OREGON SHORES
CONSERVATION COALITION

Wednesday, April 8, 2020

Becky Crockett, Planning Director
County Planning Department
94235 Moore Street, Ste. 113
Gold Beach, OR, 97444

Via Email to: crockettb@co.curry.or.us

Re: Application AD-2004, Ector
Request for a conditional use approval for expansion of an existing operational rock quarry by Applicant Suzanne Ector.
Comments of Oregon Shores Conservation Coalition

Dear Director Crockett:

Please accept these comments from the Oregon Shores Conservation Coalition and its members (collectively "Oregon Shores") to be included in the file for Application AD-2004. Oregon Shores is a non-profit organization dedicated to protecting the Oregon coast's natural communities, ecosystems, and landscapes, while preserving the public's access to these priceless treasures in an ecologically responsible manner. Our mission includes assisting local residents in land use matters and other regulatory processes affecting their coastal communities, as well as engaging Oregonians and visitors alike in a wide range of advocacy efforts and stewardship activities that serve to protect our state's celebrated public shoreline and coastal heritage. For nearly half a century, Oregon Shores has been a public interest participant in legal processes and policy decisions related to land use and shoreline management in Oregon. Please notify us of any further decisions, reports, or notices issued in relation to this Application. In addition, please notify us of any hearings that may be held on this Application. Oregon Shores will provide further comments as appropriate and allowed during in any future hearing. Please feel free to contact us with any questions regarding the below comment.

Oregon Shores recognizes the necessity of aggregate mining and gravel extraction uses, especially in the case where such rock, gravel, and aggregate resources are required for exigent

circumstances. However, this need must be balanced against the equally important need to protect our vital and vulnerable coastal environments. We provide these written comments in order to underscore the apparent deficiencies in the Application materials and to emphasize the importance of a robust review prior to development in a highly dynamic coastal environment—particularly when a proposed development risks altering coastal ecosystems and foothill areas mapped with landslide hazards. These deficiencies are discussed in further detail below.

I. Myers Creek Beach

Oregon Shores is concerned that the project as proposed may adversely impact the surrounding environment of and access to the Myers[1] Creek Beach recreational area in a manner inconsistent with the requirements of the Curry County Comprehensive Plan ("CCCP"), the Curry County Zoning Ordinance ("CCZO"). We contend that the Application before you fails to provide sufficient information to support an assurance that such adverse impacts will not occur. Myers Creek Beach is one of the most picturesque segments of the Oregon Coast, and beloved by beachgoers and windsurfers alike. Myers Creek Pullout South is accessed via U.S. Highway 101 just north and a little west of the foothill where the existing rock quarry is located. Another Ocean Lookout and Rest Stop is accessed via U.S. Highway 101 just south and a little west of the property at issue. The subject property is located just above a major highway and public shorelands. The area provides many important recreational activities for residents of and visitors to Curry County, especially as a popular windsurfing destination. Of particular importance where this Application is concerned, are the mapped landslide hazards on the foothill above the site of the existing rock quarry (directly east), at the site of the existing rock quarry, and in the upland areas just above U.S. Highway 101 (directly west of the existing rock quarry).

II. The Application materials lack sufficient information to analyze potential adverse impacts to the subject hillside, Myers Creek Beach, U.S. Highway 101, and adjacent natural areas.

CCZO Sec. 2.100(1)(a) ("Action on Administrative Permits of the Director") states that the burden of proof in a land use matter rests upon the proponent. In relevant part, such burden shall be to prove:

> (1) The proposed action fully complies with the applicable goals, policies and elements of the CCCP; and
>
> (2) The proposed action is in accordance with the applicable criteria of this ordinance, applicable Oregon Statutes and Oregon Administrative Rules.
>
> (3) The proposed action shall not impose an undue burden on the public transportation system. For developments that are likely to generate significant change in trip generation, the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The determination of impact or effects and the scope of

[1] Also known as Myer's Creek Beach or Meyer's Creek Beach.

> the impact study should be coordinated with the provider of the affected transportation facility[…]

A proposal for the expansion of an existing operational rock quarry to excavate an additional 5,000 cy from the hillside just above Myers Creek Beach and U.S. Highway 101 could have a significant impact on slope stability, water quality, shoreland and upland habitat, recreational access, traffic, and other existing uses in the surrounding area. Thus, the Applicant has a burden to demonstrate compliance with all applicable criteria. As discussed in this section, the current Application materials do not provide the required data and analysis to meet this burden of proof.

