

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of an Application by )  
Northwest Aggregates Co. (Glacier ) FINAL ORDER NO. 71-2008  
Northwest) for Site Design Review )  
to Mine the Bates & Roth Site )

WHEREAS, on November 6, 2007, Northwest Aggregates Co. (hereinafter referred to as the "Applicant") submitted an Application for Site Design Review (DR 08-04) for mining activities on the Bates & Roth Surface Mining Site, an approximately 304 acre site located northeast of the City of Scappoose on Honeyman Road, identified as Tax Parcel Nos. 4132-000-00600, 4132-000-00700, 4132-000-00800, 4132-000-00801, 4132-000-00900 and 4132-000-00400; and

WHEREAS, pursuant to Columbia County Zoning Ordinance Section 1614, the Board of County Commissions took original jurisdiction over the Application to consider it concurrently with an Operating Permit Application for the site submitted by the Applicant (SM 08-01, Permit No. 05-0081); and

WHEREAS, in a letter dated January 15, 2008 Columbia County Land Development Services deemed the Applications incomplete and requested additional information; and

WHEREAS, on June 12, 2008, the Applicant submitted additional information to the County; and

WHEREAS, on July 2, 2008, the County deemed the Applications complete after reviewing the additional information submitted by the Applicant; and

WHEREAS, prior to submitting the Site Design Review Application, the Board of County Commissioners approved a Comprehensive Plan Amendment from Agricultural Resource to Mineral and Aggregate Resource and a Zone Change from Primary Agriculture (PA-38) to Surface Mining for the Bates-Roth Site, via Ordinance No. 2005-1, "In the Matter of the Application of Vera Roth, Roth L.L.C. and Chester Bates Irrevocable Trust for a Comprehensive Plan Amendment from Agricultural Resource to Mineral and Aggregate Resource and Zone Change from Primary Agriculture (PA-38) to Surface Mining (SM)"; and

WHEREAS, the Operating Permit Application, SM 08-01, Permit No. 05-0081, was approved by Final Order No. 72-2008 on August 27, 2008; and

WHEREAS, on August 20, 2008, the Board of County Commissioners held a hearing on the Site Design Review Application, heard testimony and received evidence into the record, and deliberated on the matter; and

WHEREAS, during the hearing the Board of County Commissioners received and accepted evidence into the record of the decision, a list of which is attached hereto as Attachment 1 and

incorporated herein by this reference; and

WHEREAS, after deliberations the Board of County Commissioners voted to tentatively approve Application DR 08-04 with the twenty-four (24) recommended Conditions of Approval contained in the Staff Report dated August 13, 2008;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- A. The Board of County Commissioners adopts the Findings of Fact and Conclusions of Law in the Land Development Services Staff Report to the Board of County Commissioners dated August 13, 2008, which is attached hereto as Attachment 2 and incorporated herein by this reference.
- B. The Site Design Review Application to mine the Bates & Roth Site, as proposed by Applicant is APPROVED, subject to the following Conditions of Approval:

For purposes of these Conditions of Approval, "Applicant" shall include current and future record owner(s) of the Bates & Roth Site.

1. The Applicant shall comply with the Conditions of Approval imposed by Ordinance No. 2005-1, "In the Matter of the Application of Vera Roth, Roth L.L.C. and Chester Bates Irrevocable Trust for a Comprehensive Plan Amendment from Agricultural Resource to Mineral and Aggregate Resource and Zone Change from Primary Agriculture (PA-38) to Surface Mining (SM)", approving the Zone Change and Comprehensive Map Amendment for the Bates & Roth Site (PA 05-01), as well as the Conditions of Approval for the Bates & Roth Site Operating Permit (SM 08-01), Final Order No. 72-2008, "In the Matter of an Application by Northwest Aggregates Co. (Glacier Northwest) for a Surface Mining Operating Permit for the Bates & Roth Site (Permit No. 05-0081).
2. The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat.
3. Prior to mining, the Applicant shall obtain an operating permit for the site, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
4. The applicant shall provide a combination of vegetated visual and noise berms along the west, north, and east sides of the site, as depicted on Plate 3 and Plate 4, included with the application materials. Noise berms will be between 0-17 feet depending location; the heights and elevations are approximate based on data from Dailey-Stanley & Assoc., 2004. Visual berms will average approximately 6 foot in height. All berms will be constructed with a 1.5/2 to 1 slope, and hydro seeded with native seed mix. The visual berms will be planted

with Oregon Ash and Red Alders at 10' to 12' on center along the berm. Shorelines will be planted with native willows and Black Cottonwood and hydro seeded. Existing vegetation will remain along roads and adjacent to the residential area. A six foot cyclone fence will be constructed to protect all mining areas.

