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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of)
Northwest Aggregates for a Comprehensive)
Plan Amendment (PAPA) and a Zone)
Change from Primary Agriculture (PA-38)) Ordinance No. 2002-09
and Rural Residential (RR-5) to Surface)
Mining (SM))

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2002-09.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, 215.050, 215.060, 215.223, and 197.610 to 197.615.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of Northwest Aggregates (hereinafter referred to as "the Applicant" or "Glacier"), for a Post Acknowledgment Plan Amendment (PAPA) to amend the Columbia County Comprehensive Plan Map from Agricultural Resource and Rural Residential to Mineral and Aggregate Resource and the Zoning Ordinance Map from Primary Agriculture (PA-38) and Rural Residential (RR-5) to Surface Mining (SM). The Major Map Amendment would allow wet mining of Pit F, at the Meier Site outside of the City of Scappoose, by the Scappoose Airport.

SECTION 4. HISTORY

The Applicant manages the existing Santosh mining operation outside the City of Scappoose, including four mining pits known as Pits A, B, C and D. The main gravel plant and Pits A and C operate in a surface mining zone north of Honeyman Road. Glacier extracts aggregate from Pits B and D under a 1988 conditional use permit in a forest agriculture zone, south of Honeyman Road. Pits B and D are adjacent to the property proposed to be used for the wet mining operation (Pit F).

On November 9, 2000, the Applicant applied for a PAPA requesting a Major Map Amendment and Zone change which would authorize dry mining on 434 acres known as the Meier property. The application was deemed complete on December 10, 2000. The Applicant signed a waiver of the 180 day requirement on April 12, 2001. The application was subsequently amended by the Applicant, reducing the zone change request to an approximately 17 acre portion of the Meier property known as Pit F, and the matter was set for a hearing before

the Columbia County Planning Commission. On July 15, 2002, the Columbia County Planning Commission held a hearing on the matter. After hearing testimony and receiving evidence, the Planning Commission closed the hearing, leaving the record open for additional written evidence and testimony and continued the matter for deliberation to August 19, 2002. On August 19, 2002, the Planning Commission deliberated on the matter and voted to recommend approval of the application to the Board of County Commissioners.

On October 9, 2002, the Board of County Commissioners held a hearing in the matter. The Board voted to hear new evidence and testimony. Thereafter, the Board heard testimony and received evidence into the record. The evidence listed in Attachment A, which is attached hereto and is incorporated herein by this reference, was received into the record. Having heard testimony and received evidence, the Board voted to tentatively approve the application.

SECTION 5. FINDINGS.

- A. The Board of County Commissioners adopts findings 1-3, 7-14, 16, 18, 21-23, 25, 27-46, 48-50, 52-53, 55, 59-62, and 64-65, contained in the Staff Report of the Department of Land Development Services to the Board of County Commissioners, a copy of which is attached hereto as Attachment B, and is incorporated herein by this reference.
- B. The Board of County Commissioners adopts Supplemental Findings which are attached hereto as Attachment C, and are incorporated herein by this reference.

SECTION 6. AMENDMENT AND AUTHORIZATION.

A. The official Comprehensive Plan Map designation shall be amended as follows for each tax lot. The area of each tax lot, or portion thereof, to be changed is more particularly described in Attachment D, which is attached hereto and is incorporated herein by this reference:

- 1. Tax Lots 3106-020-00200, 3106-020-00101, 4100-000-00100, and 4131-040-01800, from Rural Residential to Mineral and Aggregate Resource;
- 2. Tax Lot 3106-020-00100 from Agricultural Resource to Mineral and Aggregate Resource.

B. The official the Zoning Ordinance Map designation shall be amended as follows for each tax lot. The area of each tax lot, or portion thereof, to be changed is more particularly described in Attachment D, which is attached hereto and is incorporated herein by this reference:

- 1. Tax Lots 3106-020-00200, 3106-020-00101, 4100-000-00100, and 4131-040-01800, from Rural Residential (RR-5) to Surface Mining (SM);
- 2. Tax Lot 3106-020-00100 from Primary Agriculture (PA-38) to Surface Mining (SM).

C. The Comprehensive Plan Map and Zoning Map amendments are approved subject to the following conditions:

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

- 1) The Applicant shall pay to the County \$60,000.00 in cash and usable rock for road improvements to West Lane Road. The Director of the Columbia County Road Department shall make a written determination of the amount of rock from the Meier pits (Pits A-F) that will be useful in the planned improvements to West Lane Road. Prior to mining Pit F, the Applicant shall provide to the County, the amount of rock as the Director determined, which shall be valued at the then current market rate. The value of the usable rock supplied by the Applicant shall be deducted from the \$60,000.00 road improvement fee. Any remaining fee shall be paid to the County prior to the commencement of mining of Pit F. The Applicant may continue to allow truck traffic to use the North bound access to Hwy 30 from West Lane Road and Southbound access to Hwy 30 from Columbia Blvd., until access to Hwy 30 from Crown-Zellerbach road is completed, at which point, Applicant shall ensure that truck ingress and egress shall be made at the intersection of Hwy 30 and Crown Zellerbach Road, unless the intersection or roads are impassible due to emergency or other conditions.
- 2) Prior to mining the Pit F site, the Applicant shall provide evidence that they have submitted FAA Form 7460-1 "Notice of Proposed Construction or Alteration" to the Oregon Department of Aviation and to the FAA and have received a favorable finding that the proposed wet mining will not create unacceptable hazards to aviation. The Applicant shall also provide evidence that they have complied with any recommendations of the FAA or Oregon Department of Aviation to mitigate any such hazards, as follows:
 - A) The water impoundments shall have steep banks as outline in the Applicant's Wildlife Management Plan.
 - B) Tall trees shall be controlled on the banks of the impoundment in order to prevent possible starling roosts.
 - C) Aquatic vegetation shall be controlled so that ducks and other waterfowl are not given the possible food sources associated with aquatic vegetation.
 - D) Existing impoundments (Pits B, D) and/or Pit F, shall be filled with an amount of overburden and spoils equivalent to materials removed from Pit F, as outlined in the Applicant's Wildlife Management Plan to mitigate the total water surface available to birds.
 - E) The Applicant shall move the outflow for spoils to the Pit F area to keep the water in Pit F turbid , and thereby less attractive to birds.

- F) If a population of resident Canada geese develops, the Applicant shall engage in population management measures, including egg addling and/or capture.
 - G) If bird concentrations become a problem, the Applicant shall coordinate with the Federal Aviation Administration and/or Oregon Department of Aviation in an effort to provide mitigation for the entire water impoundment of which Pit F represents just a portion. Consideration shall be given to mitigation measures such as grid wires, fish control, floating balls and on-site hazing of birds by humans. In such circumstances, the Applicant would not be responsible to identify funds to implement such methods, but the Applicant shall provide unrestricted access to the agencies or their agents for bird control purposes.
- 3) The Applicant shall reclaim the Pit F site in accordance with County standards. The required post mining use shall be agricultural use. As part of reclamation requirements for Pit F, the Applicant shall comply with the following requirements:
- A) Within 3 years of completion of mining Pit F, the Applicant shall fill Pits B, D and/or F with an amount of surface land equivalent to that removed from Pit F. Fill shall be compatible with future agricultural use.
 - B) Prior to issuance of an operating permit for Pit F, Applicant shall submit a scaled aerial photo accurately depicting the areas in Pits B, D, and F covered by land and water impoundments.
 - C) Prior to mining, the Applicant shall obtain an operating permit for Pit F, including bonding, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
 - D) The Applicant shall make a good faith effort to fully reclaim Pits B, D and F for agricultural use within 40 years from the date that mining is completed on Pit F.
- 4) The Applicant shall submit a comprehensive plan amendment and zone change application to return the site back to an agricultural zoning designation once final reclamation of the site has been completed.
- 5) The Applicant shall plant grass and low growing trees every 50' along the South and East boundaries of the site.
- 6) The Applicant shall surface the access road with gravel.
- 7) The Applicant shall water the access road to control dust as needed.
- 8) The Applicant shall post a 10-mph speed limit for all on-site vehicles.
- 9) The Applicant shall spray water on the conveyor at all transfer points.

- 10) The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
- 11) The Applicant shall store overburden as vegetated berms.
- 12) The Applicant shall construct berms along the East and South site boundaries.
- 13) The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
- 14) The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
- 15) The Applicant shall construct a visual berm to the height of eight feet along the East and South boundaries of the site.
- 16) The Applicant shall observe minimum setbacks of 50 feet to the east and 200 feet to the south.
- 17) The Applicant shall not allow stormwater to be discharged offsite.
- 18) The Applicant shall not store fuels or other contaminants onsite.
- 19) The Applicant shall stop all excavation if cultural resources are discovered on the site.
- 20) The Applicant shall construct and maintain berms along edges of the mining area as specified in the proposed mining plan.

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- 21) The Applicant shall, prior to mining Pit F, record in the Columbia County Deed Records, a covenant, as described in Section 4 of the Memorandum of Understanding dated November 29, 2001, by and between Glacier Northwest, Inc., Northwest Aggregates Co., Elizabeth K. Johnson, the Port of St. Helens, the City of Scappoose, and Transwestern Aviation.

DATED this 30th day of October, 2002.

Approved as to Form

By: Sarah Tyson
Office of County Counsel

Recording Secretary

First Reading: 10-9-02
Second Reading: 10-30-02
Effective Date: 1-28-03

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Joe Corsiglia, Commissioner

By: [Signature]
Rita Bernhard, Commissioner

ATTACHMENT A

Legal Counsel's File -EXHIBIT 1

- 1) Notice of Public Hearing (Publication);
- 2) Notice Public Hearing (Property Owner Notice);
- 3) Affidavit of Publication;
- 4) Affidavit of Mailing;
- 5) List of Interested Persons to receive notice;
- 6) Application, as amended.
- 7) Referral Contact List
- 8) Certificate of Mailing, (Notice of Public Hearing Planning Commission) dated June 7, 2002;
- 9) Certificate of Mailing (Amended Final Order PA 01-01) dated August 29, 2002;
- 10) Notice of Public Hearing dated June 7, 2002;
- 11) Planning Commission Final Order PA 01-01; dated August 26, 2002;
- 12) Staff Report to the Planning Commission dated July 15, 2002 with the following attachments:
 - A. Letter from Carla Cudmore, Columbia County Surface Mining Administrator dated June 26, 2002;
 - B. Letter from Mark Greenfield to Planning Commission dated July 2, 2002;
 - C. Wildlife Management Plan prepared by PBS, dated July 2, 2002;
 - D. Vicinity Map for Pit F;
 - E. 1994 Air Photo of proposed Pit F;
- 11) Public Notice (publication in Spotlight) dated August 7, 2002;
- 12) Public Notice (publication in the Chronicle) dated August 7, 2002;
- 13) Public Notice (publication in the Spotlight) dated June 26, 2002;
- 14) Public Notice (publication in the Chronicle) dated July 3, 2002;
- 15) Letter to Planning Commission from Jeff VanNatta dated August 19, 2002;
- 16) Letter from Chris Thomas dated August 19, 2002;
- 17) Letter to Planning Commission from Stoel Rives dated August 7, 2002;
- 18) Memo to Planning Commission from Matt Laird, dated August 13, 2002; with the following attachments:
 - A. Letter to County Counsel from Christ Thomas dated July 15, 2002;
 - B. Letter to Jeff VanNatta from Ann Crook, Director, Oregon Department of Aviation;
 - C. Public Notice of amended Order No. 88-01 in the Matter of the Renewal of Limited Exemption Permit #05-0005 for Glacier NW dated March 1, 2002, submitted by Steve Abel;
 - D. Glacier's proposed conditions of approval dated July 15, 2002;
 - E. Letter to Steve Abel from Ron Rathburn and Skip Haak of PBS Engineering and Environmental, regarding Goal 5 Natural Resource Evaluation; dated July 15, 2002;
 - F. Letter to Planning Commission from Glenn Dorschler, Mayor of Scappoose, dated July 15, 2002;

- G. Letter from Scappoose CPAC with Exhibits dated July 15, 2002;
 - H. Memo to Peter Williamson from Mike Slater, USA Wildlife Biologist dated July 15, 2002;
 - I. Memorandum of Understanding dated November 29, 2002;
 - J. Purchase and Sale Agreement and Joint Escrow Instructions dated March 7, 2001;
 - K. Letter to Don Larson from Mike Slater dated July 29, 2002;
 - L. Letter to Jeff VanNatta from Mark Greenfield dated July 31, 2002;
 - M. Letter to Planning Commission from Ann Crook, dated August 5, 2002;
 - N. Letter to Planning Commission from Steve Abel dated August 5, 2002;
 - O. Letter to Mike Slater from Don Larson dated August 6, 2002;
- 19) DLCD 45 Day Notice of Proposed Amendment;
 - 20) Board Communication from Todd Dugdale dated October 1, 2002, with the following attachments:
 - A. Staff Report to the Board of County Commissioners;
 - B. Exhibits as listed in the Memo to the Planning Commission from Matt Laird dated August 13, 2002;
 - 21) Letter to Board of County Commissioners from Christopher Thomas dated October 4, 2002;
 - 22) Letter to Board of County Commissioners from Mark Greenfield dated October 7, 2002;
 - 23) Planning Commission Minutes from July 15, 2002 and August 19, 2002;
 - 24) Waiver of 180 day rule/request for a continuance.

**COLUMBIA COUNTY
BOARD OF COMMISSIONERS**

Staff Report

Plan Amendment and Zone Change

HEARING DATE: October 9, 2002

FILE NUMBER: PA 01-01 Amended

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

PROPERTY LOCATION: One mile northeast of the City of Scappoose, off Honeyman Road, at the northeast corner of the Scappoose Industrial Airpark, between Moore Road and Freeman Road.

REQUEST: A post acknowledgment plan amendment ("PAPA") pursuant to Statewide Planning Goal 5 designating the subject property a significant mineral and aggregate resource site protected under Goal 5, allowing mining of the site. This request will amend the Columbia County Comprehensive Plan Map and Zoning Ordinance Map for the identified site.

