

STAFF REPORT

JOSEPHINE COUNTY PLANNING

TO: Josephine County Planning Commission

PREPARED BY: Planning Staff

AGENDA ITEM: Sunny Valley Sand & Gravel, Inc.

DATE: April 18, 2014

GENERAL INFORMATION

Applicant: Sunny Valley Sand and Gravel, Inc.

Owner(s): Andreas & Carole Blech
Blech, LLC (TL 1002/previously J & J Gray - 3/14/2014)

Representative(s): Dorian Kuper, CEG - Kuper Consulting, LLC
Steve Pfeiffer, Attorney - Perkins Coie, LLP

Requested Action: A Goal 5, Post-Acknowledgement Comprehensive Plan Amendment (PAPA) to the Josephine County Comprehensive Plan that involves three steps: (1) A Comprehensive Plan Text Amendment to add the proposed site to the Josephine County Inventory of Significant Aggregate Sites; (2) A Site Plan Review for the aggregate mining operation; and (3) Comprehensive Plan and Zone Map Amendment to change the Plan designation from Forest (F) to Aggregate Resource (AR) and to change the zone from Woodlot Resource (WR)/Rural Residential (RR-5) to Mineral & Aggregate Resource Zone (MARZ).

Purpose: To designate subject tax lots as a significant aggregate site in order to permit aggregate mining.

Existing Zoning: Woodlot Resource (WR) & Rural Residential (RR-5)

Comprehensive Plan: Forest & Residential

Legal Descriptions: T 34, R5, Section 8, Tax Lots 400 & 1002
T 34, R5, Section 7, Tax Lots 1200 & 1300

Location: 153/274 Daisy Mine Road

Property Size:

Total acreage is 209.83 acres per assessor records.

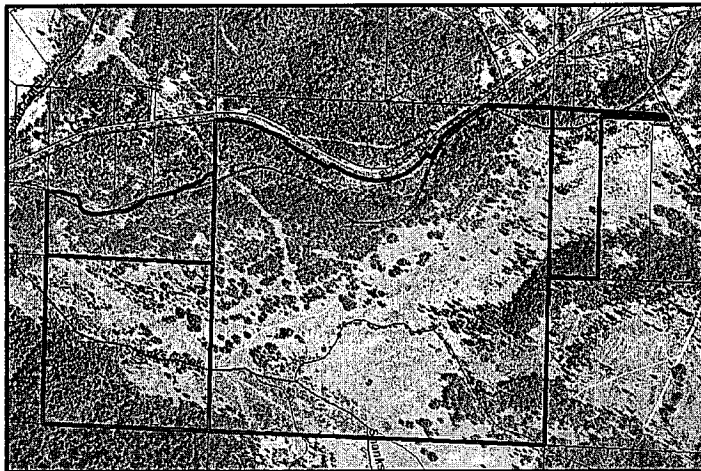
Existing Land Use:

The northwest parcel (TL 1200) is developed with a residence, shed and hay cover. The other 3 parcels are vacant. The small residentially-zoned parcel (TL 1002) to the northeast has 3.41 acres in special forest tax assessment, but there are no other special farm or forest special tax assessments on the rest of the subject property. Although cattle grazing, pasture and hay production have occurred in the past, the most recent land use has been aggregate resource exploration.

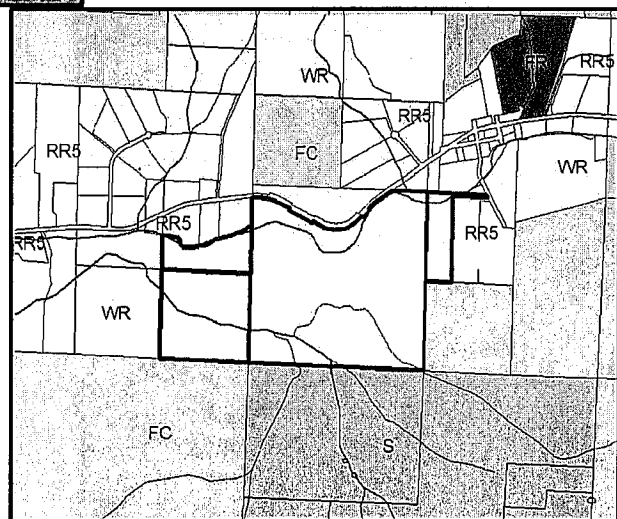
Use & Zoning of Area:

The dominant use in this area is mixed residential and forest uses along Placer Road. The zoning in the area is rural residential, woodlot resource, and serpentine.

