



# Clatsop County

Community Development  
800 Exchange St., Suite 100  
Astoria, Oregon 97103  
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Phone (503) 325-8611  
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## NOTICE OF DECISION

DATE OF NOTICE: May 11, 2016  
FILE NUMBER: 20160111  
TYPE OF APPLICATION: Conditional Use Permit – Expansion of Mining and Processing of Aggregate and Mineral Resources  
PROPERTY OWNER: State of Oregon  
APPLICANT: Warrenton Fiber  
MAP/LOT: T7N, R09W, Sec. 13, TL 101/201  
ZONING: Agriculture Forestry  
ACTION: **APPROVAL, subject to conditions**

On May 10, 2016, the Clatsop County Planning Commission APPROVED, subject to conditions, the application referenced above. The County based its decision on the project's conformance with the review criteria listed in the Clatsop County Land and Water Use and Development Ordinance (LWDUO). The attached staff report contains the applicable criteria and findings. Other supporting documentation relied upon by the County in making this decision is available for review at 800 Exchange St, Suite 100. For more information, please contact Senior Planner Jennifer Bunch at 503-325-8611 or jbunch@co.clatsop.or.us.

The County's decision may be appealed to the Board of Commissioners by a person with standing by filing a completed Notice of Appeal application and the associated filing fee up to the date and time that appears at the bottom of this letter. The appeal must comply with Section 2.230 of LWDUO #80-14 (procedure for an appeal).

Sincerely,

Bruce Francis, Chair  
Clatsop County Planning Commission

Attachments: Exhibit "A" May 3, 2016, Staff Report

**LAST DAY TO APPEAL: 5:00 PM – May 23, 2016**

**Clatsop County**  
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## **STAFF REPORT**

**Permit #20160111**

**STAFF REPORT DATE:** May 3, 2016

**HEARING DATE:** May 10, 2016

**HEARING BODY:** Clatsop County Planning Commission

**REQUEST:** Conditional Use Permit: The applicant seeks approval for mining and processing of aggregate and mineral resources in the AF Zone.

**APPLICANT:** Warrenton Fiber  
P.O. Box 100  
Warrenton, OR 97146

**AGENT:** Frog Consulting  
469 Lexington Avenue  
Astoria, OR 97103

**OWNER:** Oregon Department of Transportation

**PROPERTY DESCRIPTION:** T7N, R09W, Sec. 13, TL 101/201  
Zoning: AF – Agriculture Forestry  
Current Plan Designation: Conservation Forest Lands

**PROPERTY LOCATION:** The subject property is located at Milepost 10.4 on Highway 202, on the north side of the highway, just east of Olney Lane.

**PROPERTY SIZE:** TL 101: 13.72 acres  
TL 201: 1.45 acres

**COUNTY STAFF REVIEWER:** Jennifer Bunch, Senior Planner

**EXHIBITS**

1. Application for Conditional Use
2. Public Notice
3. Public Comment

**COMMENTS RECEIVED:** 1 – Oregon Department of Transportation

**RECOMMENDATION:** **APPROVAL – Subject to Conditions**

## SUMMARY

The applicant is seeking approval for the expansion of mining and processing of mineral resources onto two parcels currently owned by Oregon Department of Transportation. The expansion is part of a larger negotiation and eventual property swap with the Oregon Department of Transportation (ODOT) and Warrenton Fiber.

The subject parcels are adjacent to the site of the Warrenton Fiber & Otto Browning Rock quarries, originally known as the Otto Browning site. The Browning site is a 19.62-acre site, zoned Agriculture-Forestry (AF), and the northern roughly one-half is located within the Geologic Hazard Overlay (GHO). Both the Otto Browning site and ODOT parcels were used as a quarry prior to the adoption of Clatsop County's Land and Water Development and Use Ordinance #80-14. The Browning site, DOGAMI Permit #04-0022, appears in Clatsop County's Comprehensive Plan inventory of quarry and mining sites, adopted as part of Clatsop County's County-Wide Element and Background Report Goal 5 on July 23, 1980, although it was not considered significant enough to warrant being zoned Quarry Mining (QM) and was not included in the Quarry Mining Overlay (QMO) District.

The Hienz Pit was included in the county's Quarry Mining Overlay (QMO) District by Comprehensive Plan and Zoning Map and Text Amendment by Ordinance No. 95-4, which gave the quarry Goal 5 resource protection. The Browning site and ODOT property existed at the time the ordinance was adopted and both sites were used for minor quarry activities. Both sites are already included in the original adoption of Goal 5; however, neither site was considered a primary source and so was not included in the QMO.

The findings contained herein provide sufficient findings to illustrate satisfactory compliance with appropriate County Land Use Codes. Where appropriate conditions can be applied to ensure compliance with other components that cannot be completed prior to Land Use Approval.

## PROPERTY STATUS

The subject property, TL 101, was created by the recording of a Warranty Deed on February 1, 1961 (Book 258, Page 186). The property meets the county's definition of "lot of record". LWDUO §1.030.

The subject property, TL 201, was created by the recording of a Warranty Deed on February 1, 1961 (Book 258, Page 184). The property meets the county's definition of "lot of record". LWDUO §1.030.

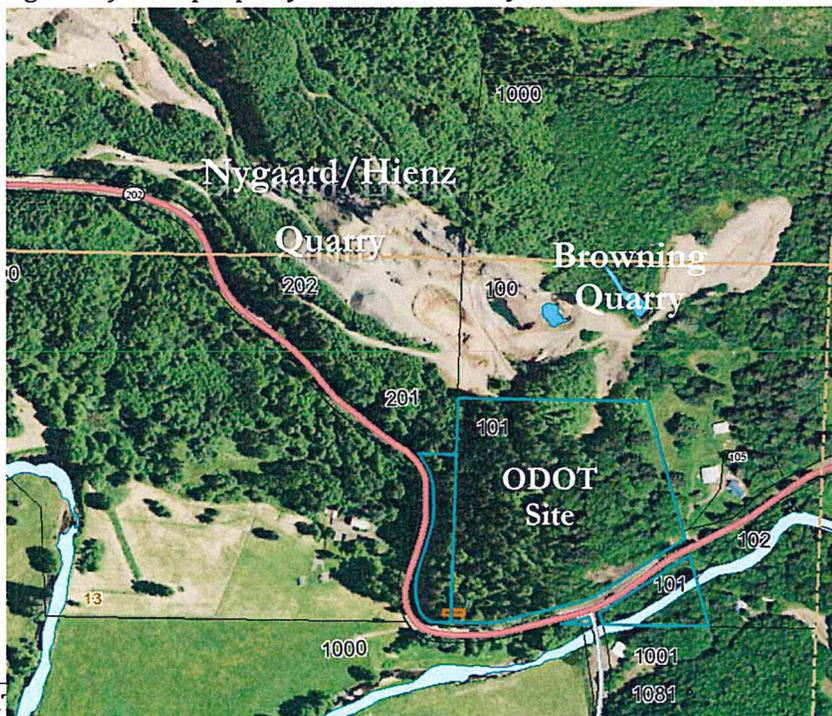


Figure 1: Aerial View

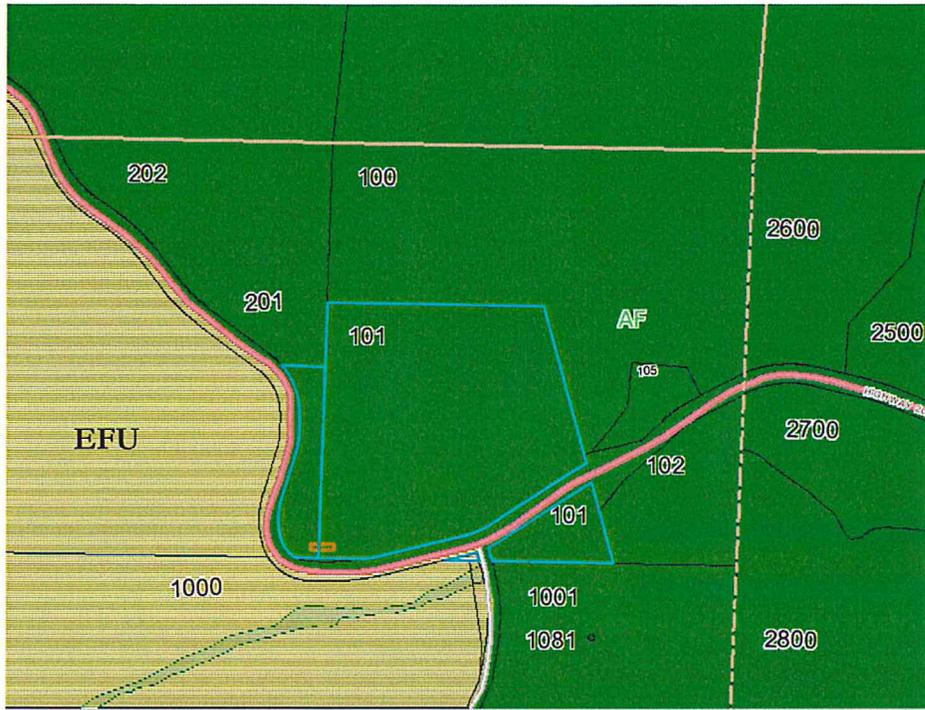


Figure 2: Zoning

**PROPERTY CONDITIONS**

Both taxlots are directly adjacent to and slope steeply toward Highway 202 and are mostly forested. A portion (approx. 1.3 acres) of TL 101 is south of Highway 202 and is intersected by the North Fork Klaskanine River. Mining and quarry activities will not take place in this area.

**SURROUNDING AREA**

A number of rural residences and small farms dot the area on smaller acreages up and down Highway 202, as well as the Hienz Pit, also an aggregate mine, and the Reikkola Quarry, a rock pit across the highway from the ODOT site. Surrounding zoning is AF, F-80 (Forestry-80), and EFU (Exclusive Farm Use).

**APPLICABLE CRITERIA**

The applicable criteria for this land use application are contained in LWDUO – Ordinance 80-14, the Clatsop County Standards Document, and the Clatsop County Comprehensive Plan:

I. APPLICABLE REVIEW CODES AND POLICIES

**A. Clatsop County Land and Water Development and Use Ordinance 80-14**

Section 1.010-1.050	Definitions
Section 2.025	Type IIa procedure
Section 2.115-2.120	Procedure for Mailed Notice
Section 2.125	Procedure for Published Notice
Section 3.510	Agriculture – Forestry (AF) Zone
Section 5.000 – 5.030	Conditional Development and Use
Section 5.300	Site Plan Review

**B. Standards Document**

- S2.500 – Erosion Control Development Standards
- S4.400 – Rock and Mineral Resource Use

S4.500 – Protection of Riparian Vegetation  
Chapter 5 – Vehicle Access Control and Circulation

**C. Comprehensive Plan Policies and Goals**

Clatsop County Comprehensive Plan

Goal 1 (Citizen Involvement)

Goal 2 (Land Use Planning)

Goal 4 (Forest Lands)

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces)

Goal 6 (Air, Water, and Land Quality)

**II. ASSESSMENT OF APPLICATION VERSUS APPLICABLE CRITERIA**

The applicable criteria for this land use application:

**A. LWDUO 80-14**

**ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS**

**Section 2.025. Type IIA Procedure.**

**SECTION 2.100 PUBLIC DELIBERATIONS AND HEARINGS**

**Section 2.110 Mailed Notice of a Public Hearing**

**Section 2.120 Procedure for Mailed Notice**

**Section 2.125 Procedure for Published Notice**

**Staff Analysis and Finding:** As provided in Exhibit 2, all requirements pertaining to the mailed and published notice to affected property owners, interested parties, and government agencies have been met. **The criterion has been satisfied.**

**SECTION 3.510. AGRICULTURE-FORESTRY ZONE (AF).**

**Section 3.519. Conditional Development and Use.**

The following forest and non-forest developments and uses and their accessory uses may be permitted under a Type IIA procedure and Sections 5.010 to 5.025, and subject to applicable criteria, development standards and site plan review.

(2) Subject to the standards in S3.509, operations conducted for:

(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to standards in Section S3.516;

**APPLICANT RESPONSE:** Mining and processing of aggregate and mineral resources as defined in ORS chapter 517 is permitted through the acquisition of a Type IIA conditional use permit per LWDUO Sections 2.025 & 5.000. The Browning Quarry Site qualifies under the definition of mining and processing of aggregate mineral resources as defined in ORS chapter 517 and LWDUO section 3.519§1.

In accordance with Section 2.025 the Community Development Director shall prepare a notice program designed to reach persons believed to have a particular interest, and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

In Sum:

- The proposed use is identified as an acceptable use in the Agriculture-Forestry (AF) Zone provide the proposed use satisfies the conditional use permit requirements and is deemed compatible with farm/forest uses on surrounding parcels.

- The Community Development Director per LWDUO Section 2.025 will satisfy notification requirements.
  - Conditional Use Permit Requirements, LWDUO Sections 5.000-5.030, will be addressed in later in this report under L5.000“Conditional Use Permit”.
  - Farm – Forest Compatibility, SD Sections S3.509 & S3.516, will be addressed in “Farm – Forest Compatibility”.
- Criteria under section 3.510 are satisfied.

**Staff Analysis and Finding:** Mining of aggregate and other subsurface mineral is identified as a Type IIa conditional use in LWDUO Section 3.519 (2), subject to standards in Section S3.516. Clatsop County Standards Document sections S3.509 and S3.516 will be addressed later in this staff report and the application will be found to be consistent with the standards found in S3.509 and S3.516, with conditions of approval that will be identified throughout the staff report in the appropriate sections. **Staff finds that the use is allowed under LWDUO, Section 3.519(2).**

**Section 3.524. State and Federal Permit.**

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

**APPLICANT RESPONSE:** Appropriate conditions of approval will satisfy these criteria.

**Staff Analysis and Finding:** A condition of approval will require the applicant to provide documentation of all state and federal permits to operate the quarry. The requirement will be met by applying this regulation. Refer to Regulation #1.

**Regulation #1:** If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

**SECTION 5.000. CONDITIONAL DEVELOPMENT AND USE.**

**Section 5.015. Authorization of a Conditional Development and Use.**

- (2) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.
- (3)
  - (A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.

**APPLICANT RESPONSE:** The proposed use is identified as an appropriate use in the AF zone as indicated in LWDUO Section 3.510-3.524. Additionally the Browning Pit was one of approximately 2-dozen quarry sites identified and listed in Clatsop County’s Comprehensive Plan and originally listed under Otto Browning. The proposed expansion of pre-existing use is consistent with the comprehensive plan.

The AF Zone is designated Conservation Forest Lands in the Comprehensive Plan, and aggregate mining is identified as a Type IIa conditional use, presumably because, although mining takes land out of timber production, forestry can resume once the mineral resource is exhausted. Also, surface mining impacts are similar to those of timber harvest: potential erosion and sedimentation of streams, rivers and lakes, noise, heavy vehicles hauling heavy loads. It is therefore reasonable that quarry

operations would not conflict with forestry when their impacts are so similar and the land can be returned to forest uses after the quarry operation ends. A reclamation plan for the end of the quarry's use is required as a function of the applicant' DOGAMI permit and will demonstrate the proposed use does not conflict with the provisions of the Comprehensive Plan. An appropriate condition will satisfy this concern.

As demonstrated throughout this report the proposed use does not conflict with the provisions of the Comprehensive Plan.

**Staff Analysis and Finding:** As demonstrated later in sections of this report, staff has determined the proposed use does not conflict with the applicable provisions of the Comprehensive Plan. **This criterion has been met.**

(B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14).

**APPLICANT RESPONSE:** The proposed use is listed under LWDUO Section 3.519§1 as an acceptable use provided it meets certain standards as outlined in this report and conforms to the development standards as set forth under LWDUO Section 3.522. Therefore we feel the proposed expansion is consistent with the intent and purpose of Clatsop County's LWDUO (Ordinance 80-14) or authorization can be conditioned to satisfy all concerns with continued operations of the quarry site.

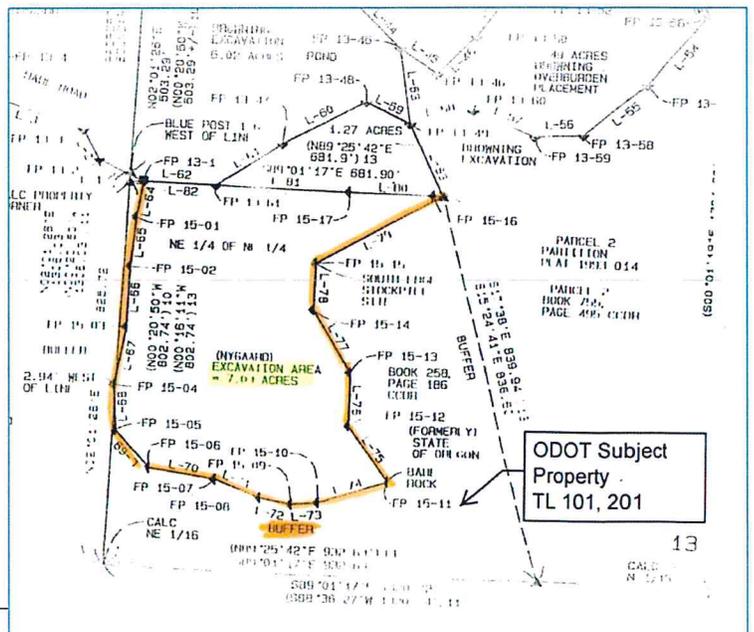
**Staff Analysis and Finding:** The applicable sections of Land and Water Development and Use Ordinance (LWDUO) are addressed throughout this report and appropriate conditions will be identified to enable the proposal to meet the requirements and standards. **Conditions of approval will ensure the proposed use meets the requirements and standards of the Land and Water Development and Use Ordinance.**

(C) The site under consideration is suitable for the proposed use considering:

- 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.

**APPLICANT RESPONSE:** The site is well off the highway and obstructed by natural occurring forested buffers along the highways and property lines.

**Staff Analysis and Finding:** The subject property is directly adjacent the highway but a preliminary site plan survey identifies that a buffer will be maintained between the excavation area and the highway. Given the area has been in operation as a quarry since before the adoption of the Clatsop County Land and Use Development and Use Ordinance in 1980, it is reasonable to assume the site is suitable for the proposed use. Lighting, signage, etc. are already in place for the adjacent quarry operations. **Staff finds that the requirements of LWDUO 80-14, Section 5.015(2)(C)(1) have been met.**



- 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.

APPLICANT RESPONSE: US Hwy 202 has been adequately servicing the site for over 50 years. All traffic entering and exiting the site use the Heinz Pit access point to the west of the property boundary.

**Staff Analysis and Finding:** Ingress and egress to the subject quarry site will take access through the existing Heinz Pit access point on Highway 202. The Oregon Department of Transportation has provided comments and indicates that the existing Heinz access is permitted. **Staff finds that the requirements of LWDUO 80-14, Section 5.015(2)(C)(2) will has been met.**

- 3) The adequacy of public facilities and services necessary to serve the use.

APPLICANT RESPONSE: There are currently no public facilities or services to the Browning Pit with the exception of Highway Access through the Hienz Pit adjacent to the Browning Property and owned and operated by Nygaard Logging Co. /Warrenton Fiber Co. The quarries have operated with little in the way of public facilities and services except highway access and current operations are expected remain at the same level, based on past experience. Sanitary facilities by way of port-a-potties are provided for workers at the quarry and are indicated on the site plan.

**Staff Analysis and Finding:** Quarries typically require little in the way of public facilities. Considering that this is an expansion of existing operations public facilities are in place to serve the ODOT quarry site. **Staff finds that the requirements of LWDUO 80-14, Section 5.015(2)(C)(3) have been met.**

- 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.

APPLICANT RESPONSE: The Combined Quarry operation is adjacent to a large and long standing rock quarry, the site has been used in conjunction with the Heinz Pit for over 50 years. It is comprised of steep rocky terrain. The quarry material is identified as standard "Rock" in the comprehensive plan.

**Staff Analysis and Finding:** Staff concurs with the Applicant's findings. The physical attributes include the aggregate and mineral resources that make the site desirable for quarrying. **Staff finds that the requirements of LWDUO 80-14, Section 5.015(2)(C)(4) have been met.**

- (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.

