



PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

AGENDA

Umatilla County Planning Commission Public Hearing Thursday, May 1, 2025, 6:30PM Justice Center Media Room, Pendleton, Oregon

To participate in the hearing please submit comments **before 4PM, May 1st**
to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252

Planning Commission

Suni Danforth, Chair	Emery Gentry
Sam Tucker, Vice Chair	Ann Minton
Tami Green	Malcolm Millar
John Standley	Andrew Morris
Kim Gillet	

Planning Staff

Bob Waldher, Community Development Director
Megan Davchevski, Planning Division Manager
Carol Johnson, Senior Planner
Tierney Cimmiyotti, Planner / GIS
Charlet Hotchkiss, Planner
Shawna Van Sickle, Administrative Assistant

1. Call to Order

2. Minutes Approval: March 27, 2025 Meeting

- ### 3. **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.**
- Umatilla 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.

4. Other Business

5. Adjournment

Jeff & Michelle Hines / Snow Pit

#R-001-25 Revoking Conditional Use Permit #C-546-89

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PLANNING DIVISION

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Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

MEMO

LAND USE
PLANNING,
ZONING AND
PERMITTING

TO: Umatilla County Planning Commission
FROM: Megan Davchevski, Planning Division Manager
DATE: April 17, 2025

CODE
ENFORCEMENT

RE: May 1, 2025 PC Hearing
Request to Revoke #R-001-25 Conditional Use Permit #C-546-89
Snow Pit / Richard Snow, permittee / Jeff & Michelle Hines, current owners

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Background Information

GIS AND MAPPING

This request is two-part: an appeal of a letter written by the Planning Manager and Planning Staff's request to revoke Conditional Use Permit #C-546-89. The property is 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.

RURAL ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

Appeal:

PUBLIC TRANSIT

The appellant is requesting the Planning Commission review a letter dated February 27, 2025, sent by the Planning Manager, Megan Davchevski. The February 27, 2025 Planning Division letter was in response to the appellant's consultant's letter dated February 25, 2025. The consultant's letter requested re-instatement of a 1989 Conditional Use Permit (CUP), #C-546-89, to allow mining operations. The Planning Manager's letter included the following statement:

"Your request prompted further investigation by County Planning and County Counsel. Please read the following excerpt from the 1989 Conditional Use Permit Final Findings of Fact and Conclusions of Law (located on page 9):

10. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to be in compliance with the State- mandated criteria for non-farm uses in Exclusive Farm Use Zones, by not interfering with adjoining agricultural uses, by restricting the size of the site to the existing ravine and by utilizing a location suited only to the most limited seasonal livestock grazing, and **limit its use to not include commercial quarry operations.**
11. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant **would appear to comply** with all of the specific standards set forth in the Umatilla County Development Ordinance, **provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre in size and the quarried aggregate is used on the applicant's property, as well as an approved Reclamation Plan be filed with the County Road Department.**

HINES #R-001-25
EXHIBIT 5 PAGE 11 OF 12

"

It is believed that the appeal request is meant to address staff's request to revoke.

Staff Memo

Planning Commission – May 1, 2025

Request to Revoke #R-001-25, Conditional Use Permit #C-546-89

Request to revoke:

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. Shortly after, DOGAMI confirmed to Planning Staff that mining operations had far exceeded the original permit. Staff informed Mr. Hines of the required applications to approve a Goal 5 aggregate site to expand the operations. Because Mr. Hines was cooperating with staff, the Community Development Department did not pursue code enforcement actions, nor did staff find it necessary to go through the process to void the CUP as detailed in UCDC 152.613(F). Mr. Hines had continued to communicate his application efforts with staff since 2020, however, since he is now appealing a letter regarding the inability to renew the CUP, this revocation request is now being pursued.

List of Exhibits

Staff have compiled an extensive List of Exhibits which dates back to the initial 1989 Conditional Use Permit application. To assist with navigating the exhibits, a Timeline of Events has also been compiled. While the record is largely comprised of annual review materials, there is substantial correspondence between County Planning, the previous landowner, the current landowner and the Oregon Department of Geology and Mineral Industries (DOGAMI).

Staff have also provided a number of aerial photographs (Exhibit 32) and photos from the 1989 land use hearing (Exhibit 33).

Notice

Notice of the applicant's request was mailed on April 11, 2025 to nearby property owners and necessary agencies. Notice of the May 1, 2025 Planning Commission hearing was published in the East Oregonian on April 16, 2025.

Criteria of Approval

Staff have addressed Oregon Revised Statute (ORS) 215.230 and ORS 215.416 as provided in the applicant's appeal application. As stated in the findings, staff do not believe ORS 215.230 and 215.416 are applicable. The appeal request will follow the procedures outlined UCDC 152.766 and 152.767.

The criteria of approval for the request to revoke are found in Umatilla County Development Code (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. The 1989 decision is included in the hearing packets as Exhibit 5.

Justification to Revoke

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 the quantity of rock pulled from the Snow Pit had exceeded 5,000 cubic yards for many years. 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. Eight days later staff received the DOGAMI inspection report identified as Exhibit #17.

The Planning Department at this point in time could have pursued this request to revoke Conditional Use Permit #C-546-89. However, staff recognized that developing a Goal 5 PAPA application is quite time consuming and Mr. Hines appeared to be cooperating with staff to correct the issues. Therefore, 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.

Staff Memo

Planning Commission – May 1, 2025

Request to Revoke #R-001-25, Conditional Use Permit #C-546-89

As noted earlier, 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.

Although the current landowner argues 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.

Evidence in the record provides: The Snow Pit has excavated more than 5,000 cubic yards of aggregate per year, that aggregate mined did not remain on Mr. Snow's property, that commercial quarry activities have been occurring on the property and that the aggregate site has far exceeded the allowed footprint of one acre, now estimated to be over 23 acres in size. For these reasons, staff are asking the Planning Commission to revoke Conditional Use Permit #C-546-89 as the site is not compliant with the approval.

On April 14, 2025 attorney Wes Williams submitted Exhibits #34 and #35 on behalf of Mr. Hines. Exhibit #34 contains photos of the subject property and other photos that were not labelled. Exhibit #35 contains a 2021 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. Although a narrative explanation did not accompany this submittal, Staff believe much of this 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.

The DEQ Air Quality Permit, Exhibit #35 page 6, is for a portable plant with an address in Deschutes County. Its relevancy to this proceeding was not provided.

The DOGAMI Operating Permit Application, Exhibit #35 page 7, is simply an application completed by the landowner. It is not an approval or confirmation of an existing Operating Permit. Notably, the application states that 50 acres will be affected by mining related activities and that mining will begin on May 1st 2025, the date of this hearing.

Page 28 of this exhibit is a letter from the City of Echo confirming the availability of city water for these mining operations. Page 29 contains a utility bill dated June 15, 2024 from the City of Echo. The utility bill's relevancy to this proceeding was not provided.

Page 30 of this exhibit is a site plan overlaid on a Record of Survey, Number 24-070-B. The site plan further demonstrates that the Snow Pit has expanded beyond the one-acre footprint allowance granted in 1989.

Additional Information

Land use regulations pertaining to mining activities are far different today than they were 45 years ago. While Mr. Snow was able to obtain a Conditional Use Permit in 1989 without establishing a Goal 5 significant site, that is 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.

Staff Memo

Planning Commission – May 1, 2025

Request to Revoke #R-001-25, Conditional Use Permit #C-546-89

The Snow Pit is 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 protections for the aggregate resource. This 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. 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 is received.**

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.

Appeal

The appellant is appealing a letter written by the Planning Manager. The proposed Findings of Fact and Conclusions of Law detail why the letter was not a land use decision subject to an appeal. This is 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.

Regardless, Staff have addressed the appeal as presented by the appellant and have drafted detailed findings concluding that the appellant’s assignment of errors should be denied.

Conclusion

The Planning Commission is tasked with determining if Staff’s request to revoke Conditional Use Permit #C-546-89 should be approved. In 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.

It is important to note, that even if the appellant’s request to re-instate Conditional Use Permit #C-549-89 could be approved, all mining activities at the site (Snow Pit) 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. The appellant provides in their Operating Permit application to DOGAMI that they wish to encumber 50 acres under the DOGAMI permit.

The Planning Commission decision is final unless timely appealed to the County Board of Commissioners.

PLANNING COMMISSION DECISION OPTIONS

Request to Revoke

Motion for Approval as Presented

I, Commissioner _____, make a motion to approve the Planning Division’s Request to Revoke, #R-001-25, revoking Conditional Use Permit #C-546-89, previously issued to Mr. Richard Snow based on the evidence and Findings of Fact and Conclusions of Law in the record.

Staff Memo

Planning Commission – May 1, 2025

Request to Revoke #R-001-25, Conditional Use Permit #C-546-89

Motion for Denial Based on Evidence in the Record

I, Commissioner _____, make 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: _____.

Although the appeal decision is moot based on the Planning Commission’s decision on the Request to Revoke a motion should also be made for the appeal decision.

Appeal Request

Motion for Denial as Presented

I, Commissioner _____, make a motion to deny the Appeal Request to renew Conditional Use Permit #C-546-89, previously issued to Mr. Richard Snow based on the evidence and Findings of Fact and Conclusions of Law in the record.

Motion for Approval Based on Evidence in the Record

I, Commissioner _____, make a motion to approve the Appeal Request and hereby 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: _____.

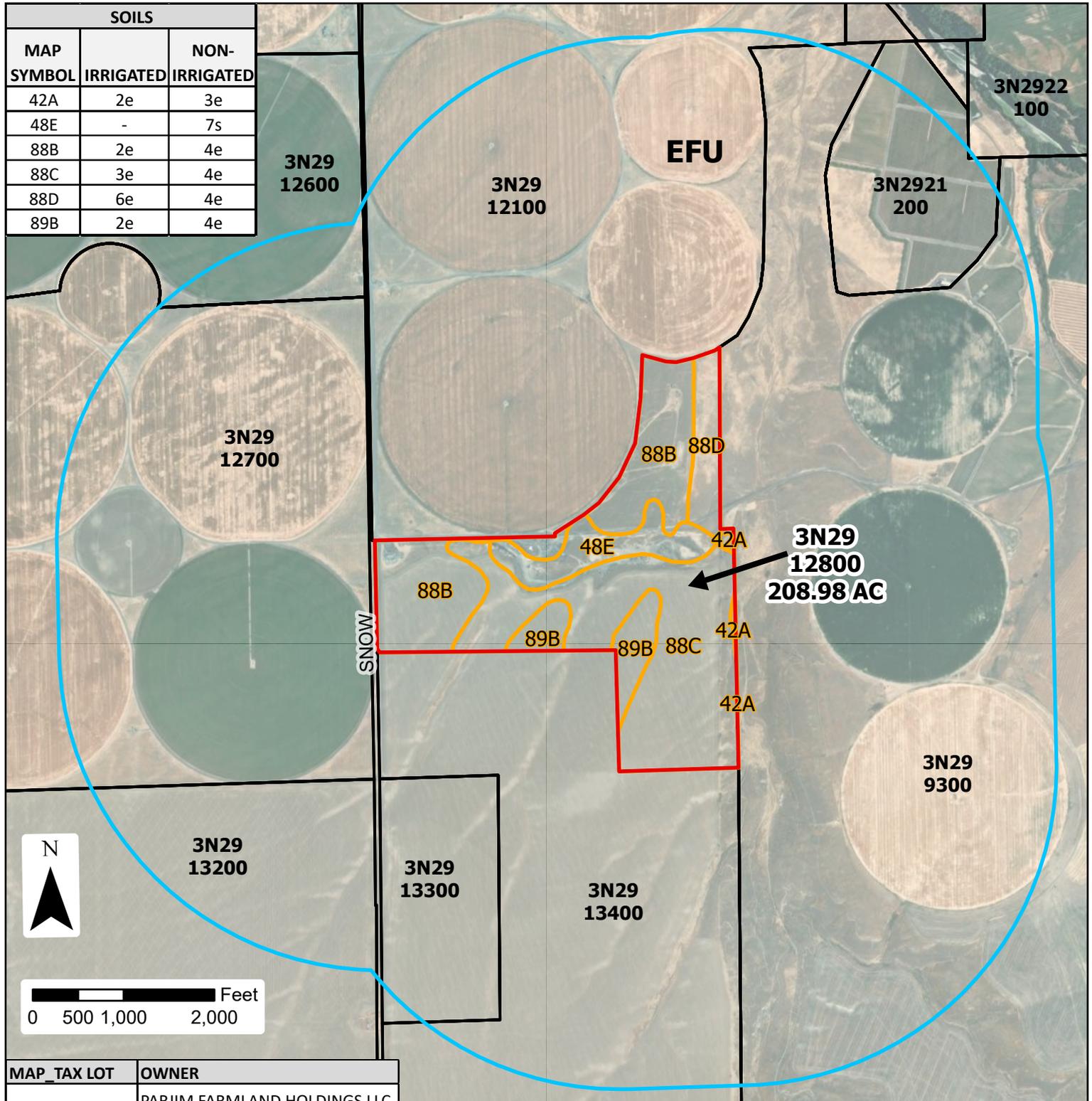
JEFF & MICHELLE HINES, APPLICANTS/OWNERS

MAP: 3N29 TAX LOT: 12800

#R-001-25 REVOKING CONDITIONAL USE #C-546-89

Notified Property Owners with 3,500 feet of Subject Property

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 T. Cimmiyotti, Umatilla County Planning Department Date: 4/3/2025



SOILS		
MAP SYMBOL	IRRIGATED	NON-IRRIGATED
42A	2e	3e
48E	-	7s
88B	2e	4e
88C	3e	4e
88D	6e	4e
89B	2e	4e

MAP_TAX LOT	OWNER
3N29000013300	PARJIM FARMLAND HOLDINGS LLC c/o JAY GIROTTO
3N29000013200	PARJIM FARMLAND HOLDINGS LLC c/o JAY GIROTTO
3N29000012800	HINES JEFF & MICHELLE
3N29000013400	PARJIM FARMLAND HOLDINGS LLC c/o FARMLAND OPPORTUNITY
3N29000009300	PIERCY LLOYD & LOIS

MAP_TAX LOT	OWNER
3N29220000100	MATILDA LLC & RAMOS JOSEPH E
3N29210000200	NEW FOOTHILLS PROPERTIES LLC
3N29000012100	AMSTAD ALOIS A & DEE ANN G (TRS)
3N29000012600	AMSTAD FARMS - ECHO LLC
3N29000012700	AMSTAD ALOIS A & DEE ANN G (TRS)

Legend

- Subject Property
- 3500ft Notice Boundary
- Property Boundary
- Soils

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
REQUEST TO REVOKE #R-001-25
REGARDING CONDITIONAL USE PERMIT #C-546-89
MAP 3N 29; TAX LOT #12800**

1. **APPLICANT (APPELLANT):** Jeff Hines, 210 W Main Street, Echo OR 97826
2. **OWNERS:** Jeff and Michelle Hines, PO Box 322 Echo OR 97826
3. **REQUEST:** This request is two-part: an appeal of a letter written by the Planning Manager, and Planning Staff's request to revoke Conditional Use Permit #C-546-89.

The appellant is requesting the Planning Commission review a letter dated February 27, 2025, by the Planning Manager, Megan Davchevski. The February 27, 2025 Planning Division letter was in response to the appellant's consultant's, Carla McLane, letter dated February 25, 2025. The McLane letter requested re-instatement of a 1989 Conditional Use Permit (CUP), #C-546-89, to allow mining operations.

In 2020, the Planning Division received confirmation 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. Shortly after, DOGAMI confirmed to Planning Staff that mining operations had far exceeded the original permit. Staff informed Mr. Hines of the required applications to approve a Goal 5 aggregate site to expand the operations. Because Mr. Hines was cooperating with staff, the Community Development Department did not pursue code enforcement actions, nor did staff find it necessary to go through the process to void the CUP as detailed in UCDC 152.613(F). Mr. Hines had continued to communicate his application efforts with staff since 2020, however, since he is now appealing a letter regarding the inability to renew the CUP, this revocation request is now being pursued.

Staff believe the appellant intends to appeal the request to revoke #C-546-89. For this reason, the revocation is addressed first, followed by the appeal request.

4. **LOCATION:** The subject property is located east of Snow Road and approximately 1.75 miles south of Oregon Trail Road, approximately 2.25 miles southwest of the City of Echo.
5. **SITUS:** The recently permitted farm dwelling on the property has a situs address of 75223 Snow Road, Echo OR 97826. The aggregate site does not have a situs address.
6. **ACREAGE:** Tax Lot 12800 = 208.98 acres
7. **COMP PLAN:** The subject property has a Comprehensive Plan designation of North/South Agriculture.
8. **ZONING:** The subject property is zoned Exclusive Farm Use (EFU).

9. **ACCESS:** The site has frontage along Snow Road. There is an access easement that across the subject property to serve an adjacent property.
10. **ROAD TYPE:** Snow Road, County Road #1347 is a two-lane gravel County Road.
11. **EASEMENTS:** There is an existing access easement across the subject property, serving the adjacent Tax Lot #9300. This access easement was relocated and created through the 2023 Property Line Adjustment.
12. **LAND USE:** The subject parcel has been used for farming as well as an aggregate pit. In 1989, an aggregate site was approved with Conditional Use Permit #C-546-89, staff and the appellant disagree on the intent of the previous approval. The County’s Hearing Officer stated in the Final Findings of #C-546-89 that the pit was to be used for personal use only, and was limited to 5,000 cubic yards of material per year with a site footprint of no more than one acre. Appellant claims that the applicant at the time, Mr. Snow, requested approval, and was granted, of a commercial operation.

 For many years, the subject property’s primary use was farming (Exhibit 32). The boundary of the aggregate site has expanded over the years from approximately 2.3 acres in 2002 to now encompassing over 23 acres (Exhibit 17).

 Portions of the property not mined are planted in dryland wheat.
13. **ADJACENT USE:** Properties in the surrounding area are used for growing dryland wheat, and a variety of irrigated crops.
14. **LAND FORM:** Columbia River Plateau
15. **SOIL TYPES:** High Value Soils are defined in UCDC Section 152.003 as Land Capability Class I and II. The Soils on the property are predominately Non-High-Value soils.

Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
42A: Kimberly Fine Sandy Loam, 0 to 3 percent slopes	3e	2e
48E: Licksillet Very Stony Loam, 7 to 40 percent slopes	7s	---
88B: Shano Very Fine Sandy Loam, 2 to 7 percent slopes	7s	---
88C: Shano Very Fine Sandy Loam, 7 to 12 percent slopes	4e	3e
88D: Shano Very Fine Sandy Loam, 12 to 25 percent slopes	4e	6e
89B: Shano Silt Loam, 2 to 7 percent slopes	4e	2e
<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>		

16. **BUILDINGS:** A livestock barn was constructed on the Hines property and then retroactively permitted by County Planning after construction via Zoning Permit, #ZP-24-181 issued on August 2, 2024. The Hines also received approval for construction of a primary farm dwelling via Land Use Decision #LUD-324-24 and Zoning Permit #ZP-25-040.
17. **UTILITIES:** Umatilla Electric provides electricity service in the area.
18. **WATER/SEWER:** Applicant has not provided information regarding a well or septic system. Presumably a well and septic will be installed to service the primary farm dwelling.
19. **FIRE SERVICE:** The property is served by the Echo Rural Fire District.
20. **IRRIGATION:** The subject property is located within Westland Irrigation District. However, no current irrigation water rights exist on the subject property.
21. **FLOODPLAIN:** The subject property is NOT in a floodplain.
22. **WETLANDS:** None.
23. **NOTICES SENT:** Notice was mailed to neighboring land owners and affected agencies on April 11, 2025. Notice was printed in the April 16, 2025 publication of the East Oregonian.
24. **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 May 1, 2025 at 6:30 PM.
25. **AGENCIES:** Umatilla County Assessor, County Code Enforcement, Umatilla County Public Works, Umatilla County Environmental Health, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Oregon Water Resources Department, CTUIR-Natural Resources, CTUIR-Cultural Resources, Echo Rural Fire District, Umatilla Electric Cooperative, Oregon Department Fish and Wildlife, US Fish and Wildlife and Umatilla County Counsel
26. **COMMENTS:** None to date.
27. **BACKGROUND:** The subject property has extensive history with the County Planning Department. Staff have developed a timeline of events, Exhibit 1, which dates back to the 1989 Conditional Use Permit request. A shortened version of relevant events is provided below for reference.

February 16, 1989: Land Use Request Application received by Umatilla County

Planning Commission application submitted by Richard and Shirley Snow. Application states the requested use was listed as “aggregate quarry site with crusher and potential asphalt batch plant”. The present use of the property was, “dryland range area at proposed site with cultivated land to the south for dryland wheat”. Exhibit #2.

March 29, 1989: Hearing on Conditional Use Request #C-546-89. The Hearings Officer made several Findings of Fact and Conclusions of Law that limited the amount of material mined from the site, along with the size of the pit. Exhibit #3.

April 23, 1990: Letter from Umatilla County Planning to Mr. Snow restating the limitations of the CUP approval (no more than 5,000 tons of material / 1-acre total site footprint). Also clarified the site was approved for personal use only and if commercial use was desired an amendment was required to be submitted. Exhibit #6, page 6.

April 25, 1990: Zoning Permit approval ZP-90-056 for establishing the personal aggregate site with stock pile area. Exhibit #6, page 5.

May 25, 1990: Letter from DOGAMI to Richard and Shirley Snow. Letter states that the surface mining law only permitted up to one acre of ground and/or 5000 cubic yards of material to be mined within a given year. Letter states, “if your mining operation will exceed those limits stated above, you need to file the enclosed application for an Operating Permit”. Exhibit #7.

October 9, 2017: Letter from DOGAMI to Mr. Snow. Letter states that based on aerial imagery, DOGAMI concluded that an Operating Permit is required to continue mining. Failure to obtain a DOGAMI permit would result in a Class A violation subject to civil and criminal penalties. Exhibit #14.

...

July 20, 2020: Email from Megan Green (Davchevski) (Umatilla Co. Planning) to Jeff Hines. Megan provided the applications and criteria of approval for establishing a large significant Goal 5 Aggregate Site. Exhibit #16.

December 14, 2020: Email from Megan D. to Jeff Hines. Megan followed up on the property line adjustment for the subject property, sharing that the understanding was that Mr. Hines was working on submitting the Goal 5 application. Exhibit #20.

December 3, 2021: Email from Megan D. to Carla McLane (land use consultant). Megan explained that the Snow Pit operations had expanded beyond the original approval. Exhibit #22.

December 17, 2021: Carla’s response to Megan’s December 3rd email. Carla stated, “I reached out to Jeff but didn’t hear back. It may be that the County or DOGAMI may need to ring his bell to get his attention. Not sure what is up to be honest. I’ll try again”. Exhibit #22.

August 5, 2024: Email from Carla M. to Bob Waldher (Umatilla Co. Planning). Carla

sent a letter with questions along with a request to reinstate the previous Conditional Use Permit approval for operating the Snow Pit. Exhibit #24.

August 23, 2024: Email response from Bob W. to Carla M. regarding her August 5th request. Bob stated the aggregate site was operating outside the original approval, therefore the CUP could not be renewed. Exhibit #24, page 1.

September 10, 2024: Email from Carla M. to Bob W., Carla shared that progress was being made on the application for establishing the Snow Pit as Goal 5 protected aggregate site. Exhibit #24, page 3.

November 17, 2024: Email from Carla M. to Bob W., submitting the application for establishing a Goal 5 Large Significant Aggregate Resource site with supporting documents. Exhibit #30, page 11.

Note: The appellant included the Goal 5 application and supporting documents in their appeal application, however this is an entirely separate application and a separate pending issue from this appeal.

December 13, 2024: Email from Megan D. to Michelle and Jeff Hines and Carla McLane. Megan provided an electronic copy of the completeness letter regarding the Goal 5 Post Acknowledgement Plan Amendment (PAPA) application. Exhibit #26, pages 3 and 5.

December 15, 2024: Carla's response to Megan's previous email. Carla responded that [the applicant] will review and respond accordingly. Exhibit #26, page 3.

February 24, 2025: Letter from DOGAMI to Jeff Hines. Letter enclosure includes a Suspension Order for mining without an Operating Permit. Suspension Order effective immediately. Exhibit #27.

February 25, 2025: Email from Carla M. to Bob. Carla stated the attachments were to "reengage the discussion about the Hines' aggregate site". Exhibit #28.

February 27, 2025: Email response from Megan to Carla regarding the reinstatement request and response letter. Exhibit #39.

March 13, 2025: This appeal request and supporting documentation. Exhibit #30.

April 1, 2025: Planning's written notice of intent to void #C-546-89. Exhibit #31.

Note: The Planning Manager became aware of the Snow pit expansion in 2020 and provided Mr. Hines direction for applying for a Goal 5 PAPA application to retroactively approve the expansion of the Snow pit and to commercially mine the site. Four years lapsed to the time of submission of the Goal 5 application.

28. **LAND USE DECISION REVIEW:** Attorney Williams includes the following basis of

appeal on behalf of Jeff and Michelle Hines.

“Jeff and Michelle Hines' (Hines) appeal to the Umatilla County Planning Commission, the Planning Division's denial of a Request to Reinstate their Conditional Use Permit (C-546-89). The denial of the Request to Reinstate C-546-89 is attached hereto as Exhibit 1.

This appeal is based on the belief that policy and procedure of the Comprehensive Plan and/or provisions of the Development Code, ORS 215.230 and ORS 215.416 were not properly administered or followed.”

Planning Response:

The appellant’s appeal basis is that the Comprehensive Plan, Development Code, ORS 215.230 and ORS 215.416 were not administered or followed and refers to Appellant’s Exhibit #1 (Planning’s Exhibit #28). Exhibit #29 consists of the Planning Manager’s February 27, 2025 letter in response to Consultant Carla McLane’s letter dated February 25, 2025 emailed to Community Development director, Robert Waldher (Planning’s Exhibit #28).

The February 27, 2025 Planning letter included two of the original limiting conditions of approval for the 1989 Snow conditional use permit. The conditions limited the amount of aggregate material and the acreage size of the Snow pit. The current property owner, Jeff Hines, had acknowledged in July 2020 that the amount of material and size of the aggregate area had been exceeded beyond one acre and 5,000 cubic yards of mined material per year.

In July of 2020 Planning provided a possible solution for an expansion of the site and to provide protection of the aggregate resource through a determination of significance through a Goal 5 PAPA application process. Four years later the appellant submitted an incomplete Goal 5 PAPA application on November 17, 2024 (Exhibit #30, page 11). This application is currently under review and pending applicant’s additional information, see Planning’s determination of completeness (Exhibit #25).

Outside of the pending Goal 5 PAPA application submitted to County Planning (which was not identified as a basis for the appeal, although included as one of the appellant’s exhibits) the appellant has not submitted a land use application where a final decision or determination by local government relating to the adoption, amendment or application of statewide planning goals, comprehensive plan or land use regulation (development code) have been applied.

The February 27, 2025 Planning letter summarized some limiting conditions of the 1989 conditional use permit and regardless of whether the applicants of the 1989 conditional use permit believed they could exceed the limiting size and amount of material and operate a commercial aggregate site, the 1989 Signed Final Findings did not approve such use. Even if the conditional use permit could be renewed it would do nothing to remedy the conditions of approval limiting the amount of material and size of the pit. The letter 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.

Appellant lists ORS 215.230 and ORS 215.416 as part of the basis of the appeal. ORS 215.230 was repealed from the statute in 1963. ORS 215.416 consists of procedures prescribed for processing permits and applications through administrative review and hearings.

County Planning finds that the written response letter dated February 27, 2025 does not constitute a land use decision. County Planning finds that there was not a decision made on a permit, application or the adoption, amendment or application of statewide planning goals, comprehensive plan or land use regulations (development code) and thus, a land use decision was not made by the February 27, 2025 response letter.

Regardless, the appellant's Assignment of Errors will be listed and reviewed as follows in No. 30 APPEAL.

29. COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST TO REVOKE:

The standards for approval are provided in underlined text and the responses are indicated in standard text.

UCDC §152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(F) The County may void a conditional use permit or land use decision under the following circumstances:

(1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30-days written notice and opportunity to correct or cure the compliance issue and the property owner/applicant failed to correct or cure the compliance issue within said notice period; or

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

As shared with the Appellant most recently in Exhibit 29, the mining operations occurring at the Snow Pit on the subject property have far exceeded the permitted allowances of 5,000 cubic yards of mined material and the permitted site size of no more than one acre. These restrictions were placed when the Hearings Officer approved the original site with Conditional Use Permit #C-546-89 and were made under the Conclusions of Law (Exhibit #5), provided below for reference.

10. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to be in compliance with the State- mandated criteria for non-farm uses in Exclusive Farm Use Zones, by not interfering with adjoining agricultural uses, by restricting the size of the site to the existing ravine and by utilizing a location suited only to the most limited seasonal livestock grazing, and limit its use to not include commercial quarry operations.
11. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to comply with all of the specific standards set forth in the Umatilla County Development Ordinance, provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre in size and the quarried aggregate is used on the applicant's property, as well as an approved Reclamation Plan be filed with the County Road Department.

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In July of 2020, Mr. Jeff Hines contacted the Planning Division to inquire about the limitations placed on the Snow Pit approval. These limitations were shared with him, and staff sent a follow-up email to Mr. Hines (Exhibit #16) detailing the process to expand the approval to a larger site, which would require a determination of significance under Goal 5. On July 28, 2020 DOGAMI included Planning Staff on an email to Mr. Hines and Dick Snow Estate (previous land owner), which included a site inspection report completed by DOGAMI on June 16, 2020 (Exhibit #17). Onsite were Mr. Jeff Hines and Ms. Becky Mitchell. DOGAMI's site inspection found that the disturbed area exceeded 23 acres. DOGAMI concluded that "annual production is greater than 5,000 cubic yards of material" which requires a DOGAMI Operating Permit. An Operating Permit has not been issued for the site.

While the site operator/landowner has been aware of the compliance issue since 2020, Planning sent a letter to Wes Williams, attorney for appellant, providing notice of the County's intent to void Conditional Use Permit #C-546-89 on April 1, 2025 (Exhibit #31). The Planning Commission hearing is scheduled for May 1, 2025.

As stated under 3. Request, the Umatilla County Development Department did not pursue the Request to Revoke under UCDC §152.613(F) in 2020 due to ongoing communication with Mr. Hines and the understanding that he would apply to designate the site as a Large Significant Site with a Post-Acknowledgment Plan Amendment. Staff are now requesting that the Planning Commission void #C-546-89.

Even if the Planning Commission could restrict the mining activities to excavating no more than 5,000 cubic yards of material, the site has already far exceeded one acre in size. Thus, the Conditional Use Permit should be voided, as this condition of approval could not be met.

County Findings and Conclusions: Umatilla County finds the Snow Pit was approved in 1989 via #C-546-89 by the Hearings Officer with the following limitations:

1. Quantities of aggregate mined do not exceed 5,000 cubic yards
2. The quarry site not exceed one acre
3. The quarried aggregate is used on the applicant's property and its use does not include commercial quarry operations.

Based on evidence in the record, including but not limited to the June 2020 DOGAMI Inspection Report and aerial images of the subject property, the Snow Pit site has exceeded one acre in size. DOGAMI found that mining operations had an annual production greater than 5,000 cubic yards of material. Additionally, Mr. Hines previously told Planning Division Staff that the operations had exceeded the limitations placed on the Conditional Use Permit and that he would pursue the Goal 5 PAPA process in order to achieve compliance.

Umatilla County finds that the required 30-day written notice of the intent to void was provided to the landowner.

Umatilla County Finds and Concludes the Snow Pit and the aggregate operations occurring at the Snow Pit no longer comply with the conditions of approval imposed on its approval via #C-546-89. Therefore, #C-546-89 must be voided.

(3) If the County intends to void a conditional use permit or land use decision under subsection (1) or (2) above, it shall do so pursuant to a public process set forth in § 152.769 and § 152.771. The County bears the burden of proving the elements set forth in subsections (1) and (2) above.

UCDC §152.769 is the County's Administrative Review process. UCDC §152.771 is the County's Public Hearing Requirements.

Planning Staff scheduled a public hearing before the Planning Commission, to occur on May 1st, 2025. This public hearing follows the requirements listed in UCDC 152.771.

County Findings and Conclusions: Umatilla County finds and concludes the public process set forth in §152.771 was followed and the County bared the burden of proof.

REQUEST TO VOID: APPROVED

Although the request to void #C-546-89 has been approved, the appellant's appeal request follows.

30. **APPEAL:** The appeal reasons provided by the applicant (appellant) follows. The appeal request is identified as Exhibit 30. Some exhibits referenced by the appellant are identified with different exhibit numbers, refer to the Table of Contents for the applicable exhibit number.

Appellant's Response:

Appellant is basing the appeal on the following issues:

“Site has operated as a commercial gravel quarry for over 40 years.

The denial of the Request to Reinstate C-546-89 (denial) claims that "Conditional Use Permit C-546-89 did not permit commercial mining activities, rather, mining was limited to personal use only." *Exhibit 1*. This is not entirely accurate. A careful reading of (1) Richard Snow's original application for a conditional use permit; (2) the Findings of Fact and Conclusions of Law; (3) the April 23, 1990, conditional use permit; (4) coupled with the fact that this quarry has operated as a commercial gravel quarry since before 1985, proves that this site was allowed to operate as a commercial gravel quarry for over 40 years.

In 1989, Mr. Snow applied for a commercial rock crushing permit. *Exhibit 6*. Mr. Hines recently obtained from Mr. Snow's estate correspondence between Mr. Snow and Umatilla County from 1989 through 2020. *Exhibits 6 and 7*. This correspondence included Mr. Snow's original application and the hearings officer approval. *Exhibit 6*. It also includes annual letters to Mr. Snow authorizing the conditional use of the aggregate operations under Conditional Use Permit C-546-89. *Exhibit 7*.”

Planning's Response:

The appellant claims several assumptions based on the 1989 Conditional Use Permit (CUP) approval and subsequent renewals of the 1989 CUP:

1. The appellant assumes the site was used as a commercial quarry “since before 1985”.

This is a significant claim with no evidence provided by the appellant, other than statements from Mr. Snow's son and Jeff Spike, “Mr. Snow owned and operated this commercial gravel quarry well before 1985. His son, who is now 65 years old, recalls the gravel quarry being there his entire life. Prior to 1985, rock was being mined out of the quarry and was used on roads on the ranch and sold to others. Rock was also sold for rip rap out of the quarry to be used on the Umatilla River. Mr. Jeff Spike grew up within 2 miles of the Snow rock quarry. He is now 69 years old. He recalls rock being hauled out of the quarry and used prior to 1985. He can remember dump trucks hauling rock and dirt out of the quarry around this time. By the 1980s, the quarry was producing aggregate for ODOT, local municipalities, and for private road construction.”¹

Planning staff compiled and reviewed aerial imagery dating back to 1980. Aerial images of the subject property, compiled by staff, are included as Exhibit 32. Images taken of the aggregate site and subject property for the 1989 CUP hearing² are included as Exhibit 33.

In 1980 the subject property appears to be in dryland wheat production. The gulley is clearly visible with minimal ground disturbance. In the 1994 flight imagery, the property still appears to be primarily planted in dryland wheat, the gulley has been drawn on the aerial photograph. In the 1994 Google Earth satellite imagery, the property is planted in

¹ Exhibit 30, Page 4

² County Planning did not own a film slide converter until March 20, 2025. Until this date, these image slides were in the physical CUP file but were not transferable to a digital format.

dryland wheat, and there is minimal ground disturbance with a few trucks in the gully area (now the Snow Pit).

In the November 2002 Google Earth satellite imagery, the area mined under CUP #C-594-89 is more defined and visible on the north eastern side of the property. The estimated quarry area is 2.4 acres. Other ground disturbance on the property is minimal. The subject property is primarily planted in dryland wheat.

Google Earth satellite imagery in 2017 shows the mined area to have grown to the north west of the original site. Total area disturbed by the mining operations is estimated at nearly 21 acres.

Google Earth satellite imagery in 2024 shows the addition of numerous trucks/equipment that have taken place of the stockpiles. The mined area has increased significantly, now estimated at 23.3 acres per DOGAMI's 2020 Site Inspection Report.

The slide photos used during the 1989 CUP hearing were taken on the subject property, and include the proposed aggregate site area as well as the new access road and the vicinity of the proposed site. While rock outcroppings are present in these photos, it is clear to the untrained eye that this site was not commercially mined in 1989, let alone "since well before 1985".

Umatilla County finds the aerial and ground photos serve as definitive evidence that there was not a commercial quarry in this location "since well before 1985". Aerial imagery depicts that the site significantly grew in size, from 2.4 acres to over 23 acres between the years of 2012 and 2024. Umatilla County finds that for many years the aggregate operations did not appear commercial in nature.

Finally, in 1989, the applicant could have pursued a "verification of a non-conforming use", had they believed that the use had been a non-conforming legal use. However, the applicant did not pursue that application with County Planning. Instead, Mr. Richard Snow requested land use approval with a Conditional Use Permit.

Umatilla County finds and concludes the aggregate operation was not a commercial operation before 1985.

2. The appellant assumes because Richard Snow requested commercial use of the aggregate quarry in his application, commercial use was approved by the Hearings Officer.

The March 1989 Planning Commission minutes make clear that Richard Snow did request to operate commercially. Umatilla County finds that the Hearings Officer limited the use to "not include commercial quarry operations", under Conclusions of Law #10.

Umatilla County finds that the Hearings Officer limited the size of the quarry under Conclusions of Law #11, "Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to comply all the specific standards set forth in

the Umatilla County Development Ordinance, **provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre, and the quarried aggregate is used on the applicant's property...**" [emphasis added].

Umatilla County finds that the applicant requested a commercial use, and that the commercial use of the aggregate site was denied by the Hearings Officer. Umatilla County finds that the Hearings Officer limited the aggregate site's approval to no more than 5,000 cubic yards of material mined, and a maximum site size of one acre. Despite the appellant's claims, the Hearings Officer **did not** [emphasis added] approve Mr. Snow's application as presented.

Umatilla County finds and concludes the Hearings Officer did not approve nor authorize a commercial aggregate site with the 1989 CUP approval. The 1989 CUP approved by the Hearings Officer was limited in footprint size, quantity and limited the mined materials to only being used on the applicant's property.

3. The appellant assumes because Umatilla County renewed the CUP between 1989 and 2020, the County acknowledged and *legalized* a commercial quarry.

As provided in the Timeline of Events (Exhibit 1), Umatilla County conducted an annual review process for the life of the CUP. During a handful of years there was not a renewal conducted. The last site visit noted in the file was conducted on October 3, 2013. The aggregate site substantially grew in size after 2013. It is difficult for an untrained person on-the-ground to determine if a site has pulled more than 5,000 cubic yards of material in any given year. The County's failure to conduct a site visit by a mining expert does not mean the County legalized a commercial quarry. It is the operator's responsibility to notify the County of any changes to their operations on the annual review form.

On July 20, 2020, Mr. Hines contacted County Planning and inquired about permitting a commercial quarry. Mr. Hines shared with staff that he had been operating outside of the permit and had been pulling more than the allowed quantity of materials. Thus, the email from Planning Staff followed explaining the process to permit a Large Significant Goal 5 Site (Exhibit 16). Shortly after this email was sent to Mr. Hines, on July 28, 2020 County Planning received a site inspection report from DOGAMI (Exhibit 17) stating that the site had far exceeded its permitted allowance (5,000 cubic yards and no more than 1 acre in size).

As described under 29. Request to Revoke above, the Community Development Department had been cooperating with Mr. Hines in order to legalize the commercial activities occurring at the Snow Pit. At no point did County Planning state that the site was allowed to operate commercially. Simply because the County did not take Code Enforcement action, on the basis of mutual cooperation, does not mean that the site became legalized.

Had the appellant provided a response to Planning's completeness letter for the Goal 5 PAPA application, the site could've been reviewed as a large significant site at this point in time.

Assignment of Error #1:

Appellant's Response:

In its denial of the Hines' Request for Reinstatement of C-546-89, the Planning Division failed to cite a provision in the Umatilla County Development Code that it claims the Hines' have violated.

ORS 215.416 (8)(a) provides:

"Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which *shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan* for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole." (Emphasis added)

In its denial (*Exhibit 1*), the Planning Division fails to cite a provision of the development code on which it bases its denial of the Request for Reinstatement of the Hines conditional use permit. As a result, the Hines are unable to specify what provision of the development code is the basis of their appeal. When a county denies a conditional use permit, it must cite the specific section of the development code or zoning ordinance that forms the basis for the denial. ORS 215.416 (8)(a). The reason for this requirement is that citing the specific section provides the applicant, here the Hines, with clarity on the reasons for the denial, which is crucial for them to understand the basis for the decision and to prepare for any potential appeal. *Waveseer of Or., LLC v. Deschutes Cty*, 308 Or App 494 (2020); *Jones v. Willamette United Football Club*, 307 Or App 502, 514 (2020). The denial ought to be reversed and remanded to the Planning Division with instructions to cite the provisions of the development code it claims the Hines violated.

Planning's Response:

The appellant did not apply for a land use permit. Appellant submitted a letter to, "reengage the discussion about the Hines aggregate site". The letter goes into the site's history and then states, "[b]ased on this unclear history and the ongoing commercial use that occurred at the site, this request is being raised again to allow Mr. Hines' operation of the aggregate site while the Goal 5 application moves through the permitting process." County staff provided a letter in response, detailing the original 1989 CUP approval and how commercial operations were specifically excluded from the Final Findings and Conclusions for approval of the site. Staff also detailed how the aggregate operations had exceeded far beyond the 1989 approval. Again, the Hearings Officer specifically limited the size of the pit to no more than one acre in size, with no more than 5,000 cubic yards of material mined in one year.

Umatilla County requires both a Land Use Request Application (LURA) and a Conditional Use Permit (CUP) application for consideration of a Conditional Use Permit. The applicant did not submit either of these applications. Had the appellant submitted these applications, Planning Staff would have addressed applicable criteria of approval. The appellant hired Carla McLane of Carla McLane Consulting, LLC. Ms. McLane has been a consultant for several projects in

Umatilla County and has submitted numerous land use applications to Umatilla County, including both Goal 5 PAPA requests for aggregate mining, and Conditional Use Permit requests.

County Findings and Conclusions: Umatilla County finds the appellant did not submit a Conditional Use Permit Application nor the accompanying Land Use Request Application. Umatilla County finds the letter provided to re-engage the discussion about the Hines aggregate site was not a land use application, thus staff did not err in providing applicable criteria of approval, as there were no criteria of approval to apply to this letter.

Umatilla County finds and concludes the appellant's first assignment of error is denied.

Assignment of Error #2:

Appellant's Response: The denial of the Request to Reinstate the conditional use permit fails to provide notice to the Hines that they "may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations."

ORS 215.416 (1)(a)(A) provides that "the hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of the subsection, to file an appeal." ORS 215.416 (1)(a)(C) further clarifies that "[t]he notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations."

The Hines were persons adversely affected or aggrieved by the denial of their conditional use permit, yet they were not provided notice that they may appeal the decision by filing a written appeal; nor were they provided notice of the time limitations for such appeal. *Exhibit I*. Further, the notice, here the denial (*Exhibit I*), does not state that the Planning Division's decision will not become final until the period for filing the local appeal has expired. ORS 215.416 (1)(a)(C).

Therefore, the denial (*Exhibit I*) is in violation of ORS 215.416 (1)(a)(C). The denial ought to be reversed and remanded to provide the Hines with adequate notice pursuant to ORS 215.416 (1)(a)(C).

Planning's Response: As found in Assignment of Error #1, the appellant did not submit a land use permit application. Thus, there was no such denial of an application as no application was submitted for the Department to approve or deny.

Staff believe the appellant's appeal was premature. Through this action, Planning Staff are requesting that Conditional Use Permit #C-546-89 be revoked. Should staff's request be granted, the Planning Commission decision may be appealed to the Board of Commissioners.

County Finding and Conclusion: Umatilla County finds the appellant did not submit a land use application. Umatilla County finds the letter provided to re-engage the discussion about the Hines aggregate site was not a land use application, thus staff did not err in not providing notice of a denial, as there was no application to deny.

Umatilla County finds and concludes the appellant's second assignment of error is denied.

Assignment of Error #3:

Appellant's Response: The Hines have an established and existing lawful use under ORS 215.130 (5).

ORS 215.130 (5) provides that the "lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued." The Findings of Fact and Conclusions of Law state the Umatilla County Development Ordinance was adopted on June 12, 1985. *Exhibit 6*. The commercial gravel quarry at issue here lawfully existed at the time the Umatilla County Development Code was established. Mr. Snow owned and operated this commercial gravel quarry well before 1985. His son, who is now 65 years old, recalls the gravel quarry being there his entire life. Prior to 1985, rock was being mined out of the quarry and was used on roads on the ranch and sold to others. Rock was also sold for rip rap out of the quarry to be used on the Umatilla River. Mr. Jeff Spike grew up within 2 miles of the Snow rock quarry. He is now 69 years old. He recalls rock being hauled out of the quarry and used prior to 1985. He can remember dump trucks hauling rock and dirt out of the quarry around this time. By the 1980s, the quarry was producing aggregate for ODOT, local municipalities, and for private road construction.

Therefore, the Hines request that, pursuant to ORS 215.230 (5), this matter be remanded to the Planning Division with instructions that the Hines be allowed to operate their commercial gravel quarry as it was allowed to operate prior to the adoption of the Umatilla County Development Ordinance on June 12, 1985. Legal precedent requires that the Hines be allowed to continue to operate their commercial gravel quarry. *Polk County v. Martin*, 292 Or 69 (1981).

Planning's Response: First, the Appellant's response contains non-factual based claims. In the first paragraph, the Appellant states that Mr. Snow's son recalls the commercial quarry being there his entire life, based on his provided age this is presumed to be since 1960. No facts or evidence beyond this statement were produced into the record by the appellant. The same is held for the statement by Mr. Jeff Spike. Both statements from these individuals are provided in the appellant's appeal narrative, however, written statements from these individuals was not provided.

Contrarily, Umatilla County staff have provided photographic evidence of the quarry site, with photos dated March 1989 (Exhibit 33). These photo slides were used in the March 1989 hearing for approval of Conditional Use Permit #C-546-89 and are part of the hearing record. Additionally, staff have composed a timeline of aerial photos, both of flight imagery and Google Earth satellite images (Exhibit 32). As described above, the site was not an aggregate site until after 1989.

Umatilla County's Comprehensive Plan was adopted May 9, 1983³ and acknowledged by the Department of Land Conservation and Development on October 24, 1985. The Technical Report⁴ contains the Goal 5 Inventory List (open spaces, scenic and historic areas and natural resources). Sites listed within the Technical Report contain the following designations:

- 2A: site is on the inventory, no conflicting uses identified. Manage resource site so as to preserve original character
- 3A: preserve the resource site
- 3B: allow conflicting uses
- 3C: specifically limit conflicting use

Sites found significant after adoption of the Technical Report, through a Post Acknowledgement Plan Amendment (PAPA) are located in the County's Comprehensive Plan under Chapter 8. Open Space, Scenic and Historic Areas, and Natural Resources. Under Policy 41, Umatilla County has added 16 sites to the inventory as significant through the PAPA process.

Areas proposed for aggregate extraction and associated mining activities must be acknowledged as a Goal 5 significant resource site in the County's Comprehensive Plan. Areas proposed for mining that are not included in either the Technical Report or the County's Comprehensive Plan must go through the PAPA process to establish the site as either a Small or Large Significant Goal 5 site. Applicable criteria for establishing a new small or large significant site depend greatly upon the quality and quantity of material present on the site.

Umatilla County finds the Snow Pit site is not located on the County's Goal 5 Inventory as a significant aggregate resource site.

The appellant cites ORS 215.130 (5) which pertains to verification of non-conforming uses. ORS 215.130 states the following: "The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued".

Appellant claims that the aggregate operations have been operating at this location for 40 years – which would equate to the year 1985. Umatilla County adopted a Zoning Ordinance in 1972. In 1972, the subject property was zoned F-1 and in the F-1 zone an aggregate quarry was permissible with a Conditional Use Permit. Thus, even if aerial photos proved a quarry was operating at this location since 1985, a land use permit was required and not obtained until 1989.

Umatilla County finds the appellant does not have a non-conforming use, as the aggregate operations were not occurring in 1972, at the time the County's Zoning Ordinance applied. At the time the appellant claims the aggregate operations began, the use was permissible with a CUP and thus, an aggregate site could not be considered non-conforming.

The County has precedence of permitting mining sites previously approved with CUPs that were not on the Goal 5 Inventory by going through the PAPA process. In 2022, Umatilla

³ County Ordinance 83-4 adopted the Umatilla County Comprehensive Plan and Development Code.

⁴ Technical Report is available online at:

https://co.umatilla.or.us/fileadmin/user_upload/Planning/Technical_Report.pdf

County approved the expansion of a site that was previously permitted as a Small Significant Site under a Conditional Use Permit, owned by Mr. Wade Aylett. The expanded mining area was required to go through the PAPA process to include the original site and the expansion area as a Large Significant Site with Goal 5 protections⁵. Ms. Carla McLane assisted with this land use application as well as several applications pursued by Oregon Department of Transportation, which are no different than what Mr. Hines was asked to complete over the last five years in order to permit the Snow Pit's expansion area and commercial activities.

Once the mining operations occurring at the Snow Pit exceeded the thresholds of no more than 5,000 cubic yards of material and one acre of land, placed by the Hearings Officer with the approval of #C-546-89, the site was required to comply with the requirements of establishing a Goal 5 significant resource site. Having a Conditional Use Permit that allowed mining, commercial or personal, with these limitations **does not** preclude the site from having to comply with the Statewide Planning Goals, including the requirement to be on the County's Goal 5 Inventory.

Umatilla County Findings and Conclusions: Based on evidence in the record, Umatilla County finds the commercial mining activities occurring at the Snow Pit do not pre-date land use planning in Umatilla County. There is no evidence in the record to demonstrate that a commercial mining operation existed prior to 1985. Rather, evidence in the record demonstrates that mining did not occur at the site until after the 1989 CUP approval, approximately in 1991. Additionally, mining at the commercial level did not appear until after 2012.

Umatilla County finds and concludes the Snow Pit was not an established and lawful use under ORS 215.130 (5).

Umatilla County finds and concludes the appellant's third assignment of error is denied.

Assignment of Error #4.

Appellant's Response: The denial of the Request to Reinstate C-546-89 was issued prematurely as the Hines' have until June 11, 2025, to respond to a completeness letter.

On November 18, 2024, Jeff and Michelle Hines (Hines) submitted an application to the county Planning Division to list their gravel quarry site as a large, significant site and to allow commercial mining and associated mining activities. Exhibit 2. The application was developed and filed by Carla McLane Consulting, LLC. Attached as Exhibit 2 for your reference is the Application for a Large Significant Site and to Allow Commercial Mining and Associated Activities on the Hines property. The application is very thorough and includes several attachments including a vicinity map, impact area map, assessor's map, 2024 Real Property Assessment Report, a realigned easement survey, the current and proposed aggregate site survey, a trip generation letter, lab reports, a city water information letter, land use request application, amendments application, and an aggregate application.

⁵ This site was expanded with approval of Z-322-22 and P-133-22

On December 13, 2024, the county responded with a completeness letter. Exhibit 3. This letter delineated for the Applicant a number of additional documents they would need to provide in order to submit a complete application. The completeness letter informed the Hines that they have "180 - days, or until June 11, 2025, in which to respond in writing with some, all, or none of the requested information." Exhibit 3. The Hines' tendered the matter to Ms. McLane to assist them in responding to the completeness letter. Ms. McLane sent an e-mail to Ms. Davchevski, the author of the completeness letter. Ms. McLane thanked Ms. Davchevski "for providing the completeness letter" and explained that "[w]e will review and respond accordingly." Exhibit 4. Ever since, Ms. McLane and the Hines' have been working toward satisfying the requirements of the December 13, 2024, completeness letter. In the meantime, on February 25, 2025, Ms. McLane, on behalf of the Hines', filed a Request for a Reinstatement of Conditional Use Permit C-546-89. Exhibit 5. On February 27, 2025, the Planning Division denied the Hines' Request to Reinstatement of Conditional Use Permit C-546-89. Apparently, one of the reasons for the denial was because "[t]o date, the incompleteness letter has not been addressed and the requested missing information has not been received." Exhibit I. It appears that the Planning Division is denying the Hines' Request to Reinstatement their conditional use permit because they have not yet responded to the completeness letter regarding their application for a large significant site for commercial mining. However, these are two separate applications. It is erroneous for the Planning Division to deny a Request to Reinstatement the Hines' conditional use permit on the grounds that they have yet to respond to a completeness letter on the application for a large significant site. This is especially true since the Hines' have three more months, until June 11, 2025, to respond to the completeness letter. Exhibit 1; ORS 215.427(3)(a). The denial of reinstatement ought to be reversed to allow the Hines until June 11, 2025, to respond to the completeness letter. In the meantime, since the Hines are attempting to comply in good faith, they ought to be allowed to continue to operate their commercial gravel quarry as it has operated since before June 12, 1985.

Planning's Response: Staff agree with the appellant's following statement, "these are two separate applications". This is true.

On November 18, 2024, on behalf of Mr. Hines, Ms. McLane submitted a PAPA application to County Planning in order to establish a Large Significant Aggregate site with Goal 5 protections. County Planning sent a detailed completeness letter on December 13, 2024, detailing necessary information in order to deem the PAPA application complete. The letter contains the following language, "From the date of this letter you have 180-days, or until June 11, 2025, in which to respond in writing with some, all, or none of the requested information. Unless the Planning Division receives a response prior to June 11, 2025, your application request will become void on the 181st day, June 12, 2025".

Then, on February 25, 2025, Ms. McLane, on behalf of the Hines, filed a Request for a Reinstatement of Conditional Use Permit #C-546-89. In staff's response to Ms. McLane's letter dated February 25, 2025, staff reminded Ms. McLane of the incomplete PAPA application. The letter dated February 27, 2025 from Planning Staff **did not** [emphasis added] say that the Hines' reinstatement request was denied due to the pending PAPA application. Rather, it listed several other reasons why the reinstatement was not possible.

To quote the February 27th letter:

“Your request prompted further investigation by County Planning and County Counsel. Please read the following excerpt from the 1989 Conditional Use Permit Final Findings of Fact and Conclusions of Law (located on page 9):

10. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to be in compliance with the State- mandated criteria for non-farm uses in Exclusive Farm Use Zones, by not interfering with adjoining agricultural uses, by restricting the size of the site to the existing ravine and by utilizing a location suited only to the most limited seasonal livestock grazing, and **limit its use to not include commercial quarry operations.**
11. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to comply with all of the specific standards set forth in the Umatilla County Development Ordinance, **provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre in size** and the quarried aggregate is used on the applicant's property, as well as an approved Reclamation Plan be filed with the County Road Department.

Conditional Use Permit #C-546-89 **did not** permit commercial mining activities, rather, mining was limited to personal use only. Regardless, DOGAMI has shared with the County that re-instating the previous CUP would not suffice in obtaining DOGAMI permit compliance.” (Exhibit 29)

To summarize, the Snow Pit (via Mr. Hines and his representative Ms. McLane), currently has two pending land use actions with County Planning:

1. A PAPA request to list the aggregate pit as a Large Significant Resource Site, with protections under Goal 5, within the County’s Comprehensive Plan, and to allow mining and associated mining activities. *This application was deemed incomplete on 12/17/2024 and is pending further information, or response that none will be provided, from the applicant.*
2. A request to reinstate Conditional Use Permit #C-546-89. *This appeal request.*

County Planning has, and will continue to view these as two separate land use actions independent of one another.

As stated elsewhere, staff believe the appeal request was premature. The Community Development Department did not pursue the path to void #C-546-89, until now, due to previous cooperation efforts of Mr. Hines. However, since Mr. Hines is now wanting to appeal staff’s letter, staff and County Counsel determined that it was necessary to go through the request to revoke, reviewed above.

Should Mr. Hines wish to appeal the Planning Commission's decision of this request that path is available.

Umatilla County Findings and Conclusions: Umatilla County finds the Snow Pit, via Mr. Jeff Hines, has two separate pending land use actions: a PAPA request and a CUP appeal request. Umatilla County finds that Planning Staff did not deny the appellant's request to reinstate #C-549-89 based on the incomplete PAPA application.

Umatilla County finds and concludes staff did not err in responding to the appellant's request to reengage #C-549-89 by mentioning in the letter the appellant's incomplete PAPA request, reminding them of the deadline and informing them that Planning had not received a request to the incompleteness letter sent on December 17, 2024.

Umatilla County finds and concludes the appellant's fourth assignment of error is denied.

Assignment of Error #5:

Appellant's Response: The Hines must have a conditional use permit from the county before they may apply for DOGAMI approval. The denial letter places the Hines' in an untenable dilemma. The letter states that: "Thus, Umatilla County did not allow the operator to renew the 1989 conditional use permit as one of the conditions of approval requires compliance with DOGAMI."

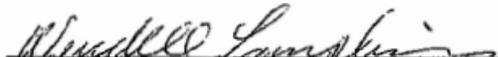
Exhibit 1. On the one hand, on February 27, 2025, the Planning Division denies the Request to Reinstate because "one of the conditions of approval requires compliance with DOGAMI." Exhibit 1. However, on the other hand, before the Hines can apply for DOGAMI approval, they must first have a conditional use permit from the county. Thus, the Planning Division imposes on the Hines a condition they cannot satisfy, as they must have the conditional use permit from the county before they can apply for DOGAMI approval. This procedural error is grounds to remand the denial of the Request to Reinstate the conditional use permit back to the Planning Division to remove the condition that Hines first get DOGAMI approval. Then the Hines will be able to move forward with their application for DOGAMI approval.

Planning's Response: The 1989 Conditional Use Permit implemented ongoing conditions of approval in order to ensure ongoing compliance with the development code. That is; in order to have County Planning's renewal approval each year, the operator is required to demonstrate compliance with the ongoing conditions of approval. This is standard for most Conditional Use Permits. Typical subsequent conditions of approval include but are not limited to: hours of operation, maintaining parking spaces, providing dust mitigation, retaining required permits from other agencies, etc.

The following conditions of approval were imposed by the Hearings Officer:

Based on the above stated Findings of Fact and Conclusions of Law, the Umatilla County Hearings Officer does hereby grant this application with the following conditions:

1. The applicant is required to submit a revised plot plan which will locate the rock crusher, stockpile area, and asphalt plant.
2. The applicant comply with the standards required by the Umatilla County Public Works Director for haul roads.
3. The applicant submit a reclamation plan to the Umatilla County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
4. The applicant submit copies of the Air Contamination Discharge Permit and any other related permits to show that they have complied with all air, noise and dust control requirements of State and Federal Agencies having jurisdiction.
5. All equipment, refuse and structures shall be removed from the site and the site left free of debris after completion of the aggregate processing.
6. Provide proof of adequate water supplies and comply with County Watermeters requirements for the critical ground water area.
7. A yearly review be held each March to determine if extra conditions are required and a \$25.00 annual fee be submitted.
8. Notify Umatilla County Planning Department if Native American or other historic sites are discovered during excavation for the purpose of documentation.


Wendell Lampkin, Hearings Officer

4-6-89
Date

In 1990, the Department of Geological and Mineral Industries (DOGAMI) took over the County's Surface Mining Land Reclamation program. A letter from DOGAMI was sent to Mr. Snow in 1990 (Exhibit 7). In 2020, DOGAMI conducted a site visit with a site report (Exhibit 17) and stated that no mining or associated activities were to occur at this site until the operator received County and DOGAMI approval for the site.

In 2020, Mr. Snow had a valid Conditional Use Permit with Umatilla County. Mr. Snow did not maintain his compliance with DOGAMI, which was a violation of the CUP approval. This, along with the Snow Pit's footprint size and quantities of aggregate mined were the basis for the 1989 CUP to not be renewed. Again, staff did not pursue the process to void the CUP due to previous cooperation of Mr. Hines.

Evidence in the record demonstrates that Mr. Hines was made aware of the compliance issues, both prior to purchasing the property and after.

In the February 27, 2025 letter, staff did not require a DOGAMI permit to re-instate #C-546-89. Conditional Use Permit #C-546-89 cannot be re-instated because the mining operations have far exceeded the permit thresholds of 5,000 cubic yards of material per year and a site size of no more than one acre. A DOGAMI permit is required to mine, but this permit is typically received after land use approval is granted and is required as a Condition of Approval in the land use planning approval. In this case, it was required in 1990, following the transfer of the County's Reclamation program to DOGAMI.

Should the appellant continue to pursue their PAPA Goal 5 application, obtaining a DOGAMI permit and providing a copy to County Planning will be a condition of said approval. A standalone CUP application could not be approved today, for this site, without also completing a PAPA application to add the site as a significant resource site. This is because the permitting requirements for establishing an aggregate quarry are different today than they were in 1989.

Umatilla County Findings and Conclusions: Umatilla County finds that staff have requested the revocation of #C-546-89 above through #R-001-25. The requirement to maintain DOGAMI permit approval was a condition of #C-546-89.

Umatilla County finds Planning Staff did not complete a procedural error by requesting the Planning Commission to void #C-546-89 due to the mining operations not complying with the CUP approval. Umatilla County finds that the mining operator, in addition to operating beyond the CUP approval, failed to obtain and maintain DOGAMI Operating Permit compliance.

Umatilla County finds and concludes the appellant's fifth assignment of error is denied.

31. CONCLUSION

Appellant's Response: The Hines merely request that they receive the same courtesy as Mr. Snow. They request that they be allowed to operate their commercial gravel quarry while the Goal 5 Application moves through the permitting process and while they work to obtain a DOGAMI permit once the county reinstates their Conditional Use Permit C-546-89. The Planning Division's refusal to reinstate the Hines' conditional use permit has significantly harmed Mr. and Mrs. Hines' ability to earn a living from their land and has impacted projects in the county that require aggregate from their quarry.

Planning's Response: Umatilla County withheld pursuing enforcement action for mining without valid land use permits for nearly five years in an effort to work with the Applicant to legalize the extensive mining activities occurring at this site, through the determination of significance under Goal 5. The appellant had over four years to complete the required PAPA application and then submitted an incomplete application. The appellant still retains the right to submit a complete Goal 5 PAPA request, as stated in the completeness letter (Exhibit 26).

Granting this appeal would set a terrible precedence against current aggregate permitting precedence in Umatilla County with on-going consequences.

The subject property is zoned Exclusive Farm Use. The first and primary use of the property, until the Aggregate Resource Overlay Zone is applied⁶, shall be farm use. The appellant has received approval to site a Primary Farm Dwelling, which in justifying approval, they provided proof of a commercial farming income. To say the Planning Division is harming the Hines' ability to "earn a living from their land", their **Exclusive Farm Use** land, is misleading.

