



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

May 9, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clackamas County Plan Amendment
DLCD File Number 012-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 24, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Amanda Punton, DLCD Mineral and Aggregate Specialist
Mike McCallister, Clackamas County Planning Department

<paa> ya/

FORM 2

DEPT OF D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision

MAY 08 2007

per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

MODIFICATION OF 20398-93/
20349-93 / 21826-97
20756-06-CP

Jurisdiction: CLACKAMAS COUNTY Local File No.: 20757-06-Z
(If no number, use none)

Date of Adoption: 4-26-07 Date Mailed: 5-1-07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 11-28-06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: MODIFICATION OF CONDITIONS
(Please Specify Type of Action)

OF PREVIOUS PAPA & MINERAL
OVERLAY DISTRICT

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡

COMPREHENSIVE PLAN TEXT AMENDMENT (PAPA) TO LIST AN AGGREGATE RESOURCE
SITE AS A SIGNIFICANT GOAL 5 RESOURCE. ZONE CHANGE TO AUTHORIZE MINING &
ADD A MINERAL AGGREGATE OVERLAY ZONING DISTRICT. MODIFICATION OF CONDITIONS
TO A PREVIOUS PAPA/MAO APPLICATION TO RELOCATE NOISE BERM &
MODIFY HOURS OF OPERATION

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.≡ If you did not give notice for the proposed amendment, write AN/A.≡

SAME

Plan Map Changed from: N/A to N/A

Zone Map Changed from: EFU to EFU/MAO

Location: CANBY / BARLOW AREA Acres Involved: 38.04

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 2, 3, 5 & 12

Was an Exception Adopted? Yes: No:

DLCD File No.: 012-06(15712)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: CITY OF CANBY,

CITY OF BARDOLW, DOGAMI, ODOT, OREG. DEPT OF AVIATION, DSL, DEQ, ODFW

Local Contact: MIKE M^cCALLISTER Area Code + Phone Number: 503-353-4522

Address: 9101 SE SUNNYBROOK BLVD City: CLACKAMAS OR

Zip Code+4: 97015 Email Address: mikem@co.clackamas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to **8-1/2x11 green paper only**; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for Pacific Rock Products, L.L.C.

File Nos.: Z0756-06-CP / Z0757-06-Z

ORDER NO. 2007-269
(Page 1 of 4)

This matter coming regularly before the Board of County Commissioners, and it appearing that Pacific Rock Products made application for a Comprehensive Plan amendment and zone change on property described as T4S, R1E, Section 8, Tax Lot 1000 and a modification of prior conditions of approval on property described as T4S, R1E, Section 8, Tax Lots 600, 700 and 800, located on the east side of Barlow Road, approximately 1/3 mile south of its intersection with Hwy. 99E; and

It further appearing that planning staff, by its report dated January 16, 2007, recommended approval of the application; and

It further appearing that the Planning Commission, at its January 22, 2007 meeting, recommended approval of the application; and

It further appearing that after appropriate notice a public hearing was held before the Board of County Commissioners on February 21, 2007, at which testimony and evidence were presented, and that a preliminary decision was made by the Board on March 21, 2007;

Based upon the evidence and testimony presented, this Board makes the following findings and conclusions:

1. The applicant requests approval of the following:

- (a) A Comprehensive Plan text amendment to designate Tax Lot 1000 as a "significant site" and add it to Table III-2 as such.
- (b) A post acknowledgment plan amendment through the OAR 660-023-0180 process to allow mining of Tax Lot 1000.
- (c) If mining is approved, application of the Mineral and Aggregate Overlay (ZDO Section 708) on Tax Lot 1000 and on adjoining property.
- (d) Amendment of two conditions imposed in the original approval of mining on Tax Lots 600, 700 and 800 and on the year 2000 approval of the mineral and aggregate overlay district permit for that property.

