

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS**

Zoom link:

<https://us06web.zoom.us/j/85964330391?pwd=NIhwT2NZYkIQOGVhbThzRnNWWXFvdz09%3D>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, March 21, 2023

9:00 a.m.

Present: **Pat Malone**, Chair; **Xanthippe Augerot**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Suzanne Hoffman**, Interim County Administrator

Staff: **Julie Arena**, HOPE Project Manager; **Rick Crager**, Finance; **Cory Grogan**, Public Information Officer; **April Holland**, Health; **Amanda Makepeace**, BOC Staff; **Erika Milo**, BOC Recorder; **Darren Nichols**, **Inga Williams**, Community Development; **Jef Van Arsdall**, Sheriff

Guests: **George Foster**, **Tracy Foster**, **Kevin Kenaga**, **Debbie Palmer**, residents; **John Harris**, Horsepower Productions; **Joel Kalberer**, attorney; **Sam Imperati**, ICM Resolutions; **Rachael Maddock-Hughes**, Sequoia Consulting

1. Opening:

1. Call to Order

Chair Malone called the meeting to order at 9:38 a.m.

2. Introductions

3. Announcements

No announcements were made.

2. Review and Approve Agenda

The following item was added to the agenda:

8.1 Addressing the Community Landfill Petition and the Solid Waste Advisory Committee (SWAC) Request to Resume Meetings – Vance Croney, County

[Click here to see materials](#)

Counsel; Darren Nichols, Community Development

8.2 Discussion of Pending Legislation Senate Bill 847-5 & House Bill 2001-B Regarding Housing and Homelessness – Xanthippe Augerot, Commissioner

[No materials for this item - discussion only](#)

3. Comments from the Public

Kevin Kenaga, resident: Kenaga expressed concerns about the Coffin Butte Landfill (CBL) 20-year contract with the County and upcoming Conditional Use Permit (CUP) application. Before signing the contract, the County should have secured an independent cost-benefit analysis of hosting a regional landfill, an independent environmental impact study of present and future impacts, and a Sustainable Materials Management Plan (SMMP). These items are needed before approving a CUP.

4. Work Session

4.1 COVID Update from Department Operation Center – April Holland, Health Services

Holland reported that as of March 15, 2023, 222 individuals were hospitalized with COVID-19 statewide, about 10 fewer than two weeks ago. As of yesterday, 173 people statewide were boarding (waiting for a hospital bed), down 11% from two weeks ago. Reported cases continue to be low in Benton County and most of the state; few cases are being reported due to widespread use of rapid antigen tests at home. Around March 15, 2023, the County had 50 reported COVID-19 cases, for a seven-day rate of 53 per 100,000 residents. The County has 1.8 new COVID-19 hospital admissions per 100,000 residents, down from 4.5 two weeks ago; 2.5% of staffed beds are in use for COVID-19 patients, down from 3%. Testing positivity fell last week from 14.5% to 10%. Wastewater signals have mainly leveled off statewide and are decreasing in the City of Corvallis. Oregon Health Authority (OHA) will no longer require masking in healthcare facilities as of April 3, 2023; staff are getting messaging out to community partners. Benton County will follow this guidance. Exceptions include providers of services for severely immune-compromised individuals, including cancer treatment centers. Public Health still recommends wearing a mask in healthcare settings, when sick, or around vulnerable individuals.

The bivalent Pfizer COVID-19 booster has been approved for children aged six months to four years, now available at provider offices. The Federal COVID-19 emergency declaration ends April 7, 2023; some benefits will be phased out. The Public Health emergency ends May 11, 2023. February 2023 was the last month of emergency food benefits. On April 1, 2023, OHA will begin re-determining Oregon Health Plan eligibility. There will be changes in funding for vaccines and therapeutics, which will become commercialized once the Federal supply is depleted. This will likely occur early in fall 2023 for vaccines and by the end of 2023 for therapeutics. Some brands of therapeutics are already commercially available. OHA and the County will need funds to purchase these items to ensure equitable access. OHA will estimate what is needed once prices are known, and has requested an operational guide for these products.

Malone asked if COVID-19 boosters were likely to be recommended in the fall, around the same time as influenza vaccines.

Holland confirmed there is likely to be more alignment with the respiratory virus season and simplified recommendations. There have been no changes to existing recommendations yet.

Malone asked if there was a combined influenza and COVID-19 vaccine.

Holland was not aware of one. There are combined tests, and there might be a recommendation to get both vaccines at the same time. There have been promising trials on respiratory syncytial virus vaccines for older adults.

4.2 Update from Benton County Talks Trash (BCTT) Solid Waste Process Workgroup (WG) – Darren Nichols, Community Development

Nichols provided an update on the BCTT WG schedule:

- March 17, 2023: public survey about report draft five opened; resulting data in draft six.
- March 21, 2023: WG members receive draft six and complete a survey on their level of agreement with the findings.
- March 23, 2023: last full WG meeting, with two extended public comment periods. The Board will attend. Any remaining disagreements will be presented as part of the findings.

There is substantial agreement now. Past and present WG and subcommittee members can submit a personal statement for the final report by April 1, 2023.

- March 27-31, 2023: WG subcommittee members will be on call for clarifications.
- April 3, 2023: final contents-only report delivered to the Board and the public.
- April 4, 2023: open house on the report, beginning a public comment period through May 26, 2023.
- April 18, 2023: polished report will be formally presented to the Board.

Substantial public outreach has included a mailer sent to every County property. Nichols anticipated completing the work on schedule, and emphasized that for the first time ever, the County has a thorough history of Coffin Butte Landfill, a list of issues, community perspectives, and historical documents all in one place.

4.3 Budget Discussion: Benton County Talks Trash Solid Waste Process Workgroup – Darren Nichols, Community Development

Nichols explained that as the scope of the BCTT project expanded, the budget has expanded. In January or early February 2023, work time almost doubled, with Imperati and team spending more time in active mediation, not just facilitation. The Board-approved budget was \$153,000; the project passed that amount in mid-February 2023. Now there is a much clearer estimate of remaining costs. The complete budget for the project through June 2023 will be \$236,404.84. Factors in the increase:

- Fees for community-based legal counsel, which was added to represent the public on the Legal and Land Use Subcommittee.
- Complexity of the project and level of conflict.
- Personal family matters for Nichols, which required Imperati and team to perform more project management duties.
- Expansion of the project, largely due to requests of the WG members.
- Additional public outreach, engagement, and surveys, which required additional coordination with the facilitators to ensure consistent messaging.

Nichols concluded that participants feel the project is important and needs to be completed.

Wyse asked if the BCTT budget has been publicly shared, as requested by a member of the public at a previous Board Meeting.

Nichols replied that invoices through February 2023 were shared with the WG and on the public County website.

Wyse asked if there was an alternative if the Board did not provide the funding.

Nichols did not have an alternative and did not recommend that approach.

Wyse explained that the question served to highlight that the County does not have many other options, and needs to finish the work. Wyse asked if this budget is still a very small percentage of landfill revenue.

Nichols confirmed this budget represents about 5-10% of one year's revenue.

Augerot agreed this was a small fraction of landfill revenue; the County should have invested some funds for this each year, instead of all at once. Augerot supported finishing the project.

Malone stated this project is an investment and a roadmap. Most of the increase has already been incurred, requiring about \$25,000 to finish up.

Wyse noted that Imperati has discounted fees by \$20,400 so far. Wyse asked if this is the last BCTT budget expansion.

Nichols affirmed.

Imperati affirmed, and will continue to discount remaining bills by 8-9%.

MOTION: Augerot moved to approve the additional sum of \$83,405 to account for the remainder of the Benton County Talks Trash project. Wyse seconded the motion, which **carried 3-0.**

5. Consent Calendar

5.1 In the Matter of Approving the Minutes from the March 7, 2023 Board Meeting [Click here to see materials](#)

Wyse noted a correction to the March 7, 2023 minutes: on page six of eight, “protect rural character and keep density cities” should read “protect rural character and keep density in cities.”

MOTION: Wyse moved to approve the Consent Calendar of March 21, 2023 with the correction as noted. Augerot seconded the motion, which **carried 3-0.**

6. Public Hearing

PH 1 In the Matter of a Public Hearing to Close Out a Community Development Block Grant (CDBG) Childcare Scholarship Project – Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting [Click here to see materials](#)

Chair Malone opened the Public Hearing at 11:00 a.m.

Crager explained that the Public Hearing is part of the requirements for receiving the CDBG award. Notice was posted as required in English and Spanish.

Maddock-Hughes read the report aloud in English.

Makepeace read the report aloud in Spanish.

Public Comment

No comment was offered.

Chair Malone recessed PH 1 at 11:07 a.m.

PH 2 In the Matter of a Public Hearing to Close Out a Community Development Block Grant (CDBG) Food Assistance Project – Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting [Click here to see materials](#)

Chair Malone opened PH 2 at 11:07 a.m.

Maddock-Hughes noted an error in the public hearing notice as published: “56,000 persons” should read “46,000 persons.” Maddock-Hughes read the report aloud in English.

Makepeace read the report aloud in Spanish.

Public Comment

No comment was offered.

Chair Malone recessed PH 2 and reconvened PH 1 and PH 2 into a joint Public Hearing at 11:13 a.m.

[Click here to see presentation](#)

Maddock-Hughes gave a presentation on CDBG COVID-19 relief funding. Benton County received:

- \$250,000 for childcare, plus \$50,000 from the Ford Family Foundation, providing scholarships for 126 children of low- to moderate-income families to attend childcare, after school, or school break programs. The County partnered with United Way. The grant ran from January 2022-March 2023. Challenges: Housing & Urban Development bureaucracy and paperwork made it difficult for some families to apply; the reimbursement-based program was difficult for childcare organizations; this is one-time funding.
- \$250,000 for the Linn-Benton Food Bank, providing a refrigerated truck and food from February 2022-March 2023. Nearly 50,000 people in both counties benefited. Challenges: equipment procurement delays due to supply chain issues.
- \$485,000 for housing. The County partnered with DevNW. The grant runs from September 2022-September 2023.

Maddock-Hughes shared positive feedback from grantees. Childcare costs continue to be a challenge for many families. There is more need than this program was able to meet. Staff recommend that the County continue this program if other funding can be sourced.

Crager added that the American Rescue Plan Act and CDBG offer about \$90,000 for affordable housing and homelessness prevention. The County had difficulty spending all childcare assistance funds by April 1, 2023; however, Business Oregon has provided more flexibility.

Maddock-Hughes shared that the remaining funding was because one of the childcare grantees could not use the funding within the time limit.

Augerot noted that CDBG funds are challenging to administer, but benefit community organizations and families who need the support.

Malone concurred and asked about future funding prospects for these programs.

Maddock-Hughes and Crager had discussed that some County funding may be available, depending on several other projects. It is worthwhile to seek funding for people who are asset limited/ income constrained/ employed, but are above the State level for receiving assistance. Maddock-Hughes recommended working with a research partner such as Oregon State University or the Brookings Institute to demonstrate long-term impact.

Crager added this can be discussed with the Board during the budget process. Childcare is a County priority. Oregon Community Foundation has provided opportunities through State legislative appropriations, which could be pursued with the County lobbyists.

Augerot will meet with staff from Early Learning Hub, who want to partner with businesses and state agencies to offer daycare programs at job sites.

MOTION: Wyse moved to accept both reports as presented. Augerot seconded the motion, which **carried 3-0.**

Chair Malone closed PH 1 and PH 2 at 11:32 a.m.

PH 3 In the Matter of a Public Hearing for a Land Use Appeal: Foster – Darren

[Click here to](#) *Nichols, Community Development*

[see materials](#)

Staff report

Nichols explained this is an appeal of a land use approval, which allows the County to revise the conditions of approval. On January 17, 2023, the Planning Commission (PC) approved expansion of the quarry with certain restrictions to protect water quality in a stream. Later, quarry owner-operators George and Tracy Foster discovered that the stream was not mapped correctly. Community Development staff visited the site on March 3, 2023. The quarry is an important resource for the Community of Alsea, but protecting water quality is also important. Staff suggested an alternative way to protect water resources while allowing the quarry to operate. The Oregon Department of Geology and Mineral Industries (DOGAMI) already monitors stream runoff; applicants are also required to do third-party testing; a three-part settling area is working well. The applicant will continue to provide test results; if testing does not meet standards, the County can inspect and, if necessary, close the quarry until steps are taken. The applicants also mentioned a complaint about noise monitoring. The nearest houses are about half a mile away from the quarry. Under initial conditions, anyone could file a noise complaint; applicants asked to limit this to surrounding neighbors.

Responding to a question from Wyse, Counsel confirmed this is a de novo hearing.

Augerot was glad to see the letter of support from Steve Trask, a statewide expert on salmonids.

Nichols added that Trask is a near neighbor of the quarry.

Wyse asked about improperly handled waste materials and pollutants mentioned in sub-packet 1.

Nichols explained these were prior conditions that the Fosters cleaned up. When staff visited the site, the waste material and equipment had been removed, and erosion conditions and oil contamination had been cleaned up.

Public Comment

G. Foster explained that the prior operator had a great deal of equipment and had limited time to remove material from the property. After the 2019 DOGAMI report, the Fosters cleaned up the material within 30 days and received a clean bill of health from the Department of Environmental Quality (DEQ).

Kalberer, counsel to the Fosters, explained that this quarry serves the Alsea area for roads, driveways, and forestry uses. The quarry is almost played out as currently delineated by DOGAMI, which requires land use approval before the Fosters can request expansion. The Fosters met all conditions of approval under the ordinance; there are no adverse impacts to adjacent uses; the only issue remaining was water quality. The stream is monitored under a

National Pollution Discharge Elimination System permit with DOGAMI and DEQ. Trask has indicated this quarry operation does not present a concern for fish and wildlife habitat.

Wyse asked about the employee daily checklist for the quarry (see packet).

G. Foster explained that the Fosters' employee monitors the ponds. The stream is seasonal and is monitored daily, with weekly checks and a monthly report to DOGAMI.

The Board declared having no ex parte contacts or conflicts of interest in this matter.

Wyse noted that in the PC minutes, Commissioner Evelyn Lee amended the motion to include that the conditions of approval apply to the property and future property owners, but apparently that is already included.

Counsel confirmed that the conditional use permit goes with the property and lasts only as long as the operation lasts. If the owners sell the quarry and there is a one-year break before more quarry operations, the permit expires.

MOTION: Augerot moved to approve the applicants' appeal of the Planning Commission's decision and modify the conditions of approval as proposed in the attached memorandum. Wyse seconded the motion, which **carried 3-0.**

Malone closed the Public Hearing at 11:54 a.m.

7. Old Business

7.1 In the Matter of Adopting Order #D2023-036: Findings Approving A Farm-Help Dwelling in Land Use Case Number LU-22-023 – Vance Croney, County Counsel

[Click here to see materials](#)

Counsel explained this is the Order returned from the February 21, 2023 land use hearing, the Jordan-Crosby appeal of the Planning Commission's denial of a relative farm-help dwelling. The matter centered on changes in State law regarding clear and objective standards for needed housing properties. The Board concluded that the Benton County Code definition of a commercial farm operation is not defined and is not unambiguous; the Board approved the applicants' request to overturn the denial and approve the application. The findings, conclusion, and Order were initially drafted by the applicants' attorney; staff have edited the Order to more closely align with the Board's decision.

MOTION: Wyse moved to adopt Order #D2023-036 adopting the findings approving a farm-help dwelling in Land Use Case #LU-22-023. Augerot seconded the motion, which **carried 3-0.**

8. Other

8.1 *Addressing the Community Landfill Petition and the Solid Waste Advisory Council (SWAC) Request to Resume Meetings –Vance Croney, County Counsel; Darren Nichols, Community Development

[Click here to see materials](#)

Counsel explained that SWAC has asked several times that the Board re-institute its meetings. The Board has indicated that discussions relating to solid waste should be focused at the BCTT One Table. The Board may also consider a response to an online community petition that would

ask the Board not to make any decisions on a Conditional Use Permit application from Republic Services (RS) until a Solid Waste Management Plan (SWMP) is adopted. The petition has not been filed yet. The request would put the Board in a potential conflict with State law, which requires that land use decisions be made within 150 days. The Board has no legal authority to impose a moratorium on a decision about land use applications from RS. Staff request a Board position statement to address this misunderstanding of Board limitations.

Nichols added that while the County should have had a SWMP decades ago, and is working towards that, there are still legal constraints. If the Board delayed taking action on any land use application, the applicant could after 150 days file with Circuit Court for a writ of mandamus. The Court can compel that action or make the decision for the County, which could negate community input on the topic.

[Click here for Exhibit 1](#) Wyse suggested that the Board read the draft statement by Counsel (exhibit 1) aloud, ask staff to disseminate the statement, and move to approve the statement.

Malone read the statement aloud.

MOTION: Wyse moved to accept the statement as the Board's formal position on the community petition, and direct staff to disseminate it through the County's regular communication channels. Augerot seconded the motion, which **passed 3-0.**

Nichols explained that SWAC has met monthly with its two appointees to the BCTT Work Group (WG), who serve as liaisons between the groups. After SWAC and the liaisons met last week, the SWAC Chair emailed the Board asking to restart regular SWAC meetings once the BCTT report is made public. Because April-May 2023 is a public comment period, staff feel that is not timely and could be distracting. The Board should be the first body to hear and consider next steps from the BCTT process. Staff recommend that the PC, SWAC, and the Disposal Site Advisory Committee (DSAC) continue to suspend normal meeting operations until receiving additional direction from the Board, after the report public comment period.

Wyse agreed with the staff recommendation. Wyse disliked returning to a question that the Board has already answered. After the Board approved the BCTT WG bylaws and scope, WG members questioned what they should work on. The Board again said that discussion should occur at the One Table. The Board made a statement to this effect and held lengthy conversation at a Board Meeting, and Wyse read a statement to the WG. Wyse did not favor changing the Board's original direction, and felt the Board should continue not to have SWAC meet.

Augerot concurred that the Board prefers to continue the One Table as the primary venue for now, including time to receive all public feedback and absorb the information. SWAC needs to wait and the PC needs to meet on other matters until the entire BCTT process is closed.

Malone stated the Board has been consistent in the One Table approach. This fits in with the County's effort to reorganize committees, re-examining bylaws, scope, and membership to ensure committees meet current needs. Malone favored delay in restarting the role of SWAC, DSAC, and the PC in the solid waste conversation. Malone requested that when the BCTT report is released, staff provide a potential timeline for restarting SWAC/DSAC meetings. Malone suggested summer 2023, but did not specify a deadline.

Nichols to return with that information.

Wyse directed the public to previous Board motions on this subject.

Responding to a question from Counsel, the Board confirmed that past direction still stands.

[Click here
for Exhibit 1](#)

{Exhibit 1: SWAC Memorandum and Draft Petition Statement}

8.2 Discussion of Pending Legislation Senate Bill (SB) 847-5 & House Bill (HB) 2001-B Regarding Housing and Homelessness – Xanthippe Augerot, Commissioner

Augerot explained that staff have been tracking two Oregon bills regarding housing. HB 2001-B is now on the Senate side; the Board signed the House letter of support, and Augerot recommended that the Board also sign the Senate letter of support.

MOTION: Augerot moved that the Board endorse House Bill 2001-B as it stands in the Senate. Wyse seconded the motion, which **carried 3-0.**

Augerot explained that Senate Bill 847-5 relates to temporary exemptions for aspects of land use planning relating to the homelessness crisis. One element provides liability coverage for cities or counties sponsoring safe resting places or camping areas for unhoused people as a transitional measure. Augerot asked if the Board wanted to make a formal endorsement, submit testimony, or sign a letter. Roseburg City Councilor Ellen Porter is a primary supporter and wants to keep the bill alive for a hearing/work session on March 27, 2023. The bill will either be modified or a compromise brokered by the State to provide interim insurance coverage. While there has not been a strong demand for this from cities in Benton County, the League of Oregon Cities fully supports the bill. Sanctioned camping will reduce pressure on waterways, streams, and parks.

Malone asked if the Board was considering whether to support the bill as is, or generally support the concept.

Augerot replied that Porter's request is to support the bill as is. This liability exemption is currently an opt-in for counties and cities. The bill's geography refers to the remainder of the state/Rural Oregon Continuum of Care, which covers Benton County now, but would not if Benton forms its own Continuum of Care. Augerot hoped to amend that aspect, but supported the overall concept.

Arena added that Porter's intent is to elevate the issue of liability insurance to the State for a solution. Porter intends to keep the bill opt-in, whether through a waiver of liability insurance or umbrella coverage provided by the State.

Malone supported the concept but preferred to reserve judgment on the final bill.

Augerot noted the bill will die if it does not proceed to a hearing and work session. If the bill is altered in the work session, the Board can change its stance.

MOTION: Augerot moved to support Senate Bill 847-5 moving forward to its work session, and to support the concept of providing liability coverage for assisting the homelessness safe rest and sanctioned camping areas. Wyse seconded the motion, which **passed, 3-0.**

Crager to draft a letter to that effect.

Chair Malone recessed the meeting at 10:49 a.m. and reconvened at 11:00 a.m. with the Public Hearings.

Wyse asked who else will attend the ABC House fundraising dinner on April 6, 2023. The Board has purchased a table.

Augerot will attend. Other guests to be determined.

9. Adjournment

Chair Malone adjourned the meeting at 12:21 p.m.

DocuSigned by:

Pat Malone

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Pat Malone, Chair

DocuSigned by:

Erika Milo

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Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*



Board of Commissioners
 Office: (541) 766-6800
 Fax: (541) 766-6893
 4500 SW Research Way
 Corvallis, OR 97333
 co.benton.or.us

AGENDA

(Chair May Alter the Agenda)

BENTON COUNTY BOARD OF COMMISSIONERS

Tuesday, March 21, 2023, 9 AM

How to Participate in the Board of Commissioners Meeting			
In-Person	Zoom Video	Zoom Phone Audio	Facebook LiveStream
Kalapuya Building 4500 Research Way Corvallis, OR	Click for Zoom link	Dial 1(253) 215-8782	Click for Facebook LiveStream link
	Zoom Meeting ID: 859 6433 0391		
	Zoom Passcode: 711284		

NOTE: Alpine and Alsea Human Services County Service District meetings will immediately follow the Board of Commissioners meeting

1. Opening

- 1.1 Call to Order
- 1.2 Introductions
- 1.3 Announcements

2. Review and Approve Agenda

3. Comments from the Public

Time restrictions may be imposed on public comment, dependent on the business before the Board of Commissioners. Individual comment may be limited to three minutes

4. Work Session

- 4.1 15 minutes – COVID Update from Department Operation Center – *April Holland, Health Services*
- 4.2 15 minutes – Update from Benton County Talks Trash Solid Waste Process Workgroup – *Darren Nichols, Community Development*
- 4.3 15 minutes – Budget Discussion: Benton County Talks Trash Solid Waste Process Workgroup – *Darren Nichols, Community Development*

The Board will take a brief recess between the Work Session and Business Meeting

BUSINESS MEETING

5. Consent Calendar

5.1 In the Matter of Approving the Minutes from the March 7, 2023 Board Meeting

Public Hearings

(Hearings are heard at 11:00 a.m., time certain or as soon thereafter as the matter may be heard)

Those wishing to speak should sign the "Public Comment" sign-in sheet – Thank you.

PH 1 In the Matter of a Public Hearing to Close Out a Community Development Block Grant Childcare Scholarship Project – *Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting*

PH 2 In the Matter of a Public Hearing to Close Out a Community Development Block Grant Food Assistance Project – *Rick Crager, Financial Services; Rachael Maddock-Hughes, Sequoia Consulting*

PH 3 In the Matter of a Public Hearing for a Land Use Appeal: Foster – *Inga Williams, Community Development*

7. Old Business

7.1 In the Matter of Adopting Order #D2023-036: Findings Approving A Farm-Help Dwelling in Land Use Case Number LU-22-023 – *Inga Williams, Community Development*

8. Other

ORS 192.640(1)" . . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects."

CONSENT CALENDAR

**MINUTES OF THE MEETING
BENTON COUNTY BOARD OF COMMISSIONERS**

Zoom link:

<https://us06web.zoom.us/j/88412127621?pwd=S0lhUXY0cVhKQk9SMnZoWDY1SXZJdz09%3D>

Livestream: <http://facebook.com/BentonCoGov>

Tuesday, March 7, 2023

9:00 a.m.

Present: **Pat Malone**, Chair; **Xanthippe Augerot**, Commissioner; **Nancy Wyse**, Commissioner; **Vance Croney**, County Counsel; **Joe Kerby**, County Administrator

Staff: **Rick Crager**, Finance; **Cory Grogan**, Public Information Officer; **April Holland**, Health; **Nick Kurth**, JSIP Manager; **Amanda Makepeace**, BOC Staff; **Erika Milo**, BOC Recorder; **Darren Nichols**, **Daniel Redick**, **Inga Williams**, Community Development; **Sarah Siddiqui**, Equity, Diversity, & Inclusion; **Jef Van Arsdall**, Sheriff

Guests: **Cynthia Crosby**, **Ken Eklund**, **Claire Fulsher**, **Kevin Fulsher**, **Joel Geier**, **Kate Harris**, **Connie Jordan**, **Debbie Palmer**, **Nancy Whitcombe**, **Edward Wienhoff**, **Mark Yeager**, residents; **John Harris**, Horsepower Productions; **Tom Hewes**, Northwest Energy Works; **Sam Imperati**, ICM Resolutions; **Becky Merja**, City of Corvallis; **Alex Powers**, Mid-Valley Media

1. Opening:

1. Call to Order

Chair Malone called the meeting to order at 9:00 a.m.

2. Introductions

3. Announcements

No announcements were made.

2. Review and Approve Agenda

No changes were made to the agenda.

3. Comments from the Public

Mark Yeager, resident: Yeager stated that the current 20-year Coffin Butte Landfill (CBL) franchise agreement between Benton County and Valley Landfills, Incorporated, has several concerning sections. Yeager could find no record of public involvement in this process, except a virtual Public Hearing on December 15, 2020 prior to the Board's adoption, where no testimony was given. Agreement sections 4c and 5b state that Valley Landfills plans to apply to expand CBL by 2024. Franchise fees paid to the County in 2024 jump by over \$1.4 million per year, and the host fee jumps by \$1 per ton. CBL receives more than a million tons of garbage per year. The agreement says that if the County does not approve expansion by 2025, the franchise fee revenue is reduced by \$1 million per year and the host fee is reduced by \$.56 per ton. Yeager expressed concern that the Board and Planning Commission would make unbiased decisions about expansion given these financial incentives. Agreement section 6 requires a \$10 million pollution liability insurance policy to defend Valley Landfills and the County from environmental lawsuits, but the requirement has a 30-day notice escape clause: if the insurance is not available, or is not available at a reasonable cost, the franchisee will notify the County and will not be in default of this agreement. This does not seem like enough financial protection for the County and

residents from environmental lawsuits. These topics have not been discussed by the Benton County Talks Trash (BCTT) Work Group (WG), and deserve meaningful discussion.

Paul Nietfeld, resident: Nietfeld, a member of a BCTT WG subcommittee, called attention to CBL revenue in the County budget, especially for the 2023-25 biennium. The economics benefit cost charge topic is not being directly addressed by the WG; instead, the Sustainable Materials Management Plan (SMMP) subcommittee is outlining benefit cost topics for suggested inclusion in the proposed future SMMP. It seems unlikely that the BCTT final report will offer guidance on landfill surcharge revenue (LSR). Accurate guidance for expected LSR in the 2023-25 biennium could be generated from the 2020 landfill franchise agreement fee schedule, using intake tonnage projections. The current landfill franchise agreement contains financial incentives for expansion approval, but at the projected intake tonnage levels, the County will meet or exceed its expected landfill surcharge revenue for 2023-25 without any expansion. Using projected intake of 1.5 million tons per year, the LSR would be about \$7.5 million, exceeding the budgeted amount of \$6.7 million. County LSR goals can be achieved without CBL expansion.

Debbie Palmer, resident: Palmer urged the Board not to authorize any more County funds for Imperati and to insist that Imperati complete facilitation of the BCTT WG within the current budget. Palmer detailed the number of meetings held by various WG subcommittees, which include County staff. For instance, the Past Land Use subcommittee has had 21 meetings so far. The number of meetings also places an unfair time burden on volunteers.

Kate Harris, resident: Harris, an Adair Village rental property owner and manager, expressed concerns about an oppressive stench from CBL which affects residents and schoolchildren, causing headaches, eye irritation, and throat burning. With the Disposal Site Advisory Committee (DSAC) shut down during the BCTT process, Harris has lost the primary source of addressing concerns about the safety and livability of CBL. Other complaint processes such as the DEQ odor complaint website have proven ineffective. Harris urged the Board to bring the BCTT process to a timely close, without paying Imperati more, and to resume DSAC meetings.

4. Work Session

4.1 COVID-19 Update from Department Operation Center – April Holland, Health Services

Holland reported that 232 individuals were hospitalized with COVID-19 statewide as of March 1, 2023, a slight decrease from 250 cases two weeks ago. Hospitalizations have not gone below 200 since May 2022. As of yesterday, 194 people were boarding (waiting for a bed) in hospitals statewide, a 25% increase from 153 people two weeks ago, but down from a peak of 355 at the end of 2022. Reported COVID-19 case counts are low in Benton County and most of the state. With people mainly using rapid antigen tests at home, it is estimated that only 5% of cases are reported. During the week of February 19, 2023, the County had 64 reported cases, down from 77 cases two weeks ago. County COVID-19 hospital admissions are 4.5 per 100,000 residents, with 2.9% of staffed beds in use by COVID-19 patients. Last week, testing positivity remained elevated at 14.5%, but down from 16% two weeks ago. Linn, Benton, and Lincoln Counties are seeing sustained increases in wastewater signals, but City of Corvallis monitoring has plateaued since a rise in mid-February 2023. Holland urged everyone to get the bivalent booster. About 30% of County residents have received the bivalent booster, including 83% of residents aged 65 and older. There are no recommendations at this time for more than one booster dose.

On March 3, 2023, Oregon Health Authority (OHA) announced that workers, patients, and visitors in healthcare settings will no longer be required to wear masks starting April 3, 2023.

This includes medical clinics, behavioral health, physical therapy, occupational therapy, hospitals, long-term care facilities, emergency departments, nursing, and pharmacies. OHA cited falling rates for influenza, COVID-19, and respiratory syncytial virus. Oregon Executive Order 2224, which offered hospitals flexibility in patient care, expired yesterday. Some healthcare settings may continue to require masks even after the OHA requirement is lifted. Masks are still recommended for individuals who are high-risk, sick, or in crowded indoor settings. The Federal COVID-19 Emergency Declaration will end May 11, 2023. OHA and Oregon Department of Human Services are working to preserve benefits for as many people as possible. Benton County Health has been sharing resources with partners.

4.2 Update from Benton County Talks Trash (BCTT) Solid Waste Process Workgroup (WG)– *Darren Nichols, Community Development Director*

Nichols shared the updated BCTT WG calendar (exhibit 1):

- This week: WG presents the outline for the Sustainable Materials Management Plan at the Sustainability Coalition town hall.
- Next week: subcommittees finish findings and recommendations draft five. The County will start a multi-channel communications blitz through the end of March 2023. Nichols thanked Grogan, JonnaVe Stokes, and Siddiqui for this effort.
- March 17, 2023: public survey about draft five opens; resulting data to go into draft six.
- March 23, 2023: last full WG meeting. Any members of the WG or subcommittees can submit a personal statement for the final report, due April 1, 2023.
- April 3, 2023: final contents-only report delivered to the Board and the public.
- April 4, 2023: open house on the report, beginning a public comment period through April 18, 2023.
- April 18, 2023: polished report will be formally presented to the Board.

Staff have tried to compress the process while allowing time for public comment. The entire process could be completed by April 18, 2023, but this does not allow much time to absorb the report. The Board could use the open house to thank WG members, hear report contents, and begin an extended period of public comment before deliberating.

Wyse supported extending the public input time.

Augerot expressed concern about added staff workload to compile public comments, and asked if comments would be included in the report.

Nichols replied that written comments on the final draft would be bundled separately for the Board when the report is presented. If the Board wishes, a public hearing could be held.

Augerot favored staff bundling the comments and providing a summary. A final public hearing would provide closure for the community. Augerot suggested a 45-day comment period.

Nichols noted that staff workload will drop in early April 2023 due to fewer WG meetings.

Augerot asked if the final version of the report would be compiled by staff, or a consultant.

Nichols replied that staff, the communications team, a consultant, and a publisher will assemble the polished version of the report, to be available within a week after final contents are delivered. However, the review period could begin as soon as the contents are delivered.

Augerot recommended only having one version of the report available to the public to avoid confusion.

Nichols replied in that case, the public comment period could open on April 11, 2023.

Wyse asked about the merits of a 45- or 60-day comment period.

Malone felt that the original 10-day period was much too short; many people have not heard about the project. Malone suggested 60 days starting April 4, 2023.

Augerot was concerned about public interest waning, and favored 45 days starting April 11, 2023.

Grogan commented this should work from a communications standpoint.

The Board deliberated and decided to begin the main public comment period on April 11, 2023 after the final report is released, and to accept written comments for 47 days, through May 26, 2023. Staff to compile comments and schedule a Board hearing in early- to mid-June 2023.

{Exhibit 1: BCTT Updated Schedule} (filed)

4.3 Benton County Talks Trash Work Group: Project Budget Update – *Darren Nichols, Community Development; Sam Imperati, ICM Resolutions*

Nichols addressed public comments about the BCTT WG budget and process: most of the schedule has been driven by WG members; staff have tried to accommodate the members' interest in reaching agreement. Nichols praised ICM Consulting's facilitation and staff's support. Some continued resistance has slowed the process. As a result, staff anticipate making a final funding request. Some members of the public feel the process has taken too long, others that it has been too short; the County has tried to provide the opportunity to get into the details, which has mainly been successful.

Imperati added now that there is a good outline of final steps, a final cost estimate can be provided. This was a budget-based agreement, not bid-based, subject to negotiation and Board approval. The process has created numerous common understandings and recommendations that did not exist before, providing value for time and money spent.

Wyse commented that the Board was unfazed about extending the timeline; initial estimates were optimistic. It is better to take the time to do something right. Wyse shared a chat message from a community member asking what public information the County could share, such as a copy of the BCTT WG budget.

Nichols offered to share that information on the BCTT website and at the next Board Meeting. In September-December 2022, BCTT spending averaged about \$15-20,000 per month; that amount doubled in January 2023 and has continued at that level through February 2023. Much of the increase is due to shuttle diplomacy and active mediation inherent in the process. The County is spending about 2-3% of annual landfill revenue on this process. Nichols to bring a revised budget to the Board no later than March 21, 2023.

5. Consent Calendar

- 5.1 **Ratification of the February 28, 2023 Letter of Support to Senators Wyden and Merkley and Congresswoman Hoyle for Congressional Directed Spending Requests**
- 5.2 **Approval of the February 21, 2023 Board Meeting Minutes**

MOTION: Augerot moved to approve the Consent Calendar of March 7, 2023. Wyse seconded the motion, which **carried 3-0.**

Chair Malone recessed the meeting at 10:09 a.m. and reconvened at 10:21 a.m.

The Board heard items from **7. New Business** and **8. Other.**

Chair Malone recessed the meeting at 10:52 a.m. and reconvened at 11:00 a.m.

6. Public Hearings

PH 1 In the Matter of a Continuation of a Public Hearing and Potential First Reading of Ordinance #2023-0318 Revising Benton County Code (BCC), Chapters 4, 5, and 6 –Vance Croney, County Counsel

Chair Malone opened the Public Hearing at 11:00 a.m.

Staff Report

Counsel explained that at the initial Public Hearing, Augerot asked about adding gender to the list of topics that would trigger rejection of a voter's pamphlet statement based on bias or discrimination. After reviewing related laws, Counsel and Morales added that item to Chapter 5. During review, Morales noted passages in Chapters 5 and 6 that were redundant or unnecessary. Morales and Counsel decided it would be preferable to return with a more accurate and thoughtful solution for those items. Thus staff request that the Board let this Ordinance die and close the Public Hearing with no action. Morales and Counsel will bring back the changes in no more than a month for a new Public Hearing.

Chair Malone closed the Public Hearing at 11:04 a.m.

Ordinance #2023-0318 died without action.

PH 2 In the Matter of a Continuation of a Public Hearing Regarding an Appeal of Planning Commission Land Use Decision Regarding LU-22-023; Jordan – Inga Williams, Community Development

Chair Malone opened the Public Hearing at 11:05 a.m. for deliberations only; the record was closed at the initial Public Hearing on February 21, 2023.

Wyse stated that as regards dwellings being built, the Board must consider clear and objective standards (C&OS), which now are applied both inside and outside the Urban Growth Boundary. Because Benton County Code (BCC) does not contain a clear and objective definition of commercial farming, Wyse stated that the Board should accept the appeal and overturn the Planning Commission's denial.

Augerot concurred. The County does not have C&OS; Augerot would like staff to develop C&OS, but at this time, Augerot supported granting the application and overturning the decision of the Planning Commission (PC).

Malone favored supporting the decision of the PC and staff, and did not feel this farm qualified as a commercial farming operation. The appellants' Tax Schedule F showed \$3,300 of annual gross income, the only year mentioned; Malone would like to have seen several Schedule Fs to show the trend. The farm plan was well developed but included no consequences if not followed through on. Malone expressed concern about building houses in Exclusive Farm Use (EFU). The farm is less than 80 acres and makes considerably less than \$80,000 of gross income, therefore it does not qualify as a commercial farming operation.

Augerot felt that the State's safe harbor criteria are not acknowledged in BCC, and the County has been inconsistent in applying its own code. In one case, the County accepted a hazelnut orchard on a less than 80-acre parcel with no current income stream and some off-farm income, without asking any questions about that income, yet in this case, the County did question the income and nitpicked income sources. Augerot was uncomfortable with BCC pushing all farms to be 80 acres or larger and to be large mainstream commercial farms, rather than sustainable farms. Augerot strongly favored the farming approach being taken in this case, though that is not part of the criteria; using rotational grazing and active pasture management should be encouraged. However, Augerot's reason to uphold the appeal is the lack of C&OS. As the County works on changing code, the Board also needs to discuss what types of agriculture to encourage, and how to do so within the statewide land use framework.

