



TRANSMITTAL

To: *Interested Agencies*

Date: *8-17-92*

Content:

Conditional for a Rock Quarry

From: PLANNING

The attached land use application will be considered before the
HEARINGS OFFICER on *November 18, 1992*. It
would be appreciated if your comments regarding this application
are submitted to our office in time for their inclusion in the
staff report. Please have these comments to our office by

November 2, 1992.

Thank you!

RURAL JOSEPHINE COUNTY
CONDITIONAL USE PERMIT
ROCK PROCESSING AND CRUSHING, CEMENT AND ASPHALT BATCHING,
EXPLORATION, MINING, PROCESSING AGGREGATE OR MINERALS OR
SUBSURFACE RESOURCES
Application Form

5-4-72

Fee \$165.00

Paid 20.

JOSEPHINE COUNTY ZONING ORDINANCE SECTIONS: 3.025(3) and (7);
3.041; 4.025(3) and (7); 4.041; 5.020(4)*; 6.025(2); 6.041;
7.025(5); 7.041; 8.025(4) and (5); 12.020(5)*; 14.136; 14.137;
14.138; 15.213 through 15.219 (* = Permitted)

LEGAL: TWN 38, RNG S, SEC , QS , Tax Lot 2700
TWN , RNG , SEC , QS , Tax Lot

PROPERTY LOCATION: 16780 WATER GAP RD.

EXISTING ZONING: FC COMP PLAN: FOREST

PARCEL: ACRES 2 ^{OF 160 ACS} WIDTH 10'-50' Varied DEPTH 3'-10' Varied

OTHER INFORMATION/APPLICATIONS SUBMITTED: removing
old mine tailings

OWNER(S): Ben & Mary Jean Watts TELE: 503-846-6447

MAILING ADDRESS: 16780 Water Gap Rd Williams Ore.

APPLICANT: Ben F. Watts TELE: 846-6447 97545

MAILING ADDRESS: Same

ATTORNEY/REPRESENTATIVE: _____

MAILING ADDRESS: _____

Ben F. Watts
Owner/Applicant

Representative
(Power of Attorney)

Attorney

I, Ben F. Watts, have filed an application for rock removal with the Josephine County Planning Office to be considered for scheduling before the appropriate review bodies. My signature below affirms that I have discussed my application with Rick, of the Planning Department staff, and that I understand the following:

- 1. That although the Planning Department staff may have rendered an opinion and may prepare a staff report concerning the legal criteria relevant to an application of this nature, I have the ultimate burden of addressing and submitting evidence relative to my application and this responsibility exists independent from any such statements or reports by the Planning Office or staff.
- 2. That I may retain legal counsel to assist me in the presentation of my application and that it may be in my best interest to do so.
- 3. That if I have any questions or require additional information I may contact the Planning Department staff and discuss the application with them, but that such discussions and/or information will not include legal advice, and shall not become binding upon the County in any respect.
- 4. That this notarized statement will be appended to the staff report presented to the hearings body and that it will be forwarded to the Citizen Advisory Committee for the area in which the subject property is located.
- 5. That if the development proposed is located within the Urban Growth Boundary it is subject to any laws and ordinances that may also apply.
- 6. That the application may be returned to me for additional information before scheduling.

Ben F. Watts
Applicant

NOTARIZATION REQUIRED FOR PUBLIC HEARING ITEMS ONLY

STATE OF OREGON)
) ss.
County of Josephine)

On this 4th day of May, 1992, personally came before me, a Notary Public in and for said County and State, the above named, Ben F. Watts, who executed the written instrument and acknowledged to me that he/she executed the same freely and voluntarily.

