

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by Forest Systems)
LLC for a New Surface Mining Operating Permit) FINAL ORDER NO. 14-2006
(#05-0079) at the Oak Ranch Quarry)

WHEREAS, on July 27, 2005, Forest Systems, Inc., applied for a Surface Mining Operating Permit on behalf of Bascom Pacific LLC, to operate a 30.08 acre surface mine adjacent to existing surface mining operations at the Oak Ranch Quarry, located approximately 3.5 miles east of the intersection of Highway 47 and Apiary Road on Apiary Road; and

WHEREAS, on August 15, 2005, said application was deemed complete; and

WHEREAS, prior to submitting the Surface Mining Operating Permit application, the applicant received land use approval to expand the surface mine operations at the Oak Ranch Quarry, through Conditional Use Permit 02-43, for the portions of the proposed mining site in tax account number 5305-000-00301R and 5306-000-00200, zoned PF-76, and through Design Review 06-01, approving the proposed Site Design for the mining operation for the portions of the proposed mining site in tax account numbers 5305-000-00301R, 5306-000-00200 and 5306-000-00301¹; and

WHEREAS, the Board of County Commissioners set a hearing date in the matter for December 7, 2005, and gave notice of the hearing pursuant to ORS 197.763; and

WHEREAS, on November 30, 2005, the applicant requested a postponement of the December 7, 2005, hearing to January 25, 2006, in order to prepare additional information for the Board's consideration; and

WHEREAS, on December 7, 2005, the Board of County Commissioners considered the Applicant's request and continued the matter to January 25, 2006; and

WHEREAS, on January 25, 2006, the Board of County Commissioners continued the matter to February 15, 2006; and

WHEREAS, on February 15, 2006, the Board of County Commissioners opened the hearing; and

WHEREAS, during the hearing, County Counsel's file was read into the record of the decision, a copy of which is attached hereto as Attachment 1, and is incorporated herein by this reference; and

¹Tax account number 5305-000-00301 is zoned Surface Mining. Therefore, a Conditional Use Permit was not required to authorize mining of a portion of the proposed mining site. The area zoned for surface mining proposed for an operating permit is .8 acres.

WHEREAS, having heard testimony, and having received evidence into the record, the Board of County Commissioners closed the record for evidence and testimony, deliberated on the matter and voted to tentatively approve Operating Permit #05-0079.

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

- A. The Board of County Commissioners adopts the findings of fact and conclusions of law in the Surface Mining Administrator's Report dated August 29, 2005, which is attached hereto as Attachment 2, and is incorporated herein by this reference.
- B. Surface Mining Operating Permit #05-0079, to mine an additional 30.08 acres of the Oak Creek Quarry, as legally described in Attachment 3, which is attached hereto, and is incorporated herein by this reference, and the proposed reclamation plan are APPROVED, subject to the following conditions of approval:

** For purposes of these conditions of approval, "the Applicant" shall include the current and future record owners and operators of the Oak Ranch Quarry.*

1. The Applicant shall comply with the requirements of the Columbia County Surface Mining Ordinance.
2. The Applicant shall comply with all operating setbacks and shall demarcate on the ground, by staking or other means, a 50' setback from the south and west property lines, and a 200' setback from the north and east property lines.
3. The Applicant shall post a bond or other financial security in the amount of \$50,500, for mining of the first 12 acres to be mined. Additional financial security must be approved by the Board of County Commissioners before mining may commence beyond the initial 12 acres.
4. The Applicant shall not discharge storm water off-site without first obtaining a 1200A permit from the Oregon Department of Environmental Quality.
5. The Applicant shall mitigate visual impacts as set forth in the mining plan.
6. The Applicant shall keep the access road dust free within 300' of Apiary Road.
7. The Applicant shall provide on-site parking for all employees, customers and visitors.
8. The Applicant shall not cause contamination of groundwater and shall comply with all current DEQ regulations with respect to water quality.
9. The Applicant shall comply with erosion control measures as set forth in the reclamation plan.