Wyse agreed with Augerot. Wyse generally wants to protect rural character and keep density cities, but in this case, the County does not have C&OS. That needs to change.

MOTION: Based on the evidence in the record, and upon hearing testimony on the issue, Wyse moved to approve the applicant's appeal, thereby overturning the original notice of decision on file number LU-22-023. Augerot seconded the motion, which **carried 2-1** (Malone opposed).

Wyse recommended that staff look at other places in BCC that are missing C&OS.

Chair Malone closed the Public Hearing at 11:14 a.m.

Malone agreed there is a need for clarity in BCC.

Nichols agreed that the County has not been consistent in its application of code, and the law has changed recently to require C&OS for the siting of housing in resource zones. The Board requested C&OS for farm-help dwellings in resource zones, and clarity in development code across BCC. Nichols strongly supported both, but was not sure where to find staff capacity. Nichols requested time to evaluate and return with a proposal to address the first request. Lack of C&OS in BCC in general creates challenges for the public and staff. Community Development may have some funding resources to seek outside help revising BCC; Nichols requested time to investigate that. There are many pressures on finding a place to live in Benton County, so wanting to live on resource land is understandable. At the same time, there is a finite supply of agricultural and forest land and a future of climate uncertainty.

The Board supported Nichols returning with a staff recommendation as soon as practical.

Counsel noted Williams and Nichols will need to bring back an Order to memorialize the approval of the application on March 21, 2023. This will return as a regular agenda item, not a Public Hearing.

7. New Business

7.1 Resolution #R2023-003 Authorizing a Financing of Real and Personal Property in a Principal Amount Not to Exceed \$36,000,000 and Related Matters – Rick Crager, Financial Services

Crager requested authorization to obtain financing for the new Courthouse and District Attorney's Office. The County fund balance has generally stayed stable since the last reporting in summer 2022. The County can borrow up to \$36 million and still maintain a positive threshold of fund balance to operating expenses. JSIP projections show a \$34 million borrowing cost, but details still need to be negotiated with the Oregon Judicial Department, so staff were conservative in asking for up to \$36 million. The Resolution authorizes Crager and the County Administrator to negotiate and execute a financing agreement, providing discretion on details. The agreement will likely consist of tax-exempt bonds, but another tool could be used if it offered a better payout and interest rate. The Resolution also authorizes use of bond counsel Hawkins Delafield & Wood. Staff are considering investment banking companies D. A. Davidson regarding pricing and Piper Sandler as lead underwriter. Interest rates have remained fairly stable, even slightly down; Crager added a hundred basis point cushion. The County could have less debt service than forecast.

Wyse asked Crager to keep the Board informed if borrowing needed to exceed \$34 million.

Crager affirmed. The goal is to acquire the financing before June 30, 2023, or possibly in August 2023.

Augerot asked if a local sale was still being considered.

Crager replied that tax-exempt bonds usually offer better pricing, but Crager has already asked the financial advisor about exploring local investors. Private entities are sometimes less willing to have such a long-term bond. Best price is the bottom line.

MOTION: Augerot moved to approve Resolution #R2023-003 authorizing a financing of Real and Personal Property in a Principal Amount Not to Exceed \$36,000,000. Wyse seconded the motion, which **carried 3-0.**

7.2 Letter of Support for Corvallis Housing First (CHF) Grant Application to Oregon Housing and Community Services – Joe Kerby, County Administrator

Kerby explained that CHF is applying for funding for 46 affordable housing units at Third Street Commons, next to the County's Avery Complex. CHF requested a letter of support from the Board. CHF and staff have worked through the issue of proximity to the County's fuel tank.

Malone noted that CHF has a good track record. This project will triple the size of the operation.

MOTION: Augerot moved to approve issuing the letter of support for Corvallis Housing First's grant application to the Oregon Housing and Community Services Department to permanently fund 46 safe and affordable housing units at Third Street Commons. Wyse seconded the motion, which **carried 3-0.**

8. Other

Augerot asked if another Commissioner could attend tonight's Alsea Town Hall.

Malone and Wyse were not able to attend.

Augerot mentioned there is a Commissioners' Corner event in the Community of Alsea on April 17, 2023. Augerot shared there has been considerable staff discussion of whether to make a County Emergency Declaration on Homelessness to qualify for part of the Governor's funds for homelessness emergency. The deadline to submit projects is March 10, 2023. After contacting others around the state, Benton County staff recommend that the County not pursue a declaration. It would be cumbersome due to the timeline for using funds and allowable uses, plus the requirement to participate in a regional Emergency Operations Center. The County will have access to the remainder of State funds through Oregon Housing & Community Services and the Rural Oregon Continuum of Care (ROCC), working with Community Services Consortium (CSC) to access those funds and do some Linn-Benton-Lincoln County coordination. The legislature added \$27 million to cover the 26 counties outside the declaration, including Benton.

Wyse asked if staff asked Augerot to bring that message forward, rather than staff presenting. Wyse recalled that the Board asked staff for more information at a previous meeting.

Augerot replied that the Board asked for a cost-benefit analysis. Yesterday Augerot received Rebecca Taylor's email regarding what staff learned on March 3, 2023. Due to the timeline, the Board would have had to consider the matter today. The consensus of Emergency Manager Bryan Lee, CSC, and other County and City of Corvallis staff is that it is not worthwhile to pursue an emergency declaration at this time.

Wyse respected that conclusion. Wyse requested that staff share such information with all three Commissioners in future.

Malone noted that the year's first Legislative Breakfast event was held on April 4, 2023.

Wyse suggested offering a virtual option for future Legislative Breakfasts.

The Board deliberated and decided to schedule virtual options for the remaining events, technology permitting. Kerby to follow up with staff.

Wyse asked if the Board wished to invite the Sheriff and District Attorney to the County's table at the Celebrate Corvallis event.

The Board confirmed. Board's staff to issue invitations.

9. Adjournment

Chair Malone adjourned the meeting at 11:20 a.m.

Pat Malone, Chair

Erika Milo, Recorder

** NOTE: Items denoted with an asterisk do NOT have accompanying written materials in the meeting packet.*

PUBLIC HEARINGS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 03/21/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Finance

Contact Name * Rick Crager

Phone Extension * 6246

Meeting Attendee Name * Rick Crager

Agenda Item Details



Item Title * Community Development Block Grant - Childcare Scholarship Project

Item Involves * Check all that apply

- Appointments
- Budget
- Contract/Agreement
- Discussion and Action
- Discussion Only
- Document Recording
- Employment
- Notice of Intent
- Order/Resolution
- Ordinance/Public Hearing 1st Reading
- Ordinance/Public Hearing 2nd Reading
- Proclamation
- Project/Committee Update
- Public Comment
- Special Report
- Other

Estimated Time * 15 minutes

Board/Committee Involvement * Yes No

Advertisement*

Yes

No

**Names/Dates of
Publications**

List each publication name and date

Albany/Corvallis Paper, 3/7/2023

Benton County Finance Website, 3/7/2023

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues *

Benton County is completing a Childcare Scholarship project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is in Benton County. It is estimated that the project has benefited at least (100) persons of whom (100%) are low or moderate income.

The purpose of the hearing is for Benton County to obtain citizens views about the project and to take comments about the local government's performance.

Options *

Accept report as presented.

Decline report as presented.

Fiscal Impact *

Yes

No

2040 Thriving Communities Initiative

Mandated Service?* Yes
 No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values* Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- N/A

Explain Core Values Selections* Provide financial assistance to low-income families to access child care.

Focus Areas and Vision* Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

Explain Focus Areas and Vision Selection* N/A

Recommendations and Motions

Item Recommendations and Motions

Staff

Staff recommends to approve the report as presented.

Recommendations*

Meeting Motions*

I move to ...

....approve the report as presented.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

FSD_Childcare_Scholarship_2nd_Public_Hearing.... 12.78KB

FSD_Childcare_Scholarship_2nd_Public_Hearing_... 13.06KB

Comments (optional) If you have any questions, please call ext.6800

Department Approver RICHARD CRAGER

1.

Department Approval

Comments

Signature

Rick Crager

2.

Counsel Approval

Comments

Signature

Vance H. Choney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Amanda Makepeace

2nd Public Hearing Notice

Benton County is completing a Childcare Scholarship project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is: Benton County. It is estimated that the project has benefited at least (100) persons of whom (100%) are low or moderate income.

A public hearing will be held by the County on March 21, 2023 at 4500 SW Research Way Corvallis, Oregon 97333. The meeting can be accessed remotely via the following Zoom link: <https://us06web.zoom.us/j/85964330391?pwd=NIhwT2NZYklQOGVhbThzRnNWWXFvdz...>

The purpose of the hearing is for Benton County to obtain citizens views about the project and to take comments about the local government's performance. Written comments are also welcome and must be received by March 20, 2023 at 5pm at 4500 SW Research Way Corvallis, Oregon 97333. Both oral and written comments will be reviewed by the County.

The location of the hearing is accessible to the disabled. Please let Sarah Siddiqui at sarah.siddiqui@co.benton.or.us know if you need any special accommodations to attend or participate in the hearing.

More information about the Oregon Community Development Block Grant program and the project is available for public review at 4500 SW Research Way Corvallis, Oregon 97333 during regular office hours. Advance notice is requested.

2.ª notificación de audiencia pública

El condado de Benton está llevando a cabo un proyecto de becas de cuidado infantil financiado con los fondos de la Subvención en Bloque para el Desarrollo Comunitario del Departamento de Desarrollo Comercial de Oregon. La ubicación del proyecto es: condado de Benton. Se estima que el proyecto ha beneficiado al menos a (100) personas, de las cuales el (100 %) tiene ingresos bajos o intermedios.

El condado realizará una audiencia pública el 21 de marzo de 2023 en 4500 SW Research Way Corvallis, Oregon 97333. Se puede acceder a la reunión de forma remota a través del siguiente enlace de Zoom:

<https://us06web.zoom.us/j/85964330391?pwd=NIhwT2NZYklQOGVhbThzRnNWWXFvdz...>

El objetivo de la audiencia es que el condado de Benton obtenga las opiniones de los ciudadanos sobre el proyecto y recoja comentarios sobre el desempeño del gobierno local. También se aceptan comentarios por escrito antes del 20 de marzo de 2023 a las 5 p. m. en 4500 SW Research Way Corvallis, Oregon 97333. Tanto los comentarios verbales como escritos serán revisados por el condado.

El lugar de la audiencia es accesible para las personas discapacitadas. Informe a Sarah Siddiqui en sarah.siddiqui@co.benton.or.us si necesita alguna adaptación especial para asistir o participar de la audiencia.

Hay más información sobre el programa de Subvención en Bloque para el Desarrollo Comunitario y el proyecto disponible para ser revisado por el público en 4500 SW Research Way Corvallis, Oregon 97333 durante el horario de atención habitual. Se solicita notificar con anticipación.

BOC Agenda Checklist Master

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Department * Finance

Contact Name * Rick Crager

Phone Extension * 6246

Meeting Attendee Name * Rick Crager

Agenda Item Details



Item Title * Community Development Block Grant - Food Bank Project

- Item Involves *** Check all that apply
- Appointments
 - Budget
 - Contract/Agreement
 - Discussion and Action
 - Discussion Only
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Advertisement*

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No

Names/Dates of Publications

List each publication name and date

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Issues and Fiscal Impact

Item Issues and Description

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Benton County is completing a Food Bank project funded with Community Development Block Grant funds from the Oregon Business Development Department. The location of the project is in Benton County. It is estimated that the project has benefited at least 56,000 persons of whom (100%) are low or moderate income.

The purpose of the hearing is for Benton County to obtain citizens views about the project and to take comments about the local government's performance.

Options*

Accept report as presented.

Decline report as presented.

Fiscal Impact*

Yes

No

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Mandated Service?* Yes
 No

2040 Thriving Communities Initiative

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- Community Resilience
- Equity for Everyone
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- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

Explain Focus Areas and Vision Selection* N/A

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Staff recommends to approve the report as presented.

Meeting Motions* I move to ...
...approve the report as presented.

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Item Comments and Attachments

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FSD_Food_Assistance_2nd_Public_Hearing.docx 12.81KB

FSD_Food_Assistance_2nd_Public_Hearing_Span... 12.99KB

Comments (optional)

If you have any questions, please call ext.6800

Department Approver

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Benton County Emergency COVID-19 Community Development Block Grants—Childcare and Food Bank Projects

**Second Public Hearing
March 20, 2023**

Presented by Sequoia Consulting

CDBG COVID-19 Funding

The Oregon State Community Development Block Grant (CDBG) program, administered by the Oregon Business Development Department (Business Oregon), receives an annual allocation of federal funds from the US Department of Housing and Urban Development (HUD). In addition, **Business Oregon has received CDBG Coronavirus (CDBG-CV) funds through the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.**

Purpose - The CDBG primary national objective is to benefit low- and moderate-income (LMI) persons. LMI is defined as 80 percent of the county median income, adjusted by household size. In limited cases, CDBG funds may be used to alleviate qualifying urgent needs. LMI persons receive assistance through local programs and activities funded with a state CDBG grant. **Based on the CARES Act, the purpose of CDBG-CV funding is to prevent, prepare for, and respond to the COVID-19 pandemic.**

Eligible Activities - **Emergency Small Business and Micro-enterprise Assistance Grant, COVID-19 Impact Assistance, and Housing Related assistance** to those LMI households that are affected by the impact of COVID-19.

Benton County

Applied for and received:

- COVID-19 CDBG Childcare Assistance-\$250,000
- COVID-19 CDBG Food Bank Assistance-\$250,000
- COVID-19 CDBG Housing Assistance- \$485,000

- **Total CDBG COVID-19 Funds: \$985,000**

- **Additional Leveraged Funding**
 - \$50,000 from The Ford Family Foundation to support two specific grantees in the childcare project

- **Total CDBG + Other funding: \$1,035,000**

Timeline & Partners

- **COVID-19 CDBG Childcare Assistance**
 - Partner: United Way
 - January 2022-March 2023
 - *Eligible projects reimbursed from November 2021
- **COVID-19 CDBG Food Bank Assistance**
 - Partner: Linn, Benton Food Bank
 - February 2022-March 2023
- **COVID-19 CDBG Housing Assistance**
 - Partner: DevNW
 - September 2022-September 2023

Results

Childcare

126 children received scholarships for childcare, afterschool and school break courses

- Little Beavers (childcare)-6 children
- Corvallis Environmental Program-6 children
- Kristen Tangney Childcare-2 children
- South Side Youth Outreach-15 children
- Corvallis Parks and Recreation-76 children
- Mari's Place (Community Outreach Inc) 14 children

Food Bank

Nearly 50,000 people in Linn and Benton Counties benefited from assistance

- One refrigerated box truck purchased
- Emergency Food Box Program: 25,495
- Emergency Meals: 20,596
- Gleaning group members: 3,500

Challenges

Childcare

- Bureaucracy and paperwork from HUD
- Reimbursement-based program difficult for childcare organizations
- One-off funding

Food Bank

- Delays due to supply chain issues for procurement of equipment (trucks, etc.)

What the Grantees Are Saying

“These scholarships **literally made a difference between kids staying home alone unsupervised and being able to send children to our programs where they could be safe** and supervised and participate in enrichment activities. It truly made a difference for families that had loss of income, and experienced other challenges throughout the pandemic.”

“The mom cried. **She was slightly over for state pay and her family was struggling.** She was going to have a family friend watch one daughter because of the cost. The kids were thrilled to know they were staying in their happy daycare”

“Our regular scholarship amount is \$150 per person. We were able to offer full scholarships for multiple programs to youth who qualified. **One student identified as coming from a vulnerable living situation was able to participate in a nature-based, all outdoor program, basketball and music and movement class. He otherwise would have only been able to participate in basketball.** Parents were able to enroll their children in multiple weeks of summer camp versus one week helping offset the need for childcare while they worked. **Several children were also able to participate in a three week-long theatre camp that is cost prohibitive (@\$575) for many families** so children were able to participate in not only more programming but varied programming as well. This scholarship benefitted families in so many ways!”

What the Grantees Are Saying

“These scholarships got underserved kids outside and into our nature-based preschool and summer camps. **We see over and over again the positive impact this has on social connections and learning, especially coming out of the pandemic when many of the kids have been isolated.** “

“**The scholarships had a huge impact on our families being able to manage their other financial obligations, attend college, go to work and for some to be able to have their child in a safe place while attending counseling and drug and alcohol treatment.**”

“One of our parents benefited by being able to pursue her education while having the security of consistent childcare and her monthly tuition payments taken care of.”

What's Next?

Having consistent, safe childcare helps families with housing and job stability, long-term poverty alleviation, and benefits the children with social and emotional learning support

- Childcare costs continue to be a challenge for many families in Benton County
- There is more need than this program was able to meet
- There is a niche to be filled, potentially by the County and other funders, to support families who are over the state-threshold but still struggling (ALICE—Asset Limited, Income Constrained, Employed)
- Opportunities to create a long-term program would be welcomed by the community
 - Recommend engaging a research partner (Oregon State University or other), to track long-term impact of this program



Thank you

Rachael Maddock-Hughes

www.sequoiaconsulting.org

Rachael@sequoiaconsulting.org



BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 03/21/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Darren Nichols

Phone Extension * 6394

Meeting Attendee Name * Inga Williams

Agenda Item Details



Item Title * Appeal of Planning Commission Land Use Decision Regarding LU-22-047; Foster

- Item Involves *** Check all that apply
- Appointments
 - Budget
 - Contract/Agreement
 - Discussion and Action
 - Discussion Only
 - Document Recording
 - Employment
 - Notice of Intent
 - Order/Resolution
 - Ordinance/Public Hearing 1st Reading
 - Ordinance/Public Hearing 2nd Reading
 - Proclamation
 - Project/Committee Update
 - Public Comment
 - Special Report
 - Other Public Hearing on Appeal of a Planning Commission land use decision

Estimated Time * 1 hour

Board/Committee Involvement *
 Yes
 No

**Name of
Board/Committee**

Planning Commission

Advertisement*

Yes

No

**Names/Dates of
Publications**

List each publication name and date

Albany/Corvallis newspaper advertisement
published 03/09/23; Notice of Public Hearing
mailed 03/07/23

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*

George and Tracy Foster are appealing the Planning Commission's Decision to Approve with Conditions of Approval as outlined in the Notice of Decision for Conditional Use Permit File # LU-22-047. The appeal request is to remove two of the Conditions of Preliminary Approval and two of the Operating Conditions of Approval. The appeal requires a public hearing before the Board of County Commissioners.

Options*

- 1) Approve the appeal of the Conditional Use Permit, thereby removing Conditions of Preliminary Approval Numbers 2 and 3 and Conditions of Operating Approval Numbers 4 and 6.
- 2) Modify the Conditions of Preliminary Approval and Conditions of Operating Approval.
- 3) Overturn the Planning Commission's decision and approve the removal of the four Conditions of Approval.

Fiscal Impact*

- Yes
 No

2040 Thriving Communities Initiative

Mandated Service?* Yes
 No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description* If this agenda checklist describes a mandated service or other function, please describe here.
The process to appeal a decision of the Planning Commission is provided by state law and Benton County Code, BCC 51.815, 51.825, and 51.830.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values* Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- N/A

Explain Core Values Selections* n/a

Focus Areas and Vision* Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

Explain Focus Areas and Vision Selection* n/a

Recommendations and Motions

Item Recommendations and Motions

Staff

Recommendations*

Approve the Applicant's appeal of the Planning Commission's decision and modifying the conditions of approval as proposed in the attached memorandum.

Meeting Motions*

I move to ...

...approve the Applicant's appeal of the Planning Commission's decision and modifying the conditions of approval as proposed in the attached memorandum.

--OR--

...deny the applicant's APPEAL of specific conditions of approval, thereby upholding the Planning Commission's decision as written.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

2-AppealApplication.pdf	357.45KB
3-1.3.23 PC Minutes.pdf	156.53KB
4-1.17.23 PC Minutes.pdf	167.05KB
5-1.3 PC Packet.pdf	10.04MB
6-1.17 PC Staff Items.pdf	2.21MB
7- 1.17 PC Applicants Items.pdf	19.15MB
8-Staffs PC PowerPointPresentation.pdf	738.39KB
1-Foster conditions of approval - BOC memo - final	567.45KB
3-17-2023.pdf	

Comments (optional) If you have any questions, please call ext.6800

Department Approver DARREN NICHOLS

Department Approval

Comments

Signature

Darren Nichols

BOC Initial Approval

Approvals Required Counsel

Finance

HR

Counsel Approver VANCE CRONEY

**County
Administrator
Approver** MAURA KWIATKOWSKI

Comments

Counsel Approval

Comments

Signature

Vance H. Choney

County Administrator Approval

Comments

Signature

Hanna Kwiatkowski

BOC Final Approval

Comments

Signature



Amanda Makepeace

1.

Department Approval

Comments

Signature

Darren Nichols

2.

Counsel Approval

Comments

Signature

Vance H. Chokey

3.

County Administrator Approval

Comments

Signature

Manna Kwiatkowski

4.

BOC Final Approval

Comments

Signature

Amarda Makepeace

Memorandum

From: Vance M. Croney, County Counsel

To: Benton County Board of Commissioners

Date: March 14, 2023

Re: Recommended changes to conditions of approval imposed by Planning Commission (Land Use File LU-22-047 Foster)

Staff and County Counsel recommend revising the conditions of approval imposed by the Planning Commission.

On January 17, 2023, the Benton County Planning Commission approved a conditional use application to expand Alsea Quarries. The applicant appealed that approval on the grounds that certain conditions of approval were unwarranted and did not reflect the topography of the subject property.

On March 3, Community Development Director Darren Nichols, Associate Planner Inga Williams and I met applicant George Foster at the subject property to conduct a site inspection. The attached map shows the existing quarry (outlined in red), the proposed expansion area (in blue) and the proposed buffer zone around quarry water discharge areas (in yellow).

The planning commission was shown a map image of the property which indicated a stream along northern edge of the existing quarry, roughly following the boundary between the existing and proposed quarries (the red and blue boundary edges). Based in large part on that map, the planning commission determined the indicated stream warranted riparian protection and imposed conditions requiring a 100-foot setback from the stream, a riparian restoration plan and a conservation easement. The applicants objected, arguing there is no stream in that location and therefore, no riparian protection is warranted.

Upon inspection of the property, it was apparent to staff that the applicants are correct, there is no stream in the location indicated on the map. The existing surface water is a seasonal stream which flows from above the quarry to the northwest, then south before turning southeast around the existing quarry. The map stream location is incorrect.

There is water discharge from the existing quarry, but it is generated by subsurface water emerging in the existing quarry, exiting on the western side of the quarry. From there, the runoff is captured in an existing detention pond required by DOGAMI before flowing under the existing roadway to a second and third set of ponds, as well as an oil and water separator basin, all of which are included in the applicants' current DOGAMI permit. From there, the water continues to flow to the west, as indicated on the map.

Applicants have recognized the need for buffering protection for the water as it flows into the ponds, but objected to riparian protection where no surface water exists. Staff agrees.

Applicants and staff have worked together to identify an appropriate buffer zone, in a location identify by DOGAMI as relevant to the quarry operations and regulated by DOGAMI.

After inspecting the property, observing the water runoff measures in place and better understanding the topography of the subject property, staff recommends the conditions of approval established by the Planning Commission, be revised as shown below in redline format. Staff believes the revisions accurately reflect the facts of the application, the regulatory conditions imposed by DOGAMI and the applicants' desire to fully comply with state and county requirements.

Conditions of Preliminary Approval

The following Conditions shall be met within two years of the date of decision; the Planning Commission may grant one extension for up to a year prior to the expiration of the preliminary approval period if the applicant submits to the Benton County Community Development Department a written extension request stating the reasons preventing completion within the approval period. Failure to complete the Conditions within the period of validity shall render this Conditional Use Permit void.

P1: The applicant shall obtain required permits from the:

- Oregon Department of Environmental Quality for air quality, stormwater runoff, and wastewater.
- Oregon Department of Geology and Mineral Industries for site reclamation and mine safety standards.
- Oregon Department of State Lands for earth removal and fill permits for activities conducted in wetlands and waterways.
- Oregon Water Resources Department for water rights for consumptive use of water for processing.

The applicant shall provide an electronic copy of each agency's permit to the Community Development Department immediately upon receipt of each permit.

P2: Applicant or quarry operator must seasonally buffer 100' on all sides of their final discharge pond and 50' on both sides of its discharge within the CUP permitted area. The buffer means there will be no ordinary ground-disturbing quarrying activities in the buffer area at times when water is actively flowing. The existing roads within the seasonal buffer zone, however, are exempt from this buffer restriction and machinery travel on existing roads is not restricted in this buffer area. When water is actively flowing, the applicant or quarry operator may be required to utilize additional commonly accepted stormwater best practices to protect disturbed areas from erosion.

Applicants are further allowed to perform pond maintenance and construction at times there is no active flow. All such activities will be done in accordance with rules and best practices established and enforced by DOGAMI.

The seasonal buffer zone is identified as that portion of the subject property outlined in yellow on the attached map, labeled Exhibit A and incorporated herein by reference. The

portion of the subject property subject to this conditional use approval is outlined in blue. The existing quarry is outlined in red.

The applicant or operator shall permanently mark the seasonal buffer area in a manner that allows quarry personnel to clearly see the demarcated area.

- P3: The property owners shall submit a copy of the Stormwater Pollution Control Plan (SWPCP) to the County. Any violation of the SWPCP shall be corrected within 30 days or as provided by SWPCP regulations, whichever is sooner. If the correction is not timely made, the County may suspend quarry activities until the correction is made.
- P4: All quarry operations and associated activity will remain at least 75 feet, measured horizontally as if on a map, from right-of-way of South Mountain Road. The property/right-of-way boundary line shall be established by survey and illustrated in a record of survey recorded with the County. The applicants shall permanently mark the setback in a manner that allows quarry personnel to clearly see the demarcated area.
- P5: The applicants shall submit a copy of a DOGAMI approved reclamation plan for the expansion area to the Community Development Department.
- P6: The applicants maintain all existing trees within the 75-foot setback from South Mountain Road and will plant more trees to provide a screen between the road and the quarry. The applicant may request staff provide a site visit to assess and indicate the location of required tree plantings.
- P7: The applicants shall place a security fence within the 75-foot buffer along South Mountain Road. The minimum fencing allowed shall be a 4-foot high, barbed wire fence. The fencing shall be placed along the full length of the north boundary of the subject property.
- P8: The applicants shall provide Community Development Department with a survey sketch of the expansion area, not to exceed 20 acres for the quarry and 2 acres for accessory uses, and located in the general area as indicated in Exhibit C.

Conditions of Operating Approval

The following Conditions apply to the property and shall be met by current and future owners of the property and operators of the quarry. These conditions shall apply for the duration of the quarrying operation:

- Op1: The property owners shall maintain the security fence along South Mountain Road in good condition until the quarry ceases operation.
- Op2: The property owners shall maintain all trees within the seasonal buffer area identified in Exhibit A and shall replace any dead trees until the earlier of the lifespan of the quarry or the quarry ceases operations.
- Op3: The property owners shall maintain the riparian habitat within any state-regulated or required riparian buffer along Cedar Creek and replace dead vegetation consistent with such regulations.
- Op4: The property owners shall meet noise level requirements set by Oregon Administrative Rules Chapter 340, Division 35, NOISE CONTROL REGULATIONS, 340-035-0035, Noise Control Regulations for Industry and Commerce.

- If any complaints are received by the Department of Environmental Quality or the County from an adjacent “noise sensitive property”, as that term is defined by the DEQ, the County may require the applicant to provide a noise study. If the noise study indicates that noise levels exceed the State’s allowable levels, the property owners shall provide a mitigation plan to decrease noise levels.
- A new noise study may be required when mitigation has been in effect for 1 month. If noise from the quarry operation continues to exceed allowable levels, the County may require additional noise mitigation including but not limited to ceasing operations or revoking this conditional use permit if noise mitigation is insufficient to comply with the DEQ noise standards.

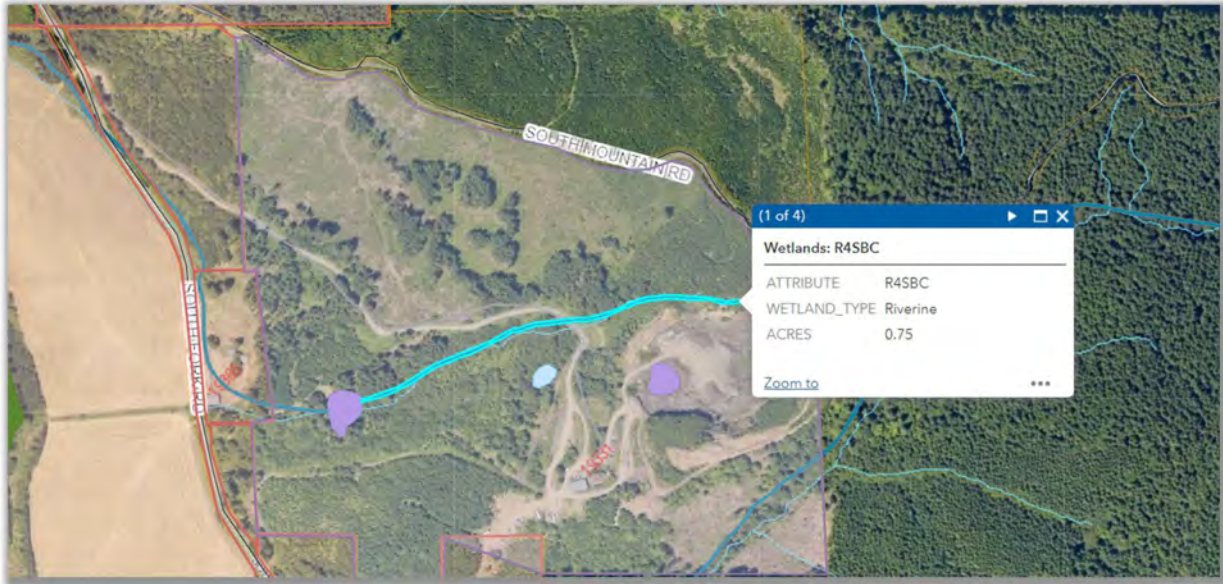
Op5: The property owners shall submit a copy of the Monthly Stormwater Monitoring Form directly to the County for review.

Op6: Once a year, the County may inspect the subject property utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report.

Op7: Quarry operating hours are limited to 7 AM to 6 PM. Blasting hours are limited to 9 AM to 5 PM.

Op8: The expansion area is limited to an area not to exceed 20 acres. Accessory uses to the quarry are limited to an additional 2 acres. The total area of quarry expansion and accessory uses shall not exceed 22 acres.

Op9: The property owners shall not excavate in a manner which would result in disturbance of perimeter fencing or screening or would impair the intent of the reclamation plan.





**Benton
County**

**COMMUNITY DEVELOPMENT
DEPARTMENT**



Community Development Department

Office: (541) 766-6819
360 SW Avery Avenue
Corvallis, OR 97333

co.benton.or.us/cd

APPLICATION

APPEAL OF A PLANNING COMMISSION DECISION

138-23-00006-PLNG

File # LU-22-047

Fee*: Cost of Original Application \$ 2,395.00

**ALL SECTIONS MUST BE COMPLETED. ATTACH ADDITIONAL SHEETS IF NECESSARY.
REVIEW WILL BEGIN ONLY WHEN THE APPLICATION IS DETERMINED TO BE COMPLETE**

Appellant

Name: George and Tracy Foster Phone #1: 541-766-6819

Address: PO Box 272 Phone #2: _____

City & Zip: Alesea, OR 97324 Email: foster@peak.org

Other individuals to be notified of this application:

<u>Name</u>	<u>Address</u>	<u>City & Zip</u>
Joel Kalberer	P.O. Box 667	Albany, OR 97321
Weatherford Thompson P.C	jdk@wtlegal.com	

The appellant hereby requests the Board of County Commissioners to consider the following decision:

File Number: LU-22-047 Nature of Application: Conditional Use Permit for change

Decision: Approved with conditions Decision Date: January 17, 2023

Assessor's Map & Tax Lot Number: T 14S S, R R7W W, Section(s) 18, Tax Lot(s) 200

REQUIRED: (Failure to cite specific Plan or Code provisions and to demonstrate standing will nullify your appeal.
See BCC 51.830. Attach additional sheets as necessary.)

1. State the reasons for the appeal, citing the specific Comprehensive Plan or Development Code provisions which are alleged to be violated:

See attached statement. Conditions P2, P3, OP4 and OP6

2. A statement of the standing to appeal: The appellant is the applicant.

***NOTE: The required fee is a deposit in the amount of the fee of the original application (or if the original application fees were waived per BCC 51.520, then the fee is \$200). Costs of processing the appeal will be tracked and any portion of the deposit not expended in the appeal will be returned to the appellant together with an accounting of the costs.**



Signature

1-24-23
Date

(For Office Use Only)

Date Application Received: 01/30/2023 Receipt Number: 45674

File Number Assigned: Lu-23-007 Planner Assigned: _____

January 30, 2023

Community Development Department
360 SW Avery Avenue
Corvallis, OR 97333

Re: *Applicant Statement – Appeal of Planning Commission Decision – LU-22-047*

This law firm represents George and Tracy Foster regarding the above-referenced land use decision. The purpose of this letter supplements the appeal form with the reasons for appeal. This is an appeal of a rock quarry expansion at 19331 South Fork Road, Alsea, Oregon.

There were no comments in opposition to this application.

The Fosters are appealing the decision because they were mistaken regarding the conditions for approval prepared in the staff report and provided to the Planning Commission.

Staff Report's Conditions of Approval

On Friday, December 23, 2022, the Fosters received a draft of a staff report attached by email from staff for the upcoming January 3, 2023 Planning Commission hearing. The email was labeled "final (almost) staff report." This December 23, 2022 staff report did not contain the current language in condition P2, P3, or OP6. I provided comments to staff regarding this report. Generally, the applicant was satisfied with the conditions in the December 23, 2022 staff report. Specifically, draft staff report's original P2 and P3 conditions did not require a 200-foot wide "conservation easement" and did not contain the native planting now contained in condition P2 and P3. Nor did the staff report require additional County-controlled storm water inspections. The applicant was ready to proceed with the Planning Commission hearing under the conditions in December 23, 2022 staff report.

On December 27, 2022, an email was sent to my office and to the Fosters from staff. The email contained a link to the Planning Commission notice with the January 3, 2023 "Meeting Packet". During this Christmas break, I was out of town and did not review this packet. I was not available on January 3, 2023 for the Planning Commission hearing. The Fosters did not realize the staff report was changed.

A new staff report was contained within the Meeting Packet. This new staff report substantially re-wrote the prior conditions of approval contained in the December 23, 2022 draft staff report. We were unaware of the changes.

The Fosters represented themselves at the January 3, 2023 hearing before the Planning Commission. They were unaware of the staff report changes and assumed the report was consistent with the December 23, 2022 version. The Fosters submitted additional information to the record after the hearing to address concerns raised by the Planning Commission members. The hearing record was closed January 11, 2023.

The Planning Commission reconvened and deliberated January 17, 2023. Neither myself nor the Fosters were aware about the conditions in P2 and P3 and OP4 and OP6 in the December 27, 2022 staff report. The purpose of this summary is not to criticize the staff or how the report was issued, but to explain the excusable mistake the applicant had regarding the contents in the staff report.

On January 17, 2023, the Planning Commission voted to approve the permit application with all the conditions contained in the December 27, 2022 staff report.

Conditions of Preliminary Approval Subject to this Appeal

The staff report contains two conditions of “preliminary approval” that exceed the authority of the Planning Commission to approve, they are set forth below:

P2: The applicants shall delineate a 100-foot setback from the top-of-bank of both sides of Cedar Creek (riparian buffer) on property owned by the applicants.

- The applicants shall work with the Benton Soil and Water Conservation District to create a plan to restore a native riparian habitat within the riparian buffer. The plan shall outline the time needed to complete the restoration.
- If this time frame is beyond the two years allowed for a Condition of Preliminary Approval, the applicants shall get Planning Official approval of the plan and, if granted, will be allowed to extend this condition beyond the two-year time frame.
- To finalize this condition, the riparian buffer shall be inspected by the Benton Soil and Water Conservation District, or a professional suggested by them, who will be requested to provide the County with a written acknowledgement that the buffer restoration has been completed.
- The applicants shall permanently mark the riparian buffer in a manner that allows quarry personnel to clearly see the demarcated area.
- The applicant shall place the riparian buffer area under a Conservation Easement and include a survey of the buffer.

P3: The property owners shall submit a copy of the Stormwater Pollution Control Plan (SWPCP) to the County. A re-inspection of the subject property is required utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report.

- The County shall hire the inspector.
- The applicants shall pay the fee for the inspection.
- If the inspections show any violations or areas of non-compliance, the inspection shall be repeated every 30 days until there are no violations or areas of non-compliance.
- This condition shall be considered complete when the inspection shows no violations or areas of non-compliance.

The purpose for a conditional use permit review is to address “*land uses which may have an adverse effect on surrounding permitted uses in a zone.*” BCC 53.205. The staff report even acknowledges there are no negative impacts to adjacent uses. On page 7, the staff report states, “*An expansion of the quarry should have little impact on surrounding uses if the property is maintained in accordance with requirements of Oregon state agencies that regulate the development and operation of the quarry.*” There is no substantial evidence in the record of adverse impacts to surrounding areas to even trigger application of conditions of approval P2 and P3 in conformance to OAR 660-023-0180(5); BCC53.215 (1) and (3). There is no evidence that the quarry expansion even has identified significant conflicts requiring these conditions..

Generally, the County is prohibited from imposing additional criteria or conditions of approval upon a conditional use permit except “*to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to otherwise ensure compliance with the purpose and provision of this code.*” BCC 53.220. The staff report’s conditions of preliminary approval, P2 and P3, adopted by the Planning Commission, fails to identify the applicable code criteria the condition it is attempting to meet or mitigate.

