

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Northwest)
Aggregates Co (a.k.a. Glacier NW) for a Site) ORDER No. 39-2004
Design Review to Mine the Fort James Site)

WHEREAS, on February 19, 2004, Northwest Aggregates Co. (a.k.a Glacier NW), filed an application for Site Design Review (DR 04-08) to mine approximately 52 acres of the Fort James Site, located one mile northeast of the City of Scappoose, and having tax account number 4132-000-00300, with the Columbia County Land Development Services Department; and

WHEREAS, on February 26, 2004, said Application was deemed complete; and

WHEREAS, on March 17, 2004, the Board of County Commissioners unanimously voted to take original jurisdiction over the Site Design Review Application, as indicated in the minutes of March 17, 2004 public meeting which are attached hereto as Attachment 1, and are incorporated herein by this reference; and

WHEREAS, a hearing was scheduled before the Columbia County Board of Commissioners for June 9, 2004; and

WHEREAS, on June 9, 2004, the Board of County Commissioners opened the public hearing; and

WHEREAS, Bob Short and Steve Abel testified in favor of the application; and Robert Kessi, Fred Bennett, and Netty Loos testified in opposition of the application; and

WHEREAS, at the hearing the following Exhibits were introduced into the record:

EXHIBIT 1- County Counsel's hearing file containing:

1. Notice of Public Hearing (Publication);
2. Notice of Public Hearing (Property Owner Notice);
3. Affidavit of Publication;
4. Affidavit of Mailing;
5. Board Communication from Todd Dugdale, with the following attachments:
 - A. List of interested parties to receive notice;
6. Notice of cancelled planning commission hearing DR 04-08;
7. Permit Application for Site Design Review and County Operating Permit submitted by Glacier NW, Inc.;

8. Site Design Review Submittal Checklist;
9. Letter to Glen Higgins from Steve Abel dated October 7, 2003 with the following attachments:
 - A. Project Summary Work Sheet;
 - B. Legal Description;
 - C. Draft Design Review Plan Set;
 - D. Existing Site Plan;
 - E. Tax Lot Plan;
 - F. Circulation Plan;
 - G. Proposed Site and Grading Plan;
 - H. Stormwater Control Plan;
 - I. Landscape Plan;
10. Pre-application Conference Agenda;
11. Pre-application conference Agenda;
12. CPAC Notice;
13. List of Agencies to receive Notice;
14. Certificate of Mailing, referral contact list;
15. Referral and Acknowledgment from the Scappoose Drainage District dated March 13, 2004;
16. Referral and Acknowledgment from the Scappoose Drainage District dated March 8, 2004;
17. Letter to Scappoose Drainage Improvement Company from LDC design group;
18. Referral and Acknowledgment from the County Roadmaster;
19. Referral and Acknowledgment from the Surface Mining Administrator;
20. Referral and Acknowledgment from the Watermaster;
21. Referral and Acknowledgment from the Port of St. Helens;
22. Referral and Acknowledgment from the Scappoose Fire District with attached letter;
23. Surety Bond to Conduct Mining;
24. letter to Bob Short from LDS dated February 26, 2004;
25. Photos of site;
26. Letter from Steve Abel to Glen Higgins dated February 19, 2004;
27. Letter from Steve Abel to Glen Higgins dated March 11, 2004;
28. Conditions of Ordinance No. 2003-7;
29. Letter to Board of Commissioners from Scappoose Drainage Improvement Company dated May 28, 2004;
30. E-mail from Glen Higgins from Dave Hill re tunnel in County Right of Way
31. Board Communication dated June 9, 2004 with the following attachments:
 - A. Surface Mining Administrator's Report dated May 27, 2004;
 - B. Staff Report to the Board of Commissioners dated June 9, 2004;
 - C. Letter to Carla Cudmore from Glacier Northwest dated May 5, 2004;
 - D. Permit Application for Site Design Review and County Operating Permit;
32. Letter to Steve Abel from Carla Cudmore dated March 18, 2004;
33. Letter from Scappoose Drainage Improvement Company dated March 29, 2004;

EXHIBIT 2- Letter from Robert Kessi dated June 8, 2004; and

WHEREAS, having received evidence and heard testimony, the Board of County Commissioners closed the public hearing, deliberated on the matter and voted unanimously to approve the Application;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- A. The Columbia County Board of Commissioners adopts the findings of fact and conclusions of law in the Staff Report to the Board of County Commissioners which is attached hereto as Attachment 2, and is incorporated herein by this reference.
- B. The Columbia County Board of Commissioners adopts Supplemental Findings which are attached hereto as Attachment 3, and are incorporated herein by this reference.
- C. The application by Northwest Aggregates (a.k.a. Glacier NW) for Design Review to mine approximately 52 acres of the Fort James Site outside of the city of Scappoose, and having tax account number 4132-000-00300, is APPROVED subject to the following conditions of approval:

For purposes of these conditions of approval, "the Applicant" shall include the current or future record owner(s) of the Fort James Site.

- 1) The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat, with ponds.
- 2) Prior to mining, the Applicant shall obtain an operating permit for the site, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
- 3) The Applicant shall provide berms on the north, east and west sides of the site as depicted on the mining and Reclamation Plan and shall plant the berms using Tall Fescue and Subclover, Amur Honeysuckle, Autumn Olive, Douglas Spirea, and 10 foot red maples at least every 30 feet. Six feet cyclone fences shall be installed, protecting current mining areas.
- 4) The Applicant shall surface the access road with gravel.
- 5) The Applicant shall water the access road to control dust as needed.
- 6) The Applicant shall post a 10 mph speed limit for all on-site vehicles.
- 7) The Applicant shall water all disturbed areas during dry weather operations when bulldozers and/or front-end loaders are operating.

