

adjacent properties and the Highway.

- c. The applicant shall submit an access, parking and circulation plan, to be approved by the Planning Director, in accordance with Section 1405 of the CCZO with the inclusion of 1 ADA compliant handicap parking space and 1 loading space.
- d. The applicant shall submit a landscaping plan to be approved by the Planning Director, which indicates the type and location of vegetation.
- e. The applicant shall provide documentation in the form of a well log, showing that an adequate water supply is available on site prior to the issuance of a building permit.
- f. A permit shall be acquired for siting of the holding tank for sewage disposal prior to the issuance of a building permit.
- g. A revision shall be made to the existing Eagle Biological Assessment and Management Plan specific to the proposed use and shall be approved by the Oregon and US Department of Fish and Wildlife. The applicant shall comply with the recommendations of the approved assessment.
- h. The applicant shall conduct a noise impact study for the firing range and shall comply with recommendations generated therefrom.
- i. The applicant shall comply with standard operating hours of 7:00 a.m. to 6:00 p.m., Monday through Sunday unless a change of operating hours is approved pursuant to Section 1044.5 of the Zoning Ordinance (AR 07-03).
- j. Building permits shall be obtained for siting of the classroom, restroom facilities and cleaning room.

2. For AR 07-03:

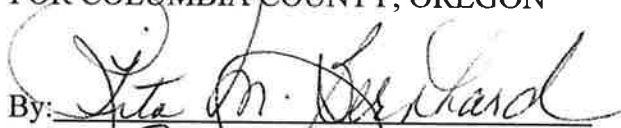
- a. Approval is contingent upon compliance with the conditions of approval for CU 07-08 and DR 07-01.

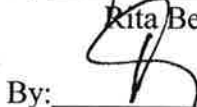
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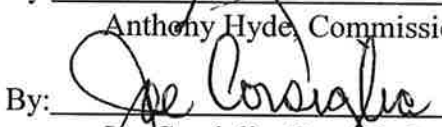
- b. The Applicant shall comply with conditions imposed by the Board of Commissioners stemming from the noise impact survey produced by the DSA Company for mitigation of noise impacts.

Dated this 24th day of January, 2007.


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

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

January 3, 2007

Conditional Use Permit: use within Surface Mining zone
Amendment of Post Mining Use

HEARING DATE: January 10, 2007

FILE NUMBER: CU 07-08

APPLICANT: Columbia County Sheriff
901 Port Avenue
St Helens, OR 97051

OWNER: Morse Bros., Inc (MBI)
32260 Old Highway 34
Tangent, OR 97389

PROPERTY LOCATION: On Columbia River Hwy. North of Dyno Nobel/Airgas

TAX ACCOUNT NUMBER : 5117-000-00200

ZONING: Surface Mining (SM)

SIZE: 134.22 acres

REQUEST: To site a firing range and law enforcement training facility on a portion of land zoned Surface Mining (SM) to be reviewed as a conditional use allowable under Section 1043.4 of the Columbia County Zoning Ordinance.

**ASSOCIATED
LAND USE ACTIONS:** PA 07-01, AR 07-03, DR 07-01 & Operating Permit #05-0077 (amendment)

APPLICATION COMPLETE: 10/02/06 **150 DAY DEADLINE:** 03/01/07

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 1040	Surface Mining	3
Section 1120	Sensitive Bird Habitat Overlay	7
Section 1503	Conditional Uses	9
Section 1600	Administration	12

BACKGROUND:

The Columbia County Sheriff is seeking approval to site a firing range and law enforcement weapons training facility on land owned by Morse Bros., Inc. (MBI), currently approved for gravel mining. The County Sheriff existing firing range facilities, located in the 'watters pit', has been in use for over 25 years and is deemed inadequate, in terms of size and training support, for the needs of various agencies that utilize the site. The Federal Bureau of Investigation (FBI) has presented the County with an opportunity to build a state of the art complex to be used by various agencies in the region. Other land use applications associated with this request include an Administrative Review (AR 07-03), Design Review (DR 07-01) and an Operating permit #05-0077 Amendment. Through this application (CU 07-08) the applicants are requesting approval of the proposed use under conditional use provisions of the Surface Mining (SM) zone which allow buildings or structures of a public nature not in conjunction with mining operations. In the Administrative Review request (AR 07-03) the applicants are seeking approval for the mining operator to excavate the proposed shooting range site on an expedited schedule, 24 hours a day 7 days a week, until the site is ready for range development. Additionally, the applicants are requesting an amendment to the approved operating hours, to operate the range facility when completed, outside of the scope of allowable operating hours in the surface mining zone. The Design Review is for siting of the firing range and operating permit is to excavate the site to approximately 55 feet below the existing surface. The proposed firing range and weapons training facility is to be used by local and federal law enforcement agencies during the week and will be available to the general public on the weekends. Structures to be sited for the firing range include a classroom, cleaning room, restroom facilities and a tower.

The subject Tax Lot property is 134.22 acres in size, of which approximately 12.0 acres will be utilized for the firing range complex, and located on Columbia River Highway approximately 3/4 mile northwest of Columbia City. The subject Tax Lot property currently houses the Reichhold Mining site, approved through Design Review 03-06, which is currently active and located directly north of the proposed firing range. Historically the larger site previously housed the Columbia County fairgrounds and racetrack. Various concerts, approved through temporary permits, have been held on the Tax Lot site more recently. The general area is characterized as sparsely developed, rural industrial in nature with Dyno Nobel and Airgas located directly south of the proposed site and Columbia River PUD located to the north of the subject Tax Lot parcel. A large forested hill is to the west of the subject property, zoned for Primary Forest, with no development. The site will be accessible via a driveway off Hwy. 30 that serves Dyno Nobel and Airgas. The proposed method of sewage disposal is a holding tank and water will be supplied through a private well.

The approximately 12.0 acre range site does not contain any flood hazard areas and the National Wetlands Inventory (NWI) 'Trenholm' Map does not indicate the presence of wetlands. The St Helens-Columbia City CPAC Beak maps do not present the indication of Big game Habitat nor any other threatened or endangered plants and/or wildlife for the 12.0 acre site. However, the subject site is close in proximity to an identified Bald eagle nesting and breeding site (NG 28). Therefore siting of the firing range shall be in accordance with Section 1120 Sensitive Bird Habitat Overlay. Emergency services are provided by Columbia River Fire and Rescue and the Columbia County Sheriff.



REVIEW CRITERIA & FINDINGS:

COLUMBIA COUNTY ZONING ORDINANCE:

Section 1040 SURFACE MINING

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: The applicants are proposing to use approximately 12.0 acres for siting of the firing range within the 134.22 acre subject parcel. The Reichhold Mining Site, approved through DR 03-06, is located on the subject property and currently operational. The proposed use should pose minimal impact to adjacent uses and numerous measures will be implemented to mitigate any potential conflicts. The proposed use will be relatively similar in nature to adjacent uses Dyno Nobel/Airgas to the south and the Reichhold Mining site to the north in regards to intensity of use. Siting of the firing range in the proposed location will not conflict with the potential of future surface mining on the subject parcel.

1043 Conditional Uses: The following uses may be permitted if found in conformance with Section 1044 and Section 1503 of this Ordinance:

- .4 Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.

Finding 2: In the Surface Mining (SM) zone uses of a public nature not in conjunction with the operation of an aggregate site are permitted as a conditional use when found in conformance with Section 1044 and 1503 of the Columbia County Zoning Ordinance. The proposed firing range will primarily serve public and government agencies including Columbia County law enforcement and the Federal Bureau of Investigation. Buildings and structures proposed for the firing range include a classroom, restroom facilities, firearms cleaning room and range tower which will be reviewed in Design Review 07-01.

1044 Operating Standards: All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- .1 The landowner and operator shall be jointly responsible for signing the application.
- .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

- .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 3: A landowner's consent signed by the President of Morse Bros., Inc. was submitted allowing the Columbia County Sheriff to apply for the subject Conditional Use Permit. In addition, a license agreement was submitted indicating all of the terms and regulations of the agreement between Columbia County and Morse Bros. The Operator and landowner shall comply with any requirements or conditions imposed by affected agencies relating to the proposed use. The subject property is 134.22 acres in size of which approximately 12.0 acres will be utilized for the firing range and law enforcement training facility.

- .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 and batch plants shall not be operated within 50 feet of another property without written consent of the property owner(s). Processing equipment and batch plants shall not operate within 50 feet of a public road right-of-way.