Ben L. Dickerson
OFFICIAL SEAL
BEN L. DICKERSON
NOTARY PUBLIC - OREGON
MY COMMISSION EXPIRES MAR. 30, 1996

Notary Stamp

Notary Public, State of Oregon
My Commission Expires 3/30/96

CRITERIA
CONDITIONAL USE
ROCK PROCESSING AND CRUSHING, CEMENT AND ASPHALT BATCHING,
EXPLORATION, MINING, PROCESSING AGGREGATE OR MINERALS OR
SUBSURFACE RESOURCES

Section 3.025(3) and (7); 3.041; 4.025(3) and (7); 4.041;
5.020(4); 6.025(2); 6.041; 7.025(5); 7.041; 8.025(4) and (5);
14.136; 14.137; 14.138; 15.213 to 15.219

- Section 3.025(3) Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
- Section 3.025(7) Exploration, mining and processing of aggregate and other mineral or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
- Section 4.025(3) Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
- Section 4.025(7) Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
- Section 5.020(4) Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
- Section 6.025(2) Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
- Section 7.025(5) Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, subject to Sections 14.136 and 14.138.
- Section 8.025(4) Exploration, mining and processing of aggregate and other mineral resources. Subject to Sections 14.136 and 14.138.
- Section 8.025(5) Cement and asphalt batching, rock processing and crushing, subject to Section 14.137.
- Section 12.020(5) Compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs,

perfumes, toiletries, soft drinks, or other food products.

Section 14.136 Mining and Exploration.

Exploration, mining and processing of aggregate and other mineral resources or other subsurface resources, including development of geothermal resources, conditioned upon, but not limited to, the following criteria:

- a. An access or service road, while used for the mining shall be maintained in a dust-free condition by the operator, for a distance of 200 feet from public roads or streets or residences located on adjoining property. If the mining is the primary cause of road dust on an unpaved public road, that road shall be dust-free for 200 feet from such residences. If more than one mining operation uses the same road, all operators shall be jointly responsible for dust abatement as previously described.
- b. Screening of the mining site or construction of berms may be required by the Planning Director to obscure the view, minimize dust, reduce the sound from mining, or limit other annoyances to adjoining, occupied, public or private property, State Scenic Waterways and adjacent public roads.
- c. Safe parking shall be available on site for employees, customers and visitors to the mining site.
- d. A safety fence to control access to the pit may be required at least 10 feet outside a pit that is within 200 feet of a public street or road, or of a residence that is located off the property wherever the mining takes place.
- e. Erosion control and reclamation of the site shall be accomplished in accordance with the standards of this Regulation, and any applicable permit from the Oregon State Department of Geology and Mineral Industries and the Department of Environmental Quality.
- f. Excavation shall be away from the property line a distance adequate to maintain a fence on the property line if needed, and such additional distance as is necessary to allow a normal safe angle of repose during the operation, and to provide the slopes identified in the operation plan pursuant to Section 3.075, the standards of this Regulation for the depth of final excavation.
- g. The proposed development is compatible with and shall not adversely impact agricultural or forestry uses on any adjoining lands.
- h. The proposed development is located on land generally unsuitable for agricultural or forestry uses for developments located in resource zones.

Section 14.137 Cement and Asphalt Batching.

Cement and asphalt batching, rock processing and crushing, subject to the following standards:

- a. No plant shall operate without an approved Air Contaminant Discharge Permit, issued by the State Department of Environmental Quality.
- b. No cement or asphalt batching plant shall operate for a period greater than 180 days at a single site.
- c. If screening of the processing site may be necessary to obscure the view or minimize dust or other annoyance from adjoining occupied property and adjacent public streets, demonstration that such screening will be provided.
- d. Commitment that if a malfunction of the air pollution control equipment occurs, the plant shall be shut down within 1 hour of the malfunction, and shall not resume operation until the problem has been resolved.
- e. Dust from other sources, such as the pit floor or gravel piles shall be controlled to the greatest extent feasible.
- f. Equipment shall be operated only between the hours of 6:00 a.m. and 10:00 p.m.
- g. The proposed development is compatible with and shall not adversely impact agricultural or forestry use on any adjoining land.
- h. The proposed development is located on land generally unsuitable for agricultural or forestry uses for developments located in resource zones.

Section 14.138 Setback From Aggregate or Mineral Site.

The setback for structures from a significant aggregate or mineral site shall be 300 feet. Requests for structures closer than 300 feet shall be subject to the Administrative Permit process and the owner of the aggregate or mineral site will be notified of the proposal. If there is no objection, development may proceed. If there is a conflict, the request shall be referred to the Hearings Officer.

