

COLUMBIA COUNTY PLANNING COMMISSION
STAFF REPORT
March 10, 2025
Type 2 Site Design Review for a Surface Mine Expansion

HEARING DATE: March 17, 2025

FILE NUMBER: DR 25-03

APPLICANT/OWNER: Northwest Aggregates Co.
Attn: Josh Nelson
34885 N Honeyman Road
Scappoose, OR 97056

PROPERTY LOCATION: Three-miles northeast of the City of Scappoose.

TAX ID: 4132-00-01000 (88.73-acres)
4133-00-00500 (5.09-acres)
3105-00-00100 (a portion of 60.05 acres)

PROPERTY SIZE: Approximately 153.87-acres

EXPANSION AREA: Approximately 130-acres

ZONING: Surface Mining (SM)
Primary Agriculture (PA-80) *not included in expansion area*

REQUEST: The applicant has submitted a Site Design Review Application (DR 25-03) requesting approval 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.

APPLICATION COMPLETE: 11/14/2024

150 DAY DEADLINE:05/13/2025*

*The applicant has requested a 60-day extension of the 120-day deadline set forth in ORS 215.427. This extension moved the deadline from 3/14/2025 to 5/13/2025.

APPLICABLE CRITERIA:

<u>Columbia County Zoning Ordinance</u>		<u>Page Number</u>
Section 1030	Amendments to Permit Surface Mining (APSM)	6
Section 1040	Surface Mining (SM)	7
Section 1100	Flood Hazard Overlay	18
Section 1170	Riparian Corridors, Wetlands, Water Quality, and Fish and Habitat Protection Overlay Zone	19
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<u>Columbia County Stormwater and Erosion Control Ordinance</u>		
Part 1 (B)	Applicability	34

Previous Land Use Approvals

In December of 2016, the Columbia County Board of Commissioners adopted Ordinance No. 2016-9, approving a Post-Acknowledgement Plan Amendment (PAPA) application (PA-17-01 and ZC 17-01). This approval authorized the Site’s Comprehensive Plan designation to be changed from Agricultural Resources to Mineral Resources and authorized the Site to be rezoned from Primary Agriculture (PA-80) to Surface Mining (SM). All documentation submitted with the PAPA application was submitted as Exhibit C of the applicant’s Design Review application (DR 25-03).

Summary of DR 25-03

The applicant, Northwest Aggregates Co., is seeking Site Design Review approval to expand its existing Bates Roth aggregate mining operation onto the adjacent Bible College property, approximately three miles northeast of Scappoose, Oregon, in Columbia County. The proposed expansion area, hereafter referred to as the “Site”, includes three parcels and is intended to cover approximately 130-acres within a total property area of 153.87-acres.

Three tax lots

- 4132-00-01000 (88.73-acres)
- 4133-00-00500 (5.09-acres)
- 3105-00-00100 (60.05-acres)

Mining activities at the Site will be limited to those associated with aggregate extraction and are expected to span roughly 12 years, with the exact duration dependent on market demand. The project will leverage existing extraction and material conveyance infrastructure to process and transport the mined aggregates to the neighboring Santosh processing facility.

Operational Overview

Mining will operate seven days a week from 7:00 a.m. to 6:00 p.m., utilizing a dredge, dragline crane, excavators, loaders, haul trucks, and other equipment (Exhibit J). Before excavation begins, berms will be installed around the site (except to the north), with chain link and silt fencing for erosion control. Approved extraction boundaries will be maintained or amended, with

overburden removal anticipated to start in the northeastern portion of the Site during Phase 5 (Exhibit A). Overburden will be removed by mobile equipment and/or a dredge, and repurposed for on-site berms, mitigation areas, and reclamation efforts.

Once overburden is cleared, wet mining will begin using either a dredge or dragline crane to extract aggregate, which will be transported via conveyor to the neighboring Santosh processing facility. 76% of the material will be shipped by barge to the Columbia River, while the remaining 24% will be hauled by truck on Highway 30. No on-site processing or water discharge will occur, and excavation will continue until reaching a final depth of 160 feet. After mining is complete, the site will be reclaimed as an open water habitat, with hydro-seeded shorelines and on-site stormwater retention. The applicant has secured a DEQ 401 Water Quality Certification and must submit an Erosion and Sediment Control Plan to DEQ before mining operations commence.

Natural Features

Natural characteristics of the site are as follows: According to the Oregon Department of State Wetlands Inventory Map and the Oregon Department of Forest Stream Classification Maps, the Site is bordered by Evans Slough to the south, and drainage ditches monitored by SDIC and USACE to the east and west, and the Site contains approximately 45-acres of stand-alone wetlands. The Scappoose-Spitzenberg CPAC Beak Maps indicate that the Site is not located within a Big Game Habitat Area, nor does it contain any threatened, endangered, or sensitive wildlife, plant and/or animal species, or other significant natural areas. FEMA Flood Insurance Rate Map (FIRM) Panel 41009C0465D identifies no special flood hazard associated with the subject property. Rather, the Site is within a reduced flood risk area, due to the surrounding USACE levee system. Emergency services are provided by the Scappoose Rural Fire Protection District (SRFPD) and the Columbia County Sheriff.

The remainder of this report will discuss the extent to which the proposal for DR 25-03 complies with the applicable criteria listed in the Columbia County Zoning Ordinance (CCZO).

