accessory Dwelling; Commercial amusement establishment; Day care center; Mobile home or trailer park.
Agri-Business	152.291 Uses Permitted 152.292 Conditional Uses	No conflicting uses identified. Accessory Dwelling.

(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 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 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:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Rock It #2 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	Consequences related to new use on neighboring properties. 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	Consequences related to new use on neighboring properties. 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	Consequences related to new use on neighboring properties. 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

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 16 of 29

	<p>boundary. Since only a portion of properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, about half of the properties would be affected and some existing limits on dwellings are already in code, the negative impact would be small. Dwellings are not allowed as outright uses in the other use zones within the impact area. Some uses that allow gathering spaces are also allowed either outright or conditionally.</p> <p>Consequences related to loss or interruption of quarry access. The economic benefit of preserving the applicant’s ability to access material from this site does have an economic impact through direct employment and employment impacts on the various developments that rock is delivered to. The Rock It #2 Quarry will provide material for a variety of projects throughout Umatilla and Morrow Counties and possibly beyond.</p>	<p>allowed in the underlying zone.</p> <p>Similar waivers are required by counties around the state as a condition of approval for a new residential structure in a farm or forest zone. These waivers, 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 waivers 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 Rock It #2 Quarry will have no negative economic consequence.</p> <p>Consequences related to loss or interruption of quarry access. 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>area.</p> <p>Consequences related to loss or interruption of quarry access. 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 projects across the state. Development of this quarry supports economically efficient development 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.</p>
	<p><i>Prohibit dwellings and gathering spaces</i></p>	<p><i>Condition the placement of new dwellings and gathering spaces</i></p>	<p><i>No change to review standards for dwellings and gathering spaces</i></p>
<p>Social Consequences</p>	<p>Consequences related to new use on neighboring properties. 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</p>	<p>Consequences related to new use on neighboring properties. 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</p>	<p>Consequences related to new use on neighboring properties. 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>Consequences related to loss</p>

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 17 of 29

	<p>landowner’s desire to have reasonable options and flexibility when making choices about what they can and cannot do on their land.</p> <p>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>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>Consequences related to loss of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</p>	<p>of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the Rock It #2 quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</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>Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development 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>Consequences related to new use on neighboring properties. 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 mining activities are conducted on the site.</p> <p>Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when</p>	<p>Consequences related to new use on neighboring properties. 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 in the impact area and a higher potential for a negative consequence.</p> <p>Consequences related to loss of quarry access. 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 development practices include obtaining aggregate material from a quarry close to the project site.</p>

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 18 of 29

		truck travel is minimized.	Vehicle emissions will increase if trucks must travel further to access material.
	<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>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development 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>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development 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>	<p>Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area.</p> <p>Consequences related to loss of quarry access. Efficient development 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 Rock-It #2 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 Rock-It #2 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 Rock-It #2 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.

(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 2012, the Umatilla County Comprehensive Plan was amended with Ordinance 2012-15 to include Tax Lots 4N 27 36; 700 and 800 as a Small Significant Site under the County's Goal 5 Aggregate Resources Inventory. This action seeks to expand the previously mentioned site to a Large Significant Site, adding the remaining tax lots that make up Rock-It #2 Quarry under Goal 5, and apply the Aggregate Resource Overlay Zone to the mining site along with a mapped buffer area to further protect the resource.

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.

The applicant 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, the applicant requests that the accompanying Policy be updated to list the Rock-It #2 Quarry.

Umatilla County finds that the applicant'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 Rock-It #2 Quarry is over 2.4 million cubic yards exceeds 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 Rock It #2 Quarry along Interstate 84 and south and west of industrial uses would make screening unnecessary. This type of aggregate activity regularly takes place along highways and roads to provide easy and cost-effective access to aggregate material for use in development projects. The applicant would state that screening beyond the use of berms of this site would be cost prohibitive and would not provide benefit.

(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 has and will continue to mine the aggregate resource leaving a 25-foot buffer area around the perimeter of the subject property. There is a home on the property that will be removed at a future date to allow mining of the full site. Until that time mining will not be done within 100 feet of the home. There are no other homes within 100 feet of the subject property and the requested remonstrance process could work to ensure that any new homes sited in the 1500-foot impact area do not conflict with the proposed large significant site. Future sedimentation ponds that may be installed

will be more than 25 feet from either Stafford Hansell Road or Colonel Jordan Road.

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.

- (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 there is one dwelling to the southeast of the mining site that is located within 500-feet of the boundary of the subject property being about 475 feet from the boundary of the subject property. Processing equipment will be sited in such a way as to retain this 500-foot setback requirement.

Umatilla County finds as a condition of approval, the applicant shall provide a site plan demonstrating that processing equipment will be sited to retain the 500-foot setback to the existing dwelling.

- (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 Rock It #2 Quarry fronts both Stafford Hansell and Colonel Jordan Roads with an existing historical access on Stafford Hansell Road. A new access point will need to be approved and constructed to Colonel Jordan Road to support the mining activity once the expansion begins. A subsequent condition of approval is imposed that the applicant obtain access permit approval from Umatilla County Public Works to Colonel Jordan Road.

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 will go through the public hearing process and complies 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.

Applicant 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 through this amendment process, the applicant's request complies with the County's Comprehensive Plan and Development Code and therefore complies with Statewide Planning Goal 2 (Planning).

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

Applicant 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. The current mining operation on this property (tax lots 700 and 800) was approved as a Conditional Use in 2012 and was at that time listed in the Inventory of Significant Sites as a Small Significant Site. It has operated since that time with agricultural activities to the west, south, and southeast with no conflicts or concerns. There are at least five other aggregate sites within a five-mile radius of this site with several of them operating adjacent to lands producing crops.

In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, can be determined to be significant, and the applicant is requesting protection for the site and for mining to be allowed. Here, approval of the proposal allows both the objectives of Goal 3 and Goal 5 to be realized.

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

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.*

Applicant 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 Statewide Planning Goal 4 (Forest Lands) does not directly apply to the applicant's request.

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

Applicant 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.

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 is to apply Goal 5 protection to the site, the request has been reviewed under the necessary Goal 5 process and 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.*

Applicant 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. 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 Contaminate Discharge 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 location of this site adjacent to Interstate 84 would provide significant mitigation based on the noise generated by the Interstate and provide protection from noise that may be generated.

County Finding: Umatilla County finds that the applicant's request addresses air, water and land resource quality and will obtain necessary permits and implement best practices 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.*

Applicant 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 Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters) does not directly apply to this request.

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.*

Applicant Response: No recreation components are included in this application.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 8 (Recreation Needs) and Goal 8 does not directly apply to this request.

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.*

Applicant 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 that is essential for residents, businesses, and recreation and tourism activities in this 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.*

Applicant Response: Housing is not a consideration of this application. However, the approval of this site would allow for aggregate to be available for use in the housing and commercial construction business.

County Finding: Umatilla County finds housing is not a direct consideration of this request, however, the requested activities will allow for aggregate to be available for use in the housing and commercial construction business.

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.

Applicant 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 economy that provides for the employment 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 support Statewide Planning Goal 11 (Public Services).

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

Applicant Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This rock could be used for transportation projects in and around the greater Hermiston area.

County Finding: Umatilla County finds as part of this application approval process, the applicant will be required to relocate access to comply with the adopted Umatilla County / ODOT Westland Road / I-84 / I-82 Interchange Area Transportation Plan. This relocation will make the access point compliant with spacing standards to Interstate 84 and support Goal 12. Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 12 (Transportation), as the mined rock could support future transportation projects in the area.

Goal 13 Energy: *To conserve energy.*

Applicant 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 residential, commercial, and industrial development.

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.*

Applicant Response: Goal 14 prohibits urban uses on rural lands. Goal 14 is not specifically

applicable to this action.

County Finding: Umatilla County finds that Statewide Planning Goal 14 (Urbanization) is not specifically applicable to this request.

32. DECISION:

BASED UPON THE ABOVE STATED FINDINGS AND CONCLUSIONS, THE AYLETT 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 ROCK-IT #2 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 Rock-It #2 Quarry to the County's Inventory of Significant Sites as a Large Significant Site. After approval by the Board of Commissioners, the County will submit the Notice of Adoption to DLCD.
2. Pay notice costs as invoiced by the County Planning Department.

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

1. 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.
2. Obtain a Umatilla County Public Works Road Approach Permit for Colonel Jordan Road to Center Street, to be named Noble Road.
3. Improve the existing 40-foot public right of way, Center Street, to be named Noble Road to the gravel County Road standard.

PRELIMINARY FINDINGS AND CONCLUSIONS

Rock-IT #2, Plan Amendment, #P-133-22, Text Amendment T-088-22, Zoning Map Amendment. #Z-320-22

Page 29 of 29

4. Discontinue the site access from Stafford Hansell Road to comply with the Westland Road / I-84 IAMP access requirements.
5. Obtain a Zoning Permit from the Umatilla County Planning Department to finalize the approval of the aggregate site expansion. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling.
6. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
7. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
8. 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.
9. Contour and revegetate the quarry for agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
10. 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 BOARD OF COMMISSIONERS

Dated _____ day of _____, 2022

George M. Murdock, *Commissioner*

John M. Shafer, *Commissioner*

Daniel L. Dorran, *Commissioner*

Proposed Umatilla County Comprehensive Plan Text Amendment

ROCK IT #2 QUARRY
Comprehensive Plan Map Amendment #P-133-22
Comprehensive Plan Text Amendment T-088-22
Zoning Map Amendment #Z-320-22
Township 4N, Range 27E, Section 36, Tax Lots 400, 500, 600, 700, 800, 1400, and 1500
AND
Township 4N, Range 27E, Section 25, Tax Lot 900

This proposed amendment to the Umatilla County Comprehensive Plan is to expand the existing Rock It #2 quarry and add the entire Rock It #2 Quarry Site (listed in the Comprehensive Plan Technical Report as a small site) 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 underlined> 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, T3S, R30 1/2, Section 12, 13, TL 503.
- (8) ODOT quarry, T4N, R35, TL 7303.
- (9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.
- (10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.
- (11) ODOT quarry, T1S, R30, TL 1901.

(12) ODOT quarry, T2N, R27, TL 2700.
(13) Private, commercial pit, T4N, R27E,
Section 25, TL 900, Section 36, TL 400,
500, 600, 700, 800, 1400, 1500.

