

SM

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Northwest )  
Aggregates Co. (a.k.a Glacier NW) for a )  
Comprehensive Plan Amendment from Agricultural ) Ordinance No. 2003-7  
Resource to Mineral and Aggregate Resource and )  
a Zone Change from Primary Agriculture (PA-38) )  
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. 2003-7.

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 to Mineral and Aggregate Resource and to amend the Zoning Ordinance Map from Primary Agriculture (PA-38) to Surface Mining (SM). The Major Map Amendment would allow wet mining of the Fort James Site, which consists of 52 acres on tax account #4132-000-00300, and which is located northeast of the Honeyman Road/Meier Road intersection, outside of the City of Scappoose.

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. The applicant recently received land use approval to mine the Pit F site as well. (See Ordinance No. 2002-9).

On February 21, 2003, the Applicant applied for a PAPA requesting a Major Map Amendment and Zone change to amend the Columbia County Comprehensive Plan from Primary Agriculture to Mineral and Aggregate Resource, and to amend the Zoning Map from Primary Agriculture (PA-38) to Surface Mining (SM) on 71.24 acres. The application was deemed complete on March 18, 2003. The application was subsequently modified by the

Applicant by letter dated May 25, 2003. The modified application requested the Comprehensive Plan and Zoning Map amendments be approved for 52 of the 71.24 acres on tax account # 4132-000-00300. On April 21, 2003, the Columbia County Planning Commission held a hearing on the matter. After hearing testimony and receiving evidence, the Planning Commission left the record open for additional written evidence and testimony and continued the matter for deliberation to June 2, 2003. On June 2, 2003, the Planning Commission re-opened the record for additional written evidence and testimony related to hydrology issues, and continued the matter for deliberations to July 7, 2003. On July 7, 2003, the Planning Commission deliberated on the matter and voted to recommend approval of the application to the Board of County Commissioners. Planning Commission Chair, Jeff VanNatta, signed Final Order PA 03-04 on July 21, 2003.

On August 20, 2003, the Board of County Commissioners held a hearing in the matter. The Board voted to have the hearing de novo. During the hearing, 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 closed the record of the public hearing, and continued the matter for deliberations on August 27, 2003. On August 27, 2003, the Board of County Commissions deliberated on the matter and voted unanimously to tentatively approve the application.

SECTION 5. FINDINGS.

- A. The Board of County Commissioners adopts the findings of fact and conclusions of law contained in the Staff Report 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 for **approximately** 52 acres of Tax Account # 4132-000-00300 is changed from Agricultural Resource to Mineral and Aggregate Resource. The area to be changed is more particularly described in Attachment D, which is attached hereto and is incorporated herein by this reference. **However, the area to be changed ends at the western bank of the Santosh Creek (aka Santosh Slough) rather than the center channel of the Santosh Creek (aka Santosh Slough), as described in Attachment D.**

B. The official Zoning Ordinance Map designation for **approximately** 52 acres of Tax Account # 4132-000-00300 is changed from Primary Agriculture (PA-38) to Surface Mining (SM). The area to be changed is more particularly described in Attachment D, which is attached hereto and is incorporated herein by this reference. **However, the area to be changed ends at**

**the western bank of the Santosh Creek (aka Santosh Slough) rather than the center channel of the Santosh Creek (aka Santosh Slough), as described in Attachment D.**

C. The foregoing 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, and the Fort James Site.

- 1) The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat, with ponds.
- 2) Prior to mining, the Applicant shall obtain an operating permit for the site, as required to satisfy the requirements of the Columbia County Surface Mining Ordinance.
- 3) The Applicant shall provide berms on the north, east and west sides of the site as depicted on the mining and Reclamation Plan and shall plant the berms using Tall Fescue and Subclover, Amur Honeysuckle, Autumn Olive and Douglas Spirea. Six feet cyclone fences shall be installed, protecting current mining areas.
- 4) The Applicant shall surface the access road with gravel.
- 5) The Applicant shall water the access road to control dust as needed.
- 6) The Applicant shall post a 10 mph speed limit for all on-site vehicles.
- 7) The Applicant shall water all disturbed areas during dry weather operations when bulldozers and/or front-end loaders are operating.
- 8) The Applicant shall spray water on the conveyors at all transfer points, as needed.
- 9) The Applicant shall store overburden as vegetated berms.
- 10) The Applicant shall wash away any dust or mud tracked onto Honeyman Road, as needed.
- 11) The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday.
- 12) The Applicant shall observe minimum extraction setbacks of 50 feet from public rights-of-way (Honeyman Road), and from the riparian corridor along the Santosh Slough on the east side of the site. Extraction setbacks shall be 200 feet from the property line where residences are permitted, unless consent to reduce the setback is received from adjoining property owners.

- 13) The Applicant shall not allow stormwater to be discharged offsite.
- 14) The Applicant shall install a silt fence for protection of stormwater/erosion considerations along the western side of Santosh Slough in accordance with Exhibit H in the application.
- 15) The Applicant shall not store fuels or other contaminants onsite.
- 16) Before mining commences, the Applicant shall seek a formal determination of SHPO concurrence on the eligibility for the sites known as 35C022 (Oak Knoll) and 35C046. The Applicant shall stop all excavation if cultural resources are discovered on the site and shall avoid the Oak Knoll Archeological site by a distance of 50 meters (approximately 150 feet).
- 17) Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
- 18) The Applicant shall be required to construct noise berms along the north and east sides of the site boundaries in accordance with Exhibits B and H in the application.
- 19) The Applicant shall be required to construct an eight-foot-high visual berm along the west boundary of the site.
- 20) Gradients shall be constructed to provide slope stability and safe egress from excavated ponds. The slopes of the ponds will be contoured (cut) during the excavation process rather than disposition of fill material. Slopes will be 3:1 (horizontal to vertical) above water, 3:1 to 6:1 in shallow water 1.5:1 (horizontal to vertical) below water depth of six (6) feet. From water surface to six (6) feet below water surface a safety bench will be excavated to allow safe egress from the ponds.
- 21) The Applicant shall follow the recommendations of the traffic consultant to provide safe visual distance at the point of access between Honeyman Road and the site and the Santosh operation (Exhibit F).
- 22) If mining at the Fort James site commences prior to mining at the Pit F site, 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 (A-F) and the Fort James pit that will be useful in the planned improvements to West Lane Road. Prior to mining the Fort James Site, 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 the Fort James site. If mining commences at the Pit F site prior to the Fort James Site, and the Applicant shall pay the road improvement fee as



DATED this 25<sup>th</sup> day of September, 2003.