To reiterate, in 2020, the Hines were informed by Planning Staff that a PAPA application was required in order to mine the site before they ever purchased the subject property (Exhibit 16). Again, mining more than 5,000 cubic yards and a mining site larger than one acre, was never approved by the Hearings Officer via #C-546-89. Mr. Hines' refusal to submit a complete PAPA application, and to obtain DOGAMI permit approval are contributing to why mining is currently not permitted at this site.

DOGAMI sent Mr. Hines a Suspension Order letter in February of 2025 (Exhibit 27) because Mr. Hines was continuing to mine without County and DOGAMI approval. This letter sent by DOGAMI is what triggered the "request to reinstate" submitted by Ms. McLane, not a county action. Although the County could have, and should have, taken enforcement action for continuing to mine without valid permits beginning in 2020. This Code Enforcement action would've begun with Planning Staff's Request to Revoke, which is just now being pursued via #R-001-25.

It is important to note, that even if the appellant's request to re-instate Conditional Use Permit #C-549-89 could be approved, all mining activities at the site (Snow Pit) 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. [Emphasis added]

Umatilla County Findings and Conclusions: Umatilla County Finds and Concludes that as outlined throughout this document, the Snow Pit was never approved for the extensive mining occurring onsite as the Findings and Conclusions listed in #C-546-89 limits the aggregate to be used on the applicant's property, with extraction not to exceed 5,000 cubic yards per year, with a site not to exceed one acre in size. The Snow Pit has been operating far beyond the 1989 CUP approval and now is over 23 acres in size.

Umatilla County finds and concludes that based on evidence in the record the appellant's request to remand the decision to the Planning Division, requiring staff to approve mining at the site is denied.

PRELIMINARY DECISIONS:

REQUEST TO REVOKE #R-001-25: APPROVED

⁶ The Aggregate Resource Overlay Zone is applied with approval of the PAPA request to establish a significant aggregate site.

BASED ON THE FOREGOING FACTS AND CONCLUSIONS OF LAW THE COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST TO REVOKE AND VOID #C-549-89 IS APPROVED.

THE MINING OPERATIONS HAVE EXCEEDED THE PERMITTED ALLOWANCES IN #C-549-89, VIOLATING THE CONDITIONS OF APPROVAL. THE CONDITIONAL USE PERMIT IS NOW VOID EFFECTIVE IMMEDIATELY.

APPEAL REQUEST OF PLANNING MANAGER'S LETTER: DENIED

BASED ON THE FOREGOING FACTS AND CONCLUSIONS OF LAW THE APPELLANT'S REQUEST TO APPEAL THE PLANNING MANAGER'S LETTER AND REMAND THE REQUEST TO REINSTATE CONDITIONAL USE PERMIT #C-549-89 IS DENIED.

MINING AND MINING ACTIVITIES AT THIS SITE ARE NOT PERMITTED UNTIL THE SITE IS ADDED TO THE COUNTY'S GOAL 5 INVENTORY AND ALL OTHER REQUIRED PERMITS ARE OBTAINED.

UMATILLA COUNTY PLANNING COMMISSION

Dated the _____ day of _____, 2025

Suni Danforth, Chair
Umatilla County Planning Commission

Planning's Exhibit 1: Jeff Hines / Snow Pit Timeline

Explanatory Note: Some attachments and supporting documentation were attached in communication multiple times. Each document is provided in the packet only once, please refer to the page references provided in the timeline table. Some communication and/or documents did not originate from County Planning but were provided to Planning prior to this appeal.

February 16, 1989: Land Use Request Application received by Umatilla County Planning Commission application submitted by Richard and Shirley Snow. Application states the requested use was listed as "aggregate quarry site with crusher and potential asphalt batch plant". The present use of the property was, "dryland range area at proposed site with cultivated land to the south for dryland wheat". **Exhibit #2**

March 29, 1989: Hearing on Conditional Use Request C-546-89. The Hearings Officer made several Findings of Fact and Conclusions of Law that limited the amount of material mined from the site, along with the size of the pit. **Exhibit #3**

April 4, 1989: Letter informing Mr. Snow of the action taken by the hearings officer. **Exhibit #4**

May 2, 1989: Letter of approval following appeal period. **Exhibit #5**

February 9, 1990: Annual renewal letter sent to Mr. Snow. **Exhibit #6, page 2**

March 14, 1990: Hearing to extend the conditional use request approval. **Exhibit #6, page 3**

March 21, 1990: Request to renew C-546-89 from Mr. Snow. **Exhibit #6, page 1**

April 23, 1990: Letter from Umatilla County Planning to Mr. Snow restating the limitations of the CUP approval (no more than 5,000 tons of material / 1 acre of footprint). Also clarified the site was approved for personal use only and if commercial use was desired an amendment was required to be submitted. **Exhibit #6, page 6**

April 25, 1990: Zoning Permit approval ZP-90-056 for establishing the personal aggregate site with stock pile area. **Exhibit #6, page 5**

May 25, 1990: Letter from DOGAMI to Richard and Shirley Snow. Letter states that the surface mining law only permitted up to one acre of ground and/or 5000 cubic yards of material to be mined within a given year. Letter states, "if your mining operation will exceed those limits stated above, you need to file the enclosed application for an Operating Permit". **Exhibit #7**

February 25, 1991: Annual renewal letter sent to Mr. Snow. **Exhibit #6, page 4**

March 13, 1991: Hearing to renew the conditional use request. **Exhibit #6, page 7**

April 4, 1991: Annual renewal letter sent to Mr. Snow. **Exhibit #6, page 8**

April 10, 1991: Hearing to renew the conditional use request, *hearing postponed to May hearing*. **Exhibit #6, page 9**

April 18, 1991: Annual renewal letter sent to Mr. Snow, *second notice*. [Exhibit #6, page 10](#)

May 3, 1991: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 11](#)

May 8, 1991: Hearing to renew the conditional use request. [Exhibit #6, page 13](#)

May 14, 1991: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 12](#)

March 5, 1992: Annual renewal letter sent to Mr. Snow. Site inspection completed. [Exhibit #6, page 15](#)

March 11, 1992: Hearing to renew the conditional use request. [Exhibit #6, page 16](#)

March 18, 1992: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 17](#)

April 8, 1992: Hearing to renew the conditional use request, *hearing postponed to May hearing*. [Exhibit #6, page 19](#)

April 20, 1992: Annual renewal letter sent to Mr. Snow, *second notice*. [Exhibit #6, page 18](#)

May 4, 1992: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 20](#)

May 13, 1992: Hearing to renew the conditional use request. [Exhibit #6, page 22](#)

May 27, 1992: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 21](#)

February 23, 1993: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 23](#)

March 16, 1993: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 24](#)

March 19, 1993: Yearly review report. Site inspection completed. [Exhibit #6, page 25](#)

March 29, 1994: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 26](#)

March 31, 1994: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 27](#)

April 27, 1994: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 28](#)

March 21, 1995: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 29](#)

March 24, 1995: Yearly review report. Site inspection completed. [Exhibit #6, page 30](#)

April 29, 1995: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 31](#)

May 10, 1995: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 32](#)

March 7, 1996: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 33](#)

March 12, 1996: Yearly review report. Site inspection completed. [Exhibit #6, page 34](#)

April 2, 1996: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 35](#)

April 5, 1996: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. *Letter reminds Mr. Snow of the 5,000 cubic yard limit per year.* Exhibit #6, page 36

April 9, 1997: Annual renewal letter sent to Mr. Snow. Exhibit #6, page 37

April 10, 1997: Yearly review report. Site inspection completed. Exhibit #6, page 38

May 13, 1997: Request to renew C-546-89 from Mr. Snow. Exhibit #6, page 39

May 21, 1997: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. Exhibit #6, page 40

March 9, 1998: Annual renewal letter sent to Mr. Snow. Exhibit #6, page 41

March 24, 1998: Request to renew C-546-89 from Mr. Snow. Exhibit #6, page 43

April 9, 1998: Yearly review report. Site inspection completed. Exhibit #6, page 42

April 13, 1998: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. Exhibit #6, page 44

February 25, 1999: Yearly review report. Site inspection completed. *Pit noted as inactive with stockpiles but no equipment or crusher.* Exhibit #6, page 45

March 2, 1999: Annual renewal letter sent to Mr. Snow. Exhibit #6, page 46

March 9, 1999: Request to renew C-546-89 from Mr. Snow. Exhibit #6, page 47

March 12, 1999: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. Exhibit #6, page 48

April 7, 2000: Annual renewal letter sent to Mr. Snow. Exhibit #6, page 49

April 18, 2000: Yearly review report. Site inspection completed. *Pit noted as inactive but some stockpiling. No equipment or crusher. Noted as "almost played out".* Exhibit #6, page 50

May 9, 2000: Request to renew C-546-89 from Mr. Snow. Exhibit #6, page 51

May 12, 2000: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. Exhibit #6, page 52

April 18, 2002: Annual renewal letter sent to Mr. Snow. Exhibit #6, page 54

April 22, 2002: Yearly review report. Site inspection completed. *Pit noted as active with loading equipment but no crusher. Trucks leaving site with gravel during inspection.* Exhibit #6, page 53

June 27, 2002: Request to renew C-546-89 from Mr. Snow. Exhibit #6, page 55

July 9, 2002: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. Exhibit #6, page 56

September 26, 2002: Letter from Patty Perry (Umatilla Co. Planning) to DOGAMI. Patty provided a copy of the 1989 Conditional Use Permit approval and clarified that the County no longer has a Surface Mining Land Reclamation ordinance and refers reclamation to DOGAMI. Exhibit #8

Hines #R-001-25

Exhibit 1: Snow Pit Timeline of Events

Page 3 of 9

April 13, 2003: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 59](#)

June 20, 2003: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 60](#)

Undated: Yearly review report. No site inspection. [Exhibit #6, page 62](#)

June 26, 2003: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 63](#)

June 25, 2004: Yearly review report. No site inspection notes. [Exhibit #6, page 65](#)

June 26, 2004: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 64](#)

August 18, 2004: Annual renewal letter sent to Mr. Snow, *second notice*. [Exhibit #6, page 66](#)

August 23, 2004: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 67](#)

August 24, 2004: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 68](#)

February 22, 2005: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 69](#)

June 16, 2006: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 70](#)

July 5, 2006: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 71](#)

April 3, 2007: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 72](#)

May 25, 2007: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 73](#)

February 22, 2008: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 74](#)

February 19, 2009: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 75](#)

February 24, 2009: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 76](#)

February 25, 2009: Yearly review report. Site inspection completed. Pit didn't appear to be recently mined. Only front-end loaders and heavy equipment present. Small dump site of garbage noted. [Exhibit #6, page 77](#)

March 26, 2009: Annual renewal letter sent to Mr. Snow. Staff noted that there was a solid waste violation on the property, thus the permit could not be renewed. [Exhibit #6, page 78](#)

April 3, 2009: Email chain between Gina Miller (County Code Enforcement) and Larry Brown (DEQ). Regarding an inspection of the solid waste site and includes photos. [Exhibit #9](#)

April 3, 2009: Conditional Use Permit communication notes between Gina M. and Mr. Snow. [Exhibit #6, page 79](#)

April 10, 2009: Letter from Lawrence Brown (DEQ) to Mr. Snow. Letter stated the solid waste site on the subject property was a violation of Oregon Environmental law. [Exhibit #10](#)

May 11, 2009: Letter from Timothy O'Rourke (attorney) to County Counsel. Mr. O'Rourke stated that the CUP renewal was held up due to the discovery of a dump site during the February 25, 2009 site inspection. [Exhibit #11](#)

June 3, 2009: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 81](#)

August 20, 2009: Letter from Lawrence Brown (DEQ) to Mr. Snow. Letter required the dump site to be cleaned up no later than November 15, 2009. [Exhibit #12](#)

January 5, 2010: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 82](#)

March 11, 2010: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 83](#)

April 22, 2010: Yearly review report. Site inspection completed. Pit was very active with considerable change in appearance with many more stockpiles. Inspector noted a large increase in quantity of material processed. [Exhibit #6, page 84](#)

April 29, 2010: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 85](#)

March 17, 2011: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 86](#)

March 21, 2011: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 87](#)

April 8, 2011: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 88](#)

June 8, 2011: Letter regarding status of request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 89](#)

September 19, 2011: Receipt for annual renewal fee. [Exhibit #6, page 90](#)

October 13, 2011: Yearly review report. Site inspection completed. Pit was active with several piles of crushed rock. [Exhibit #6, page 91](#)

October 14, 2011: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 92](#)

March 13, 2012: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 93](#)

March 16, 2012: Receipt for annual renewal fee. [Exhibit #6, page 94](#)

March 21, 2012: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 95](#)

August 28, 2012: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 97](#)

March 15, 2013: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 98](#)

May 13, 2013: Receipt for annual renewal fee. [Exhibit #6, page 99](#)

October 3, 2013: Yearly review report. Site inspection completed. Pit was inactive with heavy equipment on site. [Exhibit #6, page 100](#)

October 10, 2013: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 101](#)

March 11, 2014: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 102](#)

May 19, 2014: Receipt for annual renewal fee. [Exhibit #6, page 103](#)

March 10, 2015: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 104](#)

June 2, 2015: Receipt for annual renewal fee. [Exhibit #6, page 105](#)

January 22, 2016: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 106](#)

March 14, 2016: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 107](#)

April 21, 2016: Receipt for annual renewal fee. [Exhibit #6, page 108](#)

April 28, 2016: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 109](#)

November 7, 2016 through December 13, 2016: Email from Ben Mundie (DOGAMI) to Gina M. Ben was questioning the status of the quarry. DOGAMI was unaware the site was active as it was not in their permit database. [Exhibit #13](#)

March 25, 2017: Request to renew C-546-89 from Mr. Snow. [Exhibit #6, page 110](#)

March 31, 2017: Receipt for annual renewal fee. [Exhibit #6, page 111](#)

April 28, 2017: Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 112](#)

October 9, 2017: Letter from DOGAMI to Mr. Snow. Letter states that based on aerial imagery, DOGAMI concluded that an Operating Permit is required to continue mining. Failure to obtain a DOGAMI permit would result in a Class A violation subject to civil and criminal penalties. [Exhibit #14](#)

November 7, 2016: DOGAMI complaint report and emails from DOGAMI staff to other staff, Mr. Hines, Snow Estate and Umatilla County. [Exhibit #15](#)

March 1, 2018: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 113](#)

March 5, 2018: Request to renew C-546-89 from Mr. Snow. Letter states that the aggregate is used for maintaining farm roads and providing rock to the neighbors. [Exhibit #6, page 114](#)

March 19, 2018: Receipt for annual renewal fee. [Exhibit #6, page 116](#)

January 18, 2019: Annual renewal letter sent to Mr. Snow. [Exhibit #6, page 117](#)

February 13, 2019: Request to renew C-546-89 from Mr. Snow. Letter states that the gravel is used for their farm roads to suppress dust as well as used for neighbors' farm roads. [Exhibit #6, page 118](#)

February 19, 2019: Receipt for annual renewal fee. [Exhibit #6, page 120](#)

August 19, 2019 Letter from Planning to Mr. Snow notifying the granting of extending the approval of C-546-89. [Exhibit #6, page 121](#)

Hines #R-001-25

Exhibit 1: Snow Pit Timeline of Events

Page 6 of 9

July 20, 2020: Email from Megan Davchevski (Umatilla Co. Planning) to Jeff Hines. Megan provided the applications and criteria of approval for establishing a large significant Goal 5 Aggregate Site. [Exhibit #16](#)

July 28, 2020: Email from Nicholas Tatlovich (DOGAMI) to Jeff Hines and Dick Snow Estate. Nicholas provided a copy of the DOGAMI inspection report from June 16, 2020. Nicholas stated that “no further activity is allowed on the site”. [Exhibit #17](#)

August 25, 2020: Snow Estate sells subject property to Parjim Farmland Holdings LLC via Bargain and Sale Deed, Instrument #2020-7060731. [Exhibit #18](#)

November 24, 2020: Emails between Stephen Haddock (land surveyor) and Megan D. regarding a potential property line adjustment application. [Exhibit #19](#)

December 14, 2020: Email from Megan D. to Jeff Hines. Megan followed up on the property line adjustment for the subject property, sharing that the understanding was that Mr. Hines was working on submitting the Goal 5 application. [Exhibit #20](#)

March 5, 2021: Parjim Farmland Holdings LLC sells subject property to Jeff and Michelle Hines via Warranty Deed, Instrument #2021-7160758. [Exhibit #21](#)

December 3, 2021: Email from Megan D. to Carla McLane (land use consultant). Megan explained that the Snow Pit operations had expanded beyond the original approval. [Exhibit #22](#)

December 17, 2021: Carla’s response to Megan’s December 3rd email. Carla stated, “I reached out to Jeff but didn’t hear back. It may be that the County or DOGAMI may need to ring his bell to get his attention. Not sure what is up to be honest. I’ll try again” [Exhibit #22](#)

July 10, 2024: Virtual meeting between: County Planning, County Public Works, Carla McLane, Jeff Hines, and ODOT Region 5 staff to discuss the Goal 5 Traffic Impact Analysis requirements and land use application requirements.

August 1, 2024: County Planning approved Zoning Permit, ZP-24-181 for an equine barn on the Snow Pit property. [Exhibit #23](#)

August 5, 2024: Email from Carla M. to Bob Waldher (Umatilla Co. Planning). Carla sent a letter with questions along with a request to reinstate the previous Conditional Use Permit approval for operating the Snow Pit. [Exhibit #24](#)

Attachments: DOGAMI Inspection Report [Exhibit #17, page 2](#)

Letter dated August 5, 2024 [Exhibit #24, page 2](#)

August 23, 2024: Email response from Bob W. to Carla M. regarding her August 5th request. Bob stated the aggregate site was operating outside the original approval, therefore the CUP could not be renewed. [Exhibit #24, page 1](#)

September 10, 2024: Email from Carla M. to Bob W. shared that progress was being made on the application for establishing the Snow Pit as Goal 5 protected aggregate site. [Exhibit #24, page 3](#)

September 25, 2024: Email from Charlet Hotchkiss (Umatilla Co. Planning) to Bob W. County Health informed Charlet about an application they had received for installing a septic system for a single-family dwelling and several RV connections on the Snow Pit property. [Exhibit #25](#)

Hines #R-001-25

Exhibit 1: Snow Pit Timeline of Events

Page 7 of 9

September 30, 2024 through October 8, 2024: Email Chain between Charlet H., Bob W. and Michelle Hines regarding a proposed Land Use Compatibility Statement for installing a septic system. [Exhibit #25](#)

October 22, 2024: Application submitted by Carla M. for establishing a Primary Farm Dwelling to be occupied by Jeff and Michelle Hines.

Note: Primary Farm Dwelling application and supporting documents are not included in the packet as it is not relevant to this appeal.

November 17, 2024: Email from Carla M. to Bob W. submitting the application for establishing a Goal 5 Large Significant Aggregate Resource site with supporting documents. [Exhibit #26](#)

Note: The appellant included the Goal 5 application and supporting documents in their appeal application, however this is an entirely separate application and a separate pending issue from this appeal.

December 13, 2024: Email from Megan D. to Michelle and Jeff Hines and Carla McLane. Megan provided an electronic copy of the completeness letter regarding the Goal 5 Post Acknowledgement Plan Amendment (PAPA) application. [Exhibit #26, page 3](#)

Attachment: Completeness Letter dated 12/13/2024 [Exhibit #26, page 5](#)

December 15, 2024: Carla's response to Megan's previous email. Carla responded that [the applicant] will review and respond accordingly. [Exhibit #26, page 3](#)

February 24, 2025: Letter from DOGAMI to Jeff Hines. Letter enclosure includes a Suspension Order for mining without an Operating Permit. Suspension Order effective immediately. [Exhibit #27](#)

Attachment: Suspension Order dated 2/24/2025 [Exhibit #27, page 2](#)

February 25, 2025: Email from Carla M. to Bob. Carla stated the attachments were to "reengage the discussion about the Hines' aggregate site". [Exhibit #28](#)

Attachments: CUP C-546-89 Reinstatement Request V2 [Exhibit #28, page 2](#)
C-546-89 [Exhibit #5](#)
Dick Snow application [Exhibit #2](#)
Dick Snow application letter [Exhibit #2](#)
PD Zoning Approval Letter 04231990 [Exhibit #6](#)

February 27, 2025: Email response from Megan to Carla regarding the reinstatement request and response letter. [Exhibit #29](#)

March 13, 2025: This appeal request and supporting documentation. [Exhibit #30](#)

Attachments: Appeal Application [Exhibit #30, page 1](#)
Basis of Appeal [Exhibit #30, page 5](#)
[Exhibit 1] Letter to Carla M. regarding request to reinstate CUP [Exhibit #29](#)
[Exhibit 2] Goal 5 PAPA application for Snow Pit [Exhibit #30, page 11](#)
[Exhibit 3] Completeness Letter dated 12/13/2024 regarding Goal 5 PAPA application for Snow Pit [Exhibit #26](#)
[Exhibit 4] Carla's response to completeness letter dated 12/15/2024 [Exhibit #26](#)

[Exhibit 5] Request to reinstated C-546-89 dated 2/25/2025 [Exhibit #28](#)
[Exhibit 6] 1989 Land Use Request Application submitted by Richard Snow,
planning approvals, [Exhibits #2-5](#)
[Exhibit 7] Yearly renewal letters [Exhibit #6](#), Check 0519 pay to the order of
Oregon Dept. of Transportation dated 1/2/2020 , ODOT receipt and Check 0638
pay to the order of Umatilla County dated 4/2/2020 [Exhibit #30, page 29](#)
Receipt of appeal payment dated 3/13/2025 [Exhibit #30, page 36](#)

March 24, 2025: Phone call from Michelle Hines to Megan. Michelle questioned how the appeal process worked for this appeal, and which body would hear a subsequent appeal of the Planning Commission Decision. Megan explained the appeal process for this decision and how it differed from the Goal 5 Application's appeal process. Michelle also questioned what criteria would be heard during the appeal.

April 1, 2025: Letter from County Planning to Wes Williams. Letter gave 30-day notice of the County's intent to void C-546-89 with the Planning Commission hearing scheduled for May 1st, 2025, to be held at the same hearing as Mr. William's appeal request. [Exhibit #31](#)

Echo, Ore. 97826

Feb 20, 1989

Umatilla Planning Commission
216 S E. 4th Courthouse
Pendleton, Ore. 97801

Dear Sirs,

I am asking the Planning Commission to approve a aggregate quarry site on our property south west of Echo

Purpose for wanting to open this site is:

- No 1. We would like have some rock available for rip rap material to be used for stream bank protection on our property on the Umatilla River. Also the Corp of Engineers has showed interest of a site that would be available to them for work under their authority.
- No 2 Contractors that have been awarded the contract of widening of the State highway thru Stanfield have showed interest in obtaining material for this project. They would want to crush and possibly set up an asphalt batch plant. Also I would like to have some rock crushed for our ranch use.

This site is out of public site as well as not being a nuisance to any neighbor. Respectfully yours

Dick Knowlton
P.O. Box 1 Echo, Ore.

UMILLA COUNTY PLANNING DEPARTMENT
 LAND USE APPLICATION
 PLOT PLAN

C-546-89

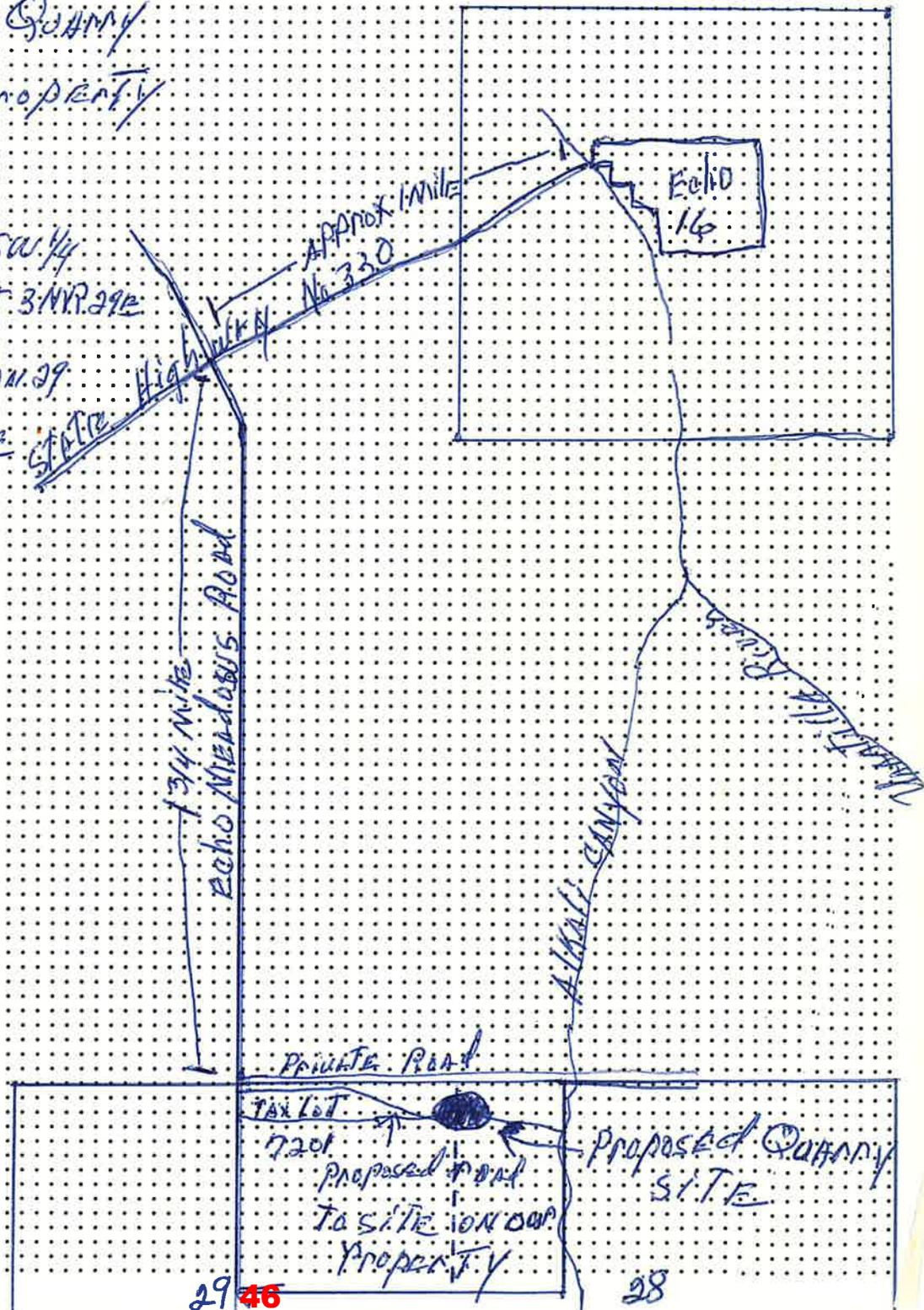
- SHOW: All lot lines existing and proposed
 Roads adjoining the property
 Proposed roads (if any)
 Existing buildings
 Proposed buildings
 Natural features (trees, shrubs, rock outcroppings, bluffs, creeks or streams)
 Drainage and irrigation ditches
 Access points

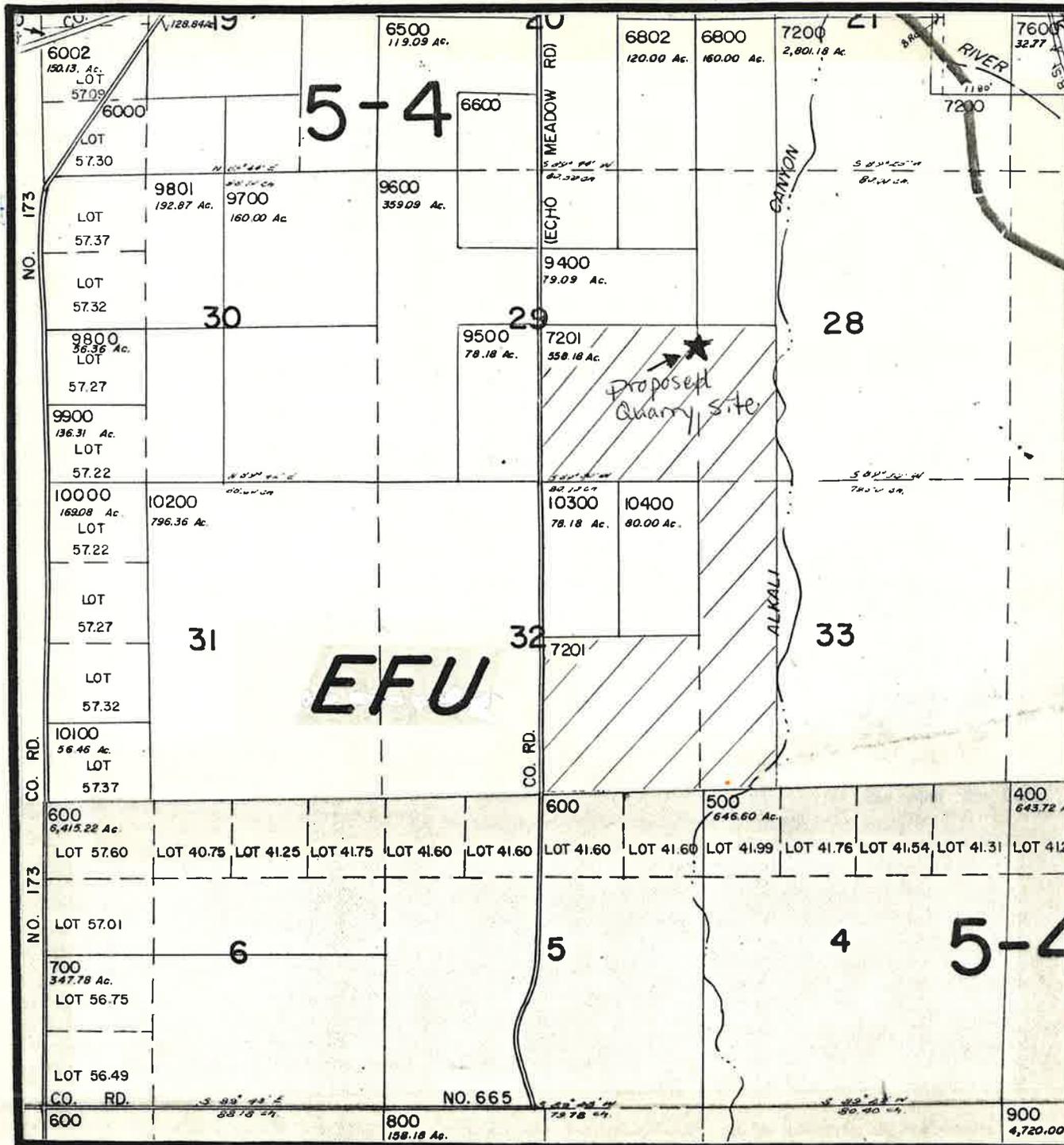
DICK SNOW
 RT. 1 BOX 1
 ECHO, OR 97826

FEB 16/1989

Proposed rock Quarry
 SITE ON SNOW PROPERTY
 Echo, Ore.

LOCATION: NW 1/4 & SW 1/4
 SEC 28 T 3N R 29E
 NE 1/4 & SE 1/4 SECTION 29
 T 3N R 29E STATE HIGHWAY





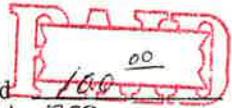
- 3N 29
 - 7201-Harry & Shirley Snow
 - 10300-Richard & Shirley Snow
 - 10400-Richard & Shirley Snow
 - 10200-James M. Pedro ETAL
 - 7200-Kate Cunha
 - % Rolland & Toni Holeman, AG
 - 9500-Don & Naomi Brown
 - 9400-Don & Naomi Brown
 - 9600-Don & Naomi Brown
 - 6800-Don & Naomi Brown
 - 6802-Don & Naomi Brown
 - 6600-Don & Naomi Brown
- 2N 29
 - 600-Viera Land & Cattle Inc.
 - 500-Kate Cunha
 - % Rolland & Toni Holeman, AG
 - 700-Richard & Shirley Snow
 - % Chester Prior, AG
 - 800-James M Pedro ETAL

 SUBJECT PARCEL 
 DATE 2.27.89 SCALE 1"=2500'
 Umatilla County Planning Dept.
 MAP NO. 3N29 & 2N29

UMATILLA COUNTY LAND USE APPLICATION

Umatilla County Planning Commission
216 S. E. 4th, Courthouse
Pendleton, Oregon 97801
276-7111 EXT 252

File No. C-546-89 Fee Rec'd 100.00
Date Received February 21, 1989
Hearing Date April 12, 1989 - March 29, 1989
Staff Member M. Muller



PLAN CHANGE ZONE CHANGE VARIANCE
 CONDITIONAL USE

Present Class: _____ Present Zone: _____ Plan Class: _____
Proposed Class: _____ Proposed Zone: _____ Present Zone: EFU

Name of Applicant: H. Richard & Shirley Snow 3/16-89 Phone: _____ Home _____
Mailing Address: Rt. 1 Box 1 Echo, OR 97826 Office _____
Applicant is: Legal Owner Contract Purchaser Agent

LEGAL DESCRIPTION OF SUBJECT PROPERTY
(Attach Additional Information if Necessary)

Legal Owner: H. Richard Snow Signature: _____
Mailing Address: Rt. 1 Box 1 Echo, OR 97826
Tax Code 05-04 Map No. 3N 29 Tax Lot No. 720.1 Lot Size 558.18 ac/sq.ft.
NW 1/4 of SW 1/4 of Section 28 Township 3N Range 29 EWM
also NE 1/4 of SE 1/4 Section 29
General Location: Fronting Approx 1/2 mile east of side of Echo Meadows Road
2 1/2 miles NE from Echo (City)

1. What is Requested: Aggregate Quarry Site with crusher and potential asphalt batch plant.

Section 3.014 (2) of the Zoning Ordinance. As allowed by _____

2. Justification of Request: (Attach separate page)

3. Present Use of Property: Dryland Range area @ proposed site with cultivated land to the south for dryland wheat.

I hereby certify the above information and evidence submitted are in all respects true and correct to the best of my knowledge and belief. I understand that issuance of a permit based on this application will not excuse me from complying with effective ordinances and resolutions of Umatilla County and Oregon State Statutes despite any errors on the part of the issuing authority in checking this application.

NOTE
Attach detailed, accurate site plans (minimum of 3 copies are required). Other statements, plans, photos, data, etc., which would help to substantiate and clarify your request may also be submitted.

H. Richard Snow Shirley Snow
Applicant's Signature

2-16-89
Date

UMATILLA COUNTY HEARINGS OFFICER
Meeting Of Wednesday, March 29, 1989
7:30 p.m., Room 20, Basement Conference Room
Umatilla County Courthouse, Pendleton

HEARINGS OFFICER: Wendell Lampkin
PLANNING STAFF: Michael Muller, Planner
Glenda Sims, Secretary
GUEST PRESENT: Fred Westersund, Kate Amsberry;
David E. Brooks, Michael J. Gardner;
David J. McGee, Walter Bartel;
Gerald Ashbeck, W. H. Hawkins Jr.;
Kelly D. Hawkins, Don Hawkins, Bob Hawkins;
Jessie Ashbeck, Tom Ashbeck, Dick Snow.

NOTE: The following is a summary of the meeting; however, a tape of the meeting is available at the Planning Department Office.

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. The Hearings Officer, Wendell Lampkin, outlined the procedures to be followed at the Hearings Officer Meeting and explained the appeal process.

APPROVAL OF MINUTES:

The Hearings Officer approved the minutes of March 8, 1989.

NEW HEARING:

~~X~~
H. Richard & Shirley Snow, applicant/owner. Conditional Use Request #C-546-89 to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use) 160 acre minimum zone for personal use as well as a potential commercial quarry on Tax Lot 7201, Assessor's Map 3N 29. The subject parcel (site) is a portion of a 558.18 acre tract approximately 1/2 mile east of Echo Meadow Road (County road #665), and approximately 2 1/2 miles southwest of the Echo city limits.

Planner Michael W. Muller read the first portion of the staff report, noting referral reply were received from: (1) Received a note on March 16, 1989, from Umatilla County Road Department, Kate Amsberry, that an aggregate extraction permit is required if the quarry excavation exceeds 5,000 cubic yards or is larger than one acre and the material is for use only on applicant's property, or the quarry is commercial in nature. (2) Received a memo on March 16, 1989, from Umatilla County Watermaster, stating this project is closed to issuance of a water permit from the basalt aquifer. A water right is required for a use of more than 5,000 gallons of water per day for any single industrial or commercial use from a ground water supply. A water right would also be necessary if any surface water source is to be used. (3) Received a phone call on March 20, 1989, from Department of Environmental Quality, Larry Calkins, stating an Air Quality Permit is required for the crushing operation. (4) Received a letter on March 15, 1989, from City of Echo, stating they would like to be notified if a Native American or another historic site be discovered in the course of such excavation. Mr. Muller then proceeded with a slide presentation of the subject property and area in question.

Mr. Dick Snow, the applicant, was present at the hearing to speak in favor of the request, stating he has two or three projects in mind, one he wants to take some rip-rap rock off the site to use along the Umatilla River. The Corps of Engineers have been looking for a site that has rip-rap to use under their authority along the Umatilla River. He has had some interest shown from a contractor for this site from the project regarding the five miles from Stanfield to Highway I-84. He would like to crush some rock for his farm roads.

Mr. Lampkin questioned Mr. Snow where the water that would be used for the crusher come from? Mr. Snow stated there is a domestic well about a mile up the canyon which he could pipe water to the site, however, he wasn't sure the well would be sufficient for a crushing operation. He could haul water from the ranch to use on the site if the well wasn't sufficient.

Mr. Lampkin questioned Mr. Snow if he had made any arrangements for an asphalt plant? Mr. Snow stated that the contractor that showed interest in the site had stated he might be interested in putting an asphalt batch plant on the site.

Mr. Lampkin questioned Mr. Snow how many years ago the site had been blasted and had any test or survey been done to see if the rock would make good rip-rap? Mr. Snow stated the site had been blasted about a year ago last fall. The site has not had any official test done. Mr. Snow didn't know how many cubic yards of rock could be removed. He stated they could extract the hillside approximately 500' wide and 1,000' long.

Mr. Muller proceeded with the remainder of the staff report, noting the staff's conclusions and recommended conditions. Following this Mr. Lampkin asked for those in opposition to speak, no one was present.

During rebuttal, Mr. Snow stated if the request was granted he could meet the conditions set forth in the staff report.

Mr. Lampkin questioned Mr. Snow how long he planned to maintain the pit? Mr. Snow stated he may want to stockpile gravel on the site for along time for personal use on the ranch.

Mr. Lampkin and Mr. Muller deliberated if the pit was going to be used for just personal use and/or for commercial use as there would have to be different conditions.

Mr. Muller asked Mr. Snow if he wanted to have approval for a commercial pit tonight or if he wanted to exercise some latitude to postpone a decision for a later time until he had a project on hand for commercial purposes that the hearing could be reopened to address. Mr. Snow stated he would like it approved tonight. The reason is because if the Corps of Engineers would have to use the rock for emergency purposes on the Umatilla River he wouldn't have time to go through another Conditional Use hearing, he would like to be set up and ready to go. Mr. Snow is not really sure that the Corps of Engineers are going to purchase the rock, but wants to be ready.

Mr. Lampkin then closed the hearing. Mr. Lampkin moved to grant Conditional Use Request #C-546 subject to the Development Ordinance standards that are required and conditions as follows:

1. The applicant is required to submit a revised plot plan which will locate the rock crusher, stockpile area, and asphalt plant.
2. The applicant comply with the standards required by the Umatilla County Public Works Director for haul roads.
3. The applicant submit a reclamation plan to the Umatilla County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
4. The applicant submit copies of the Air Contamination Discharge Permit and any other related permits to show that they have complied with all air, noise and dust control requirements of State and Federal Agencies having jurisdiction.
5. All equipment, refuse and structures shall be removed from the site and the site left free of debris after completion of the aggregate processing.
6. Provide proof of adequate water supplies and comply with County Watermasters requirements for the critical ground water area.
7. A yearly review be held each March to determine if extra conditions are required and a \$25.00 annual fee be submitted.
8. Notify Umatilla County Planning Department if Native American or other historic sites are discovered during excavation for the purpose of documentation.

and side hills in cultivation and the steeper slopes/ ravines left in scabland for grazing. The private road, north of the proposed site, serves a farmstead located approximately one mile east of the site. No other dwellings are known to exist within a one mile radius of the site.

3. Comprehensive Plan Designation: The County Comprehensive Plan, adopted on May 9, 1983, most recently revised on March 3, 1988, and acknowledged by LCDC on November 21, 1985, designated the property as NORTH/SOUTH COUNTY AGRICULTURE.
4. Zoning: The County Development Ordinance adopted on June 12, 1985 and most recently amended on November 22, 1988, designates the site as EFU (Exclusive Farm Use) with a 160 acre minimum parcel size.
5. Soils: The site contains Licksillet Very Stony Loam, 7 to 40% slopes, according to the 1989 Soil Conservation Service Soil Survey of Umatilla County and carries an agricultural classification of VIIs non-irrigated which does not require protection.
6. Roads: Access from County Road #665, a graveled two lane road maintained by the County, is from a private two lane graveled road.
7. Public Facilities & Services: The site is located outside of any Urban Growth Boundaries and is dependent upon individual wells and septic tanks and is outside of any fire district.
8. Open Spaces, Scenic & Historic Areas, and Natural Resources: The site is located in an area not known to contain any identified special areas or resources.
9. Referral Replies:
 - A. Umatilla County Roadmaster - On March 16, 1989, Kate Amsberry stated that an aggregate extraction permit is required if the quarry excavation exceeds 5,000 cubic yards or is larger than one (1) acre and the material is for use only on applicant's property, or the quarry is commercial in nature.
 - B. Umatilla County Watermaster - Received a memo on March 16, 1989, stating this project is closed to issuance of a water permit from the basalt aquifer. A water right is required to a use of more than 5,000 gallons per day for any single industrial or commercial use from a ground water supply. A water right would also be necessary if any surface water source is to be used.
 - C. Dept. Geology & Mineral Ind. - No reply to date.
 - D. Dept. of Fish and Wildlife - No reply to date.

- E. Dept. of Environmental Quality - Received a phone call March 20, 1989, from Larry Calkins stating an Air Quality permit is required for the crushing operation.
- F. City of Echo - Received a letter March 15, 1989, stating they would like to be notified if a Native American or another historic site be discovered in the course of such excavation.

CRITERIA:

The standards and criteria for granting a Conditional Use in an EFU zone are listed in Section 3.015 of the County's Development Ordinance. Specific policies within the Comprehensive Plan may also apply to the request and, if so are addressed herein:

Limitations on Conditional Uses - The following limitations shall apply to all conditional uses in an EFU zone.

1. Is compatible with farm uses described in ORS 215.203(2) and the intent and purpose set forth in ORS 215.243, and will not significantly affect other existing resource uses that may be on the remainder of the parcel or on adjacent lands.
2. Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses, nor interfere with other resource operations and practices on adjacent lands.
3. Does not materially alter the stability of the overall land use pattern of the area.
4. Is situated upon generally unsuitable land for the production of farm crops and other resource activities considering the terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of tract.
5. Is consistent with agricultural and other resources policies in the Comprehensive Plan and the purposes of this zone.

Development Ordinance Criteria for granting commerical gravel pits and gravel extraction

1. Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:
 - B. In a new pit:
 - a. They shall be located not closer than 500 feet from any part of a property line adjacent to a residential

dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and shall not exceed 75% of the total land mass.

2. Processing equipment shall comply with the following restrictions and regulations under the following circumstances:
 - B. In a new pit:
 - a. Where the use of processing equipment such as crushers, batch plants, etc., the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback.
3. All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties.
4. The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If fencing and/or walls are required by the Hearings Officer, they shall be of a type and color that will blend with the surrounding landscape and existing uses. In all instances above, the placement and design shall effectively screen the site from the public.
5. Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than 1 inch equals 400 feet and shall show, but not be limited to: the corners and boundaries of the mining roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivision (section, township, and range). If aerial photographs are used as a base, the scale shall be shown.
6. Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. The Hearings Officer may require dust-free site access roads near concentrated residential areas.

7. A reclamation plan has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
8. The operation complies with all applicable air, noise and water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained.
9. Rehabilitation of landscape after the extraction operations are completed.
 - A. The Hearings Officer may require a time limit and a bond sufficient to cover costs plus 10% of necessary road improvements, berming, reclamation, landscaping and other pertinent conditions, if in his opinion, such bond or time limit will ensure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area being used as a plant site, stockpile, or work area for an ongoing extractive mining or aggregated operation.
10. All equipment, refuse and temporary structures shall be removed from the project site and the site left free of debris after completion of the project.
11. The activity complies with other conditions deemed necessary by the Hearings Officer which may include but not be limited to:
 - A. Limitations on lighting;
 - B. Restrictions on the hours of operations;
 - C. Fencing of open pit areas;
 - D. An increase or decrease in required setbacks;
 - E. Proof of adequate water supplies for dust control, reclamation and if required, landscaping;
 - F. Off-site stockpiling and/or processing if located adjacent to concentration of residential dwellings.

Specific policies within the Development Ordinance regarding asphalt plants are addressed in Section 7.060(3) as follows:

1. Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;
2. Processing equipment shall not be located or operated within 500 feet from a residential dwelling;
3. Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and

vibration;

4. The operation complies with all applicable air, noise, and dust regulations of all County, State or Federal jurisdictions; and all State and Federal permits are obtained before the activity begins;
5. Complies with other conditions deemed necessary by the Hearings Officer.

EVALUATION AGAINST APPLICABLE CRITERIA:

FARM USE ZONING CRITERIA

1. Compatible with farm use - The adjoining agricultural uses are livestock grazing on the scabland and along the sidehills and wheat and hay farming on the tops of the hill, provided slope is not too great. These are both marginal, low-intensity uses. It is not anticipated that the gravel pit will negatively impact them to a significant degree.
2. Interfere with accepted farming practices - No interference with accepted farming practices is anticipated.
3. Materially alter the overall land use pattern - The proposed operation, as it related to a personal use aggregate quarry site, would not appear to create an intrusion in the established land use pattern of extensive cattle and wheat ranches. However, due to a lack of information regarding the quantities and size of the site required for commercial use of the quarry, the potential impact to the overall land use of the area cannot be determined at this time.
4. Situated in unsuitable land for agricultural production - The gravel pit itself is located on lands of such poor quality that the State does not require protection for agricultural use. However, no site plan has been submitted showing the proposed location of stockpile and processing equipment. If these areas were located on the northerly portion of the revine, no agricultural land would be being taken out of production.
5. Consistent with policies and purposes of Comprehensive Plan in that zone - See the Conclusions on page 8.

Criteria for Mining and Gravel Extraction:

1. Extraction holes and sedimentation ponds - There are no dwellings within 500' and no sedimentation ponds are requested.
2. Processing equipment - There are no dwellings within 500'.

3. Accesses - Accesses are regulated by the Road Dept. and are required to be located so as to minimize traffic danger.
4. Fencing and screening - This district is not suitable for the employment of screening due to the very low population density and rugged landform characteristics, and is not visible from any public roads.
5. Detailed plot plan - A Plot Plan has not been submitted, and is required to address the phasing and duration of operation proposed.
6. Haul roads - Due to distance from any dwellings, dust control, except as desired by the Road Dept. would not appear to be necessary.
7. Reclamation plan - A Reclamation Plan has not been prepared and is required to be submitted, to both the Planning Dept. and Road Dept.
8. Complies with applicable air, noise and water quality - The applicant is responsible for compliance with all necessary Federal and State air, noise, and water quality regulations. It is not anticipated that this pit will seriously affect any of these environmental quality factors.
9. Rehabilitation and landscaping - A Reclamation Plan is required and as part of the Reclamation Plan, the Road Department will outline an adequate re-vegetation plan given the site characteristics.
10. Equipment, refuse and temporary structures - Removal of all such material and machinery is required.
11. Activities comply with conditions - This is mandatory.

CRITERIA FOR ASPHALT PLANTS:

1. Access roads - This is mandatory.
2. Processing equipment - This is mandatory.
3. Haul roads - This is mandatory.
4. Comply with noise, air and dust regulations - This is mandatory.
5. Activities comply with conditions - This is mandatory.

CONCLUSIONS

Based upon the above stated Findings and Evaluations of the applicable sections of the Development Ordinance and Comprehensive Plan, the staff submits the following conclusions:

1. The proposed aggregate quarry site and associated crusher and asphalt plant would appear to be in compliance with the State-mandated criteria for non-farm uses in Exclusive Farm Use Zones, by not interfering with adjoining agricultural uses, by restricting the size of the site to the existing ravine and by utilizing a location suited only to the most limited seasonal livestock grazing, and limit its use to not include commercial quarry operations.

2. The proposed aggregate quarry site and associated crusher and asphalt plant would appear to comply with all of the specific standards set forth in the Umatilla County Development Ordinance, provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre in size and the quarried aggregate is used on the applicant's property, as well as an approved Reclamation Plan be filed with the County Road Department.

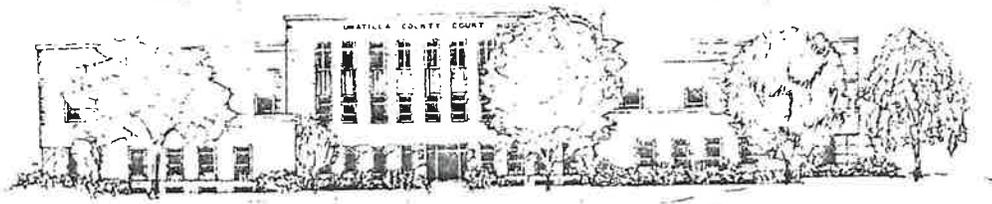
Should the applicant require approval for an aggregate quarry site which exceeds the quantities and size listed above, or require approval for a commercial aggregate quarry, additional information is required to determine what additional conditions may be required.

3. Should the Hearings Officer decide to grant this request the following conditions are required.

- a. The applicant is required to submit a revised plot plan which will locate the rock crusher, stockpile area, and asphalt plant.
- b. The applicant comply with the standards required by the Umatilla County Public Works Director for haul roads.
- c. The applicant submit a reclamation plan to the Umatilla County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
- d. The applicant submit copies of the Air Contamination Discharge Permit and any other related permits to show that they have complied with all air, noise and dust control requirements of State and Federal Agencies having jurisdiction.
- e. All equipment, refuse and structures shall be removed from the site and the site left free of debris after completion

of the aggregate processing.

- f. Provide proof of adequate water supplies and comply with County Watermasters requirements for the critical ground water area.
4. The Hearings Officer should consider whether or not any of the following additional conditions should be applied to this request.
- a. Limitations on lighting;
 - b. Restrictions on the hours of operations;
 - c. Fencing of open pit areas;
 - d. An increase or decrease in required setbacks;
 - e. Proof of adequate water supplies for dust control, reclamation and if required, landscaping;
 - f. Off-site stockpiling and/or processing if located adjacent to concentration of residential dwellings;
 - g. Notify Umatilla County Planning Department if Native American or other historic sites are discovered during excavation, *for the purposes of documentation*
 - h. Establish a time limit for the operation of the aggregate quarry site.



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

April 4, 1989

H. Richard & Shirley Snow
Rt. 1 Box 1
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This is to confirm the action taken by the Umatilla County Hearings Officer at his March 29, 1989 meeting, to grant your Conditional Use Request #C-546-89 to allow you to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use) 160 acre minimum zone, subject to the Development Ordinance standards that are required and conditions as follows:

1. The applicant is required to submit a revised plot plan which will locate the rock crusher, stockpile area, and asphalt plant.
2. The applicant comply with the standards required by the Umatilla County Public Works Director for haul roads.
3. The applicant submit a reclamation plan to the Umatilla County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
4. The applicant submit copies of the Air Contamination Discharge Permit and any other related permits to show that they have complied with all air, noise and dust control requirements of State and Federal Agencies having jurisdiction.
5. All equipment, refuse and structures shall be removed from the site and the site left free of debris after completion of the aggregate processing.
6. Provide proof of adequate water supplies and comply with County Watermasters requirements for the critical ground water area.
7. A yearly reveiw be held each March to determine if extra conditions are required and a \$25.00 annual fee be submitted.
8. Notify Umatilla County Planning Department if Native American or other historic sites are discovered during excavation for the purpose of documentation.

Page 2

There is a fifteen (15) day appeal period, commencing with the signing of the Findings of Fact and Conclusions of Law, before this action becomes final. A copy of these will be sent to you as soon as they are signed by the Hearings Officer.

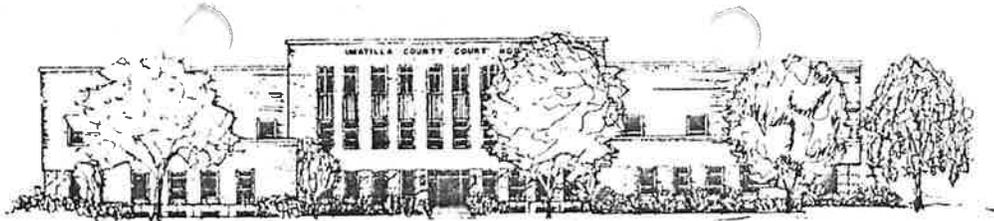
If the above is not clear or if I can be of further assistance, please do not hesitate to contact this office.

Respectfully,



Michael W. Muller
Planner

MWM:gas
Enclosure



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

May 2, 1989

H. Richard & Shirley Snow
Rt 1 Box 1
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This is to inform you that the fifteen (15) day appeal period relative to your Conditional Use Request #C-546-89 to allow you to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use) 160 acre minimum zone, has elapsed without this office receiving an appeal.

After completion of the conditions of approval you may complete the enclosed Zoning Permit along with the necessary \$25.00 filing fee and submit it to our office. Those conditions of approval are as follows:

1. The applicant is required to submit a revised plot plan which will locate the rock crusher, stockpile area, and asphalt plant.
2. The applicant comply with the standards required by the Umatilla County Public Works Director for haul roads.
3. The applicant submit a reclamation plan to the Umatilla County Pubic Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
4. The applicant submit copies of the Air Contamination Discharge Permit and any other related permits to show that they have complied with all air, noise and dust control requirements of State and Federal Agencies having jurisdiction.
5. All equipment, refuse and structures shall be removed from the site and the site left free of debris after completion of the aggregate processing.
6. Provide proof of adequate water supplies and comply with County Watermasters requirements for the critical ground water area.

Page 2

7. A yearly review be held each March to determine if extra conditions are required and a \$25.00 annual fee be submitted.
8. Notify Umatilla County Planning Department if Native American or other historic sites are discovered during excavation for the purpose of documentation.

If we can be of any further assistance to you, please do not hesitate in contacting this office.

Sincerely,

Michael W. Muller
Michael W. Muller
Planner

MWM:gas
Enclosure

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In the matter of Conditional Use Request)
#C-546 to establish an aggregate quarry)
site with a crusher and potential asphalt) UMATILLA COUNTY
batch plant site in an EFU (Exclusive Farm) HEARINGS OFFICER
Use) 160 acre minimum zone for personal)
as well as a potential commercial quarry.)
Applicant/Owner: H. Richard & Shirley)
Snow.)

This matter came before the Umatilla County Hearings Officer for a hearing on March 16, 1989, in Room 20, Basement Conference Room, of the Umatilla County Courthouse, Pendleton, Oregon, upon application of Mr. H. Richard Snow, for a conditional use to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use) 160 acre minimum zone for personal as well as a potential commercial quarry for property described as follows:

Tax Lot 7201, Assessor's Map 3N 29. The subject parcel (site) is a portion of a 558.18 acre tract approximately 1/2 mile east of Echo Meadow Road (County Road #665), and approximately 2 1/2 miles southwest of the Echo city limits.

Present was the Umatilla County Hearings Officer, Wendell Lampkin; also Mr. H. Richard Snow, the applicant, was present at the hearing to speak in favor of the request.

At this time, being fully informed of all the issues, the Umatilla County Hearings Officer makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Notice of Hearing was given by publication in the East Oregonian newspaper on march 18, 1989, and the Hermiston Herald newspaper on March 21, 1989.
2. Notice was given by mail to the owners of all property within 250 feet of the subject parcel.
3. There was no pre-hearing contact between the Hearings Officer and the applicant regarding this request.
4. The County Comprehensive Plan, adopted on May 9, 1983, most

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 2

recently revised on March 3, 1988, and acknowledged by LCDC on November 21, 1985, designated the property as NORTH/SOUTH COUNTY AGRICULTURE.

5. The County Development Ordinance adopted on June 12, 1985 and most recently amended on November 22, 1988, designates the site as EFU (Exclusive Farm Use) with a 160 acre minimum parcel size.
6. The site contains Licksillet Very Stony Loam, 7 to 40% slopes, according to the 1989 Soil Conservation Service Soil Survey of Umatilla County and carries an agricultural classification of VIIIs non-irrigated which does not require protection.
7. Access from County Road #665, a graveled two lane road maintained by the County, is from a private two lane graveled road.
8. The site is located outside of any Urban Growth Boundaries and is dependent upon individual wells and septic tanks.
9. The site is located in an area not known to contain any identified special areas or resources.
10. Referral replies were sent to:
 - A. Umatilla County Roadmaster - On March 16, 1989, Kate Amsberry stated that an aggregate extraction permit is required if the quarry excavation exceeds 5,000 cubic yards or is larger than one (1) acre and the material is for use only on applicant's property, or the quarry is commercial in nature.
 - B. Umatilla County Watermaster - Received a memo on March 16, 1989, stating this project is closed to issuance of a water permit from the basalt aquifer. A water right is required to a use of more than 5,000 gallons per day for any single industrial or commercial use from a ground water supply. A water right would also be necessary if any surface water source is to be used.
 - C. Dept. Geology & Mineral Ind. - No reply.
 - D. Dept. of Fish and Wildlife - No reply.
 - E. Dept. of Environmental Quality - Received a phone call March 20, 1989, from Larry Calkins stating an Air Quality permit is required for the crushing operation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 3

- F. City of Echo - Received a letter March 15, 1989, stating they would like to be notified if a Native American or another historic site be discovered in the course of such excavation.
11. Mr. Dick Snow, the applicant, was present at the hearing to speak in favor of the request, stating he has two or three projects in mind. Mr. Snow wants to take some rip-rap rock off the site to use along the Umatilla River. The Corps of Engineers have been looking for a site that has rip-rap to used under their authority along the Umatilla River. Mr. Snow has had some interest shown from a contractor for this site from the project regarding the five miles from Stanfield to Highway I-84. Mr. Snow would like to crush some rock for his farm roads.
12. There was no letter in opposition.
13. The standards and criteria for granting a Conditional Use in an EFU zone are listed in Section 3.015 of the County's Development Ordinance. Specific policies within the Comprehensive Plan may also apply to the request and, if so are addressed herein:
- A. Limitations on Conditional Uses - The following limitations shall apply to all conditional uses in an EFU zone.
1. Is compatible with farm uses described in ORS 215.203(2) and the intent and purpose set forth in ORS 215.243, and will not significantly affect other existing resource uses that may be on the remainder of the parcel or on adjacent lands.
 2. Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses, nor interfere with other resource operations and practices on adjacent lands.
 3. Does not materially alter the stability of the overall land use pattern of the area.
 4. Is situated upon generally unsuitable land for the production of farm crops and other resource activities considering the terrain, adverse soil conditions, drainage and flooding, vegetation, location and size of tract.
 5. Is consistent with agricultural and other resources policies in the Comprehensive Plan and the purposes of

this zone.

B. Development Ordinance Criteria for granting commercial gravel pits and gravel extraction

1. Extraction holes and sedimentation ponds shall comply with the following restrictions and regulations under the following circumstances:

B. In a new pit:

- a. They shall be located not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback. The new pit shall be centered on the property and shall not exceed 75% of the total land mass.

2. Processing equipment shall comply with the following restrictions and regulations under the following circumstances:

B. In a new pit:

- a. Where the use of processing equipment such as crushers, batch plants, etc., the operator will be required to place such equipment not closer than 500 feet from any part of a property line adjacent to a residential dwelling unless the operator can obtain a written release from the adjacent residential property owner allowing a closer setback.

3. All accesses and their locations shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties.

4. The operation areas shall be screened from adjoining residential districts, county roads, highways and public roads by placement of fences, walls, hedges or landscaped berms. Native plants and trees shall be emphasized or plants and trees with a demonstrated ability to survive under the conditions required shall be provided. If fencing and/or walls are required by the Hearings Officer, they shall be of a type and color that will blend with the surrounding landscape and existing uses. In all instances above, the placement

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 5

and design shall effectively screen the site from the public.

5. Legible copies of a detailed site plan shall be submitted. Such site plans shall have a horizontal scale that is no smaller than 1 inch equals 400 feet and shall show, but not be limited to: the corners and boundaries of the mining roads, railroads, and utility facilities within or adjacent to such land; the location of all proposed access roads to be constructed in conducting such operations; if applicable, location of each phase of the mining activity; date; contour interval; and the identification of an area by legal subdivision (section, township, and range). If aerial photographs are used as a base, the scale shall be shown.
6. Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration and be located so that they are not directed through recreational residential or rural residential areas and zones. The Hearings Officer may require dust-free site access roads near concentrated residential areas.
7. A reclamation plan has been submitted to the County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
8. The operation complies with all applicable air, noise and water quality and other applicable regulations of all county, state or federal jurisdictions and all applicable permits are obtained.
9. Rehabilitation of landscape after the extraction operations are completed.
 - A. The Hearings Officer may require a time limit and a bond sufficient to cover costs plus 10% of necessary road improvements, berming, reclamation, landscaping and other pertinent conditions, if in his opinion, such bond or time limit will ensure timely rehabilitation and protect the health, safety and public welfare of adjacent property owners and lands. These standards do not apply to any parcel or area being used as a plant site, stockpile, or work area for an ongoing extractive mining or aggregated operation.

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 6

10. All equipment, refuse and temporary structures shall be removed from the project site and the site left free of debris after completion of the project.
11. The activity complies with other conditions deemed necessary by the Hearings Officer which may include but not be limited to:
 - A. Limitations on lighting;
 - B. Restrictions on the hours of operations;
 - C. Fencing of open pit areas;
 - D. An increase or decrease in required setbacks;
 - E. Proof of adequate water supplies for dust control, reclamation and if required, landscaping;
 - F. Off-site stockpiling and/or processing if located adjacent to concentration of residential dwellings.
14. Specific policies within the Development Ordinance regarding asphalt plants are addressed in Section 7.060(3) as follows:
 1. Access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties;
 2. Processing equipment shall not be located or operated within 500 feet from a residential dwelling;
 3. Haul roads shall be constructed to a standard approved by the Public Works Director to reduce noise, dust and vibration;
 4. The operation complies with all applicable air, noise, and dust regulations of all County, State or Federal jurisdictions; and all State and Federal permits are obtained before the activity begins;
 5. Complies with other conditions deemed necessary by the Hearings Officer.