Finding 4: Section 1044.4 pertains to aggregate mining operations where extraction of natural resources is the primary use. The proposed firing range and law enforcement training facility site will be excavated to a level of 55' below the surface. The excavated firing range area will maintain a 50' setback from all property lines and public and private roads. Berms, fencing and a roadway will be located within the 50' setback area.

- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. 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 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 5: The applicants have requested an administrative review (AR 07-03), to be processed in conjunction with the conditional use permit (CU 07-08) and design review (DR 07-01), to vary the operating hours approved for the MBI Reichhold Site (DR 03-06). The subject property and prior approval are in compliance with standard operating hours of 7:00 am to 6:00 pm as required by Section 1044.5. An exception to these standards is requested for the approximately 12.0 acre site for the firing range and law enforcement training facility. Due to the availability of funding, the applicants are requesting an amendment to the operating hours during development of the site to expedite the process. Included in requests for amendments to operating hours are allowance to operate 24 hours per

day 7 days a week to excavate the site to the requested elevation and transport materials from the 12.0 acre site to the conveyor tunnel at the approved Reichhold site. Additionally, a request has been made for amendment of the operating hours for the firing range and training facility to permit 7:00 am to 10:00 pm Monday through Saturday and noon to 9:00 pm on Sunday. A condition of approval of this request shall be that the firing range and law enforcement training facility adhere to the standard operating hours of 7:00 am to 6:00 pm, seven days a week. A request for amendment to operating hours standards will be reviewed in the associated administrative review (AR 07-03) request.

- .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 6: Minimal vegetation is present on the subject property that would provide an adequate means of screening the proposed firing range. The applicants are proposing to construct a 12' high berm around the perimeter of the firing range with a 6' high security fence enclosing the entire facility. Berms to be constructed around the site shall be landscaped to ensure that dirt/dust does not adversely affect the operations of Airgas located directly south of the subject firing range. Visual impacts will be further reviewed in the associated Design Review (DR 07-01) staff report.

- .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 service 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 7: The applicants are proposing to access the site via the previously approved and existing access from Highway 30 that serves the Reichhold site and Airgas. An additional access road is proposed around the perimeter of the firing range that shall be sited in accordance to County Road Department standards.

- .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 8: A noise impact assessment was submitted for the Design Review of the Reichhold Mining site located directly north of the proposed firing range. Potential noise impacts were mitigated through construction of berms and buffers of scrapers associated with mining. Considering the proposed use is different in nature and will potentially create more adverse noise impacts a study shall be conducted. The applicants have indicated that the OSA Company is conducting a noise survey for the range. Any findings resulting from the survey for mitigation of noise impacts shall become consideration for conditions of approval.

- .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 9: Section 1044.9 pertains to aggregate mining operations where extraction of natural resources is the primary use. The proposed site will be excavated to a level of 55' below the surface and should not adversely affect any water features on the subject property. The only significant water feature is the presence of wetlands at the base of the hill northwest of the proposed firing range. The Reichhold Mining site is closer in proximity to the wetlands and has been excavated to a level over twice what is proposed for the firing range, indicating that ground water contamination will not be a point of concern for this proposal.

.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 10: The applicant included an archaeological investigation report with File AR 03-02 and an abstract can be found in the operating permit application. The results of the Archaeological investigation concluded there are cultural resources found on the Reichhold site. Specifically the site contained flaked cobble tools commonly referred to as cobble choppers. The site investigation was conducted by a Portland company, Applied Archaeological Research, which conclude the site is not considered to be a significant cultural resource and that no further investigation of the site is warranted. The State Archaeologist has also reviewed the archaeological report conducted by Applied Archaeological Research and concurs with their findings that the site is not a significant cultural resource. All work will be required to stop if additional cultural resources are found during excavation.

- .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 11: As noted earlier, the site will only be excavated during development to achieve a level of 55' below the surface. Therefore, erosion is not a long term concern for this proposal. 12' high berms will be sited around the perimeter of the firing range for safety purposes and noise reduction. The proposed berms shall be landscaped with appropriate ground cover to prevent erosion due to wind. The floor of the firing range will consist mostly of crushed rock with asphalt for firing areas and lanes. Drainage will be internally mitigated through infiltration and a french

drain system to prevent any potential erosion problems due to storm water runoff.

- .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 12: Excavation, for the period of development of the proposed firing range, shall comply with all applicable provisions and the Surface Mining Administrator will ensure that mining of the site is conducted in a safe manner according to the appropriate regulations through review of the operating permit.

- .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 activities cease on any segment of the area where mining has occurred and shall be completed within 3 years after mining activities cease. This does not apply to any land being used as plant site, stock pile, or work area for ongoing extracting mining operation.

Finding 13: A site reclamation plan has been submitted in accordance with the requirements of the Surface Mining and Land Reclamation Ordinance. The Surface Mining Administrator must approve the reclamation plan prior to beginning development on the site.

- 1045 **Modification of Standards:** The above standards may be modified by the Planning Commission after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads. A Site Design Review for a Conditional Use in this zone may be processed concurrently with the Conditional Use Permit with a single hearing and a single fee which will be the higher of the 2 permit fees.

Finding 14: The Commission may modify the above standards after a public hearing and proper notification. A site design review (DR 07-01) was submitted to be processed with this conditional use request to be heard at the January 10, 2007 Board of Commissioners Public Hearing.

Continuing with the Columbia County Zoning Ordinance:

Section 1120 SENSITIVE BIRD HABITAT OVERLAY

- 1121 **Purpose:** The purpose of the Sensitive Bird Habitat Overlay Zone is to insure that habitat areas identified as critical for the survival of the Northern Bald Eagle, Great Blue Heron, and Band-tailed pigeon are protected from the effects of conflicting uses or activities. This objective shall be achieved through the development of site specific management plans that are developed to insure that proposed uses and activities will neither destroy nor result in the abandonment of sensitive bird habitat areas.

- 1122 **Definition of Habitat Sites:** All Northern Bald Eagle nests and roosts, Great Blue Heron

rookeries, and Band-tailed pigeon mineral springs identified in the Columbia County Comprehensive Plan shall be subject to the requirements of the Sensitive Bird Habitat Overlay zone. When additional sites are identified by the Oregon Department of Fish and Wildlife, they shall be added to the Comprehensive Plan map #42 titled Wetland Areas and Sensitive Bird Habitat Sites of Columbia County and become subject to the requirements of the Sensitive Bird Habitat Overlay Zone.

- 1123 Permitted Uses: Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Sensitive Bird Habitat Overlay Zone subject to the additional procedure and requirements of Section 1124.
- 1124 Development Standards: The following review procedure and criteria shall apply:
- .1 The review procedure is initiated when: Columbia County receives a request for a development permit that may affect a sensitive bird habitat.
 - .2 A proposed use or activity is considered to have the potential for affecting a sensitive bird habitat if it is located within a quarter mile of an eagle nest or roosting site, or it is within six hundred (600) feet of a heron rookery, or Band-tailed pigeon mineral spring.
 - .3 If a proposed use or activity meets the locational criteria of subsection 1124.2, Columbia County shall notify the Oregon Department of Fish and Wildlife.
 - .4 Upon notification, the Oregon Department of Fish and Wildlife shall review the proposed use or activity and make a determination of whether the use or activity has the potential for adversely affecting a sensitive bird habitat area. In making this review and determination, the Oregon Department of Fish and Wildlife shall consult with the affected landowner(s) and appropriate state agencies. The determination shall be completed within seven working days of the receipt of the notice from Columbia County.
 - .5 A sensitive bird habitat will be considered affected by a use or activity if it is located within 660 feet of an eagle site or within 300 feet of a heron rookery or pigeon mineral spring. However, the Oregon Department of Fish and Wildlife may determine that uses and activities located further from the sensitive habitat also will affect the site because of unique site conditions such as topography. The basis for such a finding shall be spelled out in the Oregon Department of fish and Wildlife's determination of impact.
 - .6 If the Oregon Department of Fish and Wildlife determines that the sensitive habitat area will not be affected, Columbia County may proceed with the processing of the permit application.
 - .7 If the Oregon Department of Fish and Wildlife determines that the site would be affected, the Oregon Department of Fish and Wildlife shall work with the affected property owner in the development of a site specific habitat protection plan. The plan shall consider nesting trees, critical nesting periods, roosting sites, and buffer areas.