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2. Inventory. Evidence submitted by the applicant demonstrates that the site contains more than the required quantity of the required quality of rock specified in OAR 660-023-0180(3) to qualify as a "significant aggregate site". Tax Lot 1000 therefore should be added to the list of significant sites in Table III-2 of the Clackamas County Comprehensive Plan. On this issue, the Board adopts the findings at pages 29-32 of the Planning Staff Report/Recommendation.
3. OAR 660-023-0180(5). The administrative rule specifies the process to be used to determine whether the County Comprehensive Plan should be amended to permit mining of the site. The Board concludes that mining should be permitted, based on the following analysis under the rule.
 - (a) The appropriate impact area for determining existing conflicts with the proposed mining and processing activities is 1500 feet. There is no information in the record indicating significant potential conflicts beyond this distance.
 - (b) The only existing land uses within the impact area which might be adversely affected are residences. The only possible conflicts with those residences would arise from noise or dust.
 - (c) The evidence submitted by the applicant shows that with reasonable and practicable measures both noise and dust generated by the proposed mining will conform with DEQ standards when measured at any existing residence. All identified conflicts are, therefore, minimized and mining is allowed.
 - (d) Because all conflicts are minimized, this subsection does not apply.
 - (e) The conditions of approval proposed by planning staff and agreed to by the applicant (attached Exhibit B) ensure that any conflicts will be minimized and that the operation will otherwise be compatible with surrounding land uses.
 - (f) A condition of approval requires that post-mining use of the property be limited to farm uses and fish and wildlife habitat.

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4. OAR 660-023-0180(7) – Impact Area Conflicting Uses. This portion of the rule requires use of the ESEE process to determine whether to allow, limit or prevent new conflicting uses on neighboring properties. The appropriate impact area for this analysis is the part of adjoining properties lying within the boundary line shown on attached Exhibit A (hereafter “noise boundary”), as this is the only area where the DEQ standard for noise would be exceeded beyond the boundary of the subject property. The EFU zoning of these areas makes approval of new dwellings unlikely, and dwellings exist or could be sited elsewhere on these ownerships. Therefore the ESEE consequences of prohibiting or limiting new dwellings are slight. Conversely, allowing dwellings in these areas could have serious economic, social, environmental and energy consequences because they would cause the mining operation to be out of compliance with DEQ noise rules. On balance, therefore, conflicting uses in these areas should be limited by imposition of the MAO zone (ZDO 708) within the noise boundary. As provided in ZDO 708, the MAO will be removed when mining and reclamation are complete. This further serves to reduce the ESEE consequences to and from the conflicting uses.
5. The Mineral and Aggregate Overlay district (ZDO 708) should be imposed on Tax Lot 1000 and other property within the noise boundary. All restrictions in ZDO 708 shall apply, except as modified by the specific conditions of approval adopted as part of this Comprehensive Plan amendment.
6. Prior Conditions of Approval. Amending the condition of approval to allow the berm to be relocated from the western boundary of Tax Lot 800 to the western boundary of Tax Lot 1000 is appropriate because there is no reason to maintain a berm in the middle of a mining operation. Amending the hours of operation condition to allow loading and hauling until 10:00 p.m. on weekdays and from 8:00 a.m. to 5:00 p.m. on Saturdays is appropriate because these activities will have to comply with DEQ noise standards at all times. In addition, this condition remains more restrictive than the standards in ZDO 708, which allow loading and hauling at all hours.

NOW, THEREFORE, IT IS HEREBY ORDERED
that the following are approved, subject to the attached conditions of approval (Exhibit B):

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Comprehensive
Plan Amendment and Zone Change
for Pacific Rock Products, L.L.C.