APPLICATION RECEIVED: November 9, 2000

DEEMED COMPLETE: December 10, 2000

180 DAY WAIVER SIGNED? Yes, April 12, 2001

PRESENT COMPREHENSIVE PLAN DESIGNATIONS: Agricultural Resource
Rural Residential

PROPOSED COMPREHENSIVE PLAN DESIGNATION: Mineral and Aggregate Resource

PRESENT ZONING: (PA-38) Primary Agriculture
(RR-5) Rural Residential

PROPOSED ZONING: (SM) Surface Mining

SUBJECT PROPERTY:

<u>Tax Account Number</u>	<u>Zoning</u>	<u>Size</u>
3106-020-00200	PA-38	0.87 Acres
3106-020-00100	PA-38	5.50 Acres
3106-020-00101	RR-5	2.00 Acres
4100-000-00100	SM/FA-19/RR-5	371.59 Acres (partial)
4131-040-01800	RR-5	16.51 Acres

Tax Lot Total =	± 396.47 Acres
Size of Zone Change Area =	± 17 Acres
Proposed Excavation Area =	± 13 -15 Acres

BACKGROUND:

The applicant, NW Aggregates Co. (NWAC), manages the exiting Santosh mining operation including four mining pits known as Pits A,B,C,and D. The main gravel plant and Pits A and C, operate in a surface mining zone north of Honeyman Road. NWAC also extracts aggregate from mining Pits B and D under a 1988 conditional use permit in a forest agriculture zone, south of Honeyman Road. The Pit B and D property is adjacent to the subject property mentioned above. To help meet the future demand for aggregate, NWAC is requesting to create Pit "F" to expand their mining operation to the south and east by approximately 17 acres. This expanded area would basically square off the corner between the existing Pit B and D surface mining areas. Preliminary estimates of the site indicate approximately 2.9 million cubic yards (i.e., 4.4 million tons) of high quality aggregate to be present within the proposed expansion area. The applicant proposes to excavate approximately 13 acres of the 17 acre site. Mining will extend approximately 120 feet below the existing ground surface creating a pond that is approximately 70 feet deep. Once mining has ceased, the applicant proposes to reclaim the site back to agricultural use by backfilling the pond (Pits B, D and F) so that the floor of the pit is (10 MSL) 2 feet above the normal high water level for groundwater in the area. The expected duration of the project is conservatively estimated at 5 years or less, however the exact life of the operation will be determined by market demand.

The subject property is located at the northeast corner of the Scappoose Airport and south of the existing Santosh operation. Besides the mining operation, the area is generally characterized by large agricultural parcels with some rural residential parcels located along Ring-a-ring Road to the south and Freeman Road to the northeast of the subject property.

The subject property has frontage along Freeman Road and Ring-a-ring Road, however access to the site will be provided by using the main entrance to the Santosh facility on Honeyman Road and an existing private road that is used to access Pits B and D. Production rates are expected to remain steady, with no increase of truck traffic due to the opening of a new pit. Approximately 90 percent of the material currently mined from this facility is transferred off-site via barges. The remaining 10 percent is transported by haul trucks. The existing gravel pit generates approximately 248 total daily vehicle trips during peak season conditions. For outgoing aggregate material to reach the closest major arterial (U.S. Hwy. 30), truck traffic will be routed from the main entrance down Honeyman Road to its intersection with West Lane. The majority of trucks (90%) will proceed south down West Lane to its intersection with East Columbia in the city of Scappoose. At that point they will proceed west until they reach the left turn lane at the intersection of East Columbia and Highway 30. This allows the large gravel trucks to use a signalized intersection to cross the highway and head south toward the Portland metropolitan area. The minority of trucks (10%) 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. Trucks will return to the site using the West Lane/Hwy. 30 intersection.

Topographically, the site could generally be described as a flat plain with no steep slopes. Vegetation on the subject property is primarily pasture grass, with a strip of mixed woodland along the west side of the property that also serves as a visual buffer to the existing Pits B and D. The subject property is located within a major waterfowl habitat area as indicated by the 1995 Beak Consultants Wildlife Game Habitat map. There are no flood plains or wetlands on the subject property according to the FEMA flood hazard map (41009C0463C) and the National Wetland Inventory, St. Helens Quad. The airport landing field overlay zone (transitional surface) does encompass the entire subject property. 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.

PRIOR LAND USE ACTIONS

- 1991- Lone Star Northwest, Oregon City Leasing Co. and Donald Meier of Arbor Rose Farms applied for a Comprehensive Plan Map and Zone Change on 386 acres adjacent to the Scappoose Airport, in April 1991. On July 24, 1991, the Chairman of the Columbia County Planning Commission signed Final Order 4-91 recommending denial of the application. The final findings of the Planning commission state that the "immediate and long term conflicts of the Zone Change could not satisfactorily be mitigated"; and, "it has not been absolutely established that the benefits to the public of the Zone Change will outweigh the detriments suffered as a result of said unresolved conflicts." Thereafter, Lone Star withdrew the application.

- 1996 - Northwest Aggregates Co., a subsidiary of Lone Star Northwest, Inc. applied for a Comprehensive Plan Amendment and Zone Change on 422 acres adjacent to the Scappoose Airport, in October of 1996. On January 17, 1997, the Columbia County Planning Commission signed Final Order PA 4,5,& 6-96 Recommending Denial of the application. The final findings of the Planning commission state "The applicant has not submitted an Exception to Goal 3 Agricultural Lands as required by Agricultural Policy #2 of the Columbia County Comprehensive Plan." A hearing was scheduled before the Board of County Commissioners and testimony was received; however, the applicant withdrew their application prior to the decision of the Board.
- 1998 - Columbia County Land Development Services completed periodic review work task #1, Mineral and Aggregate. This action amended the Columbia County Comprehensive Plan and Zoning Ordinance regarding surface mining. It was signed by the County Commissioners with an effective date of June 29, 1998. The primary impact of the periodic review was to amend the Comprehensive Plan, Agricultural Policy #2, removing the requirement of an agricultural exception for uses, such as mining, listed under ORS 215.283. However, the commissioners also amended the industrial Lands Policies and added policy 13 which prohibits new or expanded mining operations within 3,000 feet of areas planned for industrial uses. This periodic review task was partially remanded by LCDC, , but LCDC required the County to delete policy 13. The County appealed LCDC's order to the Court of Appeals. The Court of Appeal upheld LCDC's order. Petition for review to the Supreme Court was denied.
- 2000 - On March 20th, Northwest Aggregates Company applied for a post-acknowledgment plan amendment (PAPA) requesting a zone change to Surface Mining and authorization to mine aggregate resources on approximately 434 acres known as the "Meier Property" or Pit E. (File # PA 00-03) The application was deemed complete on April 20, 2000. Staff produced a report recommending denial of the application. Prior to the Planning Commission hearing on the matter the applicant requested to continue the matter in order to respond to issues raised in the staff report. The applicant waived the 180-day limit for deciding surface mining applications. The application has subsequently been on hold and a final decision has yet to be rendered.
- 2000 - On November 9th, Northwest Aggregates Company applied for another PAPA requesting a zone change to Surface Mining and authorization to mine aggregate resources on the 434 acres known as the "Meier Property". (File # PA 01-01) The application was deemed complete on December 10, 2000. The application was then put on hold and a 180 day waiver was signed on April 12, 2001. The application was subsequently amended by the applicant, reducing the requested area to be mined to approximately 17 acres.

2000 - On November 13th, The Columbia County Board of Commissioners approved Ordinance No. 2000-04. This new ordinance deleted policy 13 as required by LCDC in 98-wktask-00951. This new ordinance also added Columbia County Zoning Ordinance section 1306.6 and 1306.7 and Columbia County Comprehensive Plan, Part XVI, Goal 5, policies 17 and 18, prohibiting new or expanded surface mining operations and water impoundments within 5000 feet of the runway at the Scappoose Industrial Airpark.

2002 - On August 19, 2002, the Columbia County Planning Commission heard testimony for this application (File # PA 01-01 Amended) to conduct surface mining activities on the subject property known as Pit F. After reviewing the staff report and hearing testimony from all interested parties, the Planning Commission recommended approval, with conditions, of the surface mining request to remove aggregate from approximately 17 acres of the subject property.

SOILS:

<u>Soils on the subject tract are as follows:</u>	<u>Est. % of Area</u>	<u>Ag.Cap. Class</u>
51 - Sifton Loam	100%	III _s

Source: Soil Survey of Columbia County, OR., SCS Issued November 1986, Field work by Soil Conservation Service of the United States Department of Agriculture, in cooperation with Oregon Agriculture Experiment Station.

This document discusses details of the soil type listed above and classifies it as **Prime Farmland**.

CURRENT GOAL 5 AGGREGATE INVENTORY STATUS:

The subject site was listed in the 1985 Comprehensive Plan as:

Inactive Aggregate Sites

1. Meier, Don (Western Pacific)
(This site was not classified as 1A, 1B, or 1C. A site specific ESEE analysis has not been conducted by the County.)

The subject site was not listed in the 1998 amendment (Ord. 98-01) and update of the Mineral and Aggregate Inventory, approved by the County Commissioners and effective on June 29, 1998. The Comprehensive Plan now has a Table XVI-2 Significant Aggregate Sites and Post Mining Uses, for adding any new sites. Since that time, Ordinance 2000-04, approved by the Board of Commissioners on November 13, 2000, has included the subject site on the Comprehensive Plan list of significant aggregate resource sites.

REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page</u>
Section 1030	Amendments to Permit Surface Mining	6
Section 1040	Surface Mining	27
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COLUMBIA COUNTY ZONING ORDINANCE

Section 1030 Amendments to Permit Surface Mining

1031 Purpose:

- .1 To protect mineral and aggregate resources for present and future use.
- .2 To provide for the development and utilization of deposits of aggregate and resource materials.
- .3 To provide a process to consider amendments to the comprehensive plan and implementing ordinances to permit surface mining consistent with OAR 660 Division 23 (1996).
- .4 To insure that aggregate resource sites which have been determined to be significant and which, based on the evidence in the record, the County finds suitable for protection from other conflicting uses, are zoned for surface mining.
- .5 This section does not apply to property located within the boundaries of incorporated cities, absent specific provisions in an agreement between the City and the County to apply some or all of the County's ordinance.

1032 Definitions: The following definitions of terms are applicable for Section 1030.

- .1 "Aggregate Resources" are natural occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, pumice, cinders, and other naturally occurring solid materials used in road building.
- .2 "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site, as specified in 1034.4, 1036.2 and 1037.5.
- .3 "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.
- .4 "Existing site" is a significant aggregate site that is lawfully operating, or is included on an inventory in an acknowledged plan, on or before September 1, 1996.
- .5 "Expansion area" is an aggregate mining area contiguous to an existing site.
- .6 "Mining" is the extraction and processing of mineral or aggregate resources, in the manner provided under ORS 215.298(3).
- .7 "Minimize a conflict" means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to "minimize a conflict" means to ensure conformance to the applicable standard.
- .8 "Mining area" is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.
- .9 "Processing" means the activities described in ORS 517.750(11).
- .10 "Protect" means to adopt land use regulations for a significant mineral or aggregate site in order to authorize mining of the site and to limit or prohibit new conflicting uses within the impact area of the site.

- .11 "Width of aggregate layer" means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and non-aggregate overburden. ("Width" is thickness; thickness is measured by subtracting the depth of the bottom of the overburden layer from the depth of the bottom of the aggregate layer.)
- .12 "Impact area" is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

Finding 1: The above mentioned purpose and definitions will apply to the following review.

Continuing with the Columbia County Zoning Ordinance:

1033 Process: The following process shall be used to designate a site for surface mining activity:

- .1 All applications requesting a designation for surface mining activities must follow the requirements of Subsections 1033, 1034, 1035 and 1036.
- .2 Three zones specifically permit surface mining activity through a conditional use process: the Primary Agriculture Zone (PA-38), the Forest-Agriculture Zone (FA-19), and the Primary Forest Zone (PF-76). Surface mining may be permitted, but only conditionally, in these three zones, if the applicant does not wish to seek the Surface Mining Zone (SM) and Goal 5 protection.
- .3 Nothing in this section shall prevent the County from adopting additional clear and objective standards to protect significant Goal 5 resources included in an acknowledged inventory from some or all conflicting uses in addition to the minimum required standards in the surface mining zone.
- .4 The County may update its inventory of significant aggregate sites and amend the Comprehensive Plan by following the process contained in OAR 660-23-180 and the Columbia County Comprehensive Plan.
- .5 The County shall follow the process described in this Section to determine whether an aggregate site is significant.
- .6 The County shall follow the process described in this Section to decide whether or not to authorize the mining of a significant mineral or aggregate site.

- .7 For a significant mineral and aggregate site where mining is allowed, the County shall decide on a program to protect the site from new off-site conflicting uses by following the standard ESEE process in OAR 660-23-040 and 660-23-050 with regard to such uses.

Finding 2: The county has adopted Section 1030 of the Columbia County Zoning Ordinance consistent with the goal 5 process and the Oregon Administrative Rules for review of a surface mining post-acknowledgment plan amendment (PAPA) application. The majority of the site is zoned primary agriculture which allows surface mining as a conditional use, however, the applicant is requesting to have this site protected under goal 5 as a significant aggregate resource site.

Continuing with the Columbia County Zoning Ordinance:

1034 Application for Plan Amendment and Zone Change to Surface Mining (SM) Requesting Goal 5 Protection:

An application submitted pursuant to this section may be scheduled for review after the Director has determined it complete. An application for a SM zone requesting Goal 5 protection shall contain the following information:

- .1 Information regarding location, quality and quantity of the resource, sufficient to determine whether the standards and conditions in Section 1035 are satisfied.

Finding 3: The applicant has submitted information regarding quantity, quality and location of the aggregate resource in a report from Newton Consultants Inc. titled Aggregate Resource Evaluation and Significance Determination Supplement Pit F, (See Exhibit A). The Newton Consultants report estimates 2.9 million cubic yards (i.e., 4.4 million tons) of aggregate to be present within the expansion area. Furthermore, the report states that all aggregate samples in the area meet ODOT quality standards for base rock. Staff finds the site is a significant goal 5 aggregate resource.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .2 Plans for the reclamation of the site.

Finding 4: A conceptual site reclamation plan was submitted as part of the application. The reclamation plan is discussed in Exhibit "I". Initially, the site will be reclaimed to a pond with the appropriate slopes and grades along the edges. The long-term reclamation of the site proposes to backfill the pond to 2 feet above the normal

high water mark. The post-mining use is proposed as agriculture. The applicant has not discussed in their reclamation plan where the proposed clean backfill will come from to bring the pond back above the water table, or the traffic impacts of trucks bringing fill material to the site. Staff has concerns regarding the fact that there is no identified source for the millions of cubic yards of clean fill that will be needed to reclaim Pits B, D, and now F. In addition, there does not appear to be any time frame associated with the reclamation of the site. It could take 50 to 100 years or more to acquire enough clean soil to backfill the mining ponds. Furthermore, assuming the ponds actually do get filled, there does not appear to be any plan in place to ensure that Type III soils, or better, are placed on top in order to reclaim the site back to agricultural use.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .3 A traffic impact assessment within one mile of the entrance to the mining area sufficient to address criteria in Section 1036(3)(b).

