

Curry County Community Development Department PLANNING COMMISSION STAFF REPORT

Application AD-1909 is a request for conditional use approval for the mining and processing of upland quarry rock to produce jetty stone, riprap, landscape stone and various crushed rock products on a portion of a 320 acre parcel in the Timber (T) zoning district. A public hearing was held for this application by the Planning Commission on June 20th, 2019. A decision was made by the Planning Commission to close the public hearing at that time and leave the record open for 7 days.

1. Background Information

Owner:	Andrew and Diane Foster 1614 37 th Avenue NW Salem, Oregon 97304
Applicant:	Chuck Nylund Kiewit Infrastructure West Co. 2200 Columbia House Blvd. Vancouver, Washington 98661
Land Use Review:	Administrative Conditional Use Review Referred to the Planning Commission by Planning Director.
Property Description:	Assessor's Map 31-14-00, Tax Lot 4700;
Location	Property is located approximately 4.1 miles east of Highway 101 on Sixes River Road to Edson Creek Park and then approximately 3.0 miles on an existing private logging road.
Existing Development:	The subject property is a previously logged volunteer forest reproduction site covered in alder, oak, myrtle and some Douglas fir. It contains an approximately 20+ acre geological rock outcrop/deposit that meets USACE specification for jetty stone.
Proposed Development:	Proposed quarry development to include site clearing, grading, road building, quarry operations and reclamation

on approximately 60 acres of Tax Lot 4700. Project includes a rock crusher but does not include installation of an asphalt or concrete batching plant.

Zone: Timber (T) Zoning District

II. 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 3.040	Timber
Section 3.042	Conditional Uses Subject to Administrative Approval by the Director
	24. Land Based Mining (1, 10, 17)
Section 2.090	Procedure for Conditional and Permitted Uses
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 7.050	Time Limit on a Permit for Conditional Uses

III. Background

Kiewit is proposing to construct, operate and manage a quarry site for the purpose of: 1. Suppling approximately 440,000 tons of jetty stone material beginning in the spring of 2020 for several major projects on the west coast including the emergency repair on the mouth of the Columbia River, and 2. Providing a source of quarry stone and crushed rock for local riprap and construction projects.

The proposed project includes a maximum of 40 loaded trucks per day leaving the site during full quarry operations that will primarily comprise of low boys containing 1-2 large boulders/jetty stones. The main haul route from the site is to Sixes River Road then Highway 101 to Coos Bay where the jetty stone will be loaded onto barges and transported to the placement areas.

There have been three prior conditional use permits reviewed through the Curry County Planning Department and approved with conditions by the Planning Commission for rock quarry development on this site. They include C-8422 in 1984, AD-0905 in 2009 and AD-1209 in 2012. Each of these prior approved conditional use permits expired prior to the site being developed and subsequently mined for quarry rock. The last Conditional Use Permit (AD-1209) expired in August of 2017.

IV. Discussion

On June 20, 2019 the Planning Commission closed the public hearing on this application and left the record open for 7 days to allow for additional written evidence, arguments or testimony. Since closing the hearing and leaving the record open, the Planning Department has received:

- New factual information and argument and written testimony from citizens;
- A request from Oregon Coast Alliance (ORCA) for 14 days to respond to new materials submitted in response to their submittal; and
- New factual information, argument and testimony from the applicant.

In adherence to Oregon Revised Statute (ORS) 197.763 (6) *Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures*, Legal Counsel has reviewed the record to date for this application and provided the attached guidance for the Planning Commission's consideration.

V. Staff Recommendation

At this time staff recommends the Planning Commission follow the legal advice of County Counsel to re-open the record for AD-1909 and allow seven (7) days for any party to submit new evidence or argument in relation to the gravel extraction method disclosed by the applicant.