

MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, May 1, 2025, 6:30pm

COMMISSIONERS

PRESENT: Sam Tucker, Vice Chair, John Standley, Malcolm Millar, Emery Gentry,
Andrew Morris and Tami Green

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet

COMMISSIONERS

ABSENT: Suni Danforth, Chair, Ann Minton

PLANNING STAFF: Megan Davchevski, Planning Manager, Tierney Cimmeyotti, Planner, Charlet
Hotchkiss, Planner and Shawna Van Sickle, Administrative Assistant

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

CALL TO ORDER

Vice Chair Sam Tucker called the meeting to order at 6:31PM and read the Opening Statement.

NEW HEARING

REQUEST TO REVOKE CONDITIONAL USE PERMIT, #R-001-25, AGGREGATE OPERATIONS, #C-549-89 AND APPEAL OF PLANNING MANAGER’S LETTER DATED FEBRUARY 27, 2025: RICHARD SNOW, CUP HOLDER / JEFF & MICHELLE HINES, PROPERTY OWNERS. The Community Development Department is requesting the Planning Commission to revoke Conditional Use Permit #C-546-89. The conditional use permit has not been renewed since 2020. The aggregate operation has exceeded the quantity and size permitted in 1989. The property is located east of Snow Road, approximately 2.25 miles southwest of the City of Echo and is identified as Tax Lot #12800 on Assessor’s Map 3N29. The property owner has appealed a letter written by the County Planning Division Manager, dated February 27, 2025, regarding the property owners’ request to renew Conditional Use Permit #C-546-89. The approval for revoking the Conditional Use Permit is found in Umatilla County Development Code (UCDC) 152.317(F). The appeal request will follow the procedures outlined UCDC. 152.766 and 152.767. The basis for revoking the Conditional Use Permit is found in the Findings of Fact and Conclusions of Law issued for #C-549-89.

Vice Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Vice Chair Tucker mentioned representing Richard “Dick”

Snow and Carla McLane in the past, but neither matter included this particular property nor would there be a conflict of interest. No other reports were made.

Vice Chair Tucker called for the Staff Report.

STAFF REPORT

Mrs. Megan Davchevski began by thanking the Planning Commissioners for reviewing the large packet and also apologized for the length of the staff report. She stated the application was a two-part request first addressing the request to appeal a letter written by the Planning Manager and the second is Staff's request to revoke Conditional Use Permit #C-546-89.

Mrs. Davchevski stated the property was identified as Tax Lot 12800 and is located on Assessor's Map 3N 29. The property is located approximately 2.25 miles southwest of the City of Echo. She stated, the appellant requested the Planning Commission review a letter dated February 27, 2025, sent by the Planning Manager, Megan Davchevski. This letter was in response to the appellant consultant's letter dated February 25, which requested reinstatement of the 1989 Conditional Use Permit (CUP), C-546-89, to allow mining operations. Mrs. Davchevski quoted an excerpt from Exhibit 29, Page 293, within the packet.

Mrs. Davchevski expressed that staff believed the appeal request was meant to address staff's request to revoke and was submitted prematurely.

Mrs. Davchevski explained that the request to revoke was being requested by Community Development staff. She stated in 2020, the Planning Division received information from Mr. Hines that the mining operation was excavating more than 5,000 cubic yards of material and had exceeded the site footprint allowance of one acre. Staff informed Mr. Hines of the required applications to approve a Goal 5 aggregate site to expand the operations. (Exhibit 16, page 243)

Mrs. Davchevski stated, shortly after, DOGAMI confirmed to Planning Staff that mining operations had far exceeded the original permit, including a detailed inspection report with photos. (Exhibit 17, page 244)

Mrs. Davchevski expressed that because Mr. Hines was cooperating with staff, the Community Development Department did not pursue code enforcement actions, nor did staff find it necessary to proceed with voiding the CUP as detailed in UCDC 152.613(F). She stated, Mr. Hines had continued to communicate his application efforts with staff since 2020, however, since he now appealed a letter regarding the inability to renew the CUP, this revocation request was being pursued.

Mrs. Davchevski reiterated that staff had compiled an extensive list of exhibits, dating back to the initial 1989 Conditional Use Permit application. She added that to assist with navigating the exhibits, a Timeline of Events had also been compiled beginning on page 36. She stated notice of the applicant's request was mailed on April 11, 2025, to nearby property owners and necessary agencies. Notice of May 1, 2025, Planning Commission hearing was published in the East Oregonian on April 16, 2025.

Mrs. Davchevski explained staff had addressed Oregon Revised Statute (ORS) 215.230 and 215.416 as provided in the applicant's appeal application. She reiterated that staff did not believe ORS 215.230 and 215.416 were applicable. The appeal request follows the procedures outlined by UCDC 152.766 and 152.767.

Mrs. Davchevski stated the criteria of approval for the request to revoke are found in UCDC 152.613(F). The basis for revoking the Conditional Use Permit is found in the Findings of Fact and Conclusions of Law issued for #C-549-89. (Exhibit 5, page 63)

Mrs. Davchevski further explained the reasoning behind the request to revoke. She shared that current Planning Staff became aware that the Snow Pit was operating beyond the 1989 CUP approval in July of 2020 with a call from Mr. Jeff Hines. Mr. Hines was looking to purchase the property following the passing of Mr. Richard Snow. Mr. Hines shared that he had been the contractor operating the pit and that the amount of rock pulled had exceeded 5,000 cubic yards for many years. Mrs. Davchevski stated that staff sent a follow up email (Exhibit #16) to Mr. Jeff Hines on July 20, 2020, explaining the process to establish the site under Goal 5 to permit the expansion. She stated, eight days later, staff received the DOGAMI inspection report. (Exhibit #17)

Mrs. Davchevski stated the Planning Department could have pursued this request to revoke Conditional Use Permit #C-546-89 in July 2020. However, staff recognized that developing a Goal 5 PAPA application was time consuming and Mr. Hines appeared to be cooperating with staff to correct the issues. She explained that staff did not want to further burden the current landowner by requiring them to first attend a land use hearing to revoke the 1989 permit followed by several additional hearings to establish the Goal 5 site.

Mrs. Davchevski reiterated the 1989 CUP limited the Snow Pit to a quantity of no more than 5,000 cubic yards of excavated aggregate per year. The CUP also placed the following limitations: the site must not exceed one acre in size, and that quarried aggregate remain on the applicant's (Richard Snow) property, not to include commercial quarry operations.

Mrs. Davchevski stated the current landowner argued that Mr. Snow always intended to use the site commercially, that is not what was approved by the Hearings Officer, as written in the Conclusions of Law. She referenced the map shown on screen from DOGAMI's inspection report prepared in July 2020. DOGAMI estimated the area disturbed by the mining operations was approximately 23.3 acres in size (Exhibit 17, page 251).

Mrs. Davchevski then presented several images showing the timeline of use of the property. She shared images from 1980, 1989, 1994, 2002, and lastly 2024. The property began by utilizing a very modest amount of land for mining and was predominately farm use, to now showing the mining site at nearly 21 acres (Exhibit 32, beginning on page 335).