10. The Applicant shall seed and mulch all exposed soil and overburden stockpiles prior to October 1 of each year.
11. The Applicant shall not conduct pit de-watering without approval of the Surface Mining Administrator.
12. The Applicant shall maintain a 350' setback from Oak Ranch Creek for excavating and a 100' setback for processing and stockpile areas.
13. The Applicant shall place a minimum of 4 feet of soil over the pit floor, processing, and stockpile areas after ripping, then re-vegetate with native timber, shrubs, and grass species.
14. The Applicant shall submit a post-mining drainage plan for approval by the County within 3 years after completion of mining.
15. The post-mining use of the property shall be forestry. The Applicant shall comply with the reclamation plan.
16. The Applicant shall comply with the conditions of approval set forth in CUP 02-43 which are attached hereto as Attachment 3, and are incorporated herein by this reference.
17. The Applicant shall comply with the conditions of approval set forth in DR 06-01, which are attached hereto as Attachment 4, and are incorporated herein by this reference.

DATED this 1st day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Sarah Hanson
Office of County Counsel

By: [Signature]
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

ATTACHMENT 1

EXHIBIT 1- County Counsel's File

1. Notice of Public Hearing (Publications);
2. Notice of Public Hearing (Property Owner Notice;
3. Affidavit of Mailing;
4. Affidavit of Publication;
5. Application for Operating Permit;
6. Board Communication dated February 8, 2006, with the following attachments:
 1. Application for Surface Mining Operating Permit with the following attachments
 1. Location Map;
 2. Legal description of proposed new mining area;
 3. Record of Survey;
 4. New Operating Permit Area Map;
 2. Final Order CU 02-43;
 3. Letter to Board of Commissioners from Oliver Wolff with time line;
 4. Final Order DR 06-01;
 5. Surface Mining Administrator's Report dated August 29, 2005, revised January 31, 2006;
 6. Surface Mining Advisory Committee Minutes;
7. Minutes of December 7, 2005, Board Meeting;
8. Letter to Todd Dugdale from Oliver Wolff dated November 30, 2005;
9. Board Communication dated December 7, 2005;
10. Letter to Glen Higgins from Oliver Wolff dated July 27, 2005;
11. Application for Surface Mining Operating Permit with the following attachments:
 1. Attachment A- Surface Mining Operating Permit Form; Vicinity Map; Site Plan Map and Colored 2003 Aerial Photo with Site Plan;
 2. Attachment B- General Operating Plan description and 2005-2012 Development Maps;
 3. Attachment C- Amendments to filed Operating Plan dated March 27, 2002; Copy of Site Plan Map and Site Plan on 2003 Aerial photo; Copy of Operating Plan dated March 27, 2002 filed with CU 02-43; and Copy of Reclamation Plan file with CU 02-43;
 4. Attachment D- Copy of Conditions of Final Order CU 02-43; Written response and updates on Conditions of Final Order CU 02-43 and Response support information;
12. Board Communication dated November 2, 2005 with draft notices;
13. CU 02-43 Forest Systems LLC Site Maps;
14. Planning Commission Staff Report for CU 02-43;
15. Staff Report to Planning Commission for DR 06-01;
16. Minutes of Planning Commission hearing June 3, 2002;
17. Limited Special Power of Attorney dated Jan 26, 2006;

ATTACHMENT 2

Columbia County
Surface Mining Administrators Report

Application for a New Operating Permit, No. 05-0079

Date: August 29, 2005
Report Revised January 31, 2006

File Number: 05-0079

Site Name: Oak Ranch Quarry Expansion

Owner: Bascom Pacific LLC
c/o Forest Systems, Inc

Applicant: Forest Systems, Inc.
PO Box 2549
Longview WA 98632

Site Location/Zoning: Located approximately seven miles northeast of Pittsburg. Access is from Hwy. 47 north to Apiary Road. Proceed east on Apiary Road for approximately 3.5 miles to the site entrance on the left side of the road.

Tax Account No.	Original Zoning	Acres To Be Permitted	Acres in Tax Lot
5305-000-00301	PF-76	25.7	40
5305-000-00300	SM	2.5	77
5306-000-00200	PF-76	<u>.8</u>	370
		30.08 Acres	

Operating Permit Area: 30.08 acres

Request: To obtain an mining operating permit encompassing 30.08 acres adjacent to existing permitted and limited exempt areas as required under Article V Section 5.1 of the Columbia County Surface Mining Ordinance.