15. EVALUATION AGAINST APPLICABLE CRITERIA:

FARM USE ZONING CRITERIA

1. Compatible with farm use - The adjoining agricultural uses are livestock grazing on the scabland and along the

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 7

sidehills and wheat and hay farming on the tops of the hill, provided slope is not too great. These are both marginal, low-intensity uses. It is not anticipated that the gravel pit will negatively impact them to a significant degree.

2. Interfere with accepted farming practices - No interference with accepted farming practices is anticipated.
3. Materially alter the overall land use pattern - The proposed operation, as it related to a personal use aggregate quarry site, would not appear to create an intrusion in the established land use pattern of extensive cattle and wheat ranches. However, due to a lack of information regarding the quantities and size of the site required for commercial use of the quarry, the potential impact to the overall land use of the area cannot be determined at this time.
4. Situated in unsuitable land for agricultural production - The gravel pit itself is located on lands of such poor quality that the State does not require protection for agricultural use. However, no site plan has been submitted showing the proposed location of stockpile and processing equipment. If these areas were located on the northerly portion of the revine, no agricultural land would be being taken out of production.

16. Criteria for Mining and Gravel Extraction:

1. Extraction holes and sedimentation ponds - There are no dwellings within 500' and no sedimentation ponds are requested.
2. Processing equipment - There are no dwellings within 500'.
3. Accesses - Accesses are regulated by the Road Dept. and are required to be located so as to minimize traffic danger.
4. Fencing and screening - This district is not suitable for the employment of screening due to the very low population density and rugged landform characteristics, and is not visable from any public roads.
5. Detailed plot plan - A Plot Plan has not been submitted, and is required to address the phasing and duration of operation proposed.
6. Haul roads - Due to distance from any dwellings, dust

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 8

control, except as desired by the Road Dept. would not appear to be necessary.

7. Reclamation plan - A Reclamation Plan has not been prepared and is required to be submitted, to both the Planning Dept. and Road Dept.
8. Complies with applicable air, noise and water quality - The applicant is responsible for compliance with all necessary Federal and State air, noise, and water quality regulations. It is not anticipated that this pit will seriously affect any of these environmental quality factors.
9. Rehabilitation and landscaping - A Reclamation Plan is required and as part of the Reclamation Plan, the Road Department will outline an adequate re-vegetation plan given the site characteristics.
10. Equipment, refuse and temporary structures - Removal of all such material and machinery is required.
11. Activities comply with conditions - This is mandatory.

17. CRITERIA FOR ASPHALT PLANTS:

1. Access roads - This is mandatory.
2. Processing equipment - This is mandatory.
3. Haul roads - This is mandatory.
4. Comply with noise, air and dust regulations - This is mandatory.
5. Activities comply with conditions - This is mandatory.

CONCLUSIONS OF LAW

1. Notice of the hearing was adequate.
2. Persons were given the opportunity to be heard.
3. The opinions of governmental units were sought and no adverse comments were received.
4. There were no person present at the hearing to voice opposition to the request.
5. The request would appear to be compatible with adjacent farm uses, as the parcel has existed there for many years and no incompatible uses will be introduced with the approval of this request.
6. Approval of this request would not appear to seriously interfere with any of the surrounding and accepted farming practices.
7. Approval of this request would not appear to materially alter the overall land use pattern of the area.
8. Approval of this request will not involve the removal of any additional farm land as it will occupy the scabland and ravines.
9. The site has access from County Road #665, a graveled two lane road maintained by the County, is from a private two lane graveled road.
10. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to be in compliance with the State- mandated criteria for non-farm uses in Exclusive Farm Use Zones, by not interfering with adjoining agricultural uses, by restricting the size of the site to the existing ravine and by utilizing a location suited only to the most limited seasonal livestock grazing, and limit its use to not include commercial quarry operations.
11. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to comply with all of the specific standards set forth in the Umatilla County Development Ordinance, provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre in size and the quarried aggregate is used on the applicant's property, as well as an approved Reclamation Plan be filed with the County Road Department.

FINDINGS OF FACT AND CONCLUSIONS OF LAW
PAGE 10

13. Approval of this request would not be detrimental to Umatilla County as the applicant has agreed to meet the criteria of the Development Code.

Based on the above stated Findings of Fact and Conclusions of Law, the Umatilla County Hearings Officer does hereby grant this application with the following conditions:

1. The applicant is required to submit a revised plot plan which will locate the rock crusher, stockpile area, and asphalt plant.
2. The applicant comply with the standards required by the Umatilla County Public Works Director for haul roads.
3. The applicant submit a reclamation plan to the Umatilla County Public Works Director pursuant to the County Surface Mining Land Reclamation Ordinance.
4. The applicant submit copies of the Air Contamination Discharge Permit and any other related permits to show that they have complied with all air, noise and dust control requirements of State and Federal Agencies having jurisdiction.
5. All equipment, refuse and structures shall be removed from the site and the site left free of debris after completion of the aggregate processing.
6. Provide proof of adequate water supplies and comply with County Watermeters requirements for the critical ground water area.
7. A yearly review be held each March to determine if extra conditions are required and a \$25.00 annual fee be submitted.
8. Notify Umatilla County Planning Department if Native American or other historic sites are discovered during excavation for the purpose of documentation.


Wendell Lampkin, Hearings Officer

4-6-89
Date

Mar 21, 1990

Umatilla County Planning Dept.
Umatilla County Courthouse
216 S E 4th
Pendleton, Or. 97801

RECEIVED

MAR 23 1990

UMATILLA COUNTY
PLANNING COMMISSION

Dear Sirs

In compliance with the conditions of
the Conditional Use Permit Issued Mar 29, 1987,
I would like to have the permit renewed.

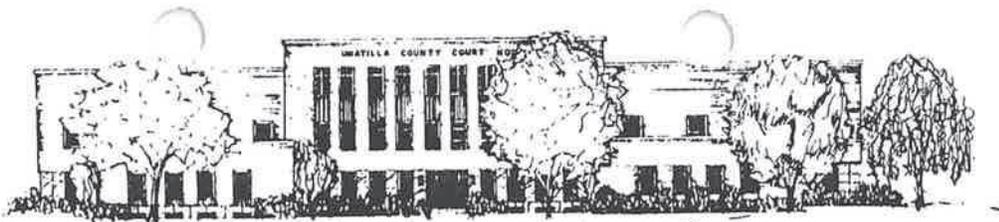
Enclosed is a plat plan mapping the
present conditions.

Sincerely

H. Rickelman

H.C 70 Box 101

Echo, Or 97824



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

February 9, 1990

H. Richard & Shirley Snow
Rt 1 Box 1
Echo, OR 97826

Dear Mr. and Mrs. Snow:

On March 29, 1989, you were granted a Conditional Use Request permit to allow you to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use, 160 acre minimum) Zone. One of the conditions of approval was that a yearly review be held each March and a \$25.00 renewal fee be paid.

We are now working on our March 14, 1990 meet, and need a letter from you requesting the need for the aggregate quarry site and the renewal fee. Failure to submit this by March 14, 1990, could jeopardize your Conditional Use Request permit.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Michael W. Muller
Planner

MWM:gas

mobile home as he needs someone to help him maintain the property due to heart trouble and arthritis. Mr. Lampkin moved to postpone the decision on this request until the next Hearings Officer meeting. Mr. Muller will write a letter to Mr. Larry McCracken stating he needs to apply for a new Conditional Use Request.

Conditional Use Request #C-174 -- Helen J. May, applicant/owner. Mr. Muller stated he had received a letter from the applicant and the applicant's doctor stating she still needed the hardship mobile home and have not received any complaints. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-319 -- Oregon State Highway Division, applicant/owner. Mr. Muller stated he had done a site inspection and found everything to be in compliance with the zoning ordinance and have not received any complaints. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-544 -- Lorin Wentland Diesel Service, applicant/owner. Mr. Muller stated he received a letter from the applicant stating he still has the farm equipment repair shop. Mr. Muller stated no complaints have been received. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-546 -- H. Richard & Shirley Snow, applicant/owner. Mr. Muller stated Mr. Snow stopped by the Planning Department. Mr. Snow wants to put a crusher on the site and is applying for the needed permits. Mr. Lampkin moved to extend the request for one year.

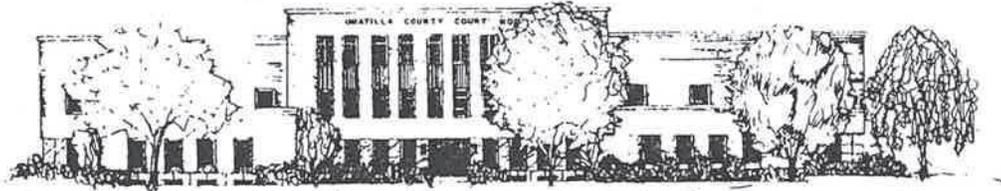
Conditional Use Request #C-549 -- Umatilla County Public Works Department, applicant; Kayella Simons, owner.. Mr. Muller stated he had done a site inspection and found the site to be in compliance with the zoning ordinance and have not received any complaints. Mr. Lampkin moved to extend this request for one year.

OLD BUSINESS (YEARLY REVIEWS):

Conditional Use Request #C-096 -- Elva M. Ayers, applicant/owner. Mr. Muller stated the mobile home has been removed from the property. Mr. Lampkin moved to terminate this request.

Conditional Use Request #C-363 -- Umatilla County Road Department, applicant; Fred Hoeft, owner. Mr. Muller stated he had done a site inspection and found the site to be in compliance with the zoning ordinance. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-364 -- Oregon Highway Division, applicant/owner. Mr. Muller stated he had done a site inspection and found the site to be in compliance with the zoning ordinance. Mr. Lampkin moved to



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S. E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

February 25, 1991

H. Richard and Shirley Snow
HCR 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

On March 29, 1989, you were granted a Conditional Use Request permit to allow you to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use, 160 acre minimum) Zone.

One of the conditions of approval was that a yearly review be held each March and a \$25.00 renewal fee be paid.

We are working on our March 13, 1991, meeting and need a letter from you requesting the continue need for the aggregate quarry site and the renewal fee. Failure to submit this by March 13, 1991, could jeopardize your Conditional Use Request permit.

If you have any questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Bob Perry
Senior Planner

BP:gas

INSPECTION DATE
please print or type

UMATILLA COUNTY ZONING PERMIT

UMATILLA COUNTY PLANNING DEPARTMENT
216 S.E. 4th. COURTHOUSE, PENDLETON, OR 97801
AREA CODE (503) 276-7111 EXT. 252

FEE:
STAFF: MUM

APPLICANT H. Richard & Shirley Snow PHONE HOME 376-8231
OFFICE 376-8121

MAILING ADDRESS HC 70 Box 101 Echo OR 97826
street or route city state zip code

LEGAL OWNER Richard & Shirley Snow ADDRESS HC 70 Box 101

LEGAL DESCRIPTION N.E. 1/4 of SE 1/4 of SEC 29 TWP 3N RNG 29E

TAX CODE ~~30~~ 05-01 MAP NO. 3N 29 TAX LOT 7201

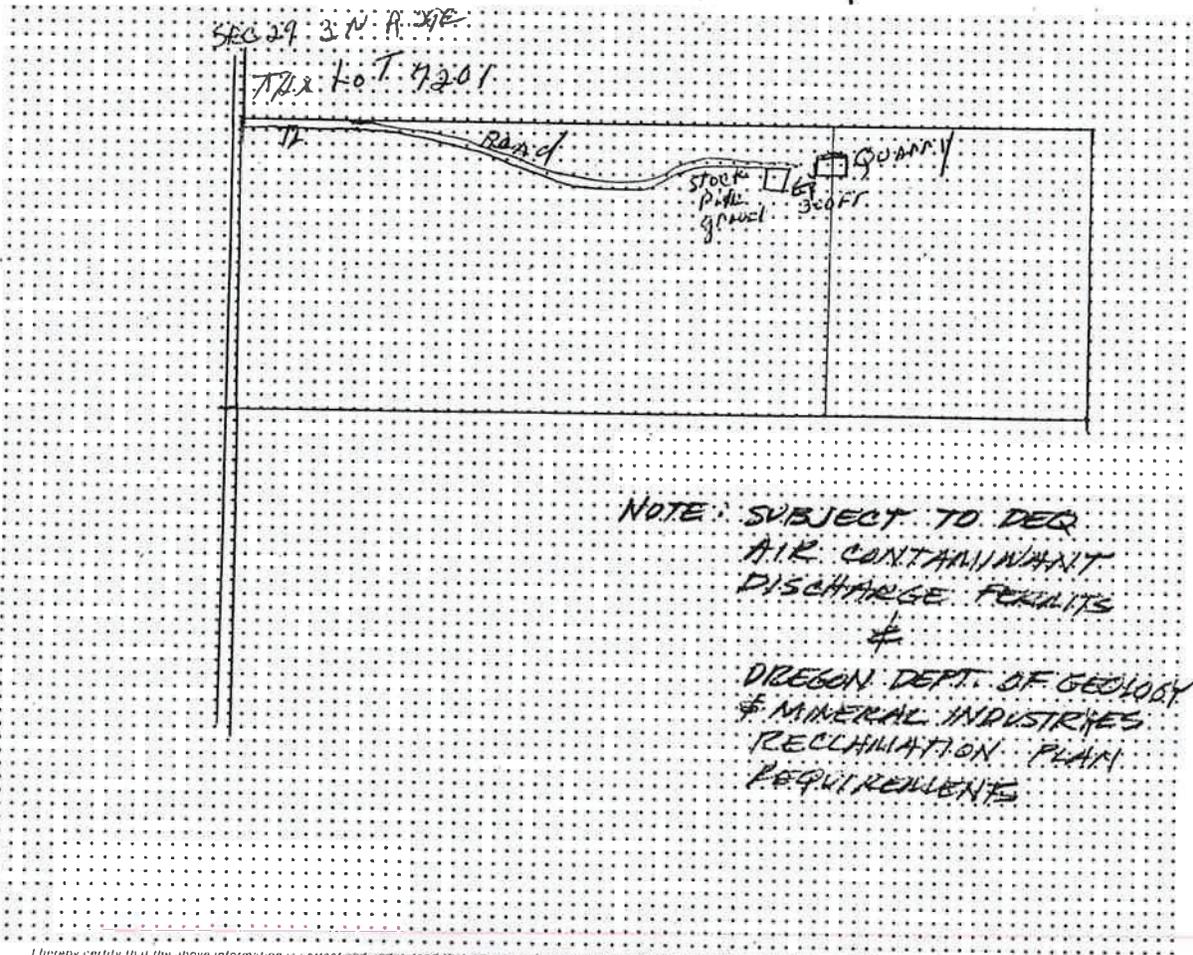
SUBDIVISION LOT BLOCK PRESENT ZONE EFU SQ. FT. OR ACRES A portion of a 558.18 acre parcel

LOT WIDTH NA LOT DEPTH NA LEGAL ACCESS Priv. Rd to east side of Echo Meadows Road

REQUIRED SETBACKS FRONT 50' ft. SIDE 50' ft. and 50' REAR 50' ft.

PROPOSED USE 1 Gravel Pit for owners use SIZE 3. SIZE
2 Crusher Site SIZE 4. SIZE

PLOT PLAN



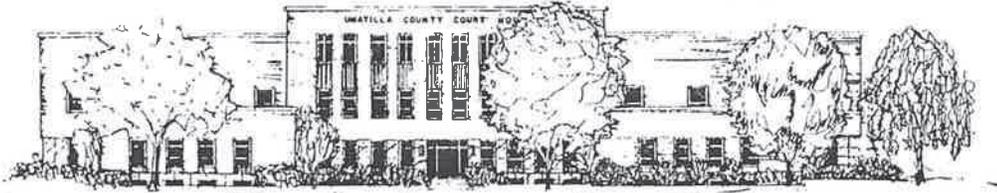
NOTE: SUBJECT TO DEQ
AIR CONTAMINANT
DISCHARGE PERMITS
\$
OREGON DEPT. OF GEOLOGY
\$ MINERAL INDUSTRIES
RECLAMATION PLAN
REQUIREMENTS

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

Richard Snow Applicant or Owner Date 3-21-90

DATE APPROVED 4/24/90 APPROVED BY Mike Muller PERMIT NO. 2P-90-056
RELATED ZONING MAP NO. CONDITIONAL USE NO. C-546-89 VARIANCE NO.

VALID FOR ONE YEAR ONLY. NOTE: THIS IS NOT A BUILDING PERMIT OR SUBSURFACE DISPOSAL PERMIT.



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

April 23, 1990

H. Richard & Shirley Snow
H.C. 70 Box 101
Echo, OR 97826

RE: Zoning Permit for Gravel Pit/Crusher on Tax Lot 7201, Map 3N 29
Conditional Use Request #C-546-89

Dear Mr. and Mrs. Snow:

Please find enclosed a zoning permit for the Gravel Extraction Project on your property noted above. This approval is still subject to all the conditions of approval noted on the enclosed copy of your letter of approval.

It is my understanding that if the excavation area for your gravel pit exceeds 5000 cubic yards of material per year, or involves more than one acre of area, then a Reclamation Plan must be secured from the State Dept. of Geology and Mineral Industries. Additionally, I understand that the operation of rock crushers is subject to State Dept. of Environmental Quality Air Contaminant Discharge Permit Requirements. Copies of these permits are also required as conditions of approval.

The Hearings Officer approved your request to allow both your own personal use of the pit as well as a commercial use of the aggregate. Please note that this permit is only for the personal use portion of your approval and will be required to be ammended if a commercial use for the aggregate is proposed.

We look forward to the completion of the balance of the conditions of approval and receiving the required information. If you have any questions regarding this information, do not hesitate to contact me at 276-7111, extension #252.

Respectfully,

Michael W. Muller
Planner

cc: State Dept. Geology & Mineral Industries, Frank Snitzer
State Dept. Environmental Quality, Larry Calkins

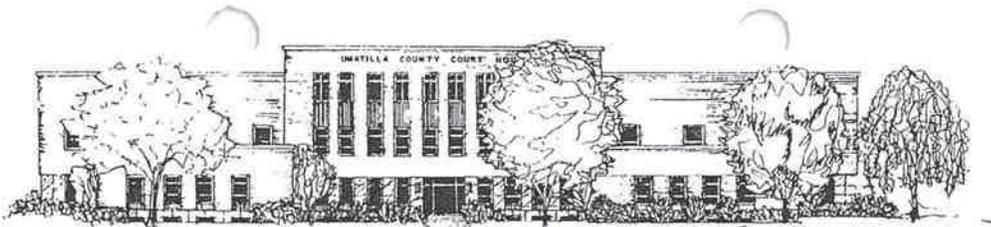
Conditional Use Request #C-319 -- Oregon State Highway Division, applicant/owner. Mr. Perry stated that upon site inspection that everything seemed to be in compliance with the Zoning Ordinance and there has been no complaints received. Mr. Lampkin instructed Mr. Perry to find out if this site was in an Aggregate Overlay Zone. If this request is not in an Aggregate Overlay Zone then the decision will be post-poned until the next Hearings Officer's meeting, but if this request is in an Aggregate Overlay Zone then it shall be a yearly inspection review and the Hearings Officer will extend this request for one year. (Mr. Lampkin and Mr. Perry checked and found this site to be under the Aggregate Overlay Zone.)

Conditional Use Request #C-544 -- Lorin Wentland (Wentland Diesel Service) applicant/owner. Mr. Perry received a letter from the applicant stating it was essential that they continue to operate their farm equipment repair business, along with the annual renewal fee. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-545 -- Robert Lamb, applicant/owner. Mr. Perry stated upon site inspection he found the site to be in compliance with zoning ordinance and there has been no complaints received. It was thought that the Stanfield road project was finished. Mr. Lampkin instructed Mr. Perry to write a letter to the applicant to find out what his intent is and if he done with the Stanfield Road project. Mr. Lampkin moved to terminate the request as it was just for the duration of the Stanfield Road project.

Conditional Use Request #C-546 -- H. Richard & Shirley Snow, applicant/owner. Mr. Perry stated he had received a telephone call from the applicant stating he had been ill and had not written a letter or sent the renewal fee. The applicant still wanted the Conditional Use Request regarding the gravel pit. Mr. Lampkin moved to extend this request for one year pending receipt of letter and renewal fee.

Conditional Use Request #C-549 -- Umatilla County Public Works, applicant; Kayella Simons, owner. Mr. Perry stated upon site inspection he found the site to be in compliance with the zoning ordinance and have received no complaints. Mr. Lampkin instructed Mr. Perry to find out if this site was in an Aggregate Overlay Zone. If this request is not in an Aggregate Overlay Zone then the decision will be post-poned until the next Hearings Officer's meeting, but if this request is in an Aggregate Overlay Zone then shall be a yearly inspection review and the Hearings Officer will extend this request for one year. (Mr. Lampkin and Mr. Perry checked and found this site was not in an Aggregate Overlay Zone. This request will continue for a duration of ten years from when the Facts and Findings were signed, it will expire April 6, 1999. The applicant will then have to come in and get a new Conditional Use Request if they want to continue using this site.)



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

April 4, 1991

Mr. Dick Snow
HCR 70 Box 101
Echo, OR 97826

RE: Conditional Use Request #C-546-89.

Dear Mr. Snow:

This letter is to remind you of your need to send a renewal letter and fee as we discussed over the telephone several weeks ago. I am enclosing a copy of our original letter which explains in greater detail the required materials.

You are currently in compliance with your Conditional Use except for the renewal information and fee. It would be unfortunate that you could jeopardize your Conditional Use approval over this minor condition. Please submit the above by April 10, 1991, so the Hearings Officer can complete this matter.

If you have any questions regarding the above, please contact our office.

Sincerely,

Bob Perry
Senior Planner

BP:gas

Conditional Use Request #C-545 -- Robert Lamb, applicant/owner. Mr. Perry stated a certified letter was mailed to the applicant; the letter was returned. Another certified letter was sent and no reply has been received to this date. Mr. Lampkin moved to terminate this request.

Conditional Use Request #C-546 -- H. Richard and Shirley Snow, applicants/owners. Mr. Perry gave a brief history of the request. A telephone call was received March 13, 1991, from Mr. Snow stating he still needed the pit. Mr. Perry had informed him that the Planning Department needed a letter of justification along with the renewal fee. The Planning Department has not received the letter of justification nor the renewal fee as of this date. Mr. Lampkin asked Mr. Perry to send a certified letter to the applicant. Mr. Lampkin moved to post-pone this request until the next Hearings Officer meeting on May 8, 1991.

Conditional Use Request #C-549 -- Umatilla County Public Works Department, applicant; Kayella Simons, owner. Mr. Perry gave a brief history of this request. This request was post-poned from the March 13, 1991, Hearings Officer meeting, because it was unclear whether or not it was in an Aggregate Overlay Resource Zone. After doing a brief investigation it was found that this pit was not in an Aggregate Overlay Resource Zone and would expire April 6, 1999. After this permit expires the applicant will need to renew the Conditional Use Request should they decide to continue using the pit. Upon site inspection the site was in compliance with the Zoning Ordinance and no complaints have been received. Mr. Lampkin moved to do a yearly site inspection and to extend this request for one year.

ADJOURNMENT:

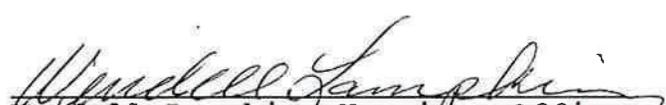
There being no further business, the meeting was adjourned at 2:20 p.m.

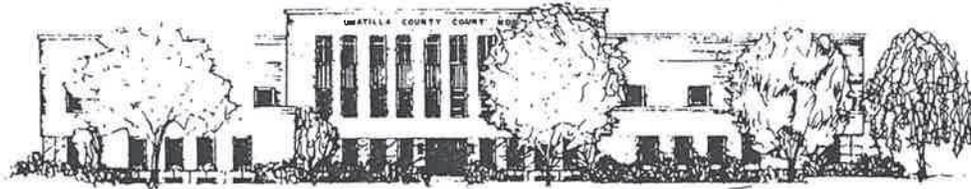
Respectfully submitted,

Date approved 4-12-91



Glenda A. Sims
Secretary

By 
Wendell Lampkin, Hearings Officer



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

CERTIFIED MAIL

April 18, 1991

Mr. Dick Snow
HCR 70 Box 101
Echo, OR 97826

RE: Conditional Use Request #C-546-89 Renewal Requirement.

Dear Mr. Snow:

This letter is to again remind you of your need to send a renewal letter and fee as we discussed over the telephone several weeks ago and by the letter dated April 4, 1991.

You are currently in compliance with your Conditional Use except for the renewal information and fee. It would be unfortunate that you could jeopardize your Conditional Use approval over this minor condition. Please submit the above by May 8, 1991, so the Staff and Hearings Officer can complete this matter.

If you have any questions regarding the above, please contact our office.

Sincerely,

Bob Perry
Senior Planner

BP:gas

May 2, 1991
Echo OR. 97826

Umatilla County Planning Department
Umatilla County Courthouse
214 SE 4th St.
Pendleton, OR. 97801

R. E. Conditional Use Request # C-546-89

Dear Sirs:

I would like to request a renewal of the permit to operate an aggregate quarry site with a crusher and potential asphalt batch plant.

Please find enclosed a check for \$25 for the renewal fee.

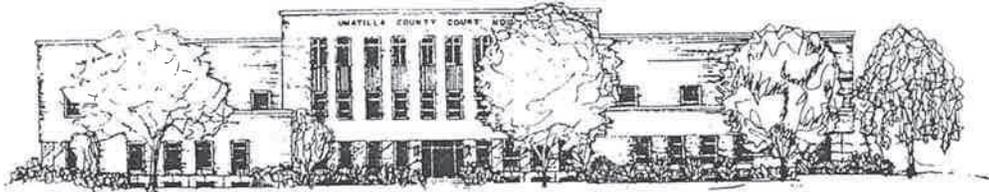
Sincerely

Dick Surow

HC 70 Box 101

Echo OR. 97826





UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

May 14, 1991

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This letter is to inform you that the Umatilla County Hearings Officer voted to extend your Conditional Use Request #C-546 at his May 8, 1991 meeting for another year. This permit allows the extraction and crushing of rock from an existing quarry for road maintenance in an EFU (Exclusive Farm Use, 160 acre minimum) Zone.

The permit is valid for one (1) year only. You must contact this officer prior to May 1992, if you wish to request an extension or, submit a detailed reclamation plan for site closure.

If you have any questions or if we can be of any further assistance to you, please do not hesitate in contacting this office.

Sincerely,

Tamra Brink
Senior Planner, Ordinance Administration

TB:gas

160 acre minimum) Zone. A letter requesting continuation of the conditional use permit was received from the applicant. No complaints have been received to date. Upon site inspection (April 17, 1991), the site was found to be in compliance with the Zoning Ordinance. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-553 -- Osmond & Marilyn Halling, applicant/owner. Ms. Brink stated this request is for a home occupation (photography) in an FU-10 (Future Urban, 10 acre minimum) Zone. A letter requesting continuation of the conditional use permit along with the renewal fee was received from the applicant. No complaints have been received to date. Upon site inspection (April 17, 1991), the site was found to be in compliance with the Zoning Ordinance. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-583 -- Clarence & Michael Hendon, applicants/owners. Ms. Brink stated this request is for a medical hardship mobile home in an EFU-40 (Exclusive Farm Use, 40 acre minimum) Zone. The staff did not send the applicants a reminder notice prior to the meeting, to remind them to submit a letter requesting an extension along with the renewal fee. A site inspection was not conducted. No complaints have been received to date. Mr. Lampkin moved to have Ms. Brink send the applicants a certified letter and post-pone this request to the next Hearings Officer meeting in June.

Conditional Use Request #C-476 -- Lee A. and Bonnie A. Ferguson, applicants/owners. Ms. Brink gave a brief history of this request. A telephone call was received from the applicant stating they were dismantling the mobile home and preparing to sale it. On April 30, 1991, a letter was received from the applicant confirming the telephone call. Ms. Brink read the letter to the Hearings Officer. Mr. Lampkin moved to turn this request over to the Umatilla County Enforcement Officer.

Conditional Use Request #C-546 -- H. Richard and Shirley Snow, applicants/owners. Ms. Brink stated this request is for an aggregate quarry site in an EFU-160 (Exclusive Farm Use, 160 acre minimum) Zone. A letter requesting continuance of the conditional use permit along with the renewal fee was received from the applicant. No complaints have been received to date. Upon a previous site inspection, the site was found to be in compliance with the Zoning Ordinance. Mr. Lampkin moved to extend this request for one year.

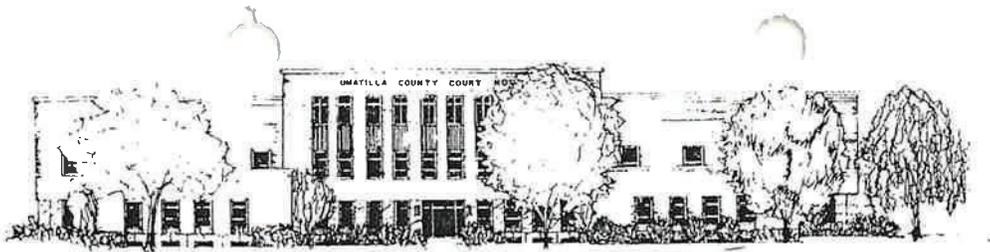
Conditional Use Request #C-420 -- James Connor and Paul Burns, applicants/owners. Ms. Brink gave a brief history of this request explaining the request was for a night watchman/caretaker dwelling (mobile home) in a Light Industrial and Commercial Zone. One of the conditions of approval was that the applicant partition the property

Dick Snow 3-13-91

- Called 9:15am
- Ill could not send letter of renewal
- He intends to do so very soon.
- Not feeling well to come deliver today
- Apology, hopes Wendell will understand.

Bob Perry

3-5-92 site inspection -
O.U. f



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

March 5, 1992

Mr. & Mrs. Richard Snow
HC 70 Box 101
Ehco, OR 97826

Dear Mr. and Mrs. Snow:

On March 29, 1989, the Umatilla County Hearings Officer approved your Conditional Use Request permit #C-546-89, to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone.

The Conditional Use was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

Your Conditional Use is up for yearly review and will be considered at the March 11, 1992, Hearings Officer meeting. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting your continued need for the aggregate quarry site, along with the \$25.00 renewal fee.

Failure to submit this by March 11, 1992, could jeopardize your conditioned use of the aggregate quarry site.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas

explained this request is in an Aggregate Overlay Zone and is subject to an yearly inspection review. A letter justifying the continued use is not required. Mr. Lampkin moved to extend request for one year.

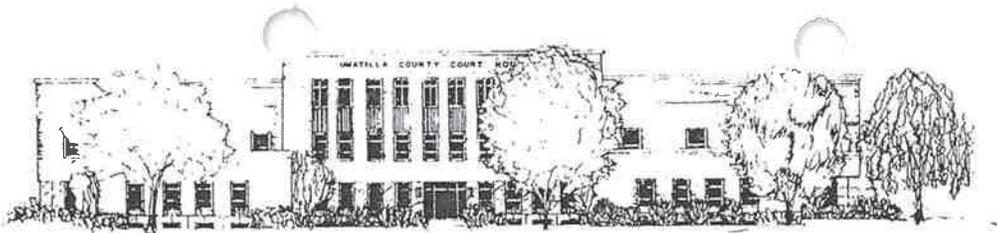
Conditional Use Request #C-541-89 -- Blue Mountain Forest Product, applicant/owner. Ms. Mabbott stated this request is to allow a caretaker dwelling as an accessory use to an equipment-storage site in a HI (Heavy Industrial) Zone. Ms. Mabbott stated a site inspection had not been conducted to see if the mobile home was still on the site. Mr. Lampkin moved to post-pone this request to the April Hearings Officer meeting. A site inspection is to be conducted to see if the mobile home has been removed.

Conditional Use Request #C-544 -- Lorin Wentland (Wentland Diesel Service) applicant/owner. Ms. Mabbott stated this request is to allow the existing farm equipment repair shop to continue as a commercial activity in conjunction with farm use in an EFU-10 (Exclusive Farm Use, 10 acre minimum) Zone. Ms. Mabbott stated a letter justifying the continued use and renewal fee had not been received. A site inspection was conducted on February 27, 1992, and the site was found to be in compliance with the Zoning Ordinance. No complaints have been received to date. Mr. Lampkin moved to extend this request for one year pending the receipt of a letter and renewal fee.

Conditional Use Request #C-546 -- H. Richard & Shirley Snow, applicant/owner. Ms. Mabbott stated this request is to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone. Ms. Mabbott stated a letter justifying the continued use and renewal fee has not been received. A site inspection was conducted on March 5, 1992, and the site was found to be in compliance with the Zoning Ordinance. No complaints have been received to date. Mr. Lampkin moved to extend this request for one year pending receipt of the letter and renewal fee.

Conditional Use Request #C-549 -- Umatilla County Public Works, applicant; Kayella Simons, owner. Ms. Mabbott stated this request is to allow an aggregate quarry site and rock crusher in an EFU (Exclusive Farm Use, 160 acre minimum) Zone. Ms. Mabbott explained this pit is not in an Aggregate Overlay Zone and will expire April 6, 1999. Ms. Mabbott stated no site inspection has been conducted. No complaints have been received to date. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-609-91 -- ODOT/Highway Division, applicant/owner. Ms. Mabbott stated this request is for a rock pit. Ms. Mabbott stated no site inspection has been conducted. No complaints have been received to date. Mr. Lampkin moved to extend this request for one year.



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

March 18, 1992

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This letter is to inform you that the Umatilla County Hearings Officer voted to extend your Conditional Use Request #C-546 at his March 11, 1992, meeting, pending receipt of a letter requesting continued need for the aggregate quarry site, along with the \$25.00 renewal fee. This permit is to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone.

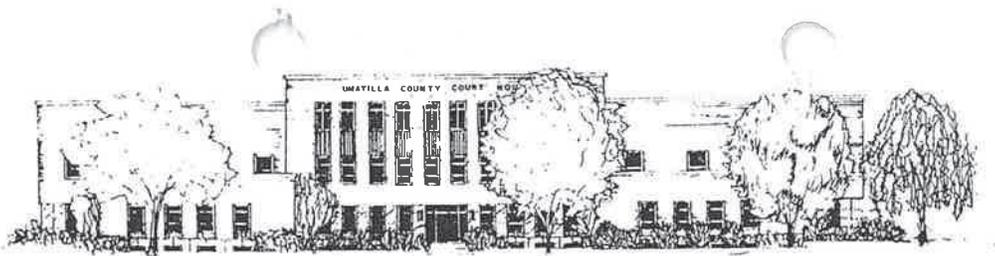
The permit is valid for one (1) year. If the conditions are still the same next March, please write this office a letter stating that fact and request another one (1) year extension. If a change in use is proposed before next March, you will need to contact this office to schedule a review of the conditions as they relate to the changed use.

If you have any questions or if we can be of any further assistance to you, please do not hesitate in contacting this office.

Sincerely,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

CERTIFIED MAIL

April 20, 1992

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This letter is to inform you that the Umatilla County Hearings Officer voted to extend your Conditional Use Request #C-546-89 at his March 11, 1992, meeting, pending receipt of a letter requesting continued need for the aggregate quarry site, along with the \$25.00 renewal fee. This permit is to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone.

Failure to submit this my May 13, 1992, could jeopardize your continued use of the aggregate quarry site.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas

Ms. Mabbott explained she had a conversation with Mr. Steve Randolph, a prior planner who approved the original request, and he stated at the time he approved this request this project looked to have a net impact on the base flood elevation level. Ms. Mabbott stated that due to more recent information from Bernine Meskimen, Project Construction Engineer, it appears there would not be an increase in the base flood elevation level (letter in file). Ms. Mabbott explained it appears that the concrete structures were designed to meet some of the conditions of approval. Ms. Mabbott recommended that this permit be reviewed by the Hearings Officer for at least one more year to see that all conditions of approval have been met. Upon a site inspection the site was found to be in compliance with the Zoning Ordinance and there were no complaints received. Mr. Lampkin moved to extend this request for one year.

YEARLY REVIEWS: OLD BUSINESS:

Conditional Use Request #C-365 -- Kim and Loren Lindell, applicant/owner.. Ms. Mabbott stated this request was post poned from the March Hearings Officer hearing. This request is to allow a Home Occupation/Cottage Industry (auto body repair shop) in an RR-2 (Rural Residential, two acre minimum) Zone, but is in violation of the Solid Waste Ordinance and Zoning Ordinance. Ms. Mabbott explained if the solid waste had been cleaned up, the Hearings Officer could approve this conditional use permit. The solid waste has not been cleaned up and the applicants have to appear before the Enforcement Officer on April 29, 1992. Mr. Lampkin moved to post pone his decision on this request until the May Hearings Officer meeting.

Conditional Use Request #C-541-89 -- Blue Mountain Forest Product, applicant/owner. Ms. Mabbott stated this request was post poned from the March Hearings Officer hearing. This request is to allow a caretaker dwelling as an accessory use to an equipment-storage site in an HI (Heavey Industrial) Zone. A site inspection was conducted and a mobile home was located on the site. Due to an oversight, the yearly review was not conducted last year. Mr. Lampkin asked Ms. Mabbott to write the applicant a letter requesting a letter of justification and the renewal fee. Mr. Lampkin moved to post pone this request until the May Hearings Officer meeting.

Conditional Use Request #C-546 -- H. Richard and Shirley Snow, applicants/owners. Ms. Mabbott stated this request was post poned from the March Hearings Officer hearing. This request is to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone. Ms. Mabbott stated a letter justifying the continued use and the renewal fee had not been received. Mr. Lampkin asked Ms. Mabbott to send a certified letter to the applicant requesting a letter and renewal fee. Mr. Lampkin moved to post pone this request until the May Hearings Officer meeting.

Echo, OR.
5-4-92

Umatilla County Hearings Offices
Umatilla County Planning Department
Umatilla County Courthouse
216 SE 4th Street
Pendleton OR. 97826

RECEIVED

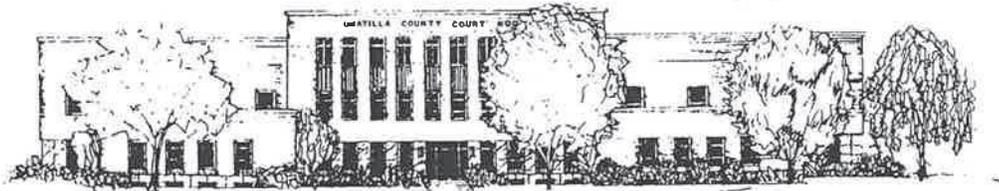
MAY 5 '92

UMATILLA COUNTY
PLANNING COMMISSION

Dear Sir,

This letter is to request extension of
our Conditional Use Request # C-546-89.
Please find enclosed a Check for \$25.00 for
the renewal fee.

Sincerely,
Dick Snow
Hc 70 Box 101
Echo, OR. 97826



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

May 27, 1992

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This letter is to inform you that the Umatilla County Hearings Officer voted to extend your Conditional Use Request #C-546-89 at his May 13, 1992 meeting. This permit allows the extraction and crushing of rock from an existing quarry for road maintenance in an EFU (Exclusive Farm Use, 160 acre minimum) zone.

The permit is valid for one year. You must contact this office prior to March 1993, if you wish to request an extension or, submit a detailed reclamation plan for site closure.

If you have any questions or if we can be of any further assistance to you, please do not hesitate to contact this office.

Sincerely,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas

OLD BUSINESS:

Conditional Use Request #C-365 -- Kim and Loren Lindell, applicant/owners. Mr. Lampkin stated this request was post poned from the April 8, 1992, Hearings Officer meeting to review what was conducted at the Enforcement Officers meeting. Mr. Lampkin stated the Conditional Use Request will be valid if the applicant takes care of the violations. Mr. Lampkin moved to extend this request for one year pending the violations are corrected.

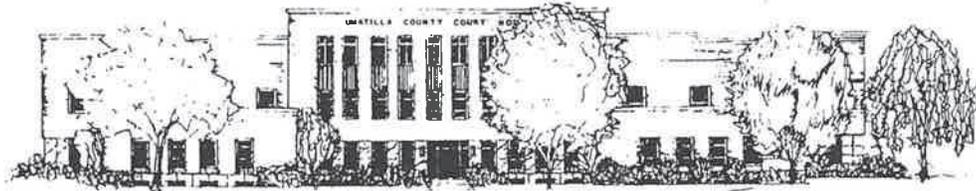
Conditional Use Request #C-541 -- Blue Mountain Forest Product, applicant/owner. Ms. Mabbott stated this request was post poned from the April Hearing Officer hearing. This request is to allow a caretaker dwelling as an accessory use to an equipment storage site in an HI (Heavy Industrial) zone. A site inspection was conducted and the mobile home is in compliance with the Zoning Ordinance. A letter requesting continuation of the conditional use permit and renewal fee were received from the applicant. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-546 -- H. Richard and Shirley Snow, applicants/owners. Ms. Mabbott stated this request was post poned from the April Hearings Officer hearing. This request is for an aggregate quarry site in an EFU-160 (Exclusive Farm Use, 160 acre minimum) Zone. A letter requesting continuance of the conditional use permit along with the renewal fee were received from the applicant. No complaints have been received. Mr. Lampkin moved to extend this request for one year.

Conditional Use Request #C-572-89 -- Garland & Jennifer Jones, (First Presbyterian Church of Walla Walla, applicant/owner. Ms. Mabbott stated this request was post poned from the January 15, 1992, hearing so a site inspection could be conducted to see if the stop sign had been installed. This request is to allow the use of existing structures for a Church Camp in a MR (Mountain Residential, one acre minimum) Zone. Ms. Mabbott stated a site inspection has not been conducted. Mr. Lampkin asked Ms. Mabbott to do a site inspection when she was in the area and to take a photo for the file. Mr. Lampkin moved to close the file after Ms. Mabbott confirms the stop sign has been installed.

OTHER OLD BUSINESS:

Ms. Mabbott explained she had received a telephone call from Mr. David Kilmer. Mr. Kilmer had contacted Ms. Mabbott over a year ago regarding Mr. Darrell Allen Key's Conditional Use Permit to allow an caretaker residence (mobile home) on Highway 11, next to Humbert Excavating in Milton-Freewater. Ms. Mabbott explained she reviewed the file and the permit was originally approved in 1990. The applicant was given a year to meet the conditions and then in November he was granted another year extension. Several of the neighbors are becoming impatient with this



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

February 23, 1993

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

On March 29, 1989, your Conditional Use Request #C-546-89, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone.

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review and receipt of a \$25.00 renewal fee.

Your Conditional Use Permit will be reviewed on March 17, 1993. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting your continued need for the aggregate quarry site, along with the \$25.00 renewal fee.

Failure to submit this by March 17, 1993, could jeopardize your conditional use of the aggregate quarry site.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas

Echo, OR.
3-15-93

Umatilla County Hearings Officer
Umatilla County Planning Department
Umatilla County Courthouse
216 SE 4th Street
Pendleton, OR. 97801

RECEIVED

MAR 16 '93

UMATILLA COUNTY
PLANNING COMMISSION

Dear Sir,

This letter is to request extension of
our Conditional Use Request # C-546-89.

Please find enclosed a check for \$25.00 for
the renewal fee.

Sincerely,

Dak Snow

HC 70 Box 101

Echo, OR. 97826

YEARLY REVIEW REPORT

FILE NUMBER: #C-546-89

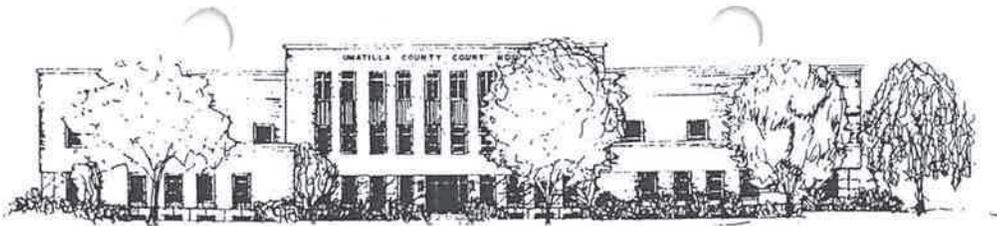
REMINDER SENT TO APPLICANT: 2-23-93

DATE OF SITE INSPECTION: 3-19-93

STATUS OF CONDITIONS/ACTION:

Little change in status of pit.
Appears some aggregate has been
removed. No equipment in
pit area at time of inspection.
No complaints.
Conditions appear to be in compliance.

T.M.



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

March 29, 1994

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

On March 29, 1989, your Conditional Use Request #C-546-89, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

Your Conditional Use Permit will be reviewed on April 20, 1994. Prior to granting you a one year extension, the Planning Department must receive a letter from you justifying your continued need for the aggregate quarry site along with the \$25.00 renewal fee.

Failure to submit this by April 20, 1994, could jeopardize your continued use of the aggregate quarry site.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas

Echo, Or.
March 31, 1994

Umatilla County Hearings Offices
Umatilla County Planning Dept.
Umatilla County Courthouse
216 SE 4th St.
Pendleton, Or. 97801

RECEIVED

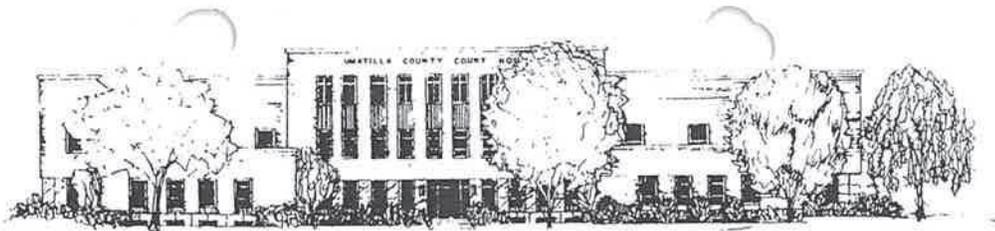
APR 4 '94

UMATILLA COUNTY
PLANNING COMMISSION

Dear Sir,

This letter is to request extension of our
conditional Use Request # C-546-89.
Please find enclosed a check for \$25.00 for
the renewal fee.

Sincerely
Dick Snow
HC 70 Box 101
Echo, Or. 97826



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

NOTICE OF APPROVAL YEARLY REVIEW

DATE: April 27, 1994
PERMIT: Conditional Use Permit #C-546-89
NAME: Mr. & Mrs. Richard Snow
ADDRESS: HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

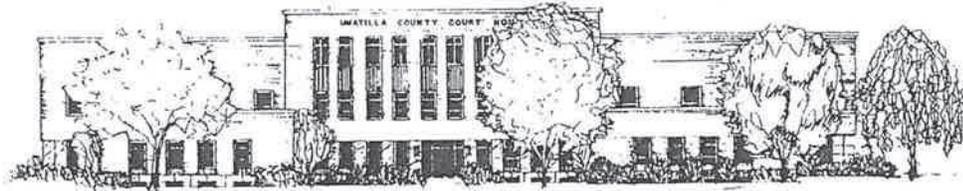
We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

Cordially,

Tamra Mabbott
Senior Planner, Ordinance Administration

TM:gas



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

March 21, 1995

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. and Mrs. Snow:

On March 29, 1989, your Conditional Use Request #C-546-89, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

Your Conditional Use Permit will be reviewed some time this month. Prior to granting you a one year extension, the Planning Department must receive a letter from you justifying your continued need for the aggregate quarry site. Failure to submit this could jeopardize your continued use of the aggregate quarry site.

Umatilla County is no longer charging renewal fees like it has in the past. You are no longer required to remit the usual \$25.00 renewal fee.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Bob Perry
Senior Planner, Ordinance Administration

BP:ptp

YEARLY REVIEW REPORT

FILE NUMBER: #C-546-89

REMINDER SENT TO APPLICANT: 3-21-95

DATE OF SITE INSPECTION: 3-24-95

STATUS OF CONDITIONS/ACTIONS:

C-546-89 IT APPEARS EXTRACTION OF GRAVEL AND CRUSHING OF GRAVEL IS COMPLETED AS THEY ARE REMOVING CRUSHING EQUIPMENT FROM THE SITE TODAY. THE AREA AROUND THE SITE LOOK LIKE THE CONDITIONS HAVE BEEN MET.

W. M. M. M.

Echo, O.A.
Apr 29, 1995

Umatilla County Planning Department
Umatilla County Courthouse
216 SE ^{4th} St
Pendleton, Ore 97801

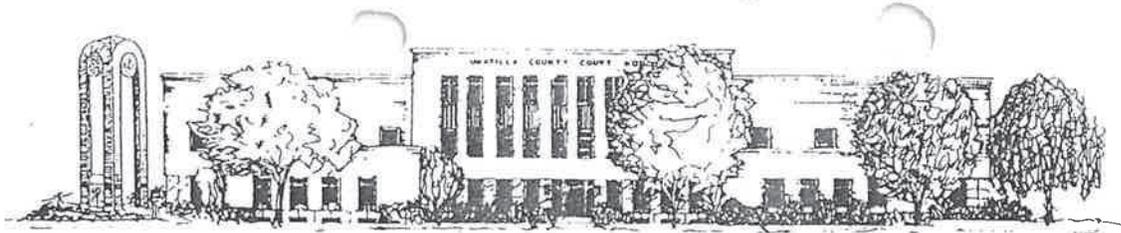
RECEIVED
MAY 10 '95
UMATILLA COUNTY
PLANNING COMMISSION

Bob Perry
Senior Planner

Dear Bob
This letter is to request extension of our
conditional Use Permit # C-546-89.

Sincerely

H. Richard Snow
H.C. 90 Box 101
Echo, O.A. 97826



UMATILLA COUNTY PLANNING DEPARTMENT

Umatilla County Courthouse, 216 S.E. 4th ST., Pendleton, Oregon 97801
Phone: 276-7111, Ext. 252

NOTICE OF APPROVAL

YEARLY REVIEW

DATE: MAY 10, 1995
PERMIT: Conditional Use Permit #C-546-89
NAME: MR. & MRS SNOW
ADDRESS: HC 70, Box 101
Echo, OR 97826

Dear Mr. & Mrs. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

Cordially,

Patty Perry, Zoning Aid
Umatilla County Planning Dept.

Umatilla County

Department of Resource Services and Development



Director

Dennis Olson

March 7, 1996

Land & Water Resources

Division:

LAND USE PLANNING
503-278-6252

UMATILLA BASIN
WATERSHED COUNCIL
503-278-3836

Mr. & Mrs. Richard Snow
HC 70 Box 101
Echo, OR 97826

RE: Conditional Use Request #C-546-89

Dear Mr. and Mrs. Snow:

Emergency Management Division:

EMERGENCY
MANAGEMENT
503-278-6253

RURAL ADDRESSING
PROGRAM
503-278-6263

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
503-667-2084

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

Your Conditional Use Permit will be reviewed this month. Prior to granting you a one year extension, the Planning Department must receive a letter from you justifying your continued need for the aggregate quarry site. Failure to submit this could jeopardize your continued use of the aggregate quarry site.

County/State Services

Division:

COUNTY FAIR
503-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
503-278-5403

WATERMASTER
503-278-5456

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,

Patty Perry
Patty Perry, Zoning Aide
Umatilla County Land Use Planning

ptp

YEARLY REVIEW REPORT

FILE NUMBER:

73-7-96

REMINDER SENT TO APPLICANT:

#0-546-89

DATE OF SITE INSPECTION:

3-12-96

STATUS OF CONDITIONS/ACTIONS:

very busy, site has crusher, not much repair
visible, 1 stack pile of gravel

remind in approval about DOGAMI 5,000
limit/yr

RECEIVED

APR 3 '96

UMATILLA COUNTY
PLANNING COMMISSION

Echo, Or. 97826

April 2, 1996

Umatilla County
Department of Resource Services & Development
216 SE. 4th
Pendleton, Or. 97801

Dear Sir,

This letter is to request extension of our
conditional use Request # C-546-89.

Sincerely

Rick Snow

33263 Oregon Trail Rd
Echo, Or. 97826

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

Land & Water
Resources
Division:

LAND USE PLANNING
503-278-6262

UMATILLA BASIN
WATERSHED COUNCIL
503-278-5836

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
503-278-6253

RURAL ADDRESSING
PROGRAM
503-278-6263

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
503-567-2084

County/State
Services
Division:

COUNTY FAIR
503-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
503-278-5403

WATERMASTER
503-278-5456

NOTICE OF APPROVAL

YEARLY REVIEW

DATE: April 5, 1996
PERMIT: Conditional Use Permit #C-546-89
NAME: DICK SNOW
ADDRESS: 33263 Oregon Trail Rd.
Echo, OR 97826

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

Just a reminder that should your mining operation exceed the 5,000 cubic yard limit per year for DOGAMI exemption you will need to obtain a permit through them.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

Cordially,

Handwritten signature of Patty Perry in cursive script.

Patty Perry, Zoning Aid
Umatilla County Planning Dept.

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

April 9, 1997

Land & Water
Resources
Division:

Mr. & Mrs. Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

LAND USE PLANNING
541-278-6252

RE: Conditional Use Request #C-546-89

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Dear Mr. and Mrs. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-278-6253

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

RURAL ADDRESSING
PROGRAM
541-278-6253

Your Conditional Use Permit will be reviewed this month. Prior to granting you a one year extension, the Planning Department must receive a letter from you justifying your continued need for the aggregate quarry site. Failure to submit this could jeopardize your continued use of the aggregate quarry site.

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPPP)
541-567-2084

County/State
Services
Division:

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

COUNTY FAIR
541-567-6121

Sincerely,

STATE AGENCY
LIAISONS:

A handwritten signature in cursive script that reads "Patty Perry".

OSU EXTENSION
SERVICE
541-278-5403

Patty Perry, Zoning Aide
Umatilla County Land Use Planning

WATERMASTER
541-278-5456

ptp

YEARLY REVIEW REPORT

FILE NUMBER: C-546-89

REMINDER SENT TO APPLICANT: 4-9-97

DATE OF SITE INSPECTION: 4-10-97

STATUS OF CONDITIONS/ACTIONS:

site continues to be well used, some stock
piles of gravel and some equipment.
Road looks in good shape. Gate locked

Renew pending receipt of justification
letter.

APR/WL

Echo, Oregon 97826
May 13, 1997

Washtenaw County
Department of Resource Services & Development
216 S.E. 4th
Pendleton, Or. 97838

RECEIVED
MAY 21 1997
WASHTENAW COUNTY
PLANNING COMMISSION

Dear Sir,

This letter is to request extension of our
conditional use Request # C-546-89.

Sincerely,

Rick Snow

33263 Oregon Trail Rd.

Echo, Or. 97826

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

Land & Water
Resources
Division:

LAND USE PLANNING
541-278-6252

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-278-6253

RURAL ADDRESSING
PROGRAM
541-278-6253

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

County/State
Services
Division:

COUNTY FAIR
541-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

NOTICE OF APPROVAL

YEARLY REVIEW

DATE: May 21, 1997
PERMIT: Conditional Use Permit #C-546-89
NAME: DICK SNOW
ADDRESS: 33263 Oregon Trail Rd.
Echo, OR 97826

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

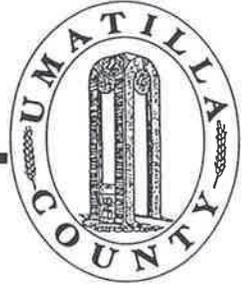
Cordially,

Handwritten signature of Patty Perry in cursive.

Patty Perry, Zoning Aide
Umatilla County Planning Dept.

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

March 9, 1998

Land & Water
Resources
Division: Mr. & Mrs. Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

LAND USE PLANNING
541-278-6252

RE: Conditional Use Request #C-546-89

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Dear Mr. and Mrs. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-278-6253

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

RURAL ADDRESSING
PROGRAM
541-278-6253

Your Conditional Use Permit will be reviewed this month. Prior to granting you a one year extension, the Planning Department must receive a letter from you justifying your continued need for the aggregate quarry site. Failure to submit this could jeopardize your continued use of the aggregate quarry site.

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

County/State
Services
Division:

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

COUNTY FAIR
541-567-6121

Sincerely,

STATE AGENCY
LIAISONS:

Handwritten signature of Patty Perry in cursive.

OSU EXTENSION
SERVICE
541-278-5403

Patty Perry, Senior Planner
Umatilla County Land Use Planning

WATERMASTER
541-278-5456

ptp

YEARLY REVIEW REPORT

FILE NUMBER: C-546-89

REMINDER SENT TO APPLICANT: 3-9-98

DATE OF SITE INSPECTION: 4-9-98

STATUS OF CONDITIONS/ACTIONS:

The site is still active with several stock piles of gravel. County Hearings officer reported purchasing gravel in the Fall and stock piles weren't as large. Apparently, crusher is brought on sight intermittently. Renew another year. site continues to be within limits and conditions. No complaints

Justification/request letter received.

Betty Kew

Echo, Oregon 97826
March 24, 1998

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or. 97801

RECEIVED

MAR 27 '98

PROPERTY
DEPARTMENT

Dear Sir,

This letter is to request extension of our
Conditional Use Request # C-546-89.

Sincerely

Dick Snow

33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

NOTICE OF APPROVAL

Land & Water
Resources
Division:

YEARLY REVIEW

LAND USE PLANNING
541-278-6252

APRIL 13, 1998

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Emergency
Management
Division:

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

EMERGENCY
MANAGEMENT
541-278-6253

RE: #C-546-89

RURAL ADDRESSING
PROGRAM
541-278-6253

Dear Mr. Snow:

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

County/State
Services
Division:

We will notify you prior to our review next year. Thank you for your cooperation.

COUNTY FAIR
541-567-6121

Please feel free to contact the Planning Department if you have any questions throughout the year.

STATE AGENCY
LIAISONS:

Cordially,

OSU EXTENSION
SERVICE
541-278-5403

A handwritten signature in cursive script that reads "Patty Perry".

WATERMASTER
541-278-5456

Patty Perry, Senior Planner
Umatilla County Planning Dept.

YEARLY REVIEW REPORT

FILE NUMBER: C-546-89

REMINDER SENT TO APPLICANT: 3-2-99

DATE OF SITE INSPECTION: 2-25-99

STATUS OF CONDITIONS/ACTIONS:

OK - cable across road to pit. inactive at time of inspection. Many stockpiles but no equipment or ~~no~~ crusher on site. No complaints in file. Renew pending letter of request received
AP

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

March 2, 1999

Land & Water
Resources
Division:

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

LAND USE PLANNING
541-278-6252

RE: Conditional Use Request #C-546-89

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Dear Mr. and Mrs. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-278-6253

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

RURAL ADDRESSING
PROGRAM
541-278-6253

Your Conditional Use Permit will be reviewed this month. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting an extension of the permit for another year.

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

County/State
Services
Division:

Sincerely,

COUNTY FAIR
541-567-6121

A handwritten signature in cursive script that reads "Patty Perry".

STATE AGENCY
LIAISONS:

Patty Perry, Senior Planner
Umatilla County Land Use Planning

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

ptp

Echo, Oregon 97826
March 9, 1999

RECEIVED

MAR 12 '99

Yonahilly County
Department of Resource Services & Development
216 SE. 4th
Pendleton, Oregon 97801

Dear Sir,

This letter is to request extension of our
conditional use Request # C-546-89.

Sincerely,

Dick Snow

33263 Oregon Trail Rd.
Echo, Or. 97826

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

NOTICE OF APPROVAL

Land & Water
Resources
Division:

YEARLY REVIEW

LAND USE PLANNING
541-278-6252

March 12, 1999

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Emergency
Management
Division:

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

EMERGENCY
MANAGEMENT
541-278-6253

RE: #C-546-89

RURAL ADDRESSING
PROGRAM
541-278-6253

Dear Mr. Snow:

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

County/State
Services
Division:

We will notify you prior to our review next year. Thank you for your cooperation.

COUNTY FAIR
541-567-6121

Please feel free to contact the Planning Department if you have any questions throughout the year.

STATE AGENCY
LIAISONS:

Cordially,

OSU EXTENSION
SERVICE
541-278-5403

Handwritten signature of Patty Perry in cursive.

WATERMASTER
541-278-5456

Patty Perry, Senior Planner
Umatilla County Planning Dept.

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

April 7, 2000

Land & Water
Resources
Division:

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

LAND USE PLANNING
541-278-6252

RE: Conditional Use Request #C-546-89

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Dear Mr. and Mrs. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-278-6253

The Conditional Use Permit was granted for a one year term, renewable in March of each year, contingent upon a yearly review.

RURAL ADDRESSING
PROGRAM
541-278-6253

Your Conditional Use Permit will be reviewed this month. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting an extension of the permit for another year.

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

County/State
Services
Division:

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

COUNTY FAIR
541-567-6121

Sincerely,

STATE AGENCY
LIAISONS:

Handwritten signature of Patty Perry in cursive.

OSU EXTENSION
SERVICE
541-278-5403

Patty Perry, Senior Planner
Umatilla County Land Use Planning

WATERMASTER
541-278-5456

ptp

YEARLY REVIEW REPORT

FILE NUMBER: C-546-89

REMINDER SENT TO APPLICANT: 4-7-00

DATE OF SITE INSPECTION: 4-18-00

STATUS OF CONDITIONS/ACTIONS:

*Cable/gate open, drive through pit showed
some stockpiling. No equipment or crusher
was on site. Pit looks almost played out.
Renew pending letter of request. No complaints.
PTP*

Echo, Oregon, 97826

May 9, 2000

RECEIVED

MAY 12 '00

PLANNING DEPARTMENT

Yonahella County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or. 97801

Dear Sir,

This letter is to request extension of our
conditional Use Request # C-546-89.

Sincerely

Dick Snow

33263 Oregon Trail Rd.

Echo, Ore. 97826

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

Land & Water
Resources
Division:

LAND USE PLANNING
541-278-6252

UMATILLA BASIN
WATERSHED COUNCIL
541-278-3836

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-278-6253

RURAL ADDRESSING
PROGRAM
541-278-6253

CHEMICAL STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM (CSEPP)
541-567-2084

County/State
Services
Division:

COUNTY FAIR
541-567-6121

STATE AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

NOTICE OF APPROVAL

YEARLY REVIEW

May 12, 2000

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

RE: #C-546-89

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

Cordially,

Handwritten signature of Patty Perry in cursive.

Patty Perry, Senior Planner
Umatilla County Planning Dept.

YEARLY REVIEW REPORT

FILE NUMBER: C-546-89

REMINDER SENT TO APPLICANT: 4-18-02

DATE OF SITE INSPECTION: 4-22-02

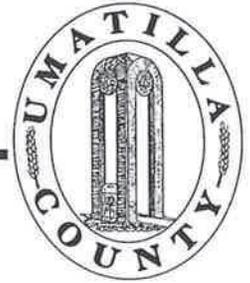
STATUS OF CONDITIONS/ACTIONS:

Pit still active, many stock piles and loading equipment. No crusher on site this date but one had obviously been there. Large gravel truck arrived to get gravel as we were leaving. No complaints. Renew pending receipt of justification letter.