Approved as to Form

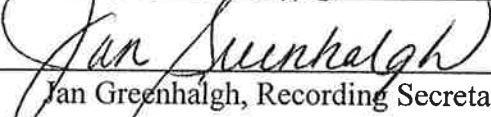
By:   
Office of County Counsel

Recording Secretary

First Reading: 9/10/03


Second Reading: 9/25/03


Effective Date: 12/24/03

By:   
Jan Greenhalgh, Recording Secretary

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Joe Corsiglia, Chair

By:   
Rita Bernhard, Commissioner

By:   
Anthony Hyde, Commissioner

## ATTACHMENT A

### Exhibit 1- Legal Counsel's File

- 1) Notice of Public Hearing (Publication);
- 2) Notice of Public Hearing (Property Owner Notice);
- 3) Affidavit of Publication;
- 4) Affidavit of Mailing;
- 5) Board Communication from Todd Dugdale, with the following attachments:
  - a. Staff Report to the Board of County Commissioners;
  - b. List of Comments Received;
  - c. Referral and Acknowledgment County Sanitarian;
  - d. Referral and Acknowledgment Willamette Greenway;
  - e. Referral and Acknowledgment City of Scappoose;
  - f. Referral and Acknowledgment Surface Mining Administrator;
  - g. Memo to Glen Higgins from Carla Cudmore dated June 25, 2003;
  - h. Referral and Acknowledgment from Soil and Water Conservation District;
  - i. Referral and Acknowledgment from Oregon Fish and Wildlife East;
  - j. Referral and Acknowledgment from Cindy Ede;
  - k. Referral and Acknowledgment from Scappoose Drainage District;
  - l. Letter from David Brian Williamson dated April 2, 2003;
  - m. Referral and Acknowledgment from State Archaeologist;
  - n. Referral and Acknowledgment from Oregon Fish and Wildlife- East;
  - o. Letter from Steve Abel dated April 9, 2003;
  - p. Letter to Glen Higgins dated April 14, 2003;
  - q. Referral and Acknowledgment from Soil and Water Conservation District;
  - r. Memo to Bob Short from DKS Associates dated April 21, 2003;
  - s. Revised Condition No. 16;
  - t. Letter to US Army Corps of Engineers from Scappoose Drainage Improvement Company dated April 3, 2003;
  - u. Letter from Stoel Rives dated May 12, 2003;
  - v. Letter from Stoel Rives dated may 12, 2003;
  - w. Letter from SCAPPOOSE DRAINAGE IMPROVEMENT COMPANY dated May 12, 2003;
  - x. Memo to US Army Corps of Engineers from Leonard Waggoner received June 2, 2003;
  - y. Letter from Army Corps of Engineers to Jeff VanNatta received June 3, 2003;
  - z. Letter from Glacier to Scappoose Drainage Improvement Company received June 6, 2003;
  - aa. Letter from SCAPPOOSE DRAINAGE IMPROVEMENT COMPANY received June 9, 2003; Columbia County Assessor Scappoose Drainage Account Data received Jun 9, 2003;
  - bb. Hydrology Summary from LDC design Group received June 9, 2003;

- cc. Letter to Bob Short from LDC Design Group received June 16, 2003;
- dd. Letter to Planning Commission from Glacier NW received June 16, 2003;
- ee. Letter to Planning Commission from Stoel Rives received June 23, 2003;
- 6) Board Communication with the following attachments:
  - a. Notice of Planning Commission hearing dated March 20, 2003;
  - b. Final Order PA 03-04;
  - c. Amended Staff Report to the Columbia County Planning Commission;
  - d. List of people to receive notice;
  - e. Staff Report to Planning Commission;
- 7) Certificate of Mailing dated March 20, 2003;
- 8) Application for PAPA Comprehensive Plan Amendment and Zone Change received February 21, 2003;- 2 Binders
- 9) Planning Commission Minutes dated April 21, 2003;
- 10) Planning Commission Minutes dated May 19, 2003;
- 11) Planning commission minutes dated June 2, 2003;
- 12) Planning Commission minutes dated July 7, 2003;
- 13) DLCDC Notice of Proposed amendment;
- 14) Public Notices;
- 15) Letter to Erik Muller dated March 18, 2003;
- 16) Application fee receipts;
- 17) Letter from Stoel Rives, dated April 24, 2003;
- 18) Certificate of Mailing dated July 23, 2003;

Items received for Record during de novo public hearing:

- Exhibit 2- Letter and attachments from William Buckley dated August 18, 2003;
- Exhibit 3- Packet of Info from Scappoose Drainage Improvement Company dated August 4, 2003;
- Exhibit 4- Letter with attached maps from Scappoose Drainage District dated August 11, 2002;
- Exhibit 5- Letter from Port of St. Helens received dated August 13, 2003;
- Exhibit 6- Letter with attachments from Jackstadt Farms dated August 18, 2003;
- Exhibit 7- Letter submitted by the City of Scappoose dated August 20, 2003;
- Exhibit 8- Letter submitted by David Brian Williamson dated August 20, 2003;
- Exhibit 9- Letter submitted by Robert Kessi, dated April 15 1994;
- Exhibit 10- Letter submitted by Netti Loos, dated June 1, 2003;
- Exhibit 11- Testimony submitted by Peter Patterson with 8 slides ;
- Exhibit 12- Testimony of Clifton E. Deal dated August 20, 2003;
- Exhibit 13- Memorandum of Understanding submitted by Leonard Waggoner.



# COLUMBIA COUNTY BOARD OF COMMISSIONERS

**Staff Report**  
**7/30/03**  
**Plan Amendment and Zone Change**

**BOC HEARING DATE:** August 20, 2003

**PC HEARING DATES:** April 21, 2003, June 2, 2003, July 7, 2003

**FILE NUMBER:** PA 03-04

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

**PROPERTY LOCATION:** One mile northeast of the City of Scappoose,  
directly east of the Santosh Facility across  
Honeyman Road.

**REQUEST:** A post acknowledgment plan amendment  
("PAPA") pursuant to Statewide Planning Goal 5 designating the site (52 acres)  
as a significant mineral and aggregate resource site and authorization to mine  
this 52-acre site under Goal 5 protection. This request will amend the Columbia  
County Comprehensive Plan Map and Zoning Ordinance Map for the identified  
site.

**APPLICATION RECEIVED:** February 21, 2003

**DEEMED COMPLETE:** March 18, 2003

**180-DAY DECISION DATE:** September 16, 2003

**PRESENT COMPREHENSIVE  
PLAN DESIGNATIONS:** Agricultural Resource

**PROPOSED COMPREHENSIVE  
PLAN DESIGNATION:** Mineral and Aggregate Resource (52  
acres - Tax Lot 300)

**PRESENT ZONING:** (PA-38) Primary Agriculture

**PROPOSED ZONING:** (SM) Surface Mining - Tax Lot 300

**SUBJECT PROPERTY:**

"Site" - 52 acres to be considered a significant aggregate resource for Goal 5 protection.