APPLICANT RESPONSE: The Otto - Browning Pit has operated in conjunction with the Hienz Pit since before the conception of the Land Use Ordinance. The surrounding uses in that area are supposed to be compatible with those uses conducted in a Farm or Forest Zone. The operations for a rock quarry involve very similar equipment to that of a forest operation and are often found complimenting the others use. Most rock quarries in Clatsop County are located in Forest Lands. It is unlikely to interfere with and existing or projected uses in the vicinity. The proposed use is compatible with the existing and projected uses on surrounding lands.

**Staff Analysis and Finding:** The surrounding lands are also resource-zoned; either for timber or agricultural production, and this quarry is not new. The site has been operating for decades without interfering with nearby farm, agricultural and forestry uses. **The requirements of LWDUO 80-14, Section 5.015(2)(D) have been met.**

- (E) The proposed use will not interfere with normal use of coastal shorelands.

APPLICANT RESPONSE: There are no coastal shorelands in the immediate vicinity of this project. This is Criterion is Satisfied.

- (F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas.

APPLICANT RESPONSE: See Above. Additionally, the operator of the quarry has a Stormwater retention permit through DEQ to ensure that turbidity levels are not exceeded and proper precautions are taken. Per the terms of the DEQ stormwater permit the applicant is required to sample all discharges monthly in addition to the established quarterly sampling during rain events. This Criterion is Satisfied.

**Staff Analysis and Finding:** The site is not within the Coastal Shoreland Overlay. **Staff finds the criteria in (E) and (F) do not apply.**

- (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.

APPLICANT RESPONSE: The project area borders on Big Game Habitat, but the proposed expansion is unlikely to cause any additional impacts upon the big game habitat in the area.

**Staff Analysis and Finding:** The ODOT site is not within Big Game Habitat area. **The criterion does not apply.**

- (H) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria.

APPLICANT RESPONSE: The applicants are willing to accept appropriate conditions that the local hearing body feels are appropriate to ensure the project remains consistent with the Clatsop County's Land Water Development and Use Ordinance and their Comprehensive Plan ensuring there are no conflicts with Farm or Forest operations on surrounding lands.

**Staff Response:** Appropriate conditions are recommended throughout and at the conclusion of the staff report.

## **SECTION 5.300. SITE PLAN REVIEW.**

### **Section 5.302. Site Plan Review Requirements.**

Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.040, 1.050 and the requirements of this Section.

APPLICANT RESPONSE: A site plan depicting the elements described in section 5.015 (P) (C) (1), above and below, is included with this proposal and may be modified per DOGAMI and DEQ Stormwater requirements. An appropriate condition of approval would satisfy these criteria.

**Staff Analysis and Finding:** A site plan addressing the elements described in section 5.015 (3)(C), (1) & (3), will be required as a condition of approval. **The requirements of LWDUO 80-14, Section 5.302 will be met with a condition of approval. Refer to Condition of Approval #1.**

**Condition of Approval #1:** Review and approval of a Commercial Site Plan is required prior to the commencement of mining operations on the site.

## **B. STANDARDS DOCUMENT**

### **CHAPTER 2. SITE ORIENTED IMPROVEMENTS**

#### **S2.200. Off-Street Parking Required.**

Off-street parking and loading shall be provided for all development requiring a development permit according to S2.200 to S2.212.

#### **S2.202. Minimum Off-Street Parking Space Requirements.**

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

- (4) Industrial type of development and number of parking spaces.  
Air, rail or trucking freight terminal: (1) per employee on largest shift

**Staff Analysis and Finding:** The Standards Document lists requirements for industrial developments, but most assume a warehouse of building space and predicate the number of spaces required on the gross square footage of those buildings. The standards for a freight terminal seem more applicable: the work is outside and trucks arrive and depart after being filled product. Conditions of approval will require the off-street parking, based on one space per employee on the largest shift, shall be included on the site plan required to satisfy Section 5.302, above. **Staff finds that the requirements of LWDUO 80-14, Section S2.202 shall be met with a condition of approval. Refer to Condition of Approval #1.**

#### **S2.300. Sign Requirements**

**Staff Analysis and Finding:** Any signage along the highway is subject to the requirements of S2.300 and a sign permit is required. This signage must be shown on the commercial site plan. A condition of approval regarding signage will ensure compliance with S2.300. **Staff finds that the requirements of LWDUO 80-14, Section S2.202 shall be met with a condition of approval. Refer to Condition of Approval #2.**

**Condition of Approval #2:** New signage shall meet the requirements of S2.300 and requires a permit.

#### **S2.500 Erosion Control Development Standards**

#### **S2.503 Erosion Control Plan**

APPLICANT RESPONSE: An Erosion and Control Plan addressing these issues has been attached for your convenience. Satisfied (See Attached) The DEQ permit will meet the requirements of the above S2.500. A condition of approval that copies of all state and federal permits, including the DEQ NPDES 1200A permit for storm water discharge, can be required prior to issuance of a development permit and should suffice to satisfy the requirements of S2.500. This criterion can be met with a condition of approval.

**Staff Analysis and Finding:** Prior to quarry operations on the subject property the Applicant shall provide Clatsop County a copy of an approval DEQ NPDES 1200A permit for storm water discharge. This permit will meet the requirements of the above S2.500. A condition of approval that copies of all state and federal permits, including the DEQ NPDES 1200A permit for storm water discharge, shall be supplied before a development permit will be issued shall satisfy the requirements of S2.500. A development permit must be obtained prior to commencement of any quarry activities. **This criterion can be met with a condition of approval.** Refer to Regulation #1.

### CHAPTER 3. STRUCTURE SITING AND DEVELOPMENT

#### SECTION S3.500. FARM AND FOREST ZONES DWELLING AND/OR USE STANDARDS.

Section S3.509. Approval of Certain Uses.

Certain uses in the F-80, AF and EFU zones may only be approved subject to these standards:

- (1) A use proposed on agricultural land requiring compliance with this section may be approved only where the County finds that the use will not:
  - (A) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

APPLICANT RESPONSE The proposed expansion should have no effect on existing farm or forest practices on surrounding lands. The Browning site, as well as the Hienz Pit on the adjoining parcel and the Reikkola Quarry across Highway 202, have been in use for many years – the Browning site since at least 1972, according to records found in the Community Development Department files. As demonstrated in Section 5.015, above, the impacts of the use are not much different than the impacts of timber harvest. This request is for an expansion of a footprint, not a change in operations. No changes to uses on surrounding farm and forest lands are anticipated.

**Staff Analysis and Finding:** Staff concurs with the Applicant’s analysis and findings. The proposed expansion to the ODOT site will not encumber any adjacent farm or forest lands and is adjacent to quarry activities that have existed for several decades. **Staff finds that the proposed development will not force a significant change in accepted farm or forest practices.**

- (B) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

APPLICANT RESPONSE: The proposed expansion should have no bearing on the costs of farm or forest practices on surrounding lands.

**Staff Analysis and Finding:** As there is no anticipated change in accepted forest practices or other impacts to farm and forest lands, no increase in cost is anticipated either. Again, the Browning site, the Hienz Pit, the ODOT site and the Reikkola Quarry across Highway 202 have been in use for many years already, so this application will affect the uses on adjacent lands or the cost associated with those uses.

**Staff finds that the proposed development will not force a significant increase the cost of accepted farm or forest practices.**

(2) A use proposed on forest land requiring compliance with this section may be approved only where the County finds that the use will not:

(A) Force a significant change in, or significantly increase the cost of accepted farm or forest practices on agriculture or forest lands; or

APPLICANT RESPONSE: The Browning site, as well as the Hienz Pit and the Reikkola Quarry across Highway 202, have been in use for many years. The small farms and surrounding timber lands have co-existed with this quarry since the early 1970s without incident. The quarry use does not require the use or disuse of farm or forest chemical applications or equipment, or altered hours of operation. Livestock in the area are as accustomed to the quarry as they are to the sounds of timber harvest operations. It is reasonable to assume a minor increase in the foot print of one of the quarries will not increase the cost of accepted farm or forest practices on agriculture or forest lands.

**Staff Analysis and Finding:** Staff concurs with the applicants findings. **Staff finds that the proposed development will not force a significant change in accepted farm or forest practices.**

(B) Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks of fire suppression personnel.

APPLICANT RESPONSE: The proposed use and requested expansion will create no significant increase in fire hazard, fire suppression costs, or risks to firefighting personnel.

**Staff Analysis and Finding:** The subject property is located within the Olney-Walluski Fire and Rescue District. No increased risks have been identified with this proposal. **Staff finds that the proposed development will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks of fire suppression personnel.**

(3) An applicant for a use requiring compliance with subsection (1) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

APPLICANT RESPONSE: The applicant has addressed their willingness to accept reasonable conditions deemed necessary by County Staff and authorized by the LWDUO to ensure compliance with all codes and standards previously in Exhibit C Section 5.025§3

(4) A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules is required for the following uses:

(A) Parks and campgrounds;

(B) Reservoirs and water impoundments;

(C) Home occupations;

(D) A mobile home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative; or

(E) Private accommodations for fishing occupied on a temporary basis.

**Staff Analysis and Finding:** The proposed use is not among the uses listed requiring a written statement recorded with the deed or written contract recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. **This standard does not apply.**

### **S3.516. Mining in EFU and AF Zones:**

(1) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. The County may set standards for a lower volume or smaller surface area than that set forth in this subsection.

APPLICANT RESPONSE: The applicants have submitted an application for review with the project that will satisfy this criterion upon a favorable decision from the hearing body.

(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged Comprehensive Plan.

APPLICANT RESPONSE: The Otto - Browning Pit is listed in the Clatsop County Goal 5 inventory under Otto Browning and was acknowledged as a part of the County's Comprehensive Plan.

(3) For purposes of this section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

APPLICANT RESPONSE: The proposed continuation and expansion would meet with the definition as defined in S3.516§3.

**Staff Analysis and Finding:** The applicant has submitted an application for a conditional use permit, which is under review in this staff report, mining a surface area of more than one acre. The ODOT site is not included in the Comprehensive Plan Goal 5 inventory but is an expansion of the Browning Quarry. **The criteria found in S3.516 are satisfied.**

## **S4.400. ROCK AND MINERAL RESOURCE USE**

### **S4.401. Purpose. Development Standards - Extraction Area.**

A development plan shall be submitted to the County Community Development Department for any activity allowed as a conditional use. The development plan shall provide the necessary documents, permits, and maps to demonstrate compliance with the following standards and requirements:

#### **(1) Screening and Fencing.**

(A) An earthen berm and buffer of existing or planted trees or vegetation shall be maintained to fully screen the view of any mineral and aggregate activity and all related equipment from any public road, public park, or residence within 1000 feet. Where screening is shown to be impractical because of topography or other physical characteristics of the site, the screening requirements may be waived by the Community Development Director.

(B) Sight obscuring fencing or approved barrier type shrubs shall be required to eliminate any safety hazards that use of the site may create. Fencing, if required, shall be sight obscuring and a minimum of 6 feet high.

APPLICANT RESPONSE: The site is located well off the highway and uses natural vegetation, trees, and a berm of quarry material to obscure the site from the highway and adjoining parcels. The quarry mining activities are located approximately 800 feet from the highway and behind the berm and natural vegetation and do not pose safety hazards to passing vehicles. This criteria is satisfied.

**Staff Analysis and Finding:** Based on the applicant's description and staff's knowledge of the area, the site meets the requirements of S4.410 (A) and (B). The operation is not visible from the road and mostly is surrounded by forestlands. Aerial photographs show the quarry area buffered from Highway 202 by trees and other vegetation. A study of aerial photographs indicates that there are only two dwellings within 1000 feet of the site. **The criteria found in S4.410 (1) (A) and (B) are satisfied.**

(2) Access.

(A) All private access roads from mineral and aggregate sites to public roads shall be paved or graveled. If graveled, the access road shall be graded and maintained as needed to minimize dust.

(B) Improvement or fees in lieu of improvements of public roads, County roads and state highways may be required when the Community Development Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

(C) Any internal road at a mineral and aggregate site within 250 feet of a Sensitive Use shall be paved or graveled, and shall be maintained at all times to reduce noise and dust in accordance with County or DEQ standards specified in the ESEE analysis.

(D) An effective vehicular barrier or gate shall be required at all access points to the site.

APPLICANT RESPONSE: As mentioned previously and again later in this report. The proposed expansion will not increase operational activity, rather it allows continued operations in their current state to continue. The expansion will not increase total traffic volume to and from the quarry site. All internal roads comply with the standards as described herein and a vehicular barrier is already on the premises. These criteria are satisfied. The Browning site takes access to Highway 202 through the Hienz Pit. Based on former analysis of the site, it should already comply (sic) with the standards of S4.410 (2) (A-C). Conditions of approval would ensure standards found in S4.410 (2) (A-C) are satisfied.

**Staff Analysis and Finding:** The ODOT site takes access to Highway 202 through the Hienz Pit. The applicant states all internal roads meet the standards and a vehicle barrier is in place. Based on the applicant's statement, the site already complies with the standards of S4.410 (2) (A-C). **The standards in S4.410 (2) (A-D) are satisfied.**

(3) Hours of Operation.

(A) Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.

(B) Mineral and aggregate extraction, drilling, processing and equipment operation located within 1000 feet of a Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.

(C) An increase in operating time limits shall be granted for all activities except blasting if:

- 1) There are no Sensitive Uses within 1000 feet of the mining site; or if
- 2) There are Sensitive Uses within 1000 feet, the increased activity will not exceed noise standards established by the County or DEQ; and
- 3) The operator shall notify the owners and occupants of all Sensitive Uses within 1000 feet by first class mail which is mailed at least 96 hours prior to the date and approximate time of the activity for which the operator receives an exception.

(D) The operating time limits may be waived in the case of an emergency as determined by the County governing body.

**APPLICANT RESPONSE:** No Sensitive Uses are identified within 1000 feet of the quarry. The applicant is proposing to expand an existing operation. The expanded operations will likely have the same restrictions that current operations do. The current operating conditions of the two pits should satisfy the conditions and operations of the expanded area and ensure compliance with these criteria. Conditions of approval will ensure standards found in S4.410 (3) (A-D) are satisfied.

**Staff Analysis and Finding:** As stated in earlier findings there are two dwellings located within 1000 feet of the subject property. Application of the regulations will ensure compliance with S4.410(3)(A)-(B). *Refer to Condition of approval #3.* The Applicant does not propose any increase of operating time limits; therefore, S4.410(3)(C)-(D) do not apply. **The standards in S4.410 (3) (A-D) are satisfied.**

**Condition of Approval #3:** The use must comply with the following hours of operation:

Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.

Mineral and aggregate extraction, drilling, processing and equipment operation located within 1000 feet of a Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.

(4) Environmental Standards.

(A) DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all applicable environmental standards of the County and State. Any crusher, asphalt, concrete, ready-mix or other machinery shall submit an approved DEQ permit(s) at the time of development plan application.

(B) DOGAMI Standards. Mineral and aggregate extraction, processing, other operations and site reclamation shall conform to the requirements of the Department of Geology and Mineral Industries (DOGAMI).

(C) Permits Required. Mining shall not commence until all applicable State and Federal permits, if any, are provided to the County.

(5) Equipment Removal. All surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity shall be removed from the site

within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.

(6) Performance Agreement.

(A) The operator of a mineral and aggregate site shall provide the County with annual notification of DOGAMI permits.

(B) Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.

(7) Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, and ecologically and scientifically significant natural areas and scenic areas protected by the Clatsop Plains Community Plan or other provision of the County Comprehensive Plan, shall be addressed in the application and findings for the conditional use.

(8) Site Reclamation. A reclamation plan shall be submitted concurrently with the development plan required in Section 4.418. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses anticipated after the quarry operation, and shall meet DOGAMI requirements.

(9) Water Management.

(A) Surface water shall be managed in a manner which meets all applicable DEQ, DOGAMI, and ODFW water quality standards. Approval may be conditioned upon meeting such standards by a specified date. Discharge across public roads shall be prohibited. Existing natural drainages on the site shall not be changed in a manner which substantially interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.

(B) All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to any site operation.

(10) Floodplain. Any quarry operation located wholly or in part in a Special Flood Hazard Area as shown on the Federal Insurance Rate Map (FIRM) shall receive approval in accordance with Section 4.000 of this Ordinance prior to any site operation.

**APPLICANT RESPONSE:** These are typically conditions of approval applied with the DOGAMI, DEQ stormwater permit and County Land Use permit. As the subject property is not located within a Floodplain area, (10) does not apply. A site reclamation plan is not required in the DEQ NPDES 1200-A (stormwater and mine dewatering) permit, but is typically a function of the DOGAMI permit and will be included with the applicant's application and DOGAMI authorization. **S4.410 (10) does not apply. Conditions of approval will ensure standards found in S4.410 (4) through (9) are satisfied.**

**Staff Analysis and Finding:** A site reclamation plan is not required in the DEQ NPDES 1200-A (stormwater and mine dewatering) permit but is required as a function of the DOGAMI authorization.

Copies of all state and federal permits shall be required as a condition of approval before a development permit can be obtained.

Should the appropriate state and federal permits not address (5) Equipment Removal and (6) Performance Agreement, those elements shall be provided to the county's Community Development Department directly: 1) A condition of approval will require all surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity to be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone. 2) The operator of the site shall provide the County with annual notification of DOGAMI permits. Mineral and aggregate operations shall be insured for \$500,000 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed. The subject property is not located within a Floodplain area, (10) does not apply.

**S4.410 (4) does not apply. Conditions of approval will ensure standards found in S4.410 (4) through (9) are satisfied.**

**Condition of Approval #4:** Should the appropriate state and federal permits not address S4.410(5) Equipment Removal and (6) Performance Agreement, a plan addressing those elements shall be provided to the county's Community Development Department directly. The plan should address:

1) Removal of all surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.

2) The operator of the site shall provide the County with annual notification of DOGAMI permits. Mineral and aggregate operations shall be insured for \$500,000 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.

#### **S4.500. PROTECTION OF RIPARIAN VEGETATION**

##### **S4.501. Purpose and Areas Included.**

Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. This section establishes standards to protect riparian vegetation on lands not subject to the requirements of the Oregon Forest Practices Act. Areas of riparian vegetation are identified as follows:

(1) Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.

(2) Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent

to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland. Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation. Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.

**APPLICANT RESPONSE:** There are two man made retention/settlement ponds on the parcel, these are located within the quarry zones. Some activity does occur in these areas. The sediment from the activity travels from the upper pond to the lower and out a small drainage/biosway into the Klatskanie watershed. The biological implications from the bioswale and retention ponds reduces turbidity and complies with DEQ criteria. Riparian zones begin outside the quarry area and will not be affected by this operation. This criterion is satisfied.

**Staff Analysis and Finding:** Aerial photos do not indicate that the subject property contains two retention ponds or any streams that would require riparian vegetation protection. **The standards of S4.500 do not apply.**

## **CHAPTER 5 VEHICLE ACCESS CONTROL AND CIRCULATION.**

### **S5.033 Access Control Standards.**

- (1) Traffic Impact Study Requirements. The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 5.350 – Traffic Impact Study.)

**APPLICANT RESPONSE:** The proposed use does not trigger the Traffic Impact study requirements established in LWDUO section 5.300. The proposed expansion will not increase traffic volumes or truck traffic.

**Staff Analysis and Finding:** A traffic impact study is not required. **The criterion is satisfied.**

- (2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

**APPLICANT RESPONSE:** The Hienz and Browning Pits already use a shared access point. No other access point is proposed. The expansion is only in reference to the footprint of the site.

**Staff Analysis and Finding:** Staff concurs with the applicant that the shared access point meets the standard. In addition, ODOT has provided documentation of an approved access. **The criterion is satisfied.**

- (3) Omitted; not applicable to this application.
- (4) Omitted; not applicable to this application.
- (5) Omitted; not applicable to this application.
- (6) Omitted; not applicable to this application.
- (7) Omitted; not applicable to this application.
- (8) Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two- family and three-

family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section S5.033(9), below, in order to maintain the required access spacing, and minimize the number of access points.

(9) Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

(A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

(B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

(C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

**APPLICANT RESPONSE:** The Proposed uses minimizes access points to the highway system in accordance with these provisions. This particular development uses a pre-existing access point and is not proposing an increase to the traffic volume using that access point. The other criteria are not applicable to this request. Criteria are satisfied.

**Staff Analysis and Finding:** Staff concurs with the applicant. The parcel is not newly created, nor is the access, which is permitted. The shared access meets the standards above. **The criterion is satisfied.**

(10) Omitted; not applicable to this application.

(11) Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section S5.102.10 - Cul-de-Sac.

(12) Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

(13) Vision Clearance. See Section S2.012. Clear Vision Area.