Columbia County Zoning Map

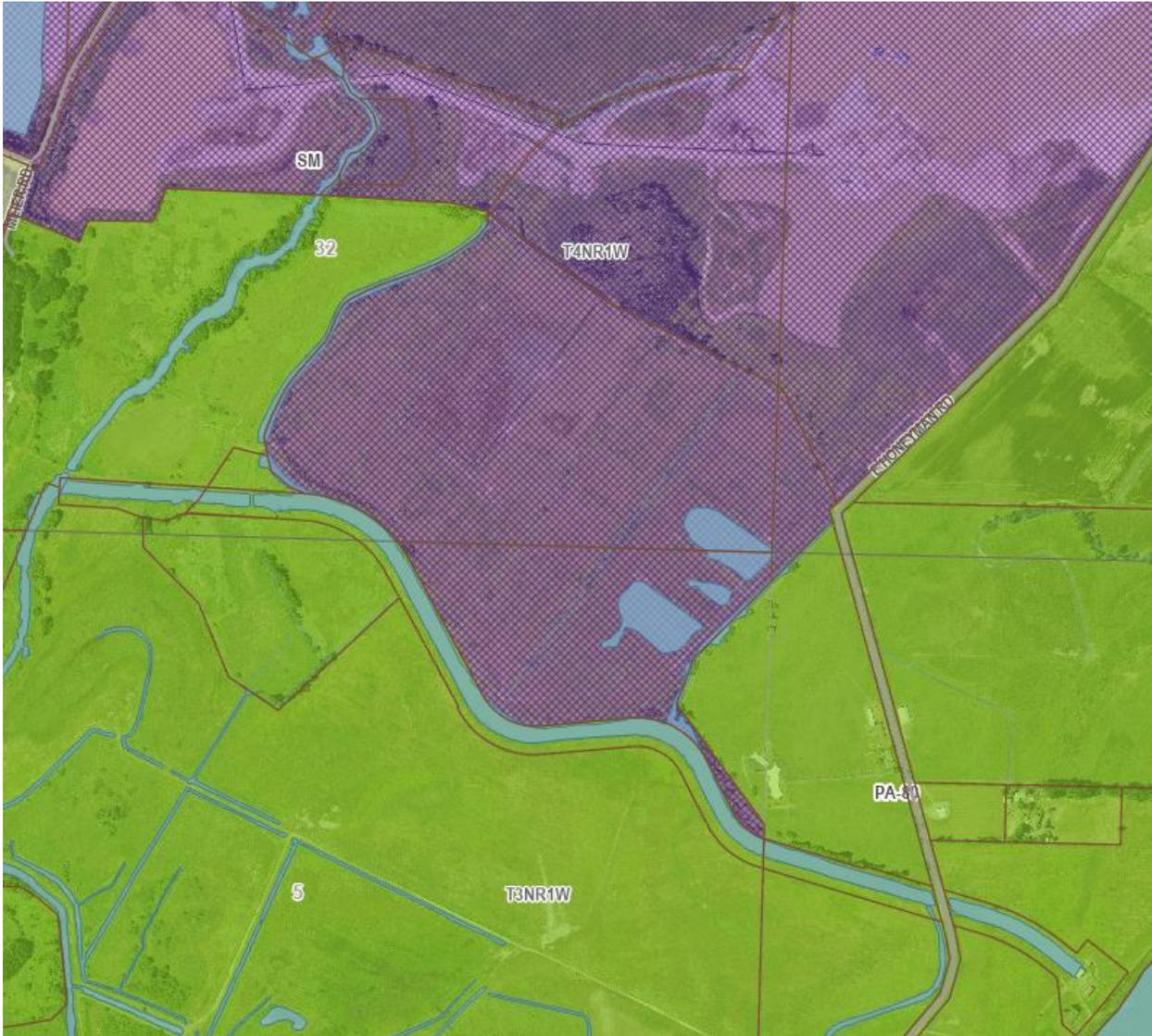


Exhibit A, Figure 5 of DR 25-03 "Grading and Mining Plan Detail"

LEGEND

NOISE BERM HEIGHT: 0 - 17 FEET (BATES ROTH ONLY)

VISUAL BERM HEIGHT: APPROX. 6 FOOT AVG.

BERM SIDE SLOPE INCLINATION: 2:1 (HORIZ. TO VERT.)

BERM TYPES LOCATIONS, HEIGHTS, & ELEVATIONS ARE APPROXIMATE AND BASED ON INFORMATION PROVIDED BY CSTI ACOUSTICS DATED 2016, AND WESTLAKE 2008.

BERMS AND SHORELINES WILL BE VEGETATED TO PROTECT AGAINST EROSION.

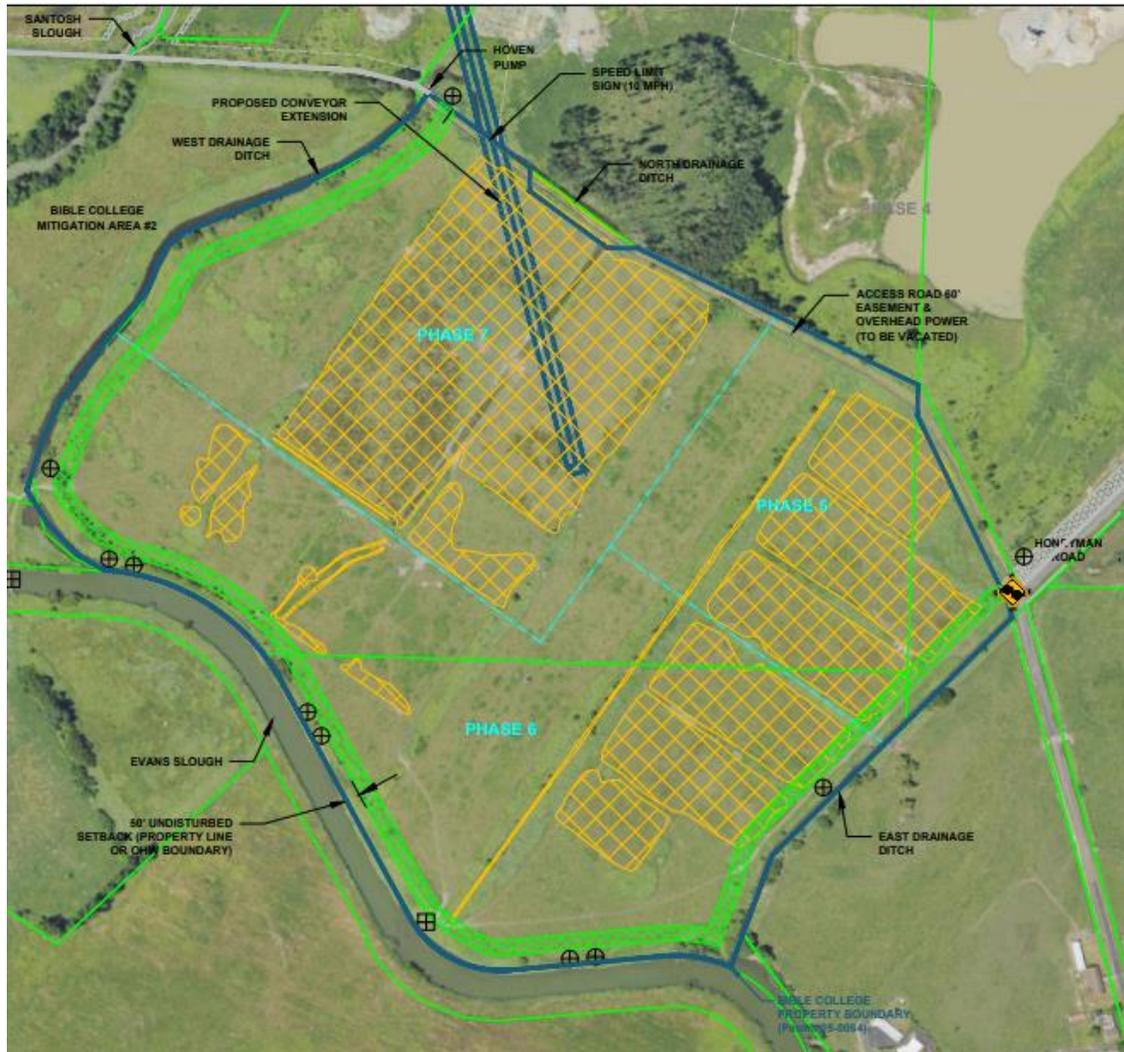
-  NOISE BERM LOCATION (N.B)
-  VISUAL BERM LOCATION BATES ROTH (V.B)
-  PROPOSED BIBLE COLLEGE VISUAL BERM (50' PROPERTY BOUNDARY OFFSET)
-  EXISTING BATES ROTH PROPERTY BOUNDARY (05-0081)
-  BIBLE COLLEGE PROPERTY BOUNDARY (05-0084)

MINE SITE STATISTICS - BIBLE COLLEGE PROPERTY

AREAS	ACREAGE
PHASE 5	25
PHASE 6	47
PHASE 7	58
TOTAL	130

ACREAGE IS BASED ON COLUMBIA COUNTY ASSESSORS OFFICE INFORMATION.

-  AUTHORIZED WETLAND IMPACT (BIBLE COLLEGE)
-  COLUMBIA COUNTY PARCELS
-  EXISTING / PROPOSED GROUNDWATER MONITORING WELLS
-  EXISTING / PROPOSED SURFACE WATER MONITORING POINTS
-  BATES-ROTH EXPANSION MAINTENANCE ACCESS POINT



APPLICABLE REVIEW CRITERIA:

Section 1030 AMENDMENTS TO PERMIT SURFACE MINING

APSM

[Added by Ordinance No. 98-01, effective 6/29/98]

[...]

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.
- .2 Any additional land use review processes, like Site Design Review, shall not exceed the minimum review necessary to assure compliance with this Section and OAR 660 Division 23, and shall not provide opportunities to deny mining for reasons unrelated to this Section, or attach additional approval requirements, except with regard to mining or processing activities:
 - A) For which the Zone Change and Plan Amendment application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
 - B) Which were not requested in the application;
 - C) For which a significant change to the type, location, or duration of the activity shown on the Zone Change and Plan Amendment application is proposed by the operator.