APPLICANT: WADE AYLETT

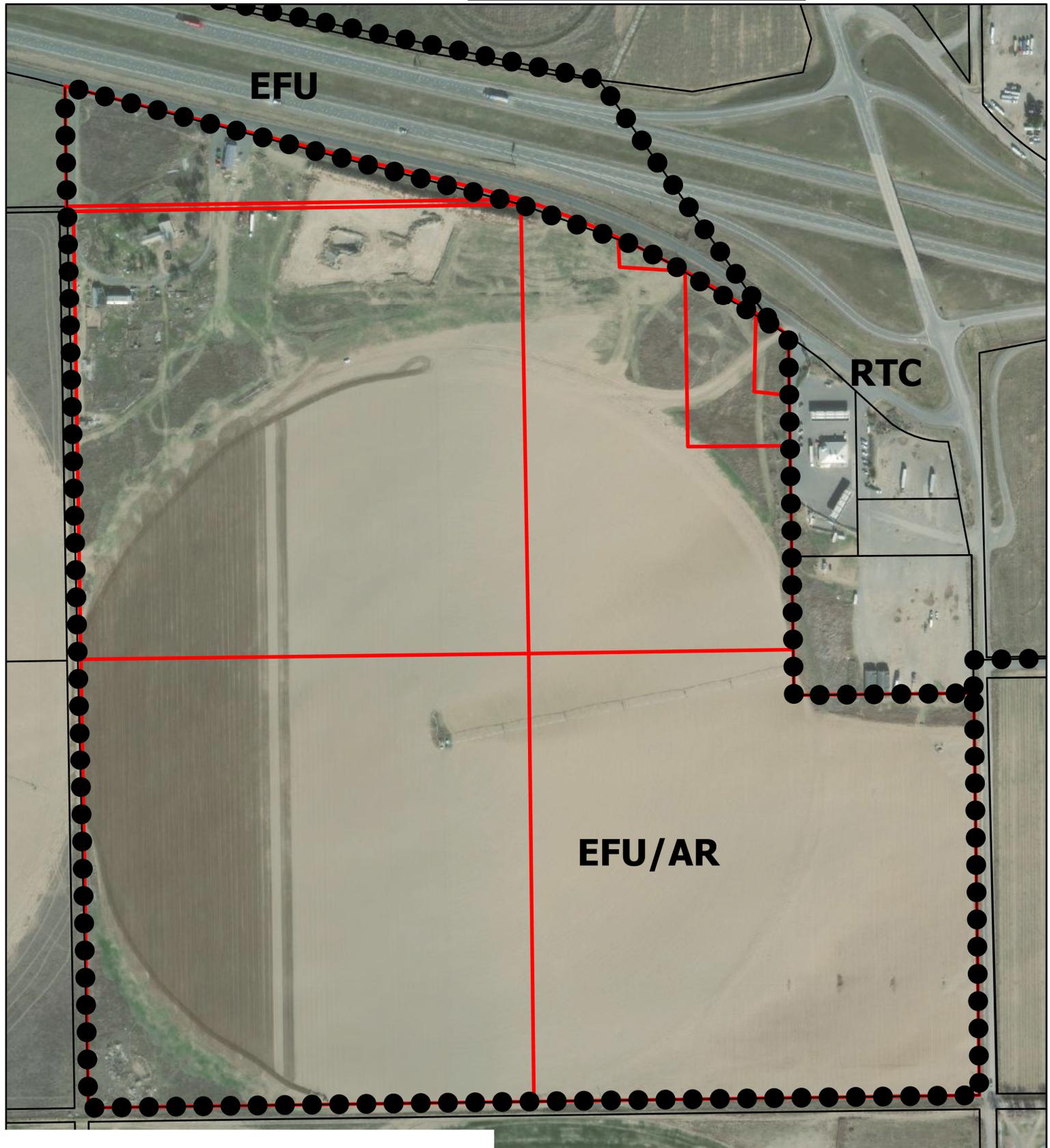
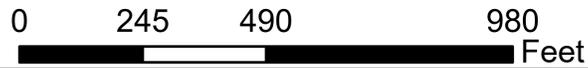
OWNER: ROCK-IT LLC

#P-133-22, Z-320-22, T-088-22

N



PROPOSED ZONING MAP



Legend

- Zoning Boundary
- Property Boundary
- ▭ Subject Parcels

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. Davchevski, Umatilla County Planning Department Date: 4/19/2022



**MATERIAL
TESTING &
INSPECTION**

PAGE #1 OF 1
PRINT DATE 2/29/2012
R:\ONTARIO\2010 REPORTS\O00089C - ROCK
SOLID SAND AND GRAVEL O. SOURCE
APPROVAL (ONTARIO, OR)\LETTER 2-29-
12.DOC

Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Wade Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Phone: (541) 922-8903
Fax: (541) 922-8948
Other:

Project: Rock Solid Sand and Gravel
ODOT Product Compliance Testing.

Dear Mr. Aylett,

Materials Testing & Inspection (MTI) performed product compliance testing on Aggregate samples delivered to our Ontario Laboratory July 12th, 2010. The source location was identified as Township 4N, Range 27, Section 36, Tax Lot #1500.

MTI performed testing for Durability on samples identified as:

- LA Abrasion (LA386)
- Oregon Air Degradation (Deg387)

MTI performed testing for Soundness on sample identified as:

- Sodium Sulfate Soundness (Sulfate383)

MTI performed additional testing for grading and density on samples identified as:

- Coarse Aggregate Specific Gravity (SpGr384)
- Sieve Analysis (Sieve382)

All testing was in accordance with current AASHTO standards and the Oregon Dept. of Transportation (ODOT) 2008 Oregon Standard Specifications.

MTI has determined that the material provided to us by representatives of Rock Solid Sand & Gravel has satisfied the 2008 Oregon Standard Specifications for Construction requirements by exceeding the standards outlined under section 00745, 02630, 02640, and 02690.

The attached laboratory reports dated August 15th, 2010 illustrate the result of each test and the minimum and/or maximum requirements as derived from each section.

If you have questions or need to discuss the provided test results, please call us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION, INC.

Reviewed By: Charles D. Walker
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed an LA Abrasion on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100386						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C535:		AASHTO T96:	X			

Nominal Maximum Size of Aggregate	3"
Grading Designation	A
Percent Loss by Abrasion	15.8

ODOT specifications for HMA & PCC Aggregate: 30.0% Max
ODOT specifications for Shoulder & Base Aggregate: 35.0% Max

If you have any questions concerning this report (LA386-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



**MATERIALS
TESTING &
INSPECTION**

**OREGON AIR
AGGREGATE DEGRADATION**

R:\ONTARIO\2010 REPORTS\1000089C - ROCK
SOLID SAND AND GRAVEL O. SOURCE APPROVAL
(ONTARIO, OR)\DEG387.DOC

- Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source and Description:	Supplied By Rock Solid, Source Unknown - 3" Minus						
Date Obtained:	7/15/10						
Sample ID:	100387						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ODOT TM208	X					

Nominal Maximum Size of Aggregate	3"	ODOT Specifications
Sediment Height In Inches:	0.2	3" Max
Percent Passing .850 Sieve:	2.4	30% Max

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (Deg387), please call on us at: (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed an Oregon Degradation on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source and Description:	Sampled By Rock Solid - 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
Date Obtained:	7/15/10					
Sample ID:	100387					
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X
					ASTM D421/D2217:	
Test Standard:	ODOT TM208	X				

Nominal Maximum Size of Aggregate	3"	ODOT Specifications
Sediment Height In Inches:	0.2	3" Max
Percent Passing .850 Sieve:	2.4	30% Max

ODOT Specifications noted satisfy Base/Shoulder Aggregate, PCC Aggregate, HMA Aggregate

Note: Water used for testing was distilled, and at a controlled temperature of 25 degrees Celsius.

If you have any questions concerning this report (*Deg387- Revised*), please call on us at: (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



- Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3" minus						
Date Obtained:	7/15/10						
Sample ID:	100383						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C88:		AASHTO T104:	X	Sodium:	X	Magnesium:
					Fresh Prepared:	X	Previously Used:

Coarse Size Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	3/4"	510.4g		
3/4"	1/2"	675.0g	2.44%	0.66
1/2"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
Total				1.2

ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	3/4"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed sulfate soundness testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid - 3" minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500					
Date Obtained:	7/15/10					
Sample ID:	100383					
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X
Test Standard:	ASTM C88:		AASHTO T104:	X	Sodium:	X
					Fresh Prepared:	X
					ASTM D421/D2217:	
					Magnesium:	
					Previously Used:	

Coarse Size Aggregate

Sieve Size		Weight of Test Fraction Before Test	% Passing Designated Sieve After Test	Weighted % Loss
Passing	Retained			
1.5"	1.0"	1041.4g	0.51%	0.40
1.0"	¾"	510.4g		
¾"	½"	675.0g	2.44%	0.66
½"	3/8"	332.3g		
3/8"	#4	300.6g	3.36%	0.17
			Total	1.2

ODOT Specifications for Coarse Aggregate: Weighted loss not to exceed 12%

Coarse Aggregate Examination

Sieve Size		Splitting		Crumbling		Cracking		Flaking		No. of Particles Before Test
Passing	Retained	No.	%	No.	%	No.	%	No.	%	
1.5"	1.0"							19	100	19
1.0"	¾"							24	100	24

If you have any questions concerning this report, please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: Charles D. Walker
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3" Minus						
Date Obtained:	7/15/10						
Sample ID:	100384						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: **Charles D. Walker**
Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G ODOT Source Testing
Test Date: August 15th 2010

As requested MTI has performed a specific gravity on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100384						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146:	X	ASTM D421/D2217:
Test Standard:	ASTM C127:		AASHTO T84:	X			

Sample	0384
Bulk Specific Gravity	2.694
Bulk SSD Specific Gravity	2.729
Apparent Specific Gravity	2.791
Percent Absorption	1.3%

If you have any questions concerning this report (SpGr384-Revised), please call on us at (541) 889-3602.

