

AGENDA

Umatilla County Planning Commission Public Hearing Thursday, October 23, 2025, 6:30PM Justice Center Media Room, Pendleton, Oregon

To participate in the hearing please submit comments **before 4PM, October 23rd**
to planning@umatillacounty.gov or contact the Planning Department at 541-278-6252

Planning Commission

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

Planning Staff

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

1. Call to Order

2. Minutes Approval: September 18, 2025 Meeting & September 25, 2025 Meeting

3. **NEW HEARING: COMPREHENSIVE PLAN TEXT AMENDMENT #T-098-24, and ZONE MAP AMENDMENT #Z-325-24: JEFF & MICHELLE HINES, APPLICANTS / OWNERS.** The applicant requests approval to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The applicant also requests approval to mine, process and stockpile sand and gravel at the site. Batch plants are not proposed at the site. The proposed site is located approximately 2 miles south west of the City of Echo and east of Snow Road. The site is identified on Assessor's Map as Township 3 North, Range 29 East, a portion of Tax 12800. The proposed site is approximately 67 acres and is zoned Exclusive Farm Use (EFU).

The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7), Oregon Revised Statute (ORS) 215.301 and Umatilla County Development Code (UCDC) Section 152.487 – 488.

4. Other Business

5. Adjournment



PLANNING DIVISION

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

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: October 15, 2025

CODE
ENFORCEMENT

RE: October 23, 2025 PC Hearing
Goal 5 PAPA Request #T-098-24 & #Z-325-24 "Muleshoe Quarry" (Snow Pit)
Jeff & Michelle Hines, Applicants & Owners

SOLID WASTE
COMMITTEE

SMOKE
MANAGEMENT

Background Information

GIS AND MAPPING

The applicant requests to add a portion of Tax Lot 12800 on 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 proposed site. The proposed Goal 5 site is a 67-acre portion of TL 12800 (according to Planning's GIS mapping), which is 208.98-acres. The application states that the site will be approximately 47.39-acres in size. Due to the acreage discrepancies, the public notice used the acreage generated by Planning's GIS mapping.

RURAL ADDRESSING

LIAISON, NATURAL
RESOURCES &
ENVIRONMENT

PUBLIC TRANSIT

The proposal, if approved, would add this site as a large significant site onto the County's Goal 5 inventory of significant sites. The applicant desires to establish the Large Significant Site with protections under Goal 5 and requests that the decision also allow mining (including blasting), processing, stockpiling and an office with scale.

List of Exhibits

There are a number of Exhibits, several with attachments, that are included in the Table of Contents. Exhibits include the original application, completeness letter, the supplemental application and several email chains between County Staff and the Applicant and their representatives.

Notice

Notice of the applicant's request was mailed on August 29, 2025 to nearby property owners and necessary agencies. Notice of the September 18, 2025 Planning Commission hearing was published in the East Oregonian on September 3, 2025. Notice of this hearing was given at the September 18, 2025 Planning Commission hearing.

Criteria of Approval

The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7), Oregon Revised Statute (ORS) 215.301 and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Additional Information

Staff Memo

Planning Commission – October 23, 2025

Muleshoe Quarry T-098-24 and Z-325-24

The subject property's 1989 Conditional Use Permit (CUP) for mining was recently under the Planning Commission's review for consideration of revocation. The Planning Commission decision resulted in a renewal of the CUP. Prior to conducting mining activities, the mining operator must also obtain a DOGAMI Operating Permit.

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. Should this request be approved to list the site as a significant site protected under Goal 5 and to allow mining, Staff are requesting that a condition of approval be imposed to close the 1989 CUP. This would alleviate future confusion when reviewing development at this site.

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; this is pursued through the Goal 5 process with the current state requirements. As stated within the findings document, although the applicant is requesting to expand their existing permitted boundary of the mining operations, this type of expansion does not meet the OAR definition of expansion of an existing site. Thus, the application is reviewed as a new aggregate site.

Conclusion

The process of approval by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (Board). The Planning Commission is tasked with determining if the application satisfies the criteria of approval based on the facts in the record. Staff have provided Preliminary Findings of Fact and Conclusions of Law based on the applicant's supplied information.

Staff have found several criteria of approval that have not been satisfied. The Planning Commission may agree with Staff or make additional findings stating how the applicant has satisfied these requirements. Although Staff are recommending denial based on the submitted information, a set of Precedent and Subsequent Conditions of approval are included for consideration.

At the September 18, 2025 Planning Commission, the applicant requested that the staff report and testimony not be heard, and that the hearing be continued in order for the applicant to submit additional information. The Planning Commission granted this request and continued the hearing to October 23, 2025. At this time, Staff have not received additional information from the applicant.

Following the Planning Commission's recommendation, the Board must also hold a public hearing(s) and decide whether or not to adopt the proposed amendments. A public hearing before the Board is scheduled for December 10, 2025 at 10am.

Staff have found the following criteria have not been met:

1. OAR 660-023-0180(3) [adequate information regarding quantity, quality and location of the resource]
2. OAR 660-023-0180(5)(b) [conflicts created by the site]
3. OAR 660-023-0180(7)(f) [conceptual reclamation plan]
4. UCDC 152.587(A)(5) [complies with OAR 660-023-0180]
5. Statewide Planning Goal 5

Staff Memo

Planning Commission – October 23, 2025

Muleshoe Quarry T-098-24 and Z-325-24

The Planning Commission may agree with staff's findings or may make new findings based on evidence in the record. Sample decision motions have been provided below.

PLANNING COMMISSION DECISION OPTIONS

PAPA Request to add the site as a Large Significant Site under Statewide Planning Goal 5

Motion for Denial as Presented

I, Commissioner _____, make a motion to deny the Muleshoe Quarry PAPA request; Comprehensive Plan Text Amendment #T-098-24 and Zoning Map Amendment #Z-325-24, 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 Muleshoe Quarry PAPA request; Comprehensive Plan Text Amendment #T-098-24 and Zoning Map Amendment #Z-325-24, based on evidence in the record and the following Findings of Fact: _____.

If listed as a Large Significant Site, Decision to Authorize Mining of the Site

Motion for Denial as Presented

I, Commissioner _____, make a motion to deny the Muleshoe Quarry PAPA request to allow mining, 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 Muleshoe Quarry PAPA request to allow mining, based on evidence in the record and the following Findings of Fact: _____.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING – OCTOBER 23, 2025
COMPREHENSIVE PLAN TEXT AMENDMENT & ZONING MAP AMENDMENT
JEFF & MICHELLE HINES, APPLICANTS & OWNERS
PROPOSED MULESHOE QUARRY
PACKET CONTENT LIST**

1.	Staff Memo to Planning Commission	Pages 1-3
2.	Public Notice and Soil Map	Page 6
3.	1500-foot Impact Area Map	Page 7
4.	Preliminary Findings	Pages 9-54
5.	Proposed Text Amendment	Pages 55-56
6.	Proposed Zoning Map	Page 57
7.	Exhibit 1 – Application submitted November 18, 2024	Pages 58-155
	a. Land Use Request Application	
	b. Goal 5 Aggregate Supplemental Application	
	c. Amendment Supplemental Application	
	d. Application Narrative	
	e. Applicant’s maps	
	f. Letter from City of Echo	
	g. 2021 County Road Approach Permits	
	h. ODOT laboratory reports	
	i. Trip Generation Letter	
	j. Easement Sketch	
	k. Boundary Survey	
	l. Property Line Adjustment Deed	
8.	Exhibit 2 – Completeness Letter sent by Planning Staff <i>Mailed December 13, 2024</i>	Pages 156-159
9.	Exhibit 3 – Supplemental Application Information <i>Received June 10, 2025, printing costs paid June 11, 2025</i>	Pages 160-209
	a. Receipt for printing costs	
	b. Map containing aggregate sample locations	
	c. Site Plan	
	d. Safety Blasting Plan	

e. Amended Narrative

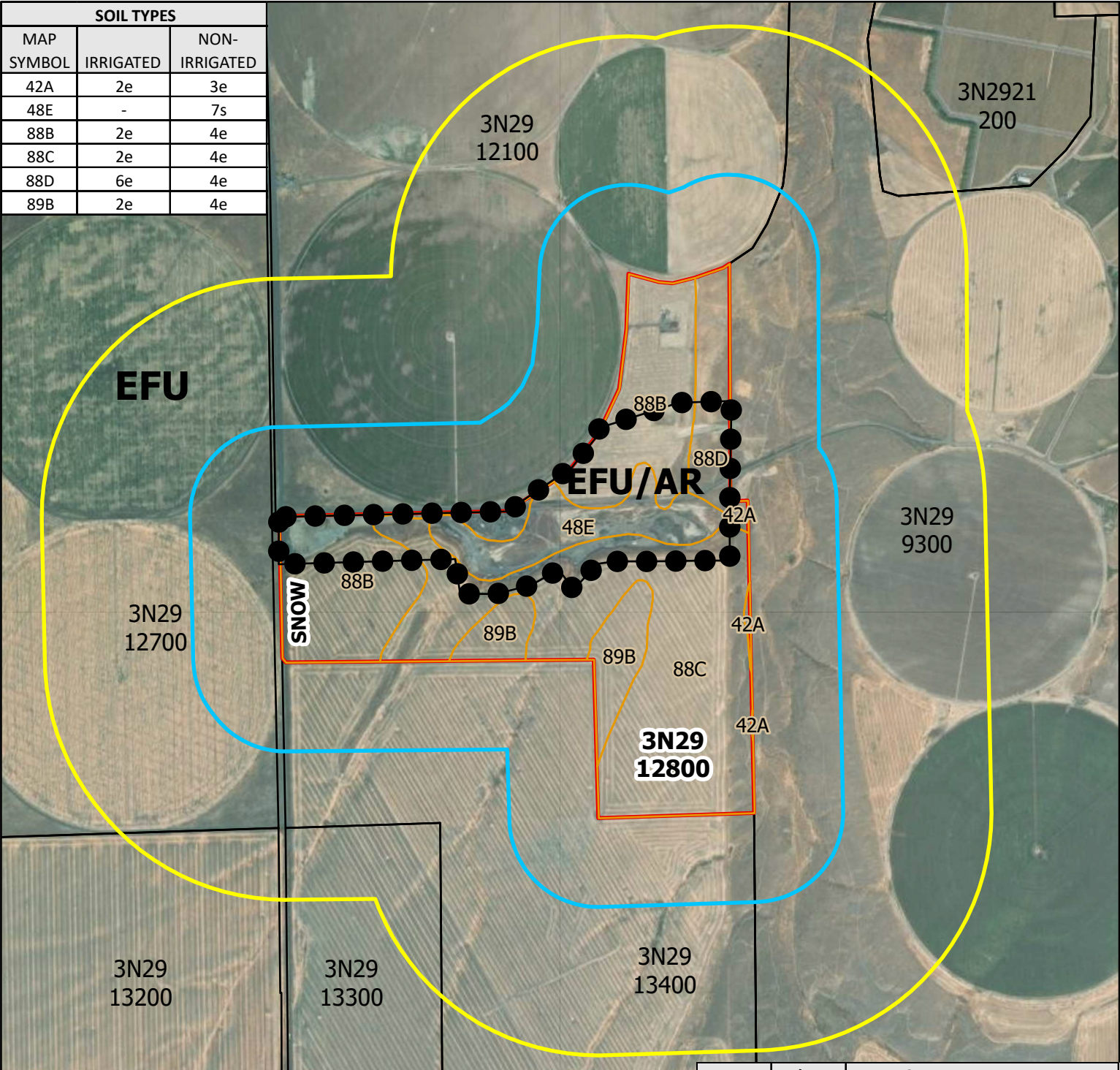
- | | | |
|-----|---|---------------|
| 10. | Exhibit 4 – Email chain between Staff and Applicants
regarding site map and batch plant
<i>June 10, 2025 through August 5, 2025</i> | Pages 210-227 |
| 11. | Exhibit 5 – Updated Site Plan with Proposed Zoning Boundary
<i>Received July 9, 2025</i> | Page 228 |
| 12. | Exhibit 6 – Email chain between Staff and Applicants
regarding hearing schedule and requesting additional information,
<i>July 22, 2025 through August 8, 2025</i> | Pages 229-231 |
| 13. | Exhibit 7 – Updated Site Plan with Proposed Zoning Boundary
<i>Received July 23, 2025</i> | Page 232 |
| 14. | Exhibit 8 – Email pertaining to Asphalt Batch Plant
<i>Received August 5, 2025</i> | Page 233 |
| 15. | Exhibit 9 – Amended Application Narrative
<i>Received August 11, 2025</i> | Pages 234-237 |
| 16. | Exhibit 10 – Zoning Permit #ZP-90-056
<i>Approved April 25, 1990</i> | Page 238 |

APPLICANTS/OWNERS: JEFF & MICHELLE HINES
#Z-325-24 & #T-098-24

Notified Property Owners within 2000 feet of Subject Parcels



UCDC § 152.770 (B) In the event that there are less than five different property owners ... other nearby properties shall be included in the notice area until at least five different property owners are identified.



Legend

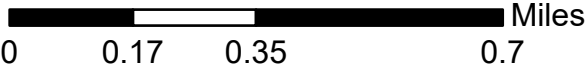
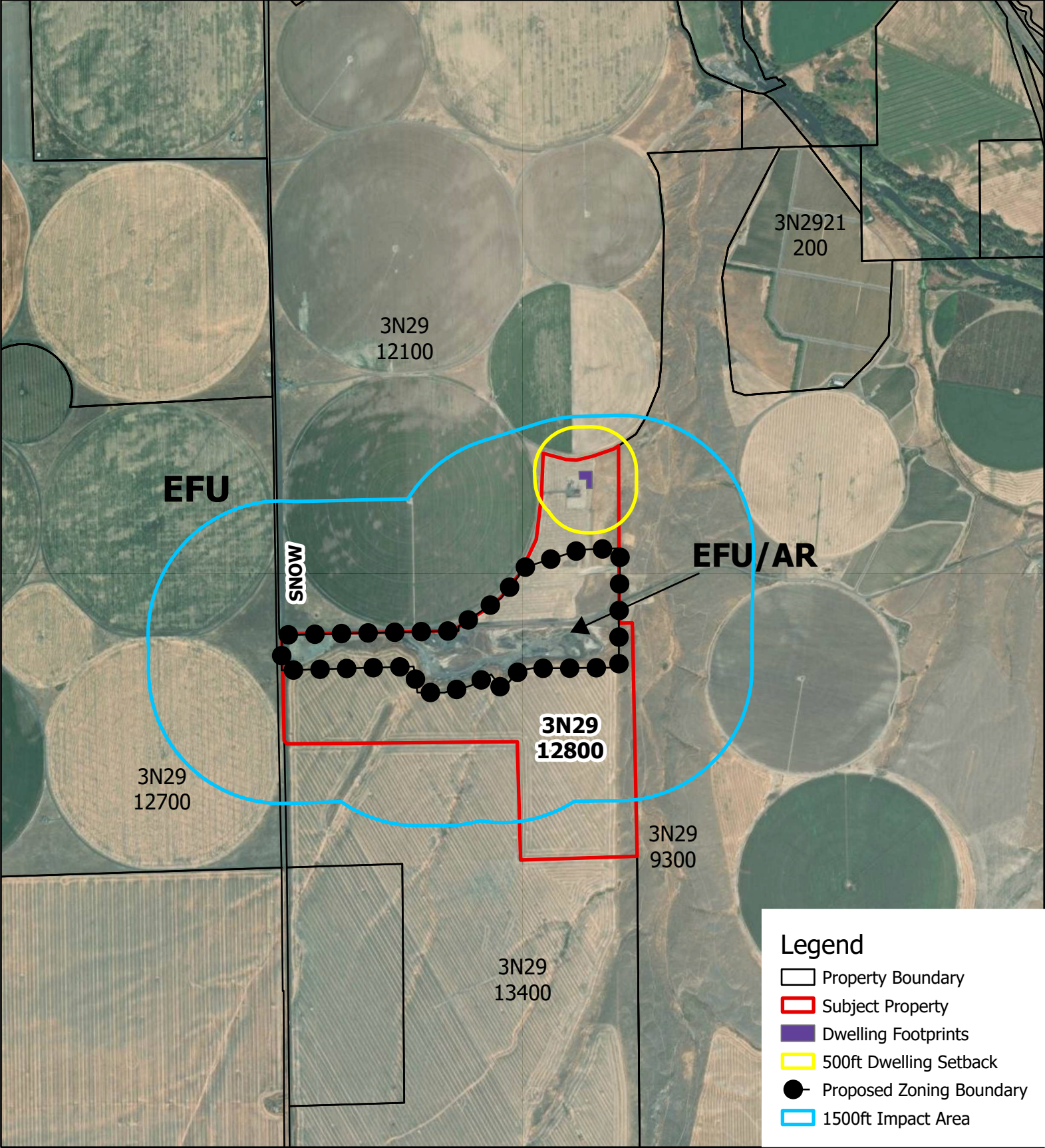
- Proposed Zoning Boundary
- 2000ft Notice Boundary
- 750ft Notice Boundary
- Subject Property
- Property Boundary
- Soil Types

MAP	Taxlot	MAILING_NAME
3N292100	200	NEW FOOTHILLS PROPERTIES LLC
3N290000	12100	AMSTAD ALOIS A & DEE ANN G (TRS)
3N290000	12700	AMSTAD ALOIS A & DEE ANN G (TRS)
3N290000	13300	PARJIM FARMLAND HOLDINGS LLC
3N290000	13200	PARJIM FARMLAND HOLDINGS LLC
3N290000	12800	HINES JEFF & MICHELLE
3N290000	13400	PARJIM FARMLAND HOLDINGS LLC
3N290000	9300	PIERCY LLOYD & LOIS

Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department Date: 8/6/2025



HINES MULESHOE QUARRY
1500 FT IMPACT AREA & 500 FT DWELLING BUFFER
MAP 3N 29, TL 12800



**UMATILLA COUNTY BOARD OF COUNTY COMMISSIONERS
PRELIMINARY FINDINGS AND CONCLUSIONS
MULESHOE ROCK QUARRY (SNOW PIT)
COMPREHENSIVE PLAN TEXT AMMENDMENT T-098-24 AND
ZONING MAP AMENDMENT #Z-325-24
MAP 3N 29; TL # 12800, ACCOUNT # 107639**

1. APPLICANT: Jeff and Michelle Hines, 210 W Main Street, Echo OR 97826
2. CONSULTANT: Carla McLane Consulting, LLC, 170 Van Buren Drive, Umatilla, OR 97882
3. OWNER: Jeff and Michelle Hines, PO Box 322, Echo OR 97826
4. REQUEST: 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 and stockpiling. For this application 'aggregate' means basalt.

Specifically, the applicant is requesting: 1) that the proposed quarry site of approximately 67 acres (per County Planning GIS mapping) / 48 acres (per the submitted applications) 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; 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.

5. LOCATION: The subject property is located approximately 2 miles south west of the City of Echo.
6. SITUS: 75233 Snow Road, Echo, OR is assigned to the existing dwelling on Tax Lot 12800. The aggregate site does not currently have a situs address.
7. ACREAGE: Tax Lot 12800 is approximately 208.98 acres. The proposed aggregate site is approximately 47.39 acres according to the submitted survey map. The

PRELIMINARY FINDINGS AND CONCLUSIONS

Muleshoe (Snow) Quarry, Comprehensive Plan Text Amendment T-098-24, Zoning Map Amendment. #Z-325-24
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application incorrectly references an “expansion pit area” of 19.96 acres however as detailed below, the site is not an expansion of an existing site. County Planning’s GIS mapping estimate is that the overlay will encompass approximately 67 acres.

8. COMP PLAN: The site has a Comprehensive Plan designation of North/South Agriculture.
9. ZONING: The subject property is zoned Exclusive Farm Use (EFU).
10. ACCESS: The site can be accessed via Snow Road.
11. ROAD TYPE: Snow Road, County Road #1347, is a gravel county-maintained roadway.
12. EASEMENTS: There is an existing 30-foot wide access easement that crosses the subject property to provide legal access to Tax Lot 9300 to the east. The applicant’s provided site plan demonstrates that this access easement will be within the aggregate pit’s boundary.
13. LAND USE: Currently, there is mining occurring on the property under Conditional Use Permit C-546-89. The 1989 approval limited the site to no more than one-acre in size, no more than 5,000 tons of mined material per year, and that mined material were to only be used on the subject property.

In 2024, a primary farm dwelling was approved to be sited on the portion of the property north of the proposed Aggregate Resource (AR) overlay zone. The property owner justified the primary farm dwelling approval with a planted dryland wheat crop. A portion of this crop is within the proposed AR overlay zone and within the proposed mining boundary.
14. ADJACENT USE: Uses to the west, north, and east of the proposed mining site are predominately irrigated agriculture under circle pivots with dryland wheat farming to the south. Irrigated crops include a variety of annual row crops and spring wheat. Two vineyards, under two different ownerships, are planted to the northeast, approximately 0.65 miles from the proposed mining boundary.
15. LAND FORM: Columbia River Plateau
16. SOIL TYPES: The subject property contains predominately Non-High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. The soils on the subject property are predominately Class IV without irrigation.

PRELIMINARY FINDINGS AND CONCLUSIONS

Muleshoe (Snow) Quarry, Comprehensive Plan Text Amendment T-098-24, Zoning Map Amendment. #Z-325-24

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Soil Name, Unit Number, Description	Land Capability Class	
	Dry	Irrigated
42A: Kimberly fine sandy loam, 0 to 3 percent slopes	IIIe	Ile
48E: Licksillet very stony loam, 7 to 40 percent slopes	VIIIs	--
88B: Shano very fine sandy loam, 2 to 7 percent slopes	IVe	Ile
88C: Shano very fine sandy loam, 7 to 12 percent slopes	IVe	Ile
88D: Shano very fine sandy loam, 12 to 25 percent slopes	IVe	VIe
89B: Shano silt loam, 2 to 7 percent slopes	IVe	Ile
<i>Soil Survey of Umatilla County Area, 1989, NRCS. The suffix on the Land Capability Class designations are defined as “e” – erosion prone, “c” – climate limitations, “s” soil limitations and “w” – water (Survey, page. 172).</i>		

17. BUILDINGS: There is a permitted barn on the subject property. The applicant did not provide the size of the barn in this application. The permitted size was 60-feet by 60-feet. A single-family primary farm dwelling has been approved for this property; this application did not include the construction status of the building.
18. UTILITIES: A septic system and well are necessary to serve the recently approved single-family primary farm dwelling. The applicant did not indicate that additional utilities are necessary or proposed for the aggregate site.
19. WATER/SEWER: The property currently has a domestic well and septic for use of the dwelling. The applicant indicated that “no water is necessary for development” and did not provide water rights information.
20. FIRE SERVICE: The site is located within Echo Rural Fire District.
21. IRRIGATION: The site is located within Westland Irrigation District and Columbia Improvement District; however, the applicant has provided that the site does not have irrigation water rights from either district.
22. FLOODPLAIN: This property is NOT in a floodplain.
23. WETLANDS: There are no known wetlands located on the subject property.
24. NOTICES SENT: Notice was sent to the Department of Land Conservation and Development (DLCD) on August 14, 2025. Notice was mailed to neighboring land owners and affected agencies on August 29, 2025. Notice was printed in the September 3, 2025 publication of the East Oregonian.
25. HEARING DATE: A public hearing is scheduled before the Umatilla County Planning Commission in the Justice Center Media Room, 4700 NW Pioneer Place, Pendleton, OR 97838 on **September 18, 2025 at 6:30 PM.**

The applicant requested that the September 18th Planning Commission hearing be continued to **October 23, 2025 at 6:30 PM**. No testimony or staff report was heard on September 18th. A subsequent hearing was scheduled before the Umatilla County Board of County Commissioners on **October 15, 2025 at 10:00 AM**. The hearing will be held in Room 130 at the County Courthouse, 216 SE 4th St., Pendleton, OR 97801. Following the continuance of the Planning Commission hearing, the Board of Commissioner hearing was rescheduled to **December 10, 2025 at 10:00AM**.

26. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, County Counsel, County Code Enforcement, County Environmental Health, Oregon Department of Transportation Region 5-Highways Division, Oregon Department of Land Conservation and Development, Department of Environmental Quality, Department of Geology and Mineral Industries, Oregon Department of Fish and Wildlife, Oregon Water Resources Department, Westland Irrigation District, Columbia Improvement District, CTUIR-Natural Resources, CTUIR-Cultural Resources, Echo Fire District, Umatilla Electric Co-op and Sanitary Disposal

27. COMMENTS: Comments are pending.

28. BACKGROUND: In 1989, the previous quarry operator and landowner, Richard Snow, received Conditional Use Permit approval to operate an aggregate quarry site. The approval, #C-546-89, is subject to an annual review process. The 1989 Hearings Officer Decision limited the site to no more than 5,000 tons of material a year and no more than a 1-acre total site footprint.

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.

This application was received on November 18, 2024. On December 13, 2024 County Planning Staff deemed the application incomplete and sent a completeness letter to the applicant (Exhibit 1). On April 1, 2025 Planning Staff provided the landowner with written notice of intent to void #C-546-89 due to the landowner operating beyond the original approval. Staff's request to revoke the 1989 CUP was denied by the Planning Commission and the CUP was subsequently renewed by the Planning Commission.

On June 10, 2025 the applicant provided some of the additional information requested in Staff's December 13, 2024 letter and paid the printing fee on June 11, 2025. The application was then processed.

On June 24, 2025 staff requested clarification on the proposed AR overlay zone and permit boundary. On June 26, 2025 staff clarified that ORS 215.301 would be included as a criterion and

offered the applicant the opportunity to provide a response to this statute. A map showing the proposed AR overlay zone was provided by HNS, Inc. on July 9, 2025. Staff then scheduled the hearings based on this information.

On July 22, 2025 staff informed the applicant that a post-mining use and clarification on the zoning boundary were needed in order to provide an accurate 35-day notice to DLCD. A revised proposed zoning map was provided on July 23, 2025 and on August 5, 2025, the applicant provided a written statement that an asphalt batch plant was no longer proposed¹.

Staff again requested the post-mining use on August 6, 2025. On August 11, 2025, Planning Staff received an amended narrative from Carla McLane Consulting via email. The findings were subsequently updated to reflect this narrative.

NOTE: The Umatilla County Development Code has not been updated with the Division 23 Rules for Aggregate. The Oregon Administrative Rules 660-023-0180 to establish a Goal 5 Large Significant Site will be directly applied per OAR 660-023-180 (9).

29. GOAL 5 ISSUES: Scenic, Open Space, Historic, Wildlife, and other resources.

In order to mine aggregate in Umatilla County, a site must either be an active significant site listed in the Technical Report, or be listed on the Goal 5 Inventory of the Umatilla County Comprehensive Plan as a significant site.

The Snow Pit (now proposed to be named Muleshoe Quarry) is **not** listed on Umatilla County's Comprehensive Plan Goal 5 Inventory or in the Technical Report. The applicant proposes to utilize quality/quantity information to obtain approval of the plan amendment to add the entire site to the Umatilla County inventory of large significant aggregate sites and obtain Goal 5 protection of the resource by applying the AR Overlay Zone. The Umatilla County Comprehensive Plan requires that "[a]ny proposed modification to the text or areas of application (maps) of the AR, HAC, CWR or NA Overlay Zones shall be processed as an amendment to this plan." Therefore, this application constitutes a Post-Acknowledgement Plan Amendment (PAPA), and is subject to the criteria listed in Oregon Administrative Rules (OAR) 660-023-0030 through 660-023-0050, and OAR 660-023-0180. As a condition of approval for operation, the applicant must acquire a DOGAMI permit and obtain approval of a reclamation plan. Copies of both the DOGAMI permit and DOGAMI approved reclamation plan must be submitted to County Planning prior to commencing mining activities.

The applicant's narrative repeatedly states that they are requesting to "expand" the existing site. OAR 660-023-0180(1)(c) defines "existing site" as: "an aggregate site that meets the requirements of subsection (3)(a) of this rule and was lawfully operating, or was included on an inventory of significant aggregate sites in an acknowledged plan, on September 1, 1996". The referenced section (3)(a) pertains to having significant quantity and quality of aggregate materials onsite.

¹ Both the original and revised applications (submitted November 2024 and June 2025, respectively) include a proposed asphalt batch plant. The applicant provided written notice on August 5, 2025 that a batch plant was no longer requested, thus, Planning Staff have re-formatted the applicant's responses involving the batch plant with strikethrough text.

OAR 660-023-0180(1)(d) defines “expansion area” as: “an aggregate mining area contiguous to an existing site”. The subject property’s 1989 Conditional Use Permit approval did not require a determination of significance of quantity and quality of onsite aggregate materials, nor did it list the site as a significant site in Umatilla County’s acknowledged Comprehensive Plan.

Umatilla County finds the subject property does not meet the OAR definition of an expansion site, as the site is not currently listed as a Significant Site on Umatilla County’s Goal 5 Inventory. Thus, staff have processed the request as a **new** Large Significant Site.

30. STANDARDS OF THE OREGON ADMINISTRATIVE RULES, DIVISION 23 FOR GOAL 5 LARGE SIGNIFICANT SITES are found in OAR 660-023-0180 (3), (5), & (7), OAR 660-023-040, and OAR 660-023-050. The standards for approval are provided in underlined text and the responses are indicated in standard text.

OAR 660-023-0180 Mineral and Aggregate Resources

(3) [Large Significant Sites] An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or

(c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.

(d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:

(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or

(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:

(i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;

(ii) 25 feet in Polk, Yamhill, and Clackamas counties; or

(iii) 17 feet in Linn and Benton counties.

Applicant Response: 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

PRELIMINARY FINDINGS AND CONCLUSIONS

Muleshoe (Snow) Quarry, Comprehensive Plan Text Amendment T-098-24, Zoning Map Amendment. #Z-325-24
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area as Lickskillet 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 Lickskillet 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).

For the expansion area alone, the following math was used:

19.97 total acres

43,560 c/ft per acre

1613 c/y per acre

1 c/y = 2 tons

1613 c/y x 2 tons = 3,226 tons/acre

3226 tons x 200 feet = 645,200 tons per acre

645,200 tons per acre x 10 acres = 6,452,000 total tons

3226 tons x 150 feet = 483,900 tons per acre

483,900 tons per acre x 10 acres = 4,839,000 total tons

The current site has approximately 4,500,000 tons remaining

$6,452,000 + 4,893,000 + 4,500,000 = 15,791,000$ total tons

Readings in the expansion areas will allow for the quarry floor to be brought down to 200 feet. The estimates were calculated assuming that half the site would be mined to 200 feet with the other half mined to 150 feet.

Planning's Response: The applicant provided a site map showing the locations of the five soil sample locations. **It is important to note that all five sample locations are within the area that has already been heavily mined** [emphasis added].

The applicant provided lab reports for each of the five soil samples. The lab reports were conducted in 2006, 2007, 2008, 2015 and 2020; the year is indicated with the first two numbers of the corresponding lab report number. All five lab reports were conducted by Oregon Department of Transportation's Materials Laboratory and had satisfactory remarks for quality.

Although reminded that soil samples must be representative of the entire site in the December 2024 completeness letter, the applicant did not submit additional soil samples for the areas not previously excavated.

The proposed quarry is in eastern Oregon. The United States Department of Agriculture Soil Conservation Service Soil Survey of Umatilla County identify the soils in the current mining area as Lickskillet 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 Lickskillet is classified as VII_s; the Shano is classified as IV_e and II_e or III_e when irrigated. A small percentage of the subject property is comprised of Kimberly fine sandy loam, 0 to 3 percent slopes which is classified as II_e when irrigated. The portion of the proposed quarry site that has a soil classification of II when irrigated is largely on the northern side and constitutes approximately **39** percent of the entire subject property.

The applicant's calculation of over 15 million tons of quality aggregate product is not verifiable. The calculation does not account for any overburden, however, the applicant states that they will only be selling basalt, not sand and gravel products. Thus, it is reasonable to presume that there would be a significant amount of overburden as all of the soils on the property are categorized as sandy loam or stony loam with a small percentage being silt loam. Additionally, the applicant's Safety Blasting Plan states, "removal of overburden: Dozer will remove safety berm to permit access to drilling areas, overburden will be cleared off into top soil storage"².

The applicant's calculation also relies on the assumption that rock meeting ODOT's specifications for quality is consistent throughout the proposed mining boundary and that all of the material will be usable with no waste. This is unverified without additional soil samples representing the entire proposed aggregate site. Staff requested additional information on the calculated tonnage in the December 2024 completeness letter; and the applicant provided the above calculations without an explanation as to how the numbers were determined without overburden or waste. Again, soil samples were not submitted for the areas not previously mined.

County Planning finds the applicant **did not** submit a representative set of soil sample lab reports. Lab reports were only provided for the already excavated area. County Planning finds that the applicant did not account for overburden in the calculation of quantity of available aggregate materials. Therefore, a conclusion cannot be made that the site complies with the requirements for quality, quantity or location.

County Planning finds and concludes this criterion is **not** satisfied.

County Findings: The Planning Commission may adopt Staff's findings and conclude that the applicant did not submit a representative set of soil sample lab reports and did not account for overburden. Therefore, a conclusion cannot be made that the site complies with the requirements for quality, quantity or location.

² Page 3 of the Applicant's Safety Blasting Plan, Exhibit 3, attachment D, page 6

The Planning Commission may make new findings that the submitted soil sample lab reports are representative of the proposed Goal 5 aggregate site.

(5) [Large Significant Sites] For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving an aggregate site determined to be significant under section (3) of this rule, the process for this decision is set out in subsections (a) through (g) of this section. A local government must complete the process within 180 days after receipt of a complete application that is consistent with section (8) of this rule, or by the earliest date after 180 days allowed by local charter.

(a) [Impact Area] The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

Applicant Response: 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.

August 10, 2025 Amended Response: The impact area map originally submitted included the full mining site, meaning both the current mining area and the proposed expansion area. However, except for the Hines' home that was recently approved, the analysis is not different regardless of which 1500-foot boundary you analyze. There are no homes or other noise sensitive properties within either boundary. The farming as described in the previous analysis is not changed for this analysis.

With the most recent change to the boundary based on the site map submitted on July 22, 2025, the impact area has been modified but does not change the analysis of the impact area. The site and impact area continue to capture irrigated agricultural to the west, north, and east. Dryland farming is found to the south. The expanded impact area still does not include any homes or other noise sensitive properties with the exception of the home that was recently approved for the landowner of the subject property, Jeff and Michelle Hines. Based on the topography of the subject property the sound generated by mining activities in the hole of the mining area does not travel up and out to be heard at the homesite.

Planning's Response: As stated above, County Planning finds this is a new site, not an expansion site. County Planning has developed a 1,500-foot impact area extending from the proposed Aggregate Resource overlay zone (proposed quarry site).

County Planning finds that factual information is not present to indicate that there would be significant conflicts to mining beyond the 1,500-foot impact areas from the proposed Aggregate

Resource overlay zone. Therefore, the 1,500-foot impact area is sufficient to include uses listed in (b) below.

County Findings: Umatilla County finds that factual information is not present to indicate that there would be significant conflicts beyond the 1,500-foot impact area from the boundaries of the proposed Aggregate Resource overlay zone. Therefore, the 1,500-foot impact area is sufficient to include uses listed in (b) below.

(b) [Conflicts created by the site] The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e. g. , houses and schools) that are sensitive to such discharges;

Applicant Response: There are 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.

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 begin 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.

August 10, 2025 Amended Response: There are no *currently built* homes within the 1,500-foot impact area which is zoned for Exclusive Farm Use (EFU). There are no areas zoned for residential uses. *There is one home proposed in the impact area which will be on the subject property for the landowners and applicants for the Goal 5 approval, Jeff and Michelle Hines.*

Planning’s Response: There are not any residentially zoned areas within the 1,500-foot impact area. However, there is an approved primary farm dwelling which is located on the subject property. This home received tentative Land Use Decision approval in January 2025 and a Zoning Permit was issued in March 2025 to begin construction. This application, to establish a Goal 5 aggregate site, was first received on December 3, 2024³ and deemed complete after some of the requested information was received on June 10, 2025. Although the primary farm dwelling had final approval at the time this application was deemed complete, it cannot be included in the conflicts analysis as the final approval was received after this application was submitted.

The applicant provides that dust will be managed through the application of water or other dust abatement mechanisms, but does not provide how many water trucks will be needed on a daily or weekly basis or what “other dust abatement mechanisms” would be, if not water application. In *Rock Solid Sand and Gravel, LLC vs. Umatilla County 2023-033*, LUBA determined that in order to determine potential conflicts, the specific aggregate mining and processing activities and their levels of noise, dust or other generated discharges must first be identified and analyzed. LUBA concluded that, “the county does not satisfy the conflicts analysis required by OAR 660-023-0180(5)(b) by assuming that all mining activities will produce some level of noise, dust, or other discharges and finding that those impacts can be minimized.” The applicant did not offer this analysis.

The applicant is requesting approval to conduct mining activities, including: mining, blasting, processing and stockpiling. Processing activities were not specified. It is assumed that processing would consist of crushing, screening and washing. Crushing and screening would all generate some level of dust. Washing would require a significant quantity of water onsite.

The applicant did provide a Safety Blasting Plan, which states that blasting will be restricted between the hours of 9am to 5pm and exclude legal holidays. The Plan states that neighbors will be informed of the blast 24-36 hours prior to the blast, but does not specify which neighbors will be notified; i.e. adjacent, within 1500-feet, etc. Additionally, the plan states that audible air horns will provide notification of the blast and that “overburden will be cleared off into top soil storage”.

Neither the blasting plan, nor the application narrative, specify the areas subject to blasting. Whether or not a small portion of the site or the entire site will be blasted is unknown.

If blasting is approved, a condition of approval is imposed that blasting is limited to the hours of

³ The application was first emailed to the Planning Division on November 18, 2024. The application fee was paid via Check #21413 which was submitted to the Planning Division on December 3, 2024.

9am to 5pm, Monday through Friday, excluding Federal Holidays, per the Applicant's Blasting Plan.

The Planning Division finds that without further details regarding the proposed mining, blasting and processing activities, the level of discharges (such as noise and dust) cannot be determined. Likewise, it is unknown how the mining operator intends on addressing these potential impacts; thus, the County cannot make adequate findings. The Planning Division finds that this criterion is **not** satisfied.

The Planning Division finds and concludes that specific information is required from the applicant including the proposed processing activities and how each of the activities, including mining, blasting, processing and stockpiling will generate discharges such as noise and dust, the specific discharges generated by each activity and the intensity of each discharge.

County Findings: Umatilla County finds that without further details regarding the proposed mining and processing activities and the level of each activity's discharges, the County cannot make adequate findings.

Umatilla County could find that the applicant's conflicts analysis is adequate and make additional findings to satisfy the criterion.

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

Applicant Response: 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."

Planning's Response: The subject property has direct access to Snow Road, a gravel County Road. Access to the mining site will be a crossed a shared access easement which benefits Tax Lot 9300 on Map 3N29 located to the east of the subject property. The Applicant states that the

access easement road and Snow Road have been used for many years in support of the subject property's aggregate operations.

The Applicant provided a Traffic Impacts Analysis which found that there would be "no significant increase in traffic".

The November 2024 application had the following box checked in the LURA questions 16 and 17, "no water is necessary for development". However, elsewhere, (page 5, Aggregate Supplemental Application) the applicant states that water will be used during the crushing process, applied to stockpiles and haul roads for dust management. Applicant states that water will be purchased from the City of Echo, but does not state whether this will be trucked onsite, and the expected number of water trucks required daily or weekly. The provided Traffic Generation Letter does not specify whether or not water trucks are included in the traffic generation numbers. Thus, it is unknown whether or not water trucks entering and leaving the site would impact local roads.

Umatilla County Public Works will be provided notice of this request and will have the opportunity to provide comments on road impacts.

County Findings: Umatilla County could find there are no known conflicts to local roads. This criterion is satisfied.

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013;

Umatilla County finds that there are no public airports within the Impact Area. The closest public airport is east of Hermiston and more than eight miles away from the site.

(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

Applicant Response: 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 Viticulture Area. Neither of these areas have been identified as protected resources within Umatilla County.

Planning's Response: There are no known Goal 5 resource sites within the impact area for the aggregate site.

County Findings: Umatilla County finds that the proposed Goal 5 PAPA is not expected to conflict with other Goal 5 resource sites. This criterion is satisfied.

(E) Conflicts with agricultural practices; and

Applicant Response: 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.

Based on the Completeness Letter the applicant has been asked to further address conflicts with agricultural practices. Each one will be addressed here.

Noise: No sensitive noise receptors are within the 1500-foot impact area except for the recently approved dwelling on the subject property. Noise limits, set by the Oregon Department of Environmental Quality (DEQ), for daytime operations is 55 dBA and for nighttime operations would be 50 dBA. It is anticipated that noise levels at the site would be the highest between 7:00 a.m. and 4:00 p.m. and would include the noise from both the crusher and the asphalt batch plant when operational. Blasting noise would be limited and would include additional notice to property owners within the 1500-foot impact area as well as the few homes that are along the shared access road. Noise does dissipate over distance and is impacted by environmental factors such as topography and vegetation. Both the crusher and asphalt batch plant will be placed within the current hole of the mining area with the rock wall to the north significantly diminishing if not eliminating the noise from traveling to the north. Noise to the south would diminish over distance and be limited by a rock wall of about 30 feet in height with most noise at or near the DEQ limits at the 1500-foot impact area outer boundary.

Vibrations: The most significant vibration would occur with blasting activities. The mine operator will provide notice to adjoining landowners and homes along the access road prior to blasting.

Traffic: A trip generation letter was submitted as part of the original application with traffic generated by the mining operation being analyzed. The traffic leaving the mining operation would access Snow Road, a gravel county road, travel north until trucks would intersect with Oregon Trail Road, a paved ODOT facility. Dust that would be generated by this truck traffic is discussed just below.

Dust: Particulate Matter, or PM, is the primary pollutant generated from this type of operation. There is both PM 10, the larger measured emission, or PM 2.5, the smaller. Most PM generated will be of larger size and will dissipate more quickly as its weight will cause it to more quickly fall. It is important to understand that basalt rock generally creates less fine particulate matter than a sand and gravel operation. For PM within the mining boundary travel of the fugitive dust to the north will be restricted by the rock wall limiting impacts in that direction. PM created by truck traffic on the approximate 500-foot length of haul road within the site boundary and on the subject property that is not paved will have the potential to travel to the north and northeast based on prevailing winds. For that reason, the mining operator will apply water on that portion of haul road. When large projects occur, the operator may choose to apply a dust suppressant on that limited portion of haul road.

In the Completeness Letter the vineyard to the northeast of the mining operation was specifically called out related to the operation of a concrete batch plant. To again reiterate the applicant is not requesting a concrete batch plant so the provisions of ORS 215.301 are not applicable to this

request. Any other impacts to the vineyard would be like other agricultural operations at a comparable distance.

Planning's Response: Potential conflicts to agriculture would be dust, noise and chemicals used during the dust abatement process. As predominant crops in the impact area are row crops, potatoes, corn, and wheat; dust and chemical dust suppressants could have a significant conflict with these existing agricultural practices.

Two vineyards are planted beyond the 1,500-foot impact area. Should those landowners provide testimony stating that the aggregate operations and proposed dust suppressants would impact their existing vineyards, further analysis could be required including expanding the impact area.

Although the applicant has submitted an amended narrative stating that a batch plant is no longer proposed, ORS 215.301 pertains to aggregate batch plants and is addressed further below.

Conflicts to agriculture resulting from dust, noise and chemical dust suppressants can be mitigated through the imposition of several dust mitigation conditions of approval.

County Findings: Umatilla County finds that potential conflicts with the proposed Goal 5 aggregate site with nearby agricultural activities or practices have been identified. Mitigation measures have been identified below.

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations pursuant to ORS 517.780;

Applicant Response: Umatilla County does not have an ordinance that supersedes DOGAMI regulations.

Planning's Response: There are no other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations. Therefore, this criterion is not applicable.

County Findings: Umatilla County finds that there are no other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon DOGAMI regulations. Therefore, this criterion is not applicable.

(c) [If conflicts exist, measures to minimize] The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

Applicant Response: 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.

Based on the Completeness Letter the applicant has been asked to further explain potential impacts, which are done above under (5)(b)(E), and best management practices for each of those impacts.