<u>Tax Account Number</u>	<u>Zoning</u>	<u>Acreage</u>
4132-000-00300	PA-38	71.24
	Tax Lot Total =	± 71.24 Acres

Size of Zone Change Area and Proposed Excavation Area  
(portion of 4132-000-00300) = ± 52 Acres (Based on Letter #18 of Record)

**BACKGROUND:**

The applicant, NW Aggregates Co. (NWAC), manages the existing Santosh mining operation including four mining pits known as Pits A, B, C, and D. In addition, an adjacent Pit "F" was recently approved for mining. The main gravel plant and Pits A and C, operate in a surface mining zone north of Honeyman Road. To help meet the future demand for aggregate, NWAC is requesting to expand their mining operation to the east. NWAC is requesting that the County's inventory of significant Goal 5 aggregate resource sites include the site composed of 52 acres (a portion of Tax Lot 300) and to authorize mining on the site under the State Goal 5 and section 1030 of the Zoning Ordinance. Preliminary estimates of the site indicate approximately 9.9 million yards (i.e., 15 million tons) occur within the proposed 52-acre expansion area. The proposed mining will cover approximately 45 acres. Mining will extend approximately 130 feet below the existing ground surface creating a pond that is approximately 115 feet deep. Once mining has ceased, the applicant proposes to reclaim the site to fish and wildlife habitat. The expected duration of the project is conservatively estimated at 10 years or less, however the exact life of the operation will be determined by market demand.

The subject property is located at the northeast of the Honeyman Road/Meier Road intersection, just east of the existing Santosh operation. Besides the

mining operation, large agricultural parcels generally characterize the area with some homes located along Honeyman Road to the northeast and southwest of the subject property.

The subject property has frontage along the eastern side of Honeyman Road. Access will be from the Santosh operation directly east across Honeyman Road to the southern portion of the site. Production rates are expected to remain steady, with no increase of truck traffic by haul trucks due to the opening of a new pit. It is expected that approximately 50 service vehicles will cross Honeyman Road on a daily basis between the existing Santosh operation and the site. A conveyor system will transport the pit run aggregate from the site west under Honeyman Road to the Santosh operation. No haul trucks will be used to transport the material between these two sites. Approximately 90 percent of the material currently mined from this facility is transferred off-site via barges. Haul trucks transport the remaining 10 percent. 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 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 will proceed north on West Lane to an unsignalized intersection with Highway 30. From that point they may turn right onto the highway and proceed in a northbound direction.

Topographically, the site could generally be described as a flat plain that slopes gently to the east to the Santosh Slough. Vegetation on the subject property is composed of agricultural grassland in the southern portion of the property, mixed woodlands in the northwestern portion of the property, a cottonwood plantation in the northeastern portion of the property and riparian along the banks of the Santosh Slough along the eastern portion of the property. There is a significant Goal 5 resource on the site, the riparian corridor along the eastern portion of the property. Portions of the property are within the floodplain of the Santosh Slough (FIRM Flood Insurance Rate Map No. 41009C0465 C, dated August 16, 1988); however there will be no mining within the floodplain. Wetlands have been mapped on the subject property according to the National Wetland Inventory, St. Helens Quadrangle, and dated 1988. Where mining is proposed on the 52-acre site, there are wetlands that appear to be associated with the riparian corridor along the eastern side of the site (western side of Santosh Slough). The applicant indicates that they will avoid mining into the riparian corridor. The site is also partially within the Scappoose Drainage District. Emergency Services are

provided by the Scappoose Rural Fire Protection District and the Columbia County Sheriff.

**SOILS:**

<u>Soils on the Site are as follows:</u>	<u>Ag.Capability Class</u>
42 - Rafton Silt Loam	IIIw
51 - Sifton Loam	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 is not listed in the 1985 Comprehensive Plan and is 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 has a Table XVI-2 Significant Aggregate Sites and Post Mining Uses, for adding any new 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
Section 1502 Zone Changes (Map Amendments)	35
Section 1603 Quasi-Judicial Public Hearings	37
Section 1605 Zone Change - Major Map Amendment	39
Section 1607 Consistency with the Comprehensive Plan	39
Section 1608 Contents of Notice	40
<u>Comprehensive Plan</u>	40

## 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 site is zoned primary agriculture, which allows surface mining as a conditional use, however, the applicant is requesting to have the site protected under Goal 5 as a significant aggregate resource site and the site to be zoned to surface mining and protected under Goal 5.

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 and addendum letter from Newton Consultants Inc. titled Aggregate Resource Significance Determination, Glacier Northwest, Fort James Site, Columbia County, Oregon dated March 25, 2002 and Geologic Significance Addendum, Site, Fort James Site, Columbia County, Oregon dated February 7, 2003 (See Exhibit A of Application). The Newton Consultants report and addendum estimates 15 million tons (9.9 million cubic yards) for the site of aggregate to be present. Furthermore, the report states that all aggregate sampled from the Fort James site met 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 set was submitted as part of the application. The reclamation plan is discussed in Exhibit "J" in a report prepared by Newton Consultants Inc. titled Columbia County Operating Permit Application



and Reclamation Plan Application dated February 7, 2003. The site will be reclaimed as a pond or ponds for fish and wildlife habitat.

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 based on traffic counts from 1999 (report dated October, 2002, Exhibit "F"). The applicant subsequently submitted a memorandum from the traffic consultant, DKS Associates, Inc. (letter dated April 18, 2003) stating that the traffic volumes have not changed appreciably since 1999, therefore the level of service analysis, traffic analysis, and results and conclusions of the October, 2002 report are valid. The application also discusses transportation impacts on page 21-22. The study identified no new sources of traffic as a result of Site. It did, however, note that 50 vehicle trips per day would be initiated between the Santosh operation and the Site at a new access point 1,500 feet north of the Honeyman Road/Meier Road intersection. These vehicle trips are not being added as new trips to the road network, but are trips crossing Honeyman Road only. Site distance and conformance to AASHTO standards are required, as presented in the study.

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 24 of the submitted application. Applicants proposes and assumes 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. 9). The 1500' impact area was measured from the perimeter of the site (tax lot 300) and does not include the existing Santosh operation. 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 vibration levels, surface-water and groundwater conditions or traffic conditions. The application does identify conflicts with noise, cultural resources, riparian areas and potential air quality

conflicts due to dust. The applicant proposes to mitigate the potential conflicts by constructing noise berms, providing setbacks from riparian areas, avoiding cultural resources and following a dust control plan (see pages 24 - 25 of the application). Staff finds that the proposed mitigation for the conflicts appears appropriate.

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 and figures. A specific site plan has not been submitted, however the information above is contained on a series of maps in the application and Exhibit J. A legal description of the Site and the rezone area has not been provided and will be required as part of this application.

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:** Exhibit "J" and Figures 2 and 3 provide details of the landscaping and screen-planting the site. The applicant proposes to construct berms with the overburden of the site. The visual berms will be constructed along Honeyman

Road to eliminate views into the site. The berms will be approximately 8 feet high and will be planted with Tall Fescue and Subclover, Amur Honeysuckle, autumn olive, and Douglas Spirea to enhance stability. Noise berms will be constructed on the north side of the site and will range from 1 to 11 feet in height (Exhibit B, pg. 14) and along the western edge of the riparian corridor. The berm along the riparian corridor will be 8 feet in height and will protect the Santosh Slough from surface water runoff as well as noise impacts. Cyclone fences six feet in height will be constructed along the berms on the west and north sides of the property.

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 minus 110 MSL, creating a pond that is approximately 115 feet deep, thus exceeding the 8' minimum depth requirement. See Exhibit "J".