Despite the finding that other regulations with state agencies are sufficient to avoid adverse impacts to surrounding permitted uses, the Planning Commission nevertheless adopted conditions that add additional regulation to the Foster’s quarry operation. Condition P2 requires a 100-foot conservation easement on each side of Cedar Creek and also requires the applicant to conduct riparian restoration regarding Cedar Creek. Cedar Creek is most accurately identified intermittent stream on the subject property that seeps out of the rocks. Areas on both sides of the creek are heavily used for staging and internal circulation for the mining activity. The creek area is already subject to protection under DOGAMI regulations, the DEQ, and DSL regulations. There is no finding that condition P2 and P3 address concerns other permitted uses in the area.

Under Oregon law, conditions of approval must be supported by the record demonstrating that conditions would lead a reasonable person to conclude a need for the condition and that the condition supports a legitimate planning purpose authorized by the comprehensive plans and local land use regulations. In this case, given that the applicant is subject to regulations required under DOGAMI, DEQ, and DSL regarding safeguarding Cedar Creek, there is no need for additional safeguards. While consideration of habitat and open spaces is a purpose of the Multi-Purpose Agriculture zone (MPA) (BCC 56.005), there was no necessary finding made by the Planning Commission that the proposed use negatively impacts Cedar Creek, interferes with uses on the adjacent property, with the character of the area, or is inconsistent with the purpose of the zone. Water quality related to fish and wildlife issues are already addressed by the regulations imposed on the applicant through DOGAMI, DEQ, and DSL regarding safeguarding Cedar Creek. There is no evidence that a 200-foot-wide conservation easement and native plantings addresses any adverse impacts on other permitted uses. Without these findings, the County exceeds its jurisdiction no condition can be placed.

Additionally, the Cedar Creek area, while within the general quarry operation, *is outside* of the expansion area subject to the conditional use permit review. There is no finding that the *expansion area* would create a negative impact to Cedar Creek and the County is barred from revisiting this already approved area in which gravel mining was approved for. BCC 53.205, BCC 53.215, *see also* BCCP 5.10.8.

Condition P2 (as well as the other conditions) also fails to provide clear and objective standards and introduces criteria not in the code. Condition P2 requires working with the Benton Soil and Water

Conservation District “to create a plan to restore a native riparian habitat within the riparian buffer” without identifying what such a plan requires. This plan, in turn, requires “Planning Official approval” without identification of the approval criteria. Condition P2 additionally requires confirmation from the “Conservation District, or a professional suggested by them” that the “buffer restoration has been completed” without identification of the criteria for completion. It requires a “conservation easement” without identifying the recipient of the easement, what uses would be permitted within the easement, or even the most basic terms of the easement. The conditions are also unconstitutionally vague because a reasonable applicant is unable to understand what must be done to comply with the conditions. These conditions are not clear and objective as required under OAR 660-023-0180(5)(e).

Further, the conservation easement and replanting requirements effectuates a new reclamation plan on the existing mining facility. This condition may violate farm and forest uses otherwise permitted for the site’s post-mining plan. Such a reclamation plan imposed by the County exceeds the jurisdiction of the County and infringes the jurisdiction of DOGAMI regarding the existing reclamation requirements. (ORS 517.780; BCCP 5.10.f *also citing* OAR 660-023-0180). The Comprehensive Plan prevents conditions of approval that contradict post-mining uses. BCCP 5.10.4.

Lastly, for the reasons that condition P2 fails to address any applicable criteria, it then effectuates a governmental taking of land or unconstitutional exaction by requiring a “conservation easement” to be placed on the riparian buffer area.

Condition P3, likewise addresses water quality at Cedar Creek. In this condition, the applicant is required to submit a DOGAMI Stormwater Pollution Control Plan (SWPCP) to the County. P3 allows the County to hire an inspector at the cost of the applicant to inspect for any violations. Given that the site is already monitored by DOGAMI and the DEQ, it is unclear what an additional inspection regime addresses. Other than paying for inspections, the condition of approval provides the County no other remedy for violations.

Like condition P2, it is unclear what criterion P3 is attempts to mitigate. Condition P1 already requires the applicant to comply with permit requirements from DOGAMI, which includes a SWPCP and the Oregon Department of State Lands (DSL). P3 provides no objective standards or conditions, beyond what is already provided under state law and federal law that this condition is intended to address.

Conditions of Operation.

The applicant also appeals conditions of operating approval OP4 and OP6. OP4 requires a noise study “if any complaints are received.” Yet the finding prepared in the staff report, on page 11, notes that the only likely complainants are neighboring dwellings. Rather than allowing simply anyone to file a noise complaint and force the applicant in conducting a “noise study,” more appropriately the complaint triggering a noise study should only be bona fide complaints from effected neighboring dwellings. This condition should be removed or limited to only neighboring dwellings.

OP6 requires the County “to hire an inspector to inspect the subject property” utilizing the DOGAMI stormwater permit inspection report. It then creates a compliance regime enforced by the County. For the same reasons stated for condition P2 and P3 above, this condition should be removed.

Conclusion:

The record shows that the applicant is in compliance with all state regulatory requirements, including those imposed by the DEQ, DOGAMI, and DSL. The applicant lives adjacent to the quarry. Water quality standards are more important to the Fosters because they are directly affected by those standards. The Fosters presented information in the record demonstrating compliance with all existing regulations.

The “conservation easement” and setbacks would effectively prevent the staging and internal driveway circulation of the quarry. It effectively prevents the Fosters from running their business.

The conditions of approval appear to create a new regulatory agency (the Planning Department) charged with review and enforcement of water quality and riparian standards in violation of Goal 5. The “standards” in conditions P2, P3, and OP6 are not based on applicable law and exceed the review necessary to assure compliance. They are made up, vague, and extremely burdensome. This is an unfortunate precedent and one we hope the Commission agrees with the principal that if there are already satisfactory federal and state laws and regulations in place to protect water resources, there is no need for additional requirements.

We request that the Commission approve the conditional use permit, while removing conditions P2 and P3, OP4 and OP6. The Fosters agree with the remaining conditions including condition P1, which requires the quarry operation to follow all permitting requirements otherwise required under applicable law.

Kindest Regards,

/s/ Joel Kalberer

Joel D. Kalberer



**NOTICE OF PLANNING COMMISSION DECISION:
APPROVED WITH CONDITIONS**

HEARING DATE:	January 3, 2023 and January 17, 2023
PROPOSED ACTION:	A Conditional Use Permit for the expansion of the rock quarry boundary to gain access to quality rock products.
PROPERTY LOCATION	19331 South Fork Road, Alsea, Oregon T14S, R7W, Section 18, Tax lot 200.
APPLICABLE BENTON COUNTY CODE:	Benton County Code Section 53.205 through 53.235, Chapter 55, Chapter 56, and Chapter 91.
APPLICANT/ PROPERTY OWNER	George and Tracy Foster
ZONE DESIGNATION	Multi-Purpose Agriculture
STAFF CONTACT:	Inga Williams, inga.williams@co.benton.or.us 541-766-6819
FILE NUMBER:	LU-22-047

DECISION

This matter came before the Planning Commission in a public hearing held January 3, 2023. The Planning Commission voted to hold the record open for seven days for further testimony. The applicant was then allowed an additional seven days to respond to any new testimony. On January 17, 2023, the Planning Commission returned to deliberate and vote on the application. At the meeting on the 17th, the Planning Commission considered the record as a whole, deliberated, and reached a decision.

The Planning Commission has determined that the applicant’s proposal meets relevant standards and criteria based upon findings of fact, analysis, and staff conclusions in the staff report, oral and written testimony, and additional findings developed at the hearing. The decision of the Planning Commission was to approve the Applicants’ request for a Conditional Use Permit to expand the Alsea Quarry subject to the conditions of approval as modified at the hearing and identified below.

CONDITIONS OF APPROVAL

The Community Development Department will objectively determine compliance with all conditions of approval. Physical development of the property is not authorized, except as specified to satisfy conditions set forth herein. All development on the property must be consistent with approved plans and any construction conditions set forth herein.

The Planning Official will issue a written notice of Operating Approval upon the applicant submitting documentation demonstrating that the Conditions of Preliminary Approval have been met. Condition

of Operating Approval shall remain in effect for the duration of the use. Failure to comply with the Conditions of Operating Approval may result in revocation of the Conditional Use Permit.

Conditions of Preliminary Approval

The following Conditions shall be met within two years of the date of decision; the Planning Commission may grant one extension for up to a year prior to the expiration of the preliminary approval period if the applicant submits to the Benton County Community Development Departments a written extension request stating the reasons preventing completion within the approval period. Failure to complete the Conditions within the period of validity shall render this Conditional Use Permit void.

P1: The applicant shall obtain required permits from the:

- Oregon Department of Environmental Quality for air quality, stormwater runoff, and wastewater.
- Oregon Department of Geology and Mineral Industries for site reclamation and mine safety standards.
- Oregon Department of State Lands for earth removal and fill permits for activities conducted in wetlands and waterways.
- Oregon Water Resources Department for water rights for consumptive use of water for processing.

The applicant shall provide an electronic copy of each agency's permit to the Community Development Department immediately upon receipt of each permit.

P2: The applicants shall delineate a 100 foot setback from the top-of-bank of both sides of Cedar Creek (riparian buffer) on property owned by the applicants.

- The applicants shall work with the Benton Soil and Water Conservation District to create a plan to restore a native riparian habitat within the riparian buffer. The plan shall outline the time needed to complete the restoration.
- If this time frame is beyond the two years allowed for a Condition of Preliminary Approval, the applicants shall get Planning Official approval of the plan and, if granted, will be allowed to extend this condition beyond the two-year time frame.
- To finalize this condition, the riparian buffer shall be inspected by the Benton Soil and Water Conservation District, or a professional suggested by them, who will be requested to provide the County with a written acknowledgement that the buffer restoration has been completed.
- The applicants shall permanently mark the riparian buffer in a manner that allows quarry personnel to clearly see the demarcated area.
- The applicant shall place the riparian buffer area under a Conservation Easement and include a survey of the buffer.

P3: The property owners shall submit a copy of the Stormwater Pollution Control Plan (SWPCP) to the County. A reinspection of the subject property is required utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report.

- The County shall hire the inspector.
- The applicants shall pay the fee for the inspection.
- If the inspections show any violations or areas of non-compliance, the inspection shall be repeated every 30 days until there are no violations or areas of non-compliance.
- This condition shall be considered complete when the inspection shows no violations or areas of non-compliance.

- P4:** All quarry operations and associated activity will remain at least 75 feet, measured horizontally as if on a map, from right-of-way of South Mountain Road. The property/right-of-way boundary line shall be established by survey and illustrated in a record of survey recorded with the County. The applicants shall permanently mark the setback in a manner that allows quarry personnel to clearly see the demarcated area.
- P5:** The applicants shall submit a copy of a DOGAMI approved reclamation plan for the expansion area to the Community Development Department.
- P6:** The applicants maintain all existing trees within the 75-foot setback from South Mountain Road and will plant more trees to provide a screen between the road and the quarry. The applicant may request staff provide a site visit to assess and indicate the location of required tree plantings.
- P7:** The applicants shall place a security fence within the 75-foot buffer along South Mountain Road. The minimum fencing allowed shall be a 4-foot high, barbed wire fence. The fencing shall be placed along the full length of the north boundary of the subject property.
- P8:** The applicants shall provide Community Development Department with a survey sketch of the expansion area, not to exceed 20 acres for the quarry and 2 acres for accessory uses, and located in the general area as indicated in Exhibit C.

Conditions of Operating Approval

The following Conditions apply to the property and shall be met by current and future owners of the property and operators of the quarry. These conditions shall apply for the duration of the quarrying operation:

- Op1:** The property owners shall maintain the security fence along South Mountain Road in good condition until the quarry ceases operation.
- Op2:** The property owners shall maintain all trees within the buffer and shall replace any dead trees until the earlier of the lifespan of the quarry or the quarry ceases operations.
- Op3:** The property owners shall maintain the riparian habitat within the riparian buffer along Cedar Creek and replace any dead vegetation.
- Op4:** The property owners shall meet noise level requirements set by Oregon Administrative Rules Chapter 340, Division 35, NOISE CONTROL REGULATIONS, 340-035-0035, Noise Control Regulations for Industry and Commerce.
- If any complaints are received by the Department of Environmental Quality or the County, the County shall require the applicant to provide a noise study. If the noise study indicates that noise levels exceed the State's allowable levels, the property owners shall provide a mitigation plan to decrease noise levels.
 - A new noise study will be required when mitigation has been in effect for 1 month. If noise from the quarry operation continues to exceed allowable levels, the County may require the quarry to cease operations and may revoke this conditional use permit.
- Op5:** The property owners shall submit a copy of the Monthly Stormwater Monitoring Form directly to the County for review.
- Op6:** Once a year, the County shall hire an inspector to inspect the subject property utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report. The applicants shall pay the fee for the inspection.

- If the inspection shows any violations or areas of non-compliance, the inspection shall be repeated in 30 days. If there are still violations or areas of non-compliance, the property owners shall cease all operations.
- An inspection shall occur every 30 days until there are no longer any violations or areas of non-compliance. Operations may then resume.
- If an inspection documents violations for a third time, the County may revoke this conditional use permit.

Op7: Quarry operating hours are limited to 7 AM to 6 PM. Blasting hours are limited to 9 AM to 5 PM.

Op8: The expansion area is limited to an area not to exceed 20 acres. Accessory uses to the quarry are limited to an additional 2 acres. The total area of quarry expansion and accessory uses shall not exceed 22 acres.

Op9: The property owners shall not excavate in a manner which would result in disturbance of perimeter fencing or screening or would impair the intent of the reclamation plan.

PLANNING OFFICIAL:  Date of Decision: January 17, 2023

IF YOU SUBMITTED EITHER ORAL OR WRITTEN TESTIMONY ON THIS APPLICATION:

THIS DECISION MAY BE APPEALED TO THE BENTON COUNTY BOARD OF COMMISSIONERS BY FILING AN APPEAL FORM AND PAYING THE APPEAL FEE BY 5:00 P.M. ON January 31, 2023 (THE 14TH CALENDAR DAY AFTER THE DATE OF THE DECISION). The form and fee must be received by the department prior to the deadline (postmark does not count). The appeal fee is an actual cost of staff time and expenses to process the appeal; a deposit equal to the original application fee of \$2,395 is required at the time of appeal. You may obtain an appeal form via email, the department website, or in person by appointment. You may submit the completed form and the appeal fee via U.S Mail, via the drop box in front of the building, or by appointment. Call 541-766-6819 or email Inga.Williams@co.benton.or.us. The Community Development Department is at 360 SW Avery Ave., Corvallis. A person receiving this notice may appeal this decision only to the Board of Commissioners and may not appeal directly to the Oregon Land Use Board of Appeals. This decision will not become final until the 14-day appeal period has elapsed. The findings of fact relied upon in making this decision are available for review free of charge at the Community Development Department. A copy can be provided at a reasonable cost.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

DRAFT MEETING MINUTES
Benton County Planning Commission
January 3, 2023

Benton County Planning Commission Chair Nicholas Fowler called the meeting to order at 7:03 p.m. The meeting was open to the public in-person and virtually via GoTo Webinar.

COMMISSION MEMBERS

Present

Nicholas Fowler, Chair
Evelyn Lee
Sean Scorvo
Elizabeth Irish
Andrew Struthers
Catherine Biscoe
John Greydanus
Greg Hamann
Eddy Provost

STAFF

Present

Darren Nichols, Director
Greg Verret, Deputy Director
Inga Williams, Associate Planner
Linda Ray, Recorder
Gordon Kurtz, Assoc. Engineer, Public Works
Shea Steingass, Environmental Programs
Coordinator, Public Works
James Wright, Associate Planner

ELECTION OF OFFICERS

Commissioner Lee nominated Commissioner Fowler as Chair of the Planning Commission. Seconded by Commissioner Struthers, the vote was 8-0 (Commissioner Fowler abstained). Nicholas Fowler will continue as Chair of the Planning Commission.

Commissioner Lee **nominated** Greg Hamann as Vice Chair of the Planning Commission. **Second** by Commissioner Struthers, the vote was **8-0 in favor**, Commissioner Hamann abstained. Greg Hamann is now Vice Chair of the Planning Commission.

APPROVAL OF MINUTES

Commissioner Struthers **MOVED** to approve the minutes for October 11, 2022, October 18, 2022, November 15, 2022, and December 6, 2022. The motion was seconded by Commissioner Irish, the **MOTION passed 7-0**, Commissioner Biscoe abstained.

PUBLIC HEARING; LU-22-047; FOSTER Conditional Use Permit (CUP)

Williams discussed the staff report with a presentation that highlighted the review criteria, testimony in response to the notice of application, and conditions of preliminary approval (**Exhibit A**).

PLANNING COMMISSION Q&A:

- The applicant must meet requirements set by the Department of State Lands and obtain a permit through that agency to proceed with an expansion of the quarry.
- There was concern about the early morning time frame allowed for blasting as a part of the operation and potential noise disturbance it would cause to neighbors. Planner

Williams noted that a condition could be added to clarify that operating hours could start at 7:00am, but the blasting would not begin until after 9:00 am.

- One Commissioner requested a clearer image of the map that would outline the property and area of expansion. The candidate will supply a higher quality map for the commissioners to review.
- The applicant would need to get a permit from the Oregon Water Division to ensure that there would not be any impacts to the ponds on the property from the mining operation.
- Planner Williams confirmed that she relied upon information from the property owners stating that there is no future plan to increase the rate of rock removed from the quarry.
- If the Planning Commission approves the application, the applicant will have two years to complete the preliminary conditions and then they can expand the quarry (upon approval from the state).
- The Oregon Department of Geology and Mineral Resources (DOGAMI) will ensure that the property owners are in compliance with stormwater regulations and permits are required by Benton County and Oregon DEQ.
- The conditions of approval are applicable only to the intended expansion area.
- The property owner is required to pass an initial County inspection and if they fail, they will have one month to correct any failures. If they do not pass after that month, the land use approval may be void.
- DEQ wetlands and endangered species requirements must be met. The state will not proceed with permits unless the application is first approved by the county.

APPLICANT TESTIMONY

George Foster, owner and operator of the quarry, presented first. His intent is to “chase a good seam of rock” and to get the most benefit from the quarry which results in the need for expansion. Mr. Foster clarified that “blasting hours” at the quarry do not typically take place until late in the day due to the process of set up in the morning that can take hours for preparation. Mr. Foster stated that the stream mentioned on the map of the property is not active and the location is half a mile from the quarry site.

Mr. Foster also referenced a State of Oregon Department of Geology and Mineral Industries (DOGAMI) report that failed to meet the initial inspection. The previous property owner left debris and equipment on the property and the new owners (George & Tracy Foster) were in the process of cleaning the site when the inspection occurred. Since that inspection, the area has been completely cleaned up. Mr. Foster then referred to another previous inspection report that noted an oil leak on the property. Mr. Foster explained that the leak was due to a third-party dump truck that was frequenting the quarry. It was an isolated event and, upon clean up, they have not had any incidents since that time.

PUBLIC TESTIMONY

No members of the public testified on the application.

PLANNING COMMISSION DISCUSSION WITH THE APPLICANT:

- The applicant offered to provide additional information on water records and stormwater permit reports with the commissioners.
- The applicant had an updated map of the area that provided more specifics. (**Exhibit B**).
- In the case of future transfer of ownership, any approved permits (such as this CUP), will apply to the new property owner.

Commissioner Hamann **MOVED** to hold the record open for seven days to allow for additional written testimony by the applicant. **SECOND?** The Commission voted 9-0 to hold the record open. The Planning Commission deliberation on LU-22-047 Conditional Use Permit (Foster Quarry Expansion) will be held on Tuesday, January 17th.

The public hearing closed at 8:44pm.

PUBLIC HEARING: LEGISLATIVE CHANGES RE: COUNTY STORMWATER CODE

The public hearing for LU-22-054 began at 9:00 pm. Deputy Director Verret shared a presentation for the Stormwater Management Development Code Amendments (Implementing Regulatory Changes for Water Quality). (**See Exhibit C for the power point presentation.**)

PUBLIC TESTIMONY

Barb Hartz (405 Landmark Drive, Philomath) stated that the upcoming change in stormwater permits impacts housing. Hartz suggested the county assemble an advisory council to help with the impending changes. Hartz emphasized the importance of protecting water and acknowledged that due to limited staff, the county may have a hard time enforcing stormwater permits and violations. Hartz also urged the commissioners to consider the housing needs and existing housing costs and how implementing more cost through an additional permit puts a burden on property owners. She urged the County to allow for a subjective evaluation of property to show fairness among property owners.

PLANNING COMMISSION DISCUSSION

Commissioners raised several concerns about the upcoming code changes:

- Encouraging property owners to plan ahead to minimize the amount of impervious surface.
- Increased housing costs and burden on owners to comply with more regulations and the cost of compliance enforcement.
- Higher density areas with multi-dwelling units will require more efforts and additional costs.

- Post-construction monitoring will likely create a substantial administrative burden.
- The importance of providing additional supporting documentation to assist property owners with ways to reduce cost and meet requirements.
- Suggestion to provide some flexible “common sense solutions” that would take some of the burden off of developers/homeowners; consider sending draft language to BOC.

Commissioner Irish **MOVED** to recommend to the Benton County Board of Commissioners to approve the county code amendments relating to stormwater as proposed and to direct staff to continue their work on supporting documents or code changes that would reduce the burden on developers and property owners while achieving the goal of clean water. The **MOTION** was seconded by Commissioner Struthers. The **MOTION** passed 8-0, Commissioner Provost was absent at the time of voting.

VOTE:

Commissioner Irish – Yes

Commissioner Lee – Yes

Commissioner Scorvo – Yes

Commissioner Hamann – Yes

Commissioner Struthers – Yes

Commissioner Biscoe - Yes

Commissioner Greydanus – Yes

Commissioner Fowler – Yes

Commissioner Provost - Abstain

Record closed 10:32pm

ITEMS FROM THE PLANNING STAFF

Director Nichols expressed gratitude to Commissioners Christina White and Vice Chair Jennifer Gervais for their commitment and service to the Planning Commission. Both members have recently transitioned off the commission.

The Community Development Department is hosting a Planning Commission Orientation tentatively scheduled January 12th for all new and existing members that would like to participate.

The Benton County Talks Trash (BCTT) Work Group is scheduled to provide a draft final report to the Planning Commission on January 24th. Commissioners will need to provide feedback to the Work Group by February 10th.

Director Nichols asked the Planning Commission to fill one vacancy on the BCTT through the end of March. Commissioner Struthers volunteered to represent the Planning Commission on the work group.

UPCOMING AGENDA ITEMS:

Next Planning Commission Meeting: January 17th

MEETING MINUTES
Benton County Planning Commission
January 17, 2023

Benton County Planning Commission Chair Nicholas Fowler called the meeting to order at 7:00 p.m. The meeting was open to the public in-person and virtually via Zoom.

COMMISSION MEMBERS

Nicholas Fowler, *Chair*
Greg Hamann, *Vice Chair*
Elizabeth Irish
Evelyn Lee
Sean Scorvo
John Greydanus
Catherine Biscoe
Andrew Struthers
Eddy Provost

STAFF

Darren Nichols, Director
Inga Williams, Associate Planner
Linda Ray, Recorder

PLANNING COMMISSION DELIBERATIONS ON LU-22-047; FOSTER; CUP

Commissioner Fowler provided an opportunity for each member to share their feedback on the application to expand the quarry. The consensus was to approve the application; commissioners raised a few concerns:

- Possibility of ownership change in the future and potential increase in production. Planner Williams confirmed that in the event of new ownership, the approval would transfer to the new property owner. For an expansion of the approved quarry area, the property owner would need to apply for a new Conditional Use Permit
- Potential housing increase in the area and impacts caused by increase in production
- Concerns about ensuring code compliance. Planner Williams stated that a yearly inspection is required.

Commissioner Struthers **MOVED** to approve the Conditional Use Permit application based on the staff report. The **MOTION** was seconded by Commissioner Hamann. Commissioner Lee requested an amendment to the **MOTION** to include two edits. Struthers and Hamann agreed to amend the Motion and Second to include the following:

1. To include language that conditions of approval apply to the property and subsequent owners of the property.
2. Edit to P2 of the Conditions of Approval – add the word “foot” between 100 and setback.
3. Edit to Op5 rename “site inspection and maintenance reports” to Monthly Stormwater Monitoring Report.

Benton County Planning Commission vote on LU-22-054; Stormwater Code Amendment:

- Commissioner Fowler - Yes
- Commissioner Hamann - Yes
- Commissioner Irish - Yes
- Commissioner Lee - Yes
- Commissioner Scorvo - Yes
- Commissioner Biscoe - Yes
- Commissioner Struthers - Yes
- Commissioner Greydanus - Yes
- Commissioner Provost - Yes

The **MOTION** passed 9-0.

INTRODUCTION OF NEW MEMBERS

All Planning Commission members were given an opportunity to share their background and interest in serving on the commission.

ITEMS FROM THE PLANNING DEPARTMENT

- Nichols shared a power point on the list of priorities developed by the BOC/PC quarterly meeting that took place in May 2022. Commissioners shared feedback on the list and discussion continued on the items highlighted.
- Nichols introduced Webster Slater, Assistant Planner, as the newest members of the Community Development planning team.
- Nichols gave a brief highlight of the 2023-25 budget that was submitted to Benton County finance this evening.
- Department staff presented a January 10, 2023 work session with the BOC on the topic of regional water planning.
- On March 22-23, 2023, Benton County will host the Oregon Planners Network at the Kalapuya building

NEXT AGENDA ITEMS

The next Planning Commission meeting will be on Tuesday, January 31st to discuss the Benton County Talks Trash final report and the department's proposed 2023-2025 budget.

The meeting was adjourned at 9:09pm.



PUBLIC MEETING AGENDA

Benton County Planning Commission

January 3, 2023

7:00 pm

Kalapuya Building, 4500 SW Research Way, Corvallis

1st floor Meeting Room

or virtual via Go To Meeting <https://meet.goto.com/291863437>

I. CALL TO ORDER AND ROLL CALL

II. INTRODUCTION OF NEW MEMBERS

III. ELECTION OF OFFICERS

IV. APPROVAL OF MINUTES

- October 11, 2022 (There was general agreement to approve these minutes on November 15th, but no vote was taken.)
- October 18, 2022
- November 15, 2022
- December 6, 2022

V. PUBLIC HEARING; LU-22-047; FOSTER Conditional Use Permit (CUP)

FILE NUMBER: LU-22-047. NATURE OF REQUEST: A Conditional Use Permit for the expansion of the rock quarry boundary to gain access to rock products. PROPERTY LOCATION: 19311 South Fork Road, Alsea 97324 (T14S, R7W, Section 18, Tax Lot 200). APPLICABLE CRITERIA: Benton County Code Section 53.205 through 53.235, Chapter 55, Chapter 56, Chapter 91, and Chapter 99. STAFF CONTACT: Inga Williams.

VI. PUBLIC HEARING: LEGISLATIVE CHANGES RE: COUNTY STORMWATER CODE

FILE NUMBER: LU-22-054. PROPOSED ACTION: Amendments to Chapter 99 of the Benton County Development Code regarding stormwater management. APPLICABLE CRITERIA: Benton County Development Code Sections 53.605 through 53.526 (text amendment). AFFECTED PROPERTY: The proposed Development Code amendments apply to all land in unincorporated Benton County. STAFF CONTACT: Greg Verret

VII. ITEMS FROM THE PLANNING COMMISSION

VIII. ITEMS FROM THE PLANNING STAFF

IX. UPCOMING AGENDA ITEMS

Next Meeting: January 17th

X. ADJOURN

PUBLIC HEARING
LU-22-047; FOSTER; CUP



File No. LU-22-047

**STAFF REPORT
CONDITIONAL USE PERMIT**

NATURE OF APPLICATION	A Conditional Use Permit for the expansion of a rock quarry boundary to gain access to rock products.
APPLICABLE CRITERIA	Benton County Code Section 53.205 through 53.235, Chapter 55, Chapter 56, Chapter 91, and Chapter 99
PROJECT LOCATION	19331 South Fork Road, Alsea, Oregon 97324 T14S, R7W, Section 18, Tax lot 200.
APPLICANT / PROPERTY OWNER	George and Tracy Foster
ZONE DESIGNATION	Multi-Purpose Agriculture (MPA)
COMPREHENSIVE PLAN DESIGNATION	Agriculture
CAC PLANNING AREA	Alsea (active)
STAFF CONTACT	Inga Williams, Inga.Williams@bentoncountyor.gov 541-766-6819

Submittal Information

On September 6, 2022, the Community Development Department (Department) received a Conditional Use Permit application from George and Tracy Foster. The Department deemed the application complete upon submittal.

Prior to this submittal, the County processed a pre-application¹ from the applicants, submitted on June 29, 2021. The minutes of that meeting are included as Exhibit A. The quarry also has one prior Conditional Use Approval, completed in 1989², for a 1-acre expansion.

Notification Information

A Conditional Use Permit (CUP) application is reviewed as a quasi-judicial land use action, which requires notification of properties within at least 750 feet³ of a subject property in the MPA zone, and requires the posting of a legal ad. This CUP application requires a public hearing before the Benton County Planning Commission. The Department mailed a Notice of Public Hearing on December 2, 2022, to owners of property within 1000 feet of the subject property, and to relevant agencies and other County departments. The department placed a legal ad⁴ in the Corvallis Gazette-Times on December 5, 2022.

The state-mandated deadline for Benton County to make a final decision on this application, including

¹ LU-21-052

² S-89-16

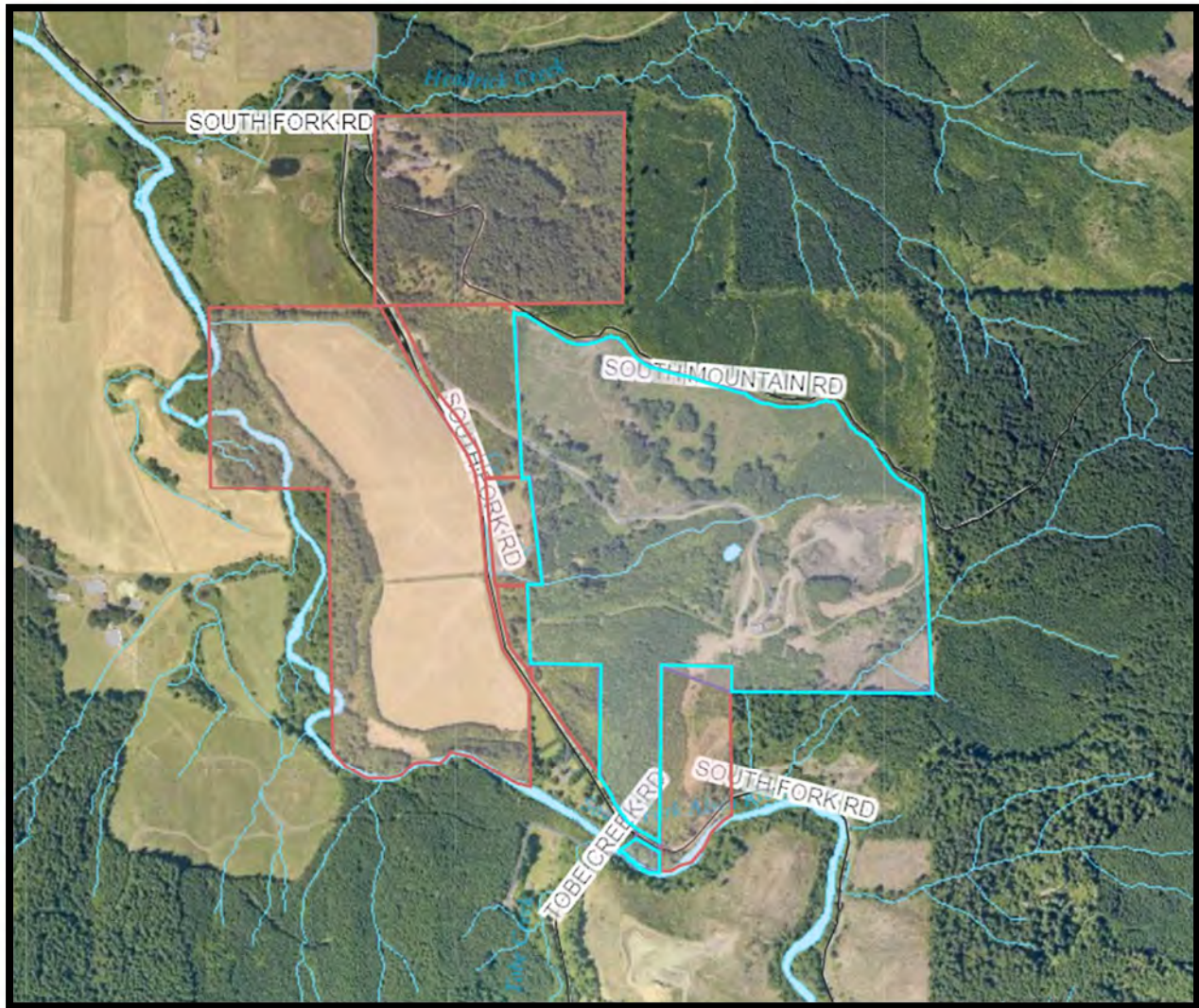
³ BCC 51.610(1)(c)

⁴ BCC 51.610(1)

any appeal to the Board of County Commissioners, is 120 days⁵, which is January 4, 2023. The applicants have waived the 120-day deadline and extended the time to February 28, 2023.

Property Information

The subject property, outlined in blue below, contains approximately 116 acres. The properties outlined in pink are also owned by the applicants. The quarry is situated in the coast range, 2.5 miles southeast of the unincorporated community of Alsea. The subject property sits at the juncture of South Mountain Road and South Fork Road. The Oregon Department of Geology and Mineral Industries (DOGAMI) identifies the quarry as Quarry Number 02-0005.



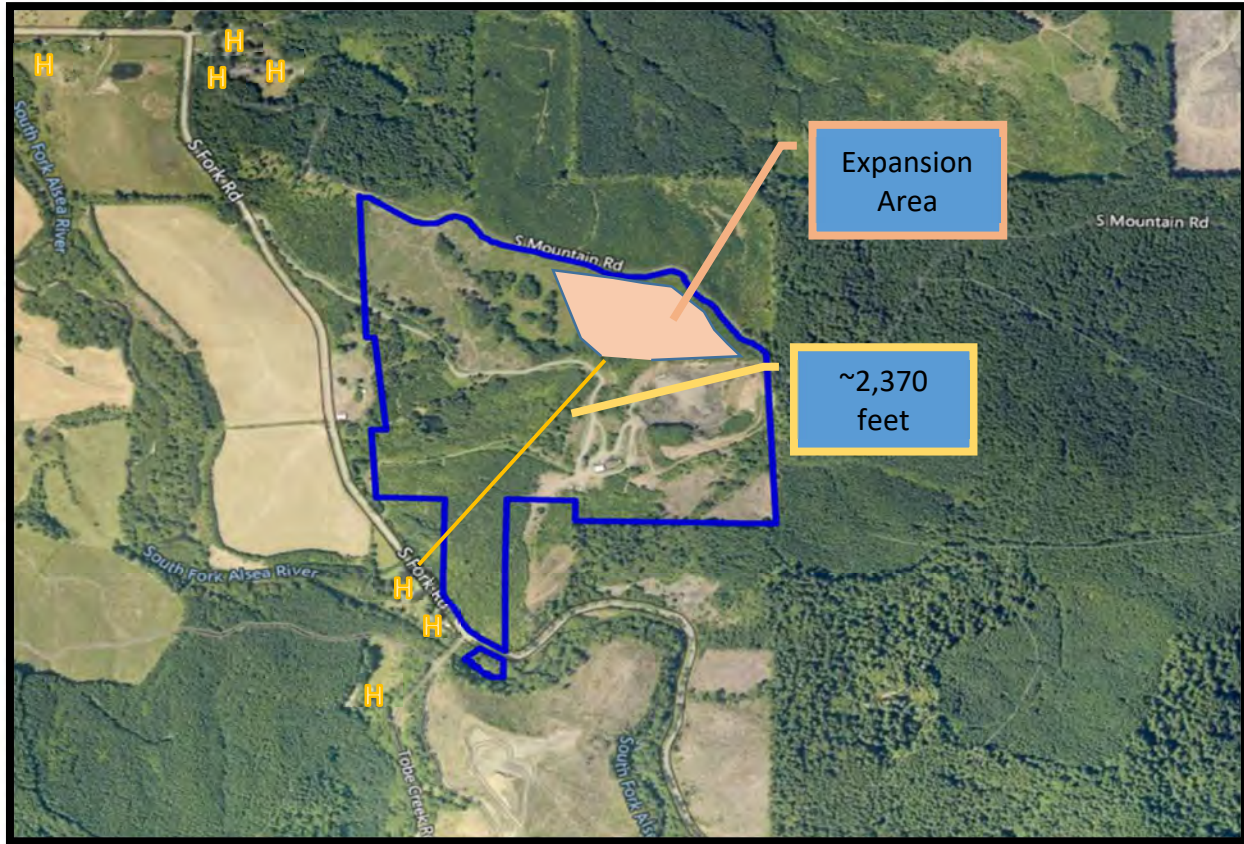
The quarry has been in operation since the 1940s⁶ and was in existence when the 1974 Benton County Code designated the property for resource use⁷. The zoning designation from 1974 to 1979 was Agricultural Forestry (AF), and from 1979 to 1981 it was Forest Conservation (FC-20). In 1981, the designation was changed to the current Multi-Purpose Agriculture Zone (MPA). Under the criteria for the current MPA Zone, a quarry is a conditional use requiring Planning Commission approval.

⁵ The County shall take final action on an application, including resolution of all appeals to County bodies, within 120 days for permit, limited land use, or zone change applications involving land located within an urban growth boundary or involving mineral aggregate extraction.

⁶ previously identified in S-89-16 by planning staff

⁷ Refer to statement from Vaughn Balzer, DOGAMI, under the Testimony section of this report

The figure below shows the closest residence (H) is on the south side of South Fork Road, approximately 2,300 feet (~1/2 mile) from the south edge of the proposed expansion area.



Also adjacent to the subject property are two existing quarries. The Oregon Department of Transportation⁸ owns a quarry on property that is south and adjacent to the subject property. Weyerhaeuser Timber Holdings, Inc.⁹ also owns a quarry on a property just south of South Fork Road. Both are shown on the figure below.