Respectfully submitted,
MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
Regional Manager



- Environmental Services
- Geotechnical Engineering
- Construction Materials Testing
- Special Inspections

Debbie Aylett
 Rock Solid Sand & Gravel
 74854 Washington Lane
 Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Supplied by Rock Solid, Source Unknown – 3" Minus						
Date Obtained:	7/15/10						
Sample ID:	100382						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X	ASTM D421/D2217
Test Standard:	ASTM C117:		AASHTO T11:	X	ASTM D1140:		ASTM D5444:
	ASTM C136:		AASHTO T27:	X	ASTM D422:		AASHTO T88:

Sieve Size	Percent Passing
3"	100
2.5"	97
2"	92
1.5"	81
1"	64
¾"	52
½"	39
¼"	33
3/8"	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382), please call on us at (541) 889-3602.

Respectfully submitted,

MATERIALS TESTING & INSPECTION INC.

Reviewed By: Charles D. Walker
 Regional Manager



Environmental Services Geotechnical Engineering Construction Materials Testing Special Inspections

Debbie Aylett
Rock Solid Sand & Gravel
74854 Washington Lane
Irrigon, OR 97844

Project: Rock Solid S&G Source Testing
Test Date: August 15th 2010

As requested MTI has performed sieve analysis testing on the sample referenced below. The testing was performed in accordance with current AASHTO & ODOT standards. The results obtained in our laboratory were as follows:

Source & Description:	Sampled by Rock Solid- 3" Minus at Township 4n, Range 27, Sec. 36, Tax Lot #1500						
Date Obtained:	7/15/10						
Sample ID:	100382						
Sampling and Preparation:	ASTM D75:		AASHTO T2:	X	AASHTO T87/T146	X	ASTM D421/D2217
Test Standard:	ASTM C117:		AASHTO T11:	X	ASTM D1140:		ASTM D5444:
	ASTM C136:		AASHTO T27:	X	ASTM D422:		AASHTO T88:

Sieve Size	Percent Passing
3"	100
2.5"	97
2"	92
1.5"	81
1"	64
¾"	52
½"	39
¼"	33
3/8"	26
#4	23
#8	16
#10	14
#16	11
#30	7
#40	6
#50	5
#100	3
#200	2.7

If you have any questions concerning this report (Sieve382-Revised), please call on us at (541) 889-3602.

Respectfully submitted,

MATERIALS TESTING & INSPECTION INC.

Charles D. Walker

Reviewed By: **Charles D. Walker**
Regional Manager



TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Mon, Apr 11, 2022 at 4:26 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>

Cc: LAPP Thomas <Thomas.Lapp@odot.state.or.us>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hello Bob

Given that ODOT has gone to a great deal of work developing their spacing standards around overpass areas and the fact we did everything we could to meet their standards on the North side of this overpass I would defer to whatever ODOT requires in this particular area.

Tom Fellows

[Quoted text hidden]

TIA for Aggregate Project

LAPP Thomas <Thomas.Lapp@odot.oregon.gov>

Tue, Apr 12, 2022 at 10:18 AM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

Robert,

I took a look at the area and tax lots Aylett owns at the SW side of the I-84 interchange. The existing frontage road is approximately 240' from the EB exit ramp and it appears the first access to the subject properties from the frontage road is about 600' west from Colonel Jordan Rd, entering onto tax lot #400. This may cause some congestion at the intersection entering Colonel Jordan if a great deal of new commercial vehicle trips are generated using the frontage road in close proximity to the interchange.

There is plenty of space available from the EB Ramps to attain 1320' of separation from the ramps where trucks could enter a new connection to tax lot 1500 from Colonel Jordan Rd or further south opposite of Noble Rd.

In any case I believe it would be best to build a new connection at a minimum of 1320' South of the interchange ramps per the IAMP especially since this is the first opportunity to enter tax lot 1500 from the county road system.

Thanks

Thomas Lapp

District 12 Permit Specialist

1327 SE 3rd Street

Pendleton, OR 97801

Ph (541)278-3450

Fax (541)276-5767

From: Robert Waldher <robert.waldher@umatillacounty.gov>

Sent: Wednesday, April 6, 2022 3:46 PM

To: LAPP Thomas <Thomas.Lapp@odot.oregon.gov>; Tom Fellows <tom.fellows@umatillacounty.gov>

5.3 LOCAL STREET NETWORK AND ACCESS MANAGEMENT PLAN

Introduction

The purpose of the development of a local street network and access management plan in the Westland Road/I-84/I-82 interchange area is to predefine the location of the local streets and driveways in relation to the two rural collector streets, Westland Road and Lamb Road.

The local street network and access management plan was developed by using the access spacing standards in the adopted 2002 Umatilla County Transportation System Plan as a guideline. Where physical constraints and/or long lot frontage existed, variances to the standards were sought to balance the need for local access versus through trip capacity.

Existing Access Spacing Standards

There are three relevant access spacing standards in developing the local street network and access management plan. The first standard is the spacing between a freeway ramp junction with a local cross street and the first full public access. The standard adopted in the 2002 Umatilla County Transportation System Plan is 1,320 foot spacing between a freeway ramp intersection with a local cross street and the first full access. This spacing standard is also consistent with the 1999 Oregon Highway Plan.

The second access spacing standard to consider in the development of the local street network and access management plan is the minimum public street to public street spacing standard. The 2002 Umatilla County Transportation System Plan requires that the minimum spacing standard between public roads on a designated rural collector arterial is 500 feet.

The third and final access spacing standard to consider is the minimum driveway spacing standard. The 2002 Umatilla County Transportation System Plan defines minimum driveway spacing on a rural collector arterial at 250 feet.

Existing Accesses on Westland Road south of I-84

Along Westland Road/Colonel Jordan Road, south of I-84 there are two public streets and three driveways within the study area. The two public streets are Stafford Hansel Road and Noble Road. Stafford Hansel Road is less than 200 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road. Noble Road is more than 2,000 feet from the I-84 Eastbound Ramp intersection with Westland Road/Colonel Jordan Road.

The Shell Gas Station and Truck Stop and Barton Industries driveways are across from each other along Westland Road/Colonel Jordan Road and approximately 308 feet south of the I-84 Eastbound Ramp intersection. The only other driveway between Stafford Hansel Road and

Noble Road is an agricultural driveway to a field approximately 300 feet south of the Shell and Barton Industries driveways.

There are several substandard conditions along Westland Road/Colonel Jordan Road south of I-84. First, Stafford Hansel Road does not meet the minimum spacing standard between an interchange ramp and the first full access public street. The adopted Umatilla County Transportation System Plan standard is 1,320 feet, which is also consistent with the 1999 Oregon Highway Plan. Based on the 1,320 foot spacing standard, none of the driveways meet the current standard either.

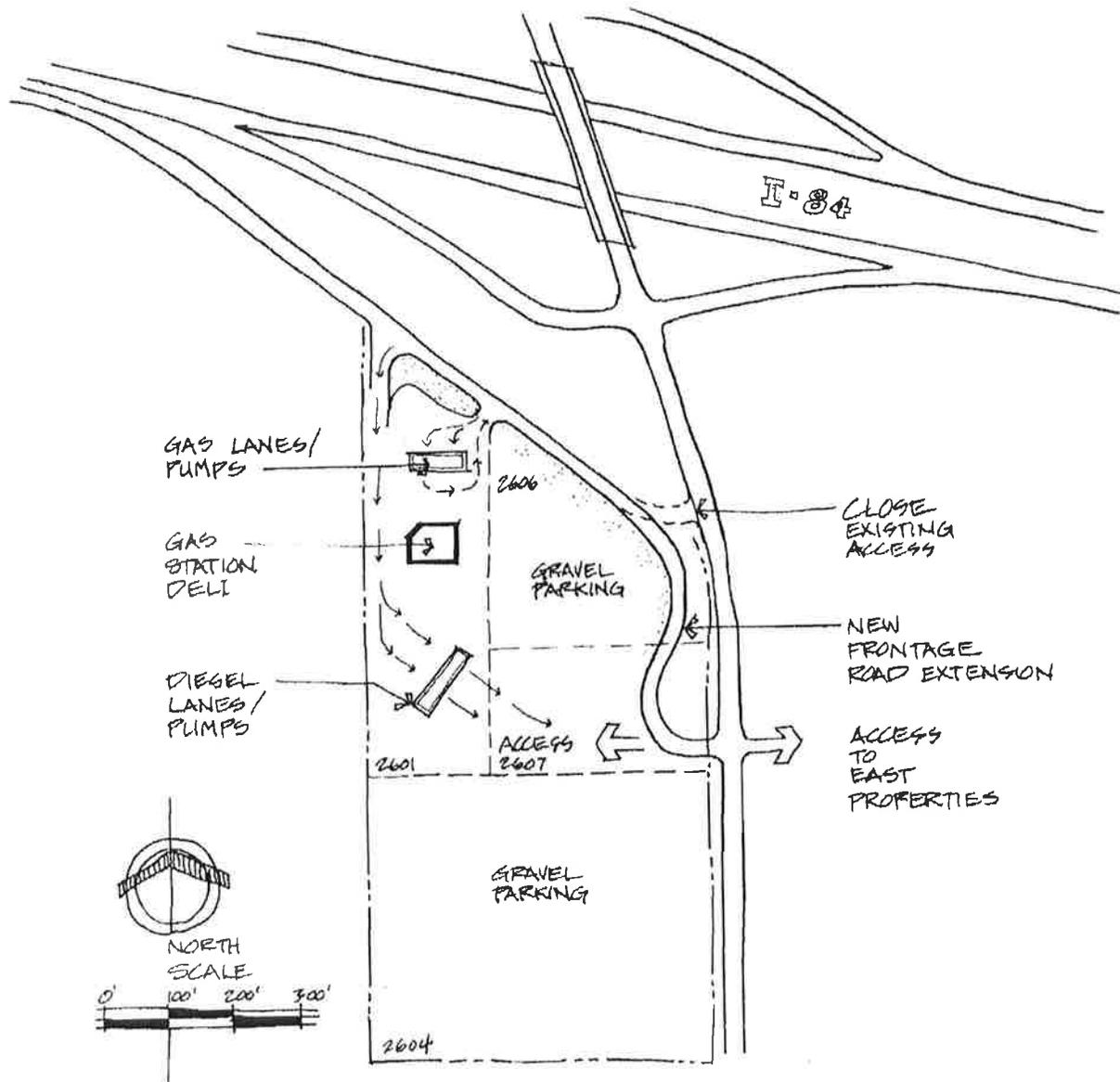
Proposed Future Accesses on Westland Road/Colonel Jordan Road South of I-84

The current 1,320 access spacing standards do not apply until the adjacent property redevelops. Redevelopment is possible only along the areas that are currently zoned commercial or industrial south of I-84. Even at the time of redevelopment, the subject parcels cannot meet the minimum 1,320 foot spacing requirement from the I-84 Eastbound Ramp intersection since the parcel length are less than 900 feet. Therefore, a variance to the standard is needed.