Mrs. Davchevski explained that evidence in the record provided the Snow Pit had excavated more than 5,000 cubic yards of aggregate per year, aggregate mined did not remain on Mr. Snow's property, commercial quarry activities had been occurring on the property and the aggregate site

had far exceeded the allowed footprint of one acre, now estimated to be over 23 acres in size. For those reasons, staff asked the Planning Commission to revoke Conditional Use Permit #C-546-89 as the site was not compliant with the approval.

Mrs. Davchevski received Exhibits 34 and 35 on April 14, 2025, submitted by attorney Wes Williams on behalf of Mr. Hines. She explained that Exhibit 34 contains photos of the subject property and other photos had not been labeled. Exhibit 35 contained a 2021 Umatilla County Road Approach Permit (which was issued to comply with the property line adjustment requirements), a DEQ permit, a DOGAMI Operating Permit application, water information and a site map. She mentioned that although a narrative explanation had not accompanied that submittal, Staff believed much of the information could have been included to support the pending Goal 5 application, however it was instead only submitted for the hearing regarding #C-546-89.

Mrs. Davchevski went through some of the exhibits and addressed their relevance to the application including a DOGAMI Operating permit application (Exhibit 35, page 384) completed by the landowner. She mentioned the application stated 50 acres will be affected by mining related activities and mining will begin on May 1st, 2025.

Mrs. Davchevski reminded the Planning Commission that land use regulations pertaining to mining activities are far different today than they were 45 years ago. She explained that Mr. Snow was able to obtain a Conditional Use Permit in 1989 without establishing a Goal 5 significant site, which was not possible today. Sites mining less than 500,000 tons annually are required to first go through a determination of significance for a Small Significant Site and then obtain a Conditional Use Permit. Sites proposed to mine more than 500,000 tons annually must go through a determination of significance for a Large Significant Site prior to conducting mining activities.

Mrs. Davchevski explained that the Snow Pit was not on the County's inventory of Goal 5 resource sites and thus today mining could not be approved on the site without first establishing Goal 5 protection for the aggregate resource. She stated that the process was shared with Mr. Hines in July of 2020. The appellant applied to establish a Large Significant Site on November 17, 2024, and staff provided a detailed completeness letter requesting more information on December 13, 2024. Mrs. Davchevski stated that while the appellant provided this November 2024 application as an Exhibit, it is a separate land use application and should not be considered as part of this request. The Goal 5 application remains in pending status until a response by Mr. Hines or his representatives has been received.

Mrs. Davchevski further explained, Umatilla County has precedence in permitting existing mining sites that are not on the County's list of significant sites at the time expansion occurs and is pursued through the Goal 5 process with the current state requirements. She explained that the appellant is appealing a letter written by the Planning Manager. The proposed Findings of Fact and Conclusions of Law detailed why the letter was not a land use decision subject to an appeal. This was because the letter was informational and did not make a decision on a permit,

application or the adoption, amendment or application of statewide planning goals, comprehensive plan or the County's Development Code.

Mrs. Davchevski stated staff had addressed the appeal as presented by the appellant and had drafted detailed findings concluding that the appellant's assignment of errors should be denied. She further summarized the appeal findings, the Planning Manager's letter was not a land use decision, the site did not meet the definition of an established and existing use under ORS 215.230(5), the request to revoke was a separate land use action from the pending Goal 5 PAPA request, and the site had not been in compliance with the 1989 permit approval.

Mrs. Davchevski explained the Planning Commission was tasked with determining if Staff's request to revoke Conditional Use Permit #C-546-89 should be approved. She added, with making this determination, the Planning Commission must review the Hearings Officer's 1989 decision, including the Findings and Conclusions of Law and determine if the site remains compliant with the approval and conditions of approval.

Mrs. Davchevski expressed an important note, that even if the appellant's request to reinstate Conditional Use Permit #C-546-89 was approved, all mining activities at the site would be limited to aggregate materials remaining on the subject property, extraction of no more than 5,000 cubic yards per year, and the entire site would be limited to no more than one acre in size, per the 1989 approval. She stated, the appellant provides in their Operating Permit application to DOGAMI that they wish to encumber 50 acres under the DOGAMI permit. The Planning Commission cannot consider the pending Goal 5 PAPA application. The landowner has until June 11, 2025 to provide a response to the completeness letter providing some, all or none of the requested information.

Mrs. Davchevski concluded by stating the Planning Commission decision is final unless timely appealed to the County Board of Commissioners.

Commissioner Standley asked if the Planning Commission ever reviewed this site before, in previous years where any information was brought back to the Planning Commission through the revocation process. Mrs. Davchevski stated the application was originally approved by the hearings officer at the time. She stated all the information the department has on this site is included within the packet. The Hearings Officer was an attorney who represented these matters before the County had a Planning Commission. During a public hearing, the Hearings Officer oversaw the meeting and then made a decision. She explained for a number of years it did go back to the Hearings Officer to ensure they were still operating within compliance. There hasn't been a hearings officer, to her knowledge, since the early 1990s. Commissioner Standley asked if a CUP had been involved or covered this particular site for the former four years. Mrs. Davchevski confirmed that the applicants had not renewed their Conditional Use Permit through the County's annual renewal process since 2020.

Commissioner Gentry asked if the renewal was only good for one year. Mrs. Davchevski confirmed that was correct, she explained that she believed a request was submitted in early 2020, after this renewal the department staff became aware of the compliance issues.

Vice Chair Tucker stated that the presentation indicated that the department became aware of the size exceeding the one-acre limit in July 2020. Mrs. Davchevski confirmed. Vice Chair Tucker stated according to the record, it appeared predecessors to her knew it had exceeded prior. Commissioner Gentry stated he counted 8 different site visits between 1991 and 2013. Vice Chair Tucker stated perhaps you personally weren't aware of it, but someone within the Planning department were aware. Mrs. Davchevski replied that staff are not mining experts and they're certainly not able to quantify how much rock was being pulled from the site. Until recently, their department did not utilize aerial images as much as done today. Vice Chair Tucker commented that a difference can be seen between one acre versus twenty-three. Commissioner Gentry agreed with Vice Chair Tucker. He stated he felt with eight visits over twenty years it could have been caught.

Vice Chair Tucker posed a scenario where the Planning Department knew about this or another area violating ordinances, such as too much garbage on a property. He asked does the lack of action over a period of time establish a use. He added, can you enforce something that has been happening over 20 to 30 years or because of statute or are you forbidden to enforce action because of the passage of time. Mrs. Davchevski stated ORS 215.130(5), Non-Conforming uses; in order to qualify as a non-conforming use, it had to have been occurring on the property before the zoning was applied. She further explained, in this case, if the mining operations occurred there before 1972 then that could have qualified as a non-conforming use; however, to qualify it has to be a legal and lawfully established existing use. She stated, in 1972 Umatilla County adopted our zoning code and as part of that zoning code in order to mine one must have a conditional use permit. For example, if someone opened a gravel pit in 2000 and was operating for the last 25 years but we just found out about it today, it would not be considered legal because it didn't receive a permit.

