



CURRY COUNTY COMMUNITY DEVELOPMENT  
94235 MOORE STREET, SUITE 113  
GOLD BEACH, OREGON 97444

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**Curry County Community Development Department  
Administrative Staff Report and Decision**

Application AD-2004 is a request for Conditional Use approval for expansion of an existing operational rock quarry (Henry's Quarry) on a 22.39 acre parcel zoned Forestry Grazing (FG).

**1. Background Information**

<b>Owner:</b>	Suzanne Ector  Gold Beach, Oregon 97444
<b>Applicant:</b>	Suzanne Ector  Gold Beach, Oregon 97444
<b>Land Use Review:</b>	Administrative Conditional Use Review for expansion of an existing operational rock quarry.
<b>Property Description:</b>	Assessor's Map 38-14-07, Tax Lot 700
<b>Location</b>	Subject property is located off of Cape View Loop Road (Old Hwy 101) off of Myers Creek Road.
<b>Existing Development:</b>	Property currently includes an active rock quarry site and a residential dwelling which the owner lives in. The remaining acreage includes coastal vegetation and forest.
<b>Proposed Development:</b>	Expansion of existing rock quarry operations to produce more than 5,000 cubic yards of material annually. The quarry footprint will not change.

**Adjacent Land Uses:** North – Myers Creek Road; Forest  
East – Very large lot residential; Forest  
West – Oregon Department of Transportation (ODOT)  
Hwy 101; Myers Creek Pullout South; Myers Creek Beach  
South – Cape View Loop (Old Hwy 101); Large lot  
Residential

**Zone:** Forestry Grazing (FG)

**Acreage:** Parcel is 22.39 acres in size

## **II. Applicable Review Criteria**

The proposed application for expansion of an existing rock quarry must be found in compliance with the following sections of the Curry County Comprehensive Plan and the Curry County Zoning Ordinance ( CCZO).

### **Curry County Comprehensive Plan**

**Goal 5 – Natural Resources b. mineral and aggregate resources**

### **Curry County Zoning Ordinance (CCZO)**

<b>Section 2.090</b>	<b>Procedure for Conditional and Permitted Use Permits</b>
<b>Section 3.050</b>	<b>Forestry Grazing (FG)</b>
<b>Section 3.052</b>	<b>Conditional Uses Subject to Administrative Approval</b>
<b>Section 3.052 (24)</b>	<b>Land Based Mining (Section 7.040 #1, 10, 17)</b>

## **III. Background Information**

Henry's Quarry has been operational historically for over fifty (50) years. Rock was mined from this Goal 5 Resource by the Oregon Department of Transportation (ODOT) for maintenance of the old Highway 101 (now the adjacent Cape View Loop) as well as the relocated new Highway 101. In 1995/1996, ODOT put the quarry under an operational permit through the Department of Geology and Mineral Industries (DOGAMI). At that time the County recognized the existing quarry as a non-conforming use and has not required further land use permits because the amount of rock extracted has historically and consistently been less than 5,000 cubic yards annually which is exempt pursuant to the Curry County Zoning Ordinance (CCZO).

In 2002 ODOT determined that they did not own Henry's Quarry and the DOGAMI Operating Permit, including conditions of approval, was transferred to Suzanne Ector. Ms. Ector has continued to maintain the Operating Permit with the most recent update approved by DOGAMI through November 30, 2020.

The existing quarry operational area is approximately 2.5 acres in size and based on 1995/1996 survey data contains an estimated 25,000-30,000 cubic yards of material. Minor amounts of rock have been utilized since 1995 from the last ODOT blasting which deposited material onto the quarry floor. The applicant currently estimates there is over 30,000 cubic yards of material remaining at the site. An estimated 12,000 cubic yards of stone embankment (rock 24 inches or smaller) is intended to be used for the Highway 101 Hooskanadon Slide repair in May, 2020.