ORDER NO. 2007-269
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File Nos.: Z0756-06-CP / Z0757-06-Z

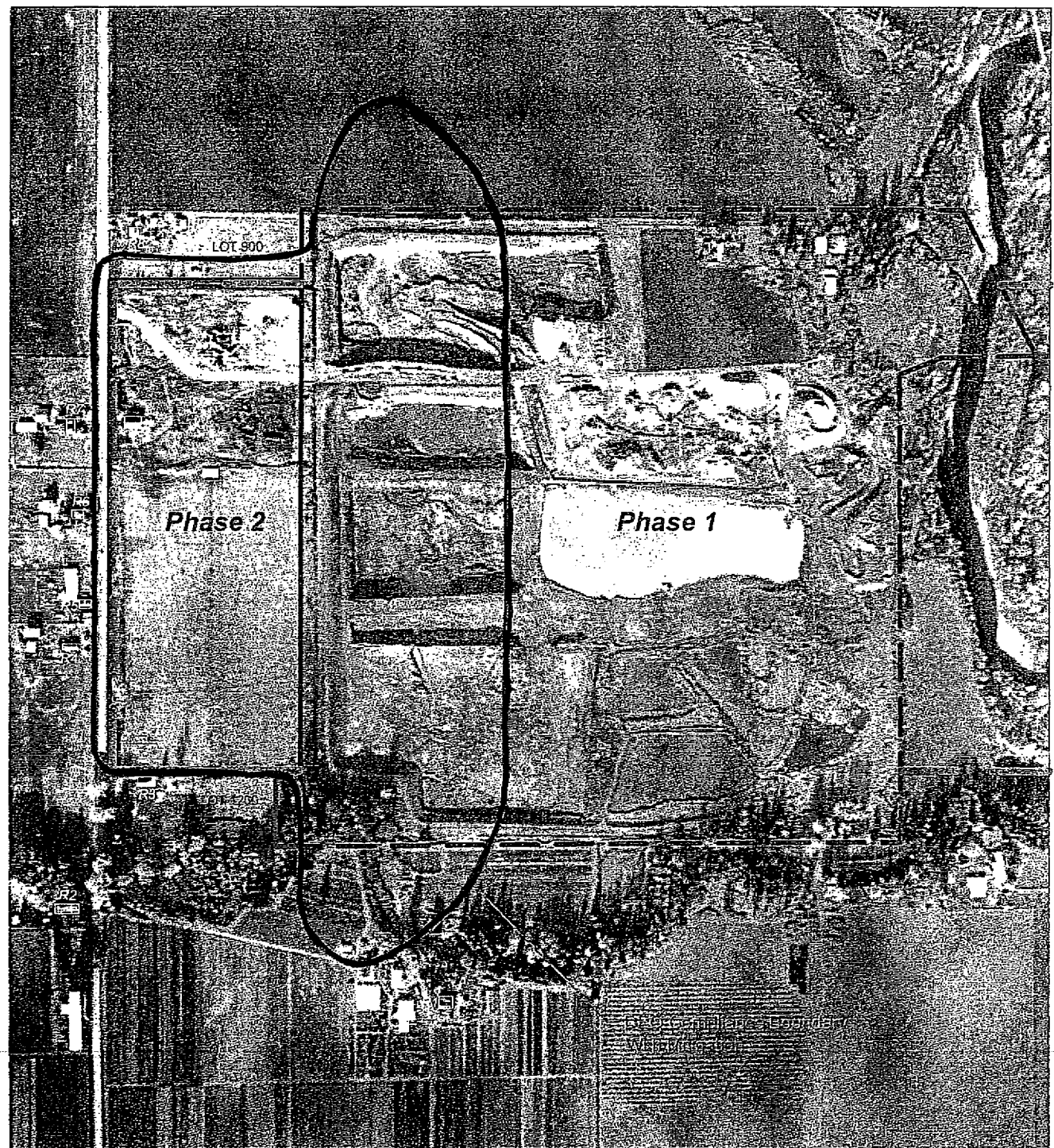
1. Amendment of Comprehensive Plan Table III-2, "Inventory of Mineral and Aggregate Resource Sites", to add Tax Lot 1000 as a "Significant Site".
2. Amendment of the Comprehensive Plan to allow mining of Tax Lot 1000, consistent with this order and a future mineral and aggregate overlay district permit.
3. Application of the Mineral and Aggregate Overlay District to the area within the noise boundary shown on attached Exhibit A.
4. Modification of conditions of approval 5 and 8 in File Nos. Z0348-93-CP/Z0349-93-Z and conditions 6 and 25 in the July 28, 2000 decision in File No. Z1826-97-MAR, as shown on attached Exhibit C.