Noise: As discussed above noise will dissipate and comply with the daytime DEQ standard at the 1500-foot impact boundary to the north based on the noise generation coming from within the mining pit. Similar conditions are applicable to the south of the aggregate site, but the depth of the mining equipment is less. Based on how noise dissipates over distance compliance will be achieved at the southern boundary. To reiterate there are no noise sensitive receptors, other than the dwelling approved on the subject property, within the 1500-foot impact area.

Should they be deemed necessary there are additional sound dampening measures that can be taken including noise barriers, installation of enclosures, silencers or mufflers. It is not anticipated based on the remoteness of this site that those measures would be deemed necessary.

Vibration: The blasting of the basalt rock is the predominate activity that would create vibration that would be noticeable within the 1500-foot impact area and potentially to adjoining properties. As stated above the applicant, based on the Safety Blast Plan, will be providing notice to those adjoining landowners and homeowners along the access road. No other mitigation should be necessary.

Traffic: The type of trucks coming and going from the aggregate site would be comparable to farm trucks also using the local access road and Snow Road. Potential impacts would predominately be the generation of fugitive dust which will be discussed just below. Internal haul road speed limits will be set at 5 miles per hour to limit the generation of fugitive dust.

Dust: There are several measures that can be taken to limit the generation of fugitive dust including:

- Monitoring moisture content of exposed material
- Apply water or an approved chemical dust suppressant on a regular basis
- Install wind breaks
- Spray water at the conveyor feed during material transfer
- Maintain a clean material handling area
- Limit vehicle speeds
- Pave frequent haul roads
- Revegetate the site when and where practical

The applicant will apply water on internal haul roads, use misters as necessary on the crusher, limit vehicle speeds, and generally maintain a clean site.

Planning's Response: Umatilla County finds that potential conflicts to agriculture operations were identified within the 1,500-foot impact area. Potential conflicts to agriculture would be

dust, noise and chemicals used during the dust abatement process, thus mitigation measures must be identified and implemented.

Chemical suppressants:

Applicant states that water or an approved chemical dust suppressant will be applied for dust abatement. Chemical dust suppressants can and frequently drift offsite, negatively impacting crops. While outside the 1,500-foot impact area, the two vineyards located to the east of the proposed Muleshoe Quarry are located downwind. Umatilla County finds that by restricting chemical dust suppression onsite, the conflict is mitigated. Therefore, Umatilla County imposes a condition of approval that chemical dust suppressants shall not be used onsite for the life of the Muleshoe Quarry.

Dust:

Applicant states that water or an approved chemical dust suppressant will be applied for dust abatement. The applicant submitted a letter from the City of Echo that states that water is available for purchase from the City, but did not provide information to County Planning regarding the quantity of water required, or the anticipated number of truck trips to haul the water to the site.

Applicant provided several measures above that could be used to limit the generation of fugitive dust. Umatilla County finds by implementing the following dust mitigation measures, dust impacts are adequately mitigated:

- Develop and submit a crushing and screening plan to the Umatilla County Planning Division. The plan shall include dust mitigation best practices for the Muleshoe Quarry. Implement and adhere to the crushing and screening plan for the life of the Muleshoe Quarry.

- Submit written confirmation from a permitted water source that includes the quantity of available water for dust suppression.

- Install, operate, and provide maintenance of spray/mist bars at the tail and head of stacking conveyors at all times of operations.

- Install, operate, and provide maintenance of spray/mist system at the throat and discharge of jaw and cone crushers.

- Apply water for dust control on ingress and egress roads and the pit floor during times of material hauling and movement.

- Construct a 15-foot tall east and south berm along the eastern and southern site boundaries. The berm shall be planted with native vegetation and maintained throughout the life of the quarry to provide dust and noise suppression.

Noise:

Anticipated levels of noise generated by the haul trucks, blasting and processing activities was not identified by the applicant. Noise is governed by the Umatilla County Noise Control Ordinance, Chapter 96 and Oregon Administrative Rule 340-035-0035. Approved blasting

activities, with all appropriate permits, are exempt from the noise regulations as stated in §96.04⁴ of the Umatilla County Code of Ordinances. While approved blasting activities are exempt in the Noise Control Ordinance, general mining activities must comply with the noise regulations, Oregon Department of Environmental Quality enforces OAR 340-035-0035.

Umatilla County finds a subsequent condition of approval requiring the mining operations to comply with the DEQ Noise Standard provided in OAR 340-035-0035 is imposed.

Umatilla County finds that imposition of the following conditions of approval will minimize impacts from noise:

Construct the 15-foot tall east berm along the eastern site boundary. The berm shall be planted with native vegetation and maintained throughout the life of the quarry to provide dust and noise suppression.

Construct the 15-foot tall south berm along the southern site boundary. The berm shall be planted with native vegetation and maintained throughout the life of the quarry to provide dust and noise suppression.

Adhere to DEQ Noise Standard as found in OAR 340-035-0035, Noise Control Regulations for Industry and Commerce.

Blasting and drilling activities are limited to the hours of 9:00am to 5:00pm.

Back up alarms on loaders, trucks and all pit vehicles are limited to those that are non-acoustic between the hours of 6:00pm and 7:00am. Examples of non-acoustic options are approved strobes, flaggers and barriers.

Umatilla County finds that potential conflicts with agriculture were identified within the 1,500-foot impact area. Limited impacts from dust and noise can be managed or mitigated through the above conditions of approval.

County Findings: Umatilla County finds that potential conflicts to agriculture operations were identified within the 1,500-foot impact area. Potential conflicts to agriculture would be dust, noise and chemicals used during the dust abatement process, thus mitigation measures must be identified and implemented.

Umatilla County finds and concludes that implementing the following conditions of approval, potential conflicts to agriculture operations are adequately mitigated:

1. Chemical dust suppressants shall not be used onsite for the life of the Muleshoe Quarry.
2. Develop and submit a crushing and screening plan to the Umatilla County Planning Division. The plan shall include dust mitigation best practices for the Muleshoe Quarry.

⁴ Umatilla County Code of Ordinances §96.04(F) states: *Sound caused by blasting activities when performed under a permit issued by the appropriate governmental authorities and only between the hours of 9:00 a.m. to 4:00 p.m., excluding weekends.*

Implement and adhere to the crushing and screening plan for the life of the Muleshoe Quarry.

3. Submit written confirmation from a permitted water source that includes the quantity of available water for dust suppression.
4. Install, operate, and provide maintenance of spray/mist bars at the tail and head of stacking conveyors at all times of operations.
5. Install, operate, and provide maintenance of spray/mist system at the throat and discharge of jaw and cone crushers.
6. Apply water for dust control on ingress and egress roads and the pit floor during times of material hauling and movement.
7. Construct the 15-foot tall east berm along the eastern site boundary. The berm shall be planted with native vegetation and maintained throughout the life of the quarry to provide dust and noise suppression.
8. Construct the 15-foot tall south berm along the entire southern site boundary. The berm shall be planted with native vegetation and maintained throughout the life of the quarry to provide dust and noise suppression.
9. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, Noise Control Regulations for Industry and Commerce.
10. Blasting and drilling activities are limited to the hours of 9:00am to 5:00pm.
11. Back up alarms on loaders, trucks and all pit vehicles are limited to those that are non-acoustic between the hours of 6:00pm and 7:00am. Examples of non-acoustic options are approved strobes, flaggers and barriers.

(d) [If conflict can't be minimized then conduct an Economic, Social, Environmental, and Energy (ESEE) analysis] The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:

- (A) The degree of adverse effect on existing land uses within the impact area;
- (B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
- (C) The probable duration of the mining operation and the proposed post-mining use of the site.

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

Planning's Response: Umatilla County finds that all identified potential conflicts will be minimized as described above. This criterion is not applicable.

County Findings: Umatilla County finds that all identified potential conflicts will be minimized as described above. This criterion is not applicable.

(e) [Amend Plan] Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e. g. , site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:

(A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;

(B) Not requested in the PAPA application; or

(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.

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

Planning's Response: Umatilla County finds that all identified potential conflict will be minimized as described above. This criterion is not applicable.

County Findings: Umatilla County finds that all identified potential conflict will be minimized as described above. This criterion is not applicable.

(f) [Post mining uses] Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

Applicant Response: The applicant 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.

August 10, 2025 Amended Response: The applicant has determined that the post mining use will be farming or ranching, consistent with the balance of the subject property and properties surrounding it. The current and future topsoil that is retained in buffers around the mining area will be spread in areas for beneficial agricultural use. Areas that are not reclaimed in this manner may still support limited grazing or other agricultural activities.

Planning's Response: The applicant has identified a post-mining use as required which is farming/ranching. In *Rock Solid Sand and Gravel, LLC vs. Umatilla County LUBA No. 2023-033*, LUBA determined that not only does the applicant need to identify a post-mining use, they must also provide a conceptual site reclamation plan as part of the PAPA application. The post-mining use must be included in the Comprehensive Plan Text Amendment language subject to the required 35-day notice to the Department of Land Conservation and Development (DLCD).

A conceptual reclamation plan was not submitted.

County Planning finds this criterion is not satisfied; thus, the request cannot be approved as presented. Should the applicant provide a conceptual site reclamation plan to the decision makers, this criterion could be satisfied. County Planning finds this criterion is not satisfied.

County Findings: Umatilla County finds the applicant has not provided a conceptual site reclamation plan. Umatilla County finds this criterion is **not** satisfied.

Umatilla County finds that if the request could be approved, the approved post-mining use is farming/ranching.

(g) [Issuing a zoning permit] Local governments shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the local government.

Applicant Response: 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.

Planning's Response: As provided above under Section 28. *Background*, the subject property does have an active Conditional Use Permit, #C-546-89 which authorized mining activities with the previously mentioned limitations. The 1989 Conditional Use Permit did not include adding the site as a Significant Site on the County's Goal 5 Inventory. Thus, the proposed mining site is required to be established as a **new** significant site. County Planning finds and concludes a

Zoning Permit must be obtained prior to conducting mining activities. This is captured as a precedent condition of approval.

County Findings: Umatilla County finds and concludes a precedent condition of approval is imposed that the mining operator obtain a Zoning Permit from County Planning prior to conducting mining activities satisfies the criterion.

(7) [Protecting the site from other uses/conflicts] Except for aggregate resource sites determined to be significant under section (4) of this rule, local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (5) of this rule, the local government decides that mining will not be authorized at the site.)

Applicant Response: The applicant has provided an ESEE analysis. The analysis supports a decision to limit new conflicting uses within the buffer area to assure protection of the aggregate site.

660-023-0040 ESEE Decision Process

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

(a) Identify conflicting uses;

Applicant Response: 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;

Applicant Response: The impact area is a 1,500-foot buffer extending from the aggregate site boundary.

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

Items (c) through (d) are addressed below.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

Applicant Response: 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.

Planning's Response: The local government has identified conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. Potential conflicting uses found in the Umatilla County Development Code are outlined in the **Table 1**, below. This criterion is satisfied.

Table 1 - Potential Conflicting Uses

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.)

Applicant Response: 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.

Planning's Response: Potential conflicting uses taken from the Umatilla County Development Code that could be adversely affected by mining on the proposed Goal 5 area are identified as: winery, farm stand, home occupations, churches, dwellings, schools, parks, playgrounds, community centers, boarding and lodging facilities and various commercial uses related to agriculture.

County Findings: Umatilla County finds that potential conflicting uses have been evaluated and are provided below. Identified conflicting uses are: winery, farm stand, home occupations, churches, dwellings, schools, parks, playgrounds, community centers, boarding and lodging facilities and various commercial uses related to agriculture.

(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)).

Applicant Response: There are no other known Goal 5 resources within the boundary of the mining area or within the proposed impact area.

Planning's Response: There are no other known Goal 5 resources within the boundary of the mining area or within the proposed impact area.

County Findings: Umatilla County finds and concludes that there are no known Goal 5 resources within the boundary of the mining area or within the proposed impact area. This criterion is satisfied.

(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.

Applicant Response: 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.

Planning's Response: The impact area for an aggregate site is 1,500-feet, as specified by OAR 660-023-0180(5)(a). Based on the list of potential conflicting uses identified in **Table 1**, above, Umatilla County has determined that the 1,500-foot impact area is sufficient for conducting the ESEE analysis.

County Findings: Umatilla County finds that the 1,500-foot impact area is sufficient for conducting the ESEE analysis.

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide

goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

Applicant Response: 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.

Planning's Response: As shown in **Table 1**, above, the local government has determined several outright and permitted uses that are allowed by the different zones within the 1,500-foot impact area. For purposes of the ESEE analysis, these potential conflicting uses can be grouped into two types of similar uses:

- Dwellings (typically includes farm dwellings, non-farm dwellings, lot of record dwellings, replacement dwellings, hardship dwellings, home occupations, room and board operations)
- Public/Private Gathering Spaces (typically includes wineries, churches, community centers, private and public parks and playgrounds, living history museums, golf courses, public or private schools, various commercial uses related to agriculture)

The ESSE Analysis follows:

ESEE consequences related to review criteria for dwellings and gathering spaces in the 1,500-foot impact area surrounding the Muleshoe Quarry			
	<i>Prohibit dwellings and gathering spaces</i>	<i>Condition the placement of new dwellings and gathering spaces</i>	<i>No change to review standards for dwellings and gathering spaces</i>
Economic Consequences	Consequences related to new use on neighboring properties. There may be some negative economic impact to neighboring property owners if new dwellings or gathering places were not allowed within	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	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

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	1500 feet of the quarry boundary. Dwellings are not allowed as outright uses in the other use zones within the impact area. Some uses that allow gathering spaces are also allowed either outright or conditionally. 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.	restrict the use of the property allowed in the underlying zone. 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. 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. Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a decision to prohibit uses since the proposed "limit" is to require that new uses would be permitted on the condition that the applicant except mining activity on this significant aggregate site.	gathering places in the impact area. 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.
	<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	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 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	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.

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	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. 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.	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. 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.	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.
	<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	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. Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some environmental benefit from fewer vehicle emissions when truck travel is minimized.	Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings or social gathering spaces were limited in the impact area. New dwellings and social gathering spaces in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site. 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	Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces were allowed in the impact area. Different than the option to limit a decision, there would be no mechanism in the county's approval process to inform property owners of the authorized mining activity. This would result in a higher possibility for a residence or social gathering space to be in the impact area and a higher potential for a negative consequence. Consequences related to loss of quarry access. There may be some negative environmental consequence if new uses in the impact area oppose mining activity and pose an obstacle to the use of this site. Efficient development practices include obtaining aggregate material from a

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		environmental benefit from fewer vehicle emissions when truck travel is minimized.	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	Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from prohibiting new dwellings or social gathering spaces in the impact area. Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.	Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from limiting new dwellings or social gathering spaces in the impact area. Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.	Consequences related to new use on neighboring properties. There are no energy consequences identified that stem from allowing new dwellings or social gathering spaces in the impact area. Consequences related to loss of quarry access. Efficient development practices include obtaining aggregate material from a quarry close to the project site. There will be some negative energy consequences from additional fuel use if truck travel is increased due to loss of access to this quarry.

County Findings: Umatilla County finds that the applicant's ESEE analysis is adequate in supporting the applicant's request to protect the aggregate resource.

(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.

Applicant Response: 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.

Planning's Response: Umatilla County has determined, through the ESEE analysis, that the resource site and the conflicting uses (dwellings and public/private gathering spaces) are important compared to each other. Therefore, Umatilla County could find that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Muleshoe Quarry in order to achieve Goal 5.

A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.

The waiver of remonstrance requirement for proposed conflicting uses along with the mitigation measures proposed by the applicant are adequate to minimize conflicts for future uses that potentially locate within the mining impact area.

County Findings: Umatilla County has determined, through the ESEE analysis, that the resource site and the conflicting uses (dwellings and public/private gathering spaces) are important compared to each other. Therefore, Umatilla County finds that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Muleshoe Quarry in order to achieve Goal 5.

A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.

Umatilla County finds that the waiver of remonstrance requirement for proposed conflicting uses along with the mitigation measures proposed by the applicant are adequate to minimize conflicts for future uses that potentially locate within the mining impact area.

660-023-0050 Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to [OAR 660-023-0040\(5\)](#). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see [OAR 660-023-0040\(5\) \(b\) and \(c\)](#)).

Applicant Response: 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.

Planning's Response: County Planning finds that should the quarry be eligible for approval; Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Muleshoe Quarry as a significant aggregate resource site.

If approved, the Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the identified quarry area. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that new conflicting uses (dwellings and public/private gathering spaces) are limited.

As noted previously, a condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The purpose of this condition is not to disallow these activities, but to ensure that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. This criterion is met.

County Findings: Umatilla County finds that should the quarry be eligible for approval; Policy 41 of the Umatilla County Comprehensive Plan shall be amended to list the Muleshoe Quarry as a significant aggregate resource site. The amendment language shall include the identified post-mining use of farming/ranching.

If approved, the Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the identified quarry area. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that new conflicting uses (dwellings and public/private gathering spaces) are limited.

As noted previously, a condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The purpose of this condition is not to disallow these activities, but to ensure that applicants for these types of uses be made aware of the mining operation and waive their rights to remonstrate against aggregate mining activities allowed by this decision. This would be consistent with current Umatilla County Development Code provisions found at 152.063(D) that are applicable to permitted mining activities. This criterion is met.

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

(a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;

(b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

Applicant Response: 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.

Planning's Response: County Planning finds that proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Muleshoe Quarry in order to achieve Goal 5. If approved, the Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited. A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval.

County Findings: Umatilla County finds that if approved, proposed conflicting uses should be limited within the 1,500-foot impact area for the life of the Muleshoe Quarry in order to achieve Goal 5. The Umatilla County Zoning Map will be amended to apply the Aggregate Resource (AR) Overlay Zone to the subject property. In addition, a 1,500-foot buffer around the AR Overlay Zone will be shown on the Zoning Map to acknowledge that conflicting uses (dwellings and public/private gathering spaces) are limited. A condition of approval is imposed that any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval.

(3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:

(a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and

(b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).

Applicant Response: These provisions would not be applicable as the request is related to aggregate resources.

Planning's Response: This request is related to aggregate resources. Therefore, this criterion is not applicable.

County Findings: Umatilla County finds that this request is related to aggregate resources. Therefore, this criterion is not applicable.

30. APPLICABLE OREGON REVISED STATUTE. Oregon Revised Statute (ORS) 215.301 Blending materials for cement prohibited near vineyards; exception.

Applicant Response: The applicant is not seeking approval for a concrete batch plant, only an asphalt batch plant. Asphalt batch plants are not limited by the provisions of ORS 215.301. To again reiterate the applicant is not requesting a concrete batch plant so the provisions of ORS 215.301 are not applicable to this request. Any other impacts to the vineyard would be like other agricultural operations at a comparable distance.

On August 5, 2025, the applicant provided clarification that no concrete or asphalt batch plant would be included within the aggregate site boundary. This is reflected in the amended site map submitted on July 22, 2025.

August 10, 2025 Amended Response: Provided as part of the supplemental submittal is a site map that identifies where current assets are located and identifies the approximate location of assets that may be sited in the future. No concrete batch plant is requested.

Planning's Response: The applicant originally requested approval of an asphalt batch plant. ORS 215.301 pertains to "batching and blending of mineral and aggregate into asphalt cement".

The Merriam-Webster Dictionary provides the following definitions:

- Asphalt cement: a refined asphalt free from water and coarse foreign material and containing less than one percent of ash
- Concrete: a hard strong building material made by mixing a cementing material (such as Portland cement) and a mineral aggregate (such as sand and gravel) with sufficient water to cause the cement to set and bind the entire mass

- Cement: a powder of alumina, silica, lime, iron oxide, and magnesium oxide burned together in a kiln and finely pulverized and used as an ingredient of mortar and concrete

To summarize, “cement” is an ingredient within “concrete”. Concrete is the by-product of any cementing material with a mineral aggregate. Whereas, “asphalt cement” is the refined product of asphalt with minimal ash.

County Planning finds the applicant originally requested approval of an asphalt batch plant, which would meet the definition of asphalt cement. County Planning finds ORS 215.301 is applicable to the request. On August 5, 2025 the applicant provided an email to planning staff stating that an asphalt batch plant was no longer proposed. By the time this statement was provided, staff had already analyzed ORS 215.301.

To memorialize staff findings, the analysis follows.

(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.

Planning’s Response: There are two planted vineyards within two miles of the proposed Aggregate Resource Overlay Zone. One vineyard is owned by Lloyd and Lois Piercy and is within the boundary of Tax Lot 9300 on Map 3N29. The second vineyard is owned by New Foothills Properties, LLC and is within the boundary of Tax Lot 200 on Map 3N2921, this vineyard is directly north of the Piercy vineyard.

The Piercy vineyard is located approximately 1.08 miles from the proposed asphalt batch plant. The New Foothills Properties vineyard is located approximately 1.10 miles from the proposed asphalt batch plant. Both vineyards are located to the northeast of the proposed AR overlay zone and batch plant and are presumably downwind from the site.

County Planning finds the proposed asphalt batch plant **shall not** be approved.

(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.

Planning’s Response: Elsewhere in the application narrative, the applicant relies on the 1989 Conditional Use Permit approval for the mining activities permitted to Richard Snow. The 1989 permit did not apply specific criteria to a batch plant. The 1990 Zoning Permit, ZP-90-056, which finalized the CUP approval, did not include an asphalt batch plant. The 1990 Zoning Permit instead only lists a quarry, gravel stockpile, crusher and the access road, see Exhibit 10.

The Planning Division does not have a DEQ Land Use Compatibility Statement (LUCS) sign-off on file for an asphalt batch plant at this location. The applicant likewise did not submit a DEQ

permit authorizing a batch plant or evidence that had an asphalt batch plant has been continuously operating at the subject property.

The Planning Division finds and concludes that the local governing body did not issue final land use approval or renewal of an approval, via a Zoning Permit or LUCS, for an asphalt batch plant. Thus, this criterion is not applicable.

County Findings: Umatilla County finds and concludes that the local governing body did not issue final land use approval or renewal of an approval for an asphalt batch plant. The Planning Commission finds and concludes that an asphalt batch plant is strictly prohibited per Oregon Revised Statute due to the location of two planted vineyards and is therefore not approved at this site.

31. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR ESTABLISHING AN AR OVERLAY ZONE are found in Sections 152.487 and 152.488. The following standards of approval are underlined and the findings are in normal text.

152.487 CRITERIA FOR ESTABLISHING AN AR OVERLAY ZONE: Section 152.487 of the Umatilla County Development Code lists required criteria the Planning Commission must consider for establishing an AR Overlay Zone. Criteria are listed and underlined. Evaluation responses are provided in normal text.

(A) At the public hearing the Planning Commission shall determine if the following criteria can be met:

(1) The proposed overlay would be compatible with the Comprehensive Plan;

Applicant Response: 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.

Planning’s Response: The Umatilla County Comprehensive Plan and Technical Report both have input into this decision. Applicable Comprehensive Plan Findings and Policies include Finding 38, Policy 38 and Finding 4.

Finding 38 states, “Extraction of non-renewable aggregate and mineral resources requires ongoing exploration, reclamation, separation from adjacent incompatible land uses and access.” The accompanying policy would also be applicable:

- Policy 38. (a) The County shall encourage mapping of future agencies sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.
- (b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.
- (c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.

The applicant is seeking protection of the aggregate site by the application of the Aggregate Resource Overlay Zone and protection from encroaching and conflicting uses by mapping of the buffer area to best achieve both this Finding and Policy. The requested level of protection is requiring a non-remonstrance agreement at the time development of a conflicting use is proposed within the 1,500-foot buffer area.

Finding 41 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 Muleshoe Quarry.

County Planning finds that the applicant’s request for limitations of conflicting residential and social gathering space uses is reasonable under the Goal 5 protection program and appears to be compatible with the Umatilla County Comprehensive Plan. This criterion is met.

County Findings: Umatilla County finds that the applicant’s request for limitations of conflicting residential and social gathering space uses is reasonable under the Goal 5 protection program and appears to be compatible with the Umatilla County Comprehensive Plan. This criterion is met.

(2) There is sufficient information supplied by the applicant to show that there exists quantities of aggregate material that would warrant the overlay;

Applicant Response: 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.

Planning's Response: As determined above, the applicant did not provide sufficient information verifying that "15 million tons" are available onsite and thus fails to demonstrate that the quantity of aggregate material at the site warrants the overlay.

County Planning finds the applicant did not submit a representative set of soil sample lab reports. Lab reports were only provided for the already excavated area. County Planning finds that the applicant did not account for overburden in the calculation of quantity of available aggregate materials. Therefore, a conclusion cannot be made that the site has the required quantity and quality of available aggregate.

The Planning Division finds and concludes this criterion is not met.

County Findings: The Planning Commission may adopt Staff's findings or may make new findings regarding the quantity of aggregate material available at the Muleshoe Quarry.

(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;

Applicant Response: 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.

Planning's Response: The Planning Division finds there are no residentially zoned properties within 1,000-feet from the proposed Aggregate Resource Overlay Zone. This criterion is met.

County Findings: Umatilla County finds that there are no properties zoned for residential use within 1,000 feet of the proposed overlay. This criterion is met.

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

Applicant Response: 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.

Planning's Response: The applicant states that screening of the proposed aggregate site would be cost prohibitive and would not provide a benefit.

There are vineyards to the northeast of the subject property that would benefit from screening of dust. Above, Planning Staff have proposed that 15-foot-tall berms be installed along the southern and eastern site boundaries to provide both dust and noise mitigation. County Planning finds the proposed berms are adequate and appropriate screening.

County Findings: The Planning Commission may agree with Planning Staff's findings or may make additional findings regarding requiring screening.

(5)The site complies with Oregon Administrative Rules (OAR) 660-023-0180.

Applicant Response: The required analysis for OAR 660-023-0180 is found earlier in this narrative. The applicant would assert the provisions can be met.

Planning's Response: Based on the submitted information, Planning Staff have determined that the Muleshoe Quarry does not comply with all of the requirements in OAR 660-023-0180.

County Findings: Umatilla County finds that several standards found in (OAR) 660-023-0180 were not found to be met by the proposed mining operation. This criterion is **not** satisfied.

The Planning Commission may make additional findings to demonstrate compliance with OAR 660-023-0180.

152.488 MINING REQUIREMENTS: Section 152.488 of the Umatilla County Development Code lists mining requirements for aggregate sites under the AR Overlay Zone. Criteria are listed and underlined. Evaluation responses are provided in standard text.

(A) All work done in an AR Overlay Zone shall conform to the requirements of DOGAMI or its successor, or the applicable state statutes.

Applicant Response: The applicant will work closely with DOGAMI to obtain permits for this aggregate location and in the development of future reclamation of this site.

Planning's Response: The applicant shall provide to the Umatilla County Planning Division a copy of the DOGAMI operating permit and, as a condition of approval, will be required to obtain all necessary State Permits.

County Findings: Umatilla County finds that the applicant shall provide to the Umatilla County Planning Division a copy of the DOGAMI operating permit and, as a condition of approval, will be required to obtain all necessary State Permits.

(B) In addition to those requirements, an aggregate operation shall comply with the following standards:

- (1) For each operation conducted in an AR Overlay Zone the applicant shall provide the Planning Department with a copy of the reclamation plan that is to be submitted under the county's reclamation ordinance;

Applicant Response: 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.

Planning's Response: Prior to final approval to mine the site, signified by issuance of a Zoning Permit, the applicant must provide County Planning with a copy of the DOGAMI approved reclamation plan.

County Findings: Umatilla County finds and concludes that a copy of the DOGAMI approved reclamation plan is required be submitted to the Planning Division prior to conducting mining activities. This is imposed as a condition of approval.

- (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;

Applicant Response: Extraction is not planned adjacent to Snow Road and no dwellings are within the 1,500-foot impact area.

Planning's Response: As a condition of approval, the applicant shall provide a site plan to the Planning Division showing extraction and sedimentation ponds that are not located within 25 feet of a public road or within 100 feet from a dwelling.

County Findings: Umatilla County finds that as a condition of approval, the applicant shall provide a site plan to the Planning Division showing extraction and sedimentation ponds that are not located within 25 feet of a public road or within 100 feet from a dwelling.

- (3) Processing equipment shall not be operated within 500 feet of an existing dwelling at the time of the application of the Overlay Zone. Dwellings built after an AR Overlay Zone is applied shall not be used when computing this setback.

Applicant Response: 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.

Based on the Completeness Letter the applicant has been asked to further address the recent dwelling approval that was issued to the applicant and landowner, Jeff Hines. The proposed home is about 1,000 feet from the current boundary of the mining area and nearly 500 feet from the proposed boundary of the expansion area. The applicable standard is that processing equipment cannot be within 500 feet of the dwelling. This standard is met as the processing equipment will be generally

maintained within the boundary of the current mining area. Other impacts to this dwelling were addressed earlier in this narrative where additional narrative was added concerning potential impacts.

Planning's Response: The applicant states that processing equipment will be more than 500-feet from the primary farm dwelling owned by Jeff and Michelle Hines (applicants). A condition of approval requiring that the site plan include the distance from processing equipment to the existing dwelling, and that said distance is at least 500-feet from the dwelling, satisfies the criterion.

County Findings: Umatilla County finds there is one dwelling located on the subject property but outside the proposed Overlay Zone. Processing equipment shall be sited in such a way as to retain this 500-foot setback requirement.

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

- (4) All access roads shall be arranged in such a manner as to minimize traffic danger and nuisance to surrounding properties and eliminate dust.

Applicant Response: 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.

Planning's Response: The subject property has direct access to Snow Road, a gravel County Road. Additionally, there is an existing access easement and road that crosses the subject property from west-to-east, providing access from Snow Road to a neighboring property. This access easement has also historically served as the internal haul road for the existing aggregate site.

County Findings: Umatilla County finds the existing access road is adequate to serve the proposed aggregate operations, and with the dust mitigation measures captured as conditions of approval, will not create a dust nuisance. This criterion is satisfied.

32. ANALYSIS OF STATEWIDE PLANNING GOALS 1 THROUGH 14.

Goal 1 Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Applicant Response: Umatilla County's Comprehensive Plan and development codes outline the County's citizen involvement program that includes the activities of the Planning Commission and provides for the public hearing process with its required notice provisions. These notice provisions provide for adjoining and affected property owner notice; notice to interested local, state, and federal agencies; and allows for public comment to the process. More specifically this request will be publicly noticed and discussed at a public hearing and will be subject to input from citizens.

County Finding: Umatilla County finds that the applicant's request will go through the public hearing process, including at least two public hearings, and therefore complies with Statewide Planning Goal 1 (Citizen Involvement).

Goal 2 Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Applicant Response: Goal 2 establishes the underlining process that a county or a city needs to utilize when considering changes to their Comprehensive Plans and development codes. This application meets those requirements for this request.

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

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

Applicant Response: Goal 3 requires counties to preserve and maintain agricultural lands for farm uses. Counties must inventory agricultural lands and protect them by adopting exclusive farm use zones consistent with Oregon Revised Statute 215.203 et. seq.

Goal 3 is relevant to this application as the proposal is on land currently zoned Exclusive Farm Use. While the primary purpose of this zone is to allow and protect farm operations there are many other uses that are allowed on farmland that are outlined in Oregon Revised Statute and codified in the Umatilla County Development Code.

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

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

Goal 4 Forest Lands: *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Applicant Response: There are no forest lands impacted by this request. The Umatilla National Forest is significantly south of the subject property.

County Finding: Umatilla County finds that Statewide Planning Goal 4 (Forest Lands) does not

directly apply to the applicant's request.

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

Applicant Response: The process undertaken within this application is to protect the subject property under Goal 5 as a significant aggregate site. The subject property does not have any overlays or other known cultural or historical sites. 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.

County Finding: Umatilla County finds that the applicant's request is to apply Goal 5 protection to the site, the request has been reviewed under the necessary Goal 5 process and unless additional information is provided, **does not** appear to be consistent with Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources) as described throughout this findings document.

Goal 6 Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Applicant Response: Goal 6 addresses the quality of air, water, and land resources. In the context of comprehensive plan amendments, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards.

The request to protect the subject property under Goal 5 and to allow mining, based on the analysis above can and will be compliant with Goal 6. The objective of this process is to protect an aggregate resource. Required measures protecting water are required under Oregon law and will be implemented during mining, processing, and stockpiling of aggregate material. Any mining or processing of aggregate material will be required to meet Oregon Department of Environmental Quality requirements for air quality through the imposition of air quality standards with some activities having to obtain an Air Contaminate Discharge Permit. The use of mining and processing techniques that include temporary and permanent Best Management Practices for erosion and sediment control and spill control and prevention can achieve compliance with both clean air and water standards.

Noise is defined as unwanted sound. The location of this site adjacent to Interstate 84 would provide significant mitigation based on the noise generated by the Interstate and provide protection from noise that may be generated. [Staff note: the applicant included this paragraph in their narrative although the site is not adjacent to Interstate 84].

County Finding: Umatilla County finds that with the proposed mitigation measures and conditions of approval, the applicant's request addresses air, water and land resource quality and will obtain necessary permits and implement best practices to be consistent with Statewide

Planning Goal 6 (Air, Water and Land Resource Quality).

Goal 7 Areas Subject to Natural Hazards and Disasters: *To protect people and property from natural hazards.*

Applicant Response: Goal 7 works to address natural hazards and disasters and through a comprehensive plan amendment process would seek to determine if there are known natural hazards and seek to mitigate any concerns. There are no known natural hazards on the subject property.

County Finding: Umatilla County finds that Statewide Planning Goal 7 (Areas Subject to Natural Hazards and Disasters) does not directly apply to this request.

Goal 8 Recreation Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Applicant Response: No recreation components are included in this application or affected by it.

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

Goal 9 Economy: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Applicant Response: Goal 9 requires local governments to adopt comprehensive plans and policies that contribute to a stable and healthy economy. Umatilla County has a comprehensive plan and technical report that has been acknowledged to comply with Goal 9. While the approval of an aggregate site does not, in and of itself, provide significant economic benefit, the aggregate industry can provide an economic benefit to a region. 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.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 9 (Economy).

Goal 10 Housing: *To provide for the housing needs of citizens of the state.*

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

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

and commercial construction business.

Goal 11 Public Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Applicant Response: Goal 11 requires local governments to plan and develop a timely, orderly, and efficient arrangement of public facilities and services. The goal provides that urban and rural development be guided and supported by types and levels of services appropriate for, but limited to, the needs and requirements of the area to be served. The approval of this request would support the local economy that provides for the employment of residents, delivery of goods, and allows for recreation and tourism in the region.

County Finding: Umatilla County finds that the applicant's request appears to support Statewide Planning Goal 11 (Public Services).

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

Applicant Response: Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system, implemented through the Transportation Planning Rule. This 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.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 12 (Transportation).

Goal 13 Energy: *To conserve energy.*

Applicant Response: Goal 13 directs local jurisdictions to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. Approval of this request provides opportunities for energy efficiency and convenience for residents, the movement of farm goods, and for access to recreation and tourism opportunities by providing improved and safe highways. It also recognizes the energy savings of having aggregate sites throughout a region in support of residential, commercial, and industrial development.

County Finding: Umatilla County finds that the applicant's request appears to be consistent with Statewide Planning Goal 13 (Energy).

Goal 14 Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Applicant Response: Goal 14 prohibits urban uses on rural lands. Goal 14 is not specifically applicable to this action.

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

33. PAPA DECISION TO AMEND THE COMPREHENSIVE PLAN TO LIST THE MULESHOE QUARRY AS A PROTECTED GOAL 5 AGGREGATE RESOURCE SITE (LARGE SIGNIFICANT SITE)

STAFF RECOMMENDATION: DENIAL

Planning's Response: As found above, the applicant did not provide substantial facts and evidence, or failed to adequately address several criteria of approval to warrant approval.

Specifically, the following criteria have not been demonstrated to be satisfied:

- OAR 660-023-0180(3) [adequate information regarding quantity, quality and location of the resource]
- OAR 660-023-0180(5)(b) [conflicts created by the site]
- OAR 660-023-0180(7)(f) [conceptual reclamation plan]
- UCDC 152.587(A)(5) [complies with OAR 660-023-0180]
- Statewide Planning Goal 5

PLANNING COMMISSION RECOMMENDATION: PENDING

BASED UPON THE ABOVE STATED FINDINGS OF FACT AND CONCLUSIONS OF LAW, STAFF'S RECOMMENDATION IS THAT THE HINES REQUEST TO AMEND THE COMPREHENSIVE PLAN TO ADD THIS SIGNIFICANT SITE TO THE COUNTY'S INVENTORY OF SIGNIFICANT SITES AND ESTABLISH AN AGGREGATE RESOURCE OVERLAY TO THE MULESHOE QUARRY IS DENIED.

34. DECISION TO ALLOW MINING

STAFF RECOMMENDATION: DENIAL

Planning's Response: As found above, the applicant did not provide substantial facts and evidence, or failed to adequately address several criteria of approval to warrant approval of the PAPA request, therefore mining is also subsequently denied.

PLANNING COMMISSION RECOMMENDATION: PENDING

IF THE REQUESTS COULD BE APPROVED, THE FOLLOWING CONDITIONS WOULD APPLY:

MINING IS NOT AUTHORIZED AT THE SITE UNTIL THE FINAL ZONING PERMIT HAS BEEN ISSUED.

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

1. Pay notice costs as invoiced by the County Planning Division.

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

1. Obtain all other federal and state permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
 - a. Obtain all applicable permits for the mining operations from DOGAMI before these activities begin. Applicant will obtain approval from DOGAMI for the reclamation plan and submit a copy of the reclamation plan to the Planning Department.
 - b. Obtain all applicable permits for the mining operation from DEQ (air, noise, and water quality issues) before these activities begin.
2. Develop and submit a crushing and screening plan to the Umatilla County Planning Division. The plan shall include specific dust mitigation best practices for the Muleshoe Quarry. Implement and adhere to the crushing and screening plan for the life of the Muleshoe Quarry.
3. Submit written confirmation from a permitted water source that includes the quantity of available water for dust suppression.
4. Request in writing that the Umatilla County Planning Division close the 1989 Conditional Use Permit, #C-546-89, prior to issuance of a Zoning Permit authorizing mining under the Goal 5 permit.
5. Obtain a Zoning Permit from the Umatilla County Planning Division to finalize the approval of the aggregate site expansion. The site plan shall demonstrate that the extraction and sedimentation ponds are not located within 25 feet of a public road or within 100 feet from a dwelling.
6. Adhere to DEQ Noise Standard as found in OAR 340-035-0035, *Noise Control Regulations for Industry and Commerce*.
7. Install, operate, and provide maintenance of spray/mist bars at the tail and head of stacking conveyors at all times of operations.
8. Install, operate, and provide maintenance of spray/mist system at the throat and discharge of jaw and cone crushers.
9. Apply water for dust control on ingress and egress roads and the pit floor during times of material hauling and movement.
10. Provide a pre-blast notification to the area property owners. The notice shall be to those persons shown on the currently available Umatilla County tax roll for real

property located within the 1,500-foot impact area and those within a 1-mile radius of the site that have requested blasting notification. The blasting operation shall also provide a 7-day notice to the following agencies, and others as requested: Echo Rural Fire District, Emergency Dispatch 911, Hermiston/Umatilla Ambulance District and Umatilla County Community Development Department. Notification shall be given 7-days prior to a blast; notification shall be by Certified First Class U.S. Mail. Notification may also be given by email address if requested by the person receiving the notice. The mining operator is responsible for maintaining blast notification records for at least 7 years from the date of the notification and for the life of the quarry operations. Notification records shall be provided to Umatilla County Community Development Department upon request.

11. Blasting activities are limited to no more than 3 consecutive days per blast, no more than 3 blasts within the calendar year, and with a minimum of 30 days between each blast.
12. The applicant and its contractors shall implement the best management practices identified in the crushing and screening plan, including obtaining necessary permits to manage dust, stormwater and other discharges.
13. Per the Blasting Plan, blasting is limited to the hours of 9am to 5pm, Monday through Friday, not to occur on Federal Holidays.
14. If the site were to lay inactive for a period of greater than one year, a new zoning permit must be obtained.
15. If cultural artifacts are observed during ground-disturbing work, that work must cease in the development area until the find is assessed by qualified cultural resource personnel from the State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Once qualified cultural resource personnel from SHPO and CTUIR are satisfied, the ground-disturbing work may continue.
16. Contour and revegetate the quarry for agricultural or wildlife habitat purposes during post-mining activities according to the requirements of the DOGAMI application.
17. Any land use application for a proposed conflicting use within the 1,500-foot impact area requires a waiver of remonstrance prior to final approval. The waiver shall include language stating that the applicant accepts normal mining activity at this significant aggregate site and restricts a landowner's ability to pursue a claim for relief or cause of action alleging injury from the aggregate operation.

UMATILLA COUNTY BOARD OF COMMISSIONERS

Dated _____ day of _____, 2025

John M. Shafer, *Commissioner*

Daniel D. Dorran, *Commissioner*

Celinda A. Timmons, *Commissioner*

Proposed Umatilla County Comprehensive Plan Text Amendment

MULE SHOE QUARRY Comprehensive Plan Text Amendment T-098-24 Zoning Map Amendment #Z-325-24 Township 3N, Range 29E, Tax Lot: 12800

This proposed amendment to the Umatilla County Comprehensive Plan is to add to the Mule Shoe Quarry Site to the list of Goal 5 protected, significant resource aggregate sites. The following proposed changes will be made in Chapter 8, Open Space, Scenic and Historic Areas, and Natural Resources:

Note: Proposed changes are in underlined> text.

41. Several aggregate sites were determined to be significant enough to warrant protection from surrounding land uses in order to preserve the resource (see Technical Report).

41. In order to protect the aggregate resource, the County shall apply an aggregate resource overlay zone to the following existing sites:

- (1) ODOT quarry, T5N, R35E, Section 35, TL 6200, 5900.
- (2) ODOT quarry, T5N, R29E, Section 22, TL 800 (“Sharp’s Corner”)
- (3) Private, commercial pit, T4N, R38E, Section 27, TL 1100.
- (4) Upper Pit, T4N, R28E, Sections 28, 29, TL 4000.
- (5) ODOT quarry, T3N, R33E, Section 23, TL 100, 600, 700
- (6) Several quarries, T2N, R31E, Section 15, 16, 17, TL 400, 800, 3100. (See Technical report for specific site information).
- (7) ODOT quarry, T3S, R30 1/2, Section 12, 13, TL 503.
- (8) ODOT quarry, T4N, R35, TL 7303.
- (9) Private, commercial pit, T4N, R28E, Sections 30, 31, TL 300, 2200, 2202, 2203.
- (10) ODOT quarry, T1N, R35, Section 34, TL 800, 900, 1000, and T1S, R35, Section 03, TL 100.
- (11) ODOT quarry, T1S, R30, TL 1901.
- (12) ODOT quarry, T2N, R27, TL 2700.
- (13) Private, commercial pit, T4N, R27E, Section 25, TL 900, Section 36, TL 400, 500, 600, 700, 800, 1400, 1500.
- (14) Private, commercial pit, T2N, R32, Section 04, TL 400.
- (15) Private, commercial pit, T4N, R27, TL 2200, T4N R27 Section 27, TLs 300 and 600 (Mining not approved, see #Z-259-97 and #T-16-066).

(16) Private, commercial pit, T4N, R27E, Section 36, TL 900, 1100, 1200, 1300, 1800. The approved post-mining use is photo-voltaic solar generation.

