



CURRY COUNTY COMMUNITY DEVELOPMENT
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Curry County Community Development Department
PLANNING COMMISSION STAFF REPORT

Application AD-2119 is a request for conditional use approval for expansion of the Stone Butte Quarry for the purpose of meeting an increasing demand for quarry rock. The request is to modify an existing Conditional Use Permit approval (AD-1413) on a portion of a 701.59-acre parcel in the Forestry Grazing (FG) zoning district.

Background Information

Owner:	Madelyn D. Jackson, ETAL 949 Highway 42 South Coquille, Oregon 97423
Applicant:	Stone Butte Rock, LLC 949 Highway 42 South Coquille, Oregon 97423
Agent:	J.E. McAmis c/o Steven L. Pfeiffer, Perkins Coie LLP 1120 NW Couch Street, Tenth Floor Portland, Oregon 97209
Land Use Review:	Conditional Use Review by the Planning Commission.
Property Description:	Assessor's Map 31-14-00; Tax Lot 2302

Location	Property is located approximately 2.6 miles east of Highway 101 on a private haul road. Access from Highway 101 is located at Mile Post 291.7.
Existing Development:	The 701.59-acre property includes an active rock quarry (Stone Butte Quarry), cattle grazing and timber management.
Proposed Development:	Expansion of an existing rock quarry. Specifically, expansion of the active Operational Area to include an additional 14.4 acres for stockpiling of excavated stone material and expansion of the existing active quarry excavation site from 5.7 acres to approximately 27.6 acres. The proposed expanded quarry excavation site is located entirely within the approved Operating Area Boundary approved in Conditional Use Permit AD-1413.
Zone:	Forestry Grazing (FG) Zoning District

Applicable Review Criteria

To approve this application, the Planning Commission must determine that it is in conformance with the following sections of the Curry County Zoning Ordinance (CCZO):

Curry County Zoning Ordinance (CCZO)

Section 3.050	Forestry Grazing
Section 3.052	Conditional Uses Subject to Administrative Approval by the Director
Section 7.010	Authorization to Grant or Deny Conditional Uses
Section 7.040	Standards Governing Conditional Uses
	1. Conditional Uses Generally
	10. Mining, quarrying, or other extractive activity
	17. Uses on Resource Land
Section 3.250	Natural Hazards Overlay
Section 3.300	Erosion Prevention and Sediment Control

Background Information

The background information description herein is taken from the applicant's submittal contained within the record of this requested Conditional Use Permit for the expansion of the Stone Butte Quarry. Staff visited the quarry during full operations with only an hour notification to investigate and verify the statements provided within the application.

The site contains a substantial volume of uniquely dense and abrasion-resistant rock which is suitable for jetty construction under the direction and authority of the US Army Corps of Engineers (USACE). Commercial quarry activity, including excavation, processing, stockpiling and hauling of rock material for commercial purposes commenced at the site following conditional use approval in 2014, and J.E. McAmis has been quarrying and transporting stone from the site for jetty construction projects at various locations since early 2019. The site is the subject of MLRR Operating Permit #08-0064 issued by the Oregon Department of Geology and Mineral Industries on March 2, 2018.

The existing Quarry consists of a rock highwall with stockpile areas for the overburden, mined jetty stone and undersized jetty stone rock held in stockpiles for future processing for commercial purposes. The current Operating Boundary (pursuant with AD-1413) includes areas utilized for the processing the mined material, a scale house and equipment staging/maintenance areas, haul roads and a fire and dust suppression pond. Mining at this site has been primarily for the generation of commercial aggregate and more recently for jetty stone. The site has the unique capability of producing both types of aggregate. Mining at the site encompasses the same type of equipment for either type of aggregate production.

Large "Volkswagen" sized rock (jetty stone) is required by the Corp of Engineers for jetties. As mentioned earlier, this quarry can produce jetty stone hence the need for the expansion of the Conditional Use Permit for both excavating this rock as well as stockpiling the commercial aggregate for future use. The frequency of daily inbound and outbound truck trips at the intersection of the existing haul road with Highway 101 is anticipated to remain the same if the proposed modifications are approved.