DATED this 26th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS

Martha Schrader, Chair

Mary Raethke, Recording Secretary



Aerial Photo (November-2004) obtained from Pacific Rock Products



Daly-Standlee & Associates, Inc.

ph: 503-646-4420
 fax: 503-646-3385
 email: DSA@acoustechgroup.com

DEQ Noise Compliance Boundary With Mitigation

DESIGNED BY:

DRAWN BY:

DATE:
 August, 2006

PROJECT NO.
 180041

Figure 4

180041-Figures.dwg

Ex. A

PACIFIC ROCK
FILE NOS. Z0756-06-CP / Z0757-06-Z

FINAL CONDITIONS OF APPROVAL

1. GENERAL CONDITIONS:

- A. Table III-2 in the Mineral and Aggregate Resources Section of the Comprehensive Plan shall be amended to add "Pacific Rock / Rodrigues Property" to the list of Significant Sites.
- B. This approval authorizes modifications to conditions of approval in Files Nos. Z0348-93-CP / Z0349-93-Z and File No. Z1826-97-MAR. Condition of approval number 8 in Files Nos. Z0349-93-CP / Z0349-93-Z (Exhibit 2) and condition of approval number 6 in the July 28, 2000 Decision in File No. Z1826-97-MAR (Exhibit 6) is modified to allow the required noise berm on the west boundary of the existing site to be relocated to the western boundary of the Rodrigues property along Barlow Road. Condition of approval number 5 in File Nos. Z0348-93-CP / Z0349-93-Z (Exhibit 2) and condition of approval number 25 in the July 28, 2000 Decision in File No. Z1826-97-MAR (Exhibit 6) is modified to allow loading and hauling activities from existing mining site between the hours of 6:00 P.M. to 10:00 P.M. on Monday through Friday and 8:00 A.M. to 5:00 P.M. on Saturdays in addition to the existing approved hours of operation providing these activities fully comply with DEQ with noise standards.**
- C. Mining shall be allowed on the property subject to the site specific program in the submitted PAPA application to the extent it is consistent with the remaining conditions of approval.
- D. The post reclamation use of the subject property shall be limited to fish and wildlife habitat uses and /-or farm uses consistent with the Clackamas County Comprehensive Plan, Clackamas County Zoning and Development Ordinance and specifically those uses listed under ORS 215.283(1). All plant species used in reclamation shall be native species, and approved in coordination with the DOGAMI and ODFW.
- E. The approval of the application granted by this decision concerns only the applicable criteria for this decision. The decision does not include any conclusion by the County concerning whether the activities allowed will or will not come in conflict with the provisions of the federal Endangered Species Act (ESA). This decision should not be construed to or represented to authorize any activity that will conflict with or violate the ESA. It is the applicant, in coordination if necessary with the federal agencies responsible for the administration and enforcement of the ESA, who must ensure that

the approve activities are designed, constructed, operated and maintained in a manner that complies with the ESA.