Finding 1: The approval of Ordinance No. 2016-9 changed the Site’s Comprehensive Plan designation from Agricultural Resources to Mineral Resources and rezoned the Site from Primary Agriculture (PA-80) to Surface Mining (SM). Condition No. 2 of Ordinance No. 2016-9 requires the applicant to obtain Site Design Review approval prior to beginning mining operations. Staff finds that this requirement can be satisfied by the proposal submitted for DR 25-03.

The following sections of the Columbia County Zoning Ordinance apply to this application:

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 2: As mentioned in the summary, the Board of County Commissioners approved a Post Acknowledgement Plan Amendment “PAPA” application (PA 17-01 & ZC 17-01) through Ordinance No. 2016-09. This approval redesignated the Site from Agricultural Resources to Mineral Resources and rezoned it from Primary Agriculture (PA-80) to Surface Mining (SM), making it suitable for aggregate extraction as a permitted use. Staff finds the mining expansion requested for DR 25-03 aligns with the purpose of the SM Zone by facilitating the development and utilization of aggregate resources, minimizing conflicts to adjacent land uses, and optimizing the handling, processing, and transportation of these materials through the use of existing facilities and infrastructure on the neighboring site.

1042 Permitted Uses:

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

- .1 Removal, excavation, and processing of aggregate materials.
- .2 Equipment and structures, except residences, which are necessary or accessory to the operation of an aggregate site.
- .3 Storage of heavy equipment necessary for operation.
- .4 Agricultural practices except marijuana growing and producing.
- .5 Aggregate stockpiling.
- .6 Sedimentation ponds when used in conjunction with aggregate removal operations.
- .7 The managing, growing, processing and harvesting of timber and forest products, including the operation of accessory equipment used

in the manufacturing, growing, and harvesting of forest products, as permitted in ORS 215.283(2)(i).

- .8 Concrete and asphalt batch plant on a temporary basis not to exceed 60 days.

Finding 3: The applicant intends to utilize existing mining equipment and infrastructure to extract and transport aggregate through an established conveyor system to the Santosh processing facility. Regular Site operations will require various equipment, including an electric cutter/suction dredge or dragline (which typically will not operate simultaneously), a crane, water trucks, front-end loaders, a grader, an excavator, haul trucks, and a bulldozer. A service truck and maintenance boat will also be used for routine maintenance and personnel transportation to the dredge. Additional Site activities will include removing and stockpiling overburden, managing dust control, performing general maintenance, and the eventual reclamation of disturbed areas.

Proposed structures for the Site include overhead power lines, a moveable substation, a portable motor control center (MCC) trailer, portable onshore transitioning equipment, and a portable mining conveyor. The applicant has indicated that these features will be moveable, allowing their positioning to align with the phased mining activity. Although these structures are not depicted on the preliminary site plan, staff finds them to be a Permitted Use under CCZO Section 1042.2, which allows for *“equipment and structures, except residences, that are necessary or accessory to the operation of an aggregate site”*. A complete list of proposed equipment, consistent with what is currently used at the neighboring Bates Roth mine, is provided in **Exhibit J**. Staff finds that the proposed use of the Site aligns with the permitted uses established in Section 1042 of the CCZO.

1043 Conditional Uses:

The following uses may be permitted if found in conformance with Section 1044 and Section 1503 of this Ordinance:

- .1 All permitted uses within the designated 100-year floodplain identified in Section 1042 (except item .2, if such uses are portable in nature; items .4 agricultural, and .7 forest uses) shall be reviewed by the Planning Commission to ensure floodplain requirements are met.
- .2 Sanitary landfill, landfill, or solid waste transfer station, except that sanitary landfill and solid waste transfer stations shall not be permitted within 10,000 feet of a runway of a public use airport.
- .3 Public or private parks and recreation areas may be permitted only in conjunction with reclamation of the site.
- .4 Buildings, structures, and uses of a public works, public service, or public utility nature when not necessary to the operation of an aggregate site.

- .5 Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement.
- .6 Dwellings in conformance with ORS 215.283.

Finding 4: The proposal submitted for DR 25-03 does not include a request for approval of a Conditional Use. Staff finds the uses proposed for DR 25-03 to be exclusively uses permitted outright under CCZO Section 1042 and therefore no Conditional Use Permit is required at this time.

The following sections of the Columbia County Zoning Ordinance apply to this application:

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 5: Per the submitted application; *“the Applicant is the operator and the landowner and understands that they will be required to jointly sign the application for a mining permit”*. Additionally, the operator and landowner must remain in compliance with, and be responsible for, all requirements of affected agencies. Compliance with agency requirements is further evaluated in various locations elsewhere in this report. Lastly, the 130-acre Site is comprised of three parcels, all of which exceed the 2-acre minimum parcel size respectively. Staff finds that with conditions discussed elsewhere in this report, the criteria in CCZO Section 1044.1-1044.3 can be satisfied.

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

Finding 6: Exhibit A, Figures 4 and 5, displays that a minimum 50-foot setback will be maintained from public roads (Honeyman Road), private easements (unless vacated), adjacent non-residential properties, Evans Slough, and drainage ditches. Additionally, setbacks have been identified for areas with wetlands or riparian zones, including a 50-foot setback from the Ordinary High-Water Mark (OHWM) along the southeastern property line, and a 200-foot extraction setback will be maintained (unless the applicant first receives the necessary approval(s) to alter such requirement imposed as part of the approval of Ordinance No. 2016-9 and/or written authorization from the residential property owner to the southeast, as applicable). These operating setbacks comply with Condition No. 12 of Ordinance No. 2016-9, which expands the setback requirements shown in Section 1044.4(B) by mandating a 200-foot setback from properties where residences are permitted as a Conditional Use. Staff finds this condition applicable to DR 25-03 and therefore has included Condition No. 3 in its recommended approval conditions to ensure continuing compliance.

While no processing equipment or batch plants are proposed on-site, the applicant's narrative indicates that additional structures not included in the submitted site plans will be used. These structures include overhead power lines, a moveable substation, a portable motor control center (MCC) trailer, portable onshore transitioning equipment, and a portable mining conveyor. While these features are described as temporary and moveable, their proposed location and operational necessity is unknown. Therefore, staff finds it necessary to recommend Condition No.12(b) to ensure these items are identified on the Final Site Plan, and all related necessary permits are obtained prior to the placement of such structures.

The Trio Packet (Exhibit M) identifies 10 easements associated with the Site. In the narrative, the applicant states that they are in the process of obtaining legal documentation to vacate or relocate these easements, and until such time, a minimum 50-foot setback will be maintained. Staff recommends Condition No. 9, to prevent conflicts between proposed mining activities and existing easements.

The Bible College Operating and Reclamation plan and permit boundary survey map on file with DOGAMI (Exhibit E), includes a 50-foot setback along the property line common to the two mining sites. The applicant's narrative, and the plans submitted as part of Exhibit A, indicate that the proposed mining progression into the Bible College property from the Bates Roth property includes mining through this setback area. Therefore, and as outlined in the application and confirmed through feedback from DOGAMI, the applicant shall be required to amend their existing permits and mining boundary surveys as necessary to meet DOGAMI requirements prior to undertaking any mining activities in that area. Amendments to existing permits shall reflect consistency with the extraction and operating boundaries shown on the Grading and Mining Plan within Exhibit A, Figures 4 and 5 of the application submitted for DR 25-03.

Continuing with CCZO Section 1044:

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

Finding 7: The applicant indicates that operations will occur between 7:00 a.m. and 6:00 p.m. Monday through Sunday. Staff made the same finding in review of the PAPA application, as shown in the Staff Report (Exhibit C to Ordinance No. 2016-9). Condition No. 11 and 26 of Ordinance No. 2016-9 were included to enforce these operating hours and to ensure that maintenance work on mining equipment that generates significant off-site noise remained within these designated hours. Staff recommends Condition No. 4 to consolidate and reflect Condition No. 11 and 26 of Ordinance No. 2016-9, and to ensure that change to the required operating hours imposed as part of Ordinance No. 2016-9 are applied for and approved by the Board of Commissioners. As conditioned, staff finds the request submitted for DR 25-03 satisfies the criteria in CCZO Section 1044.5.