(14) Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

(A) Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.

(B) Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to

eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.

(C) Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.

APPLICANT RESPONSE: The access roads to the quarry area are designed in accordance with the quarry mining criteria and meet fire and emergency requirements. The other criteria in this section apply to residential and commercial developments. These criteria are satisfied. A site plan will be a function of the DOGAMI permit, a preliminary site plan has been provided for review. An appropriate condition of approval will ensure compliance with these criteria. These criteria will be met through conditions of approval.

**Staff Analysis and Finding:** A site plan of the interior roads and parking were not provided with the application, nor were documents demonstrating how the development meets the fire access, vertical, and construction requirements. Prior to the issuance of any development or building permits, the applicant must submit and receive approval of a commercial site plan review. Fire access and parking must be identified on the site plan. A condition of approval shall require sign-off by the Olney-Walluski Fire and Rescue Department before obtaining a development permit. **These criteria will be met through conditions of approval.** Refer to Condition of Approval #1.

## C. Comprehensive Plan Policies and Goals

### Goal 1 – Citizen Involvement

Policy 2 - The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.

Policy 7 – Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized

Policy 9 - Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

APPLICANT RESPONSE: Clatsop County Implements Goal 1 through their procedures for a type II application.

Clatsop County’s Zoning Ordinance is designed to address the issues in the Comprehensive Plan. Compliance with the Clatsop County’s Land Water Development and Use Ordinance 80-14 Section 2.025 will ensure the policies set forth in the Comprehensive plan are complied with.

The proposed action and application are consistent with Comprehensive Plan Goal 1.

As demonstrated in the Appendix, all public notice policies have been met to ensure consistency with Goal 1.

**Staff Analysis and Finding:** As demonstrated in Exhibit 2, all public notice policies have been met. **The proposed development does not conflict with Goal 1.**

### Goal 2 – Land Use Planning

The County’s land and water have been placed in one of six (6) Plan designations. They are:

3. Conservation Forest Lands\*

Forest lands are those lands that are to be retained for the production of wood fiber and other forest uses. In land use changes involving a change from Conservation Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.

**APPLICANT RESPONSE:** The proposed project is not classified as development and therefore the policy pertaining to this aspect is not applicable. Although mining is not listed under Conservation Forest Lands in Goal 2, it is listed among the Type IIa uses that may be permitted with appropriate conditions in the AF & F-80 Zones. Among the conditions of approval for mining listed in S4.401 (8) is the requirement for a reclamation plan, to return the site to use for the production of wood fiber and/or other forest uses. Such a plan enables the proposal to be found consistent with Goal 2. In addition, areas that should not be in use for the placement of overburden from the excavation operation are required to be restored as a condition of approval.

**Staff Analysis and Finding:** Staff concurs with the Applicant's findings. A reclamation plan is included with the forthcoming DOGAMI permit. The Applicant must provide Clatsop County with a copy of this permit prior to the commencement of activity on the site. **Conditions of approval will ensure the proposed development does not conflict with Goal 2.** *Refer to Condition of Approval #1.*

#### **Goal 4 – Forest Lands**

##### **Goal**

To conserve forest lands for forest uses.

##### Policies

17. Expansion of existing non-forest developments and uses in forest zones may be permitted under a Type II procedure only when such expansion is substantially confined to the existing site.

**APPLICANT RESPONSE:** In accordance with the Oregon Revised Statutes and Oregon Administrative Rules quarrying is an appropriate use on forest lands and is considered a forest use. Quarry activities are a Type IIa conditional use and may be permitted with appropriate conditions of approval, which are identified elsewhere in this report.

**Staff Analysis and Finding:** In accordance with Policy 17 the expansion of this non-forest use is being processed under a Type IIa procedure. **The proposed development does not conflict with Goal 4.**

#### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

##### **Goal**

The overall goal of the Statewide Planning Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources, is: "To conserve open space and protect natural and scenic resources."

##### Mineral and Aggregate Resources\*

##### Goal

To protect and ensure appropriate use of mineral and aggregate resources of the county, while minimizing any adverse effects of mining and processing upon surrounding land uses.

##### Policies

1. The County shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal specified in Oregon Administrative Rules Chapter 660, Division 16.
2. In making a decision whether to protect a significant mineral or aggregate site from conflicting uses, the County shall recognize that Goal 5 requires the protection of natural resources for future generations, and that the requirements of other applicable Statewide Planning Goals must be considered in any analysis of conflicting uses.
3. The County shall maintain an inventory of mineral and aggregate resources sites. The Comprehensive Plan inventory shall consist of three parts:
  - a. An inventory of "significant sites" identified through the Goal 5 process as important resources that will be protected from conflicting uses;
  - b. An inventory of "potential sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate so as to allow the County to make a determination of significance;
  - c. An inventory of "other sites" for which available information demonstrates that the site is not a significant resource to be protected.
4. The location of a mineral or aggregate resource shall be identified as the site of a recoverable source of material. A resource site may consist of all or portions of a parcel, and may comprise contiguous parcels in different ownerships. Identification of a resource site need not include mineral and aggregate reserves that are irrevocable committed to other land uses which are incompatible with surface mining.
5. For an aggregate site to be determined significant, the resource must meet Oregon Department of Transportation specifications for concrete aggregate rock. It is the County's policy to protect the highest quality rock for future use.
6. For an aggregate site to be determined significant, the site must possess a minimum of 250K cubic yards of minable reserves. It is the policy of the County to protect a variety of large reserves in order to serve the regional market.
7. The significance of non-aggregate mineral resources shall be judged on a case-by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.
8. Because material source sites owned or controlled by municipal, County or state government agencies have been acquired for the purpose of maintaining the public road system, and collectively form a network of great importance, the County shall deem such sites presumptively significant. Such sites shall be analyzed along with other significant sites to establish the appropriate level of protection from conflicting uses.
9. The County shall recognize existing surface mining operations as significant resources pursuant to Goal 5, and shall allow existing operations to continue for two (2) years without conforming to the

performance standards in the zoning ordinance. Expansion beyond the limits of an existing site shall be in accordance with County zoning regulations.

10. The scope of an existing or "grandfathered" aggregate operation shall be established by:
  - a. Authorization by a County land use approval; or
  - b. The extent of the area disturbed by mining on the effective date of this ordinance; or
  - c. The continuous pursuit of a specific mining plan by an operator for not less than five years.
11. In order to maintain the right to continue an existing surface mining operation and bring the County's inventory of mineral and aggregate resources into compliance with Goal 5, an analysis of economic, social, environmental and energy (ESEE) consequences performed for an existing site shall only consider the consequences of potential conflicting uses upon current or future operations, and the consequences of mine expansion on existing or potential conflicting uses.
12. Sites on the "other sites" inventory shall not be protected pursuant to Goal 5.
13. For sites on the "potential sites" inventory, the County shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exists:
  - a. As part of the next scheduled periodic review;
  - b. When a landowner or operator submits information concerning the potential significance of a resource site and requests a Comprehensive Plan amendment;
  - c. When resolution of the status of a potential resource is necessary to advance another planning objective.
14. For each site determined to be significant, the County shall complete the remainder of the Goal 5 process of identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to fully preserve or partially protect the resource from conflicting uses, the site shall be zoned with the Mineral and Aggregate Resources Overlay.
15. When analyzing the ESEE consequences of potential conflicts between a significant mineral or aggregate resource and another significant Goal 5 resource, the County shall consider the protection program adopted for the conflicting resource. Conflicts with other natural resources shall not be the basis for mining restrictions unless the County has included the conflicting resource on the inventory of significant Goal 5 resources, and adopted a resource protection program.
16. The County may consider the effects of surface mining operations on public roads and traffic. Consideration may include review of proposed routes, site distances at access points, roadway width and alignment, and level of service. The County may impose conditions or restrictions directly related to the impact created by surface mining; however, any conditions or restrictions shall not be approval criteria, and shall be applied uniformly to all road users in a manner consistent with the County's transportation plan.

17. In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: (1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and (2) will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
18. The County shall not independently apply the Mineral and Aggregate Resources Overlay to land within another County, or within a city or its urban growth boundary. The County shall seek to ensure protection of significant sites where the impact area surrounding the resource extends across jurisdictional boundaries through cooperative agreements with another County or a city.
19. The County shall require increased setbacks, insulation, screening, or similar measures as conditions of approval for any new conflicting use within an impact area surrounding a mineral or aggregate resource site when such measures are deemed necessary to resolve conflicts identified in a site-specific Goal 5 analysis.
20. The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 6 analysis shall control.
21. As part of the ESEE analysis and decision on the level of protection to be afforded significant mineral and aggregate resource sites, the County shall determine the appropriate post-mining use of the site.
22. The County recognizes the jurisdiction of the Department of Geology and Mineral Industries for the purpose of the mined land reclamation pursuant to ORS 517.750 to 517.900 and the rules adopted thereunder.
23. Unless specifically determined on a case-by-case basis, it shall be the policy of the County, pursuant to ORS 517.830(3), that DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating permit, as those terms are defined by statute and administrative rule, until all issues concerning local land use approval have been adjudicated by the County.
24. No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.
25. Land shall not be rezoned to remove the Mineral and Aggregate Resources Overlay until the mineral or aggregate resource is depleted, and the site has been reclaimed.
26. \*\*\*The County shall rely on the consultation process described in Oregon's Territorial Sea Plan to provide input on aggregate mining proposals in the County's territorial sea.

**APPLICANT RESPONSE:** OAR Chapter 660 Division 16 was superseded with Division 23, which outlines specific procedures for evaluating new uses such as the one proposed with this application. However the applicants are not proposing a new use for the subject parcel, rather they are requesting to continue their use and expand their existing footprint. As such, this particular action is not required to go through the ESEE and inventory processes described in OAR 660 Division 23, as the subject parcels have already been included and incorporated as a function of the Clatsop County Planning process that established the Comprehensive plan, zoning ordinance and standards document.

In accordance with OAR 660-023-0180 Mineral and Aggregate Resources

“(2) Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post acknowledgement plan amendment (PAPA) or at periodic review as specified in section (9) of this rule. The requirements of this rule modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:”

The Application does not require a PAPA (Post Acknowledgement Plan Amendment) because the site is already inventoried and listed in the Clatsop County Comprehensive Plan; therefore, the criteria and procedures contained within OAR Chapter 660 Division 23 are not applicable.

The application is consistent with this policy.

OAR 660 Division 23 establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations.

This application is for expansion of the existing foot print only. The quarry is long established and is currently not in violation of its existing DOGAMI permit. No amendment to the county inventory is required, as the Otto Browning site is included on the existing inventory.

An ESEE (economic, social, environmental, and energy) analysis is not necessary for an established site.

The proposed development does not conflict with Goal 5.

**Staff Analysis and Finding:** OAR 660 Division 23 establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations. These policies do not apply directly to this application. **The Goal 5 element does not contain applicable policies.**

Classification of County Mineral and Aggregate Sites\*

Primary Sites Requiring QMO Protection

1)	Clatsop County - Clifton	T8N R7W S17	rock
2)	Clatsop County - Big Creek	T8N R7W S29 SW	gravel
3)	Howard Johnson - US 101	T5N R10W S4	rock
4)	Bradwood - Clifton	T8N R 6W S9	rock
5)	Bayview Transit Mix-US 101	T5N R10W NW9 SW4	basalt

Primary Sites Requiring Conditional Use Approval

1)	George Ordway	T5N R10W S14	basalt
2)	Teevin Bros. Logging	T8N R6W S27 NW	rock
3)	Daren Berg, Humbug Rock	T5N R8W S22	rock

4)	M. Nygaard Logging	T7N R9W S31 NE	rock
5)	A. Riekkola	T7N R8W S18	basalt
6)	Tagg	T7N R10W S3	sand
7)	Horecny	T5N R9W S23	rock

Other Sites

1)	Clatsop County (Anderson Rd - Brownsmead)	T8N R7W S2 SW	clay
2)	Howard Johnson	T5N R10W S4 NW	rock
3)	Oregon State Forestry Dept.	T4N R9W S14,23 NW	rock
4)	Oregon State Hwy. Division	T5N R9W S16,17	basalt
5)	Oregon State Hwy. Division	T5N R8W S25 NW	basalt
6)	McClellan Logging	T7N R8W S28	basalt

**Staff Analysis and Finding:** The Browning site is listed in the original Goal 5 inventory and is authorized under DOGAMI Permit No. 04-022; however, the subject property it is not found in the above list of primary and other sites requiring protection under Goal 5. Regardless of its listing, expansion of this existing quarry is consistent with Goal 5 with appropriate conditions of approval. **With appropriate conditions of approval, the proposed development is consistent with and does not conflict with Goal 5.**

**Goal 6 – Air, Water, and Land Quality**

Goal

The Statewide planning goal pertaining to air, water and land resources quality is as follows: “To maintain and improve the quality of the air, water and land resources of the state.”

2. The cumulative effect of development on the County's environment should be monitored and, where appropriate, regulated. When evaluating proposals that would affect the quality of the air, water or land in the County, consideration should be given to the impact on other resources important to the County's economy such as marine resource habitat and recreational and aesthetic resources important to the tourist industry.

8. The County shall cooperate with DEQ, State Forestry Department, State Transportation Department and other agencies in implementing best management practices to reduce non-point pollution.

13. Any development of land, or change in designation of use of land, shall not occur until it is assured that such change or development complies with applicable state and federal environmental standards.

14. Waste discharges from any development, when combined with existing discharges from existing developments, shall not result in a violation of state or federal environmental quality statutes, rules, or standards.

**APPLICANT RESPONSE:** The Otto -Browning Pit is required to comply with water quality standards established by the Oregon’s Department of Environmental Quality and Geology and Mineral Industries. The current stormwater plan indicates two storm water retention ponds that are identified both on our plan and on County Web maps. The settlement ponds and drainages between the two ponds

adequately filter any runoff from the pit prior to entry to the watershed. This method has been used on the site for the last 25-30 years and has been acknowledged by both DEQ and DOGAMI as acceptable. A revised DEQ NPDES 1200-A permit will be submitted prior to expanded operations and should be required as a condition of approval. A reclamation plan and restoration for sites is a function of the DOGAMI permit, which also can only be attained after land use authorization and should be applied as a condition of approval.

**Staff Analysis and Finding:** A copy of the DEQ NPDES 1200-A permit will be required as a condition of approval prior to issuance of a development permit. Copies of all other state and federal permits will be required as well. **With appropriate conditions of approval, the proposed development is consistent with and does not conflict with Goal 6.** Refer to Regulation #1.

## Goal 11 – Public Facilities and Services

### Goal

To provide public facilities in accordance with coordinated land use and transportation systems in a manner which encourages the orderly conversion of land from rural to urban use in urbanizable areas; and to support the provision of needed public facilities for rural areas at levels appropriate for rural densities and to discourage development of inappropriate public facilities on resource lands which would result in the pressure for conversion to more intense use on lands outside urbanizable areas.

4. Conservation Forest Lands - The primary purpose of this Plan designation is to conserve lands for commercial timber production. Residences are generally in conjunction with a forest use; however, in many areas with this zoning designation residences on substandard parcels are common. Community water systems are often present in this instances. As with agricultural lands, the parcel size and use are controlled by the zoning existing. Therefore it is appropriate to extend community water to residences. The large minimum parcel sizes and distances of lines will limit extensions, and the Plan designation removes the ability to develop land just for residential purposes. The primary function of Conservation Forest Lands is forest use. Any extension of public water will occur only to support a development in conjunction with a resource use and will not be the basis for future conversion to non-resource use.

Public fire protection may be present here, and is appropriate since so many residences currently exist, but is not necessary for development and is not encouraged in sparsely settled forest areas.

Community sewage systems are not appropriate in this Plan designation.

APPLICANT RESPONSE: There will be no increased demand on Public Facilities. The expansion does not grant expanded or increased operations beyond current levels. The proposed use does not conflict with or increase demands on general public facilities and therefore is consistent with the plan policies. The public facilities necessary to serve this operation are minimal. The site is within a fire district, and development on the site is subject to the Fire Chief's approval. Residential use is not a part of this proposal.

Sanitary facilities are available (sic) on the adjacent site for workers and are indicated on the final site plan. A more elaborate and detailed site plan will be accompanied by the final DOGAMI authorization and can be approved as a condition with this application.

The expansion of the quarry mining operations is only to the overall area to be included in the excavation and not to the volume permitted to be removed, as such traffic volume and the number of employees will not increase and no increased demand will be placed on the transportation system currently serving the site. No extension of services or public infrastructure is requested or needed for this proposal.

**Staff Analysis and Finding:** The public facilities necessary to serve this operation are minimal. The site is within a fire district, and sign-off by the fire chief will be necessary to obtain a development permit, a condition of approval of this conditional use permit application.

Appropriate sanitary facilities for workers will be required to be shown on the final site plan, but this can be accomplished through means other than water and septic systems. It seems likely, as the site has been in use for years in coordination with the Hienz and Browning Pits a site plan that demonstrates the facilities is required as a condition of approval.

**With an appropriate conditions of approval, the proposed development is consistent with and supports Goal 11. Refer to condition of approval #1.**

## LEWIS & CLARK, OLNEY-WALLOOSKEE COMMUNITY PLAN

**APPLICANT RESPONSE:** In review of the LC/OW Community Plan we were unable to find any pertinent policies that would apply to this development. All policies that were listed were also listed in the Comprehensive plan and covered previously. Therefore it is our finding that compliance illustrated in the previous findings and those contained herein should suffice to reach a finding of consistency with the LC/OW Community Plan.

The proposed development is a Type IIa conditional use in the AF Zone, and appropriate conditions of approval have been recommended to ensure consistency with the Comprehensive Plan goals and policies and the AF Zone. As demonstrated earlier in this report, conditions of approval would ensure the site is restored to forest production after the aggregate resource is exhausted. No residential use is proposed. No extension of public infrastructure or public facilities or services is required. The quarry is located about 1,200 feet from Highway 202. It is not appropriate for an urban area, but it is not deep into undeveloped timberlands and big game habitat and does not require the additional road building. While not a forestry use, it is considered compatible with forestry uses and is consistent with the rural community plan for the area.

**Staff Analysis and Finding:** The Lewis & Clark, Olney-Wallooskee Community Plan does not contain any applicable policies.

## PUBLIC COMMENT

Bill Johnston, ODOT Region 2 Transportation Planner

Mr. Johnson submitted comments from ODOT as a review agency and not as the property owner. ODOT has determined:

- The expansion of the quarry will not increase traffic on Highway 202.
- If truck traffic were to increase it would probably not exceed the “change in use” threshold.
- The application does not indicate a new access and will utilize the existing shared access road.
- The existing road approach is permitted by ODOT and there are not operational or safety concerns.
- The application is not considered a “Plan Amendment” and the county is not required to make a significant impact determination.

## OVERALL CONCLUSION & RECOMMENDATION

Based on the findings of this report the applicable criteria have been met or will be met with conditions of approval. Staff recommends the Planning Commission **APPROVE** the application, **SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL AND REGULATIONS:**

### **Proposed Conditions of Approval**

1. Review and approval of a Commercial Site Plan is required prior to the commencement of mining operations on the site.
2. The installation of new signage shall meet the requirements of S2.300 and requires a permit.
3. The use must comply with the following hours of operation:
  - Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.
  - Mineral and aggregate extraction, drilling, processing and equipment operation located within 1000 feet of a Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.
4. Should the appropriate state and federal permits not address S4.410(5) Equipment Removal and (6) Performance Agreement, a plan addressing those elements shall be provided directly to the Community Development Department. The plan should address:
  - Removal of all surface mining equipment, machinery, vehicles, buildings, man-made debris and other material related to the mineral and aggregate activity from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.
  - The operator of the site shall provide the County with annual notification of DOGAMI permits. Mineral and aggregate operations shall be insured for \$500,000 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.

County regulations, include but not limited to, the following regulations also apply:

1. If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.
2. This conditional use approval is valid for a period of two years from the date of approval. The Community Development Director can authorize an extension of up to 12 months. This application is void after two (2) years from the date of approval unless substantial construction has begun.
3. A complaint from neighbors shall be cause for review of the Conditional Use. The review may be a Type II County enforcement proceeding. In such proceeding, the Compliance Order may impose any of the conditions described in 5.025 of the Clatsop County Land and Water Development and Use Ordinance.
4. Development shall comply with all applicable state, federal and local laws and regulations.