2. PROCESSING/OPERATING/MONITORING CONDITIONS:

- A. Compliance with all operating conditions proposed in the submitted application, to the extent they are consistent with the remaining conditions of approval.
- B. The combined level of aggregate and mineral extraction for Rodrigues site and the existing Pac Rock site shall not exceed 3 million tons per calendar year.
- C. **All mining activities except for routine maintenance for the existing mining site and the Rodrigues property shall be limited to the hours of 7:00 A.M. to 6:00 P.M. Monday through Friday. Loading and hauling activities are permitted from 7:00 A.M. to 10:00 P.M. on Monday through Fridays and from 8:00 A.M. to 5:00 P.M. on Saturday. No mining, loading or hauling activities shall occur on Sundays and the following legal holidays: New Years Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.**
- D. Prior to any land disturbance associated with this mining operation, the applicant shall submit to the County Planning Division a copy of an Operating Permit and approved reclamation plan from the Oregon Department of Geology and Mineral Industries. The mining operator shall maintain a State Department of Geology and Mineral Industries, Operating Permit and all other applicable permits for the duration of this mining operation.
- E. A County Mineral and Aggregate Overlay District Permit shall be obtained before any land disturbance associated with this mining operation. This mining operation is subject to all the applicable standards in Section 708 of the ZDO, including Extraction Area uses, development standards and reclamation. All property owners within the Impact Area shall be notified of the County Mineral and Aggregate Resources District permit process and given the opportunity to participate and comment on the issue of screening, including berms and plantings.
- F. The processing plant located on the existing mining operation (Pac Rock Site) shall be used for processing mineral and aggregate materials from the Rodrigues site. No new processing facilities shall be established on the Rodrigues site.
- G. The Canby Fire District shall review and approve this mining operation to ensure it is acceptable for access by fire and emergency vehicles. The Fire District shall also review and approve the provisions for storage and utilization of both hazardous and flammable liquids in accordance with Uniform Fire Code requirements.
- H. Review and approval of this development by the Oregon Dept. of Water Resources, of any water resource issues that fall within their jurisdiction, including but not limited to obtaining a ground water right permit for industrial uses such as dust control, truck and gravel washing, and water rights for the reclamation ponds.

- I. All mining operator owned mobile diesel extraction and loading equipment shall be fitted with the original equipment manufacturer muffler, or its equivalent.
- J. All non-mining operator owned equipment that will be utilized at this mining site shall be equipped with the original equipment manufacturer muffler, or its equivalent.
- K. All mining operator mobile diesel equipment shall have original equipment manufacture engine compartment side panels.
- L. Subject to State and Federal warning signal requirements, all backup warning signal devices shall be selected or set to the minimum sound level possible, or shall be the ambient noise sensing type which adjust the sound level to the ambient noise off the rear of the vehicle. Back-up beepers that may be switched to light / strobe mode shall be installed and used on all loading equipment and maintenance vehicles. The back-up beepers shall be switched to the light / strobe mode when allowed under State and Federal Warning Signal Requirements (e.g. After Dark).
- M. This mining operation shall utilize mining techniques approved by DOGAMI. Aggregate material shall be transferred to the processing facility by a conveyor system. Transfer points between the conveyors shall be treated to reduce noise. Rubber screens and noise reduction equipment commonly used in the industry shall be employed at this mining site.
- N. Blasting shall not be used for any purpose at this mining site.
- O. All process water shall be retained in a closed water system within the mining site. The mining site may be dewatered for mining individual cells. All water removed form the mining cell as part of dewatering operations shall be reintroduced into the water table by pumping the water to other onsite ponds, or other onsite or offsite methods approved by DOGAMI. This can include utilizing the pond on the adjacent property to the south (Miles property) as a recharge source subject to written approval from the property owner. A copy of the written agreement shall be provided to the Clackamas County Planning Division.

- P. Prior to any land disturbance associated with this mining operation, the applicant shall submit to the County Planning Division a copy of a 1200-C-General National Pollutant Discharge Elimination System Permit (storm water and erosion control) approved by DOGAMI or the Water Environment Services Department.
- Q. A Department of Environmental Quality, Air Contaminant Discharge Permit (ACDP) shall be obtained and maintained by the mining operator throughout the duration of this mining operation.
- R. On site haul roads shall be graveled. An operational water truck shall be maintained on-site for dust control (and fire control) on the interior roadways and access road

throughout the duration of this mining operation. Water shall be sprayed over the crusher to control dust as required by DEQ.