Vice Chair Tucker asked whether it would become legal because it had been illegally used for a period of time. Does the statute of limitations run on enforcement action or was it her understanding that enforcement action can take place various years in the future. Commissioner Morris asked if there was a statute of limitations for land use. Mrs. Davchevski stated she understood that enforcement could take place later, the applicants had to prove when they began that use and did so legally prior to 1972 and to her knowledge there was no statute of limitations on land use.

Commissioner Standley stated that his understanding was that a CUP was good for a three-year project. Mrs. Davchevski stated that every Conditional Use Permit (CUP) was different. Commissioner Standley reiterated that between 2020-2025 the Planning Department was acting on good faith because the Hines' were actively working on their Goal 5 application. Mrs.

Davchevski stated that it was correct; they contacted the Planning Department regarding the Goal 5 application process, and Staff were under the impression they were working towards that and thus didn't implicate enforcement action. She added that our department was aware of the length of time it takes to compile the necessary criteria for this and were trying to work with the applicant. Mrs. Davchevski explained that an application was received in November 2024 for the Goal 5 Significant site. On December 13, 2024, she sent a letter of incompleteness, and she was told they were working on submitting the missing materials. The 180-day notice period gave them until June 11, 2025, to submit those materials.

Vice Chair Tucker stated the idea of the Goal 5 application would make this old CUP go away. Mrs. Davchevski confirmed it would take place of the current Conditional Use Permit. Vice Chair Tucker asked if the application would take five years if someone diligently pursued it and could a decision have been made during that timeframe. Mrs. Davchevski stated an application could likely be compiled, submitted and a decision made within that timeframe. Commissioner Morris stated State Agency, DOGAMI, also submitted a Cease-and-Desist order. Mrs. Davchevski stated yes that it was issued for failure to obtain an operating permit. Vice Chair Tucker asked if the Planning Commission was to approve a renewal of the CUP that it still wouldn't allow Mr. & Mrs. Hines to mine anything more than one acre, which they have already surpassed, without violating the DOGAMI cease-and-desist order.

Commissioner Standley asked if a CUP would still be in effect if there hadn't been a renewal for the past four years. Mrs. Davchevski stated that was why staff were there, to formally revoke the conditional use permit. She added that the Planning Commission must determine if the operator is compliant with the original approval from 1989.

Commissioner Gentry asked if the cease-and-desist order prevents them from operating any machinery, removing stockpiles, etc. from the site. Mrs. Davchevski stated yes, that was her understanding and the order was sent before the request to renew their CUP.

Vice Chair Tucker asked about the letter sent by the Planning Division Manager, stating Staff is saying the letter was not appealable, but the Planning Commission is treating it as such. Vice Chair Tucker asked if Staff sent a letter when would the applicant receive such a response. Mrs. Davchevski stated while reviewing the appeal request, the Planning Department pursued the opportunity to revoke the permit and triggered this process. She stated Staff's original intention was to work with the applicant in good faith. The decision on revoking the CUP was appealable. Vice Chair Tucker asked if Staff decided to deny. Mrs. Davchevski stated no, because the appeal must be brought before the Planning Commission for a decision.

Vice Chair Tucker stated the reason the Planning Department didn't enforce action was in hopes the application would get completed. Mrs. Davchevski stated if she could, she would go back five years and go through the revocation process at that time. Vice Chair Tucker referenced a much older hearing in which a garbage dump was limited to one acre, and it was decided that it

no longer met the conditional use permit conditions. He stated it appeared standards for garbage versus development might not be the same.

Commissioner Gentry asked then what their decision was based on that evening. Regardless of the Planning Commissioners' decision they would still not be able to operate due to the cease-and-desist order from DOGAMI. Mrs. Davchevski stated that Cari Buchner from DOGAMI will be able to address more when it comes time for Agency comments.

Proponents: None

Opponents: **Mr. Wes Williams, Attorney for Jeff & Michelle Hines, 115 Elm Street, La Grande, OR 97850;** Mr. Williams stated this rock pit had operated with County approval as a commercial rock pit since 1989. He shared various information from the Findings of Fact to demonstrate why include the need for annual inspection, and that this was only done with commercial pits. He provided several reports from Gina Miller, Code Enforcement Assistant. He stated one of the inspection reports from April 18th, 2002, stated, "Pit still active many stockpiles and loading equipment, no crusher on site this day, but one had obviously been there. Large gravel truck arrived to get gravel as we were leaving. No complaints renew pending receipt." Another report on April 22nd, 2010, stated, "Pit very active today, gravel being hauled out by belly dumps at a fast pace. Considerable change in appearance of the quarry. Many more piles of crushed rock around the property, large increase in quantity of material being processed." and it was renewed again.

Mr. Williams argued the County Planning Department approved and knew this pit was operating commercially. He stated he believed the misunderstanding was innocent by taking the Findings of Fact out of context. He summarized that the Hearings Officer recognized that Mr. Snow had applied for personal as well as potential commercial quarry. (page 65-74). He stated, "Development Ordinance criteria for granting commercial gravel pits and gravel extraction..." and he went over them in detail. He added that the Hearings Officer pointed out extraction holes and sedimentation ponds noting there were no dwellings within 500 feet and no sedimentation ponds were requested.

Mr. Williams stated the language that the Planning Commission was being asked to focus on are a few words out of paragraph 11. He stated no attention was drawn to this section that outlines the conditions for a commercial rock pit. The hearings officer wrote, "Based on the findings of fact and conclusions of law, the Umatilla County Hearings Officer does hereby grant the application with the following conditions." Mr. Williams stated they knew the conditions applied to a commercial rock pit because they would only apply to a commercial rock pit. The reclamation is a revised plan which locates the rock crusher, stockpile area and asphalt plant. etc. He stated he doesn't know if Mr. Snow submitted that or not. He stated Mr. Hines did, however, go and talk to the Planning Department and was told this pit could only be used for personal purposes. He stated Mr. Hines found this document and confirmed they were complying with the original conditions.

Mr. Williams stated Mr. Hines submitted a detailed plot plan showing the location of the rock crusher, stockpile, the excavation area and the asphalt plant, as well as the haul road. Mr. Hines also completed a reclamation plan (page 385). Mr. Williams summarized that Mr. Snow may not have had a reclamation plan or access to water for the property, but Mr. Hines does and should be able to operate, just as Mr. Snow did, commercially. He stated a letter from the city of Echo was provided that allows Mr. Hines to use the water he needed for his water trucks. (page 406)

Mr. Williams continued that the pit was inspected every year for 30 years and Umatilla County renewed it every single year. Some renewal responses call attention to the one-acre limit and the 5000 cubic yard limit, but others don't. He thought that was due to an innocent misunderstanding. This would be the first commercial rock pit that could operate with those kinds of limits. Those limits apply to the personal use of the rock pit.