- 8) The Applicant shall spray water on the conveyors at all transfer points, as needed.
- 9) The Applicant shall store overburden as vegetated berms.
- 10) The Applicant shall wash away any dust or mud tracked onto Honeyman Road, as needed.
- 11) The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
- 12) The Applicant shall observe minimum extraction setbacks of 50 feet from public rights-of-way (Honeyman Road), and from the riparian corridor along the Santosh Slough on the east side of the site. Extraction setbacks shall be 200 feet from the property line where residences are permitted, unless consent to reduce the setback is received from adjoining property owners.
- 13) The Applicant shall not allow stormwater to be discharged offsite. For purposes of this condition, "stormwater" shall include "upwelling groundwater."
- 14) The Applicant shall install a silt fence for protection of stormwater/erosion considerations along the western side of Santosh Slough in accordance with Exhibit H in the application.
- 15) The Applicant shall not store fuels or other contaminants onsite.
- 16) Before mining commences, the Applicant shall seek a formal determination of SHPO concurrence on the eligibility for the sites known as 35C022 (Oak Knoll) and 35C046. The Applicant shall stop all excavation if cultural resources are discovered on the site and shall avoid the Oak Knoll Archeological site by a distance of 50 meters (approximately 150 feet).
- 17) Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
- 18) The Applicant shall be required to construct noise berms along the north and east sides of the site boundaries in accordance with Exhibits B and H in the application.
- 19) The Applicant shall be required to construct an eight-foot-high visual berm along the west boundary of the site.
- 20) Gradients shall be constructed to provide slope stability and safe egress from excavated ponds. The slopes of the ponds will be contoured (cut) during the

excavation process rather than disposition of fill material. Slopes will be 3:1 (horizontal to vertical) above water, 3:1 to 6:1 in shallow water 1.5:1 (horizontal to vertical) below water depth of six (6) feet. From water surface to six (6) feet below water surface a safety bench will be excavated to allow safe egress from the ponds.

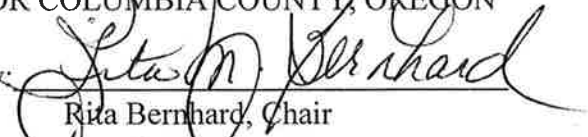
- 21) The Applicant shall follow the recommendations of the traffic consultant to provide safe visual distance at the point of access between Honeyman Road and the site and the Santosh operation (Exhibit F).
- 22) If mining at the Fort James site commences prior to mining at the Pit F site, the Applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Meier pits (A-F) and the Fort James pit that will be useful in the planned improvements to West Lane Road. Prior to mining the Fort James Site, the Applicant shall provide to the County, the amount of rock as the Director determined, which shall be valued at the then current market rate. The value of the usable rock supplied by the Applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the County prior to the commencement of mining of the Fort James site. If mining commences at the Pit F site prior to the Fort James Site, and the Applicant shall pay the road improvement fee as required in Ordinance No. 2002-09. The Applicant may continue to allow truck traffic to use the North bound access to Hwy 30 from West Lane Road and Southbound access to Hwy 30 from Columbia Blvd. until access to Hwy 30 from Crown-Zellerbach Road is completed, at which point Applicant shall ensure that truck ingress and egress shall be made at the intersection of Hwy 30 and Crown-Zellerbach Road, unless the intersection or road are impassible due to emergency or other conditions.
- 23) Any berms required pursuant to this plan amendment shall be located outside any riparian or wetland setback areas.
- 24) The Applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Division of State Lands, and shall obtain any permits required by such agencies.
- 25) Prior to beginning mining operations on the site, the Applicant shall provide and implement a ground water monitoring program approved by the Oregon Water Resources Department and/or the State Department of Environmental Quality, and/or any other state or federal agency that asserts jurisdiction over the monitoring plan. The monitoring program shall measure ground water and/or surface water in and around the mine site, and shall document comparable water levels during flooding events. The monitoring program shall also monitor water quality in and around the mine site. Area wells within the 1500 ft. conflict area shall be monitored,

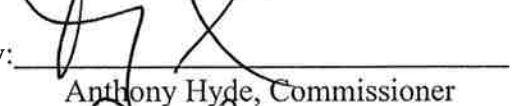
subject to property owner consent to such monitoring. The monitoring program shall provide for regular reporting to the Scappoose Drainage Improvement Company ("SDIC"), or its successor drainage district, the County, and to the applicable state and/or federal agencies. The Applicant shall establish a base line of average pumping costs and rainfall in the area surrounding the mining operation during the pre-mining period. When mining commences, the Applicant shall compensate the SDIC for any demonstrated increase in costs for pumping caused by mining of the site. Prior to mining, the Applicant shall attempt to come to an agreement with the SDIC to establish a clear and objective program to determine what compensation, if any, is due the SDIC. If, after good faith negotiations between the Applicant and SDIC, no agreement has been reached, Applicant shall offer to submit the matter to binding arbitration. The sole issue in arbitration shall be what constitutes an equitable program to compensate the SDIC for any demonstrated increase in costs to the SDIC from pumping caused by mining of the site. Arbitration shall be subject to the rules of the American Arbitration Association, with costs equally shared by the Applicant and SDIC. The Applicant shall not be required to arbitrate the issue if the SDIC fails to agree to arbitration. If the SDIC fails to agree to arbitration, the Applicant's final proposal for a compensation program shall be the effective compensation program.

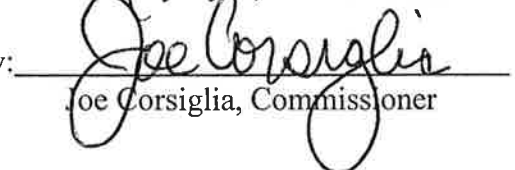
- 26) The Applicant shall not allow lights to directly illuminate adjacent properties.
- 27) The Applicant shall obtain a construction permit from the County Road Department prior to beginning work within the Honeyman Road right-of-way.

Dated this 16th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Rita Bernhard, Chair

By: 
Anthony Hyde, Commissioner

By: 
Joe Corsiglia, Commissioner

Approved as to Form:

By: 
Office of the County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

STAFF MEETING MINUTES

March 17, 2004

The Columbia County Board of Commissioners met at 2:00 p.m. in a scheduled staff meeting with Commissioner Rita Bernhard, Commissioner Anthony Hyde and Commissioner Joe Corsiglia. Staff members present were Janet Wright, Board Assistant and Sarah Tyson, Assistant County Counsel.

Commissioner Bernhard called the meeting to order.

Sarah discussed design review issues for Glacier NW permits. She would recommend that the Board take jurisdiction of the design review process which would shorten the review process. After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to take jurisdiction of the design review process for Glacier NW (Fort James). The motion carried unanimously.

Sarah addressed the logging at Camp Wilkerson. Dan Green doesn't think it is appropriate to have bid security requirements in the bid documents. Commissioner Hyde stated they are needed in the industry. Sarah will prepare an order for next week's agenda.

Discussion was held on the Sheriff's Posse lease. Jim Gibson has signed a sublease with the Red Cross for storage space. He is not authorized to sign leases on behalf of the Board. Sarah will ask the Sheriff to come to a Board meeting to discuss the Red Cross lease with the Board.

Commissioner Hyde stated that roads, parks and the county give the Sheriff's department approximately \$60,000 to clean up parks with the use of inmates. To date, no work has been performed. Commissioner Hyde suggested this issue be discussed at the next work session.

