

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Administrative Decision
by the Land Development Services Director
for the Issuance of Land Use Compatibility
Statement (LUCS 21-15) for Curtis Shuck c/o
Lost Creek Rock Products LLC and Mel
McDougal

FINAL ORDER NO. 3-2021

WHEREAS, on October 26, 2020, Curtis Shuck and Lost Creek Rock Products LLC and Mel McDougal c/o Lost Creek Rock Products LLC (collectively referred to as the “Applicant”) submitted a Land Use Compatibility Statement (“LUCS”) application to establish siting standards to operate an aggregate quarry, including removal, excavation, processing and stockpiling of aggregate materials and to site a portable non-fixed office and truck scale and exterior storage of heavy equipment associated with the use and the installation of a sedimentation pond; and

WHEREAS, the subject property is located in the Surface Mining Zone and identified in the County Assessor’s records as Tax Lot 7411-00-01000; and

WHEREAS, on January 20, 2021, the Columbia County Land Development Services Director (“Director”) issued LUCS 21-15 with findings that the application meets the standards of Section 1044 of the Columbia County Zoning Ordinance (CCZO) and approves the LUCS application, subject to the conditions of approval (COAs) to conduct a Pre-Application Conference and obtain approval of a Design Review application and Transportation Impact Analysis from Columbia County Land Development Services; and

WHEREAS, on January 25, 2021, Kim O’Dea of the Law Office of Bill Kloos, on behalf of the Applicant, filed a timely appeal of the Director’s LUC 21-15 decision; and

WHEREAS, on January 27, 2021, the Board of County Commissioners (“Board”) took original jurisdiction over the application; and

WHEREAS, following proper notice, the Board held a hearing on the application on February 17, 2021, where the Board accepted testimony and evidence into the record; and

WHEREAS, the Board then closed the hearing and continued deliberations to March 3, 2021; and

WHEREAS, on March 3, 2021, the Board held deliberations and made a tentative decision; and

WHEREAS, on February 23, 2021, the Board’s Office received evidence from Lois Palomaki. The Board has not considered this evidence in making its decision;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY FINDS, as follows:

1. The above recitals are adopted as findings in support of its decision in this matter.
2. The Board adopts the findings and conclusions in the Staff Report, dated February 9, 2021, which is attached hereto as Exhibit A and incorporated herein by this reference, to the extent those findings are consistent with this Final Order. The Board specifically rejects those portions of Findings 6, 9, 13, and 15 through 19 in the Staff Report that do not support the findings and conclusions in this Final Order.
3. The Board adopts the following supplemental findings:

- a. Jurisdiction

The Applicant argues that the Board lacks jurisdiction to hear this matter. The Applicant filed a timely appeal requesting Planning Commission review of the Director's decision to issue LUCS 21-15 with COAs. CCZO Section 1702 provides that:

Any land use decision by the Director, or Design Review Board may be appealed to the Planning Commission by persons who appeared before the lower decision making body, either in person or in writing. The appeal may concern the approval or denial of an application or any conditions attached to the approval of an application.

The Applicant argues that the Board does not have jurisdiction to hear this matter based on a false premise that the Board improperly held a "Special Hearing" under CCZO Sections 1612-1616. CCZO Section 1613 provides that: "Special Hearings shall be heard by a hearings officer appointed by the Board of County Commissioners." Staff initially characterized the public hearing in this matter as a "Special Hearing." However, the Board disagrees with this characterization. The Board took original jurisdiction to hear this matter as a regular public hearing. There is no evidence in the record that the Board intended to hear this matter as a Special Hearing under CZZO Sections 1612-1616. On January 27, 2021, during the Board's public meeting workshop, the Board took original jurisdiction over this matter. The Board did not state that it will hold a Special Hearing on this matter. Furthermore, the Board did not order a Special Hearing to be heard by a hearings officer. The Board's notices of public hearing did not indicate that the hearing will be a Special Hearing. On February 17, 2021, the Board held the hearing as a regular public hearing. Prior to the Board opening the hearing, staff clarified that the meeting was being held as a regular public hearing, not as a Special Hearing.

Although the Applicant requested Planning Commission review, the Board has authority to take original jurisdiction over this matter. The Board finds that it has original jurisdiction to hear this matter. The Board's review is a de novo review. The Board has original jurisdiction over all land use matters. ORS 203.010(4) provides that each counties' governing body has authority: "[t]o do all other necessary acts in relation to the property and concerns of the county." ORS 203.035 authorizes "the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county." The Board, as the governing body of Columbia County, adopted the Planning Commission Ordinance ("Planning Commission Ordinance"). The Commission Ordinance reiterates that the Board has original jurisdiction over any land use matter and can assert its original jurisdiction at any time and bypass Planning Commission review. Section 11 of the Planning Commission Ordinance provides that:

The Board may also assert original jurisdiction over any land use application and bypass prior Planning Commission review. The procedure and type of hearing for such an appeal or review shall be the same as prescribed by this ordinance for Planning Commission decisions, or as provided by the Columbia County Zoning Ordinance, Subdivision and Partitioning Ordinance or other applicable statutes, ordinances, orders, rules or regulations. (Emphasis added.)

For the foregoing reasons, the Board has jurisdiction to hear this matter.

b. Site Design Review COA

The Board finds that CCZO Section 1550 Site Design Review does not apply to the proposed uses. CCZO Section 1550 only applies to "community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses." Staff initially found that the proposed uses constitute industrial uses. However, the Board finds that although surfacing mining uses are industrial in nature, surface mining uses in the Surface Mining Zone are Goal 5 "resource uses" under CCZO and the Columbia County Comprehensive Plan. The Surface Mining Zone was adopted to implement Goal 5 and protect mineral and aggregate resource sites in the zone. CCZO Section 1550 is not triggered by this proposal because the proposed uses are not community, governmental, institutional, commercial, industrial or multi-family residential uses. For the foregoing reasons, the Board finds that CCZO Section 1550 does not apply to the proposed uses.

c. Pre-Application Conference COA

The Board finds that a pre-application conference is not required for the proposed uses. CCZO Section 1553 provides that:

A pre-application conference is required for “all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary.

The Board finds that a Site Design Review is not required for the proposed uses because CCZO 1550 is not triggered. As such, no pre-application conference is required for the proposed uses.

d. Traffic Impact Analysis (TIA) COA

The Applicant argues that local governments cannot apply any land use regulation to Goal 5 resource uses unless the regulation was adopted as part of a Goal 5 “economic, social, environmental, and energy” (ESEE) process. The Board disagrees with the Applicant’s assertion that the proposed uses cannot be subject to any regulations adopted outside of a Goal 5 process. The proposed uses are allowed outright in the Surface Mining Zone under CCZO Section 1550, *subject to* applicable federal, state and local regulations. Although the Applicant stated that it filed this LUCS “to establish that siting standards have been met” under CCZO Section 1040, the County has authority to identify and apply other applicable criteria and make a determination on whether the proposed uses comply with such criteria.

The ESEE process prescribed under OAR 660-023-0040 only applies to local land use regulations when local governments propose to adopt land use programs to conserve and protect significant Goal 5 resources. OAR 660-023-0040 requires local governments to analyze the economic, social, environmental, and energy consequences of allowing, prohibiting or limiting uses that might conflict with those significant Goal 5 resource sites before it adopts a program to achieve Goal 5. OAR 660-023-0040(1) provides that: “[l]ocal governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.” OAR 660-023-0040 is not applicable to this Final Order because this decision does not involve a Board action to adopt a land use program to conserve and protect significant Goal 5 resources from conflicting use. This LUCS provides a statement regarding whether the proposed uses comply with applicable County land use regulations. As such, the ESEE requirements do not apply to this Final Order.

The Applicant cites *Rest-Haven Memorial Park v. City of Eugene*, 39 Or LUBA 282, 299, *aff’d* 175 Or App 419, 28 P3d 1229 (2001) for the principle that regulations adopted outside the Goal 5 process cannot be applied to Goal 5 resource sites. Based on that principle, the Applicant concludes that the County can only impose criteria under CCZO Section 1040 to Goal 5 protected surface mining uses in Surface Mining Zone. The Board disagrees that the case stands for the principle asserted by the Applicant. LUBA’s findings in the case are contrary

to that principle. LUBA implied that regulations adopted outside the Goal 5 process may apply to Goal 5 resource sites. LUBA stated:

We do not mean to foreclose the possibility that the disputed ordinance might be justified on the basis of Goal 6 (Air, Water and Land Resources Quality), Goal 7 (Areas Subject to Natural Disasters and Hazards) or other state or federal environmental laws that may require regulatory measures independently of Goal 5. Specifically, we do not mean to foreclose the possibility that those goals or other environmental laws might independently require that the city impose the disputed piping and fill limitations on open waterways that are also within the ambit of Goal 5, without performing the prior planning and analysis that would otherwise be required under OAR chapter 660, division 23 to protect such Goal 5 resources. However, the city has not shown that such is the case here. *Rest-haven Memorial Park*, 39 Or LUBA at 299.

To determine whether a regulation requires adoption through the Goal 5 process in order to be applied to Goal 5 resource uses is a fact specific inquiry. *Rest-Haven Memorial Park* involves a city's interim regulation intended to implement Goal 5. As such, LUBA found that city was required to follow the Goal 5 ESEE process. However, this Final Order does not involve the adoption of a land use program intended to implement Goal 5. As such, the County is not required to follow the OAR 660-023-0040 ESEE process for adopting this Final Order.

The proposed uses are allowed outright in the Surface Mining Zone, subject to applicable federal, state and local regulations. The proposed uses must comply with transportation related land use regulations under CCZO Sections 1044.7 and 1450. CCZO Section 1044.7 provides:

The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

The Applicant concedes that the proposed uses must comply with CCZO Section 1044.7. The Board finds that based on the evidence in the record, the Board cannot determine whether the proposed uses will result in access impacts that require mitigation to limit vehicle weight/loads or require the operator to post an adequate surety bond for road repairs. As such, a TIA is required for the County to determine whether the proposed uses comply with CCZO Section 1044.7.

CCZO Section 1450 provides that a TIA:

[M]ust be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

CCZO Section 1450 provides that a TIA is required if a land use application triggers one of the thresholds in CCZO Section 1450.1(A)-(I) or if the applicant does not provide the County sufficient information to make a determination on whether any of the thresholds are triggered. CCZO Section 1450.2 provides:

[A] landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:

- A. Type of uses within the development
- B. The size of the development
- C. The location of the development
- D. Proposed new accesses or roadways
- E. Estimated trip generation and source of data
- F. Proposed study area

If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.

CCZO 1450.3 provides the transportation related land use approval criteria. Specifically, CCZO Section 1450.3 provides:

When a TIA is required, a proposal is subject to the following criteria:

- A. The TIA addresses the applicable elements identified by the County Public Works Director and the County's Guidelines for Transportation Impact Analysis;

- B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;
- C. For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and
- D. Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.

CCZO Section 1450.4 provides the following COAs for approving a TIA:

- A. The County may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.
- B. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to County Standards.

Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

The Applicant did not identify the estimated trip generation and source of data. As such, the Applicant did not provide sufficient information for the Board to decide whether CCZO Section 1450.1 thresholds for requiring a TIA were triggered. Because the Applicant did not provide sufficient information for the County to make that determination, a TIA is required. Although the proposed uses are allowed outright, in order to comply with all applicable County land use regulations, the Applicant must obtain an approved TIA and implement all mitigation measures, if any are required. The Applicant will need to submit a new LUCS to obtain a determination on whether the proposed uses comply with all applicable County land use regulation prior to beginning operations. Furthermore, the Applicant is required to comply with the TIA requirements in order to obtain an operating permit from Oregon Department of Geology and Mineral Industries.

e. Takings Claim

The Applicant presented an argument that the County's decision in this matter may result in a temporary takings. The Board does not have jurisdiction to hear and provide relief for takings claims. There is no applicable land use approval criteria related to a taking claim that applies to the subject application. The Applicant concedes that state and federal courts have jurisdiction to hear takings claims.

f. Well Water Impacts

The proposed uses are allowed outright in the Surface Mining Zone, subject to applicable federal, state and local regulations. There are no applicable land use approval criteria related to well water impacts that apply to the proposed uses. Therefore, the Board lacks the authority to impose COAs related to potential well water impacts of the proposed uses through this LUCS.

g. The Record

On February 23, 2021, the Board's Office received evidence from Lois Palomaki. The Board has not considered this evidence in making its decision. This evidence is rejected because the record was closed on February 17, 2021.

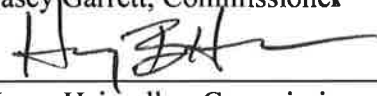
NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDERS, based on the foregoing and the whole record in this matter, the Board APPROVES LUCS 21-15.

DATED this 17 day of March, 2021.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

By: 
Casey Garrett, Commissioner

By: 
Henry Heimuller, Commissioner

Approved as to form
By: 
Office of County Counsel

**COLUMBIA COUNTY LAND DEVELOPMENT SERVICES
APPEAL STAFF REPORT**

February 9, 2021

Appeal of Land Use Compatibility for New Surface Mining Operation

FILE NUMBER: LUC 21-15 (Appeal)

APPLICANT: Curtis Shuck
25275 Loten Way, Veneta, OR 97487

OWNER: Lost Creek Rock Products LLC (Mel McDougal)
PO Box 518, Creswell, OR 97426

AGENT: Law Office of Bill Kloos PC (Kim O’Dea)
375 W. 4th Avenue, Suite 204, Eugene, OR 97401

LOCATION: Beaver Falls Quarry is located on Beaver Falls Road

MAP ID NO.: 7411-00-01000 (Tax Acct. # 27871)

ZONING: Surface Mining (SM)

SIZE: 74.58 acres (46.23 acres impacted by the proposed use)

REQUEST: The applicant has appealed the decision to approve with conditions, the Land Use Compatibility to operate an aggregate quarry including removal, excavation, processing and stockpiling of aggregate materials and to site a portable non-fixed office and truck scale and exterior storage of heavy equipment associated with the use and the installation of a sedimentation pond. Specifically, the applicant is requesting to remove conditions of approval 1a and 1b.

APPLICATION COMPLETE: 11/26/2020

150 DAY DEADLINE: 03/24/2021

INITIAL DECISION DATE: 01/21/2021

APPEAL RECEIVED: 01/25/2021

APPLICABLE REVIEW CRITERIA:**Columbia County Zoning Ordinance (CCZO)**

Section 1040	Surface Mining (SM)
Section 1105	Flood Hazard Overlay – Development Permit
Section 1173	Activities Prohibited within the Riparian Corridor Boundary
Section 1184	Wetland Area Overlay Development Standards
Section 1450	Transportation Impact Analysis
Section 1550	Site Design Review
Section 1614	Requests for Special Hearings
Section 1700	Appeals

Oregon Revised Statutes

ORS 197.763 Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures.

SUMMARY INFORMATION:

On January 21, 2021, Columbia County Planning issued a decision approving the Land Use Compatibility Statement (LUC 21-15) with conditions requiring additional land use applications. A timely appeal was received on January 25, 2021 requesting conditions 1a and 1b be removed. The matter is being scheduled for a public hearing before the Columbia County Board of Commissioners. The original proposal is summarized below.

The applicant, Curtis Shuck, is requesting to begin operations of an aggregate mining operation on the subject property as a permitted outright use, without any further land use applications. The mining operation will include the excavation and processing of aggregate into gravel. A temporary portable office and truck scales will be located on the property, as well as the storage of heavy equipment on the site.

According to the applicant, the Land Use Compatibility Statement (LUCS) has been submitted to establish that standards listed in Section 1040 of the Columbia County Zoning Ordinance (CCZO) have been met. The subject property is zoned (SM) Surface Mining and is listed on the Columbia County Comprehensive Plan Part XVI, Article VI, Table XVI-1 as an Active Aggregate Site with Active Mining and Land Reclamation Permits as of January 20, 1984. It should be noted, there is no record of this site ever having an approved operating permit from the Oregon Department of Geologic and Mineral Industries (DOGAMI) or from Columbia County, to actually begin mining operations. There may have been some exploratory excavation in the 1960's and 1970's, however there has not been any active mining on the site for at least 40 years.

Submitted with this LUCS application is the DOGAMI Operating Permit application for a new open pit, multiple bench, sidehill cut, surface mining operation to extract Basalt aggregate material. Mining methods will include drilling and blasting, ripping and loading, crushing, washing screening, shovel/loader/scrapper and stockpiling. Equipment to be used will be loaders, dozers, excavators, trucks, screeners, crushers and drilling equipment. Excess surface water is

proposed to be captured in a stormwater retention/detention pond. Soil and overburden will be stockpiled on site and reused as part of the reclamation plan.

The majority of the property has been recently logged, however the riparian areas along the creek and most of the buffer areas have been left intact with existing vegetation still in place. A portion of the subject property does contain Beaver Creek and its associated riparian area, wetlands and floodplain. There is a minimum of a 50' wide buffer area around the entire property that increases to at least 100' near the creek. The applicant proposes no activity within 100' of the creek and no operations including vegetation removal within the riparian area, wetlands or floodplain. It should also be noted that a portion of the subject property lies south of Beaver Falls Road. This portion of the property is not included within the operating permit boundary and will have no mining operations conducted on it. The total area to be affected by mining related activities is 46.26 acres. The post mining use of the property will be Forestry.

The proposed site plan does not include the location of a sub-surface septic system and a well. If a septic system and well are installed, they will need to meet required setbacks and obtain the appropriate installation permits. The County Sanitarian has yet to conduct a Lot Evaluation for the site and the applicant has yet to drill a well and record a well log with the Oregon Water Resources Department. Electrical and other utilities can be extended to the subject property along Beaver Falls Road. Emergency services are provided to the subject site by the Clatskanie Rural Fire District and the Columbia County Sheriff.

The Clatskanie-Quincy Environmental BEAK Maps indicate the site is not located in any Big Game Habitat Area, there are no threatened, endangered or sensitive wildlife, plant and animal species nor are there any significant natural areas.

2018 Aerial View of Subject Property



Zoning Map of Subject Property



REVIEW CRITERIA, ANALYSIS, FINDINGS & FACTS:**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.

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 except marijuana growing and producing.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

Finding 1: The applicant proposes removal, excavation, and processing of aggregate materials, storage of heavy equipment, siting of accessory structures such as a portable office and truck scale, aggregate stockpiling and a sedimentation pond. These are all uses that are specifically listed as permitted in the SM zone. It should be noted that there is no record of an operating permit issued by the County or DOGAMI for this property in the last 40 years.

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

- .1 The landowner and operator shall be jointly responsible for signing the application.
- .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.
- .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 2. The owner (Mel McDougal) and operator (Curtis Schuck) have signed the application. The subject property is 74.5 acres, which is greater than 2 acres in size, and the area within the operating permit is proposed as 46.23 acres.

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

Finding 3: The proposed mining area maps included with the application show a minimum 50 foot setback from all property lines. The subject property is not adjacent to any zone that allows a residential use as a permitted use. It should be noted that the mining area will be greater than 200 feet from any residence. There are no activities proposed within 50 feet of another property or public road right-of-way. Other than the access into the property, the 50 foot buffer will remain untouched and vegetated.

- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require

resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.

Finding 4: The applicant has no objection to the operating hours being limited to 7 am to 6 pm daily.

- .6 **Visual Impacts:** Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:
 - A. A sight-obscuring fence or wall;
 - B. A landscaped berm or preservation of a natural slope;
 - C. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.

Finding 5: The existing native vegetation within the 50 foot buffer area is sufficient to provide screening of the mining operation. Additional screening with fences, walls and berms will not be necessary as long as the existing native vegetation remains. It should be noted there are several residential uses located across the street from the site and there is a public park (Beaver Falls Park) located to the southeast of this site. It will be important to maintain the entire 50 foot buffer area with a thick screen of mature vegetation along Beaver Falls public road.

- .7 **Access:** The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

Finding 6: Beaver Falls County Road is a paved public road with two-way access. The specific road impacts to the road and the need for a surety bond will be reviewed once the applicant submits a Transportation Impact Analysis (CCZO Sec. 1450). Also, once the Design Review application (CCZO Sec. 1550) is submitted, the more detailed plan will be reviewed to determine if a wheel wash will be required in order to keep the public road dust free. Prior to any operations, a County road access permit will be required to connect the driveway to Beaver Falls County Road. Additional information will also be required to address the weight, direction and other new traffic impacts created by large trucks visiting the site.

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

Finding 7: The applicant does not object to operating the site within the applicable noise standards required by Oregon DEQ and DOGAMI and will be limited to operating hours of 7am to 6pm.

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

Finding 8: The applicant proposes a sedimentation pond, to capture surface water on the site, slow it down, and settle it, so turbid water can release its sediment load into the pond, prior to it reaching Beaver Creek. Oregon DOGAMI will review the stormwater plan as part of the operating permit to ensure that the site will be operated in a manner that will meet state and federal water quality standards.

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

Finding 9: The site is not listed in the Columbia County Comprehensive Plan as an inventoried cultural resource. Oregon DOGAMI will coordinate with the State Archaeologist as part of the operating permit. Columbia County will also send notice to the State Historic Preservation Office (SHPO) as part of the Design Review application.

- .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.
- .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.
- .13 **Land Reclamation:** A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation

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

Finding 10: Erosion control, slopes and grading plan, and land reclamation is all administered by Oregon DOGAMI as part of the operating permit.

COLUMBIA COUNTY ZONING ORDINANCE

Sec. 1100 FLOOD HAZARD OVERLAY

1105 Development Permit

- .1 A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1104. The permit shall be for all structures allowed by the underlying zone, including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also set forth in the "Definitions". The following exceptions apply for the storage of equipment or materials:
 - A. any temporary storage within any zoning district, and
 - B. permanent storage connected with residential use located out of the floodway.

Finding 11: The subject property is crossed by Beaver Creek and its associated floodplain, in the southwest portion of the property. The applicant has chosen not to mine in this portion of the property and it is not included within the operating permit boundary. The applicant further protects this area with a vegetated buffer that is at least 100 feet from the creek. Reference the attached map titled Operating Permit Site Plan Map. Because no development activities will take place within the designated special flood hazard area, no floodplain development permit will be required.

1173 Activities Prohibited within the Riparian Corridor Boundary

In addition to the prohibitions in the underlying zone, the following activities are prohibited within a riparian corridor boundary, except as provided for in Sub-sections 1175 and 1176 of this Section:

- A. The alteration of a riparian corridor by grading, placement of fill material, and/or impervious surfaces, including paved or gravel parking areas, or paths, and/or the construction of buildings or other structures which require a building permit under the State of Oregon Uniform Building Code, as amended.

- B. The removal of riparian trees or vegetation.

Finding 12: The applicant proposes no development within a riparian corridor boundary. Reference the attached map titled Operating Permit Site Plan Map.

COLUMBIA COUNTY ZONING ORDINANCE

Section 1450 TRANSPORTATION IMPACT ANALYSIS (TIA)

1450 Transportation Impact Analysis: A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.
 - C. Potential impacts to intersection operations.
 - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
 - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
 - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
 - G. A change in internal traffic patterns may cause safety concerns.
 - H. A TIA is required by ODOT pursuant with OAR 734-051.
 - I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

Finding 13: A Transportation Impact Analysis (TIA) is required for this project. The applicant has not provided transportation information for this project. From the above list, staff identifies the following that will likely apply; A change in land use from Forestry to Surface Mining, An increase in trip generation. Intersection impacts to the east with Beaver Falls Road and Delena Mayger Road and Delena Road and traveling west on Beaver Falls Road impacts with Mustola Road, Quincy Mayger Road and Inglis Road. Beaver Falls Road does cross land that is zoned Rural Residential to the east and to the west of the subject property. The access driveway location will need to be analyzed for sight distance. The proposed surface mining operation is expected to generate large vehicle traffic in excess of 26,000 pounds gross vehicle weight. Any one of these is enough to trigger the TIA requirement. The TIA will be required to be submitted with the Design Review land use application.

- .2 Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:
 - A. Type of uses within the development
 - B. The size of the development
 - C. The location of the development
 - D. Proposed new accesses or roadways
 - E. Estimated trip generation and source of data
 - F. Proposed study area

If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.

Finding 14: The applicant has not provided any estimated trip generation data and/or the proposed study area. Staff recommends the applicant contact Columbia County Public Works Road Department who will provide a scoping summary, the study area, and any other special parameters such as bridge weight capacity that will be used in the development of the TIA.

- .3 Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:
- A. The TIA addresses the applicable elements identified by the County Public Works Director and the County's Guidelines for Transportation Impact Analysis;
 - B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;
 - C. For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and
 - D. Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.

Finding 15: Columbia County will apply the above standards to the TIA once it is submitted with the Design Review land use application.

.4 Conditions of Approval.

- A. The County may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.
- B. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to County Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Finding 16: The County may require on-site and off-site improvements as conditions of approval associated with this development project. The specific conditions of approval will be included with the Design Review land use application that will include the TIA information.

Section 1550 SITE DESIGN REVIEW

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

1551. Types of Site Design Review:

- A. Type 1: Projects, developments and building expansions which meet any of the following criteria:
 - 1. Are less than 5,000 sq.ft. and are less than 10% of the square footage of an existing structure.
 - 2. Increase the number of dwelling units in a multi-family project.
 - 3. Increase the height of an existing building.
- B. Type 2: Projects, developments and building expansions which meet any of the following criteria:
 - 1. Have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
 - 2. Change the category of use (e.g., commercial to industrial, etc.).
 - 3. New off-site advertising signs or billboards.
 - 4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

1552 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

Finding 17: Surface mining is an industrial use, therefore, the Site Design Review process is applicable. This project will have an area of 46.23 acres which is greater than 5000 square feet, therefore it will be reviewed as a Type 2 Design Review that will be heard by the Planning Commission. A condition of approval will be added requiring the applicant to submit a Design Review land use application prior to beginning operations at the subject property.

Section 1550 above, lists use types where the Site Design Review process is applicable. The relevant question surrounds the Planning Director interpretation that mining is considered an Industrial use. The applicant has submitted material that alleges that mining is not an industrial use. A simple google search of “what is an industrial use?” found the following definition on Law Insider.Com:

***Industrial use** means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.*

A second definition on the Law Insider web page is as follows:

***Industrial use** means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adopting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. A transportation terminal would also be considered an “Industrial Use”.*

Both of these definitions show that mining operations are considered industrial by nature and the plain and simple notion that mining is an industrial type use is supported by these definitions. The first definition calls out ‘mining’ in the body of the definition. The second definition lists processes that are typically associated with industrial and mining activities.

The applicant proposes an open quarry surface mining operation that will include aggregate processing (screening and crushing of rock) and stockpiling of materials, storage of heavy equipment and the placement of a portable office structure, and a truck scale. Aggregate material will be transported offsite via heavy trucks. While surface mining is a specific type of industrial use, it is still industrial in nature, as is shown by the second definition above which specifically calls out *processing, preparing, altering, and the storage of building and construction equipment.*

In comparing the impacts from surface mining operations and impacts from other typical industrial uses, many similarities are observed because mining is a specific type of industrial use just as surface mining is a specific type of mining (opposed to underground or placer mining). Both mining and other industrial uses create noise, dust, vibration, air quality and water quality impacts. Both mining and other industrial uses frequently produce transportation impacts due to increased trips and large heavy truck traffic. Both mining and other industrial uses are often aesthetically unpleasing, unsightly, and generally not compatible with non-industrial uses such as community, governmental, institutional, commercial, and residential uses.

An important distinction between mining and other industrial uses is, aggregate can only be extracted from its original location in the ground. State Planning Goal 5 recognizes this distinction and the importance of the resource, that is why Counties are required to identify these locations, protect them for future use, and protect them from encroaching residential conflicts. In this case, the community has protected the subject property for mining. August 1, 1984 was the effective date of Ord. No. 84-4 when the subject property was identified as a significant Goal 5

mineral and aggregate resource in Part XVI, Article VI of the Columbia County Comprehensive Plan (CCCP) and was zoned SM for surface mining.

In Table XVI-1 of the CCCP the subject property is recognized and listed as an Active Aggregate Site with an Active Mining and Land Reclamation Permit. As was stated previously in this report, at that time, the site had a provisional permit for mining, however there is no record of it ever having an operating permit from DOGAMI or from Columbia County. DOGAMI's website explains:

If it is determined at any time that third-party permits or approvals are required, DOGAMI may be required to issue a Provisional Operating Permit to the applicant.

DOGAMI's website also notes that "Operating permits must be renewed annually until mining and reclamation are complete."

A likely explanation for why only a provisional permit was issued is, the owner of the property in the 1970's applied for an operating permit from DOGAMI to mine the site. The site was given a provisional permit at that time pending additional actions necessary from the owner. Columbia County reviewed all DOGAMI active mining sites when they were developing their list of active mining sites for the County's original comprehensive plan and since this property had a provisional permit it was added to the list of sites to protect. The owner at that time never followed through with the additional actions necessary for obtaining the actual operating permit, so mining was never actually authorized to begin on the site.

Without documentation that the site ever received a full operating permit from DOGAMI or the County, there is no evidence the site has actually gone through a land use process to obtain an operating permit, therefore, it is subject to the DOGAMI permitting process in place now. The applicant, Lost Creek Rock Products, has made application to DOGAMI for an operating permit. DOGAMI is required to communicate with the local entity (Columbia County) to determine if all local land use permitting is in order. The County reviews the permit history of the site and the scope of the proposed mining activity, to determine if a Site Design Review is required and which level of land use process (Type I or Type II is required). The County communicated to DOGAMI that a Site Design Review land use process was required prior to beginning operation with its August 20, 2020 email correspondence to Cari Buchner and Nicholas Tatalovich of DOGAMI.

The applicant argues in their submittal that "Mineral and aggregate" processing/extraction is not listed as an industrial use in any section of the CCZO", however surface mining and various aspects of its associated operations, along with the required review process, are identified as follows in the CCZO:

- The Primary Agriculture (PA-80) zone, lists "Surface mining for mining of more than 1,000 cubic yards of material or for the excavation preparatory to mining..." and "Processing as defined by ORS 517.750 of aggregate..." as a conditional use subject to Planning Commission review. Reference CCZO Section 306.4.
- The Primary Forest (PF-80) zone lists "Exploring, Mining and processing...mining and processing of mineral and aggregate resources as defined in ORS chapter 517" as a conditional use subject to Planning Commission review. Reference CCZO Section 505.2.
- The Surface Mining (SM) zone lists "Removal, excavation, and processing of aggregate material" as a permitted use. Reference CCZO Section 1042.1.