Application Complete: August 15, 2005

Basic Facts:

Forest Systems, Inc. submitted an application for a new Operating Permit for an expansion of their existing quarry. The applicant is requesting an Operating Permit for 30.08 acres in portions of three tax parcels(5305-000-00301, 5305-000-00300, 5306-000-00200). The applicant has completed the County's Surface Application for Surface Mining Permit and submitted a Reclamation Plan per Article V of the Surface Mining Ordinance. Portions of tax parcels 5305-000-00301 and 5306-000-00200 proposed for permitting were approved for mining by conditional use permit CU 02-43. Tax parcel 5305-000-00300 is zoned Surface Mining(SM).

This site is adjacent to the current mining operation which has both Operating and Limited Exempt (LE) permits with the County. The site is a side hill cut consisting of mid and lower LE quarry areas and an upper Operating Permit area. The crushing and processing areas are located in both the mid and lower pit floors. Surrounding vegetation consists of conifers, deciduous trees, grasses, and shrubs. The planning commission approved the CUP on June 3, 2002.

The proposed permit area is 30.08 acres. The proposed site will be actively mined as a benched side hill cut. The post-mining land use will be forestry and concurrent reclamation will be ongoing.

Inspection and Reclamation Plan Summary:

An annual inspection was conducted on May 25, 2005, by Bob Brinkmann with DOGAMI, Surface Mining Administrator (SMA) for the County, and Oliver Wolf of Forest Systems, permittee. The permit area is adjacent to existing Operating Permit and LE areas.

Wetlands have not been delineated within the area to be mined. Oak Ranch Creek, a perennial stream, drains along the southeastern boundary and is on the opposite side of the county road from the site. Forest Systems manages storm water by infiltration into the various pit floors or conveying it to retention ponds without offsite discharges to the creek. A 350-foot setback will be maintained from the creek for excavation and a 100-foot setback will be required for stockpiling and processing. To date an NPDES 1200A permit has not been required and this status will continue as long as there are no offsite discharges to the ditch along the county road.

Overburden ranges from 5 to 30 feet above the resource and the soils consist of a silty to fine sandy loam with thicknesses of 3 to 5 feet. After scalping, overburden will be placed in the pit floor area in reserve for reclamation. Seeding exposed earthen areas will be required to prevent erosion.

Ground water has not been encountered in this upland quarry and drill hole data indicate the regional aquifer to occur well below the current elevation of the pit floor. Therefore, development of the highwall in the expansion zone is not expected to cause off-site impacts to ground water resources. Pit dewatering is not anticipated or allowed under this application.

Mining will proceed in the expansion area by developing benches along a side hill cut as depicted on the cross section maps (Figures 3 and 4 attached to applicant's reclamation plan). Although blasting will be employed, offsite impacts are not likely due to its relatively remote location. As stated in the reclamation plan and shown on the cross sections, final cut slopes of 1.5H:1V will be developed along the highwall in the expansion area with 2H:1V cut slopes in overburden. As shown in Figure 1, a 50-foot set back will be maintained from the property line except as required in Article VII, Section 8.3-(2) a 200-foot setback will be maintained from adjacent residences or zoning which allows a residence as a permitted or conditional use without the prior written consent of the affected property owner(s).

The planned secondary beneficial use is forestry. Ripping of compacted areas, such as the pit floor, to a minimum depth of 12 inches will be performed to promote drainage. The reclamation plan states that a 10-foot layer of growth medium will be placed in reclaimed areas and then planted with coniferous and hardwood species. Native grasses and shrubs will be planted in those areas not suited for tree planting.

To adequately convey storm water offsite and prevent ponding or erosion, a post-mine drainage plan for approval by the SMA will be required within 3 years of completion of mining.

Review Criteria/Findings:

ORS 197.763 Conduct of Quasi Judicial Hearings

The decision on approval of an Operating Permit is made by the Board of Commissioners after a land-use hearing. Notice of the hearing before the Board of Commissioners will be provided to the applicant and to owners of record of property within 500 feet at least twenty days before the hearing date.

The following sections of Articles V, VI, VII, and VIII of the Surface Mining Ordinance are pertinent to this application:

Article V, Section 5.2 - Application Fee

Each application for a new operating permit for surface mining shall be accompanied by an application fee of \$900.