- S. The mining operator shall be responsible for restoring the water source for any property within the final impact area where the State Department of Geology and Mineral Industries, in consultation with other State agencies, determines this mining operation has damaged a well or caused water quality to not meet health standards in place at the time this mining operation is approved.
- T. The mining operator shall submit to the Clackamas County Planning Department any surface water and groundwater studies included in the DOGAMI operating permit application for review as part of the County's required Mineral and Aggregate Resources District Permit.
- U. In coordination with other sand and gravel operators in the area, operators will consider joint efforts to clean the exterior of the Barlow House upon request by the property owner, not to exceed once per year.
- V. **A minimum setback of 30 feet shall be maintained between the extraction area and the north, south and west property lines of the subject property. A greater setback shall be maintained if required by the DOGAMI or by Clackamas County in the review of the Mineral and Aggregate Operating Permit if deemed necessary to protect the structural integrity and stability of Barlow Road and the natural gas pipeline on the west side of Barlow Road. The County shall send notice and request comments from the natural gas company in the review of the Mineral and Aggregate Overlay Operating Permit. The applicant and County shall coordinate with the natural gas company to ensure mining does not impact the natural gas line.**
- W. The asphaltic concrete batch plant approved under File No. Z0652-99-C may continue to operate on the Rodrigues property in the approved location subject to compliance with all conditions of approval.
- X. Topsoil shall only be removed from new mining area on the Rodrigues property between October and May, or at other times using approved dust suppression techniques. Seed and mulch all unvegetated stockpiled topsoil/overburden prior to October 1 of each year. The overburden from the Extraction Area shall be used for reclamation.
- Y. The mining operator shall be responsible for developing and implementing a spill prevention and response program. The program shall be reviewed and approved by Clackamas County Planning Department, DOGAMI and DEQ, if applicable, in order to ensure compliance with DEQ water quality standards. The program shall address substances used in the mining operation including fuels and lubricants. Spill response equipment shall be located on site near the crusher operation area at all times.

3. VISUAL SCREENING CONDITIONS:

- A. The applicant shall provide visual screening along Barlow Road pursuant to Section 708.05B of the ZDO.
- B. All lighting shall be designed to direct light downward and shield adjacent properties from glare.
- C. **There shall be strict compliance with the Berm Landscaping Plans required for the existing mining site and proposed for the Rodrigues property. All dead or dying trees shall be replaced at least annually. The trees shall be planted in conformance with industry standards and planted during the fall or early spring to ensure high survival rates. The west side of the required berm along Barlow Road shall include in addition to the required trees, a combination of ground cover or shrubs planted to landscape industry standards.**

4. NOISE RELATED CONDITIONS:

- A. **Noise resulting from all mining activities within the subject site shall comply with the Department of Environmental Quality noise standards at all existing residences during the lifetime of this mining operation. All berms identified in the Noise Study shall be constructed to mitigate noise. Before the beginning of any aggregate extraction and processing on the Rodrigues property the applicant shall submit to the County Planning Division verification that all of the noise mitigation measures have been implemented and the DEQ Noise Standards are met at all existing residences.**
- B. **Within 45 days after extraction operations are commenced on the Rodrigues property, the operator shall submit a noise study to demonstrate the extraction operations are in compliance with applicable DEQ standards. These reports shall be submitted to the Clackamas County Planning Department.**
- C. All vehicles and equipment used on the subject site shall meet required DEQ Noise Standards.

5. TRAFFIC / ROAD IMPROVEMENT CONDITIONS:

- A. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with *Clackamas County Roadway Standards*.
- B. The applicant shall design and construct improvements on Barlow Road from the site driveway to a point approximately 400 feet northerly from the site driveway. The improvements shall be completed prior to initiation of mining activities on tax lot 1000. These improvements shall consist of:
 - 1. Thermoplastic to replace existing painted longitudinal striping and painted turn lane arrows.