Based on a review of the limited information provided in the Application materials for this matter (requested via email and later accessed via the Curry County Planning Division's Website), the Applicant appears to be seeking to expand a currently operating quarry on the grass-covered foothills immediately east of the Myers Creek Recreational Area. Oregon Shores was unable to locate a specific description of the exact area for the proposed expansion or the method by which the additional 5,000 cubic yards of requested aggregate materials would be excavated. Further, Oregon Shores was unable to locate "findings of fact" or any further documentation or evidence within the Application materials providing a detailed discussion addressing the applicable standards of criteria set forth in the March 19, 2020 Public Notice for this matter. For these reasons, the Application cannot demonstrate consistency with CCZO Sec. 2.100(1)(a)(1).

The Application states that the property has been developed as a quarry since 1996 (labeled as "Henry's Quarry Area"), and that the State of Oregon at some point issued "an approval for the pit in this location." However, Oregon Shores was unable to locate materials within the Application specifying the issuing state agency for the aforementioned approval of the existing quarry, or any other evidence of the aforementioned state approval for the existing quarry sufficient for review. Oregon Shores was also unable to locate an additional discussion of applicable state statutes and regulations within the posted Application materials. For these reasons, the Application cannot demonstrate consistency with CCZO Sec. 2.100(1)(a)(2). Further, Oregon Shores was unable to locate any discussion of traffic impacts within the provided materials. As such, the Application cannot demonstrate consistency with CCZO Sec. 2.100(1)(a)(3).

Per CCZO Sec. 2.100(1)(b), in making an Administrative Action decision, the Director must also consider "the possibility of the proposed action causing substantial change in the neighborhood area or community area or other relevant geographic area." The existing quarry is mapped as being within an area of high landslide hazard (i.e. landsliding is likely) by the Oregon Department of Minerals and Geologic Industries (DOGAMI). DOGAMI has mapped the hillside directly above the site as an area of very high landslide hazard, indicating that expansion may threaten an existing landslide. The upland areas just above U.S. Highway 101 and directly west of the existing rock quarry) are similarly mapped with high landslide hazards. Expansion of existing operations could destabilize the hillside, and thus result in substantial adverse impacts to the highway, recreational, and natural areas below, as well as to neighboring properties. Oregon Shores was unable to locate any discussion within the Application materials addressing potential

adverse impacts to adjacent properties or addressing geological hazards. A screen capture of DOGAMI's Hazards Viewer tools demonstrating the potential landslide risk on the subject foothill is attached to this comment. Absent the aforementioned information regarding landslide hazards, the Director cannot conduct the analysis required under Per CCZO Sec. 2.100(1)(b).

Oregon Shores was also unable to locate any discussion within the Application regarding current or proposed methods for managing storm water runoff from the existing quarry, and how storm water runoff will be managed following the proposed expansion at Henry's Quarry Area. This is especially concerning, given that the proposed rock quarry expansion will occur at a site that appears to be situated directly across the street from a drainage pipe that either runs directly onto or under U.S. Highway 101, and onto Myers Creek Beach. Screen captures of runoff pipe are attached to this comment. An increase in runoff or an increase in sediment being flushed off the hillside could significantly impact the roadways below, the water quality of the coastal environment, and the surrounding habitat. Absent the aforementioned information regarding storm water management, the Director cannot conduct the analysis required under Per CCZO Sec. 2.100(1)(b).

For the above reasons, the Application is inconsistent with the requisite criteria.

III. Conclusion

Oregon Shores understands that sand, gravel, and aggregate are necessary resources, and that mining for them must take place somewhere. However, expanding an existing mining operation on a hillside immediately above an area of high ecological, recreational, and economic importance should receive the highest level of scrutiny. Oregon Shores would state firmly that the present Application falls short of supplying the information that would be necessary for this level of analysis, and strongly urges the Director to require further information on potential impacts prior to any final decision in this matter. The necessary conclusion with regard to the current Application before the Director must be that it falls short and should be rejected for lack of sufficient information. For all the reasons stated above, Oregon Shores recommends denial of the permit application.