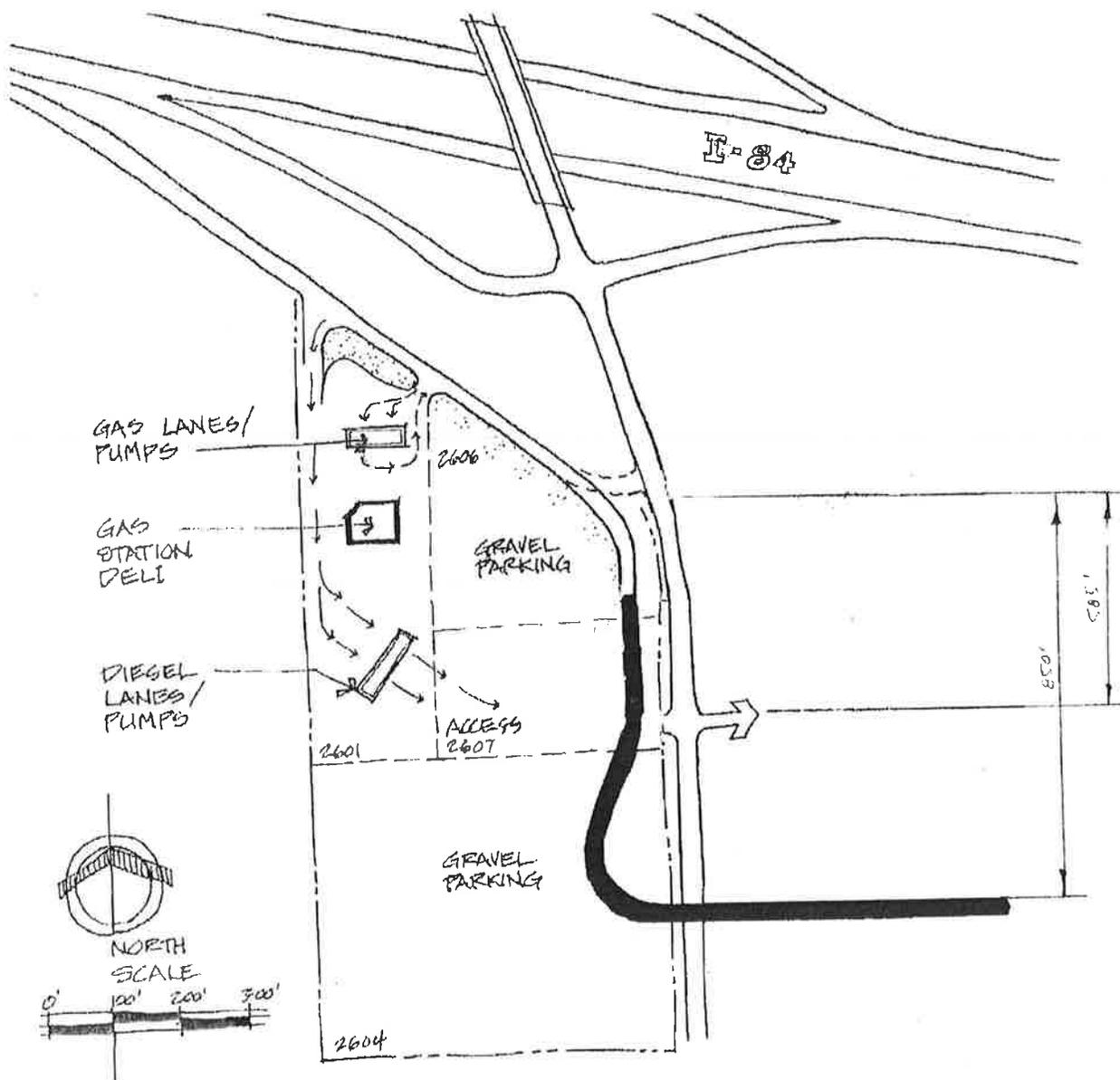
One of the purposes of this plan is to develop a future access plan that would be implemented at the time of redevelopment. By creating this plan in advance of development or redevelopment, the interchange area can be protected and any deviations to the standards pre-approved through the adoption of the local street network and access management plan of this study.

The most logical access management principal to guide the development of future access along Westland Road/Colonel Jordan Road south of I-84 is to consolidated driveways on both sides of the roadway and to make sure that driveways are across from each other. There are two alternatives that could work.

The Shell Gas Station/Truck Stop driveway is already along the southern parcel boundary and is directly across from the Barton Industries driveway. Stafford Hansel Road could be realigned by closing the existing Colonel Jordan Road/Stafford Hansel Road intersection and realigning Stafford Hansel parallel and southward along Colonel Jordan Road. This alignment would intersection at Colonel Jordan Road at the existing Shell Gas Station/Truck Stop and Barton Industries driveway. Although the spacing does not come close to the 1,320 foot spacing standard, it does significantly improve safety and the interaction between the I-84 Eastbound Ramp and Stafford Hansel Road traffic. Since the traffic volumes on Westland Road/Colonel Jordan Road south of I-84 are relatively low compared to the rest of the study area, the compromised spacing standards are not likely to generate any operational or safety problems. The figure on the next page illustrates this future access concept.



The other access option is to realign Stafford Hansel Road further south at the southern end of the Barton parcel. This would provide approximately 800 to 900 feet of separation between the I-84 Eastbound Ramps, Stafford Hansel Road, Shell Gas Station/Truck Stop access, and Barton Industries driveway. The figure below depicts this second access concept for Colonel Jordan Road south of I-84.



Existing Accesses on Westland Road North of I-84

Livestock Road is the only street or driveway that encroaches on the minimum access spacing standard from an interchange ramp. Livestock Road is less than 200 feet from the I-84 Westbound Ramp intersection with Westland Road.

The next access north of Livestock Road along Westland Road is the public street serving Freightliner. This street is approximately 1,425 feet from the I-84 Westbound Ramp intersection with Westland Road. It meets the minimum spacing requirement of 1,320 feet from the interchange ramp intersection.

TIA for Aggregate Project

Tom Fellows <tom.fellows@umatillacounty.gov>

Wed, Apr 20, 2022 at 4:15 PM

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Megan Davchevski <megan.davchevski@umatillacounty.gov>

Bob

After looking at Tom Lapp's response and further conversation with my staff as well as County Planning I believe the best solution to this would be for Mr. Aylett to improve Center street to a gravel road standard and utilize it for the access to his operation. Center street right-of-way exists at what appears to be a 40 foot right-of-way and aligns well with Nobel road which is also a 40 foot right-of-way. On the map it appears that Mr. Aylett's property would have direct access to this new road. With this new connection it would shift business access away from the frontage road which would address ODOT's concern with the IAMP. I would also suggest that rather than using center street we simply continue Nobel road across the intersection.

Tom Fellows

----- Forwarded message -----

From: **LAPP Thomas** <Thomas.Lapp@odot.oregon.gov>

Date: Tue, Apr 12, 2022 at 10:18 AM

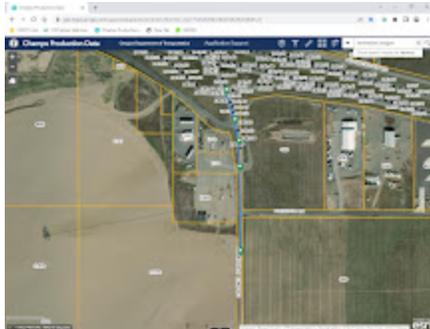
Subject: RE: TIA for Aggregate Project

To: Robert Waldher <robert.waldher@umatillacounty.gov>, Tom Fellows <tom.fellows@umatillacounty.gov>

Cc: Megan Davchevski <megan.davchevski@umatillacounty.gov>, JARVIS-SMITH Cheryl <Cheryl.JARVIS-SMITH@odot.oregon.gov>, BOYD David <David.BOYD@odot.oregon.gov>

[Quoted text hidden]

3 attachments



I-84 to Colonel Jordan Rd..JPG
227K

 20220406183341.pdf
247K

 20220406183454.pdf
85K

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
APRIL 28, 2022
UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT, #T-098-22
PACKET CONTENTS**

1. Planning Commission Memo, page 1
2. Proposed Amendment Language, pages 3 – 7
3. Draft Findings, pages 9 – 15
4. Working Copy of OAR, pages 17 – 27
5. ODOT Email Comment, page 29

Umatilla County

Department of Land Use Planning



April 20, 2022

DIRECTOR
ROBERT
WALDHER

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

MEMO

To: Umatilla County Planning Commission
From: Carol Johnson, Senior Planner
Re: April 28, 2022, County Planning Commission Hearing
Scout Camp, LLC, Applicant
Umatilla County Development Code Text Amendment, #T-089-22,
Exclusive Farm Use (EFU) and Grazing-Forest (GF) Zoning Code Amendment
cc: Doug Olsen, County Counsel
Robert Waldher, Planning Director

Applicant and property owner proposes a Text Amendment affecting resource zoned land within Umatilla County zones, EFU and GF. The scope of the Text Amendment adds youth camps, to the list of conditional uses permitted in the County's resource zones, EFU and GF, along with a set of criteria for approving youth camps into the conditional use section applicable to EFU and GF. Youth camps are allowed in the EFU and GF zones per ORS 215.457 and OAR 660-033-0130 (40).

Provided are draft findings for your consideration along with the proposed amendment language to the following Umatilla County Development Code (UCDC) sections:

§ 152.003 DEFINITIONS.
§ 152.060 (EFU) CONDITIONAL USES PERMITTED.
§ 152.085 (GF) CONDITIONAL USES PERMITTED.
§ 152.617 STANDARDS FOR REVIEW: CONDITIONAL USES AND
LAND USE DECISIONS ON EFU AND GF ZONED LANDS.