Map 1 – Property Aerial



Map 2 – Surrounding Zones

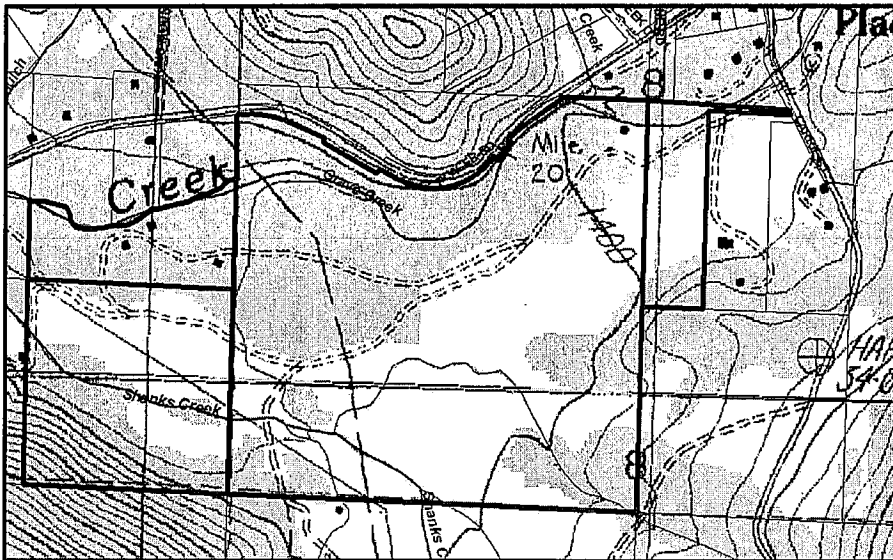


SPECIAL INFORMATION

Physical Characteristics:

The property is located in Sunny Valley approximately 3 miles east of the I-5 interchange off Placer Road. The aggregate site lies between two Class 1 streams: Graves Creek and Shanks Creek. The property is relatively flat with a steep slope on the southwest corner.

Map 3 – USGS Contour Map



Public Services:

The area is rural, fronts on a maintained county road (Placer Road), is located in an unprotected fire service area (i.e. private fire service) and law enforcement is provided by the Josephine County Sheriff.

Transportation:

Gravel excavated from the site will be trucked from Placer Road, a county-maintained road, to I-5 interchange to market.

Wildlife Habitat:

Deer winter range; riparian corridor; wetlands.

Soils:

The property has twelve soil types, three of which contain approximately 78% of the property. The three soils are: (1) Takilma Cobbly Loam – 73; (2) Camas Gravelly Sandy loam – 14; and (3) Foehlin Gravelly loam – 38A.

Hazards:

The property is located within the approximate flood plain of Graves Creek.

REVIEW AUTHORITY OF THE PLANNING COMMISSION

The application proposes to amend the Comprehensive Plan by adding the proposed site to the Inventory of Significant Aggregate Sites and by changing the designations from Forest & Residential to Aggregate and the zones from Woodlot Resource and RR-5 to MARZ. According to Section (§) 46.020.B.1.a of the Josephine County Rural Land Development Code (*RLDC*), the Planning Commission has authority to amend any element of the comprehensive plan unless the application involves lands designated as forest under statewide Goal 4. As this application involves forest lands, the Commission is authorized to make a recommendation only. The Board of County Commissioners will make the final decision. (*RLDC §46.020.B.2.a*)

THE REQUEST

The request is to remove sand and gravel in eight phases (mine cells) progressing from the northeastern and eastern to the western portions of the subject property and avoiding the wetlands and floodplain. Site preparation will include the removal of several trees, excavating the topsoil and overburden to build noise mitigation barriers on the eastern side, constructing an access road off Placer Road to the central portion of the site, and placing a bridge across Grave Creek that spans the floodplain and wetlands. Native vegetation will provide screening, and fencing will be placed along the perimeter and within the setbacks along the west and east mining boundaries and outside of the riparian boundaries. The excavated material will be crushed on site and hauled westward approximately 3 miles along Placer to Sunny Valley Loop, north approximately 0.18 mile along Sunny Valley Loop to Leland Road, then west on Leland Road to the I-5 freeway. As the mining moves westward, excavated cells will be reclaimed to a series of ponds and lakes, and the mined area will be re-vegetated and stabilized. The estimated duration of the mining operation is 20-40 years.

THE APPLICATION & REVIEW

Aggregate resources are protected by Statewide Goal 5. Therefore, applications to add the site to the Comprehensive Plan Inventory of Significant Aggregate Sites and to authorize mining must comply with the Goal 5 process described in OAR 660-023-0180 (*Post-Acknowledgement Plan Amendment (PAPA) Application Requirements*). If mining is authorized pursuant to OAR 660-023-0180 and RLDC Article 91 – Standards of Development of Mineral and Aggregate Operations, the Mineral and Aggregate Resource Zone (MARZ) “shall be used to implement the county’s mineral and aggregate resource program for significant sites authorized pursuant to OAR 660-023-0180” unless the site is in a farm zone and the quantity of material proposed to be mined is 500,000 tons or less. (Josephine County Goals & Policies 1.E[2] & [3]). Therefore, the application must also comply with RLDC §46.040 – Plan Amendment Review Criteria.

