

Wasco COUNTY PLANNING COMMISSION

April 7, 2015

Hearing begins at 3:00 p.m.
Columbia Gorge Discovery Center
Basalt Rock Cafe
5000 Discovery Drive
The Dalles, OR 97058

CALL TO ORDER

I. ROLL CALL

WASCO COUNTY PLANNING COMMISSIONERS PRESENT

Vicki Ashley
Brad DeHart
Kenneth McBain
Russell Hargrave
Mike Davis
Jeff Handley
Andrew Myers

WASCO COUNTY PLANNING COMMISSIONERS ABSENT

Taner Elliott

WASCO COUNTY PLANNING OFFICE STAFF PRESENT

Angie Brewer, Interim Planning Director
Brenda Jenkins, Planning Coordinator
Dawn Baird, Associate Planner

Chair Hargrave recognized Commissioner Mike Davis as a voting member for today's hearings.

II. PUBLIC COMMENT: Maximum 15 minutes, *limited to items not being heard or discussed elsewhere on the agenda.*

None

III. APPROVAL OF PAST MINUTES:

January 6, 2015

Vice Chair Ashley moved to approve the January 6, 2015 minutes with one correction, replacement of Past Chair Don Hoffman's name with Current Chair Russell Hargrave at the signature line.

Commissioner Davis seconded

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes
Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

February 3, 2015

Commissioner McBain moved to approve the February 3, 2015 minutes as submitted.

Commissioner Davis seconded

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

March 3, 2015

Commissioner Davis moved to approve the March 3, 2015 minutes as submitted.

Vice Chair Ashley seconded

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 6 to 0, 1 abstained (Commissioner McBain), 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – abstain

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

IV. QUASI JUDICIAL HEARING: File PLACUP-15-01-0002 Justesen

request by Jon Justesen to expand an existing 21.5 acre rock quarry to 50 acres in size. The request requires approval of four applications. The four applications are: a) Subject to Standards Review, b) Comprehensive Plan Amendment, c) Zoning Map Amendment; and d) Conditional Use Permit. Per Section 2.060 of the LUDO, the Commission will make a final decision on the Subject to Standards and Conditional Use Permit requests, and will make a recommendation to the Board of Commissioners for the Comprehensive Plan Amendment and Zone Change.

Opening the Hearing: Chair Hargrave opened the public hearing on agenda item PLACUP-15-01-0002, a request by Jon Justesen to renew approval of an existing 21.5 acre aggregate extraction operation, and expand it to 50 acres in size. This request requires 4 separate applications and a 2-part process. Staff provided a general overview of the process required for an aggregate operation prior to this hearing, and will further explain it during the presentation of the staff recommendation.

The four applications include:

- a. Subject to Standards Review for a Significance Determination of the aggregate site.
- b. Comprehensive Plan Amendment to add the aggregate operation to the Comprehensive Plan Mineral & Aggregate Inventory as a Significant Site
- c. Zone Change to apply the EPD-5, Mineral & Aggregate Overlay zone to the aggregate operation
- d. Conditional Use Permit to expand the existing aggregate operation in area and to include drilling, shooting, crushing, stockpiling crushed aggregate, and a batch plant.

The property is described as 6S 17E 0, tax lots 2200 and 2400; Accts. 12710, 12707). The aggregate site is located on tax lot 2400.

The criteria for approval of the four applications include: Review Authority: Chapter 2, Section 2.060.B.1., 2., and 14 of the Wasco County Land Use and Development Ordinance. Review Criteria: Chapter 2 – Physical Characteristics (G., Mineral & Aggregate Resources), Chapter 14 – Findings & Recommendations (G., Goal 5 Issues), and Chapter 15 – Goals and Policies (E., Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources) of the Wasco County Comprehensive Plan; Chapter 2 (Procedures); Chapter 3 (Basic Provisions), Section 3.210 (Exclusive Farm Use zone), Section 3.210.E.12. (Aggregate Operations), H. (Agricultural Protection), J.9. (Additional Standards), Section 3.800 (Mineral & Aggregate Overlay Zone), Chapter 5 (Conditional Use Review), Chapter 20 (Site Plan Review), Chapter 10 (Fire Safety Standards).

The procedure today is:

- a. Disclosure of Interest, Ex Parte Contact or Potential Conflicts
- b. Reading of the Rules of Evidence
- c. Planning department will present their report
- d. Those who wish to speak in favor of the proposal
- e. Those who wish to speak in opposition of the proposal
- f. Rebuttal
- g. Close the hearing and record and begin deliberation
- h. If enough information is available the Planning Commission will make a decision today.

Chair Hargrave asked if any Commission member wished to disqualify themselves for any personal or financial interest in this matter?

None.

Chair Hargrave asked if any member of the audience wished to challenge the right of any Commission member to hear this matter?

None.

Chair Hargrave asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter?

None.

Chair Hargrave explained the Rules of Evidence which will be followed.

Chair Hargrave called for the staff report.

Dawn Baird, Associate Planner, presented the following staff report.

For the record my name is Dawn Baird and I am an Associate Planner for the Wasco County Planning Department. I am going to present the background information in this case.

Request: The record for this request begins on Page P3 of the record. A location map for this request is on page P9. As the Chair indicated, today we will be discussing a request by Jon Justesen to expand an existing 21.5 acre rock quarry to 50 acres in size. The request requires approval of four applications. The four applications are: a) Subject to Standards Review, b) Comprehensive Plan Amendment, c) Zoning Map Amendment; and d) Conditional Use Permit. Per Section 2.060 of the LUDO, the Commission will make a final decision on the Subject to

Standards and Conditional Use Permit requests, and will make a recommendation to the Board of Commissioners for the Comprehensive Plan Amendment and Zone Change.

Location: The aggregate site is located east of Highway 97, approximately 3.4 miles northeast of Shaniko, Oregon; 6S 17E 0 2400 and 2200; Accounts 12707/12710. The subject parcel is approximately 3,208.37 acres in size.

Staff Recommendation: The full Staff Recommendation was mailed in the Planning Commission's agenda packets. It was available for review at the counter one week prior to this hearing, and it is considered a part of the record.

Let's discuss why the request is before the Planning Commission...

On January 29, 2015, a representative for Jon Justesen submitted applications for a Subject to Standards Review, a Comprehensive Plan Amendment, a Zone Change, and a Conditional Use Permit. **I will discuss all of the applications in my presentation, but the Planning Commission should make a separate motion and vote on each application.**

In the Exclusive Farm Use Zone, an aggregate extraction site must be listed in the Comprehensive Plan Aggregate Inventory as a Significant Site. The Justesen site is listed in the Aggregate inventory as a Potentially Significant Site.

Two of the four required applications, the Subject to Standards Review and Conditional Use Permit, can be processed administratively by staff, however, the Comprehensive Plan Amendment & Zone Change require a public hearing before both the Planning Commission and Board of Commissioners. In an effort to expedite the process, all administrative applications have been "bumped up" to the PC.

Part 1 of the hearing is for a Subject to Standards Review. The Planning Commission must determine whether the aggregate operation meets the "significant" criteria in the Mineral & Aggregate Overlay Zone. If it meets the criteria, the site can be approved as a Significant Site. State law requires all new or expanded sites in the Exclusive Farm Use Zone to be "significant".

Part 2 of the hearing involves the remaining three applications.

- Comprehensive Plan application – This review evaluates all pertinent Comprehensive Plan criteria related to upgrading the aggregate site and its expanded Permit Boundary, from "Potentially Significant Site" to "Significant Site on the Comprehensive Plan Aggregate Inventory.
- Zone Change/Zoning Map Amendment application – This review evaluates criteria and standards in Chapter 9 – Zone Change, and Chapter 3 – Basic Provisions, Section 3.800, Mineral & Aggregate Overlay Zone. Chapter 9 ensures that any zone change is suitable to the area, that there has been consideration of public health, safety and welfare, as well as transportation concerns related to traffic quantity, road improvements, etc., and their impact on the local transportation system.
- Conditional Use Permit application – This section specifically allows approval of an aggregate extraction site and batch plant as conditional uses in the Exclusive Farm Use Zone. The use must comply with property development standards, and the Agricultural Protection Standards that require recording of a Farm Management Deed, and provides the property owner with information regarding the mediation process in case of any disputes. The proposed aggregate operation must meet all criteria in Chapter 5 – Conditional Use Permit. Criteria include but are not limited to requiring compatibility with surrounding uses, especially resource uses, protection of historic/cultural resources, wildlife sites, stream/water bodies, wildlife species, availability of public services, etc.