#### IV. Findings

##### **Goal 5 – Natural Resources b. mineral and aggregate resources**

**Goal 5 – Natural Resources b. mineral and aggregate resources – The Curry County Comprehensive Plan identifies Henry's Quarry as a mineral and aggregate Natural Resource. The Comprehensive Plan sets forth the following policies with regard Mineral and Aggregate Resources:**

1. Curry County recognizes the value of the mineral resources present in the county and seeks their development wherever possible to the benefit of the people and other resources of the county with protection for fish and wildlife habitat.
2. Sand, gravel and quarry rock deposits identified in the comprehensive plan are currently the most productive mineral resources in Curry County and the continued utilization of these mineral resources is important to the local economy.

**Facts:** Henry's Quarry has been operational historically for over fifty (50) years. Rock was mined from this Goal 5 Resource by the Oregon Department of Transportation (ODOT) for maintenance of the old Highway 101 (now the adjacent Cape View Loop) as well as the relocated new (existing Highway 101). In 1995/1996, ODOT put the quarry under an operational permit through the Department of Geology and Mineral Industries (DOGAMI). At that time the County recognized the existing quarry as a non-conforming use and has not required further land use permits because the amount of rock extracted has historically and consistently been less than 5,000 cubic yards annually which is exempt pursuant to the Curry County Zoning Ordinance (CCZO). The DOGAMI permit has specific conditions that are for the purpose of protecting wildlife habitat. Those conditions will be a requirement of this land use permit. Specifically the preservation of vegetation, reseeding exposed land and a reclamation plan which will transition the site consistent with the contours of the adjacent rock embankments used by wildlife species. The quarry site does not include any streams or

waterways so the operation will not impact fish habitat. The adjacent spruce trees and coastal vegetation does provide habitat for wildlife, especially shorebirds.

**Finding:** Henry's Quarry has been in operation for over 50 years providing an important resource for projects within Curry County. Notification of the pending permit was submitted to the local office of the Oregon Department of Fish and Wildlife (ODFW). ODFW responded that they do not see any issues with the proposed quarry expansion.

Continued utilization of Henry's Quarry is vitally important to Curry County as it is one of the a limited number of active rock sources available for the Hooskanadon Slide project which is critical to the function of Highway 101 between Gold Beach and Brookings which is the primary transport route supporting the economy of Curry County. The proposed project is consistent with the Curry County Comprehensive Plan as it is important to the local economy and with conditions, the operations will protect the existing wildlife habitat. Therefore this finding is met.

**Section 2.090 – Procedure for Conditional and Permitted Use Permits –** *After accepting a completed application for Administrative Action pursuant to Section 2.060, the Director shall act on or cause a hearing to be held on the application pursuant to Section 2.062.*

**Facts:** A land use application requesting conditional use authorization for an increase in the quantity of rock to be extracted beyond that which is an allowed an exemption (5,000 cubic yards) in the Curry County Zoning Ordinance (CCZO) was submitted on March 5, 2020. The application was found to be complete on March 20, 2020 after additional information was requested by the Planning Director and subsequently submitted by the applicant. The application was posted online at the Curry County Planning Division web site. A 20-day Public Notification was sent to surrounding property owners and interested parties on record allowing comments on the application to be received to the Planning Department by April 8, 2020. Two comments were received. Based on the information in the application and the comments received, the Planning Director made a decision to prepare the land use findings and make an Administrative Decision on the application.

**Finding:** The Director accepted a conditional use application for an increase in the quantity of rock to be extracted from an existing mining operation. Based on the information in the application and comments received through the Public Notification process, the Planning Director prepared the Findings of Fact and made a decision in accordance with Section 2.090 of the CCZO. This finding has been met.