Robert Crain, Code Enforcement Officer, sent a letter to Weyerhaeuser regarding the clean up of trash. Commissioner Hyde will speak to Robert about this.

As a reminder, there is a joint meeting tonight between the Board and the Planning Commission members in the Extension room at 6:00 p.m.

Commissioner Bernhard brought up a letter the Board received from the VFW in Rainier which stated that they cannot sell VFW poppies outside the post office in Rainier. The Board suggested they take this to their congressmen.

Sarah and Cherie Moylan discussed the issue at Hudson Park. The check has cleared and now they want their trailer. The Board suggested that Sarah contact the Sheriff's office to be sure the trailer is cleared for release. The trailer has been stored for a month and Sarah asked

if a storage fee should be charged. After discussion, Commissioner Corsiglia moved and Commissioner Hyde seconded to charge a \$1 per day storage fee, contingent upon the Sheriff's approve to release. The motion carried unanimously.

Commissioner Hyde discussed the Camp Wilkerson issue for the outdoor school. This will be a one time event. After discussion, Commissioner Hyde moved and Commissioner Corsiglia seconded to allow the Vernonia Evergreen Outdoor School to use Camp Wilkerson for \$375 per night for this year only, starting on Sunday evening August 15, 2004 through August 20, 2004 at 1:00 pm (including the tent camp site). The motion carried unanimously.

Lewis & Clark issues were discussed. Ask Rhonda from the Chamber to come to one of the Board meeting. Go back to LCBO and suggest that the Chamber do the marketing.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 17th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Rita Bernhard, Chair

By: _____

Anthony Hyde, Commissioner

By: _____

Joe Corsiglia, Commissioner

By: _____

Jan Greenhalgh, Recording Secretary

Columbia County Board of Commissioners
STAFF REPORT
June 2, 2004

Site Design Review

HEARING DATE: June 9, 2004

FILE NUMBER: DR 04-08

APPLICANT/OWNER: Northwest Aggregates Co. (a.k.a. Glacier NW)
 1050 North River Street
 Portland, Oregon 97227

PROPERTY LOCATION: One mile northeast of the City of Scappoose, directly east of Northwest Aggregates gravel processing facility and across Honeyman Road further east, known as the Ft. James Site.

<u>Tax Account Number</u>	<u>Zoning</u>	<u>Size</u>
4132-000-00300	Primary Agriculture (PA-38)	71.24 Acres
Tax Lot Total =		71.24 Acres
Size of Ft. James Boundary Area =		± 58 Acres (as per survey)

REQUEST: Approval of the site design to remove aggregate from Fort James and convey it to the Santosh processing facility.

APPLICATION COMPLETE: 02/26/04 **150 DAY DEADLINE:** 07/26/04

REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>	<u>Page</u>
Section 1040, Surface Mining	3
Section 1044, Operating Standards	4
Section 1550, Site Design Review	9

BACKGROUND:

The applicant, NW Aggregates Co. (NWAC), manages the exiting Santosh mining operation including four mining pits known as Pits A,B,C,and D. In addition, an adjacent Pit "F" was recently approved for mining. The main gravel plant and Pits A and C, operate in a surface mining zone north of Honeyman Road. NWAC also extracts aggregate from mining Pits B and D under a 1988 conditional use permit in a forest agriculture zone, south of Honeyman Road. The Pit A and C property is adjacent to the subject property mentioned above. To help meet the future demand for aggregate, NWAC is requesting to begin mining at "Fort James" which expands their mining operation to the east by 58 acres. The Board of Commissioners recently approved a Post Acknowledgment Plan Amendment (PAPA) to change the Comprehensive Plan and Zoning designation of this site to Surface Mining. See File PA 03-04.

Preliminary estimates of the site indicate approximately 6 million tons of high quality aggregate to be present within the proposed expansion area. The applicant proposes to excavate approximately 38 acres of the 58-acre site. Mining will extend approximately 110 feet below the existing ground surface creating a pond that is approximately 115 feet deep. Once mining has ceased, the applicant proposes to reclaim the site back to a pond to provide a fish and wildlife habitat. The expected duration of the project is conservatively estimated at 6 to 10 years. However, the exact life of the operation will be determined by market demand.

The subject property is located to the east of NW Aggregates processing facility, between the road and Santosh Slough. Besides the mining operations, large agricultural parcels generally characterize the area with some homes located along Honeyman Road to the northeast and southwest of the subject property.

The subject property has frontage along the eastern side of Honeyman Road. Access will be from the Santosh operation directly east across Honeyman Road to the southern portion of the site. Overall production rates are expected to remain steady, with no increase of truck traffic by haul trucks due to the opening of a new pit. It is expected that approximately 50 service vehicles will cross Honeyman Road on a daily basis between the existing Santosh operation and the site. A conveyor system will transport the pit-run aggregate from the site west under Honeyman Road to the Santosh operation. No haul trucks will be used to transport the material between these two sites. Approximately 90 percent of the material currently mined from the overall gravel facility is transferred off-site via barges. Haul trucks transport the remaining 10 percent. The existing gravel facility generates approximately 48 total daily vehicle trips during peak season conditions. For outgoing aggregate material to reach the closest major arterial (U.S. Highway 30), truck traffic will be routed from the main entrance down Honeyman Road to its intersection with West Lane. The majority of trucks will proceed south down West Lane to this intersection with East Columbia in the City of Scappoose. At that point they will proceed west until they reach the left turn lane at the intersection of East Columbia and Highway 30. This allows the large gravel trucks to use a signalized intersection to cross the highway and head south toward the Portland metropolitan area. The minority of trucks will proceed north on West Lane to an unsignalized intersection with Highway 30. From that point they may turn right onto the highway and proceed in a northbound direction.

Topographically, the site could generally be described as a flat plain that slopes gently to the east to the Santosh Slough. Vegetation on the subject property is composed of agricultural grassland in the southern portion of the

property, mixed woodlands in the northwestern portion of the property, a cottonwood plantation in the northeastern portion of the property and riparian along the banks of the Santosh Slough along the eastern portion of the property. There is a significant Goal 5 resource on the site, the riparian corridor along the eastern portion of the property. Portions of the property are within the flood plain of the Santosh Slough (FIRM Flood Insurance Rate Map No. 41009C0465 C, dated August 16, 1988); however, there will be no mining within the floodplain. Wetlands have been mapped on the subject property according to the National Wetland Inventory, St. Helens Quadrangle. Where mining is proposed on the 58-acre site, there are wetlands that appear to be associated with the riparian corridor along the eastern side of the site (western side of Santosh Slough). The applicant indicates that they will avoid mining in the wetlands and the riparian corridor. The site is also partially within the Scappoose Drainage District. Emergency Services are provided by the Scappoose Rural Fire Protection District and the Columbia County Sheriff.