Mr. Williams stated Mr. and Mrs. Hines moved from La Grande, Oregon to buy that property because they had an opportunity to make a living with their family and operate this pit after Mr. Snow passed away in 2019. He had worked for Dick Snow for many years. Mr. Hines knew there was a Conditional Use Permit to operate commercially and was required to renew it yearly. After purchasing, Mr. Hines went to the Planning Department and requested to renew the Conditional Use Permit and was told no. He stated that the Planning Department informed Mr. Hines the pit could not be mined for commercial use, just personal. Mr. Williams stated Mr. Hines decided to go through the Goal 5 application process, which was submitted in November 2024, and was told it was incomplete. Mr. Williams stated they must send additional information prior to June 11, 2025. He stated Mr. Hines applied to reinstate the Conditional Use Permit, which was denied, and they appealed that. On April 1st, 2025, they received a letter from the Planning Department. He reiterated someone would have to be oblivious not to know how much rock is being crushed out of there, and that it was pursuant to commercial use.

Mr. Williams explained Mr. Hines must have the CUP before he can apply to DOGAMI. He stated if the Planning Department denies or revokes the permit pursuant to ORS 215.416 (8-9) they are required to state where in the ordinance was violated and give 30 days' opportunity to cure. "Since Mr. Hines is now disagreeing with the department with an appeal application, planning will proceed through the revocation process." He stated that sounded like retaliation to him and that's wrong. He stated the Planning Commission cannot deny it based on that, so it must be rejected.

Commissioner Morris stated whether commercial or private, the conditional use permit application was only for one-acre and 5,000 Cubic yards. He stated no matter what they decide tonight, the prior permit only allows 5,000 cubic yards and one-acre and that can't change. He stated our final say does not change that they need DOGAMI's approval to mine.

Mr. Williams stated with all due respect, he disagreed. He believed careful reading reflected the conditions apply to a commercial pit and that was the Hearing Officers' decision. He stated if this were true and not taken out of context Mr. Snow would have been shut down 30 years ago. Mr.

Williams stated they know it's not limited to one-acre and 5000 cubic yards per year because it's been operating outside of an acre and beyond 5,000 cubic yards in excess of 25 years. He stated they need the Planning Commission's approval first, before they may go to DOGAMI.

Commissioner Standley asked for clarification as to why no Goal 5 application was filed earlier. He stated they were looking at it three years later and they had been operating, and they didn't stop. Commissioner Standley asked how they look at this as a method of doing business. He stated Staff tried to work with Mr. Hines and did a great job of trying to keep the pit operating. Commissioner Standley stated he thought staff were trying to work with him so long as Mr. Hines was pursuing the Goal 5 process in good faith, they let it continue, and he wasn't sure where the rider jumped off the horse.

Vice Chair Tucker stated he interpreted what Commissioner Standley was trying to reach was the application should have been pursued in the timely manner in 2020. He reiterated he didn't think it should take four years of diligent work from 2020 to 2024 to get this process complete, and had it been timely pursued they would not be there today. Mr. Williams stated they're here today because the Hines' asked for a reinstatement of the CUP and it was denied. He stated he was a Circuit Court judge at the time of the application filing, and when he stepped down, the Hines' came to him directly afterwards.

Commissioner Green asked when Mr. Snow passed away and when did Mr. Hines take possession of the property. Mr. Jeff Hines responded March 23rd, 2019 was when Mr. Snow passed away, they did not purchase the property until 2021.

Vice Chair Tucker asked if the Hines family were informally in possession of the property before Mr. Snow passed. Vice Chair Tucker asked if a reasonable position was to assume this was a commercial pit and that the personal use was limited to one acre and 5,000 cubic yards and there was absolutely no limit whatsoever with commercial application. There's 160 acres there, and if they wanted to mine the entire 160 acres and no one would stop them. Mr. Williams stated that it was not a reasonable position, and not his position today. He stated they were asking the Planning Commission to put reasonable restrictions on it. Vice Chair Tucker reiterated the logical conclusion was if the one-acre and 5,000 cubic yards was only for personal use, and that opinion does nothing to limit commercial operations. He stated we should renew it every year, no matter how big it is because they are grandfathered in with Mr. Snow. Mr. Williams repeated that reasonable limits could be imposed. Vice Chair Tucker stated in these situations there is no grandfather clause and the illegal use or violation of Conditional Use Permit does not become legal with the passage of time.

There was a long period of discussion between Mr. Williams, Vice Chair Tucker, Commissioner Morris, and Commissioner Standley regarding the grandfather clause, and confirmation the CUP still existed if it was never renewed, and the timeline for filing the Goal 5 application.

Mr. Jeff Hines, 210 North Main, PO Box 322, Echo, OR 97826; Mr. Hines started by explaining some history between himself and Mr. Snow. He stated he initially sought work with Mr. Snow early in his adulthood, he then worked as a contractor, purchased his own equipment and started building logging roads. He stated Mr. Snow contacted him a few years later and needed someone to help near the river and some rip rap was needed. He started working for Mr. Snow in March 1985. Mr. Hines stated he owned equipment, had blasting permits to break down rock and did so to help with for repairs during the major floods on the Umatilla River in the 1980s.

Mr. Hines shared the same cycle would continue every few years, where Mr. Snow would reach out to Mr. Hines to help with some upcoming work including crushing around 7,000 cubic yards of rock one year, and another 10,000 cubic yards of rock a year later. He stated, Mr. Snow was aware of more upcoming jobs that required a higher volume of rock. Mr. Hines told him before he would move forward, Mr. Snow needed to obtain a permit.

Mr. Hines stated at that time, Mr. Snow went to the Planning Commission and filed for a permit with the County. He stated, Mr. Snow did not say on his application that he wanted a commercial site. He added, once approved, they immediately started crushing rock for Mr. Snow for multiple projects. He stated they crushed rock in 1991 for the road expansion from Stanfield to Hermiston, previously a two-way single-lane highway was now two lanes. He listed additional projects they worked on including for the Pilot truck stop and with Umatilla County for the EOTEC building.

Mr. Hines stated the County came out over the 30 years performing inspections, asking questions like where are you keeping the topsoil, where's the storm water going, etc. He stated he was not certain which department or agency they were with each time. He thought they were from the Umatilla County Road Department, and they were performing the DOGAMI permit checks. He stated topsoil seemed to be one of their biggest concerns which is still, to date, stockpiled on the east end of the rock pit, which in that area doesn't produce a lot of topsoil to begin with.

Mr. Hines stated he was aware there were issues with Mr. Snow's DOGAMI permits. He stated he wasn't personally involved until 2020. Mr. Hines experienced the loss of his brother and father within a month in 2017. He was contacted by Denise Snow and asked if Mr. Hines would assist with the DOGAMI permitting issues. He stated he met with DOGAMI, Nick Tatalovich, who inspected the pit and stated he did not see any issues. There was an issue with the boundary getting too close to the neighboring property. The reason it took four years to obtain all the necessary paperwork was because he wanted to rectify the high wall issue and own the neighboring property. He stated that this was not complete until 2024 when Mr. Hines and Mr. Lloyd Piercy struck a deal to perform a property line adjustment.