**Section 3.050 Forestry Grazing Zone (FG) –** *The Forestry Grazing Zone is applied to resources areas of the county where the primary land use is commercial forestry with some intermixed agricultural uses for livestock uses. Section 3.052 (24) Conditional Uses Subject to*

*Administrative Approval by the Director lists Land-based mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and not otherwise permitted in 3.041 (10), and the mining and processing of aggregate and mineral resources as defined under ORS Chapter 517 but not including support or processing facilities for offshore oil, gas or marine mineral activities.*

**Facts:** The primary uses on the subject property are residential, forestry, open space and a historical rock mining area of approximately 2.5 acres. These uses are consistent with the purpose and intent of the Forestry Grazing zoning district. Land-based mining and processing of mineral resources are allowed as a conditional use if the operation is over a quantity of 5,000 cubic yards per year or is larger than 5 acres in size. The historical mining site on the subject property has been mined at a quantity of less than 5,000 cubic yards per year and is less than 5 acres in size. There are numerous small quantity rock quarry operations throughout Curry County primarily located on land zoned as Forestry Grazing. These operations typically support private timber and agricultural activities (road building, etc.) that are located on Forestry and Grazing zoned lands and allow for small intermittent quantities of rock to be sold primarily for road construction.

**Finding:** The uses established on the subject property including the existing mining operation are consistent with the purpose and intent of the Forestry Grazing zoning district. The proposed increase in the quantity to be taken from the existing mining operation will not change the uses already established and consistent with the zoning district. This finding is met.

**Section 3.052 (24) – Land Based Mining –** *Land-based mining and processing of oil, gas or other subsurface resources, as defined in ORS Chapter 520 and not otherwise permitted in 3.041 (10), and the mining and processing of aggregate and mineral resources as defined under ORS Chapter 517 but not including support or processing facilities for offshore oil, gas or marine mineral activities. (1, 10, 17). Numbers in parenthesis following the uses indicated the standards described in Section 7.040 that must be met to approve the use.*

**Section 7.040 Standards Governing Conditional Uses. –** *In addition to the standards of the zone in which the conditional use is located and the other standards in this ordinance, conditional uses must meet the following standards:*

**1. Conditional Uses Generally –**

- a. *The County may require property line set-backs or building height restrictions other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land use.*

**Finding:** The proposed quantity expansion of Henry's Quarry will be located within the existing 2.5 acre footprint on the subject property in accordance with the setback and building height requirements of the Forestry Grazing (FG) zoning district. No additional set-backs are required and no buildings are proposed in the application. This standard is met.

*b. The County may require access to the property, off-street parking, additional lot area, or buffering requirements other than those specified in Article IV in order to render the proposed conditional use compatible with surrounding land uses.*

**Facts:** Henry's Quarry is located within the coastal bluff above the Myers Creek Pullout South and Myers Creek Beach. These coastal bluffs and beaches are important scenic, natural and recreational areas along the coast. Site views were conducted by the Planning Director on April 15, 2020 at various locations along Myers Creek Pullout South and Myers Creek Beach to identify the potential for impacts associated with the expansion of the rock quarry extraction quantities. The quarry was in active use during the site view survey with approximately 8 dump trucks per hour being loaded. An excavator was also active at that time tearing rock from the site.

The site was not visible from all the viewing locations along Myers Creek Pullout South. Potential views of the rock site were buffered completely by the existing coastal vegetation (primarily large spruce trees) and the existing berm along the west side of Myers Creek Loop (old highway 101). There were some intermittent noises that could be heard when the dump trucks were loaded and when the trucks made the turn onto and off of Highway 101.

Views of the rock quarry from Myers Beach at low tide were slight. The quarry activity could only be seen from the western most beach locations during low tide. It was difficult to see the quarry activity from higher up on the beach as the site was obscured by the spruce trees and berm along Myers Loop Road. The noises from the quarry were not audible at any location along the beach due to the sounds of the ocean waves.