⁸ LU-13-045
⁹ CP-78-81

Weyerhaeuser quarry

Cedar Creek flows through the property and connects with the South Fork Alsea River. Cedar Creek is designated on the USFWS National Wetland Inventory as a Riverine Wetland and a Wetland Land Use. Notification was sent to the Department of State Lands for review.



The portion of the subject property that the existing quarry currently occupies and that is proposed for expansion is within the Major Big Game Range; this designation has no regulatory authority within the MPA/EFU zones. A portion of the site is within the Surface Mining Protection Overlay that was created for the ODOT quarry. The purpose of the Surface Mining Overlay Zone is to protect significant aggregate and mineral resources from conflicting uses. This has no relevance to the subject property; an expansion of the quarry is not anticipated to conflict with the ODOT quarry.

According to DOGAMI staff, in 1972 the total disturbed area was approximately 23 acres; in 1987 that area of disturbance decreased to 15 acres. In 1989 the operator, Ray Perrin, expanded the disturbed area by approximately one acre along the highwall in the northeast corner of the quarry. The quarry is cut into the side of a west-facing hillside which has been worked at several levels.

State Oversight

Four state agencies regulate the development and operation of aggregate mining and processing projects in Oregon: Oregon Department of Environmental Quality, Oregon Department of Geology and Mineral Industries, Oregon Department of State Lands, and Oregon Water Resources Department. The role of each depends on the scale, design, and associated impacts of the mining.

The primary agencies and their specialty areas are:

- Oregon Department of Environmental Quality – air quality, stormwater runoff, and wastewater. (DEQ noise standards apply - ORS 467.120(2). However, if no DEQ permit is required, the local government addresses noise violations.)
- Oregon Department of Geology and Mineral Industries – site reclamation and mine safety standards.
- Oregon Department of State Lands – earth removal and fill permits for activities conducted in wetlands, waterways, and other state lands.

- Oregon Water Resources Department– water rights for consumptive use of water for processing.

I. TESTIMONY

On October 20, 2022, **Gordon Kurtz, Associate Engineer with Public Works**, stated:

“The applicant does not propose an increase in production or a change in use that would result in an increase in traffic. The quarry access has functioned safely at its current location for over 50 years. The site is accessed from South Fork Road, a paved County Road classified as a Minor Collector. South Mountain Road does not meet current standards. Road improvements are not required because a change of use is not proposed.

The current concern for Public Works is the proximity of the quarry expansion to the alignment of South Mountain Road. Public Works requests that a setback from South Mountain Road be conditioned because quarry activity will involve blasting and heavy equipment activity adjacent to a resource access road that falls within a Benton County right of way. The existing permit imposes a setback from South Fork Road of 75 feet. Public Works requests that the same setback apply to activities adjacent to South Mountain Road. The setback shall be measured from the property/right of way line. The property/right of way line shall be established by survey and illustrated in a record of survey recorded with the County.”

On December 23, 2022, **Vaughn Balzer, DOGAMI-MLRR, Floodplain Mining Reclamationist – Rules Coordinator**, stated:

The Mined Land Reclamation Act did not come into effect until July 1, 1972 and that is when DOGAMI started regulating mining in Oregon. As such we do not have records that go back to the 1940’s. While I believe the site has been in continuous operation since at least 1972, DOGAMI would need to do a comprehensive file review to be sure.

In terms of water quality protections, the site is covered by the DEQ NPDES 1200A General Permit (DEQ File No. 110087). DOGAMI administers coverage under that permit under a Memorandum of Agreement with DEQ. Sites covered under the DEQ NPDES 1200A General Permit must have an up-to-date Storm Water Pollution Control Plan (SWPCP) detailing how the facility maintains compliance with the DEQ 1200A Permit. The expansion of the site will trigger the need for an updated SWPCP. I have not been to the site for a long time so I am not up to speed on their current SWPCP. [The site was] inspected on October 18, 2019 and I have attached the inspection report for your information (Exhibit B).

Community Development Department: This shall be addressed through a proposed Preliminary Condition of Approval and proposed Operating Condition of Approval. [P1¹⁰, P2, P3, P4, P3, Op5¹¹, and Op6]

No other testimony was received as of the finalization of this staff report.

II. FINDINGS APPLYING CODE CRITERIA

CHAPTER 51 DEVELOPMENT CODE ADMINISTRATION

¹⁰ Preliminary Condition of Approval

¹¹ Operating Condition of Approval

PUBLIC HEARINGS Sections 51.705 through 51.840

Response: The Community Development Department complied with advertisement and notification requirements and will comply with the requirements for the public hearing process.

CHAPTER 53 GENERAL REVIEW CRITERIA AND PROCEDURES

53.205 Purpose. Conditional uses are land uses which may have an adverse effect on surrounding permitted uses in a zone. [Ord 90-0069]

Response: The proposed use will be evaluated using the conditional use criteria and reviewed as to effects it may have on surrounding uses.

53.210 Permit Required. A person shall obtain a conditional use permit from the County in order to establish a conditional use. The decision to issue a conditional use permit is discretionary. [Ord 90-0069]

Response: The applicant has applied for conditional use approval and the application is being processed as a discretionary application.

53.215 Criteria. The decision to approve a conditional use permit shall be based on findings that: (1) The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone;

BCC 56.005 Purpose of the Multi-Purpose Agriculture (MPA).

The Multi-Purpose Agriculture Zone shall preserve and protect lands for continued agricultural and forestry uses; conserve and protect open space, wildlife habitats, and other uses associated with agriculture; encourage continued development of the local agricultural base; and protect and preserve the social and economic base of the community.

56.010 Standards for Application. (1) The Multi-Purpose Agriculture Zone is applied to areas in the Alsea and Lobster Valleys where there is a mix of forested hillsides and agricultural river valleys that are divided into ownerships averaging approximately twenty (20) acres. This resource zone is intended to apply to areas where large scale agriculture cannot or does not exist, primarily due to the narrow width of the valleys, unfarmable steep hillsides and other social and economic factors. This area also contains lands which may not be suitable for resource use because of site specific characteristics. Agricultural and forestry operations in these areas are generally conducted by individuals who derive less than fifty percent (50%) of their income from farming or forestry. Therefore, Multi-Purpose Agriculture zoning recognizes that a non-resource use can be an acceptable secondary use when it can be shown not to interfere with resource uses or detract from the resource base. [Ord 26, Ord 90-0069]

Finding: South Mountain Road is adjacent to the northern boundary of the subject property and the adjacent use north of South Mountain Road is a Starker Forests, Inc. Douglas fir plantation. Property to the east is under Oregon & California (O&C) ownership, which is an Oregon Railroad Revested Land property administered by the Bureau of Land Management as timberland. Properties to the south include land owned by the applicants, two other quarries, and three dwellings south of South Fork Road. Property to the west includes timberland and agricultural land owned by the applicant. The majority of uses in the surrounding area are forestry uses.

The quarry and the expansion area are not visible from South Fork Road and are at the bottom of a steep slope from South Mountain Road, visible but not obtrusive. The existing quarry does not appear to have had a observable negative impact on surrounding uses, based on the lack of opposing testimony submitted and the lack of previous complaints. An expansion of the quarry should also have little impact on surrounding uses if the property is maintained in accordance with requirements of Oregon state agencies that regulate the development and operation of the quarry. [P1, P3, P5, Op4, Op5, and Op6]

A quarry use does not characterize the primary purpose of the zone; the County identifies resource uses as forestry, farming, and wetland/water or open space protection. Rock quarries are a non-resource use, which BCC 56.010 indicates are recognized as an acceptable secondary use of land. The subject property is identified as significant area for useable rock deposits and appears marginal for agricultural use. The soils are not high value farmland, classed as 6e with 30 to 60 percent slopes.

(2) The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area; and

Finding: County Public Works indicates they have no concerns for impacts to South Fork Road. No other utilities, facilities or services will be impacted.

(3) The proposed use complies with any additional criteria which may be required for the specific use by this code. [Ord 90-0069]

Finding: The criteria are discussed in the section below.

Conclusion: With the inclusion of Conditions of Preliminary and Operating Approval, these criteria are met.

53.220 Conditions of Approval. The County may impose conditions of approval to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to otherwise ensure compliance with the purpose and provisions of this code. On-site and off-site conditions may be imposed. An applicant may be required to post a bond or other guarantee pursuant to BCC 99.905 to 99.925 to ensure compliance with a condition of approval. Conditions may address, but are not limited to:

(1) Size and location of site.

Finding: The applicant did not identify the acreage of the expansion nor the exact boundaries. A Condition of Preliminary Approval will place a maximum acreage limit on the expansion area and require the applicant to provide a survey sketch of the expansion area. [P8]

(2) Road capacities in the area. None required.

(3) Number and location of road access points. None required.

(4) Location and amount of off-street parking. None required.

(5) Internal traffic circulation. None required.

(6) Fencing, screening and landscape separations. Chapter 91 requires that a fence be placed between South Mountain Road and the quarry. This will be added as a Condition of Preliminary Approval. [P7 and Op1]

(7) Height and square footage of a building. None required.

(8) Signs. None required.

(9) Exterior lighting. None required.

(10) Noise, vibration, air pollution, and other environmental influences.

Finding: A quarry inherently creates noise and vibration. The expansion area also will impact a creek that flows into South Fork Alsea River. The applicant will be required to provide protection for the

creek and comply with conditional limitations on operating hours. A Condition of Preliminary Approval and Operating Approval will be added for the creek protection [P2 and Op6] and a Condition of Operating Approval will set operating and blasting hours. [Op7]

(11) Water supply and sewage disposal. None required.

(12) Law enforcement and fire protection. None needed.

Conclusion: With the inclusion of Conditions of Preliminary and Operating Approval, these criteria are met.

BCC 53.230 Period of Validity. Unless otherwise specified at the time of approval, a conditional use permit for a single-family dwelling shall be valid for ten (10) years from the date of decision and other conditional use permits shall be valid for a period of two (2) years from the date of decision.

Response: A preliminary approval of the application will be valid for a period of two years.

CHAPTER 56 MULTI-PURPOSE AGRICULTURE

56.010 Standards for Application. (2) The Multi-Purpose Agriculture Zone is an Exclusive Farm Use Zone. With the exception of the minimum parcel or lot size of 20 acres, Benton County Code Chapter 55, Exclusive Farm Use Zone applies to land zoned Multi-Purpose Agriculture. [Ord 94-0108]

55.210 Conditional Uses Approved by the Planning Commission, subject to BCC 53.215, BCC 53.220, and BCC 55.215. The following uses may be allowed in the Exclusive Farm Use Zone by conditional use permit approved by the Planning Commission:

(4) Operations conducted for:

(a) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under BCC 55.105;

(b) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to BCC 91.910;

(c) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement. However, no application shall be approved to allow batching and blending of mineral and aggregate into asphalt cement within two miles of a planted vineyard. This restriction does not apply to operations for batching and blending of mineral and aggregate under a local land use approval on the effective date of this code, or subsequent renewal of an existing approval. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed; and

(d) Processing of other mineral resources and other subsurface resources. [Ord 2001-0174]

Response: The subject property currently contains uses listed in subsection (b) above. The applicant is requesting to approximately double the size of the quarry area.

55.215 Conditional Use Criteria.

(1) A use allowed under BCC 55.205 or 55.210 may be approved only upon findings that the use meets the Conditional Use Criteria of BCC 53.215 and will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

Finding: The uses on surrounding property are outlined in section 53.215(1) above. The use has been in existence for approximately 70 years and is a recognized operation within the area. The expansion of the use within the subject site will not force a significant change in accepted farm or forest operations on surrounding lands.

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Finding: The proposed expansion will not increase the cost of farm or forest practices. The only foreseeable potential impact is a weakening of the under slope of the South Mountain Road which may cause it to collapse. The Benton County Public Works Department has reviewed the application and recommended imposing a 75-foot buffer from the road edge as a Condition of Preliminary Approval. This will help protect the roadway and provide security for its continued use for resource related traffic. [P6 and Op9]

(2) An applicant for a use allowed under BCC 55.205 or 55.210 may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

Response: Staff proposes clear and objective conditions of approval. See Conditions below.

(3) Farm and forest uses conducted within the following areas shall not be considered in determining whether a proposed conditional use complies with the standards set forth in subsection (1) of this section:

- (a) Lots or parcels with a single-family residential dwelling approved under BCC 55.220 or 55.230;**
- (b) An exception area approved under ORS 197.732; or**
- (c) An acknowledged urban growth boundary.**

Finding: None of these areas apply to the subject property.

Conclusion: These criteria are met.

CHAPTER 91 SPECIFIC USE STANDARDS

91.905 Surface Mining Standards:

(1) Obtain approval of a reclamation plan from the Oregon Department of Geology and Mineral Industries or the Oregon Division of State Lands. Operation and reclamation plans shall demonstrate consistency with the intended subsequent site use.

Finding: DOGAMI indicates that agency had not yet been notified by the applicants of the proposal to expand the quarry. To obtain final approval of the Conditional Use Permit, the applicants will need to submit a copy of a DOGAMI-approved operation plan and reclamation plan to the Community Development Department. This will be included in the proposed Conditions of Preliminary Approval. [P1 and P5]

(2) If the mining is the primary cause of traffic on an unpaved public road, that road shall be kept dust-free by the applicant if dwellings are located within 300 feet of the roadway.

Finding: The access road to the quarry is approximately 3,000 feet long. The access is off South Fork Road, which has a Resource Collector functional classification and is paved. Since there are two other quarries and multiple forestry operations in the same area, as well as recreational traffic, it is unlikely that the primary cause of traffic on the South Fork Road is from the Alsea Quarry.

(3) Provide screening to obscure the mining site and to minimize dust and other annoyance to adjoining occupied property and adjacent public roads. Unless otherwise approved, the screening shall consist of an ornamental fence or wall, a landscaped berm or preservation of a natural slope, or vegetation.

Finding: The proposed expansion site is approximately 2,000 feet from South Fork Road. The road that the quarry can be seen from is South Mountain Road. The expansion area is downslope from the road, which is a gravel road that is used by resource traffic and recreationalists. The area is planted with Douglas Fir. The applicant will be required to maintain a setback from South Mountain Road for safety of the roadway, and the trees within that setback will be required to be maintained. New trees will need to be planted if there are gaps. This will be included in the proposed Conditions of Preliminary Approval and Operating Approval. [P4, P5, Op2]

(4) Ensure that the mining operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality. A berm or other similar method may be used to reduce the sound off site to the level permitted by the Oregon Department of Environmental Quality.

Finding:

Oregon Administrative Rules [Chapter 340, Division 35, NOISE CONTROL REGULATIONS](#)
340-035-0035


Noise Control Regulations for Industry and Commerce

(1) Standards and Regulations:

(a) Existing Noise Sources. No person owning or controlling an existing industrial or commercial noise source shall cause or permit the operation of that noise source if the statistical noise levels generated by that source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in Table 7, except as otherwise provided in these rules.

(b) New Noise Sources:

(A) New Sources Located on Previously Used Sites. No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by that new source and measured at an appropriate measurement point, specified in subsection (3)(b) of this rule, exceed the levels specified in **Table 8**, except as otherwise provided in these rules. For noise levels generated by a wind energy facility including wind turbines of any size and any associated equipment or machinery, subparagraph (1)(b)(B)(iii) applies.

 OAR 340-035-0035 Table 8 New Industrial and Commercial Noise Source Standards Allowable Statistical Noise Levels in Any One Hour	
7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 a.m.
L ₅₀ – 55 dBA	L ₅₀ – 50 dBA
L ₁₀ – 60 dBA	L ₁₀ – 55 dBA
L ₁ – 75 dBA	L ₁ – 60 dBA

The noise levels above do not apply to blasting, which is considered an impulse sound and can reach 98 dBC between the hours of 7 a.m. and 10 p.m. and 93 dBC between the hours of 10 p.m. and 7 a.m.

The Oregon Department of Environmental Quality no longer investigates noise complaints. If a complaint is received from a neighboring dwelling, which are the only likely noise sensitive uses in the area, the property owners may be required by the County to conduct a noise assessment of the use. If the noise generated does not meet the requirements of Oregon’s state rules and regulations, and the levels above, the County may require that the use cease, or require mitigation to reduce noise levels. Two proposed Conditions of Operating Approval will be included: one will refer to OAR rules and regulations for noise levels and one will limit blasting hours. [Op4 and Op7]

(5) Provide on-site parking for employees, customers, and visitors to the mining site.

Finding: The subject property contains 116 acres and contains sufficient space to provide parking.

(6) Maintain a security fence between the mining operation and the public road when such road is located within 200 feet of the mining operation.

Finding: The applicant will be required to place a security fence within the 75-foot buffer along South Mountain Road. This will be added as a proposed Condition of Preliminary Approval. Maintenance of the fence will be added as a proposed Condition of Operating Approval. [P7 and Op1]

(7) Not excavate in a manner which would result in disturbance of perimeter fencing or screening, or would impair the intent of the reclamation plan.

Finding: This will be added as a proposed Condition of Operating Approval. [Op9]

Conclusion: With proposed Conditions of Preliminary Approval and Operating Approval, these criteria are met.

91.910 Mining Standards for Exclusive Farm Use Zones.

(1) For purposes of BCC Chapters 55 and 56, a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.

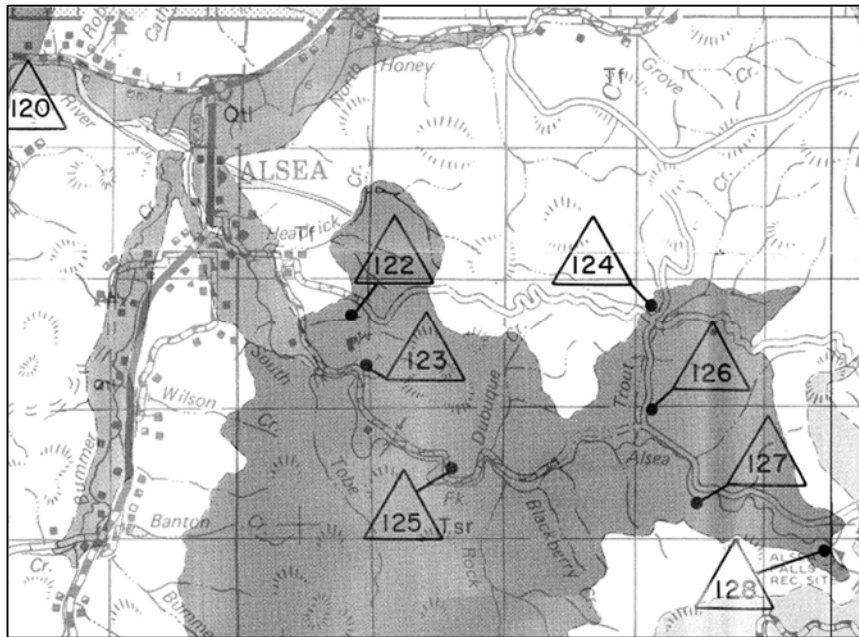
Finding: The applicants are mining more than 1,000 cubic yards of material and more than one acre and have submitted for Conditional Use Permit approval of the expansion.

(2) A permit for mining of aggregate shall be issued only for a site included on an inventory in the Comprehensive Plan.

Finding: The quarry site is identified as Site 122 on the Inventory of Mineral and Aggregate Sites of the Benton County Comprehensive Plan. Site 122 is listed under the *Sites Deemed “Significant”*, with *no conflicting uses identified*.

121	Starker Forests	s	P	SW	35	14S 8W	i	2	0.1	-	5	B	Basalt	Volcanics	1
122	Alsea Lumber Co.	s	P	NE	18	14S 7W	o	120	4.6	4.5	200	B	Basalt	Intrusive	1
*123	Oregon State Hwy. Div.	s	S	SE	18	14S 7W	i	45	0.5	-	100	B	Basalt	Siletz River	4
														Volcanics	2
														Siletz River	1
														Volcanics	1

Relevant section from the Inventory of Mineral and Aggregate Sites map:



(3) For purposes of BCC Chapters 55 and 56 and this section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction

Conclusion: These criteria are met.

III. RECOMMENDATION

Based on findings in the Staff Report and information in the file, staff concludes that this proposal meets conditional use criteria for expanding the quarry, and recommends **approval**, subject to applying the proposed Preliminary Approval Conditions and Operating Approval Conditions below.

IV. PROPOSED CONDITIONS OF APPROVAL

If the applicants' proposal is granted Preliminary Approval by the Planning Commission, Community Development Department recommends applying the following Conditions of Preliminary Approval and Operating [Final] Approval. Operating Approval is subject to completion of all Preliminary Approval Conditions.

The Planning Official will issue a written notice of Operating Approval upon the applicant submitting documentation demonstrating that the Preliminary Approval Conditions have been met. Operating Approval Conditions shall remain in effect for the duration of the use. Failure to comply with the Operating Approval Conditions may result in revocation of the Conditional Use Permit.

Conditions of Preliminary Approval

The following Conditions shall be met within two years of the date of decision; the Planning Commission may grant one extension for up to a year prior to the expiration of the preliminary approval period if the applicant submits to the Benton County Community Development Departments a written extension request stating the reasons preventing completion within the approval period. Failure to complete the Conditions within the period of validity shall render this Conditional Use Permit void.

P1: The applicant shall obtain required permits from the:

- Oregon Department of Environmental Quality for air quality, stormwater runoff, and wastewater.
- Oregon Department of Geology and Mineral Industries for site reclamation and mine safety standards.
- Oregon Department of State Lands for earth removal and fill permits for activities conducted in wetlands and waterways.
- Oregon Water Resources Department for water rights for consumptive use of water for processing.

The applicant shall provide an electronic copy of each agency's permit to the Community Development Department immediately upon receipt of each permit.

P2: The applicants shall delineate a 100 setback from the top-of-bank of both sides of Cedar Creek (riparian buffer) on property owned by the applicants.

- The applicants shall work with the Benton Soil and Water Conservation District to create a plan to restore a native riparian habitat within the riparian buffer. The plan shall outline the time needed to complete the restoration.
- If this time frame is beyond the two years allowed for a Condition of Preliminary Approval, the applicants shall get Planning Official approval of the plan and, if granted, will be allowed to extend this condition beyond the two-year time frame.
- To finalize this condition, the riparian buffer shall be inspected by the Benton Soil and Water Conservation District, or a professional suggested by them, who will be requested to provide the County with a written acknowledgement that the buffer restoration has been completed.
- The applicants shall permanently mark the riparian buffer in a manner that allows quarry personnel to clearly see the demarcated area.
- The applicant shall place the riparian buffer area under a Conservation Easement and include a survey of the buffer.

P3: The property owners shall submit a copy of the Stormwater Pollution Control Plan (SWPCP) to the County. A reinspection of the subject property is required utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report.

- The County shall hire the inspector.
- The applicants shall pay the fee for the inspection.
- If the inspections show any violations or areas of non-compliance, the inspection shall be repeated every 30 days until there are no violations or areas of non-compliance.
- This condition shall be considered complete when the inspection shows no violations or areas of non-compliance.

P4: All quarry operations and associated activity will remain at least 75 feet, measured horizontally as if on a map, from right-of-way of South Mountain Road. The property/right-of-way boundary line shall be established by survey and illustrated in a record of survey recorded with the County. The

applicants shall permanently mark the setback in a manner that allows quarry personnel to clearly see the demarcated area.

P5: The applicants shall submit a copy of a DOGAMI approved reclamation plan for the expansion area to the Community Development Department.

P6: The applicants maintain all existing trees within the 75-foot setback from South Mountain Road and will plant more trees to provide a screen between the road and the quarry. The applicant may request staff provide a site visit to assess and indicate the location of required tree plantings.

P7: The applicants shall place a security fence within the 75-foot buffer along South Mountain Road. The minimum fencing allowed shall be a 4-foot high, barbed wire fence. The fencing shall be placed along the full length of the north boundary of the subject property.

P8: The applicants shall provide Community Development Department with a survey sketch of the expansion area, not to exceed 20 acres for the quarry and 2 acres for accessory uses, and located in the general area as indicated in Exhibit C.

Conditions of Operating Approval

The following Conditions must be met for the duration of the quarrying operation:

Op1: The property owners shall maintain the security fence along South Mountain Road in good condition until the quarry ceases operation.

Op2: The property owners shall maintain all trees within the buffer and shall replace any dead trees until the earlier of the lifespan of the quarry or the quarry ceases operations.

Op3: The property owners shall maintain the riparian habitat within the riparian buffer along Cedar Creek and replace any dead vegetation.

Op4: The property owners shall meet noise level requirements set by Oregon Administrative Rules Chapter 340, Division 35, NOISE CONTROL REGULATIONS, 340-035-0035, Noise Control Regulations for Industry and Commerce.

- If any complaints are received by the Department of Environmental Quality or the County, the County shall require the applicant to provide a noise study. If the noise study indicates that noise levels exceed the State's allowable levels, the property owners shall provide a mitigation plan to decrease noise levels.
- A new noise study will be required when mitigation has been in effect for 1 month. If noise from the quarry operation continues to exceed allowable levels, the County may require the quarry to cease operations and may revoke this conditional use permit.

Op5: The property owners shall submit a copy of site inspection and maintenance reports directly to the County for review.

Op6: Once a year, the County shall hire an inspector to inspect the subject property utilizing the Oregon Department of Geology and Mineral Industries 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report. The applicants shall pay the fee for the inspection.

- If the inspection shows any violations or areas of non-compliance, the inspection shall be repeated in 30 days. If there are still violations or areas of non-compliance, the property owners shall cease all operations.
- An inspection shall occur every 30 days until there are no longer any violations or areas of non-compliance. Operations may then resume.
- If an inspection documents violations for a third time, the County may revoke this conditional use permit.

Op7: Quarry operating hours are limited to 7 AM to 6 PM. Blasting hours are limited to 9 AM to 5 PM.

Op8: The expansion area is limited to an area not to exceed 20 acres. Accessory uses to the quarry are limited to an additional 2 acres. The total area of quarry expansion and accessory uses shall not exceed 22 acres.

Op9: The property owners shall not excavate in a manner which would result in disturbance of perimeter fencing or screening or would impair the intent of the reclamation plan.

V. MOTIONS

Staff recommends that the Planning Commission approve the application with Conditions sufficient to ensure compliance with the Benton County Code criteria. Following the Planning Commission's hearing and deliberation, staff recommends the Commission make its decision with one of the following suggested motions:

I move that the Conditional Use Permit application for expansion of the Alsea Quarry be:

A) APPROVED, based on evidence in the record and findings in the Staff Report, and subject to the recommended conditions of approval contained in the Staff Report.

Or, in the alternative:

I move that the Conditional Use Permit application for expansion of the Alsea Quarry be:

B) APPROVED WITH MODIFICATION, based on evidence in the record and findings in favor in the Staff Report, and subject to the recommended conditions of approval contained in the Staff Report and the following additional conditions: **[PLEASE SPECIFY additional conditions]**

OR, in the alternative:

I move that the Conditional Use Permit application for expansion of the Alsea Quarry be:

C) DENIED, based on evidence in the record and findings in opposition and conclusions developed at the public hearing.



Community Development Department

Office: (541) 766-6819
360 SW Avery Avenue
Corvallis, OR 97333co.benton.or.us/cd

LU-21-052 Pre-Application Conference
Meeting Minutes
7.29.21

Attendees:

Joel Kalberer, Attorney for the Applicant
Jeff Tross, Land Use Consultant
Tracy & George Foster, applicants
Gordon Kurtz, Benton County Engineering Associate
Linsey Godwin, Benton County Planning Associate
Linda Ray - recorder

This Pre-Application Conference is for a Conditional Use Permit to expand the area of the property available for mining. The property owners are George & Tracy Foster.

Note: These meeting minutes are an attempt to capture what was discussed in the meeting and shall not be used as the final say on requirements for the proposed development project.

Jeff Tross, Land Use Consultant, began by asking Planner Linsey Godwin if the proposed application is worthwhile and feasible and if she saw any potential obstacles that would inhibit approval for the permit. Historically, there was a Conditional Use Permit (CUP) granted in 1989 for a one-acre expansion. That report also contains a lot of information that is still applicable today. Mr. Tross has visited the site and stated that it is a well-observed resource. The quarry sits on a hillslope and is not visible from the main road (South Fork Road). There are very few homes in the area and the mining operation has been "low level" without much disruption in the neighborhood.

Gordon Kurtz, County Engineer gave feedback regarding access to the property. The road approach from the property comes into South Fork Road at a perpendicular angle. It is fairly wide and the turn can easily be made on the asphalt by a low boy. 98% of the traffic in that area is heading north.

George Foster, the applicant stated that the elevation level for the quarry will require the need to pump water to a higher elevation since it is located on a hillslope. The intention of expanding the mining North and West is to allow gravity fed water coming from the nearby ponds.

Planner Linsey Godwin noted that there were no concerns about the current operation and if the applicant meets the CUP criteria, it should be approved.

Mr. Kurtz stated that if the application were to go before the Planning Commission for a public hearing, a majority of the pushback may be around the issue of water quality, run off and how the water is being treated. The applicant responded that the operation has an existing "1200A" permit from the Department of Environmental Quality (DEQ).

Mr. Kurtz encouraged the applicant to be well versed in the permit from DEQ if it comes to a public hearing. Planner Godwin also suggested being prepared with an answer to the Planning Commission if noise complaints comes into question.

Joel Kalberer, attorney for the applicant, noted that a statement of Cascade Earth Sciences would be good to have included in the record as well. Planner Godwin responded stating that anything related to off-site impacts should be addressed, like; water quality, quality of life for nearby residents, dusty roads. Since the application does go before the Planning Commission, Planner Godwin recommended the applicant hold a neighborhood meeting beforehand to answer questions and discover neighbor concerns.

Mr. Kurtz cautioned that public responses may arise once the notification of the CUP application is sent out. One concern could be the Citizen Advisory group in that area.

Mr. Kalberer asked Planner Godwin how far the notification is sent. She stated that the code requires property owners within 750' of the property be notified of the CUP application. But given the nature of the application, it may be a good idea to extend that distance to 1000'.

Mr. Kalberer suggested that the Fosters ask neighbors for letters of support to have available for the hearing.

Mr. Tross asked if "1000 Friends" (a "watch dog" group) could be a potential opposition. Planner Godwin stated that since the mining operation is existing and the proposal will not increase production, but rather extend the life of the mine, there is less chance of concern.

Mr. Tross also asked about potential offsite impacts such as designated habitat areas or endangered species that might trigger a wider outside participation opposing the application. Planner Godwin stated that the only species protected in Benton County is the Fender's Blue Butterfly and the applicant's property does not fit within a protected area. The application may get feedback from Oregon Department of Fish & Wildlife if big game is any concern. Mr. Tross will check the staff report from the one-acre expansion to see if those concerns were previously addressed.

Mr. Tross stated that most of the expansion area will be in an area that was already impacted. The Conditional Use Permit will be applied to expand the excavation area, current approval will include the existing area and operating area (which involves parking and maintenance area and building). He asked if that area would be part of the new criteria. Planner Godwin replied that unless there are major changes to the existing mining operation facilities and infrastructure, no new criteria would be applied to that portion of the operation. She requested a map that explains the uses and facilities, both existing and proposed, to help clarify what is under review.

Mr. Foster asked if a small one acre lot (that was not part of the CUP in the 1980s) they purchased across the road would be included in the conditions of approval. Planner Godwin stated that it would depend whether or not the deeds described the two areas of land separately, or if they are all one property. The access area in that location could be of interest. The application does not include increasing the size of the lot, so it is technically not part of the review, but it would be good to discuss as part of the anticipated changes or off-site impacts.

Mr. Kurtz noted that approving the permit would not increase the production of the quarry, but secure the longevity of the mining operation. He stated that it is important for the applicant to emphasize that they are maintaining the reliability of the resource in the future rather than making the mine larger. The footprint may increase, but the noise and operation of the mine is not changing.

Mr. & Mrs. Fosters asked Planner Godwin about the possibility of putting a home on the property. Mr. Foster noted that there is an existing house on the edge of the property and they would like to put a new dwelling right outside the MPA on their tax lot. The access to the home would be shared with an existing driveway that leads to the existing home. Mr. Foster also stated that he does not see water and/or sewer being an issue.

Planner Godwin stated that she would need to do research on what is allowable on their property and can give them answer at a later date. She said it would be considered a "Non-Farm Dwelling" and research of the soils in that area need to be done. (The applicant confirmed that it would be on the West side of Mary's Peak.)

Mr. Kalberer asked about the timing of the applications (CUP & Non-Farm Dwelling). Planner Godwin responded that there is no concern that one application is processed before the other. The new dwelling application does not change or effect the mining operation that is already in existence.

Mr. Foster asked if the fact that the application for the CUP and the potential application for a dwelling permit would make a difference that they are on separate tax lots. Planner Godwin responded that the deed would need to be reviewed to see if the tax lots are different parcels.

Planner Godwin advised the applicant that if they were to apply for a non-farm use dwelling, it would also need to be approved by the Planning Commission.

Planner Godwin also stated that if the applicant chooses to apply for the Non-Farm Use permit, they could potentially have both applications reviewed at the same Planning Commission hearing which would be more cost effective. However, when reviewed together, they are approved or denied as one application. If there is any concern that either application would be denied, it would be best to have Planning staff review the applications separately. The public hearings can still be held on the same night.

Planner Godwin will follow up with research on the soils in the area where the Fosters would potentially like to put a dwelling. She will also look at the Big Game Range mapping and report back.

Stormwater Pollution Control Plan

for:

Alsea Quarries
ID #: 02-0005
DEQ File #: 110087
19331 S Fork Rd
Alsea, OR 97324 (Benton)
(541) 487-4783
foster.aqconstruction@gmail.com

Operator(s):

Alsea Quarries 1, LLC
George Foster
P.O. Box 265
Alsea, OR 97324
(541) 487-4783
foster.aqconstruction@gmail.com

SWPCP Contact(s):

Alsea Quarries 1, LLC
Mackenzie Foster
19331 S Fork Rd
Alsea, OR 97324
(541) 487-4783
foster.aqconstruction@gmail.com

SWPCP Preparation By:

Mackenzie Foster

SWPCP Preparation Date:

02 /04 /2020

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SECTION 1: MAPS



The star represents an area that is off the quarry site and we are not allowed to touch. We have to divert water around it. Also the tree line that borders behind the office is off our limits and is also the edge of a canyon and runs downhill that way.



This map shows exactly where the discharge point is. X marks the spot where the last pond before it discharges into the water separator is. The filled in circle is where the separator is and the D1 marks where the water is collected before it leaves the site.

SECTION 2: SITE DESCRIPTION

2.1 MINING AND PROCESSING ACTIVITIES

Material mined at the site is crushed and broken stone (Quarried rock, sic code: 1429). Sizes of rock range from ¾"-0 to pit run/boulders. Our mining methods include drilling and blasting, and then a portable screening plant and crusher are moved in to crush rock. The area affected by mining is approx. 20 acres out of the 40 acres the site is on.

2.2 POTENTIAL POLLUTANTS

Potential pollutants that are on site include 2 diesel fuel tanks, oil & grease, raw materials, overburden and ungraded rock also finished products, possible metals with rust.

2.3 STORMWATER SURFACE AREA

Total project area:	40 Acres
Mining site area currently disturbed:	20 Acres
Surface area to be disturbed within the next 5 years:	21 Acres
Percentage of impervious area within the next 5 years:	1%

Impervious area only includes the maintenance shop and scale shack

2.4 RECEIVING WATER

Once the stormwater leaves our site it travels downhill into another pond that is Cedar Creek which eventually goes to the South Fork Alsea River.

2.5 DISCHARGE OUTFALLS AND MONITORING LOCATIONS

The monitoring location is D1 located on the general map. There is a pond that catches the last bit of water before dumping into a oil/water separator and then off of the quarry property. An oil/water separator is a big bin that when any oil or anything heavier than water floats on top of the water, pushing the water out but not the oil. The drainage happens at the bottom of the bin.

2.6 PERIOD OF USE

This site operates Monday - Friday except holidays. Operation hours are 7am - 3pm.

SECTION 3: TECHNOLOGY BASED EFFLUENT LIMITS (TBELS)

3.1 *EROSION AND SEDIMENT CONTROL*

3.1.1 Erosion Controls Used

BMP's on site include: Oil/Water separators, rock check dams, vegetation strips, and booms as needed.

Erosion control includes: Seeding, mulching, using straw, silt fencing, sand bags and sometimes fiber rolls.

3.1.2 Sediment Controls Used

Sediment controls used on our site include gravel berms along all roadways and edges, rock check dams placed throughout ditch lines, vegetated filter strips, settling ponds that are cleaned out, and vegetative buffers. If needed straw bales may be used for control or silt fencing for a newly disturbed area.

3.1.3 Stormwater Run-On Diversion

Run-On prevention includes underground culverts running on main site roads, berming surrounding every edge/roadway on site and bioswales/vegetated strips or ditches along the roadways as well.

3.1.4 Track-Out Prevention

Onsite we have all graveled road ways, a paved exit onto the main highway and a sweeper to use if necessary.

3.2 *MINIMIZE EXPOSURE*

3.2.1 Minimize Disturbance

If there is an area that should not be disturbed on site, we will post signage saying do not enter or area closed, and will set up blockades to restrict entrance into the prohibited area. There's only so much ground we can disturb for being a small pit, but there are some areas that we cannot disturb anymore, so the process of reclamation has been happening.

3.2.2 Exposure to Pollutants

When servicing of equipment happens, it is in the maintenance shop which has a roof, otherwise a tarp or containment underneath equipment will be placed to catch any possible pollutants. Diesel fuel tanks are double-walled and are bermed around them to catch any leaks or spills, pads are also available. Waste disposal is kept in a bin with a lid to minimize exposure.

3.3 OIL AND GREASE MANAGEMENT

Oil and Grease are stored in the maintenance shop, and also in secondary containment bins so if a spill or leak happens it does not run on the floor. There are spill kits in the shop if a oil spill were to happen, and also 2 oil/water separators on site. Inside the maintenance shop is an oil tank, that is used to place used oil in and is used to operate a heater.