Mr. Hines stated no operation occurred in 2021, but in 2022 help was needed because of the floods. Every person who contacted Mr. Hines regarding crushing aggregate was informed he did not have the proper permits, and he was working to obtain the Goal 5 permits. He stated he would rather

continue with the current permit, because the pit has been running commercially all this time, and he needed the CUP to remain active while he is finishing his Goal 5 application.

Commissioner Gentry asked Mr. Hines to explain what a high wall meant. Mr. Hines explained DOGAMI prefers a wall approximately 40 feet vertical by 15 to 20 feet wide bench. He further explained the reason for this was due to reclamation.

Commissioner Morris asked to refer to the original hearing in 1989 (page 51) and why there was never a revised plot plan submitted. Mr. Hines stated Mr. Snow had a very vague plot plan in the past. Mr. Hines admitted that the application does not say it is for commercial purposes, he says he wanted to sell rock. Mr. Hines stated the County expressed some concerns and left the permit open-ended.

Mr. Hines read an excerpt from the Planning Manager's letter "Should the applicant require approval of an aggregate quarry site which exceeds the quantity and size above. With the above or required approval for a commercial aggregate quarry. Additional information required determined with additional conditions may be required." (Exact quote from Mr. Hines, staff could not determine the origin of his Exhibit, nor did he provide one).

Mr. Hines insisted the County knew this was a commercial site, if they didn't believe that then why did they observe and allow hundreds of belly dump trucks to leave the site. He stated, it wasn't for Mr. Snow's own use.

Commissioner Standley referenced an email from the County on December 14, 2020, stated pursuance of the Goal 5 application and whether the application was ever started in 2020. Mr. Hines stated he did not own the property at that time so no, he had not started the process yet. Parjim Holdings owned the property at that time, and they wanted to sell it to him.

Mrs. Michelle Hines, PO Box 322, Echo, OR 97826; Mrs. Hines stated she and Jeff purchased the Muleshoe rock quarry on March 22, 2021, with the intention to operate the quarry commercially to earn income for their family. She added that HNS and Jeff have operated the rock quarry since 1984 with Mr. Snow. Mrs. Hines shared that the suspension order issued by the Planning Department has placed a substantial financial burden on HNS and their families. She explained she knew that in 1989 Mr. Snow was granted a conditional use permit to operate commercially and they are asking to operate the permit just as Mr. Snow did. She concluded by stating she has worked through the process of reinstating the conditional permit and was familiar with the findings of fact and recognized that Mr. Snow was granted so commercially.

Ms. Carla McLane (Carla McLane Consulting, LLC), 170 Van Buren Drive, Umatilla, OR 97818; Ms. McLane stated she began consulting in early 2020. She explained Mr. Hines reached out to her in 2021 for help with the Goal 5 application. She reiterated Mr. Hines was aware of the issues with DOGAMI and was trying to address those concerns. She stated Mr. Hines was working

with his neighbor to acquire additional property, and they engaged fully in the Goal 5 process approximately late 2023 to early 2024 and submitted the application in late 2024.

Ms. McLane stated Mr. Hines wanted to operate the pit as it currently was for business reasons. Conversations were had regarding the status of the CUP and if they could reestablish it so Mr. Hines could operate legitimately until the Goal 5 approval was complete. She stated they reached out for records from the Planning Department, which were received. They asked twice for the reinstatement of the CUP from the Planning Department; both attempts were denied renewal.

Ms. McLane read the letter from Mr. Snow (Exhibit 2, page 45). Her conclusion after reading the Hearings Officers' findings of fact multiple times the approval was initially for personal use but, going back to the letter from Mr. Snow she could see where he wanted it commercially and that is what she believed the Hearings Officer granted.

Ms. McLane provided examples of agencies that had used the pit for various projects including ODOT and the Umatilla County Public Works Department. Ms. McLane claimed that in those 30 years the Planning Department did not give Mr. Snow the ability to come into compliance and thus further Mr. and Mrs. Hines. As Mr. Williams pointed out, is a requirement for revocation.

Ms. McLane asked that the Planning Commission encourage Planning staff to reinstate the CUP so Mr. and Mrs. Hines can earn a living. She concluded by stating they had worked on the Goal 5 application and were compiling the items indicated in the completeness letter and would have them turned in on or before June 11, 2025.

Commissioner Morris asked if the Planning Department was working on good faith and issued no corrective action during that time, why did it take so long for an application to be compiled and submitted. Ms. McLane responded DOGAMI issues, like Mr. Hines indicated prior. Mr. Hines was working on the high wall and obtaining property to the north to fix this issue with DOGAMI, which doesn't compromise the quarry boundary. Commissioner Morris asked why those issues were not communicated with the Planning Staff.

Commissioner Standley asked what Ms. McLane's interpretation was on a CUP that has expired. Ms. McLane stated during her experience over the years, she didn't write CUPs that expired like this nor had an annual review in the conditions of approval.

Commissioner Green asked if the requirements from DOGAMI had been met. Ms. McLane stated they need to have an active CUP permit in order to get an operating permit from DOGAMI. Ms. McLane's interpretation was that an active permit was required from the County Planning department and thus why Mr. and Mrs. Hines were requesting reinstatement of the 1989 Conditional Use Permit.

Mr. David Slaght, City Administrator for city of Echo, PO Box 9, Echo, OR 97826; Mr. Slaght shared HNS has been a huge part of the Echo community and before that the Snow family for

many, many decades prior. He added that Mr. Hines had helped with numerous issues that arose during COVID and during the Umatilla Basin flood. County Commissioners during that time (Shafer, Doran, and Murdock) along with the City of Echo declared a state of emergency. He stated the Board of County Commissioners granted emergency funds for padding the embankment to save homes in jeopardy and for engineering.

Mr. Slaght stated all Commissioners and Community Development Director, Robert Waldher, were aware that Mr. Hines and HNS were pulling this rock from the Muleshoe pit and funds were paid to HNS which amounted to \$246,924. He questioned the County's motive regarding acting in good faith, but then why money was sent for their services. Mr. Slaght felt like the Planning Commissioners needed to take that into consideration, to allow Mr. and Mrs. Hines to keep their CUP permit and let them go through the DOGAMI process regardless of the time frames.

Mr. Scott McCallum, PO Box 264, Echo, OR 97826; Mr. McCallum stated he was there to attest that the rock pit operated commercially for over 30 years. He knew this because he worked with Mr. Snow since approximately 1999 and continued until he passed in 2019. They sold rock to contractors, local farms, City of Stanfield, local wineries, all the local irrigation districts and the new county fairgrounds. Mr. McCallum recalled being present during inspections. He communicated with Mr. Snow whether he had or would be submitting his renewal. Often Mr. Snow would share that without that permit they could not sell rock.