PVP

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

April 18, 2002

Planning &
Development
Division:

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

RE: Conditional Use Request #C-546-89

Emergency
Management
Division:

Dear Mr. and Mrs. Snow:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

The Conditional Use Permit was granted for a one year term, renewable each year, contingent upon a yearly review.

County/State
Services
Division:

Your Conditional Use Permit will be reviewed soon. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting an extension of the permit for another year.

COUNTY FAIR
541-567-6121

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

State Agency
Liasons:

OSU EXTENSION
SERVICE
541-278-5403

Sincerely,

Handwritten signature of Patty Perry in cursive.

Patty Perry Senior Planner
Umatilla County Land Use Planning

WATERMASTER
541-278-5456

RECEIVED
JUL 3 '02
UMATILLA COUNTY
PLANNING DEPARTMENT

June 27, 2002

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Oregon 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

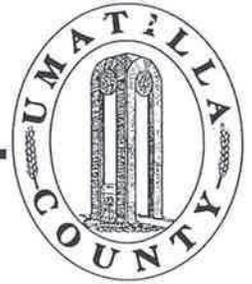
Sincerely,



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State
Services
Division:

COUNTY FAIR
541-567-6121

State Agency
Liasons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

NOTICE OF APPROVAL

YEARLY REVIEW

July 9, 2002

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

RE: #C-546-89

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

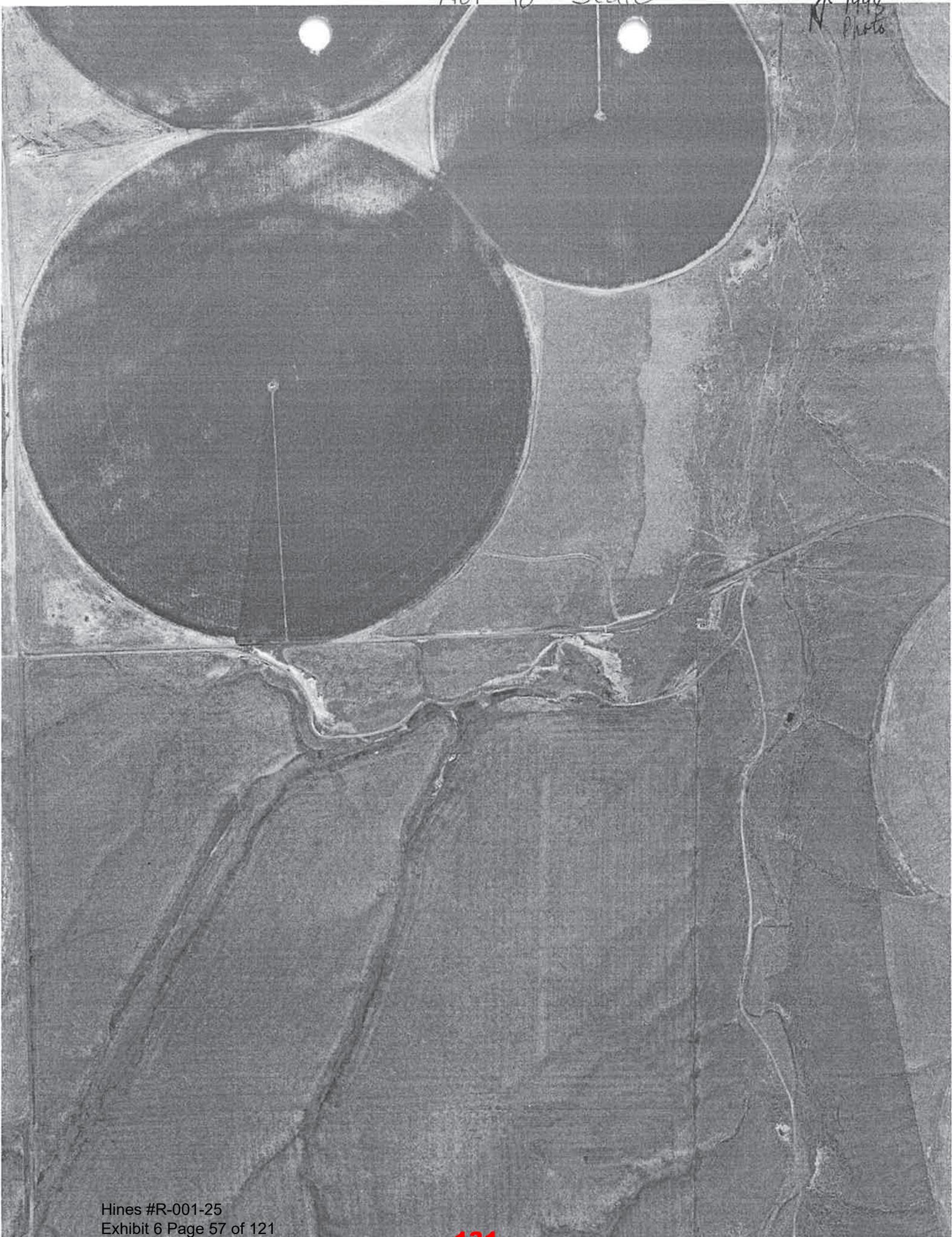
Cordially,

Handwritten signature of Patty Perry in cursive.

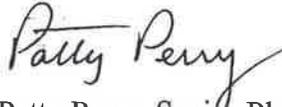
Patty Perry, Senior Planner
Umatilla County Planning Dept.

Not to Scale

1999
Photo



Sincerely,

A handwritten signature in cursive script that reads "Patty Perry".

Patty Perry, Senior Planner
Umatilla County Land Use Planning

cc: H. Richard Snow
Scott McCallum

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

April 13, 2003

Planning &
Development
Division:

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

LAND USE
PLANNING
541-278-6252

RE: Conditional Use Request #C-546-89

CODE
ENFORCEMENT
541-278-6300

Dear Mr. and Mrs. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)

The Conditional Use Permit was granted for a one year term, renewable each year, contingent upon a yearly review.

541-567-2084
541-966-3700
1-877-367-2737

Your Conditional Use Permit will be reviewed soon. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting an extension of the permit for another year.

County/State
Services
Division:

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

COUNTY FAIR
541-567-6121

State Agency
Liasons:

Sincerely,

OSU EXTENSION
SERVICE
541-278-5403

A handwritten signature in dark ink, appearing to read "D. Olson", written over a horizontal line.

Dennis Olson, Planner
Umatilla County Land Use Planning

WATERMASTER
541-278-5456

ptp

RECEIVED

JUN 23 '03

UMATILLA COUNTY
PLANNING DEPARTMENT

June 20, 2003

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Oregon 97801

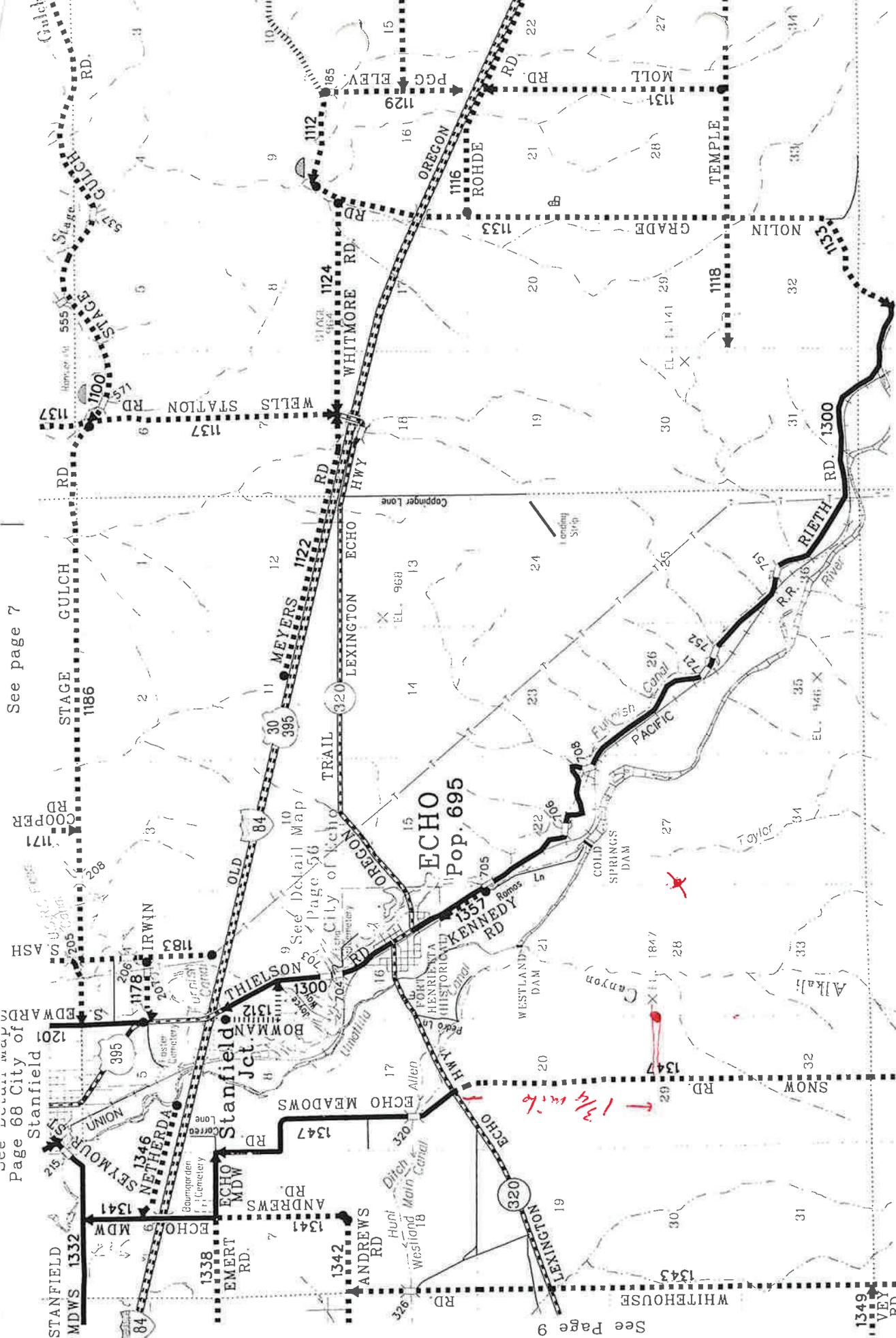
Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely,


Dick Snow

33263 Oregon Trail Rd
Echo, Or 97826



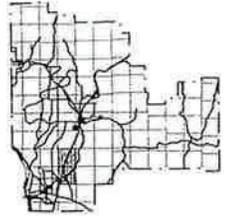
See page 7

Page 68 City of Stanfield

Hines #R-001-25
Exhibit 6 Page 61 of 121

135

See Page 13



R29

R30

YEARLY REVIEW REPORT

FILE NUMBER: C-546-89

REMINDER SENT TO APPLICANT: 6/13/03

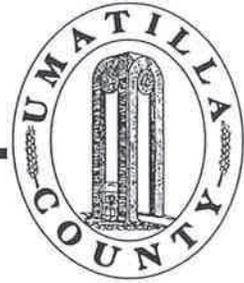
DATE OF SITE INSPECTION:

STATUS OF CONDITIONS/ACTIONS:

Request letter received 6/23/03.

Umatilla County

Department of Resource Services and Development



Director
Dennis Olson

NOTICE OF APPROVAL

Land & Water
Resources
Division:

YEARLY REVIEW

LAND USE
PLANNING
541-278-6252

June 26, 2003

Emergency
Management
Division:

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

EMERGENCY
MANAGEMENT
541-966-3700

RE: #C-546-89

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

County/State
Services
Division:

COUNTY FAIR
541-567-6121

We will notify you prior to our review next year. Thank you for your cooperation.

State Agency
Liasons:

Please feel free to contact the Planning Department if you have any questions throughout the year.

OSU EXTENSION
SERVICE
541-278-5403

Cordially,

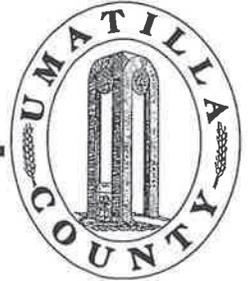
A handwritten signature in black ink, appearing to read "D. Olson".

WATERMASTER
541-278-5456

Dennis Olson, Planner
Umatilla County Planning Dept.

Umatilla County

Department of Resource Services and Development



Director

Tamra Mabbott

June 26, 2004

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State
Services
Division:

COUNTY FAIR
541-567-6121

State Agency
Liaisons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

RE: Conditional Use Request #C-546-89

Dear Mr. and Mrs. Snow:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one year term, renewable each year, contingent upon a yearly review.

Your Conditional Use Permit will be reviewed soon. Prior to granting you a one year extension, the Planning Department must receive a letter from you requesting an extension of the permit for another year.

If you have any further questions pertaining to this matter, please do not hesitate to contact this office.

Sincerely,


J.R. Cook, Planner
Umatilla County Land Use Planning

Umatilla County

Department of Resource Services and Development



Director

Tamra Mabbott

August 18, 2004

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State
Services
Division:

COUNTY FAIR
541-567-6121

State Agency
Liaisons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

RE: Conditional Use Request #C-546-89

Dear Mr. and Mrs. Snow:

On March 29, 1989, your Conditional Use Request, was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use, 160 acre minimum) Zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one year term, renewable each year, contingent upon a yearly review.

Part of this annual review involves your participation by verifying, in writing, that the aggregate operation approved by this Conditional Use Request is the same and request the renewal of the Conditional Use for another year. I have made attempts to contact you in writing regarding this review and have not received a response (June 26, 2004 regular mail). In this letter, you were informed that failure to respond could jeopardize your permit.

To avoid enforcement action, please respond in writing, and request an extension of your Conditional Use Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Cook", written over a horizontal line.

J.R. Cook, Planner
Umatilla County Land Use Planning

Attachment: June 26, 2004 review letter

RECEIVED

AUG 23 '04

UMATILLA COUNTY
PLANNING DEPARTMENT

August 27, 2004

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Oregon 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

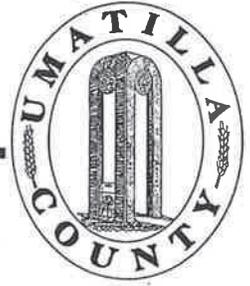
Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Resource Services and Development



Director
Tamra Mabbott

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State
Services
Division:

COUNTY FAIR
541-567-6121

State Agency
Liaisons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

NOTICE OF APPROVAL

YEARLY REVIEW

August 24, 2004

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

RE: #C-546-89

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

Regards,


J.R. Cook, Planner
Umatilla County Planning Dept.

T.M.

RECEIVED

FEB 23 '05

UMATILLA COUNTY
PLANNING DEPARTMENT

Feb. 22, 2005

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

RECEIVED

JUN 19 '06

UMATILLA COUNTY
PLANNING DEPARTMENT

June 16, 2006

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely

Dick Snow

Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Resource Services and Development



Director

Tamra Mabbott

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State
Agency Liaisons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

NOTICE OF APPROVAL

YEARLY REVIEW

July 5, 2006

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

RE: #C-546-89

Dear Mr. Snow:

This notice is to verify that the Planning Department completed the annual review of your permit referenced above and have received your request for renewal. You are in good standing with the conditions placed on your permit and the permit has been extended an additional year.

We will notify you prior to our review next year. Thank you for your cooperation.

Please feel free to contact the Planning Department if you have any questions throughout the year.

Regards,

A handwritten signature in black ink, appearing to read "J.R. Cook".

J.R. Cook
Asst. Planning Director

RECEIVED

APR 05 2007

UMATILLA COUNTY
PLANNING DEPARTMENT

April 3, 2007

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Resource Services and Development



Director
Tamra Mabbott

NOTICE OF APPROVAL ANNUAL REVIEW

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

May 25, 2007

COPY

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

Re: Conditional Use Permit # C - 546 - 89

Dear Mr. Snow;

County/State
Agency Liaisons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your case, please contact our office at (541) 278-6300.

Sincerely,

Gina Steggell
Zoning Aide

March

RECEIVED

FEB 25 2008

UMATILLA COUNTY
PLANNING DEPARTMENT

February 22, 2008

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Resource Services & Development



Director
Tamra Mabbott

February 19, 2009

Planning &
Development
Division:

Richard Snow
33263 Oregon Trail Rd
Echo, OR 97826

COPY

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Re: Conditional Use Permit C-546-89

Dear Mr. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance.

EMERGENCY
MANAGEMENT
541-966-3700

The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$25.00 renewal fee.

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)

541-567-2084
541-966-3700
1-877-367-2737

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 30 days. Prior to granting you a one-year extension, the Planning Department **must receive a letter from you justifying your continued need for the aggregate operation, a request for the renewal of the Conditional Use Permit for another year and the renewal fee.** Failure to respond to this request could jeopardize your permit.

COUNTY/STATE
AGENCY
LIAISONS:

If you have any questions concerning this renewal process or any other matter, please do not hesitate to contact this office @ (541) 278-6300. Please remember to notify our office immediately if there is any change in status for your permit.

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

Regards,

Gina Miller
Code Enforcement Assistant

Feb. 24, 2009

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

RECEIVED

MAR 02 2009

UMATILLA COUNTY
CODE ENFORCEMENT

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely

Dick Snow

Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826



CONDITIONAL USE PERMIT ANNUAL REVIEW REPORT

CUP #: C-546-89 Name: Snow

Address: 3N29C +L 2200

Inspection date: 02/25/09 Renewal: YES NO Further Investigation

Describe condition of premises: mine/pit still present, though does not appear to have had recent use. 2 front end loaders only heavy equipment present.

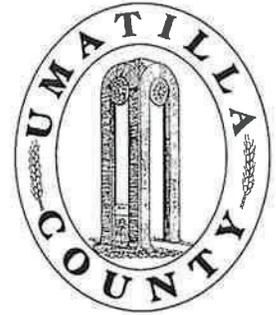
Improvements to be made: Small dump site of garbage needs to be cleaned before renewing cup
See pictures

Gina Miller

Gina Miller
Code Enforcement Assistant

Umatilla County

Department of Resource Services & Development



Director
Tamra Mabbott

March 26, 2009

Planning &
Development
Division:

Richard Snow
33263 Oregon Trail Rd
Echo, OR 97826

COPY

LAND USE
PLANNING
541-278-6252

Re: Conditional Use Permit C-546-89

CODE
ENFORCEMENT
541-278-6300

Dear Mr. Snow:

Emergency
Management
Division:

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$25.00 renewal fee.

EMERGENCY
MANAGEMENT
541-966-3700

Your Conditional Use Permit is currently due for annual review, and a site visit was conducted on February 25, 2009. During the site visit, it was noted that there is a large area where solid waste is accumulating near the pit. I have included photos taken of the dump site for your review. This is a violation of the Umatilla County Code of Ordinance, and must be resolved before renewal of this Conditional Use Permit will be allowed. The solid waste present must be removed and disposed of in a legal manner at an approved disposal facility for waste material. Please be prepared to present documentation of this action, such as receipts from a disposal facility. A Code Enforcement Officer will re-visit the site in 30 days to determine if the violation has been removed.

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

COUNTY/STATE
AGENCY
LIAISONS:

If you have any questions concerning this or any other matter, please do not hesitate to contact this office @ (541) 278-6300. Please remember to notify our office immediately if there is any change in status for your permit.

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

Regards,

Gina Miller
Code Enforcement Assistant

enc: 4 photos of site visit

Unknown

Subject: GINA: CHECK C-546-89

Start: Mon 4/27/2009 8:00 AM

End: Mon 4/27/2009 8:30 AM

Recurrence: (none)

CUP C-546-89 SNOW, RICHARD ROCK PIT
RE-CHECK PIT FOR SOLID WASTE VIOLATION

Umatilla County

Department of Resource Services & Development



Director
Tamra Mabbott

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

COUNTY/STATE
AGENCY
LIAISONS:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

2009 NOTICE OF APPROVAL ANNUAL REVIEW

COPY

June 3, 2009

Richard Snow
33263 Oregon Trail Rd
Echo, OR 97826

Re: Conditional Use Permit #C -546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above. Your permit will be extended for an additional year.

If you have any further questions regarding your case, please contact our office at (541) 278-6300. *Please remember to notify our office immediately if there is any change in the status of your permit.*

Regards,

Gina Miller
Code Enforcement Assistant

7/11
March

RECEIVED

JAN 08 2010

UMATILLA COUNTY
PLANNING DEPARTMENT

Jan 5, 2010

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Land Use Planning



Director
Tamra Mabbott

Land Use
Planning
Division:
541-278-6252

March 11, 2010

CODE
ENFORCEMENT
541-278-6300

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

COPY

Emergency
Management
Division:

Re: Conditional Use Permit #C-546-89

Dear Mr. Snow:

EMERGENCY
MANAGEMENT
541-966-3700

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance.

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)

The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review.

541-567-2084
541-966-3700
1-877-367-2737

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 30 days. Our office is in receipt of a letter dated January 5, 2010, requesting an extension for Conditional Use Permit #C-546-89. Once the annual review is completed, you will receive written notice.

If you have any questions concerning this renewal process or any other matter, please do not hesitate to contact this office @ (541) 278-6300. **Please remember to notify our office immediately if there is any change in status for your permit.**

Regards,

Gina Miller
Code Enforcement Officer



31455

CONDITIONAL USE PERMIT ANNUAL REVIEW REPORT

CUP #: C-546-89 Name: Snow

Address: Snow Rd

Inspection date: 04/22/10 Renewal: YES NO Further Investigation

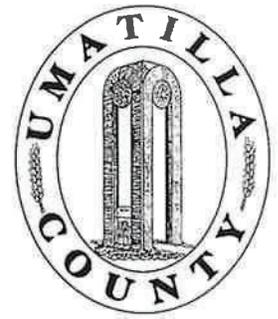
Describe condition of premises: Pit very active today. Gravel being hauled out by belly dumps at a fast pace. Considerable change in appearance of quarry - many more piles of crushed rock around the property. Large increase in quantity of material being processed.

Met Mr Snow at gate @ 1:15 - inspection took less than 10 minutes.
Improvements to be made: _____

Gina Miller
Gina Miller
Code Enforcement Assistant

Umatilla County

Department of Land Use Planning



Director
Tamra Mabbott

Land Use
Planning
Division:
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

2010 NOTICE OF APPROVAL
ANNUAL REVIEW

COPY

April 29, 2010

Richard Snow
33263 Oregon Trail Rd
Echo, OR 97826

Re: Conditional Use Permit #C -546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above. Your permit will be extended for an additional year.

If you have any further questions regarding your case, please contact our office at (541) 278-6300. *Please remember to notify our office immediately if there is any change in the status of your permit.*

Regards,

Gina Miller
Code Enforcement Assistant

Mar

741

3-16-11

RECEIVED

MAR 17 2011

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Land Use Planning

COPY



Director
Tamra Mabbott

Land Use
Planning
Division:
541-278-6252

March 21, 2011

CODE
ENFORCEMENT
541-278-6300

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

Emergency
Management
Division:

Re: Conditional Use Permit #C-546-89

EMERGENCY
MANAGEMENT
541-966-3700

Dear Mr. Snow:

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review. **Please note: effective July 1, 2010, the renewal of a Conditional Use Permit will require payment of a \$50.00 renewal fee. Please make the check payable to the Umatilla County Planning Department.**

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 30 days. Our office is in receipt of a letter dated March 16, 2011, requesting an extension for Conditional Use Permit #C-546-89. Once the annual review is completed and our office receives payment of the renewal fee, you will receive written notice regarding the status of your permit.

If you have any questions concerning this renewal process or any other matter, please do not hesitate to contact this office @ (541) 278-6300. **Please remember to notify our office immediately if there is any change in status for your permit.**

Regards,

Gina Miller
Code Enforcement Officer

RECEIVED

APR 25 2011

UMATILLA COUNTY
TRAINING DEPARTMENT

April 8, 2011

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely *H. Richard (Dick) Snow*

\$50.00 Renewal fee enclosed

Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Muleshoe Ranch
Cattle • Hay • Timber



Commercial Salers Cattle
Member of American Salers Association

Snow Ranches
Wheat

RECEIVED

JUN 09 2011

UMATILLA COUNTY
PLANNING DEPARTMENT

Ms. Gina Miller
Code Enforcement Officer
Umatilla County Department of Land Use Planning
216 S.E. 4th St.
Pendleton, OR 97801

June 8, 2011

Dear Ms. Miller,

This letter is regarding the Conditional Use Permit # C546-89. On April 1, 2011, I received your letter informing me that the permit would require a \$50.00 renewal fee, which I sent in on April 8, 2011. I have not yet received a response. Please let me know the status of this permit.

Sincerely,

H. Richard "Dick" Snow

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 12325 Permit Number: C-546-89
Transaction Date: 9/19/2011
Transaction Time: 3:42:27 PM
Payor: RICHARD SNOW
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 2056 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total: \$50.00
Amount Received: \$50.00
Amount Paid: \$50.00
Change: \$0.00
Amount Left Owing: \$0.00

A check from Banner Bank, dated April 8, 2011, for \$50.00. The check is payable to the Order of Umatilla County Dept of Revenue Services. The check number is 2056. The check is signed by H. Richard Snow.

H. RICHARD SNOW
DBA MULESHOE RANCH
PH. 541-376-8231
33263 OREGON TRAIL RD
ECHO, OR 97826

2056
98-7107/3233
61

April 8, 2011 Date

Pay to the Order of Umatilla County Dept of Revenue Services \$50⁰⁰
Fifty and 00/100 Dollars

BANNER BANK
1-800-272-9933
www.BannerBank.com

For _____
H. Richard Snow

⑆323371076⑆ 61 06038612⑈ 2056



**CONDITIONAL USE PERMIT
ANNUAL REVIEW REPORT**

CUP #: C-546-89 Name: Snow

Address: Snow Rd Echo

Inspection date: 10/13/11 Renewal: YES NO Further Investigation

Describe condition of premises: Pit in great shape several
piles of crushed rock. Observed 1 belly dump
no other activity. Met w/ Dick McCallum who
accompanied me in his vehicle during inspection

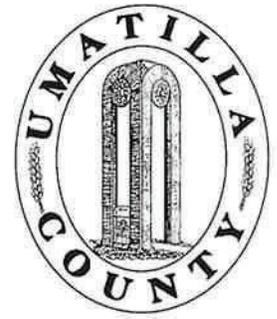
address markers ~~524~~ 75049 / 75041

Improvements to be made: _____

Gina Miller
Code Enforcement Assistant

Umatilla County

Department of Land Use Planning



Director
Tamra Mabbott

Land Use
Planning
Division:
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

**2011 NOTICE OF APPROVAL
ANNUAL REVIEW**

October 14, 2011

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

Re: Conditional Use Permit #C-546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please remember to notify our office immediately if there is any change in the status of your permit.**

Best regards,
COPY
Gina Miller
Code Enforcement Assistant

7/11
RECEIVED

MAR 14 2012

UMATILLA COUNTY
PLANNING DEPARTMENT

March 13, 2012

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Ch # 2820 enclosed for \$50.00

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 12763 Permit Number: C-546-89
Transaction Date: 3/16/2012
Transaction Time: 10:15:28 AM
Payor: Richard Snow
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 2821 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total: \$50.00
Amount Received: \$50.00
Amount Paid: \$50.00
Change: \$0.00
Amount Left Owing: \$0.00

A check from Banner Bank for \$50.00, dated March 13, 2012, payable to Umatilla Co. Dept of Resources & Development. The check includes a signature of H. Richard Snow and a MICR line at the bottom.

H. RICHARD SNOW
DBA MULESHOE RANCH
PH. 541-376-8231
33263 OREGON TRAIL RD
ECHO, OR 97826

2821
98-7107/3233
61

March 13, 2012
Date

Pay to the
Order of Umatilla Co. Dept of Resources & Development \$ 50.00
Fifty and 00/100 Dollars

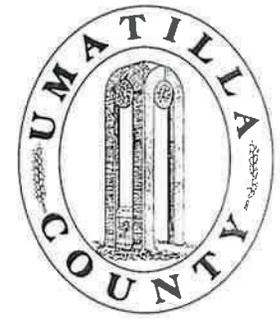
BANNER BANK
1-800-272-9933
www.BannerBank.com

For H. Richard Snow

⑆323371076⑆ 61 060386121⑆ 2821

Umatilla County

Department of Land Use Planning



Director
Tamra Mabbott

Land Use
Planning
Division:
541-278-6252

March 21, 2012

CODE
ENFORCEMENT
541-278-6300

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

Emergency
Management
Division:

Re: Conditional Use Permit #C-546-89

EMERGENCY
MANAGEMENT
541-966-3700

Dear Mr. Snow:

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)

541-567-2084
541-966-3700
1-877-367-2737

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance.

The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 annual renewal fee.

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 30 days. Our office is in receipt of a letter dated March 13, 2011, requesting an extension for Conditional Use Permit #C-546-89 and the \$50.00 annual renewal fee. Once the annual review is completed, you will receive written notice regarding the status of your permit.

If you have any questions concerning this renewal process or any other matter, please do not hesitate to contact this office @ (541) 278-6300. **Please remember to notify our office immediately if there is any change in status for your permit.**

Regards,

COPY

Gina Miller
Code Enforcement Officer

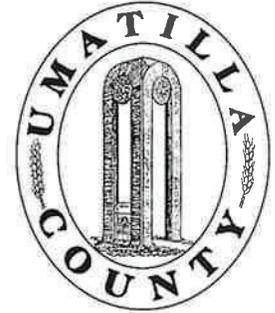


AUG 16 2012

Dick Snow

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND MAPPING

RURAL ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

2012 NOTICE OF APPROVAL ANNUAL REVIEW

August 28, 2012

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

Re: Conditional Use Permit #C-546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please remember to notify our office immediately if there is any change in the status of your permit.**

Best regards,

COPY

Gina Miller
Code Enforcement Assistant

7/13

Mar 15 2013

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

RECEIVED

MAR 19 2013

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 13796 Permit Number: C-546-89
Transaction Date: 5/13/2013
Transaction Time: 2:26:48 PM
Payor: DICK SNOW
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 3556 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total: \$50.00
Amount Received: \$50.00
Amount Paid: \$50.00
Change: \$0.00
Amount Left Owing: \$0.00

A check from Banner Bank, number 3556, dated 3-12-13, for \$50.00. The check is payable to Umatilla County and signed by H. Richard Snow.

H. RICHARD SNOW
DBA MULESHOE RANCH
PH. 541-376-8231
33263 OREGON TRAIL RD
ECHO, OR 97826

3556
98-7107/3233
61

3-12-13
Date

Pay to the Order of Umatilla County \$50.00
Dollars

[Signature]

BANNER BANK
1-800-272-9933
www.BannerBank.com

For H. Richard Snow

⑆323371076⑆ 61 06038612⑈ 3556



**CONDITIONAL USE PERMIT
ANNUAL REVIEW REPORT**

CUP # : C-546-89 Name : Snow

Address : Snow Rd Echo

Inspection date: 10/03/13 Renewal: YES NO Further Investigation

Describe condition of premises: Pit appears to be dormant
no activity. Heavy equipment is present
road chained.

Improvements to be made: _____

Gina Miller
Code Enforcement Assistant

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

2013 NOTICE OF APPROVAL ANNUAL REVIEW

October 10, 2013

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

Re: Conditional Use Permit #C-546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please remember to notify our office immediately if there is any change in the status of your permit.**

Best regards,

COPY

Gina Miller
Code Enforcement Assistant

79

RECEIVED

MAR 17 2014

UMATILLA COUNTY
PLANNING DEPARTMENT

March 11, 2014

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

Enclosed #50⁰

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Land Use Planning



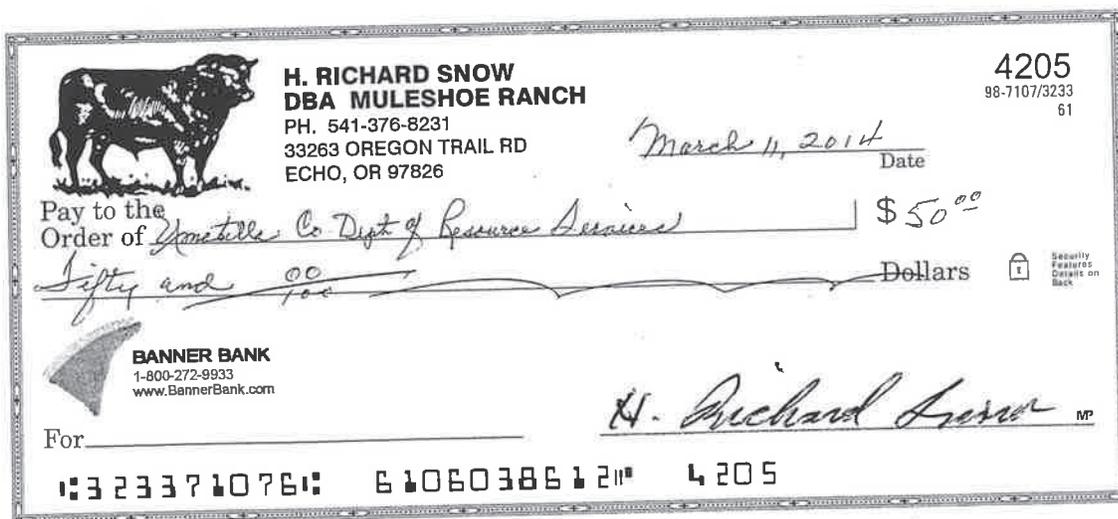
216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 14667 Permit Number: C-546-89Q
Transaction Date: 5/19/2014
Transaction Time: 10:02:41 AM
Payor: RICHARD SNOW
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 4205 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total: \$50.00
Amount Received: \$50.00
Amount Paid: \$50.00
Change: \$0.00
Amount Left Owing: \$0.00



Mar 7m

RECEIVED

MAR 16 2015

UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Mar 10, 2015

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

150 enclosed

Sincerely



Dick Snow
33263 Oregon Trail Rd
Echo. Or 97826

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 15531 Permit Number: C-546-89
Transaction Date: 6/2/2015
Transaction Time: 3:25:43 PM
Payor: DICK SNOW
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 4956 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total: \$50.00
Amount Received: \$50.00
Amount Paid: \$50.00
Change: \$0.00
Amount Left Owing: \$0.00

A check from Banner Bank, dated 3-10-15, for \$50.00. The check is payable to Umatilla County. The payor is H. Richard Snow, DBA Muleshoe Ranch. The check number is 4956. The check is for a Rock RST Permit.

H. RICHARD SNOW
DBA MULESHOE RANCH
PH. 541-376-8231
33263 OREGON TRAIL RD
ECHO, OR 97826

4956
98-7107/3233
61

3-10-15
Date

Pay to the Order of Umatilla County \$50 ^{no}/₁₀₀
Trepty ^{no}/₁₀₀
Dollars

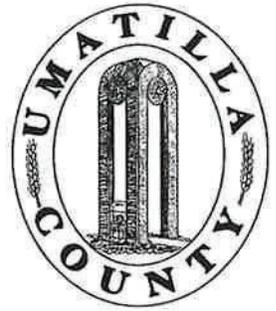
BANNER BANK
1-800-272-9933
www.BannerBank.com

For Rock RST Permit H. Richard Snow MP

⑆323371076⑆ 6106038612⑈ 4956

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

January 22, 2016

CODE
ENFORCEMENT

Richard Snow
33263 Oregon Trail Rd.
Echo, OR 97826

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Re: Conditional Use Permit #C-546-89
2016 Renewal

GIS AND
MAPPING

RURAL
ADDRESSING

Dear Mr. Snow:

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 annual renewal fee.

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 120 days. Prior to granting you a one-year extension, the Planning Department **must receive a letter from you justifying your continued need for the rock quarry, a request for the renewal of the Conditional Use Permit for 2016 and the renewal fee.** Failure to respond to this request could jeopardize your permit.

If you have any questions concerning this renewal process or any other matter, please do not hesitate to contact this office @ (541) 278-6300. *Please remember to notify our office immediately if there is any change in status for your permit.*

Regards,

COPY
Gina Miller
Code Enforcement Coordinator

216 S.E. 4th Street • Pendleton, OR 97801 • Ph: 541-278-6252 • Fax: 541-278-5480
Website: www.umatillacounty.net/planning • Email: planning@umatillacounty.net

7.11
Mar



Muleshoe Ranch
Cattle • Hay • Timber

Snow Ranches
Wheat

Commercial Salers Cattle
Member of American Salers Association

RECEIVED
MAR 14 2016
UMATILLA COUNTY
PLANNING DEPARTMENT

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

For The period MAR 29, 2016 Thru MAR 28, 2017

Sincerely

Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 16231 Permit Number: C-546-89
Transaction Date: 4/21/2016
Transaction Time: 11:55:28 AM
Payor: DICK SNOW
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 5708 Bank#
Paid via EFT: \$0.00
Comments:

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total: \$50.00
Amount Received: \$50.00
Amount Paid: \$50.00
Change: \$0.00
Amount Left Owing: \$0.00

A check from Banner Bank, dated 3-10-16, for \$50.00. The check is payable to Umatilla County Land Use Planning. The payor is H. Richard Snow, DBA Muleshoe Ranch. The check number is 5708. The check is signed by H. Richard Snow.

H. RICHARD SNOW
DBA MULESHOE RANCH
PH. 541-376-8231
33263 OREGON TRAIL RD
ECHO, OR 97826

5708
98-7107/3233
61

3-10-16 Date

Pay to the Order of Umatilla County Land Use Planning \$50.00
Justy E. Snow Dollars

BANNER BANK 1-800-272-9933
www.bannerbank.com

For ROCK PIT PERMIT H. Richard Snow NP

⑆323371076⑆ 6106038612⑆ 5708

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

2016 NOTICE OF APPROVAL ANNUAL REVIEW

April 28, 2016

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

Re: Conditional Use Permit #C-546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please remember to notify our office immediately if there is any change in the status of your permit.**

Best regards,

COPY
Gina Miller
Code Enforcement Coordinator

Mar 2017

March 25, 2017

Umatilla County
Department of Resource Services & Development
216 SE 4th
Pendleton, Or 97801

RECEIVED

MAR 31 2017

UMATILLA COUNTY
PLANNING DEPARTMENT

Dear Sir,

This letter is to request extension of our conditional
Use Request # C-546-89.

\$50 enclosed renew fee

Sincerely

Dick Snow

Dick Snow
33263 Oregon Trail Rd
Echo, Or 97826

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

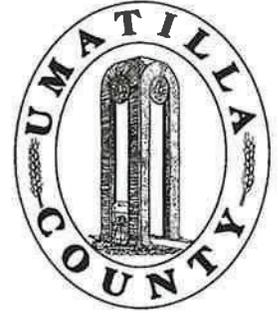
Fee Receipt Number: 16934 Permit Number: C-546-89
Transaction Date: 3/31/2017
Transaction Time: 9:00:17 AM
Payor: H RICHARD SNOW dba MULESHOE RANCH
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 6367 Bank#
Paid via EFT: \$0.00
Comments:
DICK SNOW - 33263 OREGON TRAIL RD, ECHO, OR 97826

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total:	\$50.00
Amount Received:	\$50.00
Amount Paid:	\$50.00
Change:	\$0.00
Amount Left Owing:	\$0.00

Umatilla County

Department of Land Use Planning



DIRECTOR
TAMRA
MABBOTT

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

2017 NOTICE OF APPROVAL ANNUAL REVIEW

April 28, 2017

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

Re: Conditional Use Permit #C-546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please remember to notify our office immediately if there is any change in the status of your permit.**

Best regards,

COPY

Gina Miller
Code Enforcement Coordinator

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

March 1, 2018

LAND USE
PLANNING,
ZONING AND
PERMITTING

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-546-89
2018 Renewal

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Mr. Snow:

GIS AND
MAPPING

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 annual renewal fee.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 90 days. Prior to granting you a one-year extension, the Planning Department **must receive a written request from you justifying your continued need for the rock quarry, a request for the renewal of the Conditional Use Permit for 2018 and the renewal fee. Please complete the enclosed form and return it with the renewal fee.** Failure to respond to this request could jeopardize your permit.

If you have any questions concerning this renewal process, you may contact this office at (541) 278-6300. *Please notify our office immediately if there is any change in status for your permit.*

Regards,

COPY
Gina Miller

Code Enforcement Coordinator

Mar



UMATILLA COUNTY CONDITIONAL USE PERMIT RENEWAL REQUEST FORM

RECEIVED

Please complete the entire form, and return it within 30 days to:

**Umatilla County Planning Department
216 SE 4th
Pendleton, OR 97801**

MAR 19 2018

UMATILLA COUNTY
PLANNING DEPARTMENT

Please include a check or money order for \$50.00 for the annual renewal fee.

OWNER / PROPERTY INFORMATION:

H. Richard Snow
Name

33263 Oregon Trail Rd ELHO OR 97826
Mailing Address

541-571-4473 Phone byrdiesuz@gmail.com Email

CONDITIONAL USE PERMIT INFORMATION:

C-546-89 Permit # Extraction and crushing of rock Purpose of permit

Address of permitted use (if different than the mailing address listed above)

If a hardship or caretaker dwelling, please list residents;

Annual Renewal Fee check for \$50.00 included

RENEWAL REQUEST:

Please write a brief statement detailing your continued need for a Conditional Use Permit:

Need for continuous^{use} to maintain farm roads as well as provide a source of crushed rock for neighbors in this area.

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

NONE

Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

H. Richard Snow

Print name

H. Richard Snow

Signature

3-5-18

Date

Umatilla County

Department of Land Use Planning



216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480

Receipt

Fee Receipt Number: 17771 Permit Number: C-546-89
Transaction Date: 3/19/2018
Transaction Time: 11:11:46 AM
Payor: H. RICHARD SNOW DBA MULESHOE RANCH
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 7049 Bank#
Paid via EFT: \$0.00

Comments:
EXTRACTION & CRUSHING OF ROCK @ 33263 OREGON TRAIL RD, ECHO
2018 CONDITIONAL USE PERMIT RENEWAL FEE

<u>Fee Description</u>	<u>Quantity</u>	<u>Fee</u>	<u>Total</u>
Review Fee	1	\$50.00	\$50.00

Total:	\$50.00
Amount Received:	\$50.00
Amount Paid:	\$50.00
Change:	\$0.00
Amount Left Owing:	\$0.00

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Waldher

January 18, 2019

LAND USE
PLANNING,
ZONING AND
PERMITTING

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-546-89
2019 Renewal

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Mr. Snow:

GIS AND
MAPPING

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 annual renewal fee.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 90 days. Prior to granting you a one-year extension, the Planning Department **must receive a written request from you justifying your continued need for the rock quarry, a request for the renewal of the Conditional Use Permit for 2019 and the renewal fee.** Please complete the enclosed form and return it with the renewal fee. Failure to respond to this request could jeopardize your permit.

If you have any questions concerning this renewal process, you may contact this office at (541) 278-6300. *Please notify our office immediately if there is any change in status for your permit.*

Regards,


Gina Miller
Code Enforcement Coordinator

RENEWAL REQUEST:

Please write a brief statement detailing your continued need for a Conditional Use Permit:

We put gravel on our farm road to suppress dust also we are able to have a source of rock that our neighbor have access to for their farm roads

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

X H. Richard Snow

Print name

X H. Richard Snow

Signature

2-13-19

Date

Umatilla County

Department of Land Use Planning

216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480



Receipt

Fee Receipt Number: 18530 Permit Number: C-546-89
Transaction Date: 2/19/2019
Transaction Time: 10:01:52 AM
Payor: H RICHARD SNOW - DBA MULESHOE RANCH
Paid in Cash: \$0.00
Paid via Check: \$50.00 Check# 7659 Bank#
Paid via EFT: \$0.00
Comments:
2019 CUP RENEWAL FOR EXTRACTION & CRUSHING ROCK - H RICHARD SNOW

Fee Description	Quantity	Fee	Total
Review Fee	1	\$50.00	\$50.00

Total:	\$50.00
Amount Received:	\$50.00
Amount Paid:	\$50.00
Change:	\$0.00
Amount Left Owing:	\$0.00

Umatilla County

Department of Land Use Planning



Mar

DIRECTOR
Robert Waldher

LAND USE
PLANNING,
ZONING AND
PERMITTING

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

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MAPPING

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LIAISON,
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RESOURCES &
ENVIRONMENT

2019 NOTICE OF APPROVAL ANNUAL REVIEW

August 9, 2019

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

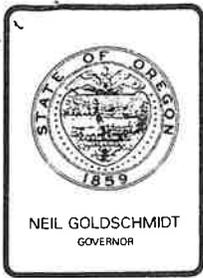
Re: Conditional Use Permit #C-546-89

This notice is to verify that the Planning Department has completed your annual review for the Conditional Use Permit referenced above and have received your request for renewal and the \$50.00 renewal fee. You are currently in good standing with the conditions placed on your permit and it will be extended for an additional year.

We would like to thank you for your cooperation and compliance with the Conditional Use Permit renewal process. If you have any further questions regarding your permit, please contact our office at (541) 278-6300. **Please remember to notify our office immediately if there is any change in the status of your permit.**

Best regards,

Gina Miller
Code Enforcement Coordinator



Department of Geology and Mineral Industries

1534 QUEEN AVENUE SE, ALBANY, OREGON 97321 PHONE (503) 967-2039

May 22, 1990

RECEIVED

MAY 25 1990

UMATILLA COUNTY
PLANNING COMMISSION

Richard & Shirley Snow
HC 70 Box 101
Echo, OR 97826

Dear Mr. Snow:

It appears that rock mining activity planned by you in Section 29, Township 3N, Range 29E, in Umatilla County may exceed that limit which may be conducted without compliance with Oregon State Surface Mining Law. The Surface Mining Law provides that up to one acre of ground and/or 5000 cubic yards, whichever comes first, may be surface mined during any given year without the need to apply for and receive an Operating Permit from the Department of Geology and Mineral Industries. Enclosed is a copy of that law.

If your mining operation will exceed those limits stated above, you need to file the enclosed application for an Operating Permit. The application must be accompanied by a fee of \$565 (ORS 517.800). Annual renewal fees are \$415. In addition, you will need to complete the enclosed reclamation guidelines and prepare a site plan which will demonstrate how the mined area will be reclaimed following the conclusion of mining activity.

Section ORS 517.810 also requires that any land subject to the reclamation requirements must be bonded to assure the faithful completion of the reclamation work. The amount of the bond and the area to be bonded will be determined by on-site inspection after the application for the permit has been received.

If your operation will not exceed those limits, please fill out and return the application without fees. Indicate your request for a Grant of Total Exemption in Section 5c of the application.

If you have any questions concerning the information provided above or need any assistance, please contact me. Please return the application at least 30 days prior to mining activities.

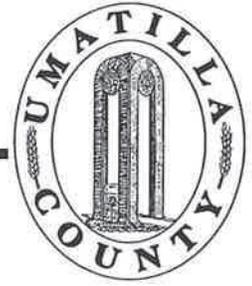
Sincerely,

E. Frank Schnitzer
Reclamationist
Mined Land Reclamation

EFS/deb
Enclosure: Div 30 Packet
c: Umatilla County Planning Dept

Umatilla County

Department of Resource Services and Development



Director

Dennis Olson

Planning &
Development
Division:

LAND USE
PLANNING
541-278-6252

CODE
ENFORCEMENT
541-278-6300

Emergency
Management
Division:

EMERGENCY
MANAGEMENT
541-966-3700

CHEMICAL
STOCKPILE
EMERGENCY
PREPAREDNESS
PROGRAM
(CSEPP)
541-567-2084
541-966-3700
1-877-367-2737

County/State
Services
Division:

COUNTY FAIR
541-567-6121

State Agency
Liasons:

OSU EXTENSION
SERVICE
541-278-5403

WATERMASTER
541-278-5456

September 26, 2002

DOGAMI
Ben Mundie
1536 Queen Avenue SE
Albany, OR 97321

RE: Snow gravel pit located on Tax Lot 7201, Map 3N 29, Conditional
Use #C-546

Dear Ben:

This letter is in response to your request for confirmation of land use approval for the aggregate quarry located on property as indicated above.

I have enclosed a copy of the signed Conditional Use Findings approving the establishment of the aggregate quarry site with a crusher and asphalt plant. I would like to make clarification of condition of approval #3 (last page of findings). Umatilla County no longer has a Surface Mining Land Reclamation Ordinance and defers directly to DOGAMI for administration and enforcement of pit reclamation. We have coordinated on other aggregate site approvals so I believe you are already aware of this. This is just a reminder since this is an older permit.

Also, Condition 7 requires a yearly review of the conditional use/gravel pit. A review of the Planning Department file indicates that this yearly review has been done consistently since 1990, when the Zoning Permit finalized the conditional use. A copy of this Permit is enclosed. There was no documentation of complaint or non-compliance in the yearly review notes.

There does not appear to be a time limit on the duration of the conditional use, therefore, all conditions are still applicable and the yearly review will continue.

Please send copies of any permits issued by your agency or correspondence to this office so we may know the status of compliance with your agency's permitting process.

Subject: RE: Snow dump site
From: "BROWN Larry" <BROWN.Larry@deq.state.or.us>
Date: Mon, 6 Apr 2009 07:47:32 -0700
To: "Gina Miller" <ginas@co.umatilla.or.us>

If you have the name and address I can send them a letter. With plans already for inspections today and not staying over an extra day I will not be able to go out with you at this time. You have pictures and have been to the site so that is very helpful.

I'll see you tomorrow and we can discuss further.

From: Gina Miller [mailto:ginas@co.umatilla.or.us]
Sent: Friday, April 03, 2009 10:42 AM
To: BROWN Larry
Subject: Snow dump site

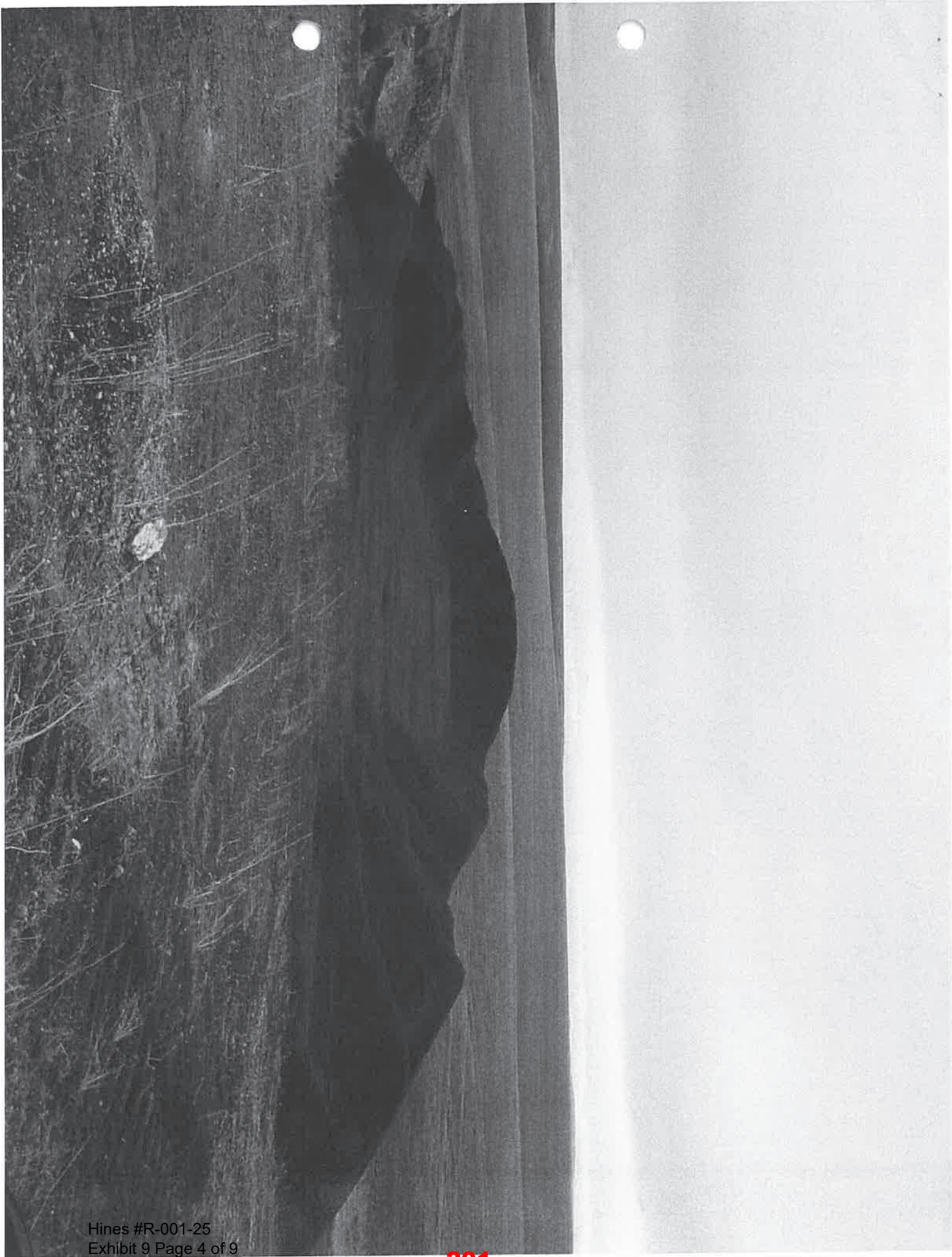
Hi Larry,
Here are some pictures of the dump site I called you about. I was hoping that when you are here next week for the SWAC meeting, you could visit this site with me. The dump site is located in a rock quarry that we have under Conditional Use Permit and they are using it for their personal garbage disposal site.

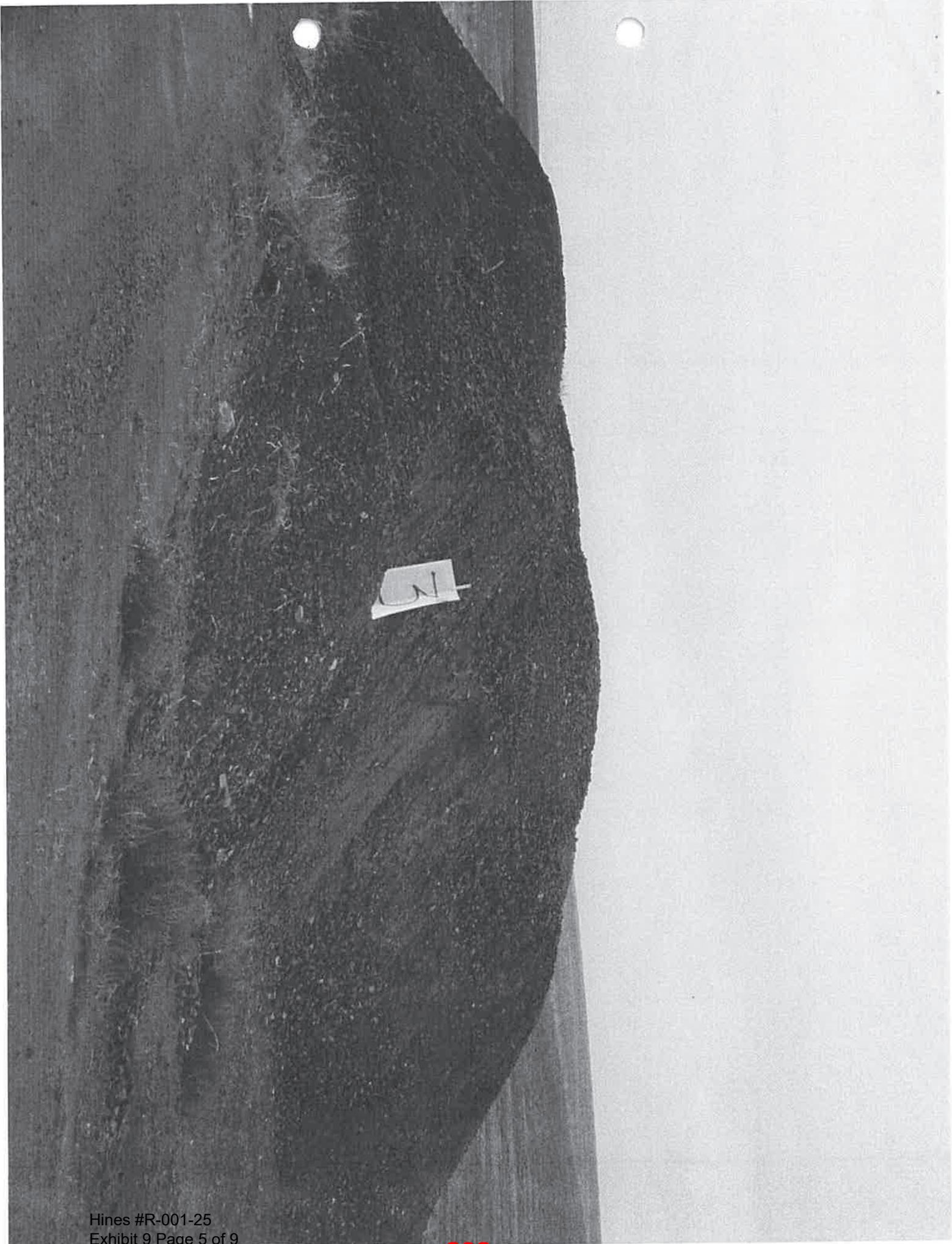
Thanks and see you next week!
Gina

--
Gina Miller
Code Enforcement Assistant
Umatilla County Planning Department
(541)278-6300
ginas@co.umatilla.or.us











03/19/09
Dea photo









Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701-7415
(541) 388-6146
FAX (541) 388-8283

April 10, 2009

Harry Snow
c/o Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

Re: Prohibited Solid Waste Disposal
T3N, R29 EWM, S29; TL 2200
Umatilla County

RECEIVED

APR 13 2009

Dear Mr. Snow:

**UMATILLA COUNTY
CODE ENFORCEMENT**

The Department of Environmental Quality (Department) has been made aware of an unpermitted solid waste disposal site located on your property in Umatilla County as referenced above; specifically T3N, R29 EWM, S29; Tax Lot 2200. Pictures of the solid waste site were provided to the Department from the Umatilla County Department of Resource Services & Development Department. In addition, the Department was provided a letter describing the violation which was sent to you by Gina Miller, Umatilla Code Enforcement Assistant, on March 26, 2009.

Please be apprised that, according to Oregon Administrative Rule (OAR) 340-093-0040, no person shall dispose of or authorize the disposal of solid waste except at a solid waste disposal site permitted by the Department to receive that waste. Furthermore, OAR 340-093-0050 states, in part, that no person shall establish, operate, and maintain a solid waste disposal site until the person owning or controlling the disposal site obtains a permit from the Department. According to our records we do not have evidence that your solid waste disposal site has been or is permitted.

The purpose behind the rules governing solid waste is to assure the protection of public health and the environment but also to promote and support proper waste management with emphasis on recovery and reuse. Non-permitted sites do not offer such assurances and can pose risk to human health and the environment if not properly sited, constructed and maintained.

Failure to obtain a solid waste permit is a Class I violation and is considered to be a significant violation of Oregon environmental law. Should you fail to correct the violation according to the requirements and schedule set out in the March 26, 2009 letter from the Umatilla County Department of Resource Services and Development, the Department will be required to take enforcement action. If their time frames cannot be met, you must provide in writing the reason for delay and approximate alternative schedule for removing the solid waste. Any change in the schedule will need to be mutually acceptable to the Umatilla County Department of Resource Services & Development and our Department.

The Department looks forward to your cooperation. If you have any questions regarding this letter or would like to pursue getting a solid waste disposal site permit, please contact me at 541-388-



you need to request the Eastern Region Bend office, then after being connected, press my extension.

Sincerely,

Lawrence M. Brown REHS
Environmental Health Specialist
Bend Water Quality Section
Eastern Region

LMB/cp

cc: Gina Miller – Umatilla County Department of Resource Services & Development; 216 SE 4th Street; Pendleton OR 97801

COREY, BYLER, REW, LORENZEN & HOJEM, L.L.P.
ATTORNEYS AT LAW

STEVEN H. COREY*
HENRY C. LORENZEN
DOUGLAS E. HOJEM
DAVID M. BLANC*
TIMOTHY P. O'ROURKE
STEVEN N. THOMAS
KARIN E. DALLAS

222 S.E. DORION AVE.
P.O. BOX 218
PENDLETON, OREGON 97801-0218

TELEPHONE (541) 276-3331
FAX (541) 276-3148

GEORGE H. COREY, DECEASED
ALEX M. BYLER, DECEASED
LAWRENCE B. REW, RETIRED
ROBERT E. O'ROURKE, RETIRED

orourke@corey-byler.com

*Admitted in Oregon and Washington

May 11, 2009

COPY

Hand Delivered

Mr. Douglas R. Olsen
Umatilla County Counsel's Office
216 SE Fourth Street
Pendleton, Oregon 97801-2692

Re: Conditional Use Permit No. C-546-89
H. Richard Snow
Our File No. 109-119

RECEIVED

MAY 12 2009

UMATILLA COUNTY
CODE ENFORCEMENT

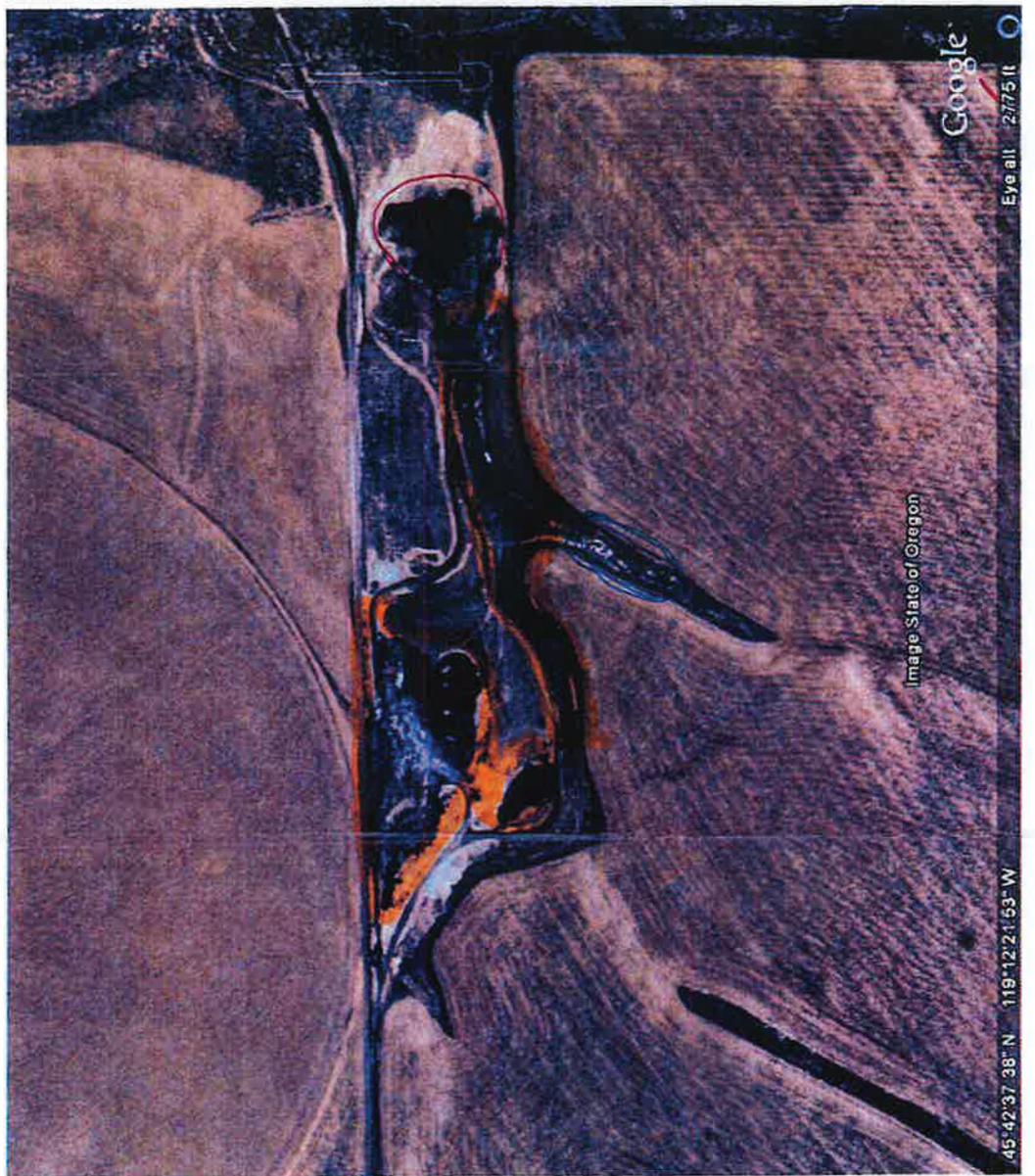
Dear Doug:

As you know, I represent Mr. Richard Snow. Mr. Snow is the holder of Conditional Use Permit No. C-546-89, for the extraction and crushing of rock from an existing quarry in an EFU Zone. The Conditional Use Permit is renewable each year, contingent upon a yearly review and payment of a \$25 renewal fee.