Since mining is a type of industrial use, the provision of Section 1550 site Design Review apply and new industrial uses larger than 5,000 sq.ft. are classified as Type II which are reviewed by the Planning Commission.

Surface mining uses in the PA-80 and PF-80 zones are reviewed as a conditional use by the Planning commission who can review if the use is appropriate for the location and could potentially determine that the use is not allowed in that location. In contrast, within the SM zone surface mining uses are a permitted outright use and are protected in the comprehensive plan as a goal 5 resource. Consequently, the review standards are limited to design only and the use cannot be denied as long as it is consistent with CCZO Section 1044. CCZO Section 1040 allows for site design review of surface mining proposals because there is the possibility that a proposal may be designed in a manner that is inconsistent with the criteria listed in CCZO Section 1044.

That is the difference between being a conditionally allowed use and a permitted use in the zone and shows how the community has protected the site for surface mining operations. Now that there is interest in fully permitting and initiating mining operations on the site, it is subject to review by the County to ensure compliance with State and local standards. The Design Review land use process, found in Section 1550 of the CCZO, is the method used for this type of process. This process recognizes that mining is allowed on the property, that decision has already been made and it is an allowed use. This process cannot be used to deny mining on the site, only to review how the site will be designed.

Section 1550 contains a list of broad use categories that indicates a Site Design Review is required for “all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses”. This is not a not a list of zoning designations or specific uses, instead these are broad categories of use types.

Within the broad category of “Industrial” the CCZO provides for the classification of industrial uses into several different zoning districts depending on their level of intensity and distinct characteristics. The industrial zone districts utilized by Columbia County are RIPD, M-1, M-2, M-3, and SM. The RIPD zone is located in Article IV – Rural Development Districts, of the CCZO because this zone is located outside of urban growth boundaries and not in a Farm or Forest Resource zone. The M-1 through M-3 zones are located in Article V- Suburban Districts, of the CCZO because these districts are located within an urban growth boundary (UGB). The SM zone is located in Article VI – Special Districts..., because this zone can be located inside or outside of a UGB, depending upon wherever the significant resource is located within the ground. Surface mining is a very specific zone district that limits uses to industrial operations specific to the extraction and processing of aggregate resources.

The CCZO is not written in such a way that it specifically states that Site Design Review is required in each zone district. That is not how this zoning ordinance is structured. It is left to the simple language in the applicability statement of Section 1550.

For Example, a Hospital is listed as a permitted use in the C-3 General Commercial zone, CCZO Section 820. Nowhere in Section 820 does it state that a Design Review is required prior to development, but a hospital is a type of commercial use, therefore CCZO Section 1550 applies. Again, CCZO Section 720, Multiple Family Residential, lists Apartments as a permitted use in the zone. The MFR zone does not indicate that a Design Review process is necessary, but Section 1550 requires Site Design Review for multi-family residential projects. These examples show that the CCZO is not written with specific links or connections in each zoning district back to Section 1550

but that Site Design Review can be applied just by applying the simple language in the opening statement of Section 1550.

This methodology is applied also to industrial type uses. An Automobile Wrecking Yard is listed as a permitted use in CCZO Section 930 of the M-1 Heavy Industrial zone and a Site Design Review is required per Section 1550. Similarly, since mining is a type of Industrial use, CCZO Section 1550 Site Design Review is applicable. The magnitude of the proposed operations is further evaluated and the level of site design review process (Type I or Type II) is then determined.

It is important to note that affording the community an opportunity to comment is the heart of Oregon land use system and that opportunity to comment occurs through a land use process prior to new development or an expansion of use on a property. This land use process is an important step in achieving compliance with State Planning Goal 1, Citizen Involvement.

As stated previously, surface mining is allowed on the site and that is not up for debate. The comprehensive plan and zoning of the property have protected the subject property because it does contain a significant mineral resource. Mining is permitted in the SM zone and the Design Review land use process is the method to provide for citizen participation to ensure the site is designed and operated in a manner that is consistent with the community standards identified in Section 1550 of the CCZO. Ensuring compliance with these design standards will further protect the site from impacts from adjacent properties and those who travel in the surrounding area, as well as protect environmentally sensitive areas, and thus protect the site from law suits and claims of impacts from surrounding uses.

The subject proposal is consistent with CCZO Section 1044, however, staff finds the reason it is consistent with Section 1044 is because a design review and transportation impact analysis is required to determine whether the proposal is consistent with CCZO Sections 1044.7 and 1044.10. CCZO Section 1044.7 specifically states that “[t]he County may *impose* weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs.” (Emphasis added.) Staff finds that a TIA and design review is required to make this determination. CCZO Section 1044.10 specifically states that “[i]f an area of proposed 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 site(s) and establish measures to mitigation potential conflicts as necessary.” The subject application proposes evacuation as an operational activity. However, the application does not contain sufficient information for staff to determine whether there are archaeological sites within the subject area. As such, there is the possibility that proposed excavation areas will require further review by the County based on CZZO Section 1040.10. The Design Review land use process is the method for communication with the State Historic Preservation Office and is required to determine if the property will be subject to additional conditions of approval related to archeological resources.

In conclusion, staff has shown in finding 17 that mining is a type of industrial use and that the language in the opening applicability statement of Section 1550 requires a Site Design Review land use process prior to beginning development, redevelopment, expansion, or improvement of all industrial uses. The structure of the zoning ordinance was analyzed and specific examples given showing the CCZO does not have specific links or connections between each zone and Section 1550, Site Design Review. Additionally, there is no evidence the subject property has ever received a full operating permit from DOGAMI or from Columbia County to begin mining of the property. Furthermore, this finding indicates that while the property was added to the CCCP Active Mining Sites list, and is-protected as a Goal 5 resource, and is zoned Surface Mining SM, a land use process

is still necessary to establish mining on the subject property. The need for a Design Review process has been communicated to DOGAMI and is the appropriate land use process to provide for citizen participation and protect the site from future lawsuit by showing that it meets the accepted community standards of CCZO Section 1550.

- 1553 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre- application conference.
- 1554 Pre-application Conference Committee: The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.
- A. The County Planning Director.
 - B. The County Director of Public Works.
 - C. The Fire Marshal of the appropriate Rural Fire District.
 - D. The County Building Official.
 - E. The County Sanitarian.
 - F. A city representative, for projects inside Urban Growth Boundaries.
 - G. Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.

Finding 18: A condition of approval will be added to this decision requiring a pre-application conference prior to submittal of the Design Review land use application. At this time the applicant has not submitted a pre-application conference or Design Review application. Condition 1a requires a pre-application conference prior to the Design Review application. Application of CCZO 1550 as stated in Finding 17 confirms the need for a Design Review Application. The first step in that process is a pre-application conference. Staff recommends that condition 1a remain.

Section 1600 ADMINISTRATION

Section 1614 Requests for Special Hearings:

In addition to Special Hearings ordered by the Board of County Commissioners on its own initiative, Special Hearings may be initiated by the Board at the request of the Planning Director or his designate, or a majority of the Planning Commission, for any quasi-judicial land use application or type of quasi-judicial land use application.

Finding 19: The Planning Director requested the Board of Commissioners to hear the quasi-judicial appeal hearing of LUC 21-15 because it involves a significant interpretation of the Columbia County Zoning Ordinance that will also be applicable to other properties in the County not associated with this application.

Section 1700 APPEALS

1701 Appeal Procedures:

.1 General Procedure:

A land use decision, as it is defined in ORS 197.015(10), made by the Director, Hearings Officer (in lieu of the Planning Commission), Planning Commission, or the Design Review Board shall be final at the end of 7 calendar days following the date notice of the decision is mailed to the applicant, and other persons entitled to notice of the decision as provided by ORS 197.763, unless a notice of appeal of decisions to the Planning Commission or the Board of Commissioners is filed with the County Clerk's office. A notice of appeal can be obtained from the Planning Department or from the Clerk's office and shall contain: [effective 7-15-97]

- A. The name, address, and telephone number of the person filing the notice;
- B. An identification of the decision sought to be reviewed, including the date the decision was made; and
- C. In the case of decisions by the Planning Commission or Hearings Officer, the specific reasons why the decision should be modified or reversed.

.2 Appeals of the Planning Commission's decision regarding administrative actions of the Planning Director or decisions of the Design Review Committee shall be to the Land Use Board of Appeals. [effective 7-15-97]

.3 Any person entitled to notice of the decision as provided by this ordinance or by state law who desires to appeal the decision shall file the notice of appeal with the required fee. Failure to file a notice of appeal, or make payment of the required fee, within the designated time limit, shall be a jurisdictional defect and shall preclude review.

.4 When a notice of appeal is properly and timely filed in compliance with this section, and timely payment of the filing fee is made, a de novo appeal hearing shall be scheduled at the earliest opportunity. Notice of the hearing shall be mailed to the appellant, the applicant, the property owner, if different from the applicant, and any other persons who requested notice of the appeal hearing in writing. Notice of the appeal hearing shall be published in a newspaper which covers the property subject to the appeal. Notice of the appeal hearing shall be mailed to the parties and distributed to the newspapers no later than 7 days prior to the scheduled hearing date. [effective 7-15-97]

1702 Appeal of a Planning Director's Action: Any land use decision by the Director, or Design Review Board may be appealed to the Planning Commission by persons who appeared before the lower decision making body, either in person or in writing. The appeal may concern the approval or denial of an application or any conditions attached to the approval of an application.

Finding 20: The applicant submitted a timely notice of appeal, within 5 days of the decision. The notice of appeal included all of the information required by Section 1701 above. The appeal is of a Director's decision that can be heard by the Planning Commission, however, in this case the issue has been elevated to the Board of Commissioners pursuant to CCZO Section 1614. Reference Finding 19.

OREGON REVISED STATUTES

197.763 Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures. The following procedures shall govern the conduct of quasi-judicial land use hearings conducted before a local governing body, planning commission, hearings body or hearings officer on application for a land use decision and shall be incorporated into the comprehensive plan and land use regulations:

- (1) An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the local government. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the governing body, planning commission, hearings body or hearings officer, and the parties an adequate opportunity to respond to each issue.

Finding 21: The applicant has provided a notice of appeal including a written statement raising the issue they wish to be heard by the Board of Commissioners. To summarize, the applicant does not believe that any additional land use applications, such as a Design Review and Pre-Application Conference (Conditions 1a and 1b) are required in order to begin aggregate mining operations on the subject property.

ORS 197.763

- (2)(a) Notice of the hearings governed by this section shall be provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located:
 - (A) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
 - (B) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
 - (C) Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.
- (b) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
- (c) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

Finding 22: Notice of the appeal public hearing was mailed to the applicant, owner and agent as well as to property owners within 250 feet of the subject property. Additionally, notice was provided to the Rainier-Fern Hill Citizen Planning Advisor Committee. The applicant did not request notice be mailed to DLCD, so it was not.

ORS 197.763

- (3) The notice provided by the jurisdiction shall:
- (a) Explain the nature of the application and the proposed use or uses which could be authorized;
 - (b) List the applicable criteria from the ordinance and the plan that apply to the application at issue;
 - (c) Set forth the street address or other easily understood geographical reference to the subject property;
 - (d) State the date, time and location of the hearing;
 - (e) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
 - (f) Be mailed at least:
 - (A) Twenty days before the evidentiary hearing; or
 - (B) If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing;
 - (g) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
 - (h) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - (i) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
 - (j) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

Finding 23: Notice of the appeal hearing explained the nature of the application was a Land Use Compatibility to allow surface mining and extraction of aggregate on the subject property. The notice did list the applicable review criteria, however, the property does not currently have a street address, so the assessor map and tax lot number were used for identification. The date and time of the hearing and a link and phone number were provided for access to the virtual public hearing. The notice did include the required statement regarding the failure to raise an issue may preclude appeal based on that issue. Notices were mailed on January 28th and 29th and clearly stated the hearing would be held on February 17th. Contact information, how to review the documents and obtain copies, when the report will be available and how to submit testimony and the criteria for the hearing procedure were all included within the notice.

COMMENTS RECEIVED:

On January 31, 2021, LDS Planning did receive comments from neighbors, Donald and Lois Palomaki. The Palomakis, are opposed to the excavation of the subject property and are particularly concerned that their deep well will be damaged. Reference Attachment 11.

Finding 24: While the neighbor's concerns may be valid, they are not relevant to the review criteria for the appeal of this application (LUCS 21-15). These types of concerns may be better addressed through the DOGAMI operating permit review or possibly the Design Review land use process.

CONCLUSION & RECOMENDATION:

Based upon the submitted Land Use Compatibility application (LUC 21-15) and other materials provided by the applicant, research about the property and findings in the initial Staff Report, and the findings in this Appeal Staff Report, the Planning Director recommends the Board of County Commissioners make the following finding:

Mining is an industrial use type that is applicable in Section 1550 Design Review of the Columbia County Zoning Ordinance and that any project to begin mining operations in the SM zone is subject to a Design Review land use process.

Furthermore, staff recommends the Board of Commissioners uphold the initial Planning Director decision finding the application meets the standards of Section 1044 of the Columbia County Zoning Ordinance and **APPROVES** LUC 21-15 with the conditions of approval listed below:

CONDITIONS OF APPROVAL:

1. Prior to beginning any surface mining operations on the subject property, the owner/applicant is required to submit the following land use applications and obtain approval from Columbia County Land Development Services:
 - a. Pre-Application Conference;
 - b. * Design Review application ;
 - c. * Transportation Impact Analysis.

* Please note these land use applications will likely include additional conditions of approval.

Attachments:

1. Applicants Notice of Appeal
2. Notice of Appeal Public Hearing
3. Affidavits of Mailing
4. Affidavits of Publication
5. August 20, 2020 email with DOGAMI
6. LUC 21-15 Initial Staff Report
7. Submitted application and maps
8. Vicinity Map
9. Zoning Map
10. Aerial Photo
11. Comments Received from Neighbors
12. CCZO Section 1040 Surface Mining
13. CCZO Section 1550 Site Design Review
14. CCCP Part XVI Goal 5, Article VI Surface Mining

Curtis 360-567-7521 EXHIBIT A
192 20-000382 PLNG-01

RECEIVED
JAN 25 2021
Land Development Services

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
Planning Division
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
PHONE: (503) 397-1501 FAX: (503) 366-3902

Attachment 1

APPEAL / REFERRAL

NOTE: If this is an appeal, please read the back of this form to determine if you have "Standing"
CIRCLE ONE OF THE FOLLOWING

APPEAL or REFERRAL

YOUR NAME: Kim O'Dea Law Office of Bill Kloos, PC Phone: 541954-0095

Address: Law Office of Bill Kloos PC City: _____ Zip: _____
375 W. 4th Ave., Suite 204

Email: Eugene, OR 97401 kinodea@landuse.org

ORIGINAL APPLICATION: Name: Curtis Shuck / Lost Creek Rock Products, LLC Mel McLaughel

File #: LUC 21-15 Request: Removal of Conditions from LUCs
appeal Outright Permitted Use determination.

APPEAL Fee required
File in the County Clerk's Office

Please check one of the following:
 I wish to appeal the decision made by the Land Development Services Department. This appeal is to the Columbia County Planning Commission. (CCZO Section 1702); or

_____ I wish to appeal the decision made by the Columbia County Planning Commission. This appeal is to the Columbia County Board of Commissioners. (CCZO Section 1703)

Original request was: Approved or Denied; Decision Date: Jan 21, 2021
of Conditions Appeal Deadline: Jan 28, 2021

Reason for appeal (attach additional pages if necessary): Improper Conditions. See Attached

REFERRAL Fee required
File in the Land Development Services Office

_____ The application is reviewed Administratively without a public hearing, and I wish to refer this application to the Columbia County Planning Commission for a public hearing.

Reason for referral (attach additional pages if necessary): _____

The foregoing statements are in all respects true and correct to the best of my knowledge and belief:

Date: January 25, 2021 Signed: [Signature] on behalf of Curtis Shuck and
Lost Creek Rock Products, LLC

FOR CLERK'S OFFICE USE ONLY
Received: 1/25/21 Received by: [Signature] Receipt # 394090 Check#
Please route copies of this form to: Board of Commissioners (2 copies), Land
Development Services (1 copy) and County Counsel (1 copy). Thank you.

LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW
375 W. 4TH AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

KIM O'DEA
KIMODEA@LANDUSEOREGON.COM
TEL: 541.954.0095

January 22, 2021
NOTICE OF APPEAL

Columbia County Planning Commission
c/o Matt Laird
Land Development Services
230 Strand
St. Helens, OR 97051

Re: Lost Creek Rock Products/Beaver Falls Quarry; Map 07-04W-11, TL 1000.

Dear Mr. Laird,

Please accept this letter as narrative in support of the applicant's Notice of Appeal of LUC 21-15. The applicant is proposing an outright permitted use in the Surface Mining (SM) zone. As such, no land use permit is required. This LUCs was filed to establish that siting standards were met.

The County approved the LUCs, but attached three conditions. At least two of the conditions are improper.

The applicant is entitled to appeal pursuant to CCZO 1700 because the applicant is entitled to notice of the decision, appeared in writing before the planning department and supplied information and argument in favor of the application.

The appeal is filed by Kim O'Dea of the Law Office of Bill Kloos, on behalf of Curtis Shuck, 25275 Loten Way, Veneta, OR 97487 (360-567-7521) and Lost Creek Rock Products, LLC, PO Box 518, Creswell, OR 97426 (541-935-3629). The address and phone number for the Law Office of Bill Kloos is found above. The decision being appealed is LUC 21-15 noticed January 21, 2021 (Staff Report dated January 20, 2021).

I. Condition 1.b

Condition 1.b of the LUCs approval requires a Design Review (DR) application. DR is not triggered by the proposal because the use is not an "industrial use," as defined by the CCZO.

A. CCZO 1040, et.al. – Surface Mining Zone

Lost Creek Rock Products/Beaver Creek Quarry
January 22, 2021
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The proposed use is an outright permitted use under CCZO 1042. Per the purpose statement of the Surface Mining Zone, CCZO 1041, the purpose of the zone itself is to “*provide for the protection and utilization of [deposits of aggregate and resource materials] in a manner which does not conflict with other land uses.*” To address this purpose, the county included CCZO 1044 within the zone, which ensures that the use does not conflict with other land uses. Per the plain language of the Code, the purpose of the zoning district was to adopt provisions to minimize conflict, and the County did so at CCZO 1044. Staff and the applicant agree that the requirements of CCZO 1044 have been met. In this case, compatibility requirements are contained within the zone¹.

B. CCZO 1550 – Design Review

CCZO 1550 – Design Review is not triggered by the proposal. The Director attempts to apply CCZO 1550 to the subject proposal based on an unsupported interpretation of “industrial use.” The Director states that “*surface mining is an industrial use ****,” but provides no basis for the statement. Based on the below, all evidence is contrary to the Director’s position.

Surface mining is a “resource use,” protected by Statewide Planning Goal 5. Statewide Planning Goal 5 specifically lists aggregate as a resource that must be inventoried and protected. Further, it requires that sites for the “removal and processing” of mineral and aggregate resource sites be identified and protected. SWPG 5 is implemented by ORS and OAR. The term “aggregate resource use” occurs.

Surface mining is addressed in the Columbia County RCP as a resource use. See Part XVI, Article VI. Further, Policy 4 and Policy 11 address impacts/compatibility. The requirements of Policy 11 are adopted into CCZO 1040.

In the CCZO, “mineral and aggregate” is listed as a use of its own or a resource use. See Article III, Sections 300 (table of uses), Section 500 (table of uses), and Section 1040.

Industrial uses are listed throughout the CCZO. See Article III, Section 300 (table of uses and page 46), Section 500 (table of uses), Section 910, Section 920, Section 930, and Section 940. “Mineral and aggregate” processing/extraction is not listed as an industrial use in any section of the CCZO.

In short, State and local law have defined aggregate extraction and processing as a resource use (or use of its own). Further, the County has defined and listed industrial uses. Aggregate extraction and processing is not included as an industrial use.

The Director’s interpretation of “industrial use” to include aggregate extraction and processing is not supported by to Statewide Planning Goal 5, implementing Rules and Statute, the County Comprehensive Plan, or the CCZO. Because the proposed use is a resource use (or a use of its own), and not an industrial use, CCZO 1550 is not triggered. Condition 1.b must be stricken.

¹ It should be noted that agricultural use and forest use are both permitted uses in the SM zone. The County does not require DR for those uses. As such, the County is applying its code inconsistently.

Lost Creek Rock Products/Beaver Creek Quarry
January 22, 2021
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Finally, where a use is subject to CCZO 1550, compliance is specifically required under the individual zoning district. See CCZO 948, 935, 925, 915 and 686. Design Review is not required in the SM zone. This is because compatibility is addressed within the provision itself, as explained above.

II. Condition 1.a – Pre-application Conference.

Because DR is not required, a pre-application conference is not required. Condition 1.a must be removed.

III. Condition 1.c - TIA

....

Thank you,
/s/ Kim O'Dea
Kim O'Dea

Attachments:
Notice of Appeal Form
Copy of Decision

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
COURTHOUSE
230 STRAND
ST. HELENS, OREGON 97051
(503)397-1501

**APPEAL INFORMATION for
FINAL ORDER LUC 21-15**

Applicant: Curtis Shuck

Notice Date: January 21, 2021

Appeal Body:

- Planning Commission**, for appeal of an administrative decision; file this appeal in the Land Development Services office, ground floor, Courthouse Annex, St. Helens, OR 97051. The appeal must be filed within 12 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Board of County Commissioners**, for appeal of this Planning Commission decision; file this appeal in the Office of the County Clerk, second floor, Courthouse Annex, St. Helens, OR 97051. The appeal must be filed within 7 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Land Use Board of Appeals (LUBA)**, for appeal of this Planning Commission or Board of Commissioner decision. File a Notice of Appeal with the Land Use Board of Appeals; PUC Building, 550 Capitol Street NE, Salem, OR 97310. The appeal must be filed with the Land Use Board of Appeals within 21 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice.

Attached is the FINAL ORDER on the application listed above. This decision, or any part of it, or any condition attached to it, may be appealed to the **Appeal Body** noted above.

If a local appeal is filed, and after notice is given to those persons entitled to notice, a public hearing will be held by the Appeal Body at its earliest available regular meeting. At the hearing, all interested parties will have an opportunity to appear and be heard.

The applicant and other interested persons should contact the Planning Department after the applicable appeal period has run to determine whether an Appeal has been filed. Applicants are cautioned against beginning development if an Appeal has been filed.

PLEASE NOTE: An appeal may be filed only by persons who appeared in person or in writing before the Planning Department, the Planning Commission or the Board of County Commissioners. You have "appeared" if you supplied information or argument in favor of or opposed to the application listed above.

If any of the above is not clear, or you have questions or require additional information, please contact Hayden Richardson at (503) 397-7216.

SUMMARY INFORMATION:

The applicant, Curtis Shuck, is requesting to begin operations of an aggregate mining operation on the subject property as a permitted outright use, without any further land use applications. The mining operation will include the excavation and processing of aggregate into gravel. A temporary portable office and truck scales will be located on the property, as well as the storage of heavy equipment on the site.

According to the applicant, the Land Use Compatibility Statement (LUCS) has been submitted to establish that standards listed in Section 1040 of the Columbia County Zoning Ordinance (CCZO) have been met. The subject property is zoned (SM) Surface Mining and is listed on the Columbia County Comprehensive Plan Part XVI, Article VI, Table XVI-1 as an Active Aggregate Site with Active Mining and Land Reclamation Permits as of January 20, 1984. It should be noted, there is no record of this site ever having an approved operating permit from the Oregon Department of Geologic and Mineral Industries (DOGAMI) or from Columbia County, to actually begin mining operations. There may have been some exploratory excavation in the 1960's and 1970's, however there has not been any active mining on the site for at least 40 years.

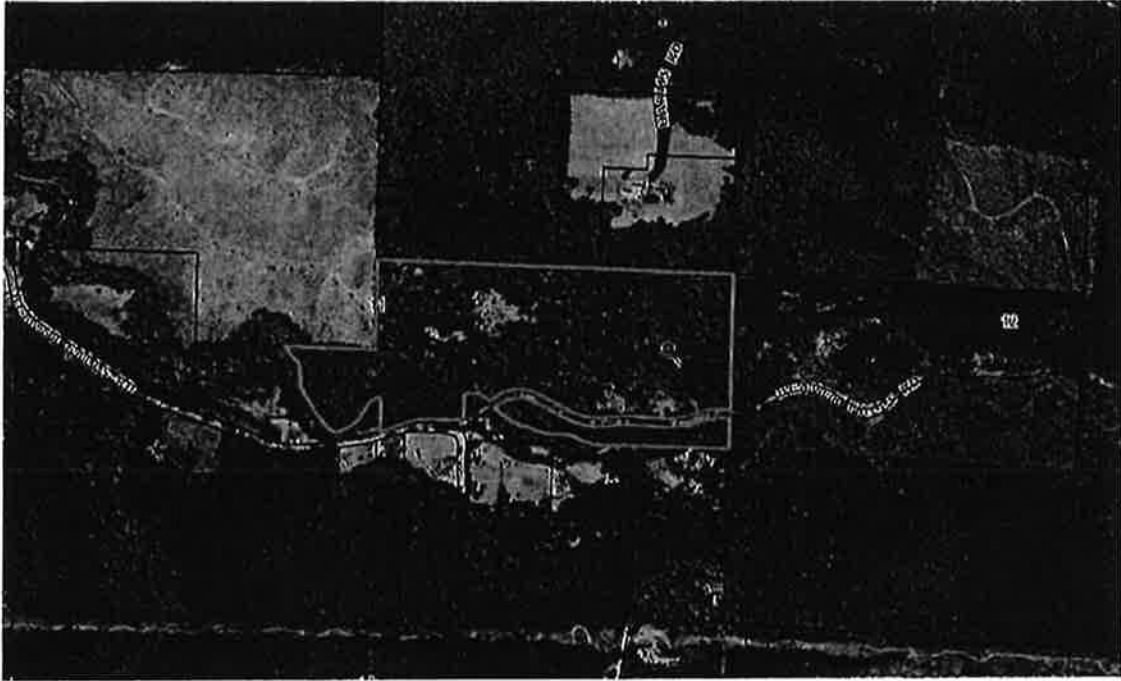
Submitted with this LUCS application is the DOGAMI Operating Permit application for a new open pit, multiple bench, sidehill cut, surface mining operation to extract Basalt aggregate material. Mining methods will include drilling and blasting, ripping and loading, crushing, washing screening, shovel/loader/scrapper and stockpiling. Equipment to be used will be loaders, dozers, excavators, trucks, screeners, crushers and drilling equipment. Excess surface water is proposed to be captured in a stormwater retention/detention pond. Soil and overburden will be stockpiled on site and reused as part of the reclamation plan.

The majority of the property has been recently logged, however the riparian areas along the creek and most of the buffer areas have been left intact with existing vegetation still in place. A portion of the subject property does contain Beaver Creek and its associated riparian area, wetlands and floodplain. There is a minimum of a 50' wide buffer area around the entire property that increases to at least 100' near the creek. The applicant proposes no activity within 100' of the creek and no operations including vegetation removal within the riparian area, wetlands or floodplain. It should also be noted that a portion of the subject property lies south of Beaver Falls Road. This portion of the property is not included within the operating permit boundary and will have no mining operations conducted on it. The total area to be affected by mining related activities is 46.26 acres. The post mining use of the property will be Forestry.

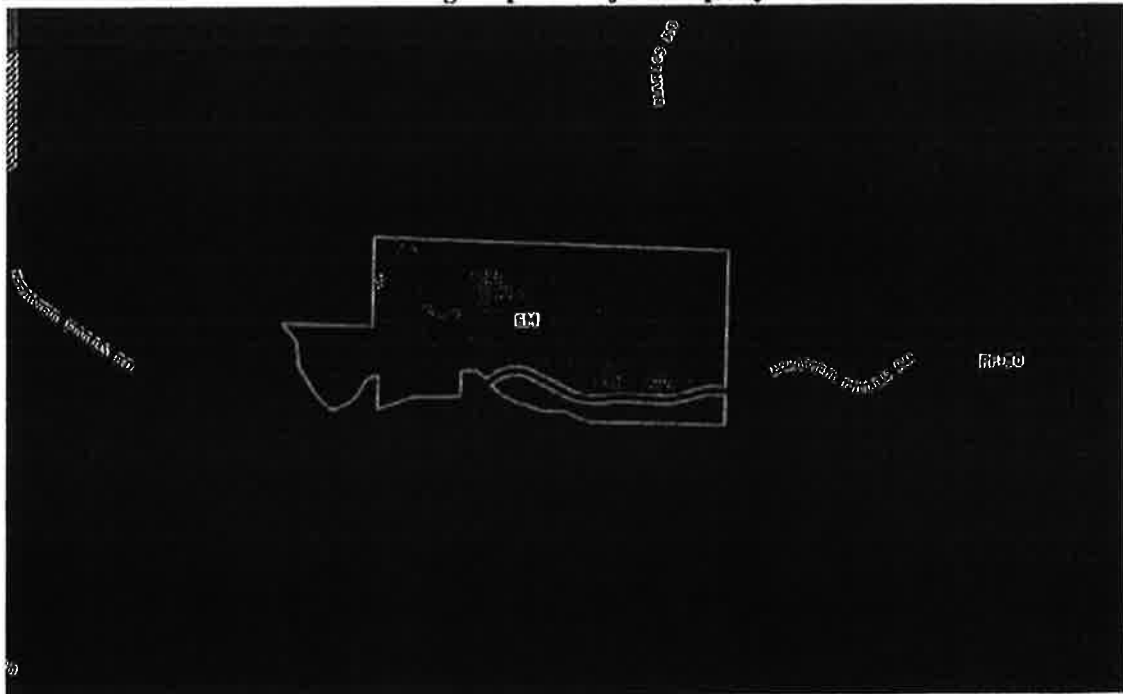
The proposed site plan does not include the location of a sub-surface septic system and a well. If a septic system and well are installed, they will need to meet required setbacks and obtain the appropriate installation permits. The County Sanitarian has yet to conduct a Lot Evaluation for the site and the applicant has yet to drill a well and record a well log with the Oregon Water Resources Department. Electrical and other utilities can be extended to the subject property along Beaver Falls Road. Emergency services are provided to the subject site by the Clatskanie Rural Fire District and the Columbia County Sheriff.

The Clatskanie-Quincy Environmental BEAK Maps indicate the site is not located in any Big Game Habitat Area, there are no threatened, endangered or sensitive wildlife, plant and animal species nor are there any significant natural areas.

2018 Aerial View of Subject Property



Zoning Map of Subject Property



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:**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.

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 except marijuana growing and producing.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

Finding 1: The applicant proposes removal, excavation, and processing of aggregate materials, storage of heavy equipment, siting of accessory structures such as a portable office and truck scale, aggregate stockpiling and a sedimentation pond. These are all uses that are specifically listed as permitted in the SM zone. It should be noted that there has never been an operating permit issued by the County or DOGAMI for this property in the last 40 years.

- 1044 Operating Standards: All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:
- .1 The landowner and operator shall be jointly responsible for signing the application.
 - .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.
 - .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 2. The owner (Greg Demers) and operator (Curtis Schuck) have signed the application. The subject property is 74.5 acres, which is greater than 2 acres in size, and the area within the operating permit is proposed as 46.23 acres.

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

Finding 3: The proposed mining area maps included with the application show a minimum 50 foot setback from all property lines. The subject property is not adjacent to any zone that allows a residential use as a permitted use. It should be noted that the mining area will be greater than 200 feet from any residence. There are no activities proposed within 50 feet of another property or public road right-of-way. Other than the access into the property, the 50 foot buffer will remain untouched and vegetated.

- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require

resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.

Finding 4: The applicant has no objection to the operating hours being limited to 7 am to 6 pm daily.

- .6 **Visual Impacts:** Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:
- A. A sight-obscuring fence or wall;
 - B. A landscaped berm or preservation of a natural slope;
 - C. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.

Finding 5: The existing native vegetation within the 50 foot buffer area is sufficient to provide screening of the mining operation. Additional screening with fences, walls and berms will not be necessary as long as the existing native vegetation remains. It should be noted there are several residential uses located across the street from the site and there is a public park (Beaver Falls Park) located to the southeast of this site. It will be important to maintain the entire 50 foot buffer area with a thick screen of mature vegetation along Beaver Falls public road.

- .7 **Access:** The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

Finding 6: Beaver Falls County Road is a paved public road with two-way access. The specific road impacts to the road and the need for a surety bond will be reviewed once the applicant submits a Transportation Impact Analysis (CCZO Sec. 1450). Also, once the Design Review application (CCZO Sec. 1550) is submitted, the more detailed plan will be reviewed to determine if a wheel wash will be required in order to keep the public road dust free. Prior to any operations, a County road access permit will be required to connect the driveway to Beaver Falls County Road. Additional information will also be required to address the weight, direction and other new traffic impacts created by large trucks visiting the site.

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

Finding 7: The applicant does not object to operating the site within the applicable noise standards required by Oregon DEQ and DOGAMI and will be limited to operating hours of 7am to 6pm.

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

Finding 8: The applicant proposes a sedimentation pond, to capture surface water on the site, slow it down, and settle it, so turbid water can release its sediment load into the pond, prior to it reaching Beaver Creek. Oregon DOGAMI will review the stormwater plan as part of the operating permit to ensure that the site will be operated in a manner that will meet state and federal water quality standards.

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

Finding 9: The site is not listed in the Columbia County Comprehensive Plan as an inventoried cultural resource. Oregon DOGAMI will coordinate with the State Archaeologist as part of the operating permit. Columbia County will also send notice to the State Historic Preservation Office (SHPO) as part of the Design Review application.

- .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.
- .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.
- .13 **Land Reclamation:** A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation

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

Finding 10: Erosion control, slopes and grading plan, and land reclamation is all administered by Oregon DOGAMI as part of the operating permit.

COLUMBIA COUNTY ZONING ORDINANCE

Sec. 1100 FLOOD HAZARD OVERLAY

1105 Development Permit

- .1 A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1104. The permit shall be for all structures allowed by the underlying zone, including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also set forth in the "Definitions". The following exceptions apply for the storage of equipment or materials:
 - A. any temporary storage within any zoning district, and
 - B. permanent storage connected with residential use located out of the floodway.

Finding 11: The subject property is crossed by Beaver Creek and its associated floodplain, in the southwest portion of the property. The applicant has chosen not to mine in this portion of the property and it is not included within the operating permit boundary. The applicant further protects this area with a vegetated buffer that is at least 100 feet from the creek. Reference the attached map titled Operating Permit Site Plan Map. Because no development activities will take place within the designated special flood hazard area, no floodplain development permit will be required.

1173 Activities Prohibited within the Riparian Corridor Boundary

In addition to the prohibitions in the underlying zone, the following activities are prohibited within a riparian corridor boundary, except as provided for in Sub-sections 1175 and 1176 of this Section:

- A. The alteration of a riparian corridor by grading, placement of fill material, and/or impervious surfaces, including paved or gravel parking areas, or paths, and/or the construction of buildings or other structures which require a building permit under the State of Oregon Uniform Building Code, as amended.

- B. The removal of riparian trees or vegetation.

Finding 12: The applicant proposes no development within a riparian corridor boundary. Reference the attached map titled Operating Permit Site Plan Map.

COLUMBIA COUNTY ZONING ORDINANCE

Section 1450 TRANSPORTATION IMPACT ANALYSIS (TIA)

- 1450 Transportation Impact Analysis: A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.
- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.
 - C. Potential impacts to intersection operations.
 - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
 - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
 - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
 - G. A change in internal traffic patterns may cause safety concerns.
 - H. A TIA is required by ODOT pursuant with OAR 734-051.
 - I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

Finding 13: A Transportation Impact Analysis (TIA) is required for this project. The applicant has not provided transportation information for this project. From the above list, staff identifies the following that will likely apply; A change in land use from Forestry to Surface Mining, An increase in trip generation. Intersection impacts to the east with Beaver Falls Road and Delena Mayger Road and Delena Road and traveling west on Beaver Falls Road impacts with Mustola Road, Quincy Mayger Road and Inglis Road. Beaver Falls Road does cross land that is zoned Rural Residential to the east and to the west of the subject property. The access driveway location will need to be analyzed for sight distance. The proposed surface mining operation is expected to generate large vehicle traffic in excess of 26,000 pounds gross vehicle weight. Any one of these is enough to trigger the TIA requirement. The TIA will be required to be submitted with the Design Review land use application.

- 2 Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:
 - A. Type of uses within the development
 - B. The size of the development
 - C. The location of the development
 - D. Proposed new accesses or roadways
 - E. Estimated trip generation and source of data
 - F. Proposed study area

If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.

Finding 14: The applicant has not provided any estimated trip generation data and/or the proposed study area. Staff recommends the applicant contact Columbia County Public Works Road Department who will provide a scoping summary, the study area, and any other special parameters such as bridge weight capacity that will be used in the development of the TIA.

- .3 Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:
- A. The TIA addresses the applicable elements identified by the County Public Works Director and the County's Guidelines for Transportation Impact Analysis;
 - B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;
 - C. For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and
 - D. Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.

Finding 15: Columbia County will apply the above standards to the TIA once it is submitted with the Design Review land use application.

.4 Conditions of Approval.

- A. The County may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.
- B. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to County Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Finding 16: The County may require on-site and off-site improvements as conditions of approval associated with this development project. The specific conditions of approval will be included with the Design Review land use application that will include the TIA information.

Section 1550 SITE DESIGN REVIEW

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

1551. Types of Site Design Review:

- A. Type 1: Projects, developments and building expansions which meet any of the following criteria:
 - 1. Are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
 - 2. Increase the number of dwelling units in a multi-family project.
 - 3. Increase the height of an existing building.
- B. Type 2: Projects, developments and building expansions which meet any of the following criteria:
 - 1. Have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
 - 2. Change the category of use (e.g., commercial to industrial, etc.).
 - 3. New off-site advertising signs or billboards.
 - 4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

1552 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

Finding 17: Surface mining is an industrial use, therefore, the Site Design Review process is applicable. This project will have an area of 46.23 acres which is greater than 5000 square feet, therefore it will be reviewed as a Type 2 Design Review that will be heard by the Planning Commission. A condition of approval will be added requiring the applicant to submit a Design Review land use application prior to beginning operations at the subject property.

- 1553 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre- application conference.
- 1554 Pre-application Conference Committee: The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.
- A. The County Planning Director.
 - B. The County Director of Public Works.
 - C. The Fire Marshal of the appropriate Rural Fire District.
 - D. The County Building Official.
 - E. The County Sanitarian.
 - F. A city representative, for projects inside Urban Growth Boundaries.
 - G. Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.

Finding 18: A condition of approval will be added to this decision requiring a pre-application conference prior to submittal of the Design Review land use application. At this time the applicant has not submitted a pre-application conference or Design Review application.

CONCLUSION, DECISION & CONDITIONS:

Based upon the submitted Land Use Compatibility application (LUC 21-15), research about the property and findings in the Staff Report, the Planning Director finds this application meets the standards of Section 1044 of the Columbia County Zoning Ordinance and **APPROVES** this Land Use Compatibility application, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. Prior to beginning any surface mining operations on the subject property, the owner/applicant is required to submit the following land use applications and obtain approval from Columbia County Land Development Services:
 - a. Pre-Application Conference;
 - b. * Design Review application ;
 - c. * Transportation Impact Analysis.

* Please note these land use applications will likely include additional conditions of approval.



 Karen Schminke, LDS Director

1/20/2021

 Date

Attachments:

1. Submitted application and maps
2. Vicinity Map
3. Zoning Map
4. Aerial Photo

Columbia County



EXHIBIT A

Columbia County Planning

230 Strand St
St. Helens, OR 97051

503-397-1501 x 2

Fax: 503-366-3902

planning@co.columbia.or.us

Transaction Receipt
Record ID: 192-20-000382-PLNG-01

IVR Number: 192011753177

Receipt Number: 394090

Receipt Date: 1/25/21

www.co.columbia.or.us

Parcel: 7411-00-01000

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
1/25/21	1.00 Ea	Appeal - Administrative Decision Planning Commission Decision	100-449.00-316.51-000-0 0	\$250.00	\$250.00

Payment Method: Credit card Payer: Curtis Shuck Payment Amount: \$250.00
 authorization: 067259
 Transaction Comment: apeaal

Cashier: Kay Clay

Receipt Total: \$250.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Appeal of the Administrative)
Decision by the Land Development Services) NOTICE OF PUBLIC HEARING
Director for the Issuance of Land Use) (PUBLICATION)
Compatibility Statement (LUCS 21-15) for Curtis)
Shuck c/o Lost Creek Rock Products LLC and)
Mel McDougal)

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<https://global.gotomeeting.com/join/357054141>

Joining by phone at:

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 357-054-141

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Dated this 28th day of January, 2021.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder Chair

Chronicle: Please publish in your February 3, 2021 Issue.

Chief: Please publish in your February 5, 2021 issue.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Appeal of the Administrative)
Decision by the Land Development Services) NOTICE OF PUBLIC HEARING
Director for the Issuance of Land Use) (PROPERTY OWNER NOTICE)
Compatibility Statement (LUCS 21-15) for Curtis)
Shuck c/o Lost Creek Rock Products LLC and)
Mel McDougal)

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Dated this 28th day of January, 2021.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

EXHIBIT A

COLUMBIA COUNTY
230 STRAND ST
ST HELENS, OR 97051

EVENSON LOGGING COMPANY
PO BOX 127
CLATSKANIE, OR 97016

SLOTTEN STEVE & KAREN
3400 S AVENUE 7 E ##293
YUMA, AZ 85365

MORRISON WILLIAM F & APRIL Y
20482 BEAVER FALLS RD
CLATSKANIE, OR 97016

MORROW PERRY N & BRAD HUNTER
14267 WHITE STAR LN
VALLEY CENTER, CA 92082

ALTENHEIN HENRY E
20383 BEAVER FALLS RD
CLATSKANIE, OR 97016-2307

SHARP BRENT
PO BOX 977
ST HELENS, OR 97051

LOST CREEK ROCK PRODUCTS LLC
PO BOX 518
CRESWELL, OR 97426

ALTENHEIN HENRY E
20383 BEAVER FALLS RD
CLATSKANIE, OR 97016

PALOMAKI DONALD E & LOIS E
76603 HARMS RD
CLATSKANIE, OR 97016

BOND JAMES T & DAVID D & NATHAN A
20910 BEAVER FALLS RD
CLATSKANIE, OR 97016

SCOTT CLIFFORD A
20604 MUSTOLA RD
CLATSKANIE, OR 97016

WILEY DWIGHT O
20623 MUSTOLA RD
CLATSKANIE, OR 97016

FERGUSON RANDY & SHANNON
20594 MUSTOLA RD
CLATSKANIE, OR 97016

FERGUSON JOSEPH & CLYDENA
91876 TAYLORVILLE RD
CLATSKANIE, OR 97016

BASCOM PACIFIC LLC
PO BOX 99
CATHLAMET, WA 98612

Affidavit of Mailing

I, Kathy Coddington, Board Office Specialist, being first duly sworn, depose and say:

That on the 29th day of January, 2021 I mailed a copy of the attached notice of Appeal (Property Owner Notice). In the Matter of Appeal of the Administrative Decision by the Land Development Services Director for the Issuance of Land Use Compatibility Statement (LUCS 21-15) for Curtis Shuck c/o Lost Creek Rock Products LLC and Mel McDougal. To person(s) entitled. Mailing list attached.

Dated this 29th day of January, 2021

Kathy Coddington
Kathy Coddington

STATE OF OREGON)
) ss.
County of Columbia)

Subscribed and sworn to before me this 28th day of January, 2021



Jacyn Louise Normine
Notary Public of Oregon
My Commission Expires: 4-30-21

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Appeal of the Administrative)
Decision by the Land Development Services) NOTICE OF PUBLIC HEARING
Director for the Issuance of Land Use) (PROPERTY OWNER NOTICE)
Compatibility Statement (LUCS 21-15) for Curtis)
Shuck c/o Lost Creek Rock Products LLC and)
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Dated this 28th day of January, 2021.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

EXHIBIT A

Rainier-Fernhill
CPAC
Don Campbell
PO Box 1375
Rainier OR. 97048

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of Appeal of the Administrative)
Decision by the Land Development Services) NOTICE OF PUBLIC HEARING
Director for the Issuance of Land Use) (PUBLICATION)
Compatibility Statement (LUCS 21-15) for Curtis)
Shuck c/o Lost Creek Rock Products LLC and)
Mel McDougal)

STATE OF OREGON)
) SS.
COLUMBIA COUNTY)

I, Jacyn Normine, being first duly sworn, hereby depose and say the following is true as I verily believe:

1. I am the duly appointed Board Office Administrator to the Board of County Commissioners for Columbia County, Oregon.
2. A copy of the attached Notice of Appeal was emailed to the Chronicle on January 28, 2021 for publication in their 02.03.2021 Chronicle addition and the 02.05.2021 Chief addition.

Dated this 28th day of January, 2021


Jacyn Normine

Subscribed and sworn before me on this 28th day of January, 2020

(Seal)


Kathy Coddington
Notary Public for Oregon

My commission expires: 10/13/23



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Appeal of the Administrative)
Decision by the Land Development Services) NOTICE OF PUBLIC HEARING
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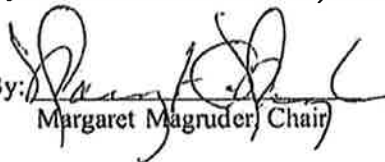
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BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

Chronicle: Please publish in your February 3, 2021 issue.

Chief: Please publish in your February 5, 2021 issue.

Notice of Publication.

Jacyn Normine <Jacyn.Normine@columbiacountyor.gov>

Thu 1/28/2021 1:34 PM

To: Chronicle Classifieds <chronicleclassifieds@countrymedia.net>

 1 attachments (139 KB)

Notice of Publication LUCS 21-15.pdf;

Hi Kelly, please see the attached notice for publication.

Chronicle: Please publish in your February 3, 2021 issue.

Chief: Please publish in your February 5, 2021 issue.

Please let me know if you have questions.

Jacyn Normine, Board Office Administrator
Board of Columbia County Commissioners
503-397-4322 Ext 8400

CONFIDENTIALITY NOTICE: This email may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this email in error, please notify me immediately by reply email, keep the contents confidential, and immediately delete the message and any attachments from your system.

Kay Clay

From: Matt Laird
Sent: Tuesday, February 9, 2021 3:42 PM
To: Kay Clay
Cc: Karen Schminke
Subject: Fw: DOGAMI ID 05-0019: Request for Land Use Authorization (7411-00-01000)

Hello Kay,

Please print this email as an attachment to the Lost Creek Rock Appeal Staff Report.

Matt Laird
Planning Manager
Columbia County, Oregon
230 Strand Street, St. Helens, OR 97051
503.397.7217
matt.laird@co.columbia.or.us
www.co.columbia.or.us

Service ~ Engagement ~ Connection ~ Innovation

From: Matt Laird
Sent: Thursday, August 20, 2020 11:55 AM
To: Cari.Buchner@oregon.gov <Cari.Buchner@oregon.gov>; TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov>
Cc: Karen Schminke <Karen.Schminke@columbiacountyor.gov>
Subject: RE: DOGAMI ID 05-0019: Request for Land Use Authorization (7411-00-01000)

Hello Cari & Nicholas,

Thank you for providing notice and the opportunity to comment on the land use authorization for this new aggregate mining proposal in Columbia County. The subject property is known as Tax Account # 27871, Map/Tax Lot 7411-00-01000, and is zoned Surface Mining (SM).

Removal, excavation, and processing of aggregate materials is listed as a permitted use in the SM zone. Using the property for these purposes would be consistent with the SM zone as long as they meet all of the operating standards identified in Section 1044 of the Columbia County Zoning Ordinance (CCZO).

This property also contains a fish bearing stream with associated riparian area, wetlands and floodplain. A floodplain Development Permit is required prior to development of any property that contains a floodplain. (Reference CCZO Sec. 1100)

Additionally, a Type 2 Site Design Review application will also be required for any new development of the site. (Reference CCZO Sec. 1550)

Finally it should be noted that this property is located very close to Beaver Falls County Park. We request that all required buffers either maintain existing tree cover, or be planted with new trees, in order to screen the proposed mining use as much as possible.

Notification of Land-Use Authorization to the Department of Geology & Mineral Industries (pursuant to ORS 517.830)

Please select option 1, 2, 3, 4 or 5 below. If you select option 3 or 4, please also indicate whether you wish DOGAMI to withhold issuance at this time.

This mining operation will:

1. Be allowed to operate as a valid nonconforming use or an outright allowable use.
2. Be allowed to operate under an existing conditional use approval or acknowledged comprehensive plan.
3. Require a conditional-use permit and the Planning department requests that DOGAMI:
 - a. Withhold issuance
 - b. Proceed with processing
4. Require a comprehensive plan amendment and the Planning department requests that DOGAMI:
 - a. Withhold issuance
 - b. Proceed with processing
5. Not require local land use approval as lands managed by the United States Forest Service (USFS) or the Bureau of Land Management (BLM) are beyond the scope of the County's planning jurisdiction.

The County Selects Option 1, the use is allowed outright, once the Type 2 Site Design Review and Floodplain Development permits are reviewed and approved. Columbia County does not object to DOGAMI moving forward with the review of the operating permit, but does request that all local land use applications be completed prior to issuance of the operating permit and prior to any development activities or any aggregate processing taking place at the site.

Feel free to contact me if you would like to discuss this matter further.

Cordially,

Matt Laird
Planning Manager
Columbia County, Oregon
230 Strand Street, St. Helens, OR 97051
503.397.7217
matt.laird@co.columbia.or.us
www.co.columbia.or.us

Service ~ Engagement ~ Connection ~ Innovation

From: TATALOVICH Nicholas * DGMI <Nicholas.Tatalovich@oregon.gov>
Sent: Friday, August 7, 2020 12:20 PM
To: Matt Laird <Matt.Laird@columbiacountyor.gov>; Karen Schminke

<Karen.Schminke@columbiacountyor.gov>

Subject: DOGAMI ID 05-0019: Request for Land Use Authorization

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Karen and Matt,

DOGAMI has received an application for a brand new quarry via an Operating Permit application in your jurisdiction. The first pages of the application, aerial and boundary maps, and the proposed reclamation plan. In checking the local zoning, it appears zoned as Mineral/Aggregate. DOGAMI does not have any additional authorizations beyond the zoning. Does this site need or have additional approvals?

To coordinate the permit action with the Local Jurisdiction, please answer the question(s) below regarding land-use authorization and return to DOGAMI by September 7, 2020.

If you have any technical questions, please contact me at (541) 967-2066.

Notification of Land-Use Authorization to the Department of Geology & Mineral Industries (pursuant to ORS 517.830)

Please select option 1, 2, 3, 4 or 5 below. If you select option 3 or 4, please also indicate whether you wish DOGAMI to withhold issuance at this time.

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2. Be allowed to operate under an existing conditional use approval or acknowledged comprehensive plan.
3. Require a conditional-use permit and the Planning department requests that DOGAMI:
 - a. Withhold issuance
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4. Require a comprehensive plan amendment and the Planning department requests that DOGAMI:
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5. Not require local land use approval as lands managed by the United States Forest Service (USFS) or the Bureau of Land Management (BLM) are beyond the scope of the County's planning jurisdiction.

Thank you,

Cari Buchner | Mining Enforcement Specialist
Oregon Department of Geology and Mineral Industries
Mineral Land Regulation & Reclamation
229 Broadalbin St SW, Albany, Oregon 97321

Direct: (541) 967-2081 | Fax: (541) 967-2075
Cari.Buchner@oregon.gov | www.oregongeology.org

SUMMARY INFORMATION:

The applicant, Curtis Shuck, is requesting to begin operations of an aggregate mining operation on the subject property as a permitted outright use, without any further land use applications. The mining operation will include the excavation and processing of aggregate into gravel. A temporary portable office and truck scales will be located on the property, as well as the storage of heavy equipment on the site.

According to the applicant, the Land Use Compatibility Statement (LUCS) has been submitted to establish that standards listed in Section 1040 of the Columbia County Zoning Ordinance (CCZO) have been met. The subject property is zoned (SM) Surface Mining and is listed on the Columbia County Comprehensive Plan Part XVI, Article VI, Table XVI-1 as an Active Aggregate Site with Active Mining and Land Reclamation Permits as of January 20, 1984. It should be noted, there is no record of this site ever having an approved operating permit from the Oregon Department of Geologic and Mineral Industries (DOGAMI) or from Columbia County, to actually begin mining operations. There may have been some exploratory excavation in the 1960's and 1970's, however there has not been any active mining on the site for at least 40 years.

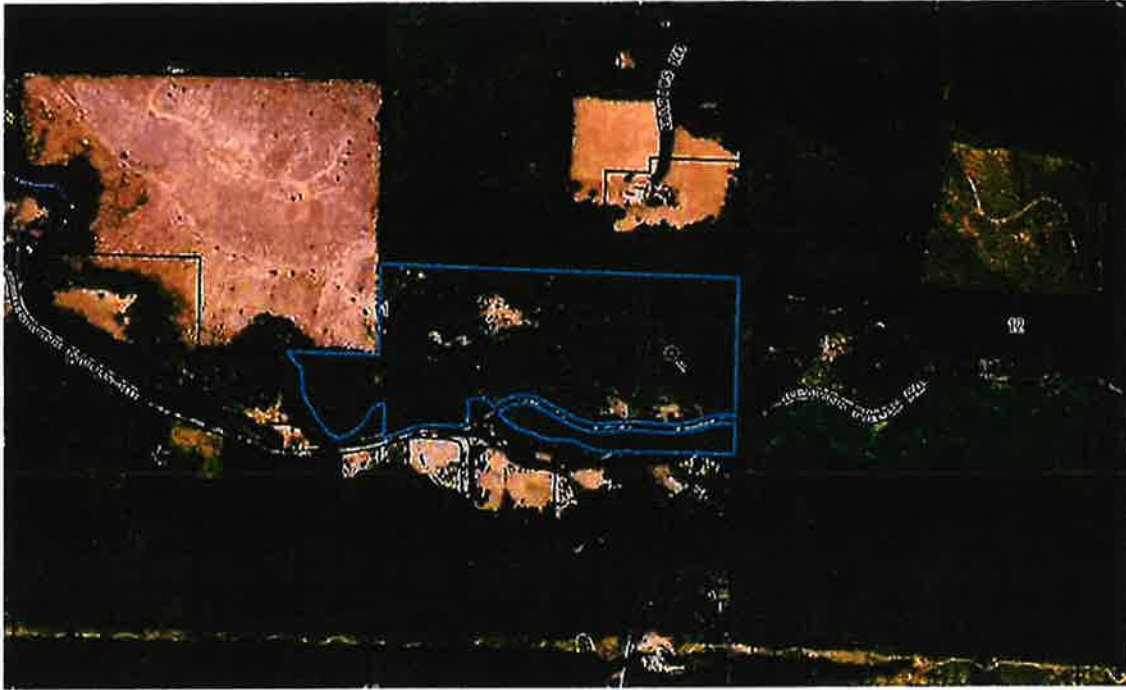
Submitted with this LUCS application is the DOGAMI Operating Permit application for a new open pit, multiple bench, sidehill cut, surface mining operation to extract Basalt aggregate material. Mining methods will include drilling and blasting, ripping and loading, crushing, washing screening, shovel/loader/scrapper and stockpiling. Equipment to be used will be loaders, dozers, excavators, trucks, screeners, crushers and drilling equipment. Excess surface water is proposed to be captured in a stormwater retention/detention pond. Soil and overburden will be stockpiled on site and reused as part of the reclamation plan.

The majority of the property has been recently logged, however the riparian areas along the creek and most of the buffer areas have been left intact with existing vegetation still in place. A portion of the subject property does contain Beaver Creek and its associated riparian area, wetlands and floodplain. There is a minimum of a 50' wide buffer area around the entire property that increases to at least 100' near the creek. The applicant proposes no activity within 100' of the creek and no operations including vegetation removal within the riparian area, wetlands or floodplain. It should also be noted that a portion of the subject property lies south of Beaver Falls Road. This portion of the property is not included within the operating permit boundary and will have no mining operations conducted on it. The total area to be affected by mining related activities is 46.26 acres. The post mining use of the property will be Forestry.

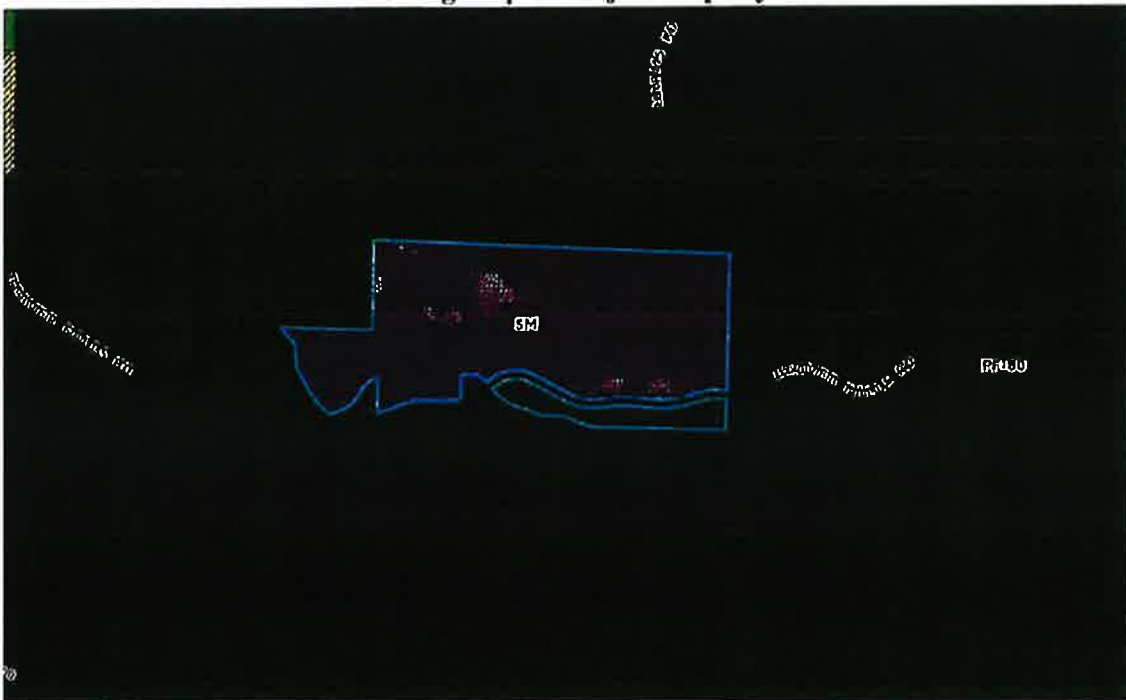
The proposed site plan does not include the location of a sub-surface septic system and a well. If a septic system and well are installed, they will need to meet required setbacks and obtain the appropriate installation permits. The County Sanitarian has yet to conduct a Lot Evaluation for the site and the applicant has yet to drill a well and record a well log with the Oregon Water Resources Department. Electrical and other utilities can be extended to the subject property along Beaver Falls Road. Emergency services are provided to the subject site by the Clatskanie Rural Fire District and the Columbia County Sheriff.

The Clatskanie-Quincy Environmental BEAK Maps indicate the site is not located in any Big Game Habitat Area, there are no threatened, endangered or sensitive wildlife, plant and animal species nor are there any significant natural areas.

2018 Aerial View of Subject Property



Zoning Map of Subject Property



REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:**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.

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 except marijuana growing and producing.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

Finding 1: The applicant proposes removal, excavation, and processing of aggregate materials, storage of heavy equipment, siting of accessory structures such as a portable office and truck scale, aggregate stockpiling and a sedimentation pond. These are all uses that are specifically listed as permitted in the SM zone. It should be noted that there has never been an operating permit issued by the County or DOGAMI for this property in the last 40 years.

- 1044 Operating Standards: All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:
- .1 The landowner and operator shall be jointly responsible for signing the application.
 - .2 The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.
 - .3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 2. The owner (Greg Demers) and operator (Curtis Schuck) have signed the application. The subject property is 74.5 acres, which is greater than 2 acres in size, and the area within the operating permit is proposed as 46.23 acres.

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

Finding 3: The proposed mining area maps included with the application show a minimum 50 foot setback from all property lines. The subject property is not adjacent to any zone that allows a residential use as a permitted use. It should be noted that the mining area will be greater than 200 feet from any residence. There are no activities proposed within 50 feet of another property or public road right-of-way. Other than the access into the property, the 50 foot buffer will remain untouched and vegetated.

- .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require

resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.

Finding 4: The applicant has no objection to the operating hours being limited to 7 am to 6 pm daily.

- 6 **Visual Impacts:** Existing trees and other natural vegetation adjacent to any public park, residential development, public road, or residential zoning district shall be preserved for a minimum width of 25 feet. Screening shall be provided at the boundary of the property on which the surface mining operation is located. If such trees and other vegetation are insufficient to provide a screen, such screening may be accomplished by one or more of the following:
- A. A sight-obscuring fence or wall;
 - B. A landscaped berm or preservation of a natural slope;
 - C. Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.

Finding 5: The existing native vegetation within the 50 foot buffer area is sufficient to provide screening of the mining operation. Additional screening with fences, walls and berms will not be necessary as long as the existing native vegetation remains. It should be noted there are several residential uses located across the street from the site and there is a public park (Beaver Falls Park) located to the southeast of this site. It will be important to maintain the entire 50 foot buffer area with a thick screen of mature vegetation along Beaver Falls public road.

- 7 **Access:** The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.

Finding 6: Beaver Falls County Road is a paved public road with two-way access. The specific road impacts to the road and the need for a surety bond will be reviewed once the applicant submits a Transportation Impact Analysis (CCZO Sec. 1450). Also, once the Design Review application (CCZO Sec. 1550) is submitted, the more detailed plan will be reviewed to determine if a wheel wash will be required in order to keep the public road dust free. Prior to any operations, a County road access permit will be required to connect the driveway to Beaver Falls County Road. Additional information will also be required to address the weight, direction and other new traffic impacts created by large trucks visiting the site.

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

Finding 7: The applicant does not object to operating the site within the applicable noise standards required by Oregon DEQ and DOGAMI and will be limited to operating hours of 7am to 6pm.

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

Finding 8: The applicant proposes a sedimentation pond, to capture surface water on the site, slow it down, and settle it, so turbid water can release its sediment load into the pond, prior to it reaching Beaver Creek. Oregon DOGAMI will review the stormwater plan as part of the operating permit to ensure that the site will be operated in a manner that will meet state and federal water quality standards.

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

Finding 9: The site is not listed in the Columbia County Comprehensive Plan as an inventoried cultural resource. Oregon DOGAMI will coordinate with the State Archaeologist as part of the operating permit. Columbia County will also send notice to the State Historic Preservation Office (SHPO) as part of the Design Review application.

- .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.
- .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.
- .13 **Land Reclamation:** A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation

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

Finding 10: Erosion control, slopes and grading plan, and land reclamation is all administered by Oregon DOGAMI as part of the operating permit.

COLUMBIA COUNTY ZONING ORDINANCE

Sec. 1100 FLOOD HAZARD OVERLAY

1105 Development Permit

- .1 A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 1104. The permit shall be for all structures allowed by the underlying zone, including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also set forth in the "Definitions". The following exceptions apply for the storage of equipment or materials:
 - A. any temporary storage within any zoning district, and
 - B. permanent storage connected with residential use located out of the floodway.

Finding 11: The subject property is crossed by Beaver Creek and its associated floodplain, in the southwest portion of the property. The applicant has chosen not to mine in this portion of the property and it is not included within the operating permit boundary. The applicant further protects this area with a vegetated buffer that is at least 100 feet from the creek. Reference the attached map titled Operating Permit Site Plan Map. Because no development activities will take place within the designated special flood hazard area, no floodplain development permit will be required.

1173 Activities Prohibited within the Riparian Corridor Boundary

In addition to the prohibitions in the underlying zone, the following activities are prohibited within a riparian corridor boundary, except as provided for in Sub-sections 1175 and 1176 of this Section:

- A. The alteration of a riparian corridor by grading, placement of fill material, and/or impervious surfaces, including paved or gravel parking areas, or paths, and/or the construction of buildings or other structures which require a building permit under the State of Oregon Uniform Building Code, as amended.

- B. The removal of riparian trees or vegetation.

Finding 12: The applicant proposes no development within a riparian corridor boundary. Reference the attached map titled Operating Permit Site Plan Map.

COLUMBIA COUNTY ZONING ORDINANCE

Section 1450 TRANSPORTATION IMPACT ANALYSIS (TIA)

- 1450 Transportation Impact Analysis: A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.
- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.
 - C. Potential impacts to intersection operations.
 - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
 - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
 - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
 - G. A change in internal traffic patterns may cause safety concerns.
 - H. A TIA is required by ODOT pursuant with OAR 734-051.
 - I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.

Finding 13: A Transportation Impact Analysis (TIA) is required for this project. The applicant has not provided transportation information for this project. From the above list, staff identifies the following that will likely apply; A change in land use from Forestry to Surface Mining, An increase in trip generation. Intersection impacts to the east with Beaver Falls Road and Delena Mayger Road and Delena Road and traveling west on Beaver Falls Road impacts with Mustola Road, Quincy Mayger Road and Inglis Road. Beaver Falls Road does cross land that is zoned Rural Residential to the east and to the west of the subject property. The access driveway location will need to be analyzed for sight distance. The proposed surface mining operation is expected to generate large vehicle traffic in excess of 26,000 pounds gross vehicle weight. Any one of these is enough to trigger the TIA requirement. The TIA will be required to be submitted with the Design Review land use application.

2. Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:
 - A. Type of uses within the development
 - B. The size of the development
 - C. The location of the development
 - D. Proposed new accesses or roadways
 - E. Estimated trip generation and source of data
 - F. Proposed study area

If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.

Finding 14: The applicant has not provided any estimated trip generation data and/or the proposed study area. Staff recommends the applicant contact Columbia County Public Works Road Department who will provide a scoping summary, the study area, and any other special parameters such as bridge weight capacity that will be used in the development of the TIA.

- .3 Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:
- A. The TIA addresses the applicable elements identified by the County Public Works Director and the County's Guidelines for Transportation Impact Analysis;
 - B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;
 - C. For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and
 - D. Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.

Finding 15: Columbia County will apply the above standards to the TIA once it is submitted with the Design Review land use application.

.4 Conditions of Approval.

- A. The County may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.
- B. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to County Standards. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Finding 16: The County may require on-site and off-site improvements as conditions of approval associated with this development project. The specific conditions of approval will be included with the Design Review land use application that will include the TIA information.

Section 1550 SITE DESIGN REVIEW

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

1551. Types of Site Design Review:

- A. Type 1: Projects, developments and building expansions which meet any of the following criteria:
 - 1. Are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
 - 2. Increase the number of dwelling units in a multi-family project.
 - 3. Increase the height of an existing building.

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

1552 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

Finding 17: Surface mining is an industrial use, therefore, the Site Design Review process is applicable. This project will have an area of 46.23 acres which is greater than 5000 square feet, therefore it will be reviewed as a Type 2 Design Review that will be heard by the Planning Commission. A condition of approval will be added requiring the applicant to submit a Design Review land use application prior to beginning operations at the subject property.

1553 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre- application conference.

1554 Pre-application Conference Committee: The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.

- A. The County Planning Director.
- B. The County Director of Public Works.
- C. The Fire Marshal of the appropriate Rural Fire District.
- D. The County Building Official.
- E. The County Sanitarian.
- F. A city representative, for projects inside Urban Growth Boundaries.
- G. Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.

Finding 18: A condition of approval will be added to this decision requiring a pre-application conference prior to submittal of the Design Review land use application. At this time the applicant has not submitted a pre-application conference or Design Review application.

CONCLUSION, DECISION & CONDITIONS:

Based upon the submitted Land Use Compatibility application (LUC 21-15), research about the property and findings in the Staff Report, the Planning Director finds this application meets the standards of Section 1044 of the Columbia County Zoning Ordinance and **APPROVES** this Land Use Compatibility application, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. Prior to beginning any surface mining operations on the subject property, the owner/applicant is required to submit the following land use applications and obtain approval from Columbia County Land Development Services:
 - a. Pre-Application Conference;
 - b. * Design Review application ;
 - c. * Transportation Impact Analysis.

* Please note these land use applications will likely include additional conditions of approval.



Karen Schminke, LDS Director

1/20/2021

Date

Attachments:

1. Submitted application and maps
2. Vicinity Map
3. Zoning Map
4. Aerial Photo

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES
230 STRAND
ST. HELENS, OREGON 97051
(503) 397-1501

Attachment 7

LAND USE COMPATIBILITY STATEMENT
PLANNING COMPLIANCE REVIEW

APPLICANT: Name: Curtis Shuck

Mailing address: 25275 Lotus Way Veneta OR 97487

Phone No.: Office 360-567-7521 Home _____

Email: curtis@universalexports.global

Are you the _____ property owner? owner's agent?

PROPERTY OWNER: _____ same as above, OR: / Operator

Name: Lost Creek Rock Products, LLC Mel McDermott, member

Mailing Address: PO Box 518 Creswell OR 97426

Phone No.: Office 541 935-3629 Home _____

Email: gd9805@aol.com * as represented by Kim D Da
Law Office of Bill Klaus, PC
See Attached

PROPERTY ADDRESS: 22011 Beaver Falls Rd, Clatskanie, OR 97016

TAX ACCOUNT NO.: 27871 Acres: 69.58 Zoning: SM

7411-00 01000 Acres: _____ Zoning: _____

PURPOSE / PROPOSAL: Quarry on land zoned SM. See Narrative attached.

PRESENT USES: (farm, forest, bush, residential, etc.)

Forestland, Quarry

PROPOSED USES:

Quarry, on outright permitted use.

CONTIGUOUS PROPERTY: List all other properties you own which have boundary lines touching this property:

<u>Tax Account No.</u>	<u>Acres</u>	<u>Co-owners (if any)</u>
<u>None. Exhibit C</u>		

CERTIFICATION:

I hereby certify that all of the above statements, and all other documents submitted, are accurate and true to the best of my knowledge and belief.

* Owner Signature: *[Signature]* Date: 10/21/2020
 * Owner Signature: member, Lost Creek Rock Products, LLC Date: _____

COMMENTS / SPECIAL INSTRUCTIONS:

* Lost Creek Rock Products is represented by Kim O'Dea of the Law Office of Bill Rios, PC. Contact Information Attached.

Planning Department Use Only

Date Rec'd. 10/26/20 Receipt No. 393378
 Staff Member: HR Record No. LUC 21-15
 Review Criteria: _____

Staff Notes:

LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW
375 W. 4TH AVENUE, SUITE 204
EUGENE, OR 97401
TEL: 541.343.8596
WEB: WWW.LANDUSEOREGON.COM

KIM O'DEA
KIMODEA@LANDUSEOREGON.COM
TEL: 541.954.0095

October 23, 2020

Matt Laird
Land Development Services
230 Strand
St. Helens, OR 97051

Re: Lost Creek Rock Products/Beaver Falls Quarry; Map 07-04W-11, TL 1000.

Dear Mr. Laird,

The applicant is proposing an outright permitted in the Surface Mining (SM) zone. As such, no land use permit is required. This LUCs is being filed to establish that siting standards have been met.

Subject Property: Map 07-04W-11, TL 1000. Exhibit E.
Zoning: Surface Mining (SM). Exhibit D
Acreage: 74.58 acres, 46.23 acres impacted by the proposed use.
Overlay Zones: None impacted by use. All operations, including access, are outside the 100-year floodplain. Exhibit G.
Proposal: An aggregate quarry, which includes: the removal, excavation, processing (LUDO 1042.1) and stockpiling (LUDO 1042.5) of aggregate materials; a truck scale (LUDO 1042.2); a portable/non-fixed office (LUDO 1042.2); sedimentation pond (LUDO 1042.6); and storage of heavy equipment associated with the use (LUDO 1042.3)

The proposed use is an outright permitted use provided for under LUDO 1042.1, 1042.2, 1042.3, 1042.5 and 1042.6. The details of the operation are contained in the attached DOGAMI permit application. Exhibit A.

The proposed use will not extend over the entirety of the property. The subject property is roughly 74.58 acres, and the use will occur on 46.26 acres. The applicant is providing a minimum 50' property line setback. Exhibits A and B. To the south, the applicant is providing a variable setback of 200+ feet to ensure that the quarry site and operations does not impact the creek, and that all operations remain out of the floodplain. Exhibits A and B. All operations are at least 100 feet from the creek and more than 50 feet from the floodplain. Exhibit B and G. Within the setback area, all existing vegetation will remain except as needed for access. Exhibit F.

Lost Creek Rock Products/Beaver Creek Quarry

October 23, 2020

Page 2 of 4

LUDO 1044 – Operating Standards

.1 – The landowner and operator shall be jointly responsible for signing the application.

RESPONSE: The Landowner/Operator is Lost Creek Rock Products. The LUCS is signed by Mel McDougal, member of Lost Creek Rock Products. Exhibit K.

.2 – The operator and landowner must remain in compliance with, and be responsible for, all the requirements of affected agencies.

RESPONSE: This is an information requirement. Compliance with this requirement can be made a condition of approval. The applicant has applied for a DOGAMI permit. Exhibit A.

.3 – The minimum parcel size *** shall be 2 acres.

RESPONSE: The subject property is roughly 74.58 acres. Exhibit J.

.4 - Operating setbacks:

- A. No extraction or removal of aggregate is permitted within 50 feet of the ROW 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.***
- C. Processing equipment and batch plants shall not be operated within 50 feet of another property *** 50 feet of a public road right of way.***

RESPONSE: Criteria A and B are specific to extraction and removal, and do not include stockpiling, ponds, and associated structures. There are no private roads on or adjacent to the subject property. Exhibit B. The subject property is adjacent to Beaver Falls Road, a county public road. The property is surrounded by PF-80 zoned land. Exhibit D. Dwelling are conditional uses, not permitted uses, on land zoned PF-80.

Access to the quarry is taken from Beaver Falls Road. All proposed extraction and removal is more than 80 feet from the County road. Exhibit B. Extraction and removal is 50 feet or more from all property boundaries. Exhibit B. No adjacent properties are zoned residential or allow dwellings as a permitted use. All processing is more than 50 feet from an adjacent property and the right of way. Exhibit B.

.5 - Operating hours.

RESPONSE: Pursuant to this requirement, the operating hours shall be 7AM to 6PM daily.

.6 - Visual Impacts.

RESPONSE: There are no adjacent public parks, residential development, or residential zoning districts. The subject property is heavily vegetated. Exhibit F. A vegetation buffer is proposed. Exhibit A. While the property has been recently logged, all areas within the buffer and outside

Lost Creek Rock Products/Beaver Creek Quarry
October 23, 2020
Page 4 of 4

- * Install seeding & mulching
- * Other best practices

.12 – Slopes and grading

RESPONSE: This item is informational. The applicant agrees to comply with established standards. See Exhibits A and B for more detail.

.13 – Land Reclamation

RESPONSE: The applicant will return the area to forestry. Exhibit A. A reclamation plan is being filed with DOGAMI. Exhibit A.

Thank you,
lol Kim O'Dea
Kim O'Dea

Exhibit A: DOGAMI Operating Permit Applications and site plans
Exhibit B: Site Plans
Exhibit C: Surrounding Ownership Map
Exhibit D: Zoning map
Exhibit E: Tax Lot map
Exhibit F: 2018 Aerial
Exhibit G: Floodplain map
Exhibit H: Wetlands map
Exhibit I: Soils map
Exhibit J: A&T summary sheet
Exhibit K: Business Registry sheet

Lost Creek Rock Products/Beaver Creek Quarry
October 23, 2020
Page 3 of 4

the quarry operation area have been preserved. Preservation is a component of the DOGAMI operations plan, page 8. Exhibit A.

.7 – Access. The operation shall have access to a public road with 2-way capacity. The County may impose ***. An on-site access or served road used from mining shall be dust free at all points within 300 feet of a public road or residence ***.

RESPONSE: The closest residence is 320 + feet from the quarry area. Exhibit F. Access to Beaver Fall Road will be kept dust free via regular watering consistent with the watering plan indicated in the Operating Permit Application for Site No.05-0019 submitted to DOGAMI. Further, a wheel wash and knock off area will be provided to keep roads clean and free of potential drag out.

.8 - Noise. Each aggregate site shall operate within the applicable noise standards required by DEQ or other state or federal agencies.

RESPONSE: This criterion is informational. Per state law and the DOGAMI operating permit, the use is required to operate in compliance with DEQ noise standards.

.9 – Water Quality.

RESPONSE: The applicant has provided a ditch system and stormwater/settling pond for runoff. Exhibit A and B. There will be no pit dewatering. Exhibit A.

.10 – Archeological sites.

RESPONSE: The applicant has performed an archeological assessment that was conducted by Heritage Research Associates, Inc. of Eugene, OR, dated April 24, 2020, who determined “No precontact or demonstrably historical archaeological artifacts, features, or sites have been recorded in this quarry area or within one mile of this quarry”. The findings of the Heritage Archeological Report will be filed directly with SHPO, as required. The report cannot be provided here for site security issues.

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

RESPONSE: The Applicant has proposed to the following erosion control methods to DOGAMI to take place during operations:

- * Minimizing mining area stripped
- * Diversion of natural runoff around the active mining area
- * Maintain gravel roads and working areas
- * Maintain internal sloping
- * Install conveyance ditches
- * Install rock check dams and water bars
- * Install settling/retention/infiltration ponds and structures



Oregon Department of Geology and Mineral Industries
Mineral Land Regulation and Reclamation Program
229 Broadalbin Street SW
Albany, OR 97321-2246
(541) 967-2039
Fax (541) 967-2075

Operating Permit
Application Form
Division 30 & Division 35*



LOST CREEK ROCK
PRODUCTS

Beaver Falls Quarry
Columbia County, OR

*DOGAMI may require additional information for Division 35 applications.

CONFIDENTIALITY NOTICE

Any production records, mineral assessments and trade secrets submitted by a mine operator or landowner to the State Department of Geology and Mineral Industries shall be confidential. [1999 c.492 §10 (enacted in 1999 ORS 517.900)]

EXHIBIT A

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Primary Point of Contact

To ensure effective communications and timely processing, a Primary Point of Contact (PPC) is recommended for this application. The PPC should be a representative of the applicant with signature authority or a designated agent. Documentation of signature authority and/or designated agent is required for all applicants registered to do business in the state of Oregon. DOGAMI specific Designated Agent and Signature Authority forms are available on our website.

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Section 1: Contact Information			
1a. Applicant / Proposed Permittee			
Name of Applicant: Lost Creek Rock Products LLC			
Mailing Address: P.O. Box 518	City: Creswell	State: OR	Zip: 97426
Telephone: (541) 935-3629	Fax:	Email: gd9825@aol.com	
Preferred method of contact <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Email			
1b. Primary Contact for the Application			
Name: Curtis Shuck			
Mailing Address: 25275 Loten Way	City: Veneta	State: OR	Zip: 97487
Telephone: (360) 567-7521	Fax:	Email: curtis@universalexports.global	
Preferred method of contact <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Email			
1c. Application Prepared By			
Name: Curtis Shuck			
Mailing Address: 25275 Loten Way	City: Veneta	State: OR	Zip: 97487
Telephone: (360) 567-7521	Fax:	Email: curtis@universalexports.global	
Preferred method of contact <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Email			
1d. Operator Information			
Name: Lost Creek Rock Products LLC			
Mailing Address: P.O. Box 518	City: Creswell	State: OR	Zip: 97426
Telephone: (541) 935-3629	Fax:	Email: gd9825@aol.com	
1e. Contact Person for Field Visits			
Name: Curtis Shuck	Preferred method of contact <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Email		
Telephone: (360) 567-7521	Fax:	Email: curtis@universalexports.global	
1f. Landowner Information			
Name of Landowner (1): Lost Creek Rock Products LLC			
Mailing Address: P.O. Box 518	City: Creswell	State: OR	Zip: 97426
Telephone: (541) 935-3629	Fax:	Email: gd9825@aol.com	
Name of Landowner (2):			
Mailing Address:	City:	State:	Zip:
Telephone:	Fax:	Email:	
1g. Mineral Estate Owner Information -- If Split Estate			
Name of Mineral Estate Owner (1):			
Mailing Address:	City:	State:	Zip:
Telephone:	Fax:	Email:	
Name of Mineral Estate Owner (2):			
Mailing Address:	City:	State:	Zip:
Telephone:	Fax:	Email:	

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Section 2: Project Description			
2a. Location Information			
Address and/or highway and milepost of surface mine: 22011 Beaver Falls Road, Clatskanie, OR 97016			
Distance from the nearest named community: 5.0 mile(s) from Clatskanie, OR			
Directions to site (from the nearest town or major intersection): East on Columbia County Road #21 (Beaver Falls Road) from Clatskanie to 22011 Beaver Falls Road			
Legal Description: County: Columbia			
Township: 7N	Range: 4W	Section: 11	Tax Lot(s): 01000
Township: _____	Range: _____	Section: _____	Tax Lot(s): _____
Township: _____	Range: _____	Section: _____	Tax Lot(s): _____
Township: _____	Range: _____	Section: _____	Tax Lot(s): _____
Latitude/Longitude: 123.1395/46.1053			
Site Name: Beaver Falls Quarry			
Does this site have a current DOGAMI Operating Permit, Exploration Permit, Exclusion Certificate, or Grant of Limited Exemption, or has it been permitted in the past? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
If yes: Specify DOGAMI ID# 05-19			
Is there an approved Limited Exemption Closure Plan on file with DOGAMI? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
2b. Application Type			
Please indicate the purpose of this application: <input checked="" type="checkbox"/> New Operating Permit – skip to 2c. <input type="checkbox"/> Amendment to a current Operating Permit			
If you are applying for an Amendment to a current Operating Permit, please describe in detail the intended modifications:			
The Proposed Operating and Reclamation Plans in this Amendment will (check one): <input type="checkbox"/> Replace the existing approved plan(s) on file with DOGAMI and apply to the entirety of the site upon completion of this Amendment. <input type="checkbox"/> Pertain only to the Amendment area and are in addition to the existing approved plan(s) on file with DOGAMI.			
2c. Third Party Permits and Approvals			
Do you know of any state, federal or local government permits or approvals that will be required for this mining operation? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
If yes: Please list any state, federal or local government permits or approvals and describe the status: NPDES Permit- Oregon DEQ: The NPDES Permit will be submitted to Oregon DEQ and approved prior to operations			
*Note: DOGAMI can only issue an Operating Permit if all required state, federal, and local government approvals have been obtained, otherwise a Provisional Operating Permit will be issued. POP's are not applicable to Operating Permit Amendment applications.			

2d. Permit Acreage and Boundaries	
Specify the approximate total number of acres to be covered under the Operating Permit	46.26 acres
Does the proposed permitted acreage coincide with the area approved by the local land use jurisdiction?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Have the boundaries of the proposed permit area been marked on the ground with temporary or permanent boundary markers?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Describe boundary markers: Lath Stakes with Orange Paint & Surveyors Flagging marking Steel Stakes.	
What is the total number of acres to be affected by mining related activities in the 12 months following permit issuance (include excavation, processing, stockpiling and land clearing)? 24.18+/- acres	

2e. Site Conditions	
General Topography in the vicinity of the permit area (check all that apply):	
<input type="checkbox"/> mountains	<input checked="" type="checkbox"/> hills/buttes
<input type="checkbox"/> floodplain	<input type="checkbox"/> other: _____
<input type="checkbox"/> valleys	<input type="checkbox"/> other: _____
<input type="checkbox"/> plains	<input type="checkbox"/> badlands
Site Specific Topography (describe the topography within the permit area):	
Current Land Use(s) for all tax lots or parcels within the permit area (check all that apply):	
<input type="checkbox"/> range/open space	<input checked="" type="checkbox"/> forestry
<input type="checkbox"/> residential	<input type="checkbox"/> commercial
<input type="checkbox"/> industrial	<input type="checkbox"/> agriculture
<input type="checkbox"/> wildlife/wetland	<input checked="" type="checkbox"/> other: SM
<input type="checkbox"/> recreation	<input type="checkbox"/> other: _____
Structures, Facilities & Surface Disturbances:	
<input checked="" type="checkbox"/> none	<input type="checkbox"/> residential
<input type="checkbox"/> industrial/commercial	<input checked="" type="checkbox"/> roads
<input type="checkbox"/> underground utilities (e.g. electrical, fiber optic, water, sewer, etc.)	<input type="checkbox"/> oil/gas structures or pipelines
<input type="checkbox"/> farm/ranch	<input type="checkbox"/> overhead power lines or facilities
<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____
Additional Description (optional): The Permit Area has recently been logged by Applicant.	
Vegetation (general description of the dominant grasses, forbs, shrubs and trees located within the permit area):	
Small trees, underbrush with shrubs and grasses.	
Listed sensitive, threatened or endangered fish and/or wildlife species (within the permit area and nearby water ways):	
None	
Surface Water Features within or near the permit area (includes features that may contain water at any time, including seasonal and stormwater runoff):	
<input type="checkbox"/> none	<input type="checkbox"/> river _____
<input type="checkbox"/> lake/pond	<input type="checkbox"/> irrigation ditch/canal
<input checked="" type="checkbox"/> stream/creek _____	<input type="checkbox"/> spring
<input checked="" type="checkbox"/> ephemeral drainage	<input checked="" type="checkbox"/> wetlands*
*The DOGAMI Wetland Supplemental Form may be required to be submitted with this application package.	

2f. Surrounding Area Conditions	
Land Use(s) within 1,500 feet of the permit area (check all that apply):	
<input type="checkbox"/> range/open space	<input checked="" type="checkbox"/> forestry
<input checked="" type="checkbox"/> residential	<input type="checkbox"/> commercial
<input type="checkbox"/> industrial	<input checked="" type="checkbox"/> agriculture
<input type="checkbox"/> wildlife/wetland	<input type="checkbox"/> other: _____
<input type="checkbox"/> recreation	<input type="checkbox"/> other: _____
Structures, Facilities & Surface Disturbances within 1,500 feet of the permit area (check all that apply):	
<input type="checkbox"/> none	<input checked="" type="checkbox"/> residential
<input type="checkbox"/> industrial/commercial	<input checked="" type="checkbox"/> roads
<input checked="" type="checkbox"/> underground utilities (e.g. electrical, fiber optic, water, sewer, etc.)	<input type="checkbox"/> oil/gas structures or pipelines
<input checked="" type="checkbox"/> farm	<input checked="" type="checkbox"/> overhead power lines or facilities
<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____
What is the distance to the nearest structure not owned by the permittee? 400+ feet	

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Surface Water Features within 1,500 feet of the permit area (check all that apply):

- | | | | |
|------------------------------------|---|--|---|
| <input type="checkbox"/> none | <input type="checkbox"/> river _____ | <input checked="" type="checkbox"/> stream/creek _____ | <input type="checkbox"/> spring |
| <input type="checkbox"/> lake/pond | <input type="checkbox"/> Irrigation ditch/canal | <input checked="" type="checkbox"/> ephemeral drainage | <input checked="" type="checkbox"/> wetlands* |

*The DOGAMI Wetland Supplemental Form may be required to be submitted with this application package.

Section 3: Proposed Operating Plan			
3a. Development Plans & Equipment			
What type of surface mine will be developed?			
<input type="checkbox"/> single bench	<input checked="" type="checkbox"/> multiple bench	<input checked="" type="checkbox"/> sidehill cut	<input type="checkbox"/> hilltop removal
<input checked="" type="checkbox"/> open pit	<input type="checkbox"/> pond excavation	<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____
What is the primary commodity? (Select One)			
<input type="checkbox"/> lava	<input type="checkbox"/> decomposed granite	<input type="checkbox"/> pumice	<input type="checkbox"/> topsoil
<input type="checkbox"/> borrow/fill	<input type="checkbox"/> diatomaceous earth	<input type="checkbox"/> sand and gravel	<input type="checkbox"/> bentonite
<input type="checkbox"/> cinder	<input type="checkbox"/> dredge tailings	<input type="checkbox"/> shale	<input checked="" type="checkbox"/> other: Basalt
What is the primary use? (Select One)			
<input checked="" type="checkbox"/> asphalt aggregate	<input type="checkbox"/> concrete aggregate	<input type="checkbox"/> landscaping materials	<input type="checkbox"/> other: _____
<input checked="" type="checkbox"/> base rock aggregate	<input type="checkbox"/> construction fill	<input checked="" type="checkbox"/> rip rap	
What is the general deposit type?			
<input checked="" type="checkbox"/> bedrock	<input type="checkbox"/> river/floodplain (alluvial)*	<input type="checkbox"/> river channel terrace	
<input checked="" type="checkbox"/> talus	<input type="checkbox"/> other: _____	<input type="checkbox"/> unknown	
*The DOGAMI Floodplain Supplemental Form may be required to be submitted with this application package.			
Check all mining methods and on-site activities that apply:			
<input checked="" type="checkbox"/> drilling and blasting	<input checked="" type="checkbox"/> ripping and loading	<input checked="" type="checkbox"/> crushing	<input checked="" type="checkbox"/> washing
<input checked="" type="checkbox"/> shovel/loader/scrapper	<input type="checkbox"/> material recycling	<input checked="" type="checkbox"/> stockpiling	<input type="checkbox"/> other: _____
Equipment to be used for mining and processing includes (check all that apply):			
<input checked="" type="checkbox"/> loaders	<input checked="" type="checkbox"/> dozers	<input checked="" type="checkbox"/> excavators	<input checked="" type="checkbox"/> trucks
<input checked="" type="checkbox"/> crushers	<input checked="" type="checkbox"/> drilling equipment	<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____
Date to begin mining activities: As soon as possible		Expected duration (in years): 20 Years +/-	

3b. Water Management	
Indicate the proposed use(s) of water (check all that apply):	
<input checked="" type="checkbox"/> wash plant	<input type="checkbox"/> asphalt plant
<input checked="" type="checkbox"/> dust control	<input checked="" type="checkbox"/> crusher
<input type="checkbox"/> concrete batch plant	
<input type="checkbox"/> other: _____	
Note: A DEQ permit will be required for process water generated and stored on site.	
If applicable: Is the water source within 300 feet of the permit area? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
If yes: Identify the source of water to be used and show its location on a map:	
<input checked="" type="checkbox"/> Irrigation ditch	<input checked="" type="checkbox"/> pond
<input type="checkbox"/> pit	<input type="checkbox"/> groundwater well
<input checked="" type="checkbox"/> other: Stormwater Retention/Detention Pond	
Note: A water right may be required by the Oregon Water Resource Department.	
Will water be stored on site? <input type="checkbox"/> yes <input type="checkbox"/> no	
If yes: What will the water be stored in?	
<input checked="" type="checkbox"/> detention/retention pond	<input type="checkbox"/> lined detention/retention pond
<input type="checkbox"/> other: _____	<input type="checkbox"/> water storage tank
What is the approximate depth that groundwater is first encountered? 40'+ feet below ground surface	
What source or method was used to determine depth to groundwater? Adjacent Property Owners historical experience, site potholing,	
Have monitoring wells been constructed on site or are monitoring wells proposed? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes: A DOGAMI Groundwater Supplemental Form must be submitted with this application.	