Mr. Scott Smith, 2947 Blue Jay Street, Umatilla, OR 97818; Mr. Smith stated he is a developer and consultant in Umatilla County. He added that they used the Echo pit for several projects. He expressed it's an ideal location due to the cost of hauling aggregate. He concluded he was here to show his support for Mr. and Mrs. Hines with their pit.

Mr. Mike McCarty, 26943 McCarty Ranch Lane, Echo, OR 97826; Mr. McCarty stated he has owned a farm in the area since 1965. He stated that an agreement was made with Mr. Snow to use products from each other's property to help with their operations. Mr. Snow had the rock while Mr. McCarty had the hay. He stated the agreement spanned many years and provided to other surrounding farmers as well. He wanted to continue to support Mr. Hines due to the business he had with Mr. Snow and felt like it should continue to operate.

Mr. Justin Morris, PO Box 231, Echo, OR 97826; Mr. Morris spent some time expressing his history with the Snow family, workers that he considered family. He felt like the decommissioning of this rock pit would have a detrimental impact not only on the Hines family, his workers, but also on the greater area including the City of Echo. He stated the workers at HNS had to be laid off due to no work, and this impacts on the Hines family financially as well.

Mr. Paul Ramos, PO Box 422, Echo, OR 97826; Mr. Ramos stated he was one of many contractors that has hauled rock from this pit for over 30 years. Mr. Ramos referenced the Commissioners' Strategic Goals from the County website, citing number 10, "Recognize and invest the challenges in maintaining Umatilla County's infrastructure and assets." He could

personally vouch that the Muleshoe rock pit was an asset, and implored the Planning Commission to do the right thing and reinstate this permit.

Mr. Kent Madison, 28647 Madison Road, Echo, OR 97826; Mr. Madison stated he had a similar question to Commissioner Gentry as to why they are all here. He stated he reached out to Jennifer Bragar, land use attorney. He stated Ms. Bragar looked at the Umatilla County Development Code, UCDC Section 152.600(A) Verification of a Non-Conforming Use. Mr. Madison paraphrased this section. (UCDC, Revision date July 19, 2022, or prior). Mr. Madison presented dates to show the pit was being used prior to January 1, 1990, and should be allowed to operate under non-conforming use.

Vice Chair Tucker asked if the applicant needed to apply for the preexisting use. Mr. Madison stated that Mr. Hines should be able to come to the county, present information stating the pit was used prior to 1970 and apply.

Mr. Richard Smith, 1018 Caples Road, Woodland, WA 98674; Mr. Smith stated he was a developer in Umatilla County. He has utilized rock from Mr. Hines. He mentioned other larger operators are moving into the area and charging an obscene amount for aggregate. He was quoted in the prior week, from Boardman, \$22 per ton. He wanted to ensure the Planning Commission knew the economic strain it would place on this community if this pit was shut down, because he feels Mr. Hines keeps the price honest.

Mr. Casey & Mrs. Kristi Inman, 32693 W Columbia Lane, Hermiston, OR 97838; Mrs. Inman began by stating they were there this evening to reiterate that the rock has been used for commercial use for many years. They've hauled for local projects and several non-local contractors within the commercial setting. Mrs. Inman stated the Hines' family are great people, they have helped Mr. and Mrs. Inman through many financial times. She reiterated that the permit must be in place to work with DOGAMI.

Mr. Inman spoke to the character of the Hines' family and their community involvement. He talked extensively about Mr. Hines' character and keeping the other rock pits to an honest standard. He felt this happens because of paperwork and this should not be the standard they are held to and to help their community.

Mr. Tom Pierce, 28623 Madison Rd, Echo, OR 97826; Mr. Pierce stated he has known Mr. Hines for over 40 years and hoped that the Planning Commission will allow him to continue to remain and support his community.

Mr. Arthur Prior, Art Prior Eagle Ranch, 32313 Oregon Trail Road, Echo, OR 97826; Mr. Prior stated he was there to support Mr. Hines' rock pit. He stated the quality of the product from the pit is good and the service received from Mr. and Mrs. Hines is great and they don't want to see that cease.

Mr. Lloyd Piercy, 33927 Riverview Drive, Hermiston, OR 97838; Mr. Piercy stated he was there to support ending this revocation and in favor of reinstating Mr. and Mrs. Hines conditional use permit. He expressed his own history with the Hines', his personal pit, and developing in the area. Mr. Piercy felt staff did not write the letter to the Hines family in a clean manner. He stated that any assertion that Mr. Hines wasn't actively working to obtain the proper documentation to get his DOGAMI and Goal 5 application submitted was erroneous, which included the sale of certain property between Mr. Piercy and Mr. Hines.

Mr. Stephen Haddock, Professional Land Surveyor, PO Box G, Pilot Rock, OR 97868; Mr. Haddock stated he wanted to show his history for providing surveys for multiple aggregate pits in the area. Mr. Haddock stated he has done at least four different surveys on this property, including when Mr. Snow was initially establishing his boundary for the pit. He had performed several maps/surveys for this property to help accompany the Hines' application, which includes setting boundaries, so expansion isn't pushed beyond those boundaries and abides by DOGAMI's standards.

Public Agencies: Cari Buchner, Department of Geology and Mineral Industries (DOGAMI), 229 Broadalbin St SW, Albany, OR 97321; Ms. Buchner stated this mine site exceeds the thresholds that require a state permit issued by the Department of Geology and Mineral Industries. She added, according to ORS Chapter 517, "A landowner or operator may not allow or engage in surface mining on land not surfaced mine on July 1972 without holding a valid operating permit from the Department of Geology." Ms. Buchner stated this site might have been eligible if it was mined in 1972, however ORS 517.750 provides that the lands within the surfaces and contours of surface mines in existence on July 1, 1972 or vertical extensions of those surfaces and contours are exempt, provided that the State Department of Geology and Mineral Industries issued a certificate of exemption to the mining operation on or before October 31, 2000."

Ms. Buchner stated this site had never held a limited exemption certificate from DOGAMI, it was not eligible because issuance had ceased after 2000. She clarified any surface mining operation exceeding 5 acres requires an operating permit, additionally any surface mining operation that exceeds 5,000 cubic yards production per year or exceeds one-acre of surface disturbance per year requires an operating permit. This site was identified by DOGAMI in the past as requiring an operating permit; initially this was with Mr. Snow and in 2017 DOGAMI sent a notice to Mr. Snow after being alerted by Oregon Department of Transportation that he was operating a site without an operating permit.

Ms. Buchner shared they were astonished that a site this large evaded their radar for so many years. It was determined that the County regulated its' own surface mining program until about 1990. The County then relinquished the regulation of surface mining to DOGAMI and at that time all operating permits were moved over to DOGAMI. She surmised that during the process of transferring processed permits from the County to DOGAMI this site got lost and never made it to DOGAMI. She added that there is no statute of limitations for mining without a permit.