This year's renewal has been held up by the discovery of a dump site during the latest site visit, conducted on February 25, 2009. Apparently, the Conditional Use Permit has not been renewed because it is alleged that the solid waste disposal site is located within the area subject to the Conditional Use Permit. As you will see from the enclosed aerial photograph of the area, the dump is not located within the area subject to the Conditional Use Permit.

The area circled in orange shows the gravel stock piling area. The area circled in red is the gravel extraction area. This is the location of the actual rock pit. The area circled in blue is the dump site. You will see that it is not located within either the stock piling area, nor the extraction area.

Mr. Snow is working with the Department of Environmental Quality to resolve the problems with the dump site. However, as you can see, the dump site is not within the area subject to the Conditional Use Permit. The dump site area should not have been inspected during the site visit. The existence of the dump site should not hold up this year's renewal of the Conditional Use Permit.



Mr. Douglas R. Olsen
May 11, 2009
Page 2

Please let me know as soon as possible when the permit has been renewed. If you have any questions, please do not hesitate to call. Thank you for your assistance in this matter.

Sincerely yours,



Timothy P. O'Rourke

KED:rlh

Enc.

cc: Ms. Gina Miller (w/out enc.)
Mr. H. Richard Snow (w/out enc.)



Oregon

Theodore R. Kulongoski, Governor

August 20, 2009

Department of Environmental Quality

Eastern Region Bend Office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701-7415
(541) 388-6146
FAX (541) 388-8283

Harry Snow
c/o Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

RE: Prohibited Solid Waste Disposal
T3N, R29 EWM, S29; TL 2200
Umatilla County

Dear Mr. Snow:

Thank you for responding to my inquiry about the clean-up of the unpermitted solid waste disposal site located on your property. Your quick response and cooperation is appreciated.

Based on your response you indicated that you would start cleaning up the solid waste site after the fall rains begin because the site is very dry and fire danger is a concern. In evaluating the situation, your proposed start-up time frame for properly removing and disposing of the solid waste is acceptable to the Department. We would like to see all solid waste removed and properly disposed of by no later than November 15, 2009.

As part of this clean-up, you are being requested to keep all receipts from solid waste disposal and recycling locations where you take your materials. At the end of the clean-up you must send me a copy of these receipts along with a written statement that all of the solid waste has been removed and properly disposed. Pictures would be helpful. I may then set up a time and date to meet you at the site for a final confirmation inspection.

If, however, you cannot meet this schedule, the Department may extend it if you can provide written justification that the time frame is unreasonable and not achievable. Any request for extension would have to be acceptable by the Department.

Again, I want to thank you for your cooperation and if you have any questions about what is being requested, please contact me at 541-388-6146; extension 2025, or call me toll free at 1-866-863-6668 (within Oregon). When calling toll free you need to press my extension number after being connected.

Sincerely,

Lawrence M. Brown REHS
Environmental Health Specialist
Bend Water Quality Section
Eastern Region

LMB/cp

cc: Gina Miller – Umatilla County Department of Resource Services & Development; 216 SE 4th Street; Pendleton OR 97801



From: Gina Miller <gina.miller@umatillacounty.net>
Sent: Tuesday, December 13, 2016 11:09 AM
To: MUNDIE Ben * DGMI
Subject: Re: FW: Site south of Echo
Attachments: FACTS AND FINDINGS C-546-89 SNOW.pdf; SUMMARY INFO.pdf

Hi Ben,

First allow me to apologize! I have had a pretty hard fall/winter and was out for nearly 2 weeks with bronchitis and other MS related symptoms. I am very sorry this has taken me so long!!

So we looked into this property and found that a Conditional Use Permit was issued for extraction in 1989, but for whatever reason it was not included on our aggregate inventory. They were dormant when I first started doing CUP inspections but have since been active during peak summer months. I have not been out there for nearly a year, so I cannot give current status but I can have one of my field officers check it next week. We are due to be hit with a pretty big snow storm in the next 24 hrs and this pit is very remote and I don't want to send staff out there until weather clears up.

They are due to be annually renewed in March, so one of the planners will review the permit to see if land use needs to be updated and to see if we need to get it on the inventory. I have attached a scan of the Facts and Findings of the CUP permit, and land owner information. Please let me know if you need anything further on this!

Thank you so much and have a very Merry Christmas!!
Gina

On Tue, Dec 13, 2016 at 10:04 AM, MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov> wrote:

Good morning Gina - Reminder - site south of Echo.

thanks

From: MUNDIE Ben * DGMI
Sent: Tuesday, November 29, 2016 8:54 AM
To: 'Gina Miller' <gina.miller@umatillacounty.net>
Subject: FW: Site south of Echo

Good morning Gina - Were you able to find out any information on this quarry south of Echo? Have the landowner as Harry Snow. Is the site on the county inventory with valid land use authority?

Thanks

Ben

From: MUNDIE Ben * DGMI
Sent: Tuesday, November 08, 2016 9:49 AM
To: 'Gina Miller' <gina.miller@umatillacounty.net>
Subject: RE: Site south of Echo

Thanks Gina - Feel better soon.

From: Gina Miller [<mailto:gina.miller@umatillacounty.net>]
Sent: Tuesday, November 08, 2016 9:47 AM
To: MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov>
Subject: Re: Site south of Echo

Hi Ben, I'm out sick so far this week but will look into this ASAP when I get back! Thanks for your patience!
Gina

On Nov 7, 2016 2:01 PM, "MUNDIE Ben * DGMI" <Ben.MUNDIE@oregon.gov> wrote:

Good afternoon Gina – DOGAMI has been made aware of an upland quarry 3 miles south of Echo. It is located in tax lot 2200 section 29 T3N R29E. Tax lot 2200 extends into sections 28, 29, 32, and 33. Attached are images and a tax lot map.

Is this site on the county inventory? Who is the landowner, and is there current land use authority for mining?

Thanks

Ben



--

Gina Miller, CEP

Code Enforcement Officer & Program Coordinator
Umatilla County Department of Land Use Planning
216 SE 4th Street
Pendleton, OR 97801

Ph: 541-278-6300 | Fax: 541-278-5480

Email: gina.miller@umatillacounty.net

<http://www.umatillacounty.net/planning>

Visit the County's website for application forms, planning documents, and other helpful information.



UMATILLA County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2016

December 13, 2016 10:32:18 am

Account # 107639
 Map # 3N29C0-00-02200
 Code - Tax # 0504-107639

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name SNOW HARRY

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of

Appraiser ATWOOD, LOUISE

Mailing Address 33263 OREGON TRAIL RD
 ECHO, OR 97826

Prop Class 550 MA SA NH Unit
 RMV Class 550 02 91 000 107639-1

Situs Address(s)	Situs City
------------------	------------

Value Summary						
Code Area		AV	RMV	MAV	RMV Exception	CPR %
0504	Land	87,759	296,180	82,530	Land	0
	Impr.	0	0	0	Impr.	0
Code Area Total		87,759	296,180	82,530		0
Grand Total		87,759	296,180	82,530		0

Land Breakdown											
Code Area	ID#	RFD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Irr Class	Irr Size
0504	1	R		EFU	Farm Use Zoned	100	A	190.00	3-5		
0504	2	R		EFU	Farm Use Zoned	100	A	201.00	4-5		
0504	3	R		EFU	Farm Use Zoned	100	A	37.00	5-5		
0504	4	R		EFU	Farm Use Zoned	100	A	130.18	7-5		
Grand Total								558.18			0.00

Improvement Breakdown										
Code Area	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV		
Grand Total								0	0	

Exemptions/Special Assessments/Potential Liability	
Code Area	Type
0504	NOTATION(S): ■ POTENTIAL ADDL TAX LIABILITY ADDED 2005



Oregon

Kate Brown, Governor

Department of Geology & Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
Fax: (541) 967-2075
www.oregongeology.org

October 9, 2017

Mr. Dick Snow
33263 Oregon Trail Road
Echo OR 97826

RE: Surface Mining Operations

Mr. Snow,

Information recently received and reviewed by our office suggests that surface mining operations are being conducted within Township 3N, Range 29E, Section 31, Tax Lot 2200 in Umatilla County. In referencing a November 8, 2016 AmeriTitle Property Profile, you are the landowner of this parcel.

Umatilla County records indicate that the Umatilla County Hearings Officer approved Conditional Use Request #C-546 on April 6, 1989 to allow surface mining operations within T3N, R29E, Section 31, tax lot 2200. At the time of the county approval, Umatilla County Public Works administered surface mining permits for Umatilla County sites however the Umatilla Board of County Commissioners transferred jurisdiction of the surface mining regulation and reclamation in Umatilla County back to the Oregon Department of Geology and Mineral Industries (DOGAMI) in June 1989.

Per ORS 517.755 an Operating Permit is required for any surface mining operation that results in the extraction of greater than 5,000 cubic yards of minerals, affects more than one acre of land within a period of 12 consecutive calendar months, or exceeds 5 acres in total disturbance.

DOGAMI aerial imagery indicates that the surface mining disturbance at this site exceeds the 5 acre threshold. There is no record that your quarry operation has ever held a valid Operating Permit from DOGAMI. Per ORS 517.990 and 517.992 conducting a surface mining operation without a valid Operating Permit is a Class A violation potentially subject to civil and criminal penalties. Based on this information it is required that you apply for and obtain an Operating Permit for this site to prevent further enforcement actions.

Please contact Kelly Wood, DOGAMI Permitting Lead at (541) 967-2066 or kelly.wood@oregon.gov by **November 15, 2017** to discuss the permitting requirements.

Sincerely,

Cari Buchner | Office Manager
Oregon Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin St SW, Albany, Oregon 97321
Direct: (541) 967-2081 | Cari.Buchner@oregon.gov

Cc: Umatilla County Planning Department

From: WOOD Kelly * DGMI
Sent: Monday, November 7, 2016 1:28 PM
To: MUNDIE Ben * DGMI
Subject: FW: Snow Quarry???
Attachments: Snow Quarry.kmz

Importance: High

Ben,

When you have an opportunity, please see if you can contact the landowner and see if you can find out 1) is this operation for on-site road construction and 2) is an inspection warranted? Please keep me in the loop and coordinate with Ed if you need aerial maps.

Thanks,

Kelly Wood
Permitting Lead
541-967-2066

From: BUCHNER Ed * DGMI
Sent: Monday, November 7, 2016 10:35 AM
To: WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Cc: MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov>; BUCHNER Cari * DGMI <Cari.BUCHNER@oregon.gov>
Subject: RE: Snow Quarry???

All of my sleuthing indicates that we've never had this site in our records. There was a small disturbance appearing in 1994, with much of the activity occurring after 2001. The owner of the property is Harry Snow, with the same address as Richard H Snow, who is the owner of much of the surrounding property.

Attached is a kmz for the site and below is a link for our webmap centered on the site.

<http://www.arcgis.com/apps/webappviewer/index.html?id=d174deb3cff24626ab7094b52e244cd5¢er=-119.205,45.711&level=16>

Ed Buchner
GIS Technical Specialist
(541) 967-2084
ed.buchner@oregon.gov

From: WOOD Kelly * DGMI
Sent: Monday, November 07, 2016 7:15 AM
To: FROST Russell G <Russell.G.FROST@odot.state.or.us>; BUCHNER Ed * DGMI <Ed.BUCHNER@oregon.gov>
Cc: MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov>; BUCHNER Cari * DGMI <Cari.BUCHNER@oregon.gov>
Subject: RE: Snow Quarry???

Good morning Russ,

Please remember that all information requests need to be directed to Cari Buchner (cari.buchner@oregon.gov) for tracking and delegation. Unfortunately, I have been unable to find any information in our records pertaining to this site therefore I am passing this request on to Ed Buchner who may be able to look at historical aerials for more information.

Thank you,

Kelly Wood
Permitting Lead
541-967-2066

From: FROST Russell G [<mailto:Russell.G.FROST@odot.state.or.us>]
Sent: Friday, November 4, 2016 9:01 AM
To: MUNDIE Ben * DGMI <Ben.MUNDIE@state.or.us>; WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Subject: Snow Quarry???

Good morning kids, I am wondering if you can help me out with a bit of information. I am looking to see if you have any information for a quarry known as Snow Quarry, Umatilla County, located south of Echo, split between Sec 28 and 29, T. 3 N., R. 29 E.

Your database lists a Dick Snow, says something about Echo, but the DOGAMI ID associated with him shows a Union County ID versus a Umatilla County. In your system, the legal and the coordinates for the Snow site do not match each other, but both the legal and the coordinates you have are for sites in Union County.

What I am hoping to find is owner, operator, DOGAMI Id, permit status for the site in Umatilla County. The lat / long for the site I am interested in are: 45.71092 / -119.20499.

Any help would be appreciated.

Thanks
Russ

From: WOOD Kelly * DGMI
Sent: Monday, November 7, 2016 11:17 AM
To: BUCHNER Ed * DGMI
Cc: MUNDIE Ben * DGMI; BUCHNER Cari * DGMI
Subject: RE: Snow Quarry???

Thank you very much for the information Ed. Perhaps DOGAMI should add this site to the "needs follow-up" list?! I will update Russ.

Thanks again,

Kelly Wood
Permitting Lead
541-967-2066

From: BUCHNER Ed * DGMI
Sent: Monday, November 7, 2016 10:35 AM
To: WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Cc: MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov>; BUCHNER Cari * DGMI <Cari.BUCHNER@oregon.gov>
Subject: RE: Snow Quarry???

All of my sleuthing indicates that we've never had this site in our records. There was a small disturbance appearing in 1994, with much of the activity occurring after 2001. The owner of the property is Harry Snow, with the same address as Richard H Snow, who is the owner of much of the surrounding property.

Attached is a kmz for the site and below is a link for our webmap centered on the site.

<http://www.arcgis.com/apps/webappviewer/index.html?id=d174deb3cff24626ab7094b52e244cd5¢er=-119.205,45.711&level=16>

Ed Buchner
GIS Technical Specialist
(541) 967-2084
ed.buchner@oregon.gov

From: WOOD Kelly * DGMI
Sent: Monday, November 07, 2016 7:15 AM
To: FROST Russell G <Russell.G.FROST@odot.state.or.us>; BUCHNER Ed * DGMI <Ed.BUCHNER@oregon.gov>
Cc: MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov>; BUCHNER Cari * DGMI <Cari.BUCHNER@oregon.gov>
Subject: RE: Snow Quarry???

Good morning Russ,

Please remember that all information requests need to be directed to Cari Buchner (cari.buchner@oregon.gov) for tracking and delegation. Unfortunately, I have been unable to find any information in our records pertaining to this site therefore I am passing this request on to Ed Buchner who may be able to look at historical aerials for more information.

HINES #R-001-25

EXHIBIT 15 PAGE 3 OF 25

1

Thank you,

Kelly Wood
Permitting Lead
541-967-2066

From: FROST Russell G [<mailto:Russell.G.FROST@odot.state.or.us>]
Sent: Friday, November 4, 2016 9:01 AM
To: MUNDIE Ben * DGMI <Ben.MUNDIE@state.or.us>; WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Subject: Snow Quarry???

Good morning kids, I am wondering if you can help me out with a bit of information. I am looking to see if you have any information for a quarry known as Snow Quarry, Umatilla County, located south of Echo, split between Sec 28 and 29, T. 3 N., R. 29 E.

Your database lists a Dick Snow, says something about Echo, but the DOGAMI ID associated with him shows a Union County ID versus a Umatilla County. In your system, the legal and the coordinates for the Snow site do not match each other, but both the legal and the coordinates you have are for sites in Union County.

What I am hoping to find is owner, operator, DOGAMI Id, permit status for the site in Umatilla County. The lat / long for the site I am interested in are: 45.71092 / -119.20499.

Any help would be appreciated.

Thanks
Russ

From: WOOD Kelly * DGMI
Sent: Thursday, November 16, 2017 12:09 PM
To: HNS, Inc.
Cc: BUCHNER Cari * DGMI; BUCHNER Ed * DGMI
Subject: RE: Umatilla County 2017 Permit - Snow Site
Attachments: OPA_Application_Rev_01-2016.pdf; BEFORE_Applying_for_Mining_Permit.pdf; Operating_& Reclamation_Plan_Rev_02-2017.pdf; Surveying and Marking Application (rev 12-2015).pdf; MapExample_UplandPermitBoundary.pdf

Good morning Jeff,

Per our phone discussions, I am attaching the application forms for an Operating Permit. As we discussed, I recommend that you start the process by reviewing the County Conditional Use Permit to see what was approved and any conditions that may be set. From there, you will want to coordinate with a surveyor to work on the surveyed map for the proposed permit boundary. Once that is in motion, the forms will be pretty straight forward and I can assist if you would like. Please let me know if you have any questions or need additional information. If you or the surveyor have questions pertaining to the general survey map requirements, please contact Ed Buchner, DOGAMI GIS Specialist at 541-967-2084.

Thank you so much,

Kelly Wood
Permitting Lead
541-967-2066

From: HNS, Inc. [mailto:hns97850@gmail.com]
Sent: Wednesday, November 8, 2017 4:12 PM
To: WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Subject: Fwd: Umatilla County 2017 Permit

Good afternoon Kelly,

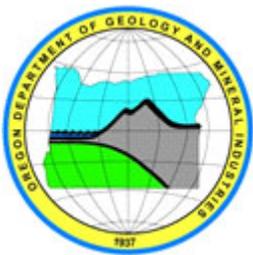
Jeff would like to speak with you in regards to the DOGAMI permitting requirements, needed for Conditional Use Permit #C-546-89.
Jeff's direct number is 541-786-0540.

Thank you for your time.

Jeff Hines

by Marcie Cunningham
Administrative Assistant
HNS, Inc.
63830 Industrial Lane
La Grande, OR 97850
541.962.0100
Fax: 541-963-0900

The opinions expressed by the author are his or her own and are not necessarily those of HNS, Inc. The information, contents and attachments in this email are Confidential and Private.



Oregon Department of Geology and Mineral Industries

Mineral Land Regulation and Reclamation Program

229 Broadalbin Street SW

Albany, OR 97321-2246

(541) 967-2039

Fax (541) 967-2075

Complaint Report: C17-0005

DOGAMI Info

Permit ID: 30-NP0001 Permit Type: NP Reported Date: 8/10/2017
Permittee: Snow Report Taken By: Ben Mundie
Contact: Date Contacted:

Have similar complaints been received prior to this incident?
were these past complaints verified as valid?
Was a site visit requested by the complainant?
Has the permittee/representative been notified of the complaint?
Was DOGAMI previously aware of this concern/incident?
Has DOGAMI Scheduled an on-site visit?
Site Visit Date:
Meeting Type:
Tasked To:

Incident Information

Date of Incident: 11/4/2016 Time of Incident:

Incident Location Description:

Township: 3N Range: 29E Section: 31 Taxlot: 2200
Address:
Latitude: 45.71092 Longitude: -119.20499

Type of Incident:

- Operation/mining outside of approved area
Turbid water discharge into waters of the state
Loss or degradation of water supply
Blasting noise
Generation of dust
Truck traffic
Track-out
Sedimentation/Erosion
Blasting damage

Incident Information (continued)

Were photos of the incident taken? _____

Photos were provided to DOGAMI via: _____

Were other agencies contacted? _____

Other Agencies Contacted:

- | | |
|--|--|
| <input type="checkbox"/> Oregon Dept. of Environmental Quality (DEQ) | <input type="checkbox"/> Law Enforcement |
| <input type="checkbox"/> Oregon Water Resources Dept. (WRD) | <input type="checkbox"/> County Planning Department |
| <input type="checkbox"/> Oregon Dept. of Transportation (ODOT) | <input type="checkbox"/> Natural Resources Conservation (NRCS) |
| <input type="checkbox"/> Oregon Dept. of Fish and Wildlife (ODFW) | <input type="checkbox"/> Oregon Dept. of State Lands (DSL) |

Complaint Comments:

Per email dated 8/10/17 from Ben Mundie: ODOT found a quarry site in Umatilla County that wasn't in their database. In tracking it down it appears a CUP was approved in 1989, when Umatilla County was still administering their own reclamation program. In 1990, Umatilla County gave the authority back to DOGAMI. This site was never permitted with DOGAMI and is ~20 acres in size.

Found You letter sent on 10/09/2017.

20191031: Denise Snow-Howland called to let us know that her father Dick Snow passed away in March of 2019 and she had been told by HNS (operator of the quarry) that a permit needed to be obtained. Nick Tatalovich followed up with a phone call and an email with the permitting requirements.

Complaint closed.

From: MUNDIE Ben * DGMI
Sent: Monday, May 22, 2017 2:08 PM
To: BUCHNER Cari * DGMI; CROSS Cathy * DGMI
Subject: FW: Snow Pit

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Snow – address below - has an aggregate site in excess of five acres and needs a DOGAMI OPA. Tax lot 2200 section 29, 28, 32 T3N R29E Umatilla County

thanks

From: Brandon Seitz [mailto:brandon.seitz@umatillacounty.net]
Sent: Monday, May 22, 2017 1:44 PM
To: MUNDIE Ben * DGMI <Ben.MUNDIE@oregon.gov>
Cc: Gina Miller <gina.miller@umatillacounty.net>
Subject: Snow Pit

Ben,

All we have on file for the Snow pit is a mailing address for Dick Snow who has submitted the renewal materials the last several years. The address we have on file is listed below. Please let me know if you have any questions for me.

Dick Snow
33263 Oregon Trail Road
Echo, OR 97826

Thanks,
Brandon

--

Brandon Seitz, *Assistant Planner*
Umatilla County Department of Land Use Planning
216 SE 4th ST, Pendleton, OR 97801
Phone: 541-278-6249 | Fax: 541-278-5480
<http://www.umatillacounty.net/planning>

Visit the County's website for application forms, planning documents, and other helpful information.

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

From: MUNDIE Ben * DGMI
Sent: Thursday, August 10, 2017 2:28 PM
To: BUCHNER Cari * DGMI
Subject: FW: unpermitted site
Attachments: 30-snow 08-14-17let.docx

From: MUNDIE Ben * DGMI
Sent: Thursday, August 10, 2017 2:10 PM
To: WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Subject: unpermitted site

ODOT found a quarry site in Umatilla Co. that wasn't on their(better than our) database. In tracking it down, appears a CUP was approved in 1989, when the county administered their own reclamation program. In 1990, they gave it back to DOGAMI. This quarry never permitted with DOGAMI. Can't believe ignorance of the requirement has lasted for 27 years.

Attached is a draft letter that requests he contact DOGAMI. All the info for this site is located in S: 30 Umatilla Snow Road

Thanks

Ben

August 14, 2017

Mr. Dick Snow
33263 Oregon Trail Road
Echo OR 97826

RE: Quarry Operation Tax lot 2200

Mr. Snow:

It is understood the Umatilla County Hearings Officer approved Conditional Use Request #C-546 to establish an aggregate quarry site on April 6, 1989, for tax lot 2200 section 31 T3N R29E. At that time Umatilla County administered a county mine reclamation program for all mine sites in Umatilla County.

In 1990, Umatilla County relinquished administrative authority for mine reclamation to the Oregon Department of Geology and Mineral Industries. (DOGAMI). At that time all active mine operations permitted through the Umatilla County mine reclamation authority were required to obtain an operating permit with DOGAMI.

There is no record your quarry operation that now encompasses approximately 20 acres has ever been permitted through DOGAMI.

Please contact me at your earliest convenience to discuss this matter.

Thank you for your time and consideration.

Sincerely,

Kelly Wood
DOGAMI
541-967-2066

From: BUCHNER Cari * DGMI
Sent: Thursday, August 24, 2017 3:36 PM
To: WOOD Kelly * DGMI; MUNDIE Ben * DGMI
Subject: Compliance: Umatilla County Snow Rd Site

Follow Up Flag: Follow up
Flag Status: Completed

Kelly and Ben,

Please take a look at the draft letter below and provide feedback at your earliest convenience.

<S:\30Umatilla\Snow Road\DRAFT 30-SNOW found aggregate 08-24-17.docx>

Thank you!

Cari Buchner | Office Manager
Oregon Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation
229 Broadalbin St SW, Albany, Oregon 97321
Direct: (541) 967-2081 | Fax: (541) 967-2075
Cari.Buchner@oregon.gov | www.oregongeology.org

From: WOOD Kelly * DGMI
Sent: Thursday, April 5, 2018 2:07 PM
To: BUCHNER Cari * DGMI
Subject: FW: Dick Snow DOGAMI Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Most recent correspondence...

Kelly Wood
Permitting Lead
541-967-2066

Please note that my work schedule is Monday through Thursday. Emails received Friday will be responded to on Monday, at the earliest.

From: WOOD Kelly * DGMI
Sent: Monday, January 29, 2018 6:55 AM
To: 'HNS, Inc.' <hns97850@gmail.com>
Subject: RE: Dick Snow DOGAMI Permit

Great news. Thank you for the update Jeff. I take it you were able to coordinate with the county to determine the area approved under the county land use?

Kelly Wood
Permitting Lead
541-967-2066

Please note that my work schedule is Monday through Thursday. Emails received Friday will be responded to on Monday, at the earliest.

From: HNS, Inc. [<mailto:hns97850@gmail.com>]
Sent: Thursday, January 25, 2018 7:58 AM
To: WOOD Kelly * DGMI <Kelly.WOOD@oregon.gov>
Subject: Re: Dick Snow DOGAMI Permit

Good morning Kelly,

I wanted to follow up with you this morning, to let you know that we are in the process of scheduling a surveyor for Dick Snow's pit in Umatilla County.

We will keep you informed of any new information we get.

Thank you,
Marcie

Jeff Hines

by
Marcie Cunningham

Administrative Assistant

HNS, Inc.
63830 Industrial Lane
La Grande, OR 97850
Office: 541.962.0100
Fax: 541.963.0900



The opinions expressed by the author are his or her own and are not necessarily those of HNS, Inc. *The information, contents and attachments in this email are Confidential and Private.*

On Tue, Nov 28, 2017 at 8:38 AM, HNS, Inc. <hns97850@gmail.com> wrote:

Good Morning Kelly,

I apologize for this process taking longer than expected. Jeff is a busy man and I can imagine that in your line of profession you are extremely busy as well. My name is Samie Watson and I am Jeff's Administrative Assistant. I will be assisting in

[UMATILLA COUNTY.2017.pdf](#)Error! Filename not specified.

this matter to get this done in a timely matter.

This is my first experience with a DOGAMI permit, so I might be asking more questions than usual.

I'm going to attach all of the paperwork that has been given to me regarding this site. I know that it is not everything that you need, but I'm trying to figure out what these papers cover. For the items that are not covered, who should I be speaking with to gather the rest of the information needed.

I will also be in the office all week if a phone call is easier.

Thank You

--

Jeff Hines

HINES #R-001-25

EXHIBIT 15 PAGE 14 OF 25

by
Samie Watson
Administrative Assistant
HNS, Inc.
63830 Industrial Lane
La Grande, OR 97850
Office: [541.962.0100](tel:541.962.0100)
Fax: [541-963-0900](tel:541-963-0900)

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From: WOOD Kelly * DGMI
Sent: Tuesday, October 17, 2017 8:32 AM
To: BUCHNER Cari * DGMI; BUCHNER Ed * DGMI
Cc: MUNDIE Ben * DGMI
Subject: Umatilla Co. - Dick Snow Update

Good morning,

I just received a call from Jeff Hines of HNS, Inc. Mr. Dick Snow has contacted Jeff and asked for his assistance getting the "I found you" site permitted. Great news indeed. Mr. Snow was not aware of the permitting requirements and wants to get the site permitted as quickly as possible. Apparently Mr. Hines has actually done some crushing at the site for Mr. Snow and did not realize that they did not have a permit.

I reviewed the application requirements with Mr. Hines and recommended that he start with looking into the current land use. If the property does not have land use approval for surface mining, that process will take some time. I also informed Mr. Hines about the survey requirement and recommended that he and/or the surveyor coordinate with Ed Buchner to ensure that all requirements are understood/met.

I will keep you all updated as I learn more. Mr. Hines will be contacting me to let me know what he finds regarding land use.

Thank you so much,

Kelly Wood
Permitting Lead
Mineral Land Regulation and Reclamation
Oregon Department of Geology and Mineral Industries
541-967-2066

From: TATALOVICH Nicholas * DGMI
Sent: Monday, March 9, 2020 11:55 AM
To: 'HNS, Inc.'
Cc: BUCHNER Cari * DGMI (Cari.BUCHNER@oregon.gov)
Subject: Snow Site Operating Permit Guidance
Attachments: OPA_Checklist_20180925.docx; OP_APP_20180925.docx; APP_SURVEY_MAP_20180212.docx; APP_SITE_PLAN_MAP_20180212.docx; APP_REC_PLAN_MAP_20180212.docx; FAQ_Survey_Maps_20180213.pdf; FAQ_Reclamation_Securities_20180213.pdf

Hi Becky,

Thank you for returning my call regarding the Snow site in Echo and getting it under a DOGAMI Operating Permit. Here are the minimum required application items also seen on the attached Operating Permit Application Checklist:

- Operating Permit Application Form (attached)
- Application Fee (\$1,750)
- Permit Boundary Survey Map, Site Plan Map and Reclamation Plan Map/Cross Sections (examples and FAQ attached)
- Proof of Land Ownership
 - A current report from a licensed title company is necessary for proof of land ownership. The report may be referred to as a trio, listing packet, or consumer information report, and should be free of charge.
- Reclamation Security (amount determined after application is submitted)– Sufficient funds to reclaim the site if the permittee does not complete the required reclamation. Based on site disturbances ongoing or planned within the first 12 months of operation.
 - Security Rates are \$5,000 for the first acre of disturbance, and \$3,300 for each additional acre of disturbance

The DOGAMI Surface Mining section of our website is the best source of information for application materials (<https://www.oregongeology.org/mlrr/surfacemining.htm>). Additional application materials required with Operating Permit applications can include supplemental forms, stormwater management plans, materials to meet county conditions (ex. wildlife mitigation plan required by ODFW), well logs for water use, etc. Depending on the type of activity and potential natural resource impacts, the permit application could require additional fees if there are potential impacts/concerns over wetlands, floodplain, groundwater and/or slope stability.

Best,

Nicholas Tatalovich | Aggregate Permitting Reclamationist

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2066 | Fax: (541) 967-2075

Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

From: TATALOVICH Nicholas * DGMI
Sent: Wednesday, April 29, 2020 10:59 AM
To: HNS, Inc.
Subject: RE: Snow Site Operating Permit Guidance

Becky,

Thank you for the update. We completely understand the complications COVID-19 has caused. We also have staff currently home due to child care/home schooling now. Let me know if you have questions and I would be happy to help.

Best,

Nicholas Tatalovich | Aggregate Permitting Reclamationist
Oregon Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin St SW, Albany, Oregon 97321
Direct: (541) 967-2066 | Fax: (541) 967-2075
Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

COVID-19 Response: To help address COVID-19 concerns, many DOGAMI staff are teleworking. MLRR is continuing normal operations, but response times may increase. For best service, please contact us by email.

If you'd like to receive our newsletters via email, sign up for our listserv at:
<http://listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter>

From: HNS, Inc. <hns97850@gmail.com>
Sent: Wednesday, April 29, 2020 7:09 AM
To: TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov>
Subject: Re: Snow Site Operating Permit Guidance

Hello Nicholas:

Thank you for reaching out to me regarding the Snow site Operating Permit. We have been staying busy here at HNS but Katie, the other lady who works in the office with me, has been off due to child care issues since schools closed due to COVID-19. I am finally feeling like I have time to work on other projects now so I will begin the application process for the Snow site. I'm sure I will have many questions regarding this so I appreciate your willingness to help me out if/when I have questions.

We are all staying safe and healthy here and hope the same for you.

Sincerely,

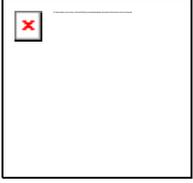
Becky Mitchell
HNS, Inc.
63830 Industrial Lane

HINES #R-001-25
EXHIBIT 15 PAGE 18 OF 25

La Grande, OR 97850

Office: 541.962.0100

Fax: 541.963.0900



The opinions expressed by the author are his or her own and are not necessarily those of HNS, Inc. *The information, contents and attachments in this email are Confidential and Private.*

On Thu, Apr 23, 2020 at 12:10 PM TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov> wrote:

Hi Becky,

DOGAMI is just checking in to see the status of your Operating Permit application submittal for the Snow Site. I hope you're staying safe and healthy.

Best,

Nicholas Tatalovich | Aggregate Permitting Reclamationist

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2066 | Fax: (541) 967-2075

Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

COVID-19 Response: To help address COVID-19 concerns, many DOGAMI staff are teleworking. MLRR is continuing normal operations, but response times may increase. For best service, please contact us by email.

If you'd like to receive our newsletters via email, sign up for our listserv at:

<http://listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter>

From: TATALOVICH Nicholas * DGMI

Sent: Monday, March 9, 2020 11:55 AM

To: 'HNS, Inc.' <hns97850@gmail.com>

Cc: BUCHNER Cari * DGMI (Cari.BUCHNER@oregon.gov) <Cari.BUCHNER@oregon.gov>

Subject: Snow Site Operating Permit Guidance

Hi Becky,

Thank you for returning my call regarding the Snow site in Echo and getting it under a DOGAMI Operating Permit. Here are the minimum required application items also seen on the attached Operating Permit Application Checklist:

- Operating Permit Application Form (attached)
- Application Fee (\$1,750)
- Permit Boundary Survey Map, Site Plan Map and Reclamation Plan Map/Cross Sections (examples and FAQ attached)
- Proof of Land Ownership
 - A current report from a licensed title company is necessary for proof of land ownership. The report may be referred to as a trio, listing packet, or consumer information report, and should be free of charge.
- Reclamation Security (amount determined after application is submitted)– Sufficient funds to reclaim the site if the permittee does not complete the required reclamation. Based on site disturbances ongoing or planned within the first 12 months of operation.
 - Security Rates are \$5,000 for the first acre of disturbance, and \$3,300 for each additional acre of disturbance

The DOGAMI Surface Mining section of our website is the best source of information for application materials (<https://www.oregongeology.org/mlrr/surfacemining.htm>). Additional application materials required with Operating Permit applications can include supplemental forms, stormwater management plans, materials to meet county conditions (ex. wildlife mitigation plan required by ODFW), well logs for water use, etc. Depending on the type of activity and potential natural resource impacts, the permit application could require additional fees if there are potential impacts/concerns over wetlands, floodplain, groundwater and/or slope stability.

Best,

Nicholas Tatalovich | Aggregate Permitting Reclamationist

Oregon Department of Geology and Mineral Industries

HINES #R-001-25

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Mineral Land Regulation & Reclamation

229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2066 | Fax: (541) 967-2075

Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

From: Dick Snow Estate, Denise Snow Howland, PR <muleshoeranchecho@gmail.com>
Sent: Thursday, February 27, 2020 8:00 AM
To: TATALOVICH Nicholas * DGMI
Cc: BUCHNER Cari * DGMI; Patrick Gregg
Subject: Re: DOGAMI Operating Permit Requirements - Snow Site (Umatilla County)

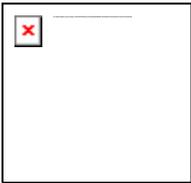
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nicholas,

Sorry for the delay in getting back to you. I did not want to reply until I could do so with a level of confidence with the Estate's plan going forward.

We are now prepared to tell you that the permittee will be Jeff Hines at:

HNS, Inc.
63830 Industrial Lane
La Grande, OR 97850
Office: 541.962.0100
Fax: 541.963.0900



I believe Jeff and you are already acquainted.

Thank you for your patience as we have worked through this matter. Please let me know if you should need anything further.

Best Regards,
Denise Snow Howland
Personal Representative
Harry Richard Snow Estate
(503) 930-0677

On Wed, Feb 19, 2020 at 2:06 PM TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov> wrote:

Denise,

I am reaching out to see if a decision has been made on who will be the permittee for your ranch's rock quarry in Umatilla County. DOGAMI would like to begin the application process with the appropriate party and get this site properly permitted. Thank you in advance.

Best,

Nicholas Tatalovich | Aggregate Permitting Reclamationist

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2066 | Fax: (541) 967-2075

Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

From: Dick Snow Estate, Denise Snow Howland, PR <muleshoeranchecho@gmail.com>
Sent: Wednesday, November 13, 2019 2:02 PM
To: TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov>
Cc: BUCHNER Cari * DGMI <Cari.BUCHNER@oregon.gov>; Patrick Gregg <gregg@corey-byler.com>
Subject: Re: DOGAMI Operating Permit Requirements - Snow Site (Umatilla County)

Hello Nicholas,

I appreciate meeting you over the phone and further appreciate your forwarding me the permitting information in your email.

We (the Estate) need to discuss our plans for the future as regards the ranch's rock quarry, and the information you have provided will certainly help in making our decisions. We also appreciate that if it is our decision to permit the quarry as the landowner, that DOGAMI is willing to be flexible on the timeline of the submittals.

As I mentioned to you in our call, this decision will be made in concert with the advice of our Estate attorney, Pat Gregg of the Corey, Byler & Rew law firm in Pendleton, Oregon. I am copying Mr. Gregg on this email as well, and please feel free to include him on any future correspondence. Mr. Gregg is out of the office this week, but will be returning next week. Consequently, with regard to your request to try and let you know within two weeks who will be the permittee, we will plan to get that information to you as soon as possible, and will try to let you know within this two-week period or shortly thereafter.

HINES #R-001-25

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Thank you for your assistance.

Denise Snow Howland

Personal Representative

Harry Richard Snow Estate

(503) 930-0677

On Thu, Nov 7, 2019 at 10:48 AM TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov> wrote:

Hi Denise,

It was good speaking with you yesterday regarding your ranch's rock quarry in Umatilla County. As I mentioned, this site needs to be under a DOGAMI Operating Permit as there are more than 5 acres of disturbance. We appreciate your willingness to get the site properly permitted. In speaking with Cari, she astutely pointed out that you the landowner does not necessarily need to be the DOGAMI permittee and that it could be HNS, if they have been doing most of the site development. If HNS would be willing to be the permittee, they could handle most of the application material development and you would just need to sign off as the landowner. Any agreement worked out between you and HNS would be private. HNS would also be responsible for posting the reclamation security for the site, which is a sufficient amount of money to reclaim the site if the permittee fails to do so. Depending on who the permittee will be will drive the timeline for this permitting application process. If you are to be the permittee, DOGAMI understands that getting your father's estate into order will take some time and we would be flexible on the timeline of submittals. If HNS is to be the permittee, DOGAMI knows they understand the requirements for operating a commercial rock quarry in Oregon and would be stricter on the timeline of submittals for the Operating Permit. For your application, these are the required items to be submitted:

- Application Fee (\$1,750)
- Operating and Reclamation Plan (blank attached)
- Permit Boundary Survey Map*
- Site Plan Map*
- Reclamation Plan Map and Profiles*
- Proof of Land Ownership**

* The requirements for a permit boundary survey map, a site plan map and the reclamation plan map/profiles have been attached to this email to assist in generating the necessary maps. Additionally, Ed Bucher, DOGAMI GIS Specialist has offered to work directly with the surveyor if the applicant/permittee so chooses, to ensure that only the necessary

HNS #R-00125

EXHIBIT 15 PAGE 24 OF 25

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modifications are completed. As is standard, Mr. Buchner would communicate to the surveyor that any charges be reviewed and approved by the applicant/permittee prior to conducting the work. Ed Buchner can be contacted at (541)-619-3738 or via email at ed.buchner@oregon.gov.

** A current report from a licensed title company is necessary for proof of land ownership. The report may be referred to as a trio, listing packet, or consumer information report, and should be free of charge.

Would you be able to provide DOGAMI who the permittee will be in the next two weeks? From there we can develop a project timeline with the appropriate party.

Thank you,

Nicholas Tatalovich | Aggregate Permitting Reclamationist

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2066 | Fax: (541) 967-2075

Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.



Megan Davchevski <megan.davchevski@umatillacounty.gov>

Re: Establishing a Significant Site (Aggregate)

Megan Green <megan.green@umatillacounty.net>

Mon, Jul 20, 2020 at 3:29 PM

To: hns97850@gmail.com

Cc: Carol Johnson <carol.johnson@umatillacounty.net>, Robert Waldher <robert.waldher@umatillacounty.net>

Hello Mr. Hines,

I am reaching out to you regarding the "Snow Pit" that we discussed a few weeks ago, south of Echo, OR. As we previously discussed, the pit was approved with a Conditional Use Permit (CUP) that limited the amount of aggregate that could be mined *each year*. Because you are wanting to operate the pit at a much higher capacity, you will have to go through the process of establishing a Significant Site.

To do this, you will need to complete the following applications:

- Land Use Request Application found at: http://www.co.umatilla.or.us/planning/pdf/Land_%20Use_Application.pdf

- Comprehensive Plan Map Amendment, \$1000

- Comprehensive Plan Text Amendment, \$1000

- Zoning Map Amendment, \$1000

Found at: <http://www.co.umatilla.or.us/planning/pdf/Supplemental%20Packet%20-%20Amendments.pdf>

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 Site will be directly applied per OAR 660-023-180. These standards are found at: <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=249040> you should provide a narrative addressing each criteria and how you will meet/are meeting it. Please also keep in mind that you will want to hire a surveyor to provide a boundary to the Aggregate Resource Overlay Zone and the pit itself.

It is highly recommended that you hire a land use consultant to help you with these applications.

As always, please let us know if you have any questions.

Best,

Megan

--

Megan Green, *Planner II / GIS*

Umatilla County Department of Land Use Planning

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.net/planning>



Megan Davchevski <megan.davchevski@umatillacounty.gov>

DOGAMI ID 30-NP0001: Inspection Report

TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov>

Tue, Jul 28, 2020 at 4:45 PM

To: "HNS, Inc." <hns97850@gmail.com>, "Dick Snow Estate, Denise Snow Howland, PR" <muleshoeranchecho@gmail.com>

Cc: "megan.green@umatillacounty.net" <megan.green@umatillacounty.net>

Jeff and Denise,

I have completed my inspection report from June 16th for the Snow Site in Umatilla County. Please find that inspection report attached to this email. As you'll note, no further activity is allowed on site, including sale of existing material, until such time this site is fully permitted by Umatilla County and DOGAMI. Please let me know if you have any additional questions.

Best,

Nicholas Tatalovich | Aggregate Permitting Reclamationist

Oregon Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2066 | Fax: (541) 967-2075

Nicholas.Tatalovich@oregon.gov | www.oregongeology.org

Unless otherwise indicated, all information in this correspondence is classified as Level 1, "Published" according to State of Oregon statute and administrative policy.

COVID-19 Response: To help address COVID-19 concerns, many DOGAMI staff are teleworking. MLRR is continuing normal operations, but response times may increase. For best service, please contact us by email.

If you'd like to receive our newsletters via email, sign up for our listserv at: <http://listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter>

 **30-NP0001_20200616_IR.pdf**
4271K

TO: Denise Snow Howland
Jeff Hines, HNS, Inc.

FROM: Nicholas Tatalovich
Aggregate Permitting Reclamationist

Date of Inspection: 6/16/2020

Date of Report: 7/28/2020

RE: DOGAMI Site No. 30-NP0001 – Snow Site

I was accompanied on this inspection by Jeff Hines and Becky Mitchell of HNS, after also receiving permission to be on site from the landowner, Denise Snow Howland. HNS, Inc has been the historic operator to this unpermitted quarry. The purpose of this inspection was to document initial site conditions and begin the Operating Permit Application process. Weather at the time was sunny and dry.

From Hermiston, OR this site can be accessed by traveling south on US-395 South for approximately 7 miles, until you cross over I-84. Continue straight onto Theilsen Road for another mile, until you go through the town of Echo, OR. Take a right onto Dupont Street, then another right onto Oregon Trail Road. Continue on Oregon Trail Road for about a mile until you reach Snow Road and take a left. Continue 1.7 miles down Snow Road and the gated entrance to the site will be on the left. The legal description for this site is T3N, R29E, sec. 28, tax lot 2200. An ephemeral drainage labeled on the USGS TOPO map as Alkali Canyon is located 800 feet to the east. The Umatilla River is located over one mile to the northeast.

Based on the WRD Well Log Database, a water well owned by Dick Snow (located within section 32) was completed to a depth of 305 feet. Water was encountered at 192 feet below ground surface and the static water level is listed as 140 feet below ground surface.

The site is a sidehill cut (Photo 1) with its primary commodity being basalt. While not active at the time of inspection, this site's mining related disturbance is approximately 23.3 acres - which includes the quarry, internal haul roads and stockpiling locations (Photo 2-3). The site has two near vertical existing highwalls, overlain by 1-6 feet of sandy overburden on the northern portion of the quarry, one being 35 feet tall (Photo 4) and the other being 55-60 feet tall (Photo 5). Growth medium and overburden were stockpiled in a vegetated berm above the highwall, in addition to a vegetated stockpile on the quarry floor (Photo 6). Both highwalls are approximately 50-75 feet away from an existing private farm road. In speaking with Mr. Hines, he stated that future mining would go from west to east and down into the quarry floor, rather than a lateral expansion to avoid impacting the road. We discussed that as the highwalls were already near vertical, benching should be established when going down into the quarry floor.

The quarry floor was nearly flat but sloped slightly to the east. No signs of stormwater runoff issues, such as rilling/erosion, were noted on site. Other features of the site included several stockpiles of

crushed material on a western terrace above the quarry floor, mining related equipment - including a crusher, conveyors and loaders, and stockpiled oversize.

Interesting to note were the established bird communities on site. Found on the southern portion of the site, at the edge of an agricultural field, was a mined area of topsoil/overburden with hundreds of hillside nests (Photo 7). Birds traveled from these nests north, across the quarry floor to the quarry highwalls, throughout the time of the inspection.

The reclamation liability for this site will be based on the current and future mining related disturbances that are associated with the site. As there are currently 23.3 acres of mining related disturbance at the site, using current DOGAMI reclamation security rates of \$5,000 for the first acre of disturbance and \$3,300 for each additional acre of disturbance, the reclamation security the future permittee will have post with the State will be \$78,590. This figure may be adjusted in the future based on acres reclaimed versus acres disturbed. An additional site inspection will be needed to document reclamation if it has occurred.

As far as next steps go, this quarry and associated operations are required to be covered under a DOGAMI Operating Permit as there is greater than 5 acres of land disturbed and annual production is greater than 5,000 cubic yards of material. This was communicated to Mr. Hines and Ms. Mitchell, who expressed that there were some nuances to why this would be a challenge under current circumstances. While the historic operators of the site, HNS Inc., would like to be the permittees, they are hesitant due to the pending auction of the ranch (and associated quarry) to another party.

Additionally, in speaking with Umatilla County Planning Department, this site is outside of its original land use approval of only producing aggregate for (on-site) personal use under 5,000 cubic yards. Considering that the site does not have land use approval for commercial activity, and lacks a DOGAMI Operating Permit, DOGAMI will not allow the production of aggregate or sale of existing stockpiled aggregate to occur until such time that land use approval and a DOGAMI Operating Permit is in place. Continued operations at the site could result in the department taking enforcement actions against the landowner and/or operator. HNS, Inc and Ms. Howland should continue to follow up with DOGAMI regarding the status of the sale, as well as their progress towards compliance with ORS 517.750 to 517.992.

Signature of Reclamationist: _____





Photo 1 – Sidehill Cut



Photo 2 – Quarry Floor and Roads



Photo 3 – Stockpiled Aggregate



Photo 4 – Highwall 1



Photo 5 – Highwall 2



Photo 6 – Vegetated Stockpile of Growth Medium/Overburden



Photo 7 – Bird Nests



DOGAMI ID#: 30-NP0001

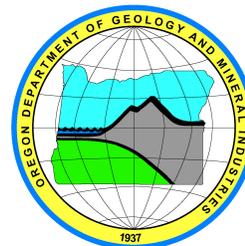
Operator: HNS, Inc (Jeff Hines)
 Landowner: Denise Snow Howland
 Site Name: Snow
 Data Source: ESRI Aerial Basemap 9/23/2018
 Prepared By: E. Buchner 7/22/2020

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the suitability of the information.

ArcGIS v10.7.1
 Oregon Lambert Projection, NAD 1983 HARN (EPSG# 2994)
 \\DGMALBWF\GIS\Projects\30-NP0001_20200722_GISAerial_2018.pdf

	Acres
Current Permit Area:	---
Disturbed:	23.3
Limited Exemption:	---
Reclaimed:	---
Dist. out of LE:	---
Dist. out of Permit:	---

Latitude: 45.71092
 Longitude: -119.205



Oregon Dept. of Geology and Mineral Industries
 Mineral Land Regulation and Reclamation Program
 229 Broadalbin St. SW
 Albany, OR 97321

HINES #B-001-25

EXHIBIT PAGE 8 OF 8

AFTER RECORDING RETURN TO:
Corey, Byler & Rew, LLP
Timothy P. O'Rourke
P.O. Box 218
Pendleton, OR 97801-0218

MAIL TAX STATEMENTS TO:
PARJIM FARMLAND HOLDINGS, LLC
C/O Jay Girotto
18 Crescent Key
Bellevue, WA 98006

State of Oregon County of Umatilla	
Instrument received and recorded on	08/25/2020 01:00:38 PM
in the record of instrument code type DE	
Instrument number	2020-7060731
	\$126.00
Office of County Records	
	
Records Officer P7	

STATUTORY BARGAIN AND SALE DEED

Denise Howland, the duly appointed, qualified and acting personal representative of the Estate of H. Richard Snow, also known as Harry Richard Snow, Harry R. Snow, Richard Snow and Dick Snow, deceased, as to a 100% interest in Tract 1, an undivided one-half interest in Tracts 2 through 10 and Tract 16, and an undivided 35% interest in Tracts 11, 12, and 13, GRANTOR, conveys to Parjim Farmland Holdings, LLC, an Iowa Limited Liability Company, GRANTEE, the following described real property in Umatilla County, Oregon:

See Exhibit "A" attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is \$2,063,950.15.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

1 - Statutory Bargain and Sale Deed

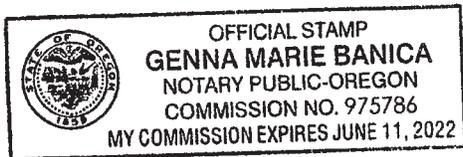
PIONEER TITLE CO. 100699-2
109 SW COURT, PEND. OR 97801

DATED: 8/24, 2020.

Denise Snow Howland
Denise Howland Personal Representative of the
Estate of Harry Richard Snow, Deceased

STATE OF Oregon)
) ss.
County of Umatilla)

On August 24th, 2020, personally appeared before me the above named
Denise Holwand, Personal Representative of the Estate of Harry Richard Snow and acknowledged
the foregoing instrument to be her voluntary act and deed.



Genna Marie Banica
Notary Public for Oregon
My Commission Expires: June 11, 2022

2 - Statutory Bargain and Sale Deed

Exhibit A

Tract 1

Township 3 North, Range 29, E.W.M.

Section 28: West Half of the Southwest Quarter.

Section 29: Southeast Quarter.

Section 32: Southeast Quarter.

Section 33: West Half of the West Half.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 2

Township 2 North, Range 29, E.W.M.

Section 5: All.

Section 6: North Half.

Section 7: All.

Section 8: Northeast Quarter.
South Half.

Section 9: All.

Section 16: All.

Section 17: All.

Section 18: All that portion of the North Half which lies Northerly of the "Private Road" as described in Deed to Reinhold J. Seeger, recorded in Microfilm Reel 298, Page 196, Office of Umatilla County Records.

Section 20: All.

Section 21: All.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 3

Township 2 North, Range 29, E.W.M.

Section 6: South Half.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 4

Township 2 North, Range 29, E.W.M.

Section 8: Northwest Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 5

Township 3 North, Range 29, E.W.M.

Section 30: Government Lot 3 (aka Northwest Quarter of the Southwest Quarter).

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 6

Township 3 North, Range 29, E.W.M.

Section 31: Government Lots 1, 2 and 3 (aka West Half of the Northwest Quarter and Northwest Quarter of the Southwest Quarter).

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 7

Township 3 North, Range 29, E.W.M.

Section 31: Government Lot 4 (aka Southwest Quarter of the Southwest Quarter).

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 8

Township 3 North, Range 29, E.W.M.

Section 31: East Half of the West Half.
East Half.

Section 32: West Half.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 9

Township 3 North, Range 29, E.W.M.

Section 32: East Half of the Northeast Quarter.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 10

Township 3 North, Range 29, E.W.M.

Section 32: West Half of the Northeast Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 11

Township 1 North, Range 29, E.W.M.

Section 2: All.

Section 3: All.

Section 4: All.

Section 9: East Half.
East Half of the West Half.
West Half of the Northwest Quarter.
Northwest Quarter of the Southwest Quarter.

Section 10: All.

Section 11: All.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 12

Township 1 North, Range 29, E.W.M.

Section 15: West Half.

Section 16: All that portion of the East Half and all that portion of the East Half of the West Half lying Northerly of a line being described as commencing at the Southwest corner of said Section 16; thence Northerly, a distance of 1,273.80 feet to the True Point of Beginning for this line description; thence following Ridge Road South $68^{\circ}20'$ East, a distance of 617.76 feet; thence South 80° East, a distance of 682.44 feet; thence South $83^{\circ}40'$ East, a distance of 2,218.92 feet to a point on South line of said Section 16 and the point of terminus of this line description.

Section 22: Beginning at the Northwest corner of said Section 22; thence Southerly, a distance of 7.95 chains (524.70 feet); thence South $77^{\circ}30'$ East, a distance of 3.07 chains (202.62 feet); thence North 83° East, a distance of 7.84 chains (517.44 feet); thence South $85^{\circ}10'$ East, a distance of 3.5 chains (231 feet); thence South $48^{\circ}30'$ East, a distance of 11.32 chains (747.12 feet); thence South $60^{\circ}10'$ East, a distance of 2.20 chains (145.20 feet); thence South $89^{\circ}50'$ East, a distance of 2.82 chains (186.12 feet); thence North $70^{\circ}40'$ East, a distance of 3.98 chains (262.68 feet); thence North $84^{\circ}40'$ East, a distance of 4.34 chains (286.44 feet); thence South $76^{\circ}30'$ East, a distance of 5.15 chains (339.90 feet); thence Northerly, a distance of 14.20 chains (937.20 feet) to the Northeast corner of the Northwest Quarter of said Section 22; thence Westerly, a distance of 40 chains (2,640 feet) to the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 13

Township 2 North, Range 29, E.W.M.

Section 26: South Half of South Half.

Section 34: Southeast Quarter.

Section 35: All.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Tract 16

Township 2 North, Range 28, E.W.M.

Section 1: East Half.

Section 12: All.

Section 13: All.

Section 14: East Half.
East Half of the West Half.

Section 22: Southeast Quarter.

Section 23: South Half.

Section 24: All.

Section 25: All.

Section 26: All.

Section 27: East Half.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Hines Rock Pit

4 messages

Steve and Janet Haddock <witnessree@eoni.com>
To: Megan Green <megan.green@umatillacounty.net>

Tue, Nov 24, 2020 at 10:20 AM

Hello Megan,

Here is the document I would like to discuss with you. The map is on page 6 of the pdf file.

Thanks,

Stephen K. Haddock, PLS, CFedS
Witness Tree Surveying

 **Hines rock pit question..pdf**
449K

Megan Green <megan.green@umatillacounty.net>
To: Steve and Janet Haddock <witnessree@eoni.com>

Tue, Nov 24, 2020 at 3:38 PM

Hi Steve,

I believe that tax lot 2300 was lawfully established prior to the 80-acre allowance for EFU parcels. After discussing it with Carol, it could be possible to accomplish your request with a PLA, incorporating a large portion of tax lot 2200 into 2300 and leaving 2200 as 160 acres.

Best,
[Quoted text hidden]

--
Megan Green, Planner II / GIS
Umatilla County Department of Land Use Planning
Tel: 541-278-6246 | Fax: 541-278-5480
216 SE 4th Street | Pendleton, OR 97801
<http://www.umatillacounty.net/planning>

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Steve and Janet Haddock <witnessree@eoni.com>
To: Megan Green <megan.green@umatillacounty.net>

Tue, Nov 24, 2020 at 4:02 PM

Thank you Megan,

I appreciate your looking in to this.

I will work on the application and call if I have any questions.

I do have one question now though. ORS92.060(8) states a survey is not required for tracts larger than 10 acres unless the county ordinance requires it. Will we be able to do this without having to monument and file a survey?

Have a great rest of the week.

Regards,

Stephen K. Haddock, PLS, CFedS
Witness Tree Surveying
HINES #R-001-25
EXHIBIT 19 PAGE 1 OF 2

P.O. Box G
Pilot Rock, OR 97868

[Quoted text hidden]

Megan Green <megan.green@umatillacounty.net>
To: Steve and Janet Haddock <witnessree@eoni.com>

Tue, Nov 24, 2020 at 4:54 PM

Hi Steve,

Yes you are correct, a survey would not be required by Planning. Rather the legal descriptions would need to be submitted to Planning and reviewed by the County Surveyor.

I recall having a discussion with Jeff and Becky about the possibility of placing a home on the parcel that will have the aggregate pit on it. Have you discussed this with them? The reason why I bring this up is because if that is still their end goal, they may want to consider how the parcels are reconfigured. There is a chance that the reconfiguration would leave the 160 acre parcel with predominantly high value soils, which would make establishing a dwelling more difficult. In addition, they would have to be able to demonstrate that there is a primary farming residence on the parcel, and if the pit were to take up a large portion of that, it may be more difficult to argue.

Best,

[Quoted text hidden]



Megan Davchevski <megan.davchevski@umatillacounty.gov>

Re: Establishing a Significant Site (Aggregate)

Megan Green <megan.green@umatillacounty.net>
To: hns97850@gmail.com

Mon, Dec 14, 2020 at 4:39 PM

Re: Map 3N 29C, Lot 3200.

Hello Mr. Hines,

Today Planning received the Property Line Adjustment application from Parijim Farmland Holdings for the above parcel of land.

I haven't spoken to you or Becky in quite some time and wanted to reiterate a few things, if your interest in the property remains the same. My understanding is that this property line adjustment will allow you to purchase the aggregate pit located on the northerly portion of the property. My hope is that you have continued to work on the application for establishing the Goal 5 Aggregate Site.

Becky had stated that the end-goal would be for a dwelling to be established on lot 3200, where the pit is sited. As I previously mentioned over the phone, merely having a parcel 160 acres in size would not qualify the parcel for a dwelling. The applicant is burdened with the proof that there is a primary farming operation occurring on the parcel, amongst other standards. Again, an aggregate site does not qualify as a farming operation. An issue that may arise is that the parcel is 160 acres, yet the aggregate pit makes up 90 of those acres, is the *primary* use of the parcel a farming operation? Just something to consider.

Mainly, I wanted to fill you in as it is my understanding that your intent is to purchase the result of this property line adjustment. I have not yet reviewed the application for completeness.

Feel free to contact me by phone or email with any questions or concerns.

Best,

Megan

[Quoted text hidden]

[Quoted text hidden]

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

After recording return to grantee herein.
Until a change is requested send all tax
statements to grantee herein.

GRANTEE'S NAME AND ADDRESS:
JEFF HINES 63830 INDUSTRIAL LANE
LAGRANDE, OR 97850

GRANTOR'S NAME AND ADDRESS:
PARJIM FARMLAND HOLDINGS, LLC
C/O JAY GIROTTO
18 CRESCENT KEY
BELLEVUE, WA 98006

State of Oregon County of Umatilla		
Instrument received and recorded on 03/05/2021 02:38:19 PM		
in the record of instrument code type DE		
Instrument number	2021-7160758	
		\$106.00
Office of County Records		
		
Records Officer		P3

WARRANTY DEED STATUTORY FORM

PARJIM FARMLAND HOLDINGS, LLC, Grantor, conveys and warrants to: **JEFF HINES and MICHELLE HINES**, husband and wife as tenants by the entirety, Grantee, the following described real property free of encumbrances except as specifically set forth herein:
*an Iowa limited liability company
SEE EXHIBIT "A" WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Encumbrances: SEE ATTACHED EXHIBIT "A" FOR PERMITTED EXCEPTIONS

The true consideration for this conveyance is \$350,000.00 and as part of an IRC 1031 Exchange. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value is the whole of the consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010..

If grantor is a corporation, this has been signed by authority of the Board of Directors

PIONEER TITLE CO. 10/17/20-3
101 SW COURT. PEND. OR 97801

DATED this 22 day of February, 2021.

PARJIM Farmland Holdings, LLC

[Signature]

By: Andrew Balson, member and manager

STATE OF Massachusetts)

County of Middlesex) ss.