Respectfully submitted,

---

Jennifer Bunch, CFM  
Senior Planner

Exhibit 1  
Application Materials



**Clatsop County**  
 Community Development  
 800 Exchange Street, Suite 100  
 Astoria, Oregon 97103  
 Phone 503 325-8611 Fax 503 338-3606  
 comdev@co.clatsop.or.us www.co.clatsop.or.us

RECEIVED  
 Clatsop County

MAR 08 2016

Land Use Planning

**Conditional Use Permit**

**Fee: Minor \$649 Major: \$910**

(Double if a violation exists)

**Applicant Name:** Warrenton Fiber Company Email: jmnygaard@warrentonfiber.com  
**Mail Address:** PO Box 100 City/State/Zip: Warrenton, OR 97146  
**Phone:** 503-861-3307 Phone: \_\_\_\_\_  
**Owner Name:** Oregon Department of Transportation Email: \_\_\_\_\_  
**Mail Address:** 350 ~~705~~ W Marine Drive City/State/Zip: Astoria, OR 97103  
**Phone:** 503-325-7222 Phone: \_\_\_\_\_  
**Agent Name:** Frog Consulting LLC Email: frogweston@gmail.com  
**Mail Address:** 469 Lexington Avenue City/State/Zip: Astoria, OR 97103  
**Phone:** 503-325-5666 Phone: 503-338-9146

**Property Address:** 88893 Hwy 202 - Astoria, OR 97103  
**Proposed Use:** 7 Expansion of Quarry Mining Operations  
**Comprehensive Plan Designation:** Conservation Forest Lands  
**Existing Zoning:** Agriculture-Forestry **Overlay District:** \_\_\_\_\_  
**Property Description:** Township T7N Range R09W Section 13 Tax Lot(s) 00101 & 00201  
**Directions to the property from Astoria:** The property is located near 88893 Highway 202, on the North side of the Highway, just east of Olney Lane also known as the Olney Cut-off near mile post 10.  
**What is the nearest "Community" (i.e. Svensen, Arch Cape, Westport)?** Olney Walooskee

**General description of the property:**  
**Existing Use:** Rock Quarry  
**Topography:** Alluvial Terrace  
**Proposed Development:** Rock Quarry

**General description of adjoin property:**  
**Existing Use:** Forest Lands and Residential Forest Lands  
**Topography:** Relatively mountainous with varying rock sediment.

**Attach** a site plan of the property showing lot dimensions, sizes, and location of all existing and proposed structures setbacks of existing and proposed structures to all property lines, access to the site, parking area layout that includes the space sizes and location and the width of any parking aisles. Also, identify the location of any stream, wetland, lake or other resource on or adjacent to the property.

The information contained in this application is in all respects true, complete and correct to the best of my knowledge.

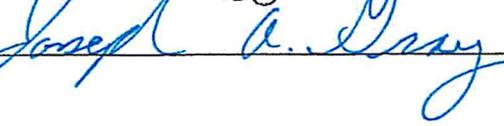
Applicant's Signature



Date:

2/24/16

Owner's Signature  
(Or notarized letter)



Date:

3/4/2016

The following sections are from the Clatsop County Land and Water Development and Use Ordinance #80-14.

Section 5.000 Conditional Development and Use.

Section 5.005 General. Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development and use needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this ordinance and the objectives of the comprehensive plan.

Section 5.010. Application for a Conditional Development and Use. If a development and use is classified as conditional in a zone, it is subject to approval under Sections 5.00 to 5.030. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 5.300 sufficient to enable the Community Development Director or hearing body to make a determination.

Section 5.015. Authorization of a Conditional Development and Use.

- (1) A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:
- (A) Dog kennel or Kennel;
  - (B) Airport;
  - (C) Bed & Breakfast over 3 units;
  - (D) Golf courses;
  - (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard;
  - (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation;
  - (G) Non-farm partition;
  - (H) Non-farm dwelling;
  - (I) Farm help relative dwelling;
  - (J) Home occupations related to auto/machinery repair or painting;
  - (K) Firearms training facility;
  - (L) Solid waste disposal site;
  - (M) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building;
  - (N) Automobile wrecking yard;
  - (O) Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.

Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shoreland Zone, Section 3.620, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas. Including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.

**Please address the following standards on a separate sheet of paper. Be as specific as possible. "Yes" and "No" responses are not sufficient.**

- (2) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.
- (A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.
  - (B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14)
  - (C) The site under consideration is suitable for the proposed use considering:
    - 1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.
    - 2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.
    - 3) The adequacy of public facilities and services necessary to serve the use.
    - 4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.
  - (D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.
  - (E) The proposed use will not interfere with normal use of coastal shorelands.
  - (F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas and;
  - (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (3) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria.

**Section 5.025 Requirements for Conditional Development and Use.** In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension.
- (3) Limit the height, size or location of a building or other structure.
- (4) Designate the size, number, location or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- (7) Limit or otherwise designate the number, size, location, height or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting or require its shielding.
- (9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (10) Designate the size, height, location or materials for a fence.
- (11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

**Section 5.030. Time Limit of Permit for Conditional Use.** Authorization of a conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.



# Frog Consulting LLC

## BROWNING QUARRY EXPANSION *Conditional Use Permit*

<b>Applicant</b>	Warrenton Fiber P.O. Box 100 Warrenton, OR 97146																														
<b>Agent:</b>	Frog Consulting 469 Lexington Avenue Astoria, OR 97103																														
<b>Owner:</b>	Oregon Department of Transportation 705 W Marine Dr Astoria, OR 97103																														
<b>Applicable Criteria and Standards</b> (if conflicts exist, the Comprehensive Plan will prevail, then the LWDUO, then the Standards Document)	<table border="0"> <tr> <td>Summary</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Property Conditions</td> <td style="text-align: right;">3</td> </tr> <tr> <td>Surrounding Area</td> <td style="text-align: right;">3</td> </tr> <tr> <td>Property Status</td> <td style="text-align: right;">3</td> </tr> <tr> <td>Applicable Criteria &amp; Standards with Findings</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Land and Water Development and Use Ordinance (LWDUO) 80-14</td> <td style="text-align: right;">4</td> </tr> <tr> <td>    L3.510 Agriculture Forestry Zone</td> <td style="text-align: right;">4</td> </tr> <tr> <td>    L5.000 Conditional Development and Use</td> <td style="text-align: right;">5</td> </tr> <tr> <td>    L5.300 Site Plan Review</td> <td style="text-align: right;">7</td> </tr> <tr> <td>Standards Document</td> <td style="text-align: right;">7</td> </tr> <tr> <td>    S2.500 Erosion Control and Development Standards</td> <td style="text-align: right;">7</td> </tr> <tr> <td>    S3.500 Farm and Forest Zones Dwelling and/or Use Standards-</td> <td style="text-align: right;">9</td> </tr> <tr> <td>    S3.516. Mining in EFU and AF Zones:</td> <td style="text-align: right;">10</td> </tr> <tr> <td>    S4.400 Rock and Mineral Resource Use</td> <td style="text-align: right;">10</td> </tr> <tr> <td>    S4.500. Protection Of Riparian Vegetation</td> <td style="text-align: right;">13</td> </tr> </table>	Summary	2	Property Conditions	3	Surrounding Area	3	Property Status	3	Applicable Criteria & Standards with Findings	4	Land and Water Development and Use Ordinance (LWDUO) 80-14	4	L3.510 Agriculture Forestry Zone	4	L5.000 Conditional Development and Use	5	L5.300 Site Plan Review	7	Standards Document	7	S2.500 Erosion Control and Development Standards	7	S3.500 Farm and Forest Zones Dwelling and/or Use Standards-	9	S3.516. Mining in EFU and AF Zones:	10	S4.400 Rock and Mineral Resource Use	10	S4.500. Protection Of Riparian Vegetation	13
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	Goal 11 Public Facilities and Services	25			
	Goal 12 Transportation	26			
	Lewis & Clark, Olney-Wallooskee Community Plan	30			
<b>Property Description:</b>	Map Number	Owner	Overlay	Zoning	Acreage
	709130000201	ODOT	N/A	AF- Agricultural Forestry	1.45
	709130000101	ODOT	N/A	AF- Agricultural Forestry	13.72
<b>Property Location:</b>	The subject property is located at 88893 Highway 202, on the north side of the highway, just east of Olney Lane (also known as the Olney cut-off), at approximately mile post 10.				

**SUMMARY**

The applicant is seeking approval for mining and processing of mineral resources on the adjacent parcels currently owned by Oregon Department of Transportation. The expansion is part of a larger negotiation and eventual property swap with the Oregon Department of Transportation (ODOT). The property exchange is conditioned upon the successful modifications to authorized uses on both parcels. The first parcel is located within the City limits of Warrenton and was rezoned to General Industrial for the Oregon Department of Transportation. The applicant is requesting that the other parcels be approved for Quarry mining operations in Clatsop County. The first component of the transaction was approved by the City of Warrenton in November of 2015. The City of Warrenton approved the requested zone change to General Industrial for the property behind ODOT's current shops. ODOT's intent is to consolidate their Clatsop County operations in one location.

The other parcels located in Clatsop County at T7N, R09W, Sec. 13, TL 00101 & 00201 are adjacent to the site of the Warrenton Fiber & Otto Browning Rock quarries, originally known as the Otto Browning site. The Browning site is a 19.62-acre site, zoned Agriculture-Forestry (AF), and the northern roughly one-half is located within the Geologic Hazard Overlay (GHO). Both the Otto Browning site and ODOT parcels were used as a quarry prior to the adoption of Clatsop County's Land and Water Development and Use Ordinance #80-14. The Browning site, DOGAMI Permit #04-0022, appears in Clatsop County's Comprehensive Plan inventory of quarry and mining sites, adopted as part of Clatsop County's County-Wide Element and Background Report Goal 5 on July 23, 1980, although it was not considered significant enough to warrant being zoned Quarry Mining (QM) and was not included in the Quarry Mining Overlay (QMO) District. This request expands the projected use, which currently covers approximately 15 acres of the roughly 20-acre site.

The Browning site operates using the Grant of Total Exemption (GTE) program, of which it currently is in good standing, according to DOGAMI. This application would expand operations of the quarry operations to the adjacent parcels currently owned by ODOT. The combination of the parcels would expand both the Nygaard/Hienz Pit property and across the property line to the Browning site quarry. The Hienz Pit was adopted into the county's

Quarry Mining Overlay (QMO) District by Comprehensive Plan and Zoning Map and Text Amendment by Ordinance No. 95-4, which gave the quarry Goal 5 resource protection. The Browning site and ODOT property existed at the time the ordinance was adopted and both sites were used for minor quarry activities. Both sites are already included in the original adoption of Goal 5; however, neither site was considered a primary source and so was not included in the QMO originally, nor was it included in Ordinance No. 95-4.

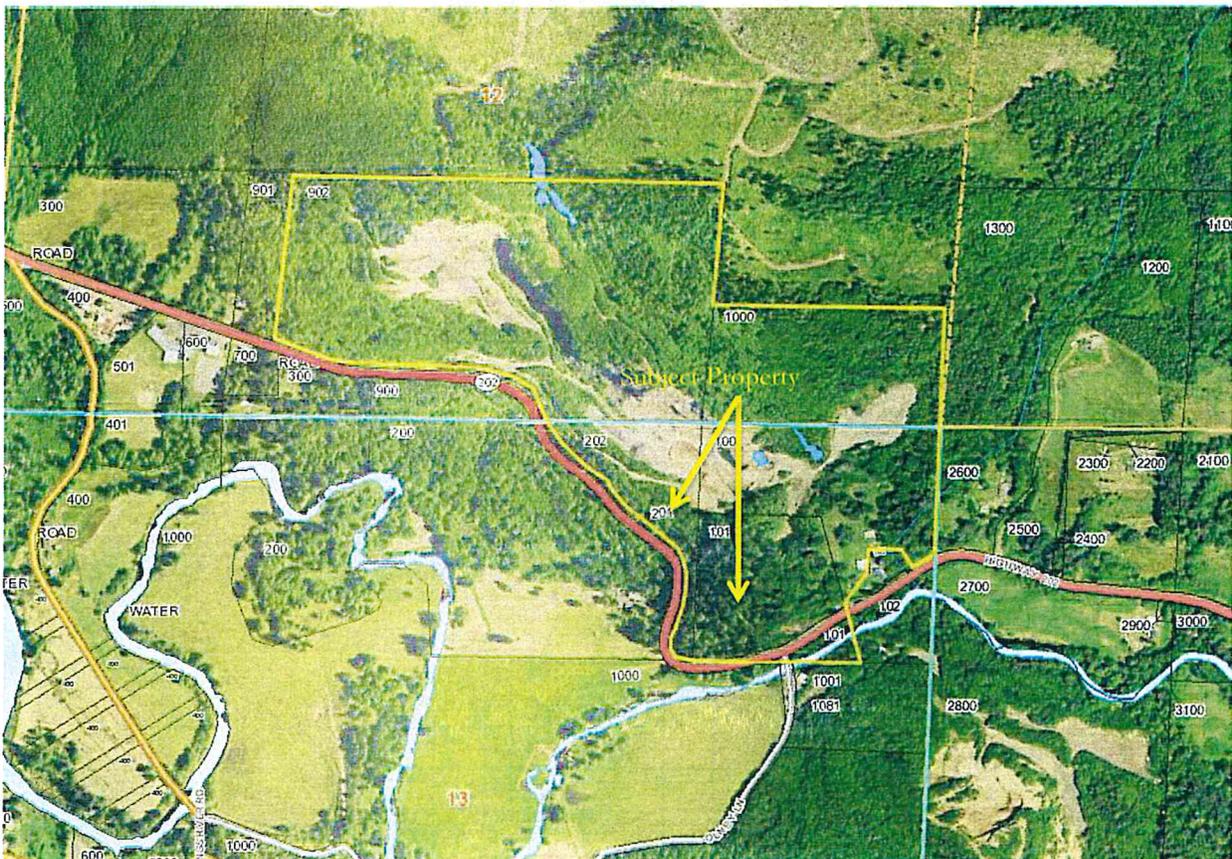
The findings contained herein provide sufficient findings to illustrate satisfactory compliance with appropriate County Land Use Codes. Where appropriate conditions can be applied to ensure compliance with other components that cannot be completed prior to Land Use Approval.

### PROPERTY CONDITIONS

TL 101 & 201 slope southward over rocky terrain toward Highway 202. The northern portions of the combined quarry are within peripheral big game habitat, and part of the quarry is located within the Geologic Hazard Overlay. The proposed expansion areas are outside mapped hazard areas. An unnamed stream passes through the property to the south and flows into the North Fork of the Klaskanine River.

A 2014 aerial photograph of the property shows TLs 101 & 201 being partially forested and partially impacted by mining operation on the adjacent Hienz & Browning Pits.

### PROPERTY STATUS



#### **2014 Aerial Photo**

The applicant's believe the Subject Properties were owned in tandem by the Oregon Department of Transportation at the inception of the zoning ordinance and together comprise a lot of record.

### SURROUNDING AREA

Approximately 1000 feet from the quarry operation, the unnamed stream running through the Browning site enters the North Fork Klaskanine, a fish-bearing river running westward on the south side of Highway 202. The entry point is less than two miles upriver from where the Klaskanine joins Youngs River, a Goal 16 and Goal 17 resource.

Approximately one mile up the Klaskanine from the Browning site, the Oregon Department of Fish and Wildlife operates the Klaskanine Fish Hatchery, an economically significant harvest program hatchery scheduled to release fall Chinook, coho and winter steelhead in 2013 and Select Area Brights, coho and winter steelhead in 2014.

A number of rural residences and small farms dot the area on smaller acreages up and down Highway 202, as well as the Hienz Pit, also an aggregate mine, and the Reikkola Quarry, a rock pit across the highway from the Browning site. Surrounding zoning is AF, F-80 (Forestry-80), and EFU (Exclusive Farm Use).

### APPLICABLE CRITERIA & STANDARDS WITH FINDINGS

The applicable criteria for this land use application are contained in the Clatsop County Comprehensive Plan, the Land and Water Development and Use Ordinance (LWDUO) and the Clatsop County Standards Document.

### LAND AND WATER DEVELOPMENT AND USE ORDINANCE (LWDUO) 80-14

L3.510 AGRICULTURE FORESTRY ZONE	FINDINGS
<p>SECTION 3.510. AGRICULTURE-FORESTRY ZONE (AF).</p> <p>Section 3.519. Conditional Development and Use.</p> <p>The following forest and non-forest developments and uses and their accessory uses may be permitted under a Type IIA procedure and Sections 5.010 to 5.025, and subject to applicable criteria, development standards and site plan review.</p> <p>(2) Subject to the standards in S3.509, operations conducted for:</p> <p>(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to standards in Section S3.516;</p>	<p>Mining and processing of aggregate and mineral resources as defined in ORS chapter 517 is permitted through the acquisition of a Type IIA conditional use permit per LWDUO Sections 2.025 &amp; 5.000. The Browning Quarry Site qualifies under the definition of mining and processing of aggregate mineral resources as defined in ORS chapter 517 and LWDUO section 3.519§1.</p> <p>In accordance with Section 2.025 the Community Development Director shall prepare a notice program designed to reach persons believed to have a particular interest, and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.</p> <p>In Sum:</p> <ul style="list-style-type: none"> <li>• The proposed use is identified as an acceptable use in the Agriculture-Forestry (AF) Zone provide the proposed use satisfies the conditional use permit requirements and is deemed compatible with farm/forest uses on surrounding parcels.</li> <li>• The Community Development Director per LWDUO Section 2.025 will satisfy notification requirements.</li> <li>• Conditional Use Permit Requirements, LWDUO Sections 5.000-5.030, will be addressed in later in this report under L5.000“Conditional Use Permit”.</li> <li>• Farm – Forest Compatibility, SD Sections S3.509 &amp; S3.516, will be addressed in “Farm – Forest Compatibility”.</li> </ul> <p>Criteria under section 3.510 are satisfied.</p>
<p>Section 3.524. State and Federal Permit.</p> <p>If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.</p>	<p>Appropriate conditions of approval will satisfy these criteria.</p>