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Will excavation operations be conducted below groundwater level?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will dewatering be conducted at this site?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: A DOGAMI Groundwater Supplemental Form must be submitted with this application and a DEQ Permit may be required.	
Has a DEQ water quality permit been obtained for the site?	
If yes: DEQ Permit # TBD	

3c. Designated Setbacks	
Will surface mining operations require crossing external property lines?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
What will be the minimum undisturbed property line setback for:	
Excavation operations:	<u>50'</u> feet wide
Processing operations:	<u>50'</u> feet wide
Stockpiling operations:	<u>50'</u> feet wide
If proposing disturbances within the setbacks (such as visual berms or roads), explain:	
Specify the minimum undisturbed setback(s) between mining operations and:	
Overhead utilities (poles or towers):	<u>100'</u> feet wide
Underground utilities (e.g. electrical, fiber optic, water, sewer, etc.):	<u>150'</u> feet wide
Right-of-Way/Easement Road:	<u>50'</u> feet wide
Other:	<u>Creek 100'</u> feet wide
<input type="checkbox"/> not applicable (none of the above-listed items are present within the proposed permit area)	
Are setbacks shown on the attached map(s)?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Have setbacks been marked on the ground with permanent or temporary boundary markers?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	

3d. Designated Buffers	
Does a naturally vegetated area (buffer) exist along a river, stream or natural drainage?	<input type="checkbox"/> not applicable <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no or not applicable, skip to 3e.	
What are the minimum undisturbed buffers for the following:	
River (Ordinary High Water Line):	<u>N/A</u> feet wide
Stream (Ordinary High Water Line):	<u>100'</u> feet wide
Natural drainage:	<u>N/A</u> feet wide
Riparian Vegetation:	<u>100'</u> feet wide
Have the undisturbed buffers been marked on the ground with permanent or temporary boundary markers?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Have conservation/protection buffers been established?	<input type="checkbox"/> not applicable <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: check all that apply:	
<input type="checkbox"/> unstable slopes	<input type="checkbox"/> wildlife habitat
<input checked="" type="checkbox"/> water quality	<input type="checkbox"/> other: _____
Describe the nature and configuration of the conservation buffer(s):	
The existing native vegetative buffering will be maintained.	

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3e. Visual Screening

Does a natural landform or vegetative screen currently exist?

Along the permit boundary yes no

Within the permit boundary yes no

Along the property boundary yes no

Within the property boundary yes no

If yes to any of the above: Describe: **Underbrush, small trees & shrubs**

Will a berm be constructed along the permit boundaries to develop a visual screen? yes no

If yes: The average height of the constructed screen/berm will be _____ feet tall and _____ feet wide.

Will a vegetative screen be established along the permit boundaries to develop a visual screen? yes no

If yes: If planting trees, what is the estimated height at maturity? _____ feet tall

Please describe (include species and planting densities):

Will a fence be installed along the permit boundary for safety or visual screening? yes no

Will the screening/fencing/berm be maintained for the life of the surface mine? not applicable yes no

If no: Explain:

3f. Vegetation

Will vegetation be removed sequentially from areas to be mined to prevent unnecessary erosion? yes no

If no: Explain:

Will small trees and other transplantable vegetation be salvaged for use in revegetating other phases? yes no

Wood and other organic debris will be (check all that apply):

recycled removed from site chipped burned buried

piled and composted on site for growth medium or mulch other: _____ other: _____

Note: A DEQ permit is generally required for burial of debris and may be required for burning.

Will coarse wood (logs, stumps) and other large debris be salvaged for fish and wildlife habitat? not applicable yes no

3g. Soil and Overburden Salvage and Stabilization

Identify and characterize the type(s) of soil present within the site area per NRCS Web Soil Survey:

The Beaver Falls Quarry soils are most closely aligned with "Alstony Series" that includes: O1 from 0" - 2", A1 from 0" - 5", B21 from 5" - 11", B22 from 11" - 23", C from 23" - 44" and R from - 44" into the Basalt Layer. The solum is 20" to 35" thick and bedrock (Basalt) is found most typically at near 40" at the the South facing slope of the ridgetline that will form the Quarry Face.

Will growth medium and overburden materials be salvaged? yes no

Explain: **Stockpiled and reused pursuant to the Final Beaver Falls Quarry Reclamation Plan.**

Will growth medium and overburden materials be segregated and stored separately during stripping operations? yes no

Explain proposed stripping, handling, and storage of growth medium and overburden materials: **Using a dozer and shovel, the materials will be separated, loaded, transported and stockpiled onsite for cover/rehab projects at the Quarry.**

For the areas to be stripped:

Thickness of growth medium averages 2' inches feet

Thickness of overburden averages 0' - 4' inches feet

Depth to bedrock is approximately 0-4' inches feet (below ground surface).

Total volume of growth medium available within the permit area is 136,835.56 cubic yards.

Total volume of stored growth medium is 34,208.8 cubic yards and will require 5.0+/- acres for storage.

Total volume of stored overburden is 34,208.8 cubic yards and will require 5.0+/- acres for storage.

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Will growth medium and overburden materials be moved directly to mined out portions of the site for concurrent reclamation?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will the storage areas be cleared of all vegetation and organic matter prior to stockpiling? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will subsurface drainage for the storage area be established prior to material placement? Explain: Designated Stock Pile Areas will be constructed with appropriate drainage considerations, consistent with the NPDES Permit requirements.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will growth medium and overburden materials be stabilized with vegetation to prevent water and wind erosion if stored for more than one season? If no: Explain:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Are the storage areas delineated on the attached map(s)?	<input type="checkbox"/> yes <input type="checkbox"/> no

3h. Surface Mine Excavations	
What is the total number of acres to be affected by mining related activities (include excavation, processing, stockpiling and land clearing)?	<u>46.26+/-</u> acres
What is the maximum vertical depth to be mined below the existing topographic grade?	<u>+/-280.0</u> feet
What will be the lowest elevation of the excavated mine relative to mean sea level?	<u>+20.0</u> feet
What will be the highest elevation of the excavated mine relative to mean sea level?	<u>+240.0</u> feet
Will benches be developed as mining operations advance? If yes: The average dimensions of the benches will be approximately: _____ foot vertical faces separated by _____ foot horizontal benches resulting in an interim sloping configuration of _____ H: _____ V (e.g. 1½H:1V, 2H:1V) If no: The interim sloping configuration of the excavation slopes will be: <u>.25H: 1.0V</u> (e.g. 1½H:1V, 2H:1V).	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will excavation operations result in the creation of ponds/water-filled excavation areas? If yes: The interim sloping configuration of the in-water slopes will be _____ H: _____ V (e.g. 3H:1V).	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will oversize be generated on site? If yes: Specify the location for storage: At the Pit Floor or at the Quarry Staging Areas.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will any waste products such as tailings or crusher fines be generated during mining? If yes: Specify the location for storage: Crusher Fines generated will be aggregated and hauled off-site.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Are the storage/stockpile areas delineated on the attached map(s)?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

3i. Best Management Practices and Stormwater Controls		
Will all stormwater runoff be contained on site? If no: A DEQ (NPDES) Permit may be required.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
Methods to control erosion and minimize sedimentation within the permit area include (check all that apply):		
<input checked="" type="checkbox"/> minimize the areas stripped	<input checked="" type="checkbox"/> divert natural runoff around the site	<input checked="" type="checkbox"/> graveled roads and working areas
<input checked="" type="checkbox"/> internal sloping	<input checked="" type="checkbox"/> conveyance ditches	<input checked="" type="checkbox"/> rock check dams
<input checked="" type="checkbox"/> water bars	<input checked="" type="checkbox"/> settling/infiltration ponds	<input checked="" type="checkbox"/> retention berms
<input checked="" type="checkbox"/> seeding and mulching	<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____

Section 4: Reclamation Plan

4a. Post-Mining Land Use

Subsequent Land Use(s) of the permit area (check all that apply):

range/open space forestry industrial wildlife/wetland recreation
 residential commercial agriculture other: _____ other: _____

If more than one post-mining land use is selected provide a map delineating where each use is applicable.

What will be the average elevation of the reclaimed mine floor relative to mean sea level? **EL +70.0' (+/-)** feet

Is the proposed post-mining land use compatible with the existing local land use jurisdiction? yes no

If no: Explain:

Is the final local land use approval for surface mining attached? yes no

If no: Explain:

4b. Reclamation Schedule

Will reclamation activities be conducted concurrently with mining? yes no

If no: How many days after mining is completed will reclamation operations begin? Reclamation will be phased for the operational areas, as designated on the Operations Site Plan and will happen concurrently during the course of operations.

If yes: Has the permit area been divided into cells/phases for sequential mining? yes no

4c. Final Excavation Slopes

Will final excavation slopes be constructed using the benching method? yes no

If yes: The average dimensions of the final benches will be approximately _____ foot vertical faces separated by _____ foot horizontal benches resulting in an interim sloping configuration of _____ H: _____ V (e.g. 1½H:1V, 2H:1V).

Will final slopes be constructed via a continuous slope? yes no

If yes: The completion of Section 4d is required.

Will reclamation blasting be used to reduce the entire highwall to a scree or rubble slope less than 2H:1V? yes no

If yes: Will access to benches be maintained for reclamation blasting? yes no

Will selective blasting will be used to remove benches and walls and to create chutes, buttresses, spurs, scree slopes, and rough cliff faces that appear natural or blend in with surrounding topography? yes no

Will final excavation slopes be steeper than 1½H:1V? yes no

If yes: The DOGAMI Slope Stability Supplemental Form must be submitted with this application.

Will small portions of benches or vertical faces be left to provide habitat for raptors and other cliff-dwelling birds? yes no

Will the final excavation slopes vary in steepness? yes no

If yes: Explain: **The Final Slopes will have grade breaks (slope interruption features) at intervals less than 100' in lineal length, as detailed in the Final Beaver Falls Quarry Reclamation Plan.**

Are cross-sections of the final excavation slopes attached? (may be required) yes no

Will measures be taken to limit access to the top and bottom of hazardous slopes? yes no

Explain: **Permanent fencing will be installed during mining and maintained through the completion of the reclamation activities**

4d. Final Fill Slopes

Will above-water final fill slopes be constructed on site? yes no

If no: Skip to 4e.

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Will final fill slopes be steeper than 2H:1V or exceed 100 lineal feet in length?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
What will be the final sloping configuration of fill slopes? _____H: _____V (e.g. 2H:1V)	
If yes: The DOGAMI Slope Stability Supplemental Form must be submitted with this application.	
Will the final fill slopes vary in steepness?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Explain: The final slope will have grade breaks (Slope Interruption Features), consistent with the Final Beaver Falls Quarry Reclamation Plan, at intervals less than 100'.	
Will fill slopes have a sinuous appearance in both profile and plan view?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Will the final grouser tracks of equipment be preserved and oriented to trap moisture, growth medium, and seeds, to encourage seed germination and inhibit erosion (track walking)?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

4a. Working Floors	
Will flat working areas be formed into gently rolling hills to blend in with the surrounding area?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Give details:	
Will the working floor be gently graded into sinuous drainage channels to preclude sheet-wash erosion during heavy rain events?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Give details:	
Will the working floor and other compacted areas be, plowed, ripped, or blasted to decompact the upper surface prior to spreading growth mediums to foster revegetation?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Explain (if yes, include depth of decompaction):	

4f. Imported Fill	
Will imported materials be necessary to complete reclamation?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Skip to 4g.	
If yes: Give volumes needed to meet reclamation plan: <u>6,772,603+/-</u>	
Are the locations for fill stockpiling and permanent placement shown on the map(s)?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
How will the quality of imported fill be monitored to ensure it meets DEQ clean fill standards? <u>Origination site testing will be conducted and strictly observed, grab samples will be taken and retained at Mine Reclamation Site. Fill materials will be Proctored and compaction testing will occur during the reclamation process to confirm 90.0% compaction is being achieved.</u>	
Will the backfill materials be mixed or screened to ensure uniformity for compaction and stability?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

4g. Backfilling Operations	
Will an excavation area be located below natural grade requiring backfilling?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If no: Skip to 4h	
What will be the total depth of backfilled materials? <u>200.0+/-</u> feet.	
Will backfilling be conducted in lifts?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Specify the average depth of the lifts: <u>2'</u> feet.	
Will the backfilled slopes be compacted?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Explain: <u>Using the Accepted Fill Materials Proctor, the fill material will be compacted to 90.0% density.</u>	
Will compaction testing be conducted under supervision/direction of an Oregon Certified Engineering Geologist or Geotechnical Engineer to determine the compaction percentage?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
(may be required subject to post-mining land use)	
Will backfilling be completed utilizing on site overburden materials?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Explain: <u>The Site Overburden and Growth Medium will be used as the final top layers of the backfill sections, consistent with the Final Beaver Falls Quarry Reclamation Plan.</u>	

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Will you be backfilling into water? If no: Skip to 4h	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will dewatering be necessary for the backfilling operations? If yes: A DOGAMI Groundwater Supplemental Form is required to be submitted with this application and a DEQ NPDES Permit may be required.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will backfilling be limited to the dry season or otherwise conducted under dry conditions? If no: A DOGAMI Slope Stability Supplemental Form may be required.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will the excavation pit/pond be <i>entirely</i> backfilled to natural ground surface elevation? If no: The completion of Section 4h is required for In-water sloping configurations.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

4h. Ponds and Wetlands	
Will stormwater controls or excavation operations intersect the groundwater table resulting in the creation of ponds and/or wetlands? If no: Go to Section 4l.	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Specify the construction method and dimensions for each settling/infiltration pond to remain on site: Pond #1 will be approximately _____ acres in size and approximately _____ feet deep and constructed via: <input type="checkbox"/> excavation <input type="checkbox"/> retention berms <input type="checkbox"/> combination of both Pond #2 will be approximately _____ acres in size and approximately _____ feet deep and constructed via: <input type="checkbox"/> excavation <input type="checkbox"/> retention berms <input type="checkbox"/> combination of both	
All In-water sloping configurations will be constructed at _____ H: _____ V or flatter to a minimum depth of _____ feet below the low-water level of the ponds(s). Per OAR 632-030-0027(5), all In-water sloping configurations must be established at 3H:1V or flatter from the ordinary high-water level to six feet below the ordinary low-water level for permanent water impoundments.	
If not already present, will soils, silts, and clay-bearing materials be placed below water level to enhance revegetation for fish and wildlife habitat? If yes: Give details:	<input type="checkbox"/> yes <input type="checkbox"/> no
Will wetlands be constructed on site? If yes: Give details:	<input type="checkbox"/> yes <input type="checkbox"/> no
Will wildlife and fish habitat/enhancements be developed? If yes: Check all that apply: <input type="checkbox"/> varied water depths <input type="checkbox"/> islands <input type="checkbox"/> peninsulas <input type="checkbox"/> fish structures <input type="checkbox"/> shallow areas (<18 inches deep) <input type="checkbox"/> sinuous/irregular shorelines <input type="checkbox"/> other: _____ <input type="checkbox"/> other: _____	<input type="checkbox"/> yes <input type="checkbox"/> no
What species are the habitat/enhancements intended to benefit?	
Will final pond(s) be utilized for agriculture, forestry or supply water (impoundment)? If no: Skip to 4l.	<input type="checkbox"/> yes <input type="checkbox"/> no
Has approval from other agencies with jurisdiction to regulate impoundment of water been obtained? If yes: Attach written approval.	<input type="checkbox"/> yes <input type="checkbox"/> no
What measures will be taken to prevent seepage from the site from adversely affecting the stability of impoundments and adjacent slopes? (check all that apply): <input type="checkbox"/> monitoring <input type="checkbox"/> relief drains <input type="checkbox"/> weep holes <input type="checkbox"/> compaction <input type="checkbox"/> grouting <input type="checkbox"/> installing upstream blanket <input type="checkbox"/> none Give details:	
What measures have been taken to design impoundments to resist seismic hazards?	

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4i. Growth Medium Replacement	
Will the importation of growth medium be required to complete reclamation?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Explain (if yes, describe source):	
Will growth medium materials be replaced on all above-water slopes and/or benches?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Will growth medium be distributed evenly over the site?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Specify:	
Soil will be replaced on the mine floor to an approximate depth of <u>4"</u> <input checked="" type="checkbox"/> inches <input type="checkbox"/> feet	
Soil will be replaced on established benches to an approximate depth of <u>4"</u> <input checked="" type="checkbox"/> inches <input type="checkbox"/> feet	
If growth medium is in short supply, will it be strategically placed to conserve moisture and promote revegetation?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Will growth medium be moved when conditions are exceptionally wet or dry?	<input type="checkbox"/> not applicable <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Explain:	
If applicable: will clay/silt from settling ponds be used to supplement the growth medium materials?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will any additional materials be utilized as a growth medium substitute to complete revegetation (e.g. reject fines)?	<input type="checkbox"/> not applicable <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes: Explain:	
Will all growth medium be replaced with equipment that will minimize compaction, or will growth medium be plowed, disced, or ripped following placement?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Will all replaced growth medium be stabilized in a timely manner with vegetation and/or mulch to prevent loss by erosion, slumping, or crusting?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	

4j. Revegetation	
The average precipitation on site is <u>61.0+/-</u> inches per year.	
Will the site be revegetated?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: The site will not be revegetated because:	
<input type="checkbox"/> Demonstration plots and areas will be used to show that active revegetation is not necessary.	
<input type="checkbox"/> Revegetation is inappropriate for the approved subsequent use of this surface mine.	
Will revegetation activities start during the first proper growing season (e.g. fall for grasses, fall or late winter for trees and shrubs) following restoration of slopes?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Give details: As the Reclamation Phases are implemented, the revegetation activities will occur. If no: Explain:	
Will vegetation test plots be used to determine optimum vegetation plans?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

4k. Planting and/or Seeding Techniques and Specifications	
Describe the method and time of year for planting and/or seeding: The Beaver Falls Site will be replanted with Douglas-fir Nursery Stock Seedlings following the Reclamation Phases during the November to April time period.	
Give seeding details (lbs/acre of grass, legume, or forb mixture): Using the ODOT Specification 01030.13(f), the Site will be Hydroseeded using a "Plant Seeding" mixture, specific for revegetation and restoration in Western Oregon, that includes hydromuch and tracer at the rate of 500# per acre. This mix will be applied between March 1 and May 15 or between September 1 and October 31.	
Give planting details (stems/acre of trees and shrubs, size and type of plant stock): Using Douglas-fir seedlings, the Site will be replanted at the density of +/- 1,210 stems per acre in a 6' x 6' pattern, in accordance with the Oregon Forest	

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Practices Act and industry best practices.

Additional planting/seeding techniques include:

<input type="checkbox"/> ripping, discing and/or tilling	<input type="checkbox"/> blasting to create permeability	<input type="checkbox"/> mulching
<input type="checkbox"/> irrigation	<input type="checkbox"/> fertilization	<input type="checkbox"/> planting dormant trees and shrubs
<input type="checkbox"/> importation of clay or organic-rich growth medium	<input type="checkbox"/> other growth medium conditioners or amendments	<input checked="" type="checkbox"/> seeds to be protected with growth medium or mulch
<input type="checkbox"/> other: _____		

Describe the noxious weed and invasive plant control measures: **Beyond the Site Revegetation Plan, Applicant may apply approved herbicides, as required.**

4l. Drainage and Stormwater Controls

Will the reclaimed surface mine site be Internally drained? yes no

Will natural runoff be directed to a natural drainage or safe outlet upon completion of reclamation? not applicable yes no

If applicable: Explain: Natural drainage will be reestablished at the completion of the project to enter into the existing site drainage pathways.

Will the construction of ditches and channels be necessary to limit erosion and siltation? yes no

If applicable: Explain: As required, adjacent to access trails, ditching and water bars may be required.

Will conveyance ditches and channels be lined with vegetation or riprap? not applicable yes no

If applicable: Explain: Any established drainage ditches will be hydroseeded as a component of the Site Reclamation.

Will it be necessary to stabilize or rehabilitate stream channels or banks? yes no

If yes: Give details:

4m. Site Cleanup

Will all mining-related equipment be removed from the site? yes no

If no: Explain:

Will all structures and buildings be removed from the site? yes no

If no: Explain:

Will all visual and/or retention berms be removed from the site? yes no

If no: Explain:

Will all debris, refuse, and/or hazardous material be removed from the site? yes no

If no: Explain:


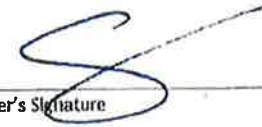
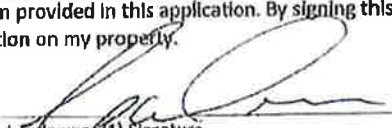
Will all stockpiles be sold, graded, and or removed from the site? yes no

If no: Explain:

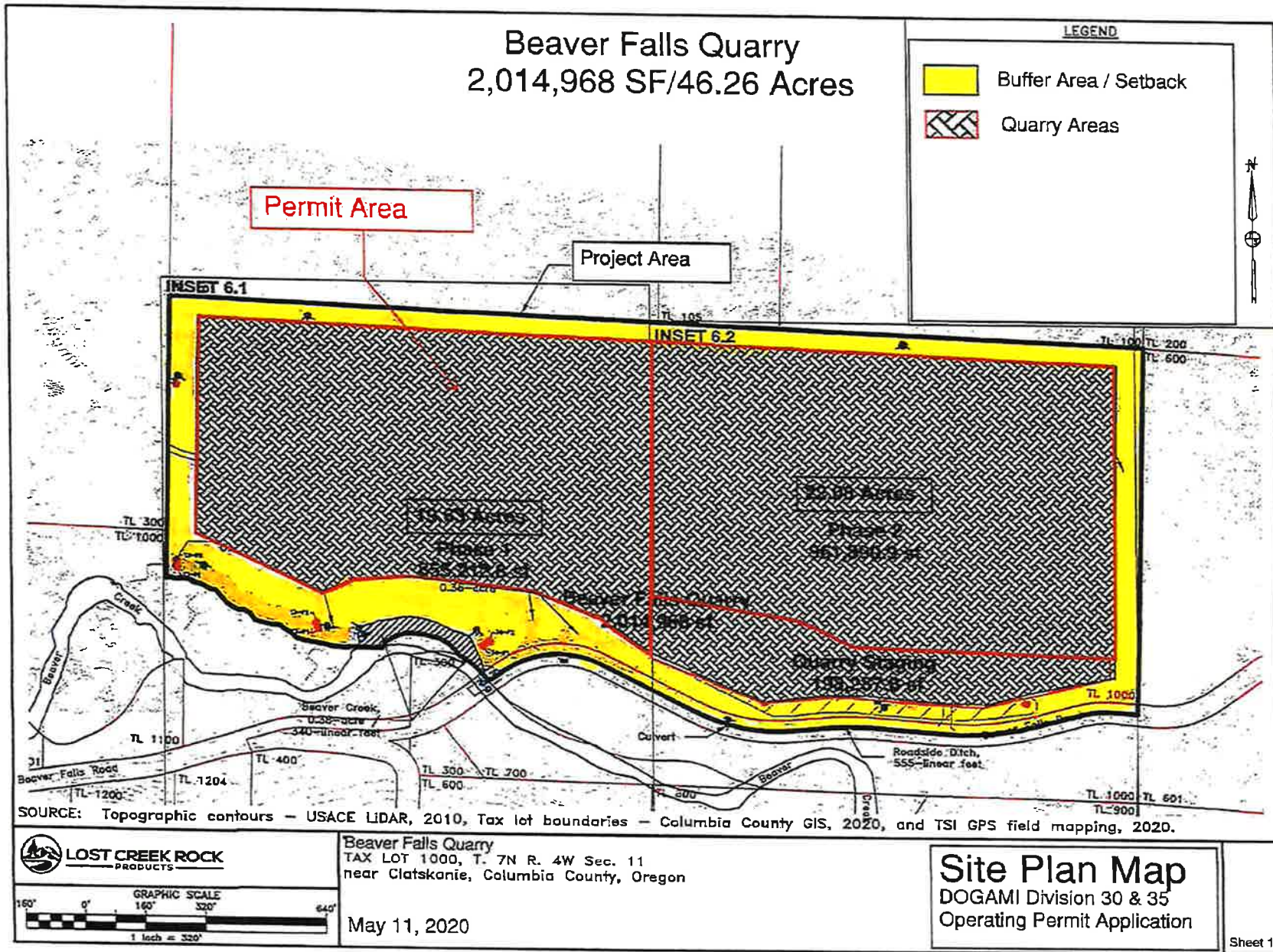
Will all oversize be sold, reduced, or removed from the site? yes no

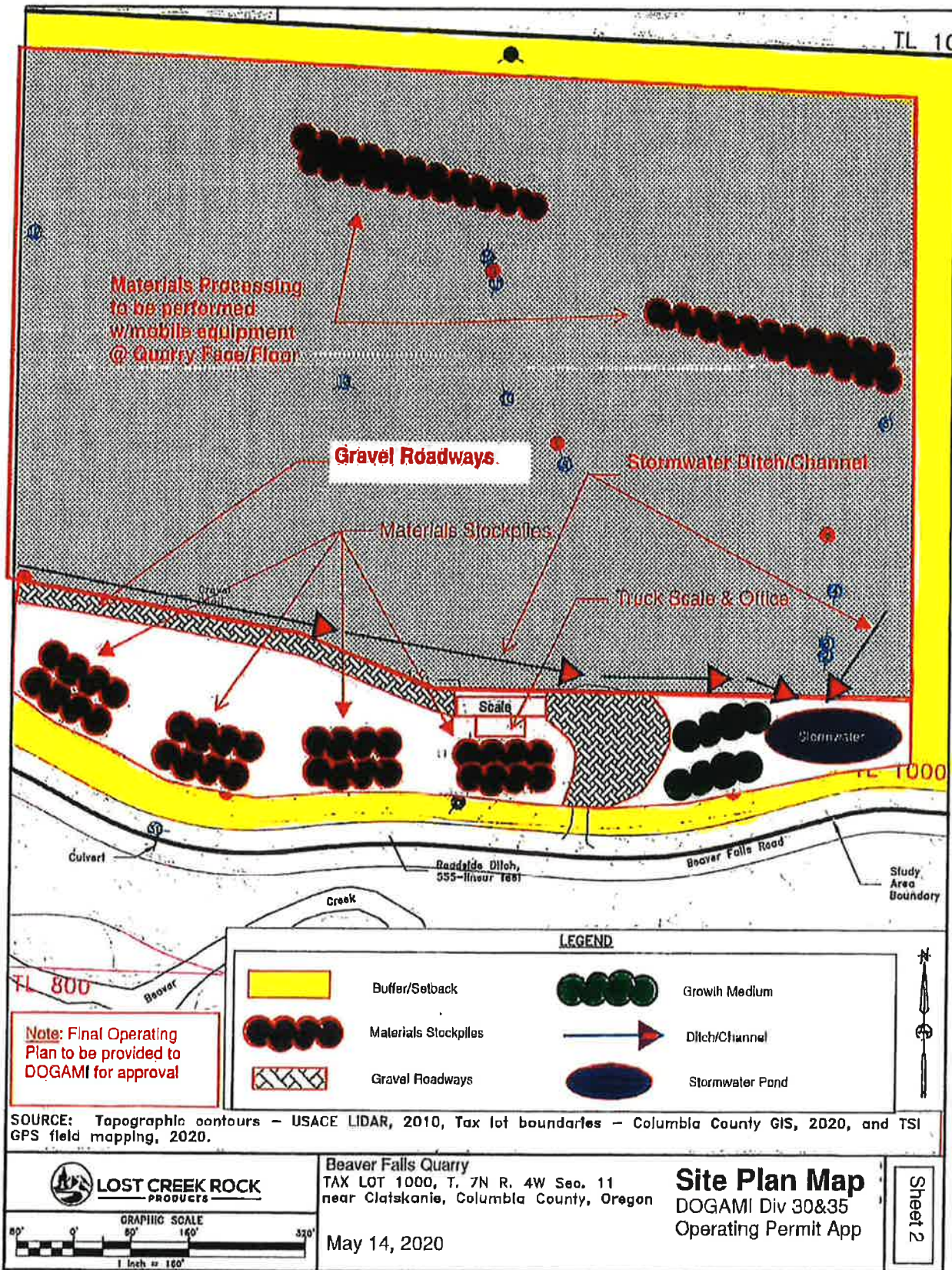
If no: Explain:

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Signature Page	
APPLICANT	
I am applying for an Operating Permit under ORS 517.790. My signature below attests that the information provided in this application is accurate and true to the best of my knowledge. Any misrepresentation in these materials will be considered grounds for denial for an Operating Permit.	
Lost Creek Rock Products LLC Greg Demers Applicant's Printed Name	 Applicant's Signature
Principal Title	May 21, 2020 Date
PREPARED BY	
I prepared this application for the applicant above. My signature below attests that the information provided in this application is accurate and true to the best of my knowledge. Any misrepresentation in these materials will be considered grounds for denial for an Operating Permit.	
Curtis Shuck Preparer's Printed Name	 Preparer's Signature
Consultant Title	May 21, 2020 Date
LANDOWNER(S)	
I have read, understand, and acknowledge receipt of all information provided in this application. By signing this form, I am granting consent to the mining activities as outlined in this application on my property.	
Lost Creek Rock Products LLC Greg Demers Landowner (1) Printed Name	 Landowner (1) Signature
Principal Title	May 21, 2020 Date
Landowner (2) Printed Name	Landowner (2) Signature
Title	Date
MINERAL ESTATE OWNER(S)	
I have read, understand, and acknowledge receipt of all information provided in this application. By signing this form, I am granting consent to the mining activities as outlined in this application on my property.	
Mineral Estate Owner (1) Printed Name	Mineral Estate Owner (1) Signature
Title	Date
Mineral Estate Owner (2) Printed Name	Mineral Estate Owner (2) Signature
Title	Date

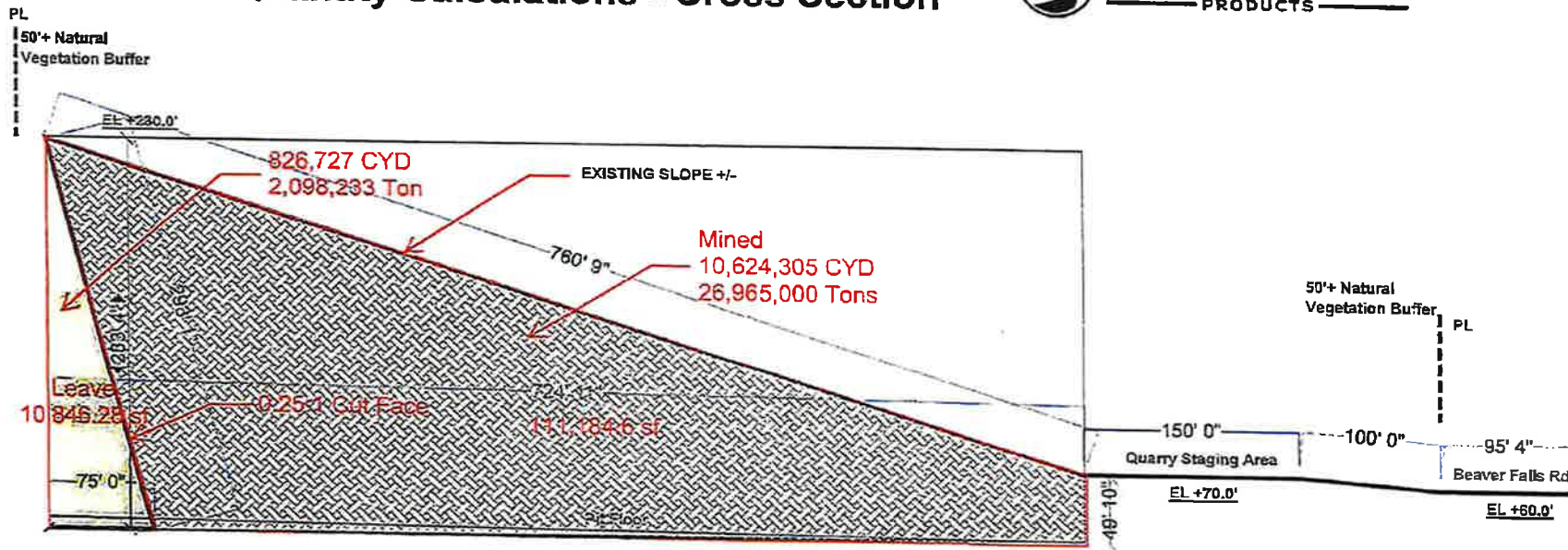
Attach additional signature pages as necessary







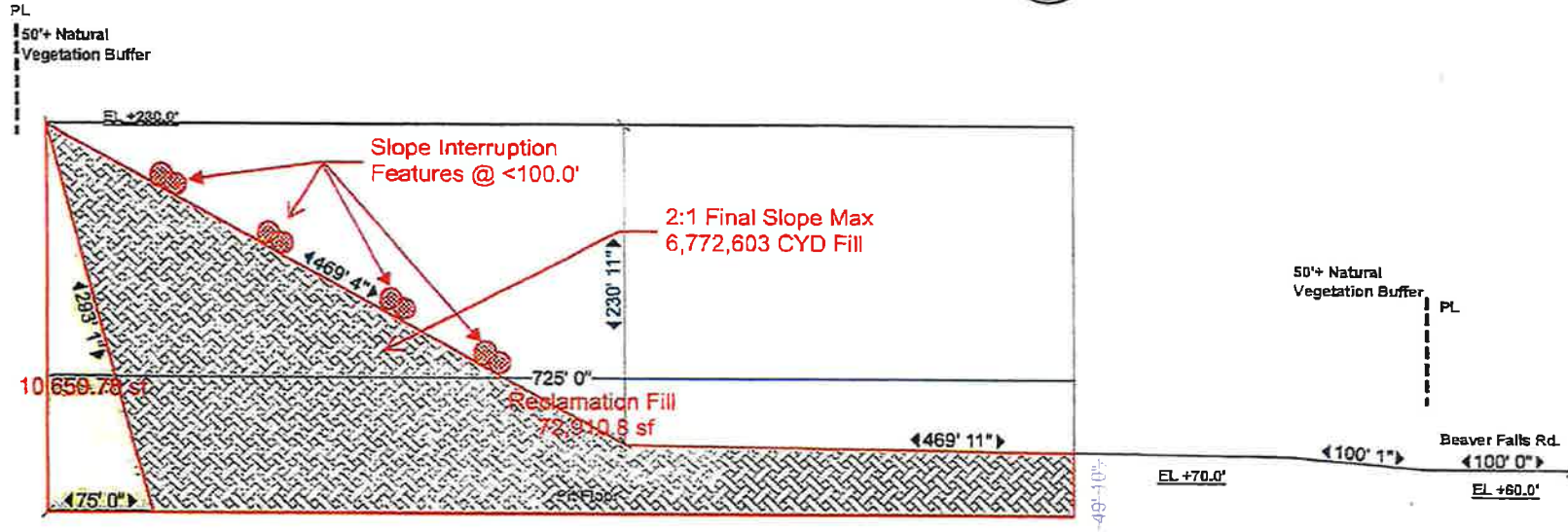
Beaver Falls Quarry (BFQ) Quantity Calculations - Cross Section



Beaver Falls Quarry (BFQ) Cross Section			
LOST CREEK ROCK PRODUCTS LLC P.O. 5189 Creswell, OR 97426			
DRAWN	CHECKED	DATE	DRAWG NO.
CES		5/13/20	X 1





Beaver Falls Quarry (BFQ) Reclamation Plan



Beaver Falls Quarry (BFQ) Reclamation Plan			
LOST CREEK ROCK PRODUCTS LLC P.O. 5189 Creswell, OR 97426			
DRAWN	CHECKED	DATE	DRAWG NO.
CES		5/13/20	R 1

Beaver Falls Quarry 2,014,968 SF/46.26 Acres

LEGEND

-  Buffer Area / Setback
-  Quarry Areas

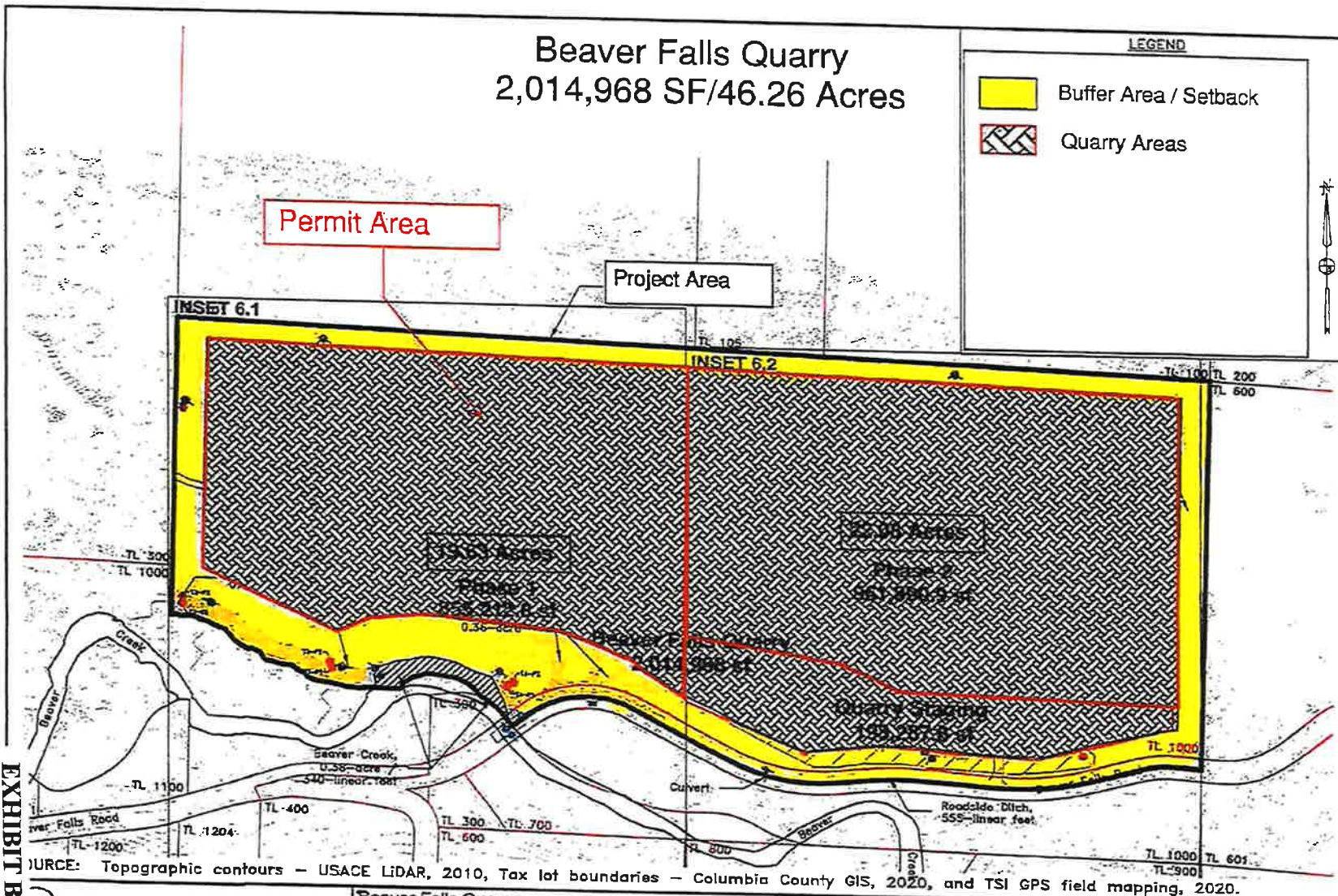


EXHIBIT B

SOURCE: Topographic contours - USACE LIDAR, 2010, Tax lot boundaries - Columbia County GIS, 2020, and TSI GPS field mapping, 2020.

LOST CREEK ROCK PRODUCTS

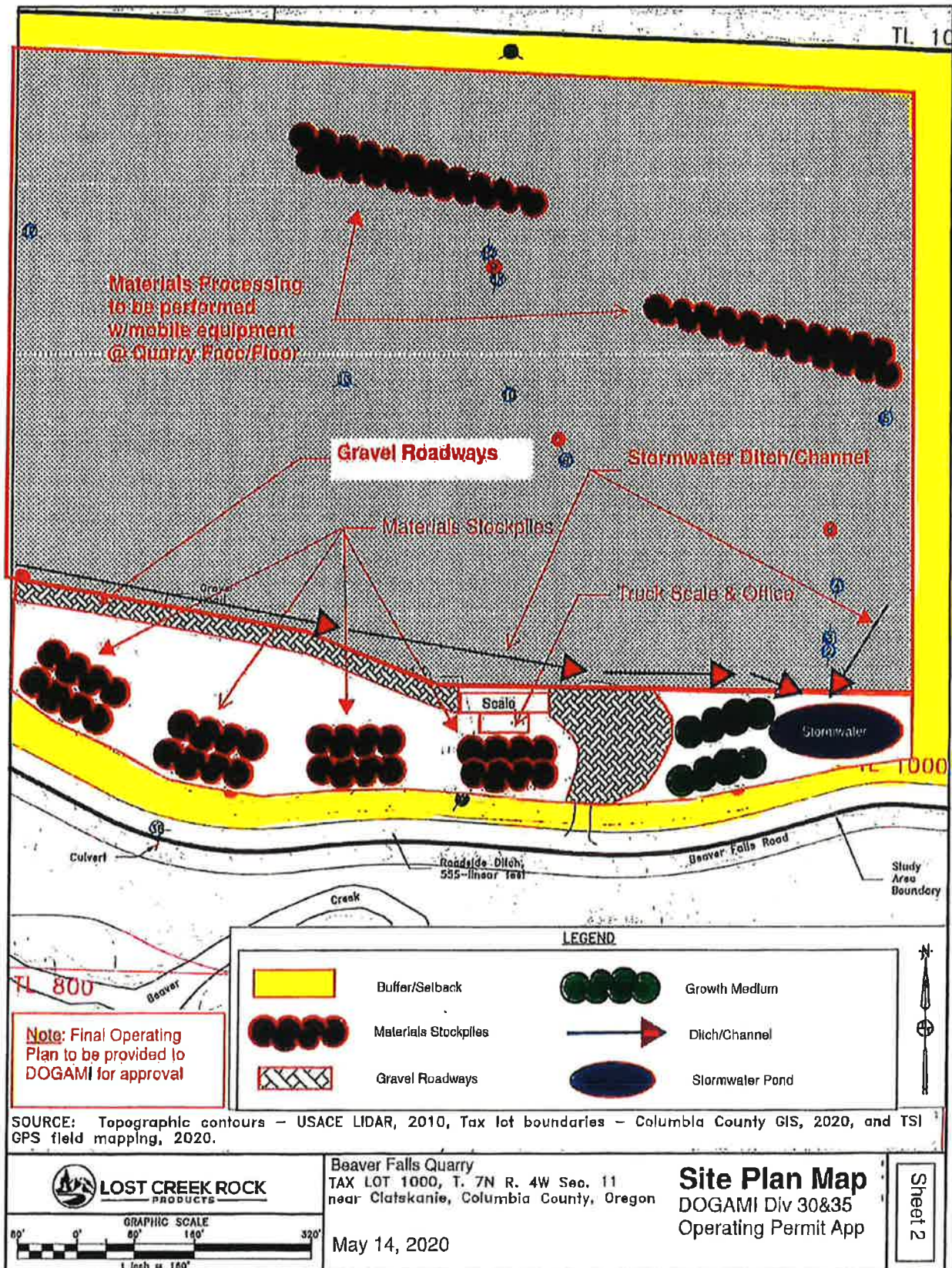
GRAPHIC SCALE
0" 150' 320' 640'

1 inch = 320'

Beaver Falls Quarry
TAX LOT 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

May 11, 2020

Site Plan Map
DOGAMI Division 30 & 35
Operating Permit Application

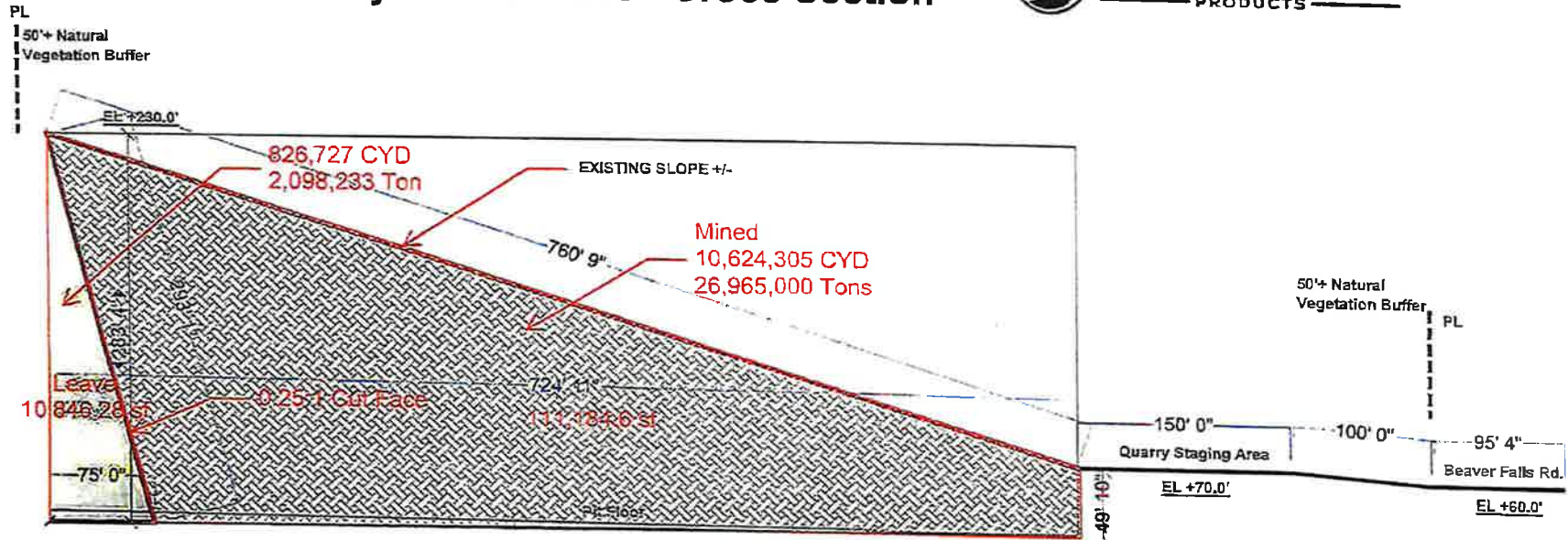




Beaver Falls Quarry (BFQ) Quantity Calculations - Cross Section



LOST CREEK ROCK
PRODUCTS



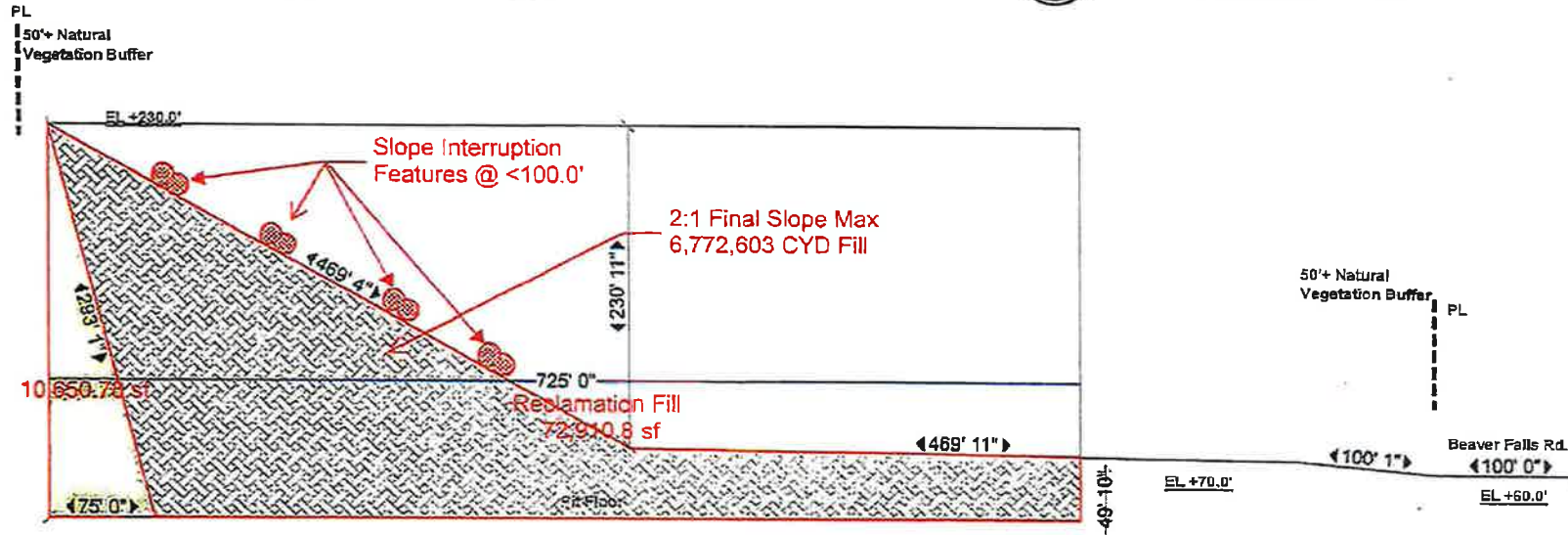
Beaver Falls Quarry (BFQ) Cross Section			
LOST CREEK ROCK PRODUCTS LLC P.O. 5189 Creswell, OR 97426			
DRAWN	CHECKED	DATE	DRAWG NO.
CES		5/13/20	X 1



Beaver Falls Quarry (BFQ) Reclamation Plan



LOST CREEK ROCK
PRODUCTS



Beaver Falls Quarry (BFQ) Reclamation Plan			
LOST CREEK ROCK PRODUCTS LLC P.O. 5189 Creswell, OR 97426			
DRAWN	CHECKED	DATE	DRAWG NO.
CES		5/13/20	R 1

Ownership

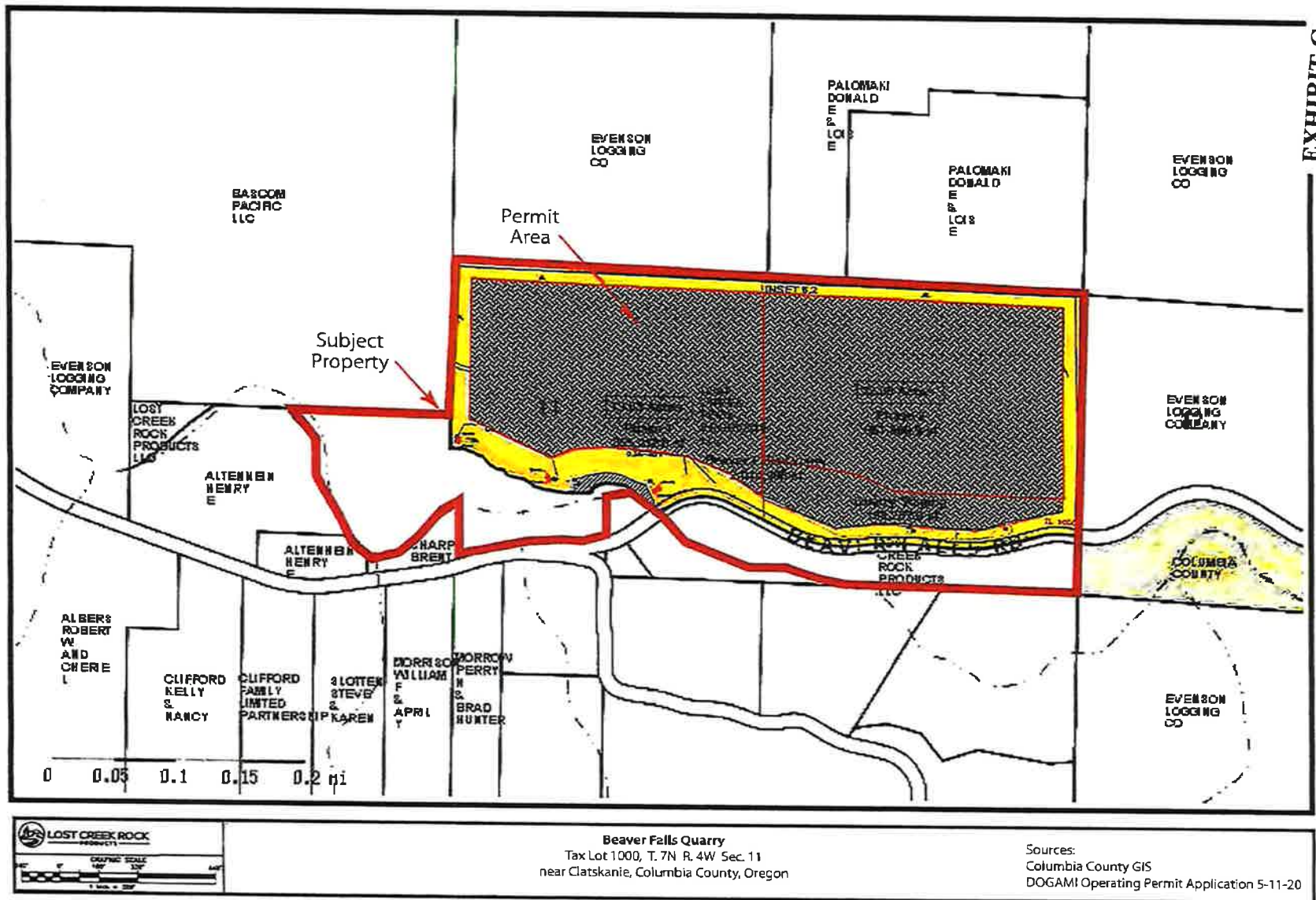


EXHIBIT C

Zoning



EXHIBIT D

PF-60

 **LOST CREEK ROCK**
PRODUCTS

GRAPHIC SCALE
0 50 100 150 200
Feet

Beaver Falls Quarry
Tax Lot 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

Sources:
Columbia County GIS
DOGAMI Operating Permit Application 3-11-20

Tax Lots

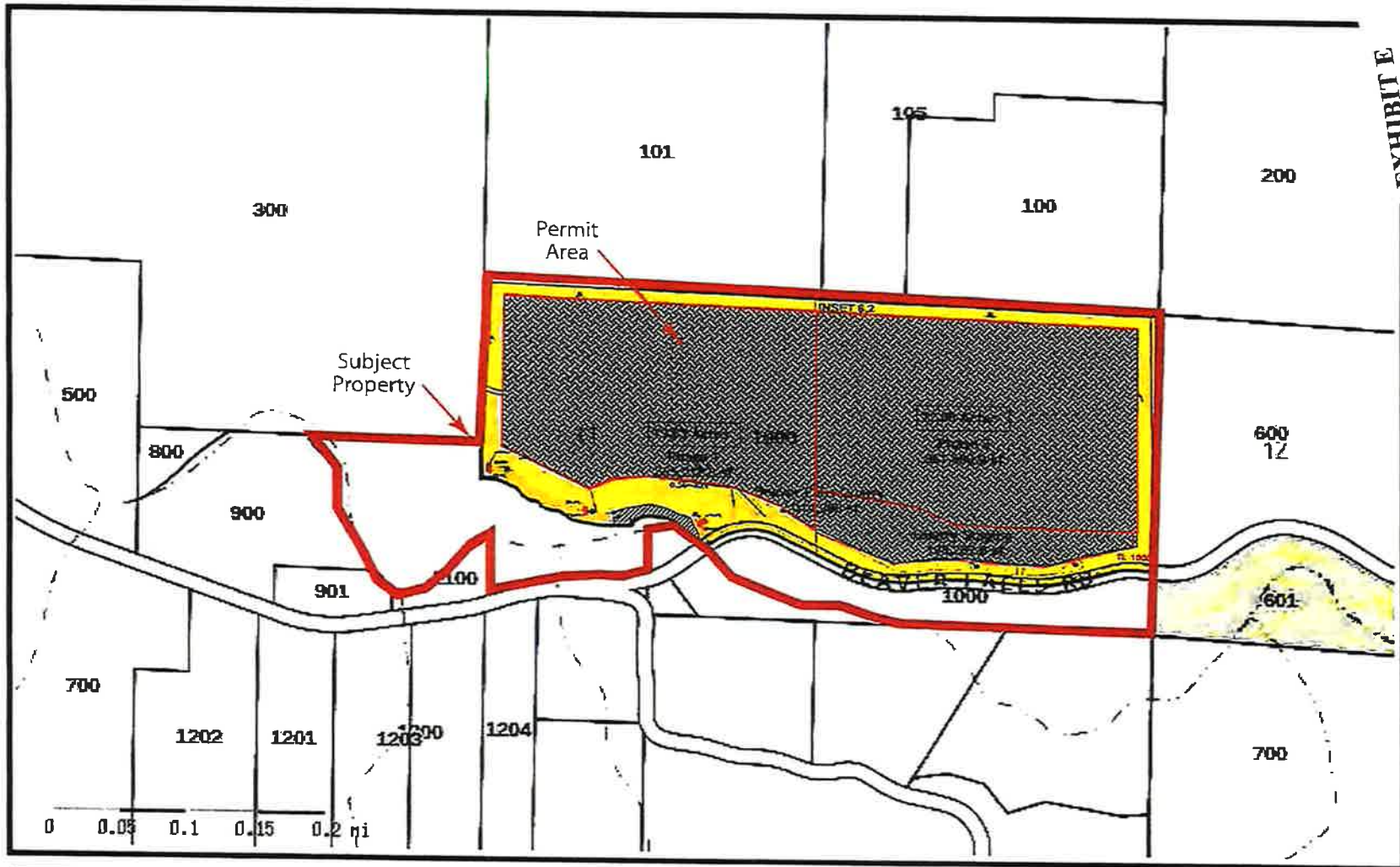
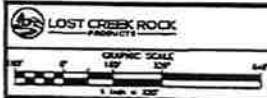


EXHIBIT E



Beaver Falls Quarry
Tax Lot 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