Finding 5: The applicant did submit a traffic impact assessment within one mile of the entrance to the mining area. The Traffic Impact Study can be found as Exhibit "F". The application also discusses transportation impacts on page 19-20. Staff disagrees with the applicant's interpretation of the wording in OAR 660-023-180(4)(b)(B). Specifically, the applicant's transportation analysis defined "local roads" by functional classification not by geographic location. The County does not agree with this interpretation and finds that in the common sense that "local roads" is used in OAR 660-023-0180(4)(b)(B) that it would apply to any roads used by the mining company within the geographic area. Furthermore, staff finds that the OAR would have specifically stated functional classification in the wording if it was meant to apply to the functional classification found in a County Transportation System Plan. In addition, the transportation analysis did not discuss the increase of truck traffic bringing fill material to the site pursuant to their reclamation plan

Continuing with Columbia County Zoning Ordinance Section 1034:

- .4 Identification of all existing and approved conflicting uses within the impact area(s) proposed to satisfy the purposes of 1036.1 and 1037.5. Identification of all proposals to minimize any conflicts with approved uses within the impact area(s).

Finding 6: The applicant has proposed to minimize conflicts within a 1500 feet impact area. See applicant's response to County Zoning Code Section 1036.4 on page 23 of the submitted application. Applicants propose and assume a 1500' impact area, since "The technical studies did not result in any factual information indicating that significant potential conflicts would exist more than 1500 feet from the site." (application, p.15). The 1500' impact area was measured from the perimeter of the expansion area (Pit F) and does not include the existing aggregate site. The applicant

has inventoried existing and approved uses within the 1500 foot impact area and identified potential conflicting uses. The submitted application finds no conflicts with noise levels, vibration levels, cultural resources, surface-water and groundwater conditions or traffic conditions. The application does identify potential air quality conflicts due to dust. The applicant proposes to mitigate the potential conflict by following a dust control plan (see page 23 of the application). The application also states on page 23 that "potential bird strike hazard conflicts, if any, are nominal" and that a "wildlife management plan will be developed... to reduce further or eliminate the attractiveness of the mining ponds to waterfowl." Staff finds that the wildlife management plan is a proposal to minimize potential conflict within the 1500' impact area and that the wildlife management plan should be included with this application in order to satisfy this criterion.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .5 A site plan showing the location, area, dimensions, acreage, and legal description of the parcel to be developed or used, together with north point, scale, date of application, contours for all intended uses and phases, including incremental and total volumes of the resources to be mined.

Finding 7: The applicant has submitted a series of maps in figures 1 - 4 and Plates 1-3. The site plan is indicated as figure 2. The site plan includes the above required information.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .6 The documentation, as applicable, required for any application for a site design review as set forth in Section 1550.

Finding 8: The applicant proposes to submit a site design review application at a later date if the PAPA application is approved. The applicant has not submitted documentation addressing site design review criteria, Section 1550 of the Zoning Ordinance, with this application. OAR 660-23-180(4)(e) allows local governments to require additional land use review, such as site plan review, once mining is allowed. If this mining application is allowed, staff feels a site design review application should be required to evaluate other factors associated with mining that are not reviewed in the goal 5 process.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .7 Provisions for landscaping and screen-planting of all parts of the site.

Finding 9: The applicant proposes to construct 8' berms with the overburden of Pit F. The berms will be seeded with grass and located along the south and east sides of Pit F. See Exhibit I and Sheet 4 of the Operating and Mining Plan Set. Staff feels that if poplar or hybrid cottonwood trees were planted along the south and east sides in conjunction with the soil berms, that it would provide a windbreak for dust control as well as screen the site and make it more aesthetically appealing.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .8 Provisions for preventing the collection and stagnation of water in all stages of the operation.

Finding 10: The applicant will avoid creating stagnant water by excavating the pit to -40 MSL, creating a pond that is approximately 70 feet deep, thus exceeding the 8' minimum depth requirement. See Exhibit I page 11.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .9 Plans, profiles, and cross-sections of all access roads.

Finding 11: The applicant has submitted a Draft Columbia County Operating Permit Application and Reclamation Plan Application Pit F. See Exhibit I, which also includes the Operating and Reclamation Plan Set, Sheets 1 - 7. Sheet 7 of 7 includes cross sections of the proposed mining pond.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .10 All plans prepared and submitted shall be at a scale no smaller than one inch to 200 feet, with 5 foot contours, and such information shall be furnished for a distance of not less than 1500 feet beyond the site to determine the impact of the operation on adjacent and surrounding lands.

Finding 12: The Operating and Reclamation Plan Set map are drawn to a scale of 1 inch equals 200 feet, with 5 foot contours. See Exhibit I. The applicant has also included a 1500 foot impact boundary map at a scale of 1 inch equals 200 feet. See Figure 4.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .11 A proposal to comply with the operating standards described in Section 1044 and the Columbia County Surface Mining Ordinance.

Finding 13: The applicant has submitted proposals to comply with Section 1044 of the Zoning ordinance, see page 34 of the application. The application has also submitted proposals to comply with standards described in the Surface Mining Ordinance, see Exhibit I.

Continuing with Columbia County Zoning Ordinance Section 1034:

- .12 A proposal to allow, limit or prevent future conflicting uses. The proposal may include, but is not limited to, a surface mining impact overlay zone as provided by Subsection 1038; site agreements with the owners of neighboring property within the impact area; or, other enforceable conditions on approval of post acknowledgment plan amendment to allow mining, which would address the impacts of future conflicting uses.

Finding 14: The applicant conducts an ESEE analysis and discusses a program to achieve goal 5 in Exhibit J of the application. The applicant concludes that "limiting future conflicting uses provides the greatest balance to achieve Goal 5." See page 11 of Exhibit J. The program to achieve Goal 5 includes applying a Surface Mining Impact Overlay (SMIO) to land within 1500 feet of the mining area. The SMIO would limit future sensitive uses and further protect the surface mining resource.

Continuing with Columbia County Zoning Ordinance:

1035 **Criteria for Determining Significance:** An aggregate site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets the following criteria:

- .1 A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness; AND,
- .2 The estimated amount of material is more than 2,000,000 tons; OR,
- .3 The aggregate site is on an inventory of significant aggregate sites in the Comprehensive Plan, as of September 1, 1996; OR,
- .4 The operator of a site which is on the surface mining inventory wishes to expand the existing site, and on March 1, 1996 had an enforceable property interest in the expansion area.

- .5 Notwithstanding subsections .1 through .3 of this section, an aggregate site is not significant if more than 35% of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps as of September 1, 1996; OR, if more than 35% of the proposed mining area consists of soil classified as Class II, or of a combination of Class II or Class I or Unique soil on NRCS maps available as of September 1, 1996, unless the average width of the aggregate layer within the mining area exceeds 60 feet.

Finding 15: The applicant has submitted information regarding quantity, quality and location of the aggregate resource in a report from Newton Consultants Inc. titled Aggregate Resource Evaluation and Significance Determination Supplement Pit F, (See Exhibit A). The Newton Consultants report states that all aggregate samples in the area meet ODOT quality standards for base rock and estimates 2.9 million cubic yards (i.e., 4.4 million tons) of aggregate to be present within the expansion area. The proposed site is not listed as a significant aggregate site in the Columbia County Comprehensive Plan. According to the Columbia county Soil Survey the proposed expansion area is completely made up of Sifton loam which is a Type III agricultural soil. The Newton Consultants report indicates the shallowest boring of 118 feet deep was used to estimate the lower extent of the aggregate deposit and that a conservative estimate of 107 feet was used to calculate the aggregate volume on-site. Staff finds the site meets the criteria to be considered a significant goal 5 aggregate resource because the aggregate resource meets ODOT quality standards and the site contains greater than 2 million tons of aggregate.

Continuing with Columbia County Zoning Ordinance:

1036 **Criteria for Decision:** For a significant site, the County will make its decision whether mining is permitted based on the following process and criteria after receipt of a complete application:

- .1 An impact area large enough to include uses listed in subsection .3 below will be established for the purpose of identifying existing and approved conflicts with proposed mining and processing activities. An impact area established for the purposes of this subsection shall be 1500 feet from the proposed mining area unless:
 - A) It can be demonstrated by the applicant that all existing conflicting uses are located within a lesser distance, an impact area with an irregular distance may be established if it is found to be capable of accurately depicting the presence of existing conflicting uses suitable for the purposes of this section; OR,

- B) Factual data and information indicates a significant potential conflict exists beyond this distance. In that case, a larger area may be established for that conflicting use. The factual data and information for the expanded impact area must be submitted within 14 days after the first evidentiary hearing on the application.

Finding 16: Staff finds the site is a significant aggregate resource site. Staff also finds the applicant has established an impact boundary of 1500 feet. Besides traffic conflicts, and possibly bird strike hazards, staff finds there is no evidence in the record that would lead one to reasonably conclude that significant potential conflicts exist beyond the proposed 1500 foot impact boundary.

Continuing with Columbia County Zoning Ordinance Section 1036:

- .2 All existing and approved land uses in the impact area shall be determined that will be adversely affected by the proposed mining operations, and the predicted conflict will be specified for each use.

Finding 17: The applicant has inventoried existing and approved uses within the 1500 foot impact area and identified potential conflicting uses. (application p.16-17). The 1500' impact area was measured from the perimeter of the expansion area (Pit F) and does not include the existing aggregate site. According to the applicant, "the technical studies did not result in any factual information indicating that significant potential conflicts would exist more than 1500 feet from the site." (application, p.15). The submitted application finds no conflicts with noise levels, vibration levels, cultural resources, surface-water and groundwater conditions or traffic conditions. The application does identify potential air quality conflicts due to dust. The applicant proposes to mitigate the potential conflict by following a dust control plan (see page 23 of the application). The application also states on page 23 that "potential bird strike hazard conflicts, if any, are nominal" and that a "wildlife management plan will be developed... to reduce further or eliminate the attractiveness of the mining ponds to waterfowl." On July 2, 2002, the applicant hand delivered a Wildlife Management Plan. The Wildlife Management Plan lists several habitat management and wildlife control techniques for reducing the number of birds at the site. While the plan does not specifically endorse which technique the applicant proposes to use, staff finds that some combination of the techniques listed would surely be effective. Staff finds that the wildlife management plan is a proposal to minimize potential conflicts with airport operations within the 1500' impact area.

Continuing with Columbia County Zoning Ordinance Section 1036:

- .3 For determination of conflicts from the proposed mining of a significant aggregate site, only the following will be considered:
- A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges.

Finding 18: The applicant has submitted technical studies conducted by registered professional engineers regarding noise, air quality, vibration, and hydrology. (See Exhibits B, C, D, and E). The only potential conflict that was found was air quality due to dust, (application p.18). The applicant proposes to mitigate these impacts to within DEQ acceptable standards by implementing dust-control measures. (application p.23).

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Transportation conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials.

Finding 19: The applicant did submit a traffic impact assessment within one mile of the entrance to the mining area. The Traffic Impact Study can be found as Exhibit "F". The application also discusses transportation impacts on page 19-20. Staff disagrees with the applicant's statement in the application that says "mining the site would not cause any conflicts with local roads, because no project related traffic would use any local roads." Specifically staff disagrees with the applicant's transportation analysis which defines "local roads" by functional classification not by geographic location. The County does not agree with this interpretation and finds that in the common sense that "local roads" is used in OAR 660-023-0180(4)(b)(B) that it would apply to any roads used by the mining company within the local geographic area. Furthermore, staff finds that the OAR would have specifically stated functional classification in the wording if it was meant to apply to the functional classification found in a County Transportation System Plan. Regardless, staff finds that the County may interpret their own code and the County finds that local roads applies to all the roads used by the mining company within the local geographic area. In any event, the traffic impact study does analyze

potential conflicts for all of the roads used by the mining company. Staff has concerns regarding the intersection geometry of the Honeyman Road / West Lane Road intersection. Specifically, the Traffic Impact Study finds on page 5 that "right turn movement is difficult for large trucks due to the constrained intersection geometry as trucks must cross the double yellow line to complete this maneuver." This poses a safety issue for all citizens that may use this intersection. Staff finds that it would be reasonable to expect the applicant to upgrade the intersection as part of this expansion application as they are now requesting to continue a safety problem for an even longer duration of time. Staff also questions what the long term traffic generation numbers for this site will be, since the transportation analysis did not discuss the increase of truck traffic bringing fill material to the site as the reclamation plan requires.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments, shall be addressed according to the processes established in statute or administrative rule, or in local ordinances enacted to implement statute and administrative rule.

Finding 20: The applicant discusses this issue on page 20 of the application and submits a technical report regarding the proposed Pit F expansion and bird strike hazards at the Scappoose Industrial Airpark. (See Exhibit O). Page 20 of the application states that, "the mining expansion will eliminate some pasture and woodland habitat and replace it with a mining pond, which is less attractive habitat to the birds observed in the area." The application goes on to say "Based on the bird densities observed at the existing mining ponds, the average number of birds expected to use the new Pit F pond would be five." The application also states on page 23 that "potential bird strike hazard conflicts, if any, are nominal" and that a "wildlife management plan will be developed... to reduce further or eliminate the attractiveness of the mining ponds to waterfowl." The applicant hand delivered a Wildlife Management Plan on July 2, 2002. Staff finds that the wildlife management plan is a proposal to minimize potential conflict within the 1500' impact area. The wildlife Management Plan identifies several habitat management and wildlife control techniques that may be used to reduce the number of birds at the site. While the plan does not specifically endorse which techniques the applicant proposes to use, staff finds that some combination of the listed techniques would surely be effective at reducing the number of birds at the site. Staff has less concern during the mining phase of the operation, that the pond will create a bird attractant. In fact, staff agrees with the technical report that the site will become less attractive as bird habitat. Staff has concerns once the mining is finished (estimated to be within 5 years) and the phase one reclamation is completed. The phase one reclamation of the site will re-establish appropriate grades to the banks of the pond and re-vegetate the site with wild grasses. There is no time frame established for the phase two reclamation which would backfill the pond above the water table. The application does not identify any source that could provide enough clean fill to supply the millions of cubic yards of fill that it will take to bring these ponds above the water table. It could be

50 to 100 years, before these ponds get backfilled. Keep in mind that the phase two reclamation of the site will happen concurrently with Pits B and D increasing the total size of the site by at least four times. In the mean time there could be a very large pond, that is now attractive as bird habitat due to the phase one reclamation, established near the end of the Scappoose Airport runway. Staff would like assurances that the pond, once mining has been finished, will not become a bird attractant and increase bird-strike hazards to the Scappoose Airport for the many decades it will take to return the site back to agricultural use. Staff finds that the applicant should work with the Port of St. Helens and the FAA to determine which habitat management and wildlife control techniques will be used to minimize birds at the site.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the application is initiated.