The proposed quantity expansion of Henry's Quarry is permitted under standards and conditions set forth pursuant to the DOGAMI Operating Permit # 08-0090. This permit includes conditions for creating irregular steep landforms, aesthetic rock contouring, buffering and revegetating the site for the purpose of adhering to the land forms of the coastal bluffs in the area. The site is located along Highway 101 which is identified as part of the Pacific Coast Scenic Byway. As a result, it will be important to create a landform consistent with the existing rock and vegetative landscape in the corridor. The requirements and conditions set forth in the DOGAMI Operating Permit will be included

as conditions required for this Conditional Use permit. Based on the site evaluation of potential visual and noise impacts associated with the quarry, no additional conditions are proposed.

**Finding:** The Planning Director conducted an on-site evaluation of potential aesthetic and noise impacts resulting from the rock quarry expansion project. Based on this evaluation, the County will apply the conditions set forth in DOGAMI Operating Permit 08-00 to render the proposed conditional use compatible with surrounding land uses. This standard is met.

- c. *The County may require that the development be constructed to standards more restrictive than the Uniform Building Code or the general codes in order to comply with the specific standards established and conditions imposed in granting the conditional use permit for the proposed use.*

**Finding:** This standard is not applicable as there are no buildings being proposed for construction.

- d. *If the proposed conditional use involves development that will use utility services; the applicant shall provide statements from the affected utilities that they have reviewed the applicant's proposed plans. These statements shall explicitly set forth the utilities' requirements, terms and conditions providing or expanding service to the proposed development and shall be adopted by the Commission or Director as part of the conditional use permit.*

**Finding:** The applicant has submitted the applicable service provider letter with the application. Fire protection will be provided by the Pistol River Fire Department. The Pistol River Fire Department has submitted a letter which acknowledges the quarry, its operations and location within their jurisdiction for protection. No other service providers or utilities are applicable for this application. This finding is met.

- e. *If the proposed conditional use involves the development or expansion of a community or non-community public water system, the applicant shall submit a water right permit(s) or documentation that a permit is not required from the Oregon Water Resources Department which indicates that the applicant has the right to divert a sufficient quantity of water from the proposed source to meet the projected need for the proposed use for the next twenty year planning period.*

**Finding:** The rock quarry operations on the subject property do not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

- f. If the proposed conditional use involves the development or expansion of a community or non-community public water system, the applicant shall install a raw water supply flow monitoring device (flow meter) on the water system and shall record the quantity of water used in the system on a monthly basis. The monthly record of water usage shall be reported to the Curry County Department of Public Services-Planning Division and Health Department Sanitarian on an annual basis.*

**Finding:** The rock quarry operations on the subject property do not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

- g. If the proposed conditional use included the development or expansion of a community or non-community public water system and the use is located within the service area of a city or special district water system the applicant shall utilize the city or special district water system rather than developing an independent public water system. An independent community or non-community public water system can be developed for the use if the applicant can prove that it would be physically or economically not feasible to connect to the city or special district water system. The city or special district must concur in the conclusion that connection of the proposed use is not feasible.*

**Finding:** The rock quarry operations on the subject property do not involve the development or expansion of a community or non-community public water system. Therefore, this standard is not applicable.

**Section 7.040 (10) Mining, quarrying, or other extractive activity – a.) Plans and specifications submitted to the Commission for approval must contain sufficient information to allow the Commission to review and set siting standards to the following standards:**

- (1.) Impact of the proposed use on surrounding land uses in terms of Department of Environmental Quality standards for noise, dust, or other environmental factors;*