I certify that I know or have satisfactory evidence that Andrew Balson is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act as the authorized member and manager of PARJIM Farmland Holdings, LLC for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this 22 day of February, 2021

[Signature]

Title: Notary Public

Appointment expires: November 25, 2022

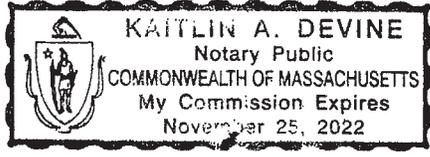


Exhibit 'A'

Legal Description:

Township 3 North, Range 29, E.W.M.

Section 28: West Half of the Southwest Quarter.

Section 29: North Half of the Southeast Quarter.

Excepting therefrom any portion lying within the County Road right-of-way.

All being East of the Willamette Meridian, Umatilla County, Oregon.

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.

2. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
3. The premises herein described are within the boundaries of the Teel Irrigation District and this property is therefore subject to all easements, canals, ditches, levies and assessments thereof.
4. The premises herein described are within the boundaries of the Westland Irrigation District and this property is therefore subject to all easements, canals, ditches, levies and assessments thereof.

Aylett Buffer Map & Snow Pit

Megan Davchevski <megan.davchevski@umatillacounty.net>

Fri, Dec 3, 2021 at 3:42 PM

To: "mclane@eoni.com" <mclane@eoni.com>

Cc: Robert Waldher <robert.waldher@umatillacounty.net>, Carol Johnson <carol.johnson@umatillacounty.net>

Hi Carla,

The requested research and 1500 ft buffer map to the Aylett quarry properties is attached. Also attached is the invoice for the map/research time.

Bob and I discussed the two questions you mentioned, please find the response below.

Could I-84 be considered a buffer? Are we looking at the impact on EFU zoned properties only?

No, you would need to follow the administrative rule. With the ODOT Meacham quarry, the area extended past I-84, and the UnIncorporated Community (UC zone) of Meacham were also evaluated.

Hines/Snow Pit

Regarding the Snow Pit, if the pit is still operating at the capacity that was expressed in 2020, it is operating outside of the approval. It was also shared with Planning that the site is operating outside of the DOGAMI permit approval. Additionally, if Mr. Hines is still wanting to permit a primary farm dwelling, the justification needs to come from a commercial farm operation. As we discussed, aggregate mining is not a farm operation, this was also shared with Mr. Hines last year by Planning. You shared that he was considering leasing the land to a farmer, this would not satisfy the farm dwelling requirements. Mr. Hines would need to be the principal farm operator and the individual occupying the dwelling. The standards are found in UCDC 152.059(K)(1 and 2).

Please send an invite for a pre-application meeting for the Aylett site when you have a chance. The week of Christmas is pretty booked. Next week is fairly open but Bob does have several meetings.

Best,

Megan

Megan Davchevski, Planner II / GIS
Umatilla County Transit Coordinator
Umatilla County Department of Land Use Planning
Tel: 541-278-6246 | Fax: 541-278-5480
216 SE 4th Street | Pendleton, OR 97801
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3 attachments

 **Impact area permit history.xlsx**
10K

 **1500 ft Buffer Map.pdf**
15639K

 **McLane forAylett invoice.pdf**
87K



Aylett Buffer Map & Snow Pit

mclane@eoni.com <mclane@eoni.com>

Fri, Dec 17, 2021 at 11:39 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.net>

Cc: Robert Waldher <robert.waldher@umatillacounty.net>, Carol Johnson <carol.johnson@umatillacounty.net>

Megan,
Good afternoon. And are congratulations in order? I see you have a new last name?!

Thanks for your assistance with both these actions. I'll forward the invoice for the Aylett work and utilize your buffer map. Probably early to mid-January for the Aylett pre-application at this point. I might have more focus on that in the next few days, certainly before the new year.

I reached out to Jeff but didn't hear back. It may be that the County or DOGAMI may need to ring his bell to get his attention. Not sure what is up to be honest. I'll try again.

Talk soon. And Merry Christmas to you all!
Carla

> Hi Carla,
>
> The requested research and 1500 ft buffer map to the Aylett quarry
> properties is attached. Also attached is the invoice for the map/research
> time.
>
> Bob and I discussed the two questions you mentioned, please find the
> response below.
>
> *Could I-84 be considered a buffer? **Are we looking at the impact on EFU
> zoned properties only?*> No, you would need to follow the administrative rule. With the ODOT
> Meacham
> quarry, the area extended past I-84, and the UnIncorporated Community (UC
> zone) of Meacham were also evaluated.
>
> *Hines/Snow Pit*> Regarding the Snow Pit, if the pit is still operating at the capacity that
> was expressed in 2020, it is operating outside of the approval. It was
> also
> shared with Planning that the site is operating outside of the DOGAMI
> permit approval. Additionally, if Mr. Hines is still wanting to permit a
> primary farm dwelling, the justification needs to come from a commercial
> farm operation. As we discussed, aggregate mining is not a farm operation,
> this was also shared with Mr. Hines last year by Planning. You shared that
> he was considering leasing the land to a farmer, this would not satisfy
> the
> farm dwelling requirements. Mr. Hines would need to be the principal farm
> operator and the individual occupying the dwelling. The standards are
> found
> in UCDC 152.059(K)(1 and 2).
>
> Please send an invite for a pre-application meeting for the Aylett site
> when you have a chance. The week of Christmas is pretty booked. Next week
> is fairly open but Bob does have several meetings.
>
> Best,
>
> HINES #R-001-25
> EXHIBIT 22 PAGE 2 OF 2



UMATILLA COUNTY ZONING PERMIT
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

216 SE 4TH ST, Pendleton, OR 97801
Phone: 541-278-6252 • Fax 541-278-5480

Email completed applications to: planning@umatillacounty.gov
Website: www.umatillacounty.gov/departments/community-development

Permit No.	
ZP - <u>24</u> - <u>181</u>	
<input checked="" type="checkbox"/> Zoning Permit	\$100
<input type="checkbox"/> Code Violation	\$100
<input type="checkbox"/> Design Review	\$350
<input type="checkbox"/> Floodplain Dev. Permit	\$250
<input type="checkbox"/> Replace Dwelling Verify	\$75
<input type="checkbox"/> Rural Address	\$50
<input type="checkbox"/> Towers (Cell, Met, etc.)	\$200

EMAIL: michellehines2012@gmail.com Home or Cell (541) 910-5934

APPLICANT NAME Jeff Hines & Michelle Hines PHONE Work ()

MAILING ADDRESS 130 W main St PO Box 322 Echo OR 97826
STREET CITY STATE ZIP

PROPERTY OWNER(S) Jeff Hines & Michelle Hines PHONE (541) 910-5934

MAILING ADDRESS same
STREET CITY STATE ZIP

TWP _____ RNG _____ SEC _____ MAP # 3N290000 TAX LOT # 12800 ACCT # 107639

LAND USE ZONE Farm PARCEL SQ FT/ACRES 160 SITE ADDRESS _____

REQUIRED SETBACKS (Stream Setback 100-ft) FRONT 30 ft. SIDE 5 ft. SIDE 5 ft. REAR 5 ft.

Is the property in a **FLOODPLAIN**? No Yes Is a Flood Development Permit required? No Yes FLOOD ZONE N/A

If the permit is for an accessory building located within the **EFU/GF Zones**, how will it be used? Personal Use Farm Use Not Applicable

ACCESS PERMIT: Has an access permit been issued from the County or ODOT? No Yes In Process Not Applicable

MANUFACTURED HOME (placement/removal) – Has the County Assessor’s Office been contacted? No Yes Not Applicable

PROPOSED USE or STRUCTURES: 1) Equine Barn YEAR / SIZE 2024 60' x 60'
Briefly describe the use 2) Barn for horses YEAR / SIZE _____

- These conditions apply to various uses authorized via a zoning permit. Planning Staff will check those that apply, if any.
- Manufactured Home Placement**, pursuant to UCDC 152.013 the mobile home unit shall be manufactured after January 1, 1972, and bear the “Insignia of Compliance” if prior to 1976.
 - Met Towers**, Temporary met towers must be removed within two years from the date of a zoning permit; an extension of one year may be requested prior to the permit expiration.
 - Replacement of a dwelling in a resource zone**. The dwelling to be replaced MUST be removed, demolished or converted to an approved nonresidential use within **one year** of the date of certification of occupancy of the new dwelling. **A Replacement Covenant and the Covenant Not to Sue must be recorded.**
 - Temporary Mobile Home/Temporary Hardship Dwelling**. The home MUST be removed within 90 days from the date the hardship ends. **(Contact County Planning as soon as the hardship ends.)**

I hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with effective Ordinances and Resolutions of the County of Umatilla and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application. The applicant must notify the Planning Department if there are ANY changes in the details of this Zoning Permit. This Zoning Permit may be REVOKED if the information provided is found to be false.

*** SIGNATURE OF ALL PROPERTY OWNERS REQUIRED** (additional signature pages are available upon request)

[Signature] 7-30-24 Michelle Hines 7-30-24
Signature of Property Owner, Title Date Signature of Property Owner, Title Date

Jeff Hines Printed Name of Property Owner Michelle Hines Printed Name of Property Owner

DATE APPROVED 8/2/24 APPROVED BY Charlet Hotchkiss PERMIT NO. ZP-24-181

RELATED: LUD, CUP and/or VARIANCE NO. _____

EXTENDED or AMENDED, DATE APPROVED: _____ APPROVED BY: _____

VALID FOR ONE YEAR ONLY UNLESS OTHERWISE NOTED. This is NOT a Building or Subsurface Disposal Permit. *Revision Date: December 20, 2023*

TO BE COMPLETED BY PLANNING STAFF

Site Plan for ZP - 24 - 181

APPROVED BY Charlet Hotchkiss

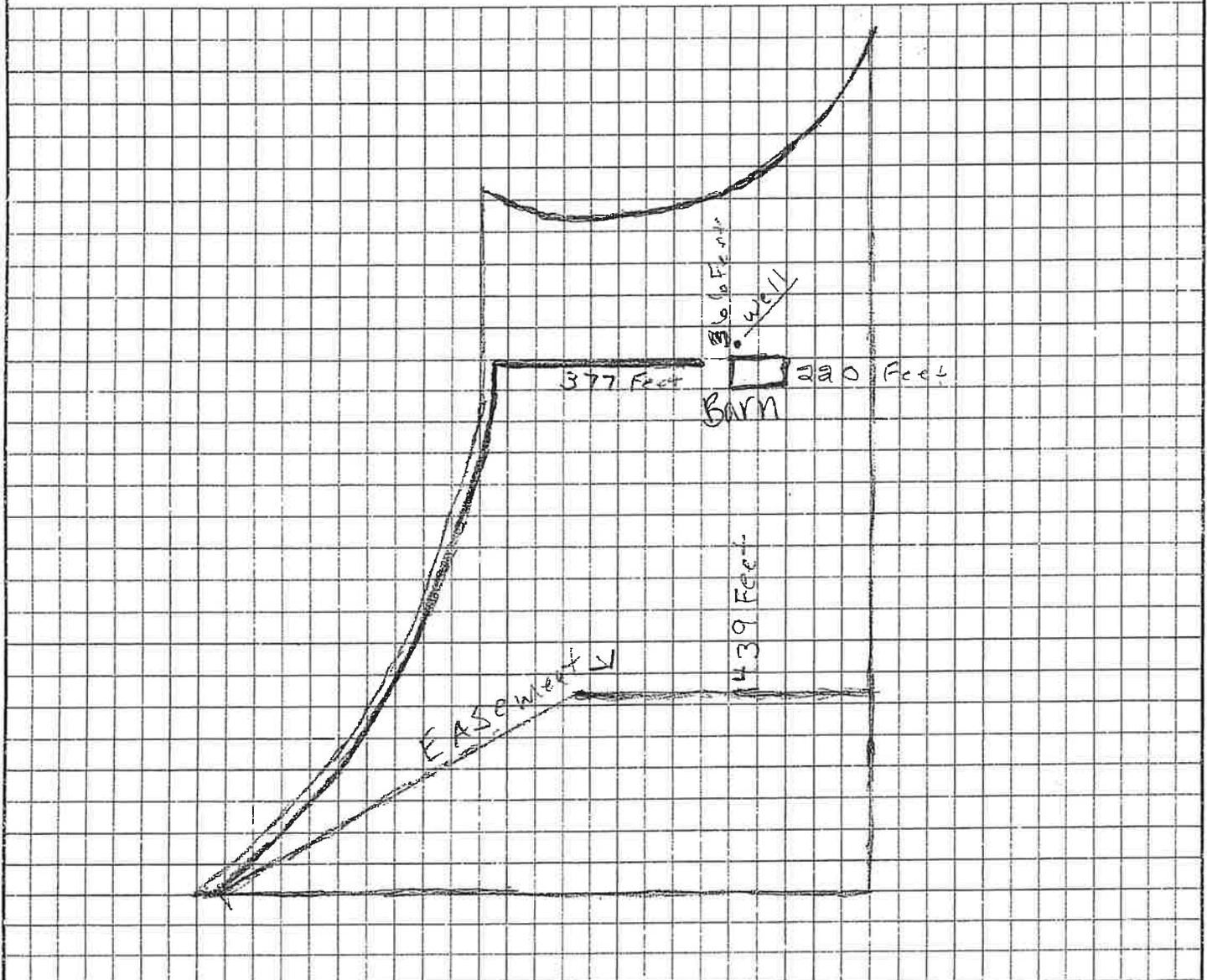
DATE 8/2/24

North Arrow indicates map orientation.



Include ALL the following features in the Site Plan. Use a ruler or straight edge to draw the Site Plan:

- Site area showing **property boundaries** and dimensions.
- **Proposed and existing structures** with dimensions and the distance from **all** property lines
- Location of existing **wells** and existing **septic systems** (i.e. tanks, drain fields).
- Widths and names of **roads** adjacent to the site which provide direct access to the property.
- Existing **access points** (driveways, lanes, etc.)
- **Easements** and/or rights-of-ways
- Existing **utility lines** (above and below ground).
- Approximate location of any unusual **topographical** features.
- **Location of all creeks, streams, ponds, springs and other drainage ways.**





Jeff and Michelle Hines' Zoning Permit

Michelle Hines <michellehines2012@gmail.com>

Thu, Aug 1, 2024 at 1:31 PM

To: Shawna Van Sickle <shawna.vansickle@umatillacounty.gov>

Shawna,

Attached please find the barn floor plan. It is not to scale. The dots represent post location. There will be a well pump and generator inside the barn where indicated. There is no plumbing in the barn. Electricity will be sourced from a generator and/or solar panels. We will not have power from a power company source.

Please let me know if you have any questions or concerns. Thank you.

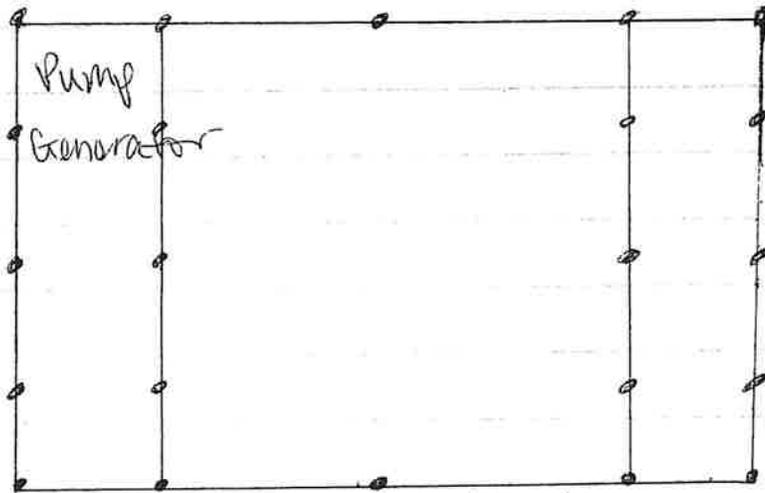
Michelle Hines

[Quoted text hidden]

 **Jeff Hines' Barn Floor Plan.pdf**
379K

Jeff Hines

Barn Floor Plan
60' x 60'





Farm Agriculture/Equine Building Exemption Request

Department of Consumer and Business Services
 Building Codes Division • Pendleton Field Office
 800 S.E. Emigrant Ave., Suite 360, Pendleton, Oregon 97801
 541-276-7814 • www.oregon.gov/bcd
building.department@dcbs.oregon.gov

APPLICANT INFORMATION			
Owner/applicant name: Jeff Hines		Phone: 541-786-0540	
Email: michellehines2012@gmail.com			
Mailing address: PO Box 126			
City: Echo	State: OR	ZIP: 97826	
Job site address: 03N290000 12800			
City: Echo	State: Oregon	ZIP: 97826	County: Umatilla
Directions to job site:			

PROPOSED BUILDING INFORMATION (A plot plan <i>must</i> be attached to this application)
1. Is the subject building location on a farm and used in the operation of the farm? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If no, it cannot be farm exempt. Submit permit application, local approvals, plans and fees to Building Codes Services.</i>
2. Which of the following systems will the proposed structure have? <i>Separate permits are required for each system.</i> <input checked="" type="checkbox"/> Electrical <input type="checkbox"/> Mechanical <input type="checkbox"/> Boiler <input type="checkbox"/> Plumbing (<i>DEQ authorization required before approval</i>)
3. Will this structure be used by the public at any time? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. What is the proposed maximum number of people (including employees, owners, etc.) that will be in the building at any one time? <u>2</u>
5. Check which of the following agricultural building uses apply to your building: <input type="checkbox"/> Storage, maintenance, or repair of farm machinery, equipment, and supplies used on this farm <input type="checkbox"/> Raising, harvesting, or selling of crops raised on this farm <input type="checkbox"/> Feeding, breeding, management, or sale of livestock, poultry, fur-bearing animals, or honeybees on this farm <input type="checkbox"/> Dairy and sale of dairy products produced on this farm <input type="checkbox"/> Other agricultural, horticultural, or animal husbandry use <input checked="" type="checkbox"/> Equine facility: stabling, training, riding lessons, clinics <input type="checkbox"/> Dog training facility
6. Describe specific use: <u>Equine barn</u>

OWNER SIGNATURE		
I have received a copy of ORS 455.315 (see page 2 of this form), definition of agricultural building. I understand that if the subject building is used for or converted to non-agricultural use (garage, home occupancy, etc.), I must obtain a building permit before the conversion. Failure to obtain appropriate permits may result in action to enforce the applicable building codes for such structure and use. I understand that post-occupancy inspection may be made to ensure continuing compliance with the agricultural building requirements.		
<u>Michelle Hines</u> Signature of owner/authorized agent	<u>Michelle Hines</u> Print name	<u>6-27-24</u> Date

OFFICIAL USE ONLY (Not valid until <i>all</i> signatures are received)		
Zoning <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <u>28-24-19</u>	Sanitation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Building official <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Print name: <u>Charlet Hotchkiss</u>	Print name:	Print name:
Signature: <u>Charlet Hotchkiss</u>	Signature:	Signature:
Date: <u>08/02/2024</u>	Date:	Date:
Flood hazard <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

NEW LEGAL DESCRIPTION OF TAX LOT 12800
AFTER THE ADJUSTMENT:

TOWNSHIP 3 NORTH, RANGE 29, E.W.M.,

Section 28: West Half of the Southwest Quarter.
Section 29: North Half of the Southeast Quarter.

Together with: TOWNSHIP 3 NORTH, RANGE 29, E.W.M.,



All that portion of the West Half of the Northwest Quarter of Section 28 and of the Northeast Quarter of Section 29 more particularly described as follows: Beginning at a point on the North line of the West Half of the Southwest Quarter of said Section 28, said point lying easterly a distance of 1174.55 feet from the One Quarter corner common to said Sections 28 and 29; thence along said North line, South 88°37'38" West a distance of 1174.55 feet to the One Quarter corner common to said Sections 28 and 29; thence along the north line of the North Half of the Southeast Quarter of said Section 29, South 88°48'22" West a distance of 646.79 feet, more or less, to a point on an existing fence line, said point also being the Southeast corner of Parcel 1, Partition Plat 1995-24 as said partition was recorded on June 30, 1995 as Instrument No. 95-207709 in the record of plats of said county; thence along the easterly line of said Parcel 1 following an existing fence line North 00°43'52" West a distance of 36.70 feet, more or less; thence continuing along said easterly line by the following courses and distances: North 57°22'22" East a distance of 372.56 feet; thence North 52°02'49" East a distance of 215.62 feet; thence North 38°20'55" East a distance of 358.99 feet; thence North 25°04'27" East a distance of 414.49 feet; thence North 6°59'33" East a distance of 503.94 feet; thence North 2°14'44" East a distance of 470.99 feet; thence South 74°47'52" East a distance of 266.44 feet; thence South 85°29'55" East a distance of 115.56 feet; thence North 76°03'36" East a distance of 194.06 feet; thence North 70°58'38" East a distance of 249.76 feet; thence North 56°04'49" East a distance of 84.82 feet; thence leaving the easterly line of said Parcel 1, South 0°13'06" West a distance of 2052.92 feet to the point of beginning.

Together with: that certain roadway easement for ingress and egress created by Document recorded in Microfilm Reel 230, Page 1543, Office of County Records;

Subject to: An easement for ingress and egress over and across that property described above, said easement being 30 feet in width, lying 15 feet on each side of the center line which center line is more particularly described as follows: Commencing at the One Quarter common to Sections 28 and 29, T 3 N, R 29 E.W.M., Thence South 88°48'22" West a distance of 646.76 feet to the Southeast corner of Parcel 1 of Partition Plat 1995-24; Thence to a point on the easterly line of said Parcel 1, North 0°43'52" East a distance of 15.00 feet, said point being the True Point of Beginning of this centerline description; thence North 67°30'18" East a distance of 1374.04 feet; thence 268.12 feet along the arc of a curve to the right having a radius of 750.00 feet and a central angle of 20°28'59", the long chord of which bears North 77°44'47" East a distance of 266.70 feet; thence North 87°59'17" East a distance of 293.28 feet, more or less to the terminus of this line being a point on the east line of that property described above, said point lies North 63°12'13" East a distance of 1317.89 feet from the One Quarter corner common to said Sections 28 and 29.

Excepting therefrom any portion lying within the County Road right-of-way.



Re: Conditional Use Permit C-546-89 Reinstatement Request

Robert Waldher <robert.waldher@umatillacounty.gov>

Fri, Aug 23, 2024 at 9:59 AM

To: mclane@eoni.com

Cc: Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Planning <planning@umatillacounty.gov>

Hello Carla - Unfortunately the CUP cannot be renewed because the aggregate site was operating outside its original approval. The attached email and DOGAMI report was shared with Jeff in 2020, prior to their purchase of the property.

On a separate, but somewhat related matter, code enforcement staff recently observed that the Hineses have fully constructed an ag. exempt structure (equine barn) on their property. It is believed that the structure was built without permits since the zoning permit was only approved less than three weeks ago. In addition, a large amount of construction equipment is being stored on the property and there appears to be plastic and other solid waste material spread across the aggregate site. I would encourage your clients to refrain from additional unpermitted activities in order to avoid any hold-ups with further permitting on the property. Please contact me with additional questions.

Bob

On Mon, Aug 5, 2024 at 8:46 PM <mclane@eoni.com> wrote:

Bob,
Good evening.

As I am working with Jeff and Michelle Hines the attached letter outlines some questions and a request to reinstate the previous CUP and transfer it to the Hines'. I look forward to your response.

Thanks,
Carla

--

Robert Waldher, RLA

Director

Umatilla County Community Development Department

Tel: 541-278-6251 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>



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2 attachments



Umatilla County Mail - DOGAMI ID 30-NP0001_ Inspection Report.pdf

114K



30-NP0001_20200616_IR.pdf

4271K

Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

August 5, 2024

Robert Waldher, Director (VIA EMAIL)
Community Development Department
216 SE 4th Street, Room 104
Pendleton, Oregon 97801

RE: Conditional Use Permit C-546-89

Mr. Waldher,

Please accept this letter as a request to reinstate Conditional Use Permit C-546-89 and convert the permit holder to Jeff and Michelle Hines. It is unclear why Mr. Hines was prevented from renewing this permit in 2021 particularly if the only concern was the holder of the permit. That change from Mr. Snow to Mr. Hines should have been a simple task. For the Conditional Use Permit record the mailing address of the Hines' is as follows:

Jeff and Michelle Hines
210 West Main Street
Post Office Box 126
Echo, Oregon 97826

Based on Condition of Approval 7 there was to be an annual review with a renewal fee submitted of \$25.00. It is my understanding that Mr. Hines was not allowed to renew C-546-89 in 2021 which has affected his ability to work with DOGAMI and other state agencies to manage the aggregate site or to do work within it. He is prepared to remit not only the 2021 renewal fee, but also the renewal fee for 2022 through 2024, for a total of \$100 to reinstate this permit. This reinstatement is also beneficial to the application that is forthcoming to enlarge the site and obtain Goal 5 protections for the aggregate resource.

Please advise next steps for the Hines' concerning submittal of the annual renewal fees or provide additional information concerning the reasons for denial of renewal in 2021.

Cordially,

Carla McLane

Carla McLane, Owner
Carla McLane Consulting LLC



Re: Conditional Use Permit C-546-89 Reinstatement Request

mclane@eoni.com <mclane@eoni.com>

Tue, Sep 10, 2024 at 10:32 AM

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

Cc: Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Planning <planning@umatillacounty.gov>

Bob,
Good morning.

Sorry for the delay in replying to this. I did appreciate the opportunity to recently discuss the status of our work towards submitting the application for Goal 5 protections and approval of mining on the subject property. The traffic impact analysis work is underway, the draft narrative is done waiting for a few more items to finalize, and we are gathering the other information that will need to be submitted. If all goes well you should have the application in October. The DOGAMI information you provided will no doubt prove helpful.

As to your other items of inquiry I have no doubt that the Hines' will take your suggestions to heart.

Have a great day.

Carla

[Quoted text hidden]

Director

Umatilla County Community Development Department

Tel: 541-278-6251 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning> [1]

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Links:

[1] <http://www.umatillacounty.net/planning>

Hines Property Issues

message

Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
To: Robert Waldher <robert.waldher@umatillacounty.gov>

Wed, Sep 25, 2024 at 8:43 AM

Good morning Bob,

Remember the Hines property #107639? They got a ZP this year to build a horse barn and then after the fact we found out they had built it already. Well Byron over at County Health emailed me to ask if we were approving for them to build a house there and park up to 3 RVS that would be connected to the septic system. They have turned in a septic application to County Health with a site plan showing plans for a 3-bedroom Single Family Dwelling and multiple RV connections to a septic system.

I have emailed Byron back and let him know they do not have approval to build a home there and we would not approve the multiple RV hookups for the septic. I have let Gina know about the situation as well. I am attaching their septic application they turned into Byron below for you to review.

Hope you are having a good day at the conference,

--

Charlet Hotchkiss (Charly)

Planner I

Umatilla County Land Use Department

216 SE 4th Street, Pendleton, OR 97801

Phone: 541-278-6283

Email: charlet.hotchkiss@umatillacounty.gov



 **Hines' Application for Sewage Treatment System.pdf**
6120K

and Use Compatibility Statement for Jeff and Michelle Hines

) messages

Michelle Hines <michellehines2012@gmail.com>
): planning@umatillacounty.gov

Mon, Sep 30, 2024 at 2:02 P

Attached please find a Land Use Compatibility Statement for Jeff and Michelle Hines for your review. Please let me know if you have any questions or concerns or need anything additional. Thank you.

Michelle Hines
541-910-5934

 **Hines' Land Use Compatibility Statement.pdf**
1112K

Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
): planning@umatillacounty.gov

Mon, Sep 30, 2024 at 2:11 P

I am drafting a response to Mrs. Hines just so everyone knows. I am doing a little research first, thank you.
[Quoted text hidden]

Charlet Hotchkiss (Charly)

Planner I

Umatilla County Land Use Department

216 SE 4th Street, Pendleton, OR 97801

Phone: 541-278-6283

Email: charlet.hotchkiss@umatillacounty.gov



Robert Waldher <robert.waldher@umatillacounty.gov>
): Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
): planning@umatillacounty.gov

Mon, Sep 30, 2024 at 3:03 P

Hi Charly - It looks like they may be able to apply based on the size test but we would need to make sure that the soils are not high-value and that they are the ones actually conducting a farm use on the property.
[Quoted text hidden]

Robert Waldher, RLA
Director
Umatilla County Community Development Department
Tel: 541-278-6251 | Fax: 541-278-5480
216 SE 4th Street | Pendleton, OR 97801
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harlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
): Robert Waldher <robert.waldher@umatillacounty.gov>
c: planning@umatillacounty.gov

Mon, Sep 30, 2024 at 3:14 P

Copy that.
[Quoted text hidden]

Robert Waldher <robert.waldher@umatillacounty.gov>
): Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
c: planning@umatillacounty.gov

Mon, Sep 30, 2024 at 3:26 P

Charly, if you would like, go ahead and draft an email to them and we can review it before it goes out. This one is going to require an additional level of scrutiny. Thanks

Bob
[Quoted text hidden]

harlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
): Robert Waldher <robert.waldher@umatillacounty.gov>
c: planning@umatillacounty.gov

Mon, Sep 30, 2024 at 4:03 P

Sounds good. I'm working on it. We can review it tomorrow morning.

[Quoted text hidden]

harlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
): Michelle Hines <michellehines2012@gmail.com>
c: planning@umatillacounty.gov, Robert Waldher <robert.waldher@umatillacounty.gov>

Tue, Oct 1, 2024 at 8:48 A

Good morning, Michelle,

We have received your Land Use Compatibility Statement to install a septic system including RV dumps at your property on Snow Road. I am unable to sign off on the LUCS for reasons I have explained below.

At the current time you do not have land use approval to build a single-family dwelling on this property. Nor have any applications seeking such approval been turned into our office. I do know the possibility has been discussed with planning staff in the past and at that time staff had explained the criteria that would need to be met.

In order to place a home on this property you will have to pursue approval through a Land Use Decision Application. The cost of the application is \$750, plus public notice fees. You would be applying to build a Primary Farm Dwelling on Non-High Value Farmland. You can find the criteria for this application in our *Umatilla County Development Code Section 152.059 (2) Primary Farm Dwelling on Non-High Value Farmland. (a) Size Test.*

I have attached the Land Use Decision application and the Land Use Request Application. If you wish to pursue building a home please fill out these applications and return to our office.

There would be no possibility of installing an RV Dump other than for personal use for your personal travel trailer. We would not allow for you to have an RV Campsite or RV Park associated with your Horse Boarding Facility and would not approve for multiple RV dumps in a septic system as running an RV Campground is not an allowed use on this property.

I also wanted to ask if plans for the horse barn have changed since I signed off on the Zoning Permit in August. At that time you stated in an email that the horse barn would have no plumbing. Are you now planning to install plumbing in the horse barn?

Thank you,

On Mon, Sep 30, 2024 at 2:02 PM Michelle Hines <michellehines2012@gmail.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

2 attachments

-  **Land Use Request Application.pdf**
558K
-  **Primary Farm Dwelling - Non-High Value Soils LUD Application.pdf**
247K

Michelle Hines <michellehines2012@gmail.com>
>: Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

Wed, Oct 2, 2024 at 3:33 P

Charlet,

Thank you for your email. I will complete the attached forms and return them to your office. The RV dump is for personal use only. We are not planning to install plumbing in the horse barn. I appreciate your assistance.

Michelle Hines
[Quoted text hidden]

Michelle Hines <michellehines2012@gmail.com>
>: Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>

Tue, Oct 8, 2024 at 1:32 P

Charlet,

I have a question regarding the proof of income from the farm. We are understanding we need to provide evidence of \$40,000 farm income for the last two years. In what form do we provide the income? Please advise. Thank you.

Michelle Hines

On Tue, Oct 1, 2024 at 8:48 AM Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov> wrote:
[Quoted text hidden]

Charlet Hotchkiss <charlet.hotchkiss@umatillacounty.gov>
>: Michelle Hines <michellehines2012@gmail.com>

Tue, Oct 8, 2024 at 3:46 P

Good afternoon Michelle,

In addition to meeting the 160 acres, the county is looking for documentation proving there is farm income in order to prove there is indeed an active farming operation on the property that you are principally engaged in. The primary farm dwelling you would be applying for can only be occupied by a person or persons who will be principally engaged in the farm use of the land. This income can not be from leasing the land to others to farm. You can use a combination of documents to provide evidence of the farming operations including receipts, a Farm Management Plan document, Farm Profit/Loss Tax document, etc.

Please let me know if you have any additional questions.

Thank you,

[Quoted text hidden]

Submittal - Hines Aggregate Site - Goal 5

mclane@eoni.com <mclane@eoni.com>

Sun, Nov 17, 2024 at 8:42 PM

To: Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net

Cc: Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>

Bob,
Good evening.

This is the first of a couple of emails to assure that the application materials all make it to you. The following are included:

- Application Narrative
- Land Use Request Application Form
- Land Use Request Exhibit B and Signature Page
- Vicinity Map
- Impact Area Map
- Assessor's Map
- Assessor's Report
- Letter from City of Echo

In the next email(s) the following will be included:

- Supplemental Packet Aggregate (question 21 doesn't allow all three options to be selected and the testing meets all three standards)
- Supplemental Packet Amendment
- Trip Generation Report
- Access Permit 21-006- AP
- Access Permit 21-007-AP
- Lab Reports
- Easement Survey
- Mining Area Survey
- PLA Deed

An invoice is much appreciated. Once that is received the Hines' will submit payment.

Please reach out if you have any questions.

Thanks much,

Carla

8 attachments

 **Application Narrative 11102024.pdf**
300K

 **Application_Land_Use_Request_Snow Road Aggregate Site.pdf**
588K

 **Land Use Request Exhibit B and Signature Page.pdf**
2958K

 **Impact Area Map.pdf**
2428K

HINES #R-001-25
EXHIBIT 26 PAGE 1 OF 8

 **Vicinity Map.pdf**
3269K

 **3N 29.pdf**
862K

 **2024 Real Property Assessment Report.pdf**
98K

 **HNS Signed - City Water Information 2024 07252024.pdf**
96K



Hines (Snow Pit) Goal 5 Aggregate Application

2 messages

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Fri, Dec 13, 2024 at 11:54 AM

To: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, "mclane@eoni.com" <mclane@eoni.com>
Cc: Robert Waldher <robert.waldher@umatillacounty.gov>, Planning Department <planning@umatillacounty.gov>, Doug Olsen <doug.olsen@umatillacounty.gov>

Good Morning,

Please find attached your courtesy copy of the completeness letter mailed today for the Hines Goal 5 PAPA request.

Best,

Megan

--



Megan Davchevski, CFM

Planning Division Manager

Community Development Department

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>

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 **Hines Completeness Letter.pdf**
361K

mclane@eoni.com <mclane@eoni.com>

Sun, Dec 15, 2024 at 1:58 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, Robert Waldher <robert.waldher@umatillacounty.gov>, Planning Department <planning@umatillacounty.gov>, Doug Olsen <doug.olsen@umatillacounty.gov>

Megan,
Good afternoon.

Thanks for providing the Completeness Letter. We will review and respond accordingly.
Cordially,
Carla

----- Original Message -----

Subject: Hines (Snow Pit) Goal 5 Aggregate Application

Date: 2024-12-13 11:54 am

From: Megan Davchevski <megan.davchevski@umatillacounty.gov>

To: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, "mclane@eoni.com" <mclane@eoni.com>

Good Morning,

Please find attached your courtesy copy of the completeness letter mailed today for the Hines Goal 5 PAPA request.

Best,

Megan

--

Tel: 541-278-6246 | Fax: 541-278-5480

[216 SE 4th Street | Pendleton, OR 97801](#)

<http://www.umatillacounty.gov/planning> [1]

Megan Davchevski, CFM

Planning Division Manager

Community Development Department

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PLANNING DIVISION

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

Email: planning@umatillacounty.gov

COMMUNITY &
BUSINESS
DEVELOPMENT

December 13, 2024

LAND USE
PLANNING,
ZONING AND
PERMITTING

Jeff Hines
210 W Main Street
Echo OR 97826

CODE
ENFORCEMENT

SOLID WASTE
COMMITTEE

Re: Goal 5 PAPA Large Significant Aggregate Resource Site Amendment
Application

SMOKE
MANAGEMENT

Map 3N 29, Tax Lot 12800, Account 107639

GIS AND
MAPPING

Dear Jeff:

RURAL
ADDRESSING

Please accept this letter as comment on the completeness of the Hines Amendment Application to establish a Large Significant Aggregate Resource Site, a protected site under Statewide Planning Goal 5 for aggregate mining. The applicant's request includes identification of the subject property as a protected Goal 5 site in the County's Comprehensive Plan and requests the County to add protections to the Goal 5 aggregate resource with application of the AR Overlay zone. The request includes mining and associated mining activities such as: basalt blasting, extraction, rock crusher, stockpile areas, an asphalt batch plant and a concrete batch plant. The request did not include an office, scale house or scale.

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Through review of the submitted materials, it has been determined that the application is incomplete.

General comments/questions from staff include:

1. Provide a site map identifying the soil sample locations. Note that soil samples must be *representative* of the Large Significant Site, more samples may be required. This information will be shared with the decision makers.
2. Provide documentation detailing how the approximate quantity of rock was calculated to be "over 15 million tons" for the proposed Large Significant Site.
3. Provide a site map identifying the proposed office, scale, rock crusher, asphalt/concrete batch plants and stockpile areas. Also identify on the site plan all ancillary facilities (if applicable) including office, scale, scale house, etc. This information will be shared with the decision makers.
4. Clarify the proposed acreage to be mined. Page 13 of the supplemental application states that the applicant is requesting 48 acres be included in the AR overlay

and approved for mining, however page 18 of the applicant's narrative states that 225 acres are requested to be included in the AR overlay and approved for mining.

5. Information on blasting and crushing was not provided. Necessary details include (but are not limited to): frequency, location, duration and time of day. Additionally, recent land use approvals for blasting and crushing activities have required blasting/crushing plans along with mitigation measures. Submittal of blasting and crushing plans is encouraged.
6. Information on the proposed asphalt and concrete plants was not provided. Necessary details include (but are not limited to): location, frequency, duration, time of day and mitigation measures.
7. The applicant relies on the previous 1989 Conditional Use Permit approval as an approval for the quarry site, crusher and asphalt batch plant. The 1989 approval **did not** approve the original site as a Goal 5 site, and the site is not currently on the County's Goal 5 inventory. While the 1989 Conditional Use Permit (CUP) was active for many years, in 2020, both Umatilla County and DOGAMI found that the quarry operations had expanded beyond the 1989 approved maximum tonnage and permit boundaries and thus the operations were required to cease until approval of a Large Significant Site and expanded mining permit boundary were obtained. For these reasons, Umatilla County is processing this request as a **new** Large Significant Site, not an expansion of an existing Goal 5 site.

Umatilla County Development Code §152.613 Time limit on a conditional use permit and land use decision states the following:

(F) The County may void a conditional use permit or land use decision under the following circumstances:

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

Additionally, the applicant relies on the 1989 CUP approval as justification for approval of the asphalt and concrete batch plants (see ORS 215.301 below).

Staff expect the applicant's impact analysis to include properties, farming activities and other existing uses within 1500-feet of the entire quarry area, not just within the "expansion" area.

Specific criteria that require more explanation are included below (underlined text) followed by Planning Staff response (plain text):

ORS 215.301 Blending materials for cement prohibited near vineyards; exception.

(1) Notwithstanding the provisions of ORS 215.213, 215.283 and 215.284, no application shall be approved to allow batching and blending of mineral and aggregate into asphalt cement within two miles of a planted vineyard.

(2) Nothing in this chapter shall be construed to apply to operations for batching and blending

of mineral and aggregate under a local land use approval on October 3, 1989, or a subsequent renewal of an existing approval.

(3) Nothing in ORS 215.213, 215.263, 215.283, 215.284, 215.296 or 215.298 shall be construed to apply to a use allowed under ORS 215.213 (2) or 215.283 (2) and approved by a local governing body on October 3, 1989, or a subsequent renewal of an existing approval.

The applicant requests approval of both an asphalt and concrete batch plant. However, the application does not address this limitation within statute or the planted vineyard within 2-miles of the proposed aggregate site. As outlined above, the previous plant approval is now null and void.

Oregon Administrative Rule 660-023-0180

(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.

(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:

(E) Conflicts with agricultural practices; and

Impacts and potential conflicts with agricultural practices must be adequately addressed regardless of current ownership. Provide information detailing the surrounding agricultural practices and describe how they would or would not be affected by the proposed aggregate operations. Dust would be a potential conflict but other potential conflicts include but are not limited to noise, vibrations, traffic, chemical weed abatement, etc. Simply stating there are no impacts, or impacts will be mitigated is not sufficient.

Notably, a large vineyard is located approximately 0.80 miles from the proposed mining operation. This issue is discussed above.

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

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

If identified conflicts cannot be minimized, subsection (d) of this section applies.

The narrative states that “limited impacts from dust and stormwater to the access road can be managed or mitigated through various voluntary measures and best management practices”. First, explain what these potential impacts may be e.g. dust, noise, etc. and identifying the potential conflicts. Second, explain what “best management practices” are for each of these potential impacts?

Impacts from the asphalt and concrete batch plants should also be identified with identifiable mitigation measures. Blasting, crushing and dust mitigation plans would be beneficial for review by the decision makers. The applicant states that the mining operation will comply with DEQ and DOGAMI requirements, however, the decision makers may request (and recently have of other mining operations) a more in-depth response.

Umatilla County Development Code

§152.488 Mining Requirements

(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.

Planning received a complete Land Use Decision request to establish a Primary Farm Dwelling from the applicant, Jeff Hines, on the subject property. The aggregate application should identify this dwelling in relation to processing equipment and any potential impacts.

The intent of this letter is to clarify what information is still necessary in order to proceed in deeming your application complete. Staff have identified the above standards that either have not been addressed or require more information from the applicant.

From the date of this letter you have 180-days, or until June 11, 2025, in which to respond in writing with some, all, or none of the requested information. Unless the Planning Division receives a response prior to June 11, 2025, your application request will become void on the 181st day, June 12, 2025. On June 12, 2025, all submitted materials, except application fee, will be returned to you.

Please feel free to visit with me about your application or this letter by calling me at 541-278-6246, or if it is more convenient you may contact me via e-mail at Megan.Davchevski@umatillacounty.gov. Thank you for your attention to the above request for additional information.

Respectfully,



Megan Davchevski
Planning Division Manager

Cc: Doug Olsen, County Counsel (*via email*)
Robert Waldher, Community Development Director (*via email*)
Michelle Hines, property owner (*via email*)
Carla McLane Consulting, consultant (*via email*)



Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin Street SW

Albany, OR 97321

(541) 967-2039

Fax: (541) 967-2075

www.oregon.gov/dogami

February 24, 2025

Jeff Hines
HNS, Inc.
PO Box 126
Echo, OR 97826

Also sent via email to: hns97850@gmail.com

Re: Suspension Order
MLRR ID No. 30-NP0001
Twp 3N Range 29E Section 29 Tax Lot 12800
Site Name: Snow Pit

Dear Jeff Hines,

Enclosed please find a Suspension Order issued to you today for mining without a permit at the above-referenced site (the Site). The Suspension Order is effective immediately. The Department reserves the right to pursue additional enforcement actions against you, including, without limitation, actions for civil penalties. As noted in the Suspension Order, you may appeal the order pursuant to ORS 183.484 and OAR 632-030-0056(3), but such an appeal would not automatically stay your obligation to immediately suspend all operations at the Site.

If you have questions regarding this order, contact me at cari.buchner@dogami.oregon.gov or (541) 231-9820.

Thank you,

Cari Buchner
Mining Compliance Coordinator



Oregon

Tina Kotek, Governor

Department of Geology and Mineral Industries

Mineral Land Regulation & Reclamation

229 Broadalbin Street SW

Albany, OR 97321

(541) 967-2039

Fax: (541) 967-2075

www.oregon.gov/dogami

TO:) **SUSPENSION ORDER**
 Jeff Hines) MLRR ID No. 30-NP0001
 HNS, Inc.) Twp 3N Range 29E Sections 28, 29 Tax Lot 2200
 PO Box 126) Site Name: Snow Pit
 Echo, OR 97826

The Department of Geology and Mineral Industries (DOGAMI) has determined that you are conducting surface mining operations at the mine site referenced above (the "Site") without the permit required by ORS 517.790(1). DOGAMI hereby issues this Suspension Order under the authority granted in ORS 517.880 to suspend all operations at the Site until you obtain a DOGAMI operating permit for the Site.

In addition to all statutes and rules cited elsewhere in this Order, the following statutes and rules are also relevant: ORS 516.010, 516.090, 516.130, 517.750, 517.760, 517.790, 517.800, 517.810, 517.830, 517.831, 517.833, 517.835, 517.836, 517.837, 517.840, 517.850, 517.860, 517.862, 517.865, 517.890, 517.990, 517.992, ORS 183.480, and ORS 183.484; and OAR 632-030-0005, 632-030-0010, 632-030-0015, 632-030-0020, 632-030-0021, 632-030-0022, 632-030-0024, 632-030-0025, 632-030-0027, 632-030-0030, 632-030-0033, 632-030-000035, 632-030-0040, 632-030-0041, 632-030-0042, 632-030-0056, and 632-030-0070.

This Suspension Order is a final order that is effective immediately. If you fail to comply with the Suspension Order, DOGAMI intends to take further enforcement action against you. This may include, but is not limited to, assessing civil penalties under ORS 517.992 or referring this matter to the Attorney General to initiate judicial proceedings as provided in ORS 517.880(3). DOGAMI also reserves the right to assess civil penalties under ORS 517.992 for operations that you or your affiliates conducted at the Site prior to DOGAMI's issuance of this Suspension Order. This Suspension Order may be appealed pursuant to ORS 183.484 and OAR 632-030-0056(3), but please note that an appeal will not stay the obligations in this Suspension Order unless you request and obtain a stay from the circuit court.

Issued: February 24, 2025

By 
 Sarah L. Lewis
 MLRR Program Manager

If you have questions regarding this order, contact Cari Buchner at cari.buchner@dogami.oregon.gov or (541) 231-9820.

cc: Umatilla County Planning Department

Certified Mail

Hines' Aggregate Site - Reinstatement of Conditional Use Permit C-546-89

mclane via Planning <planning@umatillacounty.gov>

Tue, Feb 25, 2025 at 2:09 PM

Reply-To: mclane@eoni.com

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

Cc: Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, planning@umatillacounty.gov

Bob,
Good afternoon.

Attached is a letter with attachments to reengage the discussion about the Hines' aggregate site. Please reach out with any questions.

Thanks,
Carla

Carla McLane
Carla McLane Consulting, LLC
541-314-3139

5 attachments

 **CUP C-546-89 Reinstatement Request V2 02252025.docx**
19K

 **C-546-89.pdf**
605K

 **Dick Snow application form 02101989.pdf**
174K

 **Dick Snow application letter 02201989.pdf**
397K

 **PD Zoning Approval Letter 04231990.pdf**
221K

Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, Oregon 97882
541-314-3139
mclane@eoni.com

February 25, 2025

Robert Waldher, Director (VIA EMAIL)
Community Development Department
216 SE 4th Street, Room 104
Pendleton, Oregon 97801

RE: Reinstatement of Conditional Use Permit C-546-89

Mr. Waldher,

Please accept this follow-up letter as a formal request to reinstate Conditional Use Permit C-546-89 and convert the permit holder to Jeff and Michelle Hines. We have carefully reviewed the 2020 correspondence from DOGAMI and understand them to require that the site be permitted by Umatilla County and DOGAMI. That is what the Hines' have been requesting since 2021.

It remains unclear why Mr. Hines was prevented from renewing this permit in 2021. Based on Condition of Approval 7 there was to be an annual review with a renewal fee submitted of \$25.00. It is my understanding that Mr. Hines was not allowed to renew C-546-89 in 2021, which has affected his ability to work with DOGAMI and other state agencies to manage the aggregate site or to do work within it. As stated in our letter dated August 5, 2024, he is prepared to remit not only the 2021 renewal fee, but also the renewal fee for 2022 through 2024, for a total of \$100 to reinstate this permit.

Mr. Hines recently obtained from the Snow Estate significant correspondence that occurred between Mr. Snow and Umatilla County from 1989 through at least 2020. This correspondence included Mr. Snow's original application and the Hearings Officer approval. It also includes annual letters to Mr. Snow authorizing the continued use of aggregate operations under Conditional Use Permit C-546-89. What is confusing to the Hines' is the conflict between the application narrative which clearly requests commercial use, the Hearings Officer report which does not appear to limit Mr. Snow to only personal use, and the annual letters which initially restrict Mr. Snow's use to personal use but eventually become benign to the use being personal or commercial. The letter approving a Zoning Permit for aggregate extraction dated April 23, 1990, references the limitation to only personal use but also clearly identifies that the Hearings Officer approved both personal and commercial use.

Over the years as this correspondence continued between Mr. Snow and Umatilla County commercial activities were ongoing with one of the purchasers of aggregate material being the Umatilla County Road Department. If there were concerns prior to 2021 about the commercial use of the aggregate site, why was that not raised with Mr. Snow and enforcement action taken? The correspondence from Umatilla County in 2019 and 2020 was from the Code Enforcement Coordinator but no concerns were raised within those two letters about the use of the aggregate site, the amount of aggregate that had

been removed, either annual or in total, and no requests or requirements for additional permitting were identified.

Based on this unclear history and the ongoing commercial use that occurred at the site, this request is being raised again to allow Mr. Hines' operation of the aggregate site while the Goal 5 application moves through the permitting process. We are providing with this request the original application and letter from Dick Snow dated February 20, 1989, which clearly states that the intended use of the aggregate site was for commercial and public use with personal use identified almost as an afterthought. Other items included with this letter include the Hearings Officer Report and a letter providing zoning approval in April 1990.

In conclusion we request that the Planning Department provide clear directions for the Hines' to renew Conditional Use Permit C-546-89 so that they can obtain other required permits, including acknowledgement from DOGAMI, and continue operations during the review process for the already submitted Goal 5 application. The Planning Department's refusal to work with the Hines' has significantly impacted their ability to obtain a living from their land and the approved aggregate use.

Your prompt attention to this request is appreciated.

Cordially,

Carla McLane

Carla McLane, Owner
Carla McLane Consulting LLC

Enclosures:

- Dick Snow Application Form 02101989
- Dick Snow Application Letter 02201989
- C-546-89 (Approval Letter and Hearings Officer Report) 05021989
- Planning Department Zoning Approval Letter 04231990

COMMUNITY &
BUSINESS
DEVELOPMENT

February 27, 2025

LAND USE
PLANNING,
ZONING AND
PERMITTING

Carla McLane
Carla McLane Consulting, LLC
via email

CODE
ENFORCEMENT

Re: Request to Reinstate C-546-89

SOLID WASTE
COMMITTEE

Dear Carla,

SMOKE
MANAGEMENT

Please accept this letter as response to your request to reinstate the Conditional Use Permit #C-546-89, issued to Mr. and Mrs. Snow in 1989, emailed to Bob Waldher. Umatilla County disagrees with your interpretation of the 1989 approval. In 2020, DOGAMI contacted Umatilla County regarding the Snow Pit. DOGAMI shared that the operations had far exceeded the Department's Mining Permit approval in acreage and materials excavated. Thus, Umatilla County did not allow the operator to renew the 1989 Conditional Use Permit as one of the conditions of approval requires compliance with DOGAMI.

GIS AND
MAPPING

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Since 2020, County Planning has had numerous conversations with Jeff and Michelle Hines, and yourself, on the required permits to re-authorize mining activities. On August 23, 2024, Bob Waldher responded to your request to reinstate the permit and shared that it the CUP could not be renewed due to operating outside of the CUP approval. On November 18, 2024 an application was submitted to County Planning to list the site as a Large Significant Site and to allow commercial mining and associated mining activities. On December 13, 2024, a completeness letter was sent to you and your clients detailing missing application information. **To date, the incompleteness letter has not been addressed and the requested missing information has not been received.**

Your request prompted further investigation by County Planning and County Counsel. Please read the following excerpt from the 1989 Conditional Use Permit Final Findings of Fact and Conclusions of Law (located page 9):

10. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to be in compliance with the State- mandated criteria for non-farm uses in Exclusive Farm Use Zones, by not interfering with adjoining agricultural uses, by restricting the size of the site to the existing ravine and by utilizing a location suited only to the most limited seasonal livestock grazing, and **limit its use to not include commercial quarry operations.**
11. Allowing this proposed aggregate quarry site and associated crusher and asphalt plant would appear to comply with all of the specific standards set forth in the Umatilla County Development Ordinance, **provided the quantities of aggregate do not exceed 5,000 cubic yards, the site not exceed one acre in size and the quarried aggregate is used on the applicant's property, as well as an approved Reclamation Plan be filed with the County Road Department.**

Conditional Use Permit #C-546-89 **did not** permit commercial mining activities, rather, mining was limited to personal use only. Regardless, DOGAMI has shared with the County that re-instating the previous CUP would not suffice in obtaining DOGAMI permit compliance. County Community Development staff have made every effort to collaborate with Mr. Hines to achieve compliance and have ceased enforcement actions under the impression that the land use compliance issues would be resolved. At no point have our staff refused to work with Mr. Hines or you.

If you have any questions or concerns, I can be reached by phone at 541-278-6252 or by email at Megan.Davchevski@umatillacounty.gov.

Respectfully,



Megan Davchevski
Planning Division Manager

cc: Jeff and Michelle Hines, *via email*
Robert Waldher, Community Development Director *via email*
Doug Olsen, County Counsel *via email*
Cari Buchner, DOGAMI *via email*

Umatilla County

Department of Land Use Planning

216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252

RECEIVED

MAR 13 2025

UMATILLA COUNTY
COMMUNITY DEVELOPMENT



Notice of Appeal

Process taken from UCDC 152.766

APPEALS

(A) An appeal from a ruling of the Planning Director. An appeal of an administrative review decision or a ministerial action on a land use request made by the Planning Director or authorized agent shall be made to the Planning Commission. Such appeals must be made within 15 days of the date of the ruling or decision.

(B) An action or ruling of the Planning Commission pursuant to this chapter may be appealed to the County Board of Commissioners within 15 days after the Planning Commission has signed its findings of facts and conclusions of law.

(1) If the appeal is filed it shall be in writing stating the reasons for appeal pursuant to the criteria for review.

(2) The County Board of Commissioners shall receive the written findings of the decision and the minutes from the Planning Commission hearing and shall hold a public hearing on the appeal.

(3) The Board may amend, rescind, affirm or remand the action of the Planning Commission.

(C) All appeals shall be made in writing, accompanied by the appropriate fee, and shall state the reasons for the appeal and the alleged errors made on the part of the Planning Director or authorized agent or the Planning Commission. If the decision being appealed utilized criteria for review established elsewhere in this chapter, the reasons for the appeal shall be stated pursuant to these criteria.

(D) All appeals shall be on a de novo basis. The body hearing the appeal shall be able to receive any additional testimony presented by the applicant or proponent.

(E) Appeals of a Board of Commissioners decision shall be made to the Land Use Board of Appeals within 21 days of the date of the decision. Such appeals shall not be based on issues that are not raised at the local hearings with "sufficient specificity" as to afford the decision-makers and parties involved an opportunity to respond to the issue.

FILING FEE

Filing of an Appeal - \$800.00

(Effective July 1, 2007 via Ord. #2007-06)

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: February 20, 2009
File Location: H:\shared\FORMS_Master\Appeal_Notice.doc

Section 1: Request and Description of Application

This information deals with the Land Use Request Application that an Appeal is being filed against.

THE REQUEST IS FOR... (Check the one that applies)

- an Appeal to the Planning Commission from a decision of the Planning Department
 an Appeal to the Board of Commissioners from a decision of the Planning Commission

DESCRIPTION OF THE LAND USE REQUEST APPLICATION IN QUESTION:

- Land Use Request Application File Number: C-546-89
- Type of Land Use Request Application: Request to Reinstate
- Decision-Making Body: Planning Director or Planning Commission
- Date of Decision (date on Findings): February 27, 2025
- Date you received notice of the decision or learned of the decision: February 27, 2025

Section 2: Contact Information

Name of Appellant(s): Jeff Hines

Address: 210 W Main Street

City, State, Zip: Echo, Oregon 97826

Telephone Number & Email Address: hns97850@gmail.com

Date of Submittal for the Appeal: 3/13/2025

Section 3: Basis of Appeal

Complete only when appealing a decision made by the Planning Department or Planning Commission.

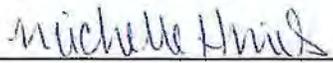
The Appeal is based on the belief that certain policies and/or procedures of the Comprehensive Plan and/or provisions of the Development Code were not properly administered or followed. Please specify the chapter, section and page numbers of the Comprehensive Plan and/or Development Code where the policies and/or procedures are found; as well as a narrative explaining the issues that the Appeal is based upon (*use additional pages if necessary*):

Basis of Appeal narrative is attached.

Section 4: Certification

I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

X  3-5-25
Signature of Appellant Date
Jeff Hines
Printed Name of Applicant

X  3-5-25
Signature of Appellant Date
Michelle Hines
Printed Name of Applicant

X _____
Signature of Appellant Date

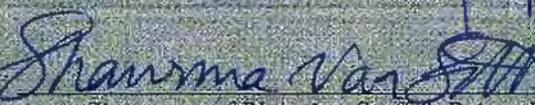
Printed Name of Applicant

X _____
Signature of Appellant Date

Printed Name of Applicant

Office Use Only

Date this paperwork was received: 3/3/2025

Accepted by  Shawna Van Sickle
Signature of Planning Staff & Printed Name

Fee Paid? Yes No Receipt Number: 23362

BASIS OF APPEAL

Jeff and Michelle Hines' (Hines) appeal to the Umatilla County Planning Commission, the Planning Division's denial of a Request to Reinstate their Conditional Use Permit (C-546-89). The denial of the Request to Reinstate C-546-89 is attached hereto as *Exhibit 1*. This appeal is based on the belief that policy and procedure of the Comprehensive Plan and/or provisions of the Development Code, ORS 215.230 and ORS 215.416 were not properly administered or followed.

THE SITE HAS OPERATED AS A COMMERCIAL GRAVEL QUARRY FOR OVER 40 YEARS

The denial of the Request to Reinstate C-546-89 (denial) claims that "Conditional Use Permit C-546-89 did not permit commercial mining activities, rather, mining was limited to personal use only." *Exhibit 1*. This is not entirely accurate. A careful reading of (1) Richard Snow's original application for a conditional use permit; (2) the Findings of Fact and Conclusions of Law; (3) the April 23, 1990, conditional use permit; (4) coupled with the fact that this quarry has operated as a commercial gravel quarry since before 1985, proves that this site was allowed to operate as a commercial gravel quarry for over 40 years.

In 1989, Mr. Snow applied for a commercial rock crushing permit. *Exhibit 6*. Mr. Hines recently obtained from Mr. Snow's estate correspondence between Mr. Snow and Umatilla County from 1989 through 2020. *Exhibits 6 and 7*. This correspondence included Mr. Snow's original application and the hearings officer approval. *Exhibit 6*. It also includes annual letters to Mr. Snow authorizing the conditional use of the aggregate operations under Conditional Use Permit C-546-89. *Exhibit 7*.

In his original application for a conditional use permit, Mr. Snow explains that "contractors that have been awarded the contract of widening of the state highway through Stanfield have showed interest in obtaining material for this project. They want to crush and possibly set up an asphalt batch plant." *Exhibit 6*. Mr. Snow explained that he was requesting an "aggregate query site with crusher and potential asphalt batch plant." *Exhibit 6, p. 1*. In its May 2, 1989, letter, the Umatilla County Planning Division stated that the purpose of the "Conditional Use Request # C-546-89 to allow you to establish an aggregate quarry site with a crusher and potential asphalt batch plant..." *Exhibit 6, p. 19*.

The Findings of Fact and Conclusions of Law (Findings) of the Umatilla County hearings officer made it clear that the applicant was seeking approval for "a crusher and potential asphalt batch plant site... as well as a potential *commercial* quarry..." (emphasis added) *Exhibit 6, p. 21*. According to the Findings, the hearings officer and the Planning Division knew that the site was intended for commercial use. Page 3 of the Findings note that Mr. Snow testified at the hearing and explained that he "had some interest shown from a contractor for this site from the project regarding the five miles from Stanfield to Hwy. I-84." *Exhibit 6, p. 23*. Mr. Snow testified that his intent was to use the permit for commercial purposes. *Id.* Indeed, once Mr. Snow obtained

his conditional use permit, a rock crusher was set up and rock was crushed from this quarry for use on Highway I-84.

The Findings then outline the development ordinance criteria for granting commercial gravel quarries and gravel extraction. *Exhibit 6, p. 24*. The Findings allow the landowner, at that time Mr. Snow, to operate a commercial quarry as long as the conditions are satisfied. Mr. Snow must have satisfied these conditions because he operated the site as a commercial gravel quarry since obtaining the conditional use permit in 1989. His commercial gravel quarry was inspected each year to ensure he was complying with his permit. Indeed, in its April 23, 1990, approval letter, the Umatilla County Planning Division stated that: “the hearings officer approved your request to allow *both* your own personal use of the pit *as well as a commercial use of the aggregate* (emphasis added). Please note that this permit is only for the personal use portion of your approval and will be required to be amended if a commercial use for the aggregate is proposed.” *Exhibit 6, p. 30*. The assumption is that since Mr. Snow operated the pit openly as a commercial gravel quarry for over 30 years, and it was inspected each year, he must have received at least tacit approval.

The Planning Division conducted on-site inspections of Mr. Snow's commercial gravel quarry every year from 1991 to 2020, and reissued the conditional use permit each year. *Exhibit 7*. May 12, 2000, is a typical Notice of Approval letter. It provides that “you are in good standing with the conditions placed on your permit and the permit has been extended an additional year.” *Exhibit 7*. In a letter to DOGAMI, the Umatilla County Department of Resource Services and Development, dated September 26, 2002, noted that “the signed conditional use findings approving the establishment of the aggregate quarry site with a crusher and asphalt plant.” *Exhibit 7*. The “Planning Department file indicates that this yearly review has been done consistently since 1990.” *Exhibit 7*. The letter notes that there was no documentation of complaint or non-compliance in the yearly review notes. *Id.* The letter also states, “there does not appear to be a time limit on the duration of the conditional use, therefore, all conditions are still applicable, and the yearly review will continue.” *Exhibit 7*.

The Snow commercial gravel quarry has been providing gravel for several commercial operations since before the County Development Ordinance was adopted on June 12, 1985. The Snow quarry provided aggregate for the expansion of Interstate 84; for the City of Stanfield; for the City of Echo; for ODOT; and for the Umatilla County Road Department. If there were any concerns before 2020 about the commercial use of the aggregate site, it was not raised with Mr. Snow, and no enforcement action was taken. The correspondence from Umatilla County in 2019 and 2020 was from the code enforcement coordinator, but no concerns were raised in these two letters about the use of the aggregate site or the amount of aggregate that had been removed, and no requests or requirements for additional permitting were identified. *Exhibit 7*.