The proposed amendments are first presented to the Planning Commission for review, and discussion. Planning Commission's action on the proposed amendment is a recommendation to the Board of County Commissioners. The hearing before the Board of Commissioners is scheduled for 9:00 a.m., June 1, 2022.

Approval of the amendment by the Board of County Commissioners would result in the adoption of the Umatilla County Ordinance approving the final code language. Following County approval, the Umatilla County Development Code text and the notification of adoption is sent to the State Department of Land Conservation and Development (DLCD).

Umatilla County Development Code
Chapter 152 Amendments

§ 152.003 DEFINITIONS

Youth Camp. Youth camp means a facility that is either owned or leased, and is operated by a state or local government or a nonprofit corporation as defined under ORS 65.001 and is established for the purpose of providing an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include a juvenile detention center or juvenile detention facility or similar use.

Youth Camp Low Impact Recreational Facilities. Youth camp low impact recreational facilities that have a limited amount of permanent disturbance on the landscape and are likely to create no, or only minimal impacts on adjacent private lands. Low impact recreational facilities include, but are not limited to, open areas, ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding areas, swimming pools and zip lines. Low impact recreational facilities are designed and developed in a manner consistent with the lawfully established unit of land's natural environment. Intensive developed facilities such as water parks and golf courses are not allowed.

Youth Camp Participants. Youth camp participants means persons directly involved with providing or receiving youth camp services, including but not limited to, campers, group leaders, volunteers or youth camp staff.

(EFU Zone)
§ 152.060 CONDITIONAL USES
PERMITTED.

(GG) Youth camp as provided in OAR 660-033-0130 (40). A youth camp may be located only on a lawfully established unit of land that is at least 1,000 acres in size, composed predominantly of class VI, VII or VIII soils, not located within an irrigation district, not located within three miles of an urban growth boundary, and not established in conjunction with an existing golf course, as provided in § 152.617 (I) (Z).

(GF Zone)
§ 152.085 CONDITIONAL USES
PERMITTED.

(OO) Youth camp as provided in OAR 660-033-0130 (40). A youth camp may be located only on a lawfully established unit of land that is at least 1,000 acres in size, composed predominantly of class VI, VII or VIII soils, not located within an irrigation district, not located within three miles of an urban growth boundary and not established in conjunction with an existing golf course, as provided in § 152.617 (I) (Z).

**§ 152.617 STANDARDS FOR REVIEW:
CONDITIONAL USES AND LAND USE
DECISIONS ON EFU AND GF ZONED
LANDS.**

**(I) EFU AND GF ZONE CONDITIONAL
USES**

(Z) Youth Camp.

A youth camp may be located only on a lawfully established unit of land suitable to ensure an outdoor experience in a private setting without dependence on the characteristics of adjacent and nearby public and private land. A campground as described in ORS 215.283 (2)(c), OAR 660-033-0120, and OAR 660-033-0130 (19) may not be established in conjunction with a youth camp.

In determining the suitability of a lawfully established unit of land for a youth camp the county shall consider its size, topography, geographic features and other characteristics, the proposed number of overnight participants and the type and number of proposed facilities.

(1) Number of Youth Camp Participants. The maximum number of overnight youth camp participants shall be 350 participants, unless the applicant meets the provisions in OAR 660-033-0130 (40) (c), (d) and (e) for an increase in the number of camp participants.

(2) Youth Camp Development Area. The youth camp facilities must be clustered on a single development envelope of no greater than 40 acres, with the exception of trails, paths and ordinary farm and ranch practices not requiring land use approval.

(3) Youth Camp Facilities. The youth camp may provide only the facilities described in this section:

(a) Youth camp low impact recreational facilities.

(b) Cooking and eating facilities:

(i) Cooking and eating facilities may not be provided in a building that includes sleeping quarters.

(ii) Food services are limited to those provided in conjunction with the operation of the youth camp and only provided for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.

(c) Bathing and laundry facilities.

(d) Up to three camp activity buildings, not including a building for primary cooking and eating facilities.

(e) Sleeping quarters, including cabins, tents or other structures, for up to 350 youth camp participants only, unless the applicant meets the provisions in OAR 660-033-0130 (40) (c), (d) and (e) for an increase in the number of camp participants:

(i) Sleeping quarters intended as overnight accommodations are not allowed for persons not participating in activities or as individual rentals.

(ii) Allowed sleeping quarters may include restroom

facilities and, except for the caretaker's dwelling, may provide only one shower for every five beds. Sleeping quarters may not include kitchen facilities.

(f) Covered areas that are not fully enclosed for youth camp activities.

(g) Administrative, maintenance and storage buildings including permanent structures for:

(i) administrative services,

(ii) first aid,

(iii) equipment and supply storage, and

(iv) gift shop available to youth camp participants but not open to the general public.

(h) Infirmary and infirmary sleeping quarters for medical care providers (e.g., a doctor, registered nurse, or emergency medical technician) may be provided.

(i) A caretaker's residence, provided no other dwelling is on the lawfully established unit of land on which the youth camp is located.

(4) *Buffers and Siting Setbacks.* The youth camp must adhere to setbacks, as follows:

(a) Setbacks to riparian areas require structures such as buildings, major improvements and similar permanent fixtures to be setback from the high water line along all streams, lakes or wetlands a

minimum of 100 feet measured at right angles to the high water line or mark.

(b) Setbacks from adjacent public and private lands, public roads and roads serving other ownerships shall be 250 feet, unless the use of vegetative, topographic or other natural features can separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands and uses.

(c) Setbacks of at least 1320 feet from any other lawfully established unit of land containing an approved youth camp.

(5) *Archaeological Protection.* The county shall require, as a condition of approval of a youth camp, that the youth camp adhere to standards for the protection of archaeological objects, archaeological sites, burials, funerary objects, human remains, objects of cultural patrimony and sacred objects, as provided in ORS 97.740 to 97.750 and 358.905 to 358.961, as follows:

(a) If a particular area of the lawfully established unit of land proposed for the youth camp is proposed to be excavated, and if that area contains, or is reasonably believed to contain resources protected by ORS 97.740 to 97.750 and 358.905 to 358.961, the application shall include evidence that there has been coordination among the appropriate Native American Tribe, the State Historic Preservation Office (SHPO), and a qualified archaeologist, as described in ORS 390.235 (6)(b).

(b) The applicant shall obtain a permit required by ORS 390.235 before any excavation of an identified archeological site begins.

(c) The applicant shall monitor construction during the ground disturbance phase(s) of development if such monitoring is recommended by SHPO or the appropriate Native American Tribe.

(6) *Fire Safety.* The county requires a fire safety protection plan for each youth camp. A fire safety protection plan includes fire prevention measures, on site pre-suppression and suppression measures, and the establishment and maintenance of fire-safe area(s) in which camp participants can gather in the event of a fire. (A copy of the youth camp's fire safety protection plan, meeting all fire prevention measures shall be submitted to the County.)

(a) A youth camp's on-site fire suppression capability shall at least include:

- (i) A 1000-gallon mobile water supply that can reasonably serve all areas of the camp;
- (ii) A 60 gallon-per-minute water pump and an adequate amount of hose and nozzles;
- (iii) A sufficient number of firefighting hand tools; and
- (iv) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger; and/or
- (v) An equivalent level of fire suppression facilities determined by the governing body or its designate based on the response time of the effective wildfire suppression agencies.

(7) *Campgrounds.* The county shall require, as a condition of approval of a youth camp, a condition prohibiting campgrounds as described in ORS 215.283 (2)(c) and OAR 660-033-0130 (19), in conjunction with a youth camp.

(8) *Covenant Not to Sue.* The county shall require, as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, the operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(9) *Future Land Divisions.* The county prohibits future land divisions resulting in a lawfully established unit of land containing the youth camp that is smaller in size than required for the original youth camp approval.

(10) *Future Land Development.* The county prohibits future development on the lawfully established unit of land not related to the youth camp and that would require a land use decision as defined at ORS 197.015 (10) unless the county's original approval of the camp is rescinded and the youth camp development is either removed or can remain, consistent with a county land use decision that is part of such rescission.

(11) *Goal 5 Protection.* The county requires that the applicant consult with an Oregon Department of Fish and Wildlife biologist whether siting a youth camp triggers a site-specific assessment of the land for potential adverse effects, as provided by this section.

(a) Development of a youth camp on land containing a protected Goal 5 resource under the county's comprehensive plan where the plan does not address conflicts, the applicant shall together with the county and any state or federal agency responsible for protecting the resource or habitat supporting the resource, develop a resource management plan to mitigate potential development conflicts according to OAR 660-033-0130 (40) and consistent with OAR chapter 660, divisions, 16 and 23.

197.732 (1)(c) and Goal 2, as stipulated in OAR 660-033-0130 (40).

Where a County does not have a program to protect the Goal 5 resource, and the applicant and the appropriate resource management agency cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures in compliance with OAR chapter 660, division 23; and

(b) The applicant must consult with an Oregon Department of Fish and Wildlife biologist as to whether the potential exists for adverse effects to state or federal special status species, habitat, or to big game winter range or migration corridors that would result in a requirement to conduct a site-specific assessment of the land as specified in OAR 660-033-0130 (40).

(c) Where the applicant and the resource management agency cannot agree on what mitigation, if any, will be carried out under (a) or (b) of this section, the county is responsible for determining appropriate mitigation measures in accordance with OAR 660-033-0130 (40).

(12) *Extension of Sewer to a Youth Camp.* Where applicable, authorization of an extension of a sewer system to serve a youth camp would require an exception to Goal 11, and must be taken pursuant to ORS

**UMATILLA COUNTY PLANNING COMMISSION
DRAFT FINDINGS OF FACT AND CONCLUSIONS OF LAW
UMATILLA COUNTY DEVELOPMENT CODE TEXT AMENDMENT, #T-089-22**

1. Introduction

The Umatilla County Development Code (UCDC) provides that “an amendment to the text of this chapter or to a zoning map may be initiated by the County Board of Commissioners, the County Planning Commission, or by application of a property owner.” (UCDC Section 152.750) Therefore, the County has the authority to consider the property owners’ text amendment.