Finding 15: According to the St Helens-Columbia City CPAC Beak maps the subject property is located in a section with a presence of a Bald eagle breeding site. An identified nest is present approximately 1/4 mile

northwest of the proposed firing range. As a part of the previously approved Design Review (DR 03-06) for the Reichhold Mining site the applicants submitted a Bald Eagle Biological Assessment and Site-Specific Management Plan with the surface mining operating permit. The Bald Eagle review did identify a nest site on an adjacent property to the west, known as the fairgrounds nest, and an alternate nest site on Goat Island, in the nearby Columbia River. The fairground nest is located near the southwest corner of the site, in a tree on the hillside, directly above the existing pond. The Goat Island nest is located on Goat Island, approximately one mile northeast of the Reichhold site. Staff met with wildlife biologists from the Oregon & US Department of Fish and Wildlife (ODFW) on site on 11/14/06. The representatives expressed concerns regarding completeness of the applications, potential noise impacts and amendments to the existing eagle biological assessment (see attached letter). The applicants shall consult with the Oregon and US Department of Fish and Wildlife and develop a site specific bald eagle management plan regarding the proposal and submit documentation of approval from ODFW.

Continuing with the Columbia County Zoning Ordinance:

Section 1503 CONDITIONAL USES:

- .5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:

- A. The use is listed as a Conditional Use in the zone which is currently applied to the site;

Finding 16: The applicants are proposing to site the firing range and law enforcement training facility on land zoned Surface Mining (SM). Conditional uses are permitted in the Surface Mining zone when found in conformance with section 1044 (findings 3-13) and 1503 of the Zoning Ordinance. Section 1044.4 reads: "Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site." The proposed use is public in nature as it will serve local and federal government law enforcement agencies.

- B. The use meets the specific criteria established in the underlying zone:

Finding 17: Conditional uses are permitted in the Surface Mining zone when found in conformance with Sections 1044 and 1503. The proposed use is reviewed under the provisions of the Surface Mining (SM) zone in findings 1-13 of this staff report.

- C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;

Finding 18: The subject property is well suited for the proposed use considering size, shape, location, topography, existence of improvements, and natural features. The subject tax account is 134.22 acres in size of which approximately 12.0 acres will be used for the proposed firing range and law enforcement training facility. The location of the proposed site is industrial and rural in nature with Dyno Nobel and Airgas adjacent to the south and the Reichhold Mining site located directly north on the same parcel. No residential structures are present for approximately 1 mile in any direction from the proposed site. The applicants are proposing to excavate to a level of 55' below the surface with 12' earthen berms around the perimeter for the firing range

creating a safer means of disposing firearms rounds. The topography and natural features of the site are conducive to the proposed use because of the presence of a large forested hill behind to the west so that in the event that an errant round leaves the site it will not travel far.

- D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Finding 19: The subject site is ideally accessible from Columbia River Highway via an approximately 500' driveway that additionally serves Airgas and Dyno Nobel. The applicants are proposing to site a holding tank for sewage disposal and drill a well for method of water supply. Staff finds that public facilities and services existing or planned for the area are adequate for the proposed use.

- E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding 20: The subject parcel is located within an industrial area along Columbia River Highway including zoning designations Surface Mining (SM) or Rural Industrial Planned Development (RIPD). A majority of other lands in the vicinity are of a resource nature with zoning designations Primary Forest (PF-76) and Primary Agriculture (PA-38). The table below illustrates property owners within 1000' feet, as required for noticing of proposed uses within the Surface Mining zone, from the property boundaries of the 134.22 acre subject parcel. The proposed firing range is approximately 12.0 acres on the southern portion of the 134.22 acre subject parcel. Within the 1000' notice area there are 3 residential dwellings to the north, which are actually approximately 1 mile from the proposed firing range. Other uses in the area include Dyno Nobel, Airgas and Columbia River PUD located along Highway 30. The proposed firing range and law enforcement training facility will not alter the character of the surrounding area because it will not pose any greater impact than the uses within the general vicinity. Staff does not feel the use would impair or preclude surrounding property owners

TAX ACCOUNT #	ACRES	ZONE	USE	OWNER	TAX CODE
5108-000-00100	406.67	PA-38	DI Stock Ranch	Harry & Michael Kem	7
5108-030-00200	7.11	FA-19		ODOT	N/A
5108-030-00300	1.70	FA-19	35251 Chaney Lane	Kenneth & Jenny Hicks	N/A
5108-030-00301	2.78	FA-19	35371 Chaney Lane	Tyron Lee	N/A
5108-030-00400	0.67	FA-19	64109 Columbia River Hwy.	David & Lorene Jordan	N/A
5116-000-00100	102.80	PA-38	DI Stock Ranch	Harry & Michael Kem	7
5116-000-00200	61.04	RIPD		Morse Bros., Inc. (MBI)	6
5116-000-00201	21.49	RIPD		Dyno Nobel	4
5116-000-00300	92.79	RIPD		Morse Bros., Inc. (MBI)	4
5116-000-00400	1.22	CS-I	Kinder Cemetery	Dale & Alberta Cooper	N/A
5117-000-00100	65.40	PA-38	DI Stock Ranch	Harry & Michael Kem	7

5117-000-00200	134.22	SM		Morse Bros., Inc. (MBI)	4
5117-000-00203	61.02	RIPD	Dyno Nobel / Airgas	Dyno Nobel, Inc.	4
5117-000-00204	46.16	PF-76		David Thompson Sr.	8
5117-000-00205	32.16	PF-76/ RIPD		Fred & Mary Ellen Bernet	8
5117-000-00300	111.93	SM		Morse Bros., Inc. (MBI)	7
5117-000-00302	4.62	SM	Columbia River PUD	Rick Lugar	N/A
5117-000-00400	80.0	PF-76	Forestland	Longview Fibre	6

* 4= Disqualified Farm Use (Suspension); 6= Designated Forest Land (includes Reforestation); 7= Farm-Use (Zoned & Non-Zoned); 8= Optional Timber Tax

- F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;

COLUMBIA COUNTY COMPREHENSIVE PLAN:

SURFACE MINING

GOAL:

To protect and utilize appropriately the mineral and aggregate resources of Columbia County.

POLICIES: It is the policy of the County to:

2. Consider the preservation of aggregate material in all its land use actions.
3. Pay special attention to any development adjacent to mineral and aggregate resources and take the necessary steps to minimize the impacts of development on these resources.

Finding 21: The applicants are proposing to site the firing range on approximately 12.0 acres of a 134.22 acre parcel which has been approved for surface mining operations and currently houses the Reichhold aggregate mining site. The proposed firing range will be located directly south of the Reichhold mining operation at the very southern end of the subject parcel. Dyno Nobel and Airgas are located directly south of this proposed site. All necessary steps are being taken into consideration for siting of the range so that adjacent uses are not adversely affected.

Continuing with Zoning Ordinance Section 1503.5:

- G. The proposal will not create any hazardous conditions.

Finding 22: Numerous measures are proposed to reduce any potential risk associated with a firing range. The range itself will be 55' below the ground surface with berms both inside the range and around the perimeter. A security fence will also surround the complex. Shooting will only be conducted by a certified firearms instructor.

- .6 Design Review: The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.

Finding 23: A Design Review application (DR 07-01) has been submitted in conjunction with this Conditional Use permit, Administrative Review 07-03 and operating permit #05-0077 Amendment.

Continuing with the Columbia County Zoning Ordinance:

Section 1600 ADMINISTRATION

- 1612 Special Hearings: The Board of County Commissioners, in its discretion, may order any quasi-judicial land use application or type of quasi-judicial land use application to be heard at a Special Hearing in lieu of a hearing before the Planning Commission or the Board of County Commissioners.

Finding 24: Due to availability of funding from the Federal Bureau of Investigation the Columbia County Board of Commissioners took jurisdiction of all land use requests associated with siting of the firing range and law enforcement training facility in order to expedite the process.

COMMENTS:

1. The Sanitarian has reviewed the application and has no objections to its approval as submitted with comments: "The holding tank will require to be installed under a permit from this office."
2. The St Helens CPAC has reviewed the application and has no objections to its approval as submitted.
3. The Building Official has reviewed the application and has no objections to its approval as submitted with comments: "Will need building permits for offices and structures."
4. Columbia River Fire & Rescue has reviewed the application and has no objections to its approval as submitted with comments: "I have discussed access and fire flow with Lt. Simmons already."
5. The County Road Department has reviewed the application and has no objection to its approval as submitted.
6. Columbia River PUD has reviewed the application and has no objections to its approval as submitted with comments: "Please keep us notified of all future actions and progress."
7. Columbia City has reviewed the application and has reviewed the application and has no objections to its approval as submitted.
8. The Oregon Department of Fish and Wildlife in coordination with the U. S. Fish and Wildlife Service submitted a letter dated November 16, 2006 (see attached) recommend that the applicant

develop a site-specific management plan for the bald eagles, known to have nesting sites in the area.