L5.000 CONDITIONAL DEVELOPMENT AND USE	FINDINGS
<p>Section 5.015. Authorization of a Conditional Development and Use.</p> <p>(P) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.</p> <p>(A) The proposed use does not conflict with any provision, goal, or policy of the Comprehensive Plan.</p>	<p>The proposed use is identified as an appropriate use in the AF zone as indicated in LWDUO Section 3.510-3.524. Additionally the Browning Pit was one of approximately 2-dozen quarry sites identified and listed in Clatsop County's Comprehensive Plan and originally listed under Otto Browning. The proposed expansion of pre-existing use is consistent with the comprehensive plan.</p> <p>The AF Zone is designated Conservation Forest Lands in the Comprehensive Plan, and aggregate mining is identified as a Type IIa conditional use, presumably because, although mining takes land out of timber production, forestry can resume once the mineral resource is exhausted. Also, surface mining impacts are similar to those of timber harvest: potential erosion and sedimentation of streams, rivers and lakes, noise, heavy vehicles hauling heavy loads. It is therefore reasonable that quarry operations would not conflict with forestry when their impacts are so similar and the land can be returned to forest uses after the quarry operation ends. A reclamation plan for the end of the quarry's use is required as a function of the applicant' DOGAMI permit and will demonstrate the proposed use does not conflict with the provisions of the Comprehensive Plan. An appropriate condition will satisfy this concern.</p> <p>As demonstrated throughout this report the proposed use does not conflict with the provisions of the Comprehensive Plan.</p>
<p>(B) The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14).</p>	<p>The proposed use is listed under LWDUO Section 3.519§1 as an acceptable use provided it meets certain standards as outlined in this report and conforms to the development standards as set forth under LWDUO Section 3.522. Therefore we feel the proposed expansion is consistent with the intent and purpose of Clatsop County's LWDUO (Ordinance 80-14) or authorization can be conditioned to satisfy all concerns with continued operations of the quarry site.</p>
<p>(C) The site under consideration is suitable for the proposed use considering:</p> <p>1) The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.</p>	<p>The site is well off the highway and obstructed by natural occurring forested buffers along the highways and property lines.</p>
<p>2) The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.</p>	<p>US Hwy 202 has been adequately servicing the site for over 50 years. All traffic entering and exiting the site use the Heinz Pit access point to the west of the property boundary.</p>
<p>3) The adequacy of public facilities and services</p>	<p>There are currently no public facilities or services to the</p>

necessary to serve the use.	Browning Pit with the exception of Highway Access through the Hienz Pit adjacent to the Browning Property and owned and operated by Nygaard Logging Co./Warrenton Fiber Co. The quarries have operated with little in the way of public facilities and services except highway access and current operations are expected remain at the same level, based on past experience. Sanitary facilities by way of port-a-potties are provided for workers at the quarry and are indicated on the site plan.
4) The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.	The Combined Quarry operation is adjacent to a large and long standing rock quarry, the site has been used in conjunction with the Heinz Pit for over 50 years. It is comprised of steep rocky terrain. The quarry material is identified as standard "Rock" in the comprehensive plan.
(D) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.	The Otto - Browning Pit has operated in conjunction with the Hienz Pit since before the conception of the Land Use Ordinance. The surrounding uses in that area are supposed to be compatible with those uses conducted in a Farm or Forest Zone. The operations for a rock quarry involve very similar equipment to that of a forest operation and are often found complimenting the others use. Most rock quarries in Clatsop County are located in Forest Lands. It is unlikely to interfere with and existing or projected uses in the vicinity. The proposed use is compatible with the existing and projected uses on surrounding lands.
(E) The proposed use will not interfere with normal use of coastal shorelands.	There are no coastal shorelands in the immediate vicinity of this project. This is Criterion is Satisfied.
(F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas.	See Above. Additionally, the operator of the quarry has a Stormwater retention permit through DEQ to ensure that turbidity levels are not exceeded and proper precautions are taken. Per the terms of the DEQ stormwater permit the applicant is required to sample all discharges monthly in addition to the established quarterly sampling during rain events. This Criterion is Satisfied.
(G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.	The project area borders on Big Game Habitat, but the proposed expansion is unlikely to cause any additional impacts upon the big game habitat in the area.
(H) In addition to compliance with the criteria as determined by the hearing body and with the requirements of Sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria.	The applicants are willing to accept appropriate conditions that the local hearing body feels are appropriate to ensure the project remains consistent with the Clatsop County's Land Water Development and Use Ordinance and their Comprehensive Plan ensuring there are no conflicts with Farm or Forest operations on surrounding lands.
<b>SUMMARY</b>	<b>With appropriate conditions this proposal satisfies</b>

	the Criteria of L5.000 as described herein.
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L5.300 SITE PLAN REVIEW	FINDINGS
<p><b>Section 5.302. Site Plan Review Requirements.</b></p> <p>Before a permit can be issued for development in a special purpose district or for a conditional development and use or a development and use permitted with review, a site plan for the total parcel and development must be approved by the Community Development Director or Planning Commission. Information on the proposed development shall include sketches or other explanatory information the Director may require or the applicant may offer that present facts and evidence sufficient to establish compliance with Sections 1.040, 1.050 and the requirements of this Section.</p>	<p>A site plan depicting the elements described in section 5.015 (P) (C) (1), above and below, is included with this proposal and may be modified per DOGAMI and DEQ Stormwater requirements. An appropriate condition of approval would satisfy these criteria.</p>

STANDARDS DOCUMENT

S2.500 EROSION CONTROL AND DEVELOPMENT STANDARDS	FINDINGS
<p><u>S2.503 Erosion Control Plan</u></p> <p>(1) An Erosion Control Plan shall be required for land disturbing activities, in conjunction with a development permit.</p> <p>(2) Creation and Submittal of Plan</p> <p>An Erosion Control Plan shall be submitted by the property owner or their agent with the development permit application to the Clatsop County Department of Community Development. This Erosion Control Plan shall be approved by the Community Development Director prior to any development activity on the site.</p> <p>The Erosion Control Plan shall be prepared in accordance with the requirements of this section and the "Erosion Control Guidance" published by the Columbia River Estuary Study Taskforce (CREST). The Plan shall contain the following elements, drawn at an appropriate scale. The level of erosion control activity detail is determined by site conditions and project complexity. The area map and site map may be one document if all elements listed below are addressed.</p> <p>(A) An Area Map depicting accurate size and distances for the following elements:</p> <ol style="list-style-type: none"> <li>(1) The location of the development site in relation to the property boundaries.</li> <li>(2) The location of all adjacent roadways.</li> <li>(3) The location, size and design of all existing and proposed structures.</li> <li>(4) The location of any lakes, rivers, streams, wetlands, channels, ditches or other watercourses on or near the development site.</li> <li>(5) The direction surface water flows.</li> </ol>	<p>An Erosion and Control Plan addressing these issues has been attached for your convenience. Satisfied (See Attached)</p> <p>The DEQ permit will meet the requirements of the above S2.500. A condition of approval that copies of all state and federal permits, including the DEQ NPDES 1200A permit for storm water discharge, can be required prior to issuance of a development permit and should suffice to satisfy the requirements of S2.500..</p> <p><b>This criterion can be met with a condition of approval.</b></p>

(6) Indication of the north direction.

(B) A Site Map containing the following elements:

(1) The location of existing vegetation adjacent to any watercourse.

(2) Areas where vegetative cover will be retained and the type and location of measures taken to protect vegetation from damage.

(3) Areas where vegetative cover will be removed and the location of temporary and permanent erosion control measures to be used including, but not limited to: silt fencing, straw bales, graveling, mulching, seeding, and sodding.

(4) Indication of the north direction.

(5) Indication of slope steepness. Include gradient of surface water flow.

(6) The general slope characteristics of adjacent property.

(7) Location of the construction access driveway(s) and vehicle parking area(s).

(8) Location of soil stockpiles.

(A) An Erosion Control Statement containing the following elements:

(9) A schedule of land disturbance activities, project phasing and the time frame for placement of both temporary and permanent erosion and sediment control measures.

(10) The name, address and phone number of the person(s) responsible for placement, inspection and maintenance of the temporary and permanent erosion control measures.

(11) A statement signed by the property owner and building contractor/ developer certifying that any land clearing, construction, or development involving the movement of earth shall conform to the Erosion Control Plan as approved by the Clatsop County Community Development Director.

(3) Plan Review and Approval

Each Erosion Control Plan shall be reviewed, in conjunction with a development permit, pursuant to the standards listed in this section.

(A) The Community Development Director will review each plan to determine if the applicant has adequately addressed the erosion control standards. Approval of this plan will only indicate that the applicant has addressed minimal County standards regarding erosion control and the approval is not a guarantee that erosion will not occur. The burden is upon the applicant to take the necessary measures to reduce soil erosion.

(B) Any disturbance of land in the Beaches and Dunes Overlay (BDO) larger than 3,000 square feet should also have the plan reviewed and approved by the Clatsop Soil and Water Conservation District. The Clatsop Soil and Water

Conservation District should be informed at the start of work and also upon completion of site stabilization after the completion of construction.	
SUMMARY	With appropriate Conditions the expanded activity will satisfy these criteria.

S3.500 FARM AND FOREST ZONES DWELLING AND/OR USE STANDARDS-	FINDINGS
<p>STANDARDS.</p> <p><b>Section S3.509. Approval of Certain Uses.</b>            Certain uses in the F-80, AF and EFU zones may only be approved subject to these standards:</p> <p>(1) A use proposed on agricultural land requiring compliance with this section may be approved only where the County finds that the use will not:</p> <p>(A) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;            or</p>	<p>The proposed expansion should have no effect on existing farm or forest practices on surrounding lands.</p> <p>The Browning site, as well as the Hienz Pit on the adjoining parcel and the Reikkola Quarry across Highway 202, have been in use for many years – the Browning site since at least 1972, according to records found in the Community Development Department files. As demonstrated in Section 5.015, above, the impacts of the use are not much different than the impacts of timber harvest. This request is for an expansion of a footprint, not a change in operations. No changes to uses on surrounding farm and forest lands are anticipated.</p>
<p>(B) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.</p>	<p>The proposed expansion should have no bearing on the costs of farm or forest practices on surrounding lands.</p>
<p>(2) A use proposed on forest land requiring compliance with this section may be approved only where the County finds that the use will not:</p> <p>(A) Force a significant change in, or significantly increase the cost of accepted farm or forest practices on agriculture or forest lands; or</p>	<p>The Browning site, as well as the Hienz Pit on the adjoining parcel and the Reikkola Quarry across Highway 202, have been in use for many years. The small farms and surrounding timber lands have co-existed with this quarry since the early 1970s without incident. The quarry use does not require the use or disuse of farm or forest chemical applications or equipment, or altered hours of operation. Livestock in the area are as accustomed to the quarry as they are to the sounds of timber harvest operations. It is reasonable to assume a minor increase in the footprint of one of the quarries will not increase the cost of accepted farm or forest practices on agriculture or forest lands.</p>
<p>(B) Significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks of fire suppression personnel.</p>	<p>The proposed use and requested expansion will create no significant increase in fire hazard, fire suppression</p>

	costs, or risks to firefighting personnel.
(3) An applicant for a use requiring compliance with subsection (1) may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.	The applicant has addressed their willingness to accept reasonable conditions deemed necessary by County Staff and authorized by the LWDUO to ensure compliance with all codes and standards previously in Exhibit C Section 5.025§3
<b>SUMMARY</b>	<b>The application satisfies or can conditionally satisfy the standards in Standards Document S3.500</b>

<b>S3.516. MINING IN EFU AND AF ZONES:</b>	
(1) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. The County may set standards for a lower volume or smaller surface area than that set forth in this subsection.	The applicants have submitted an application for review with the project that will satisfy this criterion upon a favorable decision from the hearing body.
(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged Comprehensive Plan.	The Otto - Browning Pit is listed in the Clatsop County Goal 5 inventory under Otto Browning and was acknowledged as a part of the County's Comprehensive Plan.
(3) For purposes of this section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.	The proposed continuation and expansion would meet with the definition as defined in S3.516§3.
<b>SUMMARY</b>	The standards are satisfied or can be with appropriate conditions

<b>S4.400 ROCK AND MINERAL RESOURCE USE</b>	<b>FINDINGS</b>
This section deleted in its entirety by Ordinance 03-08.	The site is located well off the highway and uses natural vegetation, trees, and a berm of quarry material to obscure the site from the highway and adjoining parcels.
<b>S4.400. Rock and Mineral Resource Use</b>	
<b>S4.401. Purpose. Development Standards - Extraction Area.</b> A development plan shall be submitted to the County Community Development Department for any activity allowed as a conditional use. The development plan shall provide the necessary documents, permits, and maps to demonstrate compliance with the following standards and requirements:	

<p>(1) Screening and Fencing.</p> <p>(A) An earthen berm and buffer of existing or planted trees or vegetation shall be maintained to fully screen the view of any mineral and aggregate activity and all related equipment from any public road, public park, or residence within 1000 feet. Where screening is shown to be impractical because of topography or other physical characteristics of the site, the screening requirements may be waived by the Community Development Director.</p> <p>(B) Sight obscuring fencing or approved barrier type shrubs shall be required to eliminate any safety hazards that use of the site may create. Fencing, if required, shall be sight obscuring and a minimum of 6 feet high.</p>	<p>The quarry mining activities are located approximately 800 feet from the highway and behind the berm and natural vegetation and do not pose safety hazards to passing vehicles. This criteria is satisfied.</p> <p><b>The criteria found in S4.410 (1) (A) and (B) are satisfied.</b></p>
<p>(2) Access.</p> <p>(A) All private access roads from mineral and aggregate sites to public roads shall be paved or graveled. If graveled, the access road shall be graded and maintained as needed to minimize dust.</p> <p>(B) Improvement or fees in lieu of improvements of public roads, County roads and state highways may be required when the Community Development Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.</p> <p>(C) Any internal road at a mineral and aggregate site within 250 feet of a Sensitive Use shall be paved or graveled, and shall be maintained at all times to reduce noise and dust in accordance with County or DEQ standards specified in the ESEE analysis.</p> <p>(D) An effective vehicular barrier or gate shall be required at all access points to the site.</p>	<p>As mentioned previously and again later in this report. The proposed expansion will not increase operational activity, rather it allows continued operations in their current state to continue. The expansion will not increase total traffic volume to and from the quarry site.</p> <p>All internal roads comply with the standards as described herein and a vehicular barrier is already on the premises. These criteria are satisfied.</p> <p>The Browning site takes access to Highway 202 through the Hienz Pit.</p> <p>Based on former analysis of the site, it should already comply with the standards of S4.410 (2) (A-C).</p> <p><b>Conditions of approval would ensure standards found in S4.410 (2) (A-C) are satisfied.</b></p>
<p>(3) Hours of Operation.</p> <p>(A) Blasting shall be restricted to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. No blasting shall occur on Saturdays, Sundays, or any recognized legal holiday.</p> <p>(B) Mineral and aggregate extraction, drilling, processing and equipment operation located within 1000 feet of a Sensitive Use is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. All other sites are limited to operating hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.</p> <p>(C) An increase in operating time limits shall be granted for all activities</p>	<p>No Sensitive Uses are identified within 1000 feet of the quarry. The applicant is proposing to expand an existing operation. The expanded operations will likely have the same restrictions that current operations do. The current operating conditions of the two pits should satisfy the conditions and operations of the expanded area and ensure compliance with these criteria.</p>

<p>except blasting if:</p> <p>(1) There are no Sensitive Uses within 1000 feet of the mining site; or if</p> <p>(2) There are Sensitive Uses within 1000 feet, the increased activity will not exceed noise standards established by the County or DEQ; and</p> <p>(3) The operator shall notify the owners and occupants of all Sensitive Uses within 1000 feet by first class mail which is mailed at least 96 hours prior to the date and approximate time of the activity for which the operator receives an exception.</p> <p>(D) The operating time limits may be waived in the case of an emergency as determined by the County governing body.</p>	<p>Conditions of approval will ensure standards found in S4.410 (3) (A-D) are satisfied.</p>
<p>(4) Environmental Standards.</p> <p>(A) DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all applicable environmental standards of the County and State. Any crusher, asphalt, concrete, ready-mix or other machinery shall submit an approved DEQ permit(s) at the time of development plan application.</p> <p>(B) DOGAMI Standards. Mineral and aggregate extraction, processing, other operations and site reclamation shall conform to the requirements of the Department of Geology and Mineral Industries (DOGAMI).</p> <p>(C) Permits Required. Mining shall not commence until all applicable State and Federal permits, if any, are provided to the County.</p> <p>(5) Equipment Removal. All surface mining equipment, machinery, vehicles, buildings, man- made debris and other material related to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.</p> <p>(6) Performance Agreement.</p> <p>(A) The operator of a mineral and aggregate site shall provide the County with annual notification of DOGAMI permits.</p> <p>(B) Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition, and such insurance shall be kept in full force and effect during the period of such operations. a prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The owner or operator shall annually provide the County with evidence that the policy has been renewed.</p> <p>(7) Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, and ecologically and scientifically significant natural areas and scenic areas protected by the Clatsop Plains Community Plan or other provision of the County Comprehensive Plan, shall be addressed in the application and findings for the conditional use.</p> <p>(8) Site Reclamation. a reclamation plan shall be submitted concurrently with the development plan required in Section 4.418. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses anticipated after the quarry operation, and shall meet DOGAMI requirements.</p>	<p>These are typically conditions of approval applied with the DOGAMI, DEQ stormwater permit and County Land Use permit.</p> <p>As the subject property is not located within a Floodplain area, (10) does not apply. A site reclamation plan is not required in the DEQ NPDES 1200-A (stormwater and mine dewatering) permit, but is typically a function of the DOGAMI permit and will be included with the applicant's application and DOGAMI authorization.</p> <p><b>S4.410 (10) does not apply. Conditions of approval will ensure standards found in S4.410 (4) through (9) are satisfied.</b></p>

<p>(9) Water Management.</p> <p>(A) Surface water shall be managed in a manner which meets all applicable DEQ, DOGAMI, and ODFW water quality standards. Approval may be conditioned upon meeting such standards by a specified date. Discharge across public roads shall be prohibited. Existing natural drainages on the site shall not be changed in a manner which substantially interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.</p> <p>(B) All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to any site operation.</p> <p>(10) Floodplain. Any quarry operation located wholly or in part in a Special Flood Hazard Area as shown on the Federal Insurance Rate Map (FIRM) shall receive approval in accordance with Section 4.000 of this Ordinance prior to any site operation.</p>	
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<b>S4.500. PROTECTION OF RIPARIAN VEGETATION</b>	<b>FINDINGS</b>
<p>S4.501. Purpose and Areas Included.</p> <p>Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. This section establishes standards to protect riparian vegetation on lands not subject to the requirements of the Oregon Forest Practices Act. Areas of riparian vegetation are identified as follows:</p>	<p>There are two man made retention/settlement ponds on the adjacent parcels, these are located within the quarry zones. Some mining activity does occur in these areas. The sediment from the activity travels from the upper pond to the lower and out a small drainage/biosway into the Klatskanie watershed. The biological implications from the bioswale and retention ponds reduces turbidity and complies with DEQ criteria. Riparian zones begin outside the quarry area and will not be affected by this operation. This criterion is satisfied.</p>
<p>(1) Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.</p>	
<p>(2) Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland. Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation. Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.</p>	

<b>S5.000 VEHICLE ACCESS CONTROL AND CIRCULATION</b>	<b>FINDINGS</b>
<p>(1) Traffic Impact Study Requirements. The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access,</p>	<p>The proposed use does not trigger the Traffic Impact study requirements established in LWDUO section 5.300. The</p>

<p>circulation and other transportation requirements. (See, Section 5.350 – Traffic Impact Study.)</p>	<p>proposed expansion will not increase traffic volumes or truck traffic.</p>
<p>(2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.</p>	<p>The Heinz and Browning Pits already use a shared access point. No other access point is proposed. The expansion is only in reference to the footprint of the site.</p>
<p>(3) Omitted; not applicable to this application.</p>	
<p>(4) Omitted; not applicable to this application.</p>	
<p>(5) Omitted; not applicable to this application.</p>	
<p>(6) Omitted; not applicable to this application.</p>	
<p>(7) Omitted; not applicable to this application.</p>	
<p>(8) Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section S5.033(9), below, in order to maintain the required access spacing, and minimize the number of access points.</p> <p>(9) Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:</p> <p>(A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).</p> <p>(B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.</p> <p>(C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.</p>	<p>The proposed uses minimizes access points to the highway system in accordance with these provisions. This particular development uses a pre-existing access point and is not proposing an increase to the traffic volume using that access point. The other criteria are not applicable to this request.</p> <p>Criteria are satisfied.</p>

<p>(10) Omitted; not applicable to this application.</p>	
<p>(11) Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section S5.102.10 - Cul-de-Sac.</p> <p>(12) Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.</p> <p>(13) Vision Clearance. See Section S2.012. Clear Vision Area.</p> <p>(14) Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:</p> <p>(A) Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.</p> <p>(B) Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.</p> <p>(C) Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.</p>	<p>The access roads to the quarry area are designed in accordance with the quarry mining criteria and meet fire and emergency requirements. The other criteria in this section apply to residential and commercial developments. These criteria are satisfied. A site plan will be a function of the DOGAMI permit, a preliminary site plan has been provided for review. An appropriate condition of approval will ensure compliance with these criteria.</p> <p>These criteria will be met through conditions of approval.</p>

CLATSOP COUNTY COMPREHENSIVE PLAN

GOAL 1 CITIZEN INVOLVEMENT	FINDINGS
<p>Goal</p> <p>To have continuity of citizen participation consisting of a seven member Planning Commission, with each member representing diverse geographic areas of the County, thus providing a method of ensuring communication between the citizens, administrative departments and the Board of County Commissioners.</p>	<p>Clatsop County Implements Goal 1 through their procedures for a type II application.</p>

<p>Only the Southwest Coastal Planning Area still retains an active Citizen Advisory Committee (CAC). Should any of the remaining five designated planning areas determine that Citizen Advisory Committees are necessary for ensuring communication between the citizens, the administrative departments, the Planning Commission and the Board of Commissioners they may reorganize a CAC. The Board of Commissioners shall appoint CAC members. The CAC may continue to function and be an active, integrated segment of Clatsop County's planning process as long as persistent involvement and active participation is demonstrated.</p>	<p>Clatsop County's Zoning Ordinance is designed to address the issues in the Comprehensive Plan. Compliance with the Clatsop County's Land Water Development and Use Ordinance 80-14 Section 2.025 will ensure the policies set forth in the Comprehensive plan are complied with.</p> <p>The proposed action and application are consistent with Comprehensive Plan Goal 1.</p> <p>As demonstrated in the Appendix, all public notice policies have been met to ensure consistency with Goal 1.</p>
<p>1. The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of affected citizens in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.</p>	<p>Not Applicable</p>
<p>2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.</p>	<p>Not Applicable</p>
<p>3. Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.</p>	<p>Not Applicable</p>
<p>4. The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.</p>	<p>Policy is Satisfied</p>
<p>5. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.</p>	<p>Policy is satisfied through adherence to Clatsop County regulations and codes.</p>
<p>6. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.</p>	<p>Satisfied through public notice and participation.</p>
<p>7. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens</p>	<p>Satisfied through public notice</p>

and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized	procedures.
8. Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.	Satisfied through the public process established by Clatsop County regulations and codes
9. Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.	Satisfied by public notice requirements
<b>SUMMARY</b>	<b>The proposed development does not conflict with Goal 1</b>