2. Procedural Matters

A. Categorization of this Matter

This matter is a legislative matter because it proposes to amend the text of the Umatilla County Development Code in a manner that will affect all Umatilla County properties zoned Exclusive Farm Use (EFU) and Grazing-Farm (GF) within rural Umatilla County.

B. Post-Acknowledgment Amendment

This legislative amendment is an amendment to the County's acknowledged 1983 Zoning Ordinance. ORS 197.610(1) and OAR 660-018-0020(1) require that the County provide notice to the Oregon Department of Land Conservation and Development (“DLCD”) at least 35 days prior to the initial evidentiary hearing. The County provided the 35-day notice to DLCD on March 24, 2022. The County has satisfied ORS 197.610(1) and OAR 660-018-0020(1) by mailing the post-acknowledgement amendment notice so that it arrived at the office of DLCD at least 35 days prior to the initial evidentiary hearing.

UCDC Section 152.771(B) requires the County provide a legal notice for the Planning Commission hearing April 28, 2022 and Board of Commissioners June 1, 2022 hearing by publication in a newspaper of general circulation in the County at least ten (10) days prior to the date of the first hearing. The notice was published in the *East Oregonian* newspaper on April 16, 2022.

The County has satisfied the post-acknowledgement amendment notice required by ORS 197.610(1) and OAR Chapter 660-018-0020(1) and the legal notice of hearing publication in UCDC Section 152.771(B).

C. Procedure

UCDC 152.752 is entitled “Public Hearings on Amendments.” This section provides, in relevant part:

“The Planning Commission shall conduct a public hearing on the proposed amendment according to the procedures in section 152.771 of this Chapter at its earliest practicable meeting after it is proposed. The decision of the Planning Commission shall be final unless appealed, except in the case where the amendment is to the text of this Chapter, then the Planning Commission shall forward its recommendation to the Board of Commissioners for final action.”

Therefore, the County will hold two (2) hearings for this legislative amendment, one (1) before the Planning Commission and the second before the Board of Commissioners.

Additionally, UCDC Section 152.771(A)(1) provides that a public hearing is required for legislative amendments. The procedures and requirements for a quasi-judicial hearing are not applicable to this hearing. Therefore, UCDC Section 152.772, which applies to quasi-judicial hearings, is not applicable to this legislative proceeding.

3. Description of Amendment

The applicant and property owner, Scout Camp, LLC, (Randall and Marie Martin) made application to Umatilla County to amend the Umatilla County Development Code (UCDC) text to add “Youth Camps” to the list of conditional uses permitted in the County’s Exclusive Farm Use (EFU) zone and Grazing Farm (GF) zone.

The applicant and property owner, Scout Camp, LLC, intends to apply for a youth camp conditional use permit under the adopted set of conditional use permit criteria for establishment of a Boys Scout Camp on the applicant’s property. The application for a conditional use permit for a Boys Scout Camp is not, at this time, before Umatilla County.

4. Approval Criteria

UCDC Section 152.751 requires an amendment to the text of the UCDC shall comply with provisions of the Umatilla County Comprehensive Plan (the “Plan”), the Oregon Transportation Planning Rule (the “TPR”), OAR Chapter 660, division 12, and the Umatilla County Transportation Plan (“Transportation Plan”).

Umatilla County has adopted a County Transportation Plan and implementing ordinances, including the requirement for a Traffic Impact Analysis, as provided in UCDC Section 152.019. The County Public Works and Oregon Department of Transportation (ODOT) also have been provided notice of this amendment and given opportunity to comment.

ODOT responded the proposed amendment to include youth camps as a conditional use should move forward.

Comments received from the County Public Works Department include that potential transportation impacts would be best reviewed at the time application for a youth camp is submitted and reviewed for a specific area in the County.

The County finds OAR 660-012-0060 (3), is not directly implicated by this text amendment; resulting applications for a conditional use permit for camp development where significant impacts are believed could occur, could result in the requirement for the applicants to conduct Traffic Impact Analysis to assure camp development is consistent with the function, capacity and performance standards of identified transportation facilities.

The County finds that UCDC Section 152.751 is satisfied.

A. Applicable Statewide Planning Goals

There are 19 Goals. The Board of Commissioners finds that Goal 1, "Citizen Involvement," Goal 2, "Land Use Planning," Goal 3 and 4 "Agriculture and Forest lands," and Goal 5, Natural Resources, are relevant to this application.

(a) **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."**

Finding: The County has an acknowledged citizen involvement program. The citizen involvement program is implemented through UCDC Chapter 152. The public has two (2) *de novo* opportunities to testify on this text amendment. By following the post-acknowledgement amendment process, the County will satisfy Goal 1.

The County finds that Goal 1 is satisfied.

(b) **Goal 2. "Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to ensure an adequate factual basis for such decisions and actions."**

Finding: Goal 2 requires that County land use actions be consistent with the County's comprehensive plan. Goal 2 also requires that the County's action on this text amendment be coordinated with affected governmental entities, as coordination is defined in ORS 197.015(5). Further, Goal 2, Guideline C.1 requires that the County have an adequate factual base for its decision adopting the text amendment.

The County finds as follows on each requirement of Goal 2. The County has given notice of the application to affected governmental entities including, but not limited to, the Department of Land Conservation and Development (DLCD), Oregon Fish and Wildlife (ODF&W), ODOT and the County Public Works Department. Coordination requires that the affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable. The County has followed coordination requirements.

The County finds that Goal 2 is satisfied.

(c) **Goals 3 and 4.**

Goal 3. Agricultural Lands. *“To preserve and maintain agricultural lands.” “... land shall be preserved and maintained for farm use, consistent with existing and future need for agricultural products, forest and open space and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.*

Counties may authorize farm uses and those nonfarm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices.”

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.”*

The County has applied EFU zoning to open spaces and agricultural lands and GF zoning to open spaces and mixed agricultural and forest lands and has established minimum parcel sizes for farm uses and for mixed farm and forest uses in the County’s resource zones that are accepted as appropriate to maintain commercial agricultural and forest practices. Non-farm uses are limited within the resource use zones to those non-farm uses permitted by statute in ORS 215.283 (2) – (4) and uses defined by commission rule.

The County finds the applicant has applied to add a non-farm conditional use to allow applications to establish youth camps in the County’s EFU and GF zones, permissible through commission rules as provided specifically in OAR 660-033-130 (40).

This proposed adoption of the text amendment is consistent with the terms of Goal 3 and Goal 4 to permit certain non-farm uses on agricultural and mixed agricultural/forest lands where implementation can show the use will not significantly adversely affect accepted farm and/or forest practices.

The County finds that Goal 3 and Goal 4 are satisfied.

(d) **Goal 5. Natural Resources.** *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

The County finds non-farm uses are limited within the resource use zones to those non-farm uses permitted by statute in ORS 215.283 (2) – (4) and uses defined by commission rule; additionally, the commission rules for permitting a youth camp require compliance with adopted Goal 5 resources as specified in OAR 660-033-130 (40).

The County finds the applicant’s application to add a youth camp as a text amendment is a non-farm conditional use permitted by commission rule as defined in OAR 660-033-130 (40) and the commission rules consider Goal 5 resources and implement a set of protection requirements.

(e) **Conclusion**

The other fourteen Goals are not applicable to this application request. The County finds the applicable Goals are satisfied.

B. Applicable Oregon Administrative Rules

The County finds that the specific text amendment to include youth camps as a non-farm use in the County resource zones is provided by rule in OAR 660-033-130 (40).

C. Applicable Plan Policies

The County finds there are four (4) relevant plan chapters, Chapter 4, "The Planning Process", Chapter 5, "Citizen Involvement", Chapter 6, "Agriculture" and Chapter 7, "Grazing-Forest."

(a) **Chapter 4, "The Planning Process"**

Finding 6: "Other public agencies (e.g. state, federal, county, special district, city) have jurisdiction and /or management responsibilities for land in the County."

Policy 6: "To insure public agency involvement, the County will endeavor to notify affected agencies through the processes outlined in the Comprehensive Plan and Development Code."

Finding: The County finds this policy is satisfied where the County coordinated with affected governmental entities in providing notice of the Planning Commission and Board of Commissioners' hearings on the text amendment. Coordination requires that affected governmental entities be provided with the proposed text amendment, given a reasonable opportunity to comment, and that the County incorporate comments as much as is reasonable.

The County finds that this policy is satisfied.

(b) **Chapter 5, "Citizen Involvement"**

(1) *Policy 1: "Provide information to the public on planning issues and programs, and encourage citizen input to planning efforts."*

Finding: The County finds Chapter 5, Policy 1, is satisfied because notice of the Planning Commission and Board of Commissioners' hearings are in a newspaper of County-wide circulation and there are two (2) *de novo* hearings where the public may testify on the proposed text amendment.

The County finds that this policy is satisfied.

(2) *Policy 5: "Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings."*

Finding: The County finds, as explained above, the publication of notice of the Planning Commission hearing and the Board of Commissioners' hearing in a newspaper of County-wide circulation fulfills this requirement.

The County finds that this policy is satisfied.

(c) **Chapter 6, "Agriculture"**

Finding 8. "The non-farm uses allowed in ORS 215.283 exist in the county and new ones can be accommodated without major conflict in most of the county's agricultural regions."

Policy 8. "The county shall require appropriate procedures/standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture."

Finding: The County finds Agriculture policy 8 and finding 8 is met by the proposed text amendment and has the effect of upholding the policy with the substantive conditional use permit standards proposed for a conditional use permit for development of a youth camp on resource zoned land.

The County finds that this policy is satisfied.

(d) **Chapter 7, "Grazing-Forest"**

Finding 7. "Many of the compatible non-resource uses allowed in the mixed use forest area pursuant to EFU zone (ORS 215) and state administrative policies can be accommodated within the County's designated Grazing/Forest areas."

Policy 7. "The County shall require that appropriate procedures (conditional uses), review standards and policies be met in the Comprehensive Plan and Development Ordinance, pursuant to appropriate state administrative rules when reviewing new non-resource uses for compatibility with resource activities now taking place within areas designated Grazing/Forest."

Finding: The County finds Grazing/Forest policy 7 and finding 7 is met by the applicant's proposed text amendment and has the effect of upholding the policy with the adoption of substantive conditional use permit standards through this legislative text amendment action and consistent with the amendment process.

The County finds that this policy is satisfied.