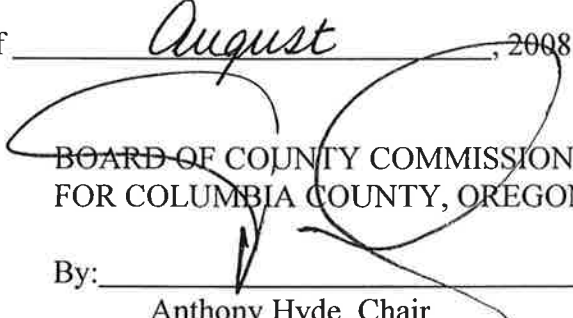
5. The Applicant shall surface the access road with gravel.
6. The Applicant shall water the access road to control dust as needed.
7. The Applicant shall post a 10-mph speed limit for all on-site vehicles.
8. The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
9. The Applicant shall spray water on the conveyor at all transfer points, as needed.
10. The Applicant shall store overburden as vegetated berms.
11. The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
12. The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
13. The Applicant shall observe 50' setbacks from the riparian area on the Santosh Slough. The Applicant shall observe minimum extraction setbacks of 50 feet from public right-of-way (Honeyman Road) and from the riparian corridor along the Santosh Slough on the west side of the site. Extraction setbacks shall be 200 feet from residences as permitted uses, unless consent to reduce the setback is received from adjoining property owners.
14. The Applicant shall not allow stormwater to be discharged off-site. For the purposes of this condition, "stormwater" includes "upwelling groundwater."
15. The Applicant will be required to install a silt fence for protection of stormwater/erosion considerations along the western side of Santosh Slough in accordance with the application.
16. The Applicant shall not store fuels or other contaminants on site.
17. The Applicant shall report any artifacts found, cease operations and contact the proper authorities. All work will be required to stop if cultural resources are found during excavation.

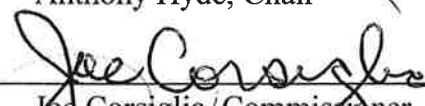
18. Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
19. Gradients shall be constructed to provide slopes stability and safe egress from excavated ponds. The slopes of the ponds will be contoured (cut) during the excavation process rather than deposition of fill material. Slopes will range from 3:1 to 2:1 (horizontal to vertical) and will extend to the berms constructed around the perimeter of the site, 3:1 from water level to 6 feet below the water to allow safety egress from the pond and 1.5:1 to 1:1 (horizontal to vertical) below water depth of six (6) feet.
20. Applicant shall follow the recommendations of the traffic consultant to provide a safe visual distance at the access points between Honeyman Road and the site and the Santosh operation.
21. Within two (2) years from commencement of aggregate mining on the Site, the Applicant shall pay the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road and/or Honeyman Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Bates Roth Pit that will be useful in the planned improvements to West Lane Road and/or Honeyman Road. The Applicant may provide to the County the amount of rock as the Director determined would be useful, which shall be valued at the then current market rate. The value of the usable rock supplied by the applicant shall be deducted from the \$60,000.00 road improvement fee.
22. Any berms required pursuant to this plan amendment shall be located outside any riparian or wetland setback areas.
23. The Applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Department of State Lands, and obtain any permits required by state and federal agencies.
24. The Applicant shall provide and implement a ground water monitoring program, approved by Oregon Water Resources and/or State Department of Environmental Quality, and/or any other state or federal agency that asserts jurisdiction over the monitoring plan. The monitoring program shall measure the level of ground water and/or surface water in and around the mine site, and document comparable water levels during flood events. The monitoring program shall also monitor water quality in and around the mine site. Area wells within the 1500 ft. conflict area shall be monitored, subject to the owners consent to such monitoring. The monitoring program will provide for regular reporting to the Scappoose Drainage Improvement Company (SDIC), or its successor drainage district, the County and the applicable state and/or federal agencies. The Applicant shall establish a base line of average pumping costs

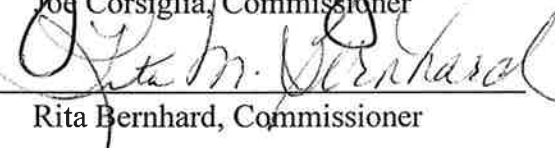
and rainfall in the area surrounding the mining operation during pre-mining period. When mining commences, the Applicant shall compensate the SDIC for any demonstrated increase in pumping costs for pumping caused by mining of the site. Prior to mining, the Applicant shall attempt to come to an agreement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

Dated this 27<sup>th</sup> day of August, 2008.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