1044 Operating Standards:

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

Finding 8: The applicant intends to preserve the Site’s existing vegetation within 25 feet of public roads to ensure adequate visual buffering. Additionally, and as shown in Exhibit A, Figures 4 and 5, a six-foot tall visual berm will be constructed around the perimeter of the Site except for the area bordering the Bates Roth mine. Staff recommends Condition No. 10 to reflect comments submitted by Columbia County Public Works which state that berms and fences shall not be constructed within any public right-of-way. Additional review of visual impacts and necessary mitigation measures are discussed in later findings of this report. As conditioned, staff finds that DR 25-03 satisfies the criteria in CCZO Section 1044.6.

1044 Operating Standards:

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

Finding 9: According to the submitted application, the Site will use the main access point on Honeyman Road, which currently serves the Bates Roth mining site, as shown in Exhibit A, Figure 2. The application states that *“the main access point will provide access for all mining equipment, personnel transport, and maintenance equipment”*. Additionally, there is an existing access gate to Honeyman Road located along the northeast corner of the Site. The applicant intends to use this gate in a limited capacity, restricting its use to maintenance vehicles only – no mining haul trucks will be permitted. Staff recommends Condition No. 12(f) to ensure the applicant obtains the necessary access permits for all connections to Honeyman Road. This condition aligns with Condition No. 25 of Ordinance 2016-9 and incorporates comments submitted by Public Works for DR 25-03.

Signage will be installed and maintained at the main entrance to the Santosh Facility (34885 N Honeyman Road). This entrance will also serve as the designated emergency response location for Scappoose Rural Fire Protection District (SRFD), as outlined in Exhibit A, Figure 2. In the event of an emergency, the applicant will coordinate with SRFD at this location to direct emergency personnel to the appropriate area. As SRFD has yet to provide comments on DR 25-03 as of the date of this report, Staff recommends the inclusion of Condition No. 12 (e) to ensure all Fire Safety Standards are met. Lastly, the applicant has stated that all access roads will be surfaced with gravel and watered to control dust as required by Conditions No. 4 and 5 of Ordinance No. 2016-9. As conditioned, staff finds that DR 25-03 satisfies the criteria in Section 1044.7.

1044 Operating Standards:

- .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 10: CSTI Acoustics conducted a noise impact analysis (Exhibit C) to assess potential noise levels generated by mining activities on the Bible College property (“Site”). This study was submitted for review as part of the PAPA application to demonstrate compliance with DEQ noise standard. Using worst-case scenarios, the study concluded that noise generated from mining on the Site would be within the applicable noise standards required by DEQ. DEQ has not submitted comments for DR 25-03 as of the date of this report. To ensure compliance with CCZO Section 1044.8 and Condition No. 17 of Ordinance No. 2016-9, staff recommends Condition No.8 to ensure compliance with DEQ noise standards. As conditioned, staff finds DR 25-03 satisfies the criteria in Section 1044.8.

1044 Operating Standards:

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

Finding 11: The Site is within the Scappoose Drainage District (SDD) and managed by the Scappoose Drainage Improvement Company (SDIC), which operates pumps, tide gates, and ditches to regulate groundwater and surface water to prevent flooding and support agriculture. The Groundwater and Surface Water Impacts Assessment conducted by Golder Associates Inc., submitted for DR 25-03 as part of Exhibit C, assesses the potential impacts of mining on water quality and quantity. The assessment, based on over 15 years of data from the Bates Roth mine, concluded that “*the proposed expansion of aggregate mining at the Site (Bible College property), is not expected to adversely impact groundwater or surface water quality or change the behavior of the hydrologic system...*”. Further, per Condition No. 24 of Ordinance No. 2016-9, the applicant is required to continue annual reporting to SDIC and USACE under USACE Permit 20030607 and must implement additional monitoring measures before mining begins.

A groundwater flow model, completed for USACE Section 408 compliance, confirmed that mining expansion will not increase groundwater seepage or negatively impact levee infrastructure (Exhibit K), but that mining expansion and the deepening of mine pit lakes may enhance water storage capacity during high river stages and flood events. Further, the applicant is required to comply with DEQ water quality regulations and is responsible for compensating adjacent landowners for any degradation of well water quality resulting from the proposed mining, as required by Conditions No. 27 and 31 of Ordinance No. 2016-9. Additional review of stormwater management and erosion control methods is evaluated elsewhere in this report. Staff finds that as conditioned, the proposed mining expansion will satisfy the water quality criteria in Section 1044.9.

1044 Operating Standards:

.10 Archeological Sites:

- A. Prior to excavation - All sites proposed for excavation shall be inventoried for their archaeological significance in accordance with standards set by the State Archaeologist. If an area proposed for excavation is found to contain an archaeological site(s), the Planning Commission shall hold a public hearing, in accordance with Section 1603, to review testimony regarding the site(s) and establish measures to mitigate potential conflicts as necessary. 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 12: Heritage Research Associates, Inc. (Heritage) prepared a Cultural Resource Survey (Exhibit C) to assess potential impacts on cultural resources at the Site. The survey found no evidence of cultural resources, as no artifacts were discovered during probing excavations. Staff reviewed the findings as part of the PAPA application (PA 17-01 & ZC 17-01) and concurred with Heritage’s conclusions, recommending Condition No. 16 of Ordinance No 2016-9 to ensure compliance with CCZO Section 1044.10(B). Additionally, the applicant has noted that their USACE Section 404 permit requires an independent archaeological consultant to be on-site during initial overburden removal to assess the presence of cultural resources or artifacts in surficial soils. With that being said, and in consideration of Design Review criteria discussed elsewhere in this report, staff recommends Condition No. 5, to reflect Condition No. 16 of Ordinance No. 2016-9 and ensure compliance with CCZO Section 1044.10. As no cultural resources have been identified to date, and with the recommended Condition No. 5, staff finds that the request for DR 25-03 satisfies the criteria in CCZO Section 1044.10.

1044 Operating Standards:

- .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 13: The applicant has secured a DEQ 401 Water Quality Certification (Exhibit G), which requires the applicant to “*develop and implement an effective erosion and sediment control plan*”. The application indicates that the Santosh processing area maintains a DEQ WPCF-1000 permit (File No. 14700) that governs stormwater discharges, including those associated with material transport from the existing Bates Roth mine. The applicant has stated that they intend to continue to comply with this permit and coordinate with DOGAMI and DEQ to determine if any additional permits are required before mining begins.

Per the stormwater control plan (Exhibit A, Figure 8), and as required by Condition No. 13 of Ordinance No. 2016-9, berms and pit sloping will be utilized to prevent off-site discharge by
DR 25-03 Northwest Aggregates Co. (SM) Page 14 of 38

directing all on-site stormwater into the excavation ponds. Berms will be constructed and vegetated to enhance soil stability and prevent erosion as shown in Exhibit A, Figures 4 through 7, and silt fencing will be installed along the perimeter of the berms to ensure that erosion does not leave the Site or impact Evans Slough and the adjacent drainage ditches (Condition No. 14 of Ordinance No. 2016-9). Phasing of berm construction will be discussed in later findings. As conditioned, Staff finds the criteria in CCZO Section 1044.11 will be satisfied.

1044 Operating Standards:

- .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 14: Per the Bible College Operating and Reclamation Plan (Exhibit A, Figures 1-8), pit slopes and grading will be maintained during mining and reclamation. Slopes will be constructed in conformance the Grading and Mining Plan (Exhibit A, Figures 4 and 5). Pit slope gradients will be constructed to ensure stability, with pond slopes contoured during excavation rather than by deposition of fill material. No modifications have been made to the pit slope and grading design of the mine ponds and berms since the DOGAMI Operating Permit 05-0084 was issued on May 3, 2024 (Exhibit E). Staff finds the criterion is Section 1044.12 has been met.