Finding 21: The Columbia County Comprehensive Plan has not identified any protected goal 5 resources within the 1500 foot impact area of Pit F.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- E) Conflicts with agricultural practices; and

Finding 22: The applicant has provided technical studies to consider the potential effects of mining the site on irrigation wells and on changes to existing traffic, dust, and noise conditions. The technical studies did not identify any conflicts with agricultural uses. Staff concurs with this assessment and does not expect any conflicts between mining and agricultural uses.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- F) Other conflicts for which consideration is necessary in order to carry out the provisions of the Columbia County Surface Mining Ordinance or ordinances pursuant to ORS 517.780.

Finding 23: The applicant discusses conflicts with ordinances that supersede DOGAMI regulations on pages 22-23 of the application. Staff finds no other conflicts associated with the proposed Pit F mining application.

Continuing with Columbia County Zoning Ordinance Section 1036:

- .4 Determine reasonable and practicable measures which can be required of the mining activity which minimize the conflicts identified in paragraph 1036.3, above. If reasonable and practical measures are identified to minimize all identified conflicts, mining shall be allowed at the subject site with the required conditions. If identified conflicts can not be minimized then Subsection .5 applies and ESEE analysis is required.

To determine whether proposed measures would minimize conflicts to agricultural practices, findings must be made that the mining activity would not:

- A) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- B) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm and forest use.

Finding 24: The applicant reviews this criteria on page 23 of the application. Staff finds that mining activity will not force a significant change or significantly increase the cost of farm and forest practices in the area. Staff finds no conflicts with surrounding forest and farm uses. The submitted application finds no conflicts with noise levels, vibration levels, cultural resources, surface-water and groundwater conditions or traffic conditions. The application does identify potential air quality conflicts due to dust. The applicant proposes to mitigate the potential conflict by following a dust control plan. The application also states on page 23 that "potential bird strike hazard conflicts, if any, are nominal" and that a "wildlife management plan will be developed... to reduce further or eliminate the attractiveness of the mining ponds to waterfowl." The applicant hand delivered a Wildlife Management Plan on July 2, 2002. Staff finds that the wildlife management plan is a proposal to minimize potential conflict within the 1500' impact area. The wildlife Management Plan identifies several habitat management and wildlife control techniques that may be used to reduce the number of birds at the site. While the plan does not specifically endorse which techniques the applicant proposes to use, staff finds that some combination of the listed techniques would surely be effective at reducing the number of birds at the site. , the applicant hand delivered Staff finds that it is unable to determine whether practical measures will minimize the conflict between surface mining and airport operations. See finding 20. The applicant states that all potential conflicts can be minimized, therefore an ESEE analysis is not required. If the Board of Commissioners finds conflicts that have not been minimized, the applicant would be required to complete an ESEE analysis of the impacted use.

Continuing with Columbia County Zoning Ordinance Section 1036:

- .5 For any existing conflicts that cannot be minimized, the ESEE consequences of either allowing, limiting, or not allowing mining at the site will be determined and analyzed. A determination shall be made that the benefits to the public outweigh the detriments suffered as a result of said conflicts. Using the ESEE analysis, a final decision will be made by determining:
- A) The degree of adverse effect on existing land uses in the impact area;
 - B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
 - C) The probable duration of the mining operation and the proposed post-mining use of the site.

Finding 25: The applicant feels there are no conflicts that cannot be minimized, see page 23 of the application. Staff finds that no conflicts have been raised that the applicant has not addressed.

Continuing with Columbia County Zoning Ordinance:

1037 Protection of Mining Activities Where Mining is Allowed

- .1 Where mining is allowed through the process outlined in this ordinance, the plan map and zoning map shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective.

Finding 26: If mining is allowed at this site, the plan and zoning maps will be amended and conflict minimization measures will be implemented. The applicant addresses this criteria on page 25 of the application. The Board of Commissioners may recommend clear and objective special conditions and procedures to minimize conflicts. Further conditions may be attached as part of the operating permit authorized by the Surface Mining Ordinance.

Continuing with Columbia County Zoning Ordinance Section 1037:

- .2 Any additional land use review processes, like Site Design Review, shall not exceed the minimum review necessary to assure compliance with this Section and OAR 660 Division 23, and shall not provide opportunities to deny mining for reasons unrelated to this Section, or attach additional approval requirements, except with regard to mining or processing activities:
 - A) For which the Zone Change and Plan Amendment application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
 - B) Which were not requested in the application;
 - C) For which a significant change to the type, location, or duration of the activity shown on the Zone Change and Plan Amendment application is proposed by the operator.

Finding 27: If the PAPA application is approved and mining is allowed at the subject site, the applicant will be required to apply for a site design review prior to beginning mining activities at Pit F. This will allow staff and citizens to review information that may not have been included in the PAPA application, address issues that are not part of the goal 5 process, and evaluate any proposed changes in activity.

Continuing with Columbia County Zoning Ordinance Section 1037:

- .3 Where mining is allowed under the process included in this Section, a post mining use shall be determined and provided for in Table XVI-2 of the Comprehensive Plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, the County shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking.

Finding 28: If mining is allowed at this site, Table XVI-2 will be amended to include this particular site. The proposed post-mining use is agriculture. (See application p.25).

Continuing with Columbia County Zoning Ordinance Section 1037:

- .4 The County shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the County.

Finding 29: The county must allow the applicant to process the material mined from Pit "F" at its currently operating Santosh processing plant. Any violations which may exist at the Santosh plant site must be resolved through code enforcement procedures, not through this amendment process. The existing Santosh facility will not require reauthorization.

Continuing with Columbia County Zoning Ordinance Section 1037:

- .5 Where mining is allowed under the process included in this Section, for a significant mineral and aggregate site, new conflicting uses proposed within the specified impact area surrounding the mine shall be allowed, limited or not allowed, by following the standard ESEE process in OAR 660-23-040 and 660-23-050. For the purposes of this subsection, the impact area shall be a minimum of 1500 feet from the boundaries of the mining area unless a greater distance is identified and allowed under 1036.1.

Finding 30: The applicant performs an ESEE analysis on new and permitted conflicting uses and concludes that limiting new conflicting uses within the 1500 foot impact area would have the greatest balance to achieve goal 5 and protect the site. See Exhibit J and p.26 of the application. The applicant proposes to limit conflicting uses within the 1500 foot impact area by applying a Surface Mining Impact Overlay zone (SMIO) to be administered by the County.

Continuing with Columbia County Zoning Ordinance Section 1037:

- .6 Where mining is allowed under the process of this Section and a Surface Mining (SM) designation is approved for the site, a Surface Mining Impact Overlay (SMIO) zone shall be created surrounding the surface mining zone, except when the impact area(s) are located in an Urban Growth Boundary, and except where the County has no jurisdiction. The Surface Mining Impact Overlay Zone (SMIO) shall, at a minimum, encompass the same boundary as determined under 1036.1 The County shall establish specific conditions of approval for mining sites, and their designated impact areas which extend into an Urban Growth Area.

Finding 31: If mining is allowed, a Surface Mining Impact Overlay zone shall be created to encompass all land within 1500 feet of the perimeter of the site. Additionally, the impact area does include a portion of the Scappoose city limits and urban growth boundary. The SMIO limitations will not apply to portions of the impact area within the UGB and city limits.

Continuing with Columbia County Zoning Ordinance Section 1037:

- .7 In lieu of having a Surface Mining Impact Overlay zone imposed on the impact area of an approved mining activity, the owner or operator of the mine and the property owners of the impact area may propose agreement(s) or other enforceable conditions on approval of mining activity, the provisions of which satisfy any and all negative impacts of the conflicting use to the mutual satisfaction of the operator and owners of properties with future conflicting uses. Such agreements or conditions shall be recorded with the County Clerks Office and run with the land, and shall be binding on all future owners, until reclamation is realized and mining activity ceases.

Finding 32: The applicant does not propose private agreements with property owners within the 1500 foot impact area. The applicant proposes limitations on new discharge sensitive uses as part of their program to achieve goal 5. See Exhibit J pp. 11-12. One of the limitations to new discharge sensitive users would be the requirement that they sign and record a waiver of remonstrance stating they will not object to lawful mining activities.

Continuing with Columbia County Zoning Ordinance:

1038 **Surface Mining Impact Overlay Zone (SMIO)**

- .1 The purpose of the Surface Mining Impact Overlay Zone is to provide for the development and utilization of lands within the area of impact of a significant mineral and aggregate resource site, zoned Surface Mining (SM), in order to maintain that unique deposit of material for extraction and future uses of the SM Zone, to encourage compatible uses and to avoid the establishment of incompatible uses through location, design and notification.
- .2 The location of a Surface Mining Impact Overlay Zone will be designated at the time of designation of SM Zoned site. It will be the area defined as the impact area under Subsection 1032.2 and determined under 1034.4, 1036.1 and 1037.5. For existing SM Zoned sites the owner or operator of the site shall apply for such designation within 2 years of enactment and final approval of this amendment.

Finding 33: If this mining application is approved, the County will limit uses that conflict with significant aggregate resource sites by implementing a Surface Mining Impact Overlay (SMIO) zone within 1500 feet of Pit F as shown on Figure 4.

Continuing with Columbia County Zoning Ordinance Section 1038:

.3 Relationship to the standards of the underlying zoning districts.

The provisions of the Surface Mining Impact Overlay District are intended to supplement the provisions of the underlying zoning districts. In addition to the development standards of the primary district, the establishment of noise, dust and vibration sensitive uses and the creation of new parcels within the Surface Mining Impact Overlay District (SMIO) shall be subject to the following:

A) Setbacks:

The location of new noise, dust or vibration sensitive uses, constructed after the establishment of the SMIO district, shall be situated on the parcel to minimize potential adverse effects of noise, dust or vibration. Their location shall take into consideration the surrounding topography and transportation system and, if necessary, setbacks greater than those required by the underlying district may be imposed by the review authority.

B) Noise, Dust and Vibration Reduction Measures:

Measures may be required of owners of new noise, dust or vibration sensitive uses constructed after the establishment of the SMIO district when determined by the review authority to be necessary to ensure compliance by surface mining operator with applicable regulations and conditions of the Operating Permit. Reduction measures may include, but not limited to, berms, walls, vegetative buffers, insulation, double pane windows, reflective siding, foundation washer insulation, orientation of windows. The nature and extent of the reduction measures shall be determined by the review authority.

C) Covenant Not To Sue:

Prior to issuance of any building permits for new noise, dust or vibration sensitive uses after the establishment of a SMIO District, the owner shall sign and record in the County Clerk's Office, a "Covenant Not To Sue" or other instrument which restricts present and future owners from remonstrating against or objecting to permitted mining activities allowed in the nearby SM District.

D) Creation of New Lots or Parcels:

A notation shall be placed on an instrument creating a new lot or parcel which states that the lot or parcel is within a Surface Mining Impact Overlay District (SMIO) and is subject to the standards of Columbia County Zoning Ordinance Subsection 1038.

Finding 34: If this application is approved, the County will require any new discharge sensitive uses within the Pit F impact area (see figure 4) to follow all of the above limitations in order to protect the significant goal 5 aggregate resource.

Continuing with Columbia County Zoning Ordinance Section 1038:

.4 Land Use Approval and Permit Review:

Prior to the commencement of any development activity involving the construction of new structures or substantial modification of existing structures requiring a building permit for a use that is noise, dust or vibration sensitive and is allowed in the SMIO and its underlying district, the development activity must first be reviewed for compliance with applicable standards of this Section 1030 and underlying zoning district and be granted approval by the Director. The Director shall review plans submitted for a building permit and may request additional or amended plans, specifications or analysis prepared by an engineer or other qualified person, showing that the applicable standards are met or can be met by specified development standards. Review by the Director shall follow Section 1600 Staff Approval, subject to its notifications and appeal.

Finding 35: If this application is approved, the Director will be required to administratively review any discharge sensitive uses within the Pit F impact area as indicated in Figure 4.

Continuing with Columbia County Zoning Ordinance Section 1038:

.5 Required Findings:

The Director shall make the decision for approval with conditions within the Surface Mining Impact Overlay Zone (SMIO) based on the following findings:

- A) The proposed use will not interfere with or cause an adverse impact on the lawfully established and lawfully operating mining operations;
- B) The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this section, or terms of any approved Surface Mining Zoning conditions, or terms of the Surface Mining Operating Permit.
- C) Any setbacks or other requirements of this subsection shall be clear and objective.

Finding 36: If this application is approved, the Director will review any new discharge sensitive uses in the Pit F impact area according to the criteria above.

Continuing with Columbia County Zoning Ordinance Section 1038:

.6 Nonconforming uses and structures:

Nonconforming uses and structures legally existing on or before the effective date of this Section may continue provided that, should the uses or structures be modified so as to become more nonconforming, the owner of such structures or uses first obtain land use approval pursuant to this Subsection.

Finding 37: If this application is approved, the Director will review any proposed modifications of nonconforming uses and structures pursuant to the criteria found in this subsection.

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 38: The applicant has requested a PAPA application to allow aggregate mining at the Pit F site, while rezoning the site to a Surface Mining designation for maximum protection of the aggregate resource.

Continuing with Columbia County Zoning Ordinance:

1042 Permitted Uses: The following uses shall be permitted subject to compliance with Section 1044 and all other applicable rules, standards, or statutes governing such uses, including the Columbia County Comprehensive Plan, the Surface Mining and Land Reclamation Ordinance, the Zoning Ordinance of Columbia County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:

- .1 Removal, excavation, and processing of aggregate materials.
- .2 Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.
- .3 Storage of heavy equipment necessary for operation.
- .4 Agricultural practices.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.