Jeff and Michelle Hines purchased the property in 2021. The reason they purchased this property was so they could continue to operate the commercial gravel quarry to earn an income. Mr. Hines was not allowed to renew his conditional use permit in 2021. The Hines have been attempting to obtain a reinstatement of the conditional use permit since they purchased the property. This has affected the Hines’ ability to work with DOGAMI and other state agencies in

order to manage the aggregate site. The Hines stand ready to remit not only the 2021 renewal fee, but also the renewal fees for 2022 through 2024 to reinstate this permit.

ASSIGNMENTS OF ERROR

Assignment of Error #1. In its denial of the Hines' Request for Reinstatement of C-546-89, the Planning Division failed to cite a provision in the Umatilla County Development Code that it claims the Hines' have violated.

ORS 215.416 (8)(a) provides:

“Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which *shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan* for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.” (Emphasis added)

In its denial (*Exhibit 1*), the Planning Division fails to cite a provision of the development code on which it bases its denial of the Request for Reinstatement of the Hines conditional use permit. As a result, the Hines are unable to specify what provision of the development code is the basis of their appeal. When a county denies a conditional use permit, it must cite the specific section of the development code or zoning ordinance that forms the basis for the denial. ORS 215.416 (8)(a). The reason for this requirement is that citing the specific section provides the applicant, here the Hines, with clarity on the reasons for the denial, which is crucial for them to understand the basis for the decision and to prepare for any potential appeal. *Waveseer of Or., LLC v. Deschutes Cty*, 308 Or App 494 (2020); *Jones v. Willamette United Football Club*, 307 Or App 502, 514 (2020). The denial ought to be reversed and remanded to the Planning Division with instructions to cite the provisions of the development code it claims the Hines violated.

Assignment of Error #2. The denial of the Request to Reinstate the conditional use permit fails to provide notice to the Hines that they “may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations.”

ORS 215.416 (11)(a)(A) provides that “the hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of the subsection, to file an appeal.” ORS 215.416 (11)(a)(C) further clarifies that “[t]he notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations.”

The Hines were persons adversely affected or aggrieved by the denial of their conditional use permit, yet they were not provided notice that they may appeal the decision by filing a written appeal; nor were they provided notice of the time limitations for such appeal. *Exhibit 1*. Further,

the notice, here the denial (*Exhibit 1*), does not state that the Planning Division's decision will not become final until the period for filing the local appeal has expired. ORS 215.416 (11)(a)(C). Therefore, the denial (*Exhibit 1*) is in violation of ORS 215.416 (11)(a)(C). The denial ought to be reversed and remanded to provide the Hines with adequate notice pursuant to ORS 215.416 (11)(a)(C).

Assignment of Error #3. The Hines have an established and existing lawful use under ORS 215.130 (5).

ORS 215.130 (5) provides that the “lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued.” The Findings of Fact and Conclusions of Law state the Umatilla County Development Ordinance was adopted on June 12, 1985. *Exhibit 6*. The commercial gravel quarry at issue here lawfully existed at the time the Umatilla County Development Code was established. Mr. Snow owned and operated this commercial gravel quarry well before 1985. His son, who is now 65 years old, recalls the gravel quarry being there his entire life. Prior to 1985, rock was being mined out of the quarry and was used on roads on the ranch and sold to others. Rock was also sold for rip rap out of the quarry to be used on the Umatilla River. Mr. Jeff Spike grew up within 2 miles of the Snow rock quarry. He is now 69 years old. He recalls rock being hauled out of the quarry and used prior to 1985. He can remember dump trucks hauling rock and dirt out of the quarry around this time. By the 1980s, the quarry was producing aggregate for ODOT, local municipalities, and for private road construction.

Therefore, the Hines request that, pursuant to ORS 215.230 (5), this matter be remanded to the Planning Division with instructions that the Hines be allowed to operate their commercial gravel quarry as it was allowed to operate prior to the adoption of the Umatilla County Development Ordinance on June 12, 1985. Legal precedent requires that the Hines be allowed to continue to operate their commercial gravel quarry. *Polk County v. Martin*, 292 Or 69 (1981).

Assignment of Error #4. The denial of the Request to Reinstate C-546-89 was issued prematurely as the Hines’ have until June 11, 2025, to respond to a completeness letter.

On November 18, 2024, Jeff and Michelle Hines (Hines) submitted an application to the county Planning Division to list their gravel quarry site as a large, significant site and to allow commercial mining and associated mining activities. *Exhibit 2*. The application was developed and filed by Carla McLane Consulting, LLC. Attached as *Exhibit 2* for your reference is the Application for a Large Significant Site and to Allow Commercial Mining and Associated Activities on the Hines property. The application is very thorough and includes several attachments including a vicinity map, impact area map, assessor's map, 2024 Real Property Assessment Report, a realigned easement survey, the current and proposed aggregate site survey, a trip generation letter, lab reports, a city water information letter, land use request application, amendments application, and an aggregate application.

On December 13, 2024, the county responded with a completeness letter. *Exhibit 3*. This letter delineated for the Hines a number of additional documents they would need to provide in order to submit a complete application. The completeness letter informed the Hines that they

have “180 – days, or until June 11, 2025, in which to respond in writing with some, all, or none of the requested information.” *Exhibit 3*.

The Hines’ tendered the matter to Ms. McLane to assist them in responding to the completeness letter. Ms. McLane sent an e-mail to Ms. Davchevski, the author of the completeness letter. Ms. McLane thanked Ms. Davchevski “for providing the completeness letter” and explained that “[w]e will review and respond accordingly.” *Exhibit 4*.

Ever since, Ms. McLane and the Hines’ have been working toward satisfying the requirements of the December 13, 2024, completeness letter. In the meantime, on February 25, 2025, Ms. McLane, on behalf of the Hines’, filed a Request for a Reinstatement of Conditional Use Permit C-546-89. *Exhibit 5*.

On February 27, 2025, the Planning Division denied the Hines’ Request to Reinstate Conditional Use Permit C-546-89. Apparently, one of the reasons for the denial was because “[t]o date, the incompleteness letter has not been addressed and the requested missing information has not been received.” *Exhibit 1*. It appears that the Planning Division is denying the Hines’ Request to Reinstate their conditional use permit because they have not yet responded to the completeness letter regarding their application for a large significant site for commercial mining.

However, these are two separate applications. It is erroneous for the Planning Division to deny a Request to Reinstate the Hines’ conditional use permit on the grounds that they have yet to respond to a completeness letter on the application for a large significant site. This is especially true since the Hines’ have three more months, until June 11, 2025, to respond to the completeness letter. *Exhibit 1; ORS 215.427(3)(a)*.

The denial of reinstatement ought to be reversed to allow the Hines until June 11, 2025, to respond to the completeness letter. In the meantime, since the Hines are attempting to comply in good faith, they ought to be allowed to continue to operate their commercial gravel quarry as it has operated since before June 12, 1985.

Assignment of Error #5: The Hines must have a conditional use permit from the county before they may apply for DOGAMI approval.

The denial letter places the Hines’ in an untenable dilemma. The letter states that:

“Thus, Umatilla County did not allow the operator to renew the 1989 conditional use permit as one of the conditions of approval requires compliance with DOGAMI.”

Exhibit 1.

On the one hand, on February 27, 2025, the Planning Division denies the Request to Reinstate because “one of the conditions of approval requires compliance with DOGAMI.” *Exhibit 1*. However, on the other hand, before the Hines can apply for DOGAMI approval, they must first have a conditional use permit from the county. Thus, the Planning Division imposes

on the Hines a condition they cannot satisfy, as they must have the conditional use permit from the county *before* they can apply for DOGAMI approval.

This procedural error is grounds to remand the denial of the Request to Reinstate the conditional use permit back to the Planning Division to remove the condition that Hines first get DOGAMI approval. Then the Hines will be able to move forward with their application for DOGAMI approval.

CONCLUSION

The Hines merely request that they receive the same courtesy as Mr. Snow. They request that they be allowed to operate their commercial gravel quarry while the Goal 5 Application moves through the permitting process and while they work to obtain a DOGAMI permit once the county reinstates their Conditional Use Permit C-546-89. The Planning Division's refusal to reinstate the Hines' conditional use permit has significantly harmed Mr. and Mrs. Hines' ability to earn a living from their land and has impacted projects in the county that require aggregate from their quarry.

Respectfully submitted by



Wes Williams, Attorney at Law

OSB #964602

Dated: March 13, 2025

Application to Amend the Umatilla County Comprehensive Plan to list the subject property as a "Large Significant Site" protected by Goal 5; amend the Comprehensive Plan Map to identify the site as significant and to apply the impact area to limit conflicting uses; and amend the Zoning Map by applying the Aggregate Resource Overlay Zone to the entirety of the mining site.

Applicant/Owner: Jeff and Michelle Hines
HNS, Inc
210 W Main Street
Post Office Box 126
Echo, OR 97826
541-786-0540
Michellehines2012@gmail.com

Consultant: Carla McLane Consulting, LLC
170 Van Buren Drive
Umatilla, OR 97882
541-314-3139
mclane@eoni.com

Intended Outcomes of Application Process:

The request is to add a portion of Tax Lot 12800 of Assessor's Map 3N 29 to the Umatilla County 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. This action is designed to establish the mining site as a Large Significant Site with protections under Goal 5 and to allow mining, processing, an asphalt batch plant, and stockpiling. For this application 'aggregate' means basalt.

Location and Current Use of the Property:

The subject property is generally south of the City of Echo with the subject property adjacent to Snow Road. Snow Road intersects with the Heppner-Echo Highway, also known as Oregon Trail Road, to the west of Echo. As this is an expansion of the existing aggregate site those uses exist along with dryland agricultural operations.

Surrounding Uses:

Uses to the west, north, and east of the current and proposed expanded mining site are predominately irrigated agriculture under circle pivots with dryland wheat farming to the south. The City of Echo is approximately 2 miles to the north northeast of the subject site. Irrigated crops include a variety of annual row crops, spring wheat, and to the northeast vineyards.

Required Review:

- Oregon Administrative Rule (OAR) Chapter 660 Land Conservation and Development Department Division 23 Procedures and Requirements for Complying with Goal 5 is applicable, providing the procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This application will specifically review and address OAR 660-023-0180 Mineral and Aggregate Resources, OAR 660-023-0040 ESEE Decision Process and OAR 660-023-0050 Programs to Achieve Goal 5.
- Umatilla County Development Code for Establishing an Aggregate Resource (AR) Overlay Zone (OZ) as outlined in Sections 152.487 and 152.488.

- o This application provides a review of Statewide Planning Goals 1 through 14. Statewide Planning Goals 15 through 19 are not applicable.

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 660-023-0040, and OAR 660-023-0050. The standards for approval are provided in **bold text** and the responses are indicated in standard text.

OAR 660-023-0180 Mineral and Aggregate Resources

(3) 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 500,000 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 proposed quarry is in eastern Oregon and has an inventory of over 15 million tons of available basalt aggregate material. The United States Department of Agriculture Soil Conservation Service Soil Survey of Umatilla County identify the soils in the current mining area as Licksillet very stony loam with 7 to 40 percent slopes and the area proposed to be mined as the same as well as Shano very fine sandy loam with 2 to 7 percent slopes. Immediately to the south of the mining area is also Shano very fine sandy loam with 7 to 12 percent slopes. The Licksillet is classified as VII_s; the Shano is classified as IV_e and II_e or III_e when irrigated. The portion of the proposed quarry site that has a soil classification of II is on the northern side and does not constitute more than 35 percent of the total site.

The aggregate at the subject property has undergone testing several times over the past twenty years of operation meeting the identified standards established by ODOT for air degradation, abrasion, and sodium sulfate soundness. Several of those lab reports are included as part of the application packet with the location of use identified and remarks indicating that the material represented by the sample does comply with the specifications.

The proposed quarry consisting of approximately 46 acres meets, 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) 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) 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.

This application is for the expansion of an existing aggregate site so the proposed impact area will be measured from the expansion boundary and will not include the existing site. The attached map shows a 1,500-foot impact area with uses in that area being agricultural in nature with both irrigated and dryland operations immediately adjacent. There are no homes within the impact area.

(b) 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:

There are no homes within the 1,500-foot impact area which is zoned for Exclusive Farm Use (EFU).
There are no areas zoned for residential uses.

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

There are no uses that may be impacted by noise, dust, or other discharges from the proposed mining operation within the 1,500-foot impact area with the one exception being the access road that serves the subject property also serves other properties in the vicinity. The applicant or contractors will manage potential impacts to that access road by employing best management practices that include controlling dust during extraction and processing activities.

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 will be managed on site through the application of water or other dust abatement mechanisms.

Another concern related to discharges would be stormwater which the applicant or contractors will 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 208-acres available to collect and hold stormwater. If conditions should change one can be obtained.

Blasting will be conducted as part of the mining process as basalt rock is proposed for extraction. As like the earlier requirements the applicant will comply with the requirements of DOGAMI.

With the application of the management practices described above any potential conflicts due to noise, dust, or other discharges will be minimized or eliminated 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;

The access road for the subject property connects to Snow Road which is a county gravel road in good condition. Rock will be hauled north on Snow Road and connect to Highway 320, also known as Oregon Trail Road, an ODOT facility. That connection is approximately 1.7 miles north of the subject property access to Snow Road. This route has been used for more than 25 years in support of aggregate operations at the subject site and traffic impacts from the mining site will continue albeit with some more frequency. Other traffic on Snow Road is farm based with agricultural operations making up the balance of traffic impacts.

Traffic is dependent upon activity within the mining area and will vary based on the time of year. The submitted Trip Generation Letter assumes current Average Daily Trips at 65 with PM Peak Trips at 11. The conclusion of the Project Traffic Engineer states, "Based on the low background traffic and low trip generation in the area, no further study is necessary. The potential impacts of the SROZ on the Snow Road / Oregon Trail Road intersection will not be significant due to no significant increase in traffic from the expansion of the Echo Rock Pit via the SROZ."

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

There are no public airports within the Impact Area. The closest public airport would be at Hermiston, more than eight miles away as the crow flies.

(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. It should be noted that the site is within the Stage Gulch Critical Ground Water Area and the Columbia Valley Viticultural Area. Neither of these areas have been identified as protected resources within Umatilla County.

(E) Conflicts with agricultural practices; and

Agricultural practices surround the aggregate site and are found within the 1,500-foot impact area of the proposed quarry consisting of irrigated agriculture with circle pivot irrigation as well as dryland

operations. The crops would be predominately potatoes, corn, wheat, and other row crops. There are no planted vineyards in the impact area, but they are within one mile of the site. Mining activity has not historically nor is not expected in the future to conflict with these agricultural activities or practices.

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations pursuant to ORS 517.780;
Umatilla County does not have an ordinance that supersedes DOGAMI regulations.

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

The applicant has identified limited impacts from dust and stormwater to the access road that can be managed or mitigated through various voluntary measures and best management practices. During mining and processing the applicant and 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) 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.**

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.

- (e) 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.**

The applicant will implement best management practices and obtain permits as necessary to ensure management of dust and stormwater discharges and anticipates Conditions to do so. It is also

acknowledged that the applicant may be required to obtain an Access Permit for the proposed aggregate site for access to Snow Road from the Umatilla County Roadmaster.

- (f) **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.**

The applicant has not determined a post-mining use as it is anticipated that this mining site will be operational for many years or decades. The subject property is predominately not composed of Class I, II, Prime, or Unique farmland and would therefore allow a variety of uses under ORS 215.283(2). Other post-mining uses, if allowed under ORS 215.283 and the Umatilla County Development Code, could be considered.

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

The current aggregate site obtained a Conditional Use Permit in 1989 issued to H. Richard and Shirley Snow, previous owners of the subject property. Mr. Snow operated the mining operation under that permit until just a few years ago when the property was transferred to Jeff and Michelle Hines. The Hearings Officer Findings of Fact and Conclusions of Law state, "In the matter of Conditional Use Request #C-546 to establish an aggregate quarry site with a crusher and potential asphalt batch plant site in an EFU (Exclusive Farm Use) 160-acre minimum zone for personal as well as commercial quarry." While the applicant believes that this permit can be deemed to be in effect there is disagreement on that front, so this application seeks approval for the full site to receive Goal 5 protections and an approval for mining activity.

- (7) **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 impact 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 is zoned 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 places 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.

(b) Determine the impact area;

A 1,500-foot impact area extending from the proposed aggregate expansion area site boundary.

(c) Analyze the ESEE consequences; and

See the analysis below.

(d) Develop a program to achieve Goal 5.

See a full analysis 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:

Umatilla County Planning staff, under this provision, will need to identify conflicting uses that could occur, relative to this site. To assist them with this a table follows with some of the potential uses that could create conflicts within the required 1500-foot distance of the proposed expansion area. As previously stated, the applicant is concerned with activities that might be negatively impacted by mining activities including processing and stockpiling as well as impacts from those activities to the mining operation.

Potential Conflicting Uses		
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.

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

The applicant is suggesting that the conflicting uses identified in the table above could be impacted by the proposed mining operation and is requesting that the site be protected from those uses within the impact area.

- (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). There is no information which indicates that other land beyond the 1,500-foot impact area would present significant conflicts. This is the impact area that is used for this 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.**

The applicant is requesting that Umatilla County determine that future dwelling or residential use and other uses that would place people within the impact area, such as gathering spaces, be limited to protect the mining area from encroachment and provide protections to residents and landowners in the vicinity of the proposed quarry. The requested limits are the requirement for a covenant not to sue or object/waiver of conflicts along the lines of similar covenants for farm and forest uses. The types of uses that have potential to pose a conflict with the quarry include wineries, farm stands, mass gatherings, agri-tourism activities, churches, commercial activities in conjunction with farm use that could encourage gathering, private and public parks, golf courses, community centers, destination resorts, living history museums, residential homes, room and board operations, and schools. Mining has operated in this area without any significant conflicts for many years. It is adequate that the county imposes a condition of approval on discretionary approvals of assembly or residential uses in the 1500-foot impact area waiving any rights to object to mining and mining related activity at the significant site.

This site is not listed within the Umatilla County Technical Report to the Comprehensive Plan and there are no other aggregate sites within the vicinity that are listed.

The ESEE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the proposed quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	<p>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 boundary. As the properties in the impact area are zoned for Exclusive Farm Use, all with a 160-acre minimum lot size, all of the properties would be affected. There are some existing limits on dwellings already in the code, so the negative impact would be small. 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 proposed quarry will provide material for a variety of projects throughout Umatilla and Morrow Counties and possibly beyond.</p>	<p>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 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 proposed 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 accept mining activity on this significant aggregate site.</p>	<p>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 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>

	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Social Consequences	<p>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 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 proposed quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</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 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 proposed quarry may have to forgo their development which could impact social activities including those that would benefit recreation and tourism.</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 of quarry access. Various development and construction projects in the region that would utilize the aggregate material in the proposed 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</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</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</p>

	fewer vehicle emissions when truck travel is minimized.	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. <i>Consequences related to loss of quarry access.</i> 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.	the impact area and a higher potential for a negative consequence. <i>Consequences related to loss of quarry access.</i> There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining aggregate material from a quarry close to the project site. 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	<i>Consequences related to new use on neighboring properties.</i> There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area. <i>Consequences related to loss of quarry access.</i> 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.	<i>Consequences related to new use on neighboring properties.</i> There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area. <i>Consequences related to loss of quarry access.</i> 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.	<i>Consequences related to new use on neighboring properties.</i> There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area. <i>Consequences related to loss of quarry access.</i> 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.

(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.

The applicant is requesting that Umatilla County determine that the resource site is significant, and based on the ESEE analysis, the identified conflicting uses which are also important should be allowed in a limited way to protect the proposed quarry. The protection sought from potential conflicting uses would be within the 1,500-foot impact area and for the life of the proposed quarry. Specifically, local authorization of new residential and social gathering uses should be required to sign a waiver limiting objection or legal proceedings against mining and mining related uses on the significant site.

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)). The applicant would request that Umatilla County take action to facilitate protection of this aggregate site by mapping the 1,500-foot impact area within the Comprehensive Plan map and acknowledge that conflicting residential and social gathering space uses identified previously that are approved through a land use permit process will be required to waive rights to remonstrate against aggregate mining and mining related 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. The intent of this request is not to disallow these activities but 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.

(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).

The applicant has requested protection consistent with OAR 660-023-0040(5)(b) seeking that identified conflicting uses be limited within the impact area as discussed above.

(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).

These provisions would not be applicable as the request is related to aggregate resources.

STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTABLISHING AN AR OVERLAY ZONE are found in Sections 152.487 and 152.488. The standards of approval are shown in bold type with the response in normal text.

152.487 CRITERIA FOR ESTABLISHING AR OVERLAY ZONE:

(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 even though this site is not listed. This action seeks to protect the proposed aggregate site under Goal 5 as a significant site, to apply the Aggregate Resource Overlay Zone to the mining site, and to allow mining and processing on the site.

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

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

The applicant is seeking protection of the aggregate site by the application of the Aggregate Resource Overlay Zone and that the county require new discretionary approvals of residential and assembly uses within the impact area sign a waiver of rights to object to mining and mining related uses 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 proposed quarry.

The applicant's request for limitations of conflicting residential and social gathering space uses is reasonable under the Goal 5 protection program. Placement of an overlay zone or mapping the site as part of the Comprehensive Plan with provisions to limit those conflicting uses within the impact area is a reasonable request and accommodation.

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

As stated previously the applicant has determined that the inventory of aggregate material at the proposed quarry is 15 million tons that meet or exceed ODOT specifications. Please see the attached laboratory reports.

(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;

There are no residentially zoned or planned lands within the impact area. Residential uses are allowed in the Exclusive Farm Use zone which the applicant is requesting be limited within the impact area by the waiver of remonstrance discussed above.

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

The location of the proposed quarry in a rural area with no residential or other uses in the vicinity would make screening unnecessary. This type of aggregate activity regularly takes place in rural areas and along roads to provide easy and cost-effective access to aggregate material for use in development projects. The applicant would state that screening of this site would be cost prohibitive and would not provide benefit.

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

The required analysis for OAR 660-023-0180 is found earlier in this narrative. The applicant would assert the provisions can be met.

152.488 MINING REQUIREMENTS:

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

The applicant will work closely with DOGAMI to obtain permits for this aggregate location and in the development of future reclamation of this site.

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

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

The applicant will complete the necessary reclamation plan required by DOGAMI and submit the same to Umatilla County. As stated earlier the applicant has not determined post-mining use. However, any reclamation activity would be compliant with the Exclusive Farm Use or other zone that may be in place at the time of reclamation.

(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;

Extraction is not planned adjacent to Snow Road and no dwellings are within the 1,500-foot impact area.

(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.

There are no dwellings within the 1,500-foot impact area. Additionally, the applicant is requesting that

future dwellings or social gathering spaces be limited and require a remonstrance agreement within the impact area to assure this standard can be maintained.

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

The access road that serves this property and others in the vicinity has been in place for many years. Recently the easement for that road has been relocated to allow for this expansion with the road proposed to be relocated as part of the development of the expanded mining site. The applicant is requesting that future dwellings or social gathering spaces approved in a discretionary land use process be limited by a requirement to sign a waiver of remonstrance within the impact area to assure this standard can be maintained.

Analysis of the Statewide Planning Goals 1 through 14 follows.

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.

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.

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.

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.

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

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

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code.

In this instance there is an intersection of Goal 3 and Goal 5 because an aggregate source has been identified, 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.

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.

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

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

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. No floodplain has been mapped on the subject property.

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.

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

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.

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

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.

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.

No recreation components are included in this application or affected by it.

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.

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. Having said that this site will create at least 10 new jobs serving various development needs throughout Umatilla and Morrow Counties. Aggregate is a necessary component that is essential for residents, businesses, and recreation and tourism activities in this region.

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

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 economies.

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.

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.

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

Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This site has not been identified as having any specific transportation-related concerns and is not within an area governed by an Interchange Area Management Plan. A traffic impact analysis is submitted as part of the application package.

Goal 13 Energy: To conserve energy.

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.

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.

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

Conclusion:

The applicant has provided within this narrative, and with other information included in the application package, evidence and testimony in support of protection for the proposed quarry. This includes information concerning both the quantity and quality of the aggregate material found on the site which shows that it exceeds the requirements for approval of this request.

Specifically, the applicant is requesting: 1) that the proposed quarry site of approximately 225 acres be listed within the Umatilla County Comprehensive Plan as part of Finding 41 and within the list of significant aggregate sites under Policy 41 in compliance with the approval of this request; 2) that Umatilla County apply the Aggregate Resource Overlay Zone to the subject property to allow mining, processing, and stockpiling on the site as well as batch plants for concrete and asphalt; and 3) to amend the Comprehensive Plan map by mapping the impact area and through the Comprehensive Plan listing achieve the Goal 5 requirement of protecting the resource by limiting residential and social gathering uses and require those uses to waive their rights to remonstrate against aggregate operations allowed by this decision within the impact area to protect the aggregate resource from encroachment and nuisance complaints.

Attachments:

- Vicinity Map
- Impact Area Map
- Assessor's Map 3N 29
- 2024 Real Property Assessment Report
- Realigned Easement Survey (2024-06-19)
- Current and Proposed Aggregate Site Survey
- Trip Generation Letter 09122024
- Lab Reports
- City Water Information Letter 07252024
- Land Use Request Application
- Amendments Application
- Aggregate Application

Umatilla County

Department of Land Use Planning



DIRECTOR
Robert Wildher

March 20, 2020

LAND USE
PLANNING,
ZONING AND
PERMITTING

Richard Snow
33263 Oregon Trail Road
Echo, OR 97826

CODE
ENFORCEMENT

Re: Conditional Use Permit #C-546-89
2020 Renewal

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Mr. Snow:

GIS AND
MAPPING

On March 29, 1989, your Conditional Use Permit #C -546-89 was approved to allow extraction and crushing of rock from an existing quarry in an EFU (Exclusive Farm Use) zone, in accordance with the Umatilla County Development Ordinance. The Conditional Use Permit was granted for a one-year term, renewable each year thereafter, contingent upon a yearly review and \$50.00 annual renewal fee.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

Your Conditional Use Permit is currently due for annual review, and we will be conducting a site visit within the next 90 days. Prior to granting you a one-year extension, the Planning Department **must receive a written request from you justifying your continued need for the rock quarry, a request for the renewal of the Conditional Use Permit for 2019 and the renewal fee. Please complete the enclosed form and return it with the renewal fee.** Failure to respond to this request could jeopardize your permit.

If you have any questions concerning this renewal process, you may contact this office at (541) 278-6300. *Please notify our office immediately if there is any change in status for your permit.*

Regards,

Gina Miller
Code Enforcement Coordinator

216 S.E. 4th Street • Pendleton, OR 97801 • Ph: 541-278-6252 • Fax: 541-278-5480
Website: www.umatillacounty.net/planning • Email: planning@umatillacounty.net

Exhibit 7 - Page 62 of 68

RENEWAL REQUEST:

Please write a brief statement detailing your continued need for a Conditional Use Permit:

(See attached.)

(use additional pages if necessary)

Detail any changes to the property and permit in the last year:

(See attached.)



Please renew my permit for one year. I understand that if any changes occur in the status of this Conditional Use Permit that I am required to notify the Planning Department immediately.

I/We no longer require a Conditional Use Permit for this property because;

Denise Snow Howland
Print name

Denise Snow Howland, Personal Representative *4/2/2020*
Signature Harry Richard Snow Date
Estate

UMATILLA COUNTY CONDITIONAL USE PERMIT
Attachment to Renewal Request Form
Harry Richard Snow Estate (fka H. Richard Snow)
Permit No. C-546-89

Renewal Request:

My name is Denise Snow Howland. I am the oldest daughter of H. Richard Snow and the Personal Representative for the Harry Richard Snow Estate. My father passed away March 23, 2019.

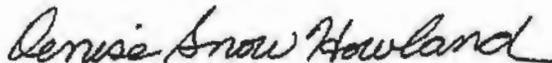
I hereby request renewal of the Conditional Use Permit No. C-546-89 for an existing quarry in an EFU zone. The continued need for the Permit is as stated in my father's Renewal Request dated February 13, 2019:

"We put gravel on our farm road to suppress dust. Also we are able to have a source of rock that our neighbors have access to for their farm roads."

In addition to the ongoing usage as stated in my father's request of 2019, since my father's passing, his Estate has been working with our rock crushing company to transition into a leasing situation with them.

If you have any further questions, please call me on my cell at (503) 930-0677.

Respectfully submitted,



Denise Snow Howland
Personal Representative
Harry Richard Snow Estate
33263 Oregon Trail Road
Echo, OR 97826

HARRY RICHARD SNOW ESTATE
Denise Snow Howland, Personal Representative
33263 Oregon Trail Road
Echo, OR 97826

Banner Bank
96-7107/3233

0519

1/2/2020

PAY TO THE ORDER OF Oregon Department of Transportation

\$ **50.00

Fifty and 00/100*****

DOLLARS

Oregon Department of Transportation
R/W Property Management
4040 Fairview Industrial Drive SE MS#2
Salem, OR 97302-1142

Personal Representative

MEMO

Act. 06319-//712; Yearly Land Use Permit

Denise Snow Howland
AUTHORIZED SIGNATURE

⑈000519⑈ ⑈32337107616101631263⑈

Photo State Depositor
Details on Back.

HARRY RICHARD SNOW ESTATE / Denise Snow Howland, Personal Representative
Oregon Department of Transportation

1/2/2020

0519

Act. 06319-//712; Yearly Land Use Permit

50.00

Banner Bank-Estate Act. 06319-//712; Yearly Land Use Permit

50.00

HARRY RICHARD SNOW ESTATE / Denise Snow Howland, Personal Representative
Oregon Department of Transportation

1/2/2020

0519

Act. 06319-//712; Yearly Land Use Permit

50.00

Banner Bank-Estate Act. 06319-//712; Yearly Land Use Permit

50.00

HARRY RICHARD SNOW ESTATE
Denise Snow Howland, Personal Representative
33263 Oregon Trail Road
Echo, OR 97826

Banner Bank
90-7107/2225

0638

4/2/2020

PAY TO THE ORDER OF Umatilla County

\$**50.00

Fifty and 00/100*****

DOLLARS

Planning (den)
Umatilla County Tax Department
216 SE 4th Avenue
Pendleton, OR 97801

Personal Representative

MEMO Renewal-Conditional Use Permit #C-546-89

Denise Snow Howland
AUTHORIZED SIGNATURE

⑈000638⑈ ⑆323371076⑆5101631213⑈

Oregon Department of Transportation



STATEMENT AND BILLING

Oregon Department of Transportation
R/W Property Management

4040 Fairview Industrial Dr SE MS#2 Salem OR 97302-1142

STATEMENT DATE

12/16/2019

ACCOUNT NUMBER

06319-#712

AMOUNT DUE

\$50.00

PLEASE INDICATE AMOUNT PAID

50.00

DICK SNOW
33263 OREGON TRAIL ROAD
ECHO, OR 97826

PLEASE RETURN THIS
PORTION WITH YOUR
PAYMENT IN THE
ENVELOPE PROVIDED

Please make Name and Address changes in the space(s) above

Oregon Department of Transportation



Oregon Department of Transportation

R/W Property Management

06319-#712

NW1/4 of NW1/4 of Sec 20, T3N, R29E, W.M., Umatilla Co. OR

STATEMENT DATE

12/16/2019

PAID 30 Days

\$0.00

PAID 60 Days

\$0.00

PAID 90 Days

\$0.00

CURRENT

\$50.00

TOTAL BALANCE

\$50.00

CURRENT BILLING DETAIL

Yearly Land Use Permit

Payments received after 12/16/2019 will appear on the next statement

	Amount
12/13/2018 Beginning Balance	\$50.00
01/02/2019 Payment	-\$50.00
12/16/2019 'Automated Billing 01-2020'	\$50.00
12/16/2019 Ending Balance - due January 1, 2020	\$50.00

4040 Fairview Industrial Dr SE MS#2 Salem OR 97302-1142

734-1364d(3-99)

503-986-3653

Umatilla County

Department of Land Use Planning

216 S.E. 4th Street • Pendleton, OR 97801
Ph: 541-278-6252 • Fax: 541-278-5480



Receipt

Fee Receipt Number: 23362
Transaction Date: 3/13/2025
Transaction Time: 4:38:29 PM
Payor: HNS INC (c/o JEFF & MICHELLE HINES)
Paid in Cash: \$0.00
Paid via Check: \$800.00 Check# 21583Bank#
Paid via EFT: \$0.00

Comments:

APPEAL C-546-89 - REQUEST TO REINSTATE; DECISION BY PLANNING DIRECTOR -
02/27/2025 - LOGGED BY S. VAN SICKLE

<u>Fee Description</u>	<u>Quantity</u>	<u>Fee</u>	<u>Total</u>
Appeal	1	\$800.00	\$800.00

Total:	\$800.00
Amount Received:	\$800.00
Amount Paid:	\$800.00
Change:	\$0.00
Amount Left Owing:	\$0.00



Megan Davchevski <megan.davchevski@umatillacounty.gov>

Re: Hines Appeal Application

1 message

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Apr 1, 2025 at 4:33 PM

To: wes@timmonsllaw.com

Cc: Doug Olsen <doug.olsen@umatillacounty.gov>, Robert Waldher <robert.waldher@umatillacounty.gov>, Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, Planning Department <planning@umatillacounty.gov>

Good Afternoon,

Please see the attached communication. Please feel free to reach out to me with any questions or if you wish to discuss.

Best,

Megan

--

Megan Davchevski, CFM

Planning Division Manager

Community Development Department



Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

2 attachments

 **20250401162228.pdf**
81K

 **20250401162058.pdf**
159K

April 1, 2025

COMMUNITY &
BUSINESS
DEVELOPMENT

Wes Williams
Attorney at Law

LAND USE
PLANNING,
ZONING AND
PERMITTING

via email
wes@timmonsllaw.com

CODE
ENFORCEMENT

Re: Hines Appeal Application / Intent to Void #C-546-89
Snow Conditional Use Permit, #C-546-89
Property Map #3N 29, Tax Lot #12800, Account #107639

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Dear Wes:

GIS AND
MAPPING

After Planning's discovery of the Snow Pit operating beyond the CUP approval in July of 2020, Planning staff were in communication with Mr. Jeff Hines (now owner/operator) regarding the compliance issues. Mr. Hines shared that he intended to go through the Goal 5 permitting process. Because of his cooperation, Planning did not pursue the CUP revocation process. Since Mr. Hines is now disagreeing with the department with an appeal application, Planning will proceed through the revocation process as delineated in Umatilla County Development Code Section 152.613 (F) in addition to the Appeal of the Planning Manager's letter. A copy of this section is enclosed.

RURAL
ADDRESSING

LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

Please accept this as the 30-day notice of the County's intent to void C-546-89. The Planning Commission hearing will occur with the Appeal Hearing on May 1, 2025. Information submitted in the appeal may be used for this revocation process. If additional information is submitted for the Planning Commission packets, please submit the information 15-days ahead of the Planning Commission hearing date of May 1, 2025. This will provide staff time to copy and insert the additional materials.

Please feel free to visit with me about your application or this letter by calling me at 541-278-6246, or if it is more convenient you may contact me via e-mail at Megan.Davchevski@umatillacounty.gov.

Respectfully,



Megan Davchevski
Planning Division Manager

Cc: Doug Olsen, County Counsel (*via email*)
Robert Waldher, Community Development Director (*via email*)
Michelle Hines, property owner (*via email*)

Enclosure: UCDC 152.613(F)

pursuant to [§ 152.767](#);

(B) A conditional use or land use decision application shall be processed via administrative review per [§ 152.769](#);

(C) A conditional use permit or land use decision will not be approved unless the proposed use of the land will be in conformance with the County Comprehensive Plan;

(D) An applicant granted a conditional use permit or land use decision must obtain a County Zoning Permit for each tax lot before establishing the approved use and/or commencing construction.

(E) Conditional use permits and land use decisions may have annual reviews conducted by County Planning to ensure compliance with the conditions of approval. Annual review fees may be assessed.

(F) A conditional use or land use decision may be referred to the Planning Commission if the Planning Director deems circumstances warrant such additional review and consideration.

(Ord. [83-4](#), passed 5-9-83; Ord. [2005-02](#), passed 1-5-05; Ord. [2011-02](#), passed 3-17-11; Ord. [2016-02](#), passed 3-16-16; Ord. [2022-09](#), passed 7-19-22;)

§ 152.613 TIME LIMIT ON A CONDITIONAL USE PERMIT AND LAND USE DECISION.

(A) A final decision for a conditional use permit or land use decision shall expire after two years from the date the final findings are signed, unless all applicable conditions have been met and a zoning permit is obtained.

(B) If delay in establishing the use is

demonstrably due to a delay by a state or federal agency in issuing a required permit, at no fault of the applicant, the Planning Director or a designee of the Planning Director may extend the time limit imposed by division (A) of this section for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish that state or federal permits have not yet been issued, and that the delay has not been caused by the applicant.

(C) Time Limitation on Transportation-Related Conditional Use Permits. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed two years.

(D) Time Limitation on Utility Related Conditional Use Permits and Land Use Decisions. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on market conditions, right-of-way acquisition, and other pertinent factors. This period shall not exceed two years.

(E) Amendments made to paragraphs A through D by Ordinance No. [2014-04](#) shall apply to applications submitted after July 2, 2014.

(F) The County may void a conditional use permit or land use decision under the following circumstances:

(1) The property owner/applicant no longer complies with the conditions of approval imposed as part of the original decision, the County provided the property owner/applicant at least 30-days written notice and opportunity to correct or cure the

compliance issue and the property owner/applicant failed to correct or cure the compliance issue within said notice period; or

(2) The use approved pursuant to the conditional use permit or land use decision has been continuously discontinued for a period of one (1) year or more, unless a longer period is provided in state law.

(3) If the County intends to void a conditional use permit or land use decision under subsection (1) or (2) above, it shall do so pursuant to a public process set forth in [§ 152.769](#) and [§ 152.771](#). The County bears the burden of proving the elements set forth in subsections (1) and (2) above.

(Ord. [83-4](#), passed 5-9-83; Ord. [2005-02](#), passed 1-5-05; Ord. [2011-02](#), passed 3-17-11; Ord. [2014-04](#), passed 7-2-14; Ord. [2016-02](#), passed 3-16-16;)

§ 152.614 LIMIT ONE APPLICATION.

No application for a conditional use permit or land use decision shall be considered within one year of the denial of such a request, unless in the opinion of the Hearings Officer, Planning Director or designated planning authority new evidence and/or a change of circumstances warrant it.

(Ord. [83-4](#), passed 5-9-83; Ord. [2005-02](#), passed 1-5-05; Ord. [2011-02](#), passed 3-17-11;)

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose

the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, water pollution, glare or odor;

(B) Establishing a special yard, other open space or lot area or dimension;

(C) Limiting the height, size or location of a building or other structure;

(D) Designating the size, number, location and nature of vehicle access points;

(E) Increasing the required street dedication, roadway width or improvements within the street right of way;

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area;

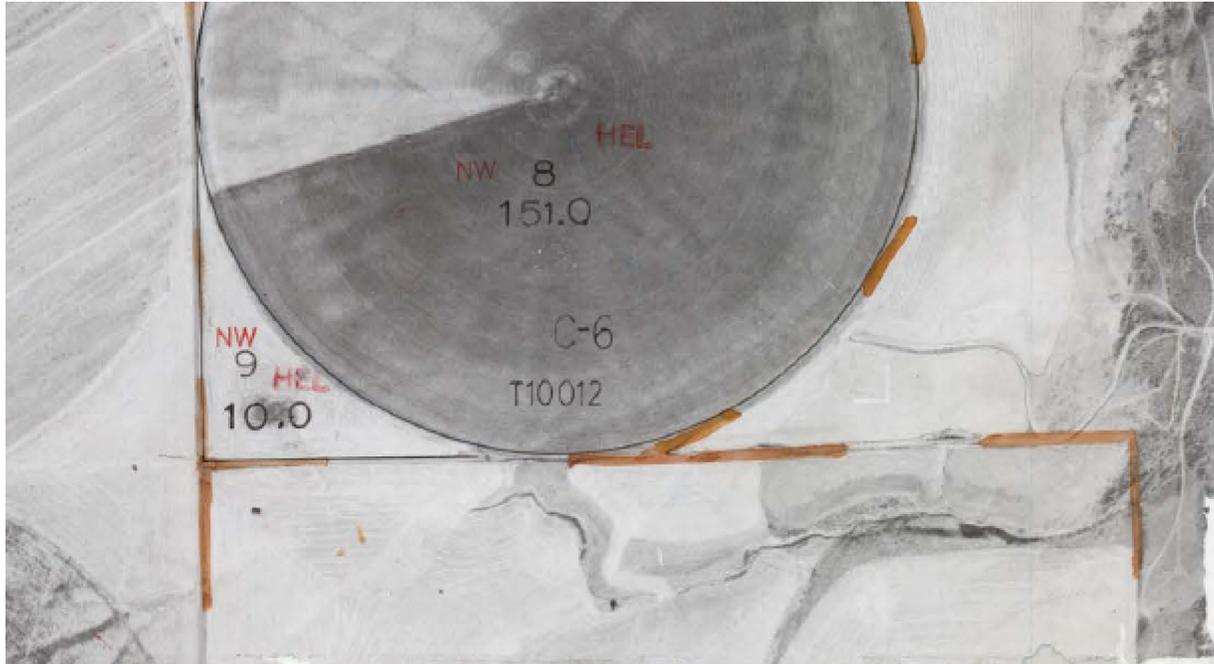
(G) Limiting or otherwise designating the number, size, location, height and lighting of signs;

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding;

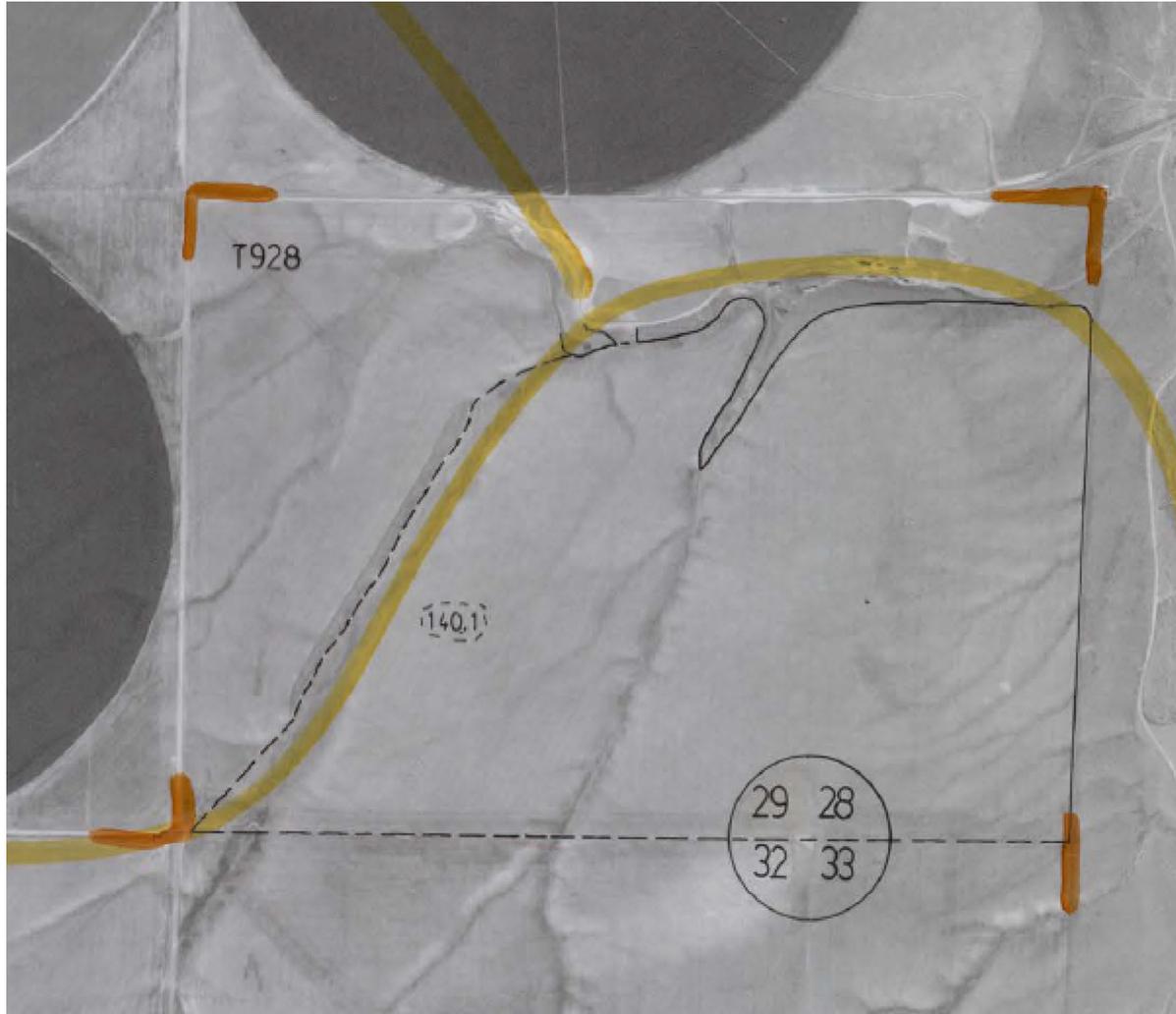
(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.

(J) Designating the size, height, location and materials for a fence;

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural



1980 Aerial (Flight)



1994 Aerial (Flight)



May 1994 (Google Earth satellite)

Hines #R-001-025
Exhibit 32 Page 3 of 7

11/2002

Ruler

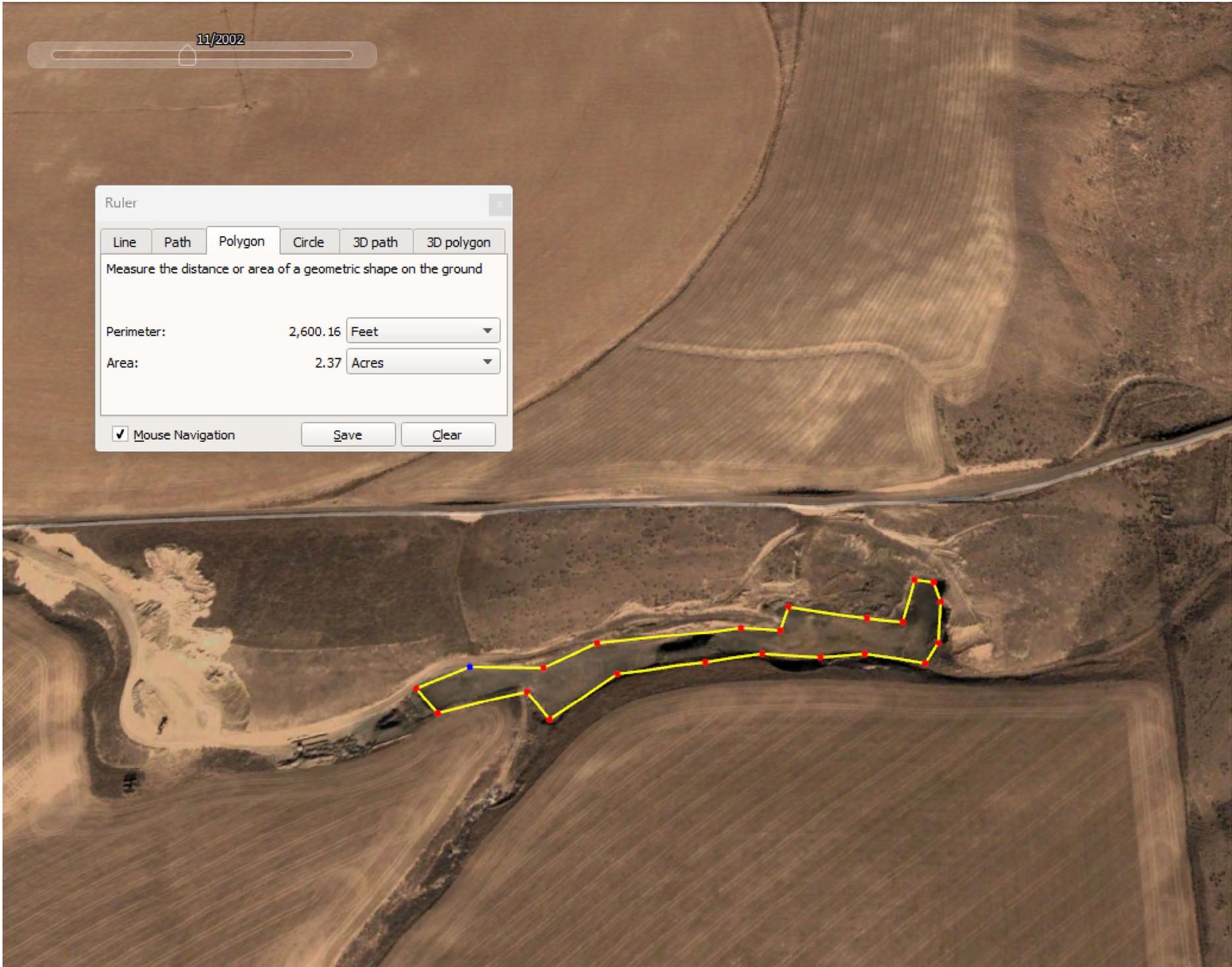
Line Path Polygon Circle 3D path 3D polygon

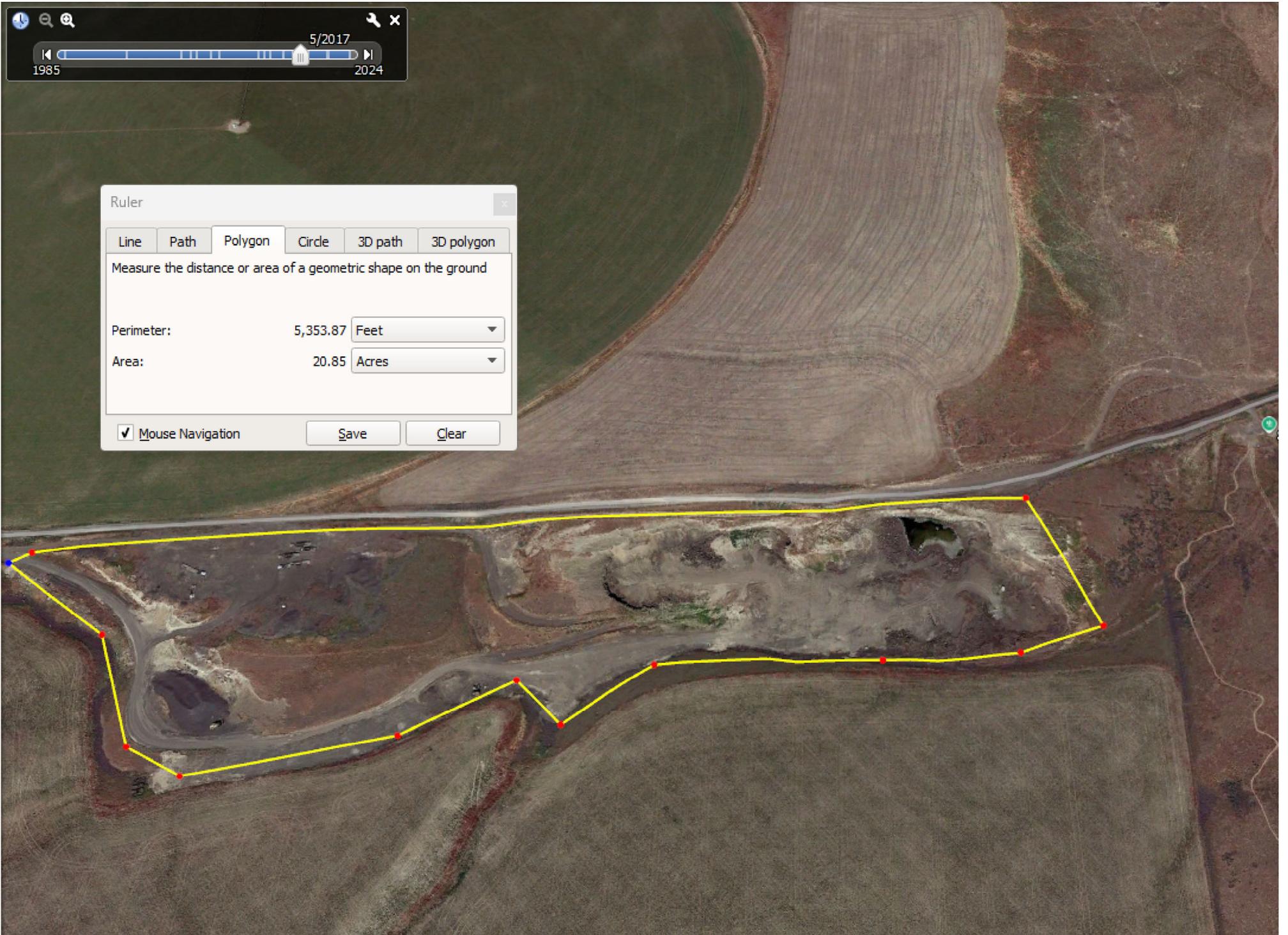
Measure the distance or area of a geometric shape on the ground

Perimeter: 2,600.16 Feet

Area: 2.37 Acres

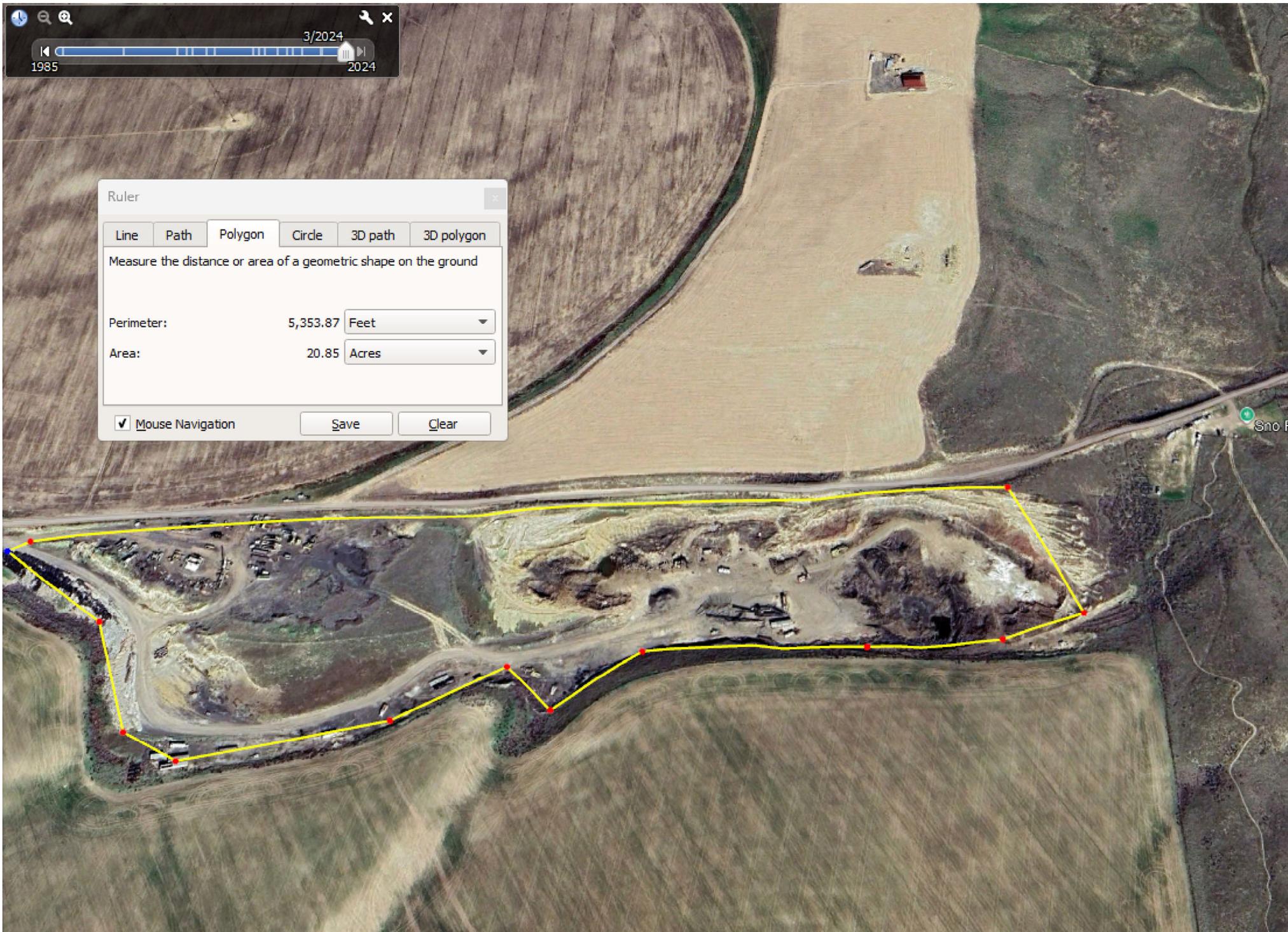
Mouse Navigation Save Clear





Hines #R-001-025
Exhibit 32 Page 5 of 7

May 2017 (Google Earth satellite)



3/2024
1985 2024

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 5,353.87 Feet

Area: 20.85 Acres

Mouse Navigation Save Clear

3/2024

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance or area of a geometric shape on the ground

Perimeter: 2,600.16 Feet

Area: 2.37 Acres

Mouse Navigation Save Clear



















Megan Davchevski <megan.davchevski@umatillacounty.gov>

RE: C-546-89 Appeal

2 messages

Wes Williams <wes@timmonsllaw.com>

Mon, Apr 14, 2025 at 10:11 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>, Wes Williams <wes@timmonsllaw.com>

Cc: Planning Department <planning@umatillacounty.gov>, Doug Olsen <doug.olsen@umatillacounty.gov>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Robin Miles <robin@timmonsllaw.com>

Good morning,

Attached please find a .zip file of photos received from Michelle & Jeff Hines of the rock pit. Additional exhibit documents will follow later today.

Thank you for your patience.

Sent on behalf of Wes Williams by

Robin Miles, Paralegal for Wes Williams



TIMMONS LAW PC

Mailing: 115 Elm Street, Suite 15, La Grande, OR 97850

Telephone: 541.962.0896

Facsimile: 541.296.9904

robin@timmonsllaw.com

Web: timmonsllaw.com

***NOTICE:** This communication may contain information that is privileged or confidential. If you have received this message in error, please contact the sender immediately and delete the message and any attachments without copying or disclosing the contents.*

 **Pit Photos - April2025.zip**
8667K

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Mon, Apr 14, 2025 at 10:53 AM

To: Wes Williams <wes@timmonsllaw.com>

Cc: Planning Department <planning@umatillacounty.gov>, Doug Olsen <doug.olsen@umatillacounty.gov>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Robin Miles <robin@timmonsllaw.com>

Received, thank you.

[Quoted text hidden]

--



Megan Davchevski, CFM

Planning Division Manager

Community Development Department

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning>

Please Be Aware - Documents such as emails, letters, maps, reports, etc. sent from or received by the Umatilla County Department of Land Use Planning are subject to Oregon Public Records law and are NOT CONFIDENTIAL. All such documents are available to the public upon request; costs for copies may be collected. This includes materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.



























































Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hines Appeal – Snow Condition Use Permit No. C-546-89

1 message

Wes Williams <wes@timmonsllaw.com>

Mon, Apr 14, 2025 at 2:02 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>, Wes Williams <wes@timmonsllaw.com>

Cc: Planning Department <planning@umatillacounty.gov>, Doug Olsen <doug.olsen@umatillacounty.gov>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Robin Miles <robin@timmonsllaw.com>

Dear Ms. Davchevski:

Enclosed please find some additional documents, which are:

1. A detailed plot plan for the rock quarry;
2. A letter from the City of Echo regarding water supply;
3. A permit license certificate from DEQ for the HNS rock crusher;
4. A permit application form and an attached map for the access road from the rock quarry to Snow Road; and
5. A DOGAMI Operating Permit Application form with Appendix.