1044 Operating Standards:

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

Finding 15: The Columbia County Board of Commissioners repealed the Surface Mining and Land Reclamation Ordinance through Ordinance No. 2009-5. This repeal shifted much of the regulatory oversight for surface mining operations to state agencies such as DOGAMI and DEQ.

The applicant has submitted a “Reclamation and Landscaping Plan” as shown in Figures 6 and 7 of Exhibit A. The plan displays the reclaimed use of the Site as a pond, and the preservation of landscaped berms established during mining operations. Staff finds that this approach complies with Condition No. 1 of Ordinance No 2016-9, which requires the post mining use of the Site to

be fish and wildlife habitat with pond(s). Furthermore, the “Reclaimed Site Conditions” detail displayed within Figure 8 of Exhibit A, illustrates how the post-mining land use will integrate with the applicant’s adjacent Bates Roth mine site to the north.

Exhibit A, Figure 7 of DR 25-03 “Reclamation and Landscaping Plan Detail”

NOTE(S)		LEGEND	
VISUAL BERM HEIGHT:	APPROX. 6 FOOT AVG.		BATES ROTH RECLAMATION (TYPICAL, SEE REF. 1)
BERM SIDE SLOPE INCLINATION:	2:1 (HORIZ. TO VERT.)		BIBLE COLLEGE RECLAMATION BERM (TYPICAL)
BERM TYPES LOCATIONS, HEIGHTS, & ELEVATIONS ARE APPROXIMATE AND BASED ON INFORMATION PROVIDED BY CSTI ACOUSTICS DATED 2016, AND WESTLAKE CONSULTANTS DATED 2008 (GOLDER, 2017).			
BERMS AND SHORELINES WILL BE VEGETATED TO PROTECT AGAINST EROSION.			
DATUM CONVERSION:			4 FT NGVD29 WATER SURFACE
NAVD88	→ NGVD29 = - 3.31 FEET		BIBLE COLLEGE PROPERTY BOUNDARY (05-0084)
BASED ON VERTICAL DATUM CONVERSIONS PROVIDED BY MINISTER-GLAESER.			
			COLUMBIA COUNTY PARCELS
			PROPOSED GROUNDWATER MONITORING WELLS
			PROPOSED SURFACE WATER MONITORING POINTS
			BATES-ROTH EXPANSION MAINTENANCE ACCESS POINT

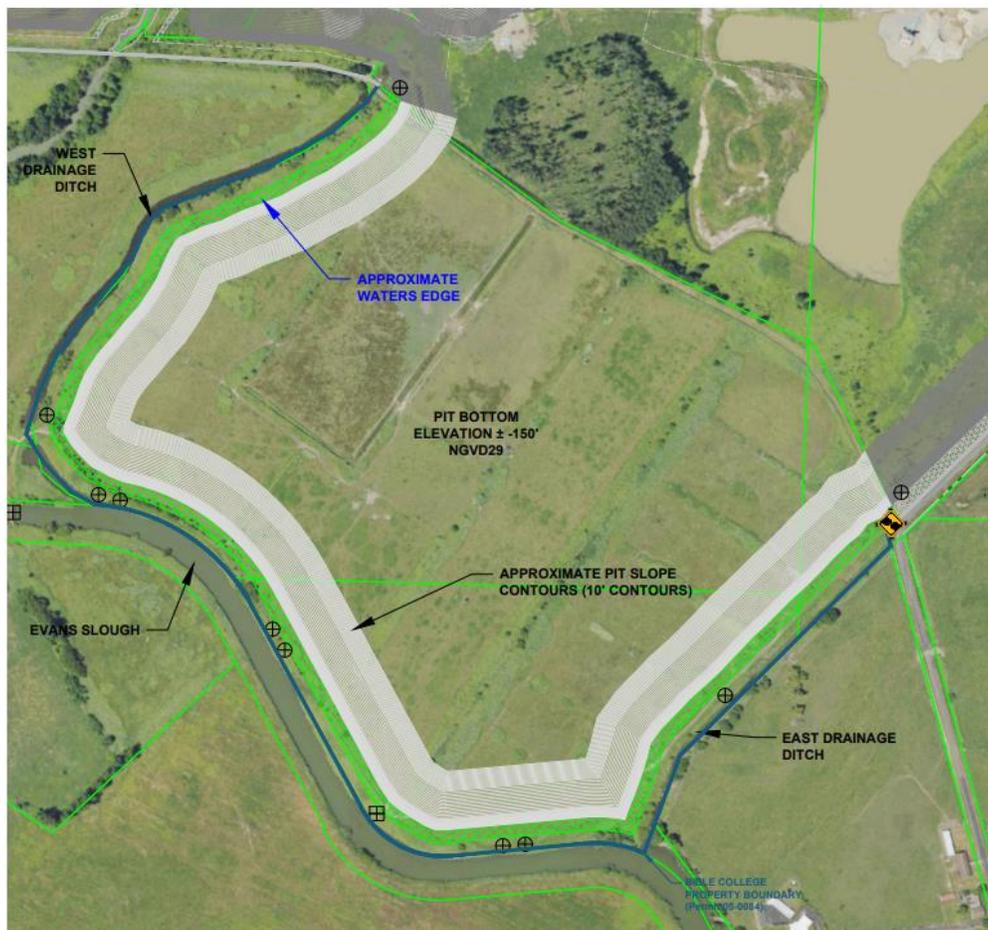
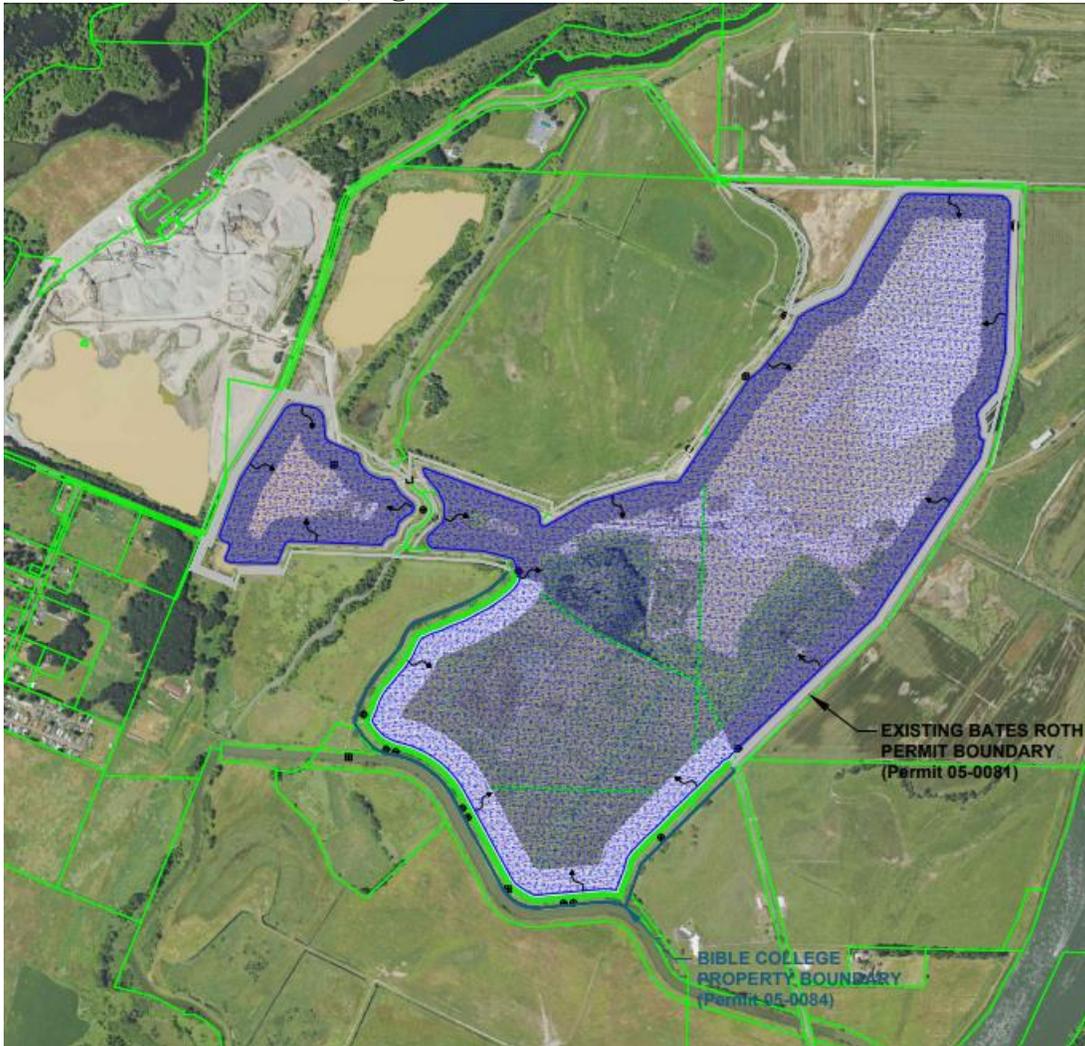