- .7 The managing, growing, and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products.
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

Finding 39: The applicant responds to this criteria on page 31 of the application as follows: "The applicant proposes to excavate aggregate below the water table at Pit F, and transport aggregate via a conveyor system to the Santosh facility for processing. Accessory mining activities will include removal of overburden, construction of berms, watering for dust control, and reclamation of disturbed areas. Equipment used on-site will include an electric dragline, bulldozer, front-end loader(s), conveyors, water truck, and service truck. Therefore, the applicant's proposed use of the Site is compatible with the requirements of subsection 1042." Staff agrees with this assessment.

Continuing with Columbia County Zoning Ordinance:

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

- .1 All permitted uses within the designated 100-year floodplain identified in Section 1042 (except item .2, if such uses are portable in nature; items .4 agricultural, and .7 forest uses) shall be reviewed by the Planning Commission to ensure floodplain requirements are met.
- .2 Sanitary landfill, landfill, or solid waste transfer station.
- .3 Public or private parks and recreation areas may be permitted only in conjunction with reclamation of the site.
- .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.
- .5 A residence for the caretaker, operator, or property owner. No more than one residence may be permitted.
- .6 Manufacture and fabrication of concrete and aggregate products if accessory to removal, processing, or excavation of aggregate materials.

- .7 Sale of products such as concrete pipe, concrete forms, and the like related to aggregate materials in conjunction with the removal, processing, or excavation of aggregate materials or in conjunction with the manufacture and fabrication of concrete and aggregate products.
- .8 Concrete or asphalt batch plant.

Finding 40: The applicant has not applied for a conditional use permit. The applicant has applied to change the zone of the subject property to (SM) Surface Mining to allow aggregate removal as a permitted outright use.

Continuing with 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 41: The landowner and operator, Northwest Aggregates, has signed this application PA 01-01. The landowner will be required to remain in compliance with all affected agencies. The subject property is approximately 17 acres in size, thus exceeding the 2 acre minimum parcel size.

Continuing with 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 42: The applicant proposes to maintain 200' setbacks from residential zones and existing dwellings. Pit F would also maintain 50' setbacks from public right-of-way and adjacent properties also owned by the applicant except on the north and west sides of the pit adjacent to the existing Pits B and D. The applicant does not propose any processing, batch plants, manufacturing etc. to occur on the subject property.

Continuing with 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 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 43: The applicant proposes standard operating hours of 7:00 a.m. to 6:00 p.m. seven days a week.

Continuing with 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 44: The applicant proposes to construct berms along the south and east sides of the site. The berms will be 8' tall and vegetated with grass seed. The north and west sides of the site are adjacent to the existing pits B and D and will not be screened. Staff recommends the applicant also plant some type of trees (i.e. cottonwood) along the south and east sides of the site. The trees would further reduce the aesthetic impact of the operation and would also provide a windbreak further minimizing the potential for dust.

Continuing with 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 45: The Pit F site currently has access to Honeyman Road through the Pits B and D property. A private service road currently runs along the east side of Pit D and connects to the Pit F site. Aggregate from Pit will be moved by conveyor belt under Honeyman Road to the Santosh processing plant. Once processed, 90% of the aggregate will leave the area via barge, however, the remaining 10% will be trucked off the site via the Honeyman Road public right-of-way. Honeyman Road is a two-lane, paved public right-of-way. The applicant has included a dust control plan with this application that includes watering the private service road to keep dust down and washing away dirt originating from the site off Honeyman Road.

Continuing with 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 46: The applicant has included a technical noise study analysis conducted by a registered professional engineer. (See Exhibit B). The engineer has found that under a worst-case scenario, the site would comply with applicable DEQ noise standards. Staff finds no noise conflicts associated with this application.

Continuing with 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 47: The subject property does not contain any existing streams or waterways. The applicant has included a technical hydrologic report conducted by a registered professional engineer. (See Exhibit E). The report concludes that mining the Pit F site will not cause negative impacts to surrounding streams or local groundwater quality. Staff finds no water quality conflicts associated with this application.

Continuing with 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 48: The applicant has included a cultural resource evaluation for the subject property. (See Exhibit G). Notice of this application was also given to the State Archaeologist. The technical report found no significant goal 5 cultural resources on the site. All work will be required to stop if cultural resources are found during excavation.

Continuing with 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 49: The applicant has included a stormwater and erosion control plan in Exhibit I, Sheet 5 of 7 of the operating and reclamation plan set. 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 south and east sides to further stop any water or sediment from leaving the site.

Continuing with 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 50: The applicant has provided plans that indicate slopes and grading will be maintained in safe condition. See Exhibit I, page 8 and Sheet 7 of 7 of the Operating and Reclamation Plan Set.

Continuing with 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 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 51: The applicant states on page 36 of the application "Reclamation will begin within 12 months after mining activities cease and shall be completed within 3 years after mining activities cease." However, in Exhibit I, page 10 of the "Operating Permit Application and Reclamation Plan Application Pit F" it states "Initial reclamation of the pond banks will begin within 3 years." Staff finds that these two statements are inconsistent with each other. The ordinance clearly states that reclamation "shall be completed within 3 years..." This site is proposed to be reclaimed in two phases. Phase one will remove the berms, roads, and equipment and reseed the area with ryegrass and alfalfa. Phase two of the reclamation includes backfilling Pits B and D and F to 2 feet above the normal high water mark. The final post mining use of the site is proposed as agriculture. Staff finds that phase one of the reclamation plan probably will happen within the three year time line required to finish reclamation. Staff has serious reservations and concerns regarding phase two of the reclamation plan and finds that it most likely will not be completed within the three year time line required by this ordinance. Specifically, the applicant has not identified a source for the millions of cubic yards of clean fill that will be required to fill the 120' deep ponds that cover approximately 80 acres. It could take 50 to 100 years to acquire that much clean fill. It took over 20 years to create these large holes. Staff finds it inconceivable that the applicant could refill them in 3 years. The applicant has not identified any sources for the needed clean fill or any plans or timelines for how the fill would be brought back to the site. Even if a source is found, staff believes it would take much longer than three years to backfill the site. Furthermore, staff finds that there is no incentive for NWAC to complete the phase two reclamation of the site once they have moved on to another location. Staff recommends the County obtain some type of surety bond to ensure that final reclamation of the site is completed. In conclusion staff is not convinced that the site ever will be reclaimed above the water table back to agricultural use as proposed and certainly does not believe that it would be completed within three years as required. Also See finding 19 and 20.

Continuing with Columbia County Zoning Ordinance:

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 52: The applicant has not requested any modification of standards with this application. Staff recommends the applicant request a modification to the standard that requires reclamation of the site to be completed within 3 years. Staff finds that if the Planning Commission does grant this modification, that the applicant should include a realistic reclamation plan with identified sources for clean fill and practical timelines for achieving the goal of backfilling the site. The Planning Commission may modify standards with a public hearing and proper notice.

Continuing with Columbia County Zoning Ordinance:

1046 Emergency Exceptions: The Department may permit the immediate initiation of a temporary aggregate operation which ordinarily would require an approved Conditional Use Permit, if necessary to prevent potentially serious damage to property or threat to human life. The Department may permit the initiation of such an aggregate operation only when affected state agencies have issued necessary permits and have attested to the urgency of the situation. The Department may adjust operation standards as contained in Section 1044 to ensure the protection of human life and property. An aggregate operation approved under this section shall cease once the threat to human life and property is no longer serious or imminent.

Finding 53: The applicant has not requested an emergency exception. This criterion is not applicable.

Continuing with Columbia County Zoning Ordinance:

Section 1502 **Zone Changes (Map Amendments):**

There are two types of zone changes which will be considered by the Commission: Major Map Amendments and Minor Map Amendments.

.1 Major Map Amendments are defined as Zone Changes which require the Comprehensive Plan Map to be amended in order to allow the proposed Zone Change to conform with the Comprehensive Plan. The approval of this type of Zone Change is a 2 step process:

A. The Commission shall hold a hearing on the proposed Zone Change, either concurrently or following a hearing, on the proposed amendment to the Comprehensive Plan which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Commission may recommend approval of a Major Map Amendment to the Board of Commissioners provided they find adequate evidence has been presented at the hearing substantiating the following:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
3. The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

B. Final approval of a Major Map Amendment may be given by the Board of Commissioners. The Commissioners shall hold a hearing on the proposed Zone Change either concurrently or following a hearing on the proposed Comprehensive Plan Amendment which is necessary to allow the proposed zoning to conform with the Comprehensive Plan. The Board may approve a Major Map Amendment provided they find adequate evidence has been presented substantiating the following:

1. The proposed Zone Change is consistent with the policies of the Comprehensive Plan;
2. The proposed Zone Change is consistent with the Statewide Planning Goals (ORS 197); and
3. The property and affected area is presently provided with adequate facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

- .3 Alternate Zones: If the Commission determines that a zone other than the one being proposed will adequately allow the establishment of the proposed use, the Commission may substitute the alternate zone for the proposed zone in either the Major Map Amendment or the Minor Map Amendment procedures.

Finding 54: The applicant is requesting approval of a Post Acknowledgment Plan Amendment (PAPA) application which will change the Comprehensive Plan Map from Agricultural Resource and Rural Residential to Aggregate Resource and the Zoning Map from Primary Agriculture and Rural Residential to Surface Mining. This proposed zone change is being processed as a Major Map Amendment because the request will require the official Comprehensive Plan Map to be amended in order for the official Zoning Map and the Comprehensive Plan to be in agreement. Goals and policies of the Comprehensive Plan will be reviewed later in this report. The applicant has addressed the Comprehensive Plan in Exhibit K and the Statewide Planning Goals in Exhibit L. Staff finds that the site is currently provided with adequate facilities and services for the proposed use but that existing transportation networks are not adequate for the continued use by mining truck traffic. Specifically, staff finds that the intersection geometry of the Honeyman Road / West Lane intersection is not properly aligned to allow for large gravel trucks to turn right onto West Lane Road. This causes a safety hazard as trucks are required to cross the double yellow line in order to make the corner. Staff recommends the applicant upgrade the intersection in order to facilitate the turn movements of its large gravel trucks. See finding 19.

Continuing with Columbia County Zoning Ordinance:

Section 1603

Quasijudicial Public Hearings:

As provided elsewhere in this ordinance, the Hearings Officer, Planning Commission, or Board of Commissioners may approve certain actions which are in conformance with the provisions of this ordinance. Zone Changes, Conditional Use Permits, Major Variances, and Temporary Use Permits shall be reviewed by the appropriate body and may be approved using the following procedures:

- .1 The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. The application shall be reviewed for completeness and the applicant notified in writing of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information. If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 5 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for

the purpose of this section upon receipt by the Planning Department of the missing information. [*effective 7-15-97*]

- .2 Once an application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission or Hearings Officer. The Director will publish a notice of the request in a paper of general circulation not less than 10 calendar days prior to the scheduled public hearing. Notices will also be mailed to adjacent individual property owners in accordance with ORS 197.763. [*effective 7-15-97*]

[**Note:** ORS 197.763 requires 20 days notice (or 10 days before the first hearing if there will be 2 or more hearings), and that notice be provided to property owners within 100' (inside UGBs), 250' (outside UGBs), or 500' (in farm or forest zones).]

- .3 At the public hearing, the staff, applicant, and interested parties may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or what modifications are necessary for approval. [*effective 7-15-97*]
- .4 Approval of any action by the Board of Commissioners at the public hearing shall be by procedure outlined in Ordinance 91-2. [*effective 7-15-97*]

Finding 55: The Columbia County Board of Commissioners will review this PAPA application at a quasi-judicial public hearing. The applicant submitted the PAPA application on November 9, 2000. The application was originally deemed complete on December 10, 2000. The applicant then asked to put the application on hold and signed a 180 day waiver. The applicant amended the application on May 14, 2002. The earliest possible hearing was scheduled for July 15, 2002. Notice of the application and hearing date was mailed to the Scappoose CPAC, nearby property owners, and affected agencies on June 7, 2002. Notice of the request and public hearing was published in the local newspapers on July 3, 2002. The Board of Commissioners will review the relevant criteria and accept oral and written testimony at the public hearing.

Continuing with Columbia County Zoning Ordinance:

Section 1605

Zone Change - Major Map Amendment:

The hearing for a major map amendment shall follow the procedure established in Sections 1502, 1502.1, 1502.1A and 1502.1B. This hearing cannot result in the approval of a major map amendment. The Commission may make a recommendation to the Board of Commissioners that such a zone change be granted. Approval by the majority of the Commission is necessary in order to make recommendation to the Board of Commissioners. The Board of Commissioners hearing on the proposed zone change - major map amendment will be on the record unless a majority of the Board votes to allow the admission of new evidence.

Finding 56: The hearing for this PAPA application which is a major map amendment will follow the above mentioned procedures. The Planning Commission will hold a quasi-judicial hearing and make a recommendation to the Board of Commissioners. The Board of Commissioners will then hold a hearing and make a formal decision to allow, allow with conditions, or prohibit surface mining at this site.

Continuing with Columbia County Zoning Ordinance:

Section 1607

Consistency with the Comprehensive Plan:

All amendments to the Zoning Ordinance Text and Map shall be consistent with the Comprehensive Plan Text and Maps.

- .1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 57: The scope of review for a goal 5 PAPA application is specifically limited by state law and the goal 5 process found in OAR Chapter 660, Division 23. The applicant proposes to amend the Comprehensive Plan designation of the site to Aggregate Resource and the Zoning designation of the site to Surface Mining. These amendments would allow the Comprehensive Plan and Zoning Ordinance to be consistent with each other. The Board will hold a public hearing on the matter.

Continuing with Columbia County Zoning Ordinance:

Section 1608

Contents of Notice:

Notice of a quasi-judicial hearing shall contain the following information:

- .1 The date, time, and place of the hearing;
- .2 A description of the subject property, reasonably calculated to give notice as to the actual location, including but not limited to the tax account number assigned to the lot or parcel by the Columbia County Tax Assessor;
- .3 Nature of the proposed action;
- .4 Interested parties may appear and be heard;
- .5 Hearing to be held according to the procedures established in the Zoning Ordinance.

Finding 58: The original notice that was published in the local newspapers indicated all of the above mentioned information and was published in the local news media on July 3, 2002.

COLUMBIA COUNTY COMPREHENSIVE PLAN:

Part V AGRICULTURE

GOAL: To preserve agricultural land for agricultural uses.