Findings

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

Finding: This section of the CCZO states the purpose of the Forestry Grazing zoning district. The primary uses established on the 704.59 acre property include a permitted rock quarry operation (AD-1413), timber management and cattle grazing which are uses consistent with the

purpose of the FG zoning district. Mining, stockpiling, loading and storage of aggregate and mineral resources are allowed in the Forestry Grazing Zone. These types of uses have historically been established as compatible and consistent with forestry activities on this as well as similar properties in Curry County. This standard of the CCZO is met.

Section 3.052 Conditional Uses Subject to Administrative Approval by the Director.

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).

Finding: The mining and processing of aggregate rock and mineral resources is allowed as a conditional use within the FG zoning district. The uses established on the property include a mix of forestry, cattle grazing and mining which are all consistent with the purpose of the FG zoning district and have historically been established as compatible uses at this location. The applicant is proposing to expand the existing mining operation primarily for the purpose of increasing the Operational Area of an existing Conditional Use approval (AD-1413) to allow more area for stockpiling. The proposed application meets the definition of mining as stated above and the applicant has submitted an application for a conditional use permit addressing the criteria set forth as required in the CCZO. This finding is met.

Section 7.010 Authorization to Grant or Deny Conditional Uses – *In permitting a conditional or permitted use the County may impose conditions in addition to the provisions set for uses within each zone in order to protect the best interests of the surrounding property, the neighborhood, or the County as a whole.*

Finding: After review of this application, information provided by the applicant and interested parties, the Planning Commission may impose additional conditions as appropriate to ensure that the proposed use fits the interests of the County. Staff has proposed applicable conditions for this application that have been included and carried forward from the Conditional Use approval of AD-1413. These conditions are contained at the end of this staff report under “Staff Recommendation”.

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:*

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 applicant has stated: “The required setbacks for development uses in the FG district is 10’ from lot lines bordering existing roads and not less than 35 feet from the center line of an existing right of way or easement, whichever is greater. The existing gravel roads located within the current authorized Operating Area under AD-1413 and within and adjacent to the proposed stock-piling expansion area are internal accessways utilized solely for mining purposes or for on-going grazing and timber harvesting on the underlying 701.59 acre tract owned by the applicants. Neither roadway is a “public road” or “private road” providing access to an abutting property, as defined in Section 1.030. The adjacent lands are used exclusively for grazing and timber production, and the nearest residence is located 4800’ from the proposed expansion areas. No building on the Quarry site exceeds 35’ in height and no buildings are proposed within the proposed expansion areas. For the above reasons, base setback and building height requirements are met and the use of surrounding lands in the applicant’s common ownership for resource use indicates that additional setbacks are not warranted.”

Staff concurs with the finding submitted by the applicant. This criterion 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.*

Finding: The applicant has stated the following: “Private access to the proposed expansion areas will continue to be provided by the existing private access road serving the existing Quarry site. This 2.25 mile haul road lies entirely on land owned by the applicants and intersects with state Highway 101 approximately four miles south of the community of Langlois at Milepost 291.62. This access location is the subject of Approach Permit No. 56908 issued by Oregon Department of Transportation and referenced in Exhibit H of the application. Given the adequate area available within the current CU Operating Area for maneuvering, servicing and parking of mining equipment including haul vehicles, there is no need for designated parking or buffering areas.”

Staff concurs with the finding submitted by the applicant. This criterion 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: No permanent buildings are being proposed for construction. Therefore, this standard does not apply.

- 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 proposed excavation and stock-piling expansion areas lie outside utility provider service areas. The proposed development will not rely upon utility providers for services. This standard does not apply.