No other comments have been received from notified nearby property owners or government agencies as of the date of this staff report (January 3, 2007).

STAFF CONCLUSIONS & RECOMMENDATION:

A new firing range for local law enforcement practice and training has been needed for some time. The present firing range is too small and inadequate. The Sheriff's office has chosen a site with good access and suitable for the proposed use.

CONDITIONS OF APPROVAL: (Same as conditions in the Design Review DR 07-01)

1. This permit shall become void 2 years from the date of the final decision if development of the site 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. The applicant shall submit a lighting plan, to be approved by the planning director, which addresses location and type of outdoor lighting on the site with adequate proof that lights will be shielded so as to not shine directly on adjacent properties and the Highway.
3. The applicant shall submit an access, parking and circulation plan, to be approved by the planning director, in accordance with Section 1405 of the CCZO with the inclusion of 1 ADA compliant handicap parking space and 1 loading space.
4. The applicant shall submit a landscaping plan, to be approved by the planning director, which indicates type and location of vegetation
5. The applicant shall provide documentation, in the form of a well log, that an adequate water supply is available on site prior to the issuance of any building permits.
6. A permit shall be acquired for siting of the holding tank for sewage disposal prior to the issuance of any building permits.
7. A revision shall be made to the existing Eagle Biological assessment and management plan specific to the proposed use and approved by the Oregon and US Department of Fish and Wildlife. The applicant shall comply with the recommendations of the approved assessment.
8. A noise impact study for the firing range shall be conducted and the recommendations from the study as approved by the Director shall be complied with by the applicant.
9. The applicant shall comply with standard operating hours of 7:00 am to 6:00 pm, Monday through Sunday unless a change of operating hours is approved pursuant to Section 1044.5 of the

CCZO (AR 07-03).

10. Building permits shall be acquired for siting of the classroom, restroom facilities and cleaning room.

**COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

January 3, 2007

Design Review: firing range / law enforcement training facility

HEARING DATE: January 10, 2007

FILE NUMBER: DR 07-01

APPLICANT: Columbia County Sheriff
901 Port Avenue
St Helens, OR 97051

OWNER: Morse Bros., Inc (MBI)
32260 Old Highway 34
Tangent, OR 97389

PROPERTY LOCATION: On Columbia River Hwy. North of Dyno Nobel/Airgas

TAX ACCOUNT NUMBER : 5117-000-00200 (134.22 acres)

ZONING: Surface Mining (SM)

SIZE: 12 acres

REQUEST: To site a firing range and law enforcement weapons training facility on a portion of land zoned Surface Mining (SM).

ASSOCIATED LAND USE ACTIONS: PA 07-01, AR 07-03, CU 07-08 & Operating Permit #05-0077 (amendment)

APPLICATION COMPLETE: 10/02/06

150 DAY DEADLINE: 03/01/07

APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 1040	Surface Mining	3
Section 1120	Sensitive Bird Habitat Overlay	7
Section 1300	Signs	9
Section 1400	Off-Street Parking & Loading	9
Section 1550	Site Design Review	11
Section 1600	Administration	20

BACKGROUND:

Columbia County Sheriff is seeking approval to site a firing range and law enforcement weapons training facility on 12 acres of land owned by Morse Bros., Inc. (MBI). The 12 acres is a small, southern portion of a much

larger 190 acres currently containing approval for gravel mining. In March 2002 the Board of Commissioners adopted Ordinance No. 2002-1, approving a Post Acknowledgment Plan Amendment for Morse Bros. Inc. to surface mine the Reichold Site approximately 190 acres site. In February 2003 Design Review DR 03-06 was approved for the mining site with conditions. For clarity and consistency, these two previously approved decisions with conditions need to be amended with this application to reflect the new firing range use on the southern 12 acres. The amendments and/or changes in previously approved conditions are reviewed in this Staff Report under CCZO Section 1044 below.

The County Sheriff existing firing range facilities, located in the 'Watters pit', has been in use for over 25 years and is deemed inadequate, in terms of size and training support, for the needs of various agencies that utilize the site. The Federal Bureau of Investigation (FBI) has presented the County with an opportunity to build a state of the art complex to be used by various agencies in the region. Other land use applications associated with this request include a Conditional Use CU 07-08, Administrative Review 07-03 and an Operating permit #05-0077 Amendment. The applicants are seeking approval of the proposed use under conditional use provisions of the Surface Mining (SM) zone which allow buildings or structures of a public nature not in conjunction with mining operations. Through this application (DR 07-01) siting of the firing range will be reviewed in accordance with all applicable ordinances addressing form and function of the proposed use. In the Administrative Review request (AR 07-03), the applicants are seeking approval for the mining operator to excavate the proposed shooting range site on an expedited schedule, 24 hours a day 7 days a week, until the site is ready for range development. Additionally, the applicants are requesting an amendment to the approved operating hours in order to operate the range facility, when completed, outside of the scope of allowable operating hours in the surface mining zone. The operating permit application would modify the current operating permit for the Reichold Site to allow mining in the 400 feet setback area along the southerly parcel line to approximately 55 feet below the existing surface. The required 50 feet setback from the adjoining Dyno Nobel parcel will be maintained. The proposed firing range and weapons training facility is to be used by local and federal law enforcement agencies during the week and will be available to the general public on the weekends. Structures to be sited for the firing range include a classroom, cleaning room, restroom facilities and a tower.

The subject Tax Lot is 134.22 acres in size, of which approximately 12.0 acres will be utilized for the firing range complex. It is located on Columbia River Highway approximately 3/4 mile northwest of Columbia City. The larger subject Tax Lot parcel currently houses the Reichold Mining site, approved through Design Review 03-06, which is currently active and located directly north of the proposed firing range. Historically the larger site previously housed the Columbia County fairgrounds and racetrack. Various concerts, approved through temporary permits, have been held on the Tax Lot parcel more recently. The general area is characterized as sparsely developed, rural industrial in nature with Dyno Nobel and Airgas located directly south of the proposed site and Columbia River PUD located to the north of the subject Tax Lot parcel. A large forested hill is to the west of the subject property, zoned for Primary Forest, with no development. The site will be accessible via a driveway that serves Dyno Nobel and Airgas. The proposed method of sewage disposal is a holding tank and water will be supplied through a private well.

The approximately 12.0 acre range site does not contain any flood hazard areas and the National Wetlands Inventory (NWI) 'Trenholm' Map does not indicate the presence of wetlands. The St Helens-Columbia City CPAC Beak maps do not indicate the presence of Big game Habitat nor any other threatened or endangered plants and/or wildlife for the 12.0 acre site. However, the subject site is close in proximity to an identified Bald eagle nesting and breeding site (NG 28). Therefore siting of the firing range shall be in accordance with Section 1120 Sensitive Bird Habitat Overlay. Emergency services are provided by Columbia River Fire and Rescue and the Columbia County Sheriff.

REVIEW CRITERIA & FINDINGS:

COLUMBIA COUNTY ZONING ORDINANCE:

Section 1040 SURFACE MINING

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: The applicants are proposing to use approximately 12 acres for siting of the firing range within the 134.22 acre subject parcel. The Reichhold Mining Site, approved through DR 03-06, is located on the subject property and currently operational. The Surface Mining Zone allows, under conditional use, uses of a public works or public service nature when such uses are not necessary for the operation of the aggregate site. The proposed use should pose minimal impact to adjacent uses and measures can be implemented to mitigate any potential conflicts. The proposed use will be relatively similar in nature to adjacent uses Dyno Nobel/Airgas to the south and the Reichhold Mining site to the north in regards to intensity of use. Siting of the firing range in the proposed location will not conflict with the potential of future surface mining on the subject tax lot parcel. (See CU 07-08 Staff Report)

1043 Conditional Uses: The following uses may be permitted if found in conformance with Section 1044 and Section 1503 of this Ordinance:

- .4 Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.

Finding 2: In the Surface Mining (SM) zone uses of a public nature not in conjunction with the operation of an aggregate site are permitted as a conditional use when found in conformance with Section 1044 and 1503 of the Columbia County Zoning Ordinance. The proposed firing range will primarily serve public and government agencies including Columbia County law enforcement and the Federal Bureau of Investigation. Buildings and structures proposed for the firing range include a classroom, restroom facilities, firearms cleaning room and range tower.