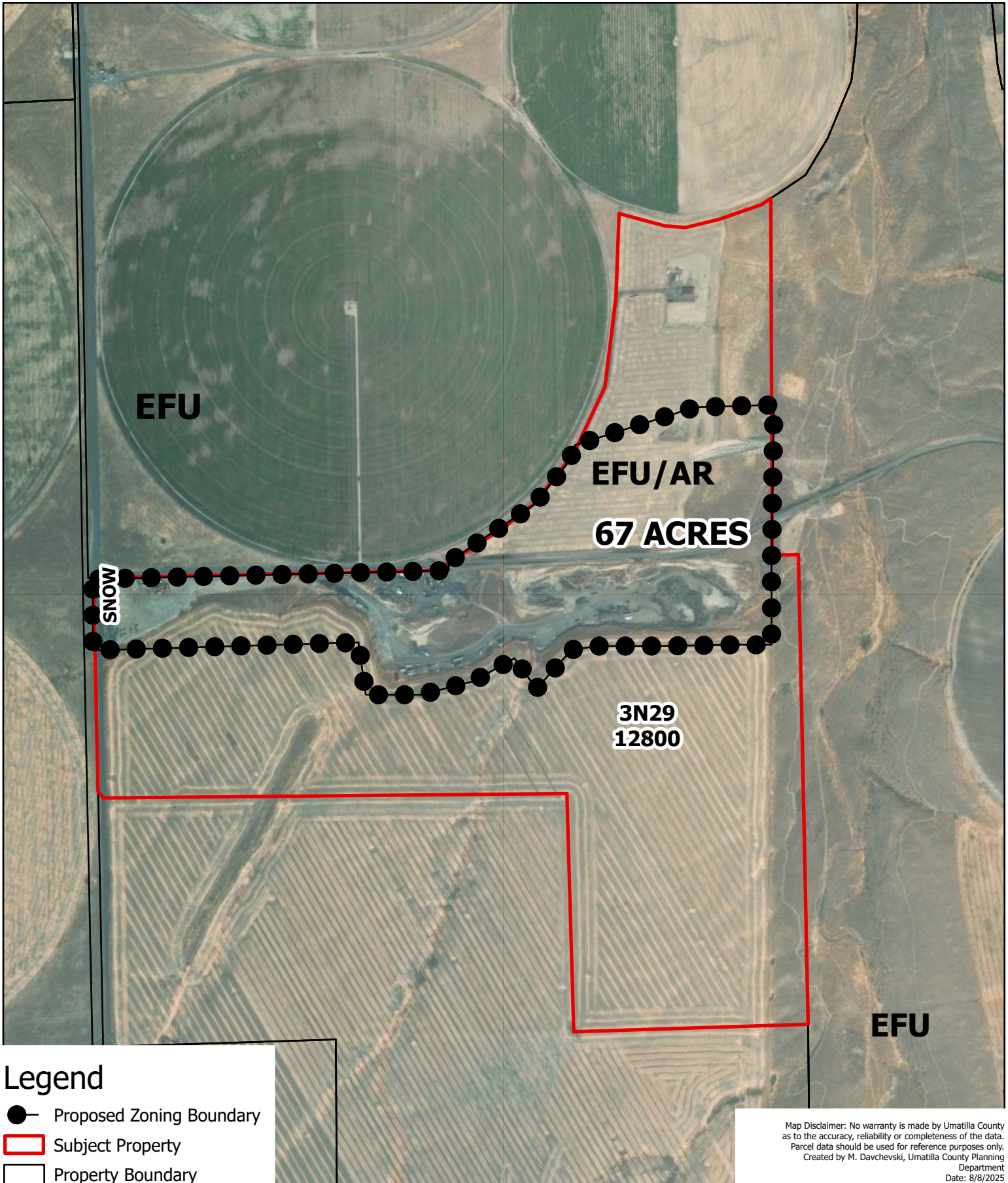
(17) Private, commercial pit, T5N, R29, Section 22, TL 400.

(18) Private, commercial pit, portion of T3N, R29, Sections 28 and 29, TL 12800 (“Mule Shoe Quarry”). The approved post-mining use is farming and ranching.

**HINES MULESHOE QUARRY
PROPOSED ZONING MAP
#T-098-24 AND #Z-325-24**

0 500 1,000 2,000 Feet

N



Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of the data. Parcel data should be used for reference purposes only. Created by M. Davchevski, Umatilla County Planning Department
Date: 8/8/2025

Submittal - Hines Aggregate Site - Goal 5

9 messages

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
-  Vicinity Map.pdf
3269K
-  3N 29.pdf
862K
-  2024 Real Property Assessment Report.pdf
98K
-  HNS Signed - City Water Information 2024 07252024.pdf
96K



RECEIVED

NOV 18 2024

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

LAND USE REQUEST APPLICATION REVIEW PROCESS

Umatilla County Department of Community Development Planning Division

LAND USE REQUEST APPLICATION

Return Application
Materials to:

Department of Community
Development – Planning Division
216 SE 4th ST, Room 104
Pendleton, OR 97801
Planning@umatillacounty.gov

Voice: (541) 278-6252
Fax: (541) 278-5480
www.umatillacounty.gov

Revision Date: November 6, 2023
Please obtain the most current version of
this application and other supplemental
applications before submitting.

1. Pre-Application Meeting:

The applicant(s) will meet with the Planning Department staff to review the proposed development/request. Applicable information will be discussed in relation to the proposal. The applicant(s) will then submit all applicable materials to the Planning Department at their convenience.

2. Determination of Completeness

The Planning Department staff will review applicable regulations in regards to the type of application. Once the application is determined to be complete the 120 or 150-day clock will begin, which is the maximum amount of time the County has, by law, to process the application.

3. Administrative Review

Planning staff reviews applications that fall within the administrative review process. A public notice is sent to the surrounding property owners and affected public agencies. The public notice includes a description of the request and the analysis (preliminary findings) of how the request conforms to the standards set forth in the Umatilla County Development Code. The Planning Director approves administrative decisions. Applications processed through administrative review may be directed to a public hearing at the discretion of the Planning Director, or by the request of a notified property owner or public agency. Decisions made at a public hearing are made by the Planning Commission.

4. Consideration by Planning Commission

Public notices are sent to the adjacent property owners for comments of an application that will be heard before the County Planning Commission. The application will then go before the Umatilla County Planning Commission in an Open Record Public Hearing. Public comment is received and a decision is rendered on the application or a recommendation is made to the Board of Commissioners depending upon the type of application being processed.

5. Consideration by the Board of Commissioners

The Board of Commissioners hears legislative type of applications (amendments) or appeals. Public hearings are held with testimony being taken for the application or appeal. The Board of Commissioners makes a final decision.

6. Provision for Appeals

An appeal is provided for if the applicant/person with standing desires to challenge a decision of the decision-making body (Planning Director, Planning Commission or Board of Commissioners). After a decision is made by any of the decision-making bodies the appeal must be filed within 15 days of the decision. Failure to appeal the decision during that timeframe specified precludes any further appeal on the matter.

Contact Information for Agencies and Offices

State Offices

Department of Environmental Quality, DEQ
Pendleton Office, On-Site Program, 541-276-4063

Department of Fish and Wildlife, ODFW
Pendleton Office, 541-276-2344

Department of Forestry, ODF
Pendleton Office, 541-276-3491

**Department of Geology and Mineral Industries,
DOGAMI**, Albany office, 541-967-2039

Division of State Lands, DSL
Bend Office, 541-388-6112

Office of Energy
Salem Office, 503-373-1034

Oregon Department of Transportation, ODOT
Pendleton Office, 541-276-1241
La Grande Office, 541-963-1574

**Oregon Water Resource Department, OWRD
(Watermaster)** Pendleton office, 541-278-5456

State Building Codes
Pendleton Office, 541-276-7814

State Historic Preservation Office, SHPO
Salem Office, 503-378-4068

County Offices

County Assessor, 541-278-6219

County Surveyor, 541-278-5460

County Public Works, 541-278-5424

County Records, 541-278-6236

County Tax Office, 541-278-6213

County Environmental Health, 541-278-5432

County GIS, 541-278-6232

Fire Districts/Departments

East Umatilla County Fire District
541-566-2311

Echo Fire District
Merle Gehrke, 541-376-8118 or 541-376-8550

Meacham Volunteer Fire Department
Rollin Reynolds, 541-983-2588

Milton-Freewater Rural Fire Department
Rick Saager, 541-938-7146 or 541-938-7222

**Pendleton Fire District; Lower McKay, McKay Creek,
Rieth & Riverside**, 541-276-1442

Pilot Rock Fire District
Brian Hemphill, 541-443-5121

Umatilla County Fire District #1
(Formerly Hermiston Rural Fire District, and
Stanfield Rural Fire District)
541-567-8822

Umatilla Rural Fire District
541-922-3718

Irrigation Districts

Hermiston Irrigation District
541-567-3024

**Hudson Bay Improvement District (also serving the
Walla Walla River**
Jon Brough, 541-520-2856

Stanfield Irrigation District
Ray Kopacz, 541-449-3272

West Extension Irrigation
Bev Bridgewater, 541-922-3814

Westland Irrigation District
Mike Wick, 541-667-2030

Umatilla County Department of Community Development

Land Use Request Application

This application must be submitted to the Umatilla County Department of Community Development, 216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252, and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval or a Determination of Completeness.

PLEASE COMPLETE THIS APPLICATION PRINTING CLEARLY WITH A BLACK INK PEN

Section 1: Type of Application(s) to Submit

Complete the applicable Supplemental Application that corresponds with the application you are submitting.

Amendment: ☒ Comprehensive Plan Text/Map, ☒ Zoning Text/Map

Conditional Use ☐ (briefly describe) _____

Land Division ☐ Type I, ☐ Type II, ☐ Type III, ☐ Type IV

Land Use Decision ☐ Farm Dwelling, ☐ Non-Farm Dwelling, ☐ Lot of Record Dwelling

(OTHER LUD, briefly describe) _____

Pre-Application ☐ Dwellings on resource land (specify) _____

Variance ☐ Lot Size, ☐ Setbacks, ☐ Other (specify) _____

Section 2: Contact Information

Name of Applicant: Jeff and Michelle Hines

Address: 210 W Main Street

City, State, Zip: Echo, OR 97826

Telephone Number & Email

Address: 541-786-0540 michellehines2012@gmail.com

The APPLICANT is the ... ☒ Legal Owner, ☐ Contract Purchaser, ☐ Agent, ☐ Realtor

Name of Current Property Owner(s): SAME

If Property Owner is not the applicant.

Address: _____

City, State, Zip: _____

Telephone Number: _____

Section 3: Property Information

Complete for all land use request applications.

1. Location of Property (Provide directions you would give someone to get to the property):

From Echo travel west along Oregon Trail Road turning south onto Snow Road. At about 1.7 miles turn left, or east, onto the access road to the subject property and the aggregate site.

Map and Tax Lot: 3N 29E (28 & 29) 12800

2. Account Number(s) of Property:

Account # 107639

Account #

3. Map Number(s) of Property:

Township ^{3N} Range ^{29E} Section Tax Lot 12800

Township Range Section Tax Lot

Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".

4. Has the Property or dwelling received a Rural Address? If so, what is it?

☐ Yes

Has applied.

☒ No

5. Current size of the Property:

Note: A "TRACT OF LAND" is contiguous property within the same ownership. A Tract is viewed differently at times in terms of land use.

Acres 208.98 +/-

Acres

6. Current Zoning Designation:

There are some 22 zoning designations in Umatilla County.

☒ EFU

☐ GF

☐ Other Zone

7. Comprehensive Plan Designation:

A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses. There can be multiple zoning designations within a Comprehensive Plan Designation.

☐ Agri-business

☐ Commercial

☐ Grazing/Forest

☐ Industrial

☐ Multi-Use

☒ North/South Agriculture

☐ Orchard District

☐ Rural Residential

☐ Special Agriculture

☐ West County Irrigation District

8. Buildings on the Property:

Barn

9. Current Use of the Property. If the use is farming, explain the types of crops grown.

On the subject property farming, aggregate mining, and a barn for horses. The portion farmed is in dry land wheat production.

10. Surrounding Uses of the Property. If the use is farming, explain the type of crops grown.

Farming. Dry land wheat, various row crops under circle pivot irrigation that could include corn, potatoes, beans and other similar crops. There is a vineyard to the northeast over 3,400 feet.

11. Does the Property reside in a Floodplain?
If so, a Floodplain Development Permit
will need to be completed prior to
construction.

- ☒ No, the Property is not in a floodplain.
☐ Yes, the Property is in a floodplain:

Zone _____

Community Number _____

Panel Number _____

12. If the Property is in a Floodplain, then is
it also located in a wetland as listed on
the National Wetlands Inventory maps?

- ☐ Yes, provide documentation.
☐ No, the Property is not in a wetlands

13. How is ACCESS provided to the
Property? (i.e. provide name of road that
directly serves the Property.) What type
of surface does the roadway have?

Name of Road or Lane

Access road off Snow Road

☐ Paved, ☒ Gravel, ☐ Dirt

14. Will the Property need an Access Permit
onto a County Road or State Highway?
If so contact the County Public Works
Department, 541-278-5424, or ODOT,
541-276-1241.

- ☐ Yes, if so please contact the proper authority and
provide that documentation
☒ No, one already exists (provide a copy)

15. EASEMENTS: Are there any easements
on the Property that provide the MAIN
ACCESS for the Property OR adjacent
properties? Are there any other
easements on the property? Attach
easement documentation.

Attach easement documentation:

- ☒ Access easements exist
☐ Utility line easements exist
☐ Irrigation easements exist
☐ Other easements exist: _____
☐ No, other easements exist.

16. Which Rural Fire District/Department
covers your Property with fire
protection?

Fire Services:

- ☐ East Umatilla
☒ Echo Rural
☐ Pendleton FD
☐ Pilot Rock FD
☐ Umatilla Rural
☐ Umatilla Dist. #1

Private Companies:

- ☐ Meacham
☐ Milton-Freewater
(subscriber)
☐ Tribal

☐ Not in a RFD
☐ Other, _____

17. Is the Property within an Irrigation
District? If the property is served by an
Irrigation District, a confirmation letter
from that office discussing any concerns
of the proposed development must be
submitted with this application.

Irrigation District:

- ☐ Hermiston
☐ Stanfield
☐ West Extension
☒ Westland

☐ Hudson Bay or
Walla Walla River
Irrigation

- ☐ Not in an ID
☒ Other, Teel

18. Describe the soils on the Property by listing the map name and land capability. Visit <http://websoilsurvey.nrcs.usda.gov> or contact NRCS at (541) 278-8049.

Map Unit	Description	Class
48E	Lickskillet very stony loam	7s
88B	Shano very fine sandy loam	4e (NI)

19. What type of water use(s) exist on the Property? If there are none currently, will there be water uses developed in the future?

- ☐ No current water uses exist
☐ Water Uses to be developed:

☒ Yes, there are water uses

- ☒ Domestic Well
☐ Irrigation Well
☐ Stock Well

Other: _____

20. Are there Water Rights on the Property? If there are Water Rights, the water permit, certificate and/or other documentation from the Oregon Water Resources Department shall be included with this application.

- ☒ No current water rights exist
☐ Will apply for Water Rights
☐ Yes, there are water rights, please provide documentation (permit #, etc.)

☐ Surface Water Right(s),

☐ Ground Water Right(s),

21. Will the water rights require a change of use? Explain.

☐ No, the proposed use does not require a change with OWRD

☐ Yes, the proposed use does require a change with OWRD

22. What are the water needs of the proposed development? Provide an explanation that shows how the determination was obtained that shows daily usage of water for the development.

Expected Water Usage:

- ☐ Exempt Domestic Well (<15,000 gal daily)
☐ Exempt Commercial Well (<5,000 gal daily)
☐ Water Right required, estimated number of gallons to be used daily: _____ gallons
☒ No water is necessary for the development

23. What is the source of your water supply for the proposed development? Please explain your response on a separate sheet of paper.

Water Source:

- ☐ Surface Water, explanation attached
☐ Alluvial Groundwater, explanation attached
☐ Basalt Groundwater, explanation attached
☒ No water is necessary for the development

24. Who is the provider of the utilities for the Property?

Water ☐ well, or Purchases from Echo

Sewer ☐ septic, or

Telephone

Electrical Umatilla Electric (not connected)

Garbage Disposal Sanitary Disposal

25. Provide a description of your proposal (*attach a description if necessary*):

See attached narrative.

Section 4: Required Application Materials

26. These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This drawing DOES NOT take the place of any maps required to be submitted by a Licensed Surveyor. This site plan will show what is or will be on the property. Additional material may be requested.

☒ Materials to be submitted for ALL types of Applications:	
☒	a) Completed Application form.
☒	b) Applicable Application fees.
☒	c) Site Plan Marked Exhibit B (see next page) to include:
☐	• Scale of drawing
☐	• Site area showing <u>property boundaries</u> and dimensions
☐	• Proposed and existing <u>structures</u> with dimensions to nearest Property lines
☐	• Location of existing <u>wells</u>
☐	• Location of existing <u>septic systems</u> (i.e. tanks, drain fields)
☐	• Widths and names of <u>roads</u> adjacent to the site as well as existing roads, which provide direct access to the property.
☐	• Existing <u>access points</u> (driveways, lanes, etc.)
☐	• <u>Easements</u> and rights-of-ways
☐	• Existing <u>utility lines</u> (above and below ground)
☐	• Approximate location of any unusual <u>topographical</u> features.
☐	• Major <u>geographic</u> features
☐	• Location of all creeks, streams, ponds, springs and other drainage ways
☒	d) <u>VICINITY MAP</u> – Assessor’s map of the Property.
☒	e) <u>Property ASSESSOR’S REPORT</u> showing property details.
☒	f) The <u>DEED(S)</u> of the Property in question.
☐	g) OVERLAY MAP showing potential re-division of the parcels (if the parcels are large enough to be re-divided). Within the Hermiston Urban Growth Boundary, a formal “Shadow Plat” may be required.
☒	h) SUPPLEMENTAL APPLICATION for the land use request will also be required to be submitted with this basic application form. <u>Submit a Supplemental Application if applying for any of the following:</u>
	- Amendment to Comprehensive Plan/Map or Zoning Text/Map - Conditional Use - Land Division - Land Use Decision - Variance



**Contact County
Assessor**

Section 5: Certification

(Please provide legible signatures.)

APPLICANT: I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge.

X



Signature of Applicant

Jeff Hines

Printed Name of Applicant

11-13-2024

Date

PROPERTY OWNER(S): ALL property owners to this land use request are to sign, date and print their names verifying that the applicant is authorized to submit the specified land use request. If there are multiple parcels that are part of this land use request, please indicate which parcel you own. This page can be copied if there are more property owners than this space allows. Attach additional page if necessary.

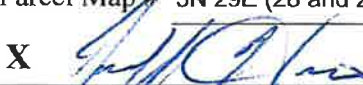
Legal Owner(s) Jeff and Michelle Hines

Mailing Address 210 W Main Street

City, State, Zip Echo, OR 97826

Parcel Map # 3N 29E (28 and 29) Tax Lot 12800

X



Signature of Legal Owner

Date

11/13/2024

X



Signature of Legal Owner

Date

11-13-2024

* * * * *

Legal Owner(s)

Mailing Address

City, State, Zip

Parcel Map #

X

Signature of Legal Owner

Date

X

Signature of Legal Owner

Date

ADDITIONAL PERSON(S) TO SEND NOTICE

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, Prospective Buyer, Attorney, etc.) Provide name and mailing address:

Name: Carla McLane

Address: 170 Van Buren Drive, Umatilla, OR 97882

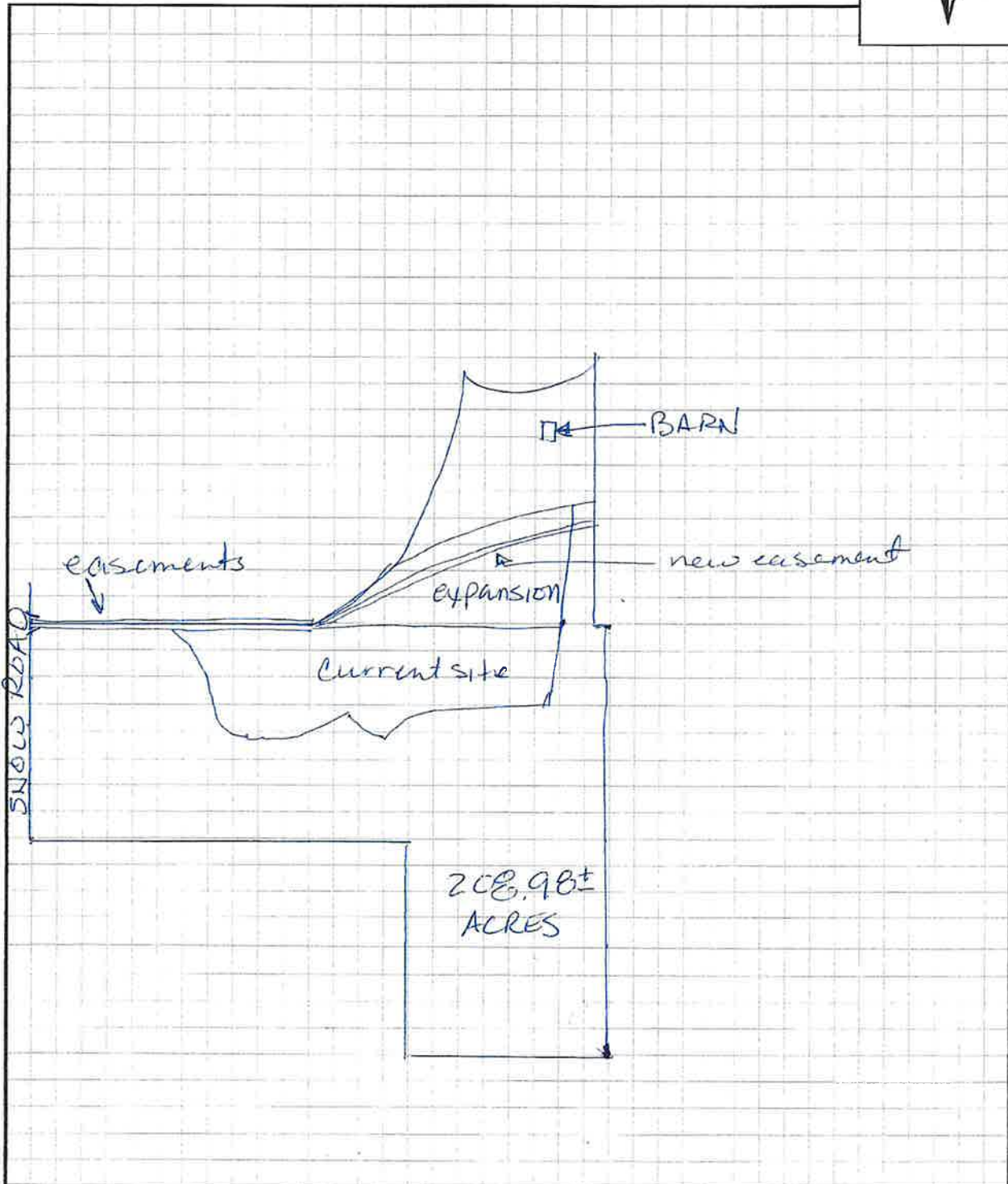
mclane@eorn.com

Umatilla County Department of Community Development, Land Use Request Application, page 10 of 10

Revision Date: November, 2023, H:\SHARED\FORMS_Master\Application Form & Supplemental Packet Information\Application_Land Use Request_Nov 2023.docx

Exhibit B, "Site Plan"

Please include the details listed under item (c)
found in Section 4 (on preceding page)



Goal 5, Aggregate

Establishing a Goal 5 Large Significant Site Supplemental Application & Information Packet

RECEIVED

NOV 18 2024

UMATILLA COUNTY
COMMUNITY DEVELOPMENT



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

Email: planning@umatillacounty.gov

Note: Please complete the Land Use Request Application as well.

PROCESSING THE APPLICATION

The typical application process is approximately 3 to 6 months long.

Applications for map amendments are processed as legislative. Planning staff have 30 days to review the application for completeness. Once the application is deemed complete, planning staff will provide the required 35-day notice to the Oregon Department of Land Conservation and Development (DLCD). The proposed amendment is then placed on the next available County Planning Commission agenda for a public hearing.

- As applicable, applicant(s), owners(s), surrounding property owners, affected government agencies, and utility companies are given 10 days notice in which to make written comments or prepare to attend the public hearing.

PUBLIC HEARING

The amendment process involves two public hearings. At the first hearing, the County Planning Commission hears public testimony and makes a recommendation to the Board of County Commissioners who makes a final decision at the second hearing.

ADDITIONAL ITEMS

- Copy of Umatilla County Comprehensive Plan Map or Zoning Map with changes indicated.

- A description addressing how the proposed amendment complies with applicable Umatilla County Development Code, Comprehensive Plan, Oregon Administrative Rules, Statewide Planning Goals and Oregon Revised Statutes.
- Other items deemed necessary by planning staff.

FEES

Goal 5 Aggregate Site - \$3,000 plus any additional Amendment applications as shown below.

Additional Amendments included with this application - \$2,000 (these are cumulative)

Cost of the notices will be invoiced later and must be paid prior to final approval.

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: August 19, 2024

File Location: H:\SHARED\Forms_Master\Application Forms & Supplemental Packets\Supplemental Packet_Aggregate_AUG 2024.doc

Large Significant Aggregate Site

Taken from OAR 660-023-0180 (3) & (5), (7)

Also complete the Land Use Request Application

Sub-Sections:

A. Land Use Information	2
B. Proposed Mining and Processing Development Plan	4
C. Mining Operation Classification Information	8
D. Impact Area Land Uses	9
E. Land Use Conflicts	10
F. Measures to Minimize Conflicts.....	12
G. Mining and Processing Criteria.....	13
H. Comp Plan Text and Zoning Map Amendments	15
I. Attachment Checklist:	16

Use additional pages if necessary to answer any of the following questions.

A. Land Use Information

1. Describe the current land uses on the property proposed for mining.

Farming and an existing aggregate site.

-
2. Describe houses, barns, buildings, structures, fences, wells, septic systems or other improvements that are on the property. Show these improvements on the Site Plan (as outlined in Section I below).

The only improvement is a barn that was recently constructed. There is an approved aggregate site.

-
3. Describe natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills. (Show these features on the Site Plan.)

The subject property has been farmed with dry land wheat for many years with the aggregate site approved in 1989. The aggregate area was originally a rock outcrop. There are two drainage areas that are visible on Google Maps. No visible water has flowed in those drainages for many decades.

B. Proposed Mining and Processing Development Plan

4. What are the proposed extraction area dimensions? Indicate the dimensions on the site plan.
See included site boundary map.

5. What is the total area of the proposed mining and processing operation?

Current disturbed area is 27.43 +/-; Expansion area is 19.96 +/-;
Total proposed pit area is 47.39 acres

6. Will the operation be seasonal or year-round?

☒ Year-round

☐ Seasonal, If the operation is seasonal, what are the proposed months of operation?

7. What days of the week will the quarry operate?

Daily as needed.

8. What hours of the day will the quarry operate?

6:00 am to 8:00 pm or as needed.

9. How many employees will be on-site?

4 during operation; up to 8 seasonally when asphalt plant is operational.

10. List the number and type(s) of equipment to be located on-site. Show the location of equipment on the site plan.

Dozers (2); Loaders (up to 4); Graders as needed (1); Excavators (2); 40-ton rock trucks (2)

11. List the number and type of structures that will be on-site. Show the location of structures on the site plan.

No structures are currently part of the aggregate operation and none are planned in the near future.

12. Will the mining operation utilize blasting?

- ☐ No, blasting will not be used
☒ Yes blasting will be used. What are the expected frequency and the proposed timeframes?

13. Will the mining operation utilize crushing equipment? Show the location of any crushing equipment on the site plan.

- ☐ No, crushing will not be used
☒ Yes, crushing will be used. What are the proposed operating months, days of the week, and hours of the day?

14. Explain the types and frequency of the dust control measures to be utilized on-site in the following areas:

(a) Crushing Areas:

During crushing water will be available from an on site water tank and applied as needed throughout the crushing process. Water from a water truck will be applied as needed to the ground surfaces to manage fugitive dust.

(b) Stockpile Areas

The area around the stockpiles will be managed for fugitive dust by application of water from a water truck as needed.

(c) Haul Roads:

Haul roads will be managed for fugitive dust by application of water from a water truck as needed. A portion of the access road is currently paved. More may be paved as time and resources allow.

15. What source of water will be used for the mining operation?

Purchased water from the City of Echo (see letter included in the application packet).

16. Is an Asphalt or Concrete Batch Plant a proposed use on this site? Show the location of the batch plant equipment on the site plan.

- ☐ No Asphalt or Concrete Batch Plant
☒ Yes, an Asphalt/Concrete Plant is proposed What are the proposed operating months, days of the week, and hours of the day?

17. Would material from this site be hauled to another site for processing?

- ☒ No, material will not be hauled to another site for processing.
☐ Yes, material will be hauled to another site for processing. Answer the following questions below -

If material will be hauled to another site for processing:

(a) Where is the location of the processing site?

(b) Describe the haul route to the processing site.

(c) What is the anticipated number of truck trips per day to the processing site?

Attach copies of documents authorizing the processing of material from this mining operation at the other processing site.

18. What Federal or State permits are required for the mining operation?

DOGAMI	Status: <u>after this approval</u>
Crusher Permits from DEQ	Status: <u>Current</u>
	Status: _____

19. Describe the proposed on-site Haul Road Plan. Show the haul road(s) on the site plan, including the distance to the nearest property boundary and the access point onto the public road.

(a) How far is the mining site from the public road?

1226 feet.

(b) How wide will the haul road surface be?

20 feet.

(c) If the haul road is within an easement, what is the width of the easement?

The haul road is within the subject property. It is not within an easement.

(d) Identify water bodies crossed by the haul road.

None.

(e) If water bodies are crossed, will the crossing be by bridge or culvert(s)?

NA.

(f) Will the intersection of the haul road with the public road require a new access point?

No.

(g) Describe how the road apron onto the public road will be maintained and kept clear of debris.

The previous paved apron was removed as it was in poor condition. It will eventually be replaced but it is important to note that Snow Road is a gravel road.

20. Provide the estimated number of truck trips per day during:

(a) Heaviest Activity: 65

(b) Normal Operation: 30

(c) Lowest Activity: 10

Provide documentation of how the number of truck trips per day was calculated during the various rates of activity.

C. Mining Operation Classification Information

21. Was the proposed mining operation listed on an inventory of significant aggregate sites in the Comprehensive Plan as of September 1, 1996?

☐ Yes, attach a copy of the inventory listing identifying the site.

☒ No, the site is not on the County Inventory. The site must qualify to be significant and placed on the County's Inventory.

22. Indicate the laboratory test results of representative samples of aggregate material from the site: Attach a copy of the laboratory test analyses.

Air Degradation

Meets ODOT - ☒ Yes ☐ No

Abrasion

Meets ODOT - ☒ Yes ☐ No

Sulfate Soundness

Meets ODOT - ☒ Yes ☐ No

23. Estimated amount of aggregate material at the mining operation in tonnage.

☐ Less than 500,000 tons

☒ Greater than 500,000 tons

Attach diagrams, calculations, and other documentation supporting this conclusion.

24. Is the proposed mining operation an expansion of an existing site?

☒ Yes, this proposal is an expansion of an existing site.

☐ No, the proposal is for a new aggregate site.

25. What is the proposed post-mining use of the site?

It is estimated that there are at least 50 years of extraction based on the amount of material. It is unclear what types of activities would be allowed at that point in time but the most appropriate post mining use as of today would be to return portions of the mining site back to farm use, including range, or open space.

D. Impact Area Land Uses

26. Identify the type(s) and location(s) of farm or forest uses within 1,500 feet of the resource area boundary. For example, if it is farm use, describe whether it is row crops, pasture, hay, livestock, sheep, horses, poultry, or other farm use. Attach a separate sheet(s) if necessary. Show the location of existing farm and forest uses on a map attached to this application.

(a) North:

Circle pivot irrigation. Crops have been potatoes, corn, and irrigated wheat.

(b) South:

All dry land wheat.

(c) East:

A gully and then 2 circles; crops have been corn, potatoes, and irrigated wheat.

(d) West:

Circle pivot irrigation. Crops have been potatoes and irrigated wheat.

27. Identify the number and location of homes, schools, businesses, and other land uses within 1,500 feet of the mining operation boundary. Attach a separate sheet(s) if necessary. Show the location of existing development on a map attached to this application.

(a) North:

None.

(b) South:

None.

(c) East:

None.

(d) West:

None.

E. Land Use Conflicts

28. **Conflicts with development sensitive to noise, dust or other discharge.** List conflicts between the proposed mining and any land uses identified within the Impact Area described Section D above that are sensitive to noise, dust, or other discharges (**e.g.** houses and schools). If mining at this site would not lead to conflicts with land uses that are sensitive to noise, dust, or other discharges, explain why not. Attach another sheet(s) if necessary.

(a) North:

(b) South:

(c) East:

(d) West:

29. **Conflicts with Local Roads.** Identify any potential conflicts with local roads used for ingress and egress to the proposed mining site that might occur within one mile of the entrance to the mining site, and between the mining site and the nearest public road. Include information regarding sight distances, road capacity, horizontal and vertical alignment, and similar items in the Transportation Plan and County Code. Attach another sheet(s) if necessary.

30. **Conflicts with other Goal 5 Resources.** Identify conflicts with inventoried Comprehensive Plan Goal 5 resource sites located within 1,500 feet of the mining site boundaries.

31. Conflicts with Agricultural Practices. Identify conflicts that could arise between mining at this mining operation and the accepted agricultural practices on property within 1,500 feet of the mining site boundary. Attach another sheet if necessary.

The aggregate site has been in operation since prior to 1989 and no conflicts have been identified.

32. Potential Future Land Use Conflicts. Would the future land uses (land uses allowed by the Umatilla County Development Code) on property within 1,500 feet of the mining site boundaries conflict with mining and processing activities at the mining operation?

☒ Yes, describe the conflicts between mining and potential future land uses.

Please see the included narrative.

☐ No, why not? (Attach additional pages, if necessary)

Please see the included narrative.

F. Measures to Minimize Conflicts

33. For all conflicts identified in Section E above, describe proposed measures, such as berms, screening, setbacks, phasing of activities, or other operational and developmental characteristics designed to minimize the identified conflicts with surrounding land uses. Attach another sheet if necessary. Show the location of such measures on a Site Plan.

(a) Measures to minimize conflicts with uses sensitive to noise, dust or other discharges.

See included narrative.

(b) Measures to minimize conflicts with local roads.

See included narrative.

(c) Measures to minimize conflicts with other inventoried Goal 5 sites.

See included narrative.

(d) Measures to minimize conflicts with accepted agricultural practices.

See included narrative.

G. Mining and Processing Criteria

34. Extraction holes and sedimentation ponds

shall comply with the following restrictions and regulations under the following circumstances

(a) In an existing pit.

(1) Extraction holes and sediment ponds shall not be allowed within 25 feet of a public road, county road or utility right of way and shall not exceed over 75% of the total land mass and shall be centered on the property.

(2) Extraction holes and sediment ponds shall not be allowed within 100 feet from the part of a property line which is adjacent to a residential dwelling.

(b) **In a new pit.** Extraction holes and sediment ponds 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 not exceed 75% of the total land mass.

How far from a public road or utility ROW will the extraction holes and sediment ponds be placed? 1226 feet

What percentage of the property will be utilized for the extraction holes and sediment ponds?

48 Mining Acres / 209 Total Acres
equals 23 % of Property

Will the extraction holes and sediment ponds meet the 100 foot setback from a property line adjacent to a dwelling?

- ☒ No the site is not within 100 feet of a property line adjacent to a dwelling
☐ Yes the site is within 100 feet. Please explain.

Will the extraction holes and sediment ponds meet the 500 foot setback from a property line adjacent to a dwelling?

- ☒ No the site will not be within 500 feet of a property line adjacent to a dwelling
☐ Yes the site will be within 500 feet. Please explain on a separate page.

What percentage of the property will be utilized for the extraction holes and sediment ponds?

48 Mining Acres / 209 Total Acres
equals 23 % of Property

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

How far from a public road or utility ROW will the processing equipment be placed?
1226 feet

(a) **In an existing pit.**

(1) Equipment shall not be located within 50 feet of a public road, county road or utility right of way or located further away if deemed necessary.

(2) Equipment shall not be located within 100 feet from any part of a property line, which is adjacent to a residential dwelling or further if deemed necessary.

Will the processing equipment meet the 100 foot setback from a property line adjacent to a dwelling?

- ☒ No the equipment will not be within 100 feet of a property line adjacent to a dwelling.
☐ Yes the equipment will be within 100 feet. Please explain on separate page.

(b) **In a new pit.** Where the use of processing equipment such as crushers, batch plants, and the like, 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.

Will the processing equipment b meet the 500 foot setback from a property line that is adjacent to a dwelling?

- ☒ No the equipment will not be within 500 feet of a property line adjacent to a dwelling.
☐ Yes the equipment will be within 500 feet. Please explain on separate page.

36. **Access Points.** All access points and their locations shall be arranged in such a way as to minimize traffic danger and nuisance to surrounding properties;

- ☐ An Access Permit has been granted or is in process of review by the County Public Works – (541) 278-5424, to verify whether the access point will minimize traffic danger. Provide a copy to the County Planning Department.

37. **Screening.** The mining 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, 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 and site from the public;

Will the operation area be adjacent to any of the following?

- ☐ Residential zone
☐ County Roads
☐ State Highways
☐ Public Roads

If the operation is adjacent to any of the above features screening will be required.

- ☒ Not Applicable

H. Comp Plan Text and Zoning Map Amendments

The mining operation must be listed on the County's Inventory of Significant Sites and, if approved, will have the Aggregate Resource (AR) Overlay Zone applied to the property.

-
38. Explain how the proposed Comp Plan Text Amendment to include the mining operation in the aggregate resource inventory is consistent with the intent of the applicable sections of the Comprehensive Plan (including but not limited to Chapter 8, Findings/Policies 38 – 41).

See included narrative.

39. Explain how the proposed Zoning Map Amendment to add the Aggregate Resource Overlay Zone on the mining operation is consistent with the intent of the applicable sections of the Comprehensive Plan (including but not limited to Chapter 8, Findings/Policies 38 -4 1).

See included narrative.

-
40. Explain how the proposed Plan Text Amendment to include the mining operation in the aggregate resource inventory is consistent with the Statewide Planning Goals (including but not limited to Goals 3, 4, and 5).

See included narrative.

41. Explain how the proposed Zoning Map Amendment to add the Aggregate Resource Overlay Zone on the mining operation is consistent with the Statewide Planning Goals (including but not limited to Goas 3, 4, and 5).

See included narrative.

I. Attachment Checklist:

YOU MUST SUBMIT THE FOLLOWING ATTACHMENTS WITH THIS APPLICATION

☒	Materials to be submitted:
☐	1. Provide evidence that the mining operation is on the County Inventory, include a copy of the inventory.
☒	2. Provide documentation on the estimated tonnage of aggregate material at the mining operation.
☐	3. Provide a detailed site plan depicting the proposed development. The site plan shall be submitted on paper not larger than 8½ inches by 11 inches and shall be drawn to scale. The site plan shall include the following: a. The name and address of the extraction operator or property owner. b. The location of the property (township, range, section, and tax-lot[s]). c. The location on the property, the size, and the dimensions of the mining area. d. The areas proposed for crushing, batching, and stockpiling of aggregate and location of stored topsoil. e. The location, size and purpose of proposed buildings and equipment. f. The location of natural features on the property such as drainage ways, creeks, streams, swales, wetlands, ponds, steep slopes or hills g. The location and size of berms to be used. h. The locations and types of vegetative and/or fence screening to be used. i. Phasing of mining activity, if applicable. j. The location of on-site haul roads and proposed access point(s). k. The location of sediment ponds, if applicable.
☐	4. Provide a detailed Vicinity Map depicting a one-mile radius of the mining area boundary. The map shall be submitted on paper not larger than 8½ inches by 11 inches and shall be drawn to scale. The map shall include the following: a. The property where the mining operation is located; b. The areas proposed for extraction, processing, and storage of aggregate or topsoil; c. The location of on-site haul roads and proposed access point(s); d. The location of all land uses within 1,500 feet of the mining operation boundaries; e. The location of all homes, businesses, roads, railroads, and utility facilities within 1,500 feet of the mining operation. f. Identification of soil types in the mining operation.
☐	5. Provide photos of the property.

☐	6. Federal and State Permits: a. A reclamation plan approved by the Oregon Department of Geology and Mineral Industries (DOGAMI) that results in the proposed final use; or b. Oregon Division of State Lands (DSL) conditions of operation. c. A surface water management plan as required by DOGAMI, DEQ or DSL d. Other permits required by Federal and State agencies.
☐	7. Provide documentation of how the number of truck trips per day was calculated during the various rates of activity.
☐	8. Roads a. Evidence that the Public Works Director has made a finding that the development will not have significant adverse impacts on the quality of County roads or local access roads in the area, or b. Verification that a Road Improvement Agreement, if applicable. c. A copy of the access easement to the proposed mining site, if applicable. d. A traffic impact assessment within one mile of the entrance to the mining site.
☐	9. Provide a truck haul plan approved by the Umatilla County Public Works Director that includes provisions for all routing, paving and access to the mining operation and to and from any other approved site if material is hauled to another site for processing.
☐	10. If material will be hauled to another site for processing, provide a copy of documents authorizing the processing of material from this mining operation at the other processing site.

Amendments

Comprehensive Plan Map/Text, Zoning Map/Text Supplemental Application & Information Packet

RECEIVED

NOV 18 2024

UMATILLA COUNTY
COMMUNITY DEVELOPMENT



216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252
Email: planning@umatillacounty.gov

Note: Please complete the Land Use Request Application as well.

PROCESSING THE APPLICATION

The typical application process is approximately 3 to 6 months long.

Applications for map amendments are processed as quasi-judicial land use decisions. Planning staff have 30 days to review the application for completeness. Once the application is deemed complete, planning staff will provide the required 35-day notice to the Oregon Department of Land Conservation and Development (DLCD). The proposed amendment is then placed on the next available County Planning Commission agenda for a public hearing.

As applicable, applicant(s), owners(s), surrounding property owners, affected government agencies, and utility companies are given 10-day notice in which to make written comments or prepare to attend the public hearing.

PUBLIC HEARING

The amendment process involves two public hearings. At the first hearing, the County Planning Commission hears public testimony and makes a recommendation to the Board of County Commissioners who makes a final decision at the second hearing.

ADDITIONAL ITEMS

1. Copy of Umatilla County Comprehensive Plan Map or Zoning Map with changes indicated.
2. A description addressing how the proposed amendment complies with the Umatilla County Development Code and Comprehensive Plan, Oregon Administrative Rules, Statewide Planning Goals and Oregon Revised Statutes.
3. Other items deemed necessary by planning staff.

FEES

Comprehensive Plan Map, Comprehensive Plan Text, Development Code Text and Zone Map Amendment - \$2,000 each type of application (cumulative)

Cost of the notices will be invoiced afterwards and must be paid prior to final approval.

It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

Version: August 19, 2024
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Amendments to Map and/or Text

1. Which document is being proposed to be added to, deleted from, or otherwise modified?
- ☒ Comprehensive Plan Map Amendment
☐ Comprehensive Plan Text Amendment (includes amendment to the Mineral and Aggregate Significant Site Inventory)
☐ Development Code Text Amendment
☒ Zoning Map Amendment
-
2. If amendments to the Comprehensive Plan Map are being proposed, what is the current designation and what is being proposed?
- Current Designation: North/South Ag
Proposed Designation: Goal 5 Buffer
-
3. If amendments to the Zoning Map are being proposed, what is the current zoning and what is being proposed?
- Current Zoning: EFU
Proposed Zoning: Aggregate Resource OZ
-
4. If modifying the Development Code text, please provide a copy of the proposed language as an attachment.
- ☐ Yes, the proposed development code text is attached.
☐ No, the new development code text has not yet been drafted.
-
5. What is the current use of the property?
- Farming and an Aggregate Site.
-
6. Will a Goal Exception be necessary in order to accomplish the desired land use?
- ☐ Yes, an Exception is part of this application (see OAR 660, Division 4).
☒ No, an Exception is not necessary.
-

7. Describe the desired land use(s):

See attached narrative.

8. Explain how the Amendment will comply with the Comprehensive Plan text and map.

See attached narrative.

9. **Transportation** - Explain how the Amendment will comply with the Oregon Transportation Planning Rule (TPR) - OAR 660, Division 12, the County TSP and UCDC §152.019, Traffic Impact Analysis (TIA).

See attached narrative and Trip Generation Letter.

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.

- 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 Lickskillet 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 Lickskillet is classified as VIIs; the Shano is classified as IVe and IIe or IIIe 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	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. 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.	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. 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. 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. 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.	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. 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.

	<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	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. 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.	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. 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.	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. 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.
Environmental Consequences	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. 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	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	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

	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.