Continuing with Columbia County Zoning Ordinance Section 1034:

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

**Finding 11:** An existing, unimproved roadway will be used as an access road to the site for maintenance vehicles and water truck(s). The road is located off Honeyman Road near the southwest boundary of the site and crosses the slough with an existing culvert. A plan, profile, and cross-section of the proposed access road are provided in Figure 5.

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 maps are drawn to a scale of 1-inch equals 200 feet to 400 feet, with 5-foot contours. See Exhibit "J". The applicant states that the scales greater than 1 inch equals 200 feet are necessary to show an appropriate level of detail for the operations. In addition,

the requested 1 inch equals 200 feet scale was not feasible for this project given the large size of the mining area.

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 - 38 of the application. The application has also submitted proposals to comply with standards described in the Surface Mining Ordinance, see Exhibit "J".

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 K of the application. The applicant concludes "limiting future conflicting uses provide adequate protection to the Site (*sic* Site) while placing the least amount of restriction on future development". See page 10 of Exhibit K. 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 and addendum letter from Newton Consultants Inc. titled Aggregate Resource Significance Determination, Glacier Northwest, Fort James Site, Columbia County, Oregon dated March 25, 2002 and Geologic Significance Addendum, Site, Fort James Site, Columbia County, Oregon dated February 7, 2003 (See Exhibit A). The Newton Consultants report and addendum estimates 15 million tons (9.9 million cubic yards) of aggregate to be present. Furthermore, the report states that all aggregate sampled from the Fort James site met ODOT quality standards for base rock. 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 Fort James Site is contains Rafton Silt Loam and Sifton loam, which are Capability Class III agricultural soils. 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. The average width (depth) of the aggregate layer exceeds 60 feet; so, the soil classifications of prime farmland or unique soils are irrelevant.

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. 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.19-20). The 1500' impact area was measured from the perimeter of the site and

does not include the Santosh 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 Mining Site." (Application, p.19). The submitted application finds no conflicts with vibration levels, surface-water and groundwater conditions or traffic conditions. The application does identify noise, riparian areas, cultural resources and potential air quality conflicts due to dust. The applicant proposes mitigation measures by implementing noise berms, setbacks from riparian areas, and avoidance of cultural resources and to mitigate the potential conflict of dust by following a dust control plan (see page 25 of the application).

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). Conflicts with noise and a potential conflict with air quality due to dust (application p.20) were identified. The applicant proposes to mitigate these impacts to within DEQ acceptable standards by implementing noise berms and dust-control measures (application p.24-25).

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- B) Potential conflicts to local roads used for access and egress to the site within one mile of the entrance to the 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 21-22. The Applicant intends to maintain existing production levels therefore "the project would not add additional vehicles to the roads but would instead maintain existing levels of truck traffic". The traffic study assumes that "90 percent of the processed aggregate would still be shipped by barge and the remaining 10 percent transported by haul trucks". The study also notes that a conveyor system would be used to transport pit run from the Site, under Honeyman Road to the Santosh Site for processing. Fifty additional service vehicles would cross Honeyman Road at a new access point adjacent to the conveyor system. This access point is approximately 1,500 feet north of the Honeyman Road/Meier Road intersection. These vehicles include service trucks, employee trucks, water trucks, but not haul trucks. The haul trucks are not in addition to the current Santosh related vehicles, but are inclusive of the traffic counts as of August 1999. The Applicant has submitted a memo (#15 Comment Record) from DKS Associates attesting that traffic count information has not changed significantly from the October 2002 Study and that the conclusions of that report are still valid.

While staff agrees that no additional vehicles are proposed to be added to the roadway network, 50 vehicles will be added to a new access point. Staff agrees that although there is no conflict, the Traffic Impact Study does recommend that "site distance at the proposed new access point to the Fort James site on Honeyman Road should be at least 500 feet in each direction and meet AASTO sight distance standards". 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 6 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." Staff understands that as part of the conditions for mining Pit F, the applicant will participate in upgrading West Lane Road as part of that expansion application. Should this application be approved and mining begin on the Fort James site prior to that of Pit F, the applicant will participate in accordance with the condition placed on Pit F approval. The traffic study also addressed the long-term traffic generation for this site through 2025 and concluded that the transportation conditions are the same because the project does not add vehicle trips to the roadway network.



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 Site is located more than 5,000 feet from the end of the nearest runway at the Scappoose Industrial Airpark. Therefore, this section does not apply.

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 are initiated.

**Finding 21:** The Comprehensive Plan identifies one significant wetland, Wetland Area Site 4, located within the impact area in T4N, R1W, Sections 20, 29-32. Exhibit H concludes, "mining activities will not directly impact natural resources at Wetland Area Site 4" (application, page 22). Significant aggregate resources are identified within the impact area which include tax lots 4132-000-0040, 4132-000-00500 and 4132-000-01000 and portions of 4132-000-1100, 4133-000-00300 and 4133-000-00400. The proposed mining operation "does not pose a conflict with other aggregate resource sites, as the aggregate resource is not sensitive to any mining discharges and is not disturbed by mining activities at the Site" (application, page, 22).

The Comprehensive Plan identifies areas within 25 feet of sloughs as significant riparian areas. Because of elevated ambient noise, a conflict with riparian areas has been identified (application, page 22). A berm to protect the riparian corridor from noise will be constructed within the 50-foot setback of the riparian corridor, as recommended in Exhibit H.

The applicant has identified two Native American archaeological sites that might be affected by mining the site. The sites are discussed in a Cultural Resources report (Exhibit G) titled Assessment of Archaeological Resources on Glacier Northwest's Fort James Property, Columbia County, Oregon prepared by

Heritage Research Associates, Report No. 249, dated January 15, 2002. The Oak Knoll (35CO21) site was recorded during an archaeological reconnaissance of the Scappoose Drainage District in 1976. One additional site (35CO46) was identified and recorded during a cultural resource survey of the Site during 2001. The assessment concluded that the two sites would be impacted by mining operations of the site. The assessment indicated that the Oak Knoll site is a significant Goal 5 resource because it was recorded with the State Historic Preservation Office before the Comprehensive Plan was revised in 1984. Site (35CO46) does not meet the standard for a significant Goal 5 resource, as the Comprehensive Plan does not reference it. The two archaeological sites were subjected to an evaluation under ORS 358.905, which defines an archaeological site as significant if it is on or eligible for inclusion on the National Register of Historic Places. Under this standard, Oak Knoll is considered a significant archaeological resource under state statute. Site 35CO46 does not meet this standard. A 50-meter setback has been proposed (Sheet 2, Exhibit J) for the Oak Knoll site, which appears to be adequate to protect the site.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

- E) Conflicts with agricultural practices; and

**Finding 22:** Agricultural practices within the impact area include cattle and horse grazing and hay, alfalfa and pulpwood production. 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 24-25 of the application. Staff finds no other conflicts associated with the proposed Fort James 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 cannot 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 the criteria on page 24-25 of the application. Staff finds that mining activity will not force a significant change or significantly increase the cost of farm or forest practices in the area. Staff finds no conflicts with surrounding forest and farm uses. The submitted application finds no conflicts with vibration levels, surface-water and groundwater conditions or traffic conditions. The application does identify conflicts with noise levels, cultural resources, and riparian areas and a potential air quality conflict due to dust. The applicant proposes to mitigate the noise conflict through the use of noise berms, mitigate conflicts with cultural resources through avoidance (Oak Knoll site), mitigate conflicts with riparian areas through the use of setbacks and berms and mitigate the potential conflict of dust by following a dust control plan. The applicant states that all potential conflicts can be minimized; therefore an ESEE analysis is not required. If the Planning Commission 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 25 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 these criteria on page 27 of the application. The Planning Commission 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 the site. 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 fish and wildlife habitat. (See application p.27).