GOAL 5 PROCESS – STATE & LOCAL REGULATIONS

The applicant has submitted three applications for (1) a Comprehensive Plan Text Amendment to add the site to the Josephine County Inventory of Significant Aggregate Sites, (2) a Site Plan Review for an aggregate operation, and (3) Comprehensive Plan and Zone Map Amendment to change the Plan designation from Forest (F) to Aggregate Resource (AR) and to change the property zone from Woodlot Resource/Rural Residential to the Mineral and Aggregate Resource Zone (MARZ).

As discussed in the previous section, the Sunny Valley Sand & Gravel proposal must comply with OAR 660-023-0180 – Goal 5 Process for Aggregate and RLDC, Article 91 – Aggregate Standards, Article 46 – Plan Amendment Criteria, and Article 66.1 – MARZ. Many of the requirements overlap and duplicate each other, so guided by OAR 660-023-0180, the state and county regulations have been organized in such a way that the three applications (Comprehensive Plan Text Amendment, Site Review, & Comprehensive Plan and Zone Map Change) can be merged and processed together (*RLDC §20.030.A*).

The process involves four stages or steps: (1) Determine the significance of the aggregate site; (2) Identify the impact area and conflicts, minimize the conflicts, and allow, limit or permit the mining; (3) If one or more conflicts have not been satisfactorily minimized, an economic, environment, social, and energy (ESEE) analysis must be submitted in order to determine if surrounding conflicting uses should be allowed, limited or prohibited in the future; and (4) Change the zone to MARZ in order to implement the mining operation if approved.

A table in Attachment A summarizes the requirements, cites the regulatory source, and points to the material in which the requirement is addressed by the applicant. Attachment A also includes a reorganization of the state and local regulations that match the requirements of the Goal 5 process. Only the applicable rules were included, so also included is the full original texts of the OAR and the RLDC articles for reference. Here we will present an abbreviated presentation that directs the decision-makers to the full texts in Attachment A.

Step 1. Determine the significance of the aggregate site in terms of quantity, quality, location and soils. (*OAR 660-023-0180(3), RLDC §11.030.A & §66.150.A*)

Step 2. Minimize impacts and allow, limit or prohibit mining. (*OAR 660-023-0180(5)(a-c), RLDC §32.030.b[6-7], §91.030, §46.040, & §66.150*)

- a. Identify impact area and existing uses (*1,500 feet from property boundaries*).
- b. Identify conflicts
 1. Limited to noise, dust, other discharges, local roads used for ingress/egress, public airport safety, agricultural practices, Department of Geology & Mineral Industry (DOGAMI) regulations, and other Goal 5 resource sites).
 2. Goal 5 resources pertinent to this application include groundwater resources, riparian areas, wetlands, wildlife, and historic (cultural) resources. Goal 5 resources that do not apply to this application include

BLM Wild & Scenic Rivers, Oregon Scenic Waterways, Oregon Recreation Trails, Natural Areas, Wilderness Areas & Open Space, and Scenic Views & Sites.

- c. Article 91 of the RLDC adds erosion control – storm drainage plans, setbacks, and screening.
- d. Articles 66.1 and 46 of the RLDC add impacts on infrastructure, carrying capacity, consistency with surrounding area or justification of an introduced use.

Table 1 – Significant Aggregate Site Regulations

STEP	REGULATION	REQUIREMENT	ADDRESSED
#1 SIGNIFICANT SITE	660-023-0180 (3) §11.030.A §66.150.A	Base rock - air degradation/abrasion Sodium sulfate soundness > 500,000 tons/<35% Class I/II soils	Chapt. V-A Appendix A DECISION
#2 Impact Area	660-023-0180(5)(a); §32.030.1.b[6]&[7]	1500 feet from mine boundaries	Chapter V-B
ID Conflicts	660-023-0180(5)(b); §46.040.C, §66.150.A	Identify Impacts	Chapter V-C; App. M
Conflict Minimization	660-023-0180(5)(c), §91.030.B, G, H, I; §66.150.A	Noise, dust, other discharges.	Chapter V-D.1 Appendix F & H
	660-023-0180(5)(c), §91.030.B, §46.040.C, §66.150.A	Local roads for access/egress w/in 1 mi. of mine entrance or more	Chapter V-D.2 Appendix G
	660-023-0180(5)(c), §66.150.A	Public Airport safety	Chapter V-D.3
	660-023-0180 (5)(c), §91.030.K, L, O; §46.040.A, D.2 §46.040.C; §66.150.D	Groundwater Resources Riparian Corridor/Wetlands Wildlife Historic (Cultural) Resources	App. B – Hydrology App. C – Avulsion App. D–Wetland/Wildlife App. I – Cult. Res. App. K – Flood
	660-023-0180(5)(c)	Agricultural practices	Chapter V-D.5
	660-023-0180(5)(c); §91.030.F, §46.040.A	Others superseding DOGAMI regs	Chapter V-D.6
Erosion	§91.030.H, §46.040.A	Erosion control/drainage plan	Appendix J
Other	§91.030.C, D, J; §46.040.C.6	Screening, setbacks, parking	Narrative
Density	§46.040.C.2; §66.150.A	Justification of introduced use.	Application
MINING	660-023-180(5)(c), Art. 91	Allow, limit, prohibit mining	DECISION
#3. Conflicts Minimized?	660-023-0180(5)(d) §66.150.A	ESEE analysis?	Chapter V-E
		Allow, limit, prohibit future uses	DECISION
#4 IMPLEMENT	660-023-0180(5)(f); §91.040, §66.170	Reclamation Plan	Appendix L
	§66.150.B	Impact Area Agreement	Attached
	660-023-0180(5)(e); Art. 46, §66.110	Change zone to MARZ	DECISION