<b>GOAL 2 LAND USE PLANNING</b>	<b>FINDINGS</b>
<p>The County's land and water have been placed in one of six (6) Plan designations. The subject property is located in the third category and Identified as:</p> <p>3. Conservation Forest Lands* - The following policy is identified in the Conservation Forest Lands Designation:</p> <p>Forest lands are those lands that are to be retained for the production of wood fiber and other forest uses. In land use changes involving a change from Conservation Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.</p>	<p>The proposed project is not classified as development and therefore the policy pertaining to this aspect is not applicable.</p> <p>Although mining is not listed under Conservation Forest Lands in Goal 2, it is listed among the Type IIa uses that may be permitted with appropriate conditions in the AF &amp; F-80 Zones. Among the conditions of approval for mining listed in S4.401 (8) is the requirement for a reclamation plan, to return the site to use for the production of wood fiber and/or other forest uses. Such a plan enables the proposal to be found consistent with Goal 2. In addition, areas that should not be in use for the placement of overburden from the excavation operation are required to be restored as a condition of approval.</p>
<b>SUMMARY</b>	<b>Conditions of approval will ensure the proposed development does not conflict with Goal 2.</b>

<b>GOAL 3 AGRICULTURAL LANDS</b>	<b>FINDINGS</b>
<p><b>Goal</b></p> <p>To preserve and maintain agricultural lands.</p> <p><b>Policies</b></p> <ol style="list-style-type: none"> <li>1. The County shall provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agriculture activities.</li> <li>2. Existing farming communities which constitute the mainstay of the agricultural economy in the County shall be preserved by Exclusive Farm Use (EFU) zoning.</li> <li>3. The County shall encourage the consolidation of EFU land into large efficient farm units.</li> <li>4. All divisions of EFU land shall be reviewed by the County for compatibility with the Agricultural Goals of the State and County policies.</li> <li>5. Non-farm uses permitted on EFU land shall be minimized to allow for maximum agricultural productivity.</li> </ol>	<p>The property is zoned AF, which identified both agriculture and forestry policies pertaining to particular uses on the subject property. In this instance the majority of policies in both the Goal 3 &amp; 4 portions of the comprehensive plan would not apply to this activity are not applicable or relevant. This is because the majority of these policies speak to farming and forestry</p>

<ol style="list-style-type: none"> <li>6. Agricultural land which also meets the criteria for forest land and which is primarily utilized for livestock grazing or forestry in sufficient parcel size, shall be conserved for forest uses.</li> <li>7. The County shall encourage the division of underutilized agriculture land into small tracts to maximize the potential for part-time hobby farms where large farms are impractical or where the area is determined to be committed to other uses.</li> <li>8. The County recognizes that there is an increasing problem with elk herds on agricultural lands. In order to continue the productivity of the County's agricultural lands, the County will do the following: <ol style="list-style-type: none"> <li>2. Wildlife refuges and game management areas shall be limited. New proposals shall require a zone change and an assessment of public need and impacts of establishing additional wildlife refuges or game management areas adjacent to agricultural activities.</li> <li>3. The State Wildlife Commission shall be officially requested to resolve the existing adverse impacts on agricultural lands associated with elk, including but not limited to, one or more of the following measures: <ol style="list-style-type: none"> <li>1. revision of hunting laws to sustained management levels.</li> <li>2. reduce the elk population in Clatsop County.</li> <li>3. indemnify the owners for damage on their property resulting from elk.</li> <li>4. pay for and install adequate fencing.</li> </ol> </li> </ol> </li> </ol>	<p>practices. The proposed use is consistent with accessory uses in these farm and forest lands and although the policies may not speak to the use the Clatsop County Development Code speaks to the activity and establishes certain criteria and standards that in conjunction with the regulatory authorities of other state agencies ensures compliance with Statewide planning goals and criteria.</p>
<p><b>SUMMARY</b></p>	<p><b>Conditions of approval will ensure the proposed development does not conflict with Goal 3</b></p>

GOAL 4 FOREST LANDS	FINDINGS
<p>Goal</p> <p>To conserve forest lands for forest uses.</p>	
<p>Policies:</p> <ol style="list-style-type: none"> <li>1. Forest lands shall be conserved for forest uses, including the production of trees and the processing of forest products, open space, buffers from noise, visual separation from conflicting uses, watershed protection, wildlife and fisheries habitat, soils protection from wind and water, maintenance of clean air and water, outdoor recreational activities compatible with these uses, and grazing land for livestock.</li> <li>2. Forest Lands shall be designated Conservation-Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20 and #21.*</li> <li>3. Forest practices on lands designated Conservation-Forest shall conform to the Oregon Forest Practices Act and Oregon Forest Practice Rules, as revised.</li> <li>4. Division of forestlands will be permitted only upon a finding that the proposed division meets the following criteria:</li> <li>5. the proposed division will not diminish the potential for timber production, watershed protection and fish and wildlife habitat, and b. the creation of new parcels will not materially alter the overall stability of the area's land use pattern.</li> <li>6. The clustering of non-forest residences on forestlands may be permitted in the AF-20 and F-38 zones, subject to non-forest use siting standards. This non-forest development is permitted conditionally because, properly designed and sited, it</li> </ol>	<p>In accordance with the Oregon Revised Statutes and Oregon Administrative Rules quarrying is an appropriate use on forest lands and is considered a forest use.</p> <p>Quarry activities are a Type IIa conditional use and may be permitted with appropriate conditions of approval, which are identified elsewhere in this report.</p>

does not result in the loss of forest lands nor does it diminish or interfere with forest uses.

7. The designation of new park and recreation areas (campgrounds, etc.) on forestlands shall require an assessment of public need for these facilities and their potential impact on adjacent forestlands. The productive capacity of the land shall be evaluated and considered when siting these developments. These developments, if allowed, shall be sited and designed so as not to preclude forest management wherever possible.

The County will do the following in order to minimize conflicts between the use of forestland for elk habitat and for commercial timber production.

- a. Wildlife refuges:

Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) or by the United States Fish and Wildlife Service (USFWS) shall be designated Conservation-Other Resource and zoned Open Space, Parks and Recreation (OPR).

Proposed wildlife management areas which are managed and either owned or leased by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal and\*\* information sufficient to support findings with respect to the following approval criteria:

- i. Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
  - ii. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.
- b. The State Fish and Wildlife Commission shall be officially requested to resolve the existing adverse impacts on forestland resulting from elk browse. The following measures are suggested:
    - i. revision of hunting laws.
    - ii. reduce the elk population in Clatsop County to sustained management levels.
    - iii. compensate land owners for damage to forest crops resulting from elk.
    - iv. where appropriate, provide technical and financial assistance to forestland owners for the installation of fencing.
  - c. The County shall take the necessary action through the State Legislative Assembly to revise the laws governing the action of the State Fish and Wildlife Commission for the provision of acceptable methods of relief to property owners from damage due to elk.

8. (10)<sup>+1</sup> Forestry activities within watersheds in areas designated Conservation-Forest in the Comprehensive Plan will be conducted in accordance with the

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<sup>1</sup> Bulleted numbers in the Policy document do not follow a consistent numeric system. The use of a bulleted system created inaccuracies in re-expressing the policy codes.

Oregon Forest Practices Act and the Oregon Forest Practice Rules, as revised. Additional protective measures negotiated between forest landowners and water users are encouraged.

9. (11.) The productive capacity of the land will be considered before land designated Conservation-Forest is changed to another plan designation. The impact of the proposed new use on adjacent lands shall also be evaluated and considered before such a plan change is made.
10. (12.) Off-road vehicles (ORVs) shall be strictly confined to established rock roads in order to prevent erosion, stream degradation, damage to young trees and seedlings, and disturbance of wildlife and its habitat.
11. (13.) Existing utility right-of-ways shall be utilized to the maximum extent possible before new right-of-ways are created.
12. (14.) Roads in forest areas shall be limited to the minimum width necessary for traffic management and safety.
13. (15.) Forest landowners shall be encouraged to actively pursue methods of complete utilization of wood fiber left on the ground after harvesting.
14. (16.) Where forestlands of suitable management size occur in the interior of rural residential areas, or are completely surrounded by residential development, small woodland management and farming is encouraged. Over time these areas may be needed for housing and in future comprehensive plan updates shall be considered ideally situated for conversion to residential uses prior to conversion of other forestlands.
15. (17.) Expansion of existing non-forest developments and uses in forest zones may be permitted under a Type II procedure only when such expansion is substantially confined to the existing site.
16. (18.) Partitioning of forest lands under the provisions of Clatsop County's forest zones which serve to increase forest management efficiency by allowing one or more forest owners to consolidate their land holdings is encouraged.
17. (19.) Clatsop County will rely on the following acreage criteria when reviewing a proposed zone change to a forest zone:  
AF-20: Lands in the AF-20 zone shall be comprised predominantly of ownerships smaller than 40 acres. Ownerships 40 acres and larger may also be placed in an AF-20 zone if they are generally surrounded by ownerships smaller than 40 acres.  
F-38: Lands in the F-38 zone shall be comprised predominantly of ownerships smaller than 76 acres. Ownerships 76 acres and larger may also be placed in an F-38 zone if they are generally surrounded by ownerships smaller than 76 acres.  
F-80: Lands in the F-80 zone shall be comprised predominantly of ownerships 76 acres and larger.\*
18. (20.) Clatsop County will rely on the following management criteria when reviewing a proposed zone change to a forest zone:  
AF-20 and F-38: lands in these forest zones are characterized by both agricultural and forestland uses. Management of these lands is often done on a low-intensity, part-time basis.  
F-80: Forestlands in the F-80 zone include areas where timber production is the primary land use. These lands are often intensively managed by full time professional foresters.\*
19. (21.) A zone change from the F-80 zone to any other zone, including the AF-20 or F-38 zone, shall require a plan amendment. The purpose for such a plan change is to assure that primary forest lands in the F-80 zone are not converted to mixed use forest lands in the F-38 or AF-20 zones, or to any other plan designation without appropriate review by the County.\*
20. (22.) Partitioning of land in the AF-20 zone and F-38 zone shall be approved

<p>only upon a finding that such newly created parcels shall be used only for forest uses. This policy does not apply to the small lots resulting from a cluster partition.*</p> <p>21. (23.) In land use changes involving a change from Conservation-Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.*</p>	
<p><b>SUMMARY</b></p>	<p><b>Conditions of approval will ensure the proposed development does not conflict with Goal 4.</b></p>

<p><b>GOAL 5 OPEN SPACE, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES</b></p>	<p><b>FINDINGS</b></p>
<p><u>Goal</u></p> <p>The overall goal of the Statewide Planning Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources, is: "To conserve open space and protect natural and scenic resources."</p> <p><u>Mineral and Aggregate Resources<sup>1</sup></u></p> <p><u>Goal</u></p> <p>To protect and ensure appropriate use of mineral and aggregate resources of the county, while minimizing any adverse effects of mining and processing upon surrounding land uses.</p> <p><u>Policies</u></p> <ol style="list-style-type: none"> <li>1. The County shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal specified in Oregon Administrative Rules Chapter 660, Division 16.</li> <li>2. In making a decision whether to protect a significant mineral or aggregate site from conflicting uses, the County shall recognize that Goal 5 requires the protection of natural resources for future generations, and that the requirements of other applicable Statewide Planning Goals must be considered in any analysis of conflicting uses.</li> <li>3. The County shall maintain an inventory of mineral and aggregate resources sites. The Comprehensive Plan inventory shall consist of three parts: <ol style="list-style-type: none"> <li>a. An inventory of "significant sites" identified through the Goal 5 process as important resources that will be protected from conflicting uses;</li> <li>b. An inventory of "potential sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate so as to allow the County to make a determination of significance;</li> <li>c. An inventory of "other sites" for which available information demonstrates that the site is not a significant resource to be protected.</li> </ol> </li> <li>4. The location of a mineral or aggregate resource shall be identified as the site of a recoverable source of material. A resource site may consist of all or portions of a parcel, and may comprise contiguous parcels in different ownerships. Identification of a resource site need not include mineral and aggregate reserves that are irrevocable committed to other land uses which are incompatible with surface mining.</li> <li>5. For an aggregate site to be determined significant, the resource must meet Oregon Department of Transportation specifications for concrete aggregate rock. It is the County's policy to protect the highest quality rock for future use.</li> </ol>	<p>OAR Chapter 660 Division 16 was superseded with Division 23, which outlines specific procedures for evaluating new uses such as the one proposed with this application. However the applicants are not proposing a new use for the subject parcel, rather they are requesting to continue their use and expand their existing footprint. As such, this particular action is not required to go through the ESEE and inventory processes described in OAR 660 Division 23, as the subject parcels have already been included and incorporated as a function of the Clatsop County Planning process that established the Comprehensive plan, zoning ordinance and standards document.</p> <p>In accordance with OAR 660-023-0180 Mineral and Aggregate Resources</p> <p>"(2) Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post acknowledgement plan</p>

<ol style="list-style-type: none"> <li>6. For an aggregate site to be determined significant, the site must possess a minimum of 250K cubic yards of minable reserves. It is the policy of the County to protect a variety of large reserves in order to serve the regional market.</li> <li>7. The significance of non-aggregate mineral resources shall be judged on a case-by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.</li> <li>8. Because material source sites owned or controlled by municipal, County or state government agencies have been acquired for the purpose of maintaining the public road system, and collectively form a network of great importance, the County shall deem such sites presumptively significant. Such sites shall be analyzed along with other significant sites to establish the appropriate level of protection from conflicting uses.</li> <li>9. The County shall recognize existing surface mining operations as significant resources pursuant to Goal 5, and shall allow existing operations to continue for two (2) years without conforming to the performance standards in the zoning ordinance. Expansion beyond the limits of an existing site shall be in accordance with County zoning regulations.</li> <li>10. The scope of an existing or "grandfathered" aggregate operation shall be established by: <ol style="list-style-type: none"> <li>a. Authorization by a County land use approval; or</li> <li>b. The extent of the area disturbed by mining on the effective date of this ordinance; or</li> <li>c. The continuous pursuit of a specific mining plan by an operator for not less than five years.</li> </ol> </li> <li>11. In order to maintain the right to continue an existing surface mining operation and bring the County's inventory of mineral and aggregate resources into compliance with Goal 5, an analysis of economic, social, environmental and energy (ESEE) consequences performed for an existing site shall only consider the consequences of potential conflicting uses upon current or future operations, and the consequences of mine expansion on existing or potential conflicting uses.</li> <li>12. Sites on the "other sites" inventory shall not be protected pursuant to Goal 5.</li> <li>13. For sites on the "potential sites" inventory, the County shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exists: <ol style="list-style-type: none"> <li>a. As part of the next scheduled periodic review,</li> <li>b. When a landowner or operator submits information concerning the potential significance of a resource site and requests a Comprehensive Plan amendment;</li> <li>c. When resolution of the status of a potential resource is necessary to advance another planning objective.</li> </ol> </li> <li>14. For each site determined to be significant, the County shall complete the remainder of the Goal 5 process of identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to fully preserve or partially protect the resource from conflicting uses, the site shall be zoned with the Mineral and Aggregate Resources Overlay.</li> <li>15. When analyzing the ESEE consequences of potential conflicts between a significant mineral or aggregate resource and another significant Goal 5 resource, the County shall consider the protection program adopted for the conflicting resource. Conflicts with other natural resources shall not be the basis for mining restrictions unless the County has included the conflicting resource on the</li> </ol>	<p>amendment (PAPA) or at periodic review as specified in section (9) of this rule. The requirements of this rule modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:"</p> <p>The Application does not require a PAPA (Post Acknowledgement Plan Amendment) because the site is already inventoried and listed in the Clatsop County Comprehensive Plan; therefore, the criteria and procedures contained within OAR Chapter 660 Division 23 are not applicable.</p> <p>The application is consistent with this policy.</p> <p>OAR 660 Division 23 establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations.</p> <p>This application is for expansion of the existing foot print only. The quarry is long established and is currently not in violation of its existing DOGAMI permit. No amendment to the county inventory is required, as the Otto Browning site is included on the existing inventory.</p> <p>An ESEE (economic, social,</p>
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<p>inventory of significant Goal 5 resources, and adopted a resource protection program.</p> <p>16. The County may consider the effects of surface mining operations on public roads and traffic. Consideration may include review of proposed routes, site distances at access points, roadway width and alignment, and level of service. The County may impose conditions or restrictions directly related to the impact created by surface mining; however, any conditions or restrictions shall not be approval criteria, and shall be applied uniformly to all road users in a manner consistent with the County's transportation plan.</p> <p>17. In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: (1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and (2) will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.</p> <p>18. The County shall not independently apply the Mineral and Aggregate Resources Overlay to land within another County, or within a city or its urban growth boundary. The County shall seek to ensure protection of significant sites where the impact area surrounding the resource extends across jurisdictional boundaries through cooperative agreements with another County or a city.</p> <p>19. The County shall require increased setbacks, insulation, screening, or similar measures as conditions of approval for any new conflicting use within an impact area surrounding a mineral or aggregate resource site when such measures are deemed necessary to resolve conflicts identified in a site-specific Goal 5 analysis.</p> <p>20. The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 6 analysis shall control.</p> <p>21. As part of the ESEE analysis and decision on the level of protection to be afforded significant mineral and aggregate resource sites, the County shall determine the appropriate post-mining use of the site.</p> <p>22. The County recognizes the jurisdiction of the Department of Geology and Mineral Industries for the purpose of the mined land reclamation pursuant to ORS 517.750 to 517.900 and the rules adopted thereunder.</p> <p>23. Unless specifically determined on a case-by-case basis, it shall be the policy of the County, pursuant to ORS 517.830(3), that DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating permit, as those terms are defined by statute and administrative rule, until all issues concerning local land use approval have been adjudicated by the County.</p> <p>24. No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.</p> <p>25. Land shall not be rezoned to remove the Mineral and Aggregate Resources Overlay until the mineral or aggregate resource is depleted, and the site has been reclaimed.</p> <p>26. ***The County shall rely on the consultation process described in Oregon's Territorial Sea Plan to provide input on aggregate mining proposals in the County's territorial sea.</p>	<p>environmental, and energy) analysis is not necessary for an established site.</p> <p>The proposed development does not conflict with Goal 5.</p> <p>a. Authorization by a County land use approval; or</p> <p>b. The extent of the area disturbed by mining on the effective date of this ordinance; or The continuous pursuit of a specific mining plan by an operator for not less than five year.</p>
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<b>GOAL 6 AIR, WATER AND LAND QUALITY</b>	<b>FINDINGS</b>
Applicable Goals & Policies:	The Otto -Browning Pit is required to

<p>The Statewide planning goal pertaining to air, water and land resources quality is as follows: "To maintain and improve the quality of the air, water and land resources of the state."</p> <p>2. The cumulative effect of development on the County's environment should be monitored and, where appropriate, regulated. When evaluating proposals that would affect the quality of the air, water or land in the County, consideration should be given to the impact on other resources important to the County's economy such as marine resource habitat and recreational and aesthetic resources important to the tourist industry.</p> <p>8. The County shall cooperate with DEQ, State Forestry Department, State Transportation Department and other agencies in implementing best management practices to reduce non-point pollution.</p> <p>13. Any development of land, or change in designation of use of land, shall not occur until it is assured that such change or development complies with applicable state and federal environmental standards.</p> <p>14. Waste discharges from any development, when combined with existing discharges from existing developments, shall not result in a violation of state or federal environmental quality statutes, rules, or standards.</p>	<p>comply with water quality standards established by the Oregon's Department of Environmental Quality and Geology and Mineral Industries. The current stormwater plan indicates two storm water retention ponds that are identified both on our plan and on County Web maps. The settlement ponds and drainages between the two ponds adequately filter any runoff from the pit prior to entry to the watershed. This method has been used on the site for the last 25-30 years and has been acknowledged by both DEQ and DOGAMI as acceptable.</p> <p>A revised DEQ NPDES 1200-A permit will be submitted prior to expanded operations and should be required as a condition of approval. A reclamation plan and restoration for sites is a function of the DOGAMI permit, which also can only be attained after land use authorization and should be applied as a condition of approval.</p>
<p>SUMMARY</p>	<p><b>With appropriate conditions of approval, the proposed development is consistent with and does not conflict with Goal 6.</b></p>