3.4 WASTE CHEMICAL AND MATERIAL DISPOSAL

Waste disposal is held in a container with a lid outside of the shop, but also waste containers in the shop have lids as well.

3.5 DEBRIS CONTROL

With daily monitoring, if debris or waste is found it will be removed, or a boom would be applied to catch it if unreachable. We also have rock check dams, and lastly the oil/water separator would catch any debris that made it through the ponds and other BMPs on site.

3.6 HOUSEKEEPING

Any spills that happen are cleaned up and taken care of immediately. Employees are also required to clean up garbage/debris when found to ensure a clean workplace. Daily and more in depth weekly inspections help keep the site clean and clear.

3.7 SPILL PREVENTION AND REPOSE PROCEDURE

Spill prevention is ensured by placing oils and pollutants stored in secondary containment, berming around fuels, roadways and ponds. The oil tank in the maintenance shop helps the possibility of leaks from happening, and that tank also has secondary containment and absorbent pads around it. Spill kits are placed in the shop, and on the crushing unit when on site. There are absorbent pads and booms in the kits. Disposal of dirty clean up debris would be put into one of the containers on site with a lid.

3.8 PREVENTATIVE MAINTENANCE

Our industrial equipment is inspected daily along with the ponds, culverts, bmps, etc. When a problem is noticed it instantly gets taken care of, or as quickly as possible. The oil/water separators are inspected daily, and cleaned manually.

3.9 EMPLOYEE EDUCATION

Individual(s) Responsible for Training:

[Mackenzie Foster](#)

Describe Training Conducted:

[Our employees are walked through the site and shown where all bmps are, areas to check and shown where spill kits are located. They are trained on the stormwater binder which includes site specific details, what to do in the case of a large spill, who to contact, and how to do the daily checklist. Annually the](#)

stormwater plan is gone over to discuss any new changes to stormwater, and revise the plan in place.

3.10 NON-STORMWATER DISCHARGE

N/A

3.11 PROCESS WASTE WATER

We don't have any process waste water at this site, we don't have detergent or hot water runoff.

SECTION 4: OPERATION AND MAINTENANCE PLAN

By checking our BMP's weekly, when something wrong is noticed it will get fixed right away. This way there is minimal disturbance or exposure and the BMP's aren't inefficiently working for very long. Also if needed, more BMP's can be added on site.

SECTION 5: INSPECTIONS


- 1. *Inspection Personnel:*** Identify the person(s) who will be responsible for conducting inspections and describe their qualifications:

See attached list of people trained. Any of those individuals throughout the year will be in charge of inspections. However Mackenzie Foster is going to do most of them unless unavailable.

- 2. *Inspection Schedule and Procedures:***

The pit is inspected daily. Each pond is looked at, the pit floor, the crusher if on site and the discharge point daily. Whenever a rainfall event happens everything gets inspected to make sure nothing needs adjusting. Also once rainfall starts the lab is called and they come out to take a sample from the discharge point. Weekly a more thorough inspection is done of all BMP's, equipment around the shop, etc.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Mackenzie Foster Title: Office Manager
Signature:  Date: 2/4/20

Repeat as needed if there are multiple mining operators at the site

Date of Report: 10/21/19

General Information			
Registrant Name	Alsea Quarries 1, LLB	Inspection Date	10/18/19
DEQ File Number	110087	Entry/Exit Time	10:00AM-12:15PM
DOGAMI Permit ID	02-0005	Facility Type	Aggregate
Inspector	Lisa Reinhart	Primary Inspection Type	Routine
Other Inspector	Becky Johnson	Weather Conditions	Rainy, cloudy, cool
Facility Information			
Common Name	Alsea Rock Quarry		
Physical Address	19331 S Fork Rd, Alsea, OR 97324		
DEQ Region	SW		
Original Issuance Date	9/23/1998	Renewal Date	11/15/13
Receiving Waterbody	Cedar Creek, tributary to South fork Alsea River		
Primary SIC Code	1429		
Date of Last Inspection	10/29/14		
Prior Enforcement Actions	9/27/19- PEN Failure to submit DMR- Withdrawn and WL issued.		
Site Representative(s)	Mackenzie Foster		
Facility Description	Rock quarry that excavates pit run by drilling and blasting. Crushing, screening, and stockpiling of rock occurs on-site. The facility excavates from with the existing pit area and is not expanding outward.		
Operating Permit Conditions (DOGAMI)	<p>The Permittee must:</p> <ol style="list-style-type: none"> 1. maintain a minimum setback of 75 feet between the excavation and South Fork Road. 2. not spoil overburden on any of the outslopes below the quarry. Overburden spoiling within the quarried area is acceptable. 3. not move overburden when it is saturated. 4. stabilize all new dumps prior to October 1 of each year. 5. not conduct any additional lateral disturbance to the north or east outside of the 22-acre current disturbance boundary as delineated on the 2011 DOGAMI aerial photo without first submitting a survey boundary map of the Operating Permit area for review and approval by DOGAMI. 		
Discharge Conditions at Time of Inspection			
Was there an active discharge observed at the time of inspection?			Yes
Comments			
Discharge from the oil/water separator appeared slightly turbid. There was no visible observation of the discharge water into the receiving water and therefore a comparison was not made.			

Schedule A Narrative Technology-Based Effluent Limits (TBEL)				
TBEL	Acceptable			Evaluation
Erosion and Sediment Control <i>Schedule A(1)(a)</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Exposed sloped areas appeared stable. Sediment was controlled with vegetation however some rilling was noted along the roadside ditches. Additional BMPs are needed within conveyance structures to filter fine sediments. Track-out was controlled by the use of gravel roads.
Minimize Exposure <i>Schedule A(1)(b)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Potential pollutants include sediments from exposed slopes and stockpiles, fuels, oil, grease, trash, and waste materials such as rusting metals from scrap. Exposure to those pollutants has not been minimized by using secondary containment or berming to limit exposure of stormwater to those pollutants. Pollutants from scrap metals can make their way into stormwater and are harmful to aquatic life and drinking water supplies. Zinc, aluminum, iron, lead, copper, are some metals of concern which are not being monitored under the sampling requirements of the 1200-A permit.
Oil & Grease <i>Schedule A(1)(c)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Although oil and grease contamination of stormwater was not observed, oil sheens were noted throughout the facility on roadways. Oil containers were located in open areas without secondary containment.
Waste Chemicals and Material Disposal <i>Schedule A(1)(d)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Waste chemicals such as used oil containers were not properly disposed of or recycled. A significant volume of used/old equipment that appears to be of no value is located throughout the facility. A dumpster with lid was located near the shop however, trash was also noted throughout.
Debris Control <i>Schedule A(1)(e)</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	There was no observation of garbage or floatable debris in stormwater.
Housekeeping <i>Schedule A(1)(f)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Exposed areas (maintenance shop, bone yard, storage areas) are not clean and orderly. Materials are not well organized and labeled.
Spill Prevention and Response <i>Schedule A(1)(g)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Leaks and spills were observed as oil sheens along the roadways, near fueling stations, equipment storage areas, and near the maintenance shop.
Preventative Maintenance <i>Schedule A(1)(h)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	Industrial equipment that may result in leaks, spills, and other releases of pollutants were located in areas exposed to stormwater. BMPS did not appear to be recently maintained or prepped for the winter season.

Employee Education <i>Schedule A(1)(j)</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>	The facility does not have a SWPCP site specific employee education program. Records of employee education were available for the past three years.
Non-Stormwater Discharges <i>Schedule A(1)(k)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Non-stormwater discharges have been eliminated.
Control Measures for Technology Based Effluent Limits (Indicate BMPs Evaluated)				
<input checked="" type="checkbox"/>	Rock check-dams			<input type="checkbox"/> On-site Bioswale
<input checked="" type="checkbox"/>	Vegetated Buffers			<input type="checkbox"/> Stormwater Recycle/Re-Use
<input type="checkbox"/>	Settling Basin			<input type="checkbox"/> Constructed Wetlands
<input type="checkbox"/>	Source Control			<input type="checkbox"/> Sweeping
<input type="checkbox"/>	Off-site Stormwater Diversion			<input type="checkbox"/> Stormwater Treatment System
<input checked="" type="checkbox"/>	Settling Ponds			<input type="checkbox"/> Filter Fabrics
<input checked="" type="checkbox"/>	Other (describe)	Oil/water separator at discharge point. Additional BMPs are needed to effectively control sediment and oil and grease contamination in stormwater.		
Facility shows documented evidence of adaptive management to control pollutant sources?				No
Comments				
Stormwater Pollution Control Plan				
SWPCP is Onsite	Yes		SWPCP is Current	No
Most Recent Revision	2/27/13		Mining Activity	Active
Comments				
The SWPCP was reviewed as part of the inspection and was found to be out of date and did not meet site conditions. The SWPCP filed with DOGAMI is more recent than the SWPCP located on-site.				
Corrective Actions for Impairment Pollutants and Benchmark Exceedances				
Tier I Reports			Tier II Status	
Tier II Install Date			Post-Install Exceedance Reports	
Mass Reduction Waiver			Natural Background Waiver	
Tier II Corrective Action				
Do the Tier II Treatment Measures Match the Accepted Corrective Action Plan?				
List Installed Tier II Treatment Measures				
Comments				
Tier I and Tier II reports were not reviewed.				
Schedule B Monitoring Requirements				
Number of Discharge Points in SWPCP	1	Sampling Personnel	Cascade Earth Sciences	
Number of Discharge Points Observed	1	Number of Sampled Discharge Points	0	
Outfalls Match SWPCP	Y	Sampling is Representative of Discharge	Y	
Comments				
2018-2019- No DMR Submitted. WLOC sent 8/12/19. PEN sent and referred 9/27/19. DMR submitted during inspection.				
2017-2018- 4 samples, within benchmarks, monitoring waiver requested.				
2016-2017- 4 samples, sample on 1/9/17 had TSS of 170				

2015-2016- 4 samples, sample on 3/10/16 had TSS of 150							
2014-2015- 4 samples, sample on 10/22/14 had TSS of 270							
2013-2014- No DMR in file. Database shows 4 samples within benchmarks.							
2012-2013- 2 samples, within benchmarks							
pH Meter Calibration Log		Collected Samples		If yes, attach findings/CoC to Inspection Report			
Turbidity NTU:	Above Discharge		Below Discharge		Discharge	%↑	
Turbidity NTU:	Above Discharge		Below Discharge		Discharge	%↑	
For Current Permit Cycle							
Monitoring Variance		Date Granted		Supporting data required. Select reason for granting below:			
Facility holds Monitoring Waiver(s)?			How many affected Discharge Points?				
List outfalls that have waivers and the specific circumstance of each waiver.							
Revocation of Waivers Required?		Yes		If yes, select reason below. If no, provide rationale in comment:			
Comments							
A waiver was granted by default because DOGAMI did not respond to the request submitted 7/10/18 with the 2018 DMR. A waiver was requested based on the geometric mean of benchmarks for pH, TSS, and O&G.							
Schedule B Inspection Requirements							
Inspection Records	Not available		Maintenance Records	Not available			
Inspection Criteria	See below		Record Retention	3 years			
Sector Specific Inspections			Meets Sector Specific Inspection Requirements				
Treatment System Operation & Maintenance Plans available, accurate, and current?							
Comments							
Condition 7 of the permit requires daily (when operating) inspections of dikes, containment systems, and pond freeboard. Pond freeboard may be inspected on a weekly basis if an alarm system or float valve is used. Mining clearing, grading, and excavation areas must be inspected daily when there is stormwater runoff. All streams within 300 feet of an active seepage pond must be inspected monthly for visible turbid seepage. Areas where industrial activities are exposed to stormwater (BMPs, material storage and stockpile areas, entrance/exits) must be inspected monthly. Monitoring points must be inspected monthly when discharging. Stormwater control facilities and drainage systems must be inspected annually before the wet weather season.							
Corrective Action(s)							
General Actions							
<input checked="" type="checkbox"/>	Revise Stormwater Pollution Control Plan						
<input checked="" type="checkbox"/>	Install secondary containment on hazardous and significant materials.						
<input checked="" type="checkbox"/>	Resume monitoring, all monitoring waivers are revoked.						
<input checked="" type="checkbox"/>	Develop an employee education plan and implement the plan. Provide evidence of plan implementation to all employees.						
<input checked="" type="checkbox"/>	Perform housekeeping in areas with pollutants exposed to stormwater.						
Inspection results in Enforcement Action					Enforcement Number:		
Comments							
See attached Warning Letter with Opportunity to Correct for all required corrective actions.							

Violation(s)/Non-Compliance

468B.025 Prohibited activities.

2. No person shall violate the conditions of any waste discharge permit issued under ORS 468B.050.

Conditions of the permit in violation:

SCHEDULE A

1(b). Fueling, storage, and disposal areas are not covered, bermed, or curbed to minimize exposure to stormwater. Hazardous substances are not stored within berms or other secondary containment. Spills and leaks were evident and had not been promptly cleaned up.

1(c). Oil/water separators are not employed to eliminate or minimize oil and grease contamination.

1(d). Waste is not properly disposed of.

1(g). The potential for leaks and spills has not been minimized.

1(j). There is not an employee orientation and education program to inform personnel on the components and goals of the SWPCP.

9. The SWPCP does not match current site conditions.

SCHEDULE B MONITORING REQUIREMENTS

7 & 9. The permit registrant has not been conducting and recording inspections as required in Table 6.

Any noncompliance with any of the requirements of the 1200A permit constitutes a violation of the Clean Water Act and state law. Failure to take a required corrective action constitutes an independent, additional violation of the permit and Clean Water Act.

Additional Comments

A Warning Letter with Opportunity to Correct is being issued in accordance with the Water Quality Violations Guidance WQ005(2)(b) and WQ0055(2)(d)

Facility Overview and Photo Points



Benched highwall at northeast area of disturbance



Stormwater along the northern highwall drains westerly to settling pond 1 through a conveyance ditch



Stormwater from stockpile area drains to settling pond 1



From settling pond 1, water is conveyed easterly via culvert under access road to bioswale. From bioswale, water is conveyed back westerly under the access road and discharges into a vegetated buffer



After discharging through the sloped vegetated buffer, water collects in the roadside ditch. Note the turbidity of ditch water appears to be as turbid as what was in the pond.



The ditch drains into settling pond 2 for additional settling.



From settling pond 2, water is conveyed via culvert under access road to 2nd bioswale



From the bioswale, water drains into an oil/water separator and discharges into Cedar Creek



Run-on from eastern disturbance drains to infiltration pond at the base of eastern disturbance



Waste material is scattered throughout the facility which contributes pollutants to stormwater



Waste is not properly disposed of



Leaky equipment is parked at the equipment storage area



Fuel tank/petroleum stains the ground where it is exposed to stormwater



Used oil container and battery



Track-out was well controlled



This completes this report.

Exhibit C



PUBLIC HEARING
LU-22-054; Stormwater Code
Amendments

STAFF REPORT TO THE PLANNING COMMISSION

PROPOSED ACTION:	Amendments to Chapter 99 of the Benton County Development Code regarding stormwater management.
APPLICABLE CRITERIA:	Benton County Development Code Sections 53.605 through 53.625 (Text Amendment).
AFFECTED PROPERTY:	The proposed Development Code amendments apply to all land in unincorporated Benton County.
STAFF CONTACT:	Greg Verret Greg.Verret@co.benton.or.us 541-766-6819
FILE NUMBER:	LU-22-054

I. NATURE OF THE PROCEEDINGS

Benton County is required by the Oregon Department of Environmental Quality (DEQ) to modify the current regulations for managing the stormwater runoff associated with land development. The Board of County Commissioners initiated a legislative process on December 7, 2022, to consider such code amendments.

The County’s review of legislative code amendments is not subject to the 150-day time limit that applies to application-driven (quasi-judicial) proposals. However, the terms of DEQ’s permit issued to Benton County requires the new code provisions to be adopted by March 1, 2023. The Planning Commission is scheduled to hold a public hearing on January 3, 2023. The Planning Commission should either vote January 3 on a recommendation to the Board of County Commissioners or continue the hearing to January 17 and vote on a recommendation at that time. The Board of Commissioners will hold a public hearing on February 7.

Notification of the proposed code amendment was submitted to the Oregon Department of Land Conservation and Development 35 days prior to the Planning Commission hearing as required by state rules. A legal advertisement was published in the *Corvallis Gazette-Times*, pursuant to BCC 51.610(3). The County emailed notification to interested parties and agency staff on December 14, 2022, and mailed notification to Oregon Department of Fish and Wildlife as required by BCC 53.615. The notice was also distributed to members of an advisory group that provided input to the development of the revised stormwater program and to participants in the Community Development Roundtable, hosted by the department. Additional outreach was distributed via social media.

II. PROPOSED CODE

The primary elements of the proposed amendments are:

- Require an erosion and sediment control (ESC) permit for construction involving ground disturbance of ¼-acre or more. Current threshold is 1 acre or more.
- Require post-construction stormwater management (typically detention and treatment of runoff) for construction that will result in ¼-acre or more of impervious surface. Current threshold is 0.57 acre of impervious surface or 1 acre of ground disturbance. Will apply to all of unincorporated Benton County (currently limited to the Corvallis and Philomath urban fringe and Federal Urbanized Area).
- Add definitions
- Require activities no longer covered by Oregon Forest Practices Rules to comply with County stormwater regulations.
- Remove design details from the code; reference a design manual/support documents.
- Require that treatment and detention for full buildout of subdivisions and partitions be addressed prior to platting.
- Modify the requirements for long-term maintenance of stormwater facilities to better ensure facilities' continued functioning, including requirement for maintenance agreements attached to the property deed.
- Revised enforcement procedures.
- Other modifications.

Key Considerations

The core elements of these code amendments are mandated to Benton County by DEQ. For example, the ¼-acre thresholds and the requirements for both erosion/sediment control and post-construction stormwater management. The County has greater latitude in other areas such as the procedures and mechanisms employed to review, permit and ensure long-term compliance. The following are topic areas the Planning Commission may wish to consider.

1. Forest practices. Timber harvest and related commercial forestry activities are exempt from the stormwater requirements by state rules when they are covered by Oregon Forest Practices Rules. However, how such land is addressed once it is no longer covered by the forest practices rules is up to the County to decide. In the past, the absence of clear guidance in the Development Code has caused confusion and created situations where significant erosion and downstream impacts were possible when a timber harvest site in a rural residential zone was planned for residential development and emerged from the jurisdiction of the forest practices rules but was not clearly covered by Benton County's ESC rules. Proposed language in Sections 99.660(4) and 99.670(3)(b) would address this issue.

2. Cumulative impervious surface. Benton County's permit from DEQ requires the County to ensure stormwater detention and treatment if impervious surfaces on a site total ¼-acre or more, but is not clear as to how that total should be calculated over time as impervious surfaces on a site accumulate. The draft code addresses this in Section 99.670(3)(a)(A)(iii) by specifying that all impervious surface established cumulatively since March 1, 2023 (the effective date of the DEQ permit requirement) be included.

3. Subdivisions and partitions. DEQ requires that all construction activity that falls under a “common plan of development” be addressed as a whole. For a subdivision, road construction prior to final platting should be considered together with construction of houses and other impervious surfaces that occurs after platting on the resulting lots. In Section 99.670(4)(b), the draft code requires that all impervious surfaces related to full buildout (roads and other infrastructure as well as homes and related construction) must be factored into the design and construction of stormwater detention and treatment, and that the assumed area of impervious surface on individual properties used in designing the treatment/detention must be made binding limitations on the individual properties. This provision has been drafted by Benton County staff as a way to ensure compliance with the intent of the DEQ permit; the specific mechanisms are not specified by DEQ.

4. Long-term maintenance. DEQ requires that stormwater detention and treatment facilities continue to function over the long term, but does not specify how the County ensure that. In Section 99.670(6), the draft code revises the provisions for maintenance by requiring that property owners with detention/treatment facilities enter into a long-term maintenance agreement. The agreement document has been drafted based on example from several Oregon cities that have been implementing the impervious surface requirements for a number of years. The maintenance agreement document is not contained in the code, but the draft code authorizes the agreement document to include several elements. Critical among these is that the owner is responsible for maintenance and repair; that the County can repair and bill the owner; that unpaid bills can become a lien on the property; and that the maintenance agreement shall run with the land as a covenant binding on future owners.

5. Enforcement. The revisions to 99.680 would delete several paragraphs as those step-by-step enforcement provisions are now contained in the recently updated Chapter 31 of the Benton County Code, which is the County’s general Code Enforcement code. However, some provisions specific to stormwater are appropriate to maintain in Chapter 99.

6. Implementation. The Development Code amendments are only one piece of implementation. Staff from Community Development, Public Works, Environmental Health, and others, are developing information for the public, review procedures, and the design manual and related support documents referenced in the Code. While not the subject of this public hearing, these other elements of implementation are critical and if the Planning Commission has questions or suggestions staff welcomes them.

III. WRITTEN TESTIMONY

No written testimony had been received as of December 27, 2022.

IV. DEVELOPMENT CODE PROVISIONS FOR TEXT AMENDMENTS

BCC 53.605. On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify text.

BCC 53.610(1). The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed amendment.

BCC 53.620. The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the public hearing, the Planning Commission shall make a recommendation to the Board to approve, deny, or modify the proposed amendment.

BCC 53.625. The Board of County Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The proposed text amendments are necessary to address changing conditions, namely the modified requirements coming to Benton County from DEQ pursuant to the Federal Clean Water Act. The Board of Commissioners initiated these text amendments. This staff report constitutes the background report discussing the justification for the proposed amendment.

The Planning Commission will, at its January 3 hearing, develop a recommendation to the Board of Commissioners. The Board will hold a subsequent hearing and, if approved, adopt Development Code provisions by ordinance.

Conclusion: The process requirements of the Development Code will be met.

V. RECOMMENDED ACTION

Staff recommends that the Planning Commission:

- A. Discuss and consider the proposed code and any potential revisions, and
- B. Make a formal recommendation to the Board of Commissioners to adopt the amendments as proposed or with revisions. Any such revisions could be either specifically articulated by the Planning Commission or conveyed in concept for staff to work out the details and present to the Board of Commissioners.

VI. MOTIONS

Option A:

- A. I move that the Planning Commission recommend that the Board of County Commissioners **APPROVE** the code amendments relating to stormwater as proposed [OR, as modified at the public hearing].

Option B:

- B. I move that the Planning Commission recommend that the Board of County Commissioners **REJECT** the code amendments relating to stormwater, for the following reasons: [*identify*].

VII. ATTACHMENTS

- A *Proposed Code*

Benton County Development Code
Draft Amendments to Chapter 99 Stormwater Management
12/27/2022

New text is underlined. Deleted text is ~~struck through~~.

STORMWATER MANAGEMENT

99.650 Definitions. As used in BCC 99.650 through 99.680:

- (1) “BMP” means best management practices.
- (2) “Certified Professional” means a person certified as required by Oregon Department of Environmental Quality in any of the following program areas:
 - (a) Certified Professional in Erosion and Sediment Control (CESCL)
 - (b) Certified Professional in Storm Water Quality (CPSWQ)
 - (c) Certified Inspector of Sediment and Erosion Control (CISEC)
 - (d) Washington State Certified Erosion and Sediment Control Lead (CESCL-WA)
 - (e) Rogue Valley Sewer Services Erosion and Sediment Control Certification.
- (3) “Common plan of development or sale” means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. Examples include a subdivision or partition, but range far beyond; further examples are included in the Stormwater Support Documents.
- ~~(4)~~(4) “County Engineer” means the County Engineer or the authority designated by the Public Works Director.
- ~~(2)~~(5) “Disturbed Area” means land area subject to ground-disturbing activities.
- (6) Erosion and Sediment Control Plan. A plan which fully indicates necessary land treatment and structural measures, including a schedule of the timing for their installation which will effectively minimize soil erosion, sedimentation, and non-storm water construction related discharges.
- ~~(3)~~(7) “Ground-disturbing Activity” means an activity that exposes, works or redistributes soil, including but not limited to excavating, filling, stockpiling, grading, grubbing, or clearing to bare earth.
- ~~(4)~~(8) “Impervious Surface” means a surface that prevents stormwater from infiltrating the soil, and includes but is not limited to such elements as roads, driveways, parking lots, walks, patios, and roofs. Compacted gravel, asphalt and concrete surfaces are all considered impervious.
- ~~(5)~~(9) “Interim control measures” mean short term erosion and sediment control practices to remedy immediate issues as deemed necessary by Benton County.
- ~~(6)~~ “Manual” means the required erosion and sediment control measures designated in the

~~“Benton County Stormwater Management Guide” or its successor document.~~

~~(7)~~(10) **“Non-structural Controls”** means long-term stormwater management techniques and installations that do not include constructing facilities or other stormwater infrastructure; examples include natural drainage, bio-swales, and vegetation preservation.

~~(8)~~(11) **“Responsible Party”** means the party who shall be legally responsible for compliance with the requirements of BCC 99.650 through 99.680. The responsible party shall be the owner of property upon which ground disturbing activities occur, even if the property owner designates others to perform work on the property owner’s behalf. In the case of activities performed within an easement or right-of-way, the person causing the work to be performed shall be the responsible party.

(12) **“Stormwater Support Documents”** means the following Benton County documents: Stormwater Management Plan (SWMP), the Best Management Practices (BMP) Manual and Appendices and the Stormwater Design Manual, or successor documents.

~~(4)~~(13) **“Structural Controls”** means constructed or pre-fabricated systems or facilities and other infrastructure related to long-term stormwater management.

(14) **“UIC”** means underground injection control. A UIC structure is a subsurface distribution system for stormwater; usually an assemblage of perforated pipes, drain tiles or other mechanisms intended to distribute stormwater below the surface of the ground.

[Ord 2011-0240]

99.660 Erosion and Sediment Control

(1) **Purpose:** The purpose of this section is to:

- (a) Preserve and enhance the health, safety, welfare, financial investment in public and private infrastructure, private property value, and the quality of life of the inhabitants of Benton County by minimizing the risk of flooding, erosion, sedimentation, and other stormwater impacts; and
- (b) Maintain or improve water quality within Benton County as required under State and Federal National Pollution Discharge Elimination System law.

(2) **Applicability.** The provisions of this section shall apply to all unincorporated areas of Benton County.

(3) **Activities Requiring Erosion and Sediment Control Permit.**

(a) The responsible party shall obtain an Erosion and Sediment Control (ESC) Permit from Benton County prior to initiation of ground-disturbing activities ~~(except those activities listed in (4) below)~~, if both (A) and (B) are met. Ground-disturbing activities listed in subsection (4) of this section are exempt from ESC permitting requirements.:

(A) The ground-disturbing activities are associated with:

- (i) Construction or land uses that require a permit or other review by Benton County; and

- (ii) any of the following:
 - (a) Construction of a public or private road, driveway, or structure; or
 - (b) Site preparation, associated installations (such as a septic system drainfield, ground-source heat pump, or tennis court), landscaping, and other ground- disturbing activities related to such construction.

(B) The total area disturbed will be:

- (i) ~~10.25 acre (10,890 square feet) or more; or~~
- (ii) ~~Less than 1 acre if the ground-disturbing activity is part of a larger common plan of development or sale that will involve a total disturbed area of 1 acre or more. An ESC Permit may be waived for a phased activity in which the cumulative disturbed area is 1 acre or larger if all individual phases disturb less than 1 acre of land and each phase is fully and permanently stabilized prior to initiation of ground disturbance on a subsequent phase.~~

(b) All activities shall comply with the Benton County Illicit Discharge Detection and Elimination Code, whether or not the activity requires an Erosion and Sediment Control Permit.

(c) The responsible party shall also comply with other local, state and federal erosion control regulations that may apply. Ground disturbance that is part of a common plan of development is required to comply with DEQ permitting even if the ground disturbance alone is below the threshold for requiring a Benton County ESC Permit.

(4) **Exempt Activities.** The following activities are exempt from the permit requirement in subsection 3(a):

- (a) Accepted farm practices, not including construction of buildings;
- (b) Forest practices performed pursuant to the Oregon Forest Practices Rules. Upon completion of such forest practices or expiration of Forest Practices authorization, a Benton County ESC Permit is required unless the land has been replanted at stocking levels consistent with Oregon Department of Forestry standards;
- (c) Excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;
- (d) Emergency measures to protect life, property, public infrastructure, or essential services, in which case an ESC Permit shall be obtained as soon as possible after-the-fact;
- (e) Mining activities performed pursuant to applicable state permit requirements.
- (f) Activities, conducted by public agencies, that meet or exceed state or federal standards for erosion and sediment control.
- (g) Vegetation removal and associated activities as necessary to establish a 30-foot fire break around existing structures.
- (~~f~~)(h) Removal of invasive vegetation, provided the area of removal is re-established in non-invasive vegetation within one year.

- (5) **Permit Application.** The applicant and/or responsible party shall submit the following:
- (a) Erosion and Sediment Control Application form;
 - (b) Erosion and Sediment Control Plan demonstrating compliance with the requirements of this section and the applicable provisions of the Stormwater Support Documents. The plan shall be prepared by a certified professional, as defined in 99.650 ~~an individual(s) with sufficient erosion and sediment control training and qualification to design an erosion and sediment control plan compliant with this code section~~. The Erosion and Sediment Control Plan for a disturbed area of more than 5 acres shall be prepared by a licensed engineer with relevant experience, or an Oregon Certified Professional in Erosion and Sediment Control.
 - (c) A site plan and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance. The location and a brief description of the surface runoff and erosion control practices to be implemented in compliance with the Stormwater Support Documents.
 - (d) The County Engineer may require submittal of a pollution prevention and protection plan, including but not limited to construction material and waste management practices to be used, temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.
 - ~~(e)~~(e) Fee(s) established by the Board of County Commissioners;
 - ~~(d)~~(f) Other documents deemed appropriate by the County Engineer and/or Planning Official.

(6) **Level of Potential Impact**

- ~~(a) The required erosion and sediment control Best Management Practices (BMPs) shall correspond to the level of potential impact of the proposed project as determined using the following table. The County Engineer and/or Planning Official may require a different level of erosion and sediment control due to factors including but not limited to: proximity to known landslides, steep slopes in the vicinity, and protected conservation areas.~~
- ~~(b) Unless determined otherwise by the County Engineer and/or Planning Official, the column with two or more checks shall be the required level of erosion control, and in the case of one check in each column, the medium level shall be required. A subdivision shall require a "high" level of erosion control, unless deemed otherwise by the County Engineer.~~
- ~~(c) The categories of Low, Medium and High correspond to required BMPs listed in the "Benton County Stormwater Management Guide" or its successor document.~~

Site Conditions	Required Level of Erosion Control:		
	Low	Medium	High
<p>Distance between the work site and the nearest Sensitive Area down-slope or at the same elevation. Sensitive Areas include:</p> <p>(a) Wetlands identified on a National, State or Local Wetland Inventory, or identified as Potential Wetland on Benton County's wetland reference map;</p> <p>(b) Stream Channel top of bank;</p> <p>(c) Riparian Area protected pursuant to Development Code provisions;</p> <p>(d) Upland Prairie and Oak Savannah protected pursuant to BCC Chapter 88;</p> <p>(e)(a) Potential Habitat for Fender's blue butterfly as identified in the</p>	More than 300 feet	100 to 300 feet	Within 100 feet
Average slope across the disturbed area.	0 to 3.9 percent	4 to 10 percent	More than 10 percent
Erodibility of predominant soil type, determined from NRCS Soil Survey of Benton County, Oregon (or successor document)	Low Erodibility (K value <0.24)	Medium Erodibility (K value 0.24 to 0.40)	High Erodibility (K value >0.40)

(7)(6) Permit Review and Approval.

- (a) An Erosion and Sediment Control Permit may be issued upon determination by the County Engineer that the submitted materials demonstrate compliance with the Manual and the applicable Best Management Practices (BMPs) identified pursuant to Section (6). To address specific conditions of a given site, the County Engineer may require additional or modified BMPs to address specific conditions of a given site, including but not limited to proximity to known landslides, steep slopes in the vicinity, and protected conservation areas (including but not limited to wetlands, streams/rivers, protected species habitat).

- (b) Issuance or denial of an Erosion and Sediment Control Permit is not a land use decision and is not subject to the requirements of a land use decision including but not limited to BCC 51.535, BCC 51.605 through 51.625, and BCC 51.805 through 51.840.

~~(8)~~(7) Permit Period of Validity; Renewal.

- (a) An Erosion and Sediment Control Permit shall be valid for ~~one~~two years from the date of issuance.
- (b) The responsible party shall request permit renewal if final inspection approval pursuant to subsection (12) of this section has not been obtained prior to expiration of the permit.
- (c) Expiration of an ESC Permit that has not received final inspection approval shall be considered a violation of this code pursuant to BCC 99.680.
- (d) Permit Renewal: The responsible party shall submit a permit renewal application form and fee at least 30 days prior to expiration of the current permit. The County Engineer or Planning Official shall review the request and the current status of erosion and sediment control at the site and shall approve the request if conditions are substantially consistent with the original Erosion and Sediment Control Plan. If the County Engineer or Planning Official determines that conditions have changed such that the original Erosion and Sediment Control Plan no longer adequately addresses erosion and sediment control needs, the responsible party shall within 14 days of such determination submit the application and materials for a new Erosion and Sediment Control Permit.

~~(9)~~(8) Permit Extension. If, during the first 11 months after issuance of an ESC Permit no ground disturbance has occurred and no County site inspections have been performed, the permittee may submit written request for an extension of the period of validity. Such request shall be submitted 30 days prior to the expiration date of the ESC Permit. There will be no fee for such an extension. The County Engineer or Planning Official may grant a one-time extension for up to one year, but shall not approve an extension if the conditions of the permit or of this code section are being violated.

~~(10)~~(9) Transfer of Ownership. Permits are non-transferable. The transfer of a property to a new owner requires that a new permit be obtained prior to the initiation or continuation of ground-disturbing activities, even though said activities may have been authorized under the permit approved for the previous owner.

~~(11)~~(10) Implementation Requirements.

- (a) ~~Erosion and Sediment Control Plan approval is required prior to clearing or grading.~~ No ground disturbing activity requiring an Erosion and Sediment Control Permit shall be undertaken prior to County approval and issuance of the Erosion and Sediment Control Permit.
- (b) In cases where erosion or sedimentation is occurring due to ground-disturbing activities, the responsible party shall immediately install interim control measures to stabilize the condition and minimize sediment leaving the site. Within 5 working days of the responsible party or those working on behalf of the responsible party becoming aware of the erosion, the responsible party shall provide for County review new plans, or revisions to existing plans, that demonstrate adequate erosion and sediment control. Upon County approval of the plans, the new measures described shall be immediately implemented.
- (c) The responsible party shall ensure that:
- (A) The provisions of the Erosion and Sediment Control Plan are implemented prior to any ground disturbance and maintained in compliance with the issued permit. ~~in a timely manner;~~
 - (B) No visible or measurable amount of sediment has entered, or is likely to enter, the public stormwater system and surface waters;
 - (C) During active construction in rainy weather, a ~~qualified~~ certified professional individual shall ~~daily~~ inspect erosion and sediment control measures daily and shall ensure the control measures are maintained, adjusted, repaired and/or replaced so that they function properly without interruption, and shall ensure that immediate action is taken to correct any deficiencies.
 - (D) Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from surface water conveyances, including storm drainage inlets, ditches and culverts. In the event that sediment enters a wetland or stream, the responsible party's qualified designee shall immediately contact Benton County Public Works.
 - (E) Water containing sediment shall not be flushed into the storm water management system, wetlands or streams without first passing through an approved sediment filtering facility, device, or other County approved structure.
 - (F) When required by Benton County, the responsible party shall maintain written records of all site inspections of erosion and sediment control measures. These shall be provided to the County upon request.

- (G) Inspections by Benton County to certify that measures are installed in accordance with the Erosion and Sediment Control Permit shall be requested by the responsible party at the times specified in the Erosion and Sediment Control Permit.

~~(12)~~(11) **Inspections by Benton County; Right of Entry.**

- (a) Benton County will perform the following inspections pursuant to an issued Erosion and Sediment Control Permit:
 - (A) An initial inspection of installed erosion and sediment control BMPs prior to any ground disturbance;
 - (B) Interim inspections as deemed necessary by the County.
 - (C) A final inspection, to verify completion of all erosion and sediment control BMPs, permanent stabilization of the site, and the required clean up of erosion and sediment control materials.
- (b) The responsible party shall obtain inspections from the County as specified in the Erosion and Sediment Control Permit and shall take immediate action to correct any deficiencies noted by the County.
- (c) The County may enter property at any time to investigate compliance with the requirements of this Code.

~~(13)~~(12) **Correction of Ineffective Erosion and Sediment Control Measures.** If the facilities and techniques approved by the Erosion and Sediment Control Permit are not effective or not sufficient to meet the purpose of this section, Benton County may require the following. Failure to make required corrections in a timely manner shall be a violation subject to BCC 99.680.

- (a) On-site modifications to the erosion and sediment control measures; and/or
- (b) A revised plan:
 - (A) The revised Erosion and Sediment Control Plan shall be provided by the responsible party within 5 working days of Benton County notifying the responsible party and/or those conducting ground disturbing activities on behalf of the responsible party.
 - (B) The responsible party shall fully implement the revised plan within 3 working days of approval by Benton County.
 - (C) In cases where serious erosion is occurring, as determined by Benton County, the County may require immediate installation of interim control measures, before submittal of the revised Erosion and Sediment Control Plan.

99.670 ~~Long-Term Post-Construction Stormwater Management~~

- (1) **Purpose:** Establish stormwater management requirements and controls to protect and safeguard the health, safety, welfare, financial investment in public and private infrastructure, and private property value, and minimize flooding and sedimentation in areas where structural and non-structural stormwater management is required to improve water quality and manage ~~long-term post construction stormwater~~ runoff from new development and redevelopment projects that result in impervious surface ground disturbance of 0.251 acre or more.
- (2) **Applicability.** Land development within unincorporated Benton County~~the Corvallis Federal Urbanized Area or within the Urban Fringe of the City of Corvallis or City of Philomath~~ shall comply with the requirements of this section. ~~Areas outside the Federal Urbanized Area and Corvallis and Philomath Urban Growth Boundaries may require structural and non structural stormwater controls, including low impact development (LID) methods, when deemed necessary by the County Engineer.~~
- (3) **Permit Required.**
 - (a) If the plan of development or redevelopment will result in additional impervious surface, the property owner shall obtain an approved Post-Construction Stormwater Permit~~The property owner shall obtain from Benton County a Stormwater Site Plan approval~~ prior to initiation of ground-disturbing activities if both (A) **and (B)** are met (exceptions are listed in subsection (b)):
 - (A) The plan of development or redevelopment ground-disturbing activities are associated with:
 - (i) Construction or land uses that require a permit or other review by Benton County; and
 - (ii) any of the following:
 - (1) Construction of a public or private road, driveway, or structure; or
 - (2) Site preparation, associated installations (such as a septic system drainfield, ground-source heat pump, or tennis court), landscaping, clearing vegetation and other ground-disturbing activities related to new development or redevelopment construction.