- 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 proposed expansion of the mining project does 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 proposed expansion of the mining project does 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 proposed expansion of the mining project does 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 –*Plans and specifications submitted to the Commission for approval must contain sufficient information to allow the Commission to review and set siting standards related 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;

Finding: The applicant has stated “The proposed development consists of an expansion of an existing operating quarry which is the subject of prior authorization by the County, DOGAMI and DEQ including extensive operational requirements and obligations. The proposed expansion of the current authorized excavation area from 5.7 acres to a total of 27.6 acres is located entirely within the current approved CU Operating Boundary, while the proposed stockpile expansion area of 14.4 acres represents a contiguous expansion of this Boundary. Upon County approval, both proposed expansion areas will be subject to existing CU conditions of approval imposed on the Quarry by the County in 2014 as well as with any additional conditions imposed by the Planning Commission. Further, all mining activity within the proposed expansion areas will be the subject of and contingent upon review and authorization by DOGAMI and DEQ under their respective regulatory programs for consistency with applicable criteria addressing, among other considerations, mitigation of potential impacts on adjacent lands.

In addition to representing the limited relocation of existing mining activities at the Quarry, the location of the proposed expanded mining area is remote and largely devoid of uses which are sensitive to noise, dust and other potential impacts. As noted, the quarry site comprises a sub-area with a larger 701.59 acre parcel under the control and ownership of the applicants which is utilized exclusively for grazing and commercial timber production. The nearest structure is located approximately 4800’ from the nearest noise-sensitive use under applicable DEQ noise regulations. The mine access road is graveled and Stone Butte LLC is proposing conditions of approval requiring the use of a water truck on site and the maintenance of vegetative ground cover on all overburden storage area and berms for operational dust control. These mandatory measures coupled with the exclusive use of surrounding lands for resource activities with no residential or other non-resource uses or improvements in proximity serve to ensure that any off-site environmental impacts on surrounding land uses will be less than minimal.”

Staff conducted a site visit to assess the condition of the access roads including the potential for dust and noise to impact adjacent land uses. The access road is in excellent condition and is well maintained. The steep grade and weight of the trucks loaded with

“car body sized” stones necessitates that the road continue to be a priority for the applicant in order to get the mined rock off the site. Dry conditions had prevailed for several weeks prior to staff’s site visit so road dust was at a critical condition. A water truck was on site and road dust was well managed. There are no adjacent uses that could be impacted by noise from the operation. This criterion is met.

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

Finding: The applicant has stated: “Stone Butte LLC has retained the environmental consulting firm Terra Science, Inc (TSI). They have prepared an Impact Statement (Applicant’s Exhibit J) which addresses proposed impacts to water quality, water flow, fish and wetland habitats. The TSI report concludes “The only potential impacts to fish habitat that could result from expansion of the proposed quarry operations would be from sedimentation and/or runoff leaving the project area, entering a waterway such as a creek or stream, and being transported to downstream areas where fish may occur. However, no such creeks or streams occur within the limits of the project area and all wetlands will be avoided through establishment of a 50 foot riparian corridor buffers (as required by Curry County). Other recommended mitigation measures to minimize sedimentation and/or runoff are included as part of the proposed stormwater pollution control plan by Westlake Consultants. These include but are not limited to minimizing vegetation removal; back sloping quarried benches toward the highwall; utilizing water bars, check dams, and ditches to divert natural runoff around the site where possible; constructing conveyance ditches and settling ponds to collect runoff and remove sediment; and seeding and/or mulching disturbed areas to minimize erosion potential. These mitigation measures will minimize the generation of sedimentation and runoff from the project area and minimize the potential volume of any sedimentation and runoff that could leave the project area. As such, impacts to offsite fish habitat from quarry operations would be immeasurable given these proposed mitigation measures. Taken together with the required implementation of the referenced Stormwater Pollution Control Plan prepared by Westlake Consultants, Inc., this analysis and evidentiary support provided by TSI supports a finding of compliance with this criterion.”

Staff concurs with the applicant’s finding for this criterion.