Ms. Buchner quoted emails from Exhibit 15, pages 233, 222 and 230 within the packet. She stated DOGAMI was willing to work with Mr. Hines while they obtained their operating permit but Mr. Hines was not allowed to mine the site until they had obtained their permit from DOGAMI. That was conveyed in phone conversations in 2019 and 2020. The last correspondence received from Mr. Hines, or representatives, was in April 2020 alerting DOGAMI that COVID had presented issues with submitting their application and no correspondence since then. DOGAMI received an anonymous complaint that the site was operating, Ms. Buchner contacted Umatilla County and asked if someone could drive out and verify the site was operating. DOGAMI then issued a suspension order on February 24, 2025. She stated currently the site is still under a suspension order and no surface mining related activities are allowed until the Hines' have obtained an operating permit.

Ms. Buchner stated she wanted to clear up an assumption from Mr. Hines and those representing Mr. Hines. This was that a DOGAMI operating permit cannot be obtained before land use is obtained, this is factually incorrect. DOGAMI's statutes and rules provide that both of those permits can be sought at the same time and there are provisions for how to address them if they are obtained at different times. ORS 517.790(5) states, "the department shall issue a provisional operating permit to an applicant that has not obtained all required all federal, state, and local permits or approvals for the proposed mining operation provided (A) the applicant has complied with this chapter and the rules adopted by the department to carry out the purposed of this chapter and (B) the permit (a) does not become effective until the applicant obtains all required permits and approvals (b) contains conditions (i) requiring the applicant to obtain an amendment to the provisional operating permit if necessary to conform with the subsequently obtained federal, state or local permit or approval and prohibiting the applicant from allowing or engaging in surface mining operations on the land prior to the effective of the permit."

Ms. Buchner gave some context about DOGAMI's provisions and processes set in place to work closely with local land use. She confirmed it is entirely possible to work on both application processes, with DOGAMI and the local land use authority, simultaneously. She explained it may be more cost beneficial to obtain local land use approval first, due to differing submissions from land use approval and what is submitted to DOGAMI. Amendments could take place if the information submitted and granted by local land use approval does not match, and at that point a subsequent fee would be determined if an amendment to DOGAMI was necessary. The applications are not mutually exclusive and do not have to be submitted sequentially. She stated DOGAMI had never seen an application from Mr. Snow in the past and to date had not received one from Mr. and Mrs. Hines. She added, Mr. Hines had been aware of this requirement since 2017, prior to his purchase of the property.

Vice Chair Tucker stated whatever the Planning Commission decides today, the suspension order imposed by DOGAMI prohibits the operation of this site. Ms. Buchner stated that it was correct, until an operating permit has been obtained. Vice Chair Tucker asked what the typical timeline is at this time for DOGAMI processing applications for operating permits. Ms. Buchner stated their

staff administers close to 1,000 permits across the state from various programs and there are currently approximately 100 surface mining applications in queue. She stated the limited staff within this department makes processing times vary between 3-5 months before the application is assigned to staff for technical review, and this is after the initially application screening; which includes a completeness review if all material in the application have been submitted adequately.

Vice Chair Tucker asked if applicants could expedite the process anyway. Ms. Buchner stated DOGAMI has no process to allow that; applications are processed on a first come first serve basis after initial review for completeness. She explained that if the Planning Commission were to approve the reinstatement as it is currently written, the applicants would only be allowed one-acre.

Vice Chair Tucker posed a hypothetical, if the hearing tonight results in reinstating the current Conditional Use Permit and five months from that date when it was reviewed, DOGAMI would consider what was approved by Umatilla County. He stated at such point DOGAMI would not approve the application due to the inconsistencies with the application. Ms. Buchner stated this was likely correct, and the actual conditions on this site do not match the approvals as they are written.

Commissioner Morris asked if the current owners knew about the need for the operating permit since 2017 from DOGAMI. Ms. Buchner stated that is correct, but it was not obligatory for the Hines family to submit the application prior to owning the property. However, they knew it was required before their purchase of the property.

Rebuttal Testimony: Mrs. Davchevski stated this was not a favorite part of her occupation, but the Planning Department is obligated to enforce all rules, regulations, state statutes, and administrative rules governed by the State of Oregon along with the Development Code. This must be done equally for all applicants. She explained Staff have had other applicants pursue the small significant site application and later pursue the large Goal 5 application, and what Staff are asking Mr. Hines to do is not out of the ordinary from what has been asked of every aggregate applicant.

Mrs. Davchevski explained the Conditional Use Permit was granted by the Planning Department in 1989 and the Code Enforcement staff did not complete a site visit every year; she cannot attest to the reasons behind the lack of site visits. Her assumption would be due to low staffing, and stated the department is very small and located within a very large county. She stated a large number of Conditional Use Permits require annual reviews and unfortunately, Staff don't always have the ability to complete those every year. She recounted the years site visits to Mr. Snow's formerly, now Mr. Hines' pit to include the following years: 1993, 1995, 1996, 1997, 1998, 1999, 2000, 2002, 2009, 2010, 2011 and 2013.

Mrs. Davchevski shared it was unfortunate Staff were unable to do all yearly inspections, but regardless of their ability to perform those, the Muleshoe Pit should be held to the same standards as all others have had to follow. She noted the reclamation plan in Exhibit 35, submitted by

Attorney Wes Williams, wasn't submitted to Planning until April 14th, 2025 and Ms. Cari Buchner has stated this has not been provided to DOGAMI either.

Mrs. Davchevski stated most CUPs require annual reviews. She explained that Umatilla County first adopted the zoning ordinance in 1972, not 1985 as referenced by opposition testimony. In 1972, this property was zoned F-1, which was still a farm zone, but not as it is zoned today as Exclusive Farm Use (EFU).

Mrs. Davchevski stated Umatilla County did give up surface mining responsibilities to DOGAMI in 1990. She explained the County Staff completing inspections on the storm water and stockpiles were likely from Umatilla County Public Works Department since this was the department in charge of those inspections at the time.

Mrs. Davchevski stated Planning was not in communication with each department on where rock was being sourced from and it is unrealistic to expect each department to confirm with Planning whether purchases from a site are within regulation and approved to operate.

Mrs. Davchevski mentioned that opponents stated staff did not give ample time to correct the issues with the CUP. The only correction was a Goal 5 application and this was not submitted to Planning until November 2024, the application was missing information and was still in pending status.

Mrs. Davchevski wanted to reiterate that the County was not the agency that issued the suspension order, it was from DOGAMI and was issued in February 2025. The County did not impose the revocation process because the Manager's letter was appealed regarding the request for reinstatement of the CUP. Staff believed the Hines' intended to appeal this process and after inquiring with County Counsel, Staff wanted to go through this process so the applicant would have an avenue to pursue that appeal.

Commissioner Millar asked if Mr. and Mrs. Hines applied with new maps, acreage, etc. what would be the outcome. Mrs. Davchevski stated they couldn't go through the same process as in 1989. She explained there was a process to list a small significant site under Goal 5, the bar under a small site is much lower than that of a large significant site which is why there is a Conditional Use Permit component. The applicant would still be required to amend the Umatilla County Comprehensive Plan. Vice Chair Tucker stated that regardless of what the Planning Commission decided today regarding the current Conditional Use permit, DOGAMI would reject it because it doesn't match what they have applied for. Mrs. Davchevski reiterated that at this time DOGAMI had not received an application from the Hines family for their operating permit.