Exhibit A, Figure 8 “Reclaimed Site Conditions”



Condition No. 29 of Ordinance No. 2016-9 requires the reclamation plan to be developed in consultation with Oregon Department of Fish and Wildlife (ODFW), and for post-mining uses across the adjacent properties to be connected via a system of trails. However, the submitted reclamation plans neglect to identify future trail connections or include documentation confirming ODFW’s involvement in their development. Staff finds it appropriate to recommend Condition No. 12 (c) and Condition No. 13 to ensure necessary revisions are made, ODFW confirmation is received, and Site reclamation occurs within the timeframe established by CCZO Section 1044.13. As conditioned, staff finds this criterion has been met.

Continuing with CCZO Section 1040:

- 1045 Modification of Standards: The above standards may be modified by the Planning Commission after public hearing and notification to property owners within 1,000 feet of the subject property and to owners adjacent to private aggregate site access roads. A Site Design

Review for a Conditional Use in this zone may be processed concurrently with the Conditional Use Permit with a single hearing and a single fee which will be the higher of the 2 permit fees.

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

Finding 16: The applicant has not requested any modifications to the standards of this section nor any emergency exceptions. Staff finds the criteria in CCZO Sections 1045 and 1046 do not apply to DR 25-03.

Continuing with Section 1100 of the Columbia County Zoning Ordinance:

Section 1100 FLOOD HAZARD OVERLAY FH

[...]

1104 GENERAL PROVISIONS:

- .1 Lands to which this ordinance applies: This zone shall apply to all areas of special flood hazards within the jurisdiction of Columbia County.

Finding 17: The Site is not located within a special flood hazard area therefore, CCZO Section 1100 does not apply to DR 25-03.

Continuing with Section 1170 of the Columbia County Zoning Ordinance:

1172 Riparian Corridor Standards:

- A. The inventory of Columbia County streams contained in the Oregon Department of Fish and Wildlife Fish Habitat Distribution Data (published January 13, 2023), specifies which streams and lakes are fish-bearing. Fish-bearing lakes are identified on the map entitled, "Lakes of Columbia County." A copy of the most current Stream Classification Maps is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B) for reference. The map, "Lakes of Columbia County" is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B), and is incorporated therein. Based

upon the stream and lake inventories, the following riparian corridor boundaries shall be established:

[...]

2. Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all fish-bearing streams, rivers, and sloughs with an average annual stream flow of less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50-feet from the top-of-bank. Average annual stream flow information shall be provided by the Oregon Water Resources Department.
3. Fish-Bearing and Non-Fish-Bearing Streams, Rivers and Sloughs (Greater than 1,000 cfs). Along all streams, rivers, and sloughs with an average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75-feet upland from the top-of-bank. Average annual stream flow information shall be provided by the Oregon Water Resources Department.

B. Distance Measurement.

1. The measurement of distance to the riparian corridor boundary shall be from the top-of-bank. In areas where the top-of-bank is not clearly delineated, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.
2. The measurement shall be a slope distance. In areas where the predominant terrain consists of steep cliffs, the distances to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distance on from that point.

Finding 18: The applicant has proposed a 50-foot excavation setback from the Ordinary High-Water Mark (OHWM) of Evans Slough and the adjacent drainage ditches, consistent with the DOGAMI Permit Boundary Map (Exhibit E). Staff finds the criteria in Section 1172 is met.

Continuing with Section 1450 of the Columbia County Zoning Ordinance:

Section 1450 TRANSPORTATION IMPACT ANALYSIS

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

- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of

the following:

- A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.
 - C. Potential impacts to intersection operations.
 - D. Potential impacts to residential areas or local roadways, including any non- residential development that will generate traffic through a residential zone.
 - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
 - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
 - G. A change in internal traffic patterns may cause safety concerns.
 - H. A TIA is required by ODOT pursuant with OAR 734-051.
 - I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.
- .2 Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:
- A. Type of uses within the development
 - B. The size of the development
 - C. The location of the development
 - D. Proposed new accesses or roadways
 - E. Estimated trip generation and source of data

F. Proposed study area

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

.3 Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:

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

.4 Conditions of Approval.

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

Finding 19: A Transportation Impact Analysis (TIA) was submitted to the County and reviewed as part of the PAPA application in 2016 (Exhibit C). During the 2024 pre-application process, Columbia County Public Works requested an updated TIA, which was completed in September

2024. The updated analysis incorporated current traffic volumes, crash history, and operational conditions at key intersections, confirmed adequate sight distances and traffic flow along Honeyman Road, and accounted for potential traffic increases from the Scappoose Industrial Airpark. The study reaffirmed that the mining expansion will not create significant adverse impacts on the transportation network and that all affected intersections will continue to operate within ODOT and Columbia County mobility standards. Comments submitted by Public Works align with the conclusions of the updated TIA with Public Works stating: *“The Public Works Department has reviewed the updated to the TIA and concurs with the findings within it”*. Therefore, no additional mitigation measures are required, and staff finds that DR 25-03 satisfies the criteria in Section 1450.

Continuing with Section 1550 of the Columbia County Zoning Ordinance:

Section 1550 SITE DESIGN REVIEW

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

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

1551. Types of Site Design Review:

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

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

Finding 20: DR 25-03 proposes an approximately 130-acre expansion of an existing aggregate mining operation. As such, the application shall be reviewed by the Planning Commission as a Type 2 Site Design Review in accordance with the provisions in subsection 1552.

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

Finding 21: On May 22, 2024, representatives of the applicant attended a pre-application conference with County Departments and relevant local and state government agencies. During the meeting, agencies provided feedback on the proposed surface mine expansion, with discussion centered around applicable review criteria, required improvements, mitigation measures, and the review and permitting process at both the state and county levels.

- 1555 Submittal documents: The following documents, when applicable, are required for a Site Design Review. The scope of the drawings and documents to be included will be determined at the pre- application conference by the Pre-application Conference Committee, and a Site Design Review Submittal Checklist will be given to the applicant, documenting which items are deemed not applicable or not necessary to determine compliance with County and State standards, with a short explanation given for each item so determined.
- A. History.
 - B. Project narrative.
 - C. Existing site plan.
 - D. Proposed site plan.
 - E. Grading plan.
 - F. Drainage plan.
 - G. Wetland mitigation plan. Goal 5 Resource Protection Plans (streams, wetlands, riparian areas, natural areas, fish and wildlife habitat).
 - H. Landscaping plan.

- I. Architectural plans.
- J. Sign drawings.
- K. Access, parking and circulation plan.
- L. Impact assessment.
- M. Site Design Review Submittal Checklist.