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

Finding: The applicant has stated: The assessment of and proposed mitigation for adverse impacts to the stability of soil and vegetation and wildlife habitat on surrounding lands, and particularly within 250’ of the proposed expansion areas, is addressed in the Impact Assessment report prepared by TSI (Applicant’s Exhibit J). TSI’s summary

conclusion is set forth on page 23 and states; “While physical displacement and/or removal of some vegetation and habitat will occur, sensitive areas (particularly wetlands and their associated 50-foot riparian corridor buffers) will be avoided entirely. Impacts from noise, vibration, dust, sediment, runoff, and/or other factors described herein will be minimal and mitigated through the implementation of the mitigation measures proposed and detailed further in the specific mining operation and stormwater pollution control plans. Reclamation measures detailed in the reclamation plan will eventually re-establish vegetation and restore the bulk of the impacted habitats back to their forestry and grazing use within the limits of the proposed quarry operations area”.

In addition, the Geologic Hazard Assessment report prepared by SHN Consultants (Applicant’s Exhibit G) addresses potential impacts to land stability. This report includes the following expert conclusion: “Based on our geologic hazard assessment, it is SHN’s professional opinion that the project site is suitable for the proposed quarry expansion. The proposed excavation and stockpile areas can be developed without the need for additional measures to mitigate or control the risk of geologic hazards to the subject property or to adjacent and contiguous properties.” Based on the analysis and related evidentiary support set forth in these expert reports, this criterion can be found to be met.

Staff concurs with the applicant’s finding for this criterion.

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

Finding: The applicant has stated “As described in the TSI Impact Assessment Report, the surrounding lands are both under the applicant’s ownership and are utilized exclusively for current operation of the Quarry, grazing and commercial timber production. Consequently, there are no residents in the area and the only people working in the area are the employees of the existing Quarry operation who do not require fencing from the expanding quarry operations footprint. Therefore, there is no need to provide protective fencing in conjunction with the proposed Quarry expansion”.

Staff concurs with the applicant’s finding that no fencing is required for this project. This criterion 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.

Finding: The applicant has stated: “The existing Quarry operation is the subject of extensive reclamation obligation imposed by DOGAMI under a current Operating Permit issued in 2018. For purposes of the proposed expansion areas, reclamation of the expanded excavation and stockpile areas proposed in this application will be subject to

concurrent modification of the existing DOGAMI Operation Permit including the anticipated requirement for similar reclamation of the proposed CU expansion areas, as depicted in the Strone Butte Quarry Mining and Operations and Reclamation Plan Set prepared by Kuper Consulting LLC for submission to DOGAMI (Applicant's Exhibit F). Disturbed areas will be reclaimed by reforestation on the quarry benches with native trees, revegetation with native plants and grasses and contouring the mine site to reduce the potential of erosion."

Based on the existing and proposed restoration plan prepared by Kuper Consulting for the purpose of meeting the DOGAMI restoration requirements, this criterion 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: The proposed quarry expansion project does not include the removal of rock, gravel or sediment from a river or stream. Wetland areas on site will be avoided. This criterion is not applicable for this application.

(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.*

Finding: As stated previously, the active quarry site is located on a 701.59 acre parcel that includes commercial timber harvesting and cattle grazing. The nearest residence is 4800' feet away from the proposed expansion area. Existing uses within 250 feet of the site include cattle grazing and commercial forestry. Both of these uses have been demonstrated to be uses that are compatible with mining activities. Curry County has multiple properties that have ongoing mining operations surrounded by timber management and grazing and these property activities typically do not result in conflicting land uses. This criterion is met.

(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.

Finding: There are no residential or commercial uses located within 500 feet of the current approved Operating Area or the proposed expansion area for stockpiling. As stated previously, the nearest residence to the proposed expansion area is 4800'. The possibility of noise, dust or vibration impacts from the operation is remote. This criterion is met.

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

Finding: This application for mining, stockpiling, storing and loading of quarry rock does not include mining or processing of oil, gas, or other subsurface resources as defined in ORS Chapter 520 and Section 3.052 (10). Further, the proposed project does not include support or processing facilities for offshore oil, gas or marine mineral activities. Therefore, this Section of the CCZO is not applicable.

