

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Scappoose Sand)	
and Gravel Co. For a Limited Exemption Mining)	Final Order No. 109-2007
Certificate to Mine 10 Acres)	

WHEREAS, on January 8, 2007, Scott Parker filed an application on behalf of Scappoose Sand and Gravel Co. (hereinafter referred to as the "Applicant") to modify the geographic boundaries of an existing Limited Exemption Certificate (#05-0015) to mine a 10 acre portion of a 63.9 acre parcel zoned Heavy Industrial (M-1), located on E. Crown Zellerbach Road, Scappoose, Oregon, having tax account number 3201-040-00602; and

WHEREAS, on January 23, 2007, the Applicant appeared before the Board of County Commissioners and requested that the Board reconsider a 1993 decision establishing the boundaries of the Limited Exemption Certificate at 103 acres more or less; and

WHEREAS, on January 24, 2007, the Board of County Commissioners denied the request, and staff advised the Applicant that there is no process under the Surface Mining Ordinance to modify an existing Limited Exemption Certificate, as requested; and

WHEREAS, after the Board of Commissioners denied the request to reconsider the 1993 decision, rather than apply for an Operating Permit, the Applicant effectively amended the Application to request a new limited exemption certificate for the 10 acre portion, on the basis that they had established a vested right as of 1972 to mine the 10 acre portion; and

WHEREAS, the Applicant supplemented the Application with materials and testimony presented to the Surface Mining Advisory Committee on January 31, 2007, and provided to the Land Development Services Department on March 6, 2007; and

WHEREAS, the new amended application was not complete until at least some information necessary to determine whether the Applicant has a vested right to mine 10 acres was submitted on January 31, 2007; and

WHEREAS, the Board scheduled a hearing in the matter for March 14, 2007; and

WHEREAS, the Applicant requested that the matter be carried over for a period of one week;
and

WHEREAS, on March 14, 2007, the Board carried the matter over to March 28, 2007; and

WHEREAS, the Board of County Commissioners held a hearing in the matter on March 28, 2007, and carried the matter over for deliberations to April 11, 2007; and

WHEREAS, on April 11, 2007, having heard testimony and received evidence, the Board voted to deny the application; and

WHEREAS, on May 10, 2007, the Applicant appealed the Board's denial to the Board; and

WHEREAS, on May 30, 2007, the Board held a hearing in the matter; and

WHEREAS, after hearing testimony and receiving evidence, the Board closed the hearing and deliberated in the matter;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

The Board of County Commissioners approves the application of Scappoose Sand and Gravel for a Limited Exemption Mining Certificate to mine a 10 acre portion of a 63.9 acre parcel zoned Heavy Industrial (M-1), located on E. Crown Zellerbach Road, Scappoose, Oregon, having tax account number 3201-040-00602.

Dated this 6th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Rita M. Bernhard

Rita Bernhard, Chair

By: Anthony Hyde

Anthony Hyde, Commissioner

By: Joe Corsiglia

Joe Corsiglia, Commissioner

Approved as to form

By: Sarah Hanson

Office of the County Counsel