1556 Site Plan Submittal and Analysis: The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.

[...]

1558 Planning Commission Review: The Planning Commission shall hold a public hearing for all Type 2 Design Review applications according to Sections 1603, 1604 and 1608 of this ordinance. If the Planning Commission determines that the proposed development meets the provisions of this ordinance, it may approve the project. The Planning Commission may attach any reasonable conditions to its approval of a site plan.

Finding 22: The applicant submitting the application for this for DR 25-03 was received on 10/18/2024 for Type 2 Site Design Review. The application was then deemed complete on 11/14/2024. Following this determination, the Planning Manager contacted the applicant to schedule the application for the 2/3/2025 hearing. However, due to departmental resource constraints and a high volume of concurrent applications, the applicant was informed that the hearing would need to be rescheduled to a later date.

On 1/28/2025, the applicant requested a 60-day extension of the 120-day deadline pursuant to ORS 215. 427. This extension moved the deadline from 3/14/2025 to 5/13/2025. The application was then scheduled for the 3/17/2025 Planning Commission hearing. Notice of the hearing was sent to adjacent property owners and all affected government agencies on 2/10/2025.

The submitted application materials include all applicable submittal documents listed in subsection 1555. All application materials are included as attachments to this report. Staff finds the above criteria are met and the subject proposal can be reviewed by the Planning Commission who may attach any conditions to its approval deemed reasonable per the provisions of subsection 1558.

1559 Compliance: Conditions placed upon the development of a site are also placed upon any building permits issued for the same site. These conditions shall be met by the developer prior to an occupancy permit being issued by

the Building Official, or as an alternative, a bond shall be posted equal to 125% of the estimated cost of the unfinished work, to ensure completion within 1 year of occupancy. If all improvements are not completed within the 1-year bond period, the County may use the bond to complete the work.

Finding 23: Conditions of approval adopted by the Planning Commission must be satisfied prior to the authorization of any activity relating to the subject proposal and prior to the issuance of any building permits as required.

1560 Existing Site Plan: The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

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

6. Location, species and size of existing trees proposed to be removed.
7. Significant noise sources.
8. Existing structures, improvements, utilities, easements and other development.
9. Adjacent property structures and/or uses.

Finding 24: The Existing Conditions Map (Exhibit A, Figure 2) provides a detailed representation of the Site in relation to the Bates Roth Permit Boundary, existing mining related infrastructure, environmental features, and property boundaries. The Site consists of flat terrain, with the Evans Slough and adjacent drainage ditches along the western, eastern and southern boundaries, as well as areas of low-lying vegetation, blackberry bushes, and remnants of agricultural use. The map also identifies access points, for the existing Bates Roth mine, the maintenance vehicle access for the expansion area, and the Scappoose Rural Fire District emergency access point, ensuring safe entry for operational and emergency vehicles. Overhead power lines, easements, levee gates, groundwater monitoring wells, surface water monitoring points, and existing visual/noise berms are clearly marked on the plan. Staff finds that the Existing Conditions Map satisfied the criteria in Section 1560.

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

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

other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.

6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
7. Historic structures, as designated in the Comprehensive Plan.
8. Approximate location and size of storm water retention or detention facilities and storm drains.
9. Location and exterior dimensions of all proposed structures and impervious surfaces.
10. Location and dimension of parking and loading areas. pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
11. Orientation of structures, showing entrances and exits.
12. All exterior lighting, showing type, height, wattage, and hours of use.
13. Drainage, Stormwater and Erosion Control, including possible adverse effects on adjacent lands.
14. Service areas for waste disposal and recycling.
15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
16. Goal 5 Resource Protection Plans. Indicate how project will protect streams, wetlands, riparian areas, natural areas, and fish and wildlife habitat from negative impacts.
17. A landscaping plan which includes, if applicable:
 - a. Location and height of fences, buffers, and screening;
 - b. Location of terraces, decks, shelters, play areas, and common open spaces;
 - c. Location, type, size, and species of existing and proposed shrubs and trees; and
 - d. A narrative which addresses soil conditions and erosion control measures.

Finding 25: The application submitted for DR 25-03 was prepared by the applicant's

representative, Jeremy Jones (Breakwater Geoscience LLC). Figures 1-8 of Exhibit A: “Bible College Operating and Reclamation Plan” are identified as follows:

- Figure 1: Site Location and Vicinity Map
- Figure 2-3: Existing Conditions
- Figure 4-5: Grading and Mining Plan
- Figure 7: Reclamation and Landscaping Plan Detail
- Figure 8: Stormwater Control Plan

The Grading and Mining Plan (Exhibit A, Figures 4-5) confirms that berms and silt fencing required for stormwater and erosion control will be located on Site and will interfere with the 50-foot riparian corridor boundary along the Evans Slough. Authorized Wetland Impact Areas and Wetland Mitigation Areas have been displayed and are authorized as shown in the Compensatory Wetland Mitigation Plan prepared for and approved by USACE and DSL (Exhibit K). The plan also displays existing and proposed groundwater monitoring wells and surface water monitoring points that will be used for reporting to USACE and SDIC, consistent with Condition No. 24 of Ordinance No. 2016-9.

The Grading and Mining Plan also identifies a 50-foot extraction setback on all sides of the Site, except the northern boundary, where mining activities between the Bible College and existing Bates Roth mine are intended to coincide. The applicant shall amend the Site’s active DOGAMI operating permit (Exhibit E) to reflect the extraction and operating boundaries shown on the “Grading and Mining Plan” identified as Exhibit A, Figures 4 and 5 of this application.

While the applicant asserts that no permanent structures will be sited as part of this application, language within the narrative calls for the implementation of items such as a substation, and a portable motor control center (MCC) trailer. Provided that these items are found to be necessary for operations on the aggregate Site pursuant to CCZO Section 1042.2, they shall also be identified on the Final Site Plan.

While the Site will achieve access via two existing connections to Honeyman Road, (Exhibit A, Figure 2-7), the applicant shall receive Road Access Permits for all access points intended for use as part of DR 25-03. Furthermore, upon submittal of documents for Final Site Plan review, the applicant shall provide documentation confirming Scappoose Rural Fire Protection District (SRFPD) has reviewed the final plans for compliance with minimum Fire Safety Standards. These requirements have been included in the recommended conditions.

The “Reclamation and Landscaping Plan” provided as Figures 6 and 7 of Exhibit A, indicates the Site will be reclaimed as a pond for fish and wildlife habitat and Figure 8 illustrates how the reclaimed use of the Site will coincide with that of the adjacent Bates Roth mine site. However, Condition No. 29 of Ordinance 2016-9 requires the reclamation plan to developed in coordination with ODFW, and for post-mining uses across the adjacent mining sites to be connected by a system of trails. As no trail connections are identified in Figures 6 and 7, and ODFW has not submitted comments as of the date of this report, staff recommends Condition No. 12 (c), to ensure these requirements are met at the time of Final Site Plan review.

With adherence to these conditions, staff finds that DR 25-03 satisfies the standards in Section

1561.

The application does not include details for Off-Street Parking, with the applicant's narrative stating "no parking areas or public access ways are proposed for the project". Additionally, the applicant has indicated that parking will be provided in the existing parking lot for the Santosh Processing facility. Staff finds that the proposed mining expansion does not require on-site parking dedication, as the Site will be used as an industrial operation with no commercial customer access. Furthermore, establishing paved parking areas parking on-site would conflict with the required reclamation of the Site as pond(s) for fish and wildlife habitat. Staff finds that as conditioned, the criteria in Section 1561 is satisfied.

- B. Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.

Finding 26: Pit slopes and grading will follow grading plans within Exhibit A. Slopes will be excavated for stability rather than filled. No changes to the pit slope or grading design have been made since the Site's active DOGAMI Operating Permit was issued on May 3, 2024 (Exhibit E). Staff finds that this criteria has been met.