Stage in the Process: As previously stated, the application was received by the Planning Department on January 29, 2015. The request was found to be complete on February 26, 2015, and was scheduled for a public hearing on today's date. All required public notice has been

given. The Staff Recommendation, with findings, conditions and conclusions, was issued on March 31, 2015. The Staff Recommendation and Summary were provided to the Planning Commission. If the Planning Commission feels they have all the necessary information to make a **decision**, they will vote to do so today.

Criteria: The applicable standards used to evaluate each request include:

Wasco County Land Use & Development Ordinance (LUDO)

a. Subject to Standards Review (P15)

- 1) Chapter 2 – Development Approval Procedures
 - Section 2.060.B.14., Matters which the Director elects not to review
 - Section 2.080.A., Notice
 - Section 2.090., Contents of Notice
 - Section 2.140, Hearing Procedure
 - Section 2.150, Official Notice
 - Section 2.190, General Conduct of Hearings
- 2) Chapter 3 – Basic Provisions, Section 3.800, Division 5 – Mineral & Aggregate Overlay
 - Section 3.810, Application of Overlay Zone
 - Section 3.815, Procedure for Applying the Overlay Zone

In addition to hearing and noticing requirements, these criteria require testing of the rock at the aggregate site. Rock must meet two of the three requirements in 3.815.A.2.: Abrasion, loss of not more than 35% by weight; Oregon Air Degradation, loss of not more than 35% by weight; and Sodium Sulphate Soundness, not more than 17% by weight. In addition, the quantity of rock must be in excess of 69,000 cubic yards (100,000 tons). The Justesen request meets these standards (P18). The STS Review establishes a Permit Boundary where all aggregate operations must occur, and identifies an Impact Area – that area that could be negatively affected by the proposed use. This includes an ESEE Analysis where the economic, social, environmental and energy consequences of allowing the aggregate operation in the proposed location and its impact on sensitive uses such as dwellings. For instance, an aggregate operation would create noise and dust and would not be suitable in a residential area, but the impacts of the use in a rural farm area are much different. As identified in the ESEE analysis, there are no sensitive uses within 2.3 miles of the proposed aggregate site. The request complies with all of the STS Review requirements and should be determined a “Significant Site”.

b. Comprehensive Plan Amendment (P23)

Wasco County Land Use & Development Ordinance

Chapter 2 – Development Approval Procedures

- Section 2.060.B.2., Recommendation to the County Governing Body on a Legislative or Quasi-Judicial Plan Amendment (Comprehensive Plan)
- Section 2.080.A., Notice
- Section 2.090, Contents of Notice
- Section 2.140, Hearing Procedure
- Section 2.150, Official Notice
- Section 2.190, General Conduct of Hearings

Wasco County Comprehensive Plan

- Chapter 2 – Physical Characteristics, *G., Mineral & Aggregate Resources*
- Chapter 11 – Revisions Process
- Chapter 14 – Findings and Recommendations

- Chapter 15 – Goals and Policies

In addition to hearing and noticing requirements, this application requires compliance with the Statewide Planning Goals, and requires demonstration that the proposed change will not be detrimental to the spirit and intent of the goals, requires consideration of the public need for healthful, safe and aesthetic surroundings and conditions. It also requires demonstration that a change in originally developed inventory occurred, and that transportation facilities will not be harmed. Adding the proposed site to the Aggregate Inventory also protects the aggregate operation from conflicting uses such as dwellings. Staff's recommendation finds that the Comprehensive Plan Amendment is consistent with all of the pertinent criteria and standards.

c. Zoning Map Amendment (P34)

Wasco County Land Use & Development Ordinance

- 1) Chapter 2 – Development Approval Procedures
 - Section 2.060.B.1., Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)
 - Section 2.080.A., Notice
 - Section 2.090, Contents of Notice
 - Section 2.140, Hearing Procedure
 - Section 2.150, Official Notice
 - Section 2.190, General Conduct of Hearings
- 2) Chapter 9 – Zone Change and Ordinance Amendment
 - Section 9.010, Application for Zone Change
 - Section 9.020, Criteria for Decision
 - Section 9.030, Transportation Planning Rule Compliance
 - Section 9.040, Conditions Relative to the Approval of a Zone Change
 - Section 9.060, Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
 - Section 9.070, Notice of Planning Commission Recommendation
 - Section 9.080, Action by County Governing Body
- 3) Chapter 3 – Basic Provisions
 - Section 3.800, EPD-5, Mineral & Aggregate Overlay
 - Section 3.835, Development Standards - Extraction Area
 - Section 3.840, Application Process
 - Section 3.845, Impact Area - Uses and Standards
 - Section 3.855, Termination of Mineral and Aggregate Overlay Zone

Applicable criteria for a Zoning Map Amendment require ensuring the rezone will comply with the Comprehensive Plan, that the site is suitable for the proposed zone and that there has been consideration of the public health, safety and welfare in applying the regulations. In addition, it considers impacts on transportation facilities. Criteria also establish uses permitted in the Mineral & Aggregate Overlay Zone, identifies visual screening requirements, equipment removal, and insurance requirements for the aggregate operator. They require on-site roads to meet minimum standards and may include road improvements to public roads. Criteria regulate hours of operation and blasting, as well as implementing DEQ air quality and DOGAMI reclamation requirements. It is also these criteria that protect the aggregate site from new conflicting uses within the Impact Area.

Staff's recommendation finds that the Zoning Map Amendment is consistent with all of the pertinent criteria and standards.

d. Conditional Use Permit (P48)

- 1) Chapter 2 – Development Approval Procedures

- **Section 2.060, Application/Completeness, Section B.14., Matters which the Director elects not to review**
- **Section 2.080.A., Notice**
- **Section 2.090, Contents of Notice**
- **Section 2.140, Hearing Procedure**
- **Section 2.150, Official Notice**
- **Section 2.190, General Conduct of Hearings**

2) Chapter 3 – Basic Provisions

Section 3.210, Exclusive Farm Use Zone

- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III
- 4. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay.
- 5. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement, except that asphalt production shall not be permitted within two miles of a producing orchard or vineyard, which is planted as of the date that the application for asphalt production is filed, and subject to WCLUDO Section 3.800, Mineral and Aggregate Overlay.
 - Section 3.210.F., Property Development Standards
 - Section 3.210.H., Agricultural Protection
 - Section 3.210.J.9., Additional Standards – Aggregate

3) Chapter 5 – Conditional Use Review

- Section 5.020, Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used)
- Section 5.030, Conditions

4) Chapter 10 – Fire Safety Standards

- Section 10.110, Siting Standards – Locating Structures
- Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break
- Section 10.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure
- Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home
- Section 10.150, Fire Protection or On-Site Water Required

The Conditional Use Permit portion of this review requires the aggregate operation to be consistent with the Exclusive Farm Use Zone, specifically maintenance of water resource buffers, lighting standards and agricultural protection standards. Conditional Use standards in Chapter 5 are analyzed beginning on page P51. Section 5.020 requires the consideration of many things: the location, size, design and operation characteristics of the operation, analysis of existing public facilities, including police and fire protection, sewer and water facilities, telephone and electrical service and solid waste disposal facilities, impacts on transportation and its facilities, dust, noise & odor, sensitive wildlife habitat, riparian vegetation along streambanks and soil erosion. The proposed use should not affect air, water and land resource quality of the area, significantly detract from the visual character of the area, or harm areas of historic value, natural or cultural significance. A big part of this section is ensuring the proposed use will not significantly increase the cost or significantly change farm or forest practices on adjacent properties. Chapter 20 ensures there will be no traffic congestion and minimal adverse effects on surrounding properties. Chapter 10 ensures the owners are aware of the County fire safety standards. Staff notes that there are few quarry fires, and definitely very few spread onto surrounding lands due to lack of available burning material.

Staff's recommendation finds that the Conditional Use Permit is consistent with all of the pertinent criteria and standards.

Findings:

Findings of fact for each of the four applications are listed separately in the staff recommendation. Based on these findings, it appears to staff that the requests, with recommended conditions, are each consistent with the Wasco County LUDO and Wasco County Comprehensive Plan. If any additional findings, or corrections to recommended findings, or new or amended conditions are proposed by the Planning Commission, staff will add them to the final Planning Commission report and they will be contained in the report that will be forwarded to the Board of Commissioners.