(iii) The total area of proposed new impervious surface combined with the cumulative total of all impervious surface established since March 1, 2023, will be 0.25 acre (10,580 square feet) or more. For subdivisions and partitions, impervious surface area that will be established through construction on resulting lots/parcels shall be addressed through a Post-Construction Stormwater Permit approved prior to final plat approval.

~~(iv) ground disturbance will be:~~

~~(1) 10.25 acre (10,580 square feet) or more; or~~

~~(2) Less than 1 acre if the ground disturbing activity is part of a larger common plan of development or sale that will involve a total disturbed area of 1 acre or more. Benton County shall conduct a Common Plan of Development Review to determine applicability; or~~

~~(v) impervious surface upon completion of the project will be in excess of 25,000 square feet.~~

(b) **Exempt Activities.** The following activities are exempt from the permit requirement in subsection 3(a):

(A) Accepted farm practices, not including construction of buildings;

(B) Forest practices performed pursuant to the Oregon Forest Practices Rules. Upon completion of such forest practices or expiration of Forest Practices authorization, a Benton County Post-Construction Stormwater Permit is required unless the land has been replanted at stocking levels consistent with Oregon Department of Forestry standards;

(C) Excavations for gas or oil facilities for which the operator demonstrates compliance with 40 CFR §122.26;

(D) Emergency measures to protect life, property, public infrastructure, or essential services, in which case a Stormwater Site Plan approval shall be obtained as soon as possible after-the- fact;

(E) Fish passage, stream enhancement, and wildlife habitat projects that comply with local, state and federal standards and permit requirements, provided that evidence of such compliance is submitted to Benton County Public Works prior to initiation of the activity;

(F) Repairs to any stormwater facility as deemed necessary by Benton County.

(G) Mining activities performed pursuant to applicable state permit requirements

(H) Activities, conducted by public agencies, that meet or exceed state or federal standards for post-construction stormwater management.

(4) **Permit Procedures and Requirements**

(a) The property owner shall submit all of the following:

(A) Post-Construction Stormwater Permit Site Plan Application form;

(B) Post-Construction Stormwater Site Plan and additional documentation deemed appropriate by the County Engineer and/or Planning Official to demonstrate compliance with this section. Stormwater detention and treatment shall be:

(i) Designed in accordance with the Stormwater Support Documents”, as interpreted by the County Engineer. Within the urban growth boundary of an incorporated city, structural and non-structural requirements will be consistent with the current standards of the pertinent city; and

~~(ii)~~ Designed to accommodate the cumulative total of all impervious surface established since March 1, 2023, including the proposed additional impervious surface; and

~~(B)~~(C) Fee(s) established by the Board of County Commissioners.

~~(C)~~(D) The Post-Construction Stormwater Management Site Plan shall be designed, stamped and signed by a ~~licensed engineering geologist or engineer~~ licensed in the state of Oregon, or other professional recognized by Benton County.

(b) Subdivision or Partitions: The Post-Construction Stormwater site plan and permit application shall address all impervious surface that will be established by the subdivision or partition, including but not limited to roads and other infrastructure, dwellings, accessory structures and driveways. Maximum impervious surface area that may be established on each lot or parcel shall be specified and shall be memorialized in a deed restriction running with the lot or parcel or on the plat. Stormwater treatment and detention for the entire buildout of impervious surfaces shall be designed and constructed prior to final plat approval.

~~(b)~~(c) A Post-Construction Stormwater Permit Site Plan approval may be issued upon determination by the County Engineer that the submitted materials

demonstrate compliance with the requirements of this section and the property owner has entered into a Stormwater Management Facilities Long-Term Maintenance Agreement pursuant to subsection (6) of this section. To address specific conditions of a given site, the County Engineer may require modification to the proposed Site Plan and/or to the standard requirements of this section.

~~(e)~~(d) Issuance or denial of a Post-Construction Stormwater Permit Stormwater Site Plan approval is not a land use decision and is not subject to the requirements of a land use decision including but not limited to BCC 51.535, BCC 51.605 through 51.625, and BCC 51.805 through 51.840.

~~(5)~~ **~~Stormwater Management Design Criteria.~~** When required by subsection (3) of this section, ~~the applicant shall implement stormwater management measures as specified in the "Benton County Stormwater Management Guide", as interpreted by the County Engineer. Within the urban growth boundary of an incorporated city, structural and non-structural requirements will be consistent with the current standards of the pertinent city.~~

~~(6)~~(5) **Improvements Agreement.** Required stormwater infrastructure shall be subject to the Improvements Agreement provisions of BCC 99.905 through 99.925.

~~(7)~~(6) **Long-term Maintenance and Repair of Stormwater Facilities.**

(a) Required stormwater facilities shall be constructed by the property owner.

(b) Stormwater facilities shall be maintained to current Benton County stormwater facility maintenance standards.

(c) The property owner shall enter into a Stormwater Management Facilities Long-Term Maintenance Agreement as required by the County Engineer. The Maintenance Agreement may, at the discretion of the County Engineer, include any or all of the following:

(A) Require the property owner to maintain and repair the stormwater facilities serving the property and located on the property or other private property;

(B) Require proper disposal of accumulated sediment;

(C) Authorize Benton County to enter the property to inspect and to effect emergency repairs or maintenance;

(D) Authorize the County Engineer to require that the property owner effect necessary repairs and maintenance;

(E) Authorize Benton County to bill the property owner for any costs

incurred by the County to repair or maintain the facilities;

(F) Authorize the County to record a lien against the property to secure the County's costs in making corrections, plus interest and penalties;

(G) Run with the land as a covenant binding on current and future interest holders; and

(H) Establish other terms or provisions deemed necessary by the County Engineer to ensure the long-term functioning of the facility.

~~(e)(d)~~ For a stormwater facility serving a single property:

~~(A) The stormwater facility shall be located on the property that is being served. As an alternative, the applicant may propose an off-site location but shall, through submitted design materials, easements, maintenance agreements and other mechanisms, demonstrate to the satisfaction of the County Engineer that the long-term viability of the facility will be preserved at the alternate location. The County Engineer's determination will be documented in issued Post-Construction Stormwater Permit, unless an alternative arrangement is approved by the County Engineer as adequately preserving long-term viability of the facility;~~

~~(B) The property owner shall be responsible to maintain the proper functioning of the facility pursuant to subsection (c);~~

~~(C) A restrictive covenant shall be placed on the property. In the covenant the property owner shall agree to:~~

~~(i) not transfer the facility separately from the rest of the property, except with the express approval of Benton County;~~

~~(ii) maintain the facility to its original design specifications;~~

~~(iii) correct any functional deficiencies identified by Benton County;~~

~~(d) For a stormwater facility serving multiple properties the County Engineer will require the procedure in either (A) or (B) to be completed. Sole discretion in the selection resides with Benton County.~~

~~(A) Maintenance Fee:~~

~~(i) Prior to or at final development approval, or at the completion of the warranty period pursuant to BCC 99.925, the property owner or developer shall provide a one time payment to Benton County Public Works of the amount determined by the County Engineer to be necessary to ensure maintenance of the facility until the facility is annexed to a city and responsibility is assumed by that city. This~~

~~one time payment shall be in addition to any performance guarantee or warranty required under BCC 99.915 or 99.925.~~

~~(ii) The property owner shall grant an easement to Benton County for access to and maintenance, repair and operation of the stormwater facility.~~

~~(iii) Once the facility has completed the warranty period pursuant to BCC 99.925, Benton County Public Works will conduct routine maintenance on the facility as funding allows. Renovation, replacement, or repair exceeding routine maintenance will require some other local funding mechanism, such as a local improvement district.~~

~~(B) Maintenance District:~~

~~(i) Prior to sale or transfer of lots, the property owner shall establish a local improvement district or other lawful district comprising all benefitted properties and designed to provide for the long term maintenance, repair and/or renovation of the storm water management system.~~

[Ord 2011-0240]

99.680 Enforcement, Stop-work Orders, and Penalties. In addition to all other remedies available under Benton County Code, violations of BCC 99.650 through 99.670 shall be subject to the following enforcement procedures.

(1) Each violation of the stormwater provisions, or any failure to carry out the conditions of any Permit approval granted pursuant to the stormwater provisions, shall be unlawful and a civil infraction subject to the enforcement provisions of Benton County Code Chapter 31.

(2) The County may address failure to comply with the terms of a Stormwater Management Facilities Long-Term Maintenance Agreement through the provisions of the agreement, in addition to the enforcement provisions of this section and of Chapter 31.

~~(2)~~(3) The owner of the property upon which the violation occurs shall be responsible for mitigating resulting impacts, or, in the case of activities performed within an easement or right-of-way, the person causing the work to be performed shall be the responsible party.

~~(3)~~(4) In addition to and separate from those penalties available under Benton County Code Chapter 31, Benton County may enforce the following penalties:

- (a) The Planning Official may refuse to accept any land use application or may suspend or revoke any active land use authorization.
- (b) The Building Official shall not accept any building permit application and shall not approve occupancy of any structure on a property which is subject to a notice of noncompliance or a stop work order pursuant to this section.
- ~~(c) The Planning Official or County Engineer may issue a notice of noncompliance, pursuant to subsection (E) below, to the property owner requiring corrective action. If the responsible party fails to take the specified action within 24 hours, the Planning Official or County Engineer may issue a civil citation to the property owner pursuant to Chapter 31. The notice of noncompliance shall include:

 - ~~(A) The location of the construction project;~~
 - ~~(B) A description of the construction project;~~
 - ~~(C) A description of the non-compliance;~~
 - ~~(D) A description of the corrective action(s) that shall be taken by the responsible party;~~
 - ~~(E) The amount of penalty that will be imposed if corrective action is not taken within 24 hours; and~~
 - ~~(F) A statement that information regarding the appeal process will be made available upon request.~~~~
- ~~(d) The Planning Official or County Engineer may issue a stop work order, pursuant to subsection (E) below, requiring that all work, except work directly related to the elimination of a violation or necessary to correct a health or safety hazard, be immediately and completely stopped. Work shall not be resumed until such time as the Planning Official or County Engineer gives specific approval in writing. Failure to abide by the stop work order shall be grounds for the Planning Official or County Engineer pursuant to Chapter 31 to issue a civil citation to the property owner pursuant to Chapter 31.

 - ~~(A) The stop work order shall include:

 - ~~(i) Date of order;~~
 - ~~(ii) Permit number if applicable;~~
 - ~~(iii) Project location;~~
 - ~~(iv) Description of all violations; and~~~~~~

- ~~(v) — The remedies that must be completed before work may resume.~~
- ~~(e) — A notice of noncompliance or stop work order shall be in writing and posted in a conspicuous location at the site. In addition, the County shall send a copy to the property owner by certified mail.~~
- ~~(A) — No person may remove, obscure, mutilate or otherwise damage a stop work order.~~
- ~~(B) — A notice of noncompliance or stop work order shall be effective upon posting or upon oral delivery under (C) below.~~
- ~~(C) — When an emergency condition exists, the Planning Official or the County Engineer or the designee of either may issue a notice of noncompliance or stop work order orally. The Planning Official or County Engineer shall then issue a written notice as described above within 24 hours of the oral order.~~
- ~~(D) — Upon the property owner's completion of corrective actions necessary to bring the property into compliance with this code, the Planning Official or County Engineer shall issue a written notice of compliance to the property owner.~~
- ~~(E)(A) _____ [Ord 2011-0240]~~

MEMORANDUM

January 10, 2023

TO: Benton County Planning Commission
FROM: Inga Williams, Associate Planner
SUBJECT: File # LU-22-047 – Record Extension: Additional Information & Testimony

The Benton County Planning Commission opened the public hearing for this Conditional Use Permit application on January 3, 2023. After receiving the staff report and applicant and public testimony, the Planning Commission voted to keep the record open for seven days after the hearing, until 5 PM January 10, 2023, and set the date set for Planning Commission deliberations was January 17.

At the public hearing, the applicant submitted a map showing a boundary for the quarry expansion. This map is included as Attachment A to this memo.

The following items were submitted subsequent to the Planning Commission public hearing:

- Gordon Kurtz, Associate Engineer for Benton County Public Works, supplied his assessment of the application based on the supposition that there would be increased production of the quarry. His determination is that the trips per day would have to double during construction season for this quarry to make a measurable impact on County roads (Attachment B).

At the public hearing, the Planning Commission asked to add a condition limiting production from the site to existing quantities. After internal discussion, staff decided that the only accurate manner to limit production is to place a cap on truck loads. Staff requested that the applicant supply an average number of truck trips per month. The applicant responded as follows,

“Why would we not want business to grow and provide jobs in our area. Alsea has a long history of being down sized. The road system can handle it and the neighbors would never know the difference. The reality is, Alsea is not growing anytime soon.

Our quarry is anything but steady. It really depends on who is working in the area. Sometimes we go a couple weeks without selling a single load. Then other days we sell 80 loads because it’s a good weather window to do road work.

If we look at a whole year it would be about 17 loads a day average”

Based on the applicant’s response, the truck trips per year would be about 6,205.

Based on Gordon Kurtz’s assessment and the support letters from neighbors, staff does not recommend adding this condition to the approval.

If however, based on this additional information, the Planning Commission wishes to add a condition, staff proposes adding the following:

Op 10: Total annual truck loads from the quarry shall not exceed 6,205. The property owner shall maintain a detailed daily log of each loaded truck and trailer that leaves the quarry. Once each

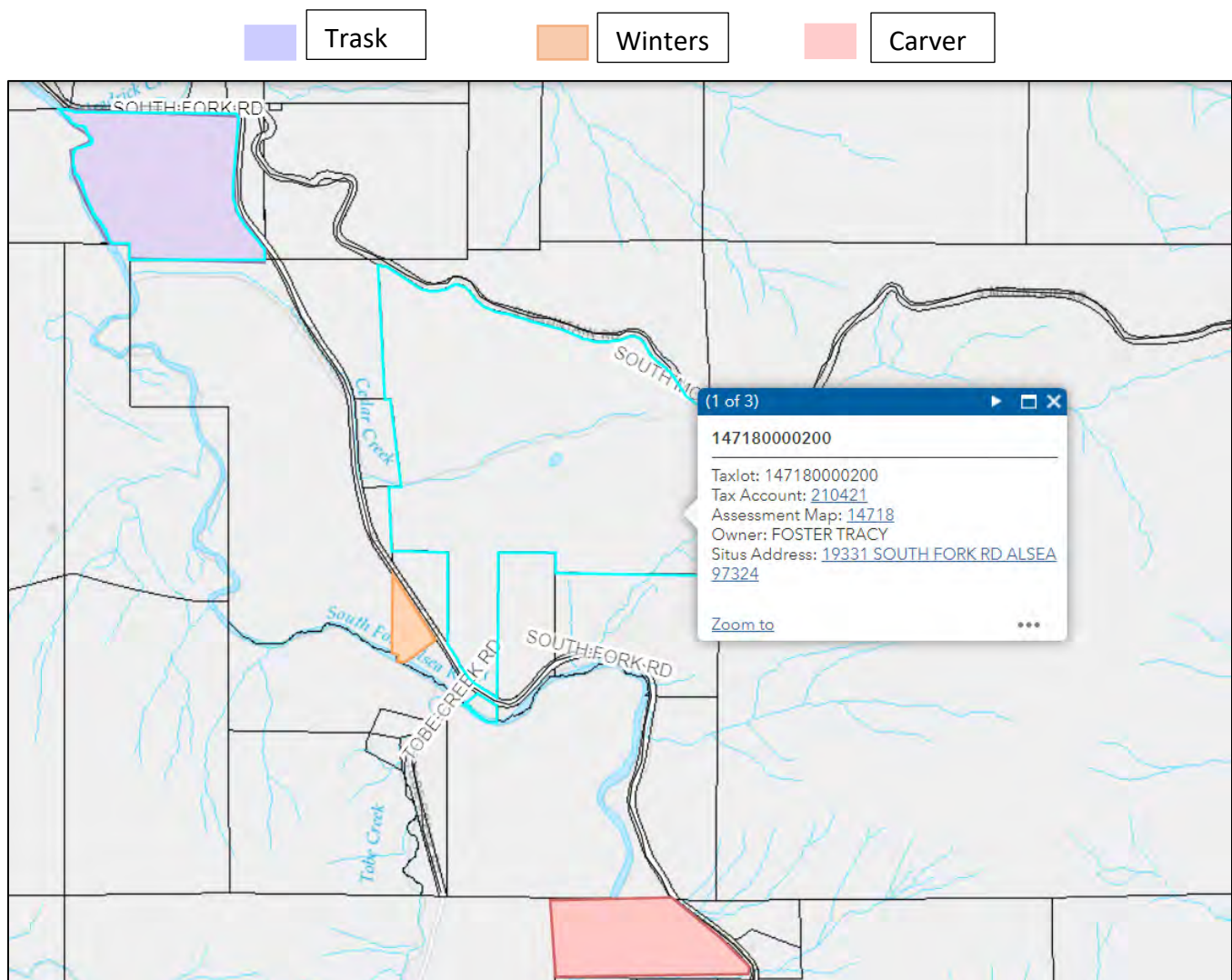
calendar year, the property owner shall provide to Benton County Community Development an annual log reporting the total number of trucks per day for that calendar year.

- Staff received the response from the Department of State Lands wetlands review. Further information submitted by the applicant indicates that there are no wetlands on the property, see the quarry Closure Plan and the letter from Bill Mahr, Oregon Department of Forestry Stewardship Forester (Attachment C).
- Staff received a letter in support of the quarry expansion from Charles Carver (Attachment D).

The remaining information was submitted by the applicants in response to questions from the Planning Commission during the public hearing. This includes pictures of the existing site, the stormwater management plan, a closure plan, support letters, a sample of monthly inspections, the training plan, and water quality testing. Based on this information, it appears that the applicants are managing the existing quarry operations in accordance with State regulations.

Staff continues to recommend approval of the application with the previously proposed Conditions of Preliminary Approval and Conditions of Operating Approval.

The map below shows the location of the three property owners who mailed letters of support.



Attachment A

Aisea Quarry Expansion - 2023

14.7 acres



Attachment B

From: [KURTZ Gordon P](#)
To: [WILLIAMS Inga](#)
Cc: [BYER Laurel](#)
Subject: RE: quarry trips on South Fork Road
Date: Thursday, January 5, 2023 12:18:49 PM
Attachments: [image001.png](#)
[image003.png](#)
[image007.png](#)

Hi Inga,

I have to preface my comments by stating that my assessment here is going to be somewhat subjective.

George's representation of the site's past and proposed evolution specifically noted that overburden from the expansion area would serve to reclaim the existing quarry site. This practice is not uncommon in modern quarry operations. An analogy would be Coffin Butte, where the "reclamation" of the post-production quarry site is to fill the excavated space with landfill material. As the quarry taps out its saleable resources, it follows veins of saleable rock laterally, and excavated surface materials serve to fill in the abandoned quarry areas. So in the long-term, the site is unlikely to increase in size, and if so, only temporarily. Therefore we have a set **size** for the quarry activities.

However, the limitation of the quarry size does not preclude an increase in production. George could have increased production at any point in the past without any change in the DOGAMI Permit or application to the County for approval. The permit does not regulate production, only the method of extraction and the supporting environmental, safety, and process conditions. As with most commodities, production at the quarry is governed by demand. The demand for rock is both seasonal and "project proximity" driven, meaning that rock extraction, processing, and transport peaks during the annual construction season, and year to year depending on the size and complexity of nearby projects (County, ODOT, BLM, private logging, private construction, etc.). Given the remote location of the quarry, peak use is governed by haul distance which is usually the limiting factor when crushed aggregate is needed for a project. Once the one-way rock haul exceeds 10-15 miles, most contractors will find another source. Quarries tend to serve local areas and active quarries are spaced (or proposed) accordingly. Bear in mind, also, that road gradient and geometry play a factor in the selection of haul routes. The Alsea Quarry is surrounded by high gradient, geometrically complex transportation facilities (steep, windy roads) that make rock hauling more expensive, not matter its price at the source.

Unless there is a significant, sustained, increase in development activity in the area surrounding the Alsea Quarry it is unlikely that increased production would be economically feasible or even necessary. In addition, ODOT maintains a quarry less than a mile from Alsea Quarry that provides high quality aggregate specifically for ODOT projects. ODOT projects do not impact (increase) production at Alsea Quarry because ODOT produces their own rock. The major long-term rock needs for



Email: Inga.Williams@BentonCountyOR.gov
Homepage: www.co.benton.or.us

Ps. Did you know the Community Development Department has relocated to the Kalapuya Building?!
We're now located at [4500 SW Research Way, 2nd Floor](#).



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2022-1157

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Inga Williams	County	Benton
Local case file #	County	
LU-22-047	Benton	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
14S	07W	18		200

Street Address

19331 South Fork Rd

Address Line 2

City

Alsea

Postal / Zip Code

97325

State / Province / Region

OR

Country

Benton

Latitude

44.35738

Longitude

-123.576606

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity

- It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

While most of the expansion area appears to be uplands, a linear riverine wetland is mapped between the existing quarry and the expansion area. This is a headwater and may be a swale or seasonal flow, but it is not possible to determine with certainty whether jurisdictional wetlands or a stream are present based on this desktop assessment. A wetland determination/delineation is advised before further ground disturbance occurs north of the existing quarry.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

1/4/2023

Response by:

Lynne McAllister

Response Phone:

503-986-5300

Attachment D

From: charles.carver
To: [WILLIAMS Inga](#)
Subject: Alsea Rock Quarry
Date: Thursday, January 5, 2023 3:27:39 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern, Benton County Commissioners

I just found out about the permit for the Alsea Rock Quarry. Please accept this written response in favor of approval of the permit.

My name is Charles Carver and I live at 19610 South Fork rd in Alsea. I am in favor of approval of the permit for the quarry. It is my understanding that the current operation is limited to the amount of rock available, that will only last for two more years. It is very important to have a local rock supply with reasonable rates in the area. Trucking costs are very expensive and trucks from outside the area are not practical. Environmental damage will be caused from long trucking, and if rock becomes too expensive people will be forced to not maintain work areas and driveways, which will lead to contaminated runoff into our local streams.

The Alsea Quarries not only provide a service to the community, but also heavy equipment and emergency response as needed to supplement the county. My background includes 30 years of fire service for the Corvallis Fire Department, and five years working for NWFF Environmental. Alsea Quarries has provided road clearing activities to the community without billing or recouping their cost, but as a goodwill community service. Many of their employees are members of the Alsea Volunteer Fire Department.

I drive by the quarry on a regular basis and find the operation to be clean and environmentally friendly. I have been to several other quarries and can tell you this is not usually the case. I appreciate the level of their commitment to the environment.

I could continue on and on, however I will save you the time, and if you have any questions I can be reached by e-mail or phone

Charles Carver

ccarver0624@gmail.com

541-487-4087

Thank you for your time.

January 8, 2023

Dear Planning Commissioners Nicholas Fowler, Elizabeth Irish, Evelyn Lee, Sean Scorvo, Ed Provost, Greg Hamann, Andrew Struthers, Catherine Biscoe, and John Greydanus,

Re: LU-22-047; Foster Conditional Use Permit

After our meeting on January 3, 2023, we would like to take the opportunity to expand on issues that were brought up.

First, we want to reiterate that this CUP is strictly for accessing more rock as our current supply is running out. We do not intend to expand our business. We see little opportunity to grow the production therefore, we have no plans to increase production.

As for the stormwater concerns, as was mentioned in the meeting, we hold a 1200-A Stormwater permit from DEQ. It is important to realize that with this permit, we are held to a higher standard as we have a zero-tolerance policy regarding contaminants on our land. Although the 2019 DOGAMI inspection is a black mark on our record and we take it very seriously, the magnitude of our deficiencies can be assessed by the list of corrective actions taken by us. Also note that we have never had any measurable oils released in our discharge.

If you look at Exhibit B, you will see the list of corrective actions given to us by DOGAMI. If you look at Exhibit C, you will see all the corrections that were made. These were made immediately.

DOGAMI oversees us for air quality, and water quality permits. Although they only come out every 5-7 years, we must submit water quality reports to them annually. We have included in a thumb drive with the full water reports from Valley Science and Engineering, a third-party tester (as they are up to 65 pages). Historically, water tests have proven to have only a small fraction of allowable sediments in our discharge. It is important to note that to apply for a waiver, you must have a track record of good water quality.

We are also governed federally by MSHA (Mine Safety Health Administration). They come out annually and do a very thorough inspection of our equipment and if there were oil leaks, it would be deemed a fire hazard which would be cause for an immediate fine/violation. We have never had one.

Moving forward with the expansion, we currently have a series of ponds that mitigate sediments before our discharge point. We feel strong enough about this current water system, that we are confident that

it will handle any additional disturbance. In the event these current ponds are not enough, we will create more.

Regarding the list of concerns from ODFW, we reached out to ODF as they have a database to address these concerns. There are no known HLHL Zones (High Landslide Hazard Location) near us. Given the opportunity we will continue to mine on the same hillside and in the same direction as we have for the last 50 years which consists of a 20-25% west facing slope.

On the map that was included from ODF you will see two blue shaded areas that are identified as wetlands. These two areas are settling ponds and are manmade to control erosion.

As for reclamation, overburden will be moved from the north and will be moved to the south slope in the vacated area which has approximately a 70% reclamation already. After reclamation is complete, we will be planting that area with Douglas Fir trees consistent with the rest of our property. This will occur within the next 3 years.

We also contacted a few of our closest neighbors about any concerns they have with the rock pit. Specifically, Chuck Carver, who is an environmental specialist, Steve Trask who is a river consultant and Starker Forests. Both had no concerns with any activity from the Alsea Quarry.

In conclusion, we hope you will see that Alsea Quarry is here to conduct good, clean business. We, the Fosters', have owned and operated the rock quarry for the past 12 years. We have done our due diligence any time an issue has come up with an entity that oversees us. We have always fixed any issues immediately.

We have a lot to offer the local community with our business. From donating rock to the local cemeteries, sponsoring kids' sports teams, being the second largest employer in the community, to donating our time and equipment to help with storm clean up, even on our main roads when other resources are spread thin and recently, we offered our companies help in the search of a missing young man.

We need this expansion for our business to continue and to be able to keep offering these things for our community. Without it, our quarry business will be closed within the next two years.

George and Tracy Foster



Table of Contents

- **Exhibit A: Expansion photos and Map of proposed expansion area**
- **Exhibit B: DOGAMI list of Corrective Actions**
- **Exhibit C: Item 1-5 from CA List**
- **Exhibit D: Lab Results & DMR annual report from CES**
- **Exhibit E: SWPCP**
- **Exhibit G: Reclamation/Closure Plan**

EXHIBIT A



Red arrows indicate the direction of the expansion, and the overburden material that will be removed and utilized for reclamation



Same area as above at a different angle



This photo shows dirt that has been placed in the south end of the quarry in recent years as reclamation. Overburden from the expansion area will be added here.

EXHIBIT A



Quarry expansion – 2023

Red line = Conditional use expansion boundary

Blue Shaded Area = Known wetlands are settling ponds created for erosion control

Pink dotted line = non-fish bearing seasonal spring – Mapping is inaccurate, this spring connects to our settling pond within our existing quarry.

EXHIBIT B

DEQ File Number 110087 DOGAMI Permit 02-0005 EPA File ORR32-3621
Page 2 of 2

Corrective Action Required:

A revised SWPCP is due within 30 business days of this letter and no later than December 4, 2019.

Include the following documentation with the revised SWPCP:

1. Photographs demonstrating secondary containment on all fueling, storage, and disposal areas;
2. Evidence of oil cleanup under old leaky equipment;
3. One month, including 4 weekly inspection reports that meet the requirements set forth in Permit condition B.7 for the month of November.
4. One lab record for a grab sample collected from the discharge outfall, including analysis of pH, TSS, SS, and Oil and Grease;
5. A written employee education plan with signatures of all employees indicating they received training. The plan must meet the requirements set forth in Permit condition A(1)(j).

Submit all documentation supporting corrective actions to:

Lisa Reinhart, 229 Broadalbin Street, SW, Albany, OR 97321

Should this violation remain uncorrected this matter will be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, which may result in the assessment of civil penalties or a Department Order.

If you believe any of the facts in this Warning Letter are in error, DOGAMI will consider any new information you submit and take appropriate action. If you have any questions about the content of this letter, please contact me at lisa.reinhart@oregon.gov, or 541-967-2051.

Sincerely,

Lisa Reinhart
Water Quality Reclamationist
Oregon Department of Geology and Mineral Industries

Official Corrective Actions from Lisa Reinhart at DOGAMI after site inspection

EXHIBIT C

Item 1.



Blue line represents a rock berm, The tank itself has double wall protection but in the event that the fuel nozzle or pump was to leak, this rock berm will have oil absorbent pads installed during the wet season to catch fuel. Also, we maintain two oil water separators for all storm water that leaves our facility below the shop and at our discharge point.



Secondary containment for all oil in the shop, blue line represents an oil catch.

Item 2.



Blue line represents the disturbed area of gravel that was cleaned up from a small oil leak



Blue circle represents a secondary containment catch to catch any possible future leaks

Item 3 & 4

Attached are just portions of what consists of the water testing requirements. Each water test is approximately 60-65 pages. Those have been added to a thumb drive and turned into Benton County.

These attachments are from 2019 after the inspection.

Client Sample Results										
Client: Cascade Earth Sciences Inc.						Job ID: 580-91115-1				
Project/Site: Alea Quarries Stormwater										
Client Sample ID: Outfall						Lab Sample ID: 580-91115-1				
Date Collected: 11/27/19 13:14						Matrix: Water				
Date Received: 11/30/19 10:00										
General Chemistry										
Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac	
HEM (Oil & Grease)	ND		5.4		mg/L		12/09/19 12:35	12/09/19 15:29	1	5
Total Suspended Solids	7.4		2.0		mg/L			12/02/19 13:08	1	

2019 Results after site inspection – Benchmark for sediment is 100 and our results were 7.4, Oil and Grease was not detected.

Client Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Client Sample ID: Outfall

Lab Sample ID: 580-91115-1

Date Collected: 11/27/19 13:14


Matrix: Water

Date Received: 11/30/19 10:00

Method: 200.8 LL - Metals (ICP/MS)

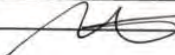
Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Zinc	ND		0.0070		mg/L		12/05/19 10:27	12/06/19 11:25	1

2019 Zinc Results. Zinc is not required to test under 1200-A Permit, however during our 2019 site inspection DOGAMI felt that there may be Zinc entering our stormwater from Galvanized building roofs, Spare culverts and other construction materials on site. This prompted us to have Cascade Earth Sciences test for it and the results came back as Not Detected.

Industrial Stormwater Discharge Monitoring Report - 1200-A Permit					
Permittee Legal Name: George Foster		ODEQ File No./Facility ID: 110087			
Facility Common Name: Alesa Quarries 1 LLC		Reporting Period: July 1, 2020 to June 30, 2021			
Facility Location: 19331 South Fork Road		Laboratory Name: Eurofins TestAmerica			
County: Benton		Laboratory ORELAP #: OR100021			
<p>Monitor for the following pollutants at sampling point(s) specified in your SWPCP and use the sampling point name or number from your SWPCP. Add more sheets if necessary (e.g., if more than 4 samples are collected per pollutant or facility has more than 4 sampling points). You MUST also attach a copy of laboratory results sheet(s).</p> <p style="text-align: center;">Benchmark/Limit Sampling: 4 times per year, every year</p>					
Name or Number of Sampling Point(s) (group data per sampling point)	Sample Date	pH	Suspended Solids, Total	Oil and Grease, Total	Settleable Solids
		s.u.	mg/L	mg/L	ml/L
Outfall 001	12/22/20	7.13	17	ND (5.1)	
	01/29/21	7.88	100	ND (5.7)	
	02/19/21	7.72	73	ND (5.4)	
	03/19/21	7.74	18	ND (5.5)	
Geometric Mean (Note 4)			39	3	
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Permit Benchmark		5.5 - 9.0	100	10	0.20
<p style="text-align: center;">Name/Title Principal Executive Officer or Authorized Delegate 17</p> <p>(Please Print)</p> <p>Telephone: _____ Email: _____</p> <p>I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.</p> <p>Sign here: _____ Date: _____</p>					

Last updated by Mark Riedel-Bash
06/09/2015 -- 08-WQ-033

This is our annual report turned into DOGAMI showing all of our test results. One time we met the benchmark otherwise were well below 100, requested a waiver but it was denied due to meeting the benchmark.

Industrial Stormwater Discharge Monitoring Report - 1200-A Permit					
Permittee Legal Name: George Foster		ODEQ File No./Facility ID: 110087			
Facility Common Name: Alsea Quarries 1 LLC		Reporting Period: July 1, 2021 to June 30, 2022			
Facility Location: 18331 South Park Road		Laboratory Name: Eurofins TestAmerica			
County: Beeson		Laboratory ORELAP #: OR100021			
Monitor for the following pollutants at sampling point(s) specified in your SWPCP and use the sampling point name or number from your SWPCP. Add more sheets if necessary (e.g., if more than 4 samples are collected per pollutant or facility has more than 4 sampling points). You MUST also attach a copy of laboratory results sheet(s).					
Benchmark/Limit Sampling: 4 times per year, every year					
Name or Number of Sampling Point(s) (group data per sampling point)	Sample Date	pH	Suspended Solids, Total	Oil and Grease, Total	Settleable Solids
		s.u.	mg/L	mg/L	ml/L
Outfall 001	11/19/21	W	9.8	W	0.00
	12/09/21	W	8.8	W	0.00
	01/31/22	W	4.0	W	0.00
	03/02/22	W	31.0	W	0.00
Geometric Mean (Note 4)			10	W	0.00
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Permit Benchmark		5.5 - 9.0	100	10	0.20
Name/Title Principal Executive Officer or Authorized Delegate (Please Print) Mackenzie Foster Representative Telephone: 541-487-4283 Email: foster.ag.construction@gmail.com I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. Sign here:  Date: 7.25.22					

Our most recent Annual DMR report submitted to DOGAMI, again well under the benchmarks. Requested another waiver and was granted the waiver from DOGAMI.

Item 5.

Training plan consists of a PowerPoint on stormwater and also a site orientation covering BMP's, the settling ponds, secondary containment, fuel containment, and the discharge point/collection location. The PowerPoint and narrative of the training plan were also added to the thumb drive but have an excessive number of pages.

EXHIBIT E

The SWPCP has been added to the thumb drive due to size.

The SWPCP in short includes the following:

- Aerial Map showing where the stormwater travels through the quarry
- Location of settling ponds
- Culverts under roadways
- BMPS (Best Management Practices – ie rock check dams, vegetation buffers)
- Oil/Water Separators
- Discharge Point – where water testing is conducted before water leaves the site
- Spill kits
- Fuel tanks
- Potential Pollutants
- Stormwater Surface Area
- Period of Use – Quarry operation
- Erosion and Sediment Control
- Stormwater Run-on diversion
- Track out Prevention (by having gravel roads, track out onto the highway doesn't happen)
- Exposure to Pollutants and how they are handled (i.e., shop, berms, tarps if no roof)
- Oil/Grease Management
- Disposal of chemicals/waste
- Debris Control & Housekeeping
- Spill Prevention
- Preventative Maintenance
- Employee Education Training

Stormwater Pollution Control Plan

for:

Alsea Quarries
ID #: 02-0005
DEQ File #: 110087
19331 S Fork Rd
Alsea, OR 97324 (Benton)
(541) 487-4783
foster.aqconstruction@gmail.com

Operator(s):

Alsea Quarries 1, LLC
George Foster
P.O. Box 265
Alsea, OR 97324
(541) 487-4783
foster.aqconstruction@gmail.com

SWPCP Contact(s):

Alsea Quarries 1, LLC
Mackenzie Foster
19331 S Fork Rd
Alsea, OR 97324
(541) 487-4783
foster.aqconstruction@gmail.com

SWPCP Preparation By:

Mackenzie Foster

SWPCP Preparation Date:

02 /04 /2020

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SECTION 1: MAPS



The star represents an area that is off the quarry site and we are not allowed to touch. We have to divert water around it. Also the tree line that borders behind the office is off our limits and is also the edge of a canyon and runs downhill that way.



This map shows exactly where the discharge point is. X marks the spot where the last pond before it discharges into the water separator is. The filled in circle is where the separator is and the D1 marks where the water is collected before it leaves the site.

SECTION 2: SITE DESCRIPTION

2.1 MINING AND PROCESSING ACTIVITIES

Material mined at the site is crushed and broken stone (Quarried rock, sic code: 1429). Sizes of rock range from ¾"-0 to pit run/boulders. Our mining methods include drilling and blasting, and then a portable screening plant and crusher are moved in to crush rock. The area affected by mining is approx. 20 acres out of the 40 acres the site is on.

2.2 POTENTIAL POLLUTANTS

Potential pollutants that are on site include 2 diesel fuel tanks, oil & grease, raw materials, overburden and ungraded rock also finished products, possible metals with rust.

2.3 STORMWATER SURFACE AREA

Total project area:	40 Acres
Mining site area currently disturbed:	20 Acres
Surface area to be disturbed within the next 5 years:	21 Acres
Percentage of impervious area within the next 5 years:	1%

Impervious area only includes the maintenance shop and scale shack

2.4 RECEIVING WATER

Once the stormwater leaves our site it travels downhill into another pond that is Cedar Creek which eventually goes to the South Fork Alsea River.