REVIEW CRITERIA:

The following sections of the Zoning Ordinance are pertinent to this application:

Columbia County Zoning Ordinance

Section 1040 SURFACE MINING

SM

1041 Purpose:

1. To provide for development and utilization of deposits of aggregate and resource materials.
2. To provide for the protection and utilization of these resources in a manner which does not conflict with other land uses.
3. To assure economy in handling and transportation costs by locating removal, processing, and storage activities in as close proximity to the point of end use as feasible.

Finding 1: Mining of Fort James will allow for utilization of existing aggregate deposits. The subject property has been zoned Surface Mining which allows aggregate removal as a permitted use. The surface mining operation will be protected by a Surface Mining Impact Overlay zone which will require new uses near to the aggregate resource to sign a waiver of remonstrance acknowledging the right of the surface mining operation to continue its operations. See File PA 03-04 Amended. Adjacent properties will be protected from noise, dust and aesthetic impacts by berms and vegetation and by a dust control program. There will be watering of Honeyman road from the Santosh Processing facility where the raw aggregate will be transported via a conveyor belt. Once processed, the majority of the aggregate resource will leave the area via barge transport.

Continuing with the Columbia County Zoning Ordinance:

1044 Operating Standards:

1. All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:
2. The landowner and operator shall be jointly responsible for signing the application.
3. The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.
4. Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 2: All new surface mining operations in Columbia County must meet the operating standards found in Section 1044. The Design Review application has been signed by the legal counsel of the operator of the facility. The operator of the Pit, Glacier NW will be required to remain in compliance with this ordinance and any conditions included with this application DR 04-08, and the PAPA application PA 03-04 Amended. The subject property is approximately 58 acres in size, thus exceeding the 2-acre minimum parcel size requirement.

Continuing with the Columbia County Zoning Ordinance Section 1044:

4. Operating Setbacks:

Each aggregate site within the district shall observe the following minimum setbacks:

- A. No extraction or removal of aggregate is permitted within 50 feet of the right-of-way of public roads or easements of private roads.
- B. No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use, without written consent of the property owner(s).
- C. Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of another property, without written consent of the property owner(s). Processing equipment, batch plants, and manufacturing and fabricating plants shall not operate within 50 feet of a public road right-of-way.

Finding 3: The applicant proposes 50' and 200' minimum setbacks in accordance with the above standards. See Proposed Site Plan, Fort James, Glacier Northwest, Sheet 7 of 7. The proposed pit will be located 200' from the closest residence or zone that allows a residence as a permitted use and 50' from all other sides. There will be no processing of aggregate associated with this application. The raw aggregate material will be transported via a conveyor belt to the Santosh Process facility.

Continuing with the Columbia County Zoning Ordinance Section 1044:

5. Operating Hours:

Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to a private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two-week period.

Finding 4: The applicant proposes standard operating hours of 7:00 a.m. to 6:00 p.m., seven days a week.

Continuing with the Columbia County Zoning Ordinance Section 1044:

6. Visual Impacts:

Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:

- A. A sight-obscuring fence or wall;
- B. A landscaped berm or preservation of a natural slope;
- C. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.

Finding 5: The applicant proposes to construct berms along the north, west, and east sides of the site. Along the west side, closer to Honeyman Road, a visual berm will be constructed shown to be 8 feet in height. Along the north side an acoustical berm at 21 feet MSL, the berm will vary between 1 foot in height to 11 feet as the ground slopes down toward the Santosh Slough. Along the east side an environmental berm will be constructed at 17 feet MSL or approximately 7 feet in height. The berms will be constructed with a 2 to 1 slope, seeded using tall fescue and subclover. The berms will be planted with Amur honeysuckle, autumn olive and douglas spirea, one gallon shrub every 2.5 lineal feet for the eight foot berm. One ten foot red maple will be placed every 30 lineal feet. A six foot cyclone fence will protect the mining area on the inside of the berms.

Continuing with the Columbia County Zoning Ordinance Section 1044:

7. Access:

The operation shall have access to a public road with two-way capacity. The County may impose

weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or serve road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

Finding 6: The site will have access to Honeyman Road through a new access point on the east side of Honeyman Road. Aggregate from the site will be moved by conveyor belt under Honeyman Road west to the Santosh processing plant. No haul truck traffic will leave the Ft. James site. Once processed, 90 percent will leave the processing facility via a barge, however, the remaining 10 percent will be trucked via the Honeyman Road public right of way. Honeyman Road is a two lane, paved right of way. The applicant has included a dust control plan with this application that includes watering and graveling the road to keep dust down.

Continuing with the Columbia County Zoning Ordinance Section 1044:

8. Noise:

Each aggregate site shall operate with the applicable noise standards required by the Department of Environmental Quality or other state or federal agencies.

Finding 7: The applicant has included a technical noise study analysis conducted by a registered professional engineer. (See File PA 03-04). The engineer has found that under a worst-case scenario, the site would comply with applicable DEQ noise standards. A noise berm will be constructed along the northern border, adjacent to the closest dwelling. Staff finds no noise conflicts associated with this application.

Continuing with the Columbia County Zoning Ordinance Section 1044:

9. Water Quality:

All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable materials, or adversely affect water temperatures in any stream, drainage, or river. In addition, the operator shall not cause contamination of groundwater or change a stream channel unless the channel change has previously been approved by all applicable state and federal agencies. Provisions for settling ponds, diversion dikes, channels, and other structures may be required to protect these water resources.

Finding 8: Stormwater will be maintained on site as per conditions of approval. Applicant will be creating a depression of land to collect runoff and will slope work areas so that drainage will be kept within the mine area. The Applicant will monitor groundwater and surface water in and around the mine site, the monitoring program will be approved by the State. The applicant has included a technical hydrologic report conducted by a registered professional engineer. (See File PA 03-04). The report concludes that mining the Ft. James site will not cause negative impacts to surrounding streams or local groundwater quality.

Continuing with the Columbia County Zoning Ordinance Section 1044:

10. Archeological Sites:

- A. Prior to excavation - All sites proposed for excavation shall be inventoried for their archaeological significance in accordance with standards set by the State Archaeologist. If an area proposed for excavation is found to contain an archaeological site(s), the Planning Commission shall hold a public hearing, in accordance with Section 1603, to review testimony regarding the site(s) and establish measures to mitigate potential conflicts as necessary.

The State Archaeologist shall be notified of such public hearings.

- B. During Excavation - If an archaeological site(s) is found during excavation, all work which would impact the site shall halt immediately and the requirements outlined in Section 1044.10A shall be met.