2. Replacement of all damaged or missing reflectorized buttons with new reflectorized buttons.
- C. Prior to the initiation of mining activities on tax lot 1000 , the applicant shall submit to Clackamas County Engineering Office a set of street improvement construction plans for review, in conformance with *Clackamas County Roadway Standards* Section 130, to Clackamas County's Engineering Office and obtain written approval, in the form of a Street Construction and Encroachment Permit. The permit will be for thermoplastic longitudinal striping and turn lane arrows, and reflectorized buttons. The applicant shall have an Engineer, registered in the state of Oregon, design and stamp the construction plans for all required improvements.
- D. The applicant shall design and construct necessary infrastructure on site to prevent mud and other debris from entering onto the County Road systems. The mining operator shall be responsible for keeping Barlow Road entrance clean of any such material that may be tracked from the mining site onto the right-of-way.
- E. A 15 mile per hour speed limit shall be maintained for all vehicles using the roadways within the subject site.
- F. Prior to final approval of a Mineral and Aggregate Operating Permit, the applicant shall enter into a maintenance agreement with Clackamas County for the applicant's proportional share of the maintenance of Barlow Road between the access drive and Hwy. 99E.
- G. The mining operation on the Rodrigues property in combination with the existing Pac Rock mining site shall not generate daily traffic exceeding 154 A.M. Peak Hour trips and 120 P.M. Peak Hour trips.

6. CONFLICTING USES WITHIN IMPACT BOUNDARY:

- A. Property within the Impact Area is subject to Section 708.08 of the ZDO.
- B. No proposed use will be allowed which would cause the mining operation to violate noise control standards measured at the proposed use. It is the responsibility of the applicant for the proposed use to demonstrate compliance with the noise standards. Mitigation measures necessary to achieve compliance with the noise standards shall be the responsibility of the applicant for the proposed use.

PACIFIC ROCK
FILE NOS. Z0756-06-CP / Z0757-06-Z

Exhibit C

1. Condition of approval number 8 in File No. Z0348-93-CP / Z0349-93-Z (Exhibit 2) are amended to read as follows:

“The Extraction Area affected by mining shall be visually screened from properties within the Impact Area to the north and east. Screening shall be accomplished by maintained plantings and / or earthen berm for the duration of mining.”

2. Condition of approval number 6 in the July 28, 2000 Decision in File No. Z1826-97-MAR (Exhibit 6) is amended to read as follows:

“The applicant shall visually and acoustically screen surface mining and processing within the Extraction Area by construction of an earthen berm planted in trees at least 6 feet in height as shown on the Revised Site and Mining Plan. This planted berm shall be extended eastward along the north property line to the northeast corner of the Extraction Area when the mining operation progresses into the area leased to the former property owner. The berm shall be extended eastward to obstruct vision through it that would otherwise result from construction of the relocated access road. The required berm along the west side of the Extraction Area may be removed upon approval of a Mineral and Aggregate Operating Permit for mining on the Rodrigues Property.”

3. Condition of approval number 5 in File Nos. Z0348-93-CP / Z0349-93-Z (Exhibit 2) are amended to read as follows:

“Mining and processing shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. Loading and hauling activities are also allowed between the hours of 6:00 p.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays providing these activities fully comply with DEQ noise standards. Other activities may operate without restriction provided that Department of Environmental Quality noise control standards are met.”

4. Condition of approval number 25 in the July 28, 2000 Decision in File No. Z1826-97-MAR (Exhibit 6) is amended to read as follows:

“Mining and processing shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. Loading and hauling activities are also allowed between the hours of 6:00 p.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays providing these activities fully comply with DEQ noise standards. Other activities may operate without restriction provided that Department of Environmental Quality noise control standards are met.”