POLICIES: It shall be a policy of the County to:

1. Designate as Agricultural lands those lands:

- A. With predominantly Class I through IV soils;
- B. Other land which is suitable for farm use considering:
 1. soil fertility;
 2. suitability for grazing;
 3. climatic conditions;
 4. present and future water availability for farm irrigation;
 5. existing land use patterns;
 6. technological and energy inputs required;
 7. accepted farming practices.

C. Lands in other soil classifications necessary to permit farm practices to be undertaken on adjacent or nearby lands.

2. If the County proposes to convert agricultural lands (as defined by Statewide Land Use Goal 3) to urbanizable land, the County shall follow the procedures and requirements for exceptions to the Agricultural Lands goal, pursuant to Goal 2. Those uses which are permitted by ORS 215.283(1) or (2) shall not require an exception to the Agricultural Lands goal. *[amended 4-98]*
3. Designate Agricultural lands as Agricultural Resource in the Comprehensive Plan and implement this plan designation through the use of one (1) exclusive farm use zone:

Primary Agriculture - PA-38

Minimum lot size of 38 acres in that zone is appropriate for the continuation of the existing commercial agricultural enterprise in the area.

4. Protect agricultural lands from non-farm encroachments.
5. Encourage agricultural activities on designated agricultural lands.
6. Encourage the use of lands with the best agricultural soils, particularly those lands within the flood plains, for agricultural uses.
7. Support land division criteria appropriate for the continuation of the existing commercial agricultural enterprise in an area.
8. Establish minimum lot sizes to assure that productive agricultural land will not be divided into parcels that are too small for commercial farm use.
9. Avoid extension of urban facilities and services into agricultural areas whenever possible. No water or sewer facility shall be designed to provide domestic service to agricultural areas.
10. Encourage roads through agricultural areas to locate where they will have minimum impacts on agricultural management and the existing lotting pattern.
11. Prevent land uses that interfere with or impair agricultural management from occurring on designated agricultural lands, excepting those specified in ORS 215.213 (2) (3).
12. Require conversion of rural land to urbanizable land be based on the criteria set out in Goals 3 and 14.

13. Allow the division of lands placed in the Primary Agriculture District in accordance with the following:
 - A. The lot area is consistent with the agriculture land use policy for the State of Oregon as expressed in ORS 215;
 - B. The lot area is of a similar size to existing commercial agricultural operations in the surrounding area;
 - C. In those instances where it is proposed to locate a farm-related dwelling, the proposed lot area is of sufficient size to support commercial production of food or fiber using accepted farm practices as defined in ORS 215.203 (2) (c);
 - D. Approval of the partitioning will not seriously interfere with the preservation of wildlife or fish habitat areas as identified in the Columbia County Comprehensive Plan, or interference will be mitigated; and,
 - E. Any additional criteria as set forth in the County Primary Agriculture District.
14. Limit residential uses within the Exclusive Farm Use District to those dwellings in connection with farm or forest use as defined in ORS 215.203(2)(C) and to non-farm dwellings as provided in ORS 215.283.
15. Permit non-farm/non-forest uses only when not in conflict with agricultural or forestry activities.
16. Require that an applicant for non-farm use record a waiver of the right to remonstrate against accepted farm or forest practices including spraying.
17. Allow non-farm uses in accordance with ORS 215.283.
18. In order to provide additional protection to the existing commercial agricultural economy of the County, the division of land in the primary agriculture zone into lots smaller than 76 acres will be allowed only if the resulting parcel will be appropriate to the continuation of existing commercial agricultural economy in the area and the resulting parcel will be capable of contributing in a substantial way to the existing agricultural economy and capable of helping to maintain agricultural processors and established farm markets.

Finding 59: The applicant responds to the agricultural policies in Exhibit K, page 2. Staff finds That a portion of the subject property is zoned Primary Agriculture and consists of type III agricultural soils. ORS 215.283 allows aggregate mining in exclusive farm use zones under certain conditions. Also, the post-mining use of the subject property is proposed as agriculture. While the surface mining use of this site will

remove an additional 17 acres from potential farm production, staff finds the interruption will be temporary in nature. No public facilities or permanent new roads are proposed to be extended into the agriculture zone with this application. The surface mining use of the site has been found not to conflict with adjacent farm uses. The subject property is not located within a floodplain and does not consist of prime type I or II soils. Therefore, staff finds no conflicts with agriculture section of the Comprehensive plan.

Continuing with the Columbia County Comprehensive Plan:

Part VI HOUSING

GOAL: To provide for the housing needs of the citizens of the County by allowing adequate flexibility in housing location, type, and density.

POLICIES: It shall be a policy of the County to:

1. Encourage an adequate housing supply by providing adequate opportunity for the development of new housing units and supporting the rehabilitation of the existing housing units when feasible.
2. Develop land use designations that provide for a wide range of housing units.
3. Provide adequate land inside the urban growth boundaries to meet housing needs and to provide for a wide range of urban housing choices.
4. Encourage development which will provide a range of choices in housing type, densities, price, and rent ranges throughout the County.
5. Encourage the development of Planned Developments which provide a range of housing types.
6. Insure there is an adequate supply of zoned land available in areas accessible to employment and public services to provide a choice of type, location, density, and cost of housing units commensurate to the needs of County residents.
7. Encourage the full utilization of urban lands by providing for development of undersized lots and increasing allowable densities in urban service areas which have excess public facility capacity or potential for cost efficient expansion.
8. Encourage, through the provision of bonus density, increases in the use of planned unit development to cluster structures and protect areas with open space or wildlife habitat values having County or area-wide significance.
9. Allow the siting of mobile homes anywhere a single-family dwelling is allowed.

10. Assist all the appropriate organizations and individuals in their efforts to provide housing which meets the needs of the low income, elderly, and handicapped residents of the County, and to rehabilitate the existing housing stock.
11. Allow the development of a permitted residential use on a lot of record under single ownership if it meets all the sanitation regulations and all other applicable County codes and ordinances.
12. Encourage the in-filling of urban growth boundary areas.

Finding 60: The applicant addresses this part of the Comprehensive Plan In Exhibit K, page 3. Staff finds that a portion of the site is zoned Rural Residential. Thus converting the zoning to Surface mining will remove some land from the County rural housing supply. Staff finds the small amount of land associated with this project that is removed from the rural housing supply will not create a significant housing shortage within the County. Staff finds no conflict with the Housing section of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

Part VII RURAL RESIDENTIAL

GOAL: It is the goal of the County to provide for the continuation and needed expansion of Rural Residential uses on those resource lands where a valid exception can be, or has been shown to be, justified.

POLICIES: It shall be a policy of the County to:

1. Designate as Rural Residential in the Plan those lands for which a valid exception has been, or can be shown to be, justified, and implement this plan designation through the use of Rural Residential zones. *[amended 11-98]*
2. Designate as Rural Residential in the implementing ordinances those lands which:
 - A. Meet the criteria for a valid exception as set out in OAR 660-04-025 or OAR 660-04-028.
 - B. Do not meet the criteria for being included in the Rural Center Designation.
3. Establish a Rural Residential Zone with a 5-acre minimum lot or parcel size where such lands: *[amended 11-98]*

- A. Must rely on a private water system to serve the property.
 - B. Must rely on a private sewage disposal system to serve the property.
 - C. Have access onto a public or private right-of-way meeting applicable County Road Standards. *[amended 11-98]*
 - D. May or may not be within a rural fire protection district. *[amended 11-98]*
4. Establish a Rural Residential Zone with a 2-acre minimum lot or parcel size, where such lands will not create "spot zoning" (a relatively small area with different zoning than its surroundings) and, as determined by the County: *[amended 11-98]*
- A. Are within an existing public or community water district providing adequate domestic and fire flow water. *[amended 11-98]*
 - B. Have soils capable of accommodating a subsurface septic system. *[amended 11-98]*
 - C. Have access onto a public right-of-way meeting applicable County Road Standards. *[amended 11-98]*
 - D. Are within, and can be served by a rural fire protection district. *[amended 11-98]*
 - E. A 2-acre minimum parcel size is appropriate to maintain the rural character of the area. *[added 11-98]*
 - F. The conversion complies with the Oregon Administrative Rule requirements for an exception to Goal 14. *[added 11-98, amended 11-2000]*
5. Encourage the in-filling of existing built and committed lands for new residential development.
6. Encourage rural growth in exception areas where facilities and services such as adequate transportation networks, school facilities, fire districts, water and police services, etc. already exist so as to minimize costs of providing such services to these areas.
7. Require a buffer between Rural Residential development and adjacent resource lands.
8. Evaluate capacities of community water sources providing water to residential areas on a periodic basis to determine source stability in comparison to anticipated growth. *[added 11-98][previous #8 deleted]*

Finding 61: The applicant addresses this part of the Comprehensive Plan in Exhibit K, page 3-4. Staff finds that a portion of the site is zoned Rural Residential (RR-5). A Built and committed exception was taken during the plan formation for the residential area along Freeman and Ring-a-ring Roads. There is no community water source available to this rural residential area. These residential areas are adjacent to existing surface mining operations, which reduces their desirability for homesite development. Staff finds that by changing RR-5 zoned land to surface mining designation, the potential for conflicts between residential uses and mining uses is decreased. The operating and reclamation plan set indicates that berms and buffers will separate the proposed surface mining use from the existing rural residential uses in the area. Staff finds no conflicts with the Rural Residential section of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

Part X ECONOMY

GOALS:

1. To strengthen and diversify the economy of Columbia County and insure stable economic growth.
2. To utilize Columbia County's natural resources and advantages for expanding and diversifying the economic base.

POLICIES: It shall be a policy of the County to:

1. Encourage the creation of new and continuous employment opportunities
2. Encourage a stable and diversified economy.
3. Reflect the needs of the unemployed and of those persons who will enter the labor market in the future.
4. Place the County in the position of being able to respond to market opportunities by providing technical assistance in locating available sites for development.
5. Encourage the activity of the community organizations which work for sound economic development.
6. Preserve prime maritime industrial sites from pre-emptive uses until needed for industrial uses.

7. Protect identified aggregate resources until they are extracted, and plan for the reclamation and future productive uses of those sites.
8. Reserve valuable industrial sites for industrial uses.
9. Encourage the trade and service sectors and the recreation industry to insure greater revenue spending locally.
10. Support improvements in local conditions in order to make the area attractive to private capital investment. Consideration of such factors as the following shall be undertaken:
 - A. Tax incentives
 - B. Land use controls and ordinances
 - C. Capital improvements programming
11. Coordinate with public utility companies to insure energy supplies are available to areas programmed for development and redevelopment.
12. Encourage new industrial growth within the urban areas so as to utilize existing public facilities.
13. Encourage industry which needs or can benefit from the locational advantages of an airport and its facilities, to locate adjacent to one of the airports in the County. Create an Airport Industrial district to facilitate this policy. *[added 7-93]*

Finding 62: The applicant addresses the Economy section of the Comprehensive Plan in Exhibit K, page 4-5. Staff finds that allowing the Pit F expansion would encourage continuous employment opportunities of 30 -40 people. Expansion of the site will encourage local economic stability. Policy 7 specifically states that identified aggregate resources should be protected until they are extracted. Allowing the Pit F expansion would not be consistent with Policy 13 since this site is near the airport but is not an airport related use. However, this site is not zoned Airport Industrial and therefore is not protected for airport related uses. Staff finds no conflicts with the Economy section of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

Part XIII TRANSPORTATION

GOAL:

The creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents.

OBJECTIVES:

1. To utilize the various modes of transportation that are available in the County to provide services for the residents.
2. To encourage and promote an efficient and economical transportation system to serve the commercial and industrial establishments of the County.
3. To improve the existing transportation system.

POLICIES:

1. The County shall undertake the development of a detailed transportation plan that should contain the following minimum elements:
 - A. The development of a road classification system.
 - B. The development of road standards for all different types of roads over which the County has jurisdiction.
 - C. The location of future arterial streets inside the urban growth boundaries.
 - D. Review the status of all county roads.
 - E. A review of all incorporated rights-of-way and a determination of whether or not the County should pursue the vacation of them.
 - F. A study of ways to maintain and upgrade the current county road system.
2. The dedication of adequate rights-of-way to meet the standards set in the Transportation Plan shall be required of any person seeking a Zone Change, Conditional Use Permit, Subdivision, or Partition. The developer of a subdivision in an urban growth area will be required to make the appropriate improvements to any related street to meet the standards set in a Transportation Plan.

3. Appropriate off-site improvements to county roads shall be required whenever a development results in a major increase in traffic on an existing county road.
4. The County will work with the State Highway Department to limit the number of access points onto arterial roads. Direct access to U.S. Highway 30 will be limited as much as is practical in order to reduce the potential for congestion and conflicting traffic patterns which would disrupt the flow of traffic.
5. Industrial uses shall be encouraged to locate in such a manner that they may take advantage of the water and rail transportation systems which are available to the County.
6. The County will support reducing the number of rail crossings.
7. The County will work with the Port of St. Helens to encourage the establishment and use of dock facilities.
8. The two existing airports, in Scappoose and Vernonia, will be zoned with a landing field overlay zone that incorporates the height restrictions set by the Federal Aviation Administration. It will allow the development of airport related industrial uses.
9. Restriction of the location of new pipelines and high voltage transmission lines to within existing rights-of-way will be encouraged whenever possible.
10. The County will study proposals, when presented, to develop modes of transportation as an alternative to the automobile. If these proposals prove to be feasible, the County will work to implement them.
11. Columbia County will continue to support the efforts of COLCO Transportation to supply public transit to the citizens of the County.
12. Special attention will be given to the needs of the handicapped whenever the County considers a proposal for the provision of public transit.

Finding 63: The applicant has addressed this section of the Comprehensive Plan in Exhibit K, page 6. The applicant finds that since the Pit F expansion will not increase traffic that it is consistent with this section. Staff finds that the Honeyman Road / West Lane Road Intersection is substandard due to existing road surface constraints and poor geometry. This creates a safety hazard as large gravel trucks are forced to cross the double yellow line in order to make a right turn onto West Lane Road. Policy 3 allows the County to require appropriate off-site improvements to county roads. Staff finds that the County could reasonably conclude that by denying this application that NWAC trucks would eventually cease using these county roads as the aggregate supply would eventually end. Therefore, by allowing this expansion the County is in

essence allowing a major increase in traffic on existing county roads. Regardless, the existing situation is unsafe. NWAC trucks are the major user of this roadway network. The NWAC trucks cannot safely negotiate the corner. Staff finds it reasonable and appropriate to require NWAC to upgrade the Honeyman Road / West Lane Road intersection. In addition, to the needed road upgrades, staff finds that this application has not clearly addressed the issue of conflicts with existing airport operations. Specifically, the water impoundment (pond) created by the mining operation may draw birds and create potential bird strike hazards to aircraft. Staff finds that a Wildlife Management plan needs to be submitted before decision makers can determine whether conflicts can be minimized. See finding 19 and 20. Staff finds this application is not consistent with the Transportation section of the Comprehensive Plan but may become consistent by mitigating negative impacts. Mitigation measures would include realignment of the Honeyman Road / West Lane Road intersection, and the creation of a Wildlife management Plan that is acceptable to the FAA and the Port of St. Helens.