Finding 9: The applicant has included a cultural resource evaluation for the subject property. (See File PA 03-04). One significant Native American archaeological site was identified and the Applicant proposes a 50 meter undisturbed area around the site to protect it. Notice of this application was also given to the State Archaeologist. All work will be required to stop if additional cultural resources are found during excavation.

Continuing with the Columbia County Zoning Ordinance Section 1044:

11. Erosion:

The erosion of surfaces affected by mining activities shall be controlled by plantings of ground cover and other modes which protect these surfaces.

Finding 10: The applicant has included a stormwater and erosion control plan. According to the plan, no stormwater will leave the site and all excess water will be routed into the pond. Any eroded sediment will be captured in the pond. The site will have vegetated berms along the north, west and east sides to further stop any water or sediment from leaving the site.

Continuing with the Columbia County Zoning Ordinance Section 1044:

12. Slopes and Grading: Excavations, both above and below water level, shall be maintained in an operationally and environmentally safe condition by complying with standards established by the Oregon Safe Employment Act (ORS 654.001 to 654.295 and 654.991), the Oregon Safety and Health Act of 1970 (19 U.S.C. 651 et. seq.), the Department of Geology and Mineral Industries, and the regulations of other affected agencies.

Finding 11: The applicant has provided plans that indicate slopes and grading will be maintained in safe condition. Recommended condition #20 addresses gradients and slopes above and below water. See Operating and Reclamation Plan.

Continuing with the Columbia County Zoning Ordinance Section 1044:

13. Land Reclamation: A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Surface Mining and Land Reclamation Ordinance. Reclamation must return the land to natural condition or return it to a state compatible with the livability, value, and appropriate development of the affected land and adjacent property. Reclamation shall begin within 12 months after mining activity's cease on any segment of the area where mining has occurred and shall be completed within 3 years after mining activity's cease. This does not apply to any land being used as plant site, stock pile, or work area for ongoing extracting mining operation.

Finding 12: The applicant proposes a final post-mining use of a pond with fish and wildlife habitat. The applicant has submitted a Reclamation Plan that will begin within one year after mining as ceased. The reclamation activities would return the land to conditions compatible with livability, value, and appropriate development of the affected land and adjacent properties.

Continuing with the Columbia County Zoning Ordinance:

Section 1550 SITE DESIGN REVIEW:

The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.

1. Types of Site Design Review:

Type 1: Projects, developments and building expansions which meet any of the following criteria:

1. Are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
2. Increase the number of dwelling units in a multi-family project.
3. Increase the height of an existing building.

Type 2: Projects, developments and building expansions which meet any of the following criteria:

1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.

2. Change the category of use (e.g., commercial to industrial, etc.).
3. New off-site advertising signs or billboards.
4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

Finding 13: This project will impact approximately 2,526,480 square feet (58 acres) of land. Therefore since the area is greater than 5,000 square feet, the application will be processed as a Type II Design Review to be heard before the Planning Commission. This project also will change the category of use on the land from agriculture to surface mining. No signs or billboards are proposed with this project.

Continuing with the Columbia County Zoning Ordinance Section 1550:

2. **Design Review Process:** The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

Finding 14: This application is being processed as a Type II site Design Review. The Board of Commissioners decided that this Site Design Review would be heard at a special hearing under Section 1612 of the Zoning Ordinance and that the Board would hear this matter in conjunction with the Surface Mining Permit, also scheduled for the meeting of June 9, 2004, before the Board of Commissioners.

Continuing with the Columbia County Zoning Ordinance Section 1550:

3. **Pre-application Conference:** A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.
4. **Pre-application Conference Committee:** The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.
 - a) The County Planning Director.
 - b) The County Director of Public Works.
 - c) The Fire Marshal of the appropriate Rural Fire District.
 - d) The County Building Official.
 - e) The County Sanitarian.
 - f) A city representative, for projects inside Urban Growth Boundaries.
 - g) Other appointees by the Planning Director, such as an Architect, Landscape Architect, real

estate agent, appropriate officials, etc.

Finding 15: A Pre-application conference was held with the applicant on October 23, 2003.

Continuing with the Columbia County Zoning Ordinance Section 1550:

5. **Submittal documents:** The following documents, when applicable, are required for a Site Design Review. The scope of the drawings and documents to be included will be determined at the pre-application conference by the Pre-application Conference Committee, and a Site Design Review Submittal Checklist will be given to the applicant, documenting which items are deemed not applicable or not necessary to determine compliance with County and State standards, with a short explanation given for each item so determined.
- A. History.
 - B. Project narrative.
 - C. Existing site plan.
 - D. Proposed site plan.
 - E. Grading plan.
 - F. Drainage plan.
 - G. Wetland mitigation plan.
 - H. Landscaping plan.
 - I. Architectural plans.
 - J. Sign drawings.
 - K. Access, parking and circulation plan.
 - L. Impact assessment.
 - M. Site Design Review Submittal Checklist.

Finding 16: Staff finds the applicant has adequately addressed the above required submittal documents, see Applicant Response of the application. The applicant was required to submit a project narrative, existing site plan, proposed site plan, grading plan, drainage plan, landscaping plan, access, parking and circulation plans, and the site design review submittal checklist. A wetland mitigation plan will not required because no wetlands will be impacted with this project, the Applicant has setback the mining area away from identified wetlands. Architectural plans were not required because the project does not propose any structures. Sign plans are not required because there will be no new signs with this project. All other required information has been addressed in the application.

Continuing with the Columbia County Zoning Ordinance Section 1550:

6. **Site Plan Submittal and Analysis:** The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.

7. Planning Director Review: All Type 1 design review applications will be processed by the Planning Director or designate according to Sections 1601, 1602 and 1609 of this ordinance. If the Director determines that the proposed development meets the provisions of this ordinance, the director may approve the project and may attach any reasonable conditions.
8. Planning Commission Review: The Planning Commission shall hold a public hearing for all Type 2 Design Review applications according to Sections 1603, 1604 and 1608 of this ordinance. If the Planning Commission determines that the proposed development meets the provisions of this ordinance, it may approve the project. The Planning Commission may attach any reasonable conditions to its approval of a site plan.
9. Compliance: Conditions placed upon the development of a site are also placed upon any building permits issued for the same site. These conditions shall be met by the developer prior to an occupancy permit being issued by the Building Official, or as an alternative, a bond shall be posted equal to 125% of the estimated cost of the unfinished work, to ensure completion within 1 year of occupancy. If all improvements are not completed within the 1-year bond period, the County may use the bond to complete the work.