By:   
Joe Corsiglia, Commissioner

By:   
Rita Bernhard, Commissioner

Approved as to form

By:   
Office of County Counsel

Legal Counsel's File -EXHIBIT 1

- (1) Notice of Public Hearing (Publication)
- (2) Notice of Public Hearing (Property Owner Notice)
- (3) Affidavit of Mailing
- (4) Affidavits of Publication
- (5) Board Communication from Land Development Services Director Todd Dugdale dated August 14, 2008, with the following attachments:
  - (1) Design Review DR 08-04 Staff Report dated August 13, 2008
  - (2) Operating Permit #05-0081 Surface Mining Administrator's Report dated July 2, 2008
  - (3) Email from Sarah Kelley, DSL Resource Coordinator dated August 11, 2008
  - (4) Handwritten Communication from Scappoose CPAC dated August 12, 2008
- (6) Letter from Audrey O'Brien, DEQ Solid Waste Program Manager dated July 10, 2008
- (7) Notice of Completeness dated July 2, 2008
- (8) Letter to Applicant from Land Development Services Requesting Additional Information dated January 15, 2008
- (9) Applicant's Revised Application Materials dated June 11, 2008

**Columbia County Board of Commissioners**  
**STAFF REPORT**  
**August 13, 2008**

**Site Design Review**  
**Operating Permit and Reclamation Plan**

**HEARING DATE:** August 20, 2008

**FILE NUMBERS:** DR 08-04 and SM 08-01

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

**PROPERTY LOCATION:** Approximately 2½ miles northeast of Scappoose, Oregon

<u>Tax Account Numbers</u>	<u>Zoning</u>	<u>Acreage</u>
4132-000-00600	PA-38	3.95
4132-000-00700	PA-38	43.40
4132-000-00800	PA-38	3.56
4132-000-00801	PA-38	14.00
4132-000-00901	PA-38	45.00
4133-000-00400	PA-38	194.00

Tax Lot Total = 303.91 Acres

**REQUEST:** Approval of the site design review, operating permit and reclamation plan to remove aggregate from the Bates Roth Site and convey it to the Santosh processing facility.

**REVIEW CRITERIA:**

<u>Columbia County Zoning Ordinance</u>	<u>Page</u>
Section 1040, Surface Mining	3
Section 1044, Operating Standards	3
Section 1550, Site Design Review	8

**APPLICATION COMPLETE:** 07/02/08                      **150 DAY DEADLINE:**

## **BACKGROUND:**

The applicant's representative, Bob Short of Glacier Northwest, Inc. ("Glacier"), on behalf of Northwest Aggregate Co. ("NWAC"), is applying for Site Design Review and Operating Permit to commence and maintain a gravel extraction operation on 303.91 acres, known as the Bates Roth site, in accordance with the post acknowledgment plan amendment ("PAPA") authorized by the Columbia County Board of Commissioners in February 2005 (Ordinance 2005-1).

Preliminary estimates, reported by H.G. Schlicker & Assoc., states the site contains approximately 80 million cubic yards of sand and gravel. The applicant is proposing to excavate approximately 285 acres of the 303.91 acre site. Mining will extend approximately 150 feet below the existing ground surface creating a pond that is approximately 150 feet deep. Once mining has ceased, the applicant proposes to reclaim the site back to ponds to provide a fish and wildlife habitat. The expected duration of the project is conservatively estimated at approximately 28 years, depending on market demand.

The subject property is located approximately 2½ miles northeast of the City of Scappoose and is bounded by Honeyman Road on portions of the western, northern, and eastern boundaries of the site. The subject property is located to the east of NW Aggregates processing facility, across Honeyman Road and Santosh Slough. Besides the mining operations, the area is characterized by large agricultural parcels in the area with some homes located along Honeyman Road to the northeast and southwest of the subject property.

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

Topographically, the site could generally be described as gentle sloping to the east, slightly downward eventually to the Multnomah Channel, with ranges in elevation from about 10 feet to 20 feet MSL. Vegetation on the subject property is composed of agricultural grassland, mixed woodlands, a cottonwood plantation and riparian along the banks of the Santosh Slough. There is a significant Goal 5 resource on the site, the riparian corridor along Santosh Slough. Portions of the property are within the flood plain of the Santosh Slough (FIRM Flood Insurance Rate Map No. 41009C0465 C, dated August 16, 1988). Wetlands have been mapped on the subject property according to the National Wetland Inventory, St. Helens Quadrangle. Where mining is proposed on the 303.91 acre site, there are wetlands associated with the riparian



corridor along the eastern side of Santosh Slough and in three other wetland areas of the site. Oregon Division of State Lands has issued a DSL Permit #26589 to impact 17.66 acres of wetlands. To compensate for these impacts, NW Aggregates must provide 18.44 acres of mitigation as outlined in their plan and authorized by the Permit. The site is also within the Scappoose Drainage District. Emergency Services are provided by the Scappoose Rural Fire Protection District and the Columbia County Sheriff.