1044 Operating Standards: All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- .1 The landowner and operator shall be jointly responsible for signing the application.
- .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

- .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 3: A landowner's consent signed by the President of Morse Bros., Inc. was submitted allowing the Columbia County Sheriff to apply for the subject Conditional Use Permit. In addition, a license agreement was submitted indicating all of the terms and regulations of the agreement between Columbia County and Morse Bros. The Operator and landowner shall comply with any requirements or conditions imposed by affected agencies relating to the proposed use. The subject property is 134.22 acres in size of which approximately 12.0 acres will be utilized for the firing range and law enforcement training facility. If this application for a firing range is approved and amendments are approved for DR 03-06, the mining operator must continue to comply with all of the conditions of DR 06-03 that are unmodified.

- .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 and batch plants shall not be operated within 50 feet of another property without written consent of the property owner(s). Processing equipment and batch plants shall not operate within 50 feet of a public road right-of-way.

Finding 4: The post-mining use for the land under consideration, 12 acres of a total 30 acres, was approved in DR 03-06 as "Existing Industrial Land" and not to be mined, therefore, not part of the mining setback. Section 1044.4 pertains to aggregate mining operations where extraction of natural resources is the primary use. The proposed firing range and law enforcement training facility site will be excavated to a level of 55' below the surface, if the amendments to the Operating Permit are approved. The excavated firing range area will maintain a 50' setback from all property lines and public and private roads. Condition # 5 of DR 03-06 should be amended by adding the following sentence: "The land used for the Firing Range shall be removed from consideration as being within the 'setbacks' of the property; and, the mining site is therefore not subject to requirements of 1044.4 setbacks from the firing range property.

- .5 **Operating Hours:** Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. 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 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 5: The applicants have requested an administrative review (AR 07-03), to be processed in conjunction with the conditional use permit (CU 07-08) and design review (DR 07-01), to vary the operating hours approved for the MBI Reichhold Site (DR 03-06). The subject property and prior approval are in compliance with standard operating hours of 7:00 am to 6:00 pm as required by Section 1044.5. An exception to these standards is requested for the approximately 12 acre site for the firing range and law enforcement training facility. Due to the availability of funding, the applicants are requesting an amendment to the operating hours during development of the site to expedite the process. Included in requests for amendments to operating hours are allowance to operate 24 hours per day 7 days a week to excavate the site to the requested elevation and transport materials from the 12.0 acre site to the conveyor tunnel at the approved Reichhold site. Additionally, a request has been made for amendment of the operating hours for the firing range and training facility to permit 7:00 am to 10:00 pm Monday through Saturday and noon to 9:00 pm on Sunday. A condition of approval of this request shall be that the firing range and law enforcement training facility adhere to the standard operating hours of 7:00 am to 6:00 pm, seven days a week. A request for amendment to operating hours standards will be reviewed in the associated administrative review (AR 07-03) request. There has been no comments or evidence presented in the record that changes in the operating hours, as requested, would be detrimental to the public or to any near by property owners.

If AR 07-03 for changes to operating hours is approved, Condition #3 of DR 03-06 should be amended to read: "Operating hours within the subject 12 acre property are requested to change. The operating hours within the original mining area are not changed except for allowing material that is mined within the subject 12 acres to be transported via loader or conveyor to the conveyor tunnel that is in the original mining area in order for the material to be conveyed to the Waterview processing site on a 12 hours per day and 7 days per week basis."

- .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 6: Minimal vegetation is present on the subject property that would provide an adequate means of screening the proposed firing range. The applicants are proposing to construct a 12' high berm around the perimeter of the firing range with a 6' high security fence enclosing the entire facility. The berm to be constructed around the site shall be landscaped to ensure that dirt/dust does not adversely affect the operations of Airgas located directly south of the subject firing range. The applicants have proposed to plant the berms around the perimeter with a mix of fast growing deciduous trees such as poplar and evergreen trees along with a suitable groundcover that will be maintained with an automatic irrigation system.

Earthen berms for the adjacent mining area shall be in accordance with the approved Operating Permit relative to the original mining area except as may be modified for the subject 12 acre firing range.

- .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 service 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 7: The applicants are proposing to access the site via the previously approved and existing access from Highway 30 that serves the Reichhold site directly north. An additional access road is proposed around the perimeter of the firing range that shall be sited in accordance to County Road Department standards, and will require an access permit for the new use.

- .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 8: A noise impact assessment was submitted for the Design Review of the Reichhold Mining site located directly north of the proposed firing range. Potential noise impacts were mitigated through construction of berms and buffers of scrapers associated with mining. Considering the proposed use is different in nature and will potentially create more adverse noise impacts, a study for the new use will be required. The applicants have indicated that the DSA Company is conducting a noise survey for the range. Any findings resulting from the survey for mitigation of noise impacts may become conditions of approval.

- .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 9: Section 1044.9 pertains to aggregate mining operations where extraction of natural resources is the primary use. The proposed site will be excavated to a level of 55' below the surface. At this depth mining will be above the ground water table and should not adversely affect water quality or quantity on the subject property. The only significant water feature is the presence of wetlands at the base of the hill northwest of the proposed firing range. The Reichhold Mining site is closer in proximity to the wetlands and avoided in their mining plan. With gravel extraction occurring to a level over twice what is proposed for the firing range in the north pit, indicates that ground water contamination will not be a point of concern for this proposal.

- .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 10: The applicant included an archaeological investigation report with File AR 03-02 and an abstract can be found in the operating permit application. The results of the Archaeological investigation concluded there are cultural resources found on the Reichhold site. Specifically the site contained flaked cobble tools commonly referred to as cobble choppers. The site investigation was conducted by a Portland company, Applied Archaeological Research, which concluded the site is not considered to be a significant cultural resource and that no further investigation of the site is warranted. The State Archaeologist has also reviewed the archaeological report conducted by Applied Archaeological Research and concurs with their findings that the site is not a significant cultural resource. All work will be required to stop if additional cultural resources, besides cobble choppers, are found during excavation.

- .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 11: As noted earlier, the site will only be excavated during development to achieve a level of 55' below the surface. Therefore, erosion is not a long term concern for this proposal. 12' high berms will be sited around the perimeter of the firing range for safety purposes and noise reduction. The proposed berms shall be landscaped with appropriate ground cover to prevent erosion due to wind. The floor of the firing range will consist mostly of crushed rock with asphalt for firing areas and lanes. Drainage will be internally mitigated through infiltration and a french drain system to prevent any potential erosion problems due to storm water runoff.

- .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 12: Excavation, for the period of development of the proposed firing range, shall comply with all applicable provisions and the Surface Mining Administrator will ensure that mining of the site is conducted in a safe manner according to the appropriate regulations through review of the operating permit.

- .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 activities cease on any segment of the area where mining has occurred and shall be completed within 3 years after mining activities cease. This does not apply to any land being used as plant site, stock pile, or work area for ongoing extracting mining operation.

Finding 13: Originally, the subject 12 acre site was part of "Existing Industrial Land" as far as an approved post-mining use. The 12 acre site was not to be mined in the original mining plan. A new site reclamation plan

has been submitted in accordance with the requirements of the Surface Mining and Land Reclamation Ordinance. The Surface Mining Administrator must approve the reclamation plan prior to beginning development on the site. The Surface Mining Administrator has addressed compliance issues in the Operating Permit Amendment application.

- 1045 Modification of Standards: The above standards may be modified by the Planning Commission after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads. A Site Design Review for a Conditional Use in this zone may be processed concurrently with the Conditional Use Permit with a single hearing and a single fee which will be the higher of the 2 permit fees.

Finding 14: The Planning Commission or the Board of Commissioners for Special Hearings may modify the above standards after a public hearing and proper notification. A site conditional use (CU07-08) was submitted to be processed with this design review use request to be heard concurrently at the January 10, 2007 Board of Commissioners Public Hearing.