**Facts:** As stated previously, the County allows this existing rock quarry to extract up to 5,000 cubic yards of material on an annual basis without a conditional use permit (per the exemption provisions set forth through DOGAMI). The proposed conditional use permit would allow an estimated additional 7,000 cubic yards to be taken in May of 2020 for the purpose of providing rock material for the Hooskanadan Slide project. Impacts associated

with the extraction of an additional 7,000 cubic yards can be quantified primarily on the basis of the length of time the quarry will be in operation. The footprint of the quarry will not change from the existing 2.5 acre footprint. There are operational site constraints which do not allow for more than an excavator and a loader to take the rock out of the quarry at any given time. Therefore, the increased impacts are primarily those associated with keeping the existing operation in place longer than would be required to take only 5,000 cubic yards of material from the site. It is estimated that this will result in the quarry operations being active approximately two (2) additional weeks, mostly in May, 2020. Long term, the site is limited in the amount of rock available and the requirements set forth by DOGAMI for restoration of the site. The applicant has estimated there would be approximately 25,000 cubic yards of material remaining at the site after rock is taken for the Hooskanadan Slide project. It is likely that after the slide project, operation of Henry's Quarry will resume based on past practices which has been less than 5,000 cubic yards taken at one time and with 0 cubic yards of rock taken in most years.

It should be noted that reclamation, including recontouring and revegetation of the site, will be required by DOGAMI at the conclusion of the mining operation. The reclamation activities will result in the area being modified to blend with the surrounding rock formations and coastal habitat. Therefore, rock extraction projects that increase the amount of rock taken in the short term will expedite the conclusion of the rock quarry activity and initiate the reclamation project and long term habitat restoration of this coastal bluff.

The applicant has submitted information to address potential impacts of issues that are within the jurisdiction of the Department of Environmental Quality (DEQ) for the County's review as follows:

*Dust – An on call water truck will be used to wet the areas where truck and loader are traveling, which will eliminate the dust from blowing out of the property.*

*Noise – Since no crushing operations will take place in the quarry, the only noise will come from equipment moving the rock into trucks or the very limited cracking operations that will take place.*

*Henry's Quarry will not be in operation more than five days per week and will operate no more than nine hours per day during regular business hours. Following ORS 467.120 (3), this allows Henry's Quarry to be exempt from the emissions of noise in excess level prescribed by the Environmental Quality Commission. Tier 4 machines will be used, which have been developed and tested to meet OSHA's safe working limits of noise at construction projects. Also, because of the nearby prominent rock outcroppings and 100-foot highwall where the quarry is located, there is no direct line of sight to any houses*

*except for the owner of the property. These land features will limit any noise emitted from the quarry during cracking, loading, or moving of rock in the quarry.*

*Cracking for this pit is extremely infrequent. It is anticipated that there will be three cracking events for the remainder of the pit's life span. The process is to take a drilling machine to drill holes a depth of the floor of the quarry, in this case, 35-50 feet deep. The area is safely secured for the cracking event. Cape View Loop and Hwy 101 will be closed for two minutes to protect the public during the actual event. The noise from the drilling is similar to an engine running. When the cracking event happens, it sounds like a firework followed by the sound of rock moving for a 30 second time span.*

*Water quality – Henry's Quarry will not cause discharge of sediment laden waters into any waters of the state. A catch basin is located at the intersection of the quarry and Cape View Loop. A catch basin insert, and waddles will be used to prevent any sediment laden water from entering the catch basin. Also, storm water will be internally contained on-site by sloping the quarry floor towards the back highwall. This is noted on DOGAMI's inspection reports on March 12, 2014 and May 30<sup>th</sup>, 2003.*

**Finding:** The applicant has implementation measures in place during mining operations including equipment that are either exempt from DEQ noise emissions or that meet OSHA noise requirements, stormwater discharge mitigation measures and noise safeguards due to the topography of the quarry site to minimize potential noise impacts. These implementation measures will be included as conditions for this conditional use permit to insure they are carried out consistent with the CCZO requirements. This finding is met.

*(2) The impact of the proposed use on water quality, water flow, or fish habitat on affected rivers or streams*

**Facts:** The project is not near a stream or water body, therefore no impacts will occur to a river or stream. There is a storm drain on site which is protected with a catch basin insert and waddles to insure that no sediment laden water is discharge into the down gradient pipe that connects to an ODOT sotrmwater pipe installed along Highway 101. The Planning Director checked this storm drain on March 15 and March 19<sup>th</sup>, 2020 and found the insert and waddles to be in place for the existing operations. Project operations do not require a water source on site.