Planning Commission Decision Options: The Planning Commission should make a motion and vote on each application separately, therefore, there are four sets of options.

a. SUBJECT TO STANDARDS REVIEW:

- 1) Approve the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff; or
- 2) Approve the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with amended findings and conditions provided by the Planning Commission; or
- 3) Deny the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, for The Subject to Standards Review, approve the request to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff.

b. COMPREHENSIVE PLAN AMENDMENT:

- 1) Recommend approval of the Comprehensive Plan Amendment to the Board of Commissioners, to add the 50 acre expanded aggregate site to the Wasco County Aggregate Inventory as a Significant Site, with the proposed findings and conditions recommended by staff; or
- 2) Recommend approval of the Comprehensive Plan Amendment to the Board of Commissioners, to add the 50 acre expanded aggregate site to the Wasco County Aggregate Inventory as a Significant Site, with amended findings and conditions provided by the Planning Commission; or
- 3) Recommend denial of the Comprehensive Plan Amendment to the Board of Commissioners, to add the 50 acre expanded aggregate site to the Wasco County Aggregate Inventory as a Significant Site, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, recommend approval to the Board of Commissioners, of the Comprehensive Plan Amendment to add the 50 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, with the recommended findings and conditions provided by staff.

c. ZONING MAP AMENDMENT:

- 1) Recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 50 acre expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with the proposed findings and conditions recommended by staff; or
- 2) Recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 50 acre expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with the amended findings and conditions provided by the Planning Commission; or
- 3) Recommend denial of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 50 acre expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, recommend approval to the Board of Commissioners, of the Zone Change to apply the Mineral & Aggregate Overlay Zone to the 50 acre expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with the recommended findings and conditions provided by staff.

d. CONDITIONAL USE PERMIT:

- 1) Approve the Conditional Use Permit to allow aggregate extraction within the proposed 50 acre Permit Boundary, with staff's proposed findings and conditions.
- 2) Approve the Conditional Use Permit to allow aggregate extraction within the 50 acre Permit Boundary, with amended findings and conditions provided by the Planning Commission.
- 3) Deny the Conditional Use Permit to allow aggregate extraction within the 50 acre Permit Boundary, with amended findings provided by the Planning Commission.
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, for the Conditional Use Permit to allow aggregate extraction within the proposed 50 acre Permit Boundary, with the recommended findings and conditions provided by staff.

Staff is not aware of any reason to continue this public hearing and believes the Planning Commission has sufficient information to make a decision on this request.

Chair Hargrave called for questions from the Commission.

Chair DeHart asked whether staff had discussed the increase of the buffer from 750' to 1500' as recommended by the State. **Associate Planner Baird** stated that she did indeed discuss it with the applicants and explained it was the current standard used by the State. There was a discussion between Staff and the Commission on whether it would cause future problems by requiring 1500' now and 750' at some point in the future.

Chair Hargrave called for comments from the applicant.

Nick Kramer, Representative for applicant

Mr. Kramer stated that the applicant did not have concerns over the 1500' buffer. He further stated that he had no other comments but wanted to be available for questions from the Commission.

Chair Hargrave called for questions from the Commission.

None.

Chair Hargrave called for additional testimony in support of the request.

None.

Chair Hargrave called for testimony in opposition of the request.

None.

Chair Hargrave called for any additional questions from the Commission.

None.

Chair Hargrave closed the hearing for deliberation.

Vice Chair Ashley moved to approve the request for the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff.

Commissioner McBain seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

Commissioner McBain moved to recommend approval of the Comprehensive Plan Amendment to the Board of Commissioners, to add the 50 acre expanded aggregate site to the Wasco County Aggregate Inventory as a Significant Site, with the proposed findings and conditions recommended by staff.

Commissioner Davis seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

Commissioner Davis moved to recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 50 acre

expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with the proposed findings and conditions recommended by staff.

Commissioner McBain seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

Vice Chair Ashley moved to approve the request for a Conditional Use Permit to allow aggregate extraction within the proposed 50 acre Permit Boundary, with staff's proposed findings and conditions.

Commissioner Myers seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

IV. QUASIJUDICIAL HEARING: FILE #PLACUP-15-01-0003 Bryant/Carver

Request for: 1) Subject to Standards Review for a Significance Determination for a 20 acre aggregate site; 2) Comprehensive Plan amendment to add the aggregate operation to the Comprehensive Plan Mineral & Aggregate Inventory as a Significant Site; 3) Zone Change to apply the EPD-5, Mineral & Aggregate Overlay zone to the proposed aggregate operation; and 4) Conditional Use Permit for an aggregate extraction site, including drilling, shooting, crushing, screening, and stockpiling of rock. The aggregate site is located south of Hinton Road, approximately 0.6 mile east of Bakeoven Road, approximately 7 miles northwest of Shaniko, Oregon; more specifically described as 5S 16E 0 3600, Account 12549.

Opening the Hearing: Chair Hargrave opened the public hearing on agenda item PLACUP-15-02-0003, a request by J. Arlie Bryant, Inc. to create a 20 acre aggregate operation. The aggregate operation requires 4 separate applications and a 2-part process. Staff provided a

general overview of the process required for an aggregate operation prior to this hearing, and will further explain it during the presentation of the staff recommendation.

The four applications include:

- a. Subject to Standards Review for a Significance Determination of the aggregate site.
- b. Comprehensive Plan Amendment to add the aggregate operation to the Comprehensive Plan Mineral & Aggregate Inventory as a Significant Site
- c. Zone Change to apply the EPD-5, Mineral & Aggregate Overlay zone to the aggregate operation
- d. Conditional Use Permit to expand the existing aggregate operation in area and to include drilling, shooting, crushing, stockpiling crushed aggregate, and a batch plant.

The property is described as 5S 16E 0, tax lot 3600; Acct. 12549.

The criteria for approval of the four applications include: Review Authority: Chapter 2, Section 2.060.B.1., 2., and 14 of the Wasco County Land Use and Development Ordinance. Review Criteria: Wasco County Comprehensive Plan Chapter 2 – Physical Characteristics (G., Mineral & Aggregate Resources), Chapter 14 – Findings & Recommendations (G., Goal 5 Issues), and Chapter 15 – Goals and Policies (E., Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources); Wasco County Land Use & Development Ordinance (LUDO), Chapter 2 (Procedures); Chapter 3 (Basic Provisions), Section 3.210 (Exclusive Farm Use zone), Section 3.210.E.12. (Aggregate Operations), H. (Agricultural Protection), J.9. (Additional Standards), Section 3.800 (Mineral & Aggregate Overlay Zone), Chapter 5 (Conditional Use Review), and Chapter 20 (Site Plan Review), Chapter 10 (Fire Safety Standards).

The procedure today is:

- a. Disclosure of Interest, Ex Parte Contact or Potential Conflicts
- b. Reading of the Rules of Evidence
- c. Planning department will present their report
- d. Those who wish to speak in favor of the proposal
- e. Those who wish to speak in opposition of the proposal
- f. Rebuttal
- g. Close the hearing and record and begin deliberation
- h. If enough information is available the Planning Commission will make a decision today.

Chair Hargrave asked if any Commission member wished to disqualify themselves for any personal or financial interest in this matter?

None.

Chair Hargrave asked if any member of the audience wished to challenge the right of any Commission member to hear this matter?

None.

Chair Hargrave asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter?

None.

Chair Hargrave explained the Rules of Evidence which will be followed.

Chair Hargrave called for the staff report.

Dawn Baird, Associate Planner, presented the following report:

For the record my name is Dawn Baird and I am an Associate Planner for the Wasco County Planning Department. I am going to present the background information in this case.

Request: The record for this request begins on Page P109 of the record. A location map for this request is on page P115. As the Chair indicated, today we will be discussing a request by J. Arlie Bryant, Inc. on property owned by Blaine Carver to create a 20 acre rock

quarry. The request requires approval of four applications. The four applications are: a) Subject to Standards Review, b) Comprehensive Plan Amendment, c) Zoning Map Amendment; and d) Conditional Use Permit. Per Section 2.060 of the LUDO, the Commission will make a final decision on the Subject to Standards and Conditional Use Permit requests, and will make a recommendation to the Board of Commissioners for the Comprehensive Plan Amendment and Zone Change.

Location: The aggregate site is located south of Hinton Road, approximately 0.6 mile east of Bakeoven Road, approximately 7 miles northwest of Shaniko, Oregon; 5S 16E 0 3600; Account 12549. The subject parcel is approximately 223.20 acres in size.

Staff Recommendation: The full Staff Recommendation was mailed in the Planning Commission's agenda packets. It was available for review at the counter one week prior to this hearing, and it is considered a part of the record.