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 the Fort James site 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 performed an ESEE analysis on new and permitted conflicting uses and concluded 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 K and p.28 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 sites, and their designated impact areas that 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. The impact area is not within an urban growth boundary.

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.10. 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 the Site 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 site 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 site 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 site 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 site, while rezoning that site to a Surface Mining designation with Goal 5 protection.

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 33 of the application as follows: The applicant proposes to excavate aggregate below the water table at the site, 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), conveyor system, water truck, and service vehicles. Staff agrees that the applicant's proposed use of the site is compatible with the requirements of subsection 1042.

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 site 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 03-04. The landowner will be required to remain in compliance with all affected agencies. The site is approximately 52 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. The site would also maintain 50' setbacks from public right-of-way and adjacent properties also owned by the applicant. For the northern portion of the site, the setback is 200 feet from an existing residence, for the southern portion of the site, a setback of 200 feet is being maintained from the property line, as that zoning district allows residences. 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 north, west and east sides of the site. The berms will range in height from 1 - 11 feet tall, depending on location and will be vegetated.

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 site will have access to Honeyman Road through a new access point on the east side of Honeyman Road. Aggregate from the site will be moved by conveyor belt under Honeyman Road west 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 and graveling the road to keep dust down

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 determined that the site is an "Existing Industrial or Commercial Noise Source", as defined by the Oregon Department of Environmental Quality Noise Control Regulations, OAR 340-35-035 (1)(a). The engineer has found that under a worst-case scenario, the site would not comply with applicable DEQ noise standards, therefore creating a conflict (application, p. 20). Mitigation measures have been proposed as described in Exhibit B, page 13 that includes an earthen noise berm (Noise Berm NB1 in Figure 3 of Exhibit B). In addition, Exhibit H recommends a berm along the east side of the site in order to protect habitat along the Santosh Slough. Staff finds that there is a noise conflict associated with this application. Staff finds that the applicant proposes to mitigate this impact to within DEQ acceptable standards by implementing noise-control measures (application p. 24).

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 applicant has included a technical hydrologic report conducted by a registered professional geologist. (See Exhibit E). The report indicates that the Santosh Slough borders the eastern side of the site and that a small seasonal pond within the Scappoose Drainage Irrigation District is situated in the southern portion of the site. Excavation will not occur within 50 feet of the slough and the mining plan indicates that all on-site stormwater will be directed to the pit through grading. The report concludes that mining the site will not cause negative impacts to the adjacent slough 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 assessment for the Fort James property that includes the site (See Exhibit G). Notice of this application was also given to the State Archaeologist. The applicant has identified two Native American archaeological sites that might be affected by mining the site. The sites are discussed in a Cultural Resources report (Exhibit G) titled Assessment of Archaeological Resources on Glacier Northwest's Fort James Property, Columbia County, Oregon prepared by Heritage Research Associates, Report No. 249, dated January 15, 2002. The Oak Knoll (35CO21)

site was recorded during an archaeological reconnaissance of the Scappoose Drainage District in 1976. One additional site (35CO46) was identified and recorded during a cultural resource survey of the site during 2001. The assessment concluded that the two sites would be impacted by mining operations of the site. The assessment indicated that the Oak Knoll site is a significant Goal 5 resource because it was recorded with the State Historic Preservation Office before the Comprehensive Plan was revised in 1984. Site (35CO46) does not meet the standard for a significant Goal 5 resource, as the Comprehensive Plan does not reference it. The two archaeological sites were subjected to an evaluation under ORS 358.905, which defines an archaeological site as significant if it is on or eligible for inclusion on the National Register of Historic Places. Under this standard, Oak Knoll is considered a significant archaeological resource under state statute. Site 35CO46 does not meet this standard (application page 37) and was considered by the assessment as a shallow deposit in a small area with little archaeological evidence. The applicant proposes to avoid the Oak Knoll site by imposing a 50-meter setback from the site.

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 control plan in Exhibit "J", Figure 6. According to the plan, all disturbed and reclaimed areas will be graded to drain toward the pond(s) and all disturbed areas will be seeded with a mixture of Tall Fescue and Subclover. The applicant states that the plan proposes to manage all stormwater on-site, where it will be directed into the excavation ponds. Berms will be constructed on the north, east and west sides of the site to further protect stormwater from leaving the site. The berms will be planted with Tall Fescue and Subclover, Amur Honeysuckle, Autumn Olive and Douglas Spirea to enhance soil stability and prevent erosion.

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 "J", page 8 and Figure 5, The Mining and Reclamation Plan. Slope gradients will be constructed to provide slope stability and safe egress from the excavated ponds. The slopes will be contoured (cut) during the excavation process rather than by deposition of fill material. Slopes will be a minimum of 3:1 (horizontal to vertical) above water, a range of 3:1 to 6:1 in the shallow water, and 1 ½ :1 (horizontal to vertical) below a water depth of six feet. From the water surface to six feet below the water surface, a "safety bench" will be excavated to allow safe egress from the ponds.

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, stockpile, or work area for ongoing extracting mining operation.

**Finding 51:** The applicant states on page 3 of the Reclamation Plan Application in Exhibit "J" that reclamation will begin within a year after mining is completed. The applicant further states that the Applicant will submit a site reclamation plan in accordance with the requirements of the County Surface Mining and Land Reclamation Ordinance before the mining begins. Reclamation will be completed within 3 years after mining activities cease. The site is proposed to be reclaimed in one phase. The final post-mining use of the site is proposed as ponds that provide fish and wildlife habitat. The reclamation activities would return the land to conditions compatible with livability, value, and appropriate development of the affected land and adjacent property.

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. 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 to Aggregate Resource and the Zoning Map from Primary Agriculture to Surface Mining for the site. 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. The applicant has also requested that the site (52 acres) be listed on the Inventory of Significant Mineral Resources. Goals and policies of the Comprehensive Plan will be reviewed later in this report. The applicant has addressed the Comprehensive Plan in Exhibit L and the Statewide Planning Goals in Exhibit M. Staff finds that the site is currently provided with adequate facilities and services for the proposed use. The access road when constructed must be brought to AASHTO site distance standards and site distance should be at least 500 feet in each direction (Exhibit F, page 21).