Continuing with the Columbia County Zoning Ordinance:

Section 1120 SENSITIVE BIRD HABITAT OVERLAY

- 1121 Purpose: The purpose of the Sensitive Bird Habitat Overlay Zone is to insure that habitat areas identified as critical for the survival of the Northern Bald Eagle, Great Blue Heron, and Band-tailed pigeon are protected from the effects of conflicting uses or activities. This objective shall be achieved through the development of site specific management plans that are developed to insure that proposed uses and activities will neither destroy nor result in the abandonment of sensitive bird habitat areas.
- 1122 Definition of Habitat Sites: All Northern Bald Eagle nests and roosts, Great Blue Heron rookeries, and Band-tailed pigeon mineral springs identified in the Columbia County Comprehensive Plan shall be subject to the requirements of the Sensitive Bird Habitat Overlay zone. When additional sites are identified by the Oregon Department of Fish and Wildlife, they shall be added to the Comprehensive Plan map #42 titled Wetland Areas and Sensitive Bird Habitat Sites of Columbia County and become subject to the requirements of the Sensitive Bird Habitat Overlay Zone.
- 1123 Permitted Uses: Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Sensitive Bird Habitat Overlay Zone subject to the additional procedure and requirements of Section 1124.
- 1124 Development Standards: The following review procedure and criteria shall apply:
- .1 The review procedure is initiated when: Columbia County receives a request for a development permit that may affect a sensitive bird habitat.
 - .2 A proposed use or activity is considered to have the potential for affecting a sensitive bird habitat if it is located within a quarter mile of an eagle nest or roosting site, or it is within six hundred (600) feet of a heron rookery, or Band-tailed pigeon mineral spring.

- .3 If a proposed use or activity meets the locational criteria of subsection 1124.2, Columbia County shall notify the Oregon Department of Fish and Wildlife.
- .4 Upon notification, the Oregon Department of Fish and Wildlife shall review the proposed use or activity and make a determination of whether the use or activity has the potential for adversely affecting a sensitive bird habitat area. In making this review and determination, the Oregon Department of Fish and Wildlife shall consult with the affected landowner(s) and appropriate state agencies. The determination shall be completed within seven working days of the receipt of the notice from Columbia County.
- .5 A sensitive bird habitat will be considered affected by a use or activity if it is located within 660 feet of an eagle site or within 300 feet of a heron rookery or pigeon mineral spring. However, the Oregon Department of Fish and Wildlife may determine that uses and activities located further from the sensitive habitat also will affect the site because of unique site conditions such as topography. The basis for such a finding shall be spelled out in the Oregon Department of fish and Wildlife's determination of impact.
- .6 If the Oregon Department of Fish and Wildlife determines that the sensitive habitat area will not be affected, Columbia County may proceed with the processing of the permit application.
- .7 If the Oregon Department of Fish and Wildlife determines that the site would be affected, the Oregon Department of Fish and Wildlife shall work with the affected property owner in the development of a site specific habitat protection plan. The plan shall consider nesting trees, critical nesting periods, roosting sites, and buffer areas.

Finding 15: According to the St Helens-Columbia City CPAC Beak maps the subject property is located in a section with a presence of a Bald eagle breeding site. An identified nest is present approximately 1/4 mile northwest of the proposed firing range. As a part of the previously approved Design Review (DR 03-06) for the Reichhold Mining site the applicants submitted a Bald Eagle Biological Assessment and Site-Specific Management Plan with the surface mining operating permit. The Bald Eagle review identified a nest site on an adjacent property to the west, known as the fairgrounds nest, and an alternate nest site on Goat Island, in the nearby Columbia River. The fairground nest is located near the southwest corner of the site, in a tree on the hillside, directly above the existing pond. The Goat Island nest is located on Goat Island, approximately one mile northeast of the Reichhold site. Staff met with wildlife biologists from the Oregon & US Department of Fish and Wildlife on site on 11/14/06. The representatives expressed concerns regarding completeness of the applications, potential noise impacts and amendments to the existing eagle biological assessment. As per letter dated November 16, 2006, from Susan Barnes Department of Fish and Wildlife, the applicant shall thoroughly assess potential impacts of the proposed firing range to the bald eagles in a site specific management plan.

Continuing with the Columbia County Zoning Ordinance:

Section 1300 SIGNS

- 1301 Use: No sign may be established, altered, or expanded hereafter in any district in Columbia County, except in accordance with the provisions outlined in this Section. The sign provisions apply to signs established in conjunction with any use in the county. [Amended by Ordinance 2002-02,

Finding 16: The design review application indicates that signs are not proposed at this time. Should the applicants choose to site a sign for the proposed use a permit shall be acquired and construction and design of the sign shall conform to all applicable provisions of Section 1313 Commercial and Industrial Districts.

Continuing with the Columbia County Zoning Ordinance:

Section 1400 OFF-STREET PARKING AND LOADING

- 1401 **General Provisions:** At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure, or land which results in an intensified use by customers, occupants, employees, or other persons, off-street parking and loading shall be provided according to the requirements of this section.
- 1402 **Continuing Obligation:** The provisions for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation shall be issued with respect to off-street parking and loading, or land served by such land, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

Finding 17: The design review application states: "The parking on the subject property will be head-in parking at the base of the slope west of the buildings and access road loop (see exhibit 4 and 4b). The parking area will be covered with compacted crushed rock. This area is approximately 140 feet by 50 feet."

- 1405 **Plans Required:** A plot plan shall be submitted in duplicate to the Director with each application for a building permit or for a change of classification to OP. The plot plan shall include the following information:
- .1 Dimensions of the parking lot.
 - .2 Access to streets and location of curb cuts.
 - .3 Location of individual parking spaces.
 - .4 Circulation pattern.
 - .5 Grade and drainage.
 - .6 Abutting property.
 - .7 A landscaping plan which shall include the location and names of all vegetation, and the location and size of fencing or other screening material. This plan shall be approved by the Director.

Finding 18: Plans submitted as a part of this design review application do not specifically address the design and function of off street parking and loading areas for the proposed firing range. As noted previously, the

applicants indicate a parking area of approximately 7,000 square feet and the location and surface type. As a condition of approval the applicants shall submit a parking plan which adequately addresses dimension, access, circulation, grade and drainage. Landscaping of the parking lot will not be required due to the nature of the proposed use.

1410 Size:

- .1 The standard size of a parking space shall be 9 feet by 18 feet.
- .2 Handicapped parking spaces shall be 12 feet by 18 feet.
- .3 Parallel parking, the length of the parking space shall be increased to 22 feet.

1411 Aisles: Aisles shall not be less than:

- .1 25'0" in width for 90 degree parking;
- .2 20'0" in width for 60 degree parking;
- .3 20'0" in width for 45 degree parking; and
- .4 12'0" in width for parallel parking.

Finding 19: Approximately one row of 14 standard parking spaces and 1 handicapped space would be available considering the proposed dimensions of the parking area and standards for size of spaces and aisles. The proposed use does not fall within a category addressed in Section 1416 Minimum Required Off-Street Parking Spaces, therefore an equivalent shall be determined by the Director as described in Section 1417 "Unspecified Uses". Staff determines that the area proposed for off-street parking is adequate for the proposed use. The applicant shall include 1 ADA handicap space for the parking lot. One loading space shall also be made available as close in proximity to the holding tank as possible for proper disposal of waste without disruption to parking and circulation of vehicles.

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.
- .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 20: The proposed area of improvements for the firing range and law enforcement training facility is approximately 12 acres in size. The area proposed for development is greater than 5,000 square feet, therefore the application will be processed as a Type II Design Review. The Board of County Commissioners took jurisdiction over review of the request as allowable under section 1612 "Special Hearings of the Columbia County Zoning Ordinance".

- .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 21: A pre-application conference was held with the applicant where an application submittal

checklist was provided indicating those items needed for submittal as a part of the design review application.

.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 22: A majority of the above provisions have been satisfied or addressed with the Design application submitted. Elements of the design review application determined inadequate for review include a landscaping plan, sign plan and access, parking and circulation plan. If a sign is proposed the applicants shall submit a proposal conforming to Section 1300 Signs of the Zoning Ordinance. A condition of approval of this application shall be submittal of a landscaping and access, parking and circulation plan conforming to County standards.

.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 23: This application is being reviewed as a Type II site design review that will be heard at a January 10, 2007 public hearing by the Columbia County Board of Commissioners. Conditions of approval may be placed on the development as deemed necessary by the Board of Commissioners. Conditions of approval shall be satisfied prior to construction or issuance of building permits.

- .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, pedestrian ways 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 24: The applicant submitted an existing site plan and vicinity map which adequately addresses the above standards. A topographical survey map was submitted displaying contours at 2 foot intervals. Slope analysis on this site is not required since the site is relatively flat. There does not appear to be any other potential natural hazards on the property.