Section 7.040 (17) Uses on Resource Lands

a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest land.

Finding: The proposed expansion of the rock quarry stockpiling area outside the existing approved Operational Area use will not change or increase the cost of accepted farming or forest practices on adjacent agricultural or forest lands. The site historically has been and will continue to be used for forestry, cattle grazing and commercial rock mining. This finding is met.

b) The proposed use will not significantly increase fire suppression costs or significantly increase the risks to fire suppression personnel.

Finding: The proposed expansion area is not expected to increase fire suppression costs or increase risks to fire suppression personnel. The areas mined will be increasingly devoid of vegetative fuel which otherwise could increase fire risk. The availability of heavy equipment at the quarry site including a water truck and trained operators will provide enhanced fire-fighting resources. This finding is met.

- c) *A written statement be recorded with the deed or written contract with the County or its equivalent shall be obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and related Oregon Administrative Rules.*

Finding: To comply with this provision of the CCZO, the applicant will be required to record a statement that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act.

Section 3.250 – Natural Hazards Overlay – *The purpose of the NH Zone is to provide for appropriate uses and protect people, lands and development in areas that have been identified in the Comprehensive Plan as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic standards. For the purposes of these provisions, areas subject to geologic hazards are known as “geologic hazard areas”.*

Finding: The applicant has stated “The proposed Quarry expansion areas are located in the County’s acknowledged Natural Hazards Overlay Zone, which implements adopted Natural Hazard Inventory maps. Pursuant to Section 3.252 of the CCZO, a Supplemental Geologic Hazard Assessment report has been prepared by SHN Consultants dated June, 2021 (Exhibit G). This SHN report serves as a supplement to an earlier geologic hazard assessment report prepared by SHN dated June, 2014 in support of the initial conditional use application for the Quarry in 2014.

The SHN analysis confirms that recent DOGAMI SLIDO inventories indicate that the site is located in “moderate” to “very high” landslide hazard zones. Field work performed by SHN also indicates, however, that no geologic features were observed that are indicative of recent or incipient slope movements in the existing quarry or proposed expansion areas. Therefore, their conclusion, based on the evidence and analysis presented in the report, is that the expansion of the excavation and stockpile areas can be “undertaken such that they will not be subject to unreasonable risk of damage from active land sliding within the project site boundaries or on adjacent and contiguous lands.” Based on this expert analysis and testimony in the record, the requirements of Section 3.252 can be found to be met.

Staff concurs with the finding submitted by the applicant. This criterion is met.

Section 3.320 – Erosion Prevention and Sediment Control Plan – *All development activity shall comply with the requirements for erosion prevention and sediment control. The intent of these provisions is to minimize the amount of sediment and pollutants that exit the site of development activity and, thereby, minimize the amount of such material that reaches waterways, wetlands, public improvements and the property of others. These provisions are*

intended to require that temporary and permanent measures be taken for all development activity that require or result in the disturbance of the surface of soil and/or vegetation. And

Finding: The applicant will be required to have an up to date erosion and sediment control plan for the site operations. The Department of Environmental Quality (DEQ) will also require a National Pollutant Discharge Elimination Permit (NPDES) 1200-A. This 1200-A DEQ permit can satisfy the County requirements. This finding is met with the condition that the applicant provides the County with the required erosion and sediment control plan prior to commencing expansion operations on the site.

Section 7.045 – Conditional and Permitted Uses – Director Periodic Review – *The Director may issue Conditional or Permitted Use Permits that must be periodically reviewed to ascertain that the conditions of the permit are being complied with on a continuing basis.*

Finding: The Director is proposing a condition for this proposed use, if approved, to review the conditions with the owner at least every five (5) years to ascertain that the conditions of the permit are being complied with. This finding is met with this condition.