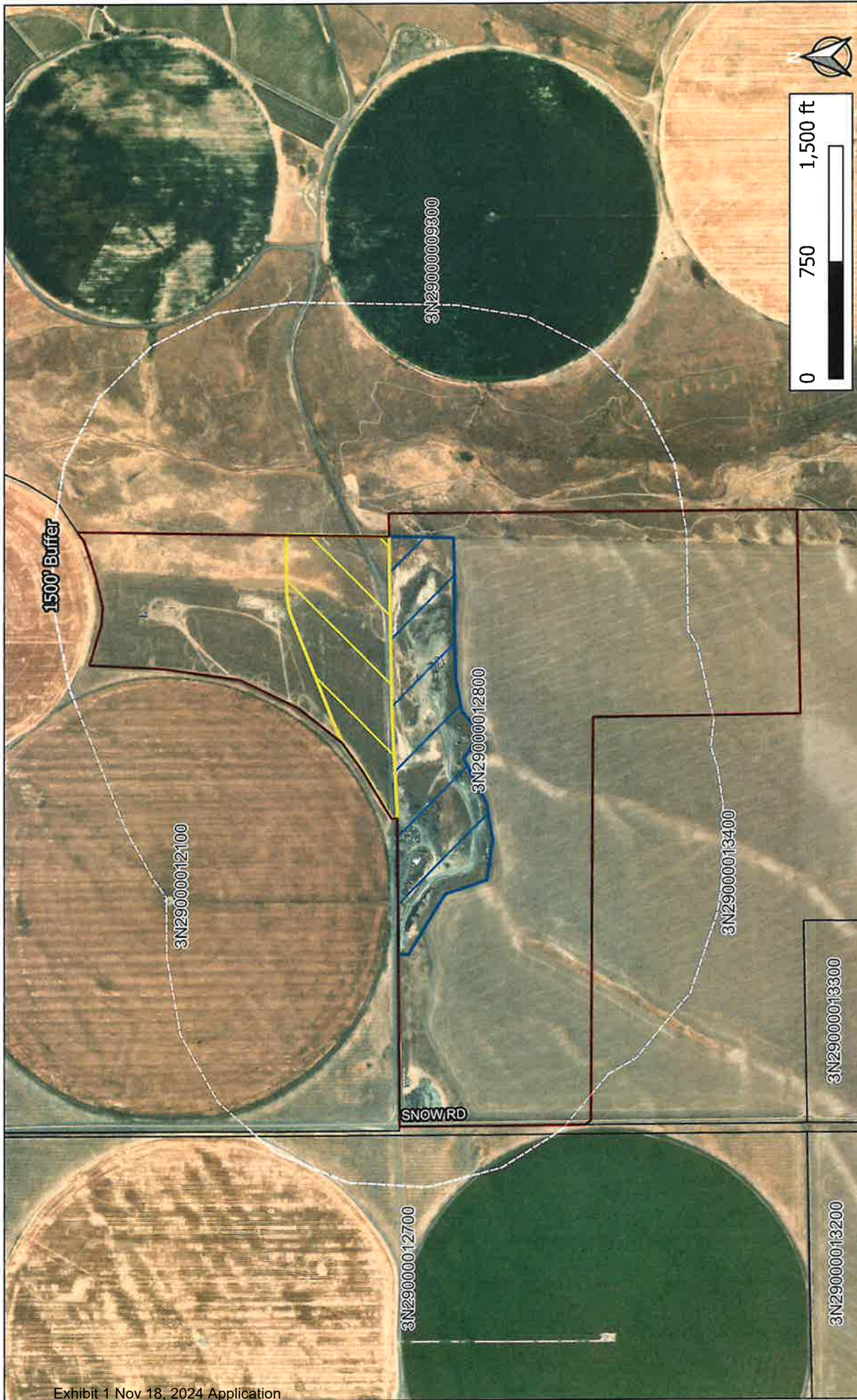
Conclusion:

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.

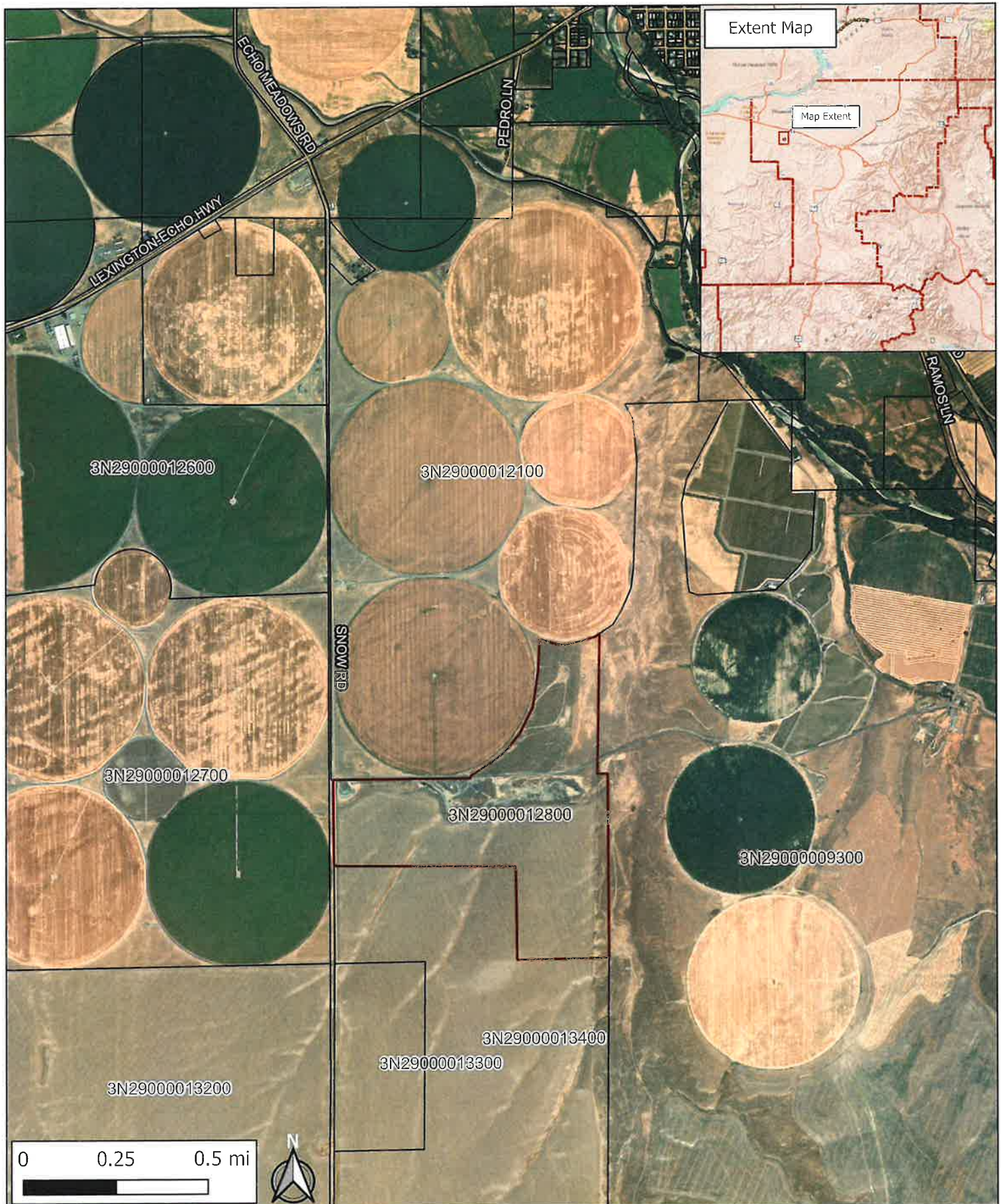
Specifically, the applicant is requesting: 1) that the proposed quarry site of approximately 225 acres be listed within the Umatilla County Comprehensive Plan as part of Finding 41 and within the list of significant aggregate sites under Policy 41 in compliance with the approval of this request; 2) that 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



Property Owner: Jeff and Michelle Hines		Map Legend: 1500' Buffer Tax Lots Proposed Expansion Area Existing Pit Boundary		Job Number: McLane-001B-24	Map Date: 03NOV2024
Assessor's Map and Tax Lot: 3N29E TL12800		Map Type: 1500' Buffer		Version: 002	Prepared by:  stephen@cbanalyticsllc.com
 Umatilla County					



Property Owner: Jeff and Michelle Hines		Map Legend: Subject Parcel Tax Lot		Job Number: McLane-001V-24	Map Date: 03NOV2024
Assessor's Map and Tax Lot: 3N29E TL 12800	Map Type: Vicinity Map	 Umatilla County	Version: 002	Prepared by: stephen@cbanalyticsllc.com	

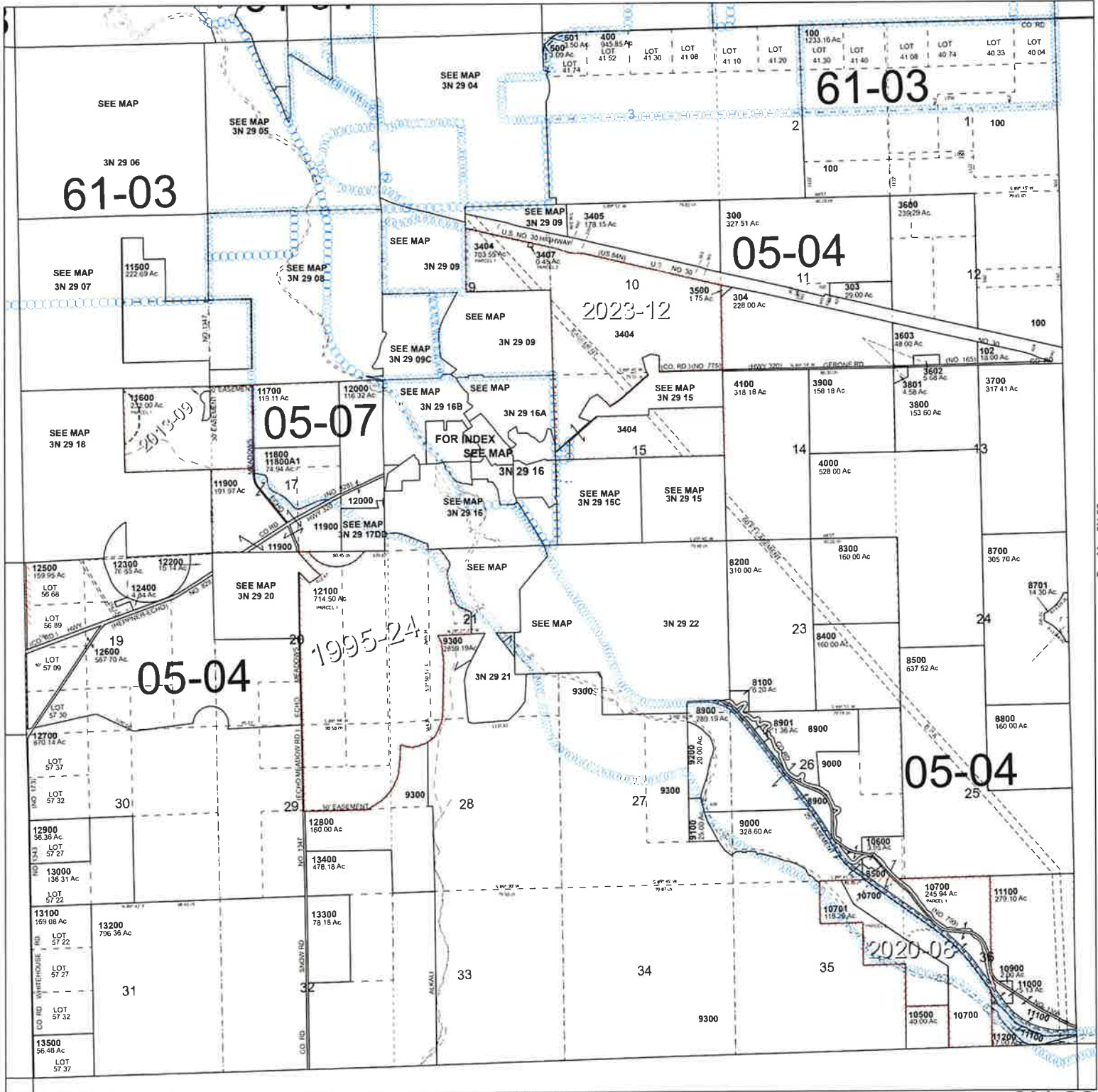
Exhibit 1 Nov 18, 2024 Application

This map was prepared for Assessment & Taxation purposes only and was NOT prepared nor is it suitable for legal, engineering or surveying purposes.

T3N R29E WM
JUMATILLA COUNTY
SCALE 1"=2,000'

3N 29

Cancelled Tax Lots	1700	2400	3001	4101	5000	5700	6400	7100	7800	8500	9200
101	800	1702	2500	3100	4200	5100	5800	6500	7200	7900	8600
103	900	1800	2600	3200	4300	5200	5900	6600	7300	8000	8700
105	901	1800	2600	3200	4300	5200	5900	6600	7300	8000	8700
200	1000	1804	2600-2603	3300-3302	4400	5300	6000-6002	6700	7500	8200	8900
202	1100	1900	2700	3400	4500	5300	6100-6106	6701	7600	8300	9000
301	1200	2000	2800	3402	4600	5400	6200-6204	6701	7600	8300	9000
302	1300	2001	2801	3403	4601	5500	6200-6204	6701	7601	8300	9000
305	1400	2100	2900	3406	4700	5501	6300	7000	7701	8400	9100
600	1500	2200	2901	3601	4800	5600	6300	7000	7701	8400	9100
700	1600	2300	2990	3701	4900-4902	5601	6303	7100	7800	8500	9200



Revised 9/17/2024

See Map 2N 29

3N 29

Umatilla County
2024 Real Property Assessment Report
Account 107639

Map 3N2900-00-12800
Code - Tax ID 0504 - 107639

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description

Mailing HINES JEFF & MICHELLE
PO BOX 322
ECHO OR 97826

Deed Reference # 2021-7160758
Sales Date/Price 02-22-2021 / \$350,000
Appraiser KENDALL, CANDACE

Property Class 550 **MA** **SA** **NH**
RMV Class 500 02 91 000

Site Situs Address	City
----------------------------------	-------------

Value Summary					
Code Area		RMV	MAV	AV	RMV Exception CPR %
0504	Land	90,580		Land	0
	Impr	0		Impr	0
Code Area Total		90,580	9,940	33,548	0
Grand Total		90,580	9,940	33,548	0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
0504	2	☒		EFU	Farm Use Zoned	100	1.10 AC	3-P	300
	4	☒		EFU	Farm Use Zoned	100	127.29 AC	4-5	70,010
	5	☒		EFU	Farm Use Zoned	100	59.69 AC	4-P	16,120
	6	☒		EFU	Farm Use Zoned	100	8.79 AC	7-5	880
	7	☒		EFU	Farm Use Zoned	100	12.11 AC	7-P	3,270
Code Area Total							208.98 AC		90,580

Improvement Breakdown									
Code Area	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV	

Exemptions / Special Assessments / Notations

Notations

- POTENTIAL ADDL TAX LIABILITY ADDED 2005

Appraisal Maint 2025-OTHER NEW CONSTRUCTION (GARAGE/OUTBUILDINGS)



🌐 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




David Slaght
City Administrator/Recorder

Total Amount Enclosed:

Bill Date: 6/15/2024

Due Date: 7/25/2024

Ark

ROAD DEPARTMENT USE ONLY
RECEIVED BY UMATILLA COUNTY
DATE: <u>01-27-2021</u>
REC'D BY: <u>TMA</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 Girsotto, 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 3 N., 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.

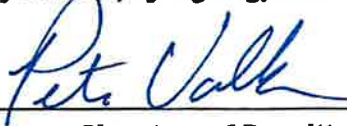
Pete Volkow
Signature of Permittee

PERMITTEE AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

SPECIFICATIONS

1. The Approach Road or Private Crossing will in all instances enter the County Road at right angles unless otherwise authorized by the Department of Public Works.
2. Current standards dictate that no access will be allowed if it is within 200 feet of an existing access. Minimum sight distance required for access approval is 300 feet in both directions. Umatilla County reserves the right to alter its access specifications at any time if it is in the interest of public safety and convenience.
3. The Approach Road or Private Crossing will raise or drop at a maximum of 5% for a distance of 20 feet from the edge of the County Road and be a minimum of 12' in width.
4. In the event that earth fill is required to bring the driveway up to subgrade elevation, the fill shall be compacted to the point that no visible deflection (sinking) is visible under a loaded pickup or truck tire and in all ways be compacted in a manner acceptable to the County Public Works Department.
5. In the event the road bank must be cut in order to facilitate a grade for the driveway, the cut shall be sufficient to receive a minimum of 7 inches of base rock and 2 inches of leveling course or 8 inches of leveling course and match into the traveled portion of the County Road in a manner satisfactory to the County Public Works Department. Base rock shall be no larger than 5"-0 nor smaller than 1-1/2"-0; leveling course shall be 5/8"-0, 3/4"-0, 1"-0, or 1-1/2"-0 crushed aggregate base.
6. In the event a culvert is required (required in all areas where there is an existing road ditch and other areas to be determined by the County Public Works Department), it shall be installed with the top of the pipe at least 1 foot below the finished surface of the approach and shall be bedded beneath, alongside, and on top with compacted 5/8"-0, 3/4"-0, or 1"-0 crushed aggregate base.
7. Other construction specifications for gravel approaches and for paved and concrete approaches are shown on ODOT Standard Drawing RD715 (see attached).
8. This permit is issued pursuant to Oregon Revised Statutes, ORS 374.305 to 374.325, pertaining to approach roads and private crossings.
9. A minimum of 1 week will be required to obtain a permit to allow the County Public Works Department adequate time to inspect the location of the approach site and obtain the signatures required. The approach or private crossing shall not be constructed until Permittee obtains a copy of this permit signed by the Public Works Director.
10. Permittee agrees to leave the installation site in as good a condition as it was found and at no cost to the County Public Works Department.
11. Permittee declares he/she is the owner of real property abutting the above described roadway and has the lawful authority to apply for this permit.

I hereby declare, by signing, that I have read and understand all specifications.



Signature of Permittee

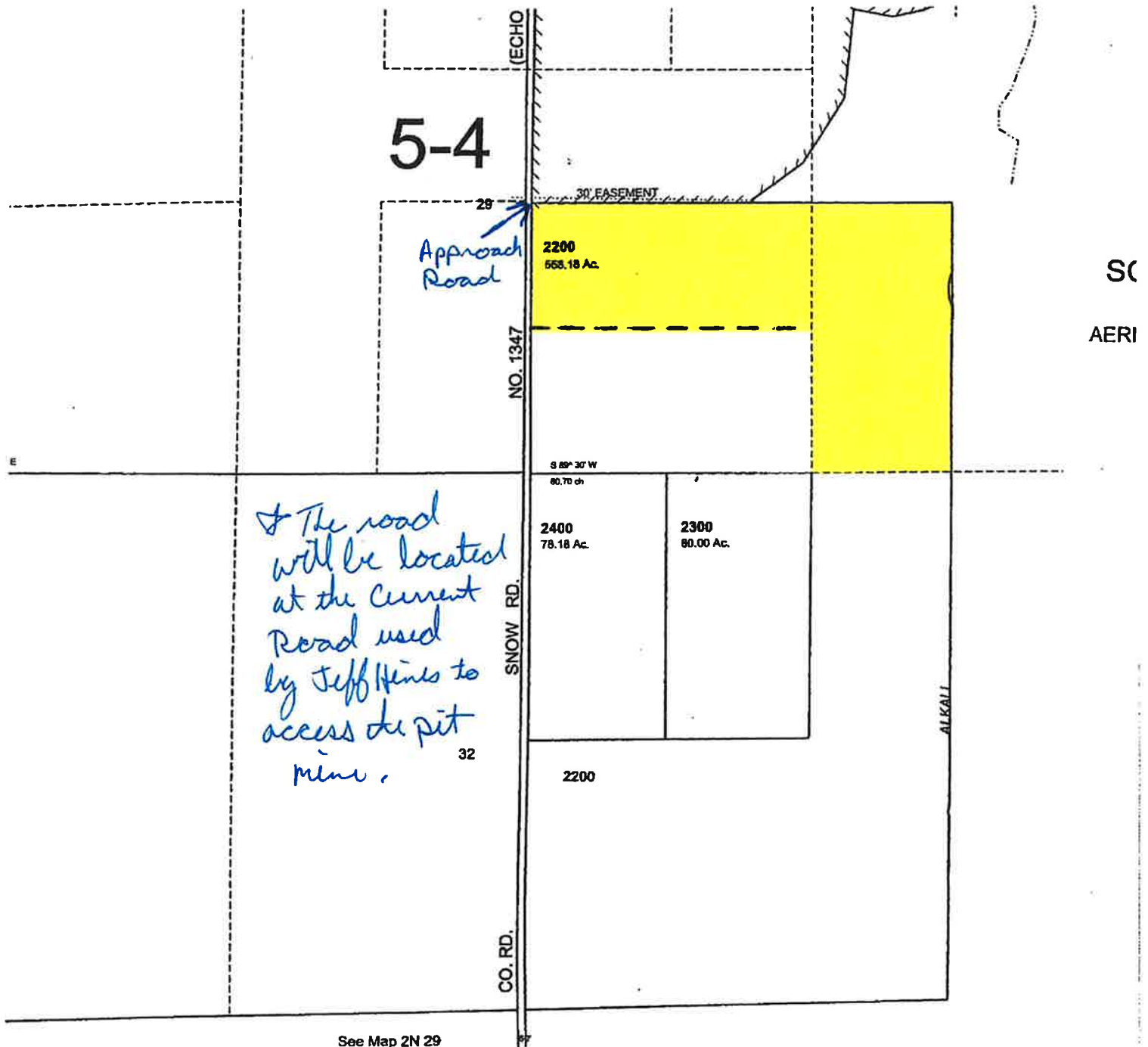


Date

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



APPROVALS



Section Foreman

2-2-21

Date

Culvert Required? Y ☒ N Size _____

Permission is hereby granted by Umatilla County, pursuant to Oregon Revised Statutes 375.305 to 374.325, to make the aforesaid installation in accordance with all specifications. The Permittee as indicated above shall at all times be responsible and liable for any and all damages arising from or caused by this installation and this permit may be revoked at any time.

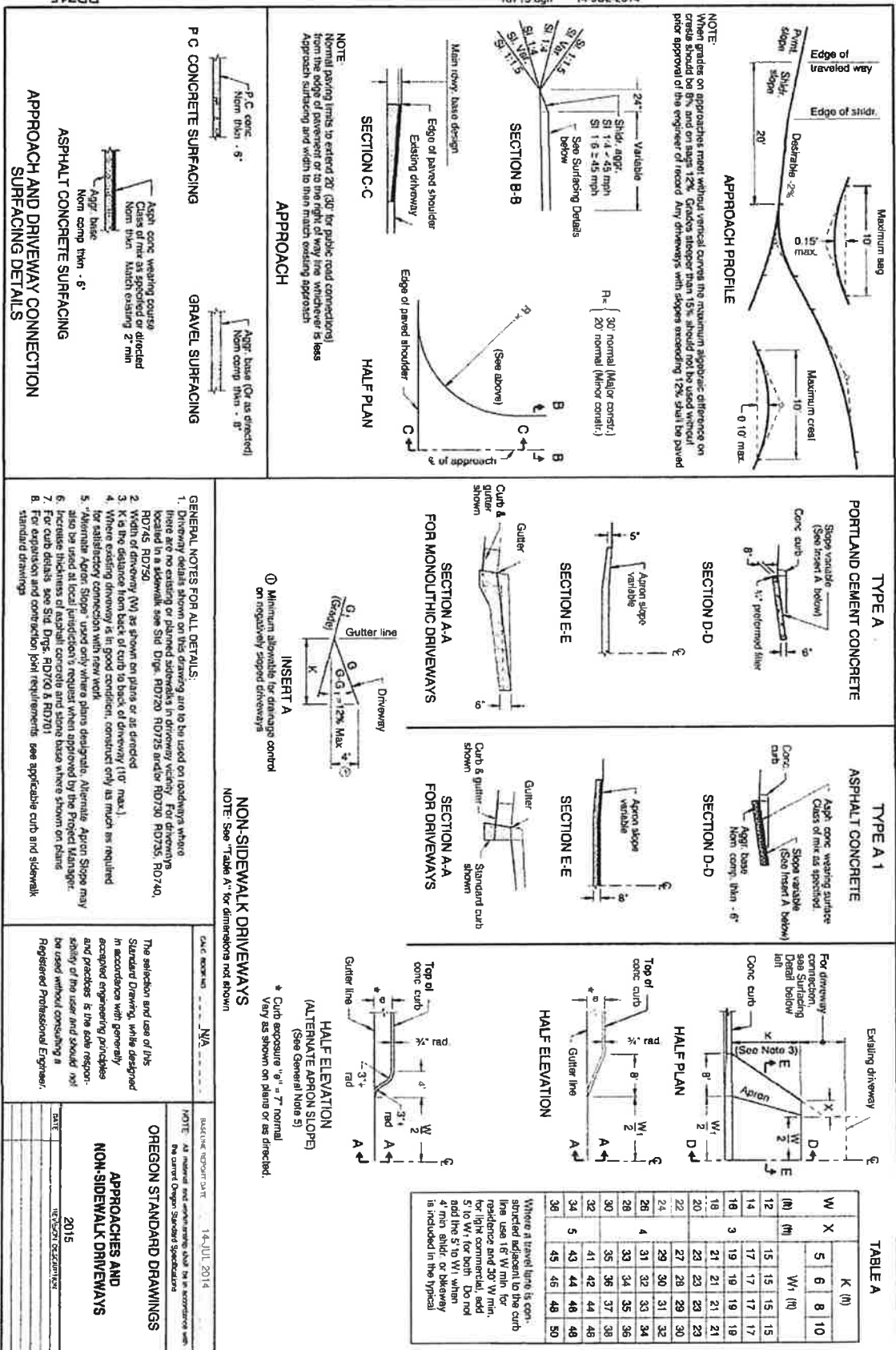
PERMISSION GRANTED THIS _____ DAY OF _____, _____.



Public Works Director

2/3/21

Date



Effective Date: June 1, 2016 - November 30, 2016

RD715

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

ARK

ROAD DEPARTMENT USE ONLY
RECEIVED BY UMATILLA COUNTY
DATE: <u>01.27.2021</u>
REC'D BY: <u>IMA</u>
PERMIT No.: <u>21-007</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) PARTIM Farmland Holdings, LLC,
(Please Print or Type Name)

C/O Jay Giroto, 18 Crescent Key, Bellevue WA 98006
(Mailing Address)

208/301-1265, PeteVolkLaw@gmail.com,
(Telephone Number) (Email)

hereby respectfully request permission to access Umatilla County Road,

1347, Smow Road,
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or Public Road _____ located at

_____, _____ in the
(Address if Applicable) (Tax Lot No.)

N 1/2 SE 1/4 of Section 29, Township 3 N., 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.

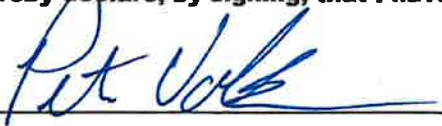
Pete Volk
Signature of Permittee

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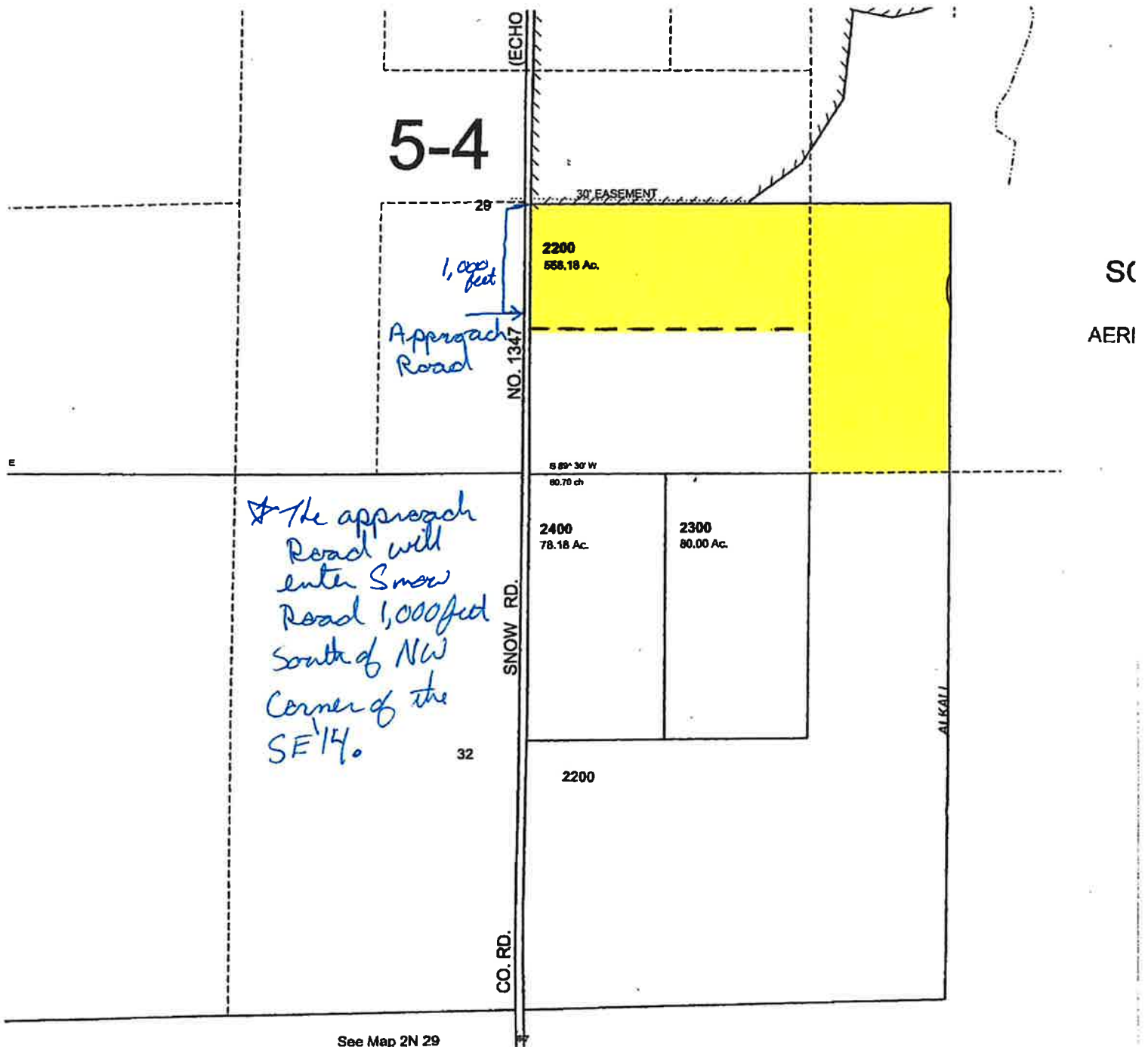
15 Jan '21

Date

Pioneer Title Company

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MAP NO. 3N-29-C



APPROVALS



Section Foreman

2-2-21

Date

Culvert Required? Y N Size _____

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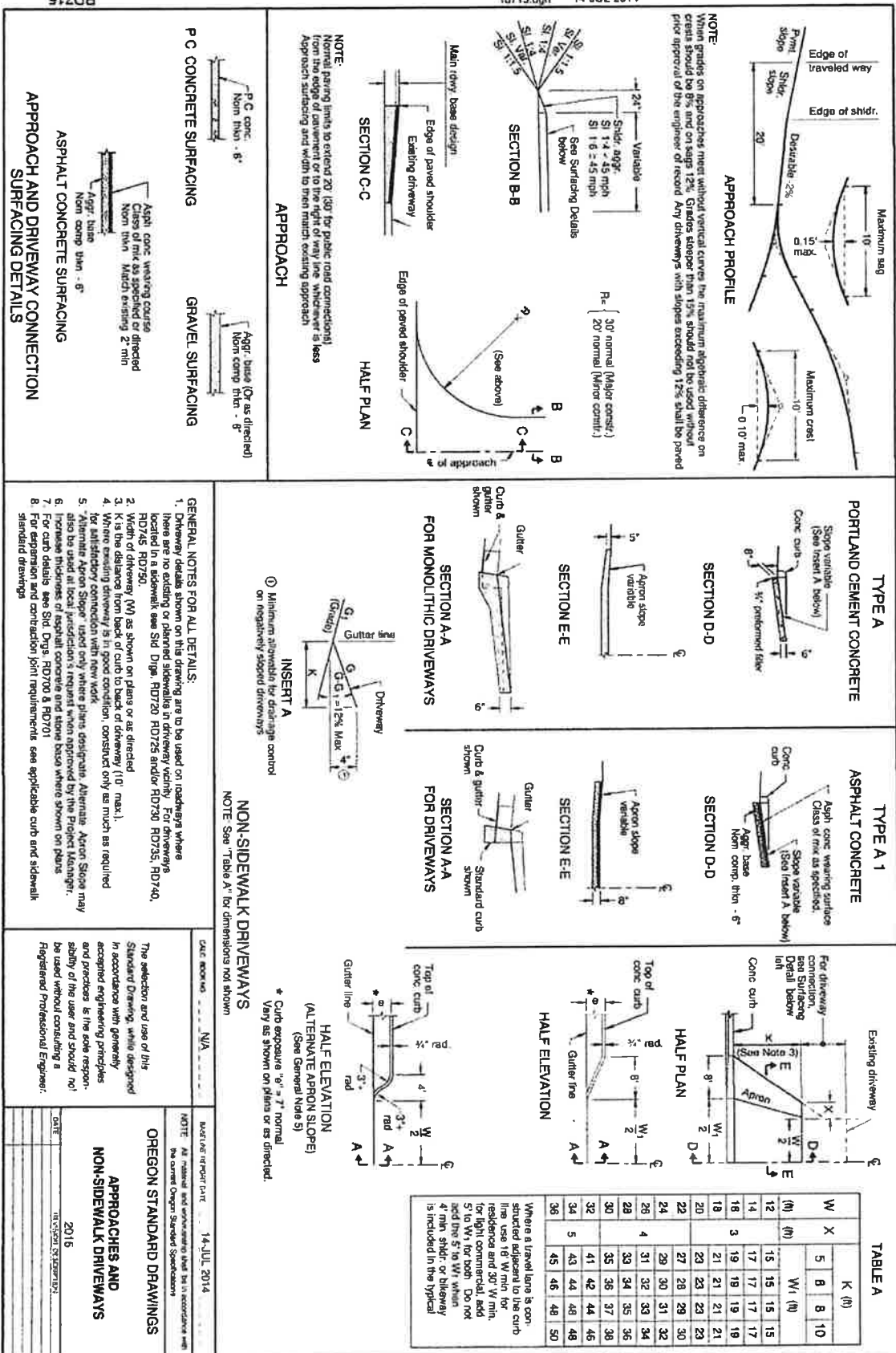
PERMISSION GRANTED THIS _____ DAY OF _____, _____.



Public Works Director

2/3/21

Date


RD715.dgn
14-JUL-2014

TYPE A

PORTLAND CEMENT CONCRETE

SECTION D-D

SECTION E-E

SECTION A-A FOR MONOLITHIC DRIVEWAYS

TYPE A 1

ASPHALT CONCRETE

SECTION D-D

SECTION E-E

SECTION A-A FOR DRIVEWAYS

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. Dwg. 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 (1' 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. Dwg. RD700 & RD701.
- For expansion and contraction joint requirements see applicable curb and sidewalk standard drawings.

NON-SIDEWALK DRIVEWAYS

NOTE: See Table A for dimensions not shown.

HALF ELEVATION (ALTERNATE APRON SLOPE)
(See General Note 5)
* Curb exposure "6" = 7" normal. Vary as shown on plans or as directed.

APPROACH AND DRIVEWAY CONNECTION SURFACING DETAILS

TABLE A

W	X	K (ft)
12	5	10
14	7	12
16	9	14
18	11	16
20	13	18
22	15	20
24	17	22
26	19	24
28	21	26
30	23	28
32	25	30
34	27	32
36	29	34
38	31	36
40	33	38
42	35	40
44	37	42
46	39	44
48	41	46
50	43	48

Where a travel lane is constructed adjacent to the curb line use 16' W min. for residential and 30' W min. for light commercial. Add 5' to W₁ for both. Do not add the 6" to W₁ within 4' min. slope or bikeway is included in the typical.

[illegible]

Page 1 of 1
(503) 986-3000
FAX (503) 986-3096

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - RRAPAG		Size:	Chunks
Test		Field	Lab		
T 176 S.E.				T 84 F. Grav.	T 85 C. Grav.
T 89 L.L.				Bulk:	Bulk: 2.773
T 90 P.I.				S.S.D.:	S.S.D.: 2.797
T 335 Ttl Frac.				Appar.:	Appar.: 2.841
TM 226 Dust/Clay				Absorp.:	Absorp.: 0.86 %
TM 227 Cleanness				T 104 Soundness	TM 208 Degrade
TM 229 Elong pcs				RipRap Avg.: 1.2 %	
308 Incin/Ga A/C				2.5-1.5: 0.8 %	
Total A/C				1.5-3/4: 1.6 %	
Retention					Crse Ht: 0.6 in
T 329 Moisture					P20: 11.6 %
T 27/11					Fine Ht:
Sieve	Passing	Passing			P20:
2.5				T 96 Abrasion	T 21 Impurity
2					Plate #:
1.5				T 335 Fracture	T 112 Friables
1				3/4:	Wt'd Avg :
3/4				1/2:	1.5-3/4:
1/2				3/8:	3/4-3/8:
3/8				1/4:	3/8- #4:
1/4				#10:	#4-#16:
# 4				T 113 Lightweight	TM 225 Woodwaste
# 8				Coarse:	Lab:
# 10				Fine:	Field:
# 16				AASHTO T 288/289	AASHTO T 267
# 30				Resist: Ω	Organic:
# 40				pH:	
# 50				AASHTO T 291	AASHTO T 290
#100				Chloride:	Sulfate:
#200					
				T 327 Micro Deval ==> Grading:	Loss: %

Material represented by sample DOES comply with specifications.

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY

125

OREGON DEPARTMENT OF TRANSPORTATION
MATERIALS LABORATORY
800 AIRPORT RD. SE SALEM, OR 97301-4792

Page 1 of 1
(503) 986-3000
FAX (503) 986-3096

Contract No.: C14769		EA No.: CON03709	Lab No.: 15-001508
Project: US730: POWERLINE RD INTERSECTION IMPROVEMENTS			
Highway: COLUMBIA RIVER	County: UMATILLA	Data Sheet No.: F43866 026	
Contractor: PIONEER ASPHALT DBA PIONEER CONSTR.		FA No.: STP-S0002(153)	
Project Manager: JAY ROUNDTREE	Org Unit: 5801	Bid Item No.: 180	
Submitted By: W.STEPHENSON	Org Unit:	Sample No.: 15-026	
Material Source: 30-098-5 SNOW		Qty Represented: 12 MONTHS	
Sampled At: QUARRY	Sampled By:	Witnessed By:	
DATE-Sampled: 15/ 5/27	Received: 15/ 6/ 5	Tested: 15/ 6/18	Date Reported: 15/ 6/18
Class/Type: COMPLIANCE		Use: RIPRAP AGGR	

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - RRAPAG		Size: CHUNKS	
Test	Field	Lab	T 84 F. Grav.	T 85 C. Grav.	
T 176 S.E.			Bulk:	Bulk: 2.808	
T 89 L.L.			S.S.D.:	S.S.D.: 2.824	
T 90 P.I.			Appar.:	Appar.: 2.854	
T 335 Ttl Frac.			Absorp.:	Absorp.: 0.58 %	
TM 226 Dust/Clay			T 104 Soundness	TM 208 Degrade	
TM 227 Cleanness			RipRap Avg.: 1.1 %		
TM 229 Elong pcs			2.5-1.5: 0.9 %		
308 Incin/Ga A/C			1.5-3/4: 1.2 %		
Total A/C				Crse Ht: 36.0 in	
Retention				P20: 11.9 %	
T 329 Moisture				Fine Ht:	
T 27/11				P20:	
Sieve	Passing	Passing	T 96 Abrasion	T 21 Impurity	
2.5				Plate #:	
2			T 335 Fracture	T 112 Friables	
1.5			3/4:	Wt'd Avg :	
1			1/2:	1.5-3/4:	
3/4			3/8:	3/4-3/8:	
1/2			1/4:	3/8- #4:	
3/8			#10:	#4-#16:	
1/4			T 113 Lightweight	TM 225 Woodwaste	
# 4			Coarse:	Lab:	
# 8			Fine:	Field:	
# 10			AASHTO T 288/289	AASHTO T 267	
# 16			Resist: Ω	Organic:	
# 30			pH:	AASHTO T 290	
# 40			AASHTO T 291	Sulfate:	
# 50			Chloride:		
#100					
#200					
T 327 Micro Deval ==> Grading:			Loss: %		

1 @ t85 = \$ 45.00	NSM = Not Sufficient Material	TOTAL CHARGES: \$ 0.00
2 @ t104 = 29.00	REMARKS:	
1 @ tm208 = 74.00	Material represented by sample DOES comply with specifications.	

KEVIN BROPHY - LABORATORY SERVICES MANAGER

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

C: FILES ; PROJ MGR: JAY ROUNDTREE ; PIONEER ASPHALT DBA PIONEER CONS ; REG 5 Q.A.C. ; J CIESLAK - AGGREGATE
JSFF MILES-QCCS

Page 1 of 1
(503) 986-3000
FAX (503) 986-3096

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - RRAPAG		Size: CHUNKS	
Test	Field	Lab	T 84 F. Grav.	Size: CHUNKS	T 85 C. Grav.
T 176 S.E.			Bulk:		Bulk: 2.809
T 89 L.L.			S.S.D.:		S.S.D.: 2.831
T 90 P.I.			Appar.:		Appar.: 2.872
TP 61 Ttl Frac.			Absorp.:		Absorp.: 0.78 %
TM 226 Dust/Clay			T 104 Soundness		TM 208 Degrade
TM 227 Cleanness			RipRap Avg.: 1.3 %		
TM 229 Elong pcs			2.5-1.5: 0.4 %		
308 Incin/Ga A/C			1.5-3/4: 2.1 %		
Total A/C					Crse Ht: 0.8 in
Retention					P20: 18.9 %
T 329 Moisture					Fine Ht:
T 27/11					P20:
Sieve	Passing	Passing	T 96 Abrasion		T 21 Impurity
2.5					Plate #:
2					
1.5			TP 61 Fracture		TM 221 Friables
1			3/4:		Wt'd Avg :
3/4			1/2:		1.5-3/4:
1/2			3/8:		3/4-3/8:
3/8			1/4:		3/8- #4:
1/4			#10:		#4-#16:
# 4			T 113 Lightweight		TM 225 Woodwaste
# 8			Coarse:		Lab:
# 10			Fine:		Field:
# 16			AASHTO T 288/289		AASHTO T 267
# 30			Resist: Ω		Organic:
# 40			pH:		
# 50			AASHTO T 291		AASHTO T 290
#100			Chloride:		Sulfate:
#200					

1 @ T-85	= \$ 45.00	NSM = Not Sufficient Material	TOTAL CHARGES: \$ 177.00
2 @ T-104	= 29.00	REMARKS:	
1 @ 208A	= 74.00	Material represented by sample DOES comply with specifications.	