Step 3. If conflicts are not minimized in Step 2, an ESEE analysis is required to determine if future conflicting uses will be allowed, limited or prohibited. If it is determined that all conflicts have been minimized, this step may be skipped.

Step 4. Implement mining by changing the zone to MARZ.

REGULATIONS REVIEW

Per the Josephine County Rural Development Code (RLDC), the applications are complete (RLDC §46.030, §42.040, §66.150.A). The applicant has also addressed statewide and county goals and policies as required by RLDC §46.030.C, §46.040.A, and §66.150.A on pages 17-29 in the application narrative, Chapter IV.C. Plan Amendment Review Criteria per RLDC §46.040 is addressed on pages 29-33 of the narrative, Chapter IV.D. RLDC Article 66.1 – MARZ, Article 91 – Standards for Development of Mineral & Aggregate Operations, Article 69.2 – Deer Overlay, Article 69.1 – Flood Hazard Overlay, Article 83 – Erosion & Sediment Control, Article 75 – Parking, Article 84 – Water Standards, and Article 85 – Utilities are addressed in the application narrative in Chapter IV.E, pages 33-41. The Special Setback Requirements of RLDC §72.040 are addressed in the application narrative on pages 40-41 of the application narrative, Chapter IV.E.

Review of the overlapping and duplicating state and county regulations below has been organized as guided by OAR 660-023-0180, Goal 5 process, as described in the previous section. This section briefly describes the requirement, lists the applicable regulations, and directs the reader to where the applicant has addressed the requirement (Attachment A). The reader is also directed to the proposed conditions in the next section that apply to the mining operation if approved.

Step 1. Text Amendment to Add the Site to the Josephine County Inventory of Significant Aggregate Sites.

Establish that the quality, quantity, location, and less than 35% Class I and/or II farm soil as required by OAR 660-023-0180 (3), RLDC §11.030.A, RLDC §66.150.A

Staff Comment: The applicant addresses this step in Chapter V-A, pages 42-47, of the narrative and Appendix A of the application.

DECISION POINT: *Recommend adding or not adding the site to the Josephine County Inventory of Significant Aggregate Sites. (The site can remain significant even if mining is not allowed.)*

Step 2. Allow, Limit or Prohibit Mining

The mining plan is described in the narrative and illustrated by Plate 3 in the application. The map in Plate 3 indicates the mining phases, geological features of the property, and setbacks from the creeks, wetlands, and flood hazard area. Minimization of conflicts is addressed by the applicant and proposed conditions of approval as follows:

Impact Area. Establish an impact area of a minimum of 1500 feet from the boundaries of the proposed mine as required by OAR 660-023-0180(5)(a), & RLDC §32.030.1.b.[6] & [7].

Staff Comment: The applicant addresses this in Chapter V-B in the application narrative.

Identify Conflicts. Identify existing and approved conflicts in the surrounding impact area as required by OAR 660-023-0180(5)(b) & RLDC §46.040.C & RLDC §66.050.A.

Staff Comment: The applicant addresses this in Chapter V-B of the narrative and Appendix M of the application.

Minimize Conflicts. The applicant must minimize specified conflicts within and beyond the conflict area in terms of Goal 5 protected resources and public health and safety. These are itemized separately below.

1. **Noise.** Operation noise must be mitigated as required by OAR 660-023-0180(5)(c), RLDC §91.030.B.1 & §66.150.A.

Staff Comment: The applicant addresses noise mitigation in Chapter V-D.1 in the application narrative and Appendix F – a Noise Study by Daly-Standlee & Associates, Inc. Proposed Conditions 25-26 below also address noise levels.

2. **Dust.** Dust and other discharges generated by the mining must be minimized and comply with by OAR 660-023-0180(5)(c), RLDC §91.030.B.2 & §66.150.A.

Staff Comment: The applicant addresses dust and other discharges in the narrative and Appendix H – Air Quality Impacts by Artic engineering, Inc. Proposed Conditions 27-33 below address air quality levels.

3. **Roads/Traffic.** Local roads used for access and egress within one mile or more must be capable of handling the increased truck traffic (infrastructure) and public safety considered as required by OAR 660-023-0180(5)(c), RLDC §91.030.B.1, §46.040.C & §66.150.A.

Staff Comment: The applicant addresses this requirement in Chapter V-D.2 and Appendix G – a Traffic Impact Assessment by Sandow Engineering, Ltd. Approval would be conditioned by proposed Conditions 15-19 below.