Finding 1 The \$900 application fee was previously submitted.

Article V, Section 5.3 - Application

Each application for a new operating permit for surface mining shall include the information listed in Section 5.3 and whatever additional information the Administrator requires or the applicant deem relevant.

Finding 2 The applicant has supplied the information requested in Section 5.3 including, but not limited to, landowner information; parcel size and legal description; aerial photo and maps; access road location; processing, excavation and stockpile locations; estimated quantity of mineral extraction; mining methods; contaminate and erosion control methods; and site screening.

Article VI, Section 6.1 - Reclamation Plan

Each application for a new operating permit for surface mining shall include a reclamation plan for the operating permit. Each plan must include the items listed in Section 6.1 (1 -19) of the surface mining ordinance.

Finding 3 The applicant has supplied a reclamation plan with the information requested in Section 6.1 including, but not limited to, the present and proposed uses of the property; details of the reclamation activities; setbacks to protect adjacent property and the public from steep slopes, and other mining hazards; protection of natural drainages, water management plan, reclamation time schedule; slope stabilization; revegetation techniques; visual screening; and the removal of all refuse.

Article VII, Section 7.1 - Financial Security Requirement

Before issuing or renewing an operating permit for any surface mining site, the Board shall receive from the landowner or operator a surety bond or security deposit in a sum to be determined by the Board, after considering the initial determination and recommendation of the Administrator and the advise of the Committee, but in an amount not to exceed the total cost for reclamation if the county were to perform the reclamation. The surety bond or security deposit shall be conditioned upon the faithful performance of the reclamation plan and fulfilling the other requirements of this ordinance. A surety bond must be provided by surety companies authorized to do business in Oregon. In lieu of a surety bond, the Board may accept cash, a cashier's check, or certified check equal to the estimated cost of reclamation. The surety bond or other security deposit shall be forfeited to the county if the landowner or operator does not carry out the reclamation plan or fulfill the other requirements of this ordinance. The surety bond or security deposit shall remain on file with the Administrator until the reclamation is complete or the bond or deposit is forfeited. In the event of disagreement regarding the amount of the financial security required, the landowner or operator may request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

Finding 4 Forest Systems estimates that up to 12-acres will be disturbed in the permit area. Based on this a bond in the amount of \$50,500 is required prior to issuance of the mining permit.

Article VIII, Section 8.1 - Compliance with Laws and Ordinances Required

Except as otherwise provided in this ordinance all surface mining in this county shall be conducted in compliance with all applicable federal and state statutes, including the Occupational Safety and Health Act of 1970 (19 U.S.C. 651 et seq.) and the Oregon Safe Employment Act (ORS 654.001 to 654.295 and 654.991), all county and local ordinances, including specifically Sections 1040 through 1048 of the

Columbia County Zoning Ordinance, regardless of the terms and conditions attached to any permit granted under the zoning ordinance, and all applicable administrative rules including the rules and directives of the Department of Environmental Quality and of other affected agencies. In case of an inconsistency in the requirements of this ordinance, any other law, rule, ordinance, or regulation which also applies, the most restrictive law, rule, ordinance, or regulation shall govern.

Finding 5 The discharge of storm water offsite is not allowed without first obtaining a 1200A permit from DEQ.

Article VII, Section 8.2 - Compliance with Reclamation Plan Required

All landowners and operators shall comply with the reclamation requirements of Article VI of this ordinance and with any approved reclamation plan.

Finding 6 The planned secondary beneficial use is forestry. The reclamation plan states that a 10-foot layer of growth medium will be placed in reclaimed areas and then planted with coniferous and hardwood species. Native grasses and shrubs will be planted in those areas not suited for tree planting. Staff finds that a reclamation plan meeting ordinance requirements has been submitted.