2.5 DISCHARGE OUTFALLS AND MONITORING LOCATIONS

The monitoring location is D1 located on the general map. There is a pond that catches the last bit of water before dumping into a oil/water separator and then off of the quarry property. An oil/water separator is a big bin that when any oil or anything heavier than water floats on top of the water, pushing the water out but not the oil. The drainage happens at the bottom of the bin.

2.6 PERIOD OF USE

This site operates Monday - Friday except holidays. Operation hours are 7am - 3pm.

SECTION 3: TECHNOLOGY BASED EFFLUENT LIMITS (TBELS)

3.1 *EROSION AND SEDIMENT CONTROL*

3.1.1 Erosion Controls Used

BMP's on site include: Oil/Water separators, rock check dams, vegetation strips, and booms as needed.

Erosion control includes: Seeding, mulching, using straw, silt fencing, sand bags and sometimes fiber rolls.

3.1.2 Sediment Controls Used

Sediment controls used on our site include gravel berms along all roadways and edges, rock check dams placed throughout ditch lines, vegetated filter strips, settling ponds that are cleaned out, and vegetative buffers. If needed straw bales may be used for control or silt fencing for a newly disturbed area.

3.1.3 Stormwater Run-On Diversion

Run-On prevention includes underground culverts running on main site roads, berming surrounding every edge/roadway on site and bioswales/vegetated strips or ditches along the roadways as well.

3.1.4 Track-Out Prevention

Onsite we have all graveled road ways, a paved exit onto the main highway and a sweeper to use if necessary.

3.2 *MINIMIZE EXPOSURE*

3.2.1 Minimize Disturbance

If there is an area that should not be disturbed on site, we will post signage saying do not enter or area closed, and will set up blockades to restrict entrance into the prohibited area. There's only so much ground we can disturb for being a small pit, but there are some areas that we cannot disturb anymore, so the process of reclamation has been happening.

3.2.2 Exposure to Pollutants

When servicing of equipment happens, it is in the maintenance shop which has a roof, otherwise a tarp or containment underneath equipment will be placed to catch any possible pollutants. Diesel fuel tanks are double-walled and are bermed around them to catch any leaks or spills, pads are also available. Waste disposal is kept in a bin with a lid to minimize exposure.

3.3 OIL AND GREASE MANAGEMENT

Oil and Grease are stored in the maintenance shop, and also in secondary containment bins so if a spill or leak happens it does not run on the floor. There are spill kits in the shop if a oil spill were to happen, and also 2 oil/water separators on site. Inside the maintenance shop is an oil tank, that is used to place used oil in and is used to operate a heater.

3.4 WASTE CHEMICAL AND MATERIAL DISPOSAL

Waste disposal is held in a container with a lid outside of the shop, but also waste containers in the shop have lids as well.

3.5 DEBRIS CONTROL

With daily monitoring, if debris or waste is found it will be removed, or a boom would be applied to catch it if unreachable. We also have rock check dams, and lastly the oil/water separator would catch any debris that made it through the ponds and other BMPs on site.

3.6 HOUSEKEEPING

Any spills that happen are cleaned up and taken care of immediately. Employees are also required to clean up garbage/debris when found to ensure a clean workplace. Daily and more in depth weekly inspections help keep the site clean and clear.

3.7 SPILL PREVENTION AND REPOSE PROCEDURE

Spill prevention is ensured by placing oils and pollutants stored in secondary containment, berming around fuels, roadways and ponds. The oil tank in the maintenance shop helps the possibility of leaks from happening, and that tank also has secondary containment and absorbent pads around it. Spill kits are placed in the shop, and on the crushing unit when on site. There are absorbent pads and booms in the kits. Disposal of dirty clean up debris would be put into one of the containers on site with a lid.

3.8 PREVENTATIVE MAINTENANCE

Our industrial equipment is inspected daily along with the ponds, culverts, bmps, etc. When a problem is noticed it instantly gets taken care of, or as quickly as possible. The oil/water separators are inspected daily, and cleaned manually.

3.9 EMPLOYEE EDUCATION

Individual(s) Responsible for Training:

[Mackenzie Foster](#)

Describe Training Conducted:

[Our employees are walked through the site and shown where all bmps are, areas to check and shown where spill kits are located. They are trained on the stormwater binder which includes site specific details, what to do in the case of a large spill, who to contact, and how to do the daily checklist. Annually the](#)

stormwater plan is gone over to discuss any new changes to stormwater, and revise the plan in place.

3.10 NON-STORMWATER DISCHARGE

N/A

3.11 PROCESS WASTE WATER

We don't have any process waste water at this site, we don't have detergent or hot water runoff.

SECTION 4: OPERATION AND MAINTENANCE PLAN

By checking our BMP's weekly, when something wrong is noticed it will get fixed right away. This way there is minimal disturbance or exposure and the BMP's aren't inefficiently working for very long. Also if needed, more BMP's can be added on site.

SECTION 5: INSPECTIONS


- 1. *Inspection Personnel:*** Identify the person(s) who will be responsible for conducting inspections and describe their qualifications:

See attached list of people trained. Any of those individuals throughout the year will be in charge of inspections. However Mackenzie Foster is going to do most of them unless unavailable.

- 2. *Inspection Schedule and Procedures:***

The pit is inspected daily. Each pond is looked at, the pit floor, the crusher if on site and the discharge point daily. Whenever a rainfall event happens everything gets inspected to make sure nothing needs adjusting. Also once rainfall starts the lab is called and they come out to take a sample from the discharge point. Weekly a more thorough inspection is done of all BMP's, equipment around the shop, etc.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Mackenzie Foster Title: Office Manager
Signature:  Date: 2/4/20

Repeat as needed if there are multiple mining operators at the site

Site Conditions and Commodity

Alsea Quarries 1, LLC maintains a DOGAMI Operating Permit for surface mine operations at this site. The operating permit covers approximately 40 acres. There is approximately 22 acres that haven't been disturbed and reclamation practices aren't necessary. The active area of the rock pit will have reclamation started once the Quarry stops production.

The majority of the reclamation area is situated on what was originally a steep sloping hillside. Elevations vary from the northeastern portion of the operating area to the southwestern portion of the site. The highest point of the operating area is located along the northeastern boundary line sloping to the southwest towards South Fork Road. Stormwater from the surrounding area has been intentionally diverted around the site to; minimize stormwater flowing into the site, protect water of the state, and to maintain the natural drainage into the South Fork Alsea River and Cedar Creek.

Basalt is the primary commodity at this material source and primary uses include construction fill, base rock aggregate, and rip rap materials.

Stormwater

The site currently maintains a DEQ NPDES 1200-A stormwater permit. There is one designated discharge point located near the northwestern corner of the permit boundary. The South Fork Alsea River is located approximately 0.5-miles southwest of the discharge point.

Stormwater within the site is managed and treated via Best Management Practices (BMPs) including retention berms, vegetation buffers and settling ponds. Additional controls include sloping, conveyance ditches, rock check dams, graveled access roads and floors, infiltration via the fractures basalt and oil/water separators. Retention berms located along the perimeters of the mining related disturbance and the southern perimeter of the lower working floor function to contain and direct all stormwater runoff to either low lying areas for infiltration or to the stormwater treatment system. The one designated stormwater discharge point at this site is shown on the attached aerial map. Stormwater controls located at the site will likely be left in place to become more vegetated and stormwater will resume the natural drainage into Cedar Creek spring and ultimately into the South Fork Alsea River. It should be noted that access roads and associated culverts will likely remain on-site for post-mining land uses including Forestry and Agriculture.

There are no wetlands located within the mining area.

Stabilization and Sediment Control

Out of 40 acres – 15 acres have been allowed to revegetate naturally and about 3 acres has been graded flat to create additional working floor area. Approximately 8.5 acres is used for mining practices utilizing a combination of a mining method consisting of blasting and ripping material with heavy machinery and pushing the material downslope. Final excavation slopes will likely be left with a sloping configuration of 1H:1V or steeper. Final fill slopes will be constructed at sloping configurations of 1-1/2H:1V.

Soil and overburden materials stripped from the site have either been utilized in the construction of stormwater retention berms or are used in backfilling operations. Access roads and the workings floors have been graveled to reduce erosion and sediment generation.

No seeding or mulching is planned for most areas in the quarry except where new overburden is placed. Any areas not actively being used in the mining area will have the chance to revegetate naturally, erosion and sediment control measures will be taken and will be filtered for stormwater run-off. Vegetation will likely consist of a combination of grasses, shrubs and douglas fir trees will be planted in some of the reclamation areas.

Equipment and Stockpiles

Equipment located on site includes excavators, dozers, loaders, and a crusher/screen plant. Diesel fuel and other petroleum products used in association with heavy machinery are also on site. Fuel tanks are protected via secondary containment measures and all other petroleum products including used oil are properly labeled and stored under cover of the maintenance shop. All mining specific equipment including the crusher/screen plant will be removed from the site once mining operations are complete.

Some stockpiled materials may be left onsite for use by the landowner for agriculture and/or forestry purposes.

No off site impacts from erosion or sedimentation will occur.

Signature: _____ Date: _____

George,

Thank you for taking an interest in the resources around your forest operation and your attention regarding the Marbled Murrelet specifically. During the resources review for your property and your proposed rock pit expansion I see very little resource concerns within the operation area. When looking further away from your property I do see several resources around, none of which require restrictions of your operation. 1) South of your location approximately 1 mile there is a known North Spotted Owl nesting site. 2) Southwest of your proposed operation there is a known Bald Eagle nesting site. Again, this resource site is greater than 1 mile from your proposed pit expansion. The Oregon Forest Practices Act begins to require additional review for these sites when disturbance activities occur within ½ mile of the site. 3) There are steep slopes to the south of your current rock pit location. No slopes of concern are in your proposed operation area. 4) a small non fish stream is mapped in the area of your proposed pit expansion, but ground verification showed no fish presence in the stream. 5) Wetlands appeared on my resources layer but upon further review they are settling ponds constructed by the rock pit over decades. For a wetland to receive formal protection from the Oregon Forest Practices Act the wetland has to be stream associated or a wetland over ¼ in size, none of which are true in your case. There are no known Marbled Murrelet nesting sites nor known occupied habitat in the general area. I should mention that adjacent to your property to the east potentially suitable Marbled Murrelet habitat does appear to exist.

The way the state views it is the habitat is not occupied unless formal surveys show the subcanopy behavior of a Marbled Murrelet. In your case if that habitat ever becomes occupied by Marbled Murrelets seasonal restrictions would likely be required for forest operations. However because your rock pit activities have occurred for decades I believe if Marbled Murrelets do occupy the adjacent stand the individuals would be conditioned to the noise and other disturbances in the area. Therefore, some flexibility would likely be allowed. A discussion with ODF's wildlife biologist would be initiated prior to making those decisions. The most important disturbance to prevent is new and sudden disturbances during the nesting period and largely after a chick is born. That is the most sensitive time for the Marbled Murrelet. In essence I of course cannot guarantee the adjacent stand will never become occupied; but with the continued pit operation if individuals do nest near your property largely, they will be conditioned to the noise disturbance.

I hope this helps you understand a bit more about how we conduct a resources review and helps you make good management decisions moving forward.

Let me know if you need more information.

Bill Mahr
Oregon Department of Forestry
Stewardship Forester/Fire investigator
Bill.mahr@ODF.oregon.gov
541-929-9160

1-8-2023

To whom it may concern,

I have known George and Tracy Foster and have been neighbors with them for over 20 years. They have a reputation of being good stewards of their land. My property is located down stream on the South Fork River and adjacent to their quarry property, furthermore my southern border meets their property along Cedar Creek. At this juncture the outfall from the quarry enters the SF Alsea. I am acutely aware of turbidity and the deposition of sediments as it relates to salmonid spawning and incubation in the stream that forms the western border of my property.

For those of you that don't know me, my expertise is in stream habitat restoration as it relates to the federally listed coho salmon. Coho salmon recovery is my specialty and I currently am working with 14 different watershed councils throughout the coho ESU (Evolutionary Significant Unit) which covers the entire Oregon Coast to restore their fresh water habitats. Specifically, the SF Alsea below the effluent discharge from the quarry is strictly a migration corridor for adult coho. They are exclusively spawning in headwater tributaries above the Alsea quarry discharge. Chinook salmon spawn in the reach below the discharge but the timing of their spawning and incubation is in the fall when limited runoff is the norm. Primary quarry runoff timing is during peak winter storm events and the background sediment load in the SF Alsea is always greater than the Quarry discharge. I have been an aquatic consultant for 42 years and I have been a vocal advocate against environmental damage in my local community more than once as it relates to the other much more high priority water quality issues. This request for expansion is not one of those issues.

I would also like to point out that there is significant value in the capacity that the Fosters have shown to provide a livelihood for rural families to persist in the country. There is exceptional value to our community to have their business thrive. There is no environmental issue associated with this proposed expansion that could even possibly come close to outweighing the loss of this well nested community business to our small rural community.

I have discussed details of George's intentions with the boundary expansion of Alsea Quarries and he has my full support.

Thank you,

Steve Trask
Trask Consulting, Inc.
(541) 231-8071

RE: A Conditional Use Permit for the expansion of the rock quarry boundary to gain access to quality rock products.

Hello Benton County Community Development Department:

We are the closest neighbors to the rock quarry whose owners are requesting this conditional use permit. Our property sits on the south fork of the Alsea River, and is across the road and just down from the quarry. We have lived at this property for over five years, and were fully informed of the quarry as a neighbor when we moved here.

There are many benefits to having this quarry in our area. Most importantly are the ethical and responsible ownership practices demonstrated by George and Tracy Foster. From our direct experience and from the opinions of our neighbors, the Fosters not only provide emergency management response and coordination to our area, they run the quarry with competence and reliable business practices. In addition, they and their work team add quality and safety to our community with their numerous road clearing and general area clean-ups, at no cost to the community.

Our experience with this quarry is outstanding. There is no noticeable noise and no significant truck traffic, or anything else that disturbs the neighborhood here. Our river is not impacted by this quarry, their products are excellent, and their response and delivery is immediate.

If the quarry was not able to expand, and we were to lose it, local jobs would be lost, and the importance of having the quarry as a responsible and ethically run local business would also be lost. This is not to be underestimated.

If the Fosters were faced with having to import their rock products from out of the area, the increase in truck traffic alone would have a significantly negative impact on the noise and disruption here, and the quality of our local environment would decrease.

We know of absolutely nothing about this quarry to be concerned with. The request for this permit to expand should be accepted and facilitated to resolution. Benton County should be proud to have a business like this run by such responsible owners with no negative impact on neighbors or the environment.

If you would like more input from us, please contact us.

Sincerely,

Nancy and Rick Winters
19420 South Fork Road
PO Box 62
Alsea, Oregon 97324
(541)487-4067



STARKER
FORESTS, INC.

www.starkerforests.com 541-929-2477 (office)
7240 SW Philomath Blvd. | Corvallis, OR 97333
PO Box 809 | Corvallis, OR 97339

January 4, 2023

Inga Williams
Benton Co. Community Development Department
4500 Research Way
Corvallis, OR 97333

Re: LU-22-047 Alsea Quarry Expansion

Dear Inga,

Starker Forests, Inc. strongly supports expansion of the rock quarry known as Alsea Quarries. We strongly recommend approval of the Conditional Use Permit LU-22-047.

Frankly, it is frustrating that an expansion of a quarry that has been in business at the same location for 50 years even needs to get a permit. Even more frustrating, and surprising, is that there is any pushback or questioning of this application.

The applicant told us that the staff report is thorough and well done. He said he supports the Conditions of Approval listed in the report and will fully comply with them. Starker Forests knows the applicants, George and Tracy Foster, well. We know they are valuable members of the Alsea Valley community. They will do what they say they will do. The Fosters are very dependable. Alsea Quarries has operated for 50 years with a good environmental ethic and record. Its operations are regulated by State Agencies. There is no need for county government to get involved with redundant oversight, especially for perceived, imaginary, or hypothetical issues.

Starker Forests has a selfish interest in the expansion and continued operation of Alsea Quarries. It is the ONLY commercial rock quarry in the Alsea Valley. We are just one of many customers for crushed rock from the pit. If it was forced to close, all of its current and future customers, including Benton Co. Public Works, would have to get rock hauled in from quarries in the Willamette Valley. Imagine the additional truck traffic and diesel fuel use that would result in. Not good is an understatement.

Starker Forests has bought 1,447 loads of rock from Alsea Quarries in the last 3 years. We expect to need that much or more going forward. And we are just one customer.

Approval of LU-22-047 should be a slam dunk. Common sense demands it.

Sincerely,

Marc Vomocil
Vice-President

January 9, 2023

Benton County Planning Department
4500 SW Research Way
Corvallis, OR 97330

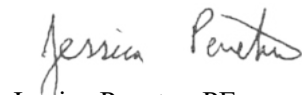
SUBJECT: Alsea Quarries Conditional Use Expansion Letter of Support

To Whom it May Concern:

Valley Science and Engineering (Valley, formerly Cascade Earth Sciences) provided stormwater sampling and reporting services for Alsea Quarries from 2013 to 2018, and 2020 to 2022 in compliance with the National Pollutant Discharge Elimination System 1200-A Stormwater permit (permit). Samples were not collected during the 2018-2019 and 2019-2020 monitoring years because stormwater sampling results from the 2017-2018 monitoring year indicated no exceedances to permit benchmarks and a sampling waiver was requested. At the request of DOGAMI, stormwater monitoring was reinstated for the 2020-2021 and the 2021-2022 monitoring years. During these last 2 years of monitoring, concentrations in samples were detected at or below benchmarks.^{1,2} A monitoring waiver was granted following the 2021-2022 monitoring year.

In my experience of working with Alsea Quarries, they have maintained their stormwater system to comply with the permit, including being responsive to DOGAMI's requests for site improvements and continued monitoring.

Thank you,
VALLEY SCIENCE AND ENGINEERING



Jessica Penetar, PE
Project Engineer

JP/mjb

c: George Foster – Alsea Quarries, LLC

¹ Valley Science and Engineering. (2021). Stormwater quality monitoring report for NPDES General Permit 1200-A, file number 110087; DOGAMI number 02-005, Alsea Quarries 1 LLC, 19331 South Fork Road, Alsea, Oregon. Albany, OR: Author.

² Valley Science and Engineering. (2022). Stormwater quality monitoring report for NPDES General Permit 1200-A, file number 110087; DOGAMI number 02-005, Alsea Quarries 1 LLC, 19331 South Fork Road, Alsea, Oregon. Albany, OR: Author.

Stormwater Training Plan & Information Sheet

- **Fill out daily checklist for stormwater**
 - Check all 4 ponds and discharge point

- **What you are looking for during inspection?**
 - Oil Leaks/Oil Sheens on pit floor & roadways
 - Oil Sheen in ponds, waterways
 - Debris along waterways, ponds, pit floor & roadways
 - Turbidity of stormwater
 - BMP's in place, working as they should
 - Check spill kits, make sure they are always stocked. Restock after the use of anything from a spill kit.
 - Fuel tanks, Oil buckets inside the shop
 - Looking for spills around any equipment around the pit property.

- **Corrective Actions:**
 - If any of the above are found, they need to be corrected and fixed immediately. Spill kits and extra bmps can be located in the shop or near the crusher (when on site).
 - Make sure to document when you find something wrong and document when it is fixed.
 - Notify CES (Cascade Earth Sciences) when discharge starts. A sample must be collected within 12 hours of discharging.
 - If at anytime more than 42 gallons of oil is leaked/spilled/released, DEQ must be notified within 24 hours of the event. DEQ's contact information is located in the office, and in the water binder.

- **If any questions, contact the owner or the head person in charge of the stormwater.**

- Power point training on stormwater management includes: runoff, pollutants, BMP Toolbox (different types of BMP's).

Stormwater Management

Managing the Environmental & Project Development Process

Regulations

- **Federal Water Pollution Control Act (Clean Water Act)**
- **National Environmental Policy Act (NEPA)**
- **ORC Chapter 6111 (Water Pollution Control)**
 - **Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permits**
 - **Construction General Permit (CGP)**
 - **Watershed Specific CGP**

Stormwater Runoff

Let's start with defining what is Stormwater Runoff?



Stormwater runoff is rain or snowmelt that flows over land and does not percolate/get absorbed into the soil.

Stormwater Pollution

Primary Pollutants

- Sediment
- Heavy Metals
- Oil & Grease
- Solids
- Salt



Sources

- Brake dust, tire wear, fluids
- Litter
- Construction
- Maintenance Activities
- Atmospheric Deposition



Stormwater Regulations

Permits

- Construction General Permit
- Watershed Specific Permit(s)
- Administered by OEPA
- Earth-disturbing activities > 1 acre

Primary Requirements:

- Temporary sediment and erosion controls during construction
- Post-construction stormwater management controls after construction (permanent)

ODOT Responsibilities

Stormwater Management Plan

- Required for ODOT's "MS4" Stormwater Permit
- Reduce the discharge of pollutants from ODOT's storm sewer system
- Minimum Control Measures (MCM's)

Prevent water pollution!

Only Rain goes down the Drain!

Storm drains lead to streams, lakes, and wetlands. Pollution can harm wildlife, contaminate our drinking water and spoil our recreational areas.

Preventing water pollution begins with you ...

- Never dump anything into storm drains
- Clean up after your pet
- Do not litter

Report illegal dumping at **1-800-282-9378**

<http://www.dot.state.oh.us/stormwater/>

MS4 = Municipal Separate Storm Sewer System

NPDES

Stormwater Regulations & ODOT Responses

- Supplemental Specification 832
- Temporary sediment and erosion control *during construction*

L&D Manual, Vol. 2 Drainage Design

- Post construction stormwater management controls (*after construction - permanent*)

NPDES

Post-Construction Stormwater Management

- Required to Treat:
 - Water Quality
 - ✓ Remove pollutants
 - Water Quantity
 - ✓ Amount of stormwater that enters a stream



Challenge

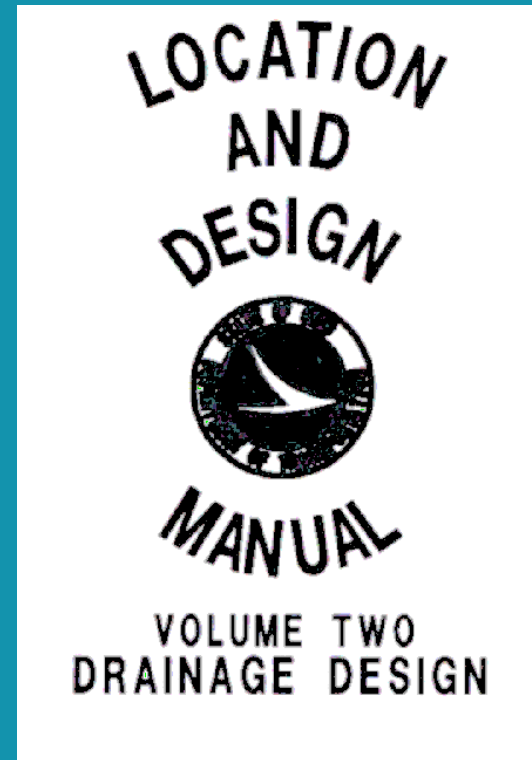
- Comply with permit requirements
- Fit into linear project footprint
- Limited ability to acquire right of way

NPDES

Post-Construction Stormwater Management

ODOT BMP Toolbox

- **Vegetated Filter Strip**
- **Vegetated Biofilter**
- **Manufactured Systems**
- **Extended Detention**
- **Retention Basin**
- **Infiltration Techniques**
- **Bioretention Cell**
- **Constructed Wetlands**



NPDES STORMWATER

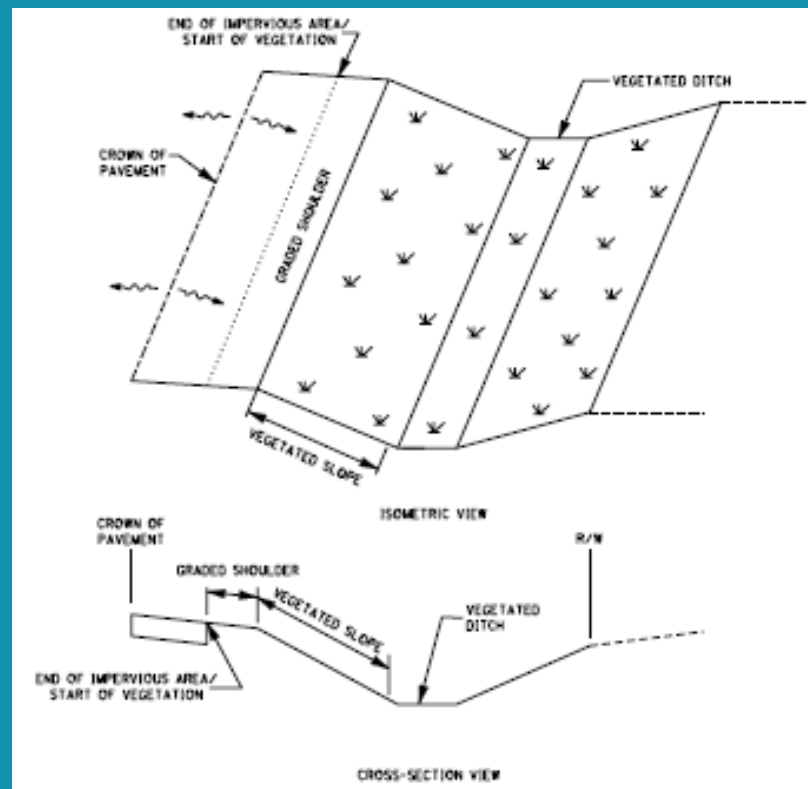
Post-Construction Stormwater BMPs

Vegetated Filter Strip

- Vegetated portion of the graded shoulder
- Vegetated foreslope

Vegetated Biofilters

- Vegetated portion of the graded shoulder
- Vegetated slope
- Vegetated ditch

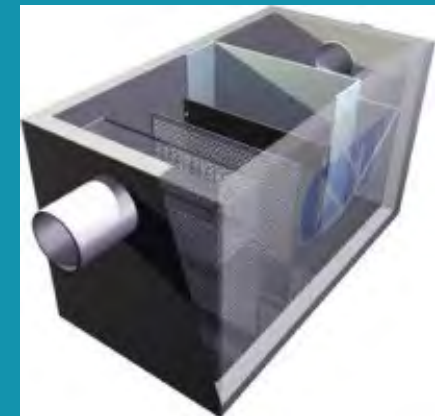
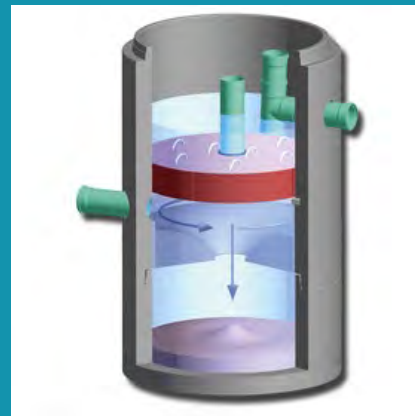


NPDES STORMWATER

Post-Construction Stormwater BMPs

Manufactured Systems

- Proprietary underground structure
- Offline configuration with existing storm sewer
- Removes particulate matter through settlement or other means
- NOTE: There are many different types of manufactured systems from a variety of companies



NPDES STORMWATER

Post-Construction Stormwater BMPs

Extended Detention

- “Dry pond”
- Captures storm water during rain events and slowly releases the entire captured volume over a period of time leaving a dry bottom



Retention Basins

- “Wet pond”
- Has a minimum water surface elevation between storms that is defined as the permanent pool.
- Captures storm water during rain events and slowly releases the captured volume over a period of time.



NPDES STORMWATER

Post-Construction Stormwater BMPs

Infiltration Techniques

- Storm water filters through substrate consisting of soil, sand, or gravel
- Discharges treated storm water into ground water rather than into surface waters



Bioretention Cells

- Depressed, low-lying areas that treat storm water through evapotranspiration and filtering
- Underlying perforated storm sewer or underdrain carries treated storm water to an outlet
- Extensive vegetation assists in the filtration of the storm water prior to filtering through the soil



Constructed Wetlands

- Treat storm water through bio-retention
- Designed in a similar manner as a retention basin
- Depressed, heavily planted areas designed to maintain a dry weather flow depth of 0.5 to 2 feet

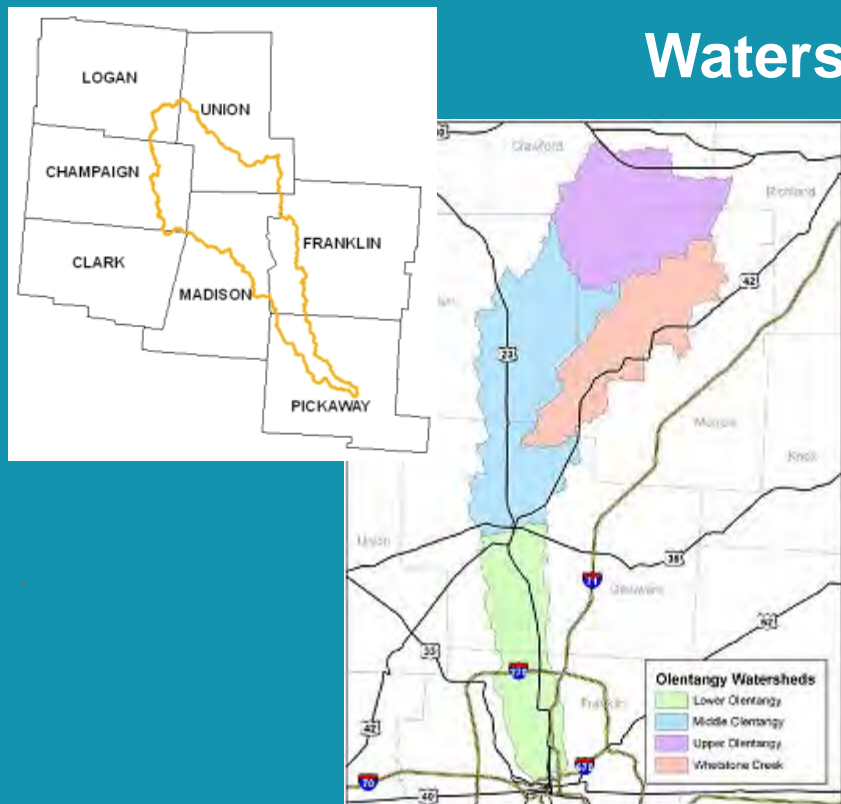


NPDES STORMWATER

Stormwater Associated with Construction Activity in the Big Darby Creek Watershed and Olentangy Watershed

Watershed Specific Permits includes:

- Groundwater Recharge, if applicable
- Riparian Setback Mitigation
- Temporary Sediment Basin Locations
- Ohio EPA review and approval of SWPPP



Stormwater Associated with Construction Activity in other specific watersheds:

- OEPA has developed TMDL Reports for 50 impaired watersheds
- The following watersheds have water quality report recommendations for developing a watershed specific Construction General Permit:
 - Chagrin River
 - Little Miami River

Construction Activity Stormwater Permits

Consequences for ODOT:

- Increased project footprint
- Additional assessment and documentation:
 - Wider ditches, stormwater ponds & wetlands
 - Structural additions, manufactured systems...
- Increased mitigation:
 - Stream restoration
 - Environmental covenants
- On going Research



Questions?



Becky Humphreys (614)387-1125

Stormwater Program Manager

Becky.Humphreys@dot.state.oh.us

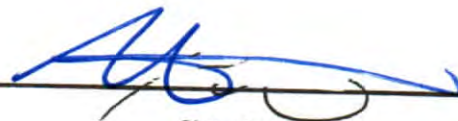
Monthly Settleable Solids Form

Date:	Levels of Water/pond	SS level
July 2021	No discharge	X
August 2021	No discharge	X
Sept. 2021	No discharge	X
Oct. 2021	No discharge	X
Nov. 2021	Discharging - clean/clear	0.0
Dec. 2021	Discharging - clean/clear	0.0
Jan. 2022	Discharge - C/C	0.0
Feb. 2022	Not discharging	X
Mar. 2022	Discharge - slight turbid	0.0
April 2022	No discharge	X
May 2022	No discharge	X
June 2022	No discharge	X

- All settleable solid tests done using a Imhoff Cone

Mackenzie Foster

Inspector Name



Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: July 21

Ponds:

#2: NO oil sheen
#3: No oil
#4: No oil
#5: no oil

Freeboard:

3.5 ft
3 ft
5 ft
4 ft

Discharge Point Notes (Pond #1 - D1):

No discharge - No oil sheen or debris found

Mining Area Notes:

No crushing, no debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: August 2021

Ponds:

#2: No oil/debris
#3: No oil / D
#4: No oil / D
#5: No oil / D 4ft

Freeboard:

3.5ft
3ft
5ft

Discharge Point Notes (Pond #1 - D1):

Not discharging
No oil sheen or debris found

Mining Area Notes:

None - No oil/debris

Additional Notes:

None

Mackenzie Foster

Name of Person who made report



Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Sept. 2021

Ponds:

#2: No oil sheen
#3: No oil / debris
#4: No oil / debris
#5: No oil

Freeboard:

3 ft
2.5 ft
4.5 ft
4 ft

Discharge Point Notes (Pond #1 - D1):

Not discharging - oil separator no debris or
oil found.

Mining Area Notes:

No oil sheen - debris not found

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Oct. 2021

Ponds:

#2: No oil sheen
#3: No oil sheen
#4: No oil sheen
#5: No oil

Freeboard:

3 ft
2.5 ft
4.5 ft
4 ft

Discharge Point Notes (Pond #1 - D1):

Not discharging - no oil/debris

Mining Area Notes:

No oil/debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: NOV. 2021

Ponds:

#2: No oil sheen / debris
#3: No oil sheen / D
#4: No oil sheen / D
#5: No oil sheen / D

Freeboard:

x
+
+
x

Discharge Point Notes (Pond #1 - D1):

Discharging started Nov. 19 - water tested by CES.

Mining Area Notes:

No oil sheen / debris found. Clean water run-off

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Dec 2021

Ponds:

#2: NO 0+0
#3: NO 0+0
#4: NO 0+0
#5: NO 0+0

Freeboard:

Discharge Point Notes (Pond #1 - D1):

Discharging - no oil sheen / debris found

Mining Area Notes:

No 0+0

Additional Notes:

None - water sample collected Dec. 9 by
CES

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Jan. 2022

Ponds:

Freeboard:

#2: No oil / debris - clean
#3: No oil / debris
#4: No oil / debris
#5: No oil / debris

Discharge Point Notes (Pond #1 - D1):

Discharging - sample collected Jan. 31 by CFS
No oil / debris

Mining Area Notes:

No oil / debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Feb. 2022

Ponds:

#2: No oil/debris
#3: No oil/debris
#4: No oil/debris
#5: No oil/debris

Freeboard:

Discharge Point Notes (Pond #1 - D1):

Dis Not discharging - no oil sheen or debris

Mining Area Notes:

No oil sheen/debris

Additional Notes:

None
Water separator needs cleaned out when no discharge

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Mar. 22

Ponds:

#2: No oil/debris
#3: No oil/debris
#4: No oil/debris
#5: No oil/debris

Freeboard:

Discharge Point Notes (Pond #1 – D1):

Discharging - sample collected March 2 by CES.
No oil sheen/debris

Mining Area Notes:

No oil sheen/debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: April 2002

Ponds:

#2: No oil / D
#3: No oil / D
#4: No oil / D
#5: No oil / D

Freeboard:

Discharge Point Notes (Pond #1 - D1):

No discharge
No oil sheen
No debris

Mining Area Notes:

All good - no oil sheen or debris found

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: May 22

Ponds:

#2: NO O + D
#3: NO O + D
#4: NO O + D
#5: NO O + D

Freeboard:

Discharge Point Notes (Pond #1 - D1):

NO Discharge, no oil, no debris - pond looks good

Mining Area Notes:

NO oil or debris found

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: June 2022

Ponds:

#2: NO oil sheen
#3: NO oil sheen
#4: NO oil sheen
#5: NO oil sheen

Freeboard:

Discharge Point Notes (Pond #1 - D1):

No discharge - no oil or debris

Mining Area Notes:

No oil sheen or debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

ANALYTICAL REPORT

Eurofins TestAmerica, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-91115-2
Client Project/Site: Alesa Quarries Stormwater

For:
Cascade Earth Sciences Inc.
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
12/10/2019 10:00:43 AM*

Nathan Lewis, Project Manager I
(253)922-2310
nathan.lewis@testamericainc.com



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www.testamericainc.com

This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Job ID: 580-91115-2

Laboratory: Eurofins TestAmerica, Seattle

Narrative

Job Narrative
580-91115-2

Comments

No additional comments.

Receipt

The sample was received on 11/30/2019 10:00 AM; the sample arrived in good condition, properly preserved and, where required, on ice. The temperature of the cooler at receipt was 3.2° C.

Metals

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Cascade Earth Sciences Inc.
Project/Site: Asea Quarries Stormwater

Job ID: 580-91115-2

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
PQL	Practical Quantitation Limit
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)

Client Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Client Sample ID: Outfall

Lab Sample ID: 580-91115-1

Date Collected: 11/27/19 13:14

Matrix: Water

Date Received: 11/30/19 10:00

Method: 200.8 LL - Metals (ICP/MS)

Analyte	Result	Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Zinc	ND		0.0070		mg/L		12/05/19 10:27	12/06/19 11:25	1

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

QC Sample Results

Client: Cascade Earth Sciences Inc.
 Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Method: 200.8 LL - Metals (ICP/MS)

Lab Sample ID: MB 580-318283/13-A
Matrix: Water
Analysis Batch: 318454

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 318283

Analyte	MB Result	MB Qualifier	RL	MDL	Unit	D	Prepared	Analyzed	Dil Fac
Zinc	ND		0.0070		mg/L		12/05/19 10:27	12/06/19 10:47	1

Lab Sample ID: LCS 580-318283/14-A
Matrix: Water
Analysis Batch: 318454

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 318283

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	Limits
Zinc	1.00	0.962		mg/L		96	85 - 115

Lab Sample ID: LCSD 580-318283/15-A
Matrix: Water
Analysis Batch: 318454

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 318283

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	Limits	RPD	Limit
Zinc	1.00	1.08		mg/L		108	85 - 115	11	20

Lab Chronicle

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Client Sample ID: Outfall

Lab Sample ID: 580-91115-1

Date Collected: 11/27/19 13:14

Matrix: Water

Date Received: 11/30/19 10:00

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Prep	200.8			318283	12/05/19 10:27	JCP	TAL SEA
Total/NA	Analysis	200.8 LL		1	318454	12/06/19 11:25	FCW	TAL SEA

Laboratory References:

TAL SEA = Eurofins TestAmerica, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Laboratory: Eurofins TestAmerica, Seattle

All accreditations/certifications held by this laboratory are listed. Not all accreditations/certifications are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Alaska (UST)	State	17-024	01-19-22
ANAB	Dept. of Defense ELAP	L2236	01-19-22
ANAB	ISO/IEC 17025	L2236	01-19-22
California	State	2901	11-05-20
Montana (UST)	State	NA	04-13-21
Oregon	NELAP	WA100007	11-06-20
US Fish & Wildlife	US Federal Programs	058448	07-31-20
USDA	US Federal Programs	P330-17-00039	02-10-20
Washington	State	C553	02-17-20

Sample Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-91115-2

Lab Sample ID	Client Sample ID	Matrix	Collected	Received	Asset ID
580-91115-1	Outfall	Water	11/27/19 13:14	11/30/19 10:00	

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

Login Sample Receipt Checklist

Client: Cascade Earth Sciences Inc.