4. **Goal 5 Resources.** Goal 5 resources that must be protected include groundwater, riparian areas, wetlands, wildlife, and historic resources and must comply with OAR 660-023-0180(5)(c), RLDC §91.030.K, L, & O, RLDC §46.040.A, C & D.2 & RLDC §66.150.D. Flood hazard area requirements of RLDC §91.030.L that the operation must comply with the standards of Article 69.1 are included in this category because of the floodplain relationship to riparian and wetland areas.

Staff Comment: These requirements are addressed by the applicant in the narrative, Chapter V-D.4, in Appendices B, C, D, K, & I, and by proposed Conditions 6, 8, & 34-41 in the next section. Appendix D by Terra Science, Inc. addresses not only

wetlands in depth, but also all of the Goal 5 resources including those not pertinent to this application.

a. Groundwater Resources. Appendix B – Hydrogeology Report by Shannon & Wilson, Inc. and proposed Conditions 20-24 below.

b. Riparian Corridor/Wetlands. Documented wetlands on the property are within the riparian corridors and the flood hazard area overlays both. The applicant intends to avoid these areas and addresses these requirements in Appendix B – Wetland Delineation Report by TerraScience, Inc., Appendix C – Avulsion Report by EGR Associates and Appendix K – Flood Study by Thornton Engineering, Inc. The Oregon Department of Fish & Wildlife has reviewed and approved the applicant's Riparian Landscape Plan (see Attachment B for Agency Comments). Proposed conditions are Conditions 6, 8, & 34-41. These conditions protect the riparian corridor & wetlands in that no operations are allowed in those areas, and with requirements such as setbacks, re-vegetation of some riparian areas, and minimization of disturbance by bridge construction and internal roads.

c. Wildlife. This resource is addressed in Appendix D by Terra Science, Inc. in the second portion of the appendix. Terra Science indicates that all sensitive plants and endangered species will be protected and that impact on deer will be short-term during the day and that the deer will adapt easily to the mining routine. RLDC Article 69.2 – Deer Overlay protects critical deer winter range from residential encroachment but does not address other types of impacts on deer habitat.

d. Historic Resources. This is addressed in Appendix I by Heritage Research Associates, Inc. The report indicates that there are no prehistoric or historic sites recorded within the site or the 1500-foot impact area. The Josephine County Inventory of Historic Places indicates two historic sites: One to the northwest on Edgerton Lane on a recent subdivision that no longer exists (probably a barn), Placer School northeast on Placer Road – a secondary historic site that also does not seem to exist any longer. Secondary historic sites are not protected by the RLDC, Article 94.

e. Agricultural Practices. The applicant finds no commercial agricultural practices within the impact area and addresses this requirement in Chapter V-D.5 in the narrative. Aerial photographs appear to confirm this conclusion.

f. DOGAMI. Requirements that may supersede DOGAMI ordinances are addressed in Chapter V-D.6 in the narrative. The county has not adopted any ordinances that supersede DOGAMI regulations.

In addition to the Goal 5 requirements, RLDC Article 91 imposes some additional requirements in addition to general operating standards that apply to all approved aggregate operations.

5. **Erosion Control & Stormwater Drainage Plan.** (RLDC §91.030.H)

Staff Comment: An erosion control and stormwater drainage plan is provided by the applicant in Appendix J.

6. **Property Line Setbacks and Screening.** (RLDC §91.030.C & J)

Staff Comment: These requirements provide some visual and acoustical protection for surrounding properties. This requirement is addressed in Chapter IV.E of the narrative, pages 40-41 and proposed Condition 3.

7. **Parking.** This requirement protects employees and visitors (RLDC §91.030.D).

Staff Comment: This is addressed on page 40 of the narrative and proposed Condition 4.

8. **Inconsistency Justification.** Finally, RLDC §46.040.D.2 requires the applicant to justify a use that the hearing body may determine is inconsistent with the character of the surrounding area.

Staff Comment: This requirement is addressed by the applicant in the narrative, Chapter 4.D, pages 32-33.

DECISION POINT: *Recommend to allow, limit or prohibit mining.* If allowed and the hearing body determines that all conflicts have been minimized, Step 3 may be bypassed. If the recommendation is to prohibit the mining operation, a hearing for a “decision” would normally end here.

Step 3. Allow, Limit or Prohibit Surrounding Conflicts

If the hearing body determines that mining is allowed but not all conflicts have been satisfactorily satisfied, an Economic, Environment, Social, & Energy (ESEE) analysis of the consequences of allowing, limiting or prohibiting mining must be conducted. The ESEE analysis must be based on (A) the degree of adverse effect, (B) reasonable or practical measures to mitigate the consequences, and (C) the duration of mining.

Staff Comment: The applicant addresses this step in Chapter V-E and submits that all of the conflicts have been identified and will be minimized by reasonable and practical measures described above and by the proposed Conditions of Approval and, therefore, an analysis of the ESEE consequences of allowing the mining operation are not necessary.