Once mining has ceased, the applicant proposes to reclaim the site to fish and wildlife habitat. The expected duration of the project is conservatively estimated at 28 years or more, however the exact life of the operation will be determined by market demand.

**REVIEW CRITERIA:**

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

**Columbia County Zoning Ordinance**

**Section 1040 SURFACE MINING SM**

**1041 Purpose:**

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

**Finding 1:** Mining of Bates Roth site will allow for utilization of existing aggregate deposits. The subject property has been zoned Surface Mining which allows aggregate removal as a permitted use. The surface mining operation will be protected by a Surface Mining Impact Overlay zone which will require new uses near to the aggregate resource to sign a waiver of remonstrance acknowledging the right of the surface mining operation to continue its operations. See Condition 30 of Ordinance No. 2005-1. Adjacent properties will be protected from noise, dust and aesthetic impacts by berms and vegetation and by a dust control program. There will be watering of Honeyman road from the Santosh Processing facility where the raw aggregate will be transported via a conveyor belt. Once processed, the majority of the aggregate resource will leave the area via barge transport.

**Continuing with the Columbia County Zoning Ordinance:**

**1044 Operating Standards:** 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 2:** All new surface mining operations in Columbia County must meet the operating standards found in Section 1044. The Design Review application has been signed by the legal counsel of the operator of the facility. The operator of the Pit, NW Aggregates, will be required to remain in compliance with this Zoning Ordinance and any conditions included with this application DR 08-04, the PAPA approval Ordinance No. 2005-1, and the pending Operating Permit. The subject property is approximately 303 acres in size, thus exceeding the 2-acre minimum parcel size requirement.

Continuing with the Columbia County Zoning Ordinance Section 1044:

4. Operating Setbacks:

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

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

**Finding 3:** The applicant proposes 50' and 200' minimum setbacks in accordance with the above standards. See Proposed Site Plan, Bates Roth property, Northwest Aggregates Co., Plates 3 and 4, prepared by Westlake Consultants Inc. Either Northwest Aggregates or Glacier Northwest owns the majority or property surrounding the proposed mining site. So, no letters from adjacent property owners are needed with less than 50' setback. The proposed excavation area will be located 200' from the closest residence or zone that allows a residence as a permitted use and 50' from all other sides. There will be no processing of aggregate associated with this application. The raw aggregate material will be transported via a conveyor belt to the Santosh Processing facility.

Continuing with the Columbia County Zoning Ordinance Section 1044:

5. Operating Hours:

Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000

foot radius of the aggregate site and to owners of property adjacent to a private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two-week period.

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

Continuing with the Columbia County Zoning Ordinance Section 1044:

6. Visual Impacts:

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

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

**Finding 5:** The applicant proposes to construct a combination of vegetated visual and noise berms along the west, north, and east sides of the site. As depicted on Plate 3 and Plate 4, noise berms will be between 0-17 feet depending location; the heights and elevations are approximate based on data from Dailey-Stanley & Assoc., 2004. Visual berms will average approximately 6 foot in height. Along the west side a visual berm is shown on both sides of Honeyman Road where the Phase 6 and Phase 7 are proposed. In the northeast corner a visual berm is proposed along Honeyman Road at and near the 90 degree corner and continue south, after wetland 5, to the southeastern corner of the mining site. Noise berms are proposed in the southwest corner where the mining site borders residential uses, along the north side bordering the wetland mitigation area, and on the northeast side bordering the Ellis farm. All berms will be constructed with a 1.5/2 to 1 slope, and hydro seeded with native seed mix. The visual berms will be planted with Oregon Ash and Red Alders at 10' to 12' on center along the berm. Shorelines will be planted with native willows and Black Cottonwood and hydro seeded. Existing vegetation will remain along roads and adjacent to the residential area. A six foot cyclone fence will constructed to protect all mining areas.

Continuing with the Columbia County Zoning Ordinance Section 1044:

7. Access:

The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for

road repairs. An on-site access or serve road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

**Finding 6:** The site will have access to Honeyman Road through the currently used and existing Fort James mine site. The applicant is proposing a new second access to the site at the northern point from Honeyman Road, that can serve Phase 1 and Phase 2 mining operations and access to the maintenance road for the overland conveyor system repair. Aggregate from the site will be moved by conveyor belt to the existing tunnel under Honeyman Road west to the Santosh processing plant. No haul truck traffic will leave the Bates Roth site. Once processed, 90 percent will leave the processing facility via a barge, however, the remaining 10 percent will be trucked via the Honeyman Road public right of way. Honeyman Road is a two lane, paved right of way. The applicant proposes a dust control plan that includes watering and graveling the road near Honeyman Road to keep dust down. The County is not requiring the operator to post a surety bond for road repairs, but is requiring that within two (2) years from commencement of aggregate mining on the Site, the Applicant shall pay the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road and/or Honeyman Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Bates Roth Pit that will be useful in the planned improvements to West Lane Road and/or Honeyman Road. The Applicant may provide to the County the amount of rock as the Director determined would be useful, which shall be valued at the then current market rate. The value of the usable rock supplied by the applicant shall be deducted from the \$60,000.00 road improvement fee.