5. CONCLUSION

For the reasons contained herein, the County finds the applicable approval criteria for the text amendment have been satisfied and the proposed text amendment to the EFU and GF zones to add youth camps is approved as a use permitted conditionally.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, Commissioner

Daniel N. Dorrn, Commissioner

George L. Murdock, Commissioner

Date: _____

**Planning Administrative Rules Working Copy
Youth Camps in EFU and GF Zones**

OAR 660-033-0130 (rules filed as of January 14, 2022)

(40) A youth camp may be established on agricultural land under the requirements of this section. The purpose of this section is to allow for the establishment of youth camps that are generally self-contained and located on a lawfully established unit of land of suitable size and location to limit potential impacts on nearby land and to ensure compatibility with surrounding farm uses.

What is a youth camp?

(a) Definitions: In addition to the definitions provided for this division in OAR 660-033-0020 and ORS 92.010, for purposes of this section the following definitions apply:

(A) “Low impact recreational facilities” means facilities that have a limited amount of permanent disturbance on the landscape and are likely to create no, or only minimal impacts on adjacent private lands. Low impact recreational facilities include, but are not limited to, open areas, ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding areas, swimming pools and zip lines. Low impact recreational facilities are designed and developed in a manner consistent with the lawfully established unit of land’s natural environment.

(B) “Youth camp” means a facility that is either owned or leased, and is operated by a state or local government or a nonprofit corporation as defined under ORS 65.001 and is established for the purpose of providing an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include a juvenile detention center or juvenile detention facility or similar use.

(C) “Youth camp participants” means persons directly involved with providing or receiving youth camp services, including but not limited to, campers, group leaders, volunteers or youth camp staff.

Where youth camps may be located, setback requirements, and mitigation of impacts.

(b) Location: A youth camp may be located only on a lawfully established unit of land suitable to ensure an outdoor experience in a private setting without dependence on the characteristics of adjacent and nearby public and private land. In determining the suitability of a lawfully established unit of land for a youth camp the county shall consider its size, topography, geographic features and other characteristics, the proposed number of overnight participants and the type and number of proposed facilities. **A youth camp may be located only on a lawfully established unit of land that is:**

(A) At least 1,000 acres;

(B) In eastern Oregon;

(C) Composed predominantly of class VI, VII or VIII soils;

(D) Not within an irrigation district;

(E) Not within three miles of an urban growth boundary;

(F) Not in conjunction with an existing golf course;

(G) Suitable for the provision of protective buffers to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands and uses. Such buffers shall consist of natural vegetation, topographic or other natural features and shall be implemented through the requirement of setbacks from adjacent public and private lands, public roads, roads serving other ownerships and riparian areas. Setbacks from riparian areas shall be consistent with OAR 660-023-0090. Setbacks from adjacent public and private lands, public roads and roads serving other ownerships shall be 250 feet unless the county establishes on a case-by-case basis a different setback distance sufficient to:

(i) Prevent significant conflicts with commercial resource management practices;

(ii) Prevent a significant increase in safety hazards associated with vehicular traffic on public roads and roads serving other ownerships; and

(iii) Minimize conflicts with resource uses on nearby resource lands;

(H) At least 1320 feet from any other lawfully established unit of land containing a youth camp approved pursuant to this section; and

(I) Suitable to allow for youth camp development that will not interfere with the exercise of legally established water rights on nearby properties.

Number of camp participants and restrictive covenants.

(c) **Overnight Youth Camp Participants:** The maximum number of overnight youth camp participants is 350 participants unless the county finds that a lower number of youth camp participants is necessary to avoid conflicts with surrounding uses based on consideration of the size, topography, geographic features and other characteristics of the lawfully established unit of land proposed for the youth camp. Notwithstanding the preceding sentence, a county may approve a youth camp for more than 350 overnight youth camp participants consistent with this subsection if resource lands not otherwise needed for the youth camp that are located in the same county or adjacent counties that are in addition to, or part of, the lawfully established unit of land approved for the youth camp are permanently protected by restrictive covenant as provided in subsection (d) and subject to the following provisions:

(A) For each 160 acres of agricultural lands predominantly composed of class I-V soils that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed;

(B) For each 160 acres of wildlife habitat that is either included on an acknowledged inventory in the local comprehensive plan or identified with the assistance and support of Oregon Department of Fish and Wildlife, regardless of soil types and resource land designation that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed;

(C) For each 160 acres of agricultural lands predominantly composed of class VI-VIII soils that are permanently protected from development, an additional 25 overnight youth camp participants may be allowed; or

(D) A youth camp may have 351 to 600 overnight youth camp participants when:

(i) The tract on which the youth camp will be located includes at least 1,920 acres; and

(ii) At least 920 acres is permanently protected from development. The county may require a larger area to be protected from development when it finds a larger area necessary to avoid conflicts with surrounding uses.

(E) Under no circumstances shall more than 600 overnight youth camp participants be allowed.

(d) The county shall require, as a condition of approval of an increased number of overnight youth camp participants authorized by paragraphs (c)(A), (B), (C) or (D) of this section requiring other lands to be permanently protected from development, that the land owner of the other lands to be protected sign and record in the deed records for the county or counties where such other lands are located a document that protects the lands as provided herein, which for purposes of this section shall be referred to as a restrictive covenant.

(A) A restrictive covenant shall be sufficient if it is in a form substantially the same as the form attached hereto as Exhibit B.

(B) The county condition of approval shall require that the land owner record a restrictive covenant under this subsection:

(i) Within 90 days of the final land use decision if there is no appeal, or

(ii) Within 90 days after an appellate judgment affirming the final land use decision on appeal.

(C) The restrictive covenant is irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the land subject to the restrictive covenant is located.

(D) Enforcement of the restrictive covenant may be undertaken by the department or by the county or counties where the land subject to the restrictive covenant is located.

(E) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the restrictive covenant required by this subsection.

(F) The county planning director shall maintain a copy of the restrictive covenant filed in the county deed records pursuant to this section and a map or other record depicting the tracts, or portions of tracts, subject to the restrictive covenant filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(e) In addition, the county may allow:

(A) Up to eight nights during the calendar year during which the number of overnight youth camp participants may exceed the total number of overnight youth camp participants allowed under subsection (c) of this section.

(B) Overnight stays at a youth camp for participants of adult programs that are intended primarily for individuals over 21 years of age, not including staff, for up to 30 days in any one calendar year.

What type of development is allowed?

(f) **Facilities:** A youth camp may provide only the facilities described in paragraphs (A) through (I) of this subsection:

(A) Low impact recreational facilities. Intensive developed facilities such as water parks and golf courses are not allowed;

(B) Cooking and eating facilities, provided they are within a building that accommodates youth camp activities but not in a building that includes sleeping quarters. Food services shall be limited to those provided in conjunction with the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(C) Bathing and laundry facilities;

(D) Up to three camp activity buildings, not including a building for primary cooking and eating facilities.

(E) Sleeping quarters, including cabins, tents or other structures, for youth camp participants only, consistent with subsection (c) of this section. Sleeping quarters intended as overnight accommodations for persons not participating in activities allowed under this section or as individual rentals are not allowed. Sleeping quarters may include restroom facilities and, except for the caretaker's dwelling, may provide only one shower for every five beds. Sleeping quarters may not include kitchen facilities.

(F) Covered areas that are not fully enclosed for uses allowed in this section;

(G) Administrative, maintenance and storage buildings including permanent structures for administrative services, first aid, equipment and supply storage, and a gift shop available to youth camp participants but not open to the general public;

(H) An infirmary, which may provide sleeping quarters for medical care providers (e.g., a doctor, registered nurse, or emergency medical technician);

(I) A caretaker's residence, provided no other dwelling is on the lawfully established unit of land on which the youth camp is located.

(g) A campground as described in ORS 215.283(2)(c), OAR 660-033-0120, and section (19) of this rule may not be established in conjunction with a youth camp.

(h) Conditions of Approval: In approving a youth camp application, a county must include conditions of approval as necessary to achieve the requirements of this section.

(A) With the exception of trails, paths and ordinary farm and ranch practices not requiring land use approval, youth camp facilities shall be clustered on a single development envelope of no greater than 40 acres.

(B) A youth camp shall adhere to standards for the protection of archaeological objects, archaeological sites, burials, funerary objects, human remains, objects of cultural patrimony and sacred objects, as provided in ORS 97.740 to 97.750 and 358.905 to 358.961, as follows:

(i) If a particular area of the lawfully established unit of land proposed for the youth camp is proposed to be excavated, and if that area contains or is reasonably believed to contain resources protected by ORS 97.740 to 97.750 and 358.905 to 358.961, the application shall include evidence that there has been coordination among the appropriate Native American Tribe, the State Historic Preservation Office (SHPO) and a qualified archaeologist, as described in ORS 390.235(6)(b).

(ii) The applicant shall obtain a permit required by ORS 390.235 before any excavation of an identified archeological site begins.

(iii) The applicant shall monitor construction during the ground disturbance phase(s) of development if such monitoring is recommended by SHPO or the appropriate Native American Tribe.

Fire Safety Plan.

(C) A fire safety protection plan shall be adopted for each youth camp that includes the following:

(i) Fire prevention measures;

(ii) On site pre-suppression and suppression measures; and

(iii) The establishment and maintenance of fire-safe area(s) in which camp participants can gather in the event of a fire.

(D) A youth camp's on-site fire suppression capability shall at least include:

(i) A 1000-gallon mobile water supply that can reasonably serve all areas of the camp;

(ii) A 60 gallon-per-minute water pump and an adequate amount of hose and nozzles;

(iii) A sufficient number of firefighting hand tools; and

(iv) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(v) An equivalent level of fire suppression facilities may be determined by the governing body or its designate. The equivalent capability shall be based on the response time of the effective wildfire suppression agencies.

(E) The county shall require, as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document [CNTS] binding the land owner, the operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting:

(i) a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937;

(ii) future land divisions resulting in a lawfully established unit of land containing the youth camp that is smaller in size than required by the county for the original youth camp approval; and

(iii) development on the lawfully established unit of land that is not related to the youth camp and would require a land use decision as defined at ORS 197.015(10) unless the county's original approval of the camp is rescinded and the youth camp

development is either removed or can remain, consistent with a county land use decision that is part of such rescission.

Goal 5 Compliance.