DECISION POINT: *Allow, Limit or Prohibit Future Conflicting Uses.* If this step is determined to be necessary, the mine has been approved (or limited), and

the ESEE analysis is deemed satisfactory, the recommendation will be to allow, limit or prohibit future conflicting uses within the impact area.

Step 4. Change the Comprehensive Plan Map to Aggregate Resources (AR) and the Zone Map to MARZ

The Mineral and Aggregate Resource Zone (MARZ) requirements are largely coexistent with the Goal 5 process discussed above and implements significant aggregate mining operations authorized by the process (OAR 660-023-0180) with several more requirements. Carrying capacity, infrastructure, and zone consistency and density requirements of RLDC §46.040 – Plan Amendment Review Criteria will have also been addressed in the above process as have the standards in RLDC Article 91 – Special Property Development Standards for Aggregate Operations. Additional requirements of RLDC Article 66.1 – Mineral & Aggregate Resource Zone (MARZ) are as follows:

Reclamation Plan. RLDC §66.170, §91.140, and OAR 660-023-0180(5)(f) all require a reclamation plan provided to the Planning Director and approved by DOGAMI prior to the onset of mining.

Staff Comment: The applicant has provided a reclamation plan in Appendix L of the application. Per an e-mail dated April 17, 2014 from Isaac Sanders, DOGAMI Fish & Wildlife Biologist, once the applicant provides the requested information, DOGAMI will have "enough to circulate the application for agency review and presumably issue a permit upon completion of the circulation period." (See Attachment B)

Impact Area Agreement. RLDC §66.150.B is largely coextensive with the Goal 5 process above with the added requirement that the mine operator shall attempt to come to an agreement with property owners in the impact area as to mine operational standards, post-mining use, resolution or modification procedures, and duration of the agreement. If the mine operator is unable to enter into an IAA with any of those property owners, documentation of the effort(s) to reach an agreement must be provided to the Planning Director with copies of certified mail receipts to the property owners for arrangement of at least 3 meetings and written or recorded minutes of the meetings (RLDC §66.150.C).

Staff Comment: The applicant was unable to reach an agreement with any of the property owners within the impact area. Four meetings were held in the Sunny Valley area in which 170 persons attended, who represented themselves as neighbors and residents of Sunny Valley (some people may have attended more than one meeting). Information was provided and attendees were asked to provide written input, but none was provided. The applicant has provided the Planning Director with a copy of the proposed agreement, the letters mailed prior to each meeting, certified receipts of the mailings, and a recording of the meetings in DVD format. The applicant was unable to provide a list of attendees as people were unwilling to sign in. The DVD clearly illustrates the attendance, and the certified mailing receipts may be acceptable to the hearing body as evidence of compliance with RLDC §66.150.C.2. (See Attachment C)

DECISION POINT: *Amend the Comprehensive Plan Map to Aggregate & the Zone Map to MARZ.* Amendment of the Comprehensive Plan to MARZ implements significant aggregate sites authorized for mining under the Goal 5 process as required by OAR 660-023-0180(5)(e) and RLDC §66.110.

PROPOSED CONDITIONS – If Approved

1. A development permit shall be obtained before any mining and/or processing of mineral or aggregate resources. The applicant shall also obtain all other permits required by this code and other licensing or permitting entities having jurisdiction over the operation. The continuance of additional permits and approvals in good standing shall be a condition for continuance of the county's development permit. The performance of the standards required by this Article shall also be necessary for the issuance and continuance of the development permit. *(RLDC §91.030.A)*

General Operations Related Conditions

2. The hours of operation for the mining and processing of aggregate resources shall be from 7 am to 9 pm. The days of operation shall be Monday through Saturday, excluding the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Maintenance of equipment may take place at any time. *(RLDC §91.030.M)*
3. The extraction area shall be substantially screened from the view of existing conflicting uses, subject to the following specifications:
 - a. Mining and processing equipment, whether in use or in storage, shall be screened. Stockpiles of aggregate do not need to be screened and may be used for screening.
 - a. Screening may consist of natural vegetation and landscape features, or may be supplied by planting vegetation or placement of berms, fences or other similar development features including the proposed cyclone fence installed along excavations exceeding 3:1 slope and noise mitigation barriers. If vegetation is used as screening it shall be maintained alive.
 - b. Earthen berms shall be stabilized with ground cover.
 - c. Visual screening may not be required if the topography, growing conditions or other circumstances at the site make it impractical or otherwise unnecessary to shield the site from the view of conflicting uses. *(RLDC §91.030.C)*
4. On-site parking shall be provided for all employees, customers and official visitors. *(RLDC §91.030.D)*