Sources:
Columbia County GIS
DOGAMI Operating Permit Application 5-11-20

Aerial Photo 2018

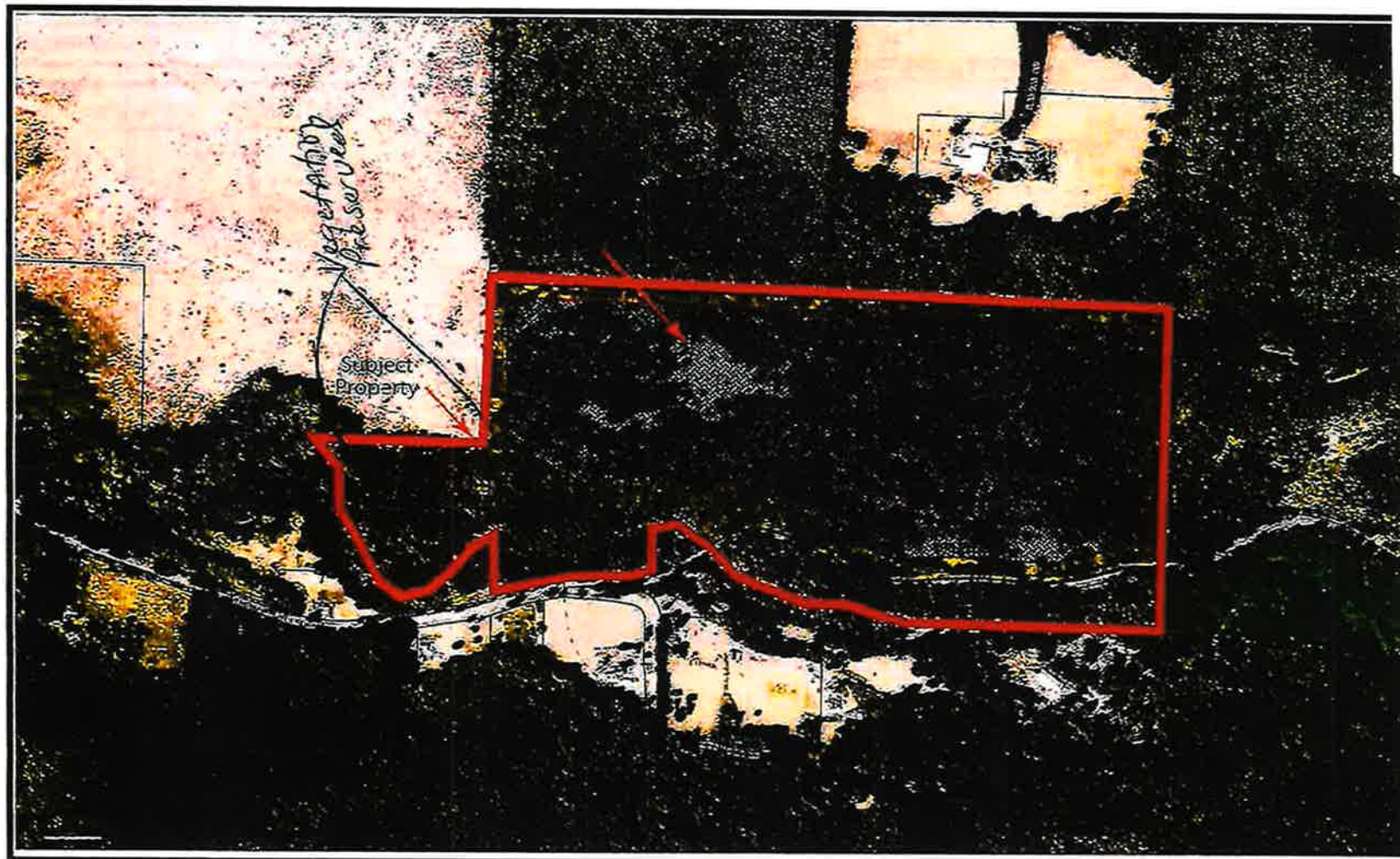


EXHIBIT F



Beaver Falls Quarry
Tax Lot 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

Sources:
Columbia County GIS
DOGAMI Operating Permit Application 5-11-20

Floodplain

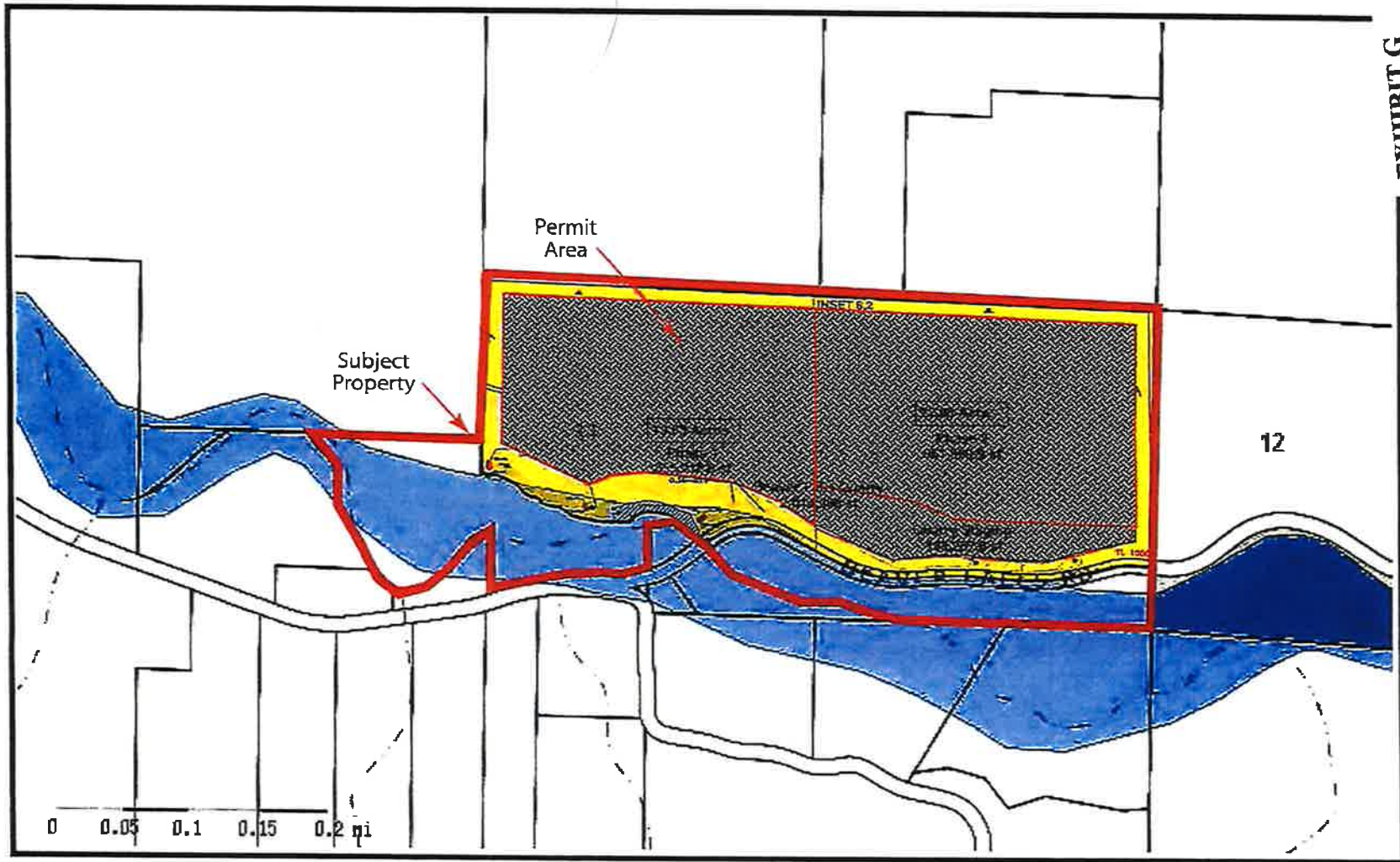


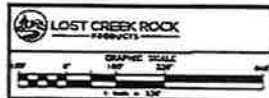
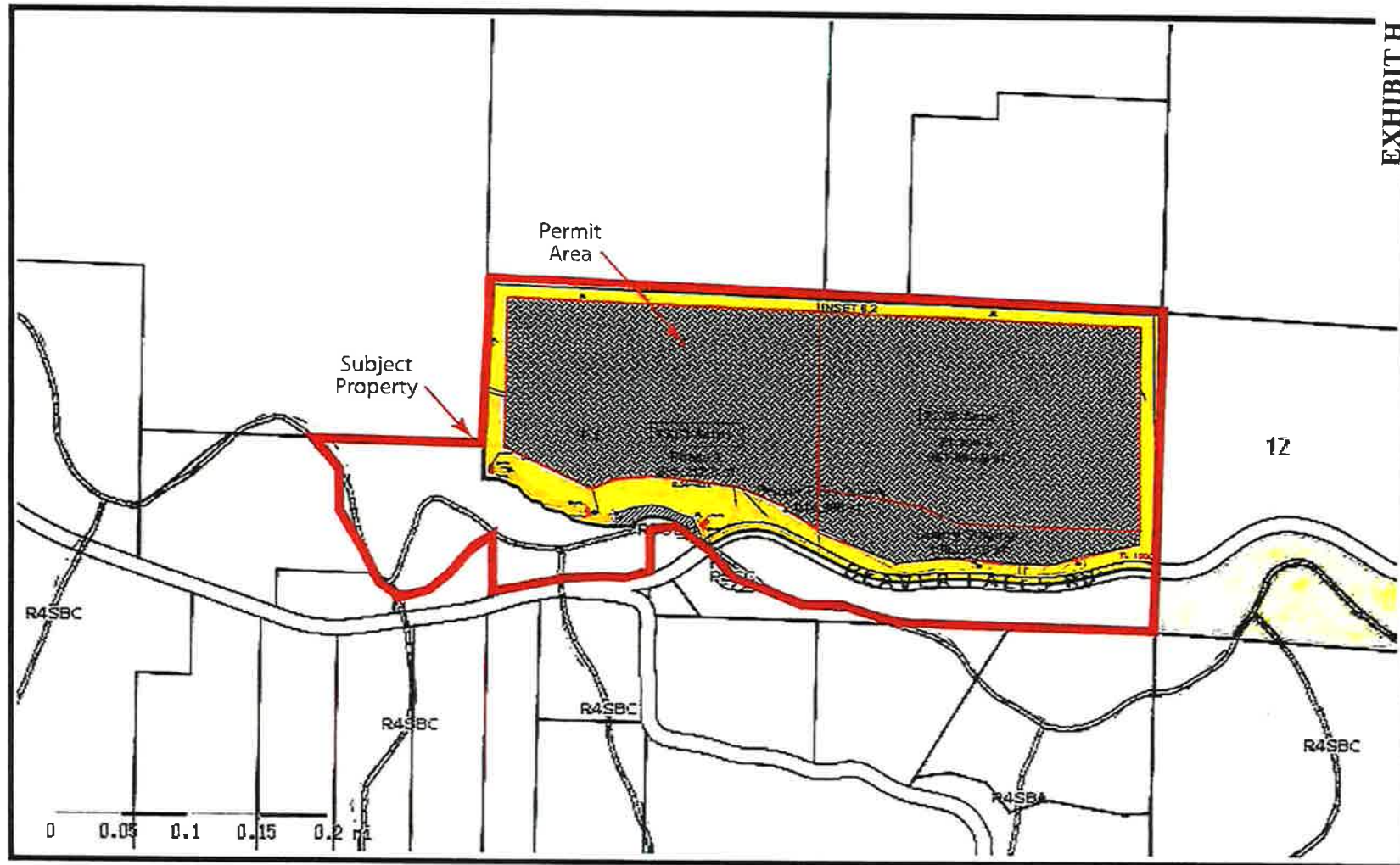
EXHIBIT G



Beaver Falls Quarry
Tax Lot 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

Sources:
Columbia County GIS
DOGAMI Operating Permit Application 5-11-20

Wetlands



Beaver Falls Quarry
Tax Lot 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

Sources:
Columbia County GIS
DOGAMI Operating Permit Application 5-11-20

Soils

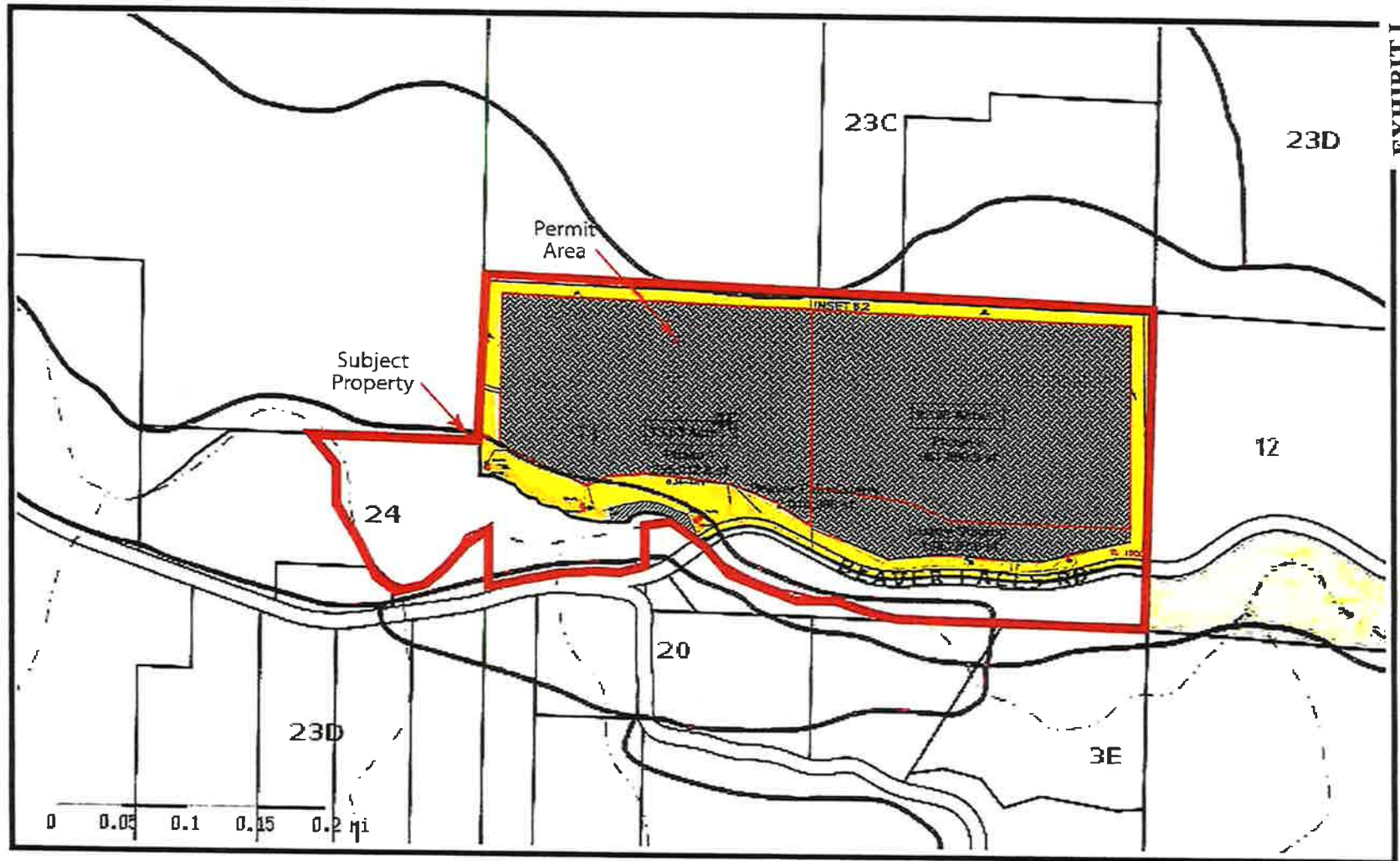
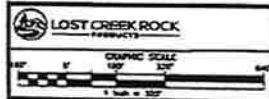


EXHIBIT A



Beaver Falls Quarry
Tax Lot 1000, T. 7N R. 4W Sec. 11
near Clatskanie, Columbia County, Oregon

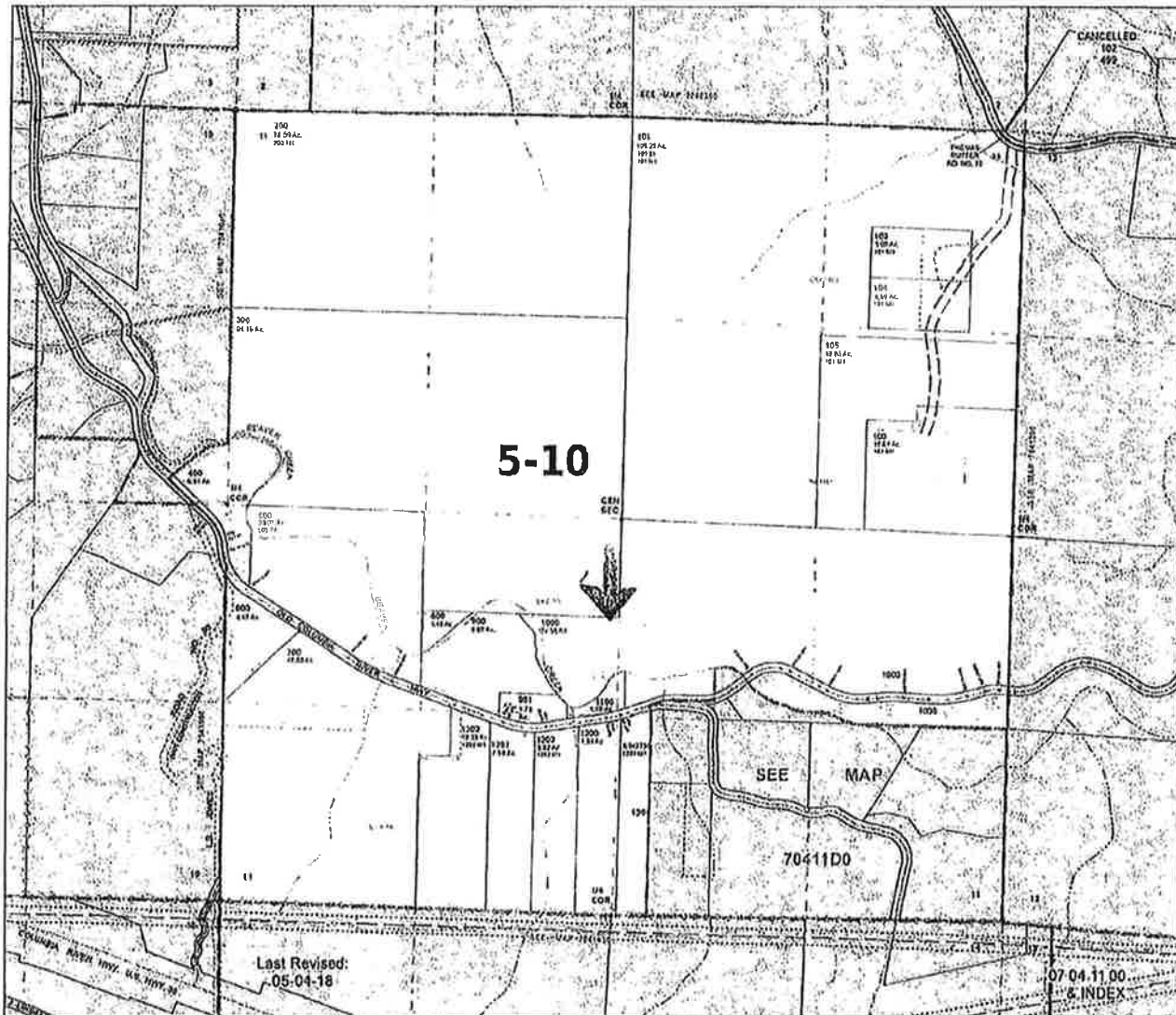
Sources:
Columbia County GIS
DOGAMI Operating Permit Application 5-11-20

THIS MAP WAS PREPARED FOR
ASSESSORIAL PURPOSE ONLY

SECTION 11 T.7N. R.4W. W.M.
COLUMBIA COUNTY

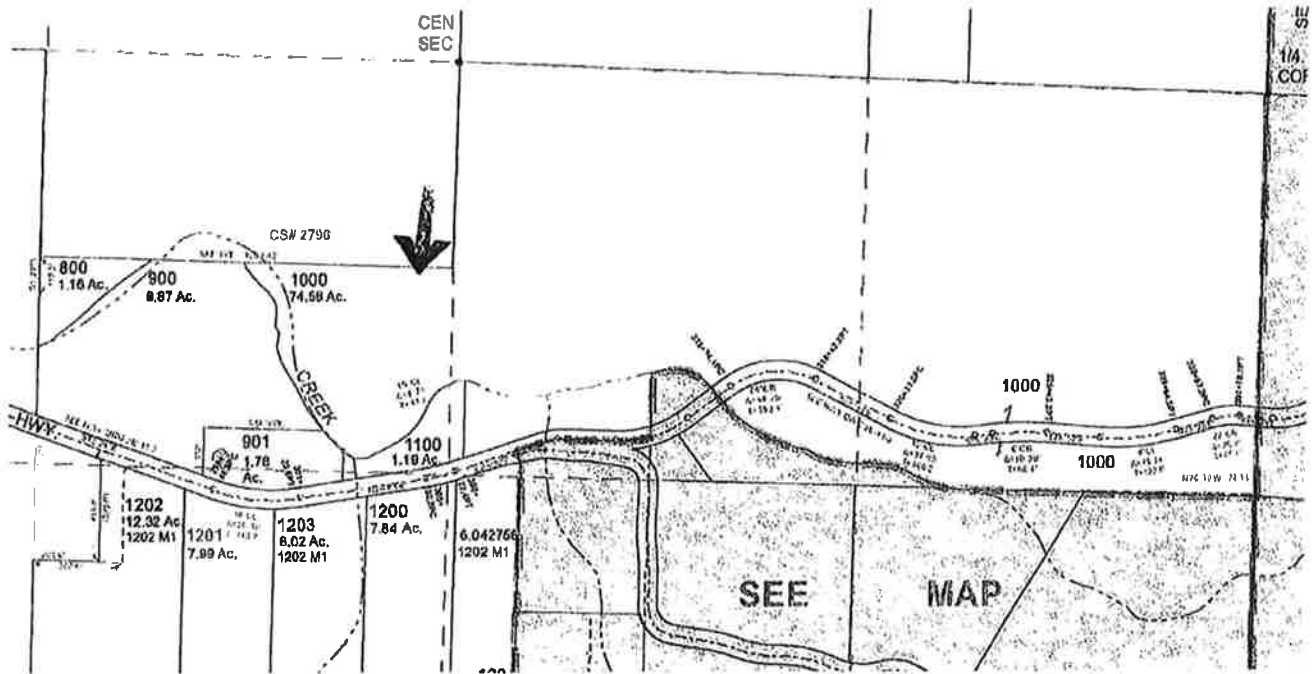
07 04 11 00
& INDEX

1" = 400'




COMPLIMENTS OF
Columbia County
Title & Escrow Services, Inc.
This sketch is a sketch and is not
in property to EXHIBIT J
does not go

EXHIBIT A



COMPLIMENTS OF
Columbia County
Title & Escrow Services, Inc.
This sketch is furnished to assist
in property location and the company
does not warrant its accuracy.

COLUMBIA County Assessor's Summary Report
Real Property Assessment Report
 FOR ASSESSMENT YEAR 2019

May 14, 2020 12:47:52 pm

Account #	27871	Tax Status	ASSESSABLE
Map #	7N4W11-00-01000	Acct Status	ACTIVE
Code - Tax #	0510-27871	Subtype	NORMAL
Legal Descr	See Record		
Mailing Name	LOST CREEK ROCK PRODUCTS LLC	Deed Reference #	2019-8484
Agent		Sales Date/Price	10-09-2019 / \$197,500.00
In Care Of		Appraiser	NANCY SULLIVAN
Mailing Address	PO BOX 5189 CRESWELL, OR 97426		
Prop Class	641	MA	SA
RMV Class	401	05	51 000 9997-1

Situs Address(s)		Situs City		Value Summary		RMV Exception	CPR %
Code Area	RMV	MAV	AV				
0510	Land	309,920			Land	0	
	Impr.	3,390			Impr.	0	
Code Area Total	313,310	11,960	46,297			0	
Grand Total	313,310	11,960	46,297			0	

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	LUC	Trended RMV
						TD%	LS				
0510	2		<input type="checkbox"/>	CO:PF-80	Designated Forest Land	92	A	2.00	FC	006*	8,310
0510	1		<input type="checkbox"/>	CO:SM	Designated Forest Land	92	A	69.58	FC	006*	289,140
0510	3		<input checked="" type="checkbox"/>	CO:PF-80	Market	92	A	3.00	5H3	003	12,470
Grand Total											309,920

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown		Total Sq. Ft.	Ex%	MS Acct #	Trended RMV	
					TD%						
0510	2		375	MULTI-PURPOSE SHED	94.1		242			3,390	
Grand Total											3,390

Code Area	Type	Exemptions/Special Assessments/Potential Liability									
NOTATION(S):											
■ FIRE PATROL ADDED 2006											
■ FOREST POT'L ADD'L TAX LIABILITY ADDED 2007											
■ SURFACE MINING ZONE OR PERMIT											
0510											
FIRE PATROL:											
■ FIRE PATROL											
		Amount	82.52	Acres	71.58	Year	2019				
■ FIRE PATROL SURCHARGE											
		Amount	47.50			Year	2019				

Comments: 2018 Combined account 27878 into account 27871 per deed 2018-002913. NS
 2018 reappraisal - land zoned SM, no mining permit found valued using rural residential schedule. PTU with account 27878 due to access. NS
 2012 - Size change due to Re-Map, - 1.19 AC. ms

**STATEMENT OF TAX ACCOUNT
COLUMBIA COUNTY TAX COLLECTOR
230 STRAND STREET
ST. HELENS, OR 97051
(503) 397-0060**

14-May-2020

LOST CREEK ROCK PRODUCTS LLC
PO BOX 5189
CRESWELL, OR 97426

Tax Account #	27871	Lender Name	
Account Status	A	Loan Number	
Roll Type	Res1	Property ID	0510
Situs Address		Interest To	May 15, 2020

Tax Summary

Tax Year	Tax Type	Total Due	Current Due	Interest Due	Discount Available	Original Due	Due Date	Prev Disc
2019	ADVALOREM	\$617.75	\$593.99	\$23.76	\$0.00	\$593.99	Nov 15, 2019	\$0.00
2018	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$585.24	Nov 15, 2018	\$17.56
2017	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$46.37	Nov 15, 2017	\$1.39
2016	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$45.64	Nov 15, 2016	\$1.37
2015	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$44.79	Nov 15, 2015	\$1.34
2014	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.95	Nov 15, 2014	\$1.32
2013	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$41.55	Nov 15, 2013	\$1.25
2012	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$40.56	Nov 15, 2012	\$1.22
2011	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.83	Nov 15, 2011	\$1.31
2010	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.36	Nov 15, 2010	\$1.30
2009	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$41.92	Nov 15, 2009	\$1.26
2008	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$43.29	Nov 15, 2008	\$1.30
2007	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$40.05	Nov 15, 2007	\$1.20
2006	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$39.99	Nov 15, 2006	\$1.20
2005	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$39.53	Nov 15, 2005	\$1.19
2004	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$38.94	Nov 15, 2004	\$1.17
2003	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$24.18	Nov 15, 2003	\$0.73
2002	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$23.99	Nov 15, 2002	\$0.72
2001	ADVALOREM	\$0.00	\$0.00	\$0.00	\$0.00	\$23.80	Nov 15, 2001	\$0.71
Total		\$617.75	\$593.99	\$23.76	\$0.00	\$1,844.97		

TITLE 3604 19004600

GRANTOR'S NAME:
Clifford Family Limited Partnership

GRANTEE'S NAME:
Lost Creek Rock Products, LLC

AFTER RECORDING RETURN TO:
Order No.: 360419004600-JS
Lost Creek Rock Products, LLC
PO Box 5189
Creswell, OR 97426

SEND TAX STATEMENTS TO:
Lost Creek Rock Products, LLC
PO Box 5189
Creswell, OR 97426

APN: 27871
27888
Map: 7N4W11-00-01000
7N4W11-00-00800
NNA Beaver Falls Road, Clatskanie, OR 97016

COLUMBIA COUNTY, OREGON **2019-08464**
DEED-D
Cnt=1 Pgs=3 HUSERB 10/10/2019 01:06:00 PM
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00 **\$101.00**

I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,
verify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Clifford Family Limited Partnership, Grantor, conveys and warrants to Lost Creek Rock Products, LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Columbia, State of Oregon:

PARCEL 1:

Commencing at Northeast corner of West half of Northwest quarter of Southeast quarter of Section 11, Township 7 North, Range 4 West of the Willamette Meridian, Columbia County, Oregon; thence South along East Line of said West half of Northwest quarter of Southeast quarter to intersection with North right of way line of Columbia River Highway; thence Westerly along said right of way line, 600 feet; thence North to the center of Beaver Creek; thence Westerly along centerline of Beaver Creek to intersection with West line of Northeast quarter of Southwest quarter of said Section 11; thence North on said West line to Northwest corner of South half of Northeast quarter of Southwest quarter; thence East on North line of said South half of Northeast quarter of Southwest quarter to West line of West half of Northwest quarter of Southeast quarter of said said Section 11; thence North on said West line to the Northwest corner thereof; thence East to the point of beginning.

PARCEL 2:

All that portion of the following described land lying North of Beaver Creek, to-wit:

The Northeast quarter of Southeast quarter, and the East one-half of the Northwest quarter of Southeast quarter, all in Section 11, Township 7 North, Range 4 West Willamette Meridian, Columbia County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED NINETY-SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$197,500.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 82.010 OR 213.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 10/9/19

CLIFFORD FAMILY LIMITED PARTNERSHIP

By: Karen Slotten, Trustee
Karen D. Slotten, Trustee under the CLIFFORD MANAGEMENT TRUST, dated February 3, 1988, General Partner

State of OR
County of Wasilla

This instrument was acknowledged before me on 10-9-19 by Karen Slotten, as Trustee under the CLIFFORD MANAGEMENT TRUST, dated February 3, 1988, General Partner for the Clifford Family Limited Partnership.

[Signature]
Notary Public - State of Oregon

My Commission Expires: May 09, 2021

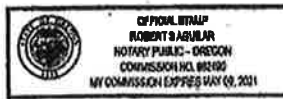


EXHIBIT "A"
Exceptions

Subject to:

Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.

Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2020.

The Land has been classified as Forest Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within the limits of public roads, streets or highways.