Continuing with the Columbia County Comprehensive Plan:

Part XVI Goal 5 Open Space, Scenic and Historic Areas, and Natural Areas

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:

1. Develop an on-going program to determine the quality, quantity, location, and type of mineral and aggregate resources in the County so that up-to-date material will be available to make informed decisions.
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.
4. Recommend the establishment of an ad hoc committee to review inactive and undeveloped sites identified in the surface mining inventory and make recommendations as to whether or not the sites should be zoned Surface Mining (SM) and protected upon application of the Goal 5 process.

5. Designate as Surface Mining (SM) those sites with current active mining and land reclamation permits as of January 20, 1984 and the one inactive but proposed 700-acre site in the Scappoose area. Change, upon completion of mining activities, those sites that will revert to uses as indicated in the reclamation plan or to uses compatible with surrounding lands.
6. Designate new mining deposits not shown on the existing inventory as Surface Mining when a report is obtained from a certified geologist, engineer/geologist, or qualified engineering testing firm verifying the location, type, quality, and quantity of the material and when other steps of the Goal 5 process are satisfied.
7. Encourage timely utilization of mining resources to protect the site from incompatible development on adjacent lands.
8. Require that all sites proposed for surface mining be inventoried for their archaeological significance in accordance with standards set by the State Archaeologist. If an archaeological site(s) is discovered, the Planning Commission shall hold a public hearing to review the site(s) and establish measures to mitigate potential conflicts as necessary.
9. Retain in its possession lands it now owns which contain aggregate material. The County may permit private operators to mine county materials.
10. Require that proposals for new extraction operations be accompanied by detailed plans of the method of operation and assurances that the area will be suitably reclaimed for uses designated by the plan.
11. Require that once mining and/or associated activities (i.e. rock crushing) have begun they shall be in accordance with state standards and any more stringent standards that the County may enact. In particularly sensitive areas, such as forestry, residential, agricultural, or wildlife habitat, the mining and associated operations shall be subject to more restrictive standards to keep noise, dust, erosion, and other hazards to a level compatible with the adjacent uses. Such standards may include requirements for barrier isolation, setbacks, operating times, concomitant reclamation, limits to active mining area, mining lifetime, water quality, and restrictions on on-site processing.
12. Prohibit extraction of sand and gravel from rivers and streams unless appropriate regulating agencies such as the Oregon Department of Environmental Quality, Department of Fish and Wildlife, Oregon State Land Board, Division of State Lands, Corps of Engineers, and Columbia County are in agreement and there is no other economically feasible alternative.

13. Make all possible efforts to insure the retention of riparian habitat, the prevention of erosion and sedimentation, and maintenance of the water quality which exists prior to extraction operations.
14. Insure that extraction operations approved by the County and other regulating agencies do not screen and wash within any river or stream. In addition, settling ponds shall not discharge directly into any watercourse.
15. Require, as a minimum standard, that extractive industries have access to a public road with two-way capability. As allowed by ORS 487.905, the County may impose weight/load restrictions and may also require the operator to post an adequate surety bond for road repairs.
16. Encourage DOGAMI to conduct a comprehensive inventory of the mineral resources. Upon completion of this study, the County shall up-date zoning and other implementary ordinances to accommodate newfound resources.
17. Prohibit new or expanded mineral or aggregate mining operations within 5,000 feet of the edge of the a runway at Scappoose Industrial Airpark.
18. Prohibit new or expanded water impoundments greater than or equal to one-quarter (1/4) acre in size, individually, or cumulatively, within 5,000 feet of the edge of a runway at the Scappoose Industrial Airpark.

Finding 64: The applicant addresses the surface mining policies of the Comprehensive Plan in Exhibit K, pages 7 - 12. Staff finds that the Pit F expansion site is a significant aggregate site considering quality, quantity and location. Staff finds the application is consistent with all of the surface mining policies except for policy 17 and 18. Staff finds that this application is requesting to expand an aggregate mining operation within 5,000 feet of the Scappoose Industrial Airpark runway. Policy 17 would prohibit this expansion. Staff also finds this application is requesting to expand an existing water impoundment (Pits B and D) by approximately 13 - 15 acres within 5,000 feet of the Scappoose Industrial Airpark. Policy 18 would prohibit this expansion. However, on November 13, 2000, the Columbia County Board of Commissioners signed Ordinance 2000-04 amending the Comprehensive Plan Part XVI, Goal 5; goals and policies, to adopt new policies 17 and 18 as well as adding such provisions to the Columbia County Zoning Ordinance, section 1036.6 and 1036.7. However, the application, as modified, which is currently under consideration, was filed on November 9, 2000, prior to Ordinance 2000-04 taking effect. Therefore, this application is reviewed under the criteria that applied on November 9, 2000, making policies 17 and 18 above, inapplicable. The applicant has attempted to address policies 17 and 18 in Exhibit K, pages 11 and 12. Staff declines to give an opinion as to whether the applicant has shown compliance with policies 17 and 18 and code section 1036.6 and 1036.7 because they are inapplicable.

Continuing with the Columbia County Comprehensive Plan:

Part XVIII AIR, LAND, AND WATER RESOURCES

GOAL:

To maintain and improve land resources and the quality of the air and water of the County.

POLICIES: It shall be the policy of Columbia County to:

1. Work with the appropriate State and Federal agencies to insure that State and Federal water, air, and land resource quality standards are met.
2. Comply with all applicable State and Federal standards and regulations regarding noise pollution.

Finding 65: the applicant has addresses this criteria in Exhibit K, page 13 and Exhibit B. Staff finds the Pit F expansion would be consistent with the above standards.

COMMENTS:

1. The Columbia County Surface Mining Administrator has reviewed the application and has submitted a letter in response. See Correspondence List.
2. The Port of St. Helens has reviewed the application and has submitted a letter in response. See Correspondence List.
3. The Federal Aviation Administration (F.A.A.) has reviewed the application and has submitted a letter in response. See Correspondence List.
4. The Scappoose CPAC recommended denial of the application for reasons set forth in their document titled " Scappoose-Spitzenberg CPAC Position Statement and Exhibits on the Glacier Proposal to Mine Aggregate Resource at Pit F, PA 01-01." See Correspondence List.
5. The County Road Department comments: "There are many road issues that are impacted by the mining operation. 1) The surface of West Lane Road From one end to the other is severely damaged by the heavy trucks. 2)The intersection of Wet lane Road / Honeyman road does not accommodate westbound truck traffic. 3) Long trucks must stop on the railroad tracks at West Lane and Highway 30. We ask that Northwest Aggregate Company make improvements at West Lane Road / Honeyman Road intersection to accommodate truck and trailer movements."
6. The City of Scappoose has reviewed the application and has no objection to its approval as submitted.
7. The Scappoose Fire District has reviewed the application and has no objection to its approval as submitted.
8. The Scappoose Drainage District comments: "Our Board must meet to consider this; we will return their comments to you by July 15, 2002."
9. The Columbia Soil and Water Conservation District has reviewed the application and has no objection to its approval as submitted.

No other comments have been received from citizen groups, government agencies or nearby property owners as of August 12, 2002 when the record of this application was formally closed.

STAFF COMMENTS, CONCLUSIONS AND RECOMMENDATIONS:

Based upon the findings of this report, the major decision points associated with the goal 5 process and this particular PAPA application are as follows:

1. Determine whether the PAPA application is complete and adequately addresses the criteria in OAR 660-023-180(6). Staff finds the application is complete and adequately addresses the relevant criteria. (See findings 3-7).
2. Determine whether the aggregate resource is significant. Staff finds the aggregate resource site meets the criteria in OAR 660-023-180(3) regarding quantity, quality and location of the resource and is a significant aggregate site. (See finding 15).
3. For significant aggregate sites, local governments shall decide whether mining is permitted by evaluating the criteria in OAR 660-023-180(4)(a) through (g). Staff finds that mining should be permitted according to the above criteria. (See findings 16-23).
4. Assuming mining is approved, the applicant must identify future conflicting uses and conduct a second ESEE analysis. (See Exhibit J). The local government must then decide to allow, limit, or prohibit new off-site uses within the impact area that may conflict with mining. Staff finds that uses would be limited within the 1500 foot impact area by the implementation of a Surface Mining Impact Overlay zone (SMIO) to be administered by the County. (See findings 30-36).
5. Assuming mining is approved and future conflicting uses are limited, the applicant must establish a program for achieving goal 5. The applicant has included a program for achieving goal 5 in Exhibit J, page 12.

In conclusion, staff finds the PAPA application is complete and the goal 5 process has been sufficiently satisfied, therefore staff recommends the Board of Commissioners **APPROVE** this request for a Post Acknowledgment Plan Amendment to allow surface mining on the subject property, with the following conditions:

Conditions of Approval:

1. Prior to mining the Pit F site, the applicant shall upgrade the Honeyman Road / West Lane Road intersection. Specifically the intersection geometry shall be fixed to allow large gravel trucks to turn right onto West Lane Road without crossing the centerline.
2. Prior to mining the Pit F site, the applicant shall provide documentation indicating that an agreement with the Port of St. Helens and the F.A.A. has been reached regarding which habitat management techniques and wildlife control techniques, from the Wildlife Management Plan, will be used to minimize bird activity at the mining pond site.
3. Prior to mining the Pit F site, the applicant shall negotiate an agreement with the Board of Commissioners regarding some type of surety bond to guarantee that final reclamation of the site will be conducted.
4. Once final reclamation of the site has been completed, the applicant will be required to submit a comprehensive plan amendment and zone change application to return the site back to an agricultural zoning designation.
5. Besides grass, the applicant will be required to plant trees every 50' along the South and east boundaries of the site.
6. The applicant will be required to surface the access road with gravel.
7. The applicant will be required to periodically water the access road to control dust.
8. The applicant will be required to post a 10-mph speed limit for all on-site vehicles.
9. The applicant will be required to spray water on the conveyor at all transfer points.
10. The applicant will be required to water disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
11. The applicant will be required to store overburden as vegetated berms.
12. The applicant will be required to construct berms along the east and south site boundaries.
13. The applicant will be required to periodically wash away any dust or mud tracked onto Honeyman Road.

14. The applicant will be required to limit hours of operations to 7 a.m. to 6 p.m., Monday through Sunday.
15. The applicant will be required to construct eight-foot-high visual berms along the east and south boundaries of the site.
16. The applicant will be required to observe minimum setbacks of 50 feet to the east and 200 feet to the south.
17. No off-site discharge of stormwater will be allowed.
18. No on-site storage of fuels or other contaminants.
19. The applicant will be required to stop all excavation if cultural resources are discovered.
21. The applicant will be required to construct and maintain berms along edges of mining area as specified in the proposed mining plan.

09/30/02

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Attachments: A - Planning Commission Final Order PA 01-01 Amended
 B - Correspondence List, as of 8/12/02.
 C - Wildlife Management Plan
 D - Figure 1 Vicinity Map
 E - Digital Orthophoto

CC:

BOC
NWAC
Stoel Rives LLP, Steven Abel

ATTACHMENT C

SUPPLEMENTAL FINDINGS

1. Columbia County Zoning Ordinance § 1034.2 requires that the Applicant submit plans for the reclamation of the site with the application. The Board finds that a conceptual site reclamation plan was submitted as part of the application. The reclamation plan is discussed in Exhibit "I". The Board finds that initially the site will be reclaimed to a pond with the appropriate slopes and grades along the edges. The long-term reclamation of the site proposes to back fill the pond to two feet above the normal high water mark. The post-mining use is proposed to be agriculture. The initial reclamation plan will assure that there is no net increase in water impoundments. Conditions 3A, B, and C will assure that the Applicant will fill Pits B, D and/or F with an amount of surface land equivalent to the amount removed from Pit F.
2. Columbia County Zoning Ordinance § 1034.3 requires that the Applicant submit a traffic impact assessment within one mile of the entrance to the mining area sufficient to address criteria in Section 1036(3)(b). The Board finds that the Applicant did submit a traffic impact assessment within one mile of the entrance to the mining area. This assessment can be found as Exhibit F to the application. The Applicant also discusses traffic impact on pages 19-20 of the application. However, the Board finds that it does not agree with the Applicant's interpretation of "local roads." See Supplemental Finding 4 below.
3. Columbia County Zoning Ordinance § 1034.4 requires that the Applicant submit identification of all existing and approved conflicting uses within the impact area(s) proposed to satisfy the purposes of 1036.1 and 1037.5, together with proposals to minimize any conflicts with approved uses within the impact area(s). The Board finds that the Applicant has proposed to minimize conflicts within a 1500' impact area on page 23 of the application, stating that the technical studies of the area did not result in any factual information indicating that significant potential conflicts would exist more than 1500' from the site. (See application p. 15). The 1500' impact area was measured from the perimeter of the expansion area (Pit F), and does not include the existing aggregate site. The Applicant has inventoried existing and approved uses within the 1500' impact area and has identified potential conflicting uses. The Applicant claims that there are no conflicts with noise levels, vibration levels, cultural resources, surface water and groundwater conditions or traffic conditions. The Applicant does identify potential air quality conflicts due to dust which the Applicant proposes to mitigate by following a dust control plan. (See page 23 of the Application). The Applicant has also identified possible conflicts with birds, and bird strike hazards related to the adjacent airport. However, the Applicant proposes to mitigate any such hazards by following a Wildlife Management Plan which has been received and endorsed by the Oregon Aviation Department, the USDA and the FAA. The Board will require that the Applicant comply with such mitigation plan as well as Oregon Department of Aviation and FAA

recommendations, as a condition of approval.