As a condition of the issuance of a development permit on any lot adjacent to a significant aggregate site, a notarized statement by the owner shall be required to the effect in the event of a conflict between the proposed use and the aggregate operation, the owner recognizes that the aggregate operation shall take precedence.

Section 15.213 Conditional Uses

Pursuant to ORS 215.416, conditional uses listed in the Zoning Ordinance may be permitted, enlarged, or altered upon authorization by the County Hearings Officer in accordance with the standards and procedures set forth herein.

1. In taking action on a conditional use request application, the Hearings Officer may either approve or deny the application. The burden of proof is placed upon the petitioner seeking the conditional use. The criteria for a conditional use shall be:
 - a. The proposed use fully accords with all applicable standards of the County and State laws or regulations.
 - b. If impacts will result from the proposed use, why adjoining property owners should bear the inconvenience of a change in land use.
2. In resource zones, a conditional use may be approved only when findings can be made to satisfy all of the following:
 - a. That the use will not be injurious to property and improvement in the area of the request.
 - b. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the area where the proposed use would be located.
 - c. That the use is compatible with resource uses in the nearby area.
 - d. That the use does not interfere seriously with accepted forest or agricultural practices on adjacent lands devoted to resource use.
 - e. That the use does not materially alter the stability of the overall land use pattern of the area and the area utilized for the conditional use shall be limited to the size necessary for the proposed use.
 - f. That a disclosure statement is signed and recorded with the County which recognizes that agricultural and forest uses for land zoned forest conservation have priority over all land uses.
3. In approving a conditional use request or the modification of a conditional use, the Hearings Officer may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which are considered necessary to protect the best interest of the surrounding area of the County as a whole. These conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard dimensions.
- b. Limiting the height of buildings.
- c. Controlling the location and number of vehicle access points.
- d. Increasing the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location, and lighting of signs.
- g. Requiring fencing, screening, landscaping, diking or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Setting a time limit for which the conditional use is approved.
- j. Site reclamation upon discontinuance of a use.
- k. Requiring easements.

Section 15.218 Site Plan.

When in the judgment of the Planning Director a site plan review is necessary to adequately determine compliance with the standards of this Ordinance, the developer shall submit to the Director a site plan for total parcel development. The site plan shall be drawn to scale and shall indicate the following as appropriate, upon request of the Planning Director.

1. Location of parcel by address and legal description, dimension, size in acres and orientation of the parcel.
2. Scale, north arrow, date of preparation.
3. Location, size, height and dimensions of existing and proposed buildings and structures, including distances between buildings and setbacks to property lines.
4. Indication of the proposed use of buildings shown on the site.
5. Grading and slopes where they affect relationship of the buildings; storm drainage, storm water detention and erosion control plan if required. See Section 14.130.

6. Location of existing and proposed roadway improvements, including right-of-way, points of entry and exit for motor vehicles, other uses of the streets, such as parking, bike or pedestrian routes.
7. Location, dimensions and uses for all existing and proposed easements on and/or serving the parcel.
8. Location and layout of off-street parking, surfacing, internal circulation pattern, and loading facilities, including number of spaces and dimensions.
9. Location and layout of existing and proposed public and private utilities on and adjoining the site, including septic systems.
10. Location of walkways and bikepaths.
11. Location of required landscaping. See Section 14.132.
12. Location of walls and fences and indication of their height and materials of their construction.
13. Exterior lighting and area covered by illumination from lighting standards and devices.
14. Location, size and height of exterior signs and outdoor advertising.
15. Areas for trash and garbage disposal. See Section 14.134. (Solid Waste)
16. Security considerations.
17. Location of natural features such as creeks, drainage ways, ponds, irrigation ditches, etc.
18. Location of 100-year floodway and floodplain.
19. Fire Hazard. See Section 14.133.
20. Any other such architectural or engineering data as may be required to permit necessary findings that the provisions of this Ordinance are complied with.
21. If phased development, show boundary limits of each proposed phase.
22. Adjoining land uses including approximate distances to adjacent structures.
23. Airport overlay requirements. See Section 14.122 through 14.129.

24. Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development. The Planning Director may determine that it need not include other data required in subsections 1 through 23.

Section 3.041; 4.041; 6.041; 7.041 Siting Standards.

The placement of structures and accessory buildings shall be located on the least productive, buildable portion of the portion of the parcel taking into consideration terrain, adverse soil and land conditions, access, vegetation, location and the size of the parcel. For the purposes of application of this Section the following will be required:

1. A site map of the property which shows the township, range, section and tax lot numbers held in ownership by the property owners.
2. All physical features on the site which are of significance with regard to review of the above application process including steep slopes, access roads, existing buildings and structures, and other improvements.
3. The proposed location of new dwellings and/or structures to be placed on the site.

Any use or proposed use may be subject to a satisfactory review of a site plan and conformance with such plan. This requirement may be imposed, as reasonably necessary or advisable, by the Planning Director, Planning Commission, or Board of County Commissioners. This is to assure compliance with the requirements of this district.

Conditional Use
Cement and Asphalt Batching

ROCK PROCESSING/CRUSHING

Cement and Asphalt Batching, Rock Processing and Crushing

Section 3.025(3); 4.025(3); 5.020(4); 6.025(2); 7.025(3) and 8.025(5)

The criteria for this application is as follows: As applicant, you should address each section by checking the appropriate box and filling in spaces provided for information. Be as accurate as possible and attach any additional information on separate pages.

Please describe how the proposed use complies with Section 15.213. INVOLVES LESS THAN 5,000 CU. YDS / YEAR
SMALL OPERATION - PRIVATE QUARRY.

Pursuant to ORS 215.416, conditional uses listed in this ordinance may be permitted, enlarged, or altered upon authorization by the County Hearings Officer in accordance with the standards and procedures set forth herein.

1. In taking action on a conditional use request application, the Hearings Officer may either approve or deny the application. The burden of proof is placed upon the petitioner seeking the conditional use. The criteria for a conditional use shall be:

a. The proposed use fully accords with all applicable standards of the County and State laws or regulations.

Section 14.136 establishes the standards for aggregate processing and mining:

Exploration, mining and processing of aggregate and other mineral resources or other subsurface resource including development of geothermal resources conditioned upon, but not limited to, the following criteria:

Instructions: Read the following criteria and provide checks and answers as they apply.

1. The road will be maintained in a dust free condition within 200 feet of residences or a public road. road materials to be used are - EXISTING GRAVEL -
CRUSHED 3/4 TO 1" MINUS.

There are no residences on adjoining property within 200 feet. NONE TO PROPERTY - CLOSEST 1/4 MI.

Explain ONLY RESIDENCE CLOSE TO ROAD
IS ACCESS TO WATER GAP RD -

Conditional Use
Cement and Asphalt Batching

11. The excavation will meet the slope standards identified in the operation plan. THE PLACER MINED SLOPES ARE UP TO VERTICAL - 12-14' BANKS -
12. The proposed development is compatible and shall not adversely impact agricultural or forestry uses on any adjoining lands. Is the proposed development setback a distance of X feet from agricultural or forest lands and will not cause an adverse impact? * DONE LOGGING ON-SITE EXPANSION WOULD REQUIRE ADDITIONAL LOGGING. NO AGRICULTURAL IMPACT.
13. Where the proposed development is located in a resource zone, are the soils on the property rated for agricultural or forest use? SEE SOILS MAP. 20 ACRES OF PLACER MINE.
14. The proposed site is unsuitable for agricultural or forest uses because PLACER MINED.
15. If impacts will result from the proposed use, why adjoining property owners should bear the inconvenience of a change in land use? ONLY IMPACT HAUL ROAD. NO REAL CHANGE IN "OCCASSIONAL" USE.
16. Will the advantages of the proposed use outweigh the disadvantages to the immediate neighborhood? AVAILABLE GOOD GRAVEL
17. Will impacts result to residents on adjoining properties? USUALLY LESS THAN 20 LOADS PER YEAR. BIGGEST 69 LOADS RECENTLY.
18. In resource zones, a conditional use requires findings that the use will not be injurious to property and improvement in the area of the request. NO CHANGE - PRE EXISTING.
19. The use is 1/4 MI. feet from any adjoining residential use and will therefore not have a significant effect on those uses.
20. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the area where the proposed use would be located. The use will not have a significant detrimental effect to persons residing or working in the area because PRIVATE PIT - ROCK SOLD AS SIDELINE TO FRIENDS/BUSINESSES THAT REQUEST IT.
21. That the use is compatible with resource uses in the nearby area in that the nearest resource uses are 300-500 feet away and will therefore not be affected by the proposed use.