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 Planning Commission at the public hearing shall be by procedure outlined in Ordinance 91-2. *[effective 7-15-97]*

**Finding 55:** The Columbia County Planning Commission recommends approval of this application with conditions as documented in Final Order PA 03-04, signed by the Chairman on July 21, 2003. The Board of County Commissioners will review this PAPA application at a quasi-judicial public hearing scheduled for August 20, 2003. Notice was mailed, as required above, to surrounding property owners on July 29, 2003, and notice was published in the newspapers of record at least 10 days prior to the hearing.

The applicant submitted the PAPA application on February 21, 2003. The application was deemed complete on March 18, 2003. A hearing was held on April 21, 2003 in front of the Planning Commission. A second hearing was

conducted on June 2, 2003, at which the Commission left the record open for testimony concerning the hydrology of the area and set July 7, 2003 meeting for deliberation and decision. Notice of the application and hearing date was mailed to the Scappoose CPAC, nearby property owners, and affected agencies on March 20, 2003. Notice of the request and public hearing was published in the local newspapers on April 9, 2003. All of the above standards have been met.

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 applicant proposes to designate the site (52 acres) as a significant Goal 5 mineral and aggregate resource site on the county's inventory of aggregate resources. The Board will hold a 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 notice was published in the local newspapers containing all of the above mentioned information and was published in the local news media at least 10 days prior to the hearing. Individual notice containing the above information was provide to surrounding property owners within 1.000 feet of the subject property line.

**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 L, pages 1- 3. Staff finds that the Site is zoned Primary Agriculture (PA-38) and consists of Class III agricultural soils. ORS 215.283 allows aggregate mining in exclusive farm use zones under certain conditions. No public facilities or permanent new roads are proposed that would 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, as evidenced by other sites in the area adjacent to agricultural properties. The site is not located within a floodplain that will be mined and does not consist of prime Class I or II soils. The site consists only of Class III soils, based on the Newton report (Exhibit A). 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 L, page 3. The site is currently zoned as PA-38, which does not allow for significant opportunities for housing development. Rezoning of the site to SM would not eliminate any existing housing. 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 L, page 3. The site is zoned PA-38 therefore 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 L, pages 4-5. Staff finds that allowing the expansion onto the site would encourage continuous employment opportunities of 30 -40 people. Expansion of the site will encourage local economic stability that will continue to encourage a stable and diversified economy. An indirect employment in supporting industries such as local merchants, trucking and construction further enhances the economy of the area. Continued mining operations would generate property taxes, extraction tax, and recapture of farm deferral payments, as well. Policy 7 applies to the entire site; specifically it states that identified aggregate resources should be protected until they are extracted. 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 L, pages 5 - 6. The applicant's traffic study was conducted in 1999. The applicant provided additional data that concludes that the traffic has not changed appreciably since that time period (DKS Associates, Inc. Memorandum dated April 18, 2003). The applicant finds that since the site will not generate an increase in traffic, it is consistent with this section. Staff finds that although no new increase of traffic is anticipated, there are safety concerns

for the access road from Honeyman Road to the Site. Staff agrees with the traffic consultant (Exhibit F) that appropriate safety measures should be in place prior to mining. Since 90 percent of the aggregate will be delivered to market by barge, the proposal is consistent with Policy 5 of this section in the Comprehensive Plan. Staff is in agreement that the applicant meets the transportation section of the Comprehensive Plan. See also Finding No. 19

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 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 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 L, pages 7 - 11. Staff finds that the site is a significant aggregate site considering quality, quantity and location. Detailed plans describing the methods of operation and reclamation of the site are included in the application in Exhibit J. These are preliminary in nature however the applicant commits to providing more detailed reclamation plans, especially showing the setbacks of mining from the riparian corridor and the associated berm along Santosh Slough, with the surface mining application for the site. Staff finds the application is consistent with all of the surface mining policies of the Comprehensive Plan.

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:** There is a conflict with noise, riparian areas and a potential conflict with air quality (dust) as a result of the project. The applicant has addressed these criteria in Exhibit L, page 12, as well as in Exhibit B (Noise Study), Exhibit C (Air Quality Study) and in Exhibit H (Goal 5 Natural Resource Study). Staff finds the site would be consistent with the above standards with the proposed mitigation measures in place.

**COMMENTS:**

The following are comments that have been received from citizen groups, government agencies or nearby property owners.

Item No.	Date Received	From	Comment
1	3/25/03	Columbia County Sanitarian, Ron Wilson	No objection.
2	3/25/03	Willamette Greenway, Rivers Program Team Leader, Steven C. Brutscher	No objection.
3	3/25/03	City of Scappoose Planning Services Manager, Michael Walter	No objection.
4	3/26/03	Columbia County Surface Mining Administrator, Carla Cudmore	No objection. SMAC recommended approval.

5	3/26/03	Soil & Water Conservation District Program Manager, Debra Stewart	Board must meet to consider application. Will have comments by 4/21/03.
6	4/1/03	Oregon Fish & Wildlife Habitat Biologist, Jim Grimes	Considering proposal. Will have comments by 4/4/03.
7	4/2/03	Cindy Ede	Recommends denial. See comments.
8	4/2/03	Scappoose Drainage District Secretary, Karen Vaughan	Board must meet to consider application. Will have comments by 4/16/03.
9	4/4/03	Williamson & Williamson, David Brian Williamson, Attorney representing Loren Ellis, Jr. & Sons	Concerns regarding the prevention of flooding and adverse impact on the groundwater. <i>See letter.</i>
10	4/4/03	State Archaeologist, Historic Preservation, Oregon State Parks & Recreation, Dennis Griffin	Requested additional information to be able to assess the potential for disturbance.
11	4/7/03	Oregon Fish & Wildlife Habitat Biologist, Jim Grimes	Recommend that the zone change should be conditioned to protect the existing oak woodlands and condition replacement of the habitats in-kind. <i>See letter.</i>
12	4/10/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Response to Kuper Consulting memo.
13	4/16/03	Oregon Parks & Recreation Dept., State Historic Preservation Office Archaeologist, Dennis Griffin	Located five known cultural sites. List of criteria to be followed. <i>See letter.</i>
14	4/21/03	Soil & Water Conservation District Director, David Sahagian	No objection.