GOAL 9 ECONOMIC DEVELOPMENT	FINDINGS
<p>Goal</p> <p>To diversify and improve the economy of the State and Clatsop County.</p> <p>Forest Products Policies</p> <ol style="list-style-type: none"> <li>1. Forestation and reforestation of the County's forest lands is encouraged.</li> <li>2. The County shall encourage the continuation of the long-term supply of raw products necessary to provide material for County mills by the following: <ol style="list-style-type: none"> <li>a. Sustained yields of forest products should be promoted through educational programs provided by service foresters, extension service personnel and continuing educational courses.</li> <li>b. Information should be disseminated to owners of small woodlots to help them direct their forest management practices toward a sustained yield of forest products.</li> <li>c. Small woodlot owners should be provided financial incentives for maintaining forest land use and effective management practices. Both public and private sectors (especially local forest products industries) should examine long-range payment and contractual agreements with small woodlot owners to level existing tax inequities and diminish long-range cash flow problems. (Such contracts could include reseeding agreements and cost sharing proposals).</li> <li>d. State and federal representatives should be asked to explore legislation to provide assistance and incentives to small woodlot owners to insure participation in effective management programs.</li> </ol> </li> </ol>	<p>The policies contained here in are pertaining to the harvesting and production of wood products and do not consider the mining and quarrying activity proposed with this application. Regardless it is important to note that the quarry referenced in this application services a critical need in this community and the greater region. Quality Rock is an essential component for the development of roads, industrial complexes, as well as commercial, and residential services. The limited operational quarries in Clatsop County service an economic need, and produce high quality living</p>

<ul style="list-style-type: none"> <li>e. Public works (such as CETA or an EDA program) and other labor intensive techniques should be employed to accelerate seeding and replanting efforts on small woodlots. In addition, labor intensive brush clearing and seeding preparations should take precedence where feasible over non-labor intensive techniques, especially if cleared fiber could be utilized for other purposes (energy generation).</li> <li>f. Reforestation of special species should be encouraged by public incentives, especially for long maturation species such as cedar.</li> </ul> <p>3. The County will work with private industry, the Port of Astoria, the Clatsop County Economic Development Committee and other economic organizations in their attempts to improve forest industry employment opportunities by:</p> <ul style="list-style-type: none"> <li>a. Providing technical assistance and business management training to help establishment of small businesses involved in timber salvage, pre-commercial thinning, tree planting, pole and post cutting, etc.</li> <li>b. Working with groups such as the Economic Development Administration to encourage the location of small businesses in the County which provide season long employment in the forest industry. Small businesses which would more totally process wood products from currently wasted material should be especially encouraged.</li> <li>c. Utilizing local education facilities and personnel to provide training in forestry-related skills through cooperation with and knowledge of industry needs.</li> <li>d. Supporting public actions (such as revenue bonding) which: <ul style="list-style-type: none"> <li>i. encourage research and development of wood-waste fueled energy generation,</li> <li>ii. develop technology and products made primarily from non-commercial and underutilized tree species (especially alder), and</li> <li>iii. assist small scale equipment development (i.e. chippers, portable specialty saw mills, etc.).</li> </ul> </li> <li>e. Considering all measures to encourage expanded local processing of locally grown wood fiber to minimize current dollar leakages, including low interest loans, CETA grants, small business assistance programs, and maximum use of the community reinvestment act.</li> <li>f. Providing adequate industrial lands, an efficient permit approval procedure and adequate public facilities for forestry-related businesses.</li> </ul>	<p>wage jobs that satisfy the County's economic goals. The proposed expansion is consistent with these policies and criteria.</p> <p>The reclamation plan will ensure the sites returns to forest production once the aggregate resources have been exhausted.</p> <p>The proposal is consistent with the policies and criteria contained in Goal 9 of the Clatsop County Comprehensive Plan.</p>
<p><b>SUMMARY</b></p>	<p><b>With appropriate conditions of approval, the proposed development is consistent with and supports Goal 9.</b></p>

<p><b>GOAL 11 PUBLIC FACILITIES AND SERVICES</b></p>	<p><b>FINDINGS</b></p>
<p>Goal</p> <p>To provide public facilities in accordance with coordinated land use and transportation systems in a manner which encourages the orderly conversion of land from rural to urban use in urbanizable areas; and to support the provision of needed public facilities for rural areas at levels appropriate for rural densities and to discourage development of inappropriate public facilities on resource lands which would result in the pressure for conversion to more intense use on lands outside urbanizable areas.</p>	<p>There will be no increased demand on Public Facilities. The expansion does not grant expanded or increased operations beyond current levels. The proposed use does not conflict with or increase demands on general public facilities and therefore is consistent with the plan policies.</p> <p>The public facilities necessary to serve this operation are minimal. The site is within a fire</p>

<p>4. <u>Conservation Forest Lands</u> - The primary purpose of this Plan designation is to conserve lands for commercial timber production. Residences are generally in conjunction with a forest use; however, in many areas with this zoning designation residences on substandard parcels are common. Community water systems are often present in this instances. As with agricultural lands, the parcel size and use are controlled by the zoning existing. Therefore it is appropriate to extend community water to residences. The large minimum parcel sizes and distances of lines will limit extensions, and the Plan designation removes the ability to develop land just for residential purposes. The primary function of Conservation Forest Lands is forest use. Any extension of public water will occur only to support a development in conjunction with a resource use and will not be the basis for future conversion to non-resource use.</p> <p>Public fire protection may be present here, and is appropriate since so many residences currently exist, but is not necessary for development and is not encouraged in sparsely settled forest areas.</p> <p>Community sewage systems are not appropriate in this Plan designation.</p>	<p>district, and development on the site is subject to the Fire Chief's approval. Residential use is not a part of this proposal.</p> <p>Sanitary facilities are available on the adjacent site for workers and are indicated on the final site plan. A more elaborate and detailed site plan will be accompanied by the final DOGAMI authorization and can be approved as a condition with this application.</p> <p>The expansion of the quarry mining operations is only to the overall area to be included in the excavation and not to the volume permitted to be removed, as such traffic volume and the number of employees will not increase and no increased demand will be placed on the transportation system currently serving the site. No extension of services or public infrastructure is requested or needed for this proposal.</p>
<p><b>SUMMARY</b></p>	<p><b>With appropriate conditions of approval, the proposed development is consistent with and supports Goal 11.</b></p>

<b>GOAL 12 TRANSPORTATION</b>	<b>FINDINGS</b>
<p>The formulation of a transportation vision, goals and policies represent an important component of the Transportation Systems Plan (TSP) process. The TSP was a collaborative effort among various public agencies, key stakeholders, and the community. The process of identifying the vision, goals, and policies helps describe the transportation system that best fits Clatsop County's values and guides how the TSP will be developed and implemented.</p> <p>Eight goals were developed early in the TSP process, which were used to help prioritize transportation solutions. A ninth overarching goal was added toward the end of the process to reflect the importance of fostering a transportation system that is resilient to natural disasters.</p> <p><u>Volume 1</u> of the TSP is adopted by reference as part of Goal 12 of the Comprehensive Plan. Volume 1 contains the TSP vision and goals, trends, financial plan, standards, and outcomes. <u>Volume 2</u>, which is not adopted as part of the Comprehensive Plan, represents an iterative process in the development of the TSP; it includes all background memoranda, meeting summaries, and technical data. Refinements to various plan elements occurred throughout the process as new information was obtained. In all cases, the contents of Volume 1 supersede those in Volume 2.</p> <p><b><u>Vision</u></b></p> <p><i>All transportation modes flow smoothly and safely to and throughout the county, meeting the needs to residents, businesses, visitors, and people of all physical and</i></p>	<p>The Transportation System Plan (TSP) provides a series of steps to promote the development of a suitable &amp; sustainable transportation network. The plan focuses on the County as a whole with proposed enhancements to both rural and urban needs.</p> <p>The applicant is not proposing to increase volume being removed/quarried at the site therefore the previous traffic studies and evaluations of the site and access to the Nygaard/Warrenton Fiber - Otto Browning Sites will remain in conformance with all provisions previously outlined.</p> <p>It is our belief that the expanded footprint will not generate additional offsite traffic and will have no significant impact on any future improvement plans identified in the TSP. The applicant has coordinated their efforts with Oregon's Department of Transportation and Clatsop County in an effort to mitigate any potential impacts from the traffic of the operation.</p>

<p><i>financial conditions. Existing transportation assets are protected and complemented with multi-modal improvements. Evacuations and emergency response preceding and following natural disasters are managed effectively.</i></p>	<p>The quarry site is designed to provide a fluid traffic network for internal circulation and connection to major arterials for access to urban areas.</p>
<p><b>GOAL 1:</b> Foster resilient natural hazard evacuation and lifeline route systems (overarching goal)</p>	<p>The access roads serve as avenues for evacuation.</p>
<p><b>GOAL 2:</b> Provide for efficient motor vehicle travel to and through the county.</p> <p>Policy 2a: Develop a program to systematically implement improvements that enhance mobility at designated high-priority locations.</p> <p>Policy 2b: Adopt a standard for mobility to help maintain a minimum level of motor vehicle travel efficiency and by which land use proposals can be evaluated. State and City mobility standards will be supported on facilities under the respective jurisdiction.</p> <p>Policy 2c: Identify opportunities to reduce the use of state highways for local trips.</p> <p>Policy 2d: Limit access points on highways and arterials. Support consolidated and shared access points.</p>	<p>Highway 202 is the primary access road to the site. The access was approved by ODOT with the quarry mining authorization. Expanded operations on the site will continue to use the same authorized access point.</p>
<p><b>GOAL 3:</b> Increase the convenience and availability of pedestrian and bicycle modes.</p> <p>Policy 3a: Identify improvements (e.g., street lighting, bike parking) that complement pedestrian and bicycle facilities such as sidewalks and bike lanes and that encourage more use of these facilities.</p> <p>Policy 3b: Improve walking and biking connections to county amenities.</p> <p>Policy 3c: Enhance way finding signage for those walking and biking, directing them to bus stops, key routes and destinations, and tsunami evacuation routes.</p> <p>Policy 3d: Promote walking, bicycling, and sharing the road through public information and participation.</p> <p>Policy 3e: Identify necessary changes to the land development code to improve connectivity between compatible land uses for pedestrian and bicycle trips.</p>	<p>The activity in question is not pedestrian in nature and pedestrian pathways and access would be a safety issue for quarry activities.</p>
<p><b>GOAL 4:</b> Coordinate countywide transit services, facilities, and improvements with local jurisdictions that encourage a higher level of ridership.</p> <p>Policy 4a: Assist in identifying potential locations for designated park-and-ride lots.</p> <p>Policy 4c: Assist in identifying areas that support additional</p>	<p>See Previous Finding. The activity is not conducive to the public and the only people on the site are either working the quarry and heavy equipment or picking up product for delivery.</p>

<p>transit services, and coordinate with transit providers to improve the coverage, quality and frequency of services</p> <p>Policy 4d: Assist in identifying improvements (e.g., sidewalk and bicycle connections, shelters, benches) that complement transit facilities such as bus stops and that encourage higher usage of transit.</p>	
<p><u>GOAL 5:</u></p> <p>Provide an equitable, balanced and connected multi-modal transportation system.</p> <p>Policy 5a: Identify new or improved transportation connections to enhance system efficiency.</p> <p>Policy 5b: Ensure that existing and planned pedestrian thoroughways are clear of obstacles and obstructions (e.g., utility poles).</p> <p>Policy 5c: Support connectivity between the various communities in the county.</p>	<p>The proposal provides access to major arterials and internal access roads.</p>
<p><u>GOAL 6:</u></p> <p>Enhance the health and safety of residents.</p> <p>Policy 6a: Identify improvements needed along natural hazard evacuation and Seismic Lifeline Routes.</p> <p>Policy 6b: Give priority to multiuse paths that enhance community livability and serve as tsunami evacuation routes.</p> <p>Policy 6c: Identify improvements to address high collision locations and improve safety for walking, biking and driving trips in the county.</p> <p>Policy 6d: Enhance existing highway crossings for walking and biking users.</p> <p>Policy 6e: Identify deficient locations in the county where enhanced street crossings for walking and biking users are needed.</p> <p>Policy 6f: Improve the visibility of transportation users in constrained areas, such as on hills and blind curves.</p> <p>Policy 6g: Support programs that encourage walking and bicycling, and educate regarding good traffic behavior and consideration for all users.</p> <p>Policy 6h: Locate new transportation facilities outside tsunami inundation zones where feasible.</p> <p>Policy 6i: Where financially feasible, design and construct new transportation facilities to withstand a Cascadia event earthquake.</p>	<p>The access roads to the operation area provide a suitable evacuation route for the employees who work in or near the development area. The applicant has developed a road and pathway system intended to reduce impacts and improve connectivity given the terrain of the area.</p>
<p><u>GOAL 7:</u></p> <p>Foster a sustainable transportation system.</p> <p>Policy 7a: Develop and support reasonable alternative mobility targets for motor vehicles that align with economic and physical limitations on State highways and County roads where necessary.</p>	<p>The applicant is not proposing to increase the volume of mining on the site. Therefore the traffic generated on the site should remain within the limits of the existing operations. The internal and external transportation network was designed with the concept of efficiency</p>

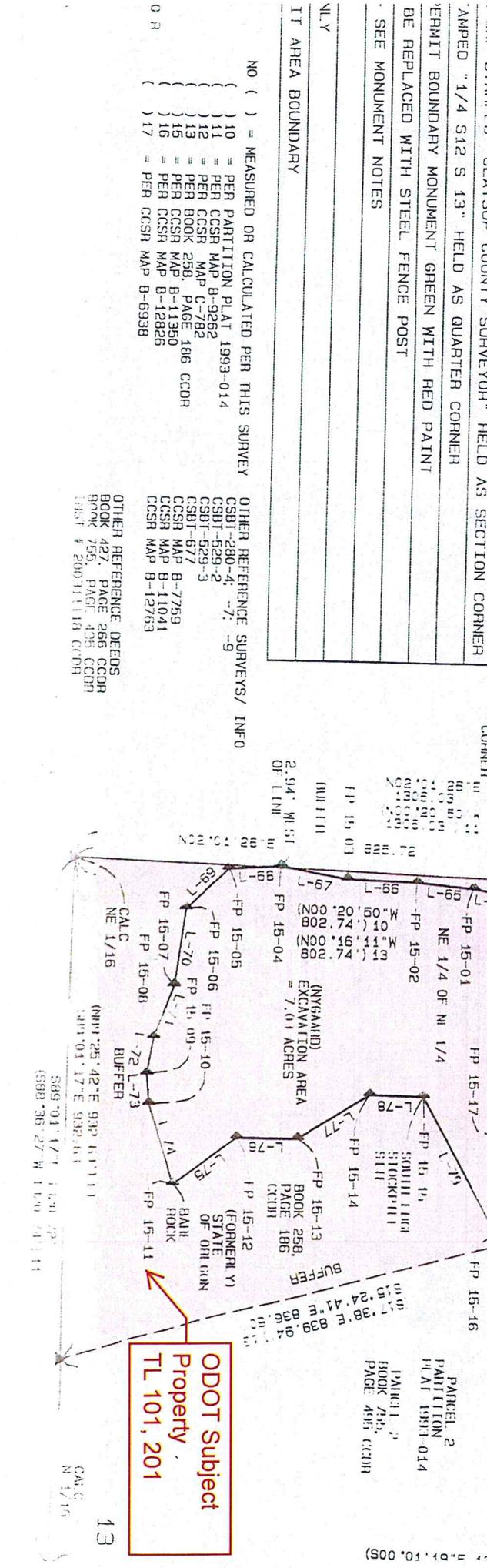
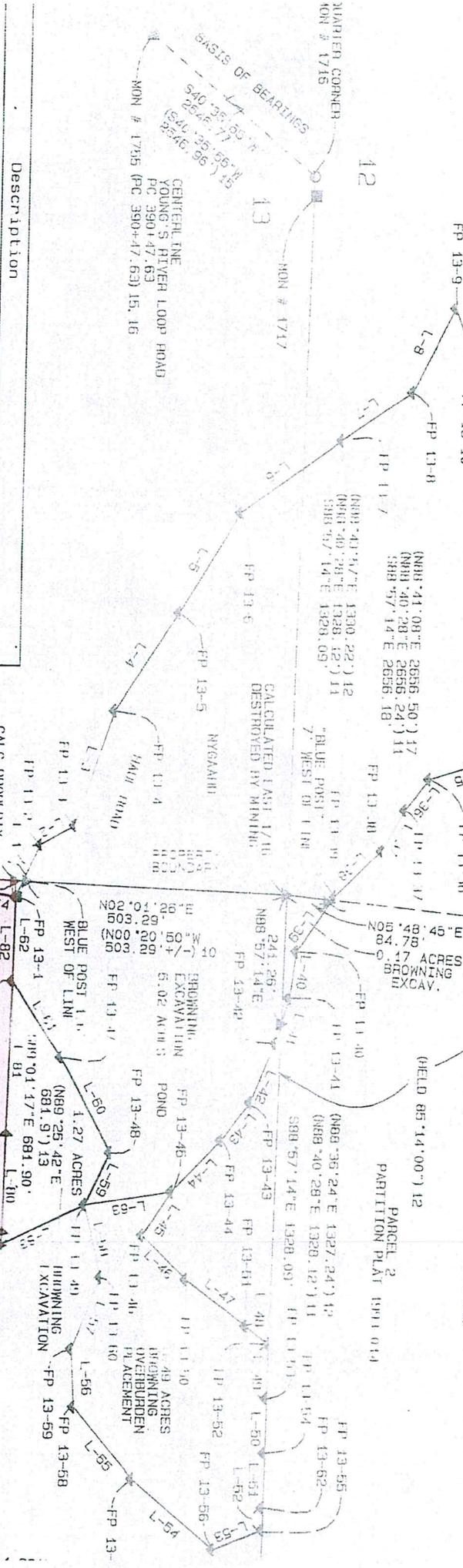
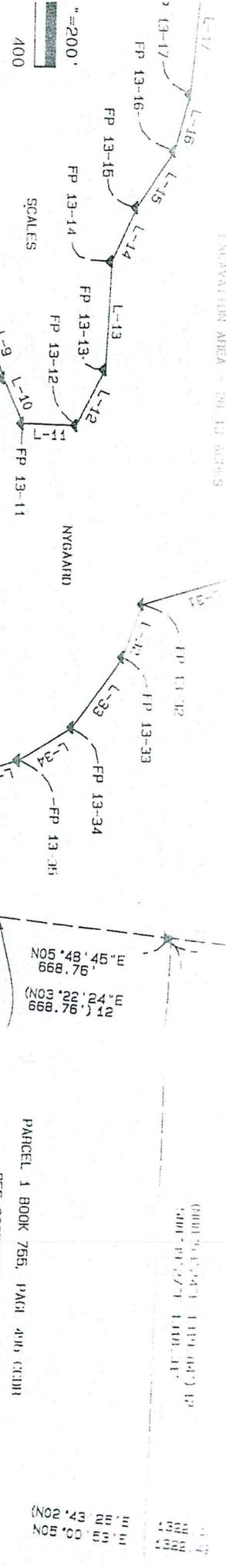
<p>Policy 7b: Minimize impacts to the scenic, natural and cultural resources in the county.</p> <p>Policy 7c: Support alternative vehicle types by identifying potential electric vehicle plug-in stations and developing implementing code provisions.</p> <p>Policy 7d: Identify areas where alternative land use types would significantly shorten trip lengths or reduce the need for motor vehicle travel within the county.</p> <p>Policy 7e: Maintain the existing transportation system assets to preserve their intended function and maintain their useful life.</p> <p>Policy 7f: Identify opportunities to improve travel reliability and safety with system management solutions.</p> <p>Policy 7g: Identify stable and diverse revenue sources for transportation investments to meet the needs of the county, including new and creative funding sources to leverage high priority transportation projects.</p> <p>Policy 7h: Consider costs and benefits when identifying project solutions and prioritizing public investments.</p> <p>Policy 7i: Utilize transparency when determining transportation system investments.</p>	<p>and lowest possible impacts to wildlife, and aquatic habitats, in mind.</p>
<p><u>GOAL 8:</u></p> <p>Ensure the transportation system supports a prosperous and competitive economy.</p> <p>Policy 8a: Encourage improvements to the freight system efficiency, access, capacity and reliability.</p> <p>Policy 8b: Support transportation improvements that will enhance access to employment.</p> <p>Policy 8c: Support increases in the distribution of travel information to maximize the reliability and effectiveness of highways.</p> <p>Policy 8d: Identify and improve local Lifeline Routes to increase economic resilience after a local natural hazard disaster.</p>	<p>As mentioned previously the development provides an internal network of roads designed to provide a fluid transportation network for the distribution of traffic.</p>
<p><u>GOAL 9:</u></p> <p>Coordinate with local and state agencies and transportation plans.</p> <p>Policy 9a: Work with the North Coast Regional Solutions Center to promote projects that improve regional linkages.</p> <p>Policy 9b: Coordinate with the Clatsop County Parks and Recreation Master Plan regarding trail guidelines and connections between parks, recreation areas, and trails.</p> <p>Policy 9c: Coordinate with the Oregon Transportation Plan and associated modal plans.</p> <p>Policy 9d: Coordinate regional project development and implementation with local jurisdictions (e.g., evacuation routes, countywide transit, and jurisdictional transfer of roadways).</p>	<p>All road development will be designed to facilitate the circulation of traffic and provide suitable access and circulation.</p> <p>The applicant has worked with ODOT and DOGAMI on designing appropriate access and circulation to the major arterial network (i.e. Highway 202).</p>