Continuing with the Columbia County Zoning Ordinance Section 1044:

8. Noise:

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

**Finding 7:** The applicant has included a technical noise study analysis conducted by a registered professional engineer DSA Engineers. (See Plan Amendment File). The engineer has found that under a worst-case scenario, the site would comply with DEQ noise standards. A noise berm will be constructed along the southwestern border, adjacent to the residential area and closest dwellings. Additional noise berm will be constructed between the mine site and the mitigated wetland to avoid disturbance for anticipated wildlife. Staff finds that any noise conflicts associated with this application can be mitigated with conditions of noise berms.

Continuing with the Columbia County Zoning Ordinance Section 1044:

9. Water Quality:

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

**Finding 8:** Stormwater will be maintained on site as per conditions of approval. Applicant will be creating berms of land to keep runoff on site and will slope work areas so that drainage will be kept within the mine area. The resultant pond will have no surface water discharge point so all water will be retained on-site. The Applicant will monitor groundwater in and around the mine site, as per condition # 24 of Ordinance 2005- 1; the monitoring program will be approved by the U.S. Army Corp of Engineers. The Santosh Slough, a Goal 5 protected stream, runs north-south through the site. The rock conveyor system and a maintenance road will cross the Santosh Slough. The applicant has obtained an U. S. Army Corp of Engineers permit No. 200300067 and Department of Environment Quality 401 Water Quality Certification letter, dated May 4, 2004 for the stream crossing. The proposed culvert crossing complies with state and federal rules. The impact to the wetland near the east side of the Santosh will be mitigated under the Wetland Mitigation Plan as approved by the Division of State Lands. Staff concludes that with proposed required conditions that mining the Bates Roth site will not cause negative impacts to surrounding streams or local groundwater quality.

Continuing with the Columbia County Zoning Ordinance Section 1044:

10. Archeological Sites:

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

The State Archaeologist shall be notified of such public hearings.

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

**Finding 9:** The applicant has included a cultural resource evaluation for the subject property. (See File PA 05-01). The report concluded that no cultural resources have been identified on the Bates Roth site. A condition of approval, as per B above, will be required, that all work will be required to stop if cultural resources are found during excavation.

Continuing with the Columbia County Zoning Ordinance Section 1044:

11. Erosion:

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

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

Continuing with the Columbia County Zoning Ordinance Section 1044:

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

**Finding 11:** The applicant has provided plans, see Plate 3, that indicate slopes and grading will be maintained in safe condition. The slopes will be constructed to provide slope stability and safe egress from the pond. The slopes will be contoured as set forth in Plate 3. Recommended conditions address gradients and slopes above and below water. See Operating and Reclamation Plan.

Continuing with the Columbia County Zoning Ordinance Section 1044:

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

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

Continuing with the Columbia County Zoning Ordinance:

**Section 1550 SITE DESIGN REVIEW:**

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

1. Types of Site Design Review:

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

1. Are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.

2. Increase the number of dwelling units in a multi-family project.
3. Increase the height of an existing building.

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

1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
2. Change the category of use (e.g., commercial to industrial, etc.).
3. New off-site advertising signs or billboards.
4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

**Finding 13:** This project will impact approximately 285 acres of land. Therefore since the area is greater than 5,000 square feet, the application will be processed as a Type II Design Review with a required public hearing. The Board of Commissioners took original jurisdiction for Design Review at their December 19, 2007 meeting. This project will not change the category of use on the land. It is zoned Surface mining. No signs or billboards are proposed with this project.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

**Finding 14:** This application is being processed as a Type II site Design Review. The Board of Commissioners decided that this Site Design Review would be heard at a special hearing under Section 1612 of the Zoning Ordinance and that the Board would hear this matter in conjunction with the Surface Mining Permit, also scheduled for the meeting of August 20, 2008, before the Board of Commissioners.

Continuing with the Columbia County Zoning Ordinance Section 1550:

3. **Pre-application Conference:** A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.
4. **Pre-application Conference Committee:** The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.

- a) The County Planning Director.
- b) The County Director of Public Works.
- c) The Fire Marshal of the appropriate Rural Fire District.
- d) The County Building Official.
- e) The County Sanitarian.
- f) A city representative, for projects inside Urban Growth Boundaries.
- g) Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.