Let's discuss why the request is before the Planning Commission...

On February 9, 2015, John Bryant, J. Arlie Bryant, Inc., submitted applications for a Subject to Standards Review, a Comprehensive Plan Amendment, a Zone Change, and a Conditional Use Permit.

In the Exclusive Farm Use Zone, an aggregate extraction site must be listed in the Comprehensive Plan Aggregate Inventory as a Significant Site. The proposed site is not currently listed in the Comprehensive Plan Aggregate Inventory.

Two of the four required applications, the Subject to Standards Review and Conditional Use Permit, can be processed administratively by staff, however, the Comprehensive Plan Amendment & Zone Change require a public hearing before both the Planning Commission and Board of Commissioners. In an effort to expedite the process, all administrative applications have been "bumped up" to the PC.

Part 1 of the hearing is for a Subject to Standards Review. The Planning Commission must determine whether the aggregate operation meets the "significant" criteria in the Mineral & Aggregate Overlay Zone. If it meets the criteria, the site can be approved as a Significant Site. State law requires all new or expanded sites in the Exclusive Farm Use Zone to be "significant".

Part 2 of the hearing involves the remaining three applications.

- Comprehensive Plan application – This review evaluates all pertinent Comprehensive Plan criteria related to adding the aggregate site/Permit Boundary, as a "Significant Site" on the Comprehensive Plan Aggregate Inventory.
- Zone Change/Zoning Map Amendment application – This review evaluates criteria and standards in Chapter 9 – Zone Change, and Chapter 3 – Basic Provisions, Section 3.800, Mineral & Aggregate Overlay Zone. Chapter 9 ensures that any zone change is suitable to the area, that there has been consideration of public health, safety and welfare, as well as transportation concerns related to traffic quantity, road improvements, etc., and their impact on the local transportation system.
- Conditional Use Permit application – This section specifically allows approval of an aggregate extraction site as a conditional use in the Exclusive Farm Use Zone. The use must comply with property development standards, and the Agricultural Protection Standards that require recording of a Farm Management Deed, and provides the property owner with information regarding the mediation process in case of any disputes. The proposed aggregate operation must meet all criteria in Chapter 5 – Conditional Use Permit. Criteria include but are not limited to requiring compatibility with surrounding uses, especially resource uses, protection of historic/cultural resources, wildlife sites, stream/water bodies, wildlife species, availability of public services, etc.

Stage in the Process: As previously stated, the application was received by the Planning Department on February 9, 2015. The request was found to be complete on February 26, 2015, and was scheduled for a public hearing on today's date. All required public notice has been given. The Staff Recommendation, with findings, conditions and conclusions, was issued on March 31, 2015. The Staff Recommendation and Summary were provided to the Planning Commission. If the Planning Commission feels they have all the necessary information to make a **decision**, they will vote to do so today.

1. **Criteria:** The applicable standards used to evaluate each request include:

Wasco County Land Use & Development Ordinance (LUDO)

a. Subject to Standards Review (P122)

- 1) Chapter 2 – Development Approval Procedures
 - o Section 2.060.B.14., Matters which the Director elects not to review
 - o Section 2.080.A., Notice
 - o Section 2.090., Contents of Notice
 - o Section 2.140, Hearing Procedure
 - o Section 2.150, Official Notice
 - o Section 2.190, General Conduct of Hearings
- 2) Chapter 3 – Basic Provisions, Section 3.800, Division 5 – Mineral & Aggregate Overlay
 - o Section 3.810, Application of Overlay Zone
 - o Section 3.815, Procedure for Applying the Overlay Zone

In addition to hearing and noticing requirements, these criteria require testing of the rock at the aggregate site. Rock must meet two of the three requirements in 3.815.A.2.: Abrasion, loss of not more than 35% by weight; Oregon Air Degradation, loss of not more than 35% by weight; and Sodium Sulphate Soundness, not more than 17% by weight. In addition, the quantity of rock must be in excess of 69,000 cubic yards (100,000 tons). The Bryant request meets these standards (P125). The STS Review establishes a Permit Boundary where all aggregate operations must occur, and identifies an Impact Area – that area that could be negatively affected by the proposed use. This includes an ESEE Analysis where the economic, social, environmental and energy consequences of allowing the aggregate operation in the proposed location and its impact on sensitive uses such as dwellings. For instance, an aggregate operation would create noise and dust and would not be suitable in a residential area, but the impacts of the use in a rural farm area are much different. As identified in the ESEE analysis, there are no sensitive uses within 0.5 miles of the proposed aggregate site. The request complies with all of the STS Review requirements and should be determined a "Significant Site".

b. Comprehensive Plan Amendment (P130)

Wasco County Land Use & Development Ordinance

Chapter 2 – Development Approval Procedures

- o Section 2.060.B.2., Recommendation to the County Governing Body on a Legislative or Quasi-Judicial Plan Amendment (Comprehensive Plan)
- o Section 2.080.A., Notice
- o Section 2.090, Contents of Notice
- o Section 2.140, Hearing Procedure
- o Section 2.150, Official Notice
- o Section 2.190, General Conduct of Hearings

Wasco County Comprehensive Plan

- Chapter 2 – Physical Characteristics, *G., Mineral & Aggregate Resources*
- Chapter 11 – Revisions Process
- Chapter 14 – Findings and Recommendations
- Chapter 15 – Goals and Policies

In addition to hearing and noticing requirements, this application requires compliance with the Statewide Planning Goals, and requires demonstration that the proposed change will not be detrimental to the spirit and intent of the goals, requires consideration of the public need for healthful, safe and aesthetic surroundings and conditions. It also requires demonstration that a change in originally developed inventory occurred, and that transportation facilities will not be harmed. Adding the proposed site to the Aggregate Inventory also protects the aggregate operation from conflicting uses such as dwellings. Staff's recommendation finds that the Comprehensive Plan Amendment is consistent with all of the pertinent criteria and standards.

c. Zoning Map Amendment (P141)

Wasco County Land Use & Development Ordinance

- 1) Chapter 2 – Development Approval Procedures
 - Section 2.060.B.1., Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)
 - Section 2.080.A., Notice
 - Section 2.090, Contents of Notice
 - Section 2.140, Hearing Procedure
 - Section 2.150, Official Notice
 - Section 2.190, General Conduct of Hearings
- 2) Chapter 9 – Zone Change and Ordinance Amendment
 - Section 9.010, Application for Zone Change
 - Section 9.020, Criteria for Decision
 - Section 9.030, Transportation Planning Rule Compliance
 - Section 9.040, Conditions Relative to the Approval of a Zone Change
 - Section 9.060, Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
 - Section 9.070, Notice of Planning Commission Recommendation
 - Section 9.080, Action by County Governing Body
- 3) Chapter 3 – Basic Provisions
 - Section 3.800, EPD-5, Mineral & Aggregate Overlay
 - Section 3.835, Development Standards - Extraction Area
 - Section 3.840, Application Process
 - Section 3.845, Impact Area - Uses and Standards
 - Section 3.855, Termination of Mineral and Aggregate Overlay Zone

Applicable criteria for a Zoning Map Amendment require ensuring the rezone will comply with the Comprehensive Plan, that the site is suitable for the proposed zone and that there has been consideration of the public health, safety and welfare in applying the regulations. In addition, it considers impacts on transportation facilities. Criteria also establish uses permitted in the Mineral & Aggregate Overlay Zone, identifies visual screening requirements, equipment removal, and insurance requirements for the aggregate operator. They require on-site roads to meet minimum standards and may include road improvements to public roads. Criteria regulate hours of operation and blasting, as well as implementing DEQ air quality and DOGAMI reclamation requirements. It is also these criteria that protect the aggregate site from new conflicting uses within the Impact Area.