If you have any questions concerns or comments regarding these documents, please call. I remain,

Very truly yours,

Wes Williams

Sent on behalf of Wes Williams by

Robin Miles, *Paralegal for Wes Williams*



TIMMONS LAW PC

Mailing: 115 Elm Street, Suite 15, La Grande, OR 97850

Telephone: 541.962.0896

Facsimile: 541.296.9904

robin@timmonsllaw.com

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5 attachments

-  **AP-21-006.pdf**
244K
-  **DEQ Air Quality Permit.pdf**
416K
-  **DOGAMI OP application w-appendix.pdf**
3651K
-  **HNS Signed - City Water Information 2024 07252024.pdf**
96K
-  **Rock Quarry Plot Plan_2024-08-26.pdf**
177K

ROAD DEPARTMENT USE ONLY
RECEIVED BY UMATILLA COUNTY
DATE: <u>01-27-2021</u>
REC'D BY: <u>JMA</u>
PERMIT No.: <u>21-006</u> -AP

FEE: \$50.00

**UMATILLA COUNTY DEPARTMENT OF PUBLIC WORKS
3920 WESTGATE
PENDLETON, OREGON 97801**

**PERMIT APPLICATION FORM
FOR**

**CONSTRUCTION OF ROAD APPROACHES ONTO COUNTY AND PUBLIC ROADS AND
PRIVATE ROAD CROSSINGS OF COUNTY AND PUBLIC ROADS**

I (We) PARJIM Farmland Holdings, LLC
(Please Print or Type Name)

C/O Jay Ginetto, 18 Crescent Key, Bellevue, WA 98006
(Mailing Address)

208/301-1265, Pete.Volkow@gmail.com
(Telephone Number) (Email)

hereby respectfully request permission to access Umatilla County Road,

1347, Smow Road
(Road No.) (Road Name)

or Public Road _____ located at

_____ in the
(Address if Applicable) (Tax Lot No.)

N 1/2 of SE 1/4 of Section 29, Township 3N, Range 29 E.W.M.
(1/4 Section)

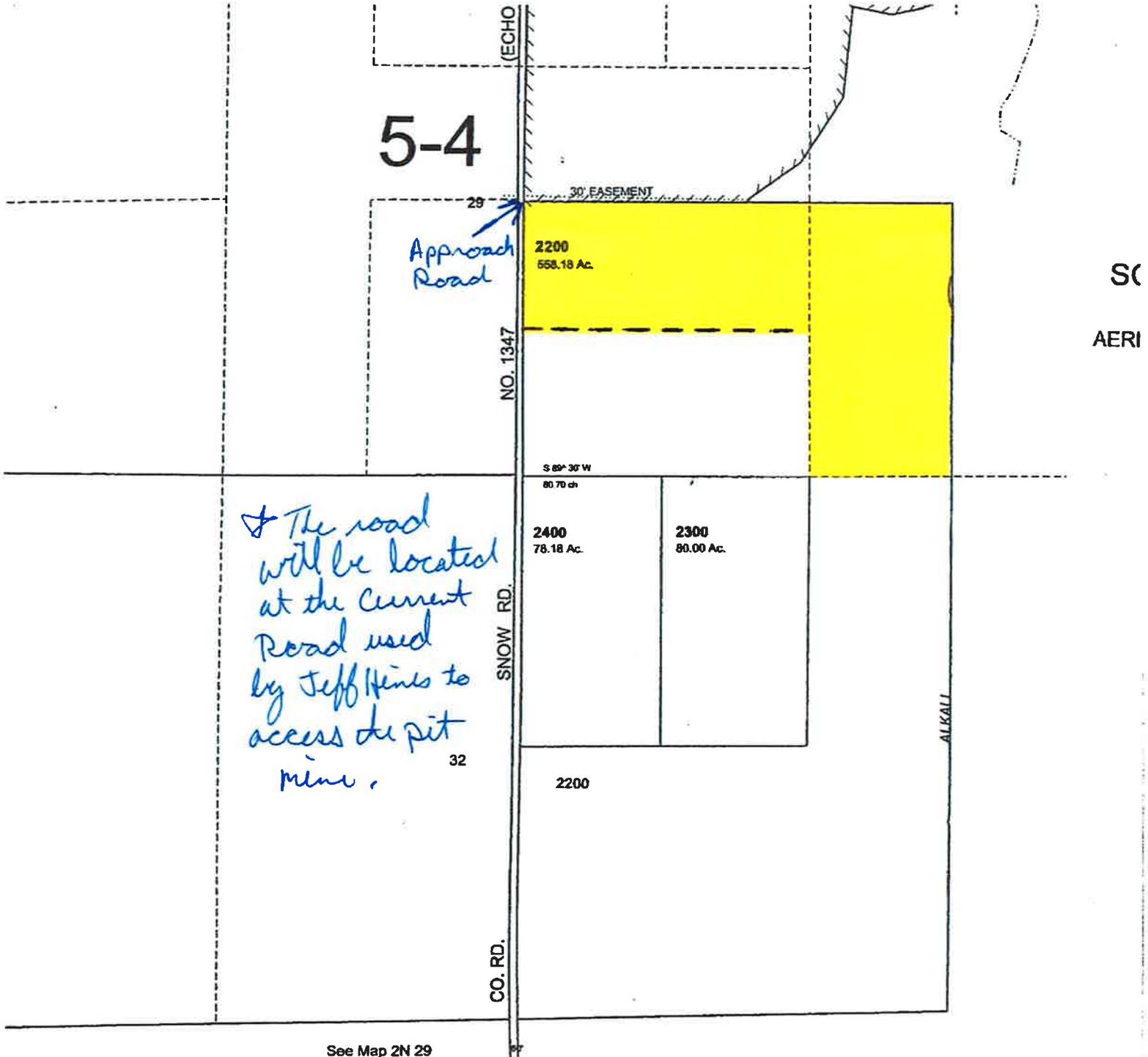
with a(n) (Approach Road) (Private Crossing), the location of which is more particularly described by the attached sketch (attach copy of assessor's map) with approach location shown and a sketch of the proposed approach showing width, length, culvert locations, etc. I (We) agree to defend, indemnify and hold harmless Umatilla County and its officials and employees from all claims, liability and causes of action that arise from or relate in any way to my (our) construction of approach roads to county and public roads.

Pete Volkow
Signature of Permittee

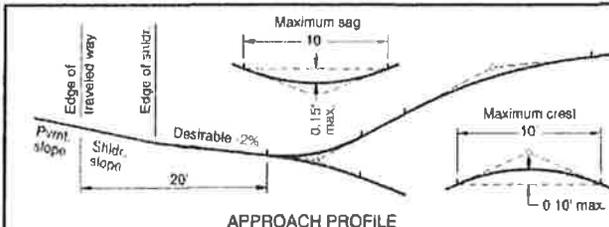
Pioneer Title Company

THIS MAP IS NOT A SURVEY AND DOES NOT SHOW THE LOCATION OF ANY IMPROVEMENTS AND IS PROVIDED FOR IDENTIFICATION OF THE LANDS ONLY AND THIS COMPANY ACCEPTS NO LIABILITY FOR THE ACCURACY OF BOUNDARY LINES, EASEMENTS, ROAD OR OTHER MATTERS SHOWN THEREON.

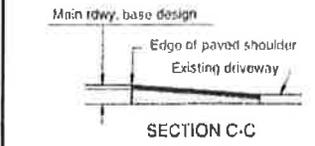
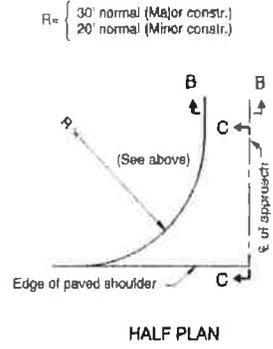
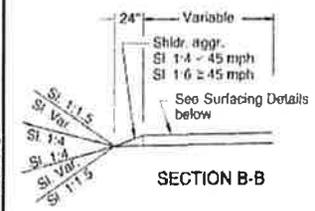
MAP NO. 3N-29-C



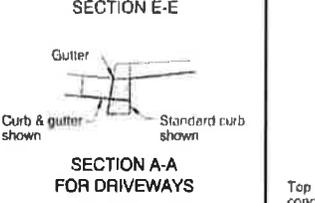
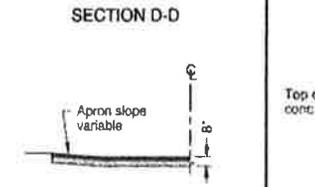
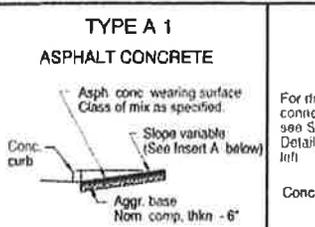
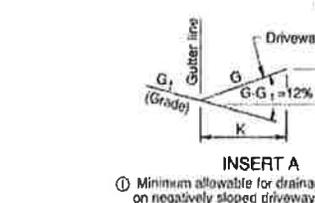
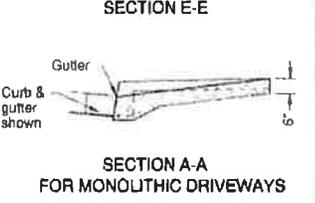
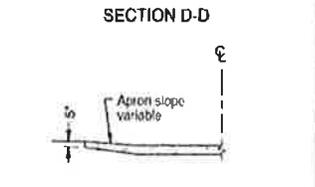
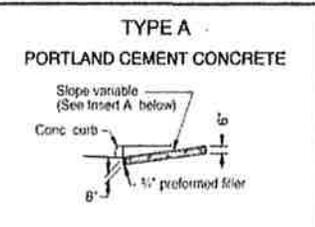
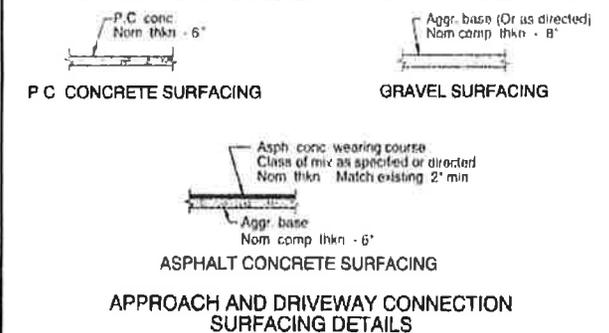
RD715.dgn 14-JUL-2014



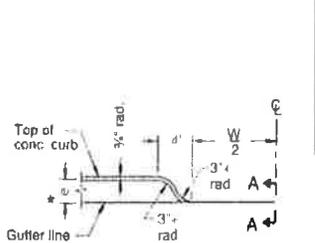
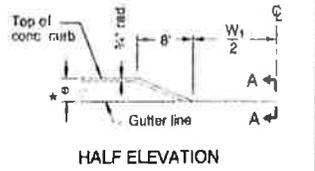
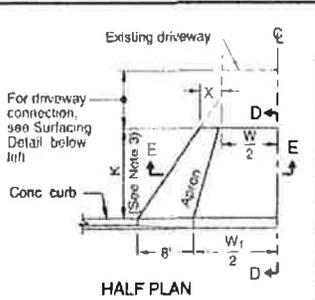
NOTE:
When grades on approaches meet without vertical curves the maximum algebraic difference on crests should be 8% and on sags 12%. Grades steeper than 15% should not be used without prior approval of the engineer of record. Any driveways with slopes exceeding 12% shall be paved.



NOTE:
Normal paving limits to extend 20' (30' for public road connections) from the edge of pavement or to the right of way line, whichever is less. Approach surfacing and width to then match existing approach.



NON-SIDEWALK DRIVEWAYS
NOTE: See "Table A" for dimensions not shown.



* Curb exposure "e" = 7" normal. Vary as shown on plans or as directed.

W (ft)	X (ft)	K (ft)			
		5	6	8	10
12		15	15	15	15
14		17	17	17	17
16	3	19	19	19	19
18		21	21	21	21
20		23	23	23	23
22		27	28	29	30
24		29	30	31	32
26	4	31	32	33	34
28		33	34	35	36
30		35	36	37	38
32		41	42	44	46
34	5	43	44	46	48
36		45	46	48	50

Where a travel lane is constructed adjacent to the curb line use 16' W min for residence and 30' W min for light commercial, add 5' to W₁ for both. Do not add the 5' to W₁ when 4' min shldr or bikeway is included in the typical.

GENERAL NOTES FOR ALL DETAILS:

- Driveway details shown on this drawing are to be used on roadways where there are no existing or planned sidewalks in driveway vicinity. For driveways located in a sidewalk see Sid. Drgs. RD720, RD725 and/or RD730, RD735, RD740, RD745, RD750.
- Width of driveway (W) as shown on plans or as directed.
- K is the distance from back of curb to back of driveway (10' max.).
- Where existing driveway is in good condition, construct only as much as required for satisfactory connection with new work.
- "Alternate Apron Slope" used only where plans designate. Alternate Apron Slope may also be used at local jurisdiction's request when approved by the Project Manager.
- Increase thickness of asphalt concrete and stone base where shown on plans.
- For curb details see Sid. Drgs. RD700 & RD701.
- For expansion and contraction joint requirements see applicable curb and sidewalk standard drawings.

CALC. BOOK NO. N/A

BASELINE REVISION DATE: 14-JUL-2014

NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications.

OREGON STANDARD DRAWINGS

APPROACHES AND NON-SIDEWALK DRIVEWAYS

2015

RD715



Permit/License/Certificate (PLC)

Fact Sheet

Department of Environmental Quality, State of Oregon

700 NE Multnomah Street, Suite 600 Portland, OR 97232-4100

4/10/2025

Permit/License/Certificate (PLC) Information

PLC ID: 301290

Issue Date: 5/29/2018

PLC No: 37-0579-08-01

Eff. Date: 5/29/2018

PLC Type: ACDP General - Rock Crushers

Exp. Date: 10/1/2027

Permittee Name:

Term. Date:

Status: Issued

Approved By:

PLC Version:

Approved Date:

PLC Extended Date:

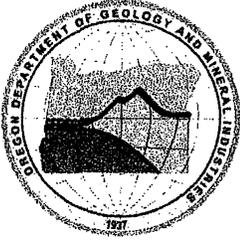
Extended Expiration Date:

Facility Information

Facility Name: HNS Inc.

Facility Address: PORTABLE, PORTABLE, OR 97999 (Deschutes County)

Facility ID: 179673



Oregon Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation Program
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
Fax (541) 967-2075

Operating Permit Application Form Division 30 & Division 35*

See attached Appendix A

*DOGAMI may require additional information for Division 35 applications.

CONFIDENTIALITY NOTICE

Any production records, mineral assessments and trade secrets submitted by a mine operator or landowner to the State Department of Geology and Mineral Industries shall be confidential. [1999 c.492 §10 (enacted in lieu of ORS 517.900)]

Page 1 of 15

Primary Point of Contact

To ensure effective communications and timely processing, a Primary Point of Contact (PPC) is recommended for this application. The PPC should be a representative of the applicant with signature authority or a designated agent. Documentation of signature authority and/or designated agent is required for all applicants registered to do business in the state of Oregon. DOGAMI specific Designated Agent and Signature Authority forms are available on our website.

Section 1: Contact Information			
1a. Applicant / Proposed Permittee			
Name of Applicant: <u>Jeff Hines</u>			
Mailing Address: <u>PO BOX 126</u>	City: <u>ECHO</u>	State: <u>OR</u>	Zip: <u>97826</u>
Telephone: <u>541-962-0100</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email			
1b. Primary Contact for the Application			
Name: <u>Jeff Hines</u>			
Mailing Address: <u>PO BOX 126</u>	City: <u>ECHO</u>	State: <u>OR</u>	Zip: <u>97826</u>
Telephone: <u>541-86-0540</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email			
1c. Application Prepared By			
Name: <u>Jeff Hines</u>			
Mailing Address: <u>PO BOX 126</u>	City: <u>ECHO</u>	State: <u>OR</u>	Zip: <u>97826</u>
Telephone: <u>541-86-0540</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email			
1d. Operator Information			
Name: <u>HNS INC</u>			
Mailing Address: <u>PO BOX 126</u>	City: <u>ECHO</u>	State: <u>OR</u>	Zip: <u>97826</u>
Telephone: <u>541-962-0100</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
1e. Contact Person for Field Visits			
Name: <u>Jeff Hines</u>	Preferred method of contact <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Email		
Telephone: <u>541-86-0540</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
1f. Landowner Information			
Name of Landowner (1): <u>Jeff Hines</u>			
Mailing Address: <u>PO BOX 322</u>	City: <u>ECHO</u>	State: <u>OR</u>	Zip: <u>97826</u>
Telephone: <u>541-86-0540</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
Name of Landowner (2): <u>Michelle Hines</u>			
Mailing Address: <u>PO BOX 322</u>	City: <u>ECHO</u>	State: <u>OR</u>	Zip: <u>97826</u>
Telephone: <u>541-910-5934</u>	Fax:	Email: <u>hns97850@gmail.com</u>	
1g. Mineral Estate Owner Information – If Split Estate			
Name of Mineral Estate Owner (1):			
Mailing Address:	City:	State:	Zip:
Telephone:	Fax:	Email:	
Name of Mineral Estate Owner (2):			
Mailing Address:	City:	State:	Zip:
Telephone:	Fax:	Email:	

2d. Permit Acreage and Boundaries

Specify the approximate total number of acres to be covered under the Operating Permit 50 acres

Does the proposed permitted acreage coincide with the area approved by the local land use jurisdiction? yes no

If no: Explain:

Have the boundaries of the proposed permit area been marked on the ground with temporary or permanent boundary markers? yes no

If yes: Describe boundary markers: Fence Posts

What is the total number of acres to be affected by mining related activities in the 12 months following permit issuance (include excavation, processing, stockpiling and land clearing)? 20 acres

2e. Site Conditions

General Topography in the vicinity of the permit area (check all that apply):

mountains hills/buttes valleys plains badlands

floodplain other: _____ other: _____

Site Specific Topography (describe the topography within the permit area):

Current Land Use(s) for all tax lots or parcels within the permit area (check all that apply):

range/open space forestry industrial wildlife/wetland recreation

residential commercial agriculture other: _____ other: _____

Structures, Facilities & Surface Disturbances:

none residential farm/ranch

industrial/commercial roads overhead power lines or facilities

underground utilities (e.g. electrical, fiber optic, water, sewer, etc.) oil/gas structures or pipelines other: _____

Additional Description (optional):

Vegetation (general description of the dominant grasses, forbs, shrubs and trees located within the permit area):

Perennial Annual Grasses

Listed sensitive, threatened or endangered fish and/or wildlife species (within the permit area and nearby water ways):

Surface Water Features within or near the permit area (includes features that may contain water at any time, including seasonal and stormwater runoff):

none river _____ stream/creek _____ spring

lake/pond irrigation ditch/canal ephemeral drainage wetlands*

***The DOGAMI Wetland Supplemental Form may be required to be submitted with this application package.**

2f. Surrounding Area Conditions

Land Use(s) within 1,500 feet of the permit area (check all that apply):

range/open space forestry industrial wildlife/wetland recreation

residential commercial agriculture other: _____ other: _____

Structures, Facilities & Surface Disturbances within 1,500 feet of the permit area (check all that apply):

none residential farm

industrial/commercial roads overhead power lines or facilities

underground utilities (e.g. electrical, fiber optic, water, sewer, etc.) oil/gas structures or pipelines other: _____

What is the distance to the nearest structure not owned by the permittee? 3850 feet

Surface Water Features within 1,500 feet of the permit area (check all that apply):

- | | | | |
|--|---|---|------------------------------------|
| <input checked="" type="checkbox"/> none | <input type="checkbox"/> river _____ | <input type="checkbox"/> stream/creek _____ | <input type="checkbox"/> spring |
| <input type="checkbox"/> lake/pond | <input type="checkbox"/> irrigation ditch/canal | <input type="checkbox"/> ephemeral drainage | <input type="checkbox"/> wetlands* |

***The DOGAMI Wetland Supplemental Form may be required to be submitted with this application package.**

Section 3: Proposed Operating Plan			
3a. Development Plans & Equipment			
What type of surface mine will be developed?			
<input type="checkbox"/> single bench	<input checked="" type="checkbox"/> multiple bench	<input checked="" type="checkbox"/> sidehill cut	<input type="checkbox"/> hilltop removal
<input type="checkbox"/> open pit	<input type="checkbox"/> pond excavation	<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____
What is the primary commodity? (Select One)			
<input type="checkbox"/> lava	<input type="checkbox"/> decomposed granite	<input type="checkbox"/> pumice	<input type="checkbox"/> topsoil
<input type="checkbox"/> borrow/fill	<input type="checkbox"/> diatomaceous earth	<input type="checkbox"/> sand and gravel	<input type="checkbox"/> bentonite
<input type="checkbox"/> cinder	<input type="checkbox"/> dredge tailings	<input type="checkbox"/> shale	<input checked="" type="checkbox"/> other: <u>Basalt</u>
What is the primary use? (Select One)			
<input type="checkbox"/> asphalt aggregate	<input type="checkbox"/> concrete aggregate	<input type="checkbox"/> landscaping materials	<input type="checkbox"/> other: _____
<input checked="" type="checkbox"/> base rock aggregate	<input type="checkbox"/> construction fill	<input type="checkbox"/> rip rap	
What is the general deposit type?			
<input checked="" type="checkbox"/> bedrock	<input type="checkbox"/> river/floodplain (alluvial)*	<input type="checkbox"/> river channel terrace	
<input type="checkbox"/> talus	<input type="checkbox"/> other: _____	<input type="checkbox"/> unknown	
*The DOGAMI Floodplain Supplemental Form may be required to be submitted with this application package.			
Check all mining methods and on-site activities that apply:			
<input checked="" type="checkbox"/> drilling and blasting	<input checked="" type="checkbox"/> ripping and loading	<input checked="" type="checkbox"/> crushing	<input type="checkbox"/> washing
<input checked="" type="checkbox"/> shovel/loader/scrapper	<input type="checkbox"/> material recycling	<input checked="" type="checkbox"/> stockpiling	<input type="checkbox"/> other: _____
Equipment to be used for mining and processing includes (check all that apply):			
<input checked="" type="checkbox"/> loaders	<input checked="" type="checkbox"/> dozers	<input checked="" type="checkbox"/> excavators	<input checked="" type="checkbox"/> trucks
<input checked="" type="checkbox"/> crushers	<input checked="" type="checkbox"/> drilling equipment	<input type="checkbox"/> other: _____	<input checked="" type="checkbox"/> screeners
Date to begin mining activities: <u>5/1/25</u> Expected duration (in years): <u>100+</u>			

3b. Water Management	
Indicate the proposed use(s) of water (check all that apply):	
<input type="checkbox"/> wash plant	<input checked="" type="checkbox"/> asphalt plant
<input checked="" type="checkbox"/> dust control	<input checked="" type="checkbox"/> crusher
<input type="checkbox"/> concrete batch plant	
<input type="checkbox"/> other: _____	
Note: A DEQ permit will be required for process water generated and stored on site.	
If applicable: Is the water source within 300 feet of the permit area? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes: Identify the source of water to be used and show its location on a map:	
<input type="checkbox"/> irrigation ditch	<input type="checkbox"/> pond
<input type="checkbox"/> pit	<input type="checkbox"/> groundwater well
<input type="checkbox"/> other: _____	
Note: A water right may be required by the Oregon Water Resource Department.	
Will water be stored on site? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
If yes: What will the water be stored in?	
<input type="checkbox"/> detention/retention pond	<input type="checkbox"/> lined detention/retention pond
<input checked="" type="checkbox"/> water storage tank	
<input type="checkbox"/> other: _____	
What is the approximate depth that groundwater is first encountered? <u>150</u> feet below ground surface	
What source or method was used to determine depth to groundwater? <u>Well drilling</u>	
Have monitoring wells been constructed on site or are monitoring wells proposed? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes: A DOGAMI Groundwater Supplemental Form must be submitted with this application.	
Will excavation operations be conducted below groundwater level? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
Will dewatering be conducted at this site? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes: A DOGAMI Groundwater Supplemental Form must be submitted with this application and a DEQ Permit may be required.	

Has a DEQ water quality permit been obtained for the site? **NO**
 If yes: DEQ Permit #

3c. Designated Setbacks

Will surface mining operations require crossing external property lines? yes no

What will be the minimum undisturbed property line setback for:
 Excavation operations: 25 feet wide
 Processing operations: 100 feet wide
 Stockpiling operations: 100 feet wide *entire site located on mj farms LLC*

If proposing disturbances within the setbacks (such as visual berms or roads), explain:
 Specify the minimum undisturbed setback(s) between mining operations and:
 Overhead utilities (poles or towers): _____ feet wide
 Underground utilities (e.g. electrical, fiber optic, water, sewer, etc.): _____ feet wide
 Right-of-Way/Easement Road: _____ feet wide
 Other: _____ feet wide
 not applicable (none of the above-listed items are present within the proposed permit area)

Are setbacks shown on the attached map(s)? yes no
 If no: Explain:

Have setbacks been marked on the ground with permanent or temporary boundary markers? yes no
 If no: Explain:

3d. Designated Buffers

Does a naturally vegetated area (buffer) exist along a river, stream or natural drainage? not applicable yes no
 If no or not applicable, skip to 3e.

What are the minimum undisturbed buffers for the following:
 River (Ordinary High Water Line): _____ feet wide
 Stream (Ordinary High Water Line): _____ feet wide
 Natural drainage: _____ feet wide
 Riparian Vegetation: _____ feet wide

Have the undisturbed buffers been marked on the ground with permanent or temporary boundary markers? yes no
 Have conservation/protection buffers been established? not applicable yes no
 If yes: check all that apply:
 unstable slopes wildlife habitat water quality other: _____

Describe the nature and configuration of the conservation buffer(s):

3e. Visual Screening

Does a natural landform or vegetative screen currently exist?

Along the permit boundary yes no
 Within the permit boundary yes no
 Along the property boundary yes no
 Within the property boundary yes no

If yes to any of the above: Describe: *Rock pit is located in bottom of ravine completely out of public view*

Will a berm be constructed along the permit boundaries to develop a visual screen? yes no
 If yes: The average height of the constructed screen/berm will be _____ feet tall and _____ feet wide.
 Will a vegetative screen be established along the permit boundaries to develop a visual screen? yes no
 If yes: If planting trees, what is the estimated height at maturity? _____ feet tall
 Please describe (include species and planting densities):
 Will a fence be installed along the permit boundary for safety or visual screening? yes no
 Will the screening/fencing/berm be maintained for the life of the surface mine? not applicable yes no
 If no: Explain:

3f. Vegetation
 Will vegetation be removed sequentially from areas to be mined to prevent unnecessary erosion? yes no
 If no: Explain:
 Will small trees and other transplantable vegetation be salvaged for use in revegetating other phases? yes no
 Wood and other organic debris will be (check all that apply): *N/A*
 recycled removed from site chipped burned buried
 piled and composted on site for growth medium or mulch other: _____ other: _____
Note: A DEQ permit is generally required for burial of debris and may be required for burning.
 Will coarse wood (logs, stumps) and other large debris be salvaged for fish and wildlife habitat? not applicable yes no

3g. Soil and Overburden Salvage and Stabilization
 Identify and characterize the type(s) of soil present within the site area per NRCS Web Soil Survey:
Sandy loam
 Will growth medium and overburden materials be salvaged? yes no
 Explain: *Stockpile of overburden has been stockpiled on E of property*
 Will growth medium and overburden materials be segregated and stored separately during stripping operations? yes no
 Explain proposed stripping, handling, and storage of growth medium and overburden materials:
Approx 23 acres is set aside for stockpiling of overburden
For the areas to be stripped:
 Thickness of growth medium averages 3 inches feet
 Thickness of overburden averages 3 inches feet
 Depth to bedrock is approximately 3 inches feet (below ground surface).
 Total volume of growth medium available within the permit area is 10,800 cubic yards.
 Total volume of stored growth medium is 10,000 cubic yards and will require 2 acres for storage.
 Total volume of stored overburden is 10,000 cubic yards and will require 2 acres for storage.
 Will growth medium and overburden materials be moved directly to mined out portions of the site for concurrent reclamation? yes no
 Explain: *all topsoil will be stored through mining operation for future*
 Will the storage areas be cleared of all vegetation and organic matter prior to stockpiling? yes no
 If no: Explain:
 Will subsurface drainage for the storage area be established prior to material placement? yes no
 Explain: *NO water on site*
 Will growth medium and overburden materials be stabilized with vegetation to prevent water and wind erosion if stored for more than one season? yes no
 If no: Explain:
 Are the storage areas delineated on the attached map(s)? yes no

3h. Surface Mine Excavations	
What is the total number of acres to be affected by mining related activities (include excavation, processing, stockpiling and land clearing)? <u>50</u> acres	
What is the maximum vertical depth to be mined below the existing topographic grade? <u>200</u> feet	
What will be the lowest elevation of the excavated mine relative to mean sea level? <u>680</u> feet	
What will be the highest elevation of the excavated mine relative to mean sea level? <u>920</u> feet	
Will benches be developed as mining operations advance? <input type="checkbox"/> yes <input type="checkbox"/> no	
If yes: The average dimensions of the benches will be approximately: _____ foot vertical faces separated by _____ foot horizontal benches resulting in an interim sloping configuration of _____ H: _____ V (e.g. 1½H:1V, 2H:1V) If no: The interim sloping configuration of the excavation slopes will be: _____ H: _____ V (e.g. 1½H:1V, 2H:1V).	
Will excavation operations result in the creation of ponds/water-filled excavation areas? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes: The interim sloping configuration of the in-water slopes will be _____ H: _____ V (e.g. 3H:1V).	
Will oversize be generated on site? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
If yes: Specify the location for storage: <u>multiple stockpiles oversize available to reuse</u>	
Will any waste products such as tailings or crusher fines be generated during mining? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes: Specify the location for storage:	
Are the storage/stockpile areas delineated on the attached map(s)? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

3i. Best Management Practices and Stormwater Controls		
Will all stormwater runoff be contained on site? <input type="checkbox"/> yes <input type="checkbox"/> no		
If no: A DEQ (NPDES) Permit may be required.		
Methods to control erosion and minimize sedimentation within the permit area include (check all that apply):		
<input type="checkbox"/> minimize the areas stripped	<input type="checkbox"/> divert natural runoff around the site	<input checked="" type="checkbox"/> graveled roads and working areas
<input type="checkbox"/> internal sloping	<input type="checkbox"/> conveyance ditches	<input type="checkbox"/> rock check dams
<input type="checkbox"/> water bars	<input type="checkbox"/> settling/infiltration ponds	<input type="checkbox"/> retention berms
<input type="checkbox"/> seeding and mulching	<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____

Section 4: Reclamation Plan

4a. Post-Mining Land Use

Subsequent Land Use(s) of the permit area (check all that apply):

range/open space forestry industrial wildlife/wetland recreation
 residential commercial agriculture other: _____ other: _____

If more than one post-mining land use is selected provide a map delineating where each use is applicable.

What will be the average elevation of the reclaimed mine floor relative to mean sea level? _____ feet

Is the proposed post-mining land use compatible with the existing local land use jurisdiction? yes no

If no: Explain:

Is the final local land use approval for surface mining attached? yes no

If no: Explain:

4b. Reclamation Schedule

Will reclamation activities be conducted concurrently with mining? yes no

If no: How many days after mining is completed will reclamation operations begin?

If yes: Has the permit area been divided into cells/phases for sequential mining? yes no

4c. Final Excavation Slopes

Will final excavation slopes be constructed using the benching method? yes no

If yes: The average dimensions of the final benches will be approximately 40 foot vertical faces separated by 25 foot horizontal benches resulting in an interim sloping configuration of 2 H: 1 V (e.g. 1½H:1V, 2H:1V).

Will final slopes be constructed via a continuous slope? yes no

If yes: The completion of Section 4d is required.

Will reclamation blasting be used to reduce the entire highwall to a scree or rubble slope less than 2H:1V? yes no

If yes: Will access to benches be maintained for reclamation blasting? yes no

Will selective blasting will be used to remove benches and walls and to create chutes, buttresses, spurs, scree slopes, and rough cliff faces that appear natural or blend in with surrounding topography? yes no

Will final excavation slopes be steeper than 1½H:1V? yes no

If yes: The DOGAMI Slope Stability Supplemental Form must be submitted with this application.

Will small portions of benches or vertical faces be left to provide habitat for raptors and other cliff-dwelling birds? yes no

Will the final excavation slopes vary in steepness? yes no

If yes: Explain:

Are cross-sections of the final excavation slopes attached? (may be required) yes no

Will measures be taken to limit access to the top and bottom of hazardous slopes? yes no

Explain: *private property limited access*

4d. Final Fill Slopes

Will above-water final fill slopes be constructed on site? yes no

If no: Skip to 4e.

Will final fill slopes be steeper than 2H:1V or exceed 100 lineal feet in length? yes no

What will be the final sloping configuration of fill slopes? 2 H: 1 V (e.g. 2H:1V)

If yes: The DOGAMI Slope Stability Supplemental Form must be submitted with this application.

Will the final fill slopes vary in steepness? yes no

If yes: Explain:

Will fill slopes have a sinuous appearance in both profile and plan view? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will the final grouser tracks of equipment be preserved and oriented to trap moisture, growth medium, and seeds, to encourage seed germination and inhibit erosion (track walking)?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

4e. Working Floors	
Will flat working areas be formed into gently rolling hills to blend in with the surrounding area? If yes: Give details:	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will the working floor be gently graded into sinuous drainage channels to preclude sheet-wash erosion during heavy rain events? If yes: Give details:	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will the working floor and other compacted areas be, plowed, ripped, or blasted to decompact the upper surface prior to spreading growth mediums to foster revegetation? Explain (If yes, include depth of decompaction):	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<i>ripping to achieve 12" min depth for water infiltration</i>	

4f. Imported Fill	
Will imported materials be necessary to complete reclamation? If no: Skip to 4g.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Give volumes needed to meet reclamation plan: _____	
Are the locations for fill stockpiling and permanent placement shown on the map(s)?	<input type="checkbox"/> yes <input type="checkbox"/> no
How will the quality of imported fill be monitored to ensure it meets DEQ clean fill standards? _____	
Will the backfill materials be mixed or screened to ensure uniformity for compaction and stability?	<input type="checkbox"/> yes <input type="checkbox"/> no

4g. Backfilling Operations	
Will an excavation area be located below natural grade requiring backfilling? If no: Skip to 4h	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
What will be the total depth of backfilled materials? _____ feet.	
Will backfilling be conducted in lifts? If yes: Specify the average depth of the lifts: _____ feet.	<input type="checkbox"/> yes <input type="checkbox"/> no
Will the backfilled slopes be compacted? Explain:	<input type="checkbox"/> yes <input type="checkbox"/> no
Will compaction testing be conducted under supervision/direction of an Oregon Certified Engineering Geologist or Geotechnical Engineer to determine the compaction percentage? (may be required subject to post-mining land use)	<input type="checkbox"/> yes <input type="checkbox"/> no
Will backfilling be completed utilizing on site overburden materials? If yes: Explain:	<input type="checkbox"/> yes <input type="checkbox"/> no
Will you be backfilling into water? If no: Skip to 4h	<input type="checkbox"/> yes <input type="checkbox"/> no
Will dewatering be necessary for the backfilling operations? If yes: A DOGAMI Groundwater Supplemental Form is required to be submitted with this application and a DEQ NPDES Permit may be required.	<input type="checkbox"/> yes <input type="checkbox"/> no
Will backfilling be limited to the dry season or otherwise conducted under dry conditions? If no: A DOGAMI Slope Stability Supplemental Form may be required.	<input type="checkbox"/> yes <input type="checkbox"/> no
Will the excavation pit/pond be <i>entirely</i> backfilled to natural ground surface elevation? If no: The completion of Section 4h is required for in-water sloping configurations.	<input type="checkbox"/> yes <input type="checkbox"/> no

4h. Ponds and Wetlands

Will stormwater controls or excavation operations intersect the groundwater table resulting in the creation of ponds and/or wetlands? yes no
If no: Go to Section 4i.

Specify the construction method and dimensions for each settling/infiltration pond to remain on site:
 Pond #1 will be approximately _____ acres in size and approximately _____ feet deep and constructed via:
 excavation retention berms combination of both
 Pond #2 will be approximately _____ acres in size and approximately _____ feet deep and constructed via:
 excavation retention berms combination of both

All in-water sloping configurations will be constructed at _____ H: _____ V or flatter to a minimum depth of _____ feet below the low-water level of the ponds(s).
Per OAR 632-030-0027(5), all in-water sloping configurations must be established at 3H:1V or flatter from the ordinary high-water level to six feet below the ordinary low-water level for permanent water impoundments.

If not already present, will soils, silts, and clay-bearing materials be placed below water level to enhance revegetation for fish and wildlife habitat? yes no
If yes: Give details:

Will wetlands be constructed on site? yes no
If yes: Give details:

Will wildlife and fish habitat/enhancements be developed? yes no
If yes: Check all that apply:
 varied water depths islands peninsulas fish structures
 shallow areas (<18 inches deep) sinuous/irregular shorelines other: _____ other: _____

What species are the habitat/enhancements intended to benefit?

Will final pond(s) be utilized for agriculture, forestry or supply water (impoundment)? yes no
If no: Skip to 4i.

Has approval from other agencies with jurisdiction to regulate impoundment of water been obtained? yes no
If yes: Attach written approval.

What measures will be taken to prevent seepage from the site from adversely affecting the stability of impoundments and adjacent slopes? (check all that apply):
 monitoring relief drains weep holes
 compaction grouting installing upstream blanket
 none
 Give details:
 What measures have been taken to design impoundments to resist seismic hazards?

4i. Growth Medium Replacement

Will the importation of growth medium be required to complete reclamation? yes no
 Explain (if yes, describe source):

Will growth medium materials be replaced on all above-water slopes and/or benches? yes no
If no: Explain:

Will growth medium be distributed evenly over the site? yes no
If no: Specify:

Soil will be replaced on the mine floor to an approximate depth of 4 inches feet
 Soil will be replaced on established benches to an approximate depth of 4 inches feet

If growth medium is in short supply, will it be strategically placed to conserve moisture and promote revegetation?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Will growth medium be moved when conditions are exceptionally wet or dry?	<input type="checkbox"/> not applicable <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Explain:	
If applicable: will clay/silt from settling ponds be used to supplement the growth medium materials?	<input type="checkbox"/> yes <input type="checkbox"/> no
Will any additional materials be utilized as a growth medium substitute to complete revegetation (e.g. reject fines)?	<input type="checkbox"/> not applicable <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Explain:	
Will all growth medium be replaced with equipment that will minimize compaction, or will growth medium be plowed, disced, or ripped following placement?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Will all replaced growth medium be stabilized in a timely manner with vegetation and/or mulch to prevent loss by erosion, slumping, or crusting?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	

4j. Revegetation	
The average precipitation on site is <u>10.4</u> inches per year.	
Will the site be revegetated?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: The site will not be revegetated because:	
<input type="checkbox"/> Demonstration plots and areas will be used to show that active revegetation is not necessary.	
<input type="checkbox"/> Revegetation is inappropriate for the approved subsequent use of this surface mine.	
Will revegetation activities start during the first proper growing season (e.g. fall for grasses, fall or late winter for trees and shrubs) following restoration of slopes?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Give details: If no: Explain:	
Will vegetation test plots be used to determine optimum vegetation plans?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

4k. Planting and/or Seeding Techniques and Specifications	
Describe the method and time of year for planting and/or seeding: <u>Fall will consult w/ NRCS</u>	
Give seeding details (lbs/acre of grass, legume, or forb mixture):	
Give planting details (stems/acre of trees and shrubs, size and type of plant stock):	
Additional planting/seeding techniques include:	
<input type="checkbox"/> ripping, discing and/or tilling	<input type="checkbox"/> blasting to create permeability
<input type="checkbox"/> irrigation	<input type="checkbox"/> fertilization
<input type="checkbox"/> importation of clay or organic-rich growth medium	<input type="checkbox"/> other growth medium conditioners or amendments
<input type="checkbox"/> other: _____	<input type="checkbox"/> mulching
	<input type="checkbox"/> planting dormant trees and shrubs
	<input type="checkbox"/> seeds to be protected with growth medium or mulch
Describe the noxious weed and invasive plant control measures:	

4l. Drainage and Stormwater Controls	
Will the reclaimed surface mine site be internally drained?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will natural runoff be directed to a natural drainage or safe outlet upon completion of reclamation?	<input type="checkbox"/> not applicable <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If applicable: Explain: <u>Redirected as needed for natural flow</u>	
Will the construction of ditches and channels be necessary to limit erosion and siltation?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If applicable: Explain:	

Will conveyance ditches and channels be lined with vegetation or riprap? If applicable: Explain:	<input checked="" type="checkbox"/> not applicable <input type="checkbox"/> yes <input type="checkbox"/> no
Will it be necessary to stabilize or rehabilitate stream channels or banks? If yes: Give details:	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

4m. Site Cleanup	
Will all mining-related equipment be removed from the site? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will all structures and buildings be removed from the site? If no: Explain: <i>farming activities will continue</i>	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will all visual and/or retention berms be removed from the site? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will all debris, refuse, and/or hazardous material be removed from the site? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will all stockpiles be sold, graded, and or removed from the site? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will all oversize be sold, reduced, or removed from the site? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

Signature Page

APPLICANT

I am applying for an Operating Permit under ORS 517.790. My signature below attests that the information provided in this application is accurate and true to the best of my knowledge. Any misrepresentation in these materials will be considered grounds for denial for an Operating Permit.

Jeff Hines

Applicant's Printed Name

President

Title

Applicant's Signature

Date

PREPARED BY

I prepared this application for the applicant above. My signature below attests that the information provided in this application is accurate and true to the best of my knowledge. Any misrepresentation in these materials will be considered grounds for denial for an Operating Permit.

Jeff Hines

Preparer's Printed Name

President

Title

Preparer's Signature

Date

LANDOWNER(S)

I have read, understand, and acknowledge receipt of all information provided in this application. By signing this form, I am granting consent to the mining activities as outlined in this application on my property.

Jeff Hines

Landowner (1) Printed Name

President

Title

Landowner (1) Signature

Date

Landowner (2) Printed Name

Landowner (2) Signature

Title

Date

MINERAL ESTATE OWNER(S)

I have read, understand, and acknowledge receipt of all information provided in this application. By signing this form, I am granting consent to the mining activities as outlined in this application on my property.

Mineral Estate Owner (1) Printed Name

Mineral Estate Owner (1) Signature

Title

Date

Mineral Estate Owner (2) Printed Name

Mineral Estate Owner (2) Signature

Title

Date

Attach additional signature pages as necessary

Appendix A

SITE LOCATION & LAND OWNERSHIP

From Hermiston, OR the Muleshoe Rock Pit can be accessed by traveling south on US-395 South for approximately 7 miles, until you cross over I-84. Continue straight onto Theilsen Road for another mile, until you go through the town of Echo, OR. Take a right onto Dupont Street, then another right onto Oregon Trail Road. Continue on Oregon Trail Road for about a mile until you reach Snow Road and take a left. Continue 1.7 miles down Snow Road and the gated entrance to the site will be on the left.

LAND USE

An application for a Conditional Use Permit to allow excavation and processing of aggregate resources within a 1 -acre / 5,000 cy per year portion of tax lot 2200, section 28, T3N R29E was submitted by Richard Snow to Umatilla County Planning Department on February 20 1989.

The Umatilla County Planning Commission met in regular session on March 16 1989, and approved the Conditional Use Permit application for Commercial and Personal use.

SITE CONDITIONS

DOGAMI conducted an initial site inspection on June 16 2020. The site is a sidehill cut with its primary commodity being basalt. While not active at the time of inspection, this site's mining related disturbance is approximately 23.3 acres - which includes the quarry, internal haul roads and stockpiling locations. The site has two near vertical existing highwalls, overlain by 1-6 feet of sandy overburden on the northern portion of the quarry, one being 35 feet tall and the other being 55-60 feet tall. Growth medium and overburden were stockpiled in a vegetated berm above the highwall, in addition to a vegetated stockpile on the quarry floor. Both highwalls are approximately 50-75 feet away from an existing private farm road.

Based on the on-line Natural Resource Conservation Service Soils Series, the predominant soil series present within the proposed 23-acre Operating Permit boundary is the Royst very stony silt loam. The A Horizon in the

Royst Series is described as 0-30 cm in thickness and supports native grasses and shrubs. Typical uses included livestock grazing and wildlife habitat. Surrounding area is vegetated in native grasses and sagebrush.

The excavation is occurring as a benched side hill cut, approximately 30 feet in height. The overall slope is 2 H:1V or flatter. Soils and overburden are scarce, but what was available appears to have been salvaged and stockpiled along the proposed Eastern permit boundary. The quarry floor is benched in elevation, with a slight slope towards the Eastern lay, and appears to contain storm water within the quarry operation footprint on heavy rainfall.

OPERATING PLAN

The following information is a summary of the operating plans specified by the applicant.

(SEE SECTION 3A ON APPLICATION)

The operator plans to contain stormwater runoff onsite by utilizing the minimization of areas stripped, internal sloping, water bars, conveyance ditches, graveled roads/working areas, seeding/mulching, and rock check dams. Additionally, the applicant plans to segregate the runoff from undisturbed land, that would co-mingle with runoff from disturbed land to the extent practical. Therefore, this site is not expected to need coverage under the Department of Environmental Quality (DEQ) National Pollution Discharge Elimination System (NPDES).

Associated aggregate activities, including truck and vehicle equipment traffic, can cause both dust and noise. The permittee should implement site activity so that it does not impact the community. At this site water use is proposed for dust abatement and stored in a water storage tank. It's noted that water used for dust control from trucks and mining related equipment is generally not considered process water by DOGAMI or DEQ, only dry processing will be performed onsite, thus no process water will be generated or stored.

ORS 358.905 and ORS 97.740 protect archaeological sites, objects, and human remains on state public and private lands in Oregon. If any cultural material is discovered during excavation activities, art work should cease immediately. Contact Umatilla County Planning Department. Follow the "Inadvertent Discovery Plan for Cultural Resources" in the event of an inadvertent discovery of possible cultural materials. A Cultural Resource Survey was completed by Kathryn Boula, MA, RPA on August 16, 2020. Where a "no-Affect" finding was recommended.

RECLAMATION PLAN

The following information is a summary of the reclamation requirements specified by the permittee.

- Establish all final excavated slopes at 2H:1V or flatter. Consult with DOGAMI on potential reclamation blasting to blend the site into existing topography upon final reclamation.
- Establish all final fill slopes at 2H:1V or flatter.

The flat working floor and horizontal portions of the benches will be ripped to a depth of 6-12 Inches in order to

de-compact the upper surface, prior to spreading four Inches of soil and/or growth medium. The quarry floor will be gently sloped to direct stormwater to the infiltration area.

The permittee specifies in the Reclamation Plan that imported fill, soil, rock, concrete, and various materials will not be used to supplement the growth medium for reclamation. If Importing fill becomes necessary, a fill plan meeting the requirements of OAR 632-030-0025(bb) will be required.

- Submit a fill plan for DOGAMI approval that meets the requirements of OAR 632-030 0025(bb) prior to importing any fill for reclamation purposes.

The average on-site precipitation for the proposed site is 10.4-inches per year. Revegetation will begin in fall or late winter, once mining has ceased, and will consist of an ODFW approved native grass and forb mixture conducive for deer winter forage.

- Utilize a Natural Resources Conservation Service (NRCS) approved native grass and forb mixture at a minimum of 16 lbs./acre to revegetate all areas receiving growth medium.

While there are no known noxious weeds present on site, the operator will implement a spraying and/or weeding program if noxious weeds and/or invasive species become present on-site.

- Control noxious or invasive plants and weeds via annual or semiannual spot spraying or other means until beneficial vegetation is established to achieve the post mining use of range/open space. Consult with Natural Resources Conservation Service (NRCS) on supplementing the seeding by planting strategic portions of the site with a limited number of draught tolerant native trees or shrubs.

At the end of mining operations, all structures, equipment, debris, stockpiles, oversize and refuse will be removed from the site. The only thing that may remain will be a safety berm at the top of the excavated highwall, if deemed necessary. Natural runoff will be redirected around the mining disturbance to the extent possible. Construction or maintenance of existing conveyance ditches adjacent to access roads will occur if deemed necessary.

RECLAMATION SECURITY

The reclamation liability for this site will be based on the current and future mining related disturbances that are associated with the site. As there are currently 23.3 acres of mining related disturbance at the site, using current DOGAMI reclamation security rates of \$5,000 for the first acre of disturbance and \$3,300 for each additional acre of disturbance, the reclamation security the future permittee will have post with the State will be \$78,590. This figure may be adjusted in the future based on acres reclaimed versus acres disturbed. An additional site inspection will be needed to document reclamation if it has occurred.

PROPOSED PERMIT CONDITIONS

These permit conditions are applicable to the Operating Permit area and may be modified after review by other natural resource agencies.

The permittee must:

1. Not allow mining operations to physically disturb any areas outside of the permit boundary.
- Physical disturbance includes, but is not limited to, excavation operations, processing, stockpiling, and/or disturbances caused by landslide, erosion, or fly rock.
2. Not conduct dewatering activities without first amending the Operating Permit to allow such activity.
3. Salvage, store, and stabilize all soil and overburden materials onsite for final reclamation.
4. Obtain coverage and comply with, the appropriate DEQ National Pollutant Discharge Elimination System (NPDES) permit prior to discharging stormwater or mine dewatering water from a point source to surface waters or conveyance systems that discharge to surface waters.
5. Obtain coverage and comply with, the appropriate DEQ General Water Pollution Control Facilities (WPCF) permit prior to disposal of any process wastewater and stormwater by recirculation, evaporation, and/or controlled seepage with no discharge to surface water.
6. Follow the "Inadvertent Discovery Plan for Cultural Resources" in the event of an inadvertent discovery of possible cultural materials.
7. Establish all final excavated slopes at 2H:1V or flatter. Consult with DOGAMI, on potential reclamation blasting to blend the site into existing topography upon final reclamation.
8. Establish all final fill slopes at 2H:1V or flatter.
9. Rip all graveled/compacted surfaces being reclaimed to a depth of 12 inches prior to placing growth medium.
10. Replace a minimum of 4-inches of growth medium on all areas to be reclaimed.
11. Submit a fill plan for DOGAMI approval that meets the requirements of OAR 632-030-0025(bb) prior to importing any fill for reclamation purposes.

12. Utilize a NRCS approved native grass and forb mixture at a minimum of 16 lbs./acre to revegetate all areas receiving growth medium.
13. Control noxious or invasive plants and weeds via annual or semiannual spot spraying or other means until beneficial vegetation is established to achieve the post mining use of range/open space. Consult with the ODFW on supplementing the seeding by planting strategic portions of the site with a limited number of draught tolerant native trees or shrubs.



🌐 echo-oregon.com
☎ 541.376.6038
✉ dave@echo-oregon.com
PO Box 9 • 20 S. Bonanza
Echo, Oregon 97826

July 25, 2024

HNS INC
PO BOX 126
Echo, OR 97826

Mr. Hines,

I wanted to follow up with you and your staff about the ability to buy water for both your office and any other needs you may have for your business. As I verbally stated, if you have an account that is in good standing and currently you do, you have the right to buy water from the city in several ways.

One way is your current office utilities, and the other is to purchase water to load on a truck. You will need to schedule a time with our Public Works Department to get the portable meter that you will need to connect to one of our fire hydrants in town. The cost of water is \$4 per thousand gallons for all water trucks.

The City of Echo is here to work with its business partners and residents to help make our community a better place to live. We hope that this clarification on how the city manages its water usage was helpful.

Sincerely,

David Slaght
City Administrator

City Of Echo
 541-376-6038
 PO Box 9 / 20 South Bonanza
 Echo, OR 97826

Utility Bill

HNS INC
 PO BOX 126
 ECHO OR 97826

Account Number	Service Address	Previous Balance	Payments/Credits
000685-3	210 W Main	\$117.39	\$117.39

Charge	From	To	Previous	Current	Type	Consumption	Amount	
Water	05/15/24	06/15/24	398310	398710	Actual	400	\$40.00	
Garbage	05/15/24	06/15/24					\$15.06	
Public Safety Fee	05/15/24	06/15/24					\$4.00	
Sewer	05/15/24	06/15/24					\$60.00	
							\$119.06	
Total Due:							\$119.06	
If Paid After							7/25/2024	\$134.06

Account Number	Customer	Service Address	Total Due
000685-3	HNS INC	210 W Main	\$119.06

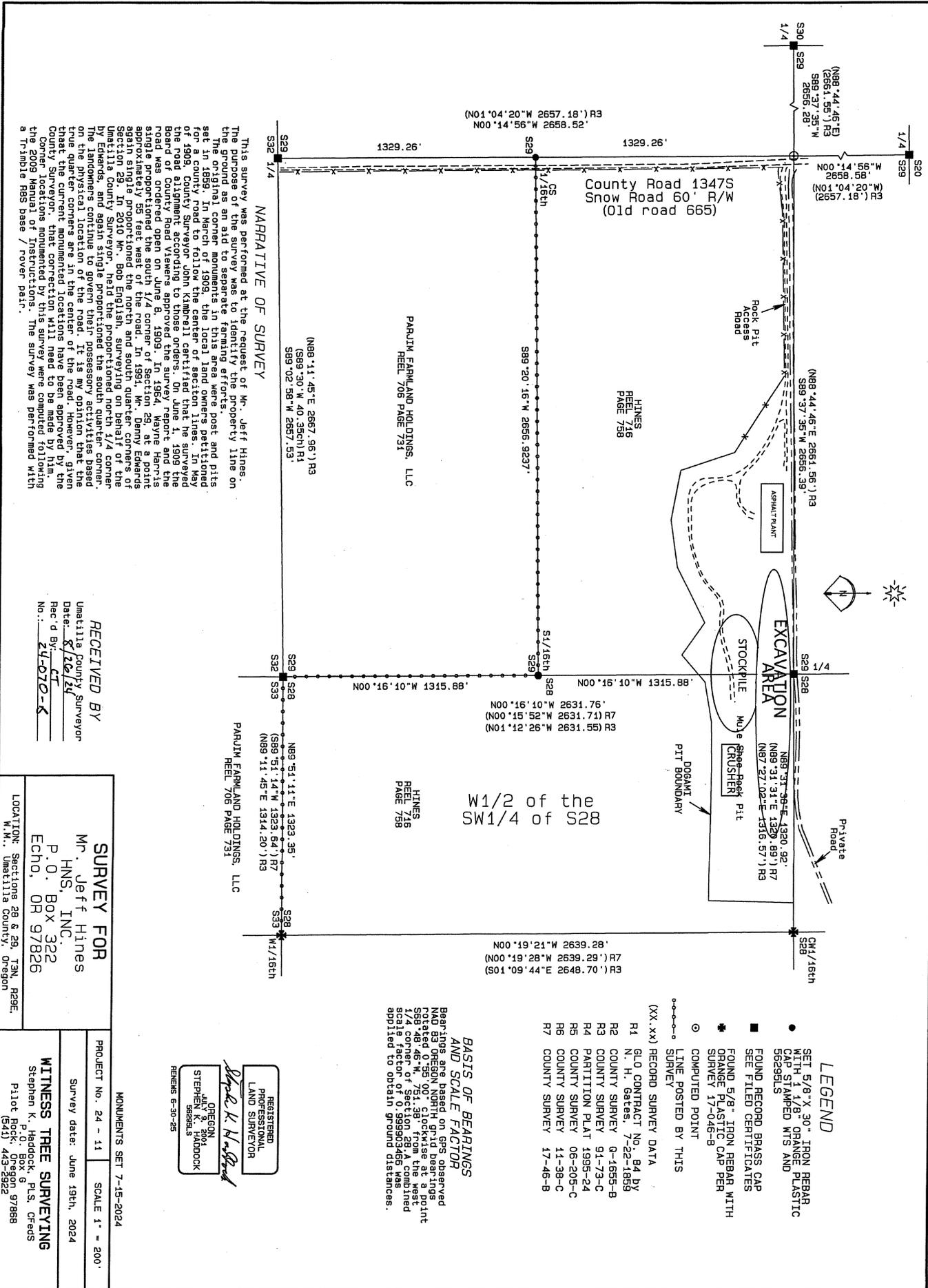


Total Amount Enclosed:

Bill Date: 6/15/2024

Due Date: 7/25/2024


David Slaght
 City Administrator/Recorder



NARRATIVE OF SURVEY

This survey was performed at the request of Mr. Jeff Hines. The purpose of this survey was to establish a utility easement on the ground as an aid to separate the utility from the property line on the original corner monuments in this area were post and pits set in 1859. In March of 1909, the local land owners petitioned for a county road to follow the center of section lines. In May of 1909, County Surveyor John Kimball certified that he surveyed the road alignment according to those orders. On June 1, 1909 the road was ordered and approved by the survey report and the single proportioned the south 1/4 corner of Section 29. The road was approximately 55 feet west of the north and south quarter corners of Section 29. In 2010 Mr. Bob English, surveying on behalf of the Unatilla County Surveyor, held the proportioned north 1/4 corner by Edwards, and again single proportioned the south quarter corner. The monumenting was done by the surveyor and the true quarter corners are in the center of this monument. It is my opinion that the current monumenting locations will need to be made by him. The corner locations monumented by this survey were completed following the 2009 Manual of Instructions. The survey was performed with a Trimble R8S base / rover pair.

RECEIVED BY

Unatilla County Surveyor
 Date: 8/10/24
 Rec'd By: CT
 No.: 24-070-6

SURVEY FOR

Mr. Jeff Hines
 HNS, INC.
 P.O. Box 322
 Echo, OR 97826

LOCATION: Sections 28 & 29, T9N, R9E, S29, Unatilla County, Oregon

WITNESS TREE SURVEYING

P.O. Box 6
 Stephen K. Haddock, PLS. CFeds
 Pilot Plot #41, 415-5382

MONUMENTS SET 7-15-2024

PROJECT NO. 24 - 11 SCALE 1" = 200'

Survey date: June 19th, 2024

REGISTERED PROFESSIONAL LAND SURVEYOR
 JEFF HINES
 JULY 9, 2001
 STEPHEN K. HADDOCK
 92829LS
 HENNS 6-30-25

HINES REEL PAGE 758
 PARLUM FARM AND HOLDINGS, LLC
 REEL 706 PAGE 731

HINES REEL PAGE 758
 PARLUM FARM AND HOLDINGS, LLC
 REEL 706 PAGE 731

LEGEND

- SET 5/8" X .30" IRON REBAR WITH 1 1/8" ORANGE PLASTIC CAP STAMPED WTS AND 56299LS
- FOUND RECORD BRASS CAP WITH FILED CERTIFICATE
- ◆ FOUND 5/8" IRON REBAR WITH ORANGE PLASTIC CAP PER SURVEY 17-046-B
- COMPUTED POINT
- LINE POSTED BY THIS SURVEY
- (XX, XX) RECORD SURVEY DATA
- R1 GLO CONTRACT NO. B4 BY N. H. Gates, 7-22-1859
- R2 COUNTY SURVEY 0-1655-B
- R3 COUNTY SURVEY 91-73-C
- R4 PARTITION PLAT 1995-24
- R5 COUNTY SURVEY 06-205-C
- R6 COUNTY SURVEY 11-38-C
- R7 COUNTY SURVEY 17-46-B

BASIS OF BEARINGS AND SCALE FACTOR

Bearings are based on GRS Unadjusted NAD 83 OREGON NORTH grid bearings rotated 0°55'00" clockwise at a point 598'48'46" W, 751'38" from the west 1/4 corner of Sect 100, R9E, 6S, combined with the 1859 monumenting distances applied to obtain ground distances.

UNATILLA COUNTY SURVEYOR
 JEFF HINES
 JULY 9, 2001
 STEPHEN K. HADDOCK
 92829LS
 HENNS 6-30-25

RECEIVED BY
 Unatilla County Surveyor
 Date: 8/10/24
 Rec'd By: CT
 No.: 24-070-6

SURVEY FOR
 Mr. Jeff Hines
 HNS, INC.
 P.O. Box 322
 Echo, OR 97826

WITNESS TREE SURVEYING
 P.O. Box 6
 Stephen K. Haddock, PLS. CFeds
 Pilot Plot #41, 415-5382

DRAFT MINUTES

**TEXT AMENDMENT #T-100-25, AMENDMENT OF
UMATILLA COUNTY DEVELOPMENT CODE, SECTION
152.250 DIMENSIONAL AND DESIGN STANDARDS**

The Umatilla County Community Development Department proposes changes to the Umatilla County Development Code (UCDC) Section 152.250, which would modify the dimensional and design standards required for a Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located adjacent to the Highway 395 North Corridor. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
March 27, 2025**

DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, March 27, 2025, 6:30pm

COMMISSIONERS

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

COMMISSIONER

PRESENT VIA ZOOM: Kim Gillet, Ann Minton and Andrew Morris

COMMISSIONERS

ABSENT: Suni Danforth, Chair

PLANNING STAFF: Robert Waldher, Community Development Director, Megan Davchevski, Planning Manager, 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 6:32PM and read the Opening Statement.

MINUTES

Vice Chair Tucker called for any corrections or additions to the January 23, 2025 meeting minutes. No additions nor corrections were noted.

Commissioner Standley moved to approve the draft minutes from the January 23, 2025 meeting minutes, as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

NEW HEARING

TEXT AMENDMENT #T-100-25, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, SECTION 152.250 DIMENSIONAL AND DESIGN STANDARDS. Umatilla County Community Development Department proposes changes to the Umatilla County Development Code (UCDC) Section 152.250, which would modify the dimensional and design standards required for a Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located adjacent to the Highway 395 North Corridor. The criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755.

Vice Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Vice Chair Tucker called for the Staff Report.

STAFF REPORT

Mr. Robert Waldher stated Umatilla County is seeking an amendment to Section 152.250 of the Umatilla County Development Code (UCDC), which outlines the Dimensional and Design Standards. The proposed amendment would revise these standards for Design Review in the Retail Service Commercial (RSC) and Light Industrial (LI) zones for projects located along the Highway 395 North Corridor. He explained, the current design standards have been in place since their adoption by Ordinance 2019-09 in 2019. These standards were developed through a comprehensive public engagement process as part of the Highway 395 North Economic Development Project, which was supported by a Transportation Growth Management (TGM) grant from the Oregon Department of Transportation and the Department of Land Conservation and Development.

He added that the primary goal of the project at the time was to enhance the aesthetic appeal and economic viability of the corridor. However, planning staff responsible for reviewing design applications had identified several dimensional and design criteria that, although well-intended when the 2019 code was adopted, are now deemed impractical and not conducive to new development or redevelopment along the Highway 395 North Corridor.

Mr. Waldher stated, the criteria of approval for amendments are found in Umatilla County Development Code 152.750-152.755 and applicable Statewide Planning Goals 1-14 had also been evaluated.

He added, this hearing before the Umatilla County Planning Commission is the County's first evidentiary hearing. A subsequent Public Hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, May 7, 2025, at 9:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Mr. Waldher concluded that the Umatilla County Planning Commission holds an obligation to make a recommendation to the Board of Commissioners for adopting the proposed text amendment to the Dimensional and Design Standards.

Commissioner Green asked with how the current Code reflects today, have the current standards prevented a business from obtain permits or operate the business they want to? Mr. Waldher stated, potentially yes, these standards may have prevented some from being able to follow their original vision for development. He added, in some cases applicants have requested a variance, for example on storage units, you wouldn't necessarily want to have windows for security and safety reasons.

Mr. Waldher went through the proposed changes within the redline document, and highlighted each change.

Commissioner Millar asked about the minimum lot size of one acre, but upon checking along the Highway 395 corridor he noticed many properties with less than one-acre. Mr. Waldher stated this applied to newly created parcels. Any new partitions in these zones have to be at least one acre. The properties under one acre were already preexisting.

Mr. Waldher also addressed a question later from Vice Chair Tucker regarding the enforcement of maintenance for landscaping. Mr. Waldher responded this would be very hard for us to enforce, but the hope was that the investment the business was making on their landscaping would be an incentive to maintain it to attract more prospective customers. He also mentioned that if there was overgrowth and complaints called in, it could be something Code Enforcement would address at that time.

Vice Chair Tucker asked about page 25, under UCDC 152.250 (H)(1)(b) where it references only needing a combined value of six (6) points from the Table 152.250-1 under the Design Matrix. Mr. Waldher stated he believed that referred to the addition to an existing structure and only involving the addition of said structure to reduce and be able to meet the criteria under the Design Standards.

Mr. Waldher ended stating approximately ten (10) businesses have applied for permits and implemented these standards. The developments seem to really make a difference along the Highway 395 corridor. Attractive facades and landscaping have really improved the look of the area and are drawing more businesses and generating growth to this area.

Opponents: None

Public Agencies: None

Rebuttal Testimony: None

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.

DELIBERATION & DECISION

Commissioner Gentry made a motion to recommend approval of #T-100-25, Amendment of Umatilla County Development Code, Section 152.250 Dimensional and Design Standards based on foregoing Findings of Fact and Conclusions of Law.

Commissioner Green seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Umatilla County Board of Commissioners.

OTHER BUSINESS

Mrs. Davchevski mentioned the next Planning Commission hearing was being changed from the originally scheduled April 24th hearing and moved to Thursday, May 1st at 6:30pm. She mentioned this would be an application regarding an appeal to the Planning Commission from a letter from the Planning Director and that she was trying to get packets out to the Planning Commissioners early for review of the packet.

Vice Chair Tucker added that he appreciated the design of the system like this. He stated when something is implemented, tested and found the process may need altered he appreciated the notice of changes needing made and to fix language to better suit the needs this affects.

ADJOURNMENT

Vice Chair Tucker adjourned the meeting at 7:01PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant