



**APPEAL INFORMATION for
FINAL ORDER DR 25-03**

Notice Date: 4/1/25

Applicant: NW Aggregates Co. JNelson@calportland.com

Appeal Body:

- Planning Commission**, for appeal of an administrative decision; file this appeal in the Land Development Services office, 445 Port Ave St. Helens, OR 97051. The appeal must be filed within 12 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Board of County Commissioners**, for appeal of this Planning Commission decision; file this appeal in the Office of the County Clerk, second floor, Courthouse Annex, St. Helens, OR 97051. The appeal must be filed within 7 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice. The appeal must be accompanied by the appropriate appeal fee.
- Land Use Board of Appeals (LUBA)**, for appeal of this Planning Commission or Board of Commissioner decision. File a Notice of Appeal with the Land Use Board of Appeals; PUC Building, 550 Capitol Street NE, Salem, OR 97310. The appeal must be filed with the Land Use Board of Appeals within 21 calendar days of the above Notice Date, the date this notice was mailed to the applicant and to other persons entitled to notice.

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

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

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

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

If any of the above is not clear, or you have questions or require additional information, please contact Jack Niedermeyer at (503) 397-7217.

**BEFORE THE COLUMBIA COUNTY
PLANNING COMMISSION
ST. HELENS, OREGON**

In the Matter of an Application of Northwest)
Aggregates Co. for a Site Design Review (DR)
25-03) to Expand the Existing Bates Roth)
Aggregate Mine onto the Adjacent Bible College)
Property.)

**FINAL ORDER
DR 25-03**

On March 17, 2025, this matter came before the Columbia County Planning Commission for a Site Design Review application (DR 25-03) to expand the existing Bates Roth aggregate mine onto the adjacent Bible College property (the “Site). The three-parcel Site is comprised of approximately 153.87-acres, of which approximately 130-acres are proposed for mining operations. The Site is further described per the County Assessor’s records as Tax Map Identification Numbers 4132-00-01000, 4133-00-00500, and 3105-00-00100.

On February 10, 2025, Land Development Services (LDS) notified surrounding property owners within 1000 feet with a Notice of Public Hearing, and the affected government agencies and the Scappoose – Spitzenberg CPAC with a Referral and Acknowledgment of the proposal requested for DR 25-03. A public hearing was held on March 17, 2025, where the Planning Commission received evidence and heard testimony from the applicant, interested parties, and staff, and considered evidence and testimony received into the record, including the Staff Report.

Following staff’s presentation of the Staff Report, including recommended approval conditions, the Planning Commission heard testimony from the applicant. No testimony in opposition of the proposal was provided. After considering all evidence and testimony received into the record, the Planning Commission voted to approve DR 25-03 with the modified conditions of approval as recommended by staff.

The Columbia County Planning Commission hereby adopts the findings, conclusions and conditions as stated in the staff report, with staff’s recommended revision to Condition No. 12 (d), and **APPROVES Site Design Review Application DR 25-03**, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. **This Design Review shall remain valid for two (2) years from the date of the final decision.** This permit shall become void unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Commission if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.

2. All future site development on the property shall be reviewed for consistency with Ordinance No. 2016-9, including its approval conditions, and the applicable provisions in Section 1040 of the Zoning Ordinance.
3. To ensure compliance with Condition No. 12 of Ordinance 2016-9 and CCZO 1044.4, the Applicant shall maintain minimum extraction setbacks of 50 feet from public rights-of-way, 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 change to the 200-foot setbacks imposed as part of Ordinance No. 2016-9 is applied for and approved by the Board of Commissioners.
4. To ensure compliance with Condition No. 11 of Ordinance 2016-9 and CCZO 1044.5, the applicant shall limit hours of operation, including the maintenance and work on mining equipment that creates significant off-site noise, to 7:00 a.m. to 6:00 p.m., Monday through Sunday, unless a change to the required operating hours imposed as part of Ordinance No. 2016-9 is previously applied for and approved.
5. The applicant shall ensure ongoing compliance with CCZO 1044.10 by immediately notifying Land Development Services, SHPO and the appropriate tribes in the event that significant 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, and in full compliance with CCZO 1044.10.
6. The applicant shall surface all access roads with gravel, which shall be watered as necessary to control dust.
7. The applicant shall restrict the use of the existing access gate to Honeyman Road, located along the northeast corner of the site, to maintenance vehicles only. No mining haul trucks shall be permitted to use this gate.
8. Operations shall comply with the applicable noise and water quality standards of the Department of Environmental Quality (DEQ).
9. Mining operations on the Site shall not conflict with recorded easements, and extraction or removal of aggregate shall not be permitted either within 50 feet of the right-of-way of public roads or within 50 feet of the easements of private roads.
10. The applicant shall be required to construct a six-foot-high visual berm along the southern, western and eastern boundaries of the Site, and all locations as depicted on Exhibit A, Figures 4 and 5 of the application. Berms and fences shall not be constructed within any public right-of-way.

11. The applicant and landowner must remain in compliance with, and be responsible for, all the permit requirements of affected agencies.

12. Prior to Final Site Plan approval:

- a The applicant shall update permits and boundary surveys to meet DOGAMI requirements, ensuring consistency with the setbacks and boundaries in the Grading and Mining Plan (Exhibit A, Figures 4 and 5).
- b Structures and equipment necessary to conduct mining operations shall be identified on the Final Site Plan, and the applicant shall obtain permits as required by the Columbia County Building Official.
- c The applicant shall provide LDS with a revised reclamation plan for the post mining use of the Site as Fish and Wildlife Habitat, to ensure compliance with Condition No. 1 of Ordinance 2016-9 and CCZO 1044.13. The plan shall be developed in consultation with Oregon Department of Fish and Wildlife (ODFW). Confirmation of ODFW's involvement in the development of the revised reclamation plan shall be provided upon submittal of the final reclamation plan. Pursuant to CCZO Section 1044.13 and Condition No. 29 of Ordinance No. 2016-9, the reclamation plan shall be integrated with the post-mining uses on the applicant's adjacent mining properties and interconnected with these properties by a system of trails.
- d The Final Site Plan shall display minimum extraction setbacks of 50 feet from public rights-of-way, the riparian corridors along the Evans Slough and drainage ditches adjacent to the site. The Final Site Plan shall also display extraction setbacks of 200 feet from any zone which allows residences as permitted or conditional uses, unless a change to the 200-foot setbacks imposed as part of Ordinance No. 2016-9 is applied for and approved by the Board of Commissioners.
- e The applicant shall provide documentation confirming Scappoose Rural Fire Protection District (SRFPD) has reviewed the Final Site Plan for compliance with minimum Fire Safety Standards.
- f The applicant shall obtain access permits for every access points on Honeyman Road.

13. Pursuant to CCZO 1044.13, the applicant shall commence reclamation within twelve (12) months after mining activities cease in any area of the site, except where mining operations are ongoing. All reclamation activities shall be fully completed within three (3) years of cessation.

COLUMBIA COUNTY PLANNING COMMISSION

Alta Lynch

ALTA LYNCH, CHAIR

9/31/25

DATE