**Finding:** The project site is not in a location that could impact rivers or streams. Mitigation measures are in place to insure that no sediment laden waters are discharged into the existing storm drain. A condition to protect this storm drain will be included in

this conditional use permit for the long term operation of the mining site. This finding is met.

*(3) The impact of the proposed use on overall land stability, vegetation, wildlife habitat and land and soil erosion*

**Facts:** The quarry site has been inspected by DOGAMI for soil, and land stability and the inspection reports have addressed vegetation and wildlife habitat. DOGAMI has noted that the site has a reclamation liability which is relatively low. The applicant has stated:

*“ the impact of Henry’s quarry on overall land stability, vegetation, wildlife habitat, and land or soil erosion will not be changed from its current condition. Vegetation will decrease with the use of this pit as the rock is taken out but only in the areas that rock will be taken from. Land stability in this pit is extremely good because the pit is not very tall and will continue to maintain that height throughout its life span.”*

A DOGAMI approved reclamation plan including land surveys is on file with DOGAMI which identifies the areas of the site to be mined consistent with transition to the final reclamation contours and revegetation for the site.

**Finding:** Soil stability and the re-establishment of the mining site have been approved through the DOGAMI reclamation plan. The County’s review of the site survey’s and reclamation approach indicates that the impact on land stability, vegetation, wildlife habitat and land and soil erosion will be minimal upon the conclusion of the mining operation. This finding is met.

*(4) The adequacy of protection for people residing or working in the area from the proposed mining activity through fencing of the site*

**Facts:** The applicant has stated:

*“Henry’s quarry will be protected by a temporary fencing when any major operations are taking place”*

The active work site is located immediately adjacent to Cape View Loop. The existing operations are posted on the road leading to the site with a number to call the operator. Traffic on Cape View Loop is very light as there are very few homes in the area and no business activity. The applicant proposed fencing would insure that people working and living in the area will be protected.

**Finding:** The applicant has proposed to fence the area of the mining site during major operations. This will be included in the conditions for this conditional use permit. This finding is met.

*(5) The rehabilitation of the land upon termination of the mining activity. The proposed rehabilitation must at least meet the requirements of state surface mining or gravel removal permits.*

**Facts:** The applicant has a DOGAMI permit (08-0090) which includes an approved reclamation plan based on surveys of the quarry prepared by ODOT. The reclamation plan is a bonded plan (the applicant has established a financial bond held by DOGAMI) and requires the applicant to initiate the plan within one day of completion of the mining activity.

**Finding:** Rehabilitation of the quarry is required through the applicants DOGAMI permit which meets the requirements of the state surface mining statutes. This finding is met.

*(6) If the proposed extractive activity involves the removal of rock, gravel, or sediment from a river or stream, the proposal shall be reviewed by the Oregon Department of Fish and Wildlife and it may provide a written statement to the county regarding the possible impact on fish habitat associated with the affected river or stream.*

**Finding:** No portion of the mining activity involves the removal of rock, gravel or sediment from a river or stream. The Oregon Department of Fish and Wildlife submitted an email stating that they have no concerns regarding the quarry mining project. This finding is met.

*(7) The County will define an area around the specific removal site which includes all lands within 250 feet of the site, based on the site map for a state mining or gravel permit. The applicant shall provide findings which identify the existing uses on those lands included within this area. The Commission shall evaluate the applicant's findings with regard to the potentially conflicting uses identified in the area based on the factors below:*

- i.) If the mining activity can be sited on an alternative site; and*
- ii.) Where conflicting uses are identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and methods developed to resolve the conflict.*

**Facts:** The applicant has stated:

*“The area 250 feet around Henry’s pit are as follows: ODOT right-of-way, County Road, and Ector property which is not being used at this time. The mining activity cannot be used on another site on the property and no conflicting uses are found.”*

Henry’s quarry is an existing on-going operation and cannot be moved to an alternative site. The ultimate goal of this mining operation is for the completion of the extraction process and allow for the rehabilitation of the site wit contours and revegetation consistent with the surrounding coastal landscape.