Conversations between Vice Chair Tucker, Commissioner Morris, Commissioner Green, Commissioner Gentry and Mrs. Davchevski regarding the status of this CUP influencing the decision with DOGAMI. They discussed if the decision with this reinstatement or revocation were delayed, would it benefit the Hines' by continuing the hearing. They confirmed delaying the

decision by continuing the hearing would not satisfy DOGAMI's requirements for this site to operate.

Vice Chair Tucker asked if Planning knew of this issue before listening to Ms. Buchner at tonight's hearing and if so, did staff communicate with Mr. and Mrs. Hines that the end result of this appeal would not change the outcome from DOGAMI. He mentioned it was an issue that information could have been communicated to the Hines family to help approach the issue. Mrs. Davchevski stated this was shared with Mr. and Mrs. Hines (Exhibit 29, page 293-294), but since receiving the Appeal all communication thereafter has been only through their Attorney.

Commissioner Morris stated regardless of how wonderful a person may be on paper or feelings for them as a great person, which they believed Mr. Hines to be, rules and regulations must still be followed.

Vice Chair Tucker allowed Mr. Williams surrebuttal for two points.

Surrebuttal: Mr. Williams wanted to address two points of fact. He stated no one knows what DOGAMI will do once they receive the application and his interpretation of the findings of fact. Additionally, he stated the Planning Commission cannot revoke the Conditional Use Permit for the reason provided by the County Planning Department. He stated the reason provided in the April 1, 2025, letter, "Since Mr. Hines is now disagreeing with the department with an appeal application Planning with proceed through the revocation process." He stated this was an improper reason.

Vice Chair Tucker and Mr. Williams discussed in detail the process of permitting with DOGAMI and if approval is given from the Planning Commission to reinstate the CUP. Mr. Williams stated the approval would strengthen their argument with DOGAMI substantially. Reinstatement would help them tremendously when they submit their application to DOGAMI as well on June 12, 2025.

Vice Chair Tucker called for any requests for the hearing to be continued, or for the record to remain open. There were none.

Vice Chair Tucker closed the hearing for deliberation.

Vice Chair Tucker adopted the following exhibits into the record:

Exhibit 36; April 15, 2025, Letter to Planning Commission submitted by City of Echo Mayor, Chad Ray and Council Member Berlyn Anderson

Exhibit 37; April 30, 2025, Email from Jennifer Bragar, Tomasi Bragar DuBay, submitted by Kent Madison

DELIBERATION & DECISION

Commissioner Gentry asked if they could grant conditions to file the permit with everything the County requires as well as with DOGAMI. Mrs. Davchevski stated the Planning Commission

cannot add conditions to the already approved 1989 Conditional Use Permit. She stated the Planning Commission can only make a decision on whether they are in compliance or not, if they are within compliance then Staff will be required to renew the application. She reiterated if the Planning Commission finds they are within compliance they would still not be allowed to mine until their Operating Permit with DOGAMI has been issued.

Commissioner Gentry stated he felt Umatilla County did not supply enough information to support revoking the Conditional Use Permit with the lack of enforcement and annual inspections. Commissioner Morris disagreed and reiterated the communications going well before 2020 and lack of timely appropriate action on the Hines family. Commissioner Millar concurred with Commissioner Gentry and doesn't want to hinder the process with the next agency. Commissioner Standley stated he felt like there were wrongs done by both parties. He stated there was no guarantee that DOGAMI would allow anything after their review. Commissioner Gillet agreed there had been some obvious missteps but would like to see the permit continue.

Vice Chair Tucker made a final statement prior to opening voting and stated regardless of their decision this evening it would not change their ability to operate at this time until Mr. and Mrs. Hines have obtained an operating permit, per the cease-and-desist order from DOGAMI.

Commissioner Morris made a motion to approve the Planning Division's Request to Revoke, #R-001-25, and hereby deny renewal of Conditional Use Permit #C-546-89, previously issued to Mr. Richard Snow based on evidence in the record and Findings of Fact and Conclusions of Law.

Commissioner Standley seconded the motion. Motion failed with a vote of 3:4 to approve the Planning Departments' request to revoke.

Voting Record:

Yes - Commissioner Morris, Commissioner Standley, Vice Chair Tucker

No - Commissioner Gentry, Commissioner Green, Commissioner Gillet, Commissioner Millar

Commissioner Gentry made a motion to deny the Planning Division's Request to Revoke, #R-001-25, and hereby move to renew Conditional Use Permit #C-546-89, previously issued to Mr. Richard Snow based on evidence in the record and the following Findings of Fact and Conclusions of Law:

The Planning Commission finds that based on testimony provided during the public hearing, the Snow Pit has commercially operated for several years, and the County did not take enforcement action. The Planning Commission did not make a determination on whether the Hearings Officer originally intended to approve commercial mining at the site when approving #C-546-89.

The Planning Commission finds that testimony stating: the site has operated commercially for several years, that the aggregate site provides a significant benefit to the community, and the site also benefits local infrastructure projects, couple with the lack of enforcement of the Conditional Use Permit conditions of approval, shall be used for justifying the denial of Staff's request to revoke the permit and therefore also approve the appellant's request to appeal the Planning Manager's letter.

The Planning Commission finds and concludes that the Conditional Use Permit #C-546-89 shall be considered valid and that the original conditions of approval imposed by the Hearings Officer continue to apply.

Commissioner Millar seconded the motion. Motion carried with a vote of 4:3 to deny the Planning Departments request to revoke.

Voting Record:

Yes - Commissioner Gentry, Commissioner Green, Commissioner Standley, Commissioner Millar

No - Commissioner Morris, Commissioner Gillet, Vice Chair Tucker

Commissioner Millar made a motion to approve the Appeal Request to renew Conditional Use permit #C-546-89, previously issued to Mr. Richard Snow based on evidence in the record and Findings of Fact and Conclusions of Law in the record as previously mentioned above.

Commissioner Gentry seconded the motion. Motion carried with a vote of 4:3 to approve the Appeal request.

Voting Record:

Yes - Commissioner Gentry, Commissioner Green, Commissioner Standley, Commissioner Millar

No - Commissioner Morris, Commissioner Gillet, Vice Chair Tucker

MINUTES

Vice Chair Tucker called for any corrections or additions to the March 27, 2025, meeting minutes. No additions nor corrections were noted.

Commissioner Green moved to approve the draft minutes from March 27, 2025, meeting minutes, as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

OTHER BUSINESS

No new business.

ADJOURNMENT

Vice Chair Tucker adjourned the meeting at 10:04PM.

Respectfully submitted,

Shawwna Van Sickle,

Administrative Assistant

Minutes adopted by Planning Commission on August 21, 2025.