Article VII, Section 8.3 - Operating Setbacks

Each surface mining site shall be in compliance with the following setbacks:

- (1) No extraction or removal of minerals is permitted within fifty (50) feet of the rights-of-way of public roads or easements of private roads.
- (2) No extraction or removal of minerals is permitted within fifty (50) feet of another property, nor within two hundred (200) feet of a residence or zoning district which allows a residence as a permitted or conditional use without the prior written consent of the affected property owner(s).
- (3) Processing equipment, batch plants, and manufacturing and fabricating plants shall not operate within fifty (50) feet of the rights-of-way of public roads or easements of private roads.
- (4) Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within fifty (50) feet of another property, nor within one hundred and fifty (150) feet of a residence or zoning district which allows a residence as a permitted or conditional use, without the prior written consent of the affected property owner(s).
- (5) Stockpiling of materials and sedimentation ponds shall not be located closer than twenty-five (25) feet to the boundary line of the surface mining site or the right-of-way of any existing public road.
- (6) Conveying and transporting equipment are exempt from these setback requirements.
- (7) When excavation is completed adjoining a setback, the setback area shall be smoothed, all excavation debris removed, and all trees which are in an unsafe condition removed.
- (8) Wherever an excavation site is within two hundred (200) feet of a public road, or within two hundred (200) feet of a residence or zoning district which allows a residence as a permitted or conditional use, a fence to control access shall be maintained in accordance with the conditions prescribed by the Board upon the recommendation of the Administrator.

Finding 7 The setbacks in the proposed mining area comply with the above section in the County's Surface Mining Ordinance.

Article VIII Section 8.5. -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 twenty-five (25) feet. Screening shall be provided at the boundary of the surface mining site. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:

- (1) A sight-obscuring fence or wall;

- (2) A landscaped berm or preservation of a natural slope; or
- (3) Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.

Finding 8 The proposed mining area complies with the visual impacts criteria in the County's Surface Mining Ordinance.

Article VIII, Section 8.6. - Access

The surface mining site shall have access to a public road with two-way capacity. The Board may impose weight/load restrictions and/or require the landowner or operator to post an adequate surety bond for road repairs. Any access or service road used for mining shall be dust-free at all points within three hundred (300) feet of a public road or residence off the surface mining site. If surface mining is the primary cause of traffic on an unpaved public road, that road shall be kept dust-free within three hundred (300) feet of any such residences.

Finding 9 The proposed mining site has access onto Apiary County road, a two way County arterial roadway. The access/service road will remain dust free within 300 feet of Apiary Road.

Article VII, Section 8.7. - Parking

Vehicular parking off public roads shall be available for employees, customers, and visitors at the surface mining site. All parking facilities for employees, customers and visitors shall be located within the boundaries of the surface mining site.

Finding 10 Parking is proposed to be available on site.

Article VII, Section 8.8. - Water Quality

All surface mining sites shall be operated in a manner which meets current D.E.Q. regulations with respect to water quality. In addition, the landowner or 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.

Finding 11 The operation of this upland quarry over several decades has not caused impacts to ground water and its continued operation into the expansion area is not expected to create ground water impacts.

Article VIII, Section 8. - Erosion Control

The erosion of surfaces affected by mining activities shall be controlled during the surface mining by plantings of ground cover and other modes which protect these surfaces as provided by an approved reclamation plan.

Finding 12 The applicant has met the erosion control requirements in the reclamation plan submitted for the proposed mine area.

Results of the public comment period:

No public comments were recieved.

Recommendations:

Approval of the proposed operating permit is recommended for this mining permit application contingent upon the following conditions being met:

1. Post a reclamation bond in the amount of \$50,500.

2. Demarcate on the ground, by staking or other means, a 50-foot setback from the property line.
3. Not discharge storm water offsite without first obtaining a 1200A permit.
4. Seed and mulch all exposed soil and overburden stockpiles prior to October 1 of each year.
5. Not conduct pit dewatering without approval from the SMA.
6. Maintain a 350-ft. setback from Oak Ranch Creek for excavating and a 100-foot setback for processing and stockpile areas.
7. Place a minimum 4 feet of soil over the pit floor, processing, and stockpile areas after ripping, then revegetate with native timber, shrubs, and grass species.
8. Submit a post-mining drainage plan for approval by the SMA within 3 years of completion of mining
9. The access/service road will remain dust free within 300 feet of Apiary Road.