**Finding 15:** A Pre-application conference was held with the applicant on May 25, 2006.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

**Finding 16:** Staff finds the applicant has adequately addressed the above required submittal documents, see Applicant Response of the application. The applicant was required to submit a project narrative, existing site plan, proposed site plan, grading plan, drainage plan, landscaping plan, access, parking and circulation plans, and the site design review submittal checklist. A wetland Mitigation Plan was required because wetlands will be impacted with this project. The Applicant has 50' setbacks for the mining area away from the riparian area on the Santosh Slough. Architectural plans were not required because the project does not propose any structures. Sign plans are not required because there will be no new signs with this project. All other required information has been addressed in the application.

Continuing with the Columbia County Zoning Ordinance Section 1550:

- 6. Site Plan Submittal and Analysis: The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services



Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.

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

**Finding 17:** This application is a type 2 design review that will be heard at the August 20, 2008 public hearing by the Board Of Commissioners. Conditions may be placed on the development by the Board.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

- c. Identification of areas exceeding 35% slope.
2. In special areas, a detailed slope analysis may be required. Sources for slope analysis include maps located at the U.S. Natural Resources Conservation Service office.
3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
5. Streams and stream corridors.
6. Location, species and size of existing trees proposed to be removed.
7. Significant noise sources.
8. Existing structures, improvements, utilities, easements and other development.
9. Adjacent property structures and/or uses.

**Finding 18:** The applicant submitted an existing site plan that appropriately addressed all of the above required criteria. See submitted application, Plate 4 Phasing & Mining Operating Plan and Plate 3 Reclamation & Landscaping Plan, Bates Roth, Northwest Aggregates Co. indicates the locations of all relevant features of the site. A vicinity map was also included with the application.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

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

- c. Location, type, size, and species of existing and proposed shrubs and trees; and
- d. A narrative which addresses soil conditions and erosion control measures.

**Finding 19:** The applicant has submitted proposed site plans that appropriately address all of the above required criteria. See submitted application, Northwest Aggregates (Bates Roth Site).

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

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

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

**Finding 21:** The above sign criteria are not applicable to this projects since there will be no new signs erected with the mining of Bates Roth site.

Continuing with the Columbia County Zoning Ordinance Section 1550:

12. Landscaping: Buffering, Screening and Fencing:

A. General Provisions:

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

B. Buffering Requirements:

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

- c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

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

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
  2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
  3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
- E. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

**Finding 22:** The Bates Roth mine site is an expansion of Glacier & Northwest Aggregates mine activities in the area. Directly west across Honeyman Road is the existing gravel processing plant, serving the Fort James site, Pits C, D and F further to the southwest. The Bates Roth site is bordered on the southwest by a residentially zoned area, to the northeast by a home and large dairy farm, and to the north by the Wetland Mitigation area. These adjacent uses are of a different nature than surface mining and require buffering to reduce any impacts. The applicant has submitted a Landscaping Plan, see submitted application, Plate 4 Landscape Plan. The setback distances from these uses is proposed to be 200' with a larger noise berm separating the uses. The setback area between the adjoining properties and the road will remain with existing vegetation as a natural buffer. In addition, the natural setback buffer the Applicant shows in the Site Plan has a visual berm on the road side, a noise berm on the homestead dairy farm side and an environmental berm on the north side buffering the Wetland Mitigation area. Staff notes that on the west side, closer to Honeyman Road, a visual berm will be constructed on both sides of Honeyman where mining will occur in Phases 6 and 7. The berms will be constructed with a 1.5/2 to 1 slope, hydroseeded using native grasses. The berms will be planted with Oregon Ash Red Alders at 10' to 12' center in groves on visual berms. A six foot cyclone fence will be placed on the inside of the berms to protect the mining area from inadvertent trespass.

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

Continuing with the Columbia County Zoning Ordinance Section 1550:

13. Standards for Approval:

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

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

**Finding 23:** According to the FEMA flood hazard map (41009C0465C) the Santosh Slough and immediate area, on each side, is within Zone A Special Flood Hazard area, inundated by 100-year flood. As the elevation goes up from the Slough, the majority of the subject property is in Zone X, other areas of 500-year flood, protected by levee from the 100-year flood. Further toward Honeyman Rd. the elevation increases to being determined to be outside the 500-year flood plain. The Santosh Slough, to the north of the subject property, is equipped with tide gates which help protect the slough area from river level fluctuations. No structures are proposed by the applicant. Section 1100 regulates structures placed in Flood Hazard Overlay Zone.