Finding 17: This application is a type 2 design review that will be heard at the June 9, 2004 public hearing by the Board Of Commissioners. Conditions may be placed on the development by the Board.

Continuing with the Columbia County Zoning Ordinance Section 1550:

10. Existing Site Plan: The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:
 - A. A vicinity map showing location of the property in relation to adjacent properties, roads, pedestrianways and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.
 - B. A site description map at a suitable scale (i.e. 1"=100'; 1"=50'; or 1"=20') showing parcel boundaries and gross area, including the following elements, when applicable:
 1. Contour lines at the following minimum intervals:
 - a. 2 foot intervals for slopes 0-20%;
 - b. 5 or 10 foot intervals for slopes exceeding 20%;
 - c. Identification of areas exceeding 35% slope.
 2. In special areas, a detailed slope analysis may be required. Sources for slope analysis

include maps located at the U.S. Natural Resources Conservation Service office.

3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
5. Streams and stream corridors.
6. Location, species and size of existing trees proposed to be removed.
7. Significant noise sources.
8. Existing structures, improvements, utilities, easements and other development.
9. Adjacent property structures and/or uses.

Finding 18: The applicant submitted an existing site plan that appropriately addressed all of the above required criteria. See submitted application, Existing Site Plan, Fort James, Glacier Northwest indicates the locations of all relevant features of the site. A vicinity map was also included with the application.

Continuing with the Columbia County Zoning Ordinance Section 1550:

11. **Proposed Site Plan:** A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:
 - A. **Site Plan:** The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:
 1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments.
 2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
 3. Identification information, including names and addresses of project designers.

4. Natural features which will be utilized in the site plan.
5. Location, dimensions and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.
6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
7. Historic structures, as designated in the Comprehensive Plan.
8. Approximate location and size of storm water retention or detention facilities and storm drains.
9. Location and exterior dimensions of all proposed structures and impervious surfaces.
10. Location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
11. Orientation of structures, showing entrances and exits.
12. All exterior lighting, showing type, height, wattage, and hours of use.
13. Drainage, including possible adverse effects on adjacent lands.
14. Service areas for waste disposal and recycling.
15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
16. A landscaping plan which includes, if applicable:
 - a. Location and height of fences, buffers, and screening;
 - b. Location of terraces, decks, shelters, play areas, and common open spaces;
 - c. Location, type, size, and species of existing and proposed shrubs and trees; and
 - d. A narrative which addresses soil conditions and erosion control measures.

Finding 19: The applicant has submitted proposed site plans that appropriately address all of the above required criteria. See submitted application, Proposed Site Plan, Fort James.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- B. Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.
- C. Architectural Drawings:
 - 1. Building elevations and sections;
 - 2. Building materials (color and type);
 - 3. Floor plan.

Finding 20: The applicant has included a Grading Plan for the Ft. James mining operation. The plan provides the proper slope contours to keep the slope stabilized during mining.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- D. Signs: (see also Zoning Ordinance Section 1300)
 - 1. Freestanding sign:
 - a. Location of sign on site plan;
 - b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, and means of illumination).
 - 2. On-Building Sign:
 - a. Building elevation with location of sign (indicate size, color, materials and means of illumination);
 - b. Plot plan showing location of signs on building in relation to adjoining property.

Finding 21: The above sign criteria are not applicable to this projects since there will be no new signs erected with the development of Fort James.

Continuing with the Columbia County Zoning Ordinance Section 1550:

12. Landscaping: Buffering, Screening and Fencing:

A. General Provisions:

1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.

B. Buffering Requirements:

1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.
3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
4. The minimum improvements within a buffer area shall include:
 - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.
 - b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
 - c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

1. Where screening is required, the following standards shall apply in addition to those required for buffering:
 - a. A hedge of evergreen shrubs shall be planted which will form a four-foot

high continuous screen within two years of planting; or,

- b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,
 - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
2. When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.
 3. If four or more off-street parking spaces are required, off-street parking adjacent to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.
 4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
 5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved

by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.

- E. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

Finding 22: The Ft. James mine site is an expansion of Glacier's mine activities in the area. Directly west across Honeyman Road is the existing gravel processing plant, serving Pits C, D and F further to the southwest. The Ft. James site is bordered on the north by a home and small farm and to the east by the Santosh Slough. These adjacent uses are of a different nature than surface mining and require buffering to reduce any impacts. The applicant has submitted a Landscaping Plan, see submitted application, Landscape Plan, for Fort James, Glacier Northwest. The setback area between the adjoining properties and the road will remain with existing vegetation as a natural buffer. In addition the natural setback buffer the Applicant shows in the Site Plan as having a visual berm on the road side, a noise berm on the homestead side and an environmental berm on the west side buffering Santosh Slough. Staff notes that on the west side, closer to Honeyman Road, a visual berm will be constructed shown to be 8 feet in height. Along the north side an acoustical berm at 21 feet MSL, the berm will vary between 1 foot in height to 11 feet as the ground slopes down toward the Santosh Slough. Along the east side an environmental berm will be constructed at 17 feet MSL or approximately 7 feet in height. The berms will be constructed with a 2 to 1 slope, seeded using tall fescue and subclover. The berms will be planted with amur honeysuckle, autumn olive and douglas spirea, one gallon shrub every 2.5 lineal feet for the eight foot berm. One ten foot red maple will be placed every 30 lineal feet, and a six foot cyclone fence will be placed on the inside of the berms to protect the mining area from inadvertent trespass.

Staff finds that the proposed landscape plan is sufficient and that no evidence has been submitted that the buffering proposed is not adequate to protect neighboring properties from mining impacts.

Continuing with the Columbia County Zoning Ordinance Section 1550:

13. Standards for Approval:

The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

- A. Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.

Finding 23: According to the FEMA flood hazard map (41009C0465C) the Santosh Slough and immediate area on each side is within Zone A Special Flood Hazard area, inundated by 100-year flood. As elevation goes up to the west from the Slough, the majority of the subject property is in Zone X other flood areas of 500-year, protected by levees from the 100-year flood. Further toward Honeyman Rd. the elevation increases to being determined to be

to non-eligibility is established on the 35C046 site is obtained, the site may be excavated. Notice of this application was also given to the State Archaeologist. All work will be required to stop if cultural resources are found during excavation.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- E. Lighting: All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.

Finding 27: The only outdoor lighting associated with this project will be the lights that are mounted on the heavy equipment (Front end loader, dragline). Lights will be prohibited from directly illuminating adjacent properties.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.