Staff's recommendation finds that the Zoning Map Amendment is consistent with all of the pertinent criteria and standards.

d. Conditional Use Permit (P156)

1) Chapter 2 – Development Approval Procedures

- Section 2.060, Application/Completeness, Section B.14., Matters which the Director elects not to review
- Section 2.080.A., Notice
- Section 2.090, Contents of Notice
- Section 2.140, Hearing Procedure
- Section 2.150, Official Notice
- Section 2.190, General Conduct of Hearings

2) Chapter 3 – Basic Provisions

Section 3.210, Exclusive Farm Use Zone

- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III
 1. Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay.
- Section 3.210.F., Property Development Standards
- Section 3.210.H., Agricultural Protection
- Section 3.210.J.9., Additional Standards – Aggregate

3) Chapter 5 – Conditional Use Review

- Section 5.020, Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used)
- Section 5.030, Conditions

4) Chapter 10 – Fire Safety Standards

- Section 10.110, Siting Standards – Locating Structures
- Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break
- Section 10.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure
- Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home
- Section 10.150, Fire Protection or On-Site Water Required

The Conditional Use Permit portion of this review requires the aggregate operation to be consistent with the Exclusive Farm Use Zone, specifically maintenance of water resource buffers, lighting standards and agricultural protection standards. Conditional Use standards in Chapter 5 are analyzed beginning on page P156. Section 5.020 requires the consideration of many things: the location, size, design and operation characteristics of the operation, analysis of existing public facilities, including police and fire protection, sewer and water facilities, telephone and electrical service and solid waste disposal facilities, impacts on transportation and its facilities, dust, noise & odor, sensitive wildlife habitat, riparian vegetation along streambanks and soil erosion. The proposed use should not affect air, water and land resource quality of the area, significantly detract from the visual character of the area, or harm areas of historic value, natural or cultural significance. A big part of this section is ensuring the proposed use

will not significantly increase the cost or significantly change farm or forest practices on adjacent properties. Chapter 20 ensures there will be no traffic congestion and minimal adverse effects on surrounding properties. Chapter 10 ensures the owners are aware of the County fire safety standards. Staff notes that there are few quarry fires, and definitely very few spread onto surrounding lands due to lack of available burning material.

Staff's recommendation finds that the Conditional Use Permit is consistent with all of the pertinent criteria and standards.

Findings:

Findings of fact for each of the four applications are listed separately in the staff recommendation. Based on these findings, it appears to staff that the requests, with recommended conditions, are each consistent with the Wasco County LUDO and Wasco County Comprehensive Plan. If any additional findings, or corrections to recommended findings, or new or amended conditions are proposed by the Planning Commission, staff will add them to the final Planning Commission report and they will be contained in the report that will be forwarded to the Board of Commissioners.

Planning Commission Decision Options: The Planning Commission should make a motion and vote on each application separately, therefore, there are four sets of options.

a. SUBJECT TO STANDARDS REVIEW:

- 1) Approve the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff; or
- 2) Approve the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with amended findings and conditions provided by the Planning Commission; or
- 3) Deny the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, for The Subject to Standards Review, approve the request to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff.

b. COMPREHENSIVE PLAN AMENDMENT:

- 1) Recommend approval of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, to the Board of Commissioners, with the proposed findings and conditions recommended by staff; or
- 2) Recommend approval of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, to the Board of Commissioners, with amended findings and conditions provided by the Planning Commission; or
- 3) Recommend denial of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, to the Board of Commissioners, with amended findings provided by the Planning Commission; or

- 4) Continue this hearing to a date and time certain.

Staff recommends Option 1, recommend approval to the Board of Commissioners of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, with the recommended findings and conditions provided by staff.

c. ZONING MAP AMENDMENT:

- 1) Recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with the proposed findings and conditions recommended by staff; or
- 2) Recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with the amended findings and conditions provided by the Planning Commission; or
- 3) Recommend denial of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option 1, recommend approval to the Board of Commissioners, of the Zone Change to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with the recommended findings and conditions provided by staff.

d. CONDITIONAL USE PERMIT:

- 1) Approve the Conditional Use Permit to allow aggregate extraction within the proposed 20 acre Permit Boundary, with staff's proposed findings and conditions.
- 2) Approve the Conditional Use Permit to allow aggregate extraction within the 20 acre Permit Boundary, with amended findings and conditions provided by the Planning Commission.
- 3) Deny the Conditional Use Permit to allow aggregate extraction within the 20 acre Permit Boundary, with amended findings provided by the Planning Commission.
- 4) Continue this hearing to a date and time certain.

Staff recommends Option 1, for the Conditional Use Permit to allow aggregate extraction within the proposed 20 acre Permit Boundary, with the recommended findings and conditions provided by staff.

Staff is not aware of any reason to continue this public hearing and believes the Planning Commission has sufficient information to make a decision on this request.

That concludes my presentation and I would be glad to answer any questions the Commission may have.

Chair Hargrave called for questions from the Commission.

None.

Chair Hargrave called for comments from the applicant.

John Bryant, J Arlie Bryant

Mr. Bryant stated that he felt Staff had done a thorough job and he had not addition statements for the Commission, but was available for questions.

Chair Hargrave called for questions from the Commission.

Commissioner DeHart asked for clarification from the applicant on whether they had an issue with increasing the buffer from 750' to 1500'. **Mr. Bryant** stated that they did not have a strong issue with the increase.

Chair Hargrave called for additional questions from the Commission.

None.

Chair Hargrave called for additional testimony in support of the request.

None.

Chair Hargrave called for testimony in opposition of the request.

None.

Chair Hargrave called for any additional questions from the Commission.

None.

Chair Hargrave closed the hearing for deliberation.

Commissioner McBain moved to approve the request for the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff.

Commissioner Myers seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

Commissioner McBain moved to recommend approval of the Comprehensive Plan Amendment to the Board of Commissioners, to add the 50 acre expanded aggregate site to the Wasco County Aggregate Inventory as a Significant Site, with the proposed findings and conditions recommended by staff.

Vice Chair Ashley seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

Vice Chair Ashley moved to recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 50 acre expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with the proposed findings and conditions recommended by staff.

Commissioner McBain seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes
Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

Commissioner Myers moved to approve the request for a Conditional Use Permit to allow aggregate extraction within the proposed 50 acre Permit Boundary, with staff's proposed findings and conditions.

Commissioner Davis seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes
Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

Request for: 1) 1) Partition to legalize an existing improperly created tax lot; 2) Subject to Standards Review for a Significance Determination for a 20 acre aggregate site; 3) Comprehensive Plan amendment to add the aggregate operation to the Comprehensive Plan Mineral & Aggregate Inventory as a Significant Site; 4) Zone Change to apply the EPD-5, Mineral & Aggregate Overlay zone to the existing and expanded operation; and 5) Conditional Use Permit for an aggregate extraction site, including drilling, shooting, crushing, screening, and stockpiling of rock. The proposed aggregate site is located approximately 2 miles east of Highway 197 on an easement road, approximately 3½ miles north of its intersection with Highway 97, approximately 9½ miles southwest of Shaniko, Oregon; more specifically described as 7S 15E 0, tax lot 600, Account 12795.

Opening the Hearing: Chair Hargrave opened the public hearing hearing on agenda item PLACUP-15-01-0001, a request by J. Arlie Bryant, Inc. for:

- a. Partition to legalize an improperly created property (House Bill 2723); and
- b. Creation of a 20 acre aggregate operation. The aggregate operation requires 4 separate applications and a 2-part process. Staff provided a general overview of the process required for an aggregate operation prior to this hearing, and will further explain it during the presentation of the staff recommendation.

The four applications include:

1. Subject to Standards Review for a Significance Determination of the aggregate site.
2. Comprehensive Plan Amendment to add the aggregate operation to the Comprehensive Plan Mineral & Aggregate Inventory as a Significant Site
3. Zone Change to apply the EPD-5, Mineral & Aggregate Overlay zone to the aggregate operation
4. Conditional Use Permit to expand the existing aggregate operation in area and to include drilling, shooting, crushing, and stockpiling crushed aggregate.

The property is described as 7S 15E 0, tax lot 600; Acct. 12795.

The criteria for approval of the applications include: Review Authority: Chapter 2, Section 2.060.B.1., 2., and 14 of the Wasco County Land Use and Development Ordinance. Review Criteria: Wasco County Comprehensive Plan Chapter 2 – Physical Characteristics (G., Mineral & Aggregate Resources), Chapter 14 – Findings & Recommendations (G., Goal 5 Issues), and Chapter 15 – Goals and Policies (E., Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources); Wasco County Land Use & Development Ordinance (LUDO), Chapter 2 (Procedures); Chapter 3 (Basic Provisions), Section 3.210 (Exclusive Farm Use zone), Section 3.210.E.12. (Aggregate Operations), G. (Property Size Standards), H. (Agricultural Protection), J.9. (Additional Standards), Section 3.800 (Mineral & Aggregate Overlay Zone), Chapter 5 (Conditional Use Review), Chapter 20 (Site Plan Review), Chapter 10 (Fire Safety Standards); and Chapter 21 – Land Divisions).