(F) Nothing in this rule relieves a county from complying with other requirements contained in the comprehensive plan or implementing land use regulations, such as the requirements addressing other resource values (e.g. resources identified in compliance with statewide planning Goal 5) that exist on agricultural lands.

(i) If a youth camp is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between youth camp development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts consistent with OAR chapter 660, divisions 16 and 23. If there is no program to protect the listed Goal 5 resource(s) included in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures in compliance with OAR chapter 660, division 23; and

(ii) If a proposed youth camp is located on lands where, after site specific consultation with a district state biologist, the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat, **or to big game winter range or migration corridors**, golden eagle or prairie falcon nest sites, or pigeon springs), the applicant shall conduct a site-specific assessment of the land in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse

effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife habitats as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the youth camp facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the youth camp facility.

(iii) The commission shall consider the repeal of the provisions of subparagraph (ii) on or before January 1, 2022.

Sewer service extensions to youth camps - exception to State Planning Goal 11.

(i) Extension of Sewer to a Youth Camp. A Goal 11 exception to authorize the extension of a sewer system to serve a youth camp shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this section. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 11 shall not apply. Exceptions adopted pursuant to this section shall be deemed to fulfill the requirements for goal exceptions under ORS 197.732(1)(c) and Goal 2.

(A) A Goal 11 exception shall determine the general location for the proposed sewer extension and shall require that necessary infrastructure be no larger than necessary to accommodate the proposed youth camp.

(B) To address Goal 2, Part II(c)(1), the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Goal 2, Part II(c)(1) shall be found to be satisfied if the proposed sewer extension will serve a youth camp proposed for up to 600 youth camp participants.

(C) To address Goal 2, Part II(c)(2), the exception shall demonstrate that areas which do not require a new exception cannot reasonably accommodate the proposed sewer extension. Goal 2, Part II(c)(2) shall

be found to be satisfied if the sewer system to be extended was in existence as of January 1, 1990 and is located outside of an urban growth boundary on lands for which an exception to Goal 3 has been taken.

(D) To address Goal 2, Part II(c)(3), the exception shall demonstrate that the long term environmental, economic, social, and energy consequences resulting from the proposed extension of sewer with measures to reduce the effect of adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the lawfully established unit of land proposed for the youth camp. Goal 2, Part II(c)(3) shall be found to be satisfied if the proposed sewer extension will serve a youth camp located on a tract of at least 1,000 acres.

(E) To address Goal 2, Part II(c)(4), the exception shall demonstrate that the proposed sewer extension is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Goal 2, Part II(c)(4) shall be found to be satisfied if the proposed sewer extension for a youth camp is conditioned to comply with section (5) of this rule.

(F) An exception taken pursuant to this section does not authorize extension of sewer beyond what is justified in the exception.

Addition of more restrictive standards of approval to ensure compliance.

(j) **Applicability:** The provisions of this section shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3). A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this section, or that are necessary to ensure compliance with any standards or criteria in this section.



Co Code Amendment

LAPP Thomas <Thomas.Lapp@odot.oregon.gov>

Wed, Apr 20, 2022 at 10:07 AM

To: Carol Johnson <carol.johnson@umatillacounty.gov>

Cc: Robert Waldher <planning@umatillacounty.net>, LANI Richard <Richard.LANI@odot.oregon.gov>

Carol,

I spoke to ODOT Region Planner Cheryl Jarvis Smith, and the Department is in agreement that the county should go forward to apply for the conditional permit for adding youth camps. Please continue with the amendment.

Thanks,

[Quoted text hidden]

DRAFT MINUTES

TYPE I LAND DIVISION SUBDIVISION REQUEST #S-060-22

TY & KIMBERLEY ARBOGAST, APPLICANTS/ OWNERS

The applicant requests approval to subdivide the property located on Assessor's Map 4N2906D, Tax Lot 602. The applicant's proposed subdivision will create five lots of at least two-acres in size.

**PLANNING COMMISSION HEARING
MARCH 24, 2022**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, March 24, 2022, 6:30pm
Umatilla County Courthouse, 216 SE 4th Street, Pendleton, Oregon
VIRTUAL MEETING VIA ZOOM

COMMISSIONERS

PRESENT: Don Wysocki, Vice Chair, Tammie Williams, Tami Green, Jon Salter & Sam Tucker

ABSENT: Suni Danforth, Chair & Cindy Timmons

STAFF: Carol Johnson, Senior Planner; Megan Davchevski, Planner/ Transit Coordinator; Tamara Ross, Planner II/ GIS & Tierney Cimmiyotti, Administrative Assistant

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

CALL TO ORDER

Commissioner Wysocki called the meeting to order at 6:30pm and read the Opening Statement.

NEW HEARING

Type I Land Division, Subdivision Request #S-060-22, Ty & Kimberley Arbogast, Applicants/ Owners. The applicant requests approval to subdivide the property located on Assessor’s Map 4N2906D, Tax Lot 602. The applicant’s proposed subdivision will create five lots of at least two-acres in size. The Land Use standards applicable to the applicants’ request are found in Umatilla County Development Code 152.665, Type I Land Divisions.

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

STAFF REPORT

Megan Davchevski, Planner, presented the staff report. Mrs. Davchevski stated that the applicants, Ty and Kimberley Arbogast, request approval of a Subdivision (Type I Land Division) of Tax Lot 602 located on Assessor’s Map 4N2906D. Approval of the Arbogast Acres Subdivision would result in five subdivision lots of at least 2 acres in size. The property is located south of Baxter Road and east of Leathers Road, about 1.25 miles east of Hermiston City Limits. The Standards of Approval are found in the Umatilla County Development Code Section 152.665, Type I Land Divisions. Standards for reviewing a Subdivision generally consist of complying with development code standards, Traffic Impact Analysis standards and subdivision plat requirements. Notice of the applicant’s request and the public hearing was mailed on March 4, 2022 to the owners of properties located within 250-feet of the perimeter of Tax Lot 602. Notice was also published in the East Oregonian on March 12, 2022 notifying the public of the applicants request before the Planning Commission on March 24, 2022. The proposed Conditions of Approval address road improvement and access standards, including road naming

and Irrevocable Consent Agreements, and the survey and recording requirements with final approval accomplished through the recording of the final subdivision plat. The decision made by the Planning Commission is final unless timely appealed to the County Board of Commissioners.

Applicant Testimony: Kimberley Arbogast, 33009 W Spearman Road, Hermiston, Oregon 97838. Mrs. Arbogast expressed gratitude to Mrs. Davchevski for her assistance in the process of completing this request. She stated that her plan is to subdivide the acreage of tax lot 602 into one (1) ten-acre parcel to be used as their home site and four (4) two-acre parcels, which they intend to sell along with water rights on those properties.

Public Agency: Greg Silbernagel, Watermaster, District 5, Oregon Water Resources Department (OWRD), 116 SE Dorion Avenue Pendleton, Oregon 97801. Ms. Davchevski read an email received March 16, 2022 (Exhibit A).

Regarding Ty and Kim Arbogast's Subdivision proposal #S-060-22 on 4N2906D Tax Lot 602, I see that Lots 1, 2, 3, 4 and 5 have a combined 19 acres of water rights delivered by the Hermiston Irrigation District (HID). I will defer to the HID on salutations for the possibility of delivering water to any new parcels currently being delivered water by HID, and any water right place of use that may be impaired/declared non-usable by the new road proposal. Please let me know if you have any questions.

Public Agency: Annette Kirkpatrick, District Manager, Hermiston Irrigation District, 366 E. Hurlburt Avenue, Hermiston, Oregon 97838. Ms. Davchevski read an email received March 16, 2022 (Exhibit B).

Thank you Greg. I had some of the same concerns and have been working with the Arbogast's on this project. They will need to add an easement for water conveyance and we are looking at alternatives for water delivery. They are aware that they will need to transfer some of the water rights and HID will [help] them with that as well.

Commissioner Tucker asked about the process of establishing the location of easements for water rights that will be distributed to each property. Mrs. Davchevski stated that the Planning Department does not have jurisdiction over water delivery. She explained that, as a way to ensure that all standards have been met, HID is required to sign the final subdivision plat which completes the process.

Commissioner Tucker asked if staff should consider a Condition of Approval pertaining to the removal of the two manufactured dwellings currently located at the site. Mrs. Davchevski stated that Lot 1 has two previously approved manufactured dwellings. She pointed out that in order to place new structures on the lots, Subsequent Condition #2 requires the applicant to obtain Zoning Permits with an approved site plan showing setbacks, driveways, utilities, etc. from the Umatilla County Planning Department. Additionally, following issuance of a Zoning Permit for any of the

lots within Arbogast Acres, one of the manufactured homes on Lot 1 must be removed within 90 days from when the Certificate of Occupancy is issued for the new dwelling.

Applicant Rebuttal: Kimberley Arbogast, 33009 W Spearman Road, Hermiston, Oregon 97838. Mrs. Arbogast stated that they plan to remove both of the manufactured homes after the stick built home is completed. She expressed frustration with delays in construction due to COVID and added that it could take up to two years to complete the project.

Commissioner Wysocki added the emails from Greg Silbernagel at OWRD and Annette Kirkpatrick at HID into the record as Exhibit A and Exhibit B, respectively. He asked for any requests for the hearing to be continued or the record to remain open, there were none.

Commissioner Wysocki closed the hearing for deliberation.

DELIBERATION

Commissioner Tucker made a motion to approve Type I Land Division, Subdivision Request #S-060-22, Ty & Kimberley Arbogast, Applicants and Owners. Commissioner Green seconded the motion. Motion passed with a vote of 5:0.

MINUTES

Commissioner Wysocki called for any corrections or additions to the minutes from the February 24, 2022 meeting. There were none. Commissioner Williams moved to approve the minutes as presented. Commissioner Tucker seconded the motion. Motion carried by consensus.

OTHER BUSINESS

Carol Johnson, Senior Planner, stated that next month we plan to have our meeting in person at the Umatilla County Justice Center, with an option to attend virtually. She added that there will be two agenda items presented at the April 28th meeting so it will likely take a bit longer.

ADJOURNMENT

Commissioner Wysocki adjourned the meeting at 6:54pm.

Respectfully submitted,

Tierney Cimmiyotti,
Administrative Assistant