Sincerely,

Phillip Johnson
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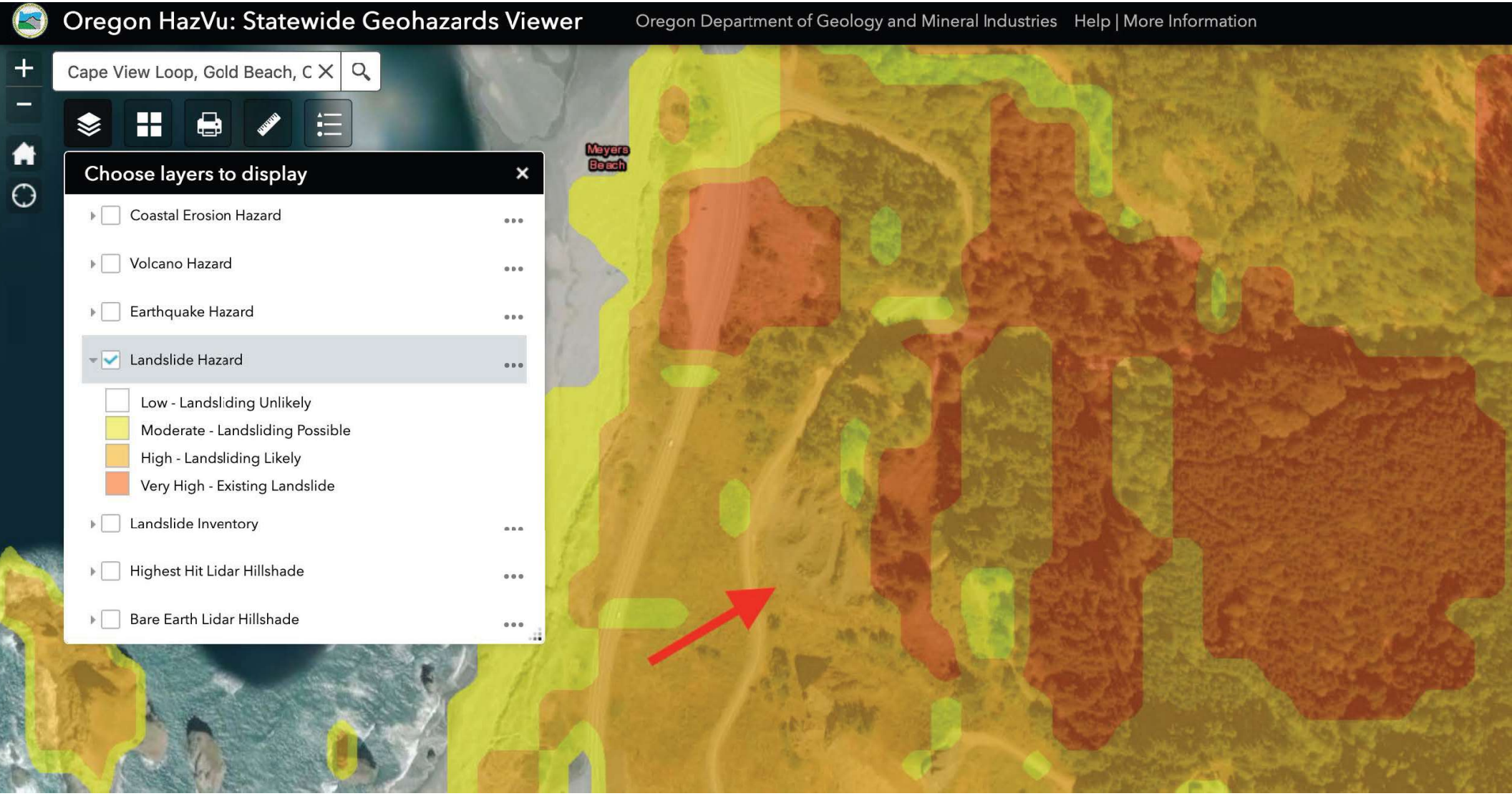
Encl.


Oregon HazVu: Statewide Geohazards Viewer
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Landslide Inventory
Highest Hit Lidar Hillshade
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Myers Creek
Pullout South
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Cape View Loop
Myers Creek R
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