The procedure today is:

- a. Disclosure of Interest, Ex Parte Contact or Potential Conflicts
- b. Reading of the Rules of Evidence
- c. Planning department will present their report
- d. Those who wish to speak in favor of the proposal
- e. Those who wish to speak in opposition of the proposal
- f. Rebuttal
- g. Close the hearing and record and begin deliberation
- h. If enough information is available the Planning Commission will make a decision today.

Chair Hargrave asked if any Commission member wished to disqualify themselves for any personal or financial interest in this matter?

None.

Chair Hargrave asked if any member of the audience wished to challenge the right of any Commission member to hear this matter?

None.

Chair Hargrave asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter?

None.

Chair Hargrave explained the Rules of Evidence which will be followed.

Chair Hargrave called for the staff report.

For the record my name is Dawn Baird and I am an Associate Planner for the Wasco County Planning Department. I am going to present the background information in this case.

Request: The record for this request begins on Page P217 of the record. A location map for this request is on page P225. As the Chair indicated, today we will be discussing a request by J. Arlie Bryant, Inc. on property owned by Hagen Bar 50 Ranches to create a 20 acre rock quarry. The request requires approval of four applications. The four applications are: a) Subject to Standards Review, b) Comprehensive Plan Amendment, c) Zoning Map Amendment; and d) Conditional Use Permit. Per Section 2.060 of the LUDO, the Commission will make a final decision on the Subject to Standards and Conditional Use Permit requests, and will make a recommendation to the Board of Commissioners for the Comprehensive Plan Amendment and Zone Change.

During the completeness review, staff discovered that this tax lot appeared to be created improperly by deed prior to September 4, 1974. All land divisions occurring after September 4, 1974, were required to receive land use approval through a partition or subdivision process. The difference is that a subdivision creates four or more parcels and a partition creates three or fewer parcels. This improper creation of tax lot 600 can be remedied by House Bill 2723, approved by the Legislature in 2007. This allows an owner to do an "after the fact" partition if the unit of land would have been permitted at the time it was first created. The owner has requested approval of a Partition./

Location: The aggregate site is located east of Highway 197, approximately 3½ miles north of its intersection with Highway 97, approximately 9½ miles southeast of Shaniko, Oregon; 7S 15E 0 600; Account 12795. The subject property is approximately 3,706.82 acres in size.

Staff Recommendation: The full Staff Recommendation was mailed in the Planning Commission's agenda packets. It was available for review at the counter one week prior to this hearing, and it is considered a part of the record.

Let's discuss why the request is before the Planning Commission...

On January 16, 2015, John Bryant, J. Arlie Bryant, Inc., submitted applications for a Subject to Standards Review, a Comprehensive Plan Amendment, a Zone Change, and a Conditional Use Permit. He submitted the Partition application around the first of February. The application was determined to be complete and was scheduled for a public hearing before the Planning Commission. **I will discuss all of the applications in my presentation, but the Planning Commission should make a separate motion and vote on each application separately.**

In the Exclusive Farm Use Zone, an aggregate extraction site must be listed in the Comprehensive Plan Aggregate Inventory as a Significant Site. The proposed site is not currently listed in the Comprehensive Plan Aggregate Inventory.

Three of the five applications, the Partition, the Subject to Standards Review, and the Conditional Use Permit, can be processed administratively by staff, however, the Comprehensive Plan Amendment & Zone Change require a public hearing before both the Planning Commission and

Board of Commissioners. In an effort to expedite the process, all administrative applications have been “bumped up” to the PC.

The first application that will be reviewed by the Commission is the Partition application. According to Chapter 15 – Administration & Enforcement, Section 15.020, Zoning Approval, states:

A. The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this Ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.

By first clearing up the legal parcel status through a House Bill 2723 partition, the County can then consider the aggregate request. As previously discussed, the aggregate request requires a 2-Part hearing process:

Part 1 of the aggregate request is for a Subject to Standards Review. The Planning Commission must determine whether the aggregate operation meets the “significant” criteria in the Mineral & Aggregate Overlay Zone. If it meets the criteria, the site can approved as a Significant Site. State law requires all new or expanded sites in the Exclusive Farm Use Zone to be “significant”.

Part 2 of the hearing involves the remaining three applications.

- Comprehensive Plan application – This review evaluates all pertinent Comprehensive Plan criteria related to adding the aggregate site/Permit Boundary, as a “Significant Site on the Comprehensive Plan Aggregate Inventory.
- Zone Change/Zoning Map Amendment application – This review evaluates criteria and standards in Chapter 9 – Zone Change, and Chapter 3 – Basic Provisions, Section 3.800, Mineral & Aggregate Overlay Zone. Chapter 9 ensures that any zone change is suitable to the area, that there has been consideration of public health, safety and welfare, as well as transportation concerns related to traffic quantity, road improvements, etc., and their impact on the local transportation system.
- Conditional Use Permit application – This section specifically allows approval of an aggregate extraction site as conditional uses in the Exclusive Farm Use Zone. The use must comply with property development standards, and the Agricultural Protection Standards that require recording of a Farm Management Deed, and provides the property owner with information regarding the mediation process in case of any disputes. The proposed aggregate operation must meet all criteria in Chapter 5 – Conditional Use Permit. Criteria include but are not limited to requiring compatibility with surrounding uses, especially resource uses, protection of historic/cultural resources, wildlife sites, stream/water bodies, wildlife species, availability of public services, etc.

Stage in the Process: As previously stated, the application was received by the Planning Department on January 16, 2015. The request was found to be complete in late February, 2015, and was scheduled for a public hearing on today’s date. All required public notice has been given. The Staff Recommendation, with findings, conditions and conclusions, was issued on March 31, 2015. The Staff Recommendation and Summary were provided to the Planning Commission. If the Planning Commission feels they have all the necessary information to make a **decision**, they will vote to do so today.

Criteria: The applicable standards used to evaluate each request include:

Partition (P233)

House Bill (HB) 2723 – Adopted in 2007

Wasco County Land Use & Development Ordinance

Chapter 2 – Development Approval Procedures

Section 2.060.B.14., Matters which the Director elects not to review

Section 2.080.A., Notice

Section 2.090, Contents of Notice

Section 2.140, Hearing Procedure

Section 2.150, Official Notice

Section 2.190, General Conduct of Hearings

Chapter 3 – Basic Provisions, Section 3.210, A-1, Exclusive Farm Use Zone

Section 3.210.F., Property Development Standards

Chapter 21 – Land Divisions

Section 21.100, Land Partitioning Approval

Subject to Standards Review (P241)

Chapter 2 – Development Approval Procedures

- Section 2.060.B.14., Matters which the Director elects not to review
- Section 2.080.A., Notice
- Section 2.090., Contents of Notice
- Section 2.140, Hearing Procedure
- Section 2.150, Official Notice
- Section 2.190, General Conduct of Hearings

Chapter 3 – Basic Provisions, Section 3.800, Division 5 – Mineral & Aggregate Overlay

- Section 3.810, Application of Overlay Zone
- Section 3.815, Procedure for Applying the Overlay Zone

In addition to hearing and noticing requirements, these criteria require testing of the rock at the aggregate site. Rock must meet two of the three requirements in 3.815.A.2.: Abrasion, loss of not more than 35% by weight; Oregon Air Degradation, loss of not more than 35% by weight; and Sodium Sulphate Soundness, not more than 17% by weight. In addition, the quantity of rock must be in excess of 69,000 cubic yards (100,000 tons). The Bryant request meets these standards (P316). The STS Review establishes a Permit Boundary where all aggregate operations must occur, and identifies an Impact Area – that area that could be negatively affected by the proposed use. This includes an ESEE Analysis where the economic, social, environmental and energy consequences of allowing the aggregate operation in the proposed location and its impact on sensitive uses such as dwellings. For instance, an aggregate operation would create noise and dust and would not be suitable in a residential area, but the impacts of the use in a rural farm area are much different. As identified in the ESEE analysis, there are no sensitive uses within 1 mile of the proposed aggregate site. The request complies with all of the STS Review requirements and should be determined a “Significant Site”.