**Finding:** Henry’s Quarry is an existing operation which cannot be moved to an alternative location. This criterion is not applicable.

*(8) A rock crusher, washer or sorter shall not be located closer than 500 feet to any residential or commercial use. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate as far as is practicable, noise, vibration, or dust which are injurious or substantially annoying to persons living in the vicinity.*

**Facts:** The mining activity including the loading of trucks is taking place adjacent to Cape View Loop. No additional access roads are required to be constructed. The nearest neighbor to the site is approximately 750 feet. The current operation has a rock separator located on site but due to the existing topography will not cause injury or annoyance to any persons living in the vicinity.

**Finding:** There are no residential or commercial uses within the 500-feet of the mining operation and no additional access roads will need to be constructed to mine the quarry, therefore there are no potential conflicts within the immediate project area. This criteria is met.

*(9) No uses are permitted relating to offshore oil, gas or marine mineral exploration or development.*

**Finding:** Offshore oil, gas, or marine mineral exploration or development is not being proposed. Therefore this standard is not applicable.

## **V. Decision and Conditions of Approval**

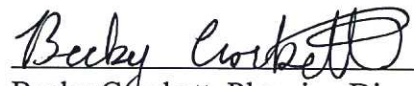
Application **AD-2004** for a Conditional Use approval to authorize the expansion of an existing operational rock quarry (Henry's Quarry) on a 22.39 acre parcel zoned Forestry Grazing (FG) located on Assessor's Map 38-14 Section 07; Tax Lot 700 is **APPROVED** with the following conditions given this date of April 20, 2020.

1. The annual DOGAMI Operating Permit (08-0090) and the conditions therein shall be maintained through DOGAMI and submitted to the County Planning Department.
2. DOGAMI Inspection Reports shall be submitted to the County Planning Department.
3. Any changes, including updated land survey data, applicable to the mining operation shall be submitted to the County Planning Department.
4. Apply a minimum of 12 inches of crushed fines or alternative revegetation medium to the pit floor area after completion of each mining operation.
5. Seed all exposed slopes by October 15<sup>th</sup> of each year.
6. Maintain ingress and egress access ways to the active site with 2-4 inch rock to keep sediment off of Cape View Loop.
7. Maintain the quarry floor sloped towards the center base of the highwall.
8. Install and maintain waddles and a catch basin insert in and around the existing storm water drain.
9. Maintain an on-call water truck to eliminate dust at the site as needed during operations exceeding 5,000 cubic yards.
10. Hours of operation shall be limited to five (5) days per week during the normal work week of Monday through Friday.
11. Maintain a fence surrounding the operations that exceed 5,000 cubic yards.
12. Notify the County Planning Department when mining is to be completed and reclamation is to begin.
13. Provide the County Planning Department with copies of the DOGAMI reclamation plan and any revisions therein for County review and approval prior to implementation.
14. Maintain all existing spruce trees that are 16 inches in diameter or greater to insure ongoing visual buffer and wildlife habitat (shore bird roosting).

This decision is limited to the Planning Director's review of applicable zoning rules and land use law, as outlined in the Curry County Comprehensive Plan and the Curry County Zoning Ordinance. Other county, state and federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating development.

### **Appeal Rights**

The Planning Director's decision on this matter will be final unless appealed to the Curry County Planning Commission within 15 days following the date of the mailing of the notice of appeal (postmarked date). Any appeal must meet the provision of CCZO Sections 2.120, 2.170; and 2.180.



Becky Crockett, Planning Director  
Curry County Planning Department

April 20, 2020  
Date