5. Excavation and stockpiling shall be set back from property lines so that the lack of lateral support and the angle of repose of the geologic deposit will not undermine or intrude onto adjoining lands. An additional setback may be required to allow the placement and maintenance of fencing. *(RLDC §91.030.J)*
6. Mining and processing of mineral and/or aggregate resources shall be set back from the top of the bank of any stream in compliance with Article 72.040 (B) *(Special Setback Requirements)*. Existing native vegetation shall be maintained in the setback area. *(RLDC §91.030.K)*
7. No mining shall occur within 30 feet of the Williams pipeline crossing the property or within 15-20 feet from the PPL electrical towers.
8. There shall be no mining or processing activity within the flood hazard area. *(RLDC §91.030.L)*
9. All mining and processing of mineral and/or aggregate resource sites, access road construction, and bridge construction across Grave Creek shall meet the erosion control and site drainage standards contained in Article 83 *(Erosion Control & Storm Drain Facilities)* and per the Westlake Consultants storm water and erosion control plan, as well as any permit requirements imposed by DOGAMI, DSL, DEQ, or any other state or federal regulation.
10. Slope inclinations shall not exceed an average slope of 1:1 (horizontal to vertical) within the excavation during mining.
11. Extraction and processing activities shall be limited to those areas of the site labeled as appropriate for such activities and depicted on the site plan dated August 2013.
12. There shall be no blasting on the site.
13. The mining operator shall carry a comprehensive liability policy covering mining and incidental activities during the term of the operation and reclamation with an occurrence limit of at least \$500,000.
14. Prior to the issuance of a Development Permit, all permits required by DOGAMI, DEQ, DSL, WRD, or any other required state or federal permits shall be provided to the Josephine County Planning Department. *(RLDC §91.030.F)* All mining and processing of mineral and/or aggregate resources shall meet and maintain those permit requirements including the following:
 - a. The applicant shall not initiate mining and activities on the site without the operator furnishing to the Planning Director a copy of a DOGAMI operating permit and approved reclamation plan, or a certificate of exemption, issued pursuant to the requirements of ORS 517.750 through 517.900 *(Reclamation of Mining Lands)* and

implementing administrative rules. The county shall defer to DOGAMI regarding all aspects of the reclamation plan and its administration. Reclaimed land uses for the site must be authorized by post-mining zoning.

- b. The applicant shall obtain DEQ approval of a Spill Prevention Controls and Countermeasures Plan and shall comply with same.
- c. The applicant shall obtain all appropriate permits from Oregon Water Resources Department (OWRD) for the utilization of water for processing.

Traffic Related Conditions

- 15. The access or service road(s) to and from the extraction site to a public road shall meet the following standards:
 - a. The most current air quality standards from Oregon Administrative Rules Chapter 340, Divisions 20, 21, and 28, for ambient air quality for a distance 500 feet in all directions from any public road or conflicting use located along the access road if the mining traffic is the primary cause of the road dust. *(RLDC §91.030.B.2)*
 - b. The applicable standards from Oregon Administrative Rules Chapter 340, Division 35, for vehicular noise control for a distance of 500 feet in all directions from any public road or conflicting use located along the access road. *(RLDC §91.030.B.1)*
- 16. Haul truck traffic between the aggregate site and I-5 shall not occur between 6:00 am and 7:30 am and between 2:00 pm and 4:00 pm on school days during the school year in order to protect school children waiting for or being dropped off by the school bus.
- 17. Prior to initiation of truck hauling from the site, warning signage shall be placed on Placer Road near the approach to the mine site.
- 18. Trees and shrubs shall be cleared and roadside embankment slopes and other obstructions shall be modified to provide sight distances at the mine access to Placer Road as described in the submitted Traffic Report dated July 2013.
- 19. Gravel trucks shall not use the historic Grave Creek Bridge.

Groundwater Related Conditions

- 20. Water used in the mining or processing of mineral and/or aggregate resources shall be appropriated from a source authorized by permit from the Oregon Department of Water Resources. With the exception of onsite process water released to onsite settling ponds turbid water shall not be released into lakes, ponds or watercourses. *(RLDC §91.030.O)*

21. Additional monitoring wells and hydrogeologic testing, coupled with ongoing groundwater level monitoring, will establish baseline conditions and identify early groundwater level declines should they occur during mining operations. Pressure transducers with dedicated dataloggers shall be installed to automate monitoring of groundwater levels. Both shall be located and protected to allow long-term use without disruption by mining. The existing observation wells shall be replaced if and when they are decommissioned due to the progression of mining activity.
22. Monitoring data shall be reviewed and reported to DOGAMI at quarterly intervals for a minimum of 3 years and shall continue per DOGAMI requirements until mining activities are complete. This monitoring program shall document current conditions and identify any recommended mitigation measures that must be implemented to counter substantial loss of the water resource for the nearby residences.
23. Infiltration trenches shall be constructed around each mine cell. The water applied to the infiltration trench shall provide a positive hydrostatic head in the sand and gravel that reduces groundwater declines adjacent to the mine cells. Monitoring as well as observed seepage into the active site shall be utilized for development of final design and evaluation of mitigation measures as necessary. Should proactive infiltration fail or be deemed inappropriate, well improvements such as resetting pumps at deeper depths, well deepening, or changes in the mining operation shall be considered as alternative mitigation options to alleviate water quality or quantity impacts.
24. Prior to mine operation, a final Spill Prevention Control and Countermeasure (SPCC) Plan shall be developed for the facility substantially consistent with the sample document provided by the U.S. Environmental Agency.