.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 25: The applicant submitted a proposed site plan that adequately addresses a majority of the above provisions. The proposed site plan illustrates the location of the firing range, berms, roadways, classroom, restroom facilities, cleaning room and tower. Elements of the proposed site plan not illustrated which may require further review include: location of stormwater retention facilities and storm drains, location and dimension of all parking and loading areas, exterior lighting and a landscaping plan.

- 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 26: A surface mining operating permit was submitted to be reviewed concurrently with associated land use approvals. Operating permit #05-0077, previously approved for the Reichhold site, was proposed to be amended to reflect the proposal of the approximately 12 acres for the firing range site. A Grading Plan is not necessary in the Surface Mining zone if the excavation is part of an approved mining plan. The applicants are

proposing to excavate the site to a level of 55' below the surface and use overburden as needed for elements such as the berms. Transport of excavated materials will be through the conveyor tunnel at the Reichhold site to the Waterview aggregate processing facility. The floor of the range will be covered with a minimum of 6" of compacted crushed rock. Architectural drawings were submitted with building elevations and sections, materials and floor plans for the classroom, restroom facilities and cleaning room.

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 27: No signs are proposed at this time. Any signs proposed in the future shall be sited in accordance with section 1300 Signs of the Zoning Ordinance.

.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 28: Minimal vegetation is present on the subject property available to meet landscaping or buffering requirements. Berms, approximately 12' in height, will be sited around the perimeter of the firing range with a 6' security fence enclosing the entire complex. The berms around the complex will be planted with fast growing deciduous trees and groundcover for screening and erosion control purposes. Staff finds that landscaping in designated parking areas is not necessary for the proposed use. Representatives from the Oregon and US Department of Fish and Wildlife stressed the need for native plants that may facilitate in buffering of noise from the firing range. As a condition of approval the applicants shall submitted a detailed landscaping plan including types and location of vegetation.

.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.

nding 29: According to FEMA flood hazard map 41009C0340C no portion of the approximately 12.0 acre subject site is located within a flood hazard area.

- B. Wetlands and Riparian Areas: Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.

Finding 30: The National Wetlands Inventory (NWI) St. Helens map does not indicate the presence of a wetlands on the 12.0 acre subject site. No hydric soils are present on the subject property. Riparian corridor standards and wetland buffers do not apply to this situation because there are no water features including wetlands and riparian areas on the subject property.

- C. Natural Areas and Features: To the greatest practical extent possible, natural areas and features of the site shall be preserved.

Finding 31: There are no significant natural areas or features located on the 12.0 acre site.

- D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.

Finding 32: This site has not been identified as a historically or culturally significant site in the comprehensive plan. Further, it has not been included during a periodic review work task or any additional studies.

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

Finding 33: The applicant did not address lighting in the design review application with the exception that if exterior lighting is needed on the site it will be installed below grade and shielded so as to not shine upward. Based on the request for operating hours of the facility exterior lighting will be needed for operation at night. A condition of approval shall be submittal of an adequate lighting plan.

- .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 34: Final site plans approved by the Director shall be attached to the building permit.

Continuing with the Columbia County Zoning Ordinance:

Section 1600 ADMINISTRATION

- 1612 Special Hearings: The Board of County Commissioners, in its discretion, may order any quasi-judicial land use application or type of quasi-judicial land use application to be heard at a Special Hearing in lieu of a hearing before the Planning Commission or the Board of County Commissioners.

Finding 35: Due to availability of funding from the Federal Bureau of Investigation the Columbia County Board of Commissioners took jurisdiction of all land use requests associated with siting of the firing range and law enforcement training facility in order to expedite the process.

COMMENTS:

1. The Sanitarian has reviewed the application and has no objections to its approval as submitted with comments: "The holding tank will require to be installed under a permit from this office."
2. The St Helens CPAC has reviewed the application and has no objections to its approval as submitted.
3. The Building Official has reviewed the application and has no objections to its approval as submitted with comments: "Will need building permits for offices and structures."
4. Columbia River Fire & Rescue has reviewed the application and has no objections to its approval as submitted with comments: " I have discussed access and fire flow with Lt. Simmons already."
5. The County Road Department has reviewed the application and has no objection to its approval as submitted.
6. Columbia River PUD has reviewed the application and has no objections to its approval as submitted with comments: " Please keep us notified of all future actions and progress."
7. Columbia City has reviewed the application and has reviewed the application and has no objections to its approval as submitted.
8. The Oregon Department of Fish and Wildlife (ODFW) has reviewed the application, along with a representative from the U.S. Fish and Wildlife Service, and submitted a letter dated November 16, 2006 recommending that the applicant thoroughly assess potential impacts of the proposed project to bald eagles in the project vicinity particularly from noise generating activities. ODFW also recommends that the applicant develop a site-specific management plan for the eagles that includes specific measures or restrictions and monitoring activities. (See letter under comments)

No other comments have been received from notified nearby property owners or government agencies as of the date of this staff report (January 3, 2007).

STAFF CONCLUSIONS & RECOMMENDATION:

A new firing range for local law enforcement practice and training has been needed for some time. The present firing range is too small and inadequate. The Sheriff's office has chosen a site with good access and suitable for the proposed use. Staff recommends approval of the preliminary site design for the firing range; and to amend conditions of Approval approved in DR 03-06:

Amend Condition #3 to:

“Operating hours within the subject 12 acre property are requested to change. The operating hours within the original mining area are not changed except for allowing material that is mined within the subject 12 acres to be transported via loader or conveyor to the conveyor tunnel that is in the original mining area in order for the material to be conveyed to the Waterview processing site on a 12 hours per day and 7 days per week basis.”

Amend Condition #4 to:

Earthen berms for the mining area shall be in accordance with the approved Operating Permit relative to the original mining area except as may be modified for the subject 12 acre site for a firing range.

Amend Condition #5 by adding the following sentence to the existing language:

The 12 acres firing range property shall be removed from consideration as being within the ‘setbacks’ of the mining property, and is therefore not subject to the mining setback requirements.

Amend Condition #6 to:

The applicant shall install a 6' high chain link fence around the entire perimeter of the active mining area within the original designated mining area. The fence will be located behind the berms and warning signs will be attached to the fence every 100 feet. A similar fence will be installed around the perimeter of the firing range property as approved.

with the following conditions of approval:

CONDITIONS OF APPROVAL:

1. This permit shall become void 2 years from the date of the final decision if development of the site 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. The applicant shall submit a lighting plan, to be approved by the planning director, which addresses location and type of outdoor lighting on the site with adequate proof that lights will be shielded so as to not shine directly on adjacent properties and the Highway.
3. The applicant shall submit an access, parking and circulation plan, to be approved by the planning director, in accordance with Section 1405 of the CCZO with the inclusion of 1 ADA compliant handicap parking space and 1 loading space.
4. The applicant shall submit a landscaping plan, to be approved by the planning director, which indicates type and location of vegetation
5. The applicant shall provide documentation, in the form of a well log, that an adequate water supply is available on site prior to the issuance of any building permits.
6. A permit shall be acquired for siting of the holding tank for sewage disposal prior to the issuance of any building permits.

7. A revision shall be made to the existing Eagle Biological assessment and management plan specific to the 12 acre firing range property and approved by the Oregon and US Department of Fish and Wildlife. The applicant shall comply with the recommendations of the approved assessment.
8. A noise impact study for the firing range shall be conducted and the recommendations from the study as approved by the Director shall be complied with by the applicant.
9. The applicant shall comply with standard operating hours of 7:00 am to 6:00 pm, Monday through Sunday unless a change of operating hours is approved pursuant to Section 1044.5 of the CCZO (AR 07-03).
10. Building permits shall be acquired for siting of the classroom, restroom facilities and cleaning room.

ATTACHMENT 3

COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

January 3, 2007

Administrative review: operating hours

HEARING DATE: January 10, 2007

FILE NUMBER: AR 07-03

APPLICANT: Columbia County Sheriff
901 Port Avenue
St Helens, OR 97051

OWNER: Morse Bros., Inc (MBI)
32260 Old Highway 34
Tangent, OR 97389

PROPERTY LOCATION: On Columbia River Hwy. North of Dyno Nobel/Airgas

TAX ACCOUNT NUMBER : 5117-000-00200 (134.22 acres)

ZONING: Surface Mining (SM)

SITE SIZE: 12 acres

REQUEST: To amend required operating hours in the Surface Mining (SM) zone during development of a firing range and operation of the facility when completed.