4. Columbia County Zoning Ordinance § 1036.3(B) requires that the Applicant submit a traffic impact assessment which shows potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. The Applicant did submit a traffic impact assessment within one mile of the entrance to the mining area (See Exhibit F to the Application). The application also discusses transportation impacts on pages 19-20, stating that mining the site would not cause any conflicts with local roads because no project related traffic would use any local roads. However, the Applicant proposes to exit the site using Honeyman Road, entering Highway 30 (the arterial) via West Lane Road. The Board finds that it may interpret its own code. The Board finds that Honeyman and West Lane Roads are “local roads” for purposes of CCZO § 1036.3. In addition, the Board finds that “local roads” as used in OAR 660-023-0180(4)(B) describes geographic location and not functional classification as the Applicant suggests.

Having determined that Honeyman Road and West Lane Roads are “local roads”, the Board finds that there are conflicts on West Lane Road which must be addressed. Specifically, the road capacity is insufficient to meet the additional truck traffic created by the Applicant. The Applicant has proposed to have trucks on the roads for approximately an additional 5 years to mine the site. Then, trucks will need to be brought in with reclamation materials. While some reclamation materials will be available on site, other materials will certainly be trucked in (There are no barge off-loading facilities available to the Applicant). If the Applicant takes the additional 3 years to reclaim the site, it is probable that heavy truck traffic will use West Lane Road for an additional 8 years as a result of this Application.

According to the Columbia County Public Works Director, West Lane Road is in poor condition and requires an overlay now. The Director indicated that the Road will not survive another 5-8 years of heavy truck traffic. Honeyman Road, on the other hand, is in good condition having recently had an overlay. Based on the Public Works Director’s calculation, to make West Lane Road safe for expanded truck use the Road will require a 3 inch overlay (Approximately \$120,000), which is directly related to the Applicant’s use of the Road. However, because the Applicant’s impact on the road is primarily in the outbound lane, it is reasonable to require the Applicant to mitigate their impact by paying for one half of the cost of the road overlay. Therefore, the Board finds that a condition should be imposed to that effect. With the contribution, the Board finds that there will be adequate transportation facilities to support the proposed use.

5. Columbia County Zoning Ordinance § 1036.3(C) requires the Board to determine conflicts from the proposed mining considering safety conflicts with existing public airports due to bird attractants, i.e. open water impoundments. The Applicant discussed this issue on page 20 of the Application and submitted a technical report regarding the proposed Pit F expansion and bird strike hazards at the Scappoose Industrial Airpark (See Exhibit O to the

Application). The Applicant proposed a Wildlife Management Plan to mitigate the conflicts. The Wildlife Plan identifies several habitat management and wildlife control techniques that may be used to reduce the number of birds at the site. The Board finds that this Plan was endorsed by the relevant agencies. The Oregon Department of Aviation and FAA recommendations were also made conditions of approval of the Application. The Board finds the imposition of these measures will mitigate any safety conflicts with the public airport due to the new mining operation.

6. Columbia County Zoning Ordinance § 1036.4 requires that mining be allowed if reasonable and practical measures are identified to minimize all conflicts. The Board finds that the Applicant addressed this criteria on page 23 of the application. The Board finds that the proposed mining activity will not force a significant change or significantly increase the cost of farm and forest practices in the area. The Board finds no conflicts with surrounding forest and farm uses. The Applicant does not identify any conflicts with noise levels, vibration levels, cultural resources, surface-water and groundwater conditions or traffic conditions, but does identify potential conflicts to air quality due to dust and potential bird strike conflicts. The applicant proposes to mitigate the air quality conflict by following a dust control plan. Similarly, the Applicant proposes to mitigate the potential bird strike problem by following a Wildlife Management Plan which has been endorsed by Wildlife Services. The Board finds that by conditioning the approval of this zone change on the Applicant's compliance with these plans, the conflicts with air quality and airport uses will be adequately mitigated.

As previously indicated, the Applicant has not identified any conflicts with traffic conditions. However, as set forth in Supplemental Finding 4, above, the Board finds that high levels of truck traffic for additional years will conflict with traffic conditions on West Lane Road. In order to mitigate this conflict, the Board will require the Applicant to support an overlay on West Lane Road, by supplying \$60,000 to the County in cash and materials for road overlay purposes. The Board finds that with an overlay on West Lane Road, the traffic conflicts will be adequately mitigated.

Finally, the Applicant has not identified any conflicts with surface water or groundwater due to mining of Pit F. The Board finds no evidence in the record to suggest that mining will have a negative affect on water resources in the area. The Applicant submitted an Hydrological Report which indicated that any changes to groundwater will be limited to a small area and will be insignificant. The Report also indicated that groundwater quality in area wells will not be affected by the proposed mining activity. (See Exhibit E, page 7). During the hearing on the proposed mining activity, there was testimony from Mr. Moore, an adjacent residential neighbor, that he feels that the existing mining activity is already negatively affecting his well-water and that the Applicant has not followed requirements with regard to the existing mines. However, Mr. Moore did not offer any specific evidence that his well-water has been negatively impacted by the Applicant, nor that it would be negatively impacted by mining of Pit F. The Applicant testified in rebuttal that Mr. Moore has not contacted them regarding his well water and they have no indication that the groundwater is being affected. The Applicant pointed out that they are following required setbacks of 200' from Mr. Moore's property and that they would be willing to set

up some kind of well monitoring with him in conjunction with their operating permit. The Board finds that there is substantial evidence in the record that the Applicant will not adversely affect Mr. Moore's well water, and that any negative affect will be dealt with by the monitoring which will be regulated by the Surface Mining Administrator in conjunction with the required operating permit.

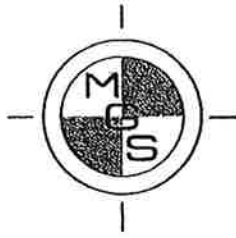
7. Columbia County Zoning Ordinance § 1307 requires that where mining is allowed, the plan map and zoning map shall be amended to allow such mining, and any conditions proposed to mitigate conflicts shall be clear and objective. The Board finds that the Applicant meets the criteria outlined in the Zoning Ordinance and the Plan and Zoning Maps shall, therefore, be amended to allow mining. The Board will impose 21 conditions of approval to mitigate conflicts as well as to make the mining use compatible with adjoining existing and future uses. The Board finds that such conditions are clear and objective.
8. Columbia County Zoning Ordinance § 1044.13 requires that the Applicant prepare and submit a site reclamation plan in accordance with the provisions of the Surface Mining and Land Reclamation Ordinance prior to excavation of the site. The Board finds that the Applicant has submitted a tentative reclamation plan to the Board which proposes two stages of reclamation to agricultural use. For the first phase, the Applicant proposes to fill in Pits B, D, (two existing sites) or F with an amount of material equivalent to the amount removed from Pit F, so that there is no net water impoundment resulting from mining Pit F. Phase 1 reclamation will begin within 12 months after mining ceases, and will be completed within 3 years after mining activities cease. The second phase is to reclaim Pits B, D and F in their entirety. The Board finds that Pit B is a grandfathered pit which is not subject to the County's surface mining regulations. Similarly, Pit D is planned to be reclaimed as a water impoundment and the County is not able to require the Applicant to fill the Pit. Nevertheless, the Applicant has offered to fill these two pits in order to help make the highest and best use of the property. The Board finds that the Applicant plans to fill in these pits will likely be very expensive and time consuming. For that reason, it is reasonable to permit the Applicant's sufficient time to complete the reclamation so that it will not be financially over burdensome. The Applicant has proposed to complete reclamation of these Pits within 40 years after mining ceases. The Board finds that requiring the Applicant to make a good faith effort to complete the reclamation within 40 years does not violate the code provisions on reclamation because the Applicant is not required to reclaim Pits B and D, either in conjunction with this application, or at all. Therefore, no bond will be required for this second phase of reclamation. The Applicant will be required to submit a final reclamation plan prior to excavation which will show a return to agricultural use, with fill being compatible with such agricultural use, and must otherwise comply with the Columbia County Surface Mining Ordinance.
9. Columbia County Zoning Ordinance § 1502.1 (B) requires that the Board make findings that the proposed zone change is consistent with the policies of the Comprehensive Plan; that the proposed zone change is consistent with the Statewide Planning Goals; and that the property

and affected areas is presently provided with adequate facilities, services, and transportation network to support the use or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property. The Board finds the Applicant is requesting approval of a Post Acknowledgment Plan Amendment (PAPA) which proposes to change the Comprehensive Plan Map from Agricultural Resource and Rural Resource to Aggregate Resource, and the Zoning Map from Primary Agriculture and Rural Residential to Surface Mining. The Applicant has addressed compliance with the Comprehensive Plan and Statewide Planning Goals in Exhibits K and L, respectively. The Board finds that the request complies with such provisions.

The Board also finds that generally public facilities and services are adequate to support the use. However, the Board finds that the transportation systems are not adequate to service the extended mining operations and reclamation operations at the Meier site. As explained in Supplemental Finding 5, above, West Lane Road is in poor condition and will not support additional truck traffic from the proposed mining operation. However, when an overlay is completed, the Road will be adequate for the proposed mining use. The Board finds that this criteria is met because the overlay will be done prior to or concurrently with the development.

10. The Columbia County Comprehensive Plan, Transportation, sets forth provisions for transportation in the County. The Transportation Goal is to create an efficient, safe, and diverse transportation system. Policy 3 of the Plan provision requires that the County require appropriate off-site improvements to roads whenever a development results in a major increase in traffic. The Board finds that for purposes of the Comprehensive Plan, an increase in traffic means either that additional traffic will be added to the existing level of traffic, or that traffic will remain at approximately the same level, but will be continued for an additional period of time. In this case, the use of West Lane Road by Glacier trucks will be extended for a period of approximately 8 years from the time originally anticipated. The Road is currently in disrepair and will not safely withstand an additional 8 years of truck traffic without an overlay. Therefore, the Board finds that Policy 3 requires that an overlay be done on West Lane Road. The Board also finds that the road geometry at the intersection at West Lane Road and Honeyman Road is not adequate for the trucks turning right onto West Lane towards Hwy. 30 because trucks must cross the centerline. However, a new road (Crown-Zellerbach) is proposed to be built by the City of Scappoose in the very near future. The road will allow trucks to turn right off of West Lane Road and enter the Hwy at a signal. Upon completion of Crown-Zellerbach Road, it will not be necessary or permitted for trucks to turn right onto West lane from Honeyman Road. Therefore, the intersection problem will be solved without requiring the Applicant to make additional improvements.

ATTACHMENT D

**MINISTER-GLAESER
SURVEYING INC.**

(360) 694-3313
FAX (360) 694-8410
2200 E. EVERGREEN
VANCOUVER, WA 98661

October 29, 2002

EXHIBIT "A"

A tract of land located in a portion of the John McPherson Donation Land Claim No. 38, situated in a portion of the Northeast Quarter of Section 6, Township 3 North, Range 1 West, and the Southeast Quarter of Section 31, Township 4 North, Range 1 East, Willamette Meridian, Columbia County Oregon, more particularly described as follows:

Beginning at the Southwest Corner of said McPherson Donation Land Claim;

Thence South $68^{\circ}08'49''$ East, along the South line of said Donation Land Claim, for a distance of 2121.69 feet to the most Southerly West line of the Seventh Day Adventist Tract as described in Book 176 at Page 272, deed records of said County, said point also being the point of beginning for Parcel 1 as described in Instrument No. 91-2472, deed records of said county;

Thence along the said Seventh Day Adventist line the following courses:

North $21^{\circ}15'41''$ East, 1201.80 feet

South $67^{\circ}59'19''$ East, 408.76 feet

Thence North $22^{\circ}00'41''$ East, continuing along said Seventh Day Adventist line, for a distance of 778.12 feet to the TRUE POINT OF BEGINNING;

Thence South $67^{\circ}59'19''$ East, for a distance of 235.85 feet, to the Easterly line of said Seventh Day Adventist tract;

Thence North $22^{\circ}03'38''$ East, along said Easterly line for a distance of 574.15 feet;

Thence South $67^{\circ}56'22''$ East, for a distance of 20.00 feet, along the South line of a 20 foot strip of land excepted out of the "Quirk" deed, as recorded in Book 75 at Page 7, deed records of said county;

Thence North $22^{\circ}03'38''$ East, along the West line of said Parcel 1, for a distance of 449.30 feet to the Northwest corner of said Parcel 1;

Thence North 22°03'38" East, for a distance of 421.32 feet to the North line of Parcel 2, as described in Instrument No. 99-00343, deed records of said county;

Thence North 67°48'26" West, for a distance of 551.55 feet to the most Northerly Southeast corner of that tract of land described as Parcel 4 in Instrument No. 90-4099, deed records of said county;

Thence South 22°11'34" West, along the east line of said Parcel 4, for a distance of 821.89 feet to the Southeast corner thereof;

Thence South 22°11'34" West, for a distance of 624.61 feet to the North Right-of-Way line of Moore Road, as described in Book 136 at Page 283, deed records of said county;

Thence South 67° 59'19" East, along said North Right-of-Way line for a distance of 299.03 feet to the TRUE POINT OF BEGINNING.

Containing 18.10 acres, more or less.

Together with and subject to easements, reservations, covenants and restrictions apparent or of record.

Basis of Bearing: South 68°08'49" East, along the South line of the John McPherson Donation Land Claim No. 38, per Instrument No. 91-2472, and Record of Survey No. 3650, records of Columbia County;

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daniel A. Renton

OREGON
JUNE 30, 1997
DANIEL A. RENTON
2830

EXPIRATION DATE: DEC. 31, 2002

EXHIBIT "B"

JOB NO: 02-316

OCTOBER 21, 2002

NOT TO SCALE

NORTHERLY SOUTHEAST
CORNER PARCEL 4
INSTRUMENT NO. 90-4099

NORTH LINE PARCEL 2
INSTRUMENT 99-00343



EAST LINE PARCEL 4

NORTHWEST
CORNER
PARCEL 1

WEST LINE
PARCEL 1

MOORE ROAD
BOOK 136, PAGE 283

EAST LINE "SEVENTH
DAY ADVENTIST TRACT"
BOOK 176, PAGE 272
AND WEST LINE
PARCEL 1

PARCEL 1
INSTRUMENT NO. 91-2472

TRUE POINT OF
BEGINNING

WEST LINE "SEVENTH DAY ADVENTIST
TRACT" BOOK 176, PAGE 272 AND
WEST LINE PARCEL 1

WEST LINE "SEVENTH DAY ADVENTIST
TRACT" BOOK 176, PAGE 272 AND
WEST LINE PARCEL 1

POINT OF BEGINNING
PARCEL 1
INSTRUMENT NO. 91-2472

