

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of NW Aggregates Co.)
for a Major Map Amendment (Agricultural Resource)
to Mineral and Aggregate Resource) and Zone Change) ORDINANCE No. 2016-9
from Primary Agriculture - 80 Acres (PA - 80))
to Surface Mining (SM) (Application No. PA 17-01)
and ZC 17-01)

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2016-9.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 197.175, 203.035, 203.045, and 215.050.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to approve the application of NW Aggregates Co. for Comprehensive Plan and Zoning Map Amendment (PA 17-01 and ZC 17-01) to allow for an approximately 153-acre expansion of the Bates Roth Aggregate site near Scappoose, Oregon. Specifically, this Ordinance changes the property’s Comprehensive Plan designation from Agricultural Resource to Mineral and Aggregate Resource and the Zoning Map designation from Primary Agriculture-80 (PA-80) to Surface Mining (SM). The Ordinance also authorizes surface mining use of the property subject to conditions.

SECTION 4. PROCEDURAL HISTORY.

Following proper notice, the Columbia County Planning Commission held a public hearing on the application on September 12, 2016. The Planning Commission then voted and issued a final order recommending approval of the application with conditions.

The application was then scheduled for a public hearing before the Board of County Commissioners (“Board”). Notice of the public hearing was mailed on September 29, 2016, and published in the *Spotlight* newspaper. The Board held the hearing on October 26, 2016, and voted to open the record to new evidence. At the close of the hearing, the Board continued deliberations to November 9, 2016. During their deliberations on November 9, the Board voted to reopen the record to allow additional written evidence until November 29, 2016; written rebuttal evidence until December 6, 2016; and final written argument until December 13, 2016. The Board also continued their deliberations to December 14, 2016.

On December 14, 2016, the Board deliberated and voted to tentatively approve the application subject to conditions as recommended by staff. The record in this proceeding includes the record before the Planning Commission and all evidence and testimony received by the Board at their hearing and during the subsequent reopening of the record as described above. The record was physically present and available for review by the Board at the time of their deliberations on December 14, 2016, when the tentative decision was rendered.

SECTION 5. FINDINGS AND CONCLUSIONS.

The Board of County Commissioners adopts the following as findings in support of its decision:

1. The Board Communication dated December 7, 2016 (without attachments), attached hereto as Exhibit B and incorporated herein by this reference.
2. The Staff Report dated October 19, 2016 (without attachments), attached hereto as Exhibit C and incorporated herein by this reference, to the extent those findings do not conflict with the findings in Exhibit B and the supplemental findings herein.
3. The following supplemental findings:
 - A. The Scappoose Drainage Improvement Company (“SDIC”) contested the impact upon the district from the proposed mining. The Board has reviewed the Groundwater and Surface Water Impacts Assessment dated April 2016 submitted with the application and agrees with the following conclusions from that report:
 - “• Based on the long term monitoring at Bates Roth and additional data collected as part of this assessment, no significant impacts to groundwater quality, quantity, or behavior are anticipated as a result of the proposed mine expansion.
 - The expansion is not expected to alter the flow of surface water in the vicinity of the Site. Additionally, no surface water quality impacts are anticipated as a result of the proposed expansion.
 - The proposed mine expansion is not anticipated to pose additional flood risk at the Site or within the SDD. Flood control dams along the Columbia and Willamette Rivers, levees, and the continued efforts of the SDIC have significantly reduced the flood risk in the SDD.”

Further, the Board has reviewed the Technical Memorandum from Golder Associates dated November 29, 2016, which demonstrates that very limited additional seepage will occur because of the mining activity and that mining will approximate existing conditions. The Board agrees with the conclusions contained in the Technical Memorandum. No testifier questioned the determination set forth in the Application as supported by

the Groundwater and Surface Water Impacts Assessment that the potential conflict was insignificant. Given the evidence, the Board finds that no significant impact upon groundwater has been identified and that the Application shall be approved.

The Board further finds that a reasonable and practical measure to minimize any potential conflict is the imposition of Condition 24. Condition 24 requires a groundwater monitoring and cost reimbursement program at the Site.

Condition 24 requires the Applicant to continue an existing ground water monitoring plan and provides the SDIC with a formula through which it can recover additional pumping costs from the Applicant. The Board finds that the condition allows the SDIC to recover additional pumping costs and with the additional monitoring requirements additional data will be available to evaluate whether additional pumping costs have been incurred. The Board finds that this condition is a reasonable and practical measure which minimizes any potential conflict between the Applicant's surface mining proposal and the SDIC operations.

- B. The SDIC raised another issue related to the requirements for an internal drainage study. While the Board finds that the issue is not relevant to the Goal 5 criteria related to impacts, the Board understands that the drainage district is obligated to prepare internal drainage studies on a periodic, approximately 10 year period basis. When conditions on the ground change physically, but not due to a mapping amendment, the drainage district may be required to prepare an internal drainage study. The mere mapping of the Site does not alter the conditions on the ground and therefore any requests for the Applicant to prepare an internal drainage study is simply premature.
- C. John and Marit Olsen have raised a concern that surface mining will impact their 1940s-era well. The Applicant provided expert testimony that the well will not be impacted. However, the Board finds that Condition 31 would assure that any potential conflict is minimized. The Board finds that this condition is a reasonable and practical measure to minimize any potential conflict.

SECTION 6. AMENDMENT AND AUTHORIZATION.

The Board hereby approves Application PA 17-01 and ZC 17-01 and authorizes the amendment of the Comprehensive Plan, as shown in Exhibit A, attached hereto and incorporated herein by this reference, to change the property's Comprehensive Map designation from Agricultural Resource to Mineral and Aggregate Resource and to change the property's zoning from Primary Agriculture-80 (PA-80) to Surface Mining (SM), subject to the following conditions:

1. The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat with pond(s).
2. Prior to mining, the Applicant shall obtain a Site Design Review for the site, as required to satisfy the requirements of the Zoning Ordinance.
3. The Applicant shall provide vegetated berms and fencing, phasing of which shall be determined during Site Design Review. Six-foot chain link fences shall be installed, protecting active mining areas.
4. The Applicant shall surface the access road with gravel.
5. The Applicant shall water the access road as necessary to control dust.
6. The Applicant shall post a 10 mph speed limit for all vehicles on site. The applicant shall enforce such speed limit.
7. The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
8. The Applicant shall spray water on the conveyor at all transfer points, as needed.
9. The Applicant shall maintain existing trees within the setback areas (excluding hybrid cottonwood trees, agricultural crops or berm areas) and shall vegetate perimeter berms when constructed. The applicant shall vegetate overburden stored on site, as needed.
10. The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
11. The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday, including maintenance of and work of mining equipment which creates any off-site noise.
12. The Applicant shall observe minimum extraction setbacks of 50 feet from public rights-of-way (Honeyman Road) and from the riparian corridors along the Evans Slough and drainage ditches adjacent to the site. Extraction setbacks shall be 200 feet from any zone which allows residences as permitted or conditional uses, unless a variance to these setbacks is applied for and approved or consent to reduce the setback received from adjoining property owners.
13. The Applicant shall not allow stormwater to be discharged offsite. For purposes of this condition, "stormwater" shall include "upwelling groundwater".
14. The applicant shall provide for stormwater/erosion considerations along the Evans Slough and adjacent drainage ditches in accordance with the U.S. Army

Corps of Engineers and Oregon Division of State Lands permit requirements. The Applicant will be required to install a silt fence for protection of stormwater/erosion considerations along of the Evans Slough and drainage ditches.

15. The Applicant shall not store fuels or other contaminants onsite.
16. The Applicant shall notify SHPO and the appropriate tribes in the event that prehistoric or historic cultural materials are encountered on the site. The archaeology consultant or a qualified archaeologist shall be called in to evaluate the discovery and recommend subsequent courses of action in consultation with the tribes and SHPO.
17. Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
18. The Applicant shall be required to construct noise berms (as necessary) on the site in accordance with Exhibit B, Noise Study in the application.
19. The Applicant shall be required to construct an six-foot-high visual berm along the southern, western and eastern boundaries of the site, and all locations as depicted on Exhibit 4, Figures 3 and 4 in the application.
20. The slopes of the ponds will be contoured (cut) during the excavation process rather than deposition of fill material, with a safety bench that will be excavated to allow slope stability and safety egress from the ponds. Gradients shall be constructed in accordance with the Phasing & Mining Operating Plan in Exhibit 4 (Figures 3 and 4) of the application as follows - Slopes will be 2:1 to 3:1 (horizontal to vertical) above the water, with a 5-foot wide bench in shallow water, slopes of 1.5:1 (horizontal to vertical) from the bench to -75 MSL, and 1:1 (horizontal to vertical) from -75 MSL to approximately -150 MSL.
21. Applicant shall provide a legal description of the subject property to be rezoned to Surface Mining, prior to final approval of the Board of County Commissioners.
22. Any required berms near riparian or wetland areas pursuant to this plan amendment shall be located in accordance with U.S. Army Corps of Engineers and Oregon Division of State Lands permit requirements. Any berms required pursuant to this plan amendment shall be located outside any applicable riparian or wetland setback areas.
23. The applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Division of State Lands, and obtain any permits required by such agencies.

24. The Applicant shall continue the approved ground water monitoring program at the Bates Roth property and, upon approval of PA17-01 and ZC17-01, expand the monitoring program to include the proposed mining site and include the following as summarized on page 9 of the Golder Associates Technical Memorandum dated November 29, 2016:

- Groundwater elevation monitoring of three existing piezometers on the Bible College property;
- Installation of five additional co-located piezometers along the Evans Slough to monitor groundwater elevations in the shallow fine grain overburden and gravel units compared to the Evans Slough elevations;
- Slug testing of the Bible College piezometers to obtain site-specific estimates of the hydraulic conductivity in the fine grain overburden and gravel unit;
- Installation of a staff gauge to measure surface water elevations in the Evans Slough;
- Installation of a staff gauge to measure surface water elevations in the future Bible College mine pit; and
- Quarterly reporting to the SDIC and annual reporting to the USACE.

When fully implemented, the expanded Bates Roth monitoring program will comprise:

- Continuous groundwater elevation data from 20 piezometers recorded at 1-hour intervals;
- Continuous surface water elevation data in the Santosh Slough and Evans Slough recorded at 1-hour intervals;
- Continuous mine pit surface water elevation data from 3 locations in the Bates Roth and Bible College mine pits recorded at 1-hour intervals;
- Compilation of Columbia River level data from the NOAA gauging station in St Helens;
- Compilation of precipitation and meteorological data from the Scappoose Industrial Air Park; and
- Quarterly hydrogeological reporting to the SDIC and annual reporting to the USACE; including tabulated data, hydrographs, and figures.

Additional hydrogeological data information collected in the interim from the existing and expanded monitoring program as discussed above, will be contributed to the SDIC and USACE to strengthen the existing data set for an updated interior drainage analysis, if such update is required in the future. The expanded monitoring program shall include any further enhancements as may be determined by DOGAMI as necessary to:

- A. Measure groundwater elevations in on-site wells, surface water elevations in Santosh and Evans Sloughs on or adjacent to the site, and mine pool water levels;

- B. Take automated readings at approximately 1-hour intervals;
 - C. Accumulate and manage data, including precipitation and river levels; and
 - D. Analyze the data to evaluate whether mine water levels behave differently than ground water levels and using the generated data, estimate the amount of groundwater seepage, if any, attributable to mining of the proposed mining site. The existing monitoring program provides for annual reporting to the U.S. Army Corps of Engineers. The expanded monitoring program shall include annual reporting to the Army Corps of Engineers and quarterly reporting to the SDIC. The Applicant shall compensate the SDIC for demonstrated increased costs of pumping caused by mining of the site.
25. All access points for this property will need to have access permits from the Road Department issued for them.
26. Maintenance and work on mining equipment, creating significant off-site noise, will be limited to hours of operation 7:00 AM to 6:00 P.M Monday through Sunday.
27. The applicant will comply with Department of Environmental Quality (DEQ) regulations regarding water quality.
28. If it is determined that any portion of the Bible College mining site area is within the 1500 foot impact area of any existing mining sites in the area, the Applicant shall record a covenant agreeing not to sue for impacts related to the lawful conduct of mining on those sites.
29. The post mining use will be Fish and Wildlife Habitat. A detailed plan for the Fish and Wildlife Habitat use for this site will be submitted for review and approval by the County in an application for Design Review. The plan shall be developed in consultation with the Oregon Department of Fish and Wildlife; be integrated with the post-mining uses on the applicant's adjacent mining properties and inter-connected with these properties by a system of trails.
30. The applicant shall comply with all applicable Oregon Department of Environmental Quality regulations regarding air quality including any air contaminant discharge permit conditions for point source pollutants and greenhouse gas reporting, if applicable. The applicant shall comply with the dust control plan submitted as a part of the application and/or the requirements of Oregon DEQ for dust control whichever is more restrictive.
31. The applicant shall compensate adjacent landowners for any degradation of well water quality due to the proposed mining which requires it to be treated to meet potable standards.

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SECTION 9. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent portion, and such holdings shall not affect the validity of the remaining portion of this ordinance.

SECTION 10. SCRIVENER'S ERRORS

Scrivener's errors in any portion of this ordinance may be corrected by order of the Board of County Commissioners.

SECTION 11. EMERGENCY CLAUSE.

This Ordinance, being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and it shall become effective upon adoption.

DATED this 21st day of December, 2016.

Approved as to form

By: [Signature]
Office of County Counsel

Recording Secretary

By: [Signature]
Jan Greenhalgh

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Henry Heimuller, Commissioner

By: [Signature]
Earl Fisher, Commissioner

First Reading: 12-21, 2016
Second Reading: 12-21, 2016
Effective Date: 12-21, 2016

EXHIBIT A

AMENDMENT TO COMPREHENSIVE PLAN

Added text is shown in ***bolded italics***; no deletions are proposed.

PART XVI. GOAL 5
Article VI. SURFACE MINING

TABLE XVI-2

[Amended by Ordinance No. 98-01 eff. 6/29/98; Ordinance No. 2000-4 eff. 11/13/00]

SIGNIFICANT AGGREGATE SITES & POST MINING USE

| | | | |
|--------------------------------------|-------------------------------|------------------------------|---|
| Meier Site | [NW Aggregates/Glacier] | 3106-000-00100 | Surface Mining |
| | | 3106-000-00101 | NOT |
| | | 3106-000-00200 | Approved |
| | | 3106-000-00504 | |
| | | 3106-000-00505 | |
| | | 3106-020-00100 | |
| | | 3106-020-00101 | |
| | | 3106-020-00200 | |
| | | 3106-020-01800 | |
| | | 3106-020-01900 | |
| | | 3106-020-02000 | |
| | | 4130-040-01800 | |
| [...] | | | |
| [...] | | | |
| [...] | | | |
| <i>Bible College Site</i> | <i>[NW Aggregates]</i> | <i>4132-000-01000</i> | <i>{File: PA17-01& ZC 17-01</i> |
| <i>(Bates-Roth Expansion)</i> | | <i>4133-000-00500</i> | <i>Ordinance No. 2016-09</i> |
| | | <i>3105-000-00100</i> | <i>"Fish & Wildlife Habitat"</i> |

EXHIBIT B

BOARD COMMUNICATION

FROM THE LAND DEVELOPMENT SERVICES DEPARTMENT
MEETING DATE: December 14, 2016 Regular Meeting

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Todd Dugdale, Director of Land Development Services

SUBJECT: PA17-01/ZC17-01 PLAN AMENDMENT/ZONE CHANGE
NW AGGREGATES BATES/ROTH MINING SITE EXPANSION
Board Deliberations

DATE: December 7, 2016

SUMMARY:

The Board closed the record for testimony after a public hearing on this matter at their meeting on Wednesday, October 26, 2016 and set the matter over for deliberations at their meeting on November 9, 2016. At the request of the Scappoose Drainage Improvement Company(SDIC), the Board reopened the record to written testimony until 11/29/16, to rebuttal until 12/6/16 and for final arguments by the applicant by 12/13/16.

The Board received the following additional testimony and rebuttal during the re-opened written testimony and rebuttal period as follows:

Additional Testimony:

- 1) November 4, 2016: From the SDIC. A November 3, 2016 email from Jim Burton of the U. S. Army Corps of Engineers(USACE) responding to questions from the SDIC about whether the proposed mining would require a new or update interior drainage analysis in conjunction with periodic levee certification evaluations.
- 2) November 21, 2016: From John and Marit Olsen, owners of a farm adjacent to the proposed mine site expressing concerns about mining impacts on water quality in their well.
- 3) November 21, 2016: From Mary Duvall, Lost Creek Road, Clatskanie expressing concerns about greenhouse gas emissions from the proposed mining operation and loss of farmland.
- 4) November 17, 2016: From Darrel Whipple 76439 Alston-Mayger Road, Rainier expressing concerns regarding air quality and greenhouse gas emission impacts from the proposed mining operation.
- 5) November 29, 2016: From Golder and Associates, hydrogeologists, on behalf of the applicant, responding to concerns by SDIC about potential seepage impacts on their pumping costs.

Rebuttal To Additional Testimony

- 1) December 6, 2016: From SDIC, Laurie Mapes, Board Member responding to the November 29, 2016 technical memorandum submitted by Golder and Associates on behalf of the applicant.

To assist the Board in deliberations, Staff is responding with comments and recommendations concerning several questions raised by the Board relating to their review of the application as well as additional testimony and rebuttal summarized above and attached. Staff responses and recommendations are provided below.

Final Arguments:

December 7, 2016: Applicant's Final arguments are attached.

1) The Board asked whether the applicant's proposed post mining use for the property and a plan to implement could be better clarified.

The applicant proposed "water impoundment" for the post-mining use and provided a conceptual reclamation plan to implement it. Should the application be approved, the Board has the authority to specify the post mining use and require that a plan for the post-mining use be detailed in the required application to the County for design review. Staff advises that the

EXHIBIT B

applicant's post-mining use proposal can be better specified as "Fish and Wildlife Habitat" and should be detailed in a plan that integrates the use with the post-mining uses of the other adjacent mines owned and operated by the applicant. Staff recommends the addition of a new condition to those conditions recommended in the Staff Report dated 10/19/16 to specify and provide for review and approval of conceptual plans for the post mining use.

- 29) **The post mining use will be Fish and Wildlife Habitat. A detailed plan for the Fish and Wildlife Habitat use for this site will be submitted for review and approval by the County in an application for Design Review. The plan shall be developed in consultation with the Oregon Department of Fish and Wildlife; be integrated with the post-mining uses on the applicant's adjacent mining properties and inter-connected with these properties by a system of trails.**

2) The Scappoose Drainage Improvement Company (SDIC) submitted additional testimony with concerns about potential impacts that the expanded Bates Roth mining use may have on the drainage system within the levee protected area and the potential for increased cost of their operations including:

- a) **Increased pumping costs due to increased seepage water from the mine.**
b) **Increased engineering costs for a new interior drainage analysis required by the proposed mining site in conjunction with the Corps of Engineer's periodic levee re-certification process.**

The SDIC submitted responses from Jim Burton of the U.S Army Corps of Engineers to their questions concerning whether the proposed mining would trigger a new interior drainage analysis to determine any impacts of any increased volumes of water within the District due to mining in conjunction with the Corps ten year cycle of levee evaluation.

Staff could find no historical information from the years of mining by the applicant in the SDIC nor data from other comparable mining sites clearly demonstrating that mining generates a significant increase in groundwater within the levee district and in related pumping costs. This conclusion is further documented in the Technical Memorandum dated November 29, 2016 by Golder Associates, hydrologists for the applicant, submitted in the reopened testimony period. In regulating mining in the SDIC, DOGAMI has required monitoring programs to evaluate impacts of mining on drainage and groundwater. Staff believes that the approved ground water monitoring program currently in place for the original Bates Roth site continue as noted in recommended condition #24 of the 10/19/16 Staff report. However, in light of new testimony by the SDIC and responses by Golder and Associates for the applicant and the need expressed by USACE to make sure that the groundwater monitoring program adequately evaluates and addresses any possible additional seepage that would add water to the drainage system which must be pumped by the SDIC, staff recommends that this condition be amended. Amendments to condition #24 should require that the current monitoring program be expanded to include the proposed site, enhanced as recommended on page 9 of the November 9, 2016 Golder Associates Technical Memorandum and include modifications, if any, by DOGAMI to address hydrological impacts of mining on groundwater levels and quantities in the SDIC. The expanded monitoring program should be submitted as a part the application for Design Review. In addition, changes to the monitoring program for the proposed site should include annual reporting to the Corps of Engineers and more frequent reporting to the SDIC, perhaps quarterly.

3) What is the effect of the Surface Mining Impact Overlay (SMIO) zone?

The SMIO Overlay zone does not prohibit any uses allowed in the underlying zoning district. The underlying zoning district for all properties in the impact area is the Primary Agriculture (PA-80) zone. The SMIO applies the development standards of the PA-80 zone and provides for the Director or review authority to review any noise, dust and vibration sensitive uses for its possible impacts from the mining operation. The Director may require specifications or analysis prepared by an engineer or other qualified person that desired standards are or can be met by imposing additional setbacks or imposing other measures such as vegetative buffers, berms, double pane windows, reflection of the windows, etc. On

EXHIBIT B

required measure for a new approved use in the SMIO overlay would be that the owner would be required to record a "Covenant not to Sue" restricting present and future owners from remonstrating against or objecting to permitted mining activities allowed on the adjoining Surface Mining zone.

With respect to the Olsen Property to the southwest, Joe Baker testified that the SMIO Overlay district would restrict their uses, such as, not allow a "Bed & Breakfast". This is not true. A bed & breakfast facility (B&B) is may be allowed as a Conditional Use, Type II Home Occupation in the PA-80 zone after review by the Planning Commission. A proposed B&B would be reviewed for compliance with standards of both the PA-80 zone and the SMIO and depending on the distance from the proposed bed & breakfast facility to the property line of the mining operation, if noise, dust or vibration levels are too extreme for the applicant's use, an engineer noise or vibration study may be required at the time of application. Or, the applicant may propose vegetative planting or berms to mitigate unwanted noise, dust or vibration from the existing mining operations. NW Aggregates is required to minimize noise, dust and vibration emissions from the mine site to a level compliant to the DEQ standard. Any mitigation beyond the DEQ standard is the responsibility of the owner/developer.

4) Written Testimony From John and Marit Olsen dated 11/10/16 Expressing Concerns Over Possible Impacts of Mining on Their Well.

Finding 6 of the 10/19/16 Staff Report references the May, 2016, Groundwater and Surface Water Impacts Evaluation on the Bates Roth Property Expansion Site, prepared by Golder Associates which states that mining "is not expected to perceptibly alter existing groundwater conditions or behavior" and "that existing wells are present in the impact area but are not expected to experience impacts due to the proposed mining. Groundwater quantity will be unaffected as groundwater levels will not be altered; and groundwater quality will not experience degradation". The Olsens request that a condition be placed on approval of the application to require the applicant to monitor water quality in their well and compensate them for any degradation due to mining. It would normally be the responsibility of the well owner to periodically have their water tested to determine any changes in quality. If it can be shown that a degradation in water quality is attributable to the mining, the applicant should compensate the Olsens.

5) Written Testimony From Darryl Whipple dated 11/17/16 and Mary Duvall received on 11/21/16 Expressing Concerns About The Impacts of Mining on the Loss of Farmland, Air Quality, and Greenhouse Gas Emissions.

The issue of allowing mining on farmland and impacts on adjacent farming practices is addressed in the Goal 5 Aggregate Resources review process and criteria covered in the 10/19/16 Staff Report, particularly Findings 22-34. The site qualifies as a significant aggregate resource site and as such is required to be protected using the Goal 5 process contained in Section 1030 of the Zoning Ordinance.

Oregon DEQ air quality regulations apply to the proposed mining operation and it is anticipated that the expanded site will be subject to a standard air contaminant discharge permit as currently required for the applicant's existing adjacent operations. The suggestion that the County establish a local policy on limiting greenhouse gases, even if appropriate, has not been considered and could not be applied to this application. The State has established greenhouse emission goals and a reporting protocol for major contributors of greenhouse gases. Oregon DEQ does not believe the proposed mining operation would even meet the threshold of 2,500 tons per year for reporting. A new condition is recommended by staff requiring that the applicant obtain all applicable air quality permits, comply with greenhouse gas emission reporting, if applicable, as required by the Oregon Department of Environmental Quality and comply with the dust control plan submitted to the County with the application.

ATTACHMENTS:

- 1. Staff changes to recommended conditions of approval in the October 19, 2016 Staff Report.**
- 2. Additional Testimony/Rebuttal**
- 3. Applicant's Final Arguments**

EXHIBIT C

COLUMBIA COUNTY BOARD OF COMMISSIONERS

Staff Report

10/19/16

Plan Amendment and Zone Change

HEARING DATE: October 26, 2016

FILE NUMBERS: PA 17-01
ZC 17-01

APPLICANT/OWNER: Northwest Aggregates Co.
34855 N. Honeyman Road
Scappoose, Oregon 97056

PROPERTY LOCATION: Approximately 3 miles northeast of Scappoose, Oregon

REQUEST: A post acknowledgment plan amendment and zone change, designating an expansion of presently permitted Bates Roth Aggregate Site by 153 acres encompassing a site referred to as the Bible College Site, as a significant mineral and aggregate resource site in the Columbia County Comprehensive Plan, and authorizing a surface mining use. This request will amend the Columbia County Comprehensive Plan Map and Zoning Ordinance Map for the identified site.

APPLICATION RECEIVED: July 5, 2016

DEEMED COMPLETE: July 25, 2016

180-DAY DECISION DATE: January 21, 2017

PRESENT COMPREHENSIVE PLAN DESIGNATION: Agricultural Resource

PROPOSED COMPREHENSIVE PLAN DESIGNATION: Mineral and Aggregate Resource

PRESENT ZONING: (PA-80) Primary Agriculture

PROPOSED ZONING: (SM) Surface Mining

SUBJECT PROPERTY:

“Site” - Total Tax Lot area: 153.87 acres Mine site: 130 acres

EXHIBIT C

| <u>Tax Account Numbers</u> | <u>Zoning</u> | <u>Acreage</u> (Assessor) | (GIS & applicant) |
|----------------------------|---------------|------------------------------|--------------------|
| 4N1W32-00-01000 | PA-80 | 83.97 | 88.73 |
| 4N1W33-00-00500 | PA-80 | 3.5 | 5.09 |
| 3N1W05-00-00100 | PA-80 | <u>60.05</u> | <u>60.05</u> |
| Tax Lot Total Acres = | | | 147.52 153.87 |

FIGURE 1 BIBLE COLLEGE MINING SITE (2014 GEO Maps)



EXHIBIT C

BACKGROUND:

Northwest Aggregates Co., hereinafter known as the applicant, has submitted an application for a post acknowledgment plan amendment (“PAPA”) to authorize aggregate extraction in 3 phases of the expansion site consisting of approximately 130 acres of the total 153.87 tax lot ownership acres. The applicant owns additional acreage and mine sites in the vicinity

The applicant requests that the County’s inventory of significant Goal 5 aggregate resource sites include this new expanded site (Bible College) and authorize mining on the site under section 1030 of the Zoning Ordinance. The rock that is mined on the site will be transported by conveyor to the existing nearby Northwest Aggregates Processing Facility where the rock will be processed and shipped.

Once mining has ceased, the applicant proposes to reclaim as an open water body. The expected duration of the project is estimated at 12 years or more, however the exact life of the operation will be determined by market demand.

The subject property is located approximately 3 miles northeast of the City of Scappoose and is contiguous to the Bates Roth gravel pit to its north. Other old mine sites are in the immediate vicinity, north. The existing regional Santosh Aggregate Processing and loading facility is located a half mile or so to the northwest of the subject property. Besides mining operations, large agricultural parcels generally characterize the area with some homes located along Honeyman Road to the northeast and southwest of the subject property.

Excavated material from the site will be transported via conveyor belt to the existing Santosh processing facility. Truck and maintenance vehicles access to and from the mining site will be provided through the Bates Roth site. Once the mined material is separated and ready for sale, approximately 76% of the processed material will be transported to market via barges and 24% via trucks. For outgoing aggregate material to reach the closest major arterial (U.S. Hwy. 30) by truck, the truck traffic will be routed from the main entrance of the Northwest Aggregate Santosh processing and loading facility down Honeyman Road to its intersection with West Lane. The majority of trucks will proceed south on West Lane Road to its intersection with the Crown Zellerbach Road where the trucks will turn right and proceed to Hwy 30 signalized intersection. For material heading for markets north on Hwy 30, trucks will proceed west on West Lane Road to Hwy 30 and turn right at the intersection.

Topographically, the site is flat, there may be a gentle slope to the south toward Evans Slough. The propose mine site is bordered by small drainage ditches to the east and west, to the north is the Bates Roth mine site; and, the Evans Slough, a major drainage collector borders to the south and southwest. A wetland study was conducted by Terra Science Inc. in 2013 and verified by the applicant consultant, Golder Associates, that the site has approximately 45 acres of stand-alone wetlands. (By stand-alone wetlands, staff means the wetland is not associated with a waterway, stream or lake.) These stand-alone identified wetland areas are actually manmade berms and basins, probably constructed for agricultural purposes. The National Wetland Inventory map, St. Helens Quadrangle, identifies these areas as open water, as they are lakes or ponds during wet months, a majority of the year. Summer vegetation on the subject property is composed mainly of blackberry briars on the higher berm areas and agricultural low valued hydric grassland in basins between berms. The site is presently used for pasture grazing. There are very few trees on the site, some along the boundaries. Staff was not able to inspect the

EXHIBIT C

southern boundary, the Evans Slough side, that contains some trees and riparian vegetation along this wetland riparian corridor. The Evans Slough is a major waterway. It is mapped on the Department of Forestry Stream Classification Map but not identified as fish bearing , as none of the streams in the Scappoose bottoms lands are classified for fish habitat, except for the Multnomah Chanel and Scappoose Bay.

The applicant indicates that they will avoid mining into the riparian corridor by imposing a 50 feet setback and 50 feet setback for the smaller drainage way bordering to the east. The site is within the Scappoose Drainage District. Emergency Services are provided by the Scappoose Rural Fire Protection District and the Columbia County Sheriff.

SOILS:

| | |
|--|----------------------------|
| <u>Soils on the Site are as follows:</u> | <u>Ag.Capability Class</u> |
| 42 - Rafton Silt Loam, Protected | IIIw |
| 48 - Sauvie Silty Clay, loam, Protected | IIw |

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

This document discusses details of the soil types listed above and classifies both as **Prime Farmland** soils.

CURRENT GOAL 5 AGGREGATE INVENTORY STATUS:

The subject site is not listed as a significant aggregate site in the 1985 Comprehensive Plan nor is it listed in the 1998 amendment (Ord. 98-01) or any updates of the Mineral and Aggregate Inventory, approved by the County Commissioners. The Comprehensive Plan has a Table XVI-2 Significant Aggregate Sites and Post Mining Uses, and a process for adding any new sites. The current application is the start of the process to add the subject site to the County Inventory of Significant Aggregate Sites.

REVIEW CRITERIA:

| | | |
|---|---|-------------|
| <u>Columbia County Zoning Ordinance</u> | | <u>Page</u> |
| Section 1030 | Amendments to Permit Surface Mining | 5 -28 |
| Section 1040 | Surface Mining | 29 - 37 |
| Section 1502 | Zone Changes (Map Amendments) | 37 - 38 |
| Section 1603 | Quasi-Judicial Public Hearings | 39 - 40 |
| Section 1605 | Zone Change - Major Map Amendment | 40 |
| Section 1607 | Consistency with the Comprehensive Plan | 40 |
| Section 1608 | Contents of Notice | 41 |
| <u>Comprehensive Plan</u> | | |
| Economy | | 41 - 43 |

EXHIBIT C

| | |
|--------------------------------|---------|
| Transportation | 43 - 45 |
| Goal5: Surface Mining | 45 - 47 |
| Air, Land, and Water Resources | 47 - 48 |

**STARTING WITH
COLUMBIA COUNTY ZONING ORDINANCE**

Section 1030 Amendments to Permit Surface Mining

1031 Purpose:

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

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

- .1 "Aggregate Resources" are natural occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, pumice, cinders, and other naturally occurring solid materials used in road building.
- .2 "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site, as specified in 1034.4, 1036.2 and 1037.5.
- .3 "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.
- .4 "Existing site" is a significant aggregate site that is lawfully operating, or is included on an inventory in an acknowledged plan, on or before September 1, 1996.

EXHIBIT C

- .5 Expansion area” is an aggregate mining area contiguous to an existing site.
- .6 “Mining” is the extraction and processing of mineral or aggregate resources, in the manner provided under ORS 215.298(3).
- .7 “Minimize a conflict” means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to “minimize a conflict” means to ensure conformance to the applicable standard.
- .8 “Mining area” is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.
- .9 “Processing” means the activities described in ORS 517.750(11).
- .10 “Protect” means to adopt land use regulations for a significant mineral or aggregate site in order to authorize mining of the site and to limit or prohibit new conflicting uses within the impact area of the site.
- .11 “Width of aggregate layer” means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and non-aggregate overburden. (“Width” is thickness; thickness is measured by subtracting the depth of the bottom of the overburden layer from the depth of the bottom of the aggregate layer.)
- .12 “Impact area” is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

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

Continuing with the Columbia County Zoning Ordinance:

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

- 1. All applications requesting a designation for surface mining activities must follow the requirements of Subsections 1033, 1034, 1035 and 1036.
- .2 Three zones specifically permit surface mining activity through a conditional use process: the Primary Agriculture Zone (PA-38), the Forest-Agriculture Zone (FA-19), and the Primary Forest Zone (PF-76). Surface mining may be permitted, but only conditionally, in these three zones, if the applicant does not wish to seek the Surface Mining Zone (SM) and Goal 5 protection.
- .3 Nothing in this section shall prevent the County from adopting additional clear and objective standards to protect significant Goal 5 resources included in

EXHIBIT C

an acknowledged inventory from some or all-conflicting uses in addition to the minimum required standards in the surface mining zone.

.4 The County may update its inventory of significant aggregate sites and amend the Comprehensive Plan by following the process contained in OAR 660-23-180 and the Columbia County Comprehensive Plan.

.5 The County shall follow the process described in this Section to determine whether an aggregate site is significant.

.6 The County shall follow the process described in this Section to decide whether or not to authorize the mining of a significant mineral or aggregate site.

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

Finding 2: The site is zoned primary agriculture, which allows surface mining as a conditional use. However, the applicant is requesting to have the site protected as a significant aggregate resource site in the Comprehensive Plan, and the site to be re-zoned to surface mining according to the process in CCZO Section 1033.

Continuing with the Columbia County Zoning Ordinance:

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

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

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

Finding 3: The Director issued a letter that the application was complete on July 25, 2016 and have its initial review by the Planning Commission on September 12, 2016. The applicant has submitted information regarding quantity, quality and location of the aggregate resource in a report prepared by Golder Associates titled, Aggregate Resource Significance Evaluation, for the Bates & Roth Property Expansion, dated May 19, 2016. The report refers to prior significance evaluations prepared for the Bates Roth site and the Fort James site, both immediately to the north. The geological review and investigation report indicate that under the alluvium overburden, of 7' to 20', there is continuous sand, gravel, silty gravel, and cobbles, with minor silt lenses to a depth of their boreholes, 150 to 180 feet bgs. Samples of the material were sent to a laboratory for investigations and testing. Golder Associates estimate there is approximately 43.7 million ton of aggregate material on the subject site. Staff finds that the applicant has submitted information regarding location, quality and quantity of the gravel resource necessary for review under Section 1035.

EXHIBIT C

Continuing with Columbia County Zoning Ordinance Section 1034:

- .2 Plans for the reclamation of the site.

Finding 4: The applicant states: “The site will be reclaimed as an open water body.” The applicant provided berm and contour specifications and a mapped ‘Conceptual Reclamation Plan’ submitted as Exhibit 4 (Figure 5). This map indicates the area to be reclaimed as open water, as well as a profile of the contouring that will take place on its edges. The applicant has submitted sufficient information for a conceptual reclamation.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 5: The applicant has submitted as ‘Exhibit F’ to the application package a Traffic Impact Assessment, prepared by Kittelson & Associates, Inc. dated May 2016. The analysis looks at traffic impacts within one mile of the entrance to the mining site. Regarding traffic safety no safety deficiencies are apparent and no mitigation measures are suggested. The expansion site is not expected introduce any new trips to the transportation network beyond existing level. The Bible College expansion site will maintain current trips to and from the processing plant after a twenty year horizon. The report concludes that line of sight distances are adequate for the all the studied intersections. The analysis determined that all of the study intersections are forecast to operate with acceptable levels of service during weekday a.m. and p.m. peak hours. The analysis concludes that the application complies with State Transportation Goal 12 and that there were no traffic conflicts regarding road capacity, alignment or other truck related conflicts and that the proposed use will not significantly affect the transportation facility. Staff finds that the applicant has submitted sufficient information, and will be reviewed under applicable criteria in 1036(3)(b) per Finding 19.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 6: The applicant has inventoried existing and approved uses within the 1500 foot impact area and identified potential conflicting uses. There has been no technical studies, factual data or information presented by the applicant or from any other source that the impact area should less than or greater than 1,500 feet from the boundary of the proposed mine site. The applicant prepared Table 1, page 22 of the application Existing and Approved Land Uses within Impact Area for each tax lot in the impact area.

The application includes in Exhibit B a Noise Study For Mining Operations At Bible College prepared by CSTI Acoustics which includes an inventory and analysis of possible noise sources and noise mitigation measures. The primary noise treatments will be an earthen berm with top

EXHIBIT C

level elevation of 18 feet MSL. This recommended noise berm is located on the north side of the existing Bates Roth site near the wetland mitigation area. The study concludes that noise mitigation measures must be included with the mining plan to ensure the noise radiating from the mining operations in the Bates & Roth site will meet DEQ noise regulation criteria. The noise mitigation measures include a noise control berm which, when constructed, will meet the DEQ noise criterion to minimize noise levels consistent with Goal 5 rule and Section 1030 of the Zoning Ordinance. Therefore staff finds that the applicant's noise study which is included as part of this staff report has addressed noise related conflicts within the impact area proposed to satisfy the purposes of 1036.1 and 1037.5 and has identified noise mitigation measures to minimize any conflicts with approved uses within the impact area.

The application includes a report in Exhibit D on Vibration Impact Analysis at the Bible College Site, prepared by Earth Dynamics and dated March 11, 2016. Earthen Dynamics had completed a previous vibration study in 2004 for the applicant related to the Bates Roth site. The purpose of the study was to determine the impact area for ground vibrations caused by extraction activities at the site and to determine if any mitigation measures are needed. The report stated that the excavation vibration impact area for mining operations at the Bible College property is no greater than forty-five feet from the point of excavation of in situ material. The vibration impact area for other proposed operations and equipment is expected to be less than the excavation impact area. The mining plan indicates that the mining boundary is at least fifty feet away from the property boundary. The report concluded that mining operations at the Bible College property will not have any vibration impact beyond the property boundary. Staff find that conflicts with vibrations on other property will not occur.

The applicant has submitted in Exhibit E a report on water levels and impacts from the mining operation prepared by Golder Associates: Groundwater and Surface Water Impacts Evaluation on the Bates & Roth Property Expansion Site, dated May, 2016. The report provides an evaluation of baseline surface water and ground water conditions observed at the Site and an assessment of potential impacts. The report considers surface water impacts, ground water impacts, flood risk, and discusses a minor additions to the Ground Water Monitoring Program already in place for the Bates Roth site. The report concludes that surface water impacts from the expansion mining site will have no effects on the Scappoose Drainage District (SDD) managed system for controlling water levels behind the dike; and, that the three major collectors of surface water, Evans Slough, Santosh Slough and Jackson Creek will not be directly affected by the mining expansion, and therefore no adverse impacts should occur. The report concludes that mining is not expected to perceptibly alter existing ground water conditions or behavior. Turbidity will exist in the ponded excavations due to mining however because there is no connection beyond the site no turbidity changes should occur in offsite ditches or the Evans slough. The report states that existing domestic wells are present in the impact area but are not expected to experience impacts due to the proposed mining. Ground water quantity will be unaffected as ground water levels will not be altered; and ground water quality will not experience degradation. The report concludes that flood threats and flood risk are minimal and have been reduced by Scappoose Drainage District pumping and the Columbia and Willamette River flood control dams. The report also concludes that mining pit flooding due to high river stages, extended high rainfall events, and Drainage District pumping, all contribute to high water events; and, flood risk is minimal as supported by continuing a ground water monitoring program and action plan that were implemented during approval of the Bates Roth mine. Continued monitoring will be made a condition of approval of this application. Staff finds that the applicant has identified this potential conflict.

The applicant has submitted in Exhibit F Traffic Impact Analysis, for the expanded Bible

EXHIBIT C

College site, dated May 2016. The study concludes that the project complies with the State Transportation planning rule and no traffic conflicts were found with regard to roadway capacity, roadway cross-section and alignment, or other truck-related conflicts. Also, it found that because no additional trips will be added to the roadway network, specific traffic safety moderations will not merit any recommended mitigation measures. The report does conclude that the intersection of US 30/West Lane Road/Wikstrom Road left turn operates at below norm conditions, and the left turn at this intersection should not be used by haul traffic. Staff finds that traffic was identified.

The application includes an archaeology section with a Cultural Resource Survey and Discovery Probing of the Bates & Roth Expansion Property, dated March 10, 2016, prepared by Heritage Research Associates, Eugene OR. The survey concluded that old maps of the area from 1854 Plat of Survey, adapted from Ives and Hunt, show that historically the property was mainly a lake. Prior to the Scappoose levee be built and dams constructed along the Columbia and Willamette rivers this area was either a lake or on the west side inundated by water. The study surmised that Native Americans, probably occupied by the one of the Chinookan nations along the Columbia and lower Willamette rivers, did not habitat in this area because of the wetness and seasonal very high water. Also, over most of the subject property, the ground has been manipulated to form agricultural irrigation cells. The 40 borings conducted by the surveyors found no prehistoric or historic artifacts or deposits were encountered during discovery probing for this site. The report does include a caveat that in the event that cultural resources are discovered that appropriate courses of action should be made to address the discovery which would include a stop to mining activity and notification of the archaeology consultant and tribes. Staff finds that cultural resources were identified.

The applicant submitted a Goal 5 Natural Resource Assessment for the Bible College Property report dated June 14, 2016 by Golder Associates. The report addresses all Goal 5 resources and concludes that there are no significant conflicts with identified Goal 5 resources. On Wildlife Habitat on the subject property, the report finds that none of the wildlife habitats within the impact area have been designated as significant by the Columbia County Comprehensive Plan and Zoning Ordinance, with the exception of Major Waterfowl Habitat. For the waterfowl habitat, plus the Wetlands and Riparian Corridors the applicant proposes to protect these resources with 50 feet buffer setbacks. There are no listed endangered or sensitive species identified by the Comprehensive Plan at the proposed mining site. The report goes on to state that for these reasons, no conflicts with significant Goal 5 resources and habitats are identified. Therefore, staff finds that, based on this report, there are no anticipated wildlife habitat conflicts as a result of the proposed mining operation.

Some wetland areas were delineated and identified within the boundary of the subject property which are not identified on the County NWI Wetland Map. These wetlands identified by Terra Science, Inc. in a 22013 study are actually within an area of man made basins. The applicant intends mitigation for these wetlands from the mining operation. The submitted plan calls for a 50-foot setback from Evans Slough and the inland drainage ways maintained by the Drainage District. According to the applicant, wetland areas will not be subject to water level changes as a result of the proposed mining operation.

According to the County Comprehensive Plan, part XVI, Article X, (B)(1.) (d.) and Zoning Ordinance, Section 1172(A.) (4. & 5.), the Evans Slough and the unnamed slough running north south on the western border of the subject property are significant wetlands and are required to have a 25 foot riparian corridor buffer. The applicant proposes a 50 foot riparian corridor buffer

EXHIBIT C

along both drainage ways, that are used to carry water in the Drainage District.

In summary the submitted application finds no conflicts with surface-water and groundwater conditions or with traffic conditions. The application does identify conflicts with noise and potential air quality conflicts due to dust. The applicant proposes to mitigate the potential conflicts by continuing and enhancing a ground water program, constructing noise berms, providing setbacks from riparian areas, mitigating disturbed jurisdictional wetlands, avoiding cultural resources and following a dust control plan.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 7: The applicant has submitted a series of maps and figures that show the location, area, dimensions, acreage, and legal description of the parcels subject to this application. The maps and figures include: a north arrow, scale, date of application, contours, and mention of phases but does not specifically note incremental volumes of aggregate to be mined per phase per area per acreage.

Specifically the application includes Exhibit 4: Operation and Reclamation Plan Set with Figures 1 through 6. These figures include a Site Plan of Existing Conditions. Different maps are within the Mining Plan which show the following information: Figure 1, 'Cover Page' showing the location, proximity, area of the property to be mined; Figure 2, 'Existing Conditions Plan' showing existing property boundary, wetlands, and water features on an aerial photo; Figure 3, 'Phasing & Mining Plan' indicating three phases following the numbered phases for the Bates Roth site. Figure 4, 'Phasing and Mining plan Detail' shows the conveyor system, setback information, visual and sound berm locations. Figure 5, shows the Conceptual Reclamation Plan, at water's edge 10 foot contours, the pit floor at -146' MSL, setbacks etc. Figure 6, Mining Cross Sections of the Bible College Expansion Site. The applicant has submitted sufficient information to review the proposal.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

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

EXHIBIT C

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 9: Exhibit 4, Figure 5 provides details of the landscaping and screen-planting of the site. The applicant proposes to construct Visual and Noise berms with the overburden of the site. The visual berms will be approximately 6 foot average height. Noise berm height will be up to 17 feet. Notes, Figure 5 states "Berms will be planted Oregon Ash and Red Alders at 10' - 12' on center in groves, and near the water's edge - native willows and black cottonwood with groundcover to protect against erosion. Staff finds that the proposed landscaping and screen plantings for this PAPA proposal are adequate, however, a more detailed landscaping and screen planting detail will be required for review and approval of the site design review application to be submitted at a later date.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 10: The applicant will avoid creating stagnant water by excavating the pit to minus 150 feet below ground level, creating a pond that is approximately 140 feet deep. No shallow ponds are anticipated that may become stagnant. The application states in Exhibit E, Hydrology, that, the proposed mining at the expansion site is not expected to impact groundwater or surface water quality or change the behavior of the existing hydrologic mechanics. Water levels in the mined excavations will reflect surrounding ground water levels and will respond to SDIC pumping as they do now. Mining is not expected to alter existing ground water conditions or behavior. The applicant has submitted sufficient information for this criteria review.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 11: Access to and from the proposed site will be obtained via the existing access driveway along Honeyman Road. The access road will be used for front end loaders, maintenance trucks, and water truck access to the site. The applicant proposes to transport the mined resource above ground and through a tunnel under Honeyman Road via a conveyor system to their existing aggregate processing center, thereby eliminating the need for an engineered roadway out onto the property. The aggregate resource will then be processed at the NW Aggregates Facility across Honeyman Road as the applicant has been doing for years. The crushed, sorted and stacked rock will either be loaded onto barges or trucks for transport to the market. Seventy six percent (76%) of the mined resource from the Bible College Expansion property will be transported via barge from the Santosh Barge Facility at NW Aggregates while twenty four percent (24%) of the mined resource from the Bible College -Bates & Roth Expansion property will be trucked from the NW Aggregates processing facility. A plan, profile, and cross-section of the proposed access road was not provided since a road will not really be needed to mine the site other than for a front end loader, maintenance, and water trucks. It is for these reasons that plans, profiles, and cross-sections of the access road were not submitted. Staff agrees that at this point in the review process the plans, profiles, and cross-

EXHIBIT C

sections of the access road are not needed. This criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 12: The applicant provided maps at appropriate scales for the submitted maps to show details of the project, given its size of 130 acres. This criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 13: The applicant has provided responses to the operating standards in Section 1040 including Section 1044. Columbia County Surface Mining Ordinance was repealed by Ordinance No. 2009-5 dated July 1, 2009. The applicant has provided a proposal to comply with the operating standards described in Section 1044 as set forth in the Applicant's response to sections 1040 - 1046. See staff findings 38 through 53 below addressing compliance with this criterion.

Continuing with Columbia County Zoning Ordinance Section 1034:

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

Finding 14: The applicant has conducted an ESEE analysis and discusses a program to achieve Goal 5 in Exhibit K of the application. The ESEE analysis submitted with the application suggests, "...that limiting future conflicting uses provide adequate protection to the Site (*sic* Site) while placing the least amount of restriction on future development". The applicant has provided 6 specific recommendations (See page 12- 13 of Exhibit K) that propose a means to allow, limit or prevent future conflicting uses that are necessary to formalize the County's determination that the site is a significant Goal 5 mineral and aggregate site and to implement the County's decision to allow mining of the site. Staff finds that the proposed conditions adequately address the criterion. Staff finds that the criterion is met.

Continuing with Columbia County Zoning Ordinance:

EXHIBIT C

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

- .1 A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness; AND,
- .2 The estimated amount of material is more than 2,000,000 tons; OR,
- .3 The aggregate site is on an inventory of significant aggregate sites in the Comprehensive Plan, as of September 1, 1996; OR,
- .4 The operator of a site which is on the surface mining inventory wishes to expand the existing site, and on March 1, 1996 had an enforceable property interest in the expansion area.
- .5 Notwithstanding subsections .1 through .3 of this section, an aggregate site is not significant if more than 35% of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps as of September 1, 1996; OR, if more than 35% of the proposed mining area consists of soil classified as Class II, or of a combination of Class II or Class I or Unique soil on NRCS maps available as of September 1, 1996, unless the average width of the aggregate layer within the mining area exceeds 60 feet.

Finding 15: The applicant has submitted information regarding quantity, quality and location of the aggregate resource in a report titled Aggregate Resource Significance Evaluation Bates & Roth Property Expansion, dated May 2016. (See Exhibit A) prepared by Golder Associates. The application includes information indicating that tests conducted find that the aggregate resource underlying the Bates & Roth Expansion Property (Bible College) exceeds ODOT's specifications for base rock (inasmuch as ODOT does not have soundness criteria for base aggregate); however, the applicant provided test results for air degradation, abrasion, and sodium sulfate soundness.

The Golder Associates report states that there are, as a conservative estimate, 43.7 million tons of aggregate resource at the Bible College, Bates & Roth Property Expansion site. Therefore, the property exceeds the quantity criteria of 2,000,000 tons required in CCZO section 1035(.2).

The proposed site is not listed as a significant aggregate site in the Columbia County Comprehensive Plan. According to the Columbia County Soil Survey the Bible College Site contains Rafton Silt Loam, Protected Capability Class IIIw and Sauvie Silty Clay, loam, Protected IIw; Sifton Loam Capability Class IIIs. Staff finds the site meets the criteria to be considered a significant Goal 5 aggregate resource because the aggregate resource meets ODOT quality standards and the site contains greater than 2 million tons of aggregate. The average width (depth) of the aggregate layer exceeds 60 feet; so, the soil classifications of prime farmland or unique soils are irrelevant. The criterion is met.

Continuing with Columbia County Zoning Ordinance:

EXHIBIT C

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

.1 An impact area large enough to include uses listed in subsection .3 below will be established for the purpose of identifying existing and approved conflicts with proposed mining and processing activities. An impact area established for the purposes of this subsection shall be 1500 feet from the proposed mining area unless:

A) It can be demonstrated by the applicant that all existing conflicting uses are located within a lesser distance, an impact area with an irregular distance may be established if it is found to be capable of accurately depicting the presence of existing conflicting uses suitable for the purposes of this section; OR,

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

Finding 16: Staff finds the applicant has established an impact boundary of 1500 feet. Staff finds that no factual data or other information indicates a significant conflict exists beyond this distance. The criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1036:

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

Finding 17: The applicant has inventoried existing and approved uses within the 1500-foot impact area and identified potential conflicting uses. (Table 1 - Page 22 of application). The 1500' impact area was measured from the perimeter of the site. According to the applicant, there are no approved dwellings, only existing dwellings. The technical studies found no conflicts with vibration levels, surface-water and groundwater conditions, traffic conditions, cultural resources, natural resources, or agricultural practices. The application did identify noise and potential air quality conflicts due to dust.

Continuing with Columbia County Zoning Ordinance Section 1036:

.3 For determination of conflicts from the proposed mining of a significant aggregate site, only the following will be considered:

A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges.

EXHIBIT C

Finding 18: The applicant has submitted technical studies conducted by CSTI Acoustics dated April 5, 2016 (Exhibit B) to determine if whether the proposed mining operations would create noncompliant noise conditions at nearby residences. No additional noise berms are required for noise mitigation on site. Conflicts with noise, potential conflict with air quality due to dust (application p. 24) and vibration were identified in Exhibit B, Exhibit C and Exhibit D, dated April and June 2016. Even though the proposed mining plan would be compliant with DEQ standards for these potential conflicts, the applicant proposes to mitigate these impacts to within DEQ acceptable standards by implementing noise berms and dust-control measures as stated in the application. This criteria is met.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

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

Finding 19: A Traffic Impact Analysis, Bates & Roth Expansion Property, dated May 2016 by Golder Associates can be found as Exhibit "F" in the application. This analysis looked at potential conflicts within the one-mile intersection impact area as well as intersections outside the one-mile impact area. The analysis looked at the following intersections:

- U.S. 30/Crown Zellerbach
- U.S. 30/West Lane Road
- West Lane Road/Honeyman Road
- Honeyman Road/Hogan Ranch Road
- Honeyman Road/Proposed Site Access Driveway

The Applicant intends to maintain existing production levels. Therefore, the report concludes "the project would not add additional vehicles to the roads but would instead maintain existing levels of truck traffic". The traffic study assumes that 90 percent of the truck trips using Hwy 30 will use the signalized intersection at Crown Zellerbach and 10 percent will use the intersection of West Lane Road. The study also notes that a conveyor system would be used to transport the mined resource from the mine site, over Santosh Slough and under Honeyman Road to the NW Aggregates Santosh Site for processing.

The traffic impact study does analyze potential conflicts for all of the roads used as a result of the extraction of the aggregate resource from the Bates & Roth and Bible College properties. The traffic study addressed the long-term traffic generation and concluded that the transportation conditions are the same because the project does not add vehicle trips to the

EXHIBIT C

roadway network. Staff finds that the criterion is met provided the site is mined as proposed in this application.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

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

Finding 20: The Columbia County Board of Commissioners adopted Ordinance No. 2000 - 04 which takes an exception to Goal 5 to prohibit aggregate mining within 5,000 feet of a runway at the Scappoose Industrial Airpark. This exception is included in the Goal 5 Exception Statement on page 182 of the County Comprehensive Plan. The applicant states that, "The Site is more than 5,000 feet from the end of the nearest runway at Scappoose Industrial Airpark. Staff finds that this criteria is met.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

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

Finding 21: The applicant has submitted, Goal 5 Natural Resources Assessment for the Bible College Property, dated June 14, 2016 (also see Finding 6 on pg 10 of this Report). The Comprehensive Plan adopted the National Wetland Inventory Map, "St. Helens" indicates the presence of 2 wetlands on the subject property. These two wetlands are associated with the Evans Slough and a north-south running drainage ditch. These identified wetlands are the west and southern borders of the subject mine property. The applicant stated in the application that a 50' buffer between the wetland and mining will be observed for these two wetlands. This criterion is met for wetland/riparian resources.

The application includes an assessment of fish and wildlife habitat in the Goal 5 Natural Resource Assessment, Exhibit H. The site is not located in a Big Game Habitat or White Tail Deer habitat area. The site is located in a Major Waterfowl Habitat, migratory bird use area. This habitat area will be protected with the applicant proposal to maintain a 50 feet buffer from Evans Slough and other drainage ditch, to preserve these feeding and resting locations as natural with little impact to these waterfowl habitat areas. There are no anticipated impacts to threatened, endangered and sensitive plant or wildlife or sensitive species, as none are identified in the Comprehensive Plan. For these reasons, no conflicts with significant wildlife habitat are identified.

The proposed mining operation "does not pose a conflict with other aggregate resource sites, as the aggregate resource is not sensitive to any mining discharges and is not disturbed by mining activities at the other nearby NW Aggregates site to the north of and across Honeyman Road

EXHIBIT C

from the subject property. This criterion is met for aggregate resources.

The Cultural Resource Survey and Discovery Probing of the Bible College site did not identify any Native American archaeological sites that might be affected by mining the site (Exhibit G). This report was prepared by Heritage Research Associates, Inc. and dated March 10, 2016. The report, which includes a Records Search and a Cultural Resource Survey revealed no evidence of prehistoric or historic Native American occupation on the subject property, and stated that this area was a lake or inundated with water make the area mainly uninhabitable. The report also states that although cultural resources were not found on the site, there is always the possibility that cultural resources may be uncovered during mining and that appropriate measures should be taken per State Law regarding their discovery and subsequent courses of action for preservation. The criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

E) Conflicts with agricultural practices; and

Finding 22: Thirteen of the twenty existing tax lots within the 1,500 foot impact area are uses designated as agricultural practices, including farm use, pasture, and poplar tree production. The other seven are designated as Surface Mining. This information is provided on Table 1 on page 22 of the application and on page 5 of the technical study, Agricultural Resource Conflict Evaluation Update for the Bible College site. The technical study on Agricultural Impacts concluded that several characteristics of the mining operation could possibly conflict with farm uses, including traffic on public roads, the generation of noise and discharges of dust. The installation of noise control berms will keep noise levels at or below DEQ noise regulation standards; a dust control program will reduce the level of dust emissions within applicable regulatory standards; ground water will not experience changes due to mining and no significant changes to the aquifer recharge are anticipated; no new vehicle trips and therefore no significant traffic impacts are anticipated. Therefore it is not anticipated that there will be conflicts to agricultural practices within or beyond the 1500 foot impact area. The technical studies did not identify any conflicts with agricultural uses. Staff concurs with these assessments, that, "The proposed mining operation will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices currently in place within the 1500-foot impact area surrounding the Bible College Expansion property." There were no comments to date from nearby property owners who conduct farm practices. The Oregon Department of Agriculture has not commented on this proposal as of the date of this staff report. Staff does not expect any conflicts between mining and agricultural uses. The criterion is met for agricultural practices.

Continuing with Columbia County Zoning Ordinance Section 1036.3:

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

Finding 23: This criterion is not applicable. The Columbia County Surface Mining Ordinance was repealed by Ordinance No. 2009-5 effective July 1, 2009.

EXHIBIT C

Continuing with Columbia County Zoning Ordinance Section 1036:

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

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

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

Finding 24: The applicant reviews this criteria on page 28 & 29 of the application. Staff finds that mining activity will not force a significant change or significantly increase the cost of farm or forest practices in the area. Staff finds there are no forest uses in the area and that hybrid poplar plantations are a farm use. Staff finds no conflicts with surrounding forest and farm uses. The submitted application finds no conflicts with vibration levels, surface-water and groundwater conditions, natural resources or traffic conditions. The application's technical studies do identify potential conflicts with noise and potential air quality conflicts due to dust for certain agricultural uses. The applicant proposes to minimize the potential noise conflicts by reconstructing a noise berm north of the Bates Roth mining site, observing setbacks from riparian areas, and following a dust control plan. The dust control plan is outline on page 28 & 29 of the application.

The applicant states that all potential conflicts can be minimized; therefore an ESEE analysis is not required. The applicant did submit an ESEE analysis to determine whether allow, limit or prevent new conflicting uses in the impact area if mining is allowed, see Exhibit K. If the Planning Commission finds any conflicts that have not been minimized, the applicant would be required to complete an adequate ESEE analysis of the impacted use, verse allowing mining. The applicant has proposed reasonable and practicable measures to minimize identified noise and air quality conflicts. These measures will be required as a condition of mining. The criterion is met.

Continuing with Columbia County Zoning Ordinance Section 1036:

.5 For any existing conflicts that cannot be minimized, the ESEE consequences of either allowing, limiting, or not allowing mining at the site will be determined and analyzed. A determination shall be made that the benefits to the public outweigh the detriments suffered as a result of said conflicts. Using the ESEE analysis, a final decision will be made by determining:

EXHIBIT C

- A) The degree of adverse effect on existing land uses in the impact area;
- B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
- C) The probable duration of the mining operation and the proposed post-mining use of the site.

Finding 25: The applicant has provided data and analysis demonstrating that there are no conflicts that cannot be minimized, see page 29 of the application. Staff finds that there are no potential conflicts that the applicant has not addressed, and that there are no conflicts that cannot be minimized by measures proposed by the applicant and required as a condition of mining being allowed.

Continuing with Columbia County Zoning Ordinance:

1037 **Protection of Mining Activities Where Mining is Allowed**

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

Finding 26: If mining is allowed at this site, the plan and zoning maps will be amended to reflect the approval, and conflict minimization measures will be implemented.

The application states that clear and objective measures to minimize conflicts are summarized in the technical studies and the applicant's response to subsection 1036.4" (page 28 &29) which identify potential conflicts with noise and potential air quality conflicts due to dust. The applicant proposes to mitigate the potential conflicts by constructing noise berms, setbacks from riparian areas, and following a dust control plan.

The Board of Commissioners may impose other clear and objective special conditions and procedures to minimize conflicts. Further conditions may be attached, at a later date but prior to mining, as part of the Site Design Review.

Staff finds that the measures to minimize conflict identified by the applicant and noted above are clear and objective.

Continuing with Columbia County Zoning Ordinance Section 1037:

.2 Any additional land use review processes, like Site Design Review, shall not exceed the minimum review necessary to assure compliance with this Section and OAR 660 Division 23, and shall not provide opportunities to deny mining for reasons unrelated to this Section, or attach additional approval requirements, except with regard to mining or processing activities:

EXHIBIT C

- A) For which the Zone Change and Plan Amendment application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
- B) Which were not requested in the application;
- C) For which a significant change to the type, location, or duration of the activity shown on the Zone Change and Plan Amendment application is proposed by the operator.

Finding 27: If the PAPA application is approved and mining is allowed at the subject site, the applicant will be required to obtain a site design review approval prior to beginning mining activities at the site. This will allow staff and citizens to review information that may not have been included in the PAPA application, address issues that are not part of the Goal 5 process, and evaluate any proposed changes in activity. This review and resulting conditions shall be only those necessary to comply with Section 1550, Design Review, and OAR 660 Division 23.

Continuing with Columbia County Zoning Ordinance Section 1037:

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

Finding 28: If mining is allowed at this site, Table XVI-2 will be amended to include this particular site. The site is comprised of prime farmland soils (See page 3 above). The proposed post-mining use of this site will include open water body features such as fish and wildlife habitat.

Continuing with Columbia County Zoning Ordinance Section 1037:

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

Finding 29: The mined material recovered Bates & Roth Expansion, Bible College site will be processed at the NW Aggregate/Santosh processing facility that is to the northwest of the subject property and across Honeyman Road. Any violations, which may exist at the NW Aggregates/Glacier NW Santosh processing plant, must be resolved through code enforcement procedures, not through this amendment process. The existing NW Aggregates/Glacier NW Santosh processing facility will not require reauthorization.

EXHIBIT C

Continuing with Columbia County Zoning Ordinance Section 1037:

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

Finding 30: The applicant performed an ESEE analysis on new and permitted conflicting uses and concluded that limiting new conflicting uses within the 1500 foot impact area through the use of the Surface Mining Impact Overlay would be the most appropriate way to protect the site. See Exhibit K and p. 31 of the application. The applicant proposes to limit conflicting uses within the 1500-foot impact area by applying a Surface Mining Impact Overlay zone (SMIO) to be administered by the County.

Continuing with Columbia County Zoning Ordinance Section 1037:

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

Finding 31: If mining is allowed, a Surface Mining Impact Overlay zone shall be created to encompass all land within 1500 feet of the perimeter of the site. The impact area is not within an urban growth boundary.

Continuing with Columbia County Zoning Ordinance Section 1037:

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

Finding 32: The applicant does not propose private agreements with property owners within the 1500-foot impact area. The applicant has proposed conflict minimization measures to

EXHIBIT C

reduce conflicts with adjacent uses to a level that is no longer significant.

Continuing with Columbia County Zoning Ordinance:

1038 Surface Mining Impact Overlay Zone (SMIO)

.1 The purpose of the Surface Mining Impact Overlay Zone is to provide for the development and utilization of lands within the area of impact of a significant mineral and aggregate resource site, zoned Surface Mining (SM), in order to maintain that unique deposit of material for extraction and future uses of the SM Zone, to encourage compatible uses and to avoid the establishment of incompatible uses through location, design and notification.

.2 The location of a Surface Mining Impact Overlay Zone will be designated at the time of designation of SM Zoned site. It will be the area defined as the impact area under Subsection 1032.2 and determined under 1034.4, 1036.1 and 1037.5. For existing SM Zoned sites the owner or operator of the site shall apply for such designation within 2 years of enactment and final approval of this amendment.

Finding 33: If this mining application is approved, the County will limit uses that conflict with significant aggregate resource sites by implementing a Surface Mining Impact Overlay (SMIO) zone within 1500 feet of the Site as determined in the applicant Exhibit 3, Figure 1 Impact Area Zoning Map.

Continuing with Columbia County Zoning Ordinance Section 1038:

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

A) Setbacks:

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

B) Noise, Dust and Vibration Reduction Measures:

Measures may be required of owners of new noise, dust or vibration sensitive uses constructed after the establishment of the SMIO district when determined by the review authority to be necessary to ensure compliance by surface mining operator with

EXHIBIT C

applicable regulations and conditions of the Operating Permit. Reduction measures may include, but not limited to, berms, walls, vegetative buffers, insulation, double pane windows, reflective siding, foundation washer insulation, orientation of windows. The nature and extent of the reduction measures shall be determined by the review authority.

C) Covenant Not To Sue:

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

D) Creation of New Lots or Parcels:

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

Finding 34: Any new uses in the SMIO District shall minimize potential adverse effects of noise, dust or vibration. Setbacks for new uses shall be allowed after consideration to minimize potential adverse effects of noise, dust or vibration. Their location shall take into consideration the surrounding topography and transportation system and, if necessary, setbacks greater than those required by the underlying district may be imposed by the review authority.

Any new uses in the SMIO District will be required to implement noise, dust and vibration reduction measures that may include, but not be limited to, berms, walls, vegetative buffers, insulation, double pane windows, reflective siding, foundation washer insulation, and orientation of windows.

The applicant for new uses and or the owner of land in the SMIO district will be required to sign and record a waiver of remonstrance ("Covenant Not to Sue") which states that present and future owners of property within the SMIO District shall not remonstrate against or object to permitted mining activities allowed in the nearby Surface Mining District.

Any new lots or parcels created in the SMIO District shall have a notation placed on the deed and plat which states that the lot or parcel is within a Surface Mining Impact Overlay District (SMIO) and is subject to the standards of Columbia County Zoning Ordinance Subsection 1038.

Staff finds that if this application is approved, the County shall require that the new uses in the SMIO district follow all of the above limitations in order to protect the significant Goal 5 aggregate resource. The criteria are met.

Continuing with Columbia County Zoning Ordinance Section 1038:

.4 Land Use Approval and Permit Review:

EXHIBIT C

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

Finding 35: If this application is approved, the Director will be required to administratively review any discharge sensitive uses within the site impact area as indicated in Exhibit 3 "Impact Area".

Continuing with Columbia County Zoning Ordinance Section 1038:

.5 Required Findings:

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

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

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

Continuing with Columbia County Zoning Ordinance Section 1038:

.6 Nonconforming uses and structures:

Nonconforming uses and structures legally existing on or before the effective date of this Section may continue provided that, should the uses

EXHIBIT C

or structures be modified so as to become more nonconforming, the owner of such structures or uses first obtain land use approval pursuant to this Subsection.

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

Section 1040 SURFACE MINING SM

1041 Purpose:

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

Finding 38: The applicant has requested a PAPA application to amend the County Comprehensive Plan and Zoning Code to allow for the development and utilization of the aggregate resource at the Bible College site, while providing Goal 5 protection. This process is required to provide for the protection and utilization of this resource in a manner which does not conflict with other land uses. The existing NW Aggregates Santosh processing and shipping facility will be utilized to assure economy in handling and transportation costs of the mined aggregate from the Bible College site since the removal, processing and storage will take place in relatively close proximity to the Portland Metropolitan Area.

Continuing with Columbia County Zoning Ordinance:

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

- .1 Removal, excavation, and processing of aggregate materials.
- .2 Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.
- .3 Storage of heavy equipment necessary for operation.
- .4 Agricultural practices.

EXHIBIT C

- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, and harvesting of timber and forest products, including the operation of accessory equipment used in the manufacturing, growing, and harvesting of forest products.
- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

Finding 39: The applicant responds to this criteria on page 33 of the application as follows: The applicant proposes to excavate aggregate below the water table at the site, and transport aggregate via a conveyor system to the NW Aggregates Santosh facility for processing. Accessory mining activities will include removal of overburden, construction of berms, watering for dust control, and reclamation of disturbed areas. Equipment used on-site will include an dragline or electric cutter/suction dredge, grader, bulldozer, front-end loader(s), conveyor system, water truck, and service vehicles. Staff agrees that the applicant's proposed use of the site is compatible with the requirements of subsection 1042.

Continuing with Columbia County Zoning Ordinance:

- 1043 **Conditional Uses:** The following uses may be permitted if found in conformance with Section 1044 and Section 1503 of this Ordinance:
- .1 All permitted uses within the designated 100-year floodplain identified in Section 1042 (except item .2, if such uses are portable in nature; items .4 agricultural, and .7 forest uses) shall be reviewed by the Planning Commission to ensure floodplain requirements are met.
 - .2 Sanitary landfill, landfill, or solid waste transfer station.
 - .3 Public or private parks and recreation areas may be permitted only in conjunction with reclamation of the site.
 - .4 Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.
 - .5 A residence for the caretaker, operator, or property owner. No more than one residence may be permitted.
 - .6 Manufacture and fabrication of concrete and aggregate products if accessory to removal, processing, or excavation of aggregate materials.
 - .7 Sale of products such as concrete pipe, concrete forms, and the like related to aggregate materials in conjunction with the removal, processing, or excavation of aggregate materials or in conjunction with the

EXHIBIT C

manufacture and fabrication of concrete and aggregate products.

.8 Concrete or asphalt batch plant.

Finding 40: The applicant has not applied for a conditional use permit for any of the above uses. This criteria does not apply.

Continuing with Columbia County Zoning Ordinance:

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

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

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

.3 Lot or parcel size: The minimum parcel size for a permitted or conditional use shall be 2 acres.

Finding 41: Brian Willman, Golder Associates Senior Geologist, has been granted special power of attorney by Northwest Aggregates to sign the application PA 17-01 ZC/17-01 for the property owners and operators. The application states that, "The applicant understands that the landowner and operator will be required to jointly sign the application for a mining permit." The landowner and operator will be required to remain in compliance with all affected agencies. The site is approximately 130 acres in size, thus exceeding the 2-acre minimum parcel size.

Continuing with Columbia County Zoning Ordinance Section 1044:

.4 Operating Setbacks: Each aggregate site within the district shall observe the following minimum setbacks:

A. No extraction or removal of aggregate is permitted within 50 feet of the right-of-way of public roads or easements of private roads.

B. No extraction or removal of aggregate is permitted within 50 feet of another property, nor within 200 feet of a residence or zoning district, which allows a residence as a permitted use, without written consent of the property owner(s).

C. Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within 50 feet of another property, without written consent of the property owner(s). Processing equipment, batch plants, and manufacturing and fabricating plants shall not operate within 50 feet of a public road right-of-way.

Finding 42: CCZO Section 1044(A) does not permit extraction or removal of aggregate within

EXHIBIT C

50 feet of the right-of-way of public roads or easements of public roads. The Applicant's mining plan Exhibit 4, Figure 4 shows that the Applicant proposes to comply with this 50' setback restriction. The only public road near the mine site is Honeyman Road in the northwest corner of the Bible College mining area.

CCZO Section 1044(B) does not permit extraction or removal of aggregate 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 owners. The Applicant's mining plan Exhibit 4, Plate 4 shows that the Applicant proposes to comply with a 50' setback from all adjacent property or any adjacent public road. The proposed mining site is not adjacent to any residential units or RR-5 zoned property. The application complies with this criteria.

CCZO Section 1044© does not permit processing equipment, batch plants, and manufacturing and fabricating plants within 50 feet of another property, without written consent of the property owners. Furthermore, processing equipment, batch plants, and manufacturing and fabricating plants shall not operate within 50 feet of a public road right-of-way. The Applicant does not propose to have processing equipment, batch plants, and manufacturing and fabricating plants on the property. If the Applicant later proposes to have such equipment or plants on the property, the Applicant must comply with the 50' setback from another property or public road right-of-way.

Continuing with Columbia County Zoning Ordinance Section 1044:

.5 Operating Hours: Operation shall not start before 7:00 a.m., nor continue after 6:00 p.m. daily. The Department may exempt isolated aggregate sites from the established operating hours. Notice of the proposed change in operating hours must be provided to all property owners within a 1,000-foot radius of the aggregate site and to owners of property adjacent to private aggregate site access road. If no request for a public hearing is made within ten calendar days of mailing said notice, the operating hours shall be changed as requested by the aggregate operator. The Commission may, at any time, require resumption of standard operating hours. If a request is made for a public hearing, adjustment of standard operating hours shall be determined by the County. The Department may approve one period of extended operation beyond the 7:00 a.m. to 6:00 p.m. operating hours once every six months, not to exceed a two-week period.

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

Continuing with Columbia County Zoning Ordinance Section 1044:

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

- A. A sight-obscuring fence or wall;

EXHIBIT C

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

Finding 44: All trees and vegetation within 25 feet of a public road that provide adequate screening of the site will be preserved as a visual buffer. The applicant will be required to maintain all existing trees for this purpose. The applicant proposes visual berms on all sides of the proposed mine site except to the north, bordering the Bates Roth mining site as depicted of Exhibit 4, Figure 4 Phasing and Mining Plan Detail.

Continuing with Columbia County Zoning Ordinance Section 1044:

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

Finding 45: The site will have access to Honeyman Road through the access point to the Bates Roth mine site, on the east side of Honeyman Road. Aggregate from the site will be moved by conveyor belt under Honeyman Road west to the NW Aggregates/Glacier NW Santosh processing plant. Honeyman Road is a two-lane, paved public right-of-way. The applicant has included a dust control plan with this application that includes watering and graveling the road and access point to keep dust down

Continuing with Columbia County Zoning Ordinance Section 1044:

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

Finding 46: The applicant has included a technical Noise Study analysis conducted by a registered professional engineer for both the Bates Roth and Bible College sites . (See Exhibit B). The CCSI Acoustics study determined that under a worst case scenario, the Bates Roth site would not comply with applicable DEQ noise standards, on the north side near Noise Sensitive Receiver NSR-4 . A noise berm extension is recommended in this area. According to the study the entire perimeter of the Bible College site is in compliance with the Oregon DEQ noise criteria and would not be required to build noise berms.

Continuing with Columbia County Zoning Ordinance Section 1044:

.9 **Water Quality:** All aggregate sites in the district shall be operated in a manner which will not create turbidity, cause siltation, deposit undesirable materials, or adversely affect water temperatures in any stream, drainage, or river. In addition, the operator shall not cause contamination of groundwater or change a stream channel unless the channel change has previously been approved by all

EXHIBIT C

applicable state and federal agencies. Provisions for settling ponds, diversion dikes, channels, and other structures may be required to protect these water resources.

Finding 47: The applicant has included a technical report; Groundwater and Surface Water Impacts Assessment, Bates & Roth Property Expansion; conducted by Golder Associates, a registered professional geologist. (See Exhibit E). The report indicates that the Santosh Slough, Jackson Creek and the Evans Slough are in the immediate area, and are the major collectors for Scappoose Drainage District (SDIC) for pumping. Wetlands exist along these waterways and on other north-south drainage ditches bordering the proposed mining site. The Mining Plan states excavation will not occur within 50 feet of the slough, significant wetlands, or property boundaries, and the mining plan indicates that all on-site stormwater will be directed to the pit through grading. (Also see Finding 6, Pg. 9)

The report concludes that, ... the existing monitoring, past investigations, and analysis indicate mining will not result in an elevated threat of ground water level changes, including any private wells in the vicinity, or ground water seepage, surface water flooding or increased pumping within the SDIC drained area. The proposed expansion of mining at the Bible College site is not expected to adversely impact groundwater or surface water quality or change the behavior of the hydrologic system. Golder recommends including the Site piezometers into the routine long-term ground monitoring program currently conducted by the applicant. Without any further data Staff finds that any water quality conflicts will be minimized through measures implemented and associated with this application.

Continuing with Columbia County Zoning Ordinance Section 1044:

.10 Archeological Sites:

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

The State Archaeologist shall be notified of such public hearings.

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

Finding 48: The application includes a report titled, Cultural Resource Survey and Discovery Probing of the Bates & Roth Expansion Property (See Exhibit G). The report was conducted to determine if potentially significant prehistoric or historical archaeological resources that may be eligible for inclusion in the National Register are present within the project area, or may be impacted by the proposed mining operation. (Also see Finding 6, Pg 10) The report concluded that no evidence archaeological materials or deposits were observed or discovered from 40 shovel probes along the foot of the dike along Evens Slough. This was not astounding because earlier maps indicate that the area was covered by lakes, ponds and marshes for much of the year prior to the construction of the dike along the Multnomah Channel and upper river dams. No

EXHIBIT C

cultural resources have been identified on the Bible College Roth property. Staff finds that this application provides adequate information and meets the above criteria to address cultural resources if they are found on the property. A condition of approval that, "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 1044.10B shall be met."

Continuing with Columbia County Zoning Ordinance Section 1044:

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

Finding 49: The applicant has included a Stormwater Control Plan which is part of the Mining Plan, Exhibit 4, Figure 7. According to the plan, all disturbed and reclaimed areas will be graded to drain toward the pond(s) and all disturbed areas will be planted to protect against erosion. The applicant states that the plan proposes to manage all stormwater on-site, where it will be directed into the excavation ponds. Berms will be constructed on portions of the south, east and west sides of the site to further protect stormwater from leaving the site. The berms will be planted with groundcover, shrubs, and/or trees to enhance soil stability and prevent erosion. Staff finds that erosion of surfaces affected by mining activities have been adequately addressed.

Continuing with Columbia County Zoning Ordinance Section 1044:

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

Finding 50: The applicant has provided plans, Exhibit 4, Operation and Reclamation Plan, which includes Figures 3 and 4, Phasing and Mining Operating Plan; Figure 5, Conceptual Reclamation Plan; and Figure 6, Mining Cross Sections that indicate slopes and grading will be maintained in safe condition. Slope gradients will be constructed to provide slope stability and safe egress from the excavated ponds. The slopes will be contoured (cut) during the excavation process rather than by deposition of fill material. The slopes of the pond will be contoured with slopes set forth in Exhibit 4.

Continuing with Columbia County Zoning Ordinance Section 1044:

.13 Land Reclamation: A land owner or operator of an aggregate site shall, in advance of any excavation of aggregate materials, prepare and submit a site reclamation plan in accord with the requirements of the Surface Mining and Land Reclamation Ordinance. Reclamation must return the land to natural condition or return it to a state compatible with the livability, value, and appropriate

EXHIBIT C

development of the affected land and adjacent property. Reclamation shall begin within 12 months after mining activities cease on any segment of the area where mining has occurred and shall be completed within 3 years after mining activities cease. This does not apply to any land being used as plant site, stockpile, or work area for ongoing extracting mining operation.

Finding 51: The applicant has submitted a graphic Conceptual Reclamation Plan as Figure 5 of Exhibit 4 of the Mining Plan. The application states that the site will be reclaimed as an open water body. The reclaimed ponds will be shaped to have irregular shorelines and underwater slopes designed in accordance with Columbia County regulations.

Berms that were created and vegetated during the operational life of the mine will be retained as part of the reclamation. Staff finds that adequate conceptual reclamation information has been provided with this application. Compliance will be verified in review of the Site Design Review application should the Plan Amendment be approved.

Continuing with Columbia County Zoning Ordinance:

1045 Modification of Standards: The above standards may be modified by the Planning Commission after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads. A Site Design Review for a Conditional Use in this zone may be processed concurrently with the Conditional Use Permit with a single hearing and a single fee, which will be the higher of the 2 permit fees.

Finding 52: The applicant has not requested any modification of standards with this application. The Planning Commission may modify standards with a public hearing and proper notice. The applicant intends to apply for a site design review upon approval of this request.

Continuing with Columbia County Zoning Ordinance:

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

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

Continuing with Columbia County Zoning Ordinance:

EXHIBIT C

Section 1502 Zone Changes (Map Amendments):

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

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

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

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

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

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

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

Finding 54: The applicant is requesting approval of a Post Acknowledgment Plan Amendment

EXHIBIT C

(PAPA) application, which will change the Comprehensive Plan Map from Agricultural Resource to Aggregate Resource and the Zoning Map from Primary Agriculture to Surface Mining for the site. This proposed zone change is being processed as a Major Map Amendment because the request will require the official Comprehensive Plan Map to be amended in order for the official Zoning Map and the Comprehensive Plan to be in agreement. The applicant has also requested that the site (Approximately 153 acres) be listed on the Inventory of Significant Mineral Resources. Goals and policies of the Comprehensive Plan will be reviewed later in this report. The applicant has addressed the Comprehensive Plan in Exhibit L and the Statewide Planning Goals in Exhibit M. Staff finds that the site is currently provided with adequate facilities and services for the proposed use as noted in Exhibit N. Adequate transportation networks are discussed in the application in Exhibit F.

Continuing with Columbia County Zoning Ordinance:

Section 1603 Quasi judicial Public Hearings:

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

.1 The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Planning Department. The application shall be reviewed for completeness and the applicant notified in writing of any deficiencies. The application shall be deemed complete upon receipt of all pertinent information. If an application for a permit or zone change is incomplete, the Planning Department shall notify the applicant of exactly what information is missing within 5 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of this section upon receipt by the Planning Department of the missing information. *[effective 7-15-97]*

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

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

.3 At the public hearing, the staff, applicant, and interested parties may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved, or what modifications are necessary for approval. *[effective 7-15-97]*

EXHIBIT C

.4 Approval of any action by the Planning Commission at the public hearing shall be by procedure outlined in Ordinance 91-2. [effective 7-15-97]

Finding 55: This application, PA 17-01, for a Post Acknowledgment Plan Amendment (PAPA) will be scheduled for two public hearings: one before the County Planning Commission, held on September 12, 2016; and the other before the Board of County Commissioners scheduled for October 26, 2016.

The applicant submitted the PAPA application on July 5, 2016. The application was deemed complete on July 25, 2016. A public hearing was scheduled for September 12, 2016 in front of the Planning Commission. Notice of the application and hearing date was mailed to the Scappoose CPAC, nearby property owners, and affected agencies on July 28, 2016. The second public hearing before the Board of Commissioners is scheduled for October 26, 2016. Notice of the application and public hearing before the Board was mailed to surrounding property owners and affected agencies on September 29, 2016. Notice of the public hearing was published in the October 14, 2016 issue of the Spotlight.

Continuing with Columbia County Zoning Ordinance:

Section 1605 Zone Change - Major Map Amendment:

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

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

Continuing with Columbia County Zoning Ordinance:

Section 1607 Consistency with the Comprehensive Plan:

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

.1 The Commission shall hold a hearing to consider the proposed amendments and shall make a recommendation to the Board of Commissioners with regard to the proposed amendments. The Board of Commissioners shall

EXHIBIT C

hold at least one hearing to consider the proposed amendments. Both the Commission and the Board of Commissioners hearings will require notice in the manner outlined in Section 1611.

Finding 57: The applicant proposes to amend the Comprehensive Plan designation of the site to Aggregate Resource and the Zoning designation of the site to Surface Mining. These amendments would allow the Comprehensive Plan and Zoning Ordinance to be consistent with each other. The applicant proposes to designate the site (Approximately 153 acres) as a significant Goal 5 mineral and aggregate resource site on the county's inventory of aggregate resources. The Board will hold a hearing after receiving a recommendation from the Planning Commission after their public hearing scheduled for September 12, 2016.

Continuing with Columbia County Zoning Ordinance:

Section 1608 Contents of Notice:

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

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

Finding 58: The notice was published in the local newspapers containing all of the above mentioned information and was published in the local news media at least 10 days prior to the hearing. Individual notice containing the above information was provide to surrounding property owners within 1,500 feet of the subject property line.

Continuing with the Comprehensive Plan Applicable Provisions

COLUMBIA COUNTY COMPREHENSIVE PLAN:

Part X ECONOMY

GOALS:

1. To strengthen and diversify the economy of Columbia County and insure stable economic growth.

EXHIBIT C

2. To utilize Columbia County's natural resources and advantages for expanding and diversifying the economic base.

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

1. Encourage the creation of new and continuous employment opportunities
2. Encourage a stable and diversified economy.
3. Reflect the needs of the unemployed and of those persons who will enter the labor market in the future.
4. Place the County in the position of being able to respond to market opportunities by providing technical assistance in locating available sites for development.
5. Encourage the activity of the community organizations, which work for sound economic development.
6. Preserve prime maritime industrial sites from pre-emptive uses until needed for industrial uses.
7. Protect identified aggregate resources until they are extracted, and plan for the reclamation and future productive uses of those sites.
8. Reserve valuable industrial sites for industrial uses.
9. Encourage the trade and service sectors and the recreation industry to insure greater revenue spending locally.
10. Support improvements in local conditions in order to make the area attractive to private capital investment. Consideration of such factors as the following shall be undertaken:
 - A. Tax incentives
 - B. Land use controls and ordinances
 - C. Capital improvements programming
11. Coordinate with public utility companies to insure energy supplies are available to areas programmed for development and redevelopment.
12. Encourage new industrial growth within the urban areas so as to utilize existing public facilities.
13. Encourage industry, which needs or can benefit from the locational advantages of an airport and its facilities, to locate adjacent to one of the airports in the County. Create an Airport Industrial district to facilitate this policy. *[added 7-93]*

Finding 62: The applicant addresses the Economy section of the Comprehensive Plan in Exhibit L, pages 5-6. The applicant also provided an Economic and Fiscal Impact Analysis in

EXHIBIT C

Exhibit I. Staff finds that allowing the expansion onto the site would encourage continuous employment opportunities for 38 full time mining jobs. Expansion of the site will encourage local economic stability that will continue to encourage a stable and diversified economy. An indirect employment in supporting industries such as local merchants, trucking and construction further enhances the economy of the area. Continued mining operations would generate property taxes, extraction tax, and recapture of farm deferral payments, as well. Policy 7 applies to the entire site; specifically it states that identified aggregate resources should be protected until they are extracted. Staff finds no conflicts with the Economy section of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

Part XIII TRANSPORTATION

GOAL:

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

OBJECTIVES:

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

POLICIES:

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

EXHIBIT C

Subdivision, or Partition. The developer of a subdivision in an urban growth area will be required to make the appropriate improvements to any related street to meet the standards set in a Transportation Plan.

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

Finding 63: The applicant has addressed this section of the Comprehensive Plan in Exhibit I, pages 7 - 8. The applicant's Traffic Impact Analysis was conducted in May 2016. The applicant provided additional data that concludes that the traffic has not changed appreciably since the mining started time period. The applicant finds that since the site will not generate an increase in traffic, it is consistent with this section.

Continuing with the Columbia County Comprehensive Plan:

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

EXHIBIT C

SURFACE MINING

GOAL:

To protect and utilize appropriately the mineral and aggregate resources of Columbia County.

POLICIES: It is the policy of the County to:

1. Develop an on-going program to determine the quality, quantity, location, and type of mineral and aggregate resources in the County so that up-to-date material will be available to make informed decisions.
2. Consider the preservation of aggregate material in all its land use actions.
3. Pay special attention to any development adjacent to mineral and aggregate resources and take the necessary steps to minimize the impacts of development on these resources.
4. Recommend the establishment of an ad hoc committee to review inactive and undeveloped sites identified in the surface mining inventory and make recommendations as to whether or not the sites should be zoned Surface Mining (SM) and protected upon application of the Goal 5 process.
5. Designate as Surface Mining (SM) those sites with current active mining and land reclamation permits as of January 20, 1984 and the one inactive but proposed 700-acre site in the Scappoose area. Change, upon completion of mining activities, those sites that will revert to uses as indicated in the reclamation plan or to uses compatible with surrounding lands.
6. Designate new mining deposits not shown on the existing inventory as Surface Mining when a report is obtained from a certified geologist, engineer/geologist, or qualified engineering testing firm verifying the location, type, quality, and quantity of the material and when other steps of the Goal 5 process are satisfied.
7. Encourage timely utilization of mining resources to protect the site from incompatible development on adjacent lands.
8. Require that all sites proposed for surface mining be inventoried for their archaeological significance in accordance with standards set by the State Archaeologist. If an archaeological site(s) is discovered, the Planning Commission shall hold a public hearing to review the site(s) and establish measures to mitigate potential conflicts as necessary.
9. Retain in its possession lands it now owns which contain aggregate material. The County may permit private operators to mine county materials.
10. Require that proposals for new extraction operations be accompanied by detailed plans of the method of operation and assurances that the area will be suitably reclaimed for uses designated by the plan.
11. Require that once mining and/or associated activities (i.e. rock crushing) have begun they shall be in accordance with state standards and any more stringent standards that the County may enact. In particularly sensitive areas, such as forestry, residential,

EXHIBIT C

agricultural, or wildlife habitat, the mining and associated operations shall be subject to more restrictive standards to keep noise, dust, erosion, and other hazards to a level compatible with the adjacent uses. Such standards may include requirements for barrier isolation, setbacks, operating times, concomitant reclamation, limits to active mining area, mining lifetime, water quality, and restrictions on on-site processing.

12. Prohibit extraction of sand and gravel from rivers and streams unless appropriate regulating agencies such as the Oregon Department of Environmental Quality, Department of Fish and Wildlife, Oregon State Land Board, Division of State Lands, Corps of Engineers, and Columbia County are in agreement and there is no other economically feasible alternative.
13. Make all possible efforts to insure the retention of riparian habitat, the prevention of erosion and sedimentation, and maintenance of water quality, which exists prior to extraction operations.
14. Insure that extraction operations approved by the County and other regulating agencies do not screen and wash within any river or stream. In addition, settling ponds shall not discharge directly into any watercourse.
15. Require, as a minimum standard, that extractive industries have access to a public road with two-way capability. As allowed by ORS 487.905, the County may impose weight/load restrictions and may also require the operator to post an adequate surety bond for road repairs.
16. Encourage DOGAMI to conduct a comprehensive inventory of the mineral resources. Upon completion of this study, the County shall up-date zoning and other implementing ordinances to accommodate newfound resources.
17. Prohibit new or expanded mineral or aggregate mining operations within 5,000 feet of the edge of a runway at Scappoose Industrial Airpark.
18. Prohibit new or expanded water impoundments greater than or equal to one quarter (1/4) acre in size, individually, or cumulatively, within 5,000 feet of the edge of a runway at the Scappoose Industrial Airpark.

Finding 64: The applicant addresses the surface mining policies of the Comprehensive Plan in Exhibit L, pages 9 - 12. Staff finds that the site is a significant aggregate site considering quality, quantity and location. Detailed plans describing the methods of operation and reclamation of the site are included in the application in the Mining Plan, Exhibit 4. These are preliminary in nature however the applicant commits to providing more detailed reclamation plan, especially showing the setbacks of mining from the riparian corridor and the associated berm along Evans Slough, with the surface mining application for the site (Site Design Review). Staff finds the application is consistent with all of the surface mining policies of the Comprehensive Plan.

Continuing with the Columbia County Comprehensive Plan:

Part XVIII AIR, LAND, AND WATER RESOURCES

EXHIBIT C

GOAL:

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

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

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

Finding 65: Studies have found that there is a conflict with noise and a conflict with air quality, 'dust' as a result of the overall project. The applicant has addressed these criteria in Exhibit B ,Noise Study; Exhibit C, Air Quality Study; Exhibit L, Comp Plan Policy; as well as in Exhibit H ,Goal 5 Resource. Before the applicant mine the site they must first get a mining permit from Oregon State DOGAMI. The applicant proposes measures to mitigate these conflicts. Staff finds the site would be consistent with the above standards with the proposed mitigation measures in place.

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

CORRESPONDENCE OF RECORD:

| NO | Date Rec'd. | FROM | COMMENT |
|----|-------------|--|---|
| 1 | 08/04/16 | CRFR (Scappoose) Fire District | Have no objection |
| 2 | 08/18/16 | Scappoose Drainage Improvement Co. | Letter in Opposition Plus Attachments |
| 3 | 08/22/16 | County Road Department | No objection (no increase in traffic) |
| 4 | 10/04/16 | Olsen, owner adjacent farm property owner | Existing well, Concern over below water table mining on this farm well |
| | | | |

No other comments have been received from citizen groups, government agencies or nearby property owners as of the date of this staff report September 1, 2016.

Staff Comments: Scappoose Drainage Improvement Company - 6 page letter plus attachments:

EXHIBIT C

SDIC asserts that mining (creation of open water containment) increases the amount of water SDIC must pump out of the district. However, they find the amount of seepage is difficult to determine. Staff suggests that the only way to determine the amount of seepage is for SDIC to measure the amount of water pumped and make comparisons of before and after water impoundment creation. (By metering or pumping capacity)

Evans Slough is a significant water course flowing extensively for SDIC use and pumping. Evaluation of minimum setbacks, in addition to the standard 50 feet, from this significant resource should be discussed.

Its logical that mining removes material and the area/volume of displaced material is filled back in by water, i.e. there is more water within SDIC after mining. How that affects water level needing pumped is being debated between SDIC and the applicant.

Any costs for drainage analysis needed to be done for SDIC, pertaining to an increase of water in the SDIC district, should be offered/assisted, on a prorated share, by the mining industry.

STAFF COMMENTS, CONCLUSIONS AND RECOMMENDATIONS:

Based upon the findings of this report, the major decision points associated with the Plan Amendment to Aggregate Mining process and this particular PAPA application are as follows:

- 1) Determine whether the application is complete and adequately addresses the criteria in the County Comprehensive Plan and criteria in Section 1030 Zoning Ordinance, Amendments to Permit Mining. Staff finds the application is complete and adequately addresses the relevant criteria.
- 2) Determine whether the aggregate resource is significant. Staff finds the aggregate resource, Bible College site, meets the criteria regarding quantity, quality and location of the resource and is a significant aggregate site. The site contains over 43 million ton of good quality aggregate.
- 3) For significant aggregate sites, local governments shall decide whether mining is permitted by determining if there are conflicting uses in the area of influence (1500 feet) and determining if identified conflicts can be adequately mitigated. Staff finds that mining should be permitted by imposing clear and object conditions to mitigate identified impacts.
- 4) Assuming mining is approved, the applicant must identify future conflicting uses and conduct a ESEE analysis. (See Exhibit K). Staff finds that conflicting uses would be limited within the 1500-foot impact area; and, implementation of a Surface Mining Impact Overlay zone (SMIO) in the subject area be administered by the County for future development within the impact area.

EXHIBIT C

STAFF CONCLUSION & RECOMMENDATION

Staff has reviewed the application and comments received and finds the PAPA application is complete and the Plan Amendment process has been sufficiently satisfied. Therefore, the Staff and the Planning Commission forwards a recommendation of APPROVAL to the Board of Commissioners of this Bates and Roth Expansion (Bible College Site) for a Comprehensive Plan Amendment and Zone Change to allow surface mining on the subject property, with the following conditions:

PROPOSED CONDITIONS BIBLE COLLEGE SITE

- 1) The Applicant shall reclaim the site in accordance with County standards. The required post mining use shall be fish and wildlife habitat with pond(s).
- 2) Prior to mining, the Applicant shall obtain a Site Design Review for the site, as required to satisfy the requirements of the Zoning Ordinance.
- 3) The Applicant shall provide vegetated berms and fencing, phasing of which shall be determined during Site Design Review. Six-foot chain link fences shall be installed, protecting active mining areas.
- 4) The Applicant shall surface the access road with gravel .
- 5) The Applicant shall water the access road as necessary to control dust.
- 6) The Applicant shall post a 10 mph speed limit for all vehicles on site. The applicant shall enforce such speed limit.
- 7) The Applicant shall water all disturbed areas during dry-weather operations when bulldozers and/or front-end loaders are operating.
- 8) The Applicant shall spray water on the conveyor at all transfer points, as needed.
- 9) The Applicant shall maintain existing trees within the setback areas (excluding hybrid cottonwood trees, agricultural crops or berm areas) and shall vegetate perimeter berms when constructed. The applicant shall vegetate overburden stored on site, as needed.
- 10) The Applicant shall wash away any dust or mud tracked onto Honeyman Road as needed.
- 11) The Applicant shall limit hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Sunday, including maintenance of and work of mining equipment which creates any off-site noise.
- 12) The Applicant shall observe minimum extraction setbacks of 50 feet from public rights-of-way (Honeyman Road) and from the riparian corridors along the Evans Slough and drainage ditches adjacent to the site. Extraction setbacks shall be 200 feet from any zone which allows residences as permitted or conditional uses, unless a variance to these setbacks is applied for and approved or consent to reduce the setback received from adjoining property owners.

EXHIBIT C

- 13) The Applicant shall not allow stormwater to be discharged offsite. For purposes of this condition, "stormwater" shall include "upwelling groundwater".
- 14) The applicant shall provide for stormwater/erosion considerations along the Evans Slough and adjacent drainage ditches in accordance with the U.S. Army Corps of Engineers and Oregon Division of State Lands permit requirements. The Applicant will be required to install a silt fence for protection of stormwater/erosion considerations along of the Evans Slough and drainage ditches.
- 15) The Applicant shall not store fuels or other contaminants onsite.
- 16) The Applicant shall notify SHPO and the appropriate tribes in the event that prehistoric or historic cultural materials are encountered on the site. The archaeology consultant or a qualified archaeologist shall be called in to evaluate the discovery and recommend subsequent courses of action in consultation with the tribes and SHPO.
- 17) Operations at the site shall comply with the applicable noise standards of the Department of Environmental Quality.
- 18) The Applicant shall be required to construct noise berms (as necessary) on the site in accordance with Exhibit B, Noise Study in the application.
- 19) The Applicant shall be required to construct an six-foot-high visual berm along the southern, western and eastern boundaries of the site, and all locations as depicted on Exhibit 4, Figures 3 and 4 in the application.
- 20) The slopes of the ponds will be contoured (cut) during the excavation process rather than deposition of fill material, with a safety bench that will be excavated to allow slope stability and safety egress from the ponds. Gradients shall be constructed in accordance with the Phasing & Mining Operating Plan in Exhibit 4 (Figures 3 and 4) of the application as follows - Slopes will be 2:1 to 3:1 (horizontal to vertical) above the water, with a 5-foot wide bench in shallow water, slopes of 1.5:1 (horizontal to vertical) from the bench to -75 MSL, and 1:1 (horizontal to vertical) from -75 MSL to approximately -150 MSL.
- 21) Applicant shall provide a legal description of the subject property to be rezoned to Surface Mining, prior to final approval of the Board of County Commissioners.
- 22) Any required berms near riparian or wetland areas pursuant to this plan amendment shall be located in accordance with U.S. Army Corps of Engineers and Oregon Division of State Lands permit requirements. Any berms required pursuant to this plan amendment shall be located outside any applicable riparian or wetland setback areas.
- 23) The applicant shall comply with all requirements of the U.S. Army Corp of Engineers and Oregon Division of State Lands, and obtain any permits required by such agencies.
- 24) The Applicant shall continue the approved ground water monitoring program. Prior to beginning mining operations on the site, the Applicant shall institute and install Site piezometers as described in the Hydrology Impact Evaluation in Exhibit E of the application. The monitoring program includes: measurement of groundwater elevations

EXHIBIT C

in on-site wells; surface water elevation in Santosh and Evans Slough on or adjacent to the site; mine pool water levels; and automated readings at approximately 1-hour intervals. The monitoring program further includes accumulation and management of data, including precipitation and river levels, and analysis of the data to evaluate whether mine water levels behave differently than ground water levels. The monitoring program provides for annual reporting to the U.S. Army Corps of Engineers. The monitoring program also provides for the Applicant to compensate the SDIC for demonstrated increase in costs for pumping caused by mining of the site.

- 25) All access points for this property will need to have access permits from the Road Department issued for them.
- 26) Maintenance and work on mining equipment, creating significant off-site noise, will be limited to hours of operation 7:00 AM to 6:00 P.M Monday through Sunday.
- 27) The applicant will comply with Department of Environmental Quality (DEQ) regulations regarding water quality.
- 28) If it is determined that any portion of the Bible College mining site area is within the 1500 foot impact area of any existing mining sites in the area, the Applicant shall record a covenant agreeing not to sue for impacts related to the lawful conduct of mining on those sites.

CC: Northwest Aggregates Co.
Golder Associates
Assistant County Counsel, Robin McIntyre

Attachments: Application Packet
Correspondence of Record