<p>Policy 9e: Coordinate evacuation route and signage planning with existing or proposed pedestrian and bicycle route planning efforts.</p>	
<p>SUMMARY</p>	<p>The total volume of traffic is not expected to increase over prior activity. The activity &amp; traffic at the quarry will continue to access using the highway access point for the Heinz Pit.</p> <p>The proposed use is not a new development. Additionally the expansion will not increase truck volume, but rather allow the applicant the ability to maintain current levels. The expansion only allows the applicant to utilize a larger area that is located around the quarry. The amount of material being removed and hauled off will not be increasing and is subject to the demand of the market. Access to the site will not be altered from its current traffic pattern of entering and exiting from the Heinz permit. The proposed use does not conflict with or create potential conflicts with the guidance and polices described in Clatsop County's Comprehensive Plan. The proposed expansion is compliant with Goal 12 policies.</p> <p>The road approach permit for the existing operation was provided by ODOT, and, when originally issued, would have been reviewed for safety. The proposal meets the applicable standards of Goal 12.</p>
<p>SUMMARY</p>	<p><b>The proposed development is consistent with Goal 12.</b></p>

<p><b>LEWIS &amp; CLARK, OLNEY-WALLOOSKEE COMMUNITY PLAN</b></p>	<p><b>FINDINGS</b></p>
<p><i>LEWIS &amp; CLARK, OLNEY-WALLOOSKEE COMMUNITY PLAN</i></p> <p><b>Alluvial Terrace and Coast Range Foothills Policies</b></p> <p>TL 100 straddles two landscape unit planning areas: the Alluvial Terrace and the Coast Range Foothills.</p> <p>Development in the Alluvial Terrace area is encouraged to take place nearest to the closest urbanized area, for the proximity to public services. The predominant use in the Coast Range Foothills should be forestry and acreage</p>	<p>In review of the LC/OW Community Plan we were unable to find any pertinent policies that would apply to this development. All policies that were listed were also listed in the Comprehensive plan and covered previously. Therefore it is our finding that compliance illustrated in the previous findings and those contained herein should suffice to reach a finding of consistency with the LC/OW Community Plan.</p> <p>The proposed development is a Type IIa conditional use in the AF Zone, and appropriate conditions of approval have been recommended to ensure consistency with the Comprehensive Plan goals and policies and the AF Zone. As demonstrated earlier in this report, conditions of approval would ensure the site is restored to forest production after the aggregate resource is exhausted. No residential use is proposed. No extension of public infrastructure</p>

homesites.	or public facilities or services is required. The quarry is located about 1,200 feet from Highway 202. It is not appropriate for an urban area, but it is not deep into undeveloped timberlands and big game habitat and does not require the additional road building. While not a forestry use, it is considered compatible with forestry uses and is consistent with the rural community plan for the area.
<b>SUMMARY</b>	<b>The proposed development does not conflict with the Lewis &amp; Clark, Olney-Wallooskee Community Plan.</b>

In Sum, we feel the application and the quarry mining expansion is in compliance with Clatsop County's Land Water Development and Use Ordinance and associated Standards Document. In Review of the Comprehensive plan we feel the use and requested expansion is consistent with the policies and intended uses for this area, and thereby satisfies the County's Comprehensive Plan.



1 CAP STAMPED "CLATSOP COUNTY SURVEYOR" HELD AS SECTION CORNER  
 DAMPED "1/4 S1/2 S 13" HELD AS QUARTER CORNER  
 HERMIT BOUNDARY MONUMENT GREEN WITH RED PAINT  
 BE REPLACED WITH STEEL FENCE POST  
 - SEE MONUMENT NOTES

DESCRIPTION

IT AREA BOUNDARY

N.L.V

NO ( ) = MEASURED OR CALCULATED PER THIS SURVEY  
 ( ) 10 = PER PARTITION PLAT 1993-014  
 ( ) 11 = PER CCSR MAP B-9282  
 ( ) 12 = PER CCSR MAP C-782  
 ( ) 13 = PER BOOK 258 PAGE 186 CDDR  
 ( ) 15 = PER CCSR MAP B-11350  
 ( ) 16 = PER CCSR MAP B-12826  
 ( ) 17 = PER CCSR MAP B-6938

OTHER REFERENCE SURVEYS/ INFO  
 CSB1-280-4: -7: -9  
 CSB1-529-2  
 CSB1-529-3  
 CSB1-677  
 CCSR MAP B-7759  
 CCSR MAP B-11041  
 CCSR MAP B-12763

OTHER REFERENCE DEEDS  
 BOOK 427, PAGE 266 CDDR  
 BOOK 755, PAGE 425 CDDR  
 PLAT # 20031118 CDDR

PARCEL 1 BOOK 755, PAGE 406 CDDR  
 SEE CCSR MAP C-707

PARCEL 2  
 PARTITION PLAT 1991 014

PARCEL 1  
 PARTITION  
 PLAT 1993 014

PARCEL 2  
 BOOK 755,  
 PAGE 406 CDDR

ODOT Subject  
 Property  
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ODOT Subject  
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PARCEL 1 BOOK 755, PAGE 416 CCRH  
SEE CCSR MAP C / IV  
PARCEL 2  
PARTITION PLAT 1993-014

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NON # 1755 (PC 350+47.63) 15, 16  
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PARCEL 1 BOOK 755, PAGE 416 CCRH  
SEE CCSR MAP C / IV  
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PARCEL 1  
BOOK 755,  
PAGE 416 CCRH  
4.9 ACRES  
BROWNING  
OVERBURDEN  
PLACEMENT  
N08°41'08"E 2656.50' 17  
N08°40'28"E 2656.24' 11  
S88°57'14"E 2656.18'  
N08°41'07"E 1330.22' 12  
N08°40'28"E 1328.12' 11  
S88°57'14"E 1328.09'

Description
1 CAP STAMPED "CLATSOP COUNTY SURVEYOR" HELD AS SECTION CORNER
"AMPED "1/4 S12 S 13" HELD AS QUARTER CORNER
HERMIT BOUNDARY MONUMENT GREEN WITH RED PAINT
BE REPLACED WITH STEEL FENCE POST
SEE MONUMENT NOTES
NLY
IT AREA BOUNDARY

- NO ( ) = MEASURED OR CALCULATED PER THIS SURVEY  
 ( ) 10 = PER PARTITION PLAT 1993-014  
 ( ) 11 = PER CCSR MAP B-9262  
 ( ) 12 = PER CCSR MAP C-782  
 ( ) 13 = PER BOOK 258, PAGE 186 CCRH  
 ( ) 15 = PER CCSR MAP B-11360  
 ( ) 16 = PER CCSR MAP B-12826  
 ( ) 17 = PER CCSR MAP B-6938
- OTHER REFERENCE SURVEYS/ INFO  
 CSBT-280-4; -7; -9  
 CSBT-529-2  
 CSBT-529-3  
 CSBT-677  
 CCSR MAP B-7759  
 CCSR MAP B-11041  
 CCSR MAP B-12763
- OTHER REFERENCE DEEDS  
 BOOK 427, PAGE 265 CCRH  
 BOOK 755, PAGE 425 CCRH  
 DEED # 200111116 CCRH

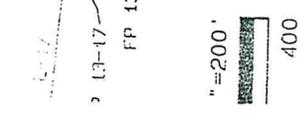


Exhibit 2  
Public Notice



# Clatsop County

Community Development

800 Exchange St., Suite 100

Astoria, Oregon 97103

www.co.clatsop.or.us

Phone (503) 325-8611

Fax (503) 338-3666

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## CLATSOP COUNTY PLANNING COMMISSION NOTICE OF **RESCHEDULED** PUBLIC HEARING Permit # 20160111

You are receiving this notice because you either own property within 750 feet of the property that serves as the subject of the land use application described in this letter, or you are considered to be an affected state or federal agency, local government, or special district. A vicinity map for the subject property may be found on page 2 of this notice.

---

DATE OF HEARING: Tuesday, ~~April 19~~, **May 10, 2016**  
TIME: 10:00 am  
LOCATION: Clatsop County Public Services Bldg., 800 Exchange Street, Room 430  
CONTACT PERSON: Jennifer Bunch, Senior Planner

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NOTICE IS HEREBY GIVEN that Clatsop County Community Development, 800 Exchange Street, Suite 100, Astoria, Oregon 97103, has received the following request, and, pursuant to Section 2.025 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director has scheduled a public hearing on this matter before the Planning Commission.

A conditional use request by **Warrenton Fiber**, on property owned by the **Oregon Department of Transportation**, for the mining and processing of aggregate and mineral resources on property zoned Agricultural-Forestry. The subject property is located near Milepost 10.4 on the north side of Highway 202. The property is identified as T7N R09W Sec13 TLs101/201.

Interested persons are invited to testify in person by attending the hearing, or they may submit testimony in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3606 or via email to [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us). Written comments must be received in this office no later than **4:00 PM on Monday, April 18, May 09, 2016**, in order to be presented by staff for submittal at the ~~April 19~~, May 10, 2016, public hearing.

Failure to raise an issue in person or by letter precludes appeal based on that issue; in raising an issue, the relevant Zoning Ordinance or Comprehensive Plan criterion (Page 2) to which the issue is directed must be specified. Failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue may preclude an appeal based on that issue.

**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

The following criteria apply to this request:

**LWDUO 80-14**

- 2.025 – Type IIa Procedure
- 2.105-2.125 – Notice Requirements for Public Hearings
- 3.510 – Agriculture-Forestry Zone
- 5.000 – Conditional Development and Review

**Standards Document**

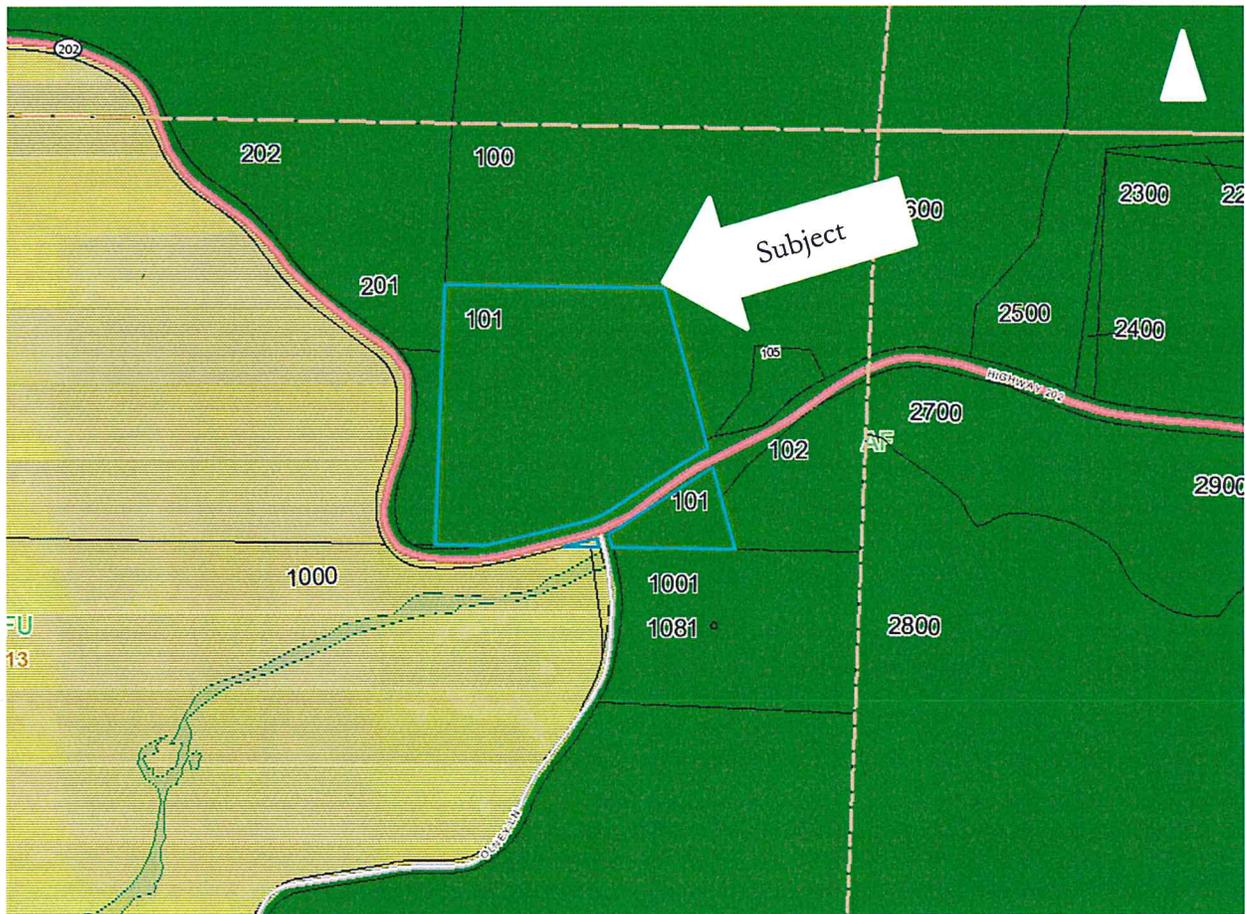
- S2.500 – Erosion Control Development Standards
- S3.500 – Farm and Forest Zones Dwelling and/or Use Stds
- S3.700 – Geologic Hazard Requirements
- S4.400 – Rock and Mineral Resource Use
- S4.500 – Protection of Riparian Vegetation
- Chapter 5 – Vehicle Access Control and Circulation

**Clatsop County Comprehensive Plan**

- Goal 1 – Citizen Involvement
- Goal 2 – Land Use Planning
- Goal 3 – Agricultural Lands
- Goal 4 – Forest Lands
- Goal 5 – Open Space, Scenic and Historic Areas and Natural Resources
- Goal 6 – Air, Water and land Quality
- Goal 11 – Public Facilities and Services
- Goal 12 – Transportation

**Lewis & Clark, Olney-Wallooskee Community Plan**

Planning representative for the application Jennifer Bunch, Senior Planner: (503) 325-8611; or [jbunch@co.clatsop.or.us](mailto:jbunch@co.clatsop.or.us)



OWNER_LINE	OWNER_LL_1	STREET_ADD	CITY	STATE	ZIP_CODE
Browning Perry C/Paula J		88893 Highway 202	Astoria	OR	97103-8142
Gleason Ryan Lynn	Gleason Tina J	88785 Highway 202	Astoria	OR	97103-8142
Kelly Don T	Kelly Marina	92499 Simonsen Rd	Astoria	OR	97103-8227
Kimmel Leo J		88734 Highway 202	Astoria	OR	97103-8142
Oregon State Dept Of Transport		350 W Marine Drive	Astoria	OR	97103
Riekkola Quarry Inc		2324 NW 90th St	Seattle	WA	98117-2729
Tierney Michael R	Tierney Denise L	89008 Highway 202	Astoria	OR	97103-8141
Warrenton Fiber Company		PO Box 100	Warrenton	OR	97146

**CERTIFICATE OF MAILING**

I hereby certify I served a copy of the attached public notice to those listed on the attached page with postage paid and deposited in the US Post Office, Astoria, Oregon, on said day.

Clarnoe Adams, Permit Tech

Date:

04-12-16

*Clarnoe Adams*



OWNER_LINE	OWNER_LL_1	STREET_ADD	CITY	STATE	ZIP_CODE
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Gleason Ryan Lynn	Gleason Tina J	88785 Highway 202	Astoria	OR	97103-8142
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Clance Adams, Permit Tech

Date: 03/29/16



Mike Weston  
DOGAMI  
John Nygaard  
ODOT

frogweston@gmail.com  
[nancy.collins@mlrr.oregongeology.com](mailto:nancy.collins@mlrr.oregongeology.com)  
[jmnygaard@warrentonfiber.com](mailto:jmnygaard@warrentonfiber.com)  
ODOTR2PLANMGR@ODOT.STATE.OR.US

Exhibit 3  
Public Comment



# Oregon

Kate Brown, Governor

Department of Transportation

Region 2, Area 1

350 W Marine Dr

Astoria, OR 97103-6236

503.325.7222

April 11, 2016

To: Jennifer Bunch, Clatsop County Community Development Department

From: Bill Johnston, ODOT Region 2 Transportation Planner (Astoria) *BJ*

Subject: CUP (20160111) to allow mining on 15.2 acre parcel owned by ODOT

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ODOT is submitting these comments as a review agency (not as a property owner). Warrenton Fiber (the adjacent property owner) is applying for the permit (with permission from ODOT) because they have an interest in acquiring the property.

ODOT routinely comments on development proposals that may have an impact on state highways. The following is a summary of ODOT's findings concerning this proposal.

- The expansion of the adjacent Browning Quarry (owned by Warrenton Fiber) to include the ODOT property (which functioned as a quarry in the past) will not increase truck traffic on OR 202. The application indicates the operator does not intend to increase the volume of aggregate extracted from the (combined) quarry.
- If truck traffic were to increase, it would probably not exceed the "change in use" thresholds (OAR 734-051-3020) that would require a new State Highway Approach Permit for the existing access.
- The application does not indicate any new access would be required to serve the quarry. Both quarries have historically used the single, existing access road.
- The existing road approach is permitted by ODOT. There are no safety or operational concerns (e.g., sight distance) as defined in OAR 734-051-4020. The permit will not need to be modified for the expanded quarry.
- DLCD does not consider a CUP to be a Plan Amendment. It is not necessary for the County to make a "significant effect determination" per OAR 660-012-0060.

#### Disclosure

ODOT is in negotiations with Warrenton Fiber to trade the ODOT rock quarry for a tract of land in Warrenton. (ODOT would like to expand an existing ODOT maintenance facility there.) The trade is contingent on obtaining a CUP for the expanded rock quarry.

ODOT is not advocating for the approval or denial of this application. Our purpose in providing these comments is to fulfill our responsibilities as a review agency.

copy: ODOT: Vivian Payne, Mark Buffington, Ladd Whitcomb, Matt Caswell

## Jennifer Bunch

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**From:** MICHAEL TIERNEY <miketier3@msn.com>  
**Sent:** Tuesday, May 03, 2016 8:41 AM  
**To:** Clatsop Development; Jennifer Bunch  
**Cc:** Denise Tierney  
**Subject:** Permit # 20160111 Comments

Good Day,

My farm at 89008 Hwy 202 is directly across the highway from the proposed expansion of the rock quarry in question.

My concerns are:

- 1) Will there be an increase of noise from the quarry with the expansion? If so, will it be in the form of trucks or from the rock processing equipment?
- 2) Will it be visible from the highway, or will a tree buffer be maintained?
- 3) Will the frequency or intensity of blasting be increased? My home already is shaken substantially during a blast, so an increase of intensity could have adverse effects. Any thought about monitoring existing homes such as mine for foundation or other damage due to the blasts? A baseline exam prior to any blasts would protect my interests as well as the interests of Warrenton Fiber.

Thank you for consideration.

Michael Tierney