

Curtis 360-567-7521  
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@landuseoregon.com

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

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  
w/ 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. 4<sup>TH</sup> AVENUE, SUITE 204  
EUGENE, OR 97401  
TEL: 541.343.8596  
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KIM O'DEA  
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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**

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 zone<sup>1</sup>.

### **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.

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<sup>1</sup> 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

Page 3 of 3

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**

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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.

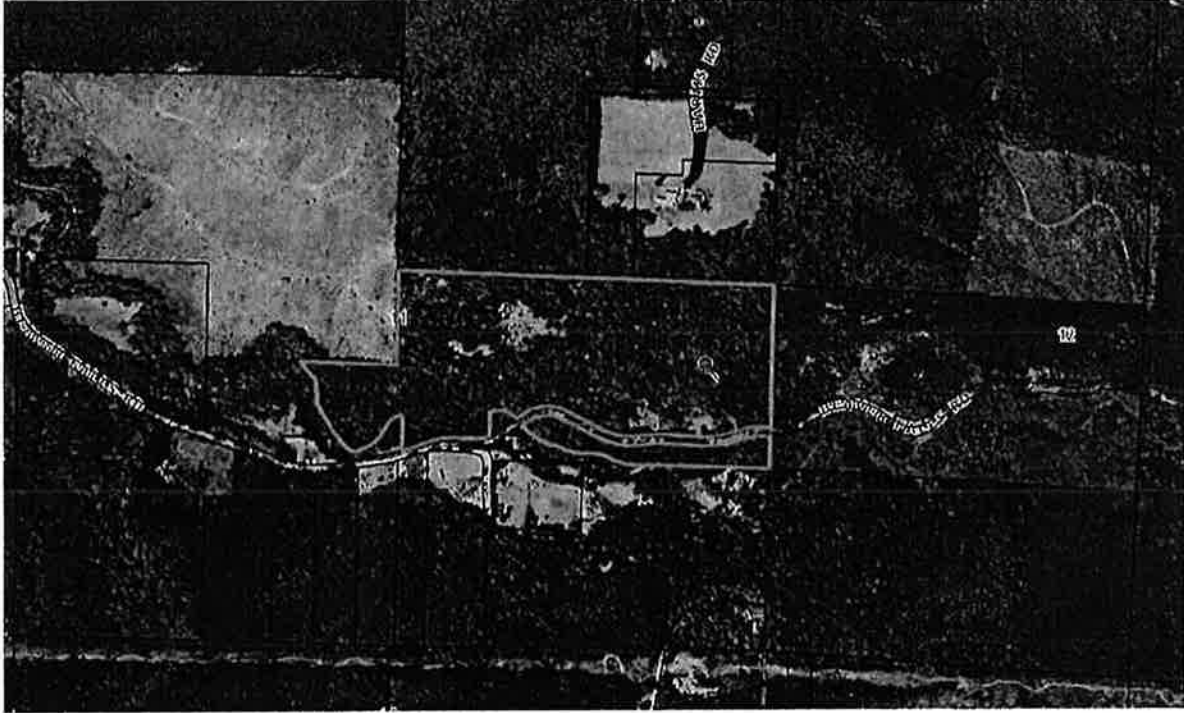
Submitted with this LUCS application is the DOGAMI Operating Permit application for a new open pit, multiple bench, sidehill cut, surface mining operation to extract Basalt aggregate material. Mining methods will include drilling and blasting, ripping and loading, crushing, washing screening, shovel/loader/scrapper 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.

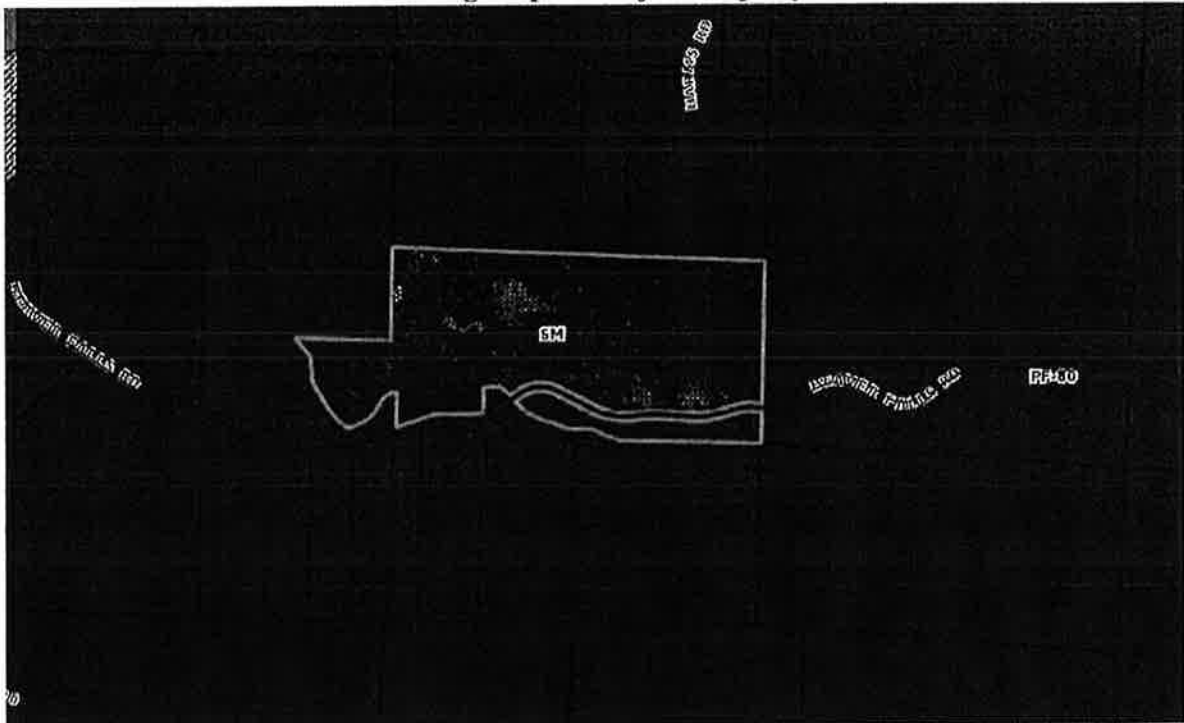
The proposed site plan does not include the location of a sub-surface septic system and a well. If a septic system and well are installed, they will need to meet required setbacks and obtain the appropriate installation permits. The County Sanitarian has yet to conduct a Lot Evaluation for the site and 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:

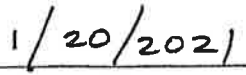
Based upon the submitted Land Use Compatibility application (LUC 21-15), research about the property and findings in the Staff Report, the Planning Director finds this application meets the standards of Section 1044 of the Columbia County Zoning Ordinance and **APPROVES** this Land Use Compatibility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

  
\_\_\_\_\_  
Date

**Attachments:**

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



**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

<b>Fees Paid</b>					
<b>Transaction date</b>	<b>Units</b>	<b>Description</b>	<b>Account code</b>	<b>Fee amount</b>	<b>Paid amount</b>
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: apeel			

Cashier: Kay Clay	<b>Receipt Total:</b>	<b>\$250.00</b>
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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 )

1. Board of County Commissioners will hold a public hearing on Wednesday, February 17, 2021, at or after 10:00 a.m. virtually from the Columbia County Courthouse. On the date and time of the hearing you may enter the meeting room by:

**Joining from a computer, tablet or smartphone at:**

<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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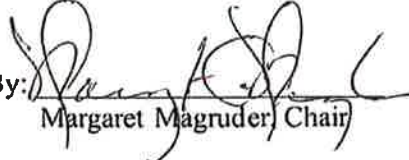
<https://global.gotomeeting.com/install/870493693>

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10. The hearing will be held according to the procedures established in the Columbia County Zoning Ordinance and ORS 197.763.

Dated this 28<sup>th</sup> 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 )  
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Dated this 28<sup>th</sup> day of January, 2021.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Margaret Magruder, Chair

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



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 28<sup>th</sup> day of January, 2021.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Margaret Magruder, Chair

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.

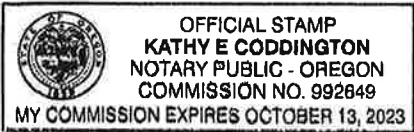
Dated this 28<sup>th</sup> day of January, 2021

  
Jacyn Normine

Subscribed and sworn before me on this 28<sup>th</sup> 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

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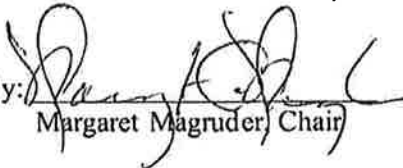
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BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

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](mailto:matt.laird@co.columbia.or.us)  
[www.co.columbia.or.us](http://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](mailto:matt.laird@co.columbia.or.us)  
[www.co.columbia.or.us](http://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

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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.*

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.

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](mailto:Cari.Buchner@oregon.gov) | [www.oregongeology.org](http://www.oregongeology.org)

**COLUMBIA COUNTY LAND DEVELOPMENT SERVICES  
STAFF REPORT**

January 20, 2021

Land Use Compatibility for New Surface Mining Operation

**FILE NUMBER:** LUC 21-15

**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. 4<sup>th</sup> 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:** 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.

**APPLICATION COMPLETE:** 11/26/2020

**150 DAY DEADLINE:** 03/24/2020

**APPLICABLE REVIEW CRITERIA:**

**PAGE**

**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

## **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:**

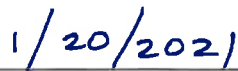
Based upon the submitted Land Use Compatibility application (LUC 21-15), research about the property and findings in the Staff Report, the Planning Director finds this application meets the standards of Section 1044 of the Columbia County Zoning Ordinance and **APPROVES** this Land Use Compatibility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

  
\_\_\_\_\_  
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 McDugan, member

Mailing Address: PO Box 518 Creswell OR 97426

Phone No.: Office 541 935-3629 Home \_\_\_\_\_

Email: gd9865@aol.com \* as represented by Kim O'Neil  
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, as 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  
Staff Member: HR  
Review Criteria: \_\_\_\_\_

Receipt No. 393378  
Record No. LUC 21-15

**Staff Notes:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## LAW OFFICE OF BILL KLOOS PC

OREGON LAND USE LAW  
375 W. 4<sup>TH</sup> 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  
**Acres:** 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.

**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,  
*/s/ 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

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.

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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 lieu of ORS 517.900)]

**EXHIBIT A**

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

**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: <b>7N</b>	Range: <b>4W</b>	Section: <b>11</b>	Tax Lot(s): <b>01000</b>
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?  yes  no

If yes: Specify DOGAMI ID# **05-19**

Is there an approved Limited Exemption Closure Plan on file with DOGAMI?  yes  no

**2b. Application Type**

Please Indicate the purpose of this application:

New Operating Permit – skip to 2c.

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):

Replace the existing approved plan(s) on file with DOGAMI and apply to the entirety of the site upon completion of this Amendment.  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?  yes  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.

<b>2d. Permit Acreage and Boundaries</b>	
Specify the approximate total number of acres to be covered under the Operating Permit	<b>46.26</b> 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: <b>Lath Stakes with Orange Paint &amp; Surveyors Flagging marking Steel Stakes.</b>	
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)? <b>24.18+/-</b> acres	

<b>2e. Site Conditions</b>	
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"/> valleys	<input type="checkbox"/> plains
<input type="checkbox"/> floodplain	<input type="checkbox"/> badlands
<input type="checkbox"/> other: _____	<input type="checkbox"/> other: _____
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"/> industrial
<input type="checkbox"/> commercial	<input type="checkbox"/> agriculture
<input type="checkbox"/> other: _____	<input checked="" type="checkbox"/> other: <b>SM</b>
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): <b>The Permit Area has recently been logged by Applicant.</b>	
Vegetation (general description of the dominant grasses, forbs, shrubs and trees located within the permit area):	
<b>Small trees, underbrush with shrubs and grasses.</b>	
Listed sensitive, threatened or endangered fish and/or wildlife species (within the permit area and nearby water ways):	
<b>None</b>	
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*
<b>*The DOGAMI Wetland Supplemental Form may be required to be submitted with this application package.</b>	

<b>2f. Surrounding Area Conditions</b>	
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"/> industrial
<input type="checkbox"/> commercial	<input checked="" type="checkbox"/> agriculture
<input type="checkbox"/> other: _____	<input type="checkbox"/> wildlife/wetland
<input type="checkbox"/> other: _____	<input type="checkbox"/> recreation
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? <b>400+</b> feet	

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?

- single bench       multiple bench       sidehill cut       hilltop removal  
 open pit       pond excavation       other: \_\_\_\_\_       other: \_\_\_\_\_

What is the primary commodity? (Select One)

- lava       decomposed granite       pumice       topsoil  
 borrow/fill       diatomaceous earth       sand and gravel       bentonite  
 cinder       dredge tailings       shale       other: **Basalt**

What is the primary use? (Select One)

- asphalt aggregate       concrete aggregate       landscaping materials       other: \_\_\_\_\_  
 base rock aggregate       construction fill       rip rap

What is the general deposit type?

- bedrock       river/floodplain (alluvial)\*       river channel terrace  
 talus       other: \_\_\_\_\_       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:

- drilling and blasting       ripping and loading       crushing       washing       screening  
 shovel/loader/scrapper       material recycling       stockpiling       other: \_\_\_\_\_       other: \_\_\_\_\_

Equipment to be used for mining and processing includes (check all that apply):

- loaders       dozers       excavators       trucks       screeners  
 crushers       drilling equipment       other: \_\_\_\_\_       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):

- wash plant       asphalt plant       concrete batch plant  
 dust control       crusher       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?  yes  no

If yes: Identify the source of water to be used and show its location on a map:

- irrigation ditch       pond       pit       groundwater well  
 other: **Stormwater Retention/Detention Pond**

Note: A water right may be required by the Oregon Water Resource Department.

Will water be stored on site?  yes  no

If yes: What will the water be stored in?

- detention/retention pond       lined detention/retention pond       water storage tank  
 other: \_\_\_\_\_

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?  yes  no

If yes: A DOGAMI Groundwater Supplemental Form must be submitted with this application.

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
<b>If yes: A DOGAMI Groundwater Supplemental Form must be submitted with this application and a DEQ Permit may be required.</b>	
Has a DEQ water quality permit been obtained for the site?	
<b>If yes: DEQ Permit # TBD</b>	

<b>3c. Designated Setbacks</b>	
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:	

<b>3d. Designated Buffers</b>	
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
<b>If no or not applicable, skip to 3e.</b>	
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
<b>If yes: check all that apply:</b>	
<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):	
<b>The existing native vegetative buffering will be maintained.</b>	



**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 ridge line 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.

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: <b>Designated Stock Pile Areas will be constructed with appropriate drainage considerations, consistent with the NPDES Permit requirements.</b>	<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

<b>3h. Surface Mine Excavations</b>	
What is the total number of acres to be affected by mining related activities (include excavation, processing, stockpiling and land clearing)?	<b>46.26+/-</b> acres
What is the maximum vertical depth to be mined below the existing topographic grade?	<b>+/-280.0</b> feet
What will be the lowest elevation of the excavated mine relative to mean sea level?	<b>+20.0</b> feet
What will be the highest elevation of the excavated mine relative to mean sea level?	<b>+240.0</b> 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: <b>.25H: 1.0V</b> (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: <b>At the Pit Floor or at the Quarry Staging Areas.</b>	<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: <b>Crusher Fines generated will be aggregated and hauled off-site.</b>	<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

<b>3i. Best Management Practices and Stormwater Controls</b>	
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"/> internal sloping	<input checked="" type="checkbox"/> conveyance ditches
<input checked="" type="checkbox"/> water bars	<input checked="" type="checkbox"/> settling/infiltration ponds
<input checked="" type="checkbox"/> seeding and mulching	<input type="checkbox"/> other: _____
	<input checked="" type="checkbox"/> graveled roads and working areas
	<input checked="" type="checkbox"/> rock check dams
	<input checked="" type="checkbox"/> retention berms
	<input type="checkbox"/> other: _____



Section 4: Reclamation Plan	
<b>4a. Post-Mining Land Use</b>	
Subsequent Land Use(s) of 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 type="checkbox"/> other: _____
<input type="checkbox"/> recreation	<input type="checkbox"/> 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? <b>EL +70.0' (+/-)</b> feet	
Is the proposed post-mining land use compatible with the existing local land use jurisdiction?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	
Is the final local land use approval for surface mining attached?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Explain:	

<b>4b. Reclamation Schedule</b>	
Will reclamation activities be conducted concurrently with mining?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If no: How many days after mining is completed will reclamation operations begin? <b>Reclamation will be phased for the operational areas, as designated on the Operations Site Plan and will happen concurrently during the course of operations.</b>	
Is the permit area been divided into cells/phases for sequential mining?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

<b>4c. Final Excavation Slopes</b>	
Will final excavation slopes be constructed using the benching method?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> 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?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will access to benches be maintained for reclamation blasting?	<input type="checkbox"/> yes <input type="checkbox"/> 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?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Will final excavation slopes be steeper than 1½H:1V?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will the final excavation slopes vary in steepness?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If yes: Explain: <b>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.</b>	
Are cross-sections of the final excavation slopes attached? (may be required)	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Will measures be taken to limit access to the top and bottom of hazardous slopes?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Explain: <b>Permanent fencing will be installed during mining and maintained through the completion of the reclamation activities</b>	

<b>4d. Final Fill Slopes</b>	
Will above-water final fill slopes be constructed on site?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
If no: Skip to 4e.	

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)	
<b>If yes: The DOGAMI Slope Stability Supplemental Form must be submitted with this application.</b>	
Will the final fill slopes vary in steepness?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>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'.</b>	
Will fill slopes have a sinuous appearance in both profile and plan view?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>If no: Explain:</b>	
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

<b>4e. Working Floors</b>	
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
<b>If yes: Give details:</b>	
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
<b>If yes: Give details:</b>	
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
<b>Explain (if yes, include depth of decompaction):</b>	

<b>4f. Imported Fill</b>	
Will imported materials be necessary to complete reclamation?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>If no: Skip to 4g.</b>	
<b>If yes: Give volumes needed to meet reclamation plan: 6,772,603+/-</b>	
Are the locations for fill stockpiling and permanent placement shown on the map(s)?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>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></b>	
Will the backfill materials be mixed or screened to ensure uniformity for compaction and stability?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

<b>4g. Backfilling Operations</b>	
Will an excavation area be located below natural grade requiring backfilling?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
<b>If no: Skip to 4h</b>	
<b>What will be the total depth of backfilled materials? 200.0+/- feet.</b>	
Will backfilling be conducted in lifts?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>If yes: Specify the average depth of the lifts: 2' feet.</b>	
Will the backfilled slopes be compacted?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>Explain: Using the Accepted Fill Materials Proctor, the fill material will be compacted to 90.0% density.</b>	
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
<b>(may be required subject to post-mining land use)</b>	
Will backfilling be completed utilizing on site overburden materials?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
<b>If yes: Explain: 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.</b>	

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

<b>4h. Ponds and Wetlands</b>			
Will stormwater controls or excavation operations intersect the groundwater table resulting in the creation of ponds and/or wetlands?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
<b>If no: Go to Section 4i.</b>			
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). <b>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.</b>			
If not already present, will soils, silts, and clay-bearing materials be placed below water level to enhance revegetation for fish and wildlife habitat?	<input type="checkbox"/> yes <input type="checkbox"/> no		
<b>If yes: Give details:</b>			
Will wetlands be constructed on site?	<input type="checkbox"/> yes <input type="checkbox"/> no		
<b>If yes: Give details:</b>			
Will wildlife and fish habitat/enhancements be developed?	<input type="checkbox"/> yes <input type="checkbox"/> no		
<b>If yes: Check all that apply:</b>			
<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: _____
What species are the habitat/enhancements intended to benefit?			
Will final pond(s) be utilized for agriculture, forestry or supply water (impoundment)?	<input type="checkbox"/> yes <input type="checkbox"/> no		
<b>If no: Skip to 4i.</b>			
Has approval from other agencies with jurisdiction to regulate impoundment of water been obtained?	<input type="checkbox"/> yes <input type="checkbox"/> no		
<b>If yes: Attach written approval.</b>			
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?			

<b>4i. Growth Medium Replacement</b>	
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:	

<b>4j. Revegetation</b>	
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: <b>As the Reclamation Phases are implemented, the revegetation activities will occur.</b> If no: Explain:	
Will vegetation test plots be used to determine optimum vegetation plans?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no

<b>4k. Planting and/or Seeding Techniques and Specifications</b>	
Describe the method and time of year for planting and/or seeding: <b>The Beaver Falls Site will be replanted with Douglas-fir Nursery Stock Seedlings following the Reclamation Phases during the November to April time period.</b>	
Give seeding details (lbs/acre of grass, legume, or forb mixture): <b>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 hydromulch 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.</b>	
Give planting details (stems/acre of trees and shrubs, size and type of plant stock): <b>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</b>	

**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:

## 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

**Principal**

Title

Applicant's Signature

**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

**Consultant**

Title

Preparer's Signature

**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

**Principal**

Title

Landowner (1) Signature

**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

2,014,968 SF/46.26 Acres

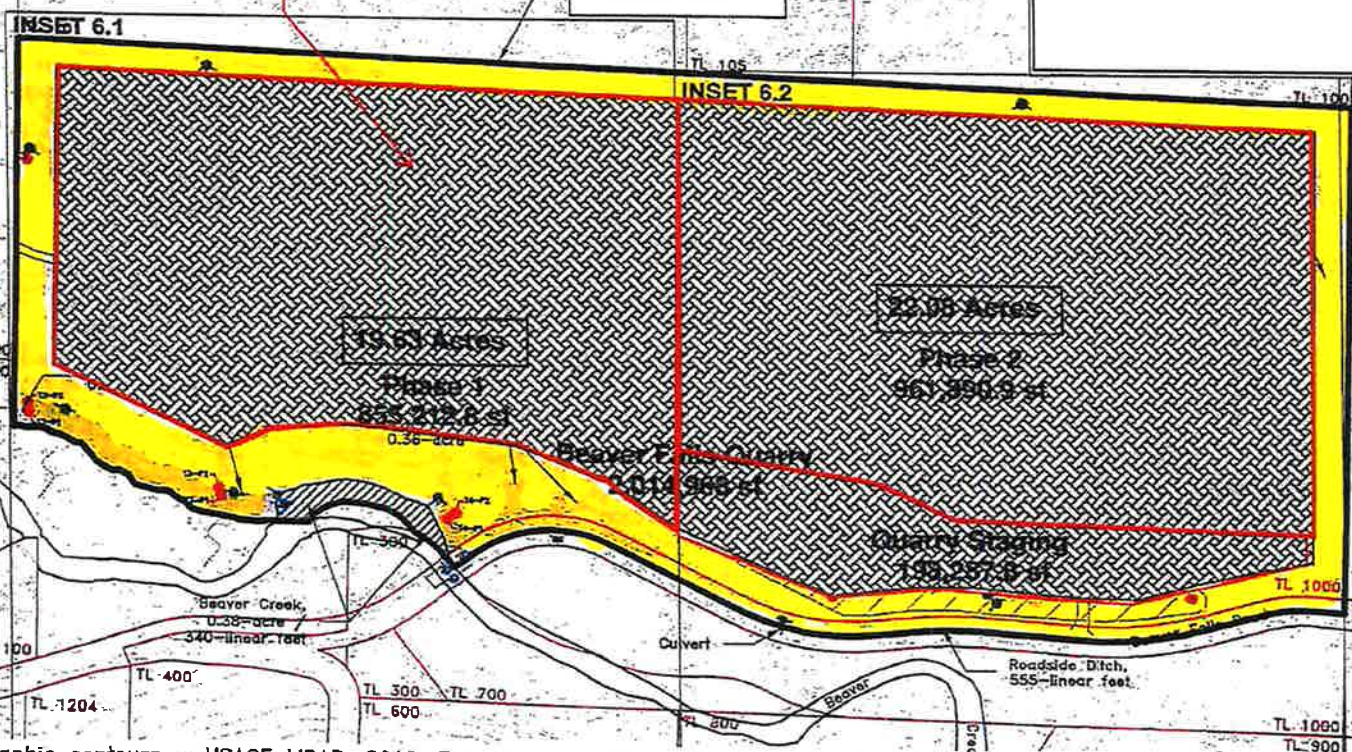
## LEGEND

-  Buffer Area / Setback
-  Quarry Areas



Permit Area

Project Area

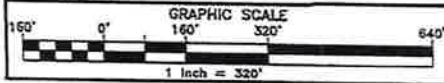


SOURCE: Topographic contours – USACE LIDAR, 2010, Tax lot boundaries – Columbia County GIS, 2020, and TSI GPS field mapping, 2020.



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

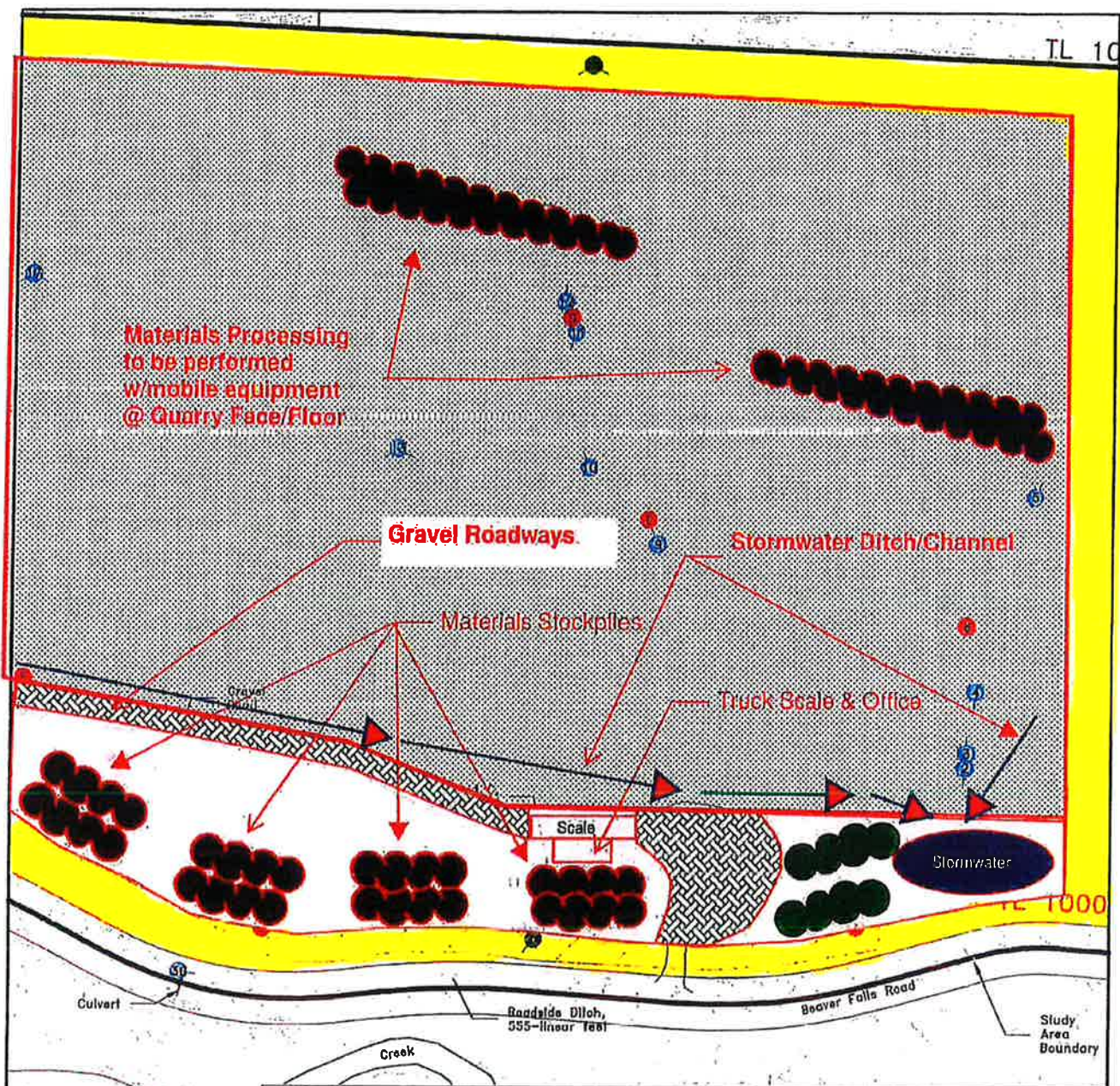
**Site Plan Map**  
 DOGAMI Division 30 & 35  
 Operating Permit Application



May 11, 2020









TL 100



**Note: Final Operating Plan to be provided to DOGAMI for approval**

**LEGEND**

	Buffer/Setback		Growth Medium
	Materials Stockpiles		Ditch/Channel
	Gravel Roadways		Stormwater Pond

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  
 80' 0' 80' 160' 320'  
 1 inch = 160'

Beaver Falls Quarry  
 TAX LOT 1000, T. 7N R. 4W Sec. 11  
 near Clatskanie, Columbia County, Oregon  
 May 14, 2020

**Site Plan Map**  
 DOGAMI Div 30&35  
 Operating Permit App

Sheet 2

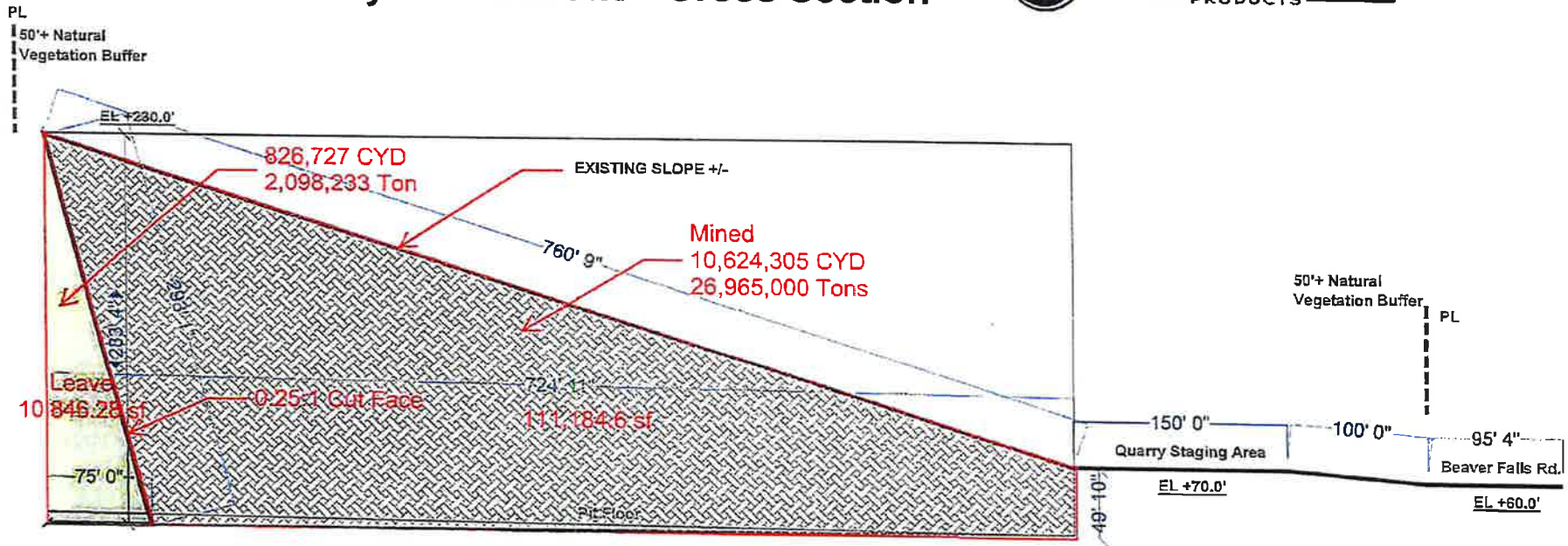




# Beaver Falls Quarry (BFQ) Quantity Calculations - Cross Section



**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

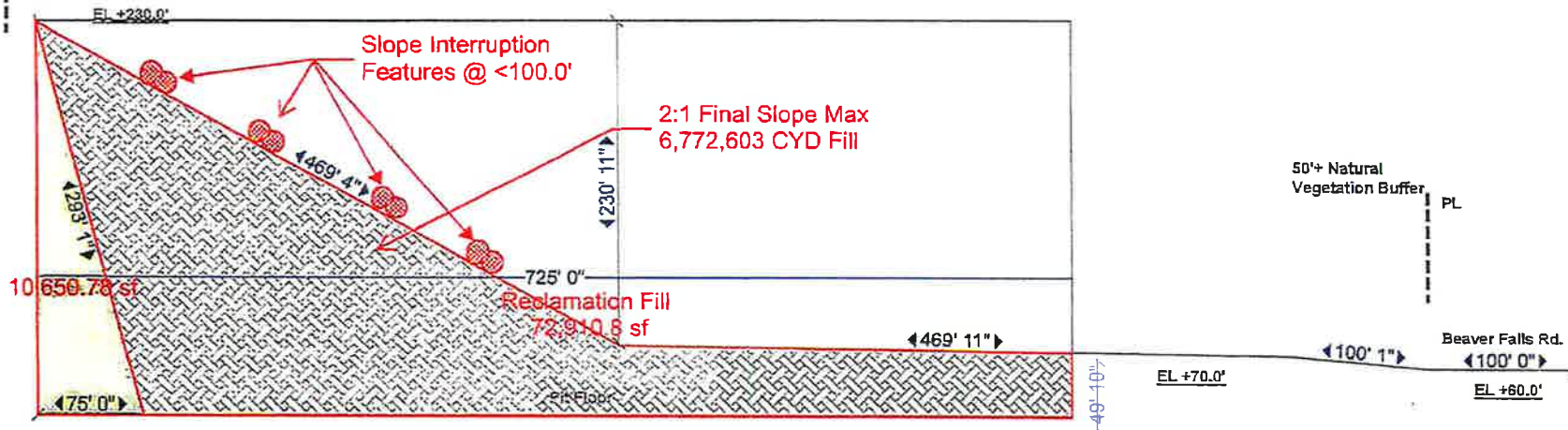


# Beaver Falls Quarry (BFQ) Reclamation Plan



**LOST CREEK ROCK**  
PRODUCTS

PL  
50'+ Natural  
Vegetation Buffer



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

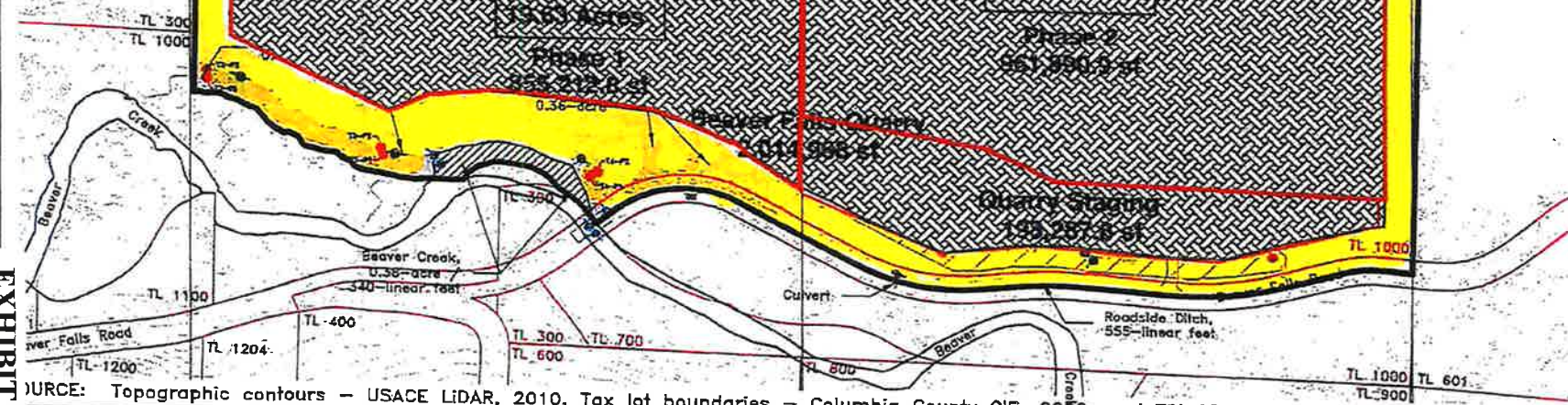
- Buffer Area / Setback
- Quarry Areas

Permit Area

Project Area

INSET 6.1

INSET 6.2

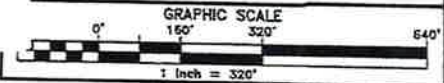


SOURCE: Topographic contours – USACE LIDAR, 2010, Tax lot boundaries – Columbia County GIS, 2020, and TSI GPS field mapping, 2020.

EXHIBIT B

**LOST CREEK ROCK PRODUCTS**

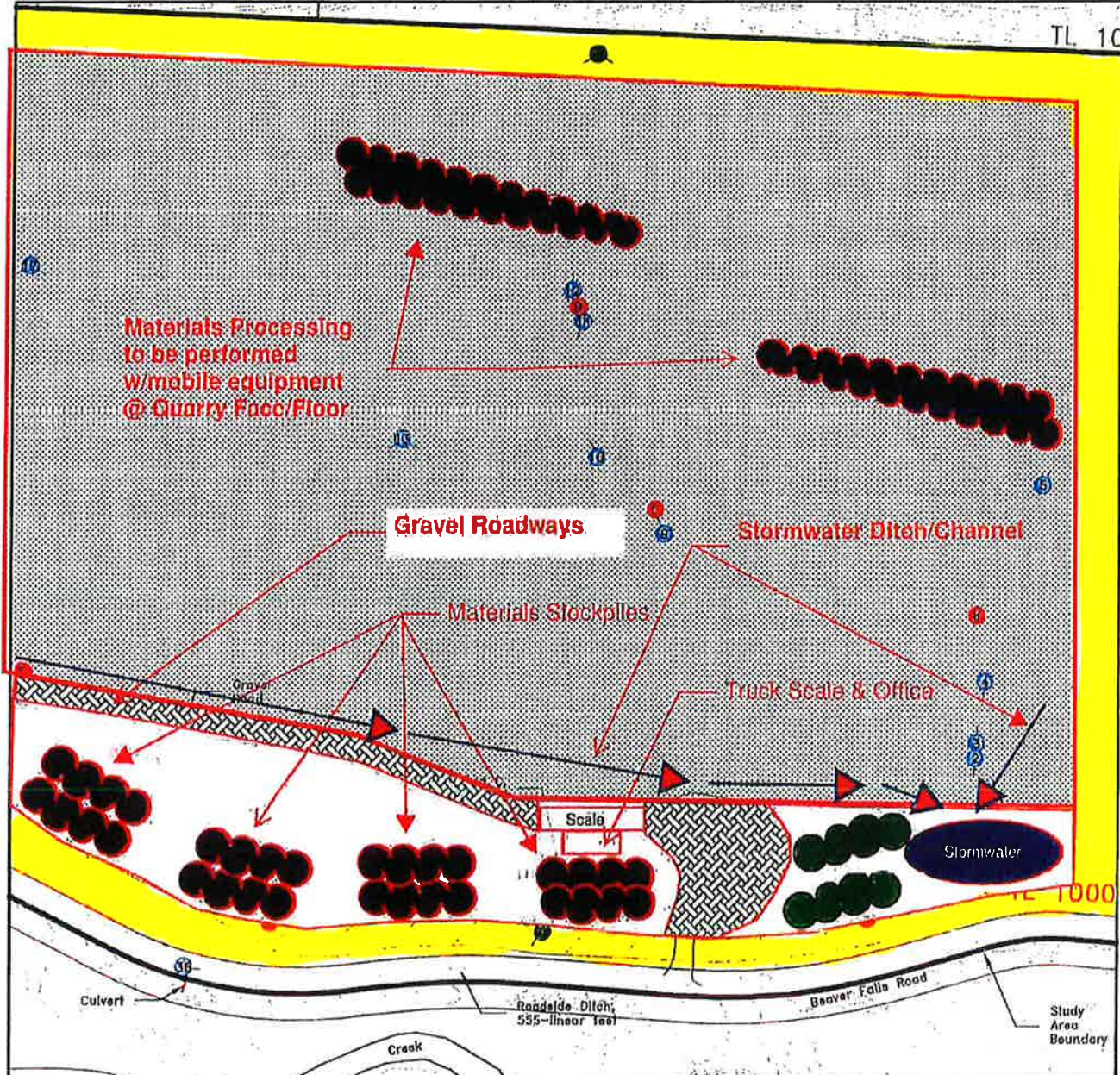
Beaver Falls Quarry  
TAX LOT 1000, T. 7N R. 4W Sec. 11  
near Clatskanie, Columbia County, Oregon



May 11, 2020

**Site Plan Map**  
DOGAMI Division 30 & 35  
Operating Permit Application





Materials Processing  
to be performed  
w/mobile equipment  
@ Quarry Face/Floor

Gravel Roadways

Stormwater Ditch/Channel

Materials Stockpiles

Truck Scale & Office

Scale

Stormwater

Culvert







Roadside Ditch,  
555-linear feet

Beaver Falls Road

Study  
Area  
Boundary

TL 800

Note: Final Operating  
Plan to be provided to  
DOGAMI for approval

LEGEND	
	Buffer/Setback
	Materials Stockpiles
	Gravel Roadways
	Growth Medium
	Ditch/Channel
	Stormwater Pond

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

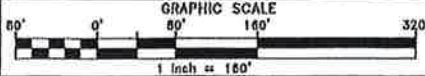


**LOST CREEK ROCK**  
PRODUCTS

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

**Site Plan Map**  
DOGAMI Div 30&35  
Operating Permit App

Sheet 2



May 14, 2020

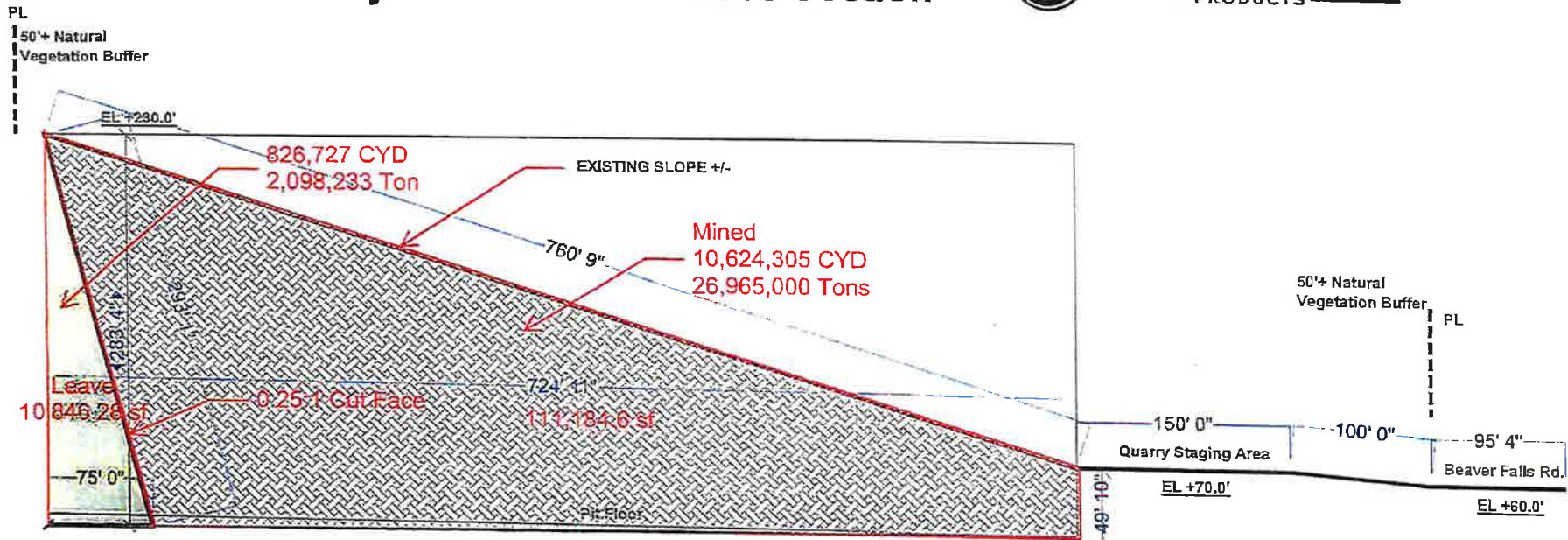




# Beaver Falls Quarry (BFQ) Quantity Calculations - Cross Section



**LOST CREEK ROCK**  
PRODUCTS



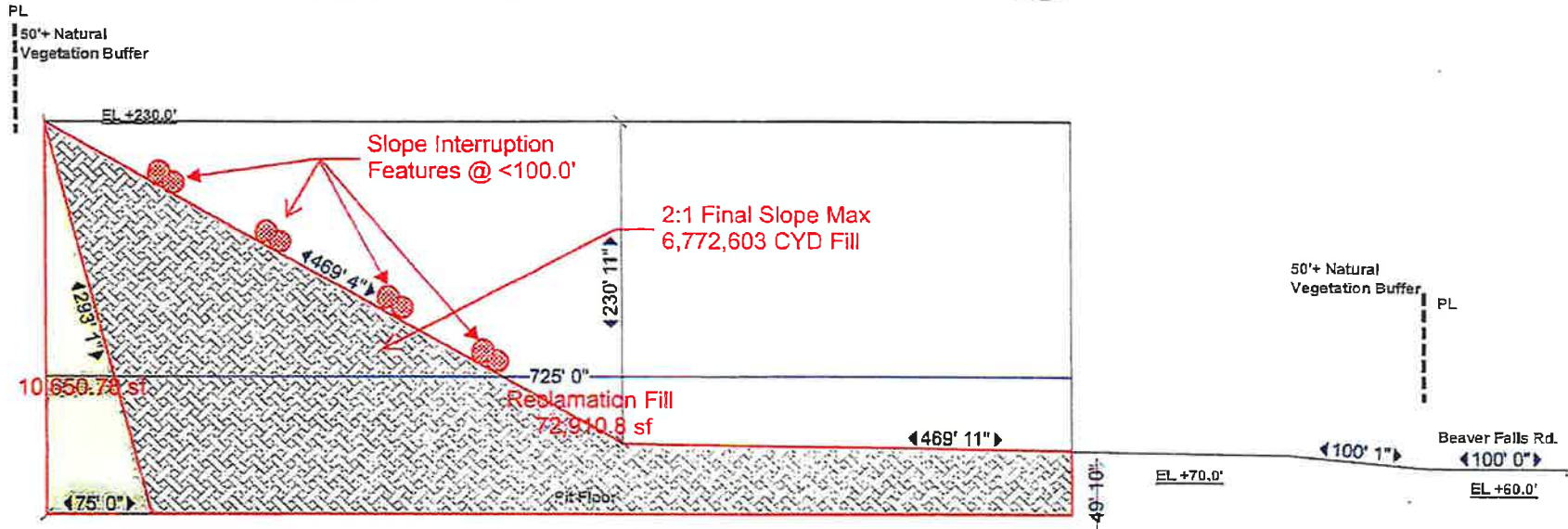
Beaver Falls Quarry (BFQ) Cross Section			
LOST CREEK ROCK PRODUCTS LLC P.O. 5189 Creswell, OR 97426			
DRAWN	CHECKED	DATE	DRAWG NO.
CES		5/13/20	X 1



# Beaver Falls Quarry (BFQ) Reclamation Plan



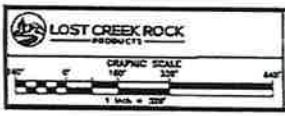
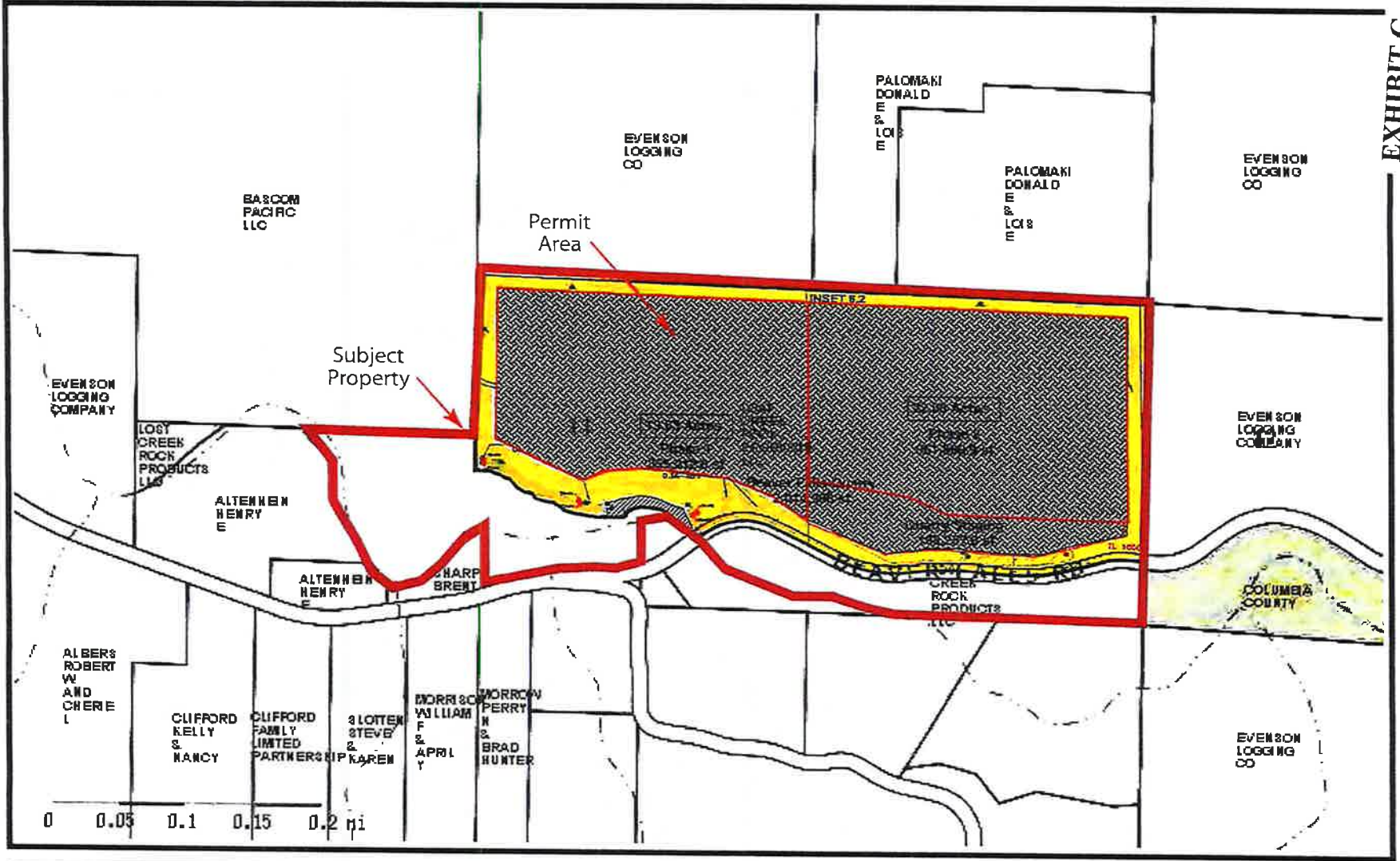
**LOST CREEK ROCK**  
PRODUCTS



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



**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



# Zoning



EXHIBIT D

 **LOST CREEK ROCK**  
PRODUCTS

GRAPHIC SCALE  
0' 50' 100' 200' 300'

1" = 300'

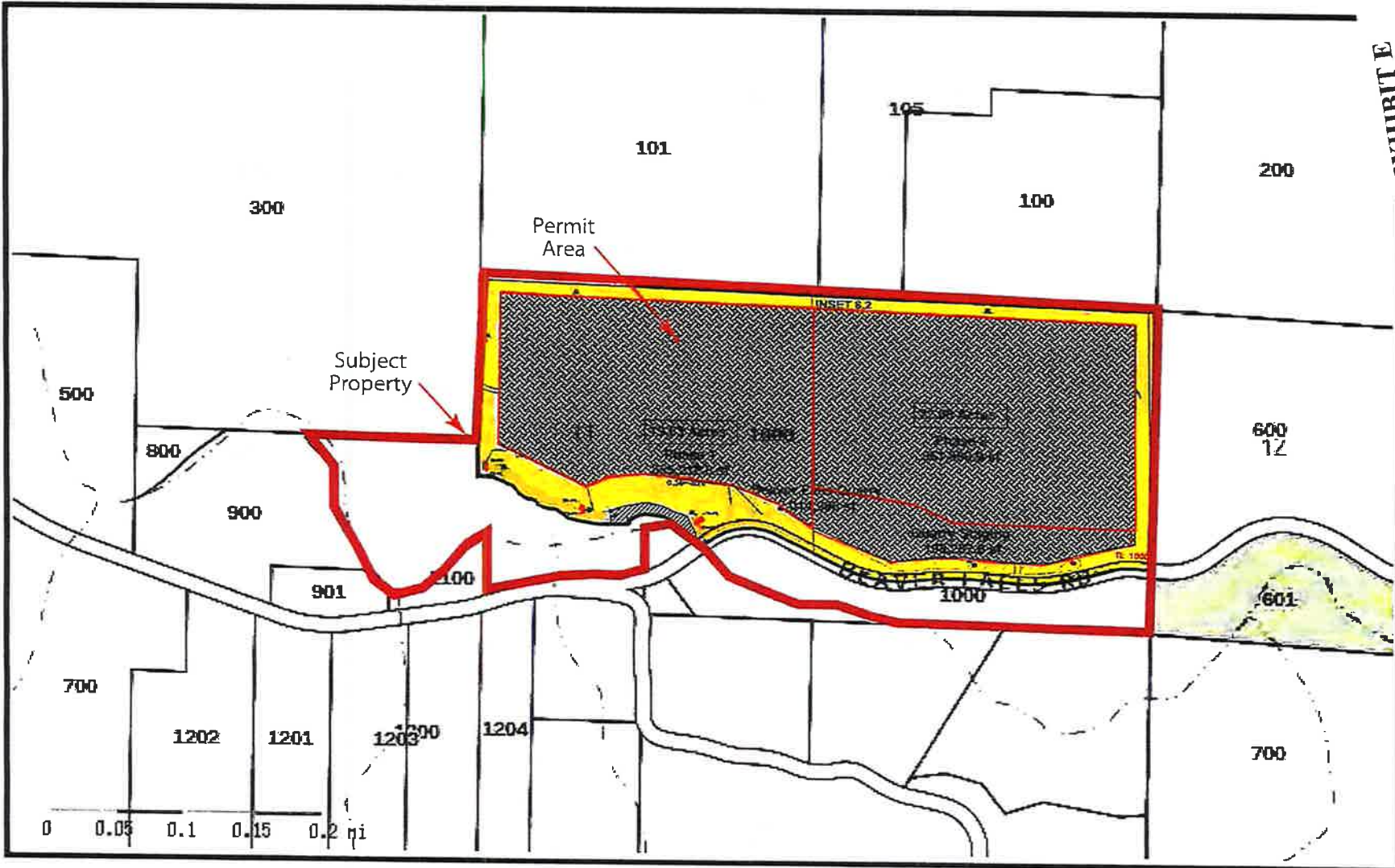
**Beaver Falls Quarry**  
Tax Lot 1000, T. 7N R. 4W Sec. 11  
near Clatskanie, Columbia County, Oregon

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



# Tax Lots

EXHIBIT E



**LOST CREEK ROCK PRODUCTS**  
GRAPHIC SCALE  
1" = 500'

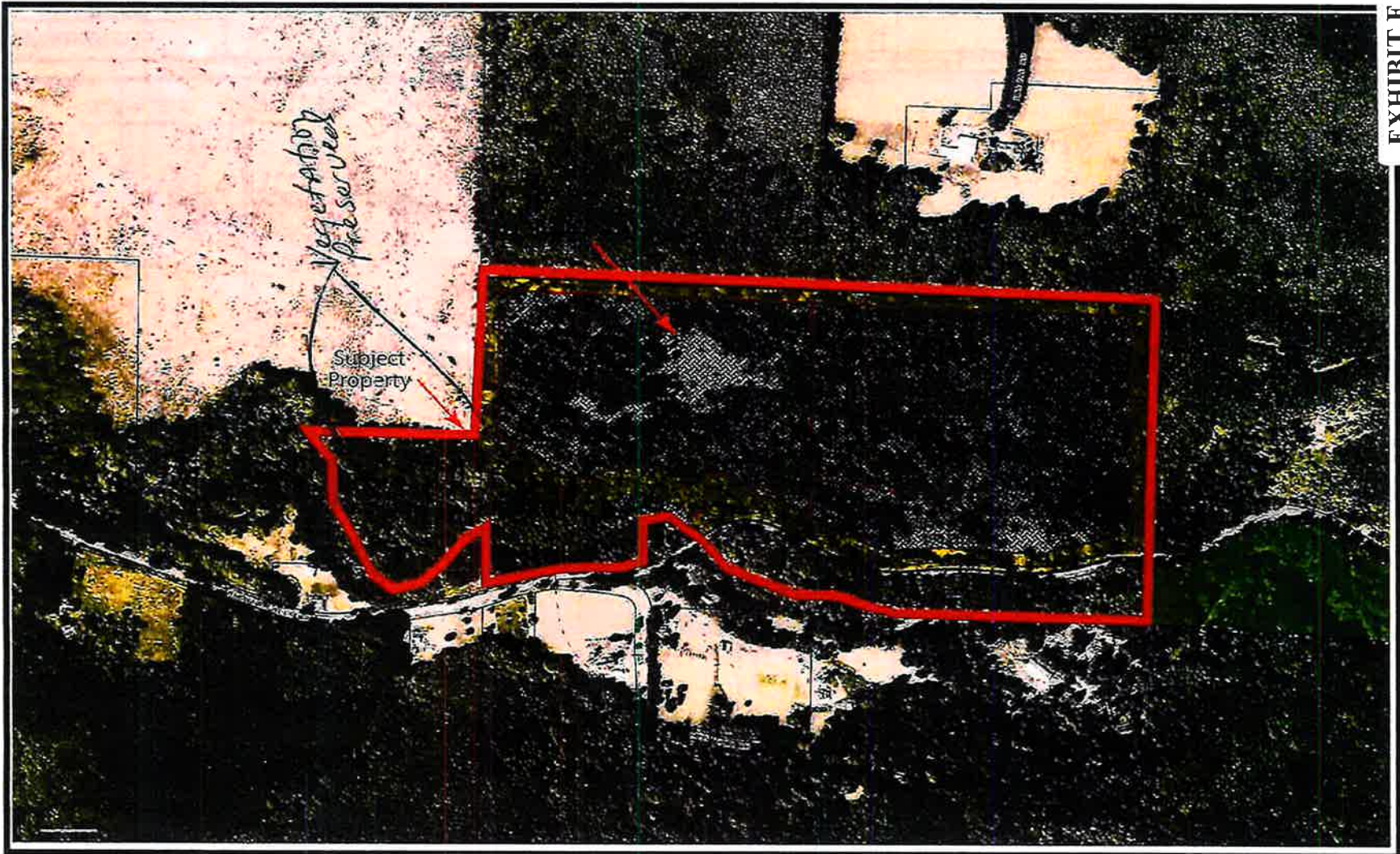
**Beaver Falls Quarry**  
Tax Lot 1000, T. 7N R. 4W Sec. 11  
near Clatskanie, Columbia County, Oregon

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



# Aerial Photo 2018

EXHIBIT F



 LOST CREEK ROCK PRODUCTS

GRAPHIC SCALE  
1" = 200'

1 inch = 200'

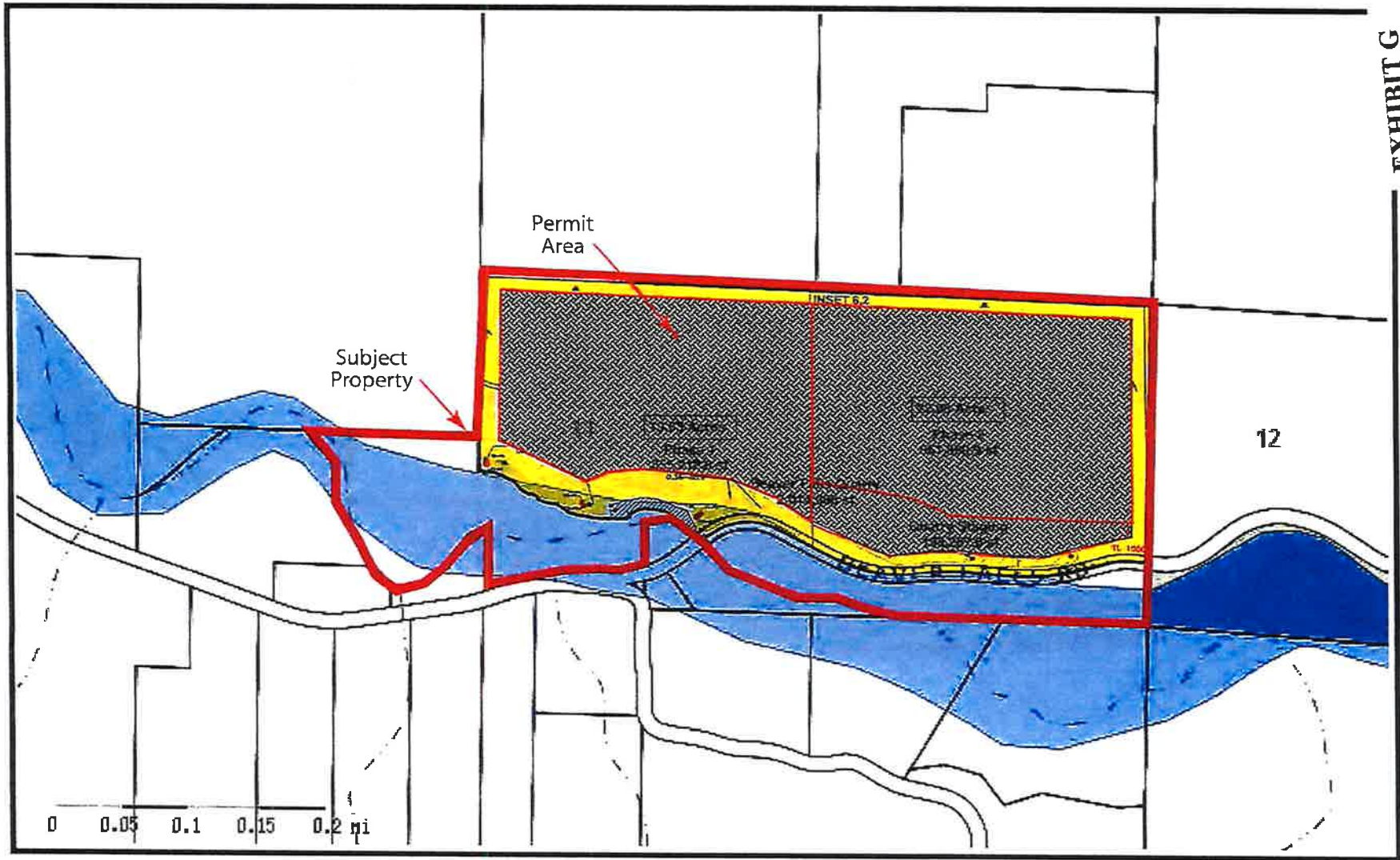
Beaver Falls Quarry  
Tax Lot 1000, T. 7N R. 4W Sec. 11  
near Clatskanie, Columbia County, Oregon

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



# Floodplain

EXHIBIT G



**LOST CREEK ROCK PRODUCTS**

GRAPHIC SCALE  
1" = 150'

0 150' 300' 450'

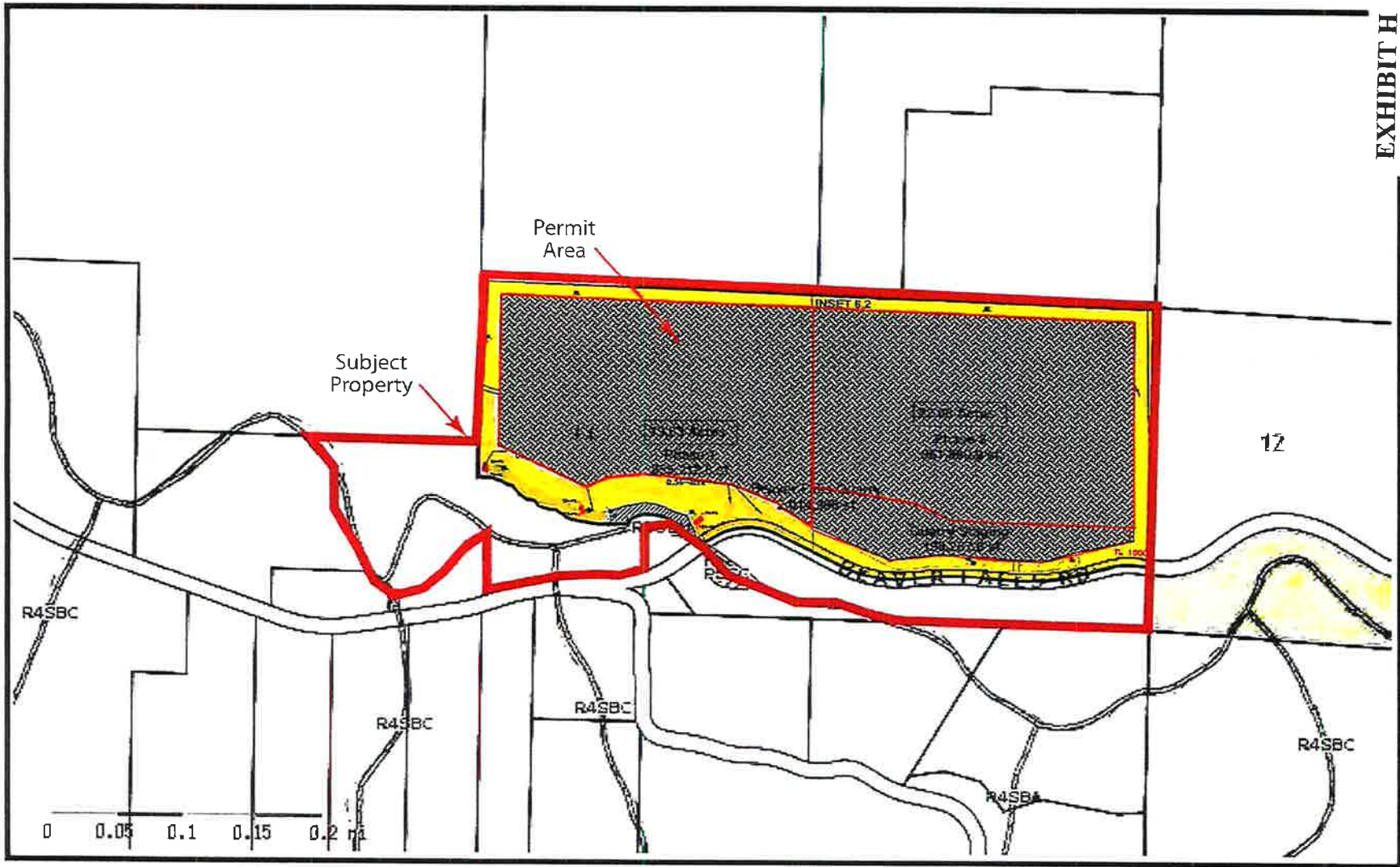
© 2007

**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

EXHIBIT H



**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

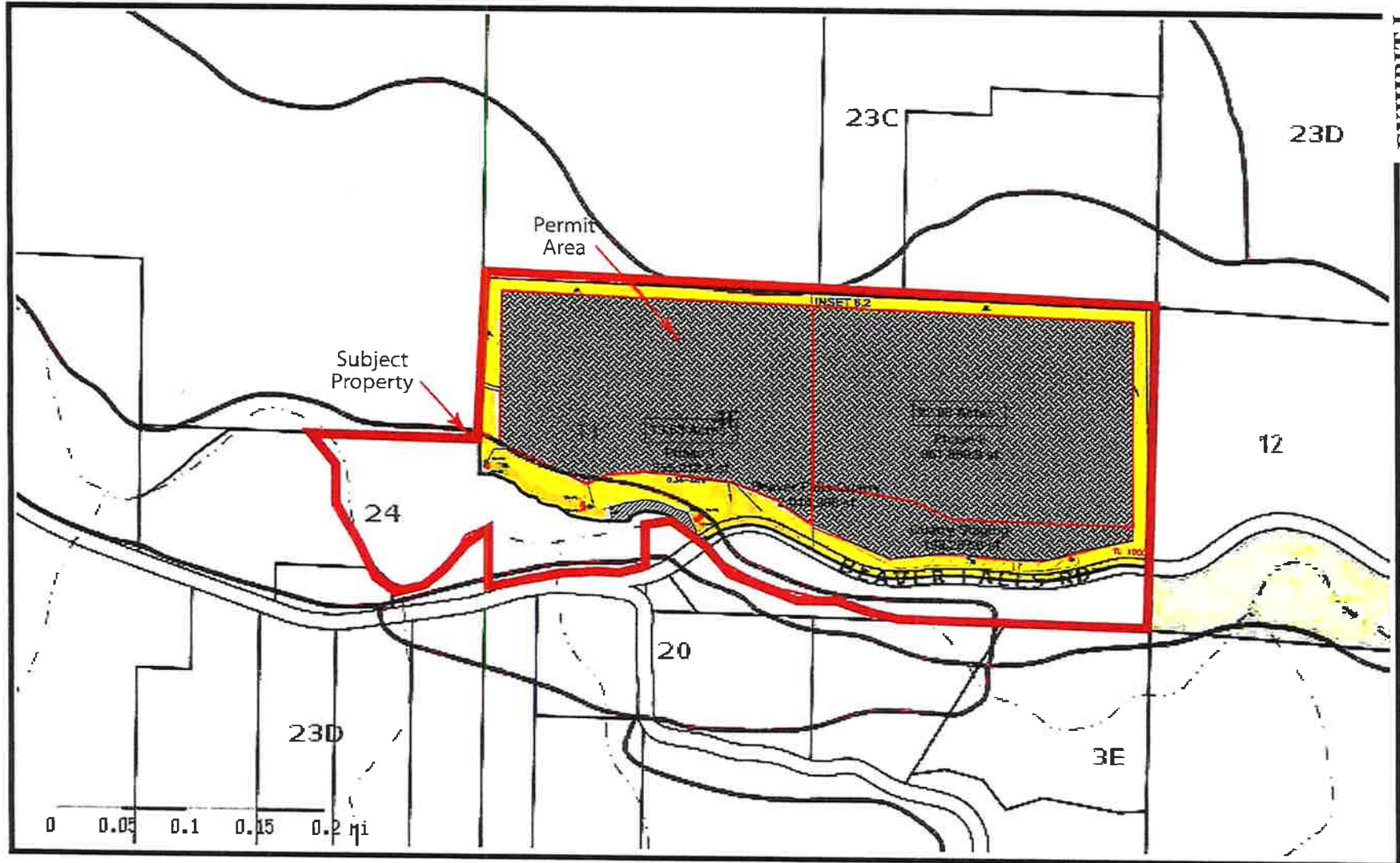


EXHIBIT I



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

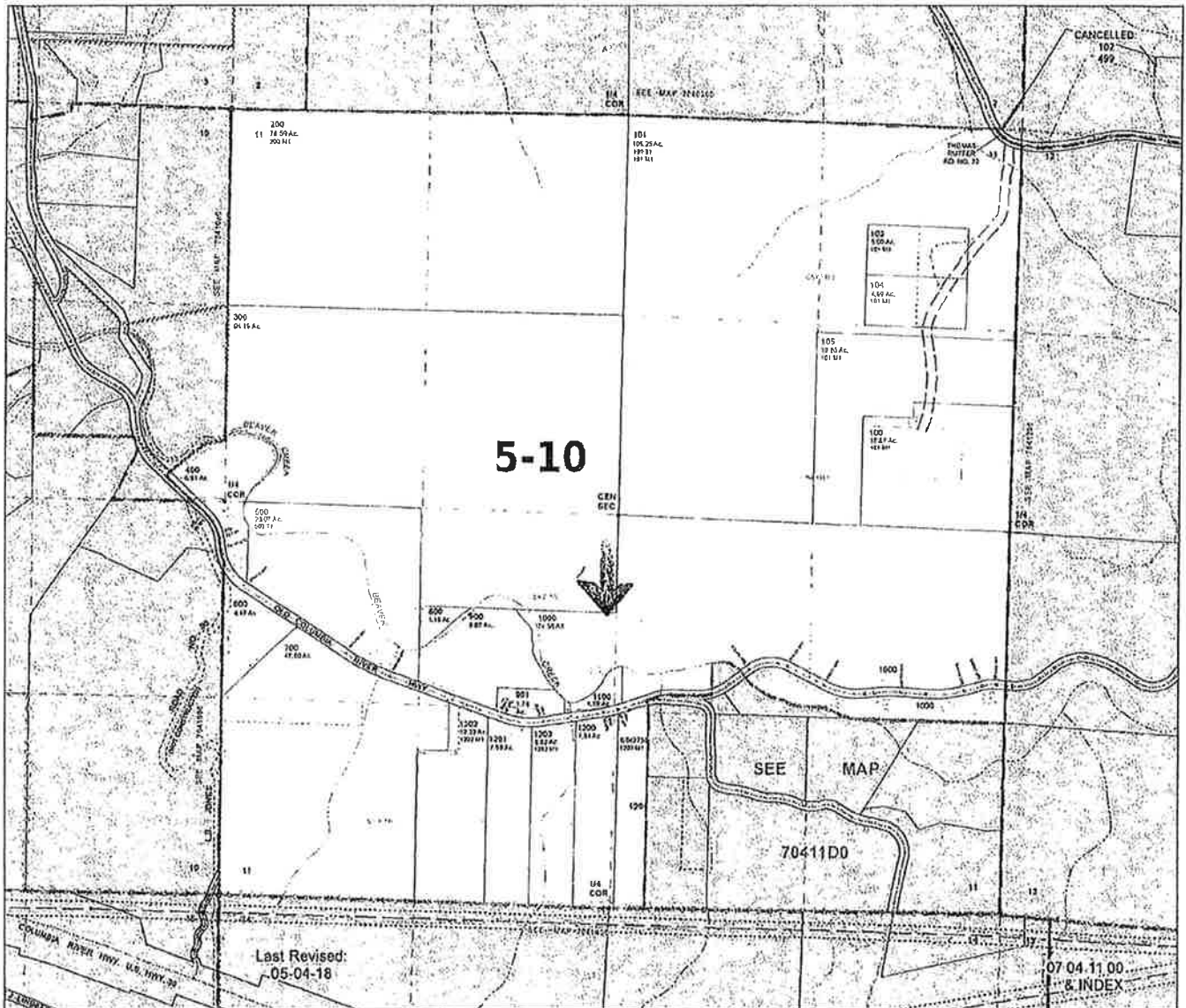
Sources:  
Columbia County GIS  
DOGAMI Operating Permit Application 5-11-20

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

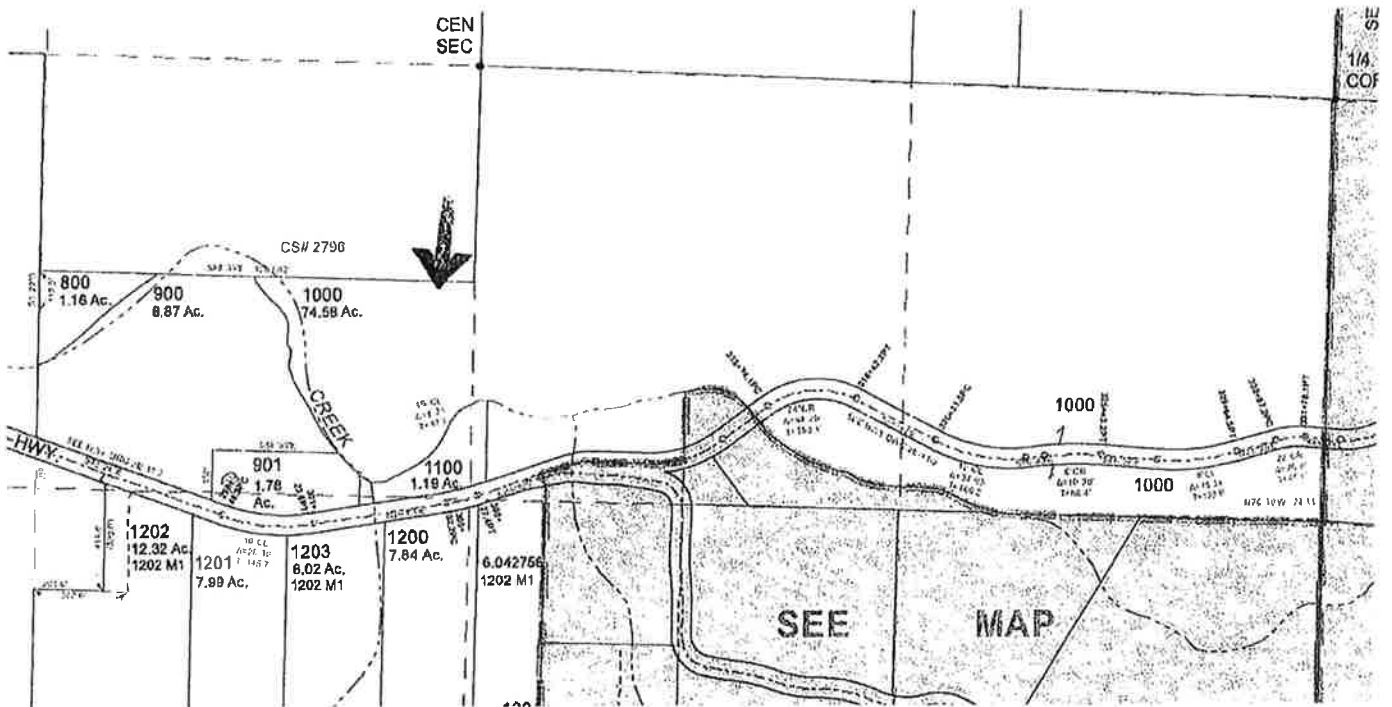


SECTION 11 T.7N. R.4W. W.M.  
COLUMBIA COUNTY  
1" = 400'

07 04 11 00  
& INDEX



  
 COMPLIMENTS OF  
 Columbia County  
 Title & Escrow Services, Inc.  
 This sketch is submitted to assist  
 in property location  
 does not guarantee  
**EXHIBIT J**



**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

<b>Account #</b>	27871	<b>Tax Status</b>	ASSESSABLE
<b>Map #</b>	7N4W11-00-01000	<b>Acct Status</b>	ACTIVE
<b>Code - Tax #</b>	0510-27871	<b>Subtype</b>	NORMAL
<b>Legal Descr</b>	See Record		
<b>Mailing Name</b>	LOST CREEK ROCK PRODUCTS LLC	<b>Deed Reference #</b>	2019-8464
<b>Agent</b>		<b>Sales Date/Price</b>	10-09-2019 / \$197,500.00
<b>In Care Of</b>		<b>Appraiser</b>	NANCY SULLIVAN
<b>Mailing Address</b>	PO BOX 5189 CRESWELL, OR 97426		
<b>Prop Class</b>	641	<b>MA</b>	<b>SA</b>
<b>RMV Class</b>	401	05	51
		<b>NH</b>	<b>Unit</b>
		000	9997-1

Situs Address(s)		Situs City	
Code Area	RMV	MAV	Value Summary AV
0510	Land 309,920		
	Impr. 3,390		
			RMV Exception
			Land 0
			Impr. 0
<b>Code Area Total</b>	<b>313,310</b>	<b>11,960</b>	<b>46,297</b>
			0
<b>Grand Total</b>	<b>313,310</b>	<b>11,960</b>	<b>46,297</b>
			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
<b>Grand Total</b>								<b>74.58</b>			<b>309,920</b>

Code Area	Yr	Stat	Improvement Breakdown		Total	Trended
Area	ID#	Built	Class	Description	Sq. Ft.	RMV
0510	2		375	MULTI-PURPOSE SHED	242	3,390
					4	
<b>Grand Total</b>					<b>242</b>	<b>3,390</b>

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

**Comments:** 2018 Combined account 27878 into account 27871 per deed 2018-002913. NS  
 2016 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	Real	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
<b>Total</b>		<b>\$617.75</b>	<b>\$593.99</b>	<b>\$23.76</b>	<b>\$0.00</b>	<b>\$1,844.97</b>		

**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: 27671  
27688  
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  
\$16.00 \$11.00 \$10.00 \$60.00 \$5.00 **\$101.00**  
I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon,  
certify that the instrument identified herein was recorded in the Clerk  
records.  
Elizabeth E. Huser - County Clerk

TITLE 360419004600

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 195.336 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 92.010 OR 215.010, 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 195.336 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

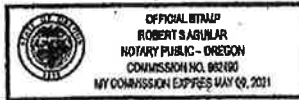
By: Karen Slotten Instel  
Karen D. Slotten, Trustee under the CLIFFORD MANAGEMENT TRUST, dated February 3, 1998, General Partner

State of OR  
County of Washtenaw

This instrument was acknowledged before me on 10-9-19 by Karen Slotten, as Trustee under the CLIFFORD MANAGEMENT TRUST, dated February 3, 1998, General Partner for the Clifford Family Limited Partnership.

Robert S. Abular  
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 2019-2020.

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 as 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, 1961  
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, 1965  
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

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### Business Name Search

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 Business Entity Data    
 10-21-2020 10:47

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	
<b>Entity Name</b> LOST CREEK ROCK PRODUCTS, LLC						
<b>Foreign Name</b>						

### Associated Names

[New Search](#)    
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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	MCDOUGAL 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**

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	

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Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved 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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[uniform commercial code](#)    [uniform commercial code search](#)    [documents & data services](#)

### Business Name Search

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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	
<b>Entity Name</b>	MCDOUGAL BROS. INC.					
<b>Foreign Name</b>						

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### Associated Names

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

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

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

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

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

<b>Type</b>	SEC	SECRETARY			<b>Resign Date</b>	
<b>Name</b>	MELVIN	L	MCDOUGAL			
<b>Addr 1</b>	PO BOX 518					
<b>Addr 2</b>						

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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.

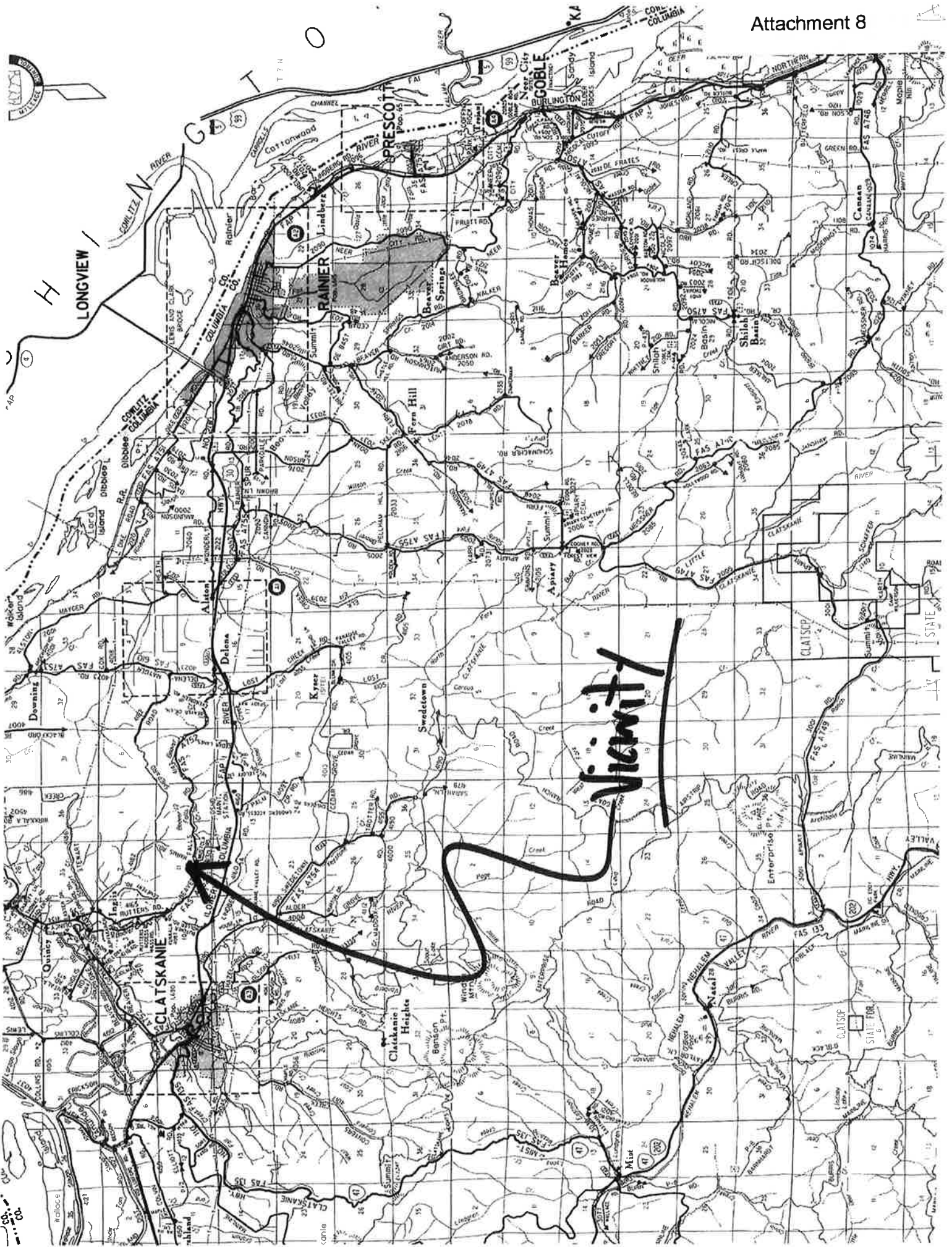
Type	AGT	REGISTERED AGENT	Start Date	01-17-2007	Resign Date	
Name	JEFF	DEMERS				
Addr 1	25275 LOTEN WAY					
Addr 2						
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA	

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

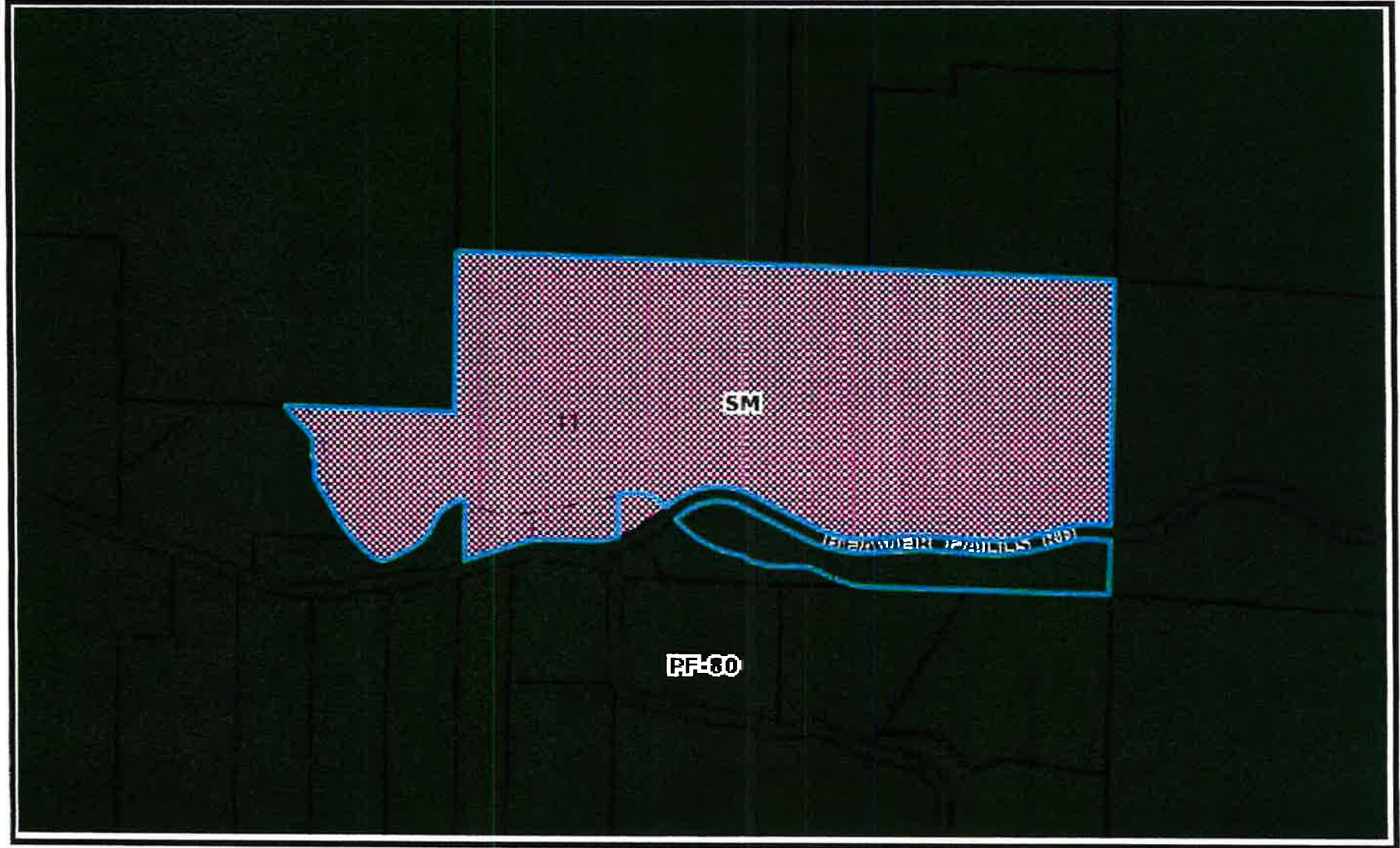
Type	PRE	PRESIDENT			Resign Date	
Name	GREGORY	M	DEMERS			
Addr 1	PO BOX 1042					
Addr 2						
CSZ	VENETA	OR	97487	Country	UNITED STATES OF AMERICA	

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





# LUC 21-15 Zoning Map



Columbia County



## Columbia County Web Maps

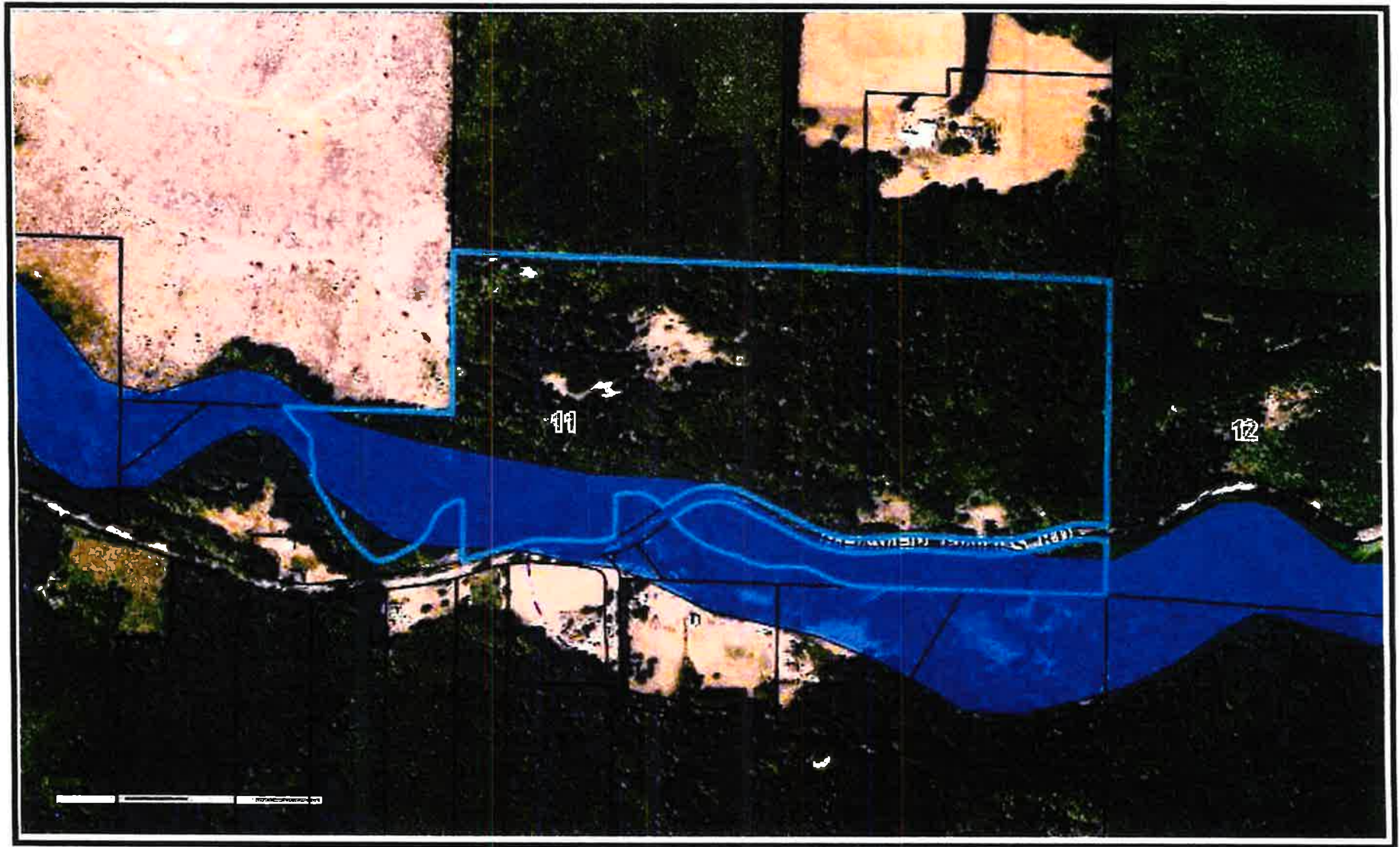
**Disclaimer:** This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with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



Printed 10/26/2020



# LUC 21-15 Aerial Map



Columbia County



Oregon

## Columbia County Web Maps

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GeoInfoare

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](mailto: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.

- .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 98-9, 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.

**PART XVI. GOAL 5**  
**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 or 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.

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.

**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

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

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.

**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
		6236-000-00900
Tide Creek Rock	[John Petersen]	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.



**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.

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

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].*