Comprehensive Plan Amendment (P249)

Wasco County Land Use & Development Ordinance

Chapter 2 – Development Approval Procedures

- Section 2.060.B.2., Recommendation to the County Governing Body on a Legislative or Quasi-Judicial Plan Amendment (Comprehensive Plan)
- Section 2.080.A., Notice
- Section 2.090, Contents of Notice
- Section 2.140, Hearing Procedure
- Section 2.150, Official Notice
- Section 2.190, General Conduct of Hearings

Wasco County Comprehensive Plan

- Chapter 2 – Physical Characteristics, *G., Mineral & Aggregate Resources*
- Chapter 11 – Revisions Process
- Chapter 14 – Findings and Recommendations
- Chapter 15 – Goals and Policies

In addition to hearing and noticing requirements, this application requires compliance with the Statewide Planning Goals, and requires demonstration that the proposed change will not be detrimental to the spirit and intent of the goals, requires consideration of the public need for healthful, safe and aesthetic surroundings and conditions. It also requires demonstration that a change in originally developed inventory occurred, and that transportation facilities will not be harmed. Adding the proposed site to the Aggregate Inventory also protects the aggregate operation from conflicting uses such as dwellings. Staff's recommendation finds that the Comprehensive Plan Amendment is consistent with all of the pertinent criteria and standards.

Zoning Map Amendment (P260)

Wasco County Land Use & Development Ordinance

Chapter 2 – Development Approval Procedures

- Section 2.060.B.1., Recommendation to the County Governing Body on a Zone Change and/or Ordinance Amendment (Chapter 9)
- Section 2.080.A., Notice
- Section 2.090, Contents of Notice
- Section 2.140, Hearing Procedure
- Section 2.150, Official Notice
- Section 2.190, General Conduct of Hearings

Chapter 9 – Zone Change and Ordinance Amendment

- Section 9.010, Application for Zone Change
- Section 9.020, Criteria for Decision
- Section 9.030, Transportation Planning Rule Compliance
- Section 9.040, Conditions Relative to the Approval of a Zone Change
- Section 9.060, Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance
- Section 9.070, Notice of Planning Commission Recommendation
- Section 9.080, Action by County Governing Body

Chapter 3 – Basic Provisions

- Section 3.800, EPD-5, Mineral & Aggregate Overlay
- Section 3.835, Development Standards - Extraction Area
- Section 3.840, Application Process
- Section 3.845, Impact Area - Uses and Standards
- Section 3.855, Termination of Mineral and Aggregate Overlay Zone

Applicable criteria for a Zoning Map Amendment require ensuring the rezone will comply with the Comprehensive Plan, that the site is suitable for the proposed zone and that there has been consideration of the public health, safety and welfare in applying the regulations. In addition, it considers impacts on transportation facilities. Criteria also establish uses permitted in the Mineral & Aggregate Overlay Zone, identifies visual screening requirements, equipment removal, and insurance requirements for the aggregate operator. They require on-site roads to meet minimum standards and may include road improvements to public roads. Criteria regulate hours of operation and blasting, as well as implementing DEQ air quality and DOGAMI reclamation requirements. It is also these criteria that protect the aggregate site from new conflicting uses within the Impact Area.

Staff's recommendation finds that the Zoning Map Amendment is consistent with all of the pertinent criteria and standards.

Conditional Use Permit (P274)

Chapter 2 – Development Approval Procedures

- Section 2.060, Application/Completeness, Section B.14., Matters which the Director elects not to review
- Section 2.080.A., Notice
- Section 2.090, Contents of Notice
- Section 2.140, Hearing Procedure
- Section 2.150, Official Notice
- Section 2.190, General Conduct of Hearings

Chapter 3 – Basic Provisions

Section 3.210, Exclusive Farm Use Zone

- E. Uses Permitted Subject to Conditional Use Review/Type II or Type III

Aggregate: Operations conducted for the mining, crushing or stockpiling of mineral, aggregate and other subsurface resources subject to Section J(9) - Additional Standards below, Section 3.800, Mineral & Aggregate Overlay.

- Section 3.210.F., Property Development Standards
- Section 3.210.H., Agricultural Protection
- Section 3.210.J.9., Additional Standards – Aggregate

Chapter 5 – Conditional Use Review

- Section 5.020, Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used)
- Section 5.030, Conditions

Chapter 10 – Fire Safety Standards

- Section 10.110, Siting Standards – Locating Structures
- Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break
- Section 10.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure
- Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home
- Section 10.150, Fire Protection or On-Site Water Required

The Conditional Use Permit portion of this review requires the aggregate operation to be consistent with the Exclusive Farm Use Zone, specifically maintenance of water resource buffers, lighting standards and agricultural protection standards. Conditional Use standards in Chapter 5 are analyzed beginning on page P274. Section 5.020 requires the consideration of many things: the location, size, design and operation characteristics of the operation, analysis of existing public facilities, including police and fire protection, sewer and water facilities, telephone and electrical service and solid waste disposal facilities, impacts on transportation and its facilities, dust, noise & odor, sensitive wildlife habitat, riparian vegetation along streambanks and soil erosion. The proposed use should not affect air, water and land resource quality of the area, significantly detract from the visual character of the area, or harm areas of historic value, natural or cultural significance. A big part of this section is ensuring the proposed use will not significantly increase the cost or significantly change farm or forest practices on adjacent properties. Chapter 20 ensures there will be no traffic congestion and minimal adverse effects on surrounding properties. Chapter 10 ensures the owners are aware of the County fire safety standards. Staff notes that

there are few quarry fires, and definitely very few spread onto surrounding lands due to lack of available burning material.

Staff's recommendation finds that the Conditional Use Permit is consistent with all of the pertinent criteria and standards.

Findings:

Findings of fact for each of the four applications are listed separately in the staff recommendation. Based on these findings, it appears to staff that the requests, with recommended conditions, are each consistent with the Wasco County LUDO and Wasco County Comprehensive Plan. If any additional findings, corrections to recommended findings, or new or amended conditions are proposed by the Planning Commission, staff will add them the final Planning Commission report and they will be contained in the report that will be forwarded to the Board of Commissioners.

Planning Commission Decision Options: The Planning Commission should make a motion and vote on each application separately, therefore, there are four sets of options.

a. PARTITION:

- 1) Approve the Partition with the proposed findings and conditions recommended by staff; or
- 2) Approve the Partition with amended findings and conditions provided by the Planning Commission; or
- 3) Deny the Partition with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

b. SUBJECT TO STANDARDS REVIEW:

- 1) Approve the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff; or
- 2) Approve the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with amended findings and conditions provided by the Planning Commission; or
- 3) Deny the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, for The Subject to Standards Review, approve the request to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff.

c. COMPREHENSIVE PLAN AMENDMENT:

- 1) Recommend approval of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, to the Board of Commissioners, with the proposed findings and conditions recommended by staff; or
- 2) Recommend approval of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, to the Board of Commissioners, with amended findings and conditions provided by the Planning Commission; or

- 3) Recommend denial of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, to the Board of Commissioners, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, recommend approval to the Board of Commissioners of the Comprehensive Plan Amendment to add the 20 acre aggregate site to the Wasco County Comprehensive Plan Aggregate Inventory as a Significant Site, with the recommended findings and conditions provided by staff.

d. ZONING MAP AMENDMENT:

- 1) Recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with the proposed findings and conditions recommended by staff; or
- 2) Recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with the amended findings and conditions provided by the Planning Commission; or
- 3) Recommend denial of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with amended findings provided by the Planning Commission; or
- 4) Continue this hearing to a date and time certain.

Staff recommends Option A, recommend approval to the Board of Commissioners, of the Zone Change to apply the Mineral & Aggregate Overlay Zone to the 20 acre aggregate site, and all land within 1,500 feet of the Permit Boundary, with the recommended findings and conditions provided by staff.

e. CONDITIONAL USE PERMIT:

- III.** Approve the Conditional Use Permit to allow aggregate extraction within the proposed 20 acre Permit Boundary, with staff's proposed findings and conditions.
- IV.** Approve the Conditional Use Permit to allow aggregate extraction within the 20 acre Permit Boundary, with amended findings and conditions provided by the Planning Commission.
- V.** Deny the Conditional Use Permit to allow aggregate extraction within the 20 acre Permit Boundary, with amended findings provided by the Planning Commission.
- VI.** Continue this hearing to a date and time certain.

Staff recommends Option A, for the Conditional Use Permit to allow aggregate extraction within the proposed 20 acre Permit Boundary, with the recommended findings and conditions provided by staff.

Staff is not aware of any reason to continue this public hearing and believes the Planning Commission has sufficient information to make a decision on this request.

That concludes my presentation and I would be glad to answer any questions the Commission may have.

Chair Hargrave called for comments from the applicant.

John Bryant, J Arlie Bryant

Mr. Bryant stated that he felt Staff had done a thorough job and he had not addition statements for the Commission, but was available for questions.