15	4/21/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Memo from DKS Associates re: supplemental traffic information. <i>See memo.</i>
16	4/21/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Revised Condition No. 16.
17	4/25/03	Scappoose Drainage Improvement Company, Karen Vaughan	Concerns with water and flood control. <i>See letter.</i>
18	4/25/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Obtain significance declaration and surface mining zoning for the 52 acre portion only of the site. <i>See letter.</i>
19	5/12/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Final Submittal. <i>See letter.</i>
20	5/12/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Continue the hearing to June 2, 2003. <i>See letter.</i>
21	5/19/03	Scappoose Drainage Improvement Company, Karen Vaughan Secretary	Policy for mining applications within their boundaries. <i>See letter.</i>
22	6/2/03	Leonard Waggoner	Copy of letter sent to Donald Borda, US Army Corps of Engineers. <i>See letter.</i>
23	6/3/03	Corps of Engineers, Lawrence C. Evans	<i>See letter.</i>
24	6/6/03	Glacier Northwest, Bob Short	<i>See letter.</i>
25	6/9/03	Scappoose Drainage Improvement Company, Robert Kessi	<i>See letter.</i>

26	6/9/03	Columbia County Assessor, Scappoose Drainage Account Data	<i>See table.</i>
27	6/9/03	LDC Design Group, Inc., Tom Michalek	Clarification of Hydrologic Report. <i>See letter and report.</i>
28	6/16/03	LDC Design Group, Inc., Tom Michalek	Response to Scappoose Drainage Improvement Company letter. <i>See letter.</i>
29	6/16/03	Glacier Northwest, Bob Short	Evidentiary support for Tom Michalek's letter. <i>See letter.</i>
30	6/23/03	Stoel Rives LLP, Steven W. Abel Attorney for Glacier Northwest	Final Submittal. <i>See letter.</i>

No other comments have been received from citizen groups, government agencies or nearby property owners as of the Planning Commission deliberations and recommendation, July 7, 2003.

**STAFF AND PLANNING COMMISSION 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:

Determine whether the PAPA application is complete and adequately addresses the criteria in OAR 660-023-180(6). Staff and Planning Commission finds the application is complete and adequately addresses the relevant criteria. (See findings 3-7).

Determine whether the aggregate resource is significant. Staff and Planning Commission finds the aggregate resource site meets the criteria in OAR 660-

## ATTACHMENT C

### SUPPLEMENTAL FINDINGS

1. In October, 2002, the Board of County Commissioners approved Ordinance No. 2002-9, which authorized a Comprehensive Plan Amendment and Zone change to allow Glacier NW to mine Pit F at the Meier site. The site has access off of Honeyman Road. Based on the impact that the additional trucks will have on Honeyman Road and West Lane Road, the County required that Glacier contribute \$60,000.00 in cash and usable rock towards the eventual improvement of those roads. According to the condition, that amount is due and payable at the time that mining commences at the Pit F site. The Board of Commissioners finds that upon commencement of mining at the Fort James site, there will be a major increase in traffic on Honeyman and West Lane Roads. Policy 3 of the Columbia County Comprehensive Plan Transportation Goal, and CCZO 1036.4 require that whenever a development results in a major increase in traffic, or there are conflicts to local roads from mining, the County shall require appropriate off-site improvements to the roads to minimize the conflict. If mining commences at the Fort James site prior to mining at the Pit F site, the road impact will occur when Fort James is mined. Therefore, the Board of County Commissioners finds that the Applicant should be required to pay the \$60,000 traffic impact fee at the commencement of mining the Fort James site if such mining occurs prior to mining the Pit F site.
2. Columbia County Zoning Ordinance § 1036 lists the conflicts which may be reviewed in considering an application for a Comprehensive Plan Amendment and Zone Change for this significant aggregate site. Among the conflicts which may be considered are conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities that are sensitive to such discharges. The County may also consider conflicts with agricultural practices. The Scappoose Drainage Improvement Company argued that the proposal to wet mine the Fort James site would conflict with residential and agricultural uses in the impact area because the open wet mine would significantly increase the risk of flooding within the impact area. The Applicant's hydrogeologist, submitted both oral and written testimony on the subject. The Applicant's hydrogeologist convincingly provided evidence that the risk of catastrophic flooding of the area due to mining is very small. The evidence of the Applicant's hydrogeologist is based upon many years of study and first hand experience in the area during both flood and non-flood events. The Board finds that the Applicant has accurately characterized the geology and hydrogeology of the area, and that the water levels in the mining pit created by mining will reflect surrounding ground water, rather than surface water levels.

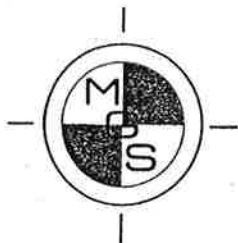
The Scappoose Drainage Improvement Company also submitted oral and written testimony from a geologist. The evidence submitted by the geologist asserted that there have not been enough studies to show what effect a catastrophic flood might have on the area. Based on that testimony as well as the testimony of SDIC members, the SDIC

requested that the Board require a 32 foot flood dike be built around the perimeter of the entire mine site.

While the Board does not find any evidence in the record which would support requiring a 32 foot flood dike around the mining site, the weight of the evidence indicates that it is highly unlikely that mining will cause catastrophic flooding. However, the Board finds that there remains some uncertainty regarding the impact in the impact area due to water seepage. In a letter dated April 15, 1994, the Applicant discussed a hydrological report on the effects of proposed mining within the boundaries of the SDIC. The report indicated that there may be additional pumping costs due to the mining operation. The Applicant then offered to mitigate those pumping costs by establishing a monitoring process to determine the costs due to the SDIC. In rebuttal during the hearing, the Applicant then pointed out that the circumstances surrounding this particular mining proposal are substantially different than the circumstances in 1994. However, there was sufficient evidence presented to establish that there may be a conflict to established SDIC uses within the impact area, as well as to residential and agricultural practices due to possible increased pumping costs to the SDIC. The increased pumping costs would be passed on to the members of the SDIC.

Testimony was also given by neighboring residential landowners that there may be water quality problems to residential wells inside the impact area due to discharges from the mining operation. The Board finds that the Applicant is already monitoring most wells in the impact area. However, to completely minimize the conflict to residential wells, the Applicant will be required to develop a program for the on-going monitoring of those wells, which will be approved by the Department of Environmental Quality.

The Board finds that the conflicts to surrounding residential and agricultural uses can also be minimized by implementation of a monitoring program for water quantity. The Applicant will be required to establish a monitoring program to measure surface and ground water. The monitoring program should be approved by both the Department of Water Resources, the Department of Environmental Quality, or such other agency that asserts jurisdiction. The Applicant will also be required to attempt to reach agreement with the SDIC as to an equitable program to determine what compensation, if any, is due the SDIC for increased pumping costs. The Board finds that such requirements are reasonable and practicable measures which can be required of the Applicant in order to minimize the identified conflicts pursuant to CCZO § 1036.4.