**BEFORE THE COLUMBIA COUNTY
PLANNING COMMISSION
ST. HELENS, OREGON**

In the Matter of the Application)
of Forest Systems, LLC)
for a Conditional Use Permit)
in the Primary Forest Zone (PF-76))

Final Order CU 02-43

This matter came before the Columbia County Planning Commission on the application of Forest Systems, LLC and the owner of the subject property Bascom Pacific, LLC. The applicant has requested a Conditional Use Permit to allow the approval of an existing aggregate surface mining operation and to allow the expansion of the existing aggregate surface mining operation in the Primary Forest (PF-76) zoning district.

The subject property is 410.62 acres consisting of two tax lots. The existing mining operation utilizes a 22 acre pit and a 13 acre pit. The proposed expansion area is approximately 24 acres and will combine the two pits into one large quarry. The total mining operation will include approximately 60 acres.

The property is located approximately 3 miles east of Nehalem Highway 47 on Apiary Road. The property is further described on the Assessor's records as Tax Account Numbers 5305-000-00301R and 5306-000-00200.

A public hearing was held on June 3, 2002. The Planning Commission heard testimony from the applicant and all interested parties, and considered all written materials submitted and the Planning Commission staff report.

The Planning Commission hereby adopts the findings and conclusions in the Staff Report dated April 10, 1998, and orders this application for a Conditional Use Permit **APPROVED** with the following conditions:

Conditions of Approval:

1. This permit shall become void 4 years from the date of the final decision if mining within the expansion area has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the applicant was not responsible for the failure to develop.
2. Prior to mining the expansion area, the applicant will be required to submit a Site Design Review application to be reviewed by the Columbia County Planning Commission.
3. Prior to mining the expansion area, the applicant will be required to resolve the property line dispute with ODOT and Mudge. The property line must be surveyed and clearly marked and agreed upon by each party. In case of disputes involving the surveys, the parties shall work with the Columbia County Surveyor to resolve the matter.

4. The quarry will be required to maintain a 50' forested buffer along Apiary Road (except for the entrance) and a 200' mining setback from adjacent properties unless written consent from neighboring properties is obtained allowing a reduction in the mining setback. At no point on the subject property is the mining setback allowed to go below 50' from an adjacent property.
5. If the operation will contain an on-site fuel tank, the applicant will be required to submit a fire suppression plan and a hazardous materials containment plan that have been approved by the State Fire Marshall, prior to mining in the expansion area.
6. The operator shall follow the revised operating hours that allow activity from ½ hour after dawn to ½ hour after dusk.
7. In order to protect big game winter range from noise impacts, blasting and crushing shall be minimized from December 1 through February 28.
8. Prior to mining in the expansion area, the applicant will be required to provide documentation indicating that a County road access permit has been issued and the construction has been approved or a bond has been posted.
9. In order to minimize erosion, the applicant will be required to seed overburden stockpiles and spoils areas with grass seed.
10. The applicant will be required to monitor the water quality of Oak Ranch Creek. Twice yearly (Summer and Winter) the applicant shall test the stream for temperature and turbidity. The results of the tests shall be submitted to the Surface Mining Administrator within 30 days.
11. Prior to mining in the expansion area, the applicant will be required to submit more detailed drainage plans, including how the detention ponds are supposed to function.
12. The applicant will be responsible for obtaining any needed DEQ permits related to the stormwater detention ponds or any water leaving the site.
13. The applicant will be required to maintain a safety fence above the current and proposed mining high wall.

COLUMBIA COUNTY PLANNING COMMISSION



JEFFREY VANNATTA, CHAIRMAN

6/10/02

DATE

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cc: Forest Systems, LLC
Bascom Pacific, LLC
Carla Cudmore, Surface Mining Administrator
File CU 02-43

BEFORE THE
COLUMBIA COUNTY PLANNING COMMISSION
ST. HELENS, OREGON

In the Matter of the Application)
of Forest Systems, LLC as agents for)
Bascom Pacific, LLC in the SM and)
PF-76 Zones)

FINAL ORDER DR 06-01

This matter came before the Columbia County Planning Commission on the application of Forest Systems, LLC, as agents for Bascom Pacific, LLC for a Site Design Review of an expansion of the existing aggregate mine and related uses in the Primary Forest (PF-76) zone. The subject property is located at the Oak Ranch Quarry off Apiary Road off State Hwy. 47. The parcel is described on the Columbia County Assessor's records as Tax Account Numbers 5305-000-00300, 5305-000-00301, and 5305-000-00200.