Job Number: 580-91115-2

Login Number: 91115

List Source: Eurofins TestAmerica, Seattle

List Number: 1

Creator: Hobbs, Kenneth F

Question	Answer	Comment
Radioactivity wasn't checked or is \leq background as measured by a survey meter.	N/A	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is $<6\text{mm}$ (1/4").	N/A	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	

July 27, 2021

Ms. Lisa Reinhart
Department of Geology and Mineral Industries
229 Broadalbin Street
Albany, OR 97321

**SUBJECT: Stormwater Quality Monitoring Report for NPDES General Permit 1200-A
File Number 110087; DOGAMI Number 02-0005
Alsea Quarries 1 LLC, 19331 South Fork Road, Alsea, Oregon**

Dear Ms. Reinhart:

Valley Science and Engineering (Valley) has prepared this report to present the results of the stormwater quality monitoring program conducted at Alsea Quarries 1 LLC (Site) for the 2020-2021 monitoring period. This monitoring and reporting is required under the National Pollution Discharge Elimination System (NPDES) general permit 1200-A. The permit is administered by the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Environmental Quality (DEQ). The 1200-A permit was modified and renewed in 2007. An updated version of the 1200-A permit was issued in 2012 and assigned to Alsea Quarries in November 2013. The current permit expired on December 3, 2017 and a new permit has not yet been written; however Alsea Quarries is covered under the expired permit, per the DEQ website¹. Enclosed is a copy of the Industrial Stormwater Discharge Monitoring Report (Attachment 1). A hard copy will be mailed separately. Also enclosed are the analytical results and chain of custody records for four grab samples collected by Valley for laboratory analysis (Attachment 2). One sample was collected prior to December 31, 2020 because discharge from the site began less than 14 days before December 31, 2020. Three samples were collected after January 1, 2021, at least 14 days apart. Field notes documenting pH probe calibration are also included (Attachment 3).

All of the samples were in full compliance for all parameters. Therefore, Alsea Quarries requests a monitoring waiver for pH, total suspended solids (TSS), and oil and grease (O&G) until a new permit is issued as the condition in Schedule B4.a.i. of the permit has been satisfied.

¹ Oregon Department of Environmental Quality Industrial Stormwater Permits.
<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Industrial.aspx>. Accessed July 8, 2021.

Please contact me at (541) 812-6621 if you have any questions or concerns.

Sincerely,



Jessica Penetar, PE
Project Engineer

JP/mjb

Enc: Attachments 1-3
c: Mackenzie Foster - Alsea Quarries 1 LLC (1)

Disclaimer: The contents of this document are confidential to the intended recipient at the location to which it is addressed. The contents may not be changed, edited, and/or deleted. The information contained in this document is only valid on the date indicated on the original project file report retained by Valley Science and Engineering. By accepting this document, you understand that neither Valley Science and Engineering nor its parent company, Valmont Industries, Inc. (Valmont) accepts any responsibility for liability resulting from unauthorized changes, edits, and/or deletions to the information in this document.

Attachments

- Attachment 1. Industrial Stormwater Discharge Monitoring Report**
- Attachment 2. Analytical Reports and Chain of Custody Forms**
- Attachment 3. Field notes and pH calibration**

Attachment 1.

Industrial Stormwater Discharge Monitoring Report

Industrial Stormwater Discharge Monitoring Report - 1200-A Permit



Permittee Legal Name:	George Foster	ODEQ File No./Facility ID:	110087
Facility Common Name:	Alsa Quarries 1 LLC	Reporting Period:	July 1, 2020 to June 30, 2021
Facility Location:	19331 South Fork Road	Laboratory Name:	Eurofins TestAmerica
County:	Benton	Laboratory ORELAP #:	OR100021

Monitor for the following pollutants at sampling point(s) specified in your SWPCP and use the sampling point name or number from your SWPCP. Add more sheets if necessary (e.g., if more than 4 samples are collected per pollutant or facility has more than 4 sampling points). **You MUST also attach a copy of laboratory results sheet(s).**

Benchmark/Limit Sampling: 4 times per year, every year

Name or Number of Sampling Point(s) (group data per sampling point)	Sample Date	pH	Suspended Solids, Total	Oil and Grease, Total	Settleable Solids
		s. u.	mg/L	mg/L	ml/L
Outfall 001	12/22/20	7.13	17	ND (5.1)	
	01/28/21	7.88	100	ND (5.7)	
	02/19/21	7.72	73	ND (5.4)	
	03/19/21	7.74	18	ND (5.5)	
Geometric Mean (Note 4)			39	3	
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Permit Benchmark		5.5 - 9.0	100	10	0.20

Fill out only those rows and columns that apply to your specific site.

Note 1: Submit this report to the appropriate DEQ regional office or agent (see below) annually by July 31st. The report must contain the results of all stormwater monitoring conducted during the year. If you have a monitoring waiver for one or more of the pollutant(s), please report "W" in the column(s)-see permit-Schedule B.3.

Note 2: Non-detects must be reported as "ND" along with the applicable method detection limit or minimum quantification limit in parentheses - e.g. ND (0.001).

Note 3: If a stormwater sampling result exceeds any of the benchmark values, the permit registrant must, within 30 calendar days of receiving the sampling results, investigate the cause of the benchmark exceedance(s), review the SWPCP and summarize the results and corrective actions, and revise the SWPCP as necessary.

Note 4: For non-detect sampling results, use 1/2 the detection limit to calculate the geometric mean. You are not required to report the geometric mean for pollutant(s) that have a monitoring waiver. The geometric mean value is automatically calculated if using the Excel version of the DMR form. Tier II Corrective Action requirements (permit section A.13) are based on results of geometric mean evaluation during the second year of permit coverage.

Note 5: If a sampling event is missed or a sampling parameter is not analyzed or sampled, enter "NS" in each applicable column for that row.

Note 6: If there was no discharge then state "No Discharge" in the row after the sampling date for any applicable sampling point.

Note 7: If you are required to conduct effluent limit sampling for pH or total suspended solids, you do not need to conduct benchmark sampling for those parameters.

Note 8: The permit registrant is not required to conduct monitoring for the remainder of the permit term if a site is inactive and has effective erosion and sediment control measures in exposed areas. Please provide documentation with the DMR form indicating that the site is temporarily inactive.

Name/Title Principal Executive Officer or Authorized Delegate 17

(Please Print)

Telephone: _____ Email: _____

I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Sign here: _____ Date _____

Attachment 2.

Analytical Reports and Chain of Custody Forms

ANALYTICAL REPORT

Eurofins TestAmerica, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-100019-1
Client Project/Site: Alesa Quarries Stormwater

For:
Cascade Earth Sciences Inc.
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



Authorized for release by:
1/8/2021 12:03:56 PM
Urvashi Patel, Client Service Manager
Urvashi.Patel@Eurofinset.com

Designee for
Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

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This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-100019-1

Job ID: 580-100019-1

Laboratory: Eurofins TestAmerica, Seattle

Narrative

Job Narrative
580-100019-1

Comments

No additional comments.

Receipt

The sample was received on 12/23/2020 10:20 AM; the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 4.7° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Cascade Earth Sciences Inc.
Project/Site: Asea Quarries Stormwater

Job ID: 580-100019-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-100019-1

Client Sample ID: DP-001
Date Collected: 12/22/20 11:58
Date Received: 12/23/20 10:20

Lab Sample ID: 580-100019-1
Matrix: Water

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.1		mg/L		01/06/21 13:22	01/06/21 14:49	1
Total Suspended Solids	17		2.0		mg/L			12/28/20 10:52	1

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

QC Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-100019-1

Method: 1664A - HEM and SGT-HEM

Lab Sample ID: MB 580-347369/1-A
Matrix: Water
Analysis Batch: 347391

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 347369

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.5		mg/L		01/06/21 13:22	01/06/21 14:49	1

Lab Sample ID: LCS 580-347369/2-A
Matrix: Water
Analysis Batch: 347391

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 347369

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
HEM (Oil & Grease)	47.1	39.1		mg/L		83	78 - 114

Lab Sample ID: LCSD 580-347369/3-A
Matrix: Water
Analysis Batch: 347391

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 347369

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
HEM (Oil & Grease)	49.0	40.9		mg/L		84	78 - 114	5	18

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-346595/1
Matrix: Water
Analysis Batch: 346595

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			12/28/20 10:52	1

Lab Sample ID: LCS 580-346595/2
Matrix: Water
Analysis Batch: 346595

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	448		mg/L		90	80 - 120

Lab Chronicle

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-100019-1

Client Sample ID: DP-001

Lab Sample ID: 580-100019-1

Date Collected: 12/22/20 11:58

Matrix: Water

Date Received: 12/23/20 10:20

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Prep	1664A			347369	01/06/21 13:22	FCG	TAL SEA
Total/NA	Analysis	1664A		1	347391	01/06/21 14:49	FCG	TAL SEA
Total/NA	Analysis	SM 2540D		1	346595	12/28/20 10:52	HCC	TAL SEA

Laboratory References:

TAL SEA = Eurofins TestAmerica, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-100019-1

Laboratory: Eurofins TestAmerica, Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	WA100007	11-05-21

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Sample Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries Stormwater

Job ID: 580-100019-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received	Asset ID
580-100019-1	DP-001	Water	12/22/20 11:58	12/23/20 10:20	

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Cascade Earth Sciences- Albany, OR
 3511 Pacific Blvd. SW
 Albany, OR 97321

Billing Information:
 Accounts Payable
 3511 Pacific Blvd. SW
 Albany, OR 97321

Chain of Custody Page ___ of ___



12065 Lebanon Rd
 Mount Juliet, TN 37122
 Phone: 615-758-5858
 Phone: 800-767-5859
 Fax: 615-758-5859



Report to:
Jessica Penetar, CHRIS COTTON

Email To: Jessica.Penetar@vaimont.com
 & christopher.cotton@vaimont.com

Project Description:
ALSEA QUARRIES STORMWATER


City/State Collected: **ALSEA, OR**
 Please Circle: PD MT CT ET

Phone: **541-812-6614**

Client Project #
58008847

Collected by (print):
CHRIS COTTON

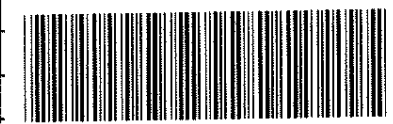
Site/Facility ID #
Alsea Quarries

Collected by (signature):


Rush? (Lab MUST Be Notified)
 Same Day Five Day
 Next Day 5 Day (Rad Only)
 Two Day 10 Day (Rad Only)
 Three Day

Immediately Packed on Ice N Y X

Sample ID	Comp/Grab	Matrix *	Depth	Date	Time	No. of Cntrs	ZNG 250mHDPE-HNO3	HCL	NA	Analysis / Container / Preservative
DP 001 - 1 and 2	G	OTGW		12/23/20	11:58	2		X		
DP 001 3	G	OTGW		12/23/20	11:58	1		X		
		GW								
		GW								
		GW								
		GW								
		GW								
		GW								
		GW								



580-100019 Chain of Custody


* Matrix:
 SS - Soil AIR - Air F - Filter
 GW - Groundwater B - Bioassay
 WW - WasteWater
 DW - Drinking Water
 OT - Other **stormwater**

Remarks:
 pH X Temp A
 IR8 -0.2/0.0 Flow _____ Other _____


Samples returned via:
 UPS FedEx Courier _____

Tracking # _____

Sample Receipt Checklist		
COC Seal Present/Intact:	<u>NP</u>	<u>Y</u> <u>N</u>
COC Signed/Accurate:	<u>Y</u>	<u>N</u>
Bottles arrive intact:	<u>Y</u>	<u>N</u>
Correct bottles used:	<u>Y</u>	<u>N</u>
Sufficient volume sent:	<u>Y</u>	<u>N</u>
If Applicable		
VOA Zero Headspace:	<u>Y</u>	<u>N</u>
Preservation Correct/Checked:	<u>Y</u>	<u>N</u>
RAD Screen <0.5 mR/hr:	<u>Y</u>	<u>N</u>

Relinquished by: (Signature)


Date: **12/23/20** Time: **1340**

Received by: (Signature)


Trip Blank Received: Yes / No
 HCL / MeOH
 TBR
1020

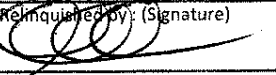
Relinquished by: (Signature)

Date: _____ Time: _____

Received by: (Signature)

Temp: **4.7** **41.5** **3**
 Bottles Received:

If preservation required by Login: Date/Time

Relinquished by: (Signature)


Date: **12/23/20** Time: **1700**

Received for lab by: (Signature)


Date: **12/24/20** Time: **1010**

Hold: _____ Condition: NCF / OK

Login Sample Receipt Checklist

Client: Cascade Earth Sciences Inc.

Job Number: 580-100019-1

Login Number: 100019

List Source: Eurofins TestAmerica, Seattle

List Number: 1

Creator: O'Connell, Jason I

Question	Answer	Comment
Radioactivity wasn't checked or is \leq background as measured by a survey meter.	True	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <math><6\text{mm}</math> (1/4").	True	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	



ANALYTICAL REPORT

Eurofins TestAmerica, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-100778-1
Client Project/Site: General/Bridge Work

For:
Cascade Earth Sciences Inc.
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
2/5/2021 3:01:54 PM*

Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

LINKS

Review your project
results through
TotalAccess

Have a Question?



Visit us at:

www.eurofinsus.com/Env

This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Job ID: 580-100778-1

Laboratory: Eurofins TestAmerica, Seattle

Narrative

Job Narrative
580-100778-1

Comments

No additional comments.

Receipt

The sample was received on 1/29/2021 11:00 AM; the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 5.4° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Client Sample ID: DP-001
Date Collected: 01/28/21 08:47
Date Received: 01/29/21 11:00

Lab Sample ID: 580-100778-1
Matrix: Water

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.7		mg/L		02/04/21 11:40	02/04/21 14:21	1
Total Suspended Solids	100		2.0		mg/L			02/02/21 11:49	1

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QC Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Method: 1664A - HEM and SGT-HEM

Lab Sample ID: MB 580-349237/1-A
Matrix: Water
Analysis Batch: 349270

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 349237

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.5		mg/L		02/04/21 11:40	02/04/21 14:21	1

Lab Sample ID: LCS 580-349237/2-A
Matrix: Water
Analysis Batch: 349270

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 349237

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
HEM (Oil & Grease)	44.0	35.8		mg/L		81	78 - 114

Lab Sample ID: LCSD 580-349237/3-A
Matrix: Water
Analysis Batch: 349270

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 349237

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
HEM (Oil & Grease)	43.6	35.8		mg/L		82	78 - 114	0	18

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-349022/1
Matrix: Water
Analysis Batch: 349022

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			02/02/21 11:49	1

Lab Sample ID: LCS 580-349022/2
Matrix: Water
Analysis Batch: 349022

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	418		mg/L		84	80 - 120

Lab Chronicle

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Client Sample ID: DP-001

Lab Sample ID: 580-100778-1

Date Collected: 01/28/21 08:47

Matrix: Water

Date Received: 01/29/21 11:00

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Prep	1664A			349237	02/04/21 11:40	FCG	TAL SEA
Total/NA	Analysis	1664A		1	349270	02/04/21 14:21	FCG	TAL SEA
Total/NA	Analysis	SM 2540D		1	349022	02/02/21 11:49	HCC	TAL SEA

Laboratory References:

TAL SEA = Eurofins TestAmerica, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Laboratory: Eurofins TestAmerica, Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	WA100007	11-05-21

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Sample Summary

Client: Cascade Earth Sciences Inc.
Project/Site: General/Bridge Work

Job ID: 580-100778-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received	Asset ID
580-100778-1	DP-001	Water	01/28/21 08:47	01/29/21 11:00	

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Chain of Custody Record

Client Information		Sampler: <u>J. Pentec</u>		Lab PM: <u>Lewis, Nathan A</u>	Carrier Tracking No(s): <u>580-41810-11697.1</u>
Client Contact: <u>Christopher Colton</u>		Phone: <u>609-227-1195</u>		E-Mail: <u>Nathan.Lewis@Eurofinset.com</u>	State of Origin:
Company: <u>Cascade Earth Sciences Inc.</u>		PWSID:		Job #:	
Address: <u>3511 Pacific Blvd Sw</u>		Due Date Requested:		Analysis Requested	
City: <u>Albany</u>		TAT Requested (days):		Total Number of Containers	
State, Zip: <u>OR, 97321</u>		Compliance Project: <input type="checkbox"/> Yes <input type="checkbox"/> No		Preservation Codes: A - HCL M - Hexane B - NaOH N - None C - Zn Acetate O - AsNaO2 D - Nitric Acid P - Na2OAS E - NaHSO4 F - MeOH G - Arniclor R - Na2SO3 H - Ascorbic Acid S - H2SO4 I - Ice T - TSP Dodecahydrate J - DI Water U - Acetone K - EDTA L - EDA W - pH 4.5 V - MCAA Z - other (specify) Other:	
PO #: <u>541-812-6621(Tel)</u>		Purchase Order not required		Special Instructions/Note:	
WO #: <u>58008847</u>		Project Name: <u>Alsea Quarries Stormwater</u>		Field Filtered Sample (Yes or No)	
Site: <u>Alsea Quarries Stormwater</u>		SSOW#:		Perform MS/MSD (Yes or No)	
Sample Identification		Sample Date		Matrix	
<u>DR-001</u>		<u>1/28/21 847</u>		<u>Water</u>	
		Sample Time		Sample Type	
<u>580-100778 Chain of Custody</u>		<u>1/28/21 847</u>		<u>G</u>	
Possible Hazard Identification		Sample Time		Preservation Code	
<input type="checkbox"/> Non-Hazard <input type="checkbox"/> Flammable <input type="checkbox"/> Skin Irritant		<u>1/28/21 847</u>		<u>G</u>	
Deliverable Requested: I, II, III, IV, Other (specify)		Sample Date		Matrix	
<input type="checkbox"/> Poison B <input type="checkbox"/> Unknown <input type="checkbox"/> Radiological		<u>1/28/21 847</u>		<u>Water</u>	
Empty Kit Relinquished by:		Sample Time		Sample Type	
Relinquished by: <u>Jessie Pentec</u>		<u>1/28/21 1420</u>		<u>G</u>	
Relinquished by:		Date/Time:		Company	
Relinquished by:		<u>1/29/21 1100</u>		<u>Nov</u>	
Relinquished by:		Date/Time:		Company	
Custody Seals Intact:		Date/Time:		Company	
<input type="checkbox"/> Yes <input type="checkbox"/> No		Date/Time:		Company	
Custody Seal No.:		Cooler Temperature(s) °C and Other Remarks:		Special Instructions/QC Requirements:	
<u>54</u>		<u>5.4</u>		Return To Client <input type="checkbox"/> Disposal By Lab <input type="checkbox"/> Archive For <input type="checkbox"/> Months	



Alsea Quasios Stormwater

Contact: Jessica Penetar

CES - 3511 Pacific Blvd SW

Sampler: J. Penetar

Albany, OR 97321

609-227-1195

jessica-peneta@valmont.com

<u>Sample ID</u>	<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Matrix</u>	<u>Analysis</u>
DP-001	1/28/21	847	G	water	Total Zinc X

Relinquished by: Jessica Penetar

Date/Time: 1/28/21 Company: CES-1420 CES

Received by: [Signature]

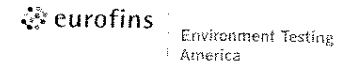
Date/Time: 1/29/21 100 Company: TAPOR




Eurofins TestAmerica, Seattle

5755 8th Street East
Tacoma, WA 98424
Phone: 253-922-2310 Fax: 253-922-5047

Chain of Custody Record



Client Information		Sampler: <i>J. Penetar</i>	Lab PM: Lewis, Nathan A	Carrier Tracking No(s):	COC No: 580-41810-11697.1																																																																					
Client Contact: Christopher Cotton + <i>Jessica Penetar</i>		Phone: <i>604-237-1195</i>	E-Mail: Nathan.Lewis@Eurofinset.com	State of Origin:	Page: Page 1 of 1																																																																					
Company: Cascade Earth Sciences Inc.		PWSID:	Analysis Requested																																																																							
Address: 3511 Pacific Blvd Sw		Due Date Requested:	<table border="1"> <tr> <td rowspan="5">Total Number of containers</td> <td colspan="2">Preservation Codes:</td> </tr> <tr> <td>A - HCL</td> <td>M - Hexane</td> </tr> <tr> <td>B - NaOH</td> <td>N - None</td> </tr> <tr> <td>C - Zn Acetate</td> <td>O - AsNaO2</td> </tr> <tr> <td>D - Nitric Acid</td> <td>P - Na2O4S</td> </tr> <tr> <td>E - NaHSO4</td> <td>Q - Na2SO3</td> </tr> <tr> <td>F - MeOH</td> <td>R - Na2S2O3</td> </tr> <tr> <td>G - Amchlor</td> <td>S - H2SO4</td> </tr> <tr> <td>H - Ascorbic Acid</td> <td>T - TSP Dodecahydrate</td> </tr> <tr> <td>I - Ice</td> <td>U - Acetone</td> </tr> <tr> <td>J - DI Water</td> <td>V - MCAA</td> </tr> <tr> <td>K - EDTA</td> <td>W - pH 4-5</td> </tr> <tr> <td>L - EDA</td> <td>Z - other (specify)</td> </tr> <tr> <td colspan="2">City: Albany</td> <td>TAT Requested (days):</td> <td colspan="3">Other:</td> </tr> <tr> <td colspan="2">State, Zip: OR, 97321</td> <td>Compliance Project: <input type="checkbox"/> Yes <input type="checkbox"/> No</td> <td colspan="3"></td> </tr> <tr> <td colspan="2">Phone: 541-812-6621(Tel)</td> <td>PO #:</td> <td colspan="3"></td> </tr> <tr> <td colspan="2">Email: Christopher.Cotton@valmont.com</td> <td>Purchase Order not required</td> <td colspan="3"></td> </tr> <tr> <td colspan="2">Project Name: Alsea Quarries Stormwater</td> <td>WO #:</td> <td colspan="3"></td> </tr> <tr> <td colspan="2">Site:</td> <td>Project #: 58008847</td> <td colspan="3"></td> </tr> <tr> <td colspan="2"></td> <td>SSDW#:</td> <td colspan="3"></td> </tr> </table>			Total Number of containers	Preservation Codes:		A - HCL	M - Hexane	B - NaOH	N - None	C - Zn Acetate	O - AsNaO2	D - Nitric Acid	P - Na2O4S	E - NaHSO4	Q - Na2SO3	F - MeOH	R - Na2S2O3	G - Amchlor	S - H2SO4	H - Ascorbic Acid	T - TSP Dodecahydrate	I - Ice	U - Acetone	J - DI Water	V - MCAA	K - EDTA	W - pH 4-5	L - EDA	Z - other (specify)	City: Albany		TAT Requested (days):	Other:			State, Zip: OR, 97321		Compliance Project: <input type="checkbox"/> Yes <input type="checkbox"/> No				Phone: 541-812-6621(Tel)		PO #:				Email: Christopher.Cotton@valmont.com		Purchase Order not required				Project Name: Alsea Quarries Stormwater		WO #:				Site:		Project #: 58008847						SSDW#:			
Total Number of containers	Preservation Codes:																																																																									
	A - HCL	M - Hexane																																																																								
	B - NaOH	N - None																																																																								
	C - Zn Acetate	O - AsNaO2																																																																								
	D - Nitric Acid	P - Na2O4S																																																																								
E - NaHSO4	Q - Na2SO3																																																																									
F - MeOH	R - Na2S2O3																																																																									
G - Amchlor	S - H2SO4																																																																									
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J - DI Water	V - MCAA																																																																									
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State, Zip: OR, 97321		Compliance Project: <input type="checkbox"/> Yes <input type="checkbox"/> No																																																																								
Phone: 541-812-6621(Tel)		PO #:																																																																								
Email: Christopher.Cotton@valmont.com		Purchase Order not required																																																																								
Project Name: Alsea Quarries Stormwater		WO #:																																																																								
Site:		Project #: 58008847																																																																								
		SSDW#:																																																																								
Sample Identification		Sample Date	Sample Time	Sample Type (C=Comp, G=grab)	Matrix (W=water, S=solid, O=waste/oil, BT=Tissue, A=Air)	Field Filtered Sample (Yes or No)	Perform MS/MSD (Yes or No)	1684A - (MOD) Local Method	2540D - Local Method	Total Number of containers	Special Instructions/Note:																																																															
DP-001		1/28/21	1447	G	Water	X	X																																																																			
		580-100778 Chain of Custody																																																																								

Possible Hazard Identification				Sample Disposal (A fee may be assessed if samples are retained longer than 1 month)					
<input type="checkbox"/> Non-Hazard	<input type="checkbox"/> Flammable	<input type="checkbox"/> Skin Irritant	<input type="checkbox"/> Poison B	<input type="checkbox"/> Unknown	<input type="checkbox"/> Radiological	<input type="checkbox"/> Return To Client	<input type="checkbox"/> Disposal By Lab	<input type="checkbox"/> Archive For	Months
Deliverable Requested: I, II, III, IV, Other (specify)				Special Instructions/QC Requirements:					
Empty Kit Relinquished by:		Date:	Time:	Method of Shipment:					
Relinquished by: <i>[Signature]</i>	Date/Time: 1/28/21 1420	Company: <i>CEG</i>	Received by: <i>[Signature]</i>	Date/Time: 1/29/21 1100	Company: <i>TAYOR</i>				
Relinquished by: <i>[Signature]</i>	Date/Time: 1/29/21 1700	Company: <i>TAYOR</i>	Received by: <i>[Signature]</i>	Date/Time: 1:30-21 945	Company: <i>TAYOR</i>				
Relinquished by: <i>[Signature]</i>	Date/Time:	Company:	Received by:	Date/Time:	Company:				
Custody Seals Intact: <input type="checkbox"/> Yes <input type="checkbox"/> No	Custody Seal No.:	Cooler Temperature(s) °C and Other Remarks: 8=3.3 5.4							



Alsea Quasnos Stormwater

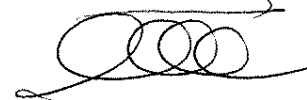
Sampler: J. Penetar

Contact: Jessica Penetar
CES - 3511 Pacific Blvd SW
Albany, OR 97321
609-227-1195
jessica.penetar@valmont.com

<u>Sample ID</u>	<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Matrix</u>	<u>Analysis: Total zinc</u>
DP-001	1/28/21	847	G	water	X

Relinquished by:
Jim Penetar

Date/Time
1/28/21 ← Company
1420 CES

Received by


Date/Time
1/24/21 1100 Company
TAPOR

Login Sample Receipt Checklist

Client: Cascade Earth Sciences Inc.

Job Number: 580-100778-1

Login Number: 100778

List Source: Eurofins TestAmerica, Seattle

List Number: 1

Creator: O'Connell, Jason I

Question	Answer	Comment
Radioactivity wasn't checked or is \leq background as measured by a survey meter.	True	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <math><6\text{mm}</math> (1/4").	True	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	



ANALYTICAL REPORT

Eurofins TestAmerica, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-101288-1
Client Project/Site: Alesa Quarries

For:

Cascade Earth Sciences Inc.
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
3/5/2021 11:46:26 AM*

Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

LINKS

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results through
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www.eurofinsus.com/Env

This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101288-1

Job ID: 580-101288-1

Laboratory: Eurofins TestAmerica, Seattle

Narrative

Job Narrative
580-101288-1

Comments

No additional comments.

Receipt

The sample was received on 2/23/2021 1:25 PM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 3.6° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Cascade Earth Sciences Inc.
Project/Site: Asea Quarries

Job ID: 580-101288-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101288-1

Client Sample ID: DP-001

Lab Sample ID: 580-101288-1

Date Collected: 02/19/21 11:00

Matrix: Water

Date Received: 02/23/21 13:25

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.4		mg/L		03/02/21 12:25	03/02/21 15:08	1
Total Suspended Solids	73		0.53		mg/L			02/24/21 15:14	1

QC Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101288-1

Method: 1664A - HEM and SGT-HEM

Lab Sample ID: MB 580-350951/1-A
Matrix: Water
Analysis Batch: 350986

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 350951

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.1		mg/L		03/02/21 12:25	03/02/21 15:08	1

Lab Sample ID: LCS 580-350951/2-A
Matrix: Water
Analysis Batch: 350986

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 350951

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
HEM (Oil & Grease)	41.5	34.5		mg/L		83	78 - 114

Lab Sample ID: LCSD 580-350951/3-A
Matrix: Water
Analysis Batch: 350986

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 350951

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
HEM (Oil & Grease)	43.5	37.1		mg/L		85	78 - 114	7	18

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-350480/1
Matrix: Water
Analysis Batch: 350480

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		0.40		mg/L			02/24/21 15:14	1

Lab Sample ID: LCS 580-350480/2
Matrix: Water
Analysis Batch: 350480

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	460		mg/L		92	80 - 120

Lab Chronicle

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101288-1

Client Sample ID: DP-001

Lab Sample ID: 580-101288-1

Date Collected: 02/19/21 11:00

Matrix: Water

Date Received: 02/23/21 13:25

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Prep	1664A			350951	03/02/21 12:25	FCG	TAL SEA
Total/NA	Analysis	1664A		1	350986	03/02/21 15:08	FCG	TAL SEA
Total/NA	Analysis	SM 2540D		1	350480	02/24/21 15:14	HCC	TAL SEA

Laboratory References:

TAL SEA = Eurofins TestAmerica, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101288-1

Laboratory: Eurofins TestAmerica, Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	WA100007	11-05-21

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

Sample Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101288-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received	Asset ID
580-101288-1	DP-001	Water	02/19/21 11:00	02/23/21 13:25	

1

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Chain of Custody Record

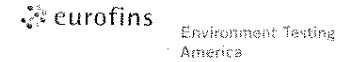
Client Information	Sampler: <u>J. Penetar</u> Phone: <u>609-227-1415</u> PWSID:	Lab PM: <u>Lewis, Nathan A</u> E-Mail: <u>Nathan.Lewis@Eurofinsnet.com</u>	Carrier Tracking No(s): State of Origin:	COC No: <u>580-42129-13462.1</u> Page: <u>Page 1 of 1</u> Job #:
Address: <u>Cascade Earth Sciences Inc.</u> 3511 Pacific Blvd Sw City: <u>Albany</u> State/Zip: <u>OR, 97321</u> Phone: <u>541-812-6621(Tel)</u> Email: <u>Christopher.Cotton@valmont.com</u> Project Name: <u>Generat/Badge Work Area Assess</u> Site: <u>Valmont</u>	Due Date Requested: TAT Requested (days): Compliance Project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Purchase Order not required PO #: WVO #: Project #: 58008847 SSOW#:	Perform MS/MSD (Yes or No) <input checked="" type="checkbox"/> Field Filtered Sample (Yes or No) <input checked="" type="checkbox"/> 1664A - HEM <input checked="" type="checkbox"/> 2540D - Solids, Total Suspended (TSS) <input checked="" type="checkbox"/>	Analysis Requested Total Number of Containers:	Preservation Codes: A - HCL B - NaOH C - Zn Acetate D - Nitric Acid E - NaHSO4 F - MeOH G - Amchlor H - Ascorbic Acid I - Ice J - DI Water K - EDTA L - EDA Other: M - Hexane N - None O - AsNaO2 P - Na2O4S Q - Na2SO3 R - Na2S2O3 S - H2SO4 T - TSP Dodecahydrate U - Acetone V - MCAA W - pH 4.5 Z - other (specify)
Sample Identification <u>DP-001</u>	Sample Date: <u>2/19/21</u> Sample Time: <u>1100</u> Sample Type (C=Comp, G=grab): <u>G</u> Matrix (W=water, S=solid, O=waste/oil, ST=st-tissue, A=air): <u>Water</u> Preservation Code:	Special Instructions/Note: 580-101288 Chain of Custody	Sample Disposal (A fee may be assessed if samples are retained longer than 1 month) <input type="checkbox"/> Return To Client <input type="checkbox"/> Disposal By Lab <input type="checkbox"/> Archive For _____ Months Special Instructions/QC Requirements:	
Possible Hazard Identification <input type="checkbox"/> Non-Hazard <input type="checkbox"/> Flammable <input type="checkbox"/> Skin Irritant <input type="checkbox"/> Poison B <input type="checkbox"/> Unknown <input type="checkbox"/> Radiological Deliverable Requested: I, II, III, IV, Other (specify)				
Empty Kit Relinquished by: _____ Date: _____ Relinquished by: <u>Jessica Penetar</u> Date/Time: <u>2/22/21 1300</u> Company: <u>CES</u> Relinquished by: _____ Date/Time: _____ Company: _____ Relinquished by: _____ Date/Time: _____ Company: _____ Custody Seals Intact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Custody Seal No.: <u>3.6</u> Cooler Temperature(s) °C and Other Remarks:				



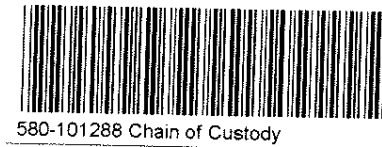
Eurofins TestAmerica, Seattle

5755 8th Street East
Tacoma, WA 98424
Phone: 253-922-2310 Fax: 253-922-5047

Chain of Custody Record



Client Information				Sampler: <i>J. Penetac</i>		Lab PM: Lewis, Nathan A		Carrier Tracking No(s):		COC No: 580-42129-13462.1																	
Client Contact: Christopher Cotton + <i>Jessica Penetac</i>				Phone: <i>609-227-1115</i>		E-Mail: Nathan.Lewis@Eurofinset.com		State of Origin:		Page: Page 1 of 1																	
Company: Cascade Earth Sciences Inc				PWSID:		Analysis Requested						Job #:															
Address: 3511 Pacific Blvd Sw				Due Date Requested:								Preservation Codes:															
City: Albany				TAT Requested (days):								A - HCL M - Hexane															
State, Zip: OR, 97321				Compliance Project: <input type="checkbox"/> Yes <input type="checkbox"/> No								B - NaOH N - None															
Phone: 541-812-6621(Tel)				PO #: Purchase Order not required								C - Zn Acetate O - AsNaO2															
Email: Christopher.Cotton@valmont.com / <i>Jessica Penetac</i>				WO #:		D - Nitric Acid P - Na2O4S																					
Project Name: <i>General Bridge Work Alsea Quays Valmont, OR</i>				Project #: 58008847		E - NaHSO4 Q - Na2SO3																					
Site:				SSOW#:		F - MeOH R - Na2S2O3																					
<table border="1"> <thead> <tr> <th>Sample Identification</th> <th>Sample Date</th> <th>Sample Time</th> <th>Sample Type (C=Comp, G=grab)</th> <th>Matrix (W=water, S=solid, O=waste/oil, BT=Tissue, A=Air)</th> <th>Field Filtered Sample (Yes or No)</th> <th>Perform MS/MSD (Yes or No)</th> <th>1664A - HEM</th> <th>2540D - Solids, Total Suspended (TSS)</th> <th>Total Number of Containers</th> <th>Special Instructions/Note:</th> </tr> </thead> <tbody> <tr> <td><i>DP-001</i></td> <td><i>2/19/21</i></td> <td><i>1100</i></td> <td><i>G</i></td> <td><i>Water</i></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td></td> <td></td> </tr> </tbody> </table>				Sample Identification	Sample Date	Sample Time	Sample Type (C=Comp, G=grab)	Matrix (W=water, S=solid, O=waste/oil, BT=Tissue, A=Air)	Field Filtered Sample (Yes or No)	Perform MS/MSD (Yes or No)	1664A - HEM	2540D - Solids, Total Suspended (TSS)	Total Number of Containers	Special Instructions/Note:	<i>DP-001</i>	<i>2/19/21</i>	<i>1100</i>	<i>G</i>	<i>Water</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			Other:	
				Sample Identification	Sample Date	Sample Time	Sample Type (C=Comp, G=grab)	Matrix (W=water, S=solid, O=waste/oil, BT=Tissue, A=Air)	Field Filtered Sample (Yes or No)	Perform MS/MSD (Yes or No)	1664A - HEM	2540D - Solids, Total Suspended (TSS)	Total Number of Containers	Special Instructions/Note:													
<i>DP-001</i>	<i>2/19/21</i>	<i>1100</i>	<i>G</i>	<i>Water</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>																			



Possible Hazard Identification				Sample Disposal (A fee may be assessed if samples are retained longer than 1 month)							
<input type="checkbox"/> Non-Hazard <input type="checkbox"/> Flammable <input type="checkbox"/> Skin Irritant <input type="checkbox"/> Poison B <input type="checkbox"/> Unknown <input type="checkbox"/> Radiological				<input type="checkbox"/> Return To Client <input type="checkbox"/> Disposal By Lab <input type="checkbox"/> Archive For _____ Months							
Deliverable Requested: I, II, III, IV, Other (specify)				Special Instructions/QC Requirements:							

Empty Kit Relinquished by:		Date:		Time:		