**MINISTER-GLAESER  
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VANCOUVER, WA 98661

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Dalam*

OREGON  
JUNE 30, 1997  
DANIEL A. RENTON  
2830

September 17, 2003

Exhibit "A"

EXPIRATION DATE: DEC. 31, 2004  
*09/17/03*

A tract of land in a portion of the Northwest Quarter and Northeast Quarter of Section 32 and in a portion of the H.B. Fowler Donation Land Claim Number 46, all in Township 4 North, Range 1 West, Willamette Meridian, Columbia County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Northeast Quarter of Section 32, said point being the **TRUE POINT OF BEGINNING**;

Thence North 88°32'09" West, for a distance of 84.00 feet to the Easterly right of way line of Honeyman Road as shown in Columbia County survey record "CS 1949";

Thence along said right of way line the following courses;

South 59°30'50" West, for a distance of 367.81 feet;

Along a 270.00 feet; radius tangent curve to the left, for an arc distance of 195.56 feet, through a central angle of 41°30'00", the radius of which South 30°29'10" East, the chord of which bears South 38°45'50" West, for a chord distance of 191.32 feet;

South 18°00'50" West, for a distance of 706.65 feet;

South 20°43'57" West, for a distance of 1009.22 feet;

Thence South 78°48'57" East, leaving said right of way, for a distance of 438.67 feet along the South line of a tract of land shown in Columbia County survey record "CS 2002";

Thence South 04°41'57" East, along said South line, for a distance of 283.00 feet;

Thence South 65°41'57" East, along said South line, for a distance of 349.00 feet to the center channel of Santosh Creek (Aka Santosh Slough), as digitized from the year 2000, Columbia County color digital orthometric photography;

Thence along said center channel the following courses

North 14°40'32" East for a distance of 149.66 feet;

North 24°26'38" East for a distance of 722.40 feet;

North 32°37'28" East for a distance of 186.40 feet;

North 39°50'39" East for a distance of 193.96 feet;

North 36°37'38" East for a distance of 579.78 feet;

North 33°07'55" East for a distance of 167.16 feet;

North 35°11'43" East for a distance of 145.18 feet;

North 19°40'50" East for a distance of 185.47 feet;

North 19°01'56" East for a distance of 209.47 feet;

North 31°24'30" East for a distance of 144.38 feet;

Thence North 52°10'03" East for a distance of 141.86 feet, to the North line of said Northeast Quarter of said Section 32;

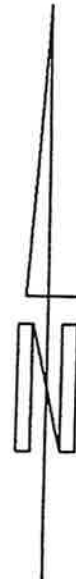
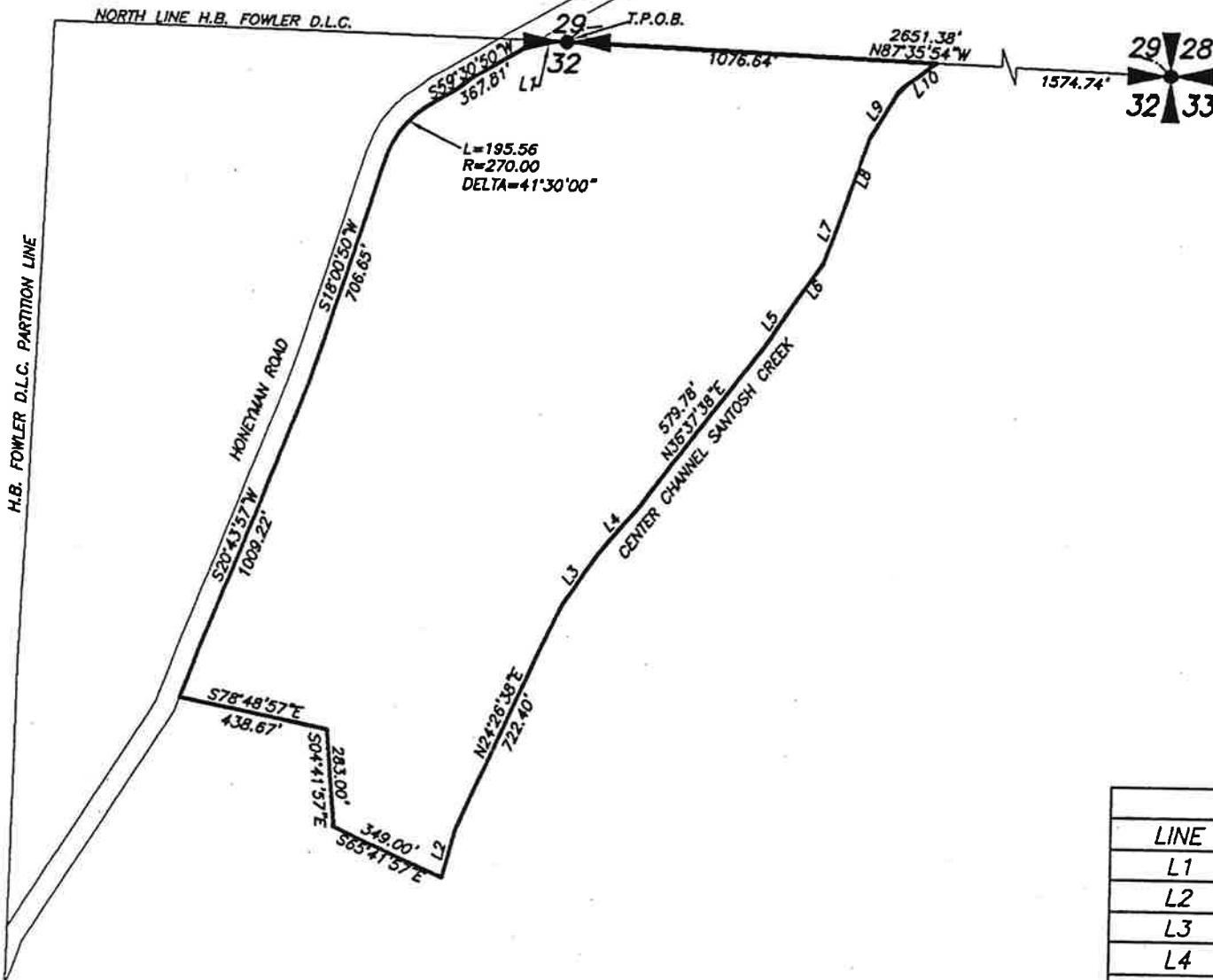
Thence North 87°35'54" West, along said North line, for a distance of 1076.64 feet to the **TRUE POINT OF BEGINNING**;

Containing 58.16 acres more or less.

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

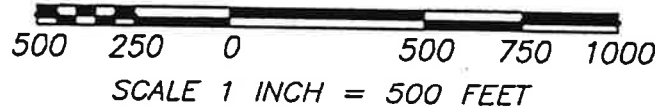
# EXHIBIT "B"

DRAWING DATE 09/17/03



LINE TABLE		
LINE	LENGTH	BEARING
L1	84.00	N88°32'09"W
L2	149.66	N14°40'32"E
L3	186.40	N32°37'28"E
L4	193.96	N39°50'39"E
L5	167.16	N33°07'55"E
L6	145.18	N35°11'43"E
L7	185.47	N19°40'50"E
L8	209.47	N19°01'56"E
L9	144.38	N31°24'30"E
L10	141.86	N52°10'03"E

PREPARED BY:  
**MINISTER AND GLAESER SURVEYING**  
 2200 EAST EVERGREEN BLVD  
 VANCOUVER, WA 98661  
 360-694-3313



# EXHIBIT "B"

DRAWING DATE 09/17/03



LINE TABLE		
LINE	LENGTH	BEARING
L1	84.00	N88°32'09"W
L2	149.66	N14°40'32"E
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L6	145.18	N35°11'43"E
L7	185.47	N19°40'50"E
L8	209.47	N19°01'56"E
L9	144.38	N31°24'30"E
L10	141.86	N52°10'03"E

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SCALE 1 INCH = 500 FEET