DIT BOUGHT IN 1960. FIRST LOAD OF ROCK IN 1960'S
A LOAD HERE + THERE. 4-5 COADS AT A TIME, TOOK
... HOME OFF WATERGAP ROAD. ROCKING

22. The use will not cause any reduction in resource quality of the neighboring parcels. Explain NO.
EXISTING USE. RECOGNIZED AS PRE-EXISTING
1977 FM LIMITED EXEMPTION.
23. That the use does not interfere seriously with accepted forest or agricultural practices on adjacent lands devoted to resource use. There will be no reduction in area of resource management caused by the proposal. Explain SIZE OF OPERATION TOO SMALL
TO IMPACT AREA
24. The proposed use will not interfere with or prohibit any agricultural or forestry uses on adjacent lands. Explain NO. NO CHANGE IN USES.
25. That the use does not materially alter the stability of the overall land use pattern of the area and the area utilized for the conditional use shall be limited to the size necessary for the proposed use. The existing uses in the area are NO CHANGE IN ANNUAL
USE - ITS LOGGING.
26. The proposed use will not significantly affect the overall land use pattern. Why? 20 COADS/YEAR
TOO SMALL -
27. The proposal involves 2 acres which is the minimum amount of land necessary for the use, and would not be sufficient in size to alter the stability of the overall land use pattern.
28. Other mining or rock processing already exists in this area. Explain NO ROCK CRUSHING IN AREA.
ONLY OPERAND + PRODUCT. LYLE WOODCOCK.
29. That a disclosure statement is signed and recorded with the County which recognizes that agricultural and forest uses for the land zoned forest conservation have priority over all land uses. The statement has been signed and is part of the application? IF REQUIRED.
WILL DO.

*Rec'd
4-1-92*

OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES
MINED LAND RECLAMATION
1534 Queen Avenue Southeast
Albany, Oregon 97321
(503) 967-2039

GRANT OF TOTAL EXEMPTION

Ben F. Watts
16780 Water Gap Road
Williams, OR 97544

I.D. No. 17-0109
Site:
Legal: S21,T38S,R5W
County: Josephine

Pursuant to ORS 517.750 through 517.990 as amended, the above-named permittee is granted an exemption from the requirements for a reclamation plan and a bond for this site.

THE BASIS FOR GRANTING THIS TOTAL EXEMPTION IS SHOWN BELOW:

- 1. Access roads borrow pit or quarry (ORS 517.750(13)(b)).
- 2. On-site construction (ORS 517.750(13)(b)).
- 3. The site is less than one acre and a total of less than 5,000 cubic yards of mineral have been or will be removed per year (ORS 517.750(13)(b)).
- 4. The site has qualified for a Grant of Limited Exemption as defined by ORS 517.770, but annual production is less than 5,000 cubic yards.
- 5. Other.

Issuance of this Grant of Total Exemption is not a finding of compliance with state-wide planning goals or the acknowledged comprehensive plan. The applicant must receive land use approval from local government before using this exemption.

PENALTIES: It is the responsibility of the permittee to notify the department prior to expansion beyond the limits in existence as of the date of issue. Failure to do so places the permittee in the position of conducting a surface mining operation without a permit and subject to the penalties set forth in ORS 517.990(3) or (5).

Issued this 11th day of March, 1992.

By Roze Royce
Roze Royce

Title Office Specialist I c: Josephine County Planning Department
DEQ - Medford

Renewal Date: March, 1993