Finding 28: There will be no buildings associated with this project, therefore this criterion does not apply.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

Finding 29: The applicant submitted a traffic study as Exhibit F of the February 2003 PAPA application. The Board of Commissioners included the following condition of approval with the PAPA application:

If mining at Fort James site commences prior to mining at Pit F site, the applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of the Columbia County Road department shall make a written determination of the amount of rock from the Meier pits (Pits A-F) and the Fort James pit that will be useful in the planned improvements to West Lane Road. Prior to mining the Fort James site, the applicant shall provide the County, the amount of rock as the Director determined, which shall be valued at the then current market rate. The value of the usable rock supplied by the applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the county prior to the commencement of mining Fort James site. If mining commences at the Pit F site prior to the Fort James site, and the Applicant shall pay the road improvement fee as required in Ordinance No. 2002-09. The Applicant may continue to allow truck traffic to the north bound access to Hwy 30 from West Lane Road and southbound access to Hwy 30 from Columbia Blvd., until access to Hwy 30 from Crown-Zellerbach Road is completed, at which point, Applicant shall ensure that truck ingress and egress shall be made at the intersection of Hwy 30 and Crown-Zellerbach Road, unless the intersection or roads are impassable due to emergency or other conditions.

Continuing with the Columbia County Zoning Ordinance Section 1550:

14. Final Site Plan Approval: If the Planning Director or Planning Commission approves a preliminary site plan, the applicant shall finalize all the site drawings and submit them to the Director for review. If the Director finds the final site plan conforms with the preliminary site plan, as approved by the Director or Planning Commission, the Director shall give approval to the final site plan. Minor differences between the preliminary site plan and the final site plan may be approved by the Director. These plans shall be attached to the building permit application and shall become a part of that permit.

Finding 30: Final site plans approved by the Board of Commissioners shall be attached to the Operating Permit.

COMMENTS:

1. The Watermaster has reviewed the enclosed application and has no objection to its approval as submitted.
2. The Port of St. Helens has reviewed the enclosed application and has no objection to its approval as submitted.
3. The Scappoose Drainage District has reviewed the enclosed application and has the following comments:
 - A. SDIC accepts in principle, the summary of the proposed monitoring plan as outlined in the attached March 12, 2004 letter from Glacier's hydrogeologist, Mr. Tom Michalek.
 - B. If the monitoring program indicates that mining activity is causing a difference in ground water levels, what will Columbia County do to insure that storm water and or upwelling ground water is contained within the site?
 - C. An agreement needs to be reached on how to establish if there are any additional pumping costs and how the drainage district would be compensated.
 - D. The SDIC would like to know how they would continue to be protected if Glacier Northwest sells or abandons the property?
4. The Roadmaster has reviewed the enclosed application and has no objection to its approval as submitted.
5. The Scappoose Rural Fire Protection District has indicated assign new addresses to office buildings on North Honeyman Road. Provide Emergency Apparatus access to the Fort James site from Honeyman Road. However, if access to Fort James is along "Pit A" and the conveyer system and through the tunnel, then the tunnel will need to be constructed to emergency apparatus access requirements. Access roads need to be a minimum of 12 feet in width with a uniform surface.

6. The Surface Mining Administrator has reviewed the enclosed application and has the following comments:
- A. Provide locations of any proposed well houses, adjacent and north of the site (tax lot 700).
 - B. The applicant has stated that the mining setback from adjacent properties will be 50 feet except a 200 foot setback will be maintained from residences. Typically the zoning of the adjacent properties requires a 200 foot setback for all adjacent properties if the land use allows a dwelling with a conditional use. This setback could potentially alter the mine plan.
 - C. The applicant shall provide information regarding the pond slopes that is not consistent with the Site Plan Sheet 5/7.
 - D. The post-mining land use is wildlife and they have said that the pond sides will be irregular shaped. More definitive plans are needed to show the amount of shoreline irregularity that is required by ODFW (for example) or an outside wildlife consultant for the site to be considered wildlife. This could alter the mining plan and the amount of material that can be mined and how much topsoil is to be stockpiled.
 - E. There are no pre-mining or post-mining cross-sections.
 - F. What is the difference between a visual berm and a noise berm? What is the approximate width of the noise and visual berms?
 - G. In the "Response to Site Design Review Criteria" page 10, the applicant refers to a 6 foot fence, but in the Site Plans Sheet 7/7 on the Berm Detail the fence is 4 feet high.
 - H. On page 6/64, the applicant indicates they will stay out of the riparian corridor where wetlands appear to be. Has a wetland delineation been conducted for the site to determine just where the apparent wetlands are located? Much of the site is listed as hydric by the NRCS.

Note: The Applicant submitted additional information on May 5, 2004 addressing some of these concerns.

7. Letter from Scappoose Drainage Improvement Company dated, received June 1, 2004.

No other comments have been received from government agencies or nearby property owners as of the date of this staff report (June 2, 2004).

STAFF COMMENTS, CONCLUSION AND RECOMMENDATION:

Staff finds that since the PAPA application (File PA 03-04) has been approved allowing surface mining of the 58 acre Ft. James site, the primary concern of the design review is to minimize impacts to surrounding properties and make certain that all applicable laws, statutes and ordinances are adhered to. Staff feels that a good way to minimize impacts from adjacent property owners is to create quality buffers. The applicant has proposed a visual berm along Honeyman Road, a noise berm along the north side adjacent to a residential farm and an environmental berm to buffer the mining area from wetlands and the riparian areas associated with the Santosh Slough. These berms will be planted with various grasses, shrubs and trees, while the remainder setback areas will remain in natural vegetation. Staff finds that these buffers will be effective in reducing the aesthetic impacts, act as a wind break, capture fugitive dust particles, buffer noise impacts, and shield equipment lighting impacts on surrounding properties.

In addition to the buffering, another issue has been raised by the Scappoose Drainage Improve Company - that is upwelling of flood waters through porous ground material into the excavated mine site and into the drainage district that would surpass pumping capabilities of the district. Len Waggoner appealed the County approval of the PAPA to the Land Use Board of Appeals; but, it was settled if the Applicant were to include "upwelling ground water" as a part of "stormwater". The Applicant has proposed Condition # 13 to be changed as follows: "The Applicant shall not allow stormwater to be discharged off-site. For the purpose of this condition, "stormwater" includes "upwelling ground water." Except for the changes mentioned above, staff recommends the same conditions that were approved by the Board of Commissioners in the PAPA application.

Based on the findings in the above staff report (DR 04-08), staff recommends **APPROVAL** of this request, with the following conditions;

Conditions of Approval:

For purposes of these conditions of approval, "the Applicant" shall include the current or future record owner(s) of Pits B, D, and F, and the Ft. James site.