The Scappoose Drainage Improvement Company (SDIC) argued at the hearing for the Plan Amendment and Zone Change that wet mining the Bates Roth site would significantly increase the risk of flooding in the SDIC boundaries by seepage or upwelling of water levels from outside the levee protected area. The Board found that the characteristics of the geology and hydrogeology of the area substantiate that the water level in the mining pit will be the same as surrounding ground water, rather than surface water levels. It is highly unlikely that the below water table mining at Bates Roth site will cause catastrophic flooding. However, to minimize public and private losses due to possible flood conditions, the Board required the Applicant develop a program for ongoing monitoring of surface and ground water level fluctuations. This monitoring program was submitted in Exhibit E of the PAPA application and must be approved by the US Army Corp of Engineers.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

**Finding 24:** There are wetlands on the subject property according to the National Wetland Inventory, St. Helens Quad. There is also a riparian area on the subject property associated with the Santosh Slough, a significant wetland along the eastern side of the Santosh Slough, and three other wetland areas on the site. Oregon Division of State Lands has issued a DSL Permit #26589 to impact 17.66 acres of wetlands. To compensate for these impacts, NW Aggregates must provide 18.44 acres of mitigation wetlands as outlined in their plan and authorized by the Permit. The Applicant will mine these wetland areas but will establish a setback of 50 feet from the Slough. The wetland impacts and mitigation is in compliance with State and Federal law.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

**Finding 25:** The site does not contain any natural areas listed in the comprehensive plan or any visible groups of significant vegetation that would require protection.



Continuing with the Columbia County Zoning Ordinance Section 1550:

- 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 26:** The applicant included a cultural resource evaluation for the subject property as part of the PAPA application. A condition of approval from the PAPA requires that the Applicant report any artifacts found, cease operations and contact the proper authorities. Notice of this application was also given to the State Archaeologist. All work will be required to stop if cultural resources are found during excavation.

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

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

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

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

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

**Finding 29:** The applicant submitted a traffic study as part of the July 2004 PAPA application. The Board of Commissioners included the following condition of approval with the PAPA application:

*Within two (2) years from commencement of aggregate mining on the Site, the Applicant shall pay the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road and/or Honeyman Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Bates Roth Pit that will be useful in the planned improvements to West Lane Road and/or Honeyman Road. The Applicant may provide to the County the amount of rock as the Director determined would be useful, which*

*shall be valued at the then current market rate. The value of the usable rock supplied by the applicant shall be deducted from the \$60,000.00 road improvement fee.*

Continuing with the Columbia County Zoning Ordinance Section 1550:

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

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

**COMMENTS:**

1. E-Mail from the Oregon Department of State Lands, dated August 11, 2008 reminding the County that NW Aggregates permit to impact will expire October 2009 and stating the need for additional information, as follows:
  - a. A project status report including projected date of completion on the open permit to impact 17.66 acres of wetlands, and date DSL can expect to receive as-builts and the first mitigation monitoring report.
  - b. Copy of the filed deed restriction.
2. Comments from the Scappoose CPAC, dated August 12, 2008, requesting that the Board deny the proposal, unless assurances can be made that there is adequate protection for neighbors and vicinity landowners from the impact of mining causes and that they can ensure that appropriate conditions will be put in the ruling that ensures the needs are met.

No other comments have been received from government agencies or nearby property owners as of the date of this staff report (August 14, 2008).

**STAFF COMMENTS, CONCLUSION AND RECOMMENDATION:**

Staff finds that since the PAPA application (File PA 05-01) has been approved allowing surface mining of the 303.91 acre Bates & Roth site, the primary concern of the design review is to minimize impacts to surrounding properties and make certain that all applicable laws, statutes and ordinances are adhered to. Staff feels that a good way to minimize impacts from adjacent property owners is to create quality buffers. The applicant has proposed to construct a combination of vegetated visual and noise berms along the west, north,

and east sides of the site. Noise berms are proposed in the southwest corner where the mining site borders residential uses, along the north side bordering the wetland mitigation area, and on the northeast side bordering the Ellis farm. These berms will be planted with various grasses, shrubs and trees, while the remainder setback areas will remain in natural vegetation. Staff finds that these buffers will be effective in reducing the aesthetic impacts, act as a wind break, capture fugitive dust particles, buffer noise impacts, and shield equipment lighting impacts on surrounding properties.

Based on the findings in the above staff report (DR 08-04), staff recommends **APPROVAL** of this request, with the conditions that were approved by the Board of Commissioners in the PAPA application, the conditions included in the pending Operating Permit as proposed by the Surface Mining Administrator, and the following conditions;

**Conditions of Approval:**

For purposes of these conditions of approval, “the Applicant” shall include the current or future record owner(s) of the Bates Roth site.