ASSOCIATED LAND USE ACTIONS: PA 07-01, CU 07-08, DR 07-01 & Operating Permit #05-0077 (amendment)

APPLICATION COMPLETE: 10/02/06 **150 DAY DEADLINE:** 03/01/07

APPLICABLE REVIEW CRITERIA:

Columbia County Zoning Ordinance

Page

Section 1040 Surface Mining

3

BACKGROUND:

The Columbia County Sheriff is seeking approval to site a firing range and law enforcement weapons training facility on land owned by Morse Bros., Inc. (MBI), currently approved for gravel mining. The County Sheriff existing firing range facilities, located in the 'watters pit', has been in use for over 25 years and is deemed inadequate, in terms of size and training support, for the needs of various agencies that utilize the site. The Federal Bureau of Investigation (FBI) has presented the County with an opportunity to build a state of the art complex to be used by various agencies in the region. Other land use applications associated with this request include a Plan Amendment PA 07-01, Conditional Use CU 07-08, Design Review 07-01 and an Operating permit #05-0077 Amendment. The applicants are seeking approval of the proposed use under conditional use provisions of the Surface Mining (SM) zone which allow buildings or structures of a public nature not in conjunction with mining operations. Through this application (AR 07-03) the applicants are requesting approval for the mining operator to excavate the proposed shooting range site on an expedited schedule, 24 hours a day 7 days a week, until the site is ready for range development. Additionally, the applicants are requesting an amendment to the approved operating hours, to operate the range facility when completed, outside of the scope of allowable operating hours in the surface mining zone. The Design Review is for siting of the firing range and operating permit is to excavate the site to approximately 55 feet below the existing surface. The proposed firing range and weapons training facility is to be used by local and federal law enforcement agencies during the week and will be available to the general public on the weekends. Structures to be sited for the firing range include a classroom, cleaning room, restroom facilities and a tower.

The subject Tax Lot property is 134.22 acres in size, of which approximately 12.0 acres will be utilized for the firing range complex and located on Columbia River Highway approximately 3/4 mile northwest of Columbia City. The subject Tax Lot property currently houses the Reichhold Mining site, approved through Design Review 03-06, which is currently active and located directly north of the proposed firing range. Historically the larger site previously housed the Columbia County fairgrounds and racetrack. Various concerts, approved through temporary permits, have been held on the Tax Lot site more recently. The general area is characterized as sparsely developed, rural industrial in nature with Dyno Nobel and Airgas located directly south of the proposed site and Columbia River PUD located to the north of the subject Tax Lot parcel. A large forested hill is to the west of the subject property, zoned for Primary Forest, with no development. The site will be accessible via a driveway that serves Dyno Nobel and Airgas. The proposed method of sewage disposal is a holding tank and water will be supplied through a private well.

The approximately 12.0 acre range site does not contain any flood hazard areas and the National Wetlands Inventory (NWI) 'Trenholm' Map does not indicate the presence of wetlands. The St Helens-Columbia City CPAC Beak maps do not present the indication of Big game Habitat nor any other threatened or endangered plants and/or wildlife for the 12.0 acre site. However, the subject site is close in proximity to an identified Bald eagle nesting and breeding site (NG 28). Therefore siting of the firing range shall be in accordance with Section 1120 Sensitive Bird Habitat Overlay. Emergency services are provided by Columbia River Fire and Rescue and the Columbia County Sheriff.



REVIEW CRITERIA & FINDINGS:

COLUMBIA COUNTY ZONING ORDINANCE:

Section 1040 SURFACE MINING

1044 Operating Standards: All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. 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 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 5: The applicant is not seeking a zone change from the present designation of Surface Mining; but instead, is seeking a Conditional Use (CU 07-08) to operate a law enforcement firing range within a mined out quarry. The operating hours of the mining operations, still under the ownership of the mining operator, are presumed to continue for the new use, if allowed by Conditional Use. The applicants have requested an administrative review (AR 07-03), to be processed in conjunction with the conditional use permit (CU 07-08) and design review (DR 07-01), to vary the operating hours approved for the MBI Reichhold Site. The subject property under prior approval are in compliance with standard operating hours of 7:00 am to 6:00 pm as required by Section 1044.5. An exception to these standards is requested for the approximately 12.0 acre site for the firing range and law enforcement training facility. The applicants are requesting an amendment to the operating ordinance allowed hours during development of the site to expedite the process. Included in requests for change to operating hours are allowance to operate 24 hours per day 7 days a week to excavate the site to the requested elevation and transport materials from the 12.0 acre site to the conveyor tunnel at the approved Reichhold site. Additionally, a request has been made for amendment of the operating hours for the firing range and training facility to permit 7:00 am to 10:00 pm Monday through Saturday and noon to 9:00 pm on Sunday.

Currently, aggregate from the Reichhold mining site is processed at the Waterview site, which is close in proximity to Columbia City. Morse Bros was approved, through an administrative review (AR 03-03), to operate the aggregate processing site 24 hours a day 7 days a week. As a condition of approval a noise monitoring program was implemented to ensure that operations of the waterview site would not create any adverse noise impacts for nearby property owners. A stipulation of the condition required an annual review of the noise monitoring for a period of three years, after which a request may be made to terminate the review if not needed. Noise monitoring of the Waterview site has produced results of little to no adverse noise impacts on property owners in Columbia City. The proposed firing range and law enforcement training facility site would be more secluded in relation to proximity of neighbors or surrounding uses that may be adversely affected by the proposed use. Additionally the applicants are

only seeking to mine the site 24 hours a day 7 days a week during development of the site, which should only take a couple of months. Staffs feels that operation of the site 24/7 will not adversely affect any surrounding property owners during development. The applicants have indicated that the DSA Company is conducting a noise survey for the range. The survey is being conducted at the existing firing range and conditions of the proposed site will be simulated to determine potential noise impacts. Any findings resulting from the survey for mitigation of noise impacts shall become conditions of approval.

The other component of this request relates to amendment of operating hours for the firing range complex when complete to allow 7:00 am to 10:00 pm Monday through Saturday and noon to 9:00 pm on Sunday. Section 1044.5 pertains to aggregate mining operations where extraction of natural resources is the primary use, and the operating hours provision provides for the Director to allow exemptions to operating hours for isolated sites. The .5 paragraph also allows for the Commission to review requested changes in operating hours in non-isolated sites. The Director has not determined the this mining site is isolated. As stated earlier, the proposed use is not near any conflicting uses and surrounding property owners would not be adversely affected by a firing range and law enforcement training facility. Various methods are proposed to be employed to reduce noise such as siting the firing range 55' below the surface with berms around the perimeter. The applicant states that a noise survey is being conducted for the range but has not been submitted with this application.

COMMENTS:

1. The Sanitarian has reviewed the application and has no objections to its approval as submitted with comments: "The holding tank will require to be installed under a permit from this office."
2. The St Helens CPAC has reviewed the application and has no objections to its approval as submitted.
3. The Building Official has reviewed the application and has no objections to its approval as submitted with comments: "Will need building permits for offices and structures."
4. Columbia River Fire & Rescue has reviewed the application and has no objections to its approval as submitted with comments: "I have discussed access and fire flow with Lt. Simmons already."
5. The County Road Department has reviewed the application and has no objection to its approval as submitted.
6. Columbia River PUD has reviewed the application and has no objections to its approval as submitted with comments: "Please keep us notified of all future actions and progress."
7. Columbia City has reviewed the application and has no objection to its approval as submitted.
8. The Oregon Department of Fish and Wildlife in coordination with the U. S. Fish and Wildlife Service submitted a letter dated November 16, 2006 (see attached) recommend that the applicant develop a site-specific management plan for the bald eagles, known to have nesting sites in the area.

No other comments have been received from notified nearby property owners or government agencies as of the date of this staff report (November 15, 2006).

STAFF CONCLUSIONS & RECOMMENDATION:

A new firing range for local law enforcement practice and training has been needed for some time. The present firing range is too small and inadequate. The Sheriff's office has chosen a site with good access and suitable for the proposed use without conflicting neighboring uses. Staff recommends APPROVAL of both variances: to the mining operations to 24 hours / 7 days for site preparation of the shooting range, and for operation of the firing range from 7:00 am to 10:00 pm Monday through Saturday and noon to 9:00 pm on Sunday.

CONDITIONS OF APPROVAL:

1. Approval of this permit shall be subject to approval of the Conditional Use 07-08 permit and Design Review 07-01.
2. The Board of Commissioners and Director shall explore the findings resulting from the noise impact survey produced by the DSA Company for mitigation of noise impacts for possible conditions of approval.