1. The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat.
2. Prior to mining, the Applicant shall obtain an operating permit for the site, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
3. The applicant shall provide berms on the north, east and west sides of the site as depicted on the Mining and Reclamation Plan and shall plant the berms using Tall Fescue and Subclover, Amur Honeysuckle, Autumn Olive and Douglas Spirea and 10 foot Red Maples at least 30 feet intervals. Six feet cyclone safety fences shall be installed, protecting current mining areas.

4. The Applicant shall surface the access road with gravel.
5. The Applicant shall water the access road to control dust as needed.
6. The Applicant shall post a 10-mph speed limit for all on-site vehicles.
7. The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
8. The Applicant shall spray water on the conveyor at all transfer points, as needed.
9. The Applicant shall store overburden as vegetated berms.
10. The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
11. The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
12. The Applicant shall observe minimum extraction setbacks fo 50 feet from public right-of-way (Honeyman Road) and from the riparian corridor along the Santosh Slough on the east side of the site. Extraction setbacks shall be 200 feet from residences as permitted uses, unless consent reduce the setback is received from adjoining property owners.
13. The Applicant shall not allow stormwater to be discharged off-site. For the purposes of this condition, "stormwater" includes "upwelling groundwater."
14. The Applicant will be required to install a silt fence for protection of stormwater/erosion considerations along the western side of Santosh Slough in accordance with the application.
15. The Applicant shall not store fuels or other contaminants on site.
16. Before mining commences, the Applicant shall seek a formal determination of SHPO concurrence on eligibility for the sites know as 35C021 (Oak Knoll) and 35C046. The Applicant shall stop all excavation if cultural resources are discovered on the site and shall avoid the Oak Knoll Archeological site by a setback of 50-meters (approximately 150 feet).
17. Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
18. The Applicant shall be required to construct noise berms along the north and east sides of the site boundaries in accordance with Exhibits B and H in the application.
19. The Applicant shall be required to construct an eight-foot high visual berm along the west boundary of the site.

20. Gradients shall be constructed to provide slopes stability and safe egress from excavated ponds. The slopes of the ponds will be contoured (cut) during the excavation process rather than deposition of fill material. Slopes will be 3:1 (horizontal to vertical) above water, 3:1 to 6:1 in shallow water and 1.5:1 (horizontal to vertical) below water depth of six (6) feet. From water excavated to allow safety egress from the pond.
21. Applicant shall follow the recommendations of the traffic consultant to provide a safe visual distance at the access points between Honeyman Road and the site and the Santosh operation.
22. If mining at Ft. James site commences prior to mining of Pit F site, the Applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of Columbia County Road Department shall make a written determination of the amount of rock from the Meier pits (Pits A-F) and Fort James pit that will be useful in the planned improvements to West Lane Road. Prior to mining the Fort James site, the Applicant shall provide to the County, the amount of rock as the Director determined, which shall be valued at the current market rate. The value of the usable rock supplied by the Applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the County prior to the commencement of mining of the Fort James site. If mining commences at Pit F site prior to the Fort James site, and the Applicant pays the road improvement fee required in Ordinance No. 2002-09. The Applicant may continue to allow truck traffic to use the North bound access to Highway 30 from West Lane Road and Southbound access to Highway 30 from Columbia Blvd. until access to Highway 30 from Crown-Zellerback Road is completed, at which point, Applicant shall ensure that truck ingress and egress shall be made at the intersection of Highway 30 and Crown-Zellerback Road, unless the intersection or roads are impassible due to emergency or other conditions.
23. Any berms required pursuant to this plan amendment shall be located outside any riparian or wetland setback areas.
24. The Applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Division of State Lanes, and obtain any permits required by such agencies.
25. The Applicant shall provide and implement a ground water monitoring program, approved by Oregon Water Resources and/or State Department of Environmental Quality, and/or any other state or federal agency that asserts jurisdiction over the monitoring plan. The monitoring program shall measure the level of ground water and/or surface water in and around the mine site, and document comparable water levels during flood events. The monitoring program shall also monitor water quality in and around the mine site. Area wells within the 1500 ft. conflict area shall be monitored, subject to the owners consent to such monitoring. The monitoring program will provide for regular reporting to the Scappoose Drainage Improvement Company (SDIC), or its successor drainage district, the County and the applicable state and/or federal agencies. The Applicant shall establish a base line of average pumping costs and rainfall in the area surrounding the mining operation during pre-mining period. When mining commences, the Applicant shall compensate the SDIC for any

demonstrated increase in pumping costs for pumping caused by mining of the site. Prior to mining, the Applicant shall attempt to come to an agreement with SDIC to establish a clear and objective program to determine what compensation, if any, is due the SDIC. If, after good faith negotiations between the Applicant and SDIC, no agreement has been reached, Applicant shall offer to submit the matter to binding arbitration. The sole issue in arbitration shall be what constitutes an equitable program to compensate the SDIC for any demonstrated increase in costs to the SDIC from pumping caused by mining of the site. Arbitration shall be subject to the rules of the American Arbitration Association, with costs equally shared by the Applicant and SDIC. The Applicant shall not be required to arbitrate the issue if SDIC fails to agree to arbitration. If SDIC fails to agree to arbitration, the Applicants final proposal for compensation shall be the effective compensation program.

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Attachments:

- Permit Application for Site Design Review and Operating Permit;
- Glacier letter dated May 5, 2004 to Carla Cudmore, addressing concerns raised by Cudmore;
- Fort James Mine Site 7 of 7 Sheets, May 5, 2004

cc: NW Aggregates
Steve Abel @ Stoel Rives, LLP
Board of Commissioners
File

ATTACHMENT 3

Order No. 39-2004
Supplemental Findings

- 1) The Columbia County Planning Commission Ordinance, Section 11 Appeals and Jurisdiction, states that "...the Board may also assert original jurisdiction over any land use application and bypass prior Planning Commission Review...*" According to Columbia County Zoning Ordinance Section 1550.8 Site Design Review, Type 2 Site Design Review Applications are reviewed by the Columbia County Planning Commission in accordance with Sections 1603, 1604, and 1608 of the Zoning Ordinance. On March 17, 2004, the Board of County Commissioners unanimously voted to take original jurisdiction over the Applicant's Type 2 Site Design Review Application, bypassing prior Planning Commission Review, and hold one hearing to consider both the Design Review Application and Surface Mining Operating Permit Application. On June 9, 2004, the Board of County Commissioners held a hearing in compliance with Columbia County Zoning Ordinance Sections 1603, Quasi-Judicial Public Hearings; 1604, Appeal, and 1608, Contents of Notice.