1. The Applicant shall comply with the conditions that were approved by the Board of Commissioners (Ordinance 2005-1) for the PAPA application (PA05-01) and the conditions included in the pending Operating Permit as proposed by the Surface Mining Administrator
2. The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat.
3. Prior to mining, the Applicant shall obtain an operating permit for the site, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
4. The applicant shall provide a combination of vegetated visual and noise berms along the west, north, and east sides of the site, as depicted on Plate 3 and Plate 4, included with the application materials. Noise berms will be between 0-17 feet depending location; the heights and elevations are approximate based on data from Dailey-Stanley & Assoc., 2004. Visual berms will average approximately 6 foot in height. All berms will be constructed with a 1.5/2 to 1 slope, and hydro seeded with native seed mix. The visual berms will be planted with Oregon Ash and Red Alders at 10' to 12' on center along the berm. Shorelines will be planted with native willows and Black Cottonwood and hydro seeded. Existing vegetation will remain along roads and adjacent to the residential area. A six foot cyclone fence will constructed to protect all mining areas.
5. The Applicant shall surface the access road with gravel.
6. The Applicant shall water the access road to control dust as needed.

7. The Applicant shall post a 10-mph speed limit for all on-site vehicles.
8. The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
9. The Applicant shall spray water on the conveyor at all transfer points, as needed.
10. The Applicant shall store overburden as vegetated berms.
11. The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
12. The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
13. The Applicant shall observe 50' setbacks from the riparian area on the Santosh Slough. The Applicant shall observe minimum extraction setbacks fo 50 feet from public right-of-way (Honeyman Road) and from the riparian corridor along the Santosh Slough on the west side of the site. Extraction setbacks shall be 200 feet from residences as permitted uses, unless consent reduce the setback is received from adjoining property owners.
14. The Applicant shall not allow stormwater to be discharged off-site. For the purposes of this condition, "stormwater" includes "upwelling groundwater."
15. The Applicant will be required to install a silt fence for protection of stormwater/erosion considerations along the western side of Santosh Slough in accordance with the application.
16. The Applicant shall not store fuels or other contaminants on site.
17. The Applicant shall report any artifacts found, cease operations and contact the proper authorities. All work will be required to stop if cultural resources are found during excavation.
18. Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
19. Gradients shall be constructed to provide slopes stability and safe egress from excavated ponds. The slopes of the ponds will be contoured (cut) during the excavation process rather than deposition of fill material. Slopes will range from 3:1 to 2:1 (horizontal to vertical) and will extend to the berms constructed around the perimeter of the site, 3:1 from water level to 6 feet below the water to allow safety egress from the pond and 1.5:1 to 1:1 (horizontal to vertical) below water depth of six (6) feet.
20. Applicant shall follow the recommendations of the traffic consultant to provide a safe visual distance at the access points between Honeyman Road and the site and the Santosh operation.

21. Within two (2) years from commencement of aggregate mining on the Site, the Applicant shall pay the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road and/or Honeyman Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Bates Roth Pit that will be useful in the planned improvements to West Lane Road and/or Honeyman Road. The Applicant may provide to the County the amount of rock as the Director determined would be useful, which shall be valued at the then current market rate. The value of the usable rock supplied by the applicant shall be deducted from the \$60,000.00 road improvement fee.
22. Any berms required pursuant to this plan amendment shall be located outside any riparian or wetland setback areas.
23. The Applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Division of State Lanes, and obtain any permits required by such agencies.
24. The Applicant shall provide and implement a ground water monitoring program, approved by Oregon Water Resources and/or State Department of Environmental Quality, and/or any other state or federal agency that asserts jurisdiction over the monitoring plan. The monitoring program shall measure the level of ground water and/or surface water in and around the mine site, and document comparable water levels during flood events. The monitoring program shall also monitor water quality in and around the mine site. Area wells within the 1500 ft. conflict area shall be monitored, subject to the owners consent to such monitoring. The monitoring program will provide for regular reporting to the Scappoose Drainage Improvement Company (SDIC), or its successor drainage district, the County and the applicable state and/or federal agencies. The Applicant shall establish a base line of average pumping costs and rainfall in the area surrounding the mining operation during pre-mining period. When mining commences, the Applicant shall compensate the SDIC for any demonstrated increase in pumping costs for pumping caused by mining of the site. Prior to mining, the Applicant shall attempt to come to an agreement with SDIC to establish a clear and objective program to determine what compensation, if any, is due the SDIC. If, after good faith negotiations between the Applicant and SDIC, no agreement has been reached, Applicant shall offer to submit the matter to binding arbitration. The sole issue in arbitration shall be what constitutes an equitable program to compensate the SDIC for any demonstrated increase in costs to the SDIC from pumping caused by mining of the site. Arbitration shall be subject to the rules of the American Arbitration Association, with costs equally shared by the Applicant and SDIC. The Applicant shall not be required to arbitrate the issue if SDIC fails to agree to arbitration. If SDIC fails to agree to arbitration, the Applicants final proposal for compensation shall be the effective compensation program.

Attachments:

- Permit Application for Site Design Review and Operating Permit;
- Comments received as of August 14, 2008;
- Bates Roth Mine Site 6 of 6 Sheets, July, 2007

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

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