Section 7.050 (1) Time Limit on a Permit for Conditional Uses - *authorization of a conditional use, in general, shall become null and void after one year unless substantial construction has taken place or an extension has been granted.*

Finding: There are several gravel mining permits authorized within Curry County consistent with the CCZO provisions outlined above. Most of these permits have been issued and then renewed for periods of 1-5 years provided that they are in continued compliance with all federal, state and county permits. It is recommended that, if this permit is issued, that it be valid for a period of 5 years unless there is a failure of the applicant to comply with all the conditions of approval. After five (5) years it must be reviewed pursuant to Section 7.045 above and then renewed based on the review. This review and subsequent renewal is the responsibility of the applicant.

IV. Staff Recommendation

Application AD-2119 is a request for conditional use approval for expansion of the Stone Butte Quarry for the purpose of meeting an increasing demand for quarry rock. The request is to modify an existing Conditional Use Permit approval (AD-1413) on a portion of a 701.59 acre parcel in the Forestry Grazing (FG) zoning district and is recommended for approval with the following conditions:

1. Excavation shall be limited to the areas identified for such activity on the applicant's proposed site plan entitled "Conditional Use Site Plan".

2. The applicant shall follow all fire season rules, including cessation of operations during periods of extreme fire danger, unless specifically authorized by ODF to continue operations during those periods of extreme fire danger.
3. All activities shall set back a minimum of fifty (50) feet from the stream that runs through the proposed operation area. No untreated discharge shall enter the wetland areas and stream swales/drainages depicted in the wetland delineation report prepared by Terra Science, Inc. dated July 2021.
4. An approved Erosion and Sediment control Plan must be approved by DEQ and the County prior to commencing operations.
5. Any surface waters used or impacted by the operations shall be managed in accordance with stormwater requirements related to the DEQ and the DOGAMI Operating Permit associated with the proposed expansion areas and the NPDES 1200-A Permit.
6. The applicant/owner must comply with the Stormwater Pollution Control Plan prepared by Westlake Consultants, dated July 2021 and as modified by DOGAMI and/or DEQ.
7. In the event that buried cultural deposits are encountered during the project activities, the applicant/owner must comply with ORS 97.740-760 and ORS 358.905-961.
8. Quarry operations shall be limited to daylight hours and no operations will be permitted on Sundays or holidays (Thanksgiving, Memorial Day, Fourth of July, Labor Day). Equipment maintenance and similar activities can continue after operating hours.
9. The access road to the quarry operations shall be gated and locked when not in use.
10. The applicant/owner must maintain vegetative ground cover on overburden storage areas to reduce dust.
11. The applicant/owner shall sprinkle interior roads with a water truck to reduce dust.
12. The applicant/owner must implement DOGAMI's Best Management Practices (BMPs) dated December 1997 for aggregate mining to suppress dust emissions.
13. The applicant shall be responsible for obtaining any necessary water use authorization from the Oregon Water Resources Department.
14. The rock produced at the site shall not be used for any offshore oil, gas or marine exploration or development projects.

15. The applicant/owner must salvage, stockpile and retain all available soil and overburden material for final reclamation. Soil and overburden stockpiles and berms must be reseeded in a cover crop to reduce erosion.
16. Final perimeter slope inclinations in overburden must not exceed an average slope of 2:1 (horizontal to vertical) and final perimeter slopes in rock must not exceed 1 ½ :1 (horizontal to vertical) within the excavation, unless approved by DOGAMI.
17. To control dust emissions from drilling, the operator shall utilize dust collection systems on rock drills.
18. Mine operations shall comply with recommended mitigations measures identified in Section H of the TSI Impact Assessment report dated July, 2021.
19. A written statement shall be recorded with the County which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act.
20. This permit is valid for a period of five (5) years from the date of approval. The applicant may apply for review and renewal of this permit every five years after the initial approval date upon filing a request under CCZO Section 7.050. The Planning Director may request that the Planning Commission require a re-hearing of this matter if a violation of the conditions of approval is found to be valid.