- C. Architectural Drawings:

- 1. Building elevations and sections;
- 2. Building materials (color and type);
- 3. Floor plan.

- D. Signs: (see also Zoning Ordinance Section 1300)

- 1. Freestanding sign:
 - a. Location of sign on site plan;
 - b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, and means of illumination).

[...]

Finding 27: Plans submitted for DR 25-03 do not identify any new building. Condition No. 12(b) has been recommended to ensure any necessary building permits are obtained upon review of the final site plan. Per the application, "Speed limit signs are addressed in the Grading and

Mining Plan on Exhibit A (Figures 4 and 5). The only signage required by Ordinance 2016-9 is for 10 mph speed limit signs for vehicles on the Site. Additional signage is also required at the site entrance per Scappoose Rural Fire District (SRFD) requirements. The Applicant will coordinate with SRFD to ensure all signage and emergency access requirements are met prior to the initiation of mining”. Staff finds that the sign shown within Exhibit A, Figures 4 and 5, satisfies Condition No. 6 of Ordinance 2016-9 CCZO Section 1561, concurs with the applicant, and recommends the addition of Condition No. 12(e), to ensure SRFD reviews the Final Site Plan for compliance with Fire Safety Standards.

1562 Landscaping: Buffering, Screening and Fencing:

A. General Provisions:

1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.

B. Buffering Requirements:

1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.
3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
4. The minimum improvements within a buffer area shall include:
 - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for

evergreen trees, measured from the ground to the top of the tree after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.

- b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
- c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

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

be provided for each 50 lineal feet of street frontage or fraction thereof.

4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

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

Finding 28: Condition No. 3 of Ordinance No. 2016-9 states: *“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”*. Prior to the commencement of mining operations, the applicant intends to construct a six-foot high visual berm around the southern, eastern, and western portions of the Site, with no berms proposed on the northern portion of the Site as mining operations are proposed to extend through these areas. Exhibit A, Figures 4-5, displays that the Site’s visual berms will be constructed at least 50-feet away from the Evans Slough to the south, and the adjacent drainage ditches to the east and west, to ensure the riparian buffer is undisturbed and minimum aggregate extraction setbacks are observed pursuant to DSL, USACE, and DOGAMI requirements (Exhibits E, H, I, and K respectively). The “Shoreline Grading During Mining” detail indicates that berms will be seeded with a tall fescue and ryegrass seed mixture. Additionally, a silt fence and a six-foot tall cyclone fence will be placed along the exterior of the berms to prevent erosion, retain stormwater, and

restrict unauthorized access to the mining area.

Exhibit A, Figures 6-8, indicate that the site will be reclaimed as a pond for fish and wildlife habitat following the conclusion of mining activities. At which time, the berms will be graded and planted with native trees for stabilization in consultation with federal, state, and/or local agencies. The submitted plans indicate that fencing will be maintained during reclamation. Staff finds that as proposed, and with conditions recommended elsewhere in this report, the proposal satisfies the requirements of Section 1562 and Condition No. 3 of 2016-9.

1563 Standards for Approval:

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

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

Finding 29: The Site is not located within a special Flood Hazard Area. Impacts to wetland and riparian areas will be mitigated through the conditions recommended by staff, and through compliance with all applicable permits and requirements from regulatory agencies, including DEQ, DOGAMI, DSL, ODFW, SDIC, and USACE. There are no significant natural areas or

features on the Site, and no Historical and Cultural sites and structures were identified by Heritage Research Associates as shown in the Cultural Resource Survey (Exhibit C). Shielded outdoor lighting fixtures will be used at conveyor transport points and on mobile equipment. The applicant will be required to provide documentation that identifies the necessity and location of all proposed temporary or permanent structures. These structures include overhead power lines, a substation, a portable MCC trailer, portable onshore transitioning equipment, and the portable mining conveyor. Columbia County Public Works has concurred with the findings of the most recent TIA, which conclude that mining operations proposed by DR 25-03 do not in and of themselves necessitate upgrades to transportation facilities in the surrounding area. With the proposed approval conditions, this criterion is met.

1564 Final Site Plan Approval:

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

Finding 30: Pursuant to CCZO Section 1564, the applicant shall submit a final site plan which conforms will all conditions of approval and the approved preliminary site plans provided as Exhibit A “Bible College Operating and Reclamation Plan (Figures 1 through 8)”. The director may approve minor differences between the preliminary site plan and the final site plan. Staff finds this criterion has been met.

Continuing with the Columbia County Stormwater and Erosion Control Ordinance:

I. INTRODUCTION

B. Applicability

2. .The following activities are specifically excluded from the provisions of this ordinance:

[...]

- c. Surface mining;

Finding 31: Surface mining activities are exempt from the requirements of the Columbia County Stormwater and Erosion Control Ordinance. This criterion does not apply to DR 25-03.

AGENCY COMMENTS:

County Building Official: No objections. The applicant shall obtain all necessary permits.

Columbia River PUD: No comments have been received as of the date of this report.

Columbia County Public Works Department: The Applicant must obtain an access permit for every access point onto Honeyman Road. The proposed berm and fence cannot be built within the right-of-way. The Public Works Department has reviewed the update to the TIA and concurs with the findings within it.

Columbia County Assessor: *See attached.*

County Sanitarian: Has reviewed the application and has no objection to its approval as submitted.

Columbia Stormwater and Reclamation District: The Columbia SWRD takes no position on this matter.

Columbia County Surveyor: Has no objection to its approval as submitted.

Department of Environmental Quality: No comments have been received as of the date of this report.

Department of Land Conservation and Development (DCLD): No comments have been received as of the date of this report.

District 18 Watermaster: Has reviewed the application and has no objection to its approval as submitted.

Oregon Department of Fish and Wildlife (ODFW): No comments have been received as of the date of this report.

Oregon Department of Geology and Mineral Industries (DOGAMI): “Please note that the proposal will require permitting with DOGAMI. If this site is considered an expansion of an existing site, then a permit amendment may be needed, however, if the site is considered new and will be connected to an existing site than a new application and a permit amendment may be needed. The applicant is advised to request a formal pre-application meeting with DOGAMI after the land use process is complete. Otherwise DOGAMI doesn’t have any concerns”.

Oregon Department of State Lands (DSL): *See attached.*

Oregon Department of Transportation (ODOT): No comments have been received as of the date of this report.

Scappoose-Spitzenberg CPAC: No comments have been received as of the date of this report.

Scappoose Bay Watershed Council: No comments have been received as of the date of this report.

SRPD: No comments have been received as of the date of this report.

USACE: No comments have been received as of the date of this report.

STAFF COMMENTS, CONCLUSION AND RECOMMENDATION:

Based on the facts, findings, and comments herein, Planning Staff recommends that the Planning Commission **APPROVE 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 applied for and approved by the Board of Commissioners.
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 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 inter-connected with these properties by a system of trails.

- d 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).
 - 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.

Attachments:

DR 25-03 Application

- Exhibit A Bible College Operating and Reclamation Plan (Figures 1 through 8)
- Exhibit B Columbia County Tax Assessors
- Exhibit C PAPA Application and Technical Documentation
- Exhibit D Columbia County Zoning Ordinance 2016-9
- Exhibit E DOGAMI Operating Permit 05-0084
- Exhibit F USACE Section 408 No Alteration Determination
- Exhibit G DEQ Section 401 Water Quality Certification
- Exhibit H DSL Removal/Fill Permit 61355-RP
- Exhibit I USACE Nationwide Wetlands Permit 2013-378-2
- Exhibit J Equipment List
- Exhibit K Compensatory Wetland Mitigation Plan
- Exhibit L Transportation Impacts Analysis Update (September 2024)
- Exhibit M Bible College Trio Packet

Ordinance No. 2016-9 (Signed and Recorded)

General Correspondence

Agency Comments

USACE and DSL Documentation