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

John Davis
Laboratory Services Manager

**OREGON DEPARTMENT OF TRANSPORTATION
MATERIALS LABORATORY
800 AIRPORT RD. SE SALEM, OR 97301-4798**

Page 1 of 1
(503) 986-3100
FAX (503) 986-3096

Contract No.: C13206		EA No.: 25621004	Lab No.: 07-000610
Project: I84/US395: STANFIELD INTRCHG IMPROV			
Highway: OLD OREGON TRAIL		County: UMATILLA	Data Sheet No.: F40736 619
Contractor: WEAVER CONSTRUCTION CO			FA No.: HPP-STP-OTIA-S006(057)
Project Manager: HEATHER MCLOREN		Org Unit: 5803	Bid Item No.: 850
Submitted By: FRED OSWALD		Org Unit: 5803	Sample No.: 2
Material Source: 30-098-5 SNOW			Qty Represented: ANNUAL COMPLIANCE
Sampled At: STOCKPILE		Sampled By:	Witnessed By: MAR -9 2007
DATE-Sampled: 07/ 2/28		Received: 07/ 3/ 5	Tested: 07/ 3/ 8
Class/Type: COMPLIANCE		Use: SHOULDER & AGGREGATE BASE	

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - BASEAG		Size: 3/4-0	
Test	Field	Lab	T 84 F. Grav.	T 85 C. Grav.	
T 176 S.E.			Bulk:	Bulk:	
T 89 L.L.			S.S.D.:	S.S.D.:	
T 90 P.I.			Appar.:	Appar.:	
TP 61 Ttl Frac.			Absorp.:	Absorp.:	
TM 226 Dust/Clay			T 104 Soundness	TM 208 Degrade	
TM 227 Cleanness			C A: F A:		
TM 229 Elong pcs			1.5-3/4:		
T 304			3/4-3/8:		
Uncomp. Voids			3/8- #4:	Crse Ht: 0.5 in	
			#4- #8:	P20: 11.8 %	
			#8-#16:	Fine Ht:	
T 329 Moisture			#16-#30:	P20:	
T 27/11			#30-#50:		
Sieve	Passing	Passing	T 96 Abrasion	T 21 Impurity	
2.5			14.7 %	Plate #:	
2			Type B		
1.5			TP 61 Fracture	TM 221 Friables	
1			3/4:	Wt'd Avg :	
3/4			1/2:	1.5-3/4:	
1/2			3/8:	3/4-3/8:	
3/8			1/4:	3/8- #4:	
1/4			#4-#10:	#4-#16:	
# 4			T 113 Lightweight	TM 225 Woodwaste	
# 8			Coarse:	Lab:	
# 10			Fine:	Field:	
# 16			AASHTO T 288/289	AASHTO T 267	
# 30			Resist: Ω	Organic:	
# 40			pH:		
# 50			AASHTO T 291	AASHTO T 290	
#100			Chloride:	Sulfate:	
#200					

1 @ T96 = \$ 97.00
1 @ 208A = 74.00

NSM = Not Sufficient Material

TOTAL CHARGES: \$ 171.00

REMARKS:

Material represented by sample DOES comply with specifications.

DO NOT BILL.

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

C: FILES ; PROJ MGR: HEATHER MCLOREN ; WEAVER CONSTRUCTION CO ; REG 5 Q.A.C. ; D TEST - AGGREGATE


Laboratory Services Manager

OREGON DEPARTMENT OF TRANSPORTATION
MATERIALS LABORATORY
800 AIRPORT RD. SE SALEM, OR 97301-4798

Page 1 of 1
(503) 986-3100
FAX (503) 986-3096

Contract No.: C13206		EA No.: 25621004	Lab No.: 06-001058
Project: I84/US395: STANFIELD INTRCHG IMPROV			
Highway: OLD OREGON TRAIL		County: UMATILLA	
Contractor: WEAVER CONSTRUCTION CO		Data Sheet No.: F0736 562	
Project Manager: HEATHER MCLOREN		FA No.: HPP-STP-OTIA-S006(057)	
Submitted By: FRED OSWALD		Bid Item No.: 850	
Material Source: 30-098-5 SNOW		Sample No.: 1	
Sampled At: END BELT		Qty Represented: ANNUAL COMPLIANCE	
DATE-Sampled: 06/ 4/28		Received: 06/ 5/ 1	Tested: 06/ 5/ 4
Class/Type: COMPLIANCE		Use: SHOULDER & AGGREGATE BASE	

Q or G: QUARRY		AGGREGATE LABORATORY REPORT - BASEAG		Size: 3/4"-0	
Test	Field	Lab	T 84 F. Grav.	T 85 C. Grav.	
T 176 S.E.			Bulk:	Bulk:	
T 89 L.L.			S.S.D.:	S.S.D.:	
T 90 P.I.			Appar.:	Appar.:	
TP 61 Ttl Frac.			Absorp.:	Absorp.:	
TM 226 Dust/Clay			T 104 Soundness	TM 208 Degrade	
TM 227 Cleanness			C A: F A:		
TM 229 Elong pcs			37.5-19.0:		
T 304			19.0-9.5 :		
Uncomp. Voids			9.5-4.75:		Crse Ht: 13 mm
			4.75-2.36:		P20: 10.7 %
TM 6 Moisture			2.36-1.18:		Fine Ht:
T 27/11			1.18-600 µm:		P20:
Sieve	Passing	Passing	600 µm-300 :		
63 mm			T 96 Abrasion	T 21 Impurity	
50			13.7 %	Plate #:	
37.5			Type B		
25.0			TP 61 Fracture	TM 221 Friables	
19.0			19.0:	Wt'd Avg :	
12.5			12.5:	37.5-19.0:	
9.5			9.5:	19.0-9.5 :	
6.3			6.3:	9.5-4.75:	
4.75			4.75-2.00:	4.75-1.18:	
2.36			T 113 Lightweight	TM 225 Woodwaste	
2.00			Coarse:	Lab:	
1.18			Fine:	Field:	
600 µm			AASHTO T 288/289	AASHTO T 267	
425			Resist: Ω	Organic:	
300			pH:		
150			AASHTO T 291	AASHTO T 290	
75			Chloride:	Sulfate:	

1 @ 208A = \$ 74.00
1 @ T-96 = 97.00

NSM = Not Sufficient Material
REMARKS:

TOTAL CHARGES: \$ 171.00

Material represented by sample DOES comply with specifications.

Do Not Bill.

REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT WRITTEN APPROVAL OF THIS LABORATORY.

C: FILES : PROJ MGR: HEATHER MCLOREN : WEAVER CONSTRUCTION CO ; REG 5 Q.A.C. ; D TEST - AGGREGATE



Laboratory Services Manager



September 12, 2024

Jeff and Michelle Hines
HNS, Inc.
210 W Main Street
PO Box 126
Echo, Oregon 97826

Via email: hns97850@gmail.com

cc: jffhines3@gmail.com
michellehines2012@gmail.com
mclane@eoni.com

Regarding: Trip Generation Letter
Special Resource Overlay Zone of Echo Rock Pit
Umatilla County Tax Lot 12800
PBS Project 78273.000



RENEWS: DECEMBER 31, 2024

Dear Mr. and Mrs. Hines,

This letter presents the information required for a Trip Generation Letter (TGL) in support of the proposed Special Resource Overlay Zone (SROZ) at Echo Rock Pit, located on tax lot 12800 in Umatilla County, Oregon, southwest of the city of Echo.

PROJECT DESCRIPTION AND PROJECT CONDITIONS

Project Description and Existing Conditions

The SROZ is located at Echo Rock Pit on Umatilla County tax lot 12800, a 208.98-acre property. Approximately 33 acres of the property are currently used as an aggregate mining site. The property is currently zoned as Exclusive Farm Use. The SROZ proposes to rezone approximately 50 additional acres of the property to allow for further mining operations.

The Echo Rock Pit location is adjacent to Snow Road, which intersects with Highway 320 (Oregon Trail Road) approximately 1.7 miles to the north. The vicinity map is shown in Figure 1, attached to this letter.

Background Conditions

Due to the small timeframe between the existing year (2024) and the proposed SROZ year (2026), and the relative rural nature of the locations of both the SROZ and the Snow Road / Oregon Trail Road intersection, no background growth rate is assumed or applied for the 2026 SROZ condition.

Proposed Conditions

The SROZ is assumed to be completed by 2026, in which full operation of the expanded mining area would be possible. The Client has stated that they do not intend to increase mining production as a result of the proposed SROZ. The existing Echo Rock Pit area intends to remain functional after the SROZ, but as the rock is depleted from the original 33 acres, the SROZ will be mined to extend the operation at the existing rate of removal with no

significant increase in traffic. A modest 10% increase in trips with the SROZ in place is assumed based on the larger area for potential mining operations.

TRIP GENERATION

The number of trips generated for the SROZ is not based on the Institute of Transportation Engineers *Trip Generation Manual*, as there is no appropriate land use code commensurate with a mining facility. Instead, PBS is utilizing existing traffic counts provided by the Client to correlate a high-use trip generation for the proposed SROZ. The Client provided PBS with timed traffic count information (gathered on August 20, 2024) that will be the basis for this trip generation.

PBS assumes that all trips to and from the project site will go through the Snow Road / Oregon Trail Road intersection, with all trips headed to and from Snow Road. The AM peak hour was found to be 7:30-8:30 AM for existing project trips. The PM peak hour was found to be 4-5 PM for existing project trips. Trip generation results are summarized in Table 1 and the traffic count data is attached.

Table 1. Trip Generation—SROZ—Echo Rock Pit

Condition	Existing Site			Proposed SROZ & Existing Site		
Year	2024			2026		
Average Daily Trips (ADT)	65			71		
Peak Hour Trips	AM	PM	Weekday	AM	PM	Weekday
In	3	7	34	3	8	37
Out	3	4	31	4	5	34
Total Trips	6	11	65	7	13	71

The existing Echo Rock Pit generates 65 vehicle trips during a typical weekday, including 11 during the PM peak hour and 6 during the AM peak hour.

The proposed SROZ with the existing Echo Rock Pit area is anticipated to generate 71 vehicle trips during a typical weekday, including 13 during the PM peak hour and 7 during the AM peak hour.

The number of heavy vehicle trips for the existing Echo Rock Pit is 16 trips during a typical weekday, including 2 trips in the PM peak hour and 1 during the AM peak hour. Heavy vehicle percentage of trips is found to be 25% for a typical weekday, 18% for the PM peak hour, and 17% for the AM peak hour. This trend is assumed to continue with the SROZ, adding 2 heavy vehicle trips to the typical weekday and no new heavy vehicle trips in the PM and AM peak hours.

TRIP DISTRIBUTION

The proposed trip distribution of primary trips is based on the provided traffic counts and on engineering judgement. The proposed primary trip distribution pattern is as follows:

- 90% to and from Oregon Trail Road east of Snow Road
- 5% to and from Oregon Trail Road west of Snow Road
- 5% to and from Echo Meadows Road north of Oregon Trail Road

The distribution pattern above represents an external distribution of the primary trips entering and exiting the study area. The proposed trip distribution and trip assignment of the SROZ is shown in the attached Figure 2.

CONCLUSION

The existing Echo Rock Pit generates 65 vehicle trips during a typical weekday, including 11 during the PM peak hour and 6 during the AM peak hour.

The proposed SROZ with the existing Echo Rock Pit area is anticipated to generate 71 vehicle trips during a typical weekday, including 13 during the PM peak hour and 7 during the AM peak hour.

The number of heavy vehicle trips for the existing Echo Rock Pit is 16 trips during a typical weekday, including 2 trips in the PM peak hour and 1 during the AM peak hour. Heavy vehicle percentage of trips is found to be 25% for a typical weekday, 18% for the PM peak hour, and 17% for the AM peak hour. This trend is assumed to continue with the SROZ, adding 2 heavy vehicle trips to the typical weekday and no new heavy vehicle trips in the PM and AM peak hours.

The proposed trip distribution of primary trips is based on the provided traffic counts and on engineering judgement. The proposed primary trip distribution pattern is as follows:

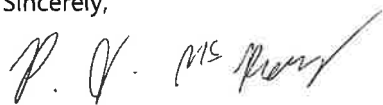
- 90% to and from Oregon Trail Road east of Snow Road
- 5% to and from Oregon Trail Road west of Snow Road
- 5% to and from Echo Meadows Road north of Oregon Trail Road

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.

CLOSING

Please feel free to contact me at 360.213.0418 or pj.mckelvey@pbsusa.com with any questions or comments.

Sincerely,



Pierce-Jon McKelvey, PE, PTOE
Project Traffic Engineer

Attachment(s): Figure 1. Vicinity Map
 Figure 2. Proposed Trip Distribution and Assignment
 Traffic Count Data

PJM:JAM:tl

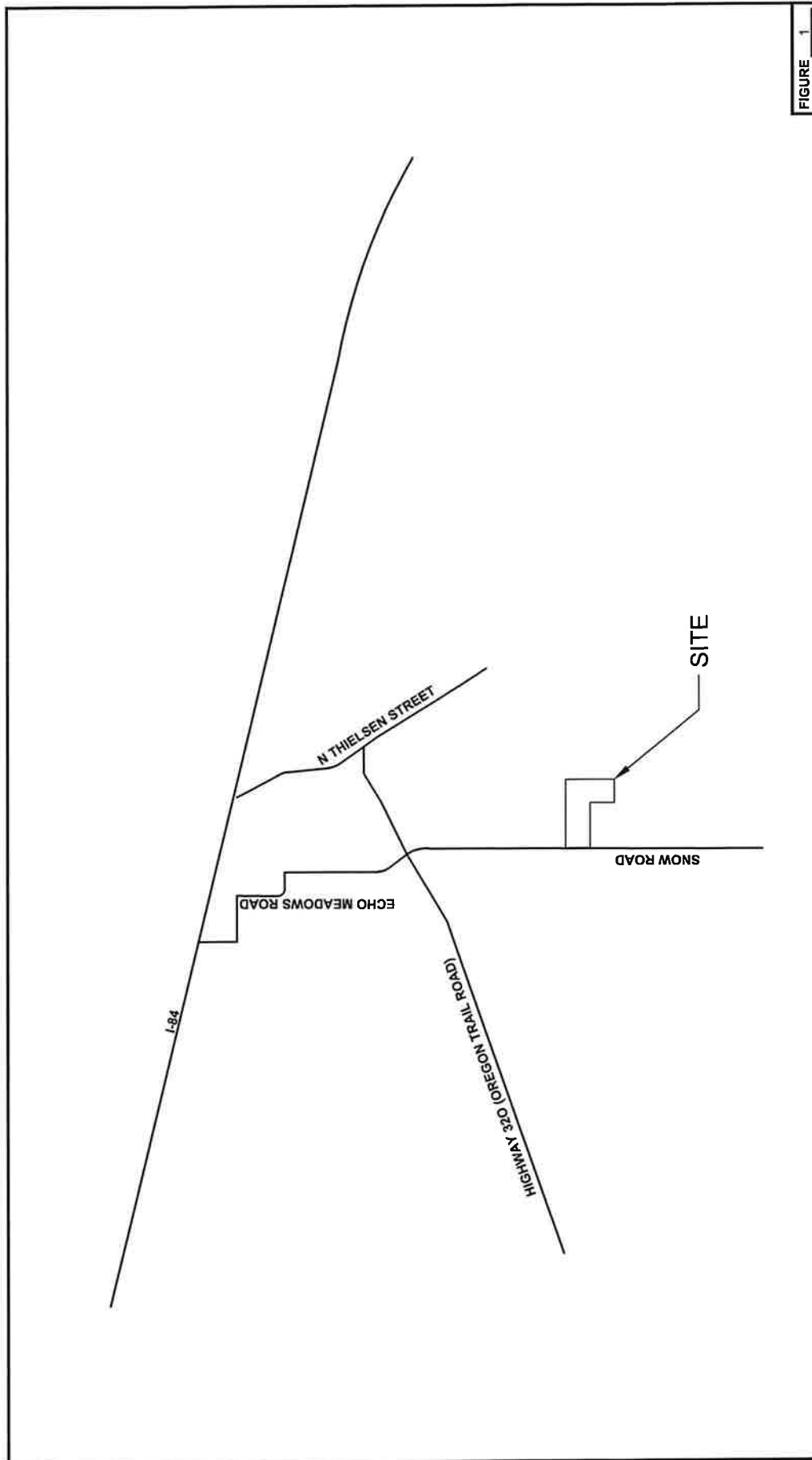
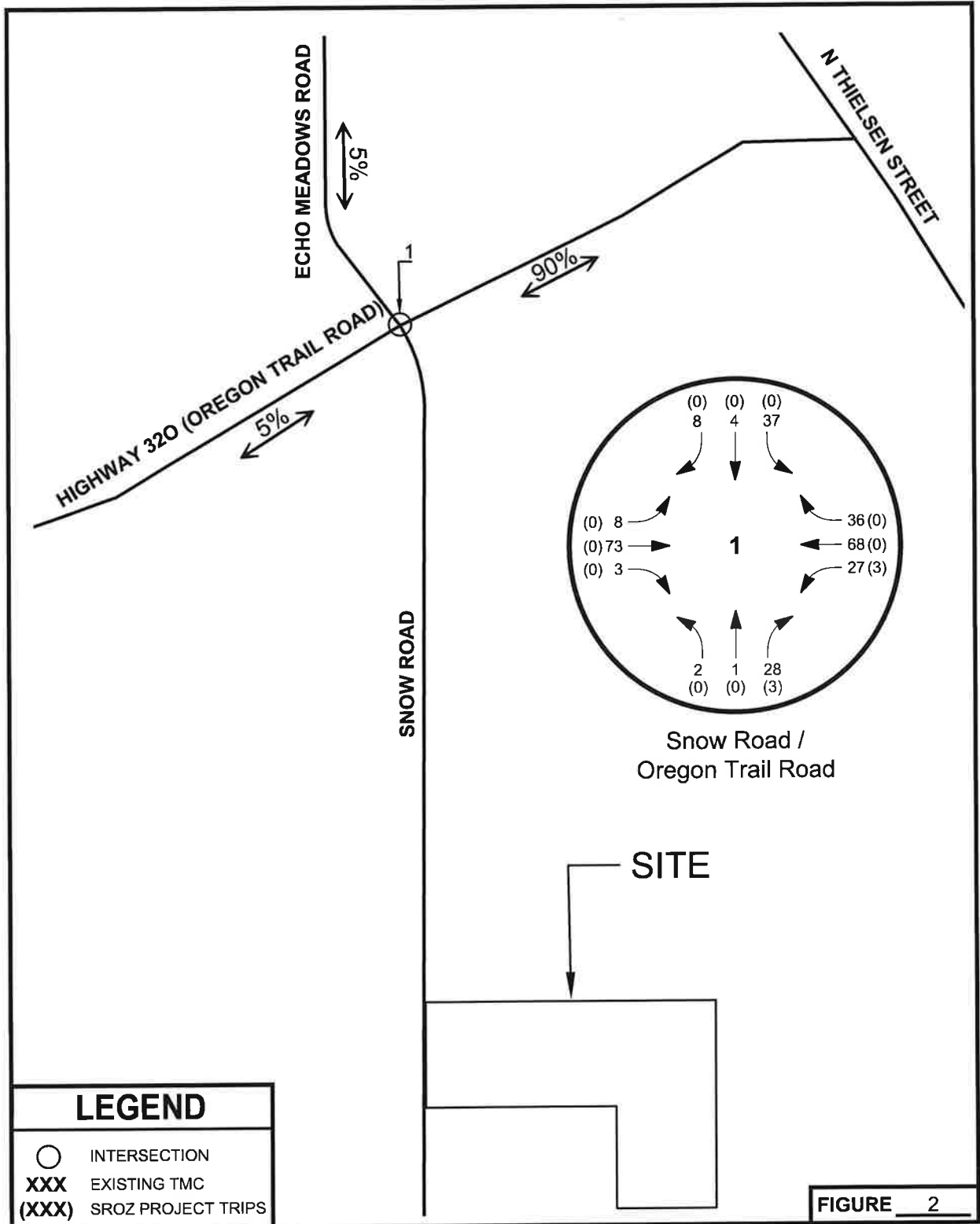


FIGURE 1

Vicinity Map

Special Resource Overlay Zone - Echo Rock Pit



Trip Assignment & Distribution

Special Resource Overlay Zone - Echo Rock Pit

Light Weight Vehicles

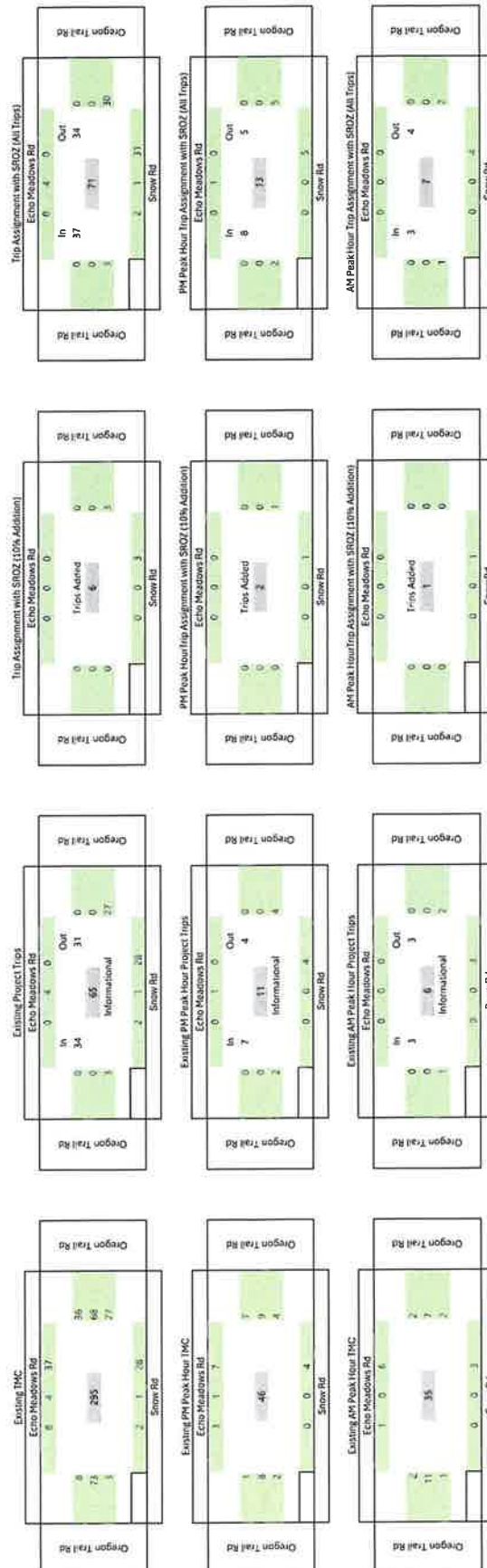
Total

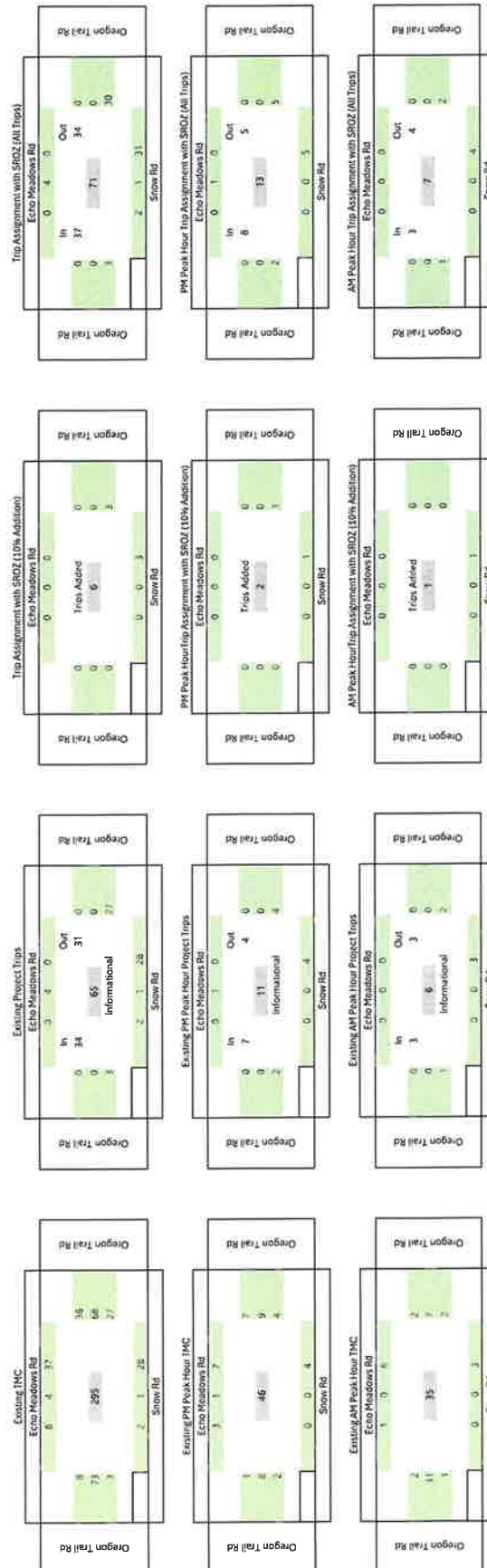
OR Trail West entering Echo Meadows Rd	Echo Meadows Rd entering OR Trail East	Echo Meadows Rd entering OR Trail West	Echo Meadows Rd entering Saow Rd	Count	Time
7:09am	7:09am	7:09am	8:15am	1	4:45pm
8:10am	7:15am	7:15am	10:13am	1	
8:23am	7:30am	7:30am	12:10pm	1	
8:44am	7:44am	7:44am	2:15pm	1	
8:59am	7:50am	7:50am	4:05pm	1	
9:20am	8:03am	8:03am	4:10pm	1	
9:40am	8:15am	8:15am	4:54pm	1	
10:09am	8:23am	8:23am	5:25pm	1	
10:20am	8:31am	8:31am		8	
10:39am	8:35am	8:35am			
10:43am	8:46am	8:46am			
11:15am	8:59am	8:59am			
11:22am	9:39am	9:39am			
11:39am	9:48am	9:48am			
12:04pm	10:22am	10:22am			
12:41pm	10:53am	10:53am			
1:14pm	11:03am	11:03am			
1:20pm	12:01pm	12:01pm			
1:23pm	12:15pm	12:15pm			
1:45pm	1:20pm	1:20pm			
2:32pm	1:44pm	1:44pm			
2:46pm	1:58pm	1:58pm			
3:17pm	2:13pm	2:13pm			
3:39pm	2:25pm	2:25pm			
4:03pm	2:55pm	2:55pm			
4:05pm	3:13pm	3:13pm			
4:10pm	3:32pm	3:32pm			
4:11pm	3:51pm	3:51pm		2	
4:32pm	4:01pm	4:01pm		1	
4:43pm	4:05pm	4:05pm		1	
4:56pm	4:09pm	4:09pm		1	
5:01pm	4:11pm	4:11pm		1	
5:21pm	4:16pm	4:16pm		1	
5:28pm	4:24pm	4:24pm		1	
5:44pm	4:35pm	4:35pm		1	
5:58pm	5:03pm	5:03pm		1	
				37	
	Total				
	36				

Total

OR Trail East entering Snow Rd	Time	Count	OR Trail East entering Echo Meadows Rd	Count	OR Trail West entering Snow Rd	Count	OR Trail West entering Echo Meadows Rd	Count	OR Trail West entering OR Trail East	Count	Echo Meadows Rd entering OR Trail East	Count
	8:15am 4:30pm	1 1										
Total		2				0		0		0		0
						0		0	Total	0	Total	0

Echo Meadows Rd entering OR Trail West	Count	Echo Meadows Rd entering Snow Rd	Time	Count	Snow Rd entering OR Trail East	Time	Count	Snow Rd entering OR Trail West	Count	Snow Rd entering Echo Meadows Rd	Count
	0		10:49am	1		9:20am	1		0		0
	0		1:23pm	1		10:21am	1		0		0
			3:33pm	1		11:05am	1				
				3		12:10pm	1	Total			
		Total				12:45pm	1				
						2:14pm	1				
						3:30pm	1				
						3:50pm	1				
						4:15pm	1				
						5:23pm	1				
							10				
						Total					





REGISTERED
PROFESSIONAL
LAND SURVEYOR

Stephen K. Haddock

OREGON
JULY 9, 2004
STEPHEN K. HADDOCK
56295LS

RENEWS 6-30-25

WITNESS TREE SURVEYING
Stephen K. Haddock, PLS, Creds
P.O. Box 6
Pilot Rock, Oregon 97868
(541) 443-2922

NOTE: For the dimensions on "L1", "L2",
lines marked with an "L1", "L2",
etc., see the line table on
County Survey 23-001-B.

EASEMENT SKETCH
Showing the change in alignment
from the old easement to the
adjusted easement.

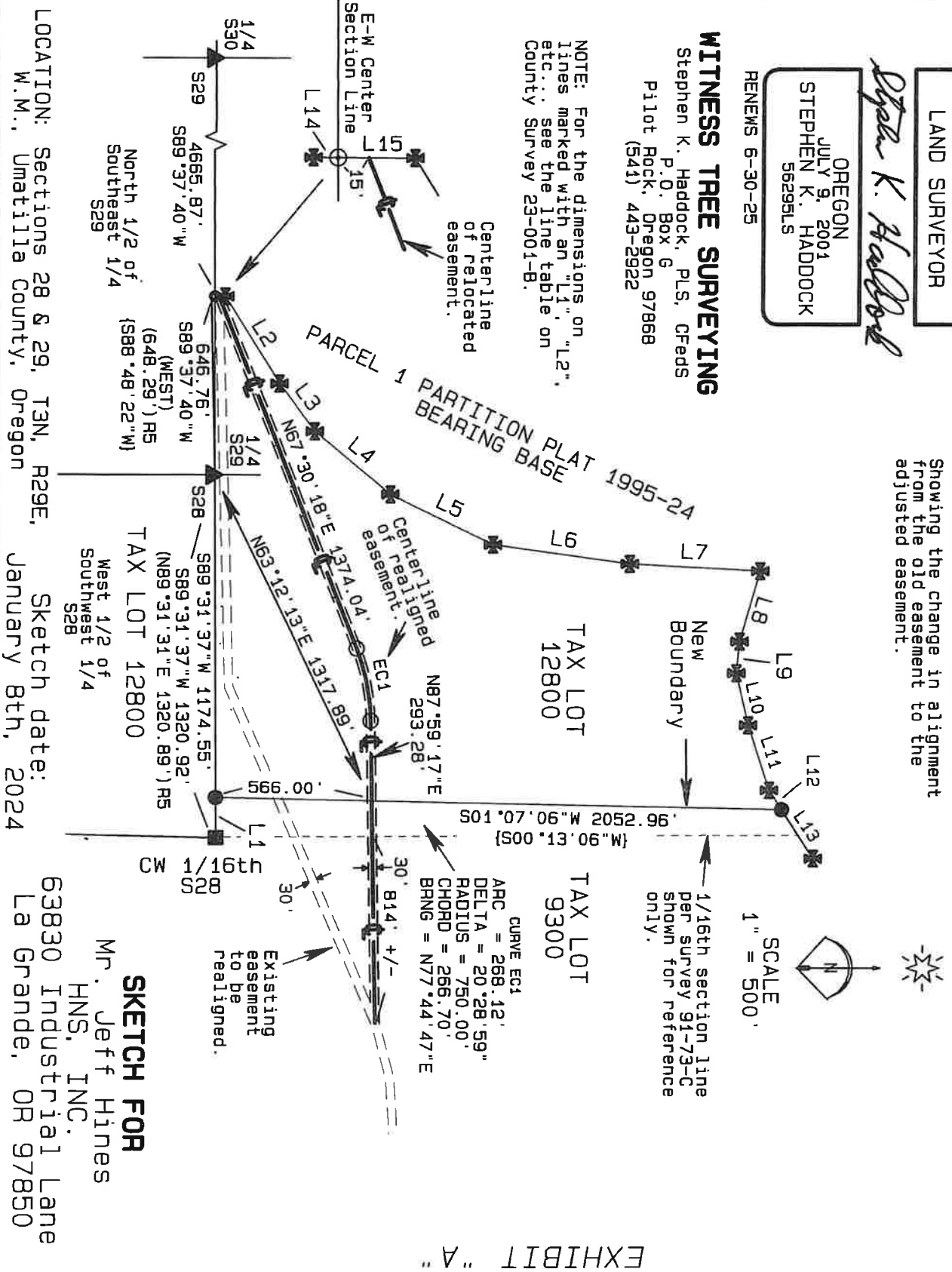


EXHIBIT "A"

LEGAL DESCRIPTION OF THE LAND TO TRANSFER FROM TAX LOT 9300 TO TAX LOT 12800:

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 $88^{\circ}37'38''$ 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 $88^{\circ}48'22''$ 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 $00^{\circ}43'52''$ West a distance of 36.70 feet, more or less; thence continuing along said easterly line by the following courses and distances; North $57^{\circ}22'22''$ East a distance of 372.56 feet; thence North $52^{\circ}02'49''$ East a distance of 215.62 feet; thence North $38^{\circ}20'55''$ East a distance of 358.99 feet; thence North $25^{\circ}04'27''$ East a distance of 414.49 feet; thence North $6^{\circ}59'33''$ East a distance of 503.94 feet; thence North $2^{\circ}14'44''$ East a distance of 470.99 feet; thence South $74^{\circ}47'52''$ East a distance of 266.44 feet; thence South $85^{\circ}29'55''$ East a distance of 115.56 feet; thence North $76^{\circ}03'36''$ East a distance of 194.06 feet; thence North $70^{\circ}58'38''$ East a distance of 249.76 feet; thence North $56^{\circ}04'49''$ East a distance of 84.82 feet; thence leaving the easterly line of said Parcel 1, South $0^{\circ}13'06''$ 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;

Reserving unto the Grantor: 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 $88^{\circ}48'22''$ 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 $0^{\circ}43'52''$ East a distance of 15.00 feet, said point being the True Point of Beginning of this centerline description; thence North $67^{\circ}30'18''$ 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 $20^{\circ}28'59''$, the long chord of which bears North $77^{\circ}44'47''$ East a distance of 266.70 feet; thence North $87^{\circ}59'17''$ 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 $63^{\circ}12'13''$ East a distance of 1317.89 feet from the One Quarter corner common to said Sections 28 and 29.



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..

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Stephen K. Haddock

OREGON
JULY 9, 2001
STEPHEN K. HADDOCK
56295LS

RENEWS: 6-30-25

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.

NEW LEGAL DESCRIPTION OF TAX LOT 9300 AFTER THE ADJUSTMENT:

TOWNSHIP 3 NORTH, RANGE 29, E.W.M.,

- Section 21: East Half of the Southwest Quarter.
West Half of the Southeast Quarter.
Southeast Quarter of the Southeast Quarter.
Excepting therefrom that tract of land conveyed to Alois Anthony Amstad, etux,
by deed recorded in Microfilm R-230, page 1533, Office of County Records.
- Section 22: Southwest Quarter of the Southwest Quarter.
- Section 26: All that portion of the South Half of the Southwest Quarter lying Southerly of the
top of the bluff on the southerly side of the Umatilla River.
- Section 27: The West Half.
The West Half of the East Half.
The Southeast Quarter of the Southeast Quarter.
- Section 27: All that portion of the Northeast Quarter of the Southeast Quarter which lies West
of the edge of the top of the bluff on the West side of the Umatilla River.
- Section 28: The East Half.
The East Half of the West Half.
Excepting therefrom that tract of land conveyed to Alois Anthony Amstad, etux,
by deed record in Microfilm R-230, Page 1533, Office of County Records.
- Section 28 & Section 29: All that portion of the Northwest Quarter of Section 28 and the Northeast Quarter
of Section 29, described as beginning at the Quarter corner common to Said
Sections 28 and 29; thence South 88°44'46" West, along the South line of said
Northeast Quarter of Section 29, a distance of 648.29 feet to a fence line; thence along said fence
line the following bearings and distances: North 00°43'52" West, 36.70 feet; North 57°22'22"
East, 372.56 feet; North 52°02'49" East, 215.62 feet; North 38°20'55" East, 246.97 feet to a
point on the East line of said Northeast Quarter of said Section 29, which lies North 01°12'26"
West, 549.80 feet from the Southeast corner of said Northeast Quarter; thence continuing along
said fence line the following bearings and distances: North 38°20'55" East, 112.02 feet; North
25°04'27" East, 414.49 feet; North 06°59'33" East, 503.94 feet; North 02°14'44" East, 470.99
feet; South 74°47'52" East, 266.44 feet; South 85°29'55" East, 115.56 feet; North 76°03'36"
East, 194.06 feet; North 70°58'38" East, 249.76 feet; North 56°04'49" East, 196.21 feet, to a
point on the East line of the West Half of the northwest Quarter of said Section 28, which lies
South 01°09'44" East, 564.35 feet from the Northeast corner of the West Half of the Northeast
Quarter of said Section 28; thence South 01°09'44" East, along the East line of said West Half,
2,084.36 feet to the Southeast corner thereof; thence South 87°27'02" West, along the South line
of said West Half, 1,316.57 feet to the point of beginning.
EXCEPTING THEREFROM: 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 $88^{\circ}48'22''$ 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 $00^{\circ}43'52''$ West a distance of 36.70 feet, more or less; thence continuing along said easterly line by the following courses and distances; North $57^{\circ}22'22''$ East a distance of 372.56 feet; thence North $52^{\circ}02'49''$ East a distance of 215.62 feet; thence North $38^{\circ}20'55''$ East a distance of 358.99 feet; thence North $25^{\circ}04'27''$ East a distance of 414.49 feet; thence North $6^{\circ}59'33''$ East a distance of 503.94 feet; thence North $2^{\circ}14'44''$ East a distance of 470.99 feet; thence South $74^{\circ}47'52''$ East a distance of 266.44 feet; thence South $85^{\circ}29'55''$ East a distance of 115.56 feet; thence North $76^{\circ}03'36''$ East a distance of 194.06 feet; thence North $70^{\circ}58'38''$ East a distance of 249.76 feet; thence North $56^{\circ}04'49''$ East a distance of 84.82 feet; thence leaving the easterly line of said Parcel 1, South $0^{\circ}13'06''$ West a distance of 2052.92 feet to the point of beginning.

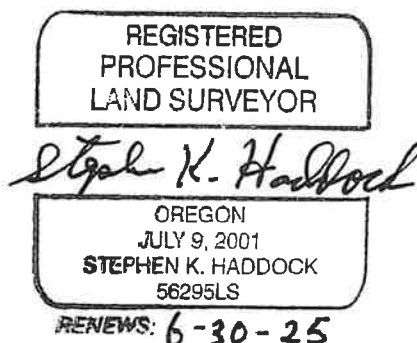
TOGETHER WITH: An easement for ingress and egress, said easement being 30 feet in width, lying 15 feet on each side of the center line which center line is more particularly described as follows: Commencing at the One Quarter common to Sections 28 and 29, T 3 N, R 29 E, W.M., Thence South $88^{\circ}48'22''$ 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 $0^{\circ}43'52''$ East a distance of 15.00 feet, said point being the True Point of Beginning of this centerline description; thence North $67^{\circ}30'18''$ 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 $20^{\circ}28'59''$, the long chord of which bears North $77^{\circ}44'47''$ East a distance of 266.70 feet; thence North $87^{\circ}59'17''$ East a distance of 293.28 feet, more or less to the terminus of this line being a point on the west line of that property described above, said point lies North $63^{\circ}12'13''$ East a distance of 1317.89 feet from the One Quarter corner common to said Sections 28 and 29.

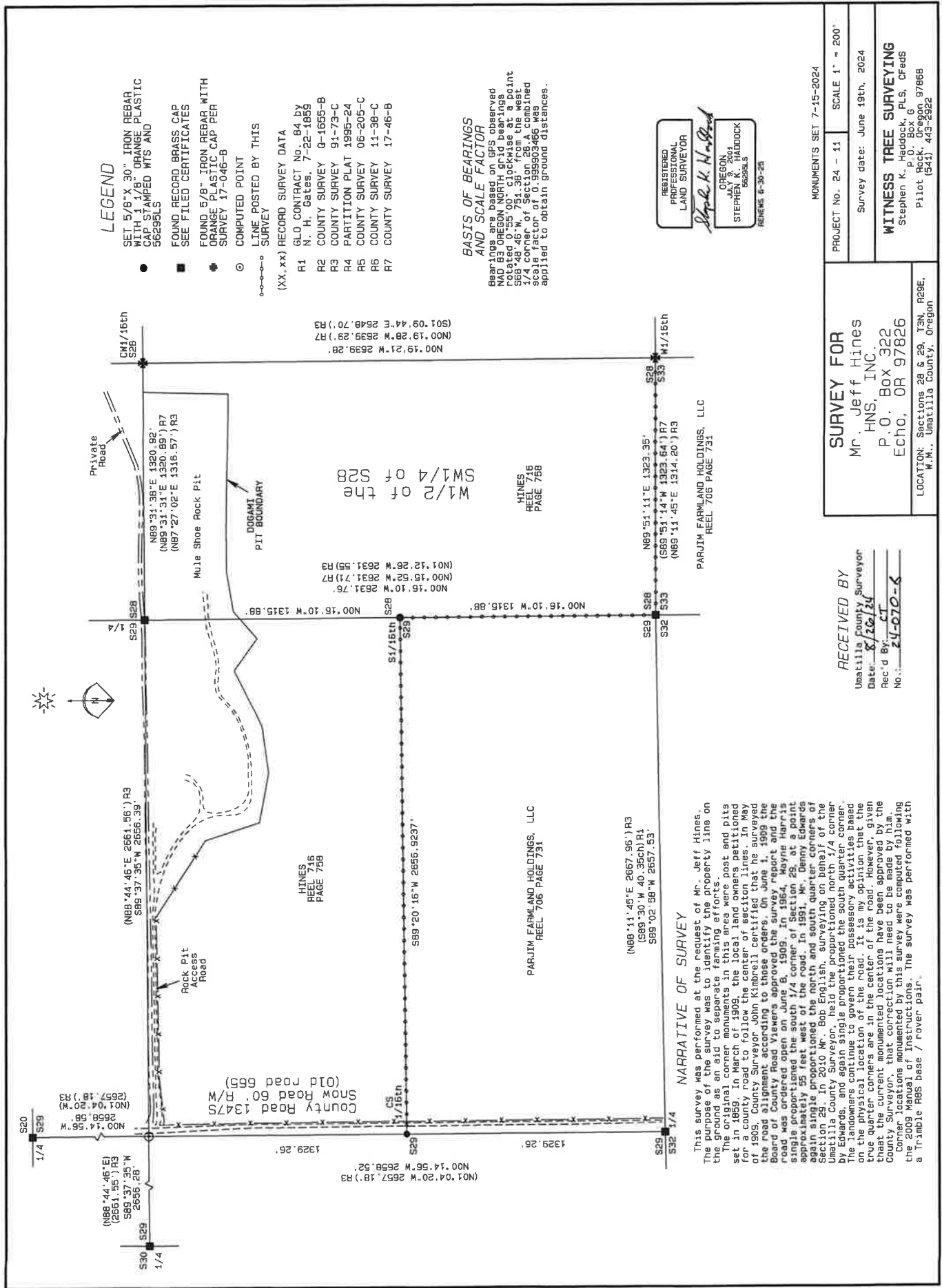
Section 33: East Half.
East Half of the West Half.

Section 34: All.

Section 35: The Southwest Quarter of the Northeast Quarter.
The West Half.
The Southeast Quarter.

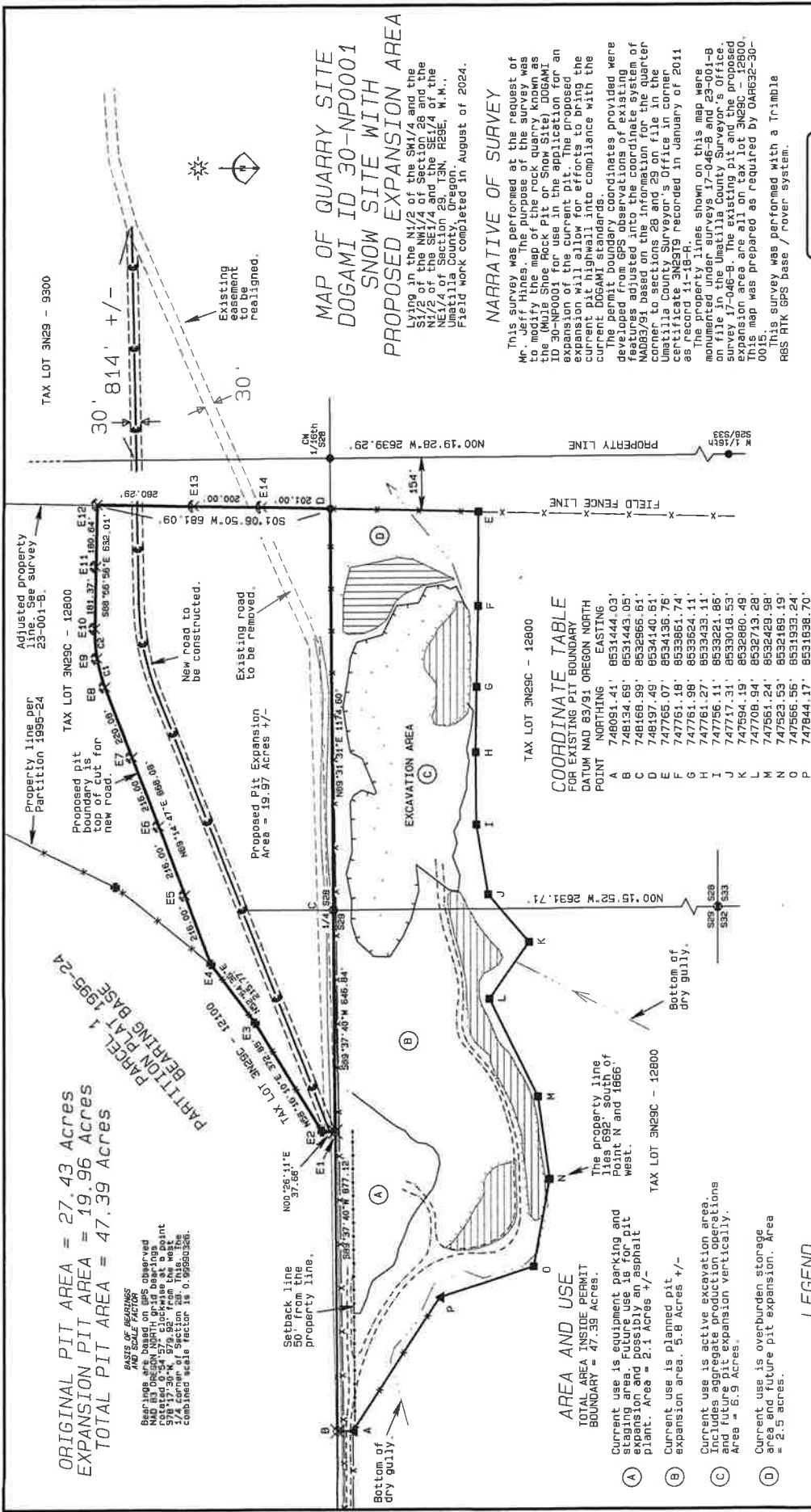
All being East of the Willamette Meridian, Umatilla County, Oregon.