Acoustic Related Conditions

25. All mining and processing of mineral and/or aggregate resources shall comply with OAR noise emission standards. The mine operator shall comply with the noise study prepared by Daly Standlee and Associates, Inc. (DSA) dated August 2013 that attests that the circumstances of the site and/or proposed mitigation will bring the site into compliance. *(RLDC §91.030.G)*
26. The mine operator shall comply with the following noise mitigation measures proposed by DSA:
 - a. Twelve-foot high berms shall be constructed along portions of the eastern property line as noise mitigation barriers.
 - b. Fifteen-foot high berms shall be constructed northeast of receiver R13 as a noise mitigation barrier.

- c. Polyurethane or rubber screens or proximate berms or buffers shall be used to mitigate noise impacts associated with the operation of crushing and screening equipment when it is located in the processing (trommel) area and crusher operating area.
- d. Off-road equipment (excavators, front-end loaders, loading trucks, and bulldozers) used for internal site operations shall be fitted with broadband rather than traditional narrowband backup alarms.
- e. Mufflers shall be required for all on-site haul trucks.
- f. The genset shall be equipped with up close barriers or a muffler and inlet and outlet silencers.

Air Quality Related Conditions

- 27. The mining operations shall comply with the most current air quality standards from Oregon Administrative Rules Chapter 340, Divisions 20, 21, and 28, for ambient air quality for a distance 500 feet in all directions from any public road or conflicting use located along the access road if the mining traffic is the primary cause of the road dust. *(RLDC §91.030.B.2)*
- 28. The main facility access road from Placer road to the scale house shall be paved to prevent the generation of dust.
- 29. The discharge of contaminants and dust caused from the mining and processing of mineral and/or aggregate resources shall comply with applicable DEQ ambient air quality and emission standards. The operator shall cease all mining and processing operation within one hour of the malfunction of any air pollution control equipment, and shall not resume operation until the malfunction has been corrected in compliance with applicable DEQ rules and standards. *(RLDC §91.030.I)*
- 30. On site surfaces travelled by off-road or on-road sources shall be watered whenever significant visible dust emissions (opacity approaching 20%) are observed behind or beside a moving vehicle.
- 31. Water sprayers shall be used to control dust emissions from crushers and screens operating on site.
- 32. The majority (51% or more in terms of total fleet horsepower) of diesel engines powering off-road equipment shall meet federal Tier 2 off-road engine standards or better. This requirement shall be met by using equipment with engines originally built to meet these standards or through retrofit to reduce emissions to these levels.

33. On site idle times for heavy-duty diesel truck engines shall be limited to no more than five minutes per truck trip.

Wetland/Riparian/Flood Related Conditions

34. No excavation or processing shall occur within the riparian corridor. All mining and processing activity shall be set back 50 feet from the ordinary high water mark of Grave and Shanks Creeks. *(RLDC §72.040.B.1)*
35. No mining activity shall occur within the 100-year flood hazard area of Grave and Shanks Creeks. The floodplain boundaries shall be flagged or fenced and avoided by all mining activity. *(RLDC §91.030.L)*
36. Construction of the access road to Placer Road shall occur above the ordinary high water mark of Grave Creek and shall comply with the standards contained in Article 69.1 – Flood Hazard Overlay of the RLDC. *(RLDC §91.030.L)*
37. The applicant shall not fill, excavate or otherwise disturb wetlands on the site until permits are obtained from the Department of State Lands (DSL) and the Army Corps of Engineers and implements any required pre-disturbance mitigation.
38. No mining activity – excavation or processing – shall occur within the boundaries of any on-site wetlands.
39. The applicant shall follow the mitigation measures contained in the Riparian Mitigation Plan submitted.
40. The applicant shall install native trees and shrubs in accordance with the County screening regulations.
41. Access roads adjacent to the mining area boundaries shall be graveled with crushed rock with nominal sizing of at least one inch maximum dimension.
42. Failure to perform or continue to perform any of the standards required by this Section shall render the development permit void and subject to any and all enforcement procedures contained in this code or as authorized by any other law, rule or civil authority. *(RLDC §91.030.P)*

ACTION

The Hearings Body can take one of three actions on the application: [1] Approve the request with or without conditions; [2] Deny the request; or [3] Continue action to a date, time and place certain to receive additional testimony or evidence, or for deliberations only. A decision to approve constitutes a recommendation to the Board of County Commissioners.

ATTACHMENTS

Attachment A.....Goal 5 Regulations Table & Regulations Texts

Attachment B.....Agency Comments

Attachment C..... Impact Area Agreement Summary Letter

Attachment D.....Comments from the Public

Attachment E.....Sunny Valley Sand & Gravel Applications