Vice Chair Ashley clarified that the property is a rock outcropping with little or no dirt. **Mr. Bryant** responded that was correct.

Chair Hargrave called for additional questions from the Commission.

None.

Chair Hargrave called for additional testimony in support of the request.

None.

Chair Hargrave called for testimony in opposition of the request.

None.

Chair Hargrave called for any additional questions from the Commission.

None.

Chair Hargrave closed the hearing for deliberation.

The Commission agreed there were no issues which were not discussed earlier in the other hearings.

Commissioner Davis moved to approve the Partition with the proposed findings and conditions recommended by staff.

Commissioner Myers seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 - Vacant

Commissioner McBain moved to approve the request for the Subject to Standards Review to designate the proposed 20 acre quarry as a Significant Site, with the recommended findings and conditions provided by staff.

Commissioner Ashley seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes
Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

Commissioner Myers moved to recommend approval of the Comprehensive Plan Amendment to the Board of Commissioners, to add the 50 acre expanded aggregate site to the Wasco County Aggregate Inventory as a Significant Site, with the proposed findings and conditions recommended by staff.

Commissioner Davis seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes
Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

Vice Chair Ashley moved to recommend approval of the Zone Change to the Board of Commissioners to apply the Mineral & Aggregate Overlay Zone to the 50 acre expanded aggregate site, and all land within 1,500 feet of the Permit Boundary, with the proposed findings and conditions recommended by staff.

Commissioner McBain seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes
Vice-Chair Ashley – yes
Commissioner Myers – yes
Commissioner Handley - yes
Commissioner Elliott – absent
Commissioner DeHart – yes
Commissioner McBain – yes
Alternate Commissioner Davis – yes
Alternate Position #2 - Vacant

Commissioner Davis moved to approve the request for a Conditional Use Permit to allow aggregate extraction within the proposed 50 acre Permit Boundary, with staff's proposed findings and conditions.

Commissioner Myers seconded.

Chair Hargrave called for discussion

None.

Chair Hargrave called for the vote

The motion was unanimously approved 7 to 0, 1 absent (Commissioner Elliott), A listing of the vote, as required by Oregon Revised Statutes 192.650.c., is as follows:

Chair Hargrave – yes

Vice-Chair Ashley – yes

Commissioner Myers – yes

Commissioner Handley - yes

Commissioner Elliott – absent

Commissioner DeHart – yes

Commissioner McBain – yes

Alternate Commissioner Davis – yes

Alternate Position #2 – Vacant

BREAK at 4:30

RECONVENED at 4:42

VI. WORK SESSION ON LONG RANGE UPDATES:

Commissioner Davis submitted the draft updates document (see Attachment A)

Director Brewer discussed the staff required for the planned updates and explained that she has asked for the additional staff through the budget process.

Commissioner Davis summarized his document for the board

The Commission held discussion on creating a “why” for the updates. What are the potential benefits of doing the proposed updates. **Director Brewer** suggested approaching it as a business plan and looking for the “return on investment” or potential benefits.

The Commission will meet again in May to discuss changes to the proposed periodic review procedures. **Commissioner Davis** will bring an updated document to the May meeting.

V. ADJOURNMENT

Adjourned at 5:43 pm

Respectfully submitted,

Russell Hargrave, Chair
Wasco County Planning Commission

Angie Brewer, Interim Planning Director
Wasco County Planning & Development

Proposed Periodic Review Procedures for Wasco County

Prepared by Mike Davis, Wasco County Planning Commission Alternate 1

April 6, 2015

Over the years, the Wasco County Comprehensive Plan and Land Use and Development Ordinances have not been updated in a cohesive manner, resulting in a fragmented set of rules that are difficult for staff to apply and in some cases do not address County goals in an effective or proactive way. The Planning Commission has now met several times to discuss long-term planning needs, including the possibility of entering Voluntary Periodic Review. Voluntary Periodic Review is *voluntary* and is not required by the State of Oregon. However, the State provides a framework, and in many cases, staff assistance to pursue the Voluntary Periodic Review process as a means to update County plans and subsequent ordinances.

As proposed by the Wasco County Planning Commission, the review of the Wasco County Comprehensive Plan can be divided into five phases: Phases I, II and III are related to the evaluation of the existing plan, including a citizen involvement program; Phases IV and V include completion of the work tasks outlined in the work program developed to meet DLCD requirements during the previous phases.

Phase I will include a review of the existing comprehensive plan. In conjunction with the County's DLCD representative, the staff will identify any issues that should be addressed through the Periodic Review process. This will ensure the process will effectively cover any issues that were identified. The list of identified issues must be provided to LCDC as the County's defined need and formal request to enter Voluntary Periodic Review. Phase I will define timelines and outline the team that will assist during the process.

Phase II begins only after LCDC approves the results of Phase I. Phase II requires the County to determine a strategy for citizen involvement and begin the Plan Evaluation Process to determine whether specific criteria necessary for plan modifications and updates are met. Following the Plan Evaluation Process, the County Board of Commissioners will be required to review the results and determine whether to proceed with the update process.

Phase III begins only after the County Board of Commissioners agree to move forward with the update process. The results of the Plan Evaluation Process will inform the development of a formal Work Program with Work Tasks, as defined by DLCD. This process must include public participation, as identified in the approved citizen involvement strategy developed in Phase II.

Phase IV is the longest phase, taking up to three years to complete. During this phase, progress will be made on the individual Work Tasks identified in the approved Work Program. This work will be done in accordance with the citizen involvement strategy developed in Phase II. Reports to DLCD documenting the results of each Work Task must be provided in a timely manner for review and confirmation.

Phase V is the phase in which DLCD will review the completed Work Tasks. DLCD has up to 120 days to review the County’s work or request additional information. If no response is provided, then the reports are automatically approved. Following DLCD approval, the County’s local process to change the Plan and LUDO documents may proceed – including additional public hearings and a final decision by the Board of County Commissioners.

LUDO Updates may begin once the proposed changes to the Plan are approved. It LUDO updates are a secondary process that will require staff time and subsequent public hearings and decisions by the Planning Commission and Board of County Commissioners.

The table below outlines the resources needed for each phase of the Voluntary Periodic Review process. These numbers were developed through iterative conversations between the Planning Commission, staff, and the Wasco County DLCD representative.

Table Key:

FTE = Full time employee

County Staff = Wasco County Planning Staff

BOCC = Wasco County Board of County Commissioners

DLCD Staff = assistance from regional representative or appointed staff

PC = Wasco County Planning Commissioners

Voluntary Periodic Review Process Phase of Work:	Resources Needed:	Source of Staff Capacity:	Approx. Timeline
<p>PHASE I</p> <p>Internal review to define needs/benefits Research and outreach to other agencies Statewide Comparison Vet findings with BOCC Prioritize list of needed updates Apply for grants</p>	1.5 FTE	<p>0.5 FTE County Staff;</p> <p>0.5 FTE PC</p> <p>0.25 FTE BOCC and other departments (e.g. Surveyor)</p>	3 to 6 Months
<p>PHASE II (after LCDC approval)</p> <p>Define citizen involvement strategy Plan Evaluation Process Initial outreach to public Includes topic specific PC meetings Feedback on Staff recommendations</p>	1.5 FTE	<p>1.0 FTE County Staff;</p> <p>0.5 FTE PC</p>	3 to 6 Months

Voluntary Periodic Review Process Phase of Work:	Resources Needed:	Source of Staff Capacity:	Approx. Timeline
<p>PHASE III (after BOCC approval)</p> <p>Develop Work Program & Work Tasks Facilitate public involvement Seek DLCD approval of Work Program</p>	1.25 FTE	<p>1.0 FTE County Staff</p> <p>0.25 FTE PC</p> <p><i>0.25 FTE DLCD</i></p>	1 to 3 months
<p>PHASE IV</p> <p>Complete Work Tasks in Work Program Public hearings and solicit feedback Report to DLCD for Review</p>	1.75 FTE	<p>1.25 FTE County Staff</p> <p>0.25 FTE PC</p> <p>0.25 FTE DLCD</p>	Up to 3 years
<p>PHASE V</p> <p>DLCD review of each Work Task DLCD Final Decision County adopts through local process</p> <p><i>(Phases IV and V may be running simultaneously for various Work Tasks)</i></p> <p>LUDO updates begin (separate / simultaneous project)</p>	1.75 FTE TBD	<p>1.0 FTE County Staff</p> <p>0.25 FTE PC</p> <p>0.5 FTE DLCD</p> <p>TBD</p>	Up to 120 days following each Work Task submittal. TBD