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Beaver Creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Rights of the public, riparian owners and governmental bodies as to the use of the waters of Beaver Creek and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Crown Zellerbach Corporation
 Purpose: 40 foot easement for right of way and road
 Recording Date: January 23, 1981
 Recording No: Book 144, page 498
 Affects: The portion of the property lying in the Southeast quarter of Section 11; see document for map of easement location

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Columbia County, Oregon
 Purpose: 25 foot wide non-exclusive road easement
 Recording Date: September 8, 1985
 Recording No: Book 159, page 497
 Affects: The Southeast corner of that portion of the property lying in the Northeast quarter of the Southeast quarter

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 10, 2018
 Recording No: 2018-002913

10/21/2020

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Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
648953-95	DLLC	ACT	OREGON	12-08-2009	12-08-2020	
Entity Name LOST CREEK ROCK PRODUCTS, LLC						
Foreign Name						

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Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	600 DALE KUNI RD				
Addr 2					
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	12-08-2009	Resign Date	
Name	LARRY	O	GILDEA			
Addr 1	600 DALE KUNI RD					
Addr 2						
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 518				
Addr 2					
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Of Record	130003-10	MCDUGAL BROS. INC.			
Addr 1	PO BOX 518				
Addr 2					
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER		Resign Date	
Of Record	270351-87	ATR SERVICES, INC.			

EXHIBIT K

10/21/2020

Business Registry Business Name Search

Addr 1	PO BOX 876				
Addr 2					
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA





Type	MGR	MANAGER		Resign Date	
Name	MELVIN	L	MCDUGAL		
Addr 1	PO BOX 518				
Addr 2					
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA

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Business Entity Name	Name Type	Name Status	Start Date	End Date
LOST CREEK ROCK PRODUCTS, LLC	EN	CUR	12-08-2009	

Please read before ordering Copies.

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Disssolved By
	ANNUAL REPORT PAYMENT	11-22-2019		SYS		
	ANNUAL REPORT PAYMENT	11-15-2018		SYS		
	ANNUAL REPORT PAYMENT	11-15-2017		SYS		
	ANNUAL REPORT PAYMENT	11-16-2016		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	06-14-2016		FI		
	ANNUAL REPORT PAYMENT	11-13-2015		SYS		
	ANNUAL REPORT PAYMENT	10-28-2014		SYS		
	ANNUAL REPORT PAYMENT	10-29-2013		SYS		
	ANNUAL REPORT PAYMENT	10-30-2012		SYS		
	CHANGE OF REGISTERED AGENT/ADDRESS	05-25-2012		FI		
	ANNUAL REPORT PAYMENT	11-15-2011		SYS		
	AMENDED ANNUAL REPORT	01-14-2011		FI		
	ARTICLES OF ORGANIZATION	12-08-2009		FI	Agent	

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Business Entity Data

10-21-2020

11:17

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
130003-10	DBC	ACT	OREGON	07-24-1978	07-24-2021	
Entity Name	MCDOUGAL BROS. INC.					
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	600 DALE KUNI RD				
Addr 2					
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	06-29-1984	Resign Date	
Name	NORMAN	N	MCDOUGAL				
Addr 1	600 DALE KUNI RD						
Addr 2							
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 518				
Addr 2					
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT			Resign Date	
Name	NORMAN	N	MCDOUGAL			
Addr 1	PO BOX 518					
Addr 2						
CSZ	CRESWELL	OR	97426	Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY			Resign Date	
Name	MELVIN	L	MCDOUGAL			
Addr 1	PO BOX 518					
Addr 2						

10/21/2020

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Business Name Search

New Search **Printer Friendly** **Business Entity Data** 10-21-2020
11:23

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
270351-87	DBC	ACT	OREGON	11-07-1991	11-07-2021	
Entity Name	ATR SERVICES, INC.					
Foreign Name						

New Search **Printer Friendly** **Associated Names**

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	25275 LOTEN WAY				
Addr 2					
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA

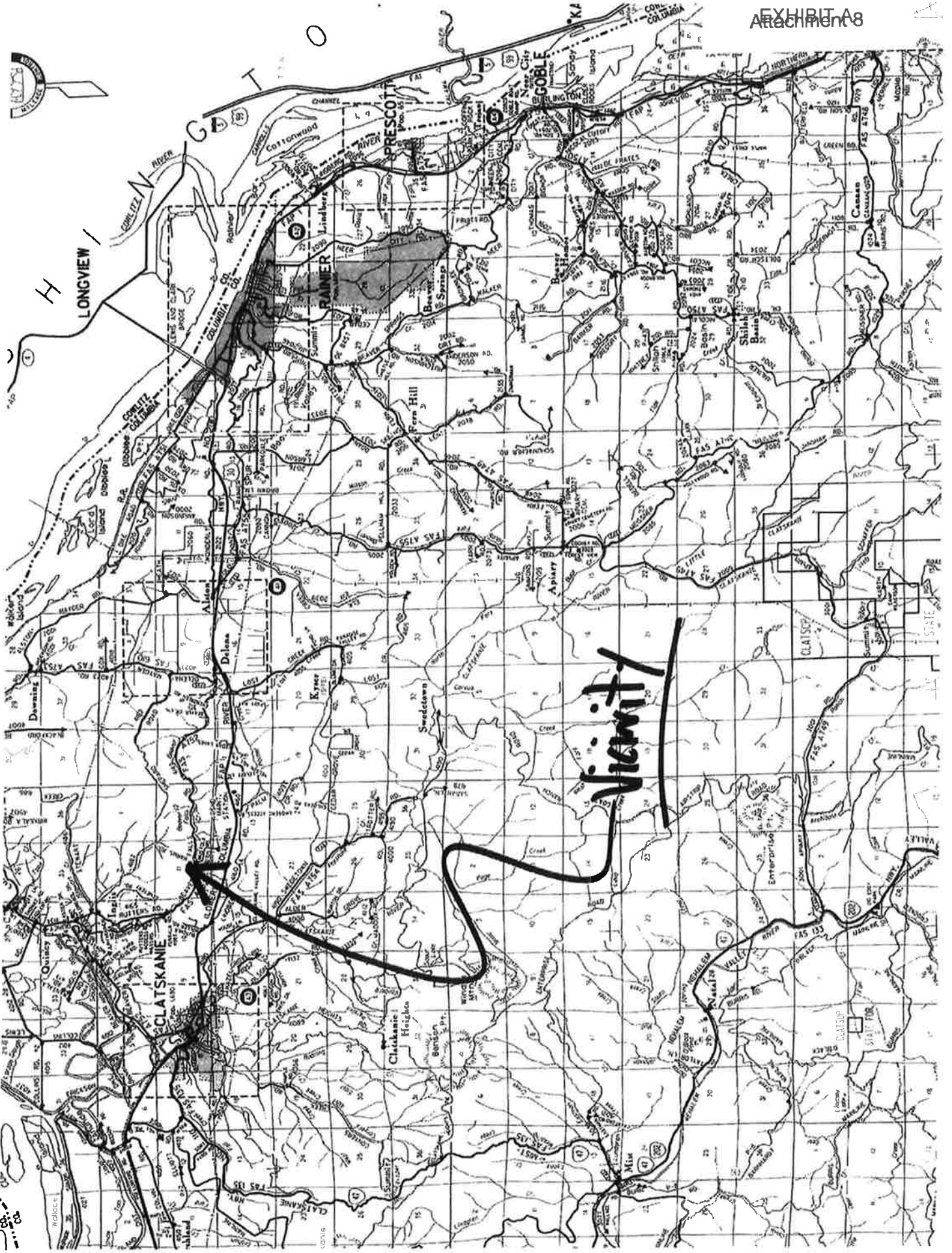
Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	01-17-2007	Resign Date	
Name	JEFF	DEMERS				
Addr 1	25275 LOTEN WAY					
Addr 2						
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 876				
Addr 2					
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT		Resign Date	
Name	GREGORY	M	DEMERS		
Addr 1	PO BOX 1042				
Addr 2					
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA

Type	SEC	SECRETARY		Resign Date	
Name	GREGORY	M	DEMERS		
Addr 1	PO BOX 1042				
Addr 2					



LONGVIEW

CLATSKANIE

Vicinity

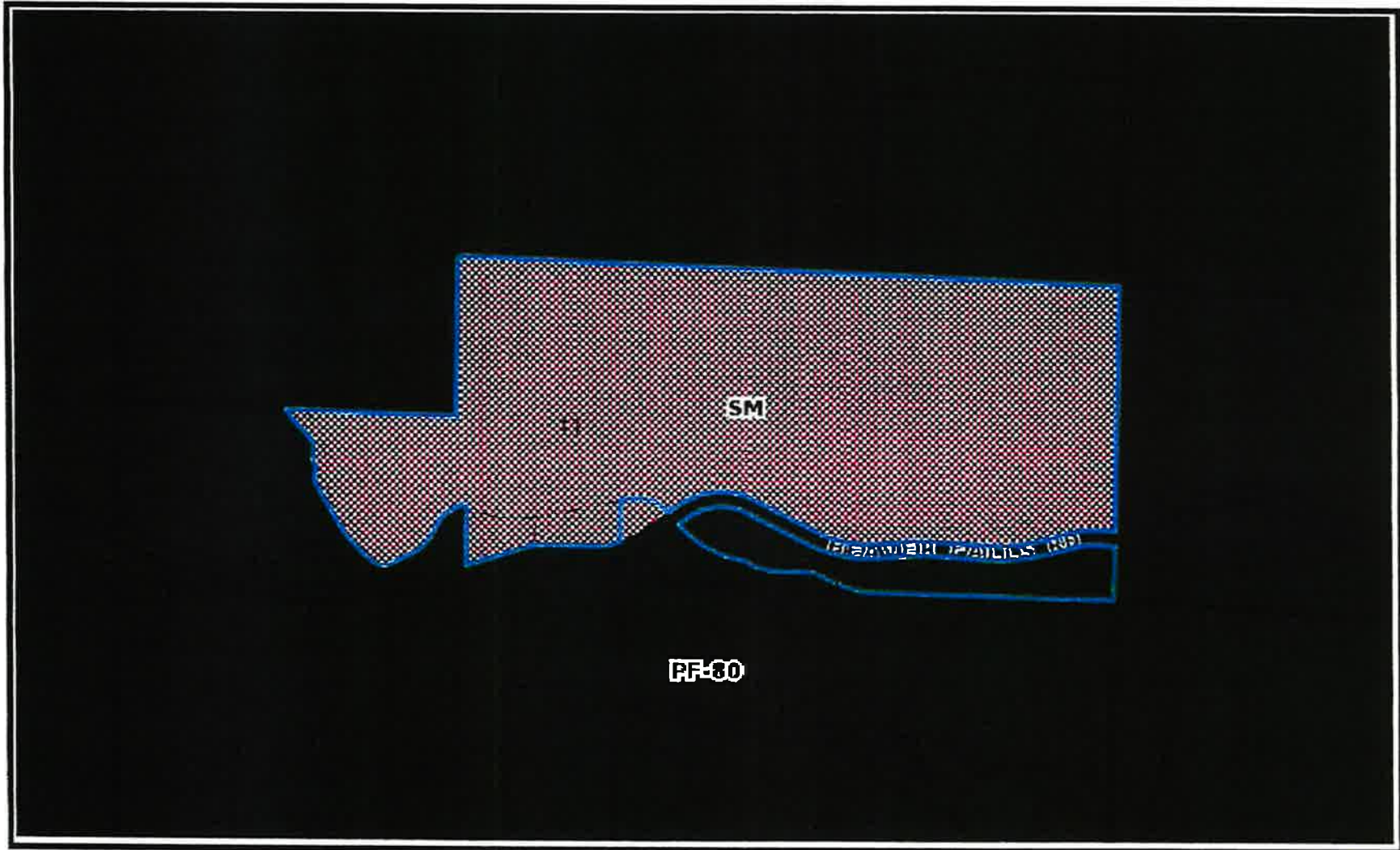
RAINIER

GOBLE

Clatskanie
Hagoko

CLATSKOP

LUC 21-15 Zoning Map



Columbia County



Oregon

Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.



Printed 10/26/2020

LUC 21-15 Aerial Map



Columbia County



Columbia County Web Maps

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Printed 10/26/2020

1/31/2021

Dear Board of County Commissioners:

We received your notice of the public hearing on February 17th regarding Lost Creek Rock Products. It encourages adjacent landowners to raise any issues they may have with permitting this company to mine aggregate from the hillside on Beaver Falls Road. We have an issue we would like to raise at that meeting. We will attempt to join the meeting virtually but being somewhat technically challenged we may not be able to connect. Please read this letter at the meeting.

We have a cattle ranch and residence directly above the area that Lost Creek Rock products is wanting to mine. The hillside is very steep and very deep down to the valley floor. They have surveyed the property line between us and we are putting up a fence on our line. It is our understanding that they can not mine within 100 feet of our line. This is somewhat reassuring but our well is 430 feet deep. We are concerned that they may tap into the underground water that feeds our well. That could lower the ground water causing our well to dry up. Even if that didn't happen it could alter or contaminate our excellent water. Any blasting could break our very deep pipeline.

Our first hope would be that you deny this company from excavating directly under us. However, if you allow this mining company to excavate directly under us, we ask for some stipulation that if they ruin our well water, they are responsible for replacing it to its prior condition.

Sincerely,

Donald and Lois Palomaki

76603 Harms Rd Clatskanie, Or 97016

Lois.palomaki@gmail.com

Cell 360-560-7634

Land 503-728-3062

Section 1040 SURFACE MINING SM

[Amended by Ordinance 98-01, effective 6/29/98; Amd. Ordinance 2015-4, eff. 11-25-15].

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.

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 except marijuana growing and producing.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

[Amd. Ordinance 2015-4, eff. 11-25-15]

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.

SM

- .2 Sanitary landfill, landfill, or solid waste transfer station, except that sanitary landfill and solid waste transfer stations shall not be permitted within 10,000 feet of a runway of a public use airport.
 - .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 Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement.
 - .6 Dwellings in conformance with ORS 215.283.
- 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.
 - .4 Operating Setbacks: Each aggregate site within the district shall observe the following minimum setbacks:
 - A. No extraction or removal of aggregate is permitted within 50 feet of the right-of-way of public roads or easements of private roads.
 - B. No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use, without written consent of the property owner(s).
 - C. Processing equipment and batch plants shall not be operated within 50 feet of another property without written consent of the property owner(s). Processing equipment and batch plants shall not operate within 50 feet of a public road right-of-way.
 - .5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily, except as authorized by Subsection 1046. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000 foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at

any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.

- .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.
- .7 **Access:** The operation shall have access to a public road with two-way capacity. The County may impose weight/load restrictions and/or require the operator to post an adequate surety bond for road repairs. An on-site access or service road used for mining shall be dust-free at all points within 300 feet of a public road or residence off the property being mined.
- .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.
- .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.
- .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.
- 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.
- 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.
- 13 Land Reclamation: A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Surface Mining and Land Reclamation Ordinance. Reclamation must return the land to natural condition or return it to a state compatible with the livability, value, and appropriate development of the affected land and adjacent property. Reclamation shall begin within 12 months after mining activities cease on any segment of the area where mining has occurred and shall be completed within 3 years after mining activities cease. This does not apply to any land being used as plant site, stock pile, or work area for ongoing extracting mining operation.
- 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.
- 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 in the event of a natural disaster and 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.

Section 1550 SITE DESIGN REVIEW

[Amended by Ordinance 96-9, eff. 11/25/98; amended by Ordinance No. 2003 - 5, effective December 15, 2003].

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

1551. Types of Site Design Review:

- A. Type 1: Projects, developments and building expansions which meet any of the following criteria:
 - 1. are less than 5,000 sq.ft., and are less than 10% of the square footage of an existing structure.
 - 2. Increase the number of dwelling units in a multi-family project.
 - 3. Increase the height of an existing building.
- B. Type 2: Projects, developments and building expansions which meet any of the following criteria:
 - 1. have an area of 5,000 sq.ft. or more, or are 10% or more of the square footage of an existing structure.
 - 2. Change the category of use (e.g., commercial to industrial, etc.).
 - 3. New off-site advertising signs or billboards.
 - 4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.

1552 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

1553 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.

1554 Pre-application Conference Committee: The committee shall be appointed by the Planning Director and shall consist of at least the following officials, or their designated staff members. Only affected officials need to be present at each pre-application conference.

- A. The County Planning Director.
- B. The County Director of Public Works.
- C. The Fire Marshal of the appropriate Rural Fire District.
- D. The County Building Official.
- E. The County Sanitarian.
- F. A city representative, for projects inside Urban Growth Boundaries.
- G. Other appointees by the Planning Director, such as an Architect, Landscape Architect, real estate agent, appropriate officials, etc.

- 1555 **Submittal documents:** The following documents, when applicable, are required for a Site Design Review. The scope of the drawings and documents to be included will be determined at the pre-application conference by the Pre-application Conference Committee, and a Site Design Review Submittal Checklist will be given to the applicant, documenting which items are deemed not applicable or not necessary to determine compliance with County and State standards, with a short explanation given for each item so determined.
- A. History.
 - B. Project narrative.
 - C. Existing site plan.
 - D. Proposed site plan.
 - E. Grading plan.
 - F. Drainage plan.
 - G. Wetland mitigation plan. Goal 5 Resource Protection Plans (streams, wetlands, riparian areas, natural areas, fish and wildlife habitat).
 - H. Landscaping plan.
 - I. Architectural plans.
 - J. Sign drawings.
 - K. Access, parking and circulation plan.
 - L. Impact assessment.
 - M. Site Design Review Submittal Checklist.
- 1556 **Site Plan Submittal and Analysis:** The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.
- 1557 **Planning Director Review:** All Type 1 design review applications will be processed by the Planning Director or designate according to Sections 1601, 1602 and 1609 of this ordinance. If the Director determines that the proposed development meets the provisions of this ordinance, the director may approve the project and may attach any reasonable conditions.
- 1558 **Planning Commission Review:** The Planning Commission shall hold a public hearing for all Type 2 Design Review applications according to Sections 1603, 1604 and 1608 of this ordinance. If the Planning Commission determines that the proposed development meets the provisions of this ordinance, it may approve the project. The Planning Commission may attach any reasonable conditions to its approval of a site plan.
- 1559 **Compliance:** Conditions placed upon the development of a site are also placed upon any building permits issued for the same site. These conditions shall be met by the developer prior to an occupancy permit being issued by the Building Official, or as an alternative, a bond shall be posted equal to 125% of the estimated cost of the unfinished work, to ensure completion within 1 year of occupancy. If all improvements are not completed within the 1-year bond period, the County may use the bond to complete the work.
- 1560 **Existing Site Plan:** The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. A vicinity map showing location of the property in relation to adjacent properties, roads, pedestrianways and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.
- B. A site description map at a suitable scale (i.e. 1"=100'; 1"=50'; or 1"=20') showing parcel boundaries and gross area, including the following elements, when applicable:
 - 1. Contour lines at the following minimum intervals:
 - a. 2 foot intervals for slopes 0-20%;
 - b. 5 or 10 foot intervals for slopes exceeding 20%;
 - c. Identification of areas exceeding 35% slope.
 - 2. In special areas, a detailed slope analysis may be required. Sources for slope analysis include maps located at the U.S. Natural Resources Conservation Service office.
 - 3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
 - 4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
 - 5. Streams and stream corridors.
 - 6. Location, species and size of existing trees proposed to be removed.
 - 7. Significant noise sources.
 - 8. Existing structures, improvements, utilities, easements and other development.
 - 9. Adjacent property structures and/or uses.

1561 Proposed Site Plan: A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. Site Plan: The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:
 - 1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments.
 - 2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
 - 3. Identification information, including names and addresses of project designers.
 - 4. Natural features which will be utilized in the site plan.

5. Location, dimensions and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.
 6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
 7. Historic structures, as designated in the Comprehensive Plan.
 8. Approximate location and size of storm water retention or detention facilities and storm drains.
 9. Location and exterior dimensions of all proposed structures and impervious surfaces.
 10. Location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
 11. Orientation of structures, showing entrances and exits.
 12. All exterior lighting, showing type, height, wattage, and hours of use.
 13. Drainage, Stormwater and Erosion Control, including possible adverse effects on adjacent lands.
 14. Service areas for waste disposal and recycling.
 15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
 16. Goal 5 Resource Protection Plans. Indicate how project will protect streams, wetlands, riparian areas, natural areas, and fish and wildlife habitat from negative impacts.
 17. A landscaping plan which includes, if applicable:
 - a. Location and height of fences, buffers, and screening;
 - b. Location of terraces, decks, shelters, play areas, and common open spaces;
 - c. Location, type, size, and species of existing and proposed shrubs and trees; and
 - d. A narrative which addresses soil conditions and erosion control measures.
- B. Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.
- C. Architectural Drawings:
1. Building elevations and sections;
 2. Building materials (color and type);
 3. Floor plan.

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

1562 Landscaping: Buffering, Screening and Fencing:

- A. General Provisions:
1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
 2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.
- B. Buffering Requirements:
1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
 2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.
 3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
 4. The minimum improvements within a buffer area shall include:
 - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.
 - b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
 - c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

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

D. Fences and Walls:

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

1563 Standards for Approval:

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

- A. **Flood Hazard Areas:** See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.
- B. **Wetlands and Riparian Areas:** Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.
- C. **Natural Areas and Features:** To the greatest practical extent possible, natural areas and features of the site shall be preserved.
- D. **Historic and Cultural sites and structures:** All historic and culturally significant sites and structures identified in the 1984 Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.
- E. **Lighting:** All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.
- F. **Energy Conservation:** Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.
- G. **Transportation Facilities:** Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

1564 Final Site Plan Approval:

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

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ARTICLE VI. SURFACE MINING

ARTICLE VI. SURFACE MINING

[Title amended by Ordinance No. 2003 - 5, eff. December 15, 2003].

[Amended by Ordinance No. 98-01 eff. 6/29/98].

INVENTORY OF MINERAL AND AGGREGATE RESOURCES

Introduction:

Sand, gravel, and rock deposits exist along most of the alluvial plains adjacent to the Columbia River in the northeast section of the County. They exist as well in the Scappoose Bay areas, sometimes at depths of twenty (20) feet or more.

Mines, quarries, placers, prospects, and occurrences of mineral resources in Columbia County are listed in the Key to Oregon Mineral Deposits Map, by the State of Oregon Department of Geology and Mineral Industries, dated 1964. While the information in this report is very general, and at most describes sites only by township, range, and section, it does identify the existence of the resources and therefore is shown below:

1. Bauxite - deposits are known to occur along the foothills in the eastern portion of the County.
2. Limonite - T5N, R2W, S31; T4N, R2W, S34, 27; T4N, R3W, S35; T5N, R3W, S24; T5N, R1W, S18.
3. Coal - T5N, R3W, S27; T4N, R4W, S23, 26.
4. Mineral Pigment - T4n, R3W, S35; T3N, R2W, S3.
5. Refractory Clays - T8N, R3W, S33.

Aggregate deposits located in Columbia County are of generally good quality. The quality of deposits existing in the Scappoose Bay area is said to be some of the highest in the State.

Aluminum ore deposits are of low-grade quality. However, through a refining process, these resources could prove economically feasible.

Limonite deposits in the Scappoose area are some of the most important in the State though these deposits contain far too little tonnage to be economically feasible.

Coal and shale deposits in the County are of low grade.

Inventory Process:

The County shall follow the process and apply the criteria contained in State Goal 5 and Oregon Administrative Rule 660, Division 23, for inventorying and evaluating mineral and aggregate resources and developing land use programs to conserve and protect significant mineral and aggregate resources.

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Inventories of mineral and aggregate resources provide information necessary to locate and evaluate these resources and develop programs to protect them. An inventory of mineral and aggregate resources shall follow the process contained in OAR 660-23-180(2). Resources which are inventoried shall be evaluated to determine whether or not they are significant as defined in Oregon Administrative Rule.

Determination of Significance:

A mineral and aggregate resource shall be deemed significant if it meets the definition of significance contained in OAR 660-23-180(3) as follows:

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 the estimated amount of material is more than 2,000,000 tons.
2. The material meets local government standards establishing a lower threshold for significance than #1 above; or
3. The aggregate site is on an inventory or significant aggregate site in an acknowledged plan on September 1, 1996.
4. Notwithstanding #1-3 above, except for an expansion area of an existing site, if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either a. or b. of this subsection apply:
 - a. More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps in September 1996; or
 - b. More than 35 percent of the proposed mining area consists of soil classified as Class II, or a combination of Class II and Class I or Unique soil on the NRCS maps available in September 1996, unless the average width of the aggregate layer within the mining area exceeds 60 feet.

Significant Mineral and Aggregate Sites:

Sites listed in Table XVI-1 were sites actively being mined in 1984 and have been determined to be significant in the acknowledged 1984 Columbia County Comprehensive Plan.

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TABLE XVI-1

ACTIVE AGGREGATE SITES
with
ACTIVE MINING AND LAND RECLAMATION PERMITS (1-20-84)

<u>Name</u>	<u>Location</u>
1. Backlund, Dick	5121-000-00200
2. B&B Excavating	4227-043-00900 4227-043-00901
3. B&B Construction	7404-020-00600
4. Cascade Aggregates	4131-000-00100 4131-000-01000 4132-000-00300 4132-000-00400 4032-000-00500
5. Crown Zellerbach	5305-000-00300
6. Deer Island Sand & Gravel	5106-000-00902 5107-000-00102 5108-000-00302
7. Les Darr Trucking	5107-000-00101 5107-000-00300
8. Floyd Graham	6212-000-01301
9. Don Hooper, Inc.	7410-010-01000
10. Kynsi Construction	7509-000-00300
11. J. L. Ledgett Co.	7307-000-00300
12. George Lammi	7509-000-00400
13. Lakeside Industries	7218-010-00300
14. J. L. Ledgett Logging	7303-000-00400
15. O&T Rock Products, Inc.	6212-000-01100

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16. Oregon State Highway Division	5305-000-00400
17. Peter-Billy-Glen Tree Farm, Inc.	4304-000-00100
18. Parks & Palm Logging Co.	7408-011-00300 7408-011-00400 7409-020-01300 7409-020-01400
19. Petersen, John (DBA: Tide Creek Rock Products)	6236-000-00500
20. Swedetown Gravel & Rock	7422-000-00200
21. Scappoose Sand & Gravel	3201-040-00600 3201-040-00700 3212-000-00100
22. Sutter, Fred	7318-000-01300
23. Watters Concrete Products	5133-000-00300
24. Zimmerly, Paul	7411-000-01000 7411-040-00100 7411-040-00200

Sites may be added to the list of significant mineral and aggregate sites during Periodic Review or in conjunction with a Post-Acknowledgment Plan Amendment (PAPA) process by amendment of the Comprehensive Plan.

The list of significant sites which have been added to the inventory of significant sites is contained in Table XVI-2.

**PART XVI. GOAL 5
ARTICLE VI. SURFACE MINING**

TABLE XVI-2

[Amended by Ordinance No. 98-01 eff. 6/29/98; Ordin. No. 2000-04 eff. 11/13/00; Ordin. No. 2013-2 eff.11-26-13].

SIGNIFICANT AGGREGATE SITES & POST-MINING USE

Meier Site	[N.W. Aggregates/Glacier]	3106-000-00100
		3106-000-00101
		3106-000-00200
		3106-000-00504
		3106-000-00505
		3106-020-00100
		3106-020-00101
		3106-020-00200
		3106-020-01800
		3106-020-01900
		3106-020-02000
		4131-040-01800
		Tide Creek Rock
6236-040-00900		
6236-040-00600		

DECISION REGARDING THE MINING OF SIGNIFICANT SITES:

For significant mineral and aggregate sites, the County will determine whether mining will be allowed during Periodic Review of the Comprehensive Plan or in response to a Post Acknowledgment Plan Amendment request by applying the provisions of OAR 660-23-180(4) and (5) which include:

1. Identifying conflicting uses.
2. Determining the impact area.
3. Analyzing the economic, social, environmental and energy (ESEE) consequences of a decision to allow, limit, or prohibit a use which may conflict with surface mining.
4. Developing a program to achieve Goal 5 by allowing, limiting or prohibiting conflicting uses. The program shall consist of plan provisions and land use regulations which address the degree of protection for the significant resource site by adopting measures to be applied to conflicting uses.

Detailed procedures to carry out these steps are contained in Section 1030 of the Zoning Ordinance.

**PART XVI. GOAL 5
ARTICLE VI. SURFACE MINING**

SURFACE MINING GOALS AND POLICIES

[Amended by Ordinance No. 98-01 eff. 6/29/98]

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.

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10. Require that proposals for new extraction operations be accompanied by detailed plans of the method of operation and assurances that the area will be suitably reclaimed for uses designated by the plan.
11. Require that once mining and/or associated activities (i.e. rock crushing) have begun they shall be in accordance with state standards and any more stringent standards that the County may enact. In particularly sensitive areas, such as forestry, residential, agricultural, or wildlife habitat, the mining and associated operations shall be subject to more restrictive standards to keep noise, dust, erosion, and other hazards to a level compatible with the adjacent uses. Such standards may include requirements for barrier isolation, setbacks, operating times, concomitant reclamation, limits to active mining area, mining lifetime, water quality, and restrictions on on-site processing.
12. Prohibit extraction of sand and gravel from rivers and streams unless appropriate regulating agencies such as the Oregon Department of Environmental Quality, Department of Fish and Wildlife, Oregon State Land Board, Division of State Lands, Corps of Engineers, and Columbia County are in agreement and there is no other economically feasible alternative.
13. Make all possible efforts to insure the retention of riparian habitat, the prevention of erosion and sedimentation, and maintenance of the water quality which exists prior to extraction operations.
14. Insure that extraction operations approved by the County and other regulating agencies do not screen and wash within any river or stream. In addition, settling ponds shall not discharge directly into any watercourse.
15. Require, as a minimum standard, that extractive industries have access to a public road with two-way capability. As allowed by ORS 487.905, the County may impose weight/load restrictions and may also require the operator to post an adequate surety bond for road repairs.
16. Encourage DOGAMI to conduct a comprehensive inventory of the mineral resources. Upon completion of this study, the County shall up-date zoning and other implementary ordinances to accommodate newfound resources.
17. Prohibit new or expanded mineral or aggregate mining operations within 5,000 feet of the edge of a runway at Scappoose Industrial Airpark. *[Added by Ordinance No. 2000-04 eff. 11/13/00].*
18. Prohibit new or expanded water impoundments greater than or equal to one-quarter ($\frac{1}{4}$) acre in size, individually or cumulatively, within 5,000 feet of the edge of a runway at the Scappoose Industrial Airpark. *[Added by Ordinance No. 2000-04 eff. 11/13/00].*