5306

Notice of the land use application was provided to the Mist-Birkenfeld CPAC, affected agencies and surrounding property owners. A public hearing was held on September 12, 2005.

After due consideration, the Columbia County Planning Commission hereby adopts the findings as recommended in the Staff Report of September 14, 2005, and orders this application (DR 06-01) for a Site Design Review for expansion of the Oak ranch Quarry in the Primary Forest (PF-76) Zone, **APPROVED** with the following conditions:

Conditions of Approval

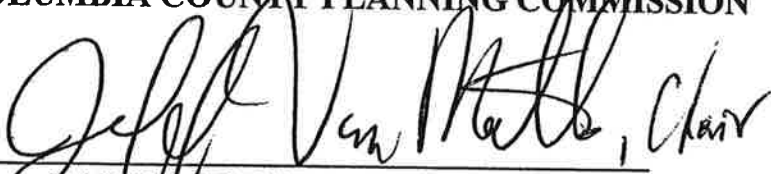
1. This permit shall become void 4 years from the date of the final decision if mining within the expansion area has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the applicant was not responsible for the failure to develop.
2. All conditions of approval of CU 02-43 are hereby incorporated by reference.
3. The property line dispute between adjoining property owner, Mudge, and the subject property shall be resolved before mining may commence on the 3 upper benches indicated in the Quarry Excavation Plan, Figure A-2.
4. The quarry will be required to maintain a 50' forested buffer along Apiary Road (except for the entrance) and a 200' mining setback from all other adjacent properties unless approval is granted for lessor setback by adjoining property owners. In any event, no setback shall be less than 50' from adjoining property lines.

5. If the operation will contain an on-site fuel tank, the applicant will be required to submit a fire suppression plan and a hazardous materials containment plan that have been approved by the State Fire Marshall, prior to mining in the expansion area.
6. The operator shall follow the revised operating hours that allow activity from ½ hour after dawn to ½ hour after dusk.
7. In order to protect big game winter range from noise impacts, blasting and crushing will be prohibited from December 1 through February 28.
8. Prior to mining in the expansion area, the applicant will be required to provide documentation indicating that a County road access permit has been issued and the construction has been approved or a bond has been posted.
9. In order to minimize erosion, the applicant will be required to seed overburden stockpiles and spoils areas with grass seed.
10. The applicant will be required to monitor the water quality of Oak Ranch Creek. Twice yearly (Summer and Winter) the applicant shall test the stream for temperature and turbidity. The results of the tests shall be submitted to the Surface Mining Administrator within 30 days.
11. The applicant will be responsible for obtaining any needed DEQ permits or DOGAMI permits related to the stormwater detention ponds. No Stormwater shall leave the site.
12. The applicant will be required to maintain a safety fence with warning signs appropriately spaced above the current and proposed mining high wall.
13. The applicant is required to submit a copy of an approved Operating Permit with reclamation plan before mining is allowed on the expansion site.
14. During mining of the expansion site, if an archaeological site or any potential or existing historic or cultural site is found during excavation, all work which would impact the site shall halt immediately and the requirements outlined in Section 1044.10A of the Surface Mining Ordinance shall be met which requires:
 - A. An inventory of the site in accordance with the standards set forth by the State Archaeologist.
 - B. A Public Hearing before the County Planning Commission shall be held to review testimony regarding the site and establish measures to mitigate potential conflicts as necessary.
 - C. The State Archaeologist shall be notified of such public hearings.
15. The applicant is required to submit permit documentation for the existing sign or make application for approval of the existing sign to show compliance with the County Sign


Ordinance for the existing sign.

16. All outdoor lighting shall be reviewed and approved by Land Development Services with a copy of lighting specifications attached to this site design review. All lighting shall be directed so that it does not shine onto Apiary Road and reduce visibility of passing motorists.
17. The entrance to the quarry shall be paved as prescribed by the County Road Master to Columbia County Road Department specifications.
18. All final site plans and provisions of this site design review shall be attached to and become part of the Surface Mining Operating Permit.

COLUMBIA COUNTY PLANNING COMMISSION



DAVID MIDDLE, VICE CHAIRMAN



DATE