ORIGINAL PIT AREA = 27.43 Acres
 EXPANSION PIT AREA = 19.96 Acres
 TOTAL PIT AREA = 47.39 Acres

BEARINGS
 BEARINGS ARE BASED ON GPS OBSERVED
 NAD 83 OREGON NORTH GRID BEARINGS
 CORRECTED FOR AN ANGLE OF 1.376
 578.117° 30' 14" 37% 52" FROM THE WEST
 1/4 CORNER OF SECTION 28. THIS
 COMBINED SCALE FACTOR IS 0.9999326.



AREA AND USE

TOTAL AREA INSIDE PERMIT
 BOUNDARY = 47.39 Acres.

- (A) Current use is equipment parking and staging area. Future use is active quarry pit and possibly an asphalt plant. Area = 2.1 Acres +/-
- (B) Current use is planned pit expansion area. 6.8 Acres +/-
- (C) Current use is active excavation area. Future use is active quarry pit and future pit expansion vertically. Area = 6.9 Acres.
- (D) Current use is overburden storage area and future pit expansion. Area = 2.5 acres.

LEGEND

- FOUND BRASS CAP AS REPORTED ON SURVEY 17-46-B.
- FOUND 5/8" REBAR AS REPORTED ON SURVEY 17-46-B OR 23-001-B.
- ANGLE POINT IN PIT BOUNDARY IN EXISTING FENCE LINE.
- RAILROAD TIE POST ON PIT FENCE LINE.
- BOUNDARY IN EXISTING FENCE LINE.
- FOUND "T" POST ON CURRENT PERMIT BOUNDARY.
- FOUND 1/2" IRON PIN FROM SURVEY 51-73-C.
- SET "T" POST ON PIT EXPANSION BOUNDARY.
- QUARRY ACCESS AND HAUL ROADS.
- TOP OF QUARRY HIGH WALL IN EXCAVATION AREA.
- EXISTING FENCE LINES.
- 50' SETBACK FROM PROPERTY LINE.
- PERMIT BOUNDARY.
- PRODUCT STOCK PILE SITE.
- OVERBURDEN STORAGE AREA.

COORDINATE TABLE

FOR EXISTING PIT BOUNDARY
 DATUM NAD 83/91 OREGON NORTH

POINT	NORTHING	EASTING
A	748091.41	8531444.03
B	748134.69	8531443.03
C	748168.99	8532985.61
D	748197.49	8531440.51
E	747765.07	8534136.76
F	747761.99	8533861.74
G	747761.27	8533624.11
H	747756.11	8533435.11
I	747756.11	8533221.66
J	747717.31	8533018.33
K	747594.19	8532960.49
L	747768.34	8532713.28
M	747561.43	8532463.88
N	747523.53	8531691.13
O	747566.56	8531633.24
P	747844.17	8531636.70

COORDINATE TABLE

OF PROPOSED PIT EXPANSION AREA
 DATUM NAD 83/91 OREGON NORTH

POINT	NORTHING	EASTING
E1	748154.49	8532319.84
E2	748132.35	8532319.82
E3	748333.19	8532633.19
E4	748333.19	8532603.14
E5	748665.07	8533203.54
E6	748695.82	8533203.58
E7	748755.59	8533405.41
E8	748946.94	8533510.17
E9	748974.35	8533781.12
E10	748978.02	8533962.49
E11	748978.59	8534143.13
E12	748598.30	8534142.15
E13	748598.30	8534141.47
E14	748398.31	8534141.47

CURVE TABLE

CURVE No.	ARC	DELTA	RADIUS	CHORD	BEARINGS
C1	87.66°	10° 55' 08"	460.00'	460.00'	N74° 40' 26"E
C2	87.66°	10° 55' 05"	460.00'	460.00'	N85° 35' 32"E

MAP OF QUARRY SITE DOGAMI ID 30-NP0001 SNOW SITE WITH PROPOSED EXPANSION AREA

Lying in the NE 1/4 of the SW 1/4 and the SE 1/4 of the NW 1/4 of Section 28 and the NE 1/4 of Section 29, T3N, R92E, N.M.M., Unatilla County, Oregon.

Field work completed in August of 2024.

NARRATIVE OF SURVEY

This survey was performed at the request of Mr. Jeff Hines. The purpose of the survey was to determine the location of the existing quarry pit and the proposed expansion area. The survey was performed using a Trimble RBS RTK GPS base / rover system. The survey was performed on June 6th, 2024. The survey was performed by Stephen K. Haddock, PLS, CFedS, Unatilla County, Oregon. The survey was performed as required by OAR 632-30-0015. This map was prepared with a Trimble RBS RTK GPS base / rover system.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

STEPHEN K. HADDOCK
 000001
 060605

OREGON
 JUL 16, 2001
 060605

PROJECT No. 24 - 10 SCALE 1" = 200'

Survey date: June 6th, 2024

SURVEY FOR
 Mr. Jeff Hines
 HNS, INC.
 63830 Industrial Lane
 La Grande, OR 97850

WITNESS TREE SURVEYING
 Stephen K. Haddock, PLS, CFedS
 Pilot Rock, OR 97668
 (541) 443-2922

LOCATION: Sections 28 & 29, T3N, R92E, N.M.M., Unatilla County, Oregon.

After Recording Return To:

Jeff Hines
P.O. Box 322
Echo, OR 97826

Until a Change is Requested,

Send Tax Statements To:

No Change

State of Oregon
County of Umatilla
REC-DE-BLA

2024-0002113

04/04/2024 01:10:28 PM

Pgs=7 \$35.00 \$11.00 \$10.00 \$10.00 \$60.00 \$126.00



Office of County Records

Steve Churchill



PROPERTY LINE ADJUSTMENT DEED

Lloyd Piercy and Lois Piercy, husband and wife, Grantor, conveys to Jeff Hines and Michelle Hines, husband and wife, Grantee all of their right, title and interest in and to the following described real property:

More fully described in Exhibit A attached hereto and by this reference made a part hereof.

The true and actual consideration for this conveyance is \$0. This deed is delivered and recorded in furtherance of a boundary line adjustment approved by the Umatilla County Planning Division.

The reconfigured property of Lloyd Piercy and Lois Piercy, husband and wife shall be as described in Exhibit B attached hereto and by this reference made a part hereof.

The reconfigured property of Jeff Hines and Michelle Hines shall be as described in Exhibit C attached hereto and by this reference made a part hereof.

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 APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST

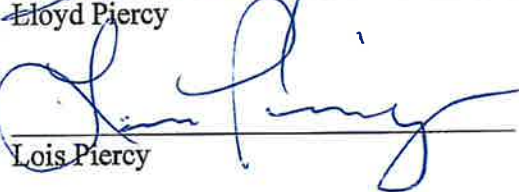
1 – Property Line Adjustment Deed

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.

DATED this 27 day of March, 2024.

GRANTOR:


Lloyd Piercy


Lois Piercy

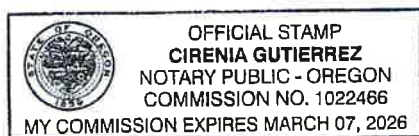
GRANTEE:

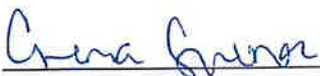

Jeff Hines


Michelle Hines

STATE OF OREGON)
) ss.
County of Umatilla)

Personally appeared before me on the 27 day of March, 2024, the above-named Lloyd Piercy and Lois Piercy, husband and wife, and acknowledged the foregoing instrument to be their voluntary act.




Cirenia Gutierrez

Notary Public for Oregon

My Commission Expires: 3-07-26

2 – Property Line Adjustment Deed

STATE OF OREGON)
) ss.
County of Umatilla)

Personally appeared before me on the 1 day of April, 2024, the
above-named Jeff Hines and Michelle Hines, husband and wife, and acknowledged the foregoing
instrument to be their voluntary act.




Notary Public for Oregon
My Commission Expires: 5-8-2025

3 – Property Line Adjustment Deed

Exhibit A

LEGAL DESCRIPTION OF THE LAND TO TRANSFER FROM TAX LOT 9300 TO TAX LOT 12800:

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.

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Reserving unto the Grantor: 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 corner 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.

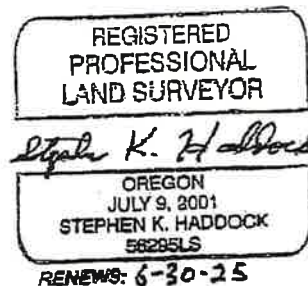


Exhibit B

NEW LEGAL DESCRIPTION OF TAX LOT 9300 AFTER THE ADJUSTMENT:

TOWNSHIP 3 NORTH, RANGE 29, E.W.M.,

- Section 21: East Half of the Southwest Quarter.
West Half of the Southeast Quarter.
Southeast Quarter of the Southeast Quarter.
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line the following bearings and distances: North 00°43'52" West, 36.70 feet; North 57°22'22"
East, 372.56 feet; North 52°02'49" East, 215.62 feet; North 38°20'55" East, 246.97 feet to a
point on the East line of said Northeast Quarter of said Section 29, which lies North 01°12'26"
West, ~~549.80 feet from the Southeast corner of said Northeast Quarter~~; thence continuing along
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Exhibit B

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 $88^{\circ}48'22''$ 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 $00^{\circ}43'52''$ West a distance of 36.70 feet, more or less; thence continuing along said easterly line by the following courses and distances; North $57^{\circ}22'22''$ East a distance of 372.56 feet; thence North $52^{\circ}02'49''$ East a distance of 215.62 feet; thence North $38^{\circ}20'55''$ East a distance of 358.99 feet; thence North $25^{\circ}04'27''$ East a distance of 414.49 feet; thence North $6^{\circ}59'33''$ East a distance of 503.94 feet; thence North $2^{\circ}14'44''$ East a distance of 470.99 feet; thence South $74^{\circ}47'52''$ East a distance of 266.44 feet; thence South $85^{\circ}29'55''$ East a distance of 115.56 feet; thence North $76^{\circ}03'36''$ East a distance of 194.06 feet; thence North $70^{\circ}58'38''$ East a distance of 249.76 feet; thence North $56^{\circ}04'49''$ East a distance of 84.82 feet; thence leaving the easterly line of said Parcel 1, South $0^{\circ}13'06''$ West a distance of 2052.92 feet to the point of beginning.

TOGETHER WITH: An easement for ingress and egress, 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 $88^{\circ}48'22''$ 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 $0^{\circ}43'52''$ East a distance of 15.00 feet, said point being the True Point of Beginning of this centerline description; thence North $67^{\circ}30'18''$ 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 $20^{\circ}28'59''$, the long chord of which bears North $77^{\circ}44'47''$ East a distance of 266.70 feet; thence North $87^{\circ}59'17''$ East a distance of 293.28 feet, more or less to the terminus of this line being a point on the west line of that property described above, said point lies North $63^{\circ}12'13''$ East a distance of 1317.89 feet from the One Quarter corner common to said Sections 28 and 29.

- Section 33: East Half.
East Half of the West Half.
- Section 34: All.
- Section 35: The Southwest Quarter of the Northeast Quarter.
The West Half.
The Southeast Quarter.

All being East of the Willamette Meridian, Umatilla County, Oregon.

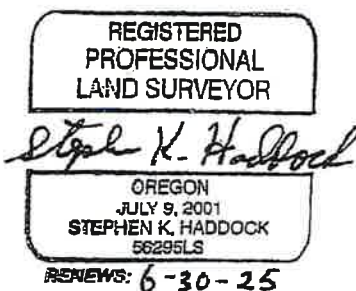


Exhibit C

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.,

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Stephen K. Haddock

OREGON
JULY 9, 2001
STEPHEN K. HADDOCK
56295LS

RENEWS: 6-30-25

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.

**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*)

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: 23596
Transaction Date: 6/11/2025
Transaction Time: 11:46:21 AM
Payor: HNS INC
Paid in Cash: \$0.00
Paid via Check: \$0.00 Check# Bank#
Paid via EFT: \$12.25
Comments:

Fee Description	Quantity	Fee	Total
Copies	49	\$0.25	\$12.25

Total:	\$12.25
Amount Received:	\$12.25
Amount Paid:	\$12.25
Change:	\$0.00
Amount Left Owing:	\$0.00

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

E-W Center
Section Line

1

ATTACHED

Ⓚ Current use is overburden storage area and future pit expansion. Area = 2.5 acres.

OVERBURN STORAGE AREA

162

HNS, Inc. Safety Blasting Plan

210 W Main Street, PO Box 126, Echo, Oregon 97826
541-962-0100 / hns97850@gmail.com

RECEIVED

JUN 10 2025

MULESHOE ROCK QUARRY

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

1. APPROACH AND PROCEDURE

- a. This blast plan will show the methods and means for conducting the drilling and blasting for Muleshoe Rock Quarry.
- b. Blasting shall be restricted to the hours of 9am to 5pm. No blasting will be conducted on legal Holidays.

2. SAFETY

- a. Blasting agents, high explosives and detonators will be kept at a safe distance from each other according to manufacturer specifications.
- b. There will be no smoking or fire of any area where explosives are being stored or handled. There will be no source of ignition allowed in the work area.
- c. If a misfire should take place, it will be handled under the direct supervision of the Blaster in Charge. He or she will determine the safest way to detonate the misfired product. No other operations or personnel will be allowed in the work area. Work will resume only after he or she has determined that it is safe. If a misfire is encountered all notifications and procedures will start again as in the original blast plan.

3. FLY ROCK

- a. Great effort will be made to keep fly rock in the blasting zone. Dry cuttings will be used to stem hole to help mitigate fly rock. With the proposed design relief will be created to allow the rock to move in a controlled fashion.

4. BLASTING PERSONEL AND PROCEDURE

- a. App personnel working with explosives will be trained and familiar with the handling and loading of the product that will be used on this project. The "Blaster in Charge" will be responsible for all blasting operations in the blasting area. He or she will oversee all loading operations and will have the authority and responsibility of insuring a safe working area.
- b. All personnel will also have all current MSHA training and background checks as required by law.

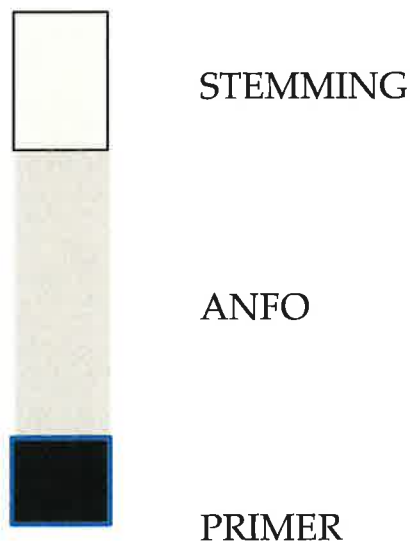
5. COMMUNICATION

- a. The neighbors will be informed of the blast 24-36 hours prior to the blast. Access roads will be blocked and barricaded by HNS personnel. HNS will conduct a safety meeting the day of the blasting to inform of all safety protocol prior to loading the blast area.
- b. At the time of the blast, all personnel will be informed and moved to a safe distance. The "safe" distance will be determined by the Blaster in Charge and no other personnel will be allowed closer to the blast zone then the Blaster in Charge permits. No unauthorized personnel will be permitted on the active shot while loading is taking place.

6. SIGNALS

- a. Five minutes prior to the blast there will be 20 seconds of long audible signals from an air horn. One minute prior to the blast there will be a series of short air horn signals. After the shot, the blast area will be inspected to ensure that there have been no misfires. If a misfire has taken place, the procedure specified in previous sections above will be followed. After the shot has been inspected and the Blaster in Charge identifies all charges have fired, and "all clear" signal shall be provided to identify the site is safe to re-enter.

TYPICAL LOADED DRY HOLE



SUMMARY OF INFORMATION:

1. Station limits of proposed shot are within excavation limits per sheet "Site Plan & Excavation Area"
2. Removal of overburden: Dozer will remove safety berm to permit access to drilling areas, overburden will be cleared off into top soil storage.

It is our goal to have a safe and productive drilling and blasting operation. If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Hines", written in a cursive style.

Jeff Hines
HNS, Inc.
President

ANFO

Safety Data Sheet


PLATINUM
 BLASTING SERVICES

Section 1 - Identification

Product Identifier	ANFO
Synonyms	Ammonium Nitrate Fuel Oil
Other means of identification	N/A
Recommended use of the chemical and restrictions on use	ANFO is a product which consists of ammonium nitrate (AN) and fuel oil which can be blended to make mining blasting explosives, using Platinum Blasting Services technology. ANFO is classed as security sensitive ammonium nitrate (SSAN) in Australian states and therefore Platinum Blasting Services personnel and other users or customers may need security clearances when handling or transporting it.
Details of manufacturer	Platinum Blasting Services Pty Ltd ABN 67 600 020 488 Level 12, 500 Queen St Brisbane QLD 4000
Emergency phone number	1800 885 411 / 24 hours

Section 2 – Hazard Identification

GHS and DG classification	Classified as Dangerous Goods by the criteria of the Australian Code for the Transport of Explosives by Road and Rail: DANGEROUS GOODS. This material is hazardous according to Safe Work Australia: HAZARDOUS SUBSTANCE.	
Hazardous classification	Explosive – Division 1.1 Eye Irritation – Category 2A Carcinogenicity – Category 2 Acute Aquatic Toxicity – Category 3 Chronic Aquatic Toxicity – Category 3	
Label Elements		
Signal word	Danger	
Labelling	   	
Hazard statements	H201	Explosive; mass explosion hazard.
	H272	May intensify fire; oxidiser.
	H319	Causes serious eye irritation.
	H304	May be fatal if swallowed and enters airways.
	H315	Causes Skin Irritation.
	H351	Suspected of causing cancer.
	H361	Suspected of damaging fertility or the unborn child.

	AUH044	Risk of explosion if heated under confinement.
Precautionary Statements	Prevention	
	P201	Obtain special instructions before use.
	P202	Do not handle until all safety precautions have been read and understood.
	P210	Keep away from heat, sparks, open flames or hot surfaces. - No smoking.
	P220	Keep away from clothing and other combustible materials.
	P250	Do not subject to grinding, shock, friction, impact, electrical energy from extraneous source (lighting, static electricity, stray currents, galvanic electricity or electromagnetic radiation) or any form of heating.
	P264	Wash hands thoroughly after handling.
	P280	Wear protective gloves, protective clothing and eye protection.
	Response	
	P301 + P310	IF SWALLOWED: Immediately call a POISON CENTER.
	P308 + P313	IF exposed or concerned: Get medical advice/attention.
	P331	Do NOT induce vomiting.
	P370 + P372 + P380 + P373	In case of fire: Explosion risk. Evacuate area. DO NOT fight fire when fire reaches explosives.
	P305+P351+P338	IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing.
	P337+P313	If eye irritation persists, seek medical advice/attention.
	P362+P364	Take off contaminated clothing and wash it before reuse.
	P302+P352	IF ON SKIN: Wash with plenty of soap and water.
	P333+P313	If skin irritation or occurs - seek medical advice/attention.
	P301 + P310	IF SWALLOWED: Immediately call a POISON CENTER.
	P308 + P313	IF exposed or concerned: Get medical advice/attention.
	Storage	
	P401	This product must be stored fit for purpose silos / tanks approved by Platinum Blasting Services. Alternative storage approach might be used if a risk assessment is conducted and reviewed by Platinum Blasting Services.
	Disposal statements	
	P503	Refer to Platinum Blasting Services disposal instructions in Section 13.

Section 3 – Composition & Information on Ingredients

Ingredient	CAS	Content	Ingredient classification (as per GHS)
Ammonium nitrate	6484-52-2	> 92%	H272 H319
Fuels, Diesel No 2	68476-34-6	< 7%	H227 H304 H332 H351 H411
Non-hazardous component (s)	Various	< 1%	

Section 4 – First Aid Measures

Contact a Poisons Information Centre Ph 131 126 (Australia) or doctor.

Eye contact	If this product comes in contact with the eyes: - Wash out immediately with fresh running water. - Ensure complete irrigation of the eye by keeping eyelids apart and away from eye and moving the eyelids by occasionally lifting the upper and lower lids. Seek medical attention without delay; if pain persists or recurs seek medical attention. Removal of contact lenses after an eye injury should only be undertaken by skilled personnel.
Skin contact	If skin contact occurs: - Immediately remove all contaminated clothing, including footwear. - Flush skin and hair with running water (and soap if available). Seek medical attention in event of irritation.
Inhalation	In case of inhalation, remove affected person to a safe place without other becoming exposed. Contaminated clothing should be removed, and remaining clothes loosened. Assist patient if necessary to a comfortable position and keep at rest until fully recovered. Ensure affected person is kept warm and comfortable. Should the affected person experience breathing difficulties / develop bluish discolouration of the skin (which indicates Cyanosis- lack of oxygen in the blood), ensure airways are clear of any obstruction and have medical personal (or other qualified persons) administer oxygen via face mask. In the event that breathing is not present or ceases administer artificial respiration and seek urgent medical assistance.
Ingestion	Rinse mouth with water. If swallowed, do NOT induce vomiting, drink water, and seek medical advice. Notes for the doctor: - Treat for exposure to Nitrates, may cause methemoglobinemia, - Cyanosis is detectable (clinically) when approx. 15% of haemoglobin has been converted to methaemoglobin. Special treatment: - Treat with 100% oxygen - via face mask. - Treat eye, skin contact and ingestion – treat as above. - Monitor blood pressure. - Treat hypotension if required. - Methaemoglobin level above 40%, give methylene blue – 1-2mg/kg body mass in a 1% solution by slow intravenous injection. If cyanosis persists after one hour – provide a second dose of 2mg/kg body mass. Total dose should not exceed 7mg/kg body mass as side effects including: chest pain, vomiting, diarrhoea, mental confusions, dyspnoea and cyanosis may result. - Level more than 40% methaemoglobin require bed rest. - Monitor and provide oxygen for minimum of two hours following treatment with methylene blue - If condition is unstable transfer to facility able to perform haemoperfusion – remove nitrates from the blood. - Following inhalation of oxides of nitrogen (NOx) – affected persons should be monitored in hospital for 24 hours in case of delayed onset of pulmonary oedema. - Follow up should be performed 2-3 weeks following exposure in case of inflammation/ changes of bronchiolitis fibrosa obliterans.

Section 5 – Fire Fighting Measures

ANFO can be present at Platinum manufacturing facilities, transport tanks, mines service plants and MPU in quantities higher than 1 tonne.

Suitable extinguishing media	If fire occurs in the transport truck or in MPU (cabin, engine, etc), use the vehicle fire extinguisher. If fire persists and looks likely to reach MPU bins or hose reel, evacuate the area to a distance determined by Platinum Blasting Services. If fire occurs in the MPU pump (exit of the bin), shutdown the MPU system and use water. If fire persists, evacuate the area. DO NOT fight fires that contain explosives.	
Special Hazards arising from the substrate or mixture	Explosive material. Avoid all ignition/ heat sources. Brown fumes indicate the presence of oxides of nitrogen (toxic) common if burning in semiconfined or confined environment.	
Advice for firefighters	Fire Fighting	Explosive material. Small Fire - Fire fighters to wear self-contained breathing apparatus if there is a risk of Inhalation of vapours. - If explosive is not actually burning, cautiously remove as much product as possible from the heat source to a safe distance. - If explosive is burning – EVACUATE area immediately – DO NOT fight fire Major Fire - May present the risk of explosion. - Any detonation in close proximity may also result in explosion. - Severe explosive hazard when subjected to shock or exposed to heat - Confined burning may result in detonation.
	HAZCHEM	E

Section 6 – Accidental Release Measures

Personal precautions	Isolate any source of ignition, avoid friction or impact. Protective equipment should be worn to prevent contact with skin and / or eyes and breathing equipment to prevent inhalation of dust /vapours etc, any personnel not required or without protective equipment should be removed from the area.
Environmental precautions	Clean up immediately using with non-metallic implements (spark free shovel) to avoid friction and impact when collecting material. Addition of water to the spilt material is recommended. Scoop up material and collect in properly labelled containers, with loose fitting lids and properly labelled, for disposal. This material is classified as a Security Sensitive Ammonium Nitrate (SSAN). Spillage recovery needs to be appropriately documented and material accurately accounted for. For large spillage (> 100kg), do not use large equipment to collect spilt material (front loader). Alert site fire brigade and tell them location and nature of hazard. DO NOT mix fresh with recovered material. Ensure that contaminated material, like clothing, is thoroughly washed before re use and surfaces (truck, MPU, floor in manufacturing plants) are decontaminated before re-start. Avoid spilt and pick up material to contact any organic matter including fuel, solvents, sawdust, paper or cloth and other incompatible materials like copper / brass, as secondary reactions may result. Prevent entry of the product into cavities or drainage systems such as sewers, drains, waterways, streams, ponds or basements or confined areas. If contamination of drains or waterways occurs advise emergency services.
Transport Accident	In the event of transport accident notify: Police, Explosive Inspector and Platinum Blasting Services.

Section 7 – Handling and Storage

ANFO is handled by mechanical means in the MPU by pumps and augers. ANFO has been designed for manufacture and delivery in one step into a blast hole. Therefore, storage of the product in the MPU manufacture or another type of storage is not allowed. Small samples of less than 1kg can be stored for assessment (quality, density check, etc).

Handling - General Information	Platinum employees must wear PPE when handling the product – see Section 8. ANFO can be handled in controlled areas (manufacturing plants, tankers, bench at mines), by trained personnel. ANFO is handled by mechanical means like pumps, therefore, the potential contact product - field personnel are limited to taking samples for density, drippings from the hose when moving between blast holes. In normal conditions, products should not find any product / surface that are incompatible with. The products do not produce mist or sprays or dusts. Always wash hands after handling and before smoking, eating, drinking or using the toilet.
Conditions for safe Storage and handling, including any incompatibilities	This product is not designed for storage in bulk. The product is blended and delivered into blast holes by a MPU using Platinum Blasting Services technology. Platinum employees must wear PPE when handling the product – see Section 8. ANFO is handled in the MPU using Platinum approved pumps. It is suggested to clean the hose while loading the last blast holes in the bench. Small samples can be taken in field when the trucks make the product – for example to measure density of the final product and monitor crystallisation, etc. Where possible use plastic elements to handle the product (plastic containers, plastic spatula, etc). A site-specific risk assessment must be conducted if the sample needs to be stored over time – it should be in a 1.1D licensed magazine for not more of 20 days. Consider compatibility with any other product already stored in the magazine. Small samples of ANFO could also be made at Platinum laboratories. Platinum has specific procedures for those situations. Remove contaminated clothing and protective equipment before entering eating areas. Keep product away from heat (truck's exhaust or any other hot surface), flammables or combustibles. Keep cool, dry and away from incompatible materials (for example solution for gassing). Samples taken to conduct density measurements during manufacturing and delivery can be returned to the MPU's hopper. Deteriorated product. Should the product deteriorate / breakdown during pumping, consult a Platinum specialist personnel BEFORE attempting to continue pumping this product.
Incompatibilities	Do not store with: • Tetranitromethane • Dichloroisocyanuric acid • Trichloroisocyanuric acid • Any • Chlorate • Bromate • Chlorite • Hypochlorite • Chloroisocyanurate • Any Inorganic Nitrite

Section 8 – Exposure Controls & Personal Protection

In standard operations, operators should not be exposed as the product is moved using pumps. The products do not produce mist or sprays or dusts during manufacture.

Exposure controls measures	ANFO exposure limits have not been determined by Safe Work Australia or any other agency. However, it is recommended to follow the available exposure limits for the raw materials (diesel, oils and ammonium nitrate) and potential by-products (NO ₂).				
		TWA		STEL	
		ppm	mg/m ³	ppm	mg/m ³
	Ammonium Nitrate		10		
	NO ₂ [i]	3	5.6	5	9.4
	Oils [ii]	Poses no unreasonable risk to human health based on Tier I assessment under the NICNAS IMAP assessment framework.			

Appropriate engineering controls	Under normal conditions, the product manufacturing is conducted in an enclosed system. Additionally, the product is manufactured in an open environment (bench on a mine site). Therefore, over-exposure to airborne concentration to oil mix or NOx is not expected to occur.	
Individual protection measures, such as Personal Protective Equipment (PPE)	The minimum recommended PPE and their standard when the product is handled is as follows.	
		AS/NZS 1337.1:2010, Personal eye protection Eye and face protectors for occupational applications
		AS NZS 4501.1 - 2008 Occupational protective clothing - Guidelines select, use, care and maintenance
		AS/NZS 2161.1:2016, Occupational protective gloves, Part 1: Selection, use and maintenance. AS/NZS 2161.3:2020, Occupational protective gloves, Part 3: Protection against mechanical risks
		AS/NZS 2210.1:2010 Safety, protective and occupational footwear - Guide to selection, care and use.

Section 9 – Physical and Chemical Properties

Physical state	Prill – granular solid	pH (as supplied)	N/A
Colour	Off-white, pink when doped	Viscosity (Pa*S)	N/A
Odour	Kerosene	Solubility in water	Partially
Melting / freezing point (°C)	< 0°C	Surface Tension (dyn/cm)	N/A
Initial boiling point and boiling range (°C)	N/A	Vapour pressure (kPa)	N/A
Flammability	Explosive	Relative density (Water = 1)	0.7-0.9
Upper Explosive Limit (%)	N/A	Vapour density (Air = 1)	N/A
Lower Explosive Limit (%)	N/A	Explosion Data – Sensitivity to Mechanical Impact	Not sensitive to mechanical impact events present at the manufacturing plant, transport truck, service plant or MPU.
Flash point (°C)	>60°C	Explosion Data – Sensitivity to Static Discharge	Not sensitive to static discharge.
Auto-ignition temperature (°C)	N/A	Explosive properties	Explosive
Decomposition temperature	N/A	Molecular weight (g/mol)	N/A
Evaporation rate	N/A		

Section 10 – Stability and Reactivity

ANFO is made in a controlled environment (mine site) and risk assessment have been conducted to prevent any unwanted reaction with materials present at the bench.

Reactivity	When manufacturing and delivering into the blasthole reactivity may occur with the type of ground being blasted. It is advised to conduct reactive ground testing to check for suitability between this product and the ground.
Chemical Stability	Products are stable under the conditions present at the MPU. However, product may crystallise – if this occurs, production must stop. Platinum Blasting Services technical personnel must be contacted.
Conditions to avoid	Avoid exposure to friction, heat, shock, sources of ignition, and open flame. Potential source of heat / fire is a malfunctioning of the pumps (causing dead heading or dry running) in the MPU. Evidence shows that MPU having products similar to ANFO have detonated once catching fire [3].

Incompatible materials	Under normal conditions of manufacture and delivery into blast holes at mine sites, the chances of the product to get in contact with incompatible chemicals should not occur. Materials which could react with ammonium nitrate are tetranitromethane, dichloroisocyanuric acid, trichloroisocyanuric acid, bromates, chlorates, chlortites, hypochlorites, permanganates, perchlorates, chloroisocyanurates, strong alkalis, strong acids, any combustible material and metal powders. However, these materials are not expected to be present during the life cycle of the product.
Hazardous decomposition products	Under normal conditions of use, at the mine sites, ANFO is stable. However, nitrogen oxides and carbon monoxide may be emitted under heat – see “conditions to avoid” above. Products can also emit NOx after blasting if procedures for loading and gassing are not followed. However, this will happen long after the product has been manufactured.

Section 11 – Toxicological Information

ANFO components do not react with each other and as a result no different chemicals are formed. These products are stable during manufacture in the MPU and also stable over time when in the blast hole. Additionally, the products are only handled in a closed circuit by pumps in the MPU. Contact with the product could happen during quality control / density check or dripping on the ground at the mine. However, data from individual components will be shown in this section.

Acute toxicity	There is no LD50 data available for the Hydra Matrix Series product. Ammonium nitrate, the Oral LD50 (rat) = 2217 mg/kg, Dermal LD50 (rabbit): 3000 mg/kg. [iii]
Skin corrosion / Irritation	While no data are available for ammonium nitrate, no significant adverse effects were reported following skin sensitisation exposure to another nitrate compound which contained both of the constituent ions of the chemical. In a skin sensitisation study (local lymph node assay: OECD TG 429), mice were exposed to calcium ammonium nitrate at doses of 0 %, 10 %, 25 % and 50 % (five animals per/dose) on three consecutive days. The test groups had calcium ammonium nitrate applied directly to the dorsal surface of both ears. While erythema was shown to occur in all animals at 50 % and in one animal at 25 %, the stimulation index (SI) for skin sensitisation was reported to be <3. Therefore the chemical is not considered to be a skin sensitizer. Additionally, no change in body weight, no mortality, no systemic toxicity or oedema was reported for any treatment group of animals (REACH) [iv]
Serious eye damage / irritation	In an OECD guideline study (TG 405), 100 mg of ammonium nitrate was applied to the eyes of rabbits over a 24-hour exposure period. It was reported that animals tested had an average score for redness of the conjunctivae of >2.5 during the first 3 days after exposure. The effects were reported to be fully reversible within 7-10 days (REACH). In another study in rabbits, ammonium nitrate was reported to be moderately irritating to the eyes, causing conjunctival effects and mild iritis (inflammation), although no corneal effects were noted. The effects were reported to be fully reversible after 7 days (REACH). There is sufficient evidence to classify ammonium nitrate as an eye irritant (H319) [iv].
Respiratory or skin sensitisation	The chemical was not found to be a skin irritant in New Zealand White rabbits when tested according to OECD Test Guideline (TG) 404. Rabbits were exposed to 0.5 g of the chemical under occlusive conditions moistened with water, over four hours and observed during a 72 hour period (at 1, 25, 48 and 72 hours). It was reported that exposure to the chemical resulted in low Draize scores with no reported oedema (swelling) or erythema (redness) (REACH) [iv].
Germ cell mutagenicity	Data not available
Carcinogenicity	Data not available
Reproductive toxicity	Data not available
Specific Target Organ Toxicity (STOT)— single exposure	Data not available
Specific Target Organ Toxicity (STOT)— repeated exposure	Data not available
Aspiration hazard	A case study in humans reported that no systemic oral toxicity was observed in 23 patients who had taken up to 9 g of ammonium nitrate daily for an undefined period of time. The chemical was taken as a preventive treatment for calcium phosphate renal stones (OECD 2007; REACH). Another case study reported oral ingestion of the chemical (single doses between 64 and 234 grams) by five patients which did not cause severe toxic effects. However, some patients experienced gastritis (inflammation of the lining of the stomach), slightly increased methaemoglobin levels, and mild hypertension (high blood pressure) (OECD 2007; REACH)[iv].

Section 12 – Ecological Information

ANFO has not been tested for aquatic toxicity or other ecotoxicological effects. However, if product enters water way, ammonium nitrate will start slowly leaching from the product after 30 days. Therefore, the ecological information of the product is based on the ecological information of ammonium nitrate.

Ecotoxicity	Toxicity of nitrates (Ammonium nitrate, calcium nitrate, calcium nitrate double salt, magnesium nitrate, Nitcal-K, potassium nitrate and sodium nitrate were evaluated) to fish [v]. - Acute – LC50 >100 mg/L - Long term - NOEC 58 mg/L (study on sodium nitrate) Toxicity of nitrates to aquatic invertebrates: - Acute – LC50 >100 mg/L - Long term - unavailable
Persistence and degradability	The mixture itself has not been tested for aquatic toxicity or other eco-toxicological effects, and therefore the classification of the mixture is based on the classification of individual components. This material has been classified as non-hazardous, Acute toxicity estimate (based on ingredients): >100 mg/L The product is not classified as environmentally hazardous. However, this does not exclude the possibility that large or frequent spills can have a harmful or damaging effect on the environment.
Bioaccumulative potential	No data is available on ammonium nitrate.
Mobility in soil	No data is available on ammonium nitrate.
Other adverse effects	No data is available on ammonium nitrate.

Section 13 – Disposal Considerations

ANFO, under unexpected conditions, could crystallise. Platinum Blasting Services will provide guidance for the disposal of the product. ANFO is classified as a Security Sensitive Explosive (SSE) in Australia, disposal of material needs to be appropriately documented and material accurately accounted for.

Section 14 – Transport Information

ANFO is classified as Dangerous Goods by the criteria of the Australian Dangerous Goods Code (ADG Code) for Transport by Road and Rail. The transport information for these cases is provided below.

Road and Rail Transport	UN No:	0082
	Proper Shipping Name or technical name	EXPLOSIVE, BLASTING, TYPE B
	Transport Hazard Class:	1.1D
	Packing group	II
	Dangerous Goods Class Label	
	Hazchem or Emergency Action code	E
Marine Transport	UN No:	0082
	Proper Shipping Name or technical name	EXPLOSIVE, BLASTING, TYPE B
	Transport Hazard Class:	1.1D
	Packing group	II
	Dangerous Goods Class Label	
	Hazchem or Emergency Action code	F-B (Fire), S-Y (Spill)
Air Transport	TRANSPORT PROHIBITED under the International Air Transport Association (IATA) Dangerous Goods Regulations for transport by air in passenger aircraft and cargo aircraft.	

Section 15 – Regulatory Information

Hazard Classification	The hazard classification has been based on ANFO's main components - ammonium nitrate, diesel and oils. These or parts of these components are classified as Hazardous chemicals by SafeWork Australia. AICIS report was consulted to prepare this SDS [vi]. This material is hazardous according to Safe Work Australia: HAZARDOUS SUBSTANCE.
Dangerous Good classification	ANFO is classified as Dangerous Goods by the criteria of the Australian Code for the Transport of Explosives by Road and Rail.
Security	Chemicals used in the preparation of ANFO are included in the list of 96 'Chemicals of Security Concern' identified by the Council of Australian Governments (COAG). This listing has an additional note for Security Sensitive Ammonium Nitrate (SSAN), where specific state-based restrictions apply: 'ammonium nitrate, ammonium nitrate emulsions and ammonium nitrate mixtures containing greater than 45 per cent ammonium nitrate excluding solutions' (SafeWork SA). Losses, theft, attempted theft and unexplained discrepancies shall be reported to authorities. Record keeping and licensing of individuals shall be required and maintained.
Poison schedule	None allocated.

Section 16 – Other Information

The following sources were consulted in the preparation of this SDS:

Model Code of Practice: Preparation of safety data sheets for hazardous chemicals – SafeWork Australia
Classifying hazardous chemicals, National guide, SafeWork Australia 2020
Hazardous Chemical Information System (HCIS) - <http://hcis.safeworkaustralia.gov.au/>
Chemical assessment database at <https://www.industrialchemicals.gov.au/chemical-information/search-assessments>
Australian Code for the Transport of Dangerous Goods by Road & Rail
Model Work Health and Safety Regulations as at 1 January 2021 as released by Safe Work Australia
The chemical is also included in the list of 96 'Chemicals of Security Concern' identified by the Council of Australian Governments (COAG).
National Library of Medicine (NIB)
European Chemical Agency (ECHA)
Cameo chemicals

Abbreviations

ADG	Australian Dangerous Goods
ECHA	The European Chemical Agency
MPU	Mobile processing unit
GHS	Globally Harmonised System
Kg	Kilogram
NOEC -	No Observed Effect Concentration
SSAN	Security sensitive ammonium nitrate
SSE	Security Sensitive Explosive
TWA	The time weighted average airborne concentration of a particular substance when calculated over an eight-hour working day, for a five-day working week.
STEL	Short Term Exposure Limit, the airborne concentration of a particular substance calculated as a time-weighted average of 15 minutes, which should not be exceeded at any time during a normal eight-hour workday.

Disclaimer

To the best of our knowledge the information contained within this document is accurate at the time of publishing. Platinum Blasting Services assumes no liability whatsoever for the accuracy or completeness of information contained herein. Since Platinum Blasting Services cannot anticipate or control the conditions under which the product may be used, each user must, prior to use assess and control the risks associated with the application of the product.

For any clarification or further information please contact Platinum Blasting Services. This product is supplied under Platinum Blasting Services standard terms and conditions unless otherwise agreed prior.

- i <https://echa.europa.eu/substance-information/-/substanceinfo/100.030.234>
- ii <https://www.industrialchemicals.gov.au/chemical-information/search-assessments?assessmentcasnumber=8012-45-1#cas-number>
- iii <https://www.cdc.gov/niosh-nrccs/BR&A1790.html>
- iv https://www.industrialchemicals.gov.au/sites/default/files/Nitric%20acid%20%20ammonium%20salt_Human%20health%20tier%20I%20assessment.pdf
- v <https://echa.europa.eu/registration-dossier/-/registered-dossier/15999/6/2/1>
- vi <https://www.industrialchemicals.gov.au/chemical-information/search-assessments?assessmentcasnumber=6484-52-2>

Cast Boosters

SDS: P-7 Version: 8

Safety Data Sheet

Revision Date: 05/21/2018



SECTION 1: IDENTIFICATION

Product Identifier: Cast Boosters

Product Names and Synonyms: ACP Booster Series, Orange Cap Series, Red Cap Series, Black Cap Series, Blue Cap Series, Brown Cap Series, Green Cap Series, Purple Cap Series, White Cap Series, Gray Cap Series, NDS Booster Series, ADP Booster Series, Gold Nugget, Diamond Nugget, DES Series, DES Pentolite Charges, DES Shaped Charges, Rock Crushers, 60, 90, 110 Gram Booster, Prime Gel, Renforcateurs, HDP Series, Snow Launcher Series, Delta K Series, Avalanche Guard, Hornet Series, Enviroprime Series, Electro Star Series, E-Star Series, Seisprime Series, Oil Well Special Series, DP Series, Crack Shot Series, Eagle Series, Trenchprime Series

Intended Use: As a commercial explosive.

Intended Users: For use only under strictly controlled conditions and only by qualified personnel who are fully trained in the handling and use of this product.

Name, Address, and Telephone of the Responsible Party:

Austin Powder Company
25800 Science Park Dr.
Cleveland, OH 44122
216-464-2400 during normal business hours
877-836-8286 Toll Free 24/7
www.austinpowder.com

In Case of Emergency Call CHEMTREC – TOLL FREE 24/7

800-424-9300 DOMESTIC

1-703-527-3887 INTERNATIONAL AND MARINE

SECTION 2: HAZARDS IDENTIFICATION

Classification of the Substance or Mixture:

Code	Hazard Class	Hazard Category
H201	Explosives	Division 1.1
H301	Acute toxicity, oral	3
H311	Acute toxicity, dermal	3
H361	Reproductive toxicity	2
H372	Specific target organ toxicity, repeated exposure	1

Label Elements

Danger



Hazard Statements

Explosive, mass explosion hazard
Toxic if swallowed
Toxic in contact with skin
Suspected of damaging fertility or the unborn child
Causes damage to organs through prolonged or repeated exposure

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**Precautionary Statements**

Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking.
 Do not breathe dust or fumes.
 Do not subject to grinding, friction, impact or shock.
 Do not eat, drink or smoke when using this product.
 Wear eye protection, protective gloves recommended.
 IF SWALLOWED: Get immediate medical attention. DO NOT induce vomiting.
 IF ON SKIN: Wash contact area with soap and water. If irritation occurs, get medical attention.
 Take off contaminated clothing and wash before reuse.
 IF INHALED: Remove person to fresh air. Keep at rest in a position comfortable for breathing.
 IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists, get medical attention.
 If exposed or concerned, or you do not feel well: Get medical attention.
 Store locked-up in a ventilated space, in accordance with all applicable regulations.
 Dispose of contents/container in accordance with all applicable regulations.

Other Hazards:

In case of fire: Extreme risk of explosion. Evacuate area. **DO NOT** fight fire when fire reaches explosives.

Unknown Acute Toxicity: Not available

SECTION 3: COMPOSITION / INFORMATION ON INGREDIENTS

Name	Product Identifier	% (w/w)
2,4,6-Trinitrotoluene (TNT)	CAS No. 118-96-7	30-70%
Cyclonite (RDX)	CAS No. 121-82-4	0-70%
Pentaerythritol tetranitrate (PETN)	CAS No. 78-11-5	0-70%
Octogen (HMX)	CAS No. 2691-41-0	0-70%
Aluminum	CAS No. 7429-90-5	0-20%

SECTION 4: FIRST AID MEASURES

General: Never give anything by mouth to an unconscious person. If you feel unwell, get medical attention, show the label where possible.

Inhalation: Not expected to be a hazard under normal conditions of use.

Skin Contact: Not expected to be a hazard under normal conditions of use.

Eye Contact: Not expected to be a hazard under normal conditions of use.

Ingestion: Not expected to be a hazard under normal conditions of use.

Most Important Symptoms and Effects both Acute and Delayed:

Inhalation: None expected.

Skin Contact: None expected.

Eye Contact: None expected.

Ingestion: None expected.

Chronic Symptoms: None expected.

Indication of Any Immediate Medical Attention and Special Treatment Needed:

If exposed, concerned or you don't feel well, get medical attention.

**SECTION 5: FIRE FIGHTING MEASURES**

DO NOT fight fires involving Explosives. There is an extreme risk that explosives involved in a fire may detonate, especially if confined. Evacuate the area in all directions for one (1) mile or more if any amount of explosives is involved in a fire. Evacuation is recommended if the initial (incipient) fire, not involving explosives, becomes intense. General extinguishers may be used on the initial fire not involving explosives, such as electrical equipment fires, tire fires or a general plant fire. Water may be used to cool explosives not involved in the initial fire. Consult the most current Emergency Response Guidebook (ERG), Guide 112 for additional information.

Extinguishing Media

Suitable Extinguishing Media: None.

Unsuitable Extinguishing Media: For fires near explosives, dry chemical, foams, steam and smothering devices are not effective, can lead to possible explosion and must not be used.

Special Hazards Arising from the Substance or Mixture

Fire Hazard: There is an extreme risk that explosives involved in a fire may detonate.

Advice for Firefighters

Precautionary Measures: It is recommended that the amount and location of any explosives stored near a fire be determined prior to committing firefighters to fight the fire.

Firefighting Instructions: When fighting the initial fire, not involving explosives, firefighters should follow standard firefighting procedures for the materials involved.

Hazardous Combustion Products: No unusual combustion products are expected. However, toxic fumes will be present.

SECTION 6: ACCIDENTAL RELEASE MEASURES**Personal Precautions, Protective Equipment and Emergency Procedures**

General Measures: Contact the manufacturer or CHEMTREC. No smoking, open flames or flame/spark producing items in the area.

For Non-Emergency Personnel

Protective Equipment: Use appropriate personal protection equipment (PPE).

Emergency Procedures: Isolate the area from unnecessary personnel.

For Emergency Personnel

Protective Equipment: Provide cleanup crew with proper PPE.

Emergency Procedures: Stop the discharge if safe to do so. Ventilate area.

Emergency Precautions: Avoid release to the environment.

Methods and Material for Containment and Cleaning Up: Contact manufacturer or CHEMTREC.



SECTION 7: HANDLING AND STORAGE

Precautions for Safe Handling

Additional Hazards when Processed: Avoid heating explosives in a confined space. Any proposed use of this product in elevated temperature processes should be thoroughly evaluated to assure that safe operating conditions are established and maintained. A "hot work" program consistent with OSHA requirements at 29 CFR 1910.252 must be used when performing hot work on explosive process equipment, storage areas or containers related to the intended use.

Hygiene Measures: Handle in accordance with good industrial hygiene and safety procedures. Wash hands and other exposed areas with soap and water before eating, drinking, or smoking and again when leaving work. Wash contaminated clothing before reuse.

Conditions for Safe Storage, Including Any Incompatibilities

Technical Measures: May be corrosive to metals. Smoking, open flames, and unauthorized sparking or flame-producing devices are prohibited.

Storage Conditions: Storage areas should be inspected regularly by an individual trained to identify potential hazards and ensure that all safety and security control measures are being properly implemented. All explosives storage sites must comply with ATF, OSHA or NRCAN regulations.

Incompatible Materials: Avoid contamination with combustible or flammable materials, strong acids, strong bases, strong oxidizing agents, reducing agents, chlorinated compounds, copper (any alloys like bronze and brass), metal powders and peroxides.

Special Rules on Packaging: Packaging in accordance with USDOT or NRCAN regulations.

SECTION 8: EXPOSURE CONTROLS / PERSONAL PROTECTION

Occupational exposure limits:

2,4,6-Trinitrotoluene (TNT), CAS NO. 118-96-7		
USA ACGIH	ACGIH TWA	0.1 mg/m ³
USA OSHA	OSHA PELTWA)	1.5 mg/m ³
USA NIOSH	NIOSH REL (TWA)	0.5 mg/m ³
USA IDLH	US IDLH	500 mg/m ³
Alberta	OEL TWA	0.1 mg/m ³
British Columbia	OEL TWA	0.1 mg/m ³
Manitoba	OEL TWA	0.1 mg/m ³
New Brunswick	OEL TWA	0.1 mg/m ³
Newfoundland & Labrador	OEL TWA	0.1 mg/m ³
Nova Scotia	OEL TWA	0.1 mg/m ³
Nunavut	OEL Ceiling	0.5 mg/m ³
Northwest Territories	OEL Ceiling	0.5 mg/m ³
Ontario	OEL TWA	0.1 mg/m ³
Prince Edward Island	OEL TWA	0.1 mg/m ³
Québec	VEMP	0.5 mg/m ³
Saskatchewan	OEL STEL	0.3 mg/m ³
Saskatchewan	OEL TWA	0.1 mg/m ³
Yukon	OEL Ceiling	0.5 mg/m ³

Exposure Controls:

Appropriate Engineering Controls: Product should be handled and used under strictly controlled conditions. Emergency eye wash fountains and safety showers should be available in the vicinity of any potential exposure, but are not required.

Personal Protective Equipment:

Hand Protection: Chemically resistant gloves are recommended, but not required.

Eye Protection: Safety glasses with side shields or safety goggles.

Respiratory Protection: Approved respiratory protection should be worn when recommended by a risk assessment or if irritation is experienced.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES**Information on Physical and Chemical Properties:**

Appearance:	Solid
Odor:	None
Odor threshold:	Not available
Vapor density:	Not available
pH:	Not relevant
Melting point:	70°C - 75°C (158°F - 167°F)
Initial boiling point and boiling range:	Not available
Flash point (oil):	Not available
Evaporation rate:	Not relevant
Flammability:	Not available
Upper / lower flammability or explosive limits:	Not available
Vapor pressure:	Not available
Density:	1.5 – 1.7 g/cc
Solubility:	Not soluble in water
Partition coefficient: n-octol/water:	Not available
Auto-ignition temperature:	Not Available
Decomposition temperature:	210°C (410°F)
Viscosity:	Not relevant
Explosive properties:	Mass detonation hazard when involved in a fire
Explosion Data – Sensitivity to Mechanical Impact:	Not sensitive to mechanical impact
Explosion Data – Sensitivity to Static Discharge:	Not sensitive to static discharge

SECTION 10: STABILITY AND REACTIVITY

Reactivity and Chemical Stability: Stable and non-reactive under normal conditions of transportation, storage, handling and use.

Possibility of Hazardous Reactions: Polymerization will not occur.

Conditions to Avoid: Open flame and elevated temperatures.

Incompatible Materials: Avoid contamination with combustible or flammable materials, strong acids, strong bases, strong oxidizing agents, reducing agents, chlorinated compounds, copper (any alloys like bronze and brass), metal powders and peroxides.

Hazardous Combustion Products: No unusual combustion products are expected. However, toxic fumes will be present.



SECTION 11: TOXICOLOGY INFORMATION

Acute Toxicity:	Not classified
LD50 and LC50 Data:	Not available for product
Skin Corrosion/Irritation:	Not classified
Eye Damage/Irritation:	Not classified
Respiratory or Skin Sensitization:	Not classified
Germ Cell Mutagenicity:	Not classified
Teratogenicity:	Not available
Carcinogenicity:	Not classified
Reproductive Toxicity:	Not classified
Specific Target Organ Toxicity (Single Exposure):	None
Specific Target Organ Toxicity (Repeated Exposure):	None
Aspiration Hazard:	Not classified
Symptoms/Injuries after Inhalation:	Not expected to be a hazard under normal conditions of use.
Symptoms/Injuries after Skin Contact:	Not expected to be a hazard under normal conditions of use
Symptoms/Injuries after Eye Contact:	Not expected to be a hazard under normal conditions of use.
Symptoms/Injuries after Ingestion:	Not expected to be a hazard under normal conditions of use.
Chronic Symptoms:	None

LD50 and LC50 Data (Ingredients):

2,4,6-Trinitrotoluene (TNT), CAS No. 118-96-7	
ATE US (oral)	100 mg/kg of body weight
ATE US (dermal)	300 mg/kg of body weight
ATE US (dust)	0.5 mg/kg of body weight
IARC	3

Cyclonite (RDX), CAS No. 121-82-4	
LD50 Oral Rat	100 mg/kg of body weight
LC50 Inhalation Rat	> 88.8 mg/l/4h

Octogen (HMX), CAS No. 2691-41-0	
LD50 Oral Rat	1,670 mg/kg
LD50 Dermal Rat	982 mg/kg species: New Zealand White

**SECTION 12: ECOLOGY INFORMATION**

Not available

SECTION 13: DISPOSAL CONSIDERATIONS

Call manufacturer or CHEMTREC.

SECTION 14: TRANSPORTATION INFORMATION

Agency	UN Number	Proper Shipping Name	Hazard Class	Label Codes	PG	Marine Pollutant	Other
US DOT	UN0042	Boosters, <i>without detonator</i>	1.1D	1.1D		No	ERG-112
Canadian TDG	UN0042	Boosters, <i>without detonator</i>	1.1D	1.1D		No	--
IMDG (Vessel)	UN0042	Boosters, <i>without detonator</i>	1.1D	1.1D		No	EmS-No, Fire: F-B Spillage: S-X
IATA (Air)	Contact the manufacturer.						

SECTION 15: REGULATORY INFORMATION**US Federal Regulations:**

Emergency Planning and Community Right-To-Know Act (EPCRA), a/k/a Superfund Amendments and Reauthorization Act (SARA) Title III

Toxic Substances Control Act (TSCA)

TSCA Section 8

SARA Section 311/312	Fire hazard Sudden Release of pressure hazard. Immediate (acute) health hazard Delayed (chronic) health hazard
TSCA	All the ingredients are on the United States TSCA inventory.

Canadian Regulations:

Domestic Substances List (DSL)

Workplace Hazardous Materials Information System (WHMIS)

WHMIS Classification	Note: Explosives are regulated by NRCAN and not classified under WHMIS
DSL	All ingredients are listed on the Canadian DSL

SECTION 16: OTHER INFORMATION, INCLUDING DATE OF LAST REVISION

This SDS was prepared in accordance with US (29 CFR 1900.1200) and Canadian (WHMIS 2015) requirements.

SDS: P-7

Initial Issue Date: 06/01/2015

Last Revision Date: 05/21/2018

Version: 8

Party Responsible for the Preparation of This Document:

Austin Powder Company
Cleveland, OH 44122
216-464-2400

This information is based on Austin Powder Company's current knowledge and is intended to describe the product for the purposes of health and safety requirements only. It should not be construed as guaranteeing any specific property of the product.

Detonating Cord

SDS: P-8 Version: 6

Safety Data Sheet

Revision Date: 07/05/2016



SECTION 1: IDENTIFICATION

Product Identifier: Detonating Cord
Product Names and Synonyms: Lite Line, Scotch Cord, A-Cord, No. 10 to No. 400 cord series, Seismic Detonating Cord, Slide Line Series, Special Series, Detonating Cords, *Cordeau detonant fuse*
Intended Use: As a commercial explosive.
Intended Users: For use only under strictly controlled conditions and only by qualified personnel who are fully trained in the handling and use of this product.

Name, Address, and Telephone of the Responsible Party:

Austin Powder Company
25800 Science Park Dr.
Cleveland, OH 44122
216-464-2400 during normal business hours
877-836-8286 Toll Free 24/7
www.austinpowder.com

In Case of Emergency Call CHEMTREC – TOLL FREE 24/7
800-424-9300 DOMESTIC
1-703-527-3887 INTERNATIONAL AND MARINE

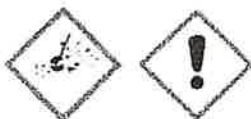
SECTION 2: HAZARDS IDENTIFICATION

Classification of the Substance or Mixture:

Code	Hazard Class	Hazard Category
H201	Explosives	Division 1.1
H302	Acute toxicity, oral	4

Label Elements

Danger



Hazard Statements

Explosive, mass explosion hazard
Harmful if swallowed

Precautionary Statements

Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking.
Do not breathe dust or fumes.
Do not subject to grinding, friction, impact or shock.
Do not eat, drink or smoke when using this product.
Wear eye protection, protective gloves recommended.
If exposed or concerned, or you do not feel well: Get medical attention.
Store locked-up in a ventilated space, in accordance with all applicable regulations.
Dispose of contents/container in accordance with all applicable regulations.

**Other Hazards:**

In case of fire: Extreme risk of explosion. Evacuate area. **DO NOT** fight fire when fire reaches explosives.

Unknown Acute Toxicity: Not available

SECTION 3: COMPOSITION / INFORMATION ON INGREDIENTS

Name	Product Identifier	% (w/w)
Pentaerythritol tetranitrate (PETN)	CAS No. 78-11-5	20 - 80%

SECTION 4: FIRST AID MEASURES

General:	Never give anything by mouth to an unconscious person. If you feel unwell, get medical attention, show the label where possible.
Inhalation:	Not expected to be a hazard under normal conditions of use.
Skin Contact:	Not expected to be a hazard under normal conditions of use.
Eye Contact:	Not expected to be a hazard under normal conditions of use.
Ingestion:	Not expected to be a hazard under normal conditions of use.

Most Important Symptoms and Effects both Acute and Delayed:

Inhalation:	None expected.
Skin Contact:	None expected.
Eye Contact:	None expected.
Ingestion:	None expected.
Chronic Symptoms:	None expected.

Indication of Any Immediate Medical Attention and Special Treatment Needed:

If exposed, concerned or you don't feel well, get medical attention.

SECTION 5: FIRE FIGHTING MEASURES

DO NOT fight fires involving Explosives. There is an extreme risk that explosives involved in a fire may detonate, especially if confined. Evacuate the area in all directions for one (1) mile or more if any amount of explosives is involved in a fire. Evacuation is recommended if the Initial (incipient) fire, not involving explosives, becomes intense. General extinguishers may be used on the initial fire not involving explosives, such as electrical equipment fires, tire fires or a general plant fire. Water may be used to cool explosives not involved in the initial fire. Consult the most current Emergency Response Guidebook (ERG), Guide 112 for additional information.

Extinguishing Media

Suitable Extinguishing Media: None.

Unsuitable Extinguishing Media: For fires near explosives, dry chemical, foams, steam and smothering devices are not effective, can lead to possible explosion and must not be used.



Special Hazards Arising from the Substance or Mixture

- Fire Hazard:** There is an extreme risk that explosives involved in a fire may detonate.
- Advice for Firefighters**
- Precautionary Measures:** It is recommended that the amount and location of any explosives stored near a fire be determined prior to committing firefighters to fight the fire.
- Firefighting Instructions:** When fighting the initial fire, not involving explosives, firefighters should follow standard firefighting procedures for the materials involved.
- Hazardous Combustion Products:** No unusual combustion products are expected. However, toxic fumes will be present.

SECTION 6: ACCIDENTAL RELEASE MEASURES

Personal Precautions, Protective Equipment and Emergency Procedures

- General Measures:** Contact the manufacturer or CHEMTREC. No smoking, open flames or flame/spark producing items in the area.
- For Non-Emergency Personnel**
- Protective Equipment:** Use appropriate personal protection equipment (PPE).
- Emergency Procedures:** Isolate the area from unnecessary personnel.
- For Emergency Personnel**
- Protective Equipment:** Provide cleanup crew with proper PPE.
- Emergency Procedures:** Stop the discharge if safe to do so. Ventilate area.
- Emergency Precautions:** Avoid release to the environment.
- Methods and Material for Containment and Cleaning Up:** Contact manufacturer or CHEMTREC.

SECTION 7: HANDLING AND STORAGE

Precautions for Safe Handling

- Additional Hazards when Processed:** Avoid heating explosives in a confined space. Any proposed use of this product in elevated temperature processes should be thoroughly evaluated to assure that safe operating conditions are established and maintained. A "hot work" program consistent with OSHA requirements at 29 CFR 1910.252 must be used when performing hot work on explosive process equipment, storage areas or containers related to the intended use.
- Hygiene Measures:** Handle in accordance with good industrial hygiene and safety procedures. Wash hands and other exposed areas with soap and water before eating, drinking, or smoking and again when leaving work.



Conditions for Safe Storage, Including Any Incompatibilities

Technical Measures:	Smoking, open flames, and unauthorized sparking or flame-producing devices are prohibited.
Storage Conditions:	Storage areas should be inspected regularly by an individual trained to identify potential hazards and ensure that all safety and security control measures are being properly implemented. All explosives storage sites must comply with ATF, OSHA or NRCAN regulations.
Incompatible Materials:	Avoid contamination with combustible or flammable materials, strong acids, strong bases, strong oxidizing agents, reducing agents, chlorinated compounds, copper (any alloys like bronze and brass), metal powders and peroxides.
Special Rules on Packaging:	Packaging in accordance with USDOT or NRCAN regulations.

SECTION 8: EXPOSURE CONTROLS / PERSONAL PROTECTION

Occupational exposure limits:	Not available
Exposure Controls:	
Appropriate Engineering Controls:	Product should be handled and used under strictly controlled conditions.
Personal Protective Equipment:	
Hand Protection:	Chemically resistant gloves are recommended, but not required.
Eye Protection:	Safety glasses with side shields or safety goggles.
Respiratory Protection:	Approved respiratory protection should be worn when recommended by a risk assessment or if irritation is experienced.

SECTION 9: PHYSICAL AND CHEMICAL PROPERTIES

Information on Physical and Chemical Properties:

Appearance:	Small diameter rope with white powdery core
Odor:	None
Odor threshold:	Not available
Vapor density:	Not available
pH:	Not relevant
Melting point:	140°C (284°F)
Initial boiling point and boiling range:	Not available
Flash point (oil):	Not available
Evaporation rate:	Not relevant
Flammability:	Not available
Upper / lower flammability or explosive limits:	Not available
Vapor pressure:	Not available
Density:	Not relevant
Solubility:	Not soluble in water
Partition coefficient: n-octol/water:	Not available
Auto-ignition temperature:	Not Available
Decomposition temperature:	>150°C (300°F)
Viscosity:	Not relevant
Explosive properties:	Mass detonation hazard when involved in a fire
Explosion Data – Sensitivity to Mechanical Impact:	Sensitive to mechanical impact
Explosion Data – Sensitivity to Static Discharge:	Sensitive to static discharge

**SECTION 10: STABILITY AND REACTIVITY**

Reactivity and Chemical Stability:	Stable and non-reactive under normal conditions of transportation, storage, handling and use.
Possibility of Hazardous Reactions:	Polymerization will not occur.
Conditions to Avoid:	Open flame and elevated temperatures.
Incompatible Materials:	Strong acids
Hazardous Combustion Products:	No unusual combustion products are expected. However, toxic fumes will be present.

SECTION 11: TOXICOLOGY INFORMATION

Acute Toxicity:	Not classified
LD50 and LC50 Data:	Not available for product
Skin Corrosion/Irritation:	Not classified
Eye Damage/Irritation:	Not classified
Respiratory or Skin Sensitization:	Not classified
Germ Cell Mutagenicity:	Not classified
Teratogenicity:	Not available
Carcinogenicity:	Not classified
Reproductive Toxicity:	Not classified
Specific Target Organ Toxicity (Single Exposure):	None
Specific Target Organ Toxicity (Repeated Exposure):	None
Aspiration Hazard:	Not classified
Symptoms/Injuries after Inhalation:	Not expected to be a hazard under normal conditions of use.
Symptoms/Injuries after Skin Contact:	Not expected to be a hazard under normal conditions of use
Symptoms/Injuries after Eye Contact:	Not expected to be a hazard under normal conditions of use.
Symptoms/Injuries after Ingestion:	Not expected to be a hazard under normal conditions of use.
Chronic Symptoms:	None
LD50 and LC50 Data (ingredients):	Not available

Response to the Completeness Letter dated December 13, 2024 in regards to an 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
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210 W Main Street
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Michellehines2012@gmail.com

RECEIVED
JUN 10 2025
**UMATILLA COUNTY
COMMUNITY DEVELOPMENT**

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.
- This application provides a review of Statewide Planning Goals 1 through 14. Statewide Planning Goals 15 through 19 are not applicable.

Response to General Comments and Questions from Staff:

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.

The applicant has provided a map that includes general rock sample locations. The location identifying numbers correlate to the rock sample laboratory reports. The locations are generalized as the area has subsequently been mined.

2. Provide documentation detailing how the approximate quantity of rock was calculated to be “over 15 million tons” for the proposed Large Significant Site.

For the expansion area alone, the following math was used:

19.97 total acres

43,560 c/ft per acre

1613 c/y per acre

1 c/y = 2 tons

1613 c/y x 2 tons = 3,226 tons/acre

3226 tons x 200 feet = 645,200 tons per acre

645,200 tons per acre x 10 acres = 6,452,000 total tons

3226 tons x 150 feet = 483,900 tons per acre

483,900 tons per acre x 10 acres = 4,839,000 total tons

The current site has approximately 4,500,000 tons remaining

6,452,000 + 4,893,000 + 4,500,000 = 15,791,000 total tons

Readings in the expansion areas will allow for the quarry floor to be brought down to 200 feet. The estimates were calculated assuming that half the site would be mined to 200 feet with the other half mined to 150 feet.

3. Provide a site map identifying the proposed office, scale, rock crusher, asphalt/concrete batch plant 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.

Provided as part of the supplemental submittal is a site map that identifies where current assets are located and identifies the approximate location of assets that may be sited in the future. No concrete batch plant is requested.

4. Clarify the proposed acreage to be mined. Page 13 of the supplemental application state that the applicant is requesting 48 acres to 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 I the AR overlay approved for mining.

The original pit site surveyed by Stephen Haddock of Witness Tree Surveying dated June 6, 2024, is 27.43 acres; the expansion area as proposed is surveyed as 19.96 acres; the total site acres are 47.39 acres. The reference to 225 acres has been corrected in this version.

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.

A Safety Blasting Plan is included in the supplementary submittal. It does not prescribe, nor can it predict when blasting will occur as that will be dictated by the demand of the market. However it does identify that blasting, when done, will occur during the day between 8:00 am and 5:00 pm, that no blasting will occur on holidays, that neighbors will be informed of the blast at least 24 hours prior to the blast, that access roads will be blocked, that safety meetings will be held prior to the blast, and that staff conducting the blasting and on the site during blasting will have been trained in mine safety. Currently there are no homes or other noise sensitive sites within the impact area which will change when the Hines, the owner of the subject property and operators of the mining operation, construct the home recently approved. Their home site is proposed north and above the mining boundary and would be behind the blasting pattern as the rock wall will be mined over time.

No crushing plan is provided but crushing operations at this site will operate regularly determined by demand. The crusher will remain in roughly the same location at the bottom of the currently mined area. The crushing and processing of basalt material is different from sand and gravel and produces less dust as it does not contain the same level of 'fines,' or fine particulate matter. There is also little noise associated with the crusher operation outside of the aggregate pit boundary as the crusher is below ground level about 30 feet from the south and 80 feet from the north.

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.

Only an asphalt batch plant is requested. Due to the proximity of two vineyards no concrete plant is proposed. When a job requires a working asphalt plant at the quarry site it will be located on the west side of the subject site, closer to the entrance to allow mined products to be moving towards the exit after further processing. As with the blasting plan it is unknown exactly what the frequency or duration of an asphalt batch plant would be. When operational it would reasonably start operation in the early morning as early as 4:00 a.m. to provide material for road or other construction projects with operations continuing into the afternoon. It is not anticipated that the asphalt plant would generally be operational over night, but nighttime paving projects can and do occur and the applicant is seeking authorization to operate when needed as directed by paving project needs. The only sensitive noise receptor within the impact area will be the Hines' home sited on the same subject property. Their home is north of the aggregate site and sits above the mining area. They cannot hear mining operations at that site today based on the elevation differences created by the depth of the mining site in relation to their home site. No other noise sensitive receptors are identified.

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.

Based on a recent Planning Commission decision, the 1989 Conditional Use Permit has been recognized as authorizing the mining site and allowing its operation under that permit.

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)

The applicant is not seeking approval for a concrete batch plant, only an asphalt batch plant. Asphalt batch plants are not limited by the provisions of ORS 215.301.

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.

The impact area map originally submitted included the full mining site, meaning both the current mining area and the proposed expansion area. However, except for the Hines' home that was recently approved, the analysis is not different regardless of which 1500-foot boundary you analyze. There are no homes or other noise sensitive properties within either boundary. The farming as described in the previous analysis is not changed for this analysis.

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 Lickskillet 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 Lickskillet is classified as VIIIs; the Shano is classified as IVe and IIe or IIIe 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 begin 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.

Based on the Completeness Letter the applicant has been asked to further address conflicts with agricultural practices. Each one will be addressed here.

Noise: No sensitive noise receptors are within the 1500-foot impact area except for the recently approved dwelling on the subject property. Noise limits, set by the Oregon Department of Environmental Quality (DEQ), for daytime operations is 55 dBA and for nighttime operations would be 50 dBA. It is anticipated that noise levels at the site would be the highest between 7:00 a.m. and 4:00 p.m. and would include the noise from both the crusher and the asphalt batch plant when operational. Blasting noise would be limited and would include additional notice to property owners within the 1500-foot impact area as well as the few homes that are along the shared access road. Noise does dissipate over distance and is impacted by environmental factors such as topography and vegetation. Both the crusher and asphalt batch plant will be placed within the current hole of the mining area with the rock wall to the north significantly diminishing if not eliminating the noise from traveling to the north. Noise to the south would diminish over distance and be limited by a rock wall of about 30 feet in height with most noise at or near the DEQ limits at the 1500-foot impact area outer boundary.

Vibrations: The most significant vibration would occur with blasting activities. The mine operator will provide notice to adjoining landowners and homes along the access road prior to blasting.

Traffic: A trip generation letter was submitted as part of the original application with traffic generated by the mining operation being analyzed. The traffic leaving the mining operation would access Snow Road, a gravel county road, travel north until trucks would intersect with Oregon Trail Road, a paved ODOT facility. Dust that would be generated by this truck traffic is discussed just below.

Dust: Particulate Matter, or PM, is the primary pollutant generated from this type of operation. There is both PM 10, the larger measured emission, or PM 2.5, the smaller. Most PM generated will be of larger size and will dissipate more quickly as its weight will cause it to more quickly fall. It is important to understand that basalt rock generally creates less fine particulate matter than a sand and gravel operation. For PM within the mining boundary travel of the fugitive dust to the north will be restricted by the rock wall limiting impacts in that direction. PM created by truck traffic on the approximate 500-foot length of haul road within the site boundary and on the subject property that is not paved will have the potential to travel to the north and northeast based on prevailing winds. For that reason, the mining operator will apply water on that portion of haul road. When large projects occur, the operator may choose to apply a dust suppressant on that limited portion of haul road.

In the Completeness Letter the vineyard to the northeast of the mining operation was specifically called out related to the operation of a concrete batch plant. To again reiterate the applicant is not requesting a concrete batch plant so the provisions of ORS 215.301 are not applicable to this request. Any other impacts to the vineyard would be like other agricultural operations at a comparable distance.

(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.

Based on the Completeness Letter the applicant has been asked to further explain potential impacts, which are done above under (5)(b)(E), and best management practices for each of those impacts.

Noise: As discussed above noise will dissipate and comply with the daytime DEQ standard at the 1500-foot impact boundary to the north based on the noise generation coming from within the mining pit. Similar conditions are applicable to the south of the aggregate site, but the depth of the mining equipment is less. Based on how noise dissipates over distance compliance will be achieved at the southern boundary. To reiterate there are no noise sensitive receptors, other than the dwelling approved on the subject property, within the 1500-foot impact area.

Should they be deemed necessary there are additional sound dampening measures that can be taken including noise barriers, installation of enclosures, silencers or mufflers. It is not anticipated based on the remoteness of this site that those measures would be deemed necessary.

Vibration: The blasting of the basalt rock is the predominate activity that would create vibration that would be noticeable within the 1500-foot impact area and potentially to adjoining properties. As stated above the applicant, based on the Safety Blast Plan, will be providing notice to those adjoining landowners and homeowners along the access road. No other mitigation should be necessary.

Traffic: The type of trucks coming and going from the aggregate site would be comparable to farm trucks also using the local access road and Snow Road. Potential impacts would predominately be the generation of fugitive dust which will be discussed just below. Internal haul road speed limits will be set at 5 miles per hour to limit the generation of fugitive dust.

Dust: There are several measures that can be taken to limit the generation of fugitive dust including:

- Monitoring moisture content of exposed material
- Apply water or an approved chemical dust suppressant on a regular basis
- Install wind breaks
- Spray water at the conveyor feed during material transfer
- Maintain a clean material handling area
- Limit vehicle speeds
- Pave frequent haul roads
- Revegetate the site when and where practical

The applicant will apply water on internal haul roads, use misters as necessary on the crusher, limit vehicle speeds, and generally maintain a clean site.

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.

- (d) 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.

- (e) 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.

- (f) 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	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.
	152-059 Land Use Decisions or 152.060 Conditional Uses	

- (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	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. 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.	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. 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. 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. Consequences related to loss or interruption of quarry access. The economic benefit would be the same as that for a	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. 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 caused 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.

		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.	
	<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	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. 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.	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. 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.	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. 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.
	<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	Consequences related to new use on neighboring properties. There are no environmental consequences identified that stem from prohibiting new dwellings or social gathering	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	Consequences related to new use on neighboring properties. There could be a negative environmental consequence from noise if new dwellings and social gathering spaces

	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 environmental benefit from fewer vehicle emissions when truck travel is minimized.	limited in the impact area. New dwellings and social gathering spaces in the impact area could be authorized on the condition that the applicant accept the mining activity approved by this decision. This approach assures that a property owner will make an informed decision when locating a new use. If they decide to locate within the impact area, they will be exposed to noise impacts when mining activities are conducted on the site. <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.	were allowed in the impact area. Different than the option to limit a decision, there would be no mechanism in the county's approval process to inform property owners of the authorized mining activity. This would result in a higher possibility for a residence or social gathering space to be in the impact area and a higher potential for a negative consequence. <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.

Based on the Completeness Letter the applicant has been asked to further address the recent dwelling approval that was issued to the applicant and landowner, Jeff Hines. The proposed home is about 1,000 feet from the current boundary of the mining area and nearly 500 feet from the proposed boundary of the expansion area. The applicable standard is that processing equipment cannot be within 500 feet of the dwelling. This standard is met as the processing equipment will be generally maintained within the boundary of the current mining area. Other impacts to this dwelling were addressed earlier in this narrative where additional narrative was added concerning potential impacts.

- (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 48 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 an asphalt 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
- *Safety Blast Plan*
- *Rock Sample Map*
- *Site Plan*



Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hines Aggregate Supplementary Submittal

35 messages

mclane@eoni.com <mclane@eoni.com>

Tue, Jun 10, 2025 at 4:34 PM

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

Cc: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>

Megan,
Good afternoon.

Attached is the submittal for the Hines' aggregate application. Please reach out with questions.
Cordially,
Carla

4 attachments

 **Safety Blast Plan FINAL Compressed 06102025.pdf**
3321K

 **AMENDED Application Narrative 06082025.docx**
96K

 **Rock Sample Map.pdf**
2484K

 **SITE MAP.pdf**
2500K

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jun 10, 2025 at 4:39 PM

To: mclane@eoni.com

Cc: Megan Davchevski <megan.davchevski@umatillacounty.net>, Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net, Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>

Received. The fee for printing the materials is \$12.25, how would you like to make this payment?

[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>

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Exhibit 4 Email Chain
Page 1

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>
To: BUCHNER Cari * DGMI <cari.buchner@dogami.oregon.gov>

Wed, Jun 11, 2025 at 8:21 AM

[Quoted text hidden]

[Quoted text hidden]

4 attachments

Safety Blast Plan FINAL Compressed 06102025.pdf
3321K



AMENDED Application Narrative 06082025.docx
96K



Rock Sample Map.pdf
2484K



SITE MAP.pdf
2500K

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Michelle Hines <michellehines2012@gmail.com>

Wed, Jun 11, 2025 at 11:26 AM

Hi Michelle,

The link to pay and instructions for making the payment are below.

Please follow this link to pay the Umatilla County Zoning Permit fee:
<https://secure.cpteller.com/terminal/portal/?op=ST9IT2k8hMJY>

- * In the top drop down field, scroll down and select, "**Copies**"
- * Complete the required *Resident Information* in the left column
- * Complete the *Payment Information* in the right column
 - Payment Amount, enter "**12.25**" then <TAB> to the next field
 - Accept the Service Fee, and **Submit Payment**

Thank you,

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: Michelle Hines <michellehines2012@gmail.com>

Wed, Jun 11, 2025 at 11:50 AM

Receipts attached. Thank you.

[Quoted text hidden]



20250611114942.pdf
69K

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: mclane@eoni.com, Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>
Cc: Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net, BUCHNER Cari * DGMI <cari.buchner@dogami.oregon.gov>

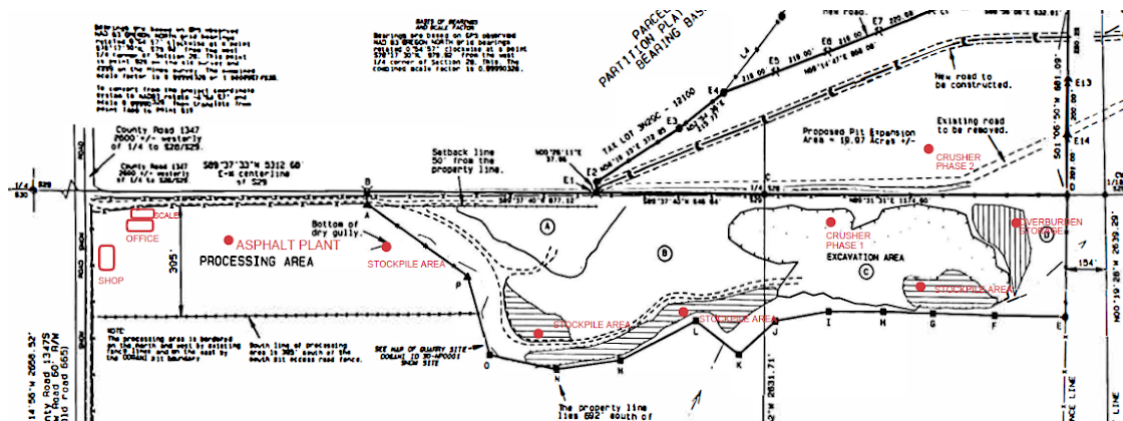
Tue, Jun 24, 2025 at 11:21 AM

Exhibit 4 Email Chain

Page 2

Good Morning,

Hoping the Applicant can answer a question for me regarding the submitted site map. Is the processing area within the proposed AR overlay zone / permit boundary?



Thanks.

On Tue, Jun 10, 2025 at 4:39 PM Megan Davchevski <megan.davchevski@umatillacounty.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thu, Jun 26, 2025 at 5:05 PM

To: mclane@eoni.com, Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>

Cc: Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

Good Afternoon,

Sending another follow up to offer the opportunity to address ORS 215.301. **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.

The application narrative briefly touches that the applicant believes this statute is not applicable to an asphalt batch plant in the response to OAR 660-023-0180 5(b)(E) Conflicts with agricultural practices.

Since an asphalt batch plant is requested staff will be including ORS 215.301 as a criterion.

Once I have clarification on my email from Tuesday I will be able to begin the mapping work which is the first step to getting the hearings scheduled. Please let me know if you have any questions.

Megan

[Quoted text hidden]

mclane@eoni.com <mclane@eoni.com>

Fri, Jun 27, 2025 at 3:52 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

Megan,

Good afternoon.

We will be working to respond to your inquiries over the next week or so.

Carla

[Quoted text hidden]

[Quoted text hidden]

Thanks.

Exhibit 4 Email Chain

Page 3

On Tue, Jun 10, 2025 at 4:39 PM Megan Davchevski
<megan.davchevski@umatillacounty.gov> wrote:

Received. The fee for printing the materials is \$12.25, how would you like to make this payment?

On Tue, Jun 10, 2025 at 4:34 PM <mclane@eoni.com> wrote:
Megan,
Good afternoon.

Attached is the submittal for the Hines' aggregate application.
Please
reach out with questions.
Cordially,
Carla

--

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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Links:

[1] <http://www.umatillacounty.net/planning>

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Fri, Jun 27, 2025 at 3:53 PM

To: mclane@eoni.com

Cc: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

Thank you for the response.

[Quoted text hidden]

--



Megan Davchevski, CFM

Planning Division Manager

Community Development Department

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Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jul 8, 2025 at 11:36 AM

To: mclane@eoni.com

Cc: Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>, Robert Waldher <robert.waldher@umatillacounty.net>, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

Exhibit 4 Email Chain

Page 5

Good Morning,

Following up on my initial email sent June 24th. As a reminder I cannot schedule the hearings until the proposed zoning and site boundary is clearly identified.

Best,

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 9, 2025 at 11:23 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

Good Morning Megan

I am following up to answer your question regarding the processing area being within the proposed AR overlay zone/permit boundary? The answer is yes everything within the boundary line is in the proposed permit boundary.

Please feel free to reach out with any further questions

Kensi Phipps

HNS, Inc.

PO Box 126

Echo, OR 97826

541-962-0100



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On Tue, Jul 8, 2025 at 11:52 AM Michelle Hines <michellehines2012@gmail.com> wrote:

[Quoted text hidden]



Jul 9, Doc 1.pdf
834K

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Wed, Jul 9, 2025 at 11:28 AM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

Hi Kensi,

Is someone able to provide a more clear map identifying the proposed boundary? It is difficult to distinguish on the provided site map where this line is.

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 9, 2025 at 11:36 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Exhibit 4 Email Chain

Page 6

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

I am happy to do this. Would highlighting the proposed boundary on this map and sending back be helpful?

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Wed, Jul 9, 2025 at 11:37 AM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

Yes. Thank you.

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 9, 2025 at 11:43 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

No problem at all, I will get it over as soon as possible.

[Quoted text hidden]

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 9, 2025 at 2:43 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

I highlighted the proposed boundary in yellow.
Please reach out with any questions.

Thank you

[Quoted text hidden]

[Quoted text hidden]

 **Jul 9, Doc 2.pdf**
922K

Megan Davchevski <megan.davchevski@umatillacounty.gov>

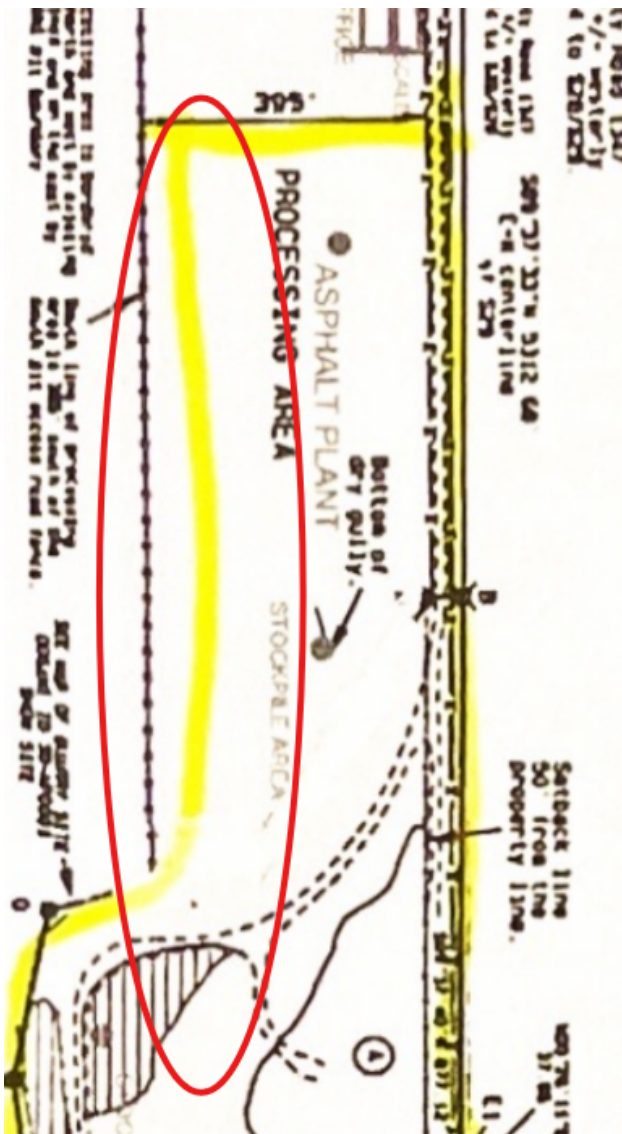
Wed, Jul 9, 2025 at 3:27 PM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

Thank you.

Can you clarify if this area is intentionally curved or if it should follow the hatched line?



[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 9, 2025 at 3:29 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

My tracing skills were not as steady as they should have been. I apologize. It should follow the hatched line

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Wed, Jul 9, 2025 at 3:31 PM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, mclane@eoni.com

No worries - that is why I asked for clarification as this is what will be utilized to notify DLCD.

Thank you for providing this so quickly. I will be in touch regarding the hearing dates soon and will proceed with the information previously provided.

Megan

[Quoted text hidden]

Exhibit 4 Email Chain

Page 8

mclane@eoni.com <mclane@eoni.com>

Mon, Jul 14, 2025 at 8:47 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: "HNS, Inc." <hns97850@gmail.com>, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>

Megan,
Good morning.

Glad that you and Kensi resolved the boundary question. Did you also need us to submit a revised 1500-foot impact map? This is the one area that we didn't sync up in our supplemental submittal.

Appreciate your response.
Carla

----- Original Message -----

Subject: Re: Hines Aggregate Supplementary Submittal

Date: 2025-07-09 3:31 pm

From: Megan Davchevski <megan.davchevski@umatillacounty.gov>

To: "HNS, Inc." <hns97850@gmail.com>

No worries - that is why I asked for clarification as this is what will be utilized to notify DLCD.

Thank you for providing this so quickly. I will be in touch regarding the hearing dates soon and will proceed with the information previously provided.

Megan

On Wed, Jul 9, 2025 at 3:30 PM HNS, Inc. <hns97850@gmail.com> wrote:

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Kensi Phipps

HNS, Inc.

PO Box 126
Echo, OR 97826
541-962-0100

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On Wed, Jul 9, 2025 at 3:28 PM Megan Davchevski <megan.davchevski@umatillacounty.gov> wrote:

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On Wed, Jul 9, 2025 at 2:43 PM HNS, Inc. <hns97850@gmail.com> wrote:

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Thank you

Exhibit 4 Email Chain

Page 9

Kensi Phipps

HNS, Inc.

PO Box 126
Echo, OR 97826
541-962-0100

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On Wed, Jul 9, 2025 at 11:43 AM HNS, Inc. <hns97850@gmail.com> wrote:

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Kensi Phipps

HNS, Inc.

PO Box 126
Echo, OR 97826
541-962-0100

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On Wed, Jul 9, 2025 at 11:38 AM Megan Davchevski <megan.davchevski@umatillacounty.gov> wrote:

Yes. Thank you.

On Wed, Jul 9, 2025 at 11:37 AM HNS, Inc. <hns97850@gmail.com> wrote:

I am happy to do this. Would highlighting the proposed boundary on this map and sending back be helpful?

Kensi Phipps

HNS, Inc.

PO Box 126
Echo, OR 97826
541-962-0100

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On Wed, Jul 9, 2025 at 11:28 AM Megan Davchevski <megan.davchevski@umatillacounty.gov> wrote:

Hi Kensi,

Is someone able to provide a more clear map identifying the proposed boundary? It is difficult to distinguish on the provided site map where this line is.

On Wed, Jul 9, 2025 at 11:24 AM HNS, Inc. <hns97850@gmail.com> wrote:

Good Morning Megan

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Please feel free to reach out with any further questions

Kensi Phipps

HNS, Inc.

PO Box 126
Echo, OR 97826
541-962-0100

[Quoted text hidden]

[Quoted text hidden]

216 SE 4th Street | Pendleton, OR 97801 [1]

<http://www.umatillacounty.gov/planning> [1]

Megan Davchevski, CFM

Planning Division Manager

Community Development Department

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216 SE 4th Street | Pendleton, OR 97801 [1]

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Megan Davchevski, CFM

Planning Division Manager

Community Development Department

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Exhibit 4 Email Chain

Page 11

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Megan Davchevski, CFM

Planning Division Manager

Community Development Department

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Links:

[1] <http://www.umatillacounty.net/planning>

--

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801 [1]

<http://www.umatillacounty.gov/planning> [2]

Megan Davchevski, CFM

Planning Division Manager

Community Development Department

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[2] <http://www.umatillacounty.net/planning>

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Mon, Jul 14, 2025 at 10:12 AM

To: mclane@eoni.com

Cc: "HNS, Inc." <hns97850@gmail.com>, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>

I will let you determine if a new impact map and/or a revised analysis are necessary.

We will be developing a County impact map.

Best,

[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

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materials that may contain sensitive data or other information, and Umatilla County will not be held liable for its distribution.

HNS, Inc. <hns97850@gmail.com>

Tue, Jul 22, 2025 at 10:58 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

Good Morning Megan,
I have attached the edited site map removing the Asphalt Plant.
Please let me know if you have any questions

Kensi Phipps

HNS, Inc.

PO Box 126

Echo, OR 97826

541-962-0100



[Quoted text hidden]

[Quoted text hidden]

 **Jul 22, Doc 2.pdf**
834K

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jul 22, 2025 at 11:34 AM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

Hi Kensi,

Can you elaborate on why the new map is being provided?

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Tue, Jul 22, 2025 at 12:09 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen <doug.olsen@umatillacounty.gov>

In one of your previous emails on 6/26/25 you quoted ORS215.213, 215.283 and 215.284
From my understanding the Asphalt Plant had to be removed due to a neighboring Vineyard being within 2 miles of the plant?
Please correct me if I'm wrong.

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jul 22, 2025 at 12:12 PM

To: "HNS, Inc." <hns97850@gmail.com>

Exhibit 4 Email Chain

Page 15

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen
<doug.olsen@umatillacounty.gov>

That is correct. However both the original application and the supplemental application submitted in June stated the applicant believed ORS 215.213 did not apply and that an asphalt batch plant was proposed.

Is the applicant no longer proposing an asphalt batch plant?

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Tue, Jul 22, 2025 at 3:51 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen
<doug.olsen@umatillacounty.gov>

Megan,

I apologize for the miscommunication I submitted what I was instructed to.
Can we please disregard my submittal and I will have Jeff or Carla confirm the Asphalt plant.

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jul 22, 2025 at 3:53 PM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen
<doug.olsen@umatillacounty.gov>

No worries. Thank you for letting me know.

Have a great day.

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 23, 2025 at 11:36 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen
<doug.olsen@umatillacounty.gov>

Good Morning Megan,

I have a question regarding the proposed Asphalt plant before I send in the revised Site map. After communicating with neighboring vineyard property owners there is talk about removing the vineyard completely in the near future. If a sitemap is submitted without the proposed Asphalt plant to prevent processing delays what would the process be to add the Asphalt plant when the removal of the vineyard takes place?

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Wed, Jul 23, 2025 at 11:48 AM

To: "HNS, Inc." <hns97850@gmail.com>

Cc: mclane@eoni.com, robert.waldher@umatillacounty.net, planning@umatillacounty.net, Doug Olsen
<doug.olsen@umatillacounty.gov>

Good Morning,

There are two vineyards within 2 miles of the site, under two land ownerships.

If a batch plant is later proposed an amendment to the PAPA would be required at that time.

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Wed, Jul 23, 2025 at 11:57 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Thank you for the clarification.

Attached is the site map without the Asphalt plant and the edited proposed permit boundary which includes the shop, office and scale.

Again I apologize for the miscommunication.

Please let me know if you have any questions.

[Quoted text hidden]

[Quoted text hidden]

 **Jul 23, Doc 1.pdf**
892K

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Wed, Jul 23, 2025 at 12:01 PM

To: "HNS, Inc." <hns97850@gmail.com>

Thank you for providing the updated map.

I do need an email stating that an asphalt batch plant is no longer being proposed if that is the case.

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jul 29, 2025 at 9:31 AM

To: "HNS, Inc." <hns97850@gmail.com>

Good Morning,

Just following up on this.

Thank you,

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Tue, Jul 29, 2025 at 11:23 AM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Megan,

Thank you for the follow-up. I will respond to your asphalt batch plant question as soon as I can. I apologize for the delay. Thank you.

Michelle Hines

Office Manager

[Quoted text hidden]

[Quoted text hidden]

HNS, Inc. <hns97850@gmail.com>

Tue, Aug 5, 2025 at 2:15 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: mclane@eonj.com

Exhibit 4 Email Chain

Page 17

Megan,

Hi, I am following up regarding the asphalt plant. An asphalt plant is no longer being proposed.

Please let me know if you need anything additional. Thank you.

Michelle Hines

Office Manager

[Quoted text hidden]

[Quoted text hidden]

Megan Davchevski <megan.davchevski@umatillacounty.gov>
To: "HNS, Inc." <hns97850@gmail.com>
Cc: mclane@eoni.com, Planning <planning@umatillacounty.net>

Tue, Aug 5, 2025 at 3:21 PM

Hi Michelle - Thank you for the information.

[Quoted text hidden]

MAP OF QUARRY SITE
DUGAMI ID 30-NP0001
SNOW SITE WITH
PROPOSED EXPANSION AREA

[illegible][illegible]

Dr. Jeff Kynes

La Grande. OA 97850

DATE: JAN 11 1971 BY: J. R. HARRIS

NOTE: For the dimensions on lines marked with an "L1", "L2", etc... see the line table on County Survey 23-001-B.

E-W Center
Section Line

ORIGINAL PIT AREA = 27.43 ACRES
EXPANSION PIT AREA = 19.96 ACRES
TOTAL PIT AREA = 47.39 ACRES

HINES
REEL 716
PAGE 750
N1/2 of the
SE1/4 of S29
S29 - 12800

NOTE: PRELIMINARY MAP

AREA AND USE

THEORY AND PRACTICE

LEGEND --

FOUO

THE NEW YORK PUBLIC LIBRARY

1

17-48-B
FOUND 3/10" GEMMA

THE NEW YORK
THE NEW YORK

•

● REPORTED ON SLIP
17-44-B ON 23-00

SWIFT AIR
WORLDWIDE

1

WALL POINT IN THE
HOLLOWAY IN EXIST-
ENCE LINE.

Audience

11

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

THE NEW YORK PUBLIC LIBRARY



FLUKE LINE.
FLUKE - 1: PUT ON
FLUKE - 2: ON BOARD

FREE STORAGE AREA

●

[illegible]

SEP '71 POST ON P
INFORMATION SECTION

RESEARCH AND ANALYSIS

1

1



Megan Davchevski <megan.davchevski@umatillacounty.gov>

Muleshoe Quarry Hearings Schedule and Request for Information

3 messages

Megan Davchevski <megan.davchevski@umatillacounty.gov>

Tue, Jul 22, 2025 at 12:10 PM

To: "mclane@eoni.com" <mclane@eoni.com>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Doug Olsen <doug.olsen@umatillacounty.gov>

Cc: Planning <planning@umatillacounty.net>

Good Afternoon,

The Planning Commission hearing for the Muleshoe Quarry (Snow Pit) has been scheduled for **September 18, 2025 at 6:30pm**. The Board of Commissioner hearing has been scheduled for **October 15, 2025 at 10am**.

There is some pertinent information that remains needed in order to submit an accurate and complete 35-day notice to DLCD, County Planning is providing this email notification as a courtesy. The deadline to submit the 35-day notice is August 14th. If received after **August 11th**, a new 35-day notice may be required.

Identify the post-mining use: the post mining use must be identified and included in the proposed comprehensive plan text amendment language.

Proposed zoning boundary: the most recent site/zoning boundary map provided 7/9/2025 shows the office, scale, and shop building outside the proposed AR overlay zone. Note that all aggregate activities and accessory uses must be sited within the AR overlay zone and site boundary. They will not be permitted outside this boundary.

Both of the above items are required to be included in the 35-day notice. The staff report and notice are currently being prepared with the information previously submitted.

Best,

--



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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Megan Davchevski <megan.davchevski@umatillacounty.gov>

Wed, Aug 6, 2025 at 3:14 PM

To: "mclane@eoni.com" <mclane@eoni.com>, Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Doug Olsen <doug.olsen@umatillacounty.gov>

Cc: Planning <planning@umatillacounty.net>

Good Afternoon,

I am working on the 35-day notice to DLCD and noticed that the post-mining use has yet to be identified.

The zoning boundary has been addressed.

Thanks,

[Quoted text hidden]

mclane@eoni.com <mclane@eoni.com>

Fri, Aug 8, 2025 at 2:13 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: Jeff Hines <jffhines3@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Doug Olsen <doug.olsen@umatillacounty.gov>, Planning <planning@umatillacounty.net>

Megan,

Good afternoon. I understand you are doing County Fair duty. Hope you are enjoying it!

I did just leave a voicemail. Not sure we have to talk but if you get this or the voicemail and want to clarify anything please reach out to me at 541-314-3139.

Look for an amended narrative removing the batch plant language, adding clarification to the post-mining reclamation use, and potentially language concerning the amended site map and the impact area. You should see that in your inbox upon your return Monday, August 11.

Talk soon,

Carla

[Quoted text hidden]

[Quoted text hidden]

Tel: 541-278-6246 | Fax: 541-278-5480

216 SE 4th Street | Pendleton, OR 97801

<http://www.umatillacounty.gov/planning> [1]

Megan Davchevski, CFM

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Community Development Department

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Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hines Aggregate Supplementary Submittal

HNS, Inc. <hns97850@gmail.com>

Tue, Aug 5, 2025 at 2:15 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.gov>

Cc: mclane@eoni.com

Megan,

Hi, I am following up regarding the asphalt plant. An asphalt plant is no longer being proposed.

Please let me know if you need anything additional. Thank you.

Michelle Hines

Office Manager

[Quoted text hidden]

[Quoted text hidden]



Megan Davchevski <megan.davchevski@umatillacounty.gov>

Hines - Response to Request for Information

1 message

mclane@eoni.com <mclane@eoni.com>

Sun, Aug 10, 2025 at 8:52 PM

To: Megan Davchevski <megan.davchevski@umatillacounty.net>, Planning <planning@umatillacounty.net>

Cc: HNS <hns97850@gmail.com>, Michelle Hines <michellehines2012@gmail.com>, Jeff Hines <jffhines3@gmail.com>

Megan,
Good evening.

Attached please find a response to your formal Request for Information. It also addresses some of the other questions that you have posed over the past three weeks or so.

Please reach out if you have any further questions.
Cordially,
Carla McLane



AMENDED Application Narrative Select Provisions Responding to Request for Information 08102025.docx

25K

Response to the Request for Information email dated July 22, 2025, in regards to an 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.

The information provided in this supplement addresses comments raised by Umatilla County Planning Department staff since the submittal responding to the Completeness Letter on June 10 2025.

RECEIVED

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

AUG 11 2025

**UMATILLA COUNTY
COMMUNITY DEVELOPMENT**

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.

3. Provide a site map identifying the proposed office, scale, rock crusher, asphalt/concrete batch plant 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.

Provided as part of the supplemental submittal is a site map that identifies where current assets are located and identifies the approximate location of assets that may be sited in the future. No concrete batch plant is requested.

On August 5, 2025, that applicant provided clarification that no concrete or asphalt batch plant would be included within the aggregate site boundary. This is reflected in the amended site map submitted on July 22, 2025.

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.

~~*Only an asphalt batch plant is requested. Due to the proximity of two vineyards no concrete plant is proposed. When a job requires a working asphalt plant at the quarry site it will be located on the west side of the subject site, closer to the entrance to allow mined products to be moving towards the exit after further processing. As with the blasting plan it is unknown exactly what the frequency or duration*~~

~~of an asphalt batch plant would be. When operational it would reasonably start operation in the early morning as early as 4:00 a.m. to provide material for road or other construction projects with operations continuing into the afternoon. It is not anticipated that the asphalt plant would generally be operational over night, but nighttime paving projects can and do occur and the applicant is seeking authorization to operate when needed as directed by paving project needs. The only sensitive noise receptor within the impact area will be the Hines' home sited on the same subject property. Their home is north of the aggregate site and sits above the mining area. They cannot hear mining operations at that site today based on the elevation differences created by the depth of the mining site in relation to their home site. No other noise sensitive receptors are identified.~~

See the comment to item 3 above. No concrete or asphalt batch plant is being requested.

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)

~~The applicant is not seeking approval for a concrete batch plant, only an asphalt batch plant. Asphalt batch plants are not limited by the provisions of ORS 215.301.~~

See the comment to item 3 above. No concrete or asphalt batch plant is being requested.

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.

The impact area map originally submitted included the full mining site, meaning both the current mining area and the proposed expansion area. However, except for the Hines' home that was recently approved, the analysis is not different regardless of which 1500-foot boundary you analyze. There are no homes or other noise sensitive properties within either boundary. The farming as described in the previous analysis is not changed for this analysis.

With the most recent change to the boundary based on the site map submitted on July 22, 2025, the impact area has been modified but does not change the analysis of the impact area. The site and impact area continue to capture irrigated agricultural to the west, north, and east. Dryland farming is found to the south. The expanded impact area still does not include any homes or other noise sensitive properties with the exception of the home that was recently approved for the landowner of the subject property, Jeff and Michelle Hines. Based on the topography of the subject property the sound generated by mining activities in the hole of the mining area does not travel up and out to be heard at the homesite.

(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.~~ *There is one home proposed in the impact area which will be on the subject property for the landowners and applicants for the Goal 5 approval, Jeff and Michelle Hines.*

- (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 *currently built* homes within the 1,500-foot impact area which is zoned for Exclusive Farm Use (EFU). There are no areas zoned for residential uses. *There is one home proposed in the impact area which will be on the subject property for the landowners and applicants for the Goal 5 approval, Jeff and Michelle Hines.*

- (e) 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.~~

The applicant has determined that the post mining use will be farming or ranching, consistent with the balance of the subject property and properties surrounding it. The current and future topsoil that is retained in buffers around the mining area will be spread in areas for beneficial agricultural use. Areas that are not reclaimed in this manner may still support limited grazing or other agricultural activities.

(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. See above concerning post-mining uses.~~

INSPECTION DATE
7-09-90
please print or type

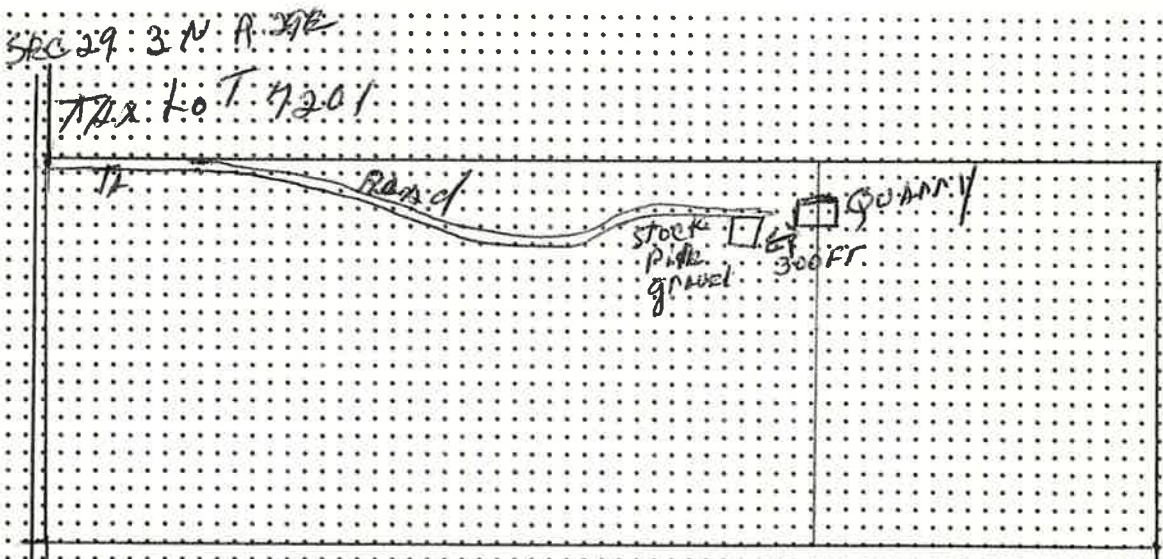
UMATILLA COUNTY ZONING PERMIT

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

FEE: 25
STAFF: Mum

APPLICANT H. Richard & Shirley Snow HOME 376-8231
PHONE 376 8121
MAILING ADDRESS HQ 70 Box 101 Echo ORE 97826
street or route city state zip code
LEGAL OWNER Rich and Shirley Snow ADDRESS HQ. 70 Box 101
LEGAL DESCRIPTION NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SEC. 29 TWP 3N 12800 RNG 29E
TAX CODE 05-04 MAP NO. 3N 29 TAX LOT 7201 10/06
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 Pot. 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 _____ 10-22-91 BLB

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

3-21-90
Date

DATE APPROVED: 4/23/90 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.

Exhibit 11



Jennifer M. Bragar

Attorney

Admitted in Oregon, Washington,
and California

jbragar@tomasilegal.com

121 SW Morrison Street, Suite 1850
Portland, Oregon 97204

Tel 503-894-9900

Fax 971-544-7236

www.tomasilegal.com

September 18, 2025

BY EMAIL

Umatilla County Planning Commission
c/o Megan Davchevski
Community Development Department
216 SE 4th Street
Pendleton, OR 97801

RECEIVED

SEP 18 2025

UMATILLA COUNTY
COMMUNITY DEVELOPMENT

Re: Jeff and Michelle Hines's Request for Continuance to Date Certain
Umatilla County File Nos. #T-098-24 and #Z-325-24

Dear Ms. Davchevski,

This office represents Jeff and Michelle Hines (collectively, "Applicant") in their request for a Goal 5 large significant site and application of Umatilla County's Aggregate Resource Overlay Zone on a portion of TL 12800 in the above-referenced file numbers. Please include this letter in the record.

The Applicant requests that the Umatilla County Planning Commission open the record at the hearing tonight, September 18, 2025, solely to continue the public hearing to a date certain. The continued Planning Commission hearing should be announced as October 23, 2025, at 6:30 p.m. and to announce that based on the Applicant's request, the Umatilla County Board of Commissioners hearing on these files will be held on December 10, 2025 at 10:00 a.m. In the announcement, please include that the address for the Planning Commission meeting and that remote participation options are available:

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

Applicant requests that all staff reports, presentations and public testimony should be postponed until October 23, 2025.

Based on this request, the Applicant also includes the attached signed waiver extending the 150-day decision deadline.

Thank you for your assistance in this matter.

///

TOMASI BRAGAR DUBAY
September 18, 2025
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Bragar". The signature is fluid and cursive, with the first name "Jennifer" and last name "Bragar" clearly distinguishable.

Jennifer M. Bragar

Enclosure

cc: (by email)
client
Carla McLane

**COMMUNITY &
BUSINESS
DEVELOPMENT**

**LAND USE
PLANNING,
ZONING AND
PERMITTING**

**CODE
ENFORCEMENT**

**SOLID WASTE
COMMITTEE**

**SMOKE
MANAGEMENT**

**GIS AND
MAPPING**

**RURAL
ADDRESSING**

**LIAISON,
NATURAL
RESOURCES &
ENVIRONMENT**

PUBLIC TRANSIT

**WAIVER OF 150 DAY
RULE FOR PLANNING REVIEW**

I, Michelle and Jeff Hines,

have made application to the Umatilla County Department of Land Use

Planning ("Department") for a

Goal 5 PAPA, Large Significant Aggregate Site

(permit/limited land use decision/zone change).

In accordance with ORS 215.427, I understand that:

- 1) If this application was incomplete when submitted, the DEPARTMENT had 30 days from receipt of the application to inform me of the missing information and the application was then deemed complete when the missing information was received by the Department.
- 2) After receipt of a complete application, the DEPARTMENT has 150 days to take final action on an application for a permit, limited land use decision or zone change.
- 3) If the DEPARTMENT does not take final action on an application with 150 days, the applicant, under ORS 215.429, may file a petition for a writ of mandamus in Umatilla County Circuit Court to compel the Department to issue the approval of the application.

Having read this document and understanding my statutory rights with regard to my application, in accordance with 215.427(4), I voluntarily agree to extend the 150-day provision for a period not to exceed 35 days. to 12/12/2025

Michelle Hines
Applicant signature

9-18-2025
Date

Megan Danchevski
Signature of Acknowledgement by Department

9/19/25
Date

DRAFT MINUTES

COMPREHENSIVE PLAN TEXT AMENDMENT #T-098-24, and ZONE MAP AMENDMENT #Z-325-24

JEFF & MICHELLE HINES, APPLICANTS / OWNERS

The applicant requests approval to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate Resource (AR) Overlay Zone to the entire quarry site. The applicant also requests approval to mine, process and stockpile sand and gravel at the site. Batch plants are not proposed at the site.

The proposed site is located approximately 2 miles south west of the City of Echo and east of Snow Road. The site is identified on Assessor's Map as Township 3 North, Range 29 East, a portion of Tax 12800. The proposed site is approximately 67 acres and is zoned Exclusive Farm Use (EFU).

The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7), Oregon Revised Statute (ORS) 215.301 and Umatilla County Development Code (UCDC) Section 152.487 – 488.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING
September 18, 2025**

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, September 18, 2025, 6:30pm**

COMMISSIONERS

PRESENT: Sam Tucker, Chair, Ann Minton, Vice Chair, John Standley and Emery Gentry

COMMISSIONER

PRESENT VIA ZOOM: Andrew Morris, Malcolm Millar and Kim Gillet

COMMISSIONERS

ABSENT: Tami Green

PLANNING STAFF: Megan Davchevski, Planning Manager, Bryce Fairchild, Planner II 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

Chair Sam Tucker called the meeting to order at 6:30PM and read the Opening Statement.

MINUTES

Chair Tucker called for any corrections or additions to the June 26, 2025, meeting minutes. No other additions nor corrections were noted.

Commissioner Standley moved to approve the draft minutes from June 26, 2025, meeting minutes, as presented. Commissioner Gentry seconded the motion. Motion carried by consensus.

Chair Tucker called for any corrections or additions to the August 21, 2025, meeting minutes. No other additions nor corrections were noted.

Commissioner Minton moved to approve the draft minutes from August 21, 2025, meeting minutes, as presented. Commissioner Gillet seconded the motion. Motion carried by consensus.

NEW HEARING

COMPREHENSIVE PLAN TEXT AMENDMENT #T-098-24, and ZONE MAP AMENDMENT #Z-325-24: JEFF & MICHELLE HINES, APPLICANTS / OWNERS. The applicant requests approval to establish a new aggregate site, add the site to the Umatilla County Comprehensive Plan list of Goal 5 protected Large Significant Sites, and apply the Aggregate

Resource (AR) Overlay Zone to the entire quarry site. The applicant also requests approval to mine, process and stockpile sand and gravel at the site. Batch plants are not proposed at the site. The proposed site is located approximately 2 miles south west of the City of Echo and east of Snow Road. The site is identified on Assessor's Map as Township 3 North, Range 29 East, a portion of Tax 12800. The proposed site is approximately 67 acres and is zoned Exclusive Farm Use (EFU).

The criteria of approval are found in Oregon Administrative Rule 660-023-0040 – 0050, 660-023-0180 (3), (5) and (7), Oregon Revised Statute (ORS) 215.301 and Umatilla County Development Code (UCDC) Section 152.487 – 488.

Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Tucker called for the Staff Report.

Mrs. Davchevski stated the applicant had requested a continuance. The applicant requested that the record remain open but that this hearing be continued until October 23, 2025 at 6:30pm at the Justice Center Media Room, Umatilla County Sheriff's Office, 4700 NW Pioneer Place, Pendleton. Subsequently the Board of Commissioners Hearing would be continued until December 10, 2025 at 10am in Room 130 at the Umatilla County Courthouse, 216 SE 4th Street, Pendleton.

Commissioner Morris asked if the reason for the request were due to the applicant waiting on their permits from Department of Geology and Mineral Industries (DOGAMI).

Proponent: Jennifer Bragar, Attorney, Tomasi Bragar DuBay, 121 SW Morrison, Portland, OR 97204; Ms. Bragar stated the request was submitted due to issues brought forth in the staff report that the applicant's would like additional time to address.

Commissioner Standley made a motion to approve the request for a continuance and hold this Planning Commission hearing on Thursday, October 23, 2025 at 6:30pm and subsequent Board of Commissioners hearing on December 10, 2025 at 10:00am.

Commissioner Minton seconded the motion. Motion passed with a vote of 7:0.

Voting Record:

Yes - Commissioner Gentry, Commissioner Gillet, Commissioner Standley, Commissioner Millar, Commissioner Morris, Vice Chair Minton, Chair Tucker

No – none

OTHER BUSINESS

Mrs. Davchevski stated we have another hearing on September 25, 2025 and only one item will be addressed at that hearing.

ADJOURNMENT

Vice Chair Tucker adjourned the meeting at 6:40PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

DRAFT

DRAFT MINUTES

COMPREHENSIVE PLAN MAP AMENDMENT #P-140-25, and ZONE MAP AMENDMENT #Z-327-25

CITY OF HERMISTON, APPLICANT

**UNION PACIFIC RAILROAD CO., JB LAND LLC &
UMATILLA BASIN PROPERTIES, OWNERS**

The City of Hermiston requests the County co-adopt a proposed change to the city's Urban Growth Boundary (UGB). The proposed change would add approximately 810 acres of land to the UGB which would then be rezoned from Exclusive Farm Use (EFU) to City Heavy Industrial with Hyperscale Data Center Overlay and a Comprehensive Plan Designation of Industrial. The properties would subsequently be annexed into the city. The properties are identified as Map 4N28; Tax Lots 1800, 1900 and 2500, Map 4N2827; Tax Lots 200, 500, 600 and 700 and Map 4N2828A; Tax Lot 100. The criteria of approval are found in Oregon Revised Statute (ORS) 197.610-626, Umatilla County Development Code 152.750-152.755 and the Joint Management Agreement between the City and County.

**UMATILLA COUNTY
PLANNING COMMISSION HEARING**

September 25, 2025

**DRAFT MINUTES
UMATILLA COUNTY PLANNING COMMISSION
Meeting of Thursday, September 25, 2025, 6:30pm**

COMMISSIONERS

PRESENT: Sam Tucker, Chair, Ann Minton, Vice Chair, John Standley, Malcolm Millar and Emery Gentry

COMMISSIONERS

PRESENT VIA ZOOM: Andrew Morris and Tami Green

COMMISSIONER

ABSENT: Kim Gillet

PLANNING STAFF: Megan Davchevski, Planning Manager, Bryce Fairchild, Planner II, Tierney Cimmiyotti, Planner II, Charlet Hotchkiss, Planner, and Shawonna Van Sickle, Administrative Assistant

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

CALL TO ORDER

Chair Sam Tucker called the meeting to order at 6:40PM and read the Opening Statement.

NEW HEARING

COMPREHENSIVE PLAN MAP AMENDMENT #P-140-25, and ZONE MAP AMENDMENT #Z-327-25: CITY OF HERMISTON, APPLICANT / UNION PACIFIC RAILROAD CO., JB LAND LLC & UMATILLA BASIN PROPERTIES, OWNERS. The City of Hermiston requests the County co-adopt a proposed change to the city's Urban Growth Boundary (UGB). The proposed change would add approximately 810 acres of land to the UGB which would then be rezoned from Exclusive Farm Use (EFU) to City Heavy Industrial with Hyperscale Data Center Overlay and a Comprehensive Plan Designation of Industrial. The properties would subsequently be annexed into the city. The properties are identified as Map 4N28; Tax Lots 1800, 1900 and 2500, Map 4N2827; Tax Lots 200, 500, 600 and 700 and Map 4N2828A; Tax Lot 100. The criteria of approval are found in Oregon Revised Statute (ORS) 197.610-626, Umatilla County Development Code 152.750-152.755 and the Joint Management Agreement between the City and County.

Chair Tucker called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. Commissioner Standley stated he had a son that is employed for the City of Hermiston. Chair Tucker stated he did not believe this to be a conflict of interest in this matter. No other reports were made.

Chair Tucker called for the Staff Report.

STAFF REPORT

Ms. Cimmiyotti stated the City of Hermiston has requested Umatilla County to co-adopt an expansion to the City of Hermiston's Urban Growth Boundary (UGB). The approximately 810 acres proposed for inclusion are located south of East Feedville Road, north of the existing Feed Canal, and between South Ott Road and Oregon Highway 207. She shared the subject properties, identified as Tax Lots 1800, 1900 and 2500 on Assessor's Map 4N28, Tax Lots 200, 500, 600 and 700 on Assessor's Map 4N2827, and Tax Lot 100 on Assessor's Map 4N2828A, are located directly south of the Hermiston City Limits and immediately east of the Stanfield Urban Growth Boundary.

Ms. Cimmiyotti stated the criteria of approval for amendments are found in Umatilla County Development Code sections 152.750-152.755.

Ms. Cimmiyotti explained that the Hermiston City Council held a public hearing on September 8, 2025 and approved the Comprehensive Plan, Comprehensive Plan Map and Zoning Map Amendments, and subsequently adopted Ordinances 2374 and 2375. She shared that this hearing before the Umatilla County Planning Commission was the county's first evidentiary hearing for co-adoption. A subsequent Public Hearing before the Umatilla County Board of Commissioners was scheduled for Wednesday, October 15, 2025 at 10:00 AM in Room 130 of the Umatilla County Courthouse, 216 SE 4th Street, Pendleton, OR 97801.

Ms. Cimmiyotti stated that in accordance with the Joint Management Agreement (JMA) between Umatilla County and the City of Hermiston, the County was required to co-adopt any amendments to the city's UGB. This gives the County the authority to review and approve the proposed Comprehensive Plan Map and Zoning Map Amendments. She concluded her staffing report by stating the Planning Commission was tasked with reviewing the request and providing a recommendation to the Board of County Commissioners (BCC) regarding the proposed Urban Growth Boundary expansion.

Ms. Cimmiyotti indicated on the map, page 5 in the packet, that the areas outlined in red would be incorporated into the UGB and then subsequently into the city. Chair Tucker indicated on the map, pointing to tax lot 200 located on Assessor's map 4N2827, and asked if that property was not included. Ms. Cimmiyotti stated that property was also included, but that it was the sole property zoned Heavy Industrial.

Commissioner Morris asked who owned tax lot's 100 on Assessors Map 4N2828A, and tax lot's 500, 600 & 700 on Assessors Map 4N2827. Ms. Cimmiyotti stated all those properties were owned by J B Land LLC. Commissioner Morris asked if Union Pacific would be purchasing those properties from J B Land LLC or would the City of Hermiston be taking the properties by eminent domain? Ms. Cimmiyotti stated no one was purchasing property at that time. The

request was aimed to change the designation of the properties from being outside city limits and under County oversight to being incorporated within the Urban Growth Boundary, while maintaining the current ownership. Mrs. Megan Davchevski stated as part of the application all land owners provided authorization to submit this application on their behalf (Appendix F, page 517 in the packet).

Commissioner Standley reminded the Planning Commissioner's that regardless of what the City of Hermiston's plans for developing the property, it was the Planning Commission's responsibility to evaluate if the application meets the requirements to annex these properties into the Urban Growth Boundary for the City of Hermiston. He mentioned that while much of the information given is somewhat relevant, it does not directly pertain to the decision that would be made that evening.

Conversation continued with Commissioner Standley, Ms. Cimmiyotti and Mrs. Davchevski regarding the decision before the Planning Commission. It was determined that the co-adoption of the zoning map, comprehensive plan map and comprehensive plan was the decision before the Planning Commission they were to make a recommendation to the Board of County Commissioners.

Proponents: Mr. Jesse Winterowd, Winterbrook Planning, 310 SW Alder Street, Portland, OR 97205; Mr. Winterowd stated they were hired as the consulting firm working on this project with the City of Hermiston and their engineering team.

Clint Spencer, City of Hermiston Planning Department, 180 NE 2nd Street, Hermiston, OR 97838; Mr. Spencer stated he was representing the City of Hermiston as the Planning Director. He shared they felt like this project will provide vital economic development opportunities for Umatilla County and the region and hope the County will co-adopt their amendments.

Joshua Lott, Anderson Perry & Associates, 243 E Main Street, Suite C, Hermiston, OR 97838; Mr. Lott stated he performed the majority of the utility work for their application and was attending as support to answer any engineering questions that might arise.

Mr. Winterowd started with a PowerPoint, labeled as Exhibit 2, to highlight the areas where the project was located. He shared that the locations were identified after performing an economic opportunities analysis to determine how to grow the economic base for the City. He stated they found a very high demand for hyperscale data centers and not enough land within the Urban Growth Boundary (UGB) to accommodate them. They were able to locate two suitable sites on the south side of Hermiston that were under development but no other suitable sites within the UGB. Mr. Winterowd explained they needed nine (9) more sites at 100 plus acres per site, that were reasonably shaped, have nearby access to public facilities and were under 5% slope to accommodate the very large buildings and associated facilities necessary for each site.

Mr. Winterowd indicated that they were unable to find any locations within the UGB that met those criteria. He explained in detail the process of determining the sites and what Oregon State law dictates regarding evaluation of lands by exception areas first, and then farmland (poor farmland first, and then better farmland secondary). The land they were looking for could not have a road or train tracks going through it and must be contiguous, outside of floodplains, include a 200-foot buffer between residential uses. They determined a few possible sites, but upon further exploration found that those other sites to the North of Southwest or East sides of the City were not ideal.

Mr. Winterowd stated they were able to find this location for five sites and it was decided that if these develop well and all goes as planned then they could move on to the next set of four sites. This was determined to be the City of Hermiston's safest choice and least controversial sites for expansion. They felt this area was reasonably non-invasive and doesn't go largely into areas of farmland.

Mr. Winterowd explained the proposed areas were oddly shaped and to reduce conflicts with the irrigation canal, an agreement with Union Pacific was made and they signed off for the City of Hermiston to use the area north of the canal. He explained the zone proposed for these sites would be specifically for building hyperscale data centers and their accessory uses. If years later the demand is not there it can't just be converted to residential use, the City of Hermiston would be required to make another plan amendment.

Mr. Winterowd explained the steps taken to analyze the areas to serve public utilities (water, sewer, energy, etc.) to these buildings. He stated they worked closely with State and County agencies for road and utility purposes.

Chair Tucker asked if any of this area was currently farmed to the west and what was the soil classification. Mr. Winterowd stated the area on the south side is designated as an industrial exception area where they don't evaluate the soil classes. The area of farmland is class three and four soils. Mr. Spencer stated that no dry land farming was occurring on the east side either.

Chair Tucker asked if the property sold by Union Pacific extended only to the areas with a red line, referencing to page 5 of the packet on Assessor's map 4N28 Tax lot 1800 and 1900, or did it go all the way to the railroad tracks? Mr. Winterowd stated the area in question was north of the irrigation canal. Mr. Spencer also confirmed the land in this agreement was north of the irrigation canal and that Union Pacific would need to do a land division to separate the two areas. Mrs. Davchevski and Ms. Cimmiyotti both confirmed a property line adjustment was already completed for these tax lots, so the map reflected how the properties were currently.

Commissioner Green brought up questions regarding the usage of power from big data centers. She asked if the City of Hermiston considered that and what plans they have to address power issues for the future. Mr. Spencer stated they would utilize existing power resources, but the City of Hermiston was in negotiations for acquiring rights to the generation capacity they would need

for the project. He stated they were already working with Umatilla Electric Cooperative (UEC) and Bonneville Power Administration (BPA) to ensure the power was available. Commissioner Morris expressed that he shared similar concerns to Commissioner Green.

There were additional questions surrounding power serving the area by Commission Morris. Chair Tucker clarified this would be something the city would have to solve when it became time to develop. Mr. Spencer confirmed that it would fall on the developer to ensure they have the power available and build the necessary infrastructure. Mr. Spencer added that energy was not part of what is considered for this UGB expansion except for under Statewide Planning Goal 13. Commissioner Standley asked if the applicant could provide an approximate cost for infrastructure to provide roads, water and sewage for the project that was proposed. Mr. Winterowd stated that would be approximately \$80 million total for those improvements.

Mr. Garrett Stephenson; Legal counsel for City of Hermiston, 1211 SW 5th Ave, Suite 1900, Portland OR 97204; Mr. Stephenson stated he understood that there was a very limited set of considerations for the county under the intergovernmental agreement. He explained he wanted to answer some of the questions regarding power. He stated Oregon has a system called Open Access Tariff, where utilities have an obligation to serve any user for power no matter what, under State law. He added developers would be told what investments would be necessary in order to get power where it is necessary. Mr. Stephenson stated they hope some of this would come from the Boardman to Hemingway (B2H) transmission line. The applicants' hope to get another possible 230 kV line once B2H has been completed. He stated that if the power is not available and cannot be supplied without jeopardizing the current users' access or compromising reliability, then they will not receive service until the data centers can secure the necessary investments for the utility companies to support them.

Mr. Stephenson stated the impact to neighborhoods is greatly diminished due to the proximity of the site. He explained that while a pretty high-power distribution center system or maybe even a transmission line might be required it would not go through residential areas based on where it is located.

Commissioner Millar asked about the water rights they speak to in the application. He restated the applicants' description of how water would be obtained from the Columbia River and then supplied free of charge to current irrigation canals for local farmers, but questioned how the water would initially be transported from the river. Mr. Lott stated there was a pump station at the Columbia River in a regional water system which provides water to multiple users in the system. Mr. Lott detailed the agreement with the City of Hermiston regarding the water being sourced from the Columbia River. He stated it would be pumped from the river into the regional water system where it would be treated to a potable drinking water standard, and then pumped down into an aquifer for storage. He added that when needed, water would be extracted to use for cooling purposes. Commissioner Millar asked if those water rights already exist. Mr. Lott confirmed they do currently exist with the City of Hermiston.

Commissioner Gentry asked if the market isn't there for the data centers, would the land be limited on its future development potential? Mr. Winterowd stated the City would have to justify the need to change the zoning to something else since the proposed zone has such a specified use.

Commissioner Morris asked if the city didn't extend the UGB, could the County change the designation of the land from Exclusive Farm Use to Industrial for the data center use? Mr. Winterowd stated their proposal included an Urban Growth Expansion, an annexation, and a zone change so the City would be the correct entity for this. Mrs. Davchevski stated the city performed the Economic Opportunities Analysis and in order for the County to do so it would have to consider all land within Umatilla County's jurisdiction.

Discussions continued between Commissioner Morris, Commissioner Standley, Ms. Cimmiyotti and Chair Tucker regarding the appropriate entity as the applicant.

Mr. Stephenson stated the County cannot rezone this area for industrial scale data centers unless they can take an exception to the Oregon Statewide Planning Goals. He stated there are restrictions that would prevent the County from completing the project. A statewide planning goal exception for the extension of urban services like sewer and water would have to be completed. He stated luckily the City of Hermiston is immediately adjacent to this property so a statewide planning goal exception is not required.

Commissioner Minton stated she had personally attended the City of Hermiston's City Council meetings because she is a resident of Hermiston. She felt the work proposed for the aquifer would add to the City infrastructure and benefit not only the development but local farmers as well. Chair Tucker stated it would recharge the critical groundwater area as well.

Neutral: Mr. Dustin Oates, Ed Staub & Sons, 345 N 1st Place, Hermiston, OR 97838; Mr. Oates stated the testimony provided by the applicant's and staff had answered the questions he had.

Opponents: None

Public Agencies: Hermiston Irrigation District (HID) provided a letter to the Planning Department. The letter stated the properties in this application were not located within the boundary of the Hermiston Irrigation District, nor did they have water rights. The letter also stated there was a USBR easement for the Feed Canal along 4N2825 and 4N2826 properties listed in the annexation, the easement total's 100 feet (50 feet from the center of the canal on each side). Furthermore, HID had no objection to or restrictions on the request for annexation.

Commissioner Millar had some questions regarding the water rights for the properties. Mr. Lott explained the City of Hermiston has rights to utilize a certain number of gallons-per-minute from the regional water system. He added that data centers only use cooling water when the exterior

temperatures are hot. He shared that the theory would be the data centers would purchase water from the regional water system under the City of Hermiston's water rights during the season's it was needed. Commissioner Standley asked about the utilization with the water in the irrigation canals. Mr. Lott explained that exploration of utilizing the cooling water was to return it to irrigation canals so farmers could use for their crops. Commissioner Morris asked if this water would be considered brown water. Mr. Lott stated the water used for cooling is a closed system and said they are working with Department of Environmental Quality (DEQ) to ensure they meet the requirements for usage. He stated they are very close to obtaining those permits.

Commissioner Morris had additional questions regarding the cooling water used from another data center in Umatilla and how it could only be used to water a nearby golf course. Mr. Lott stated he could not speak to that location as he was not a part of that project. Chair Tucker asked if this would be a DEQ issue and they would be the controlling entity for permitting. Mr. Lott confirmed DEQ would be the correct agency.

Additional conversations between Commissioner Morris, Chair Tucker, Commission Standley and Vice Chair Minton continued regarding the processes the Planning Commission must look at with this application and the standards for approval.

Rebuttal Testimony: None

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

Chair Tucker closed the hearing for deliberation.

Chair Tucker adopted the following exhibits into the record:

Exhibit 1; September 8, 2025, Letter from Hermiston Irrigation District submitted from Karra Van Fossen, Water Right Specialist for Hermiston Irrigation District

Exhibit 2; September 25, 2025, PowerPoint presentation from City of Hermiston testimony, Jesse Winterowd, Winterbrook Planning

DELIBERATION & DECISION

Chair Tucker stated Oregon had passed laws in the early 1970s to protect farmland and limit additional development and requirements were put in place that must be met including Statewide Planning Goals. He concluded that he felt like the Planning Department had made a recommendation that every condition required by Oregon law had been met for this application and asked Staff to confirm. Mrs. Davchevski stated that all applicable criteria had been met for this application.

Commissioner Millar stated he concurred with Chair Tucker after reading through all the amendment criteria.

Commission Morris asked Staff which parliamentary procedure Planning Commission followed. Mrs. Davchevski stated the Planning Commission follows Robert's Rules of Orders per the Umatilla County Planning Commission Bylaws.

Commissioner Standley made a motion to recommend approval of the City of Hermiston, Comprehensive Plan Amendment, #P-139-25 and Zoning Map Amendment #Z-327-25, to the Board of Commissioners based on the foregoing Findings of Fact and Conclusions of Law.

Commissioner Minton seconded the motion. Motion passed with a vote of 6:0 with one abstention.

Voting Record:

Yes - Commissioner Gentry, Commissioner Green, Commissioner Standley, Commissioner Millar, Vice Chair Minton, Chair Tucker

No – none.

Abstained - Commissioner Morris

OTHER BUSINESS

No other business.

ADJOURNMENT

Vice Chair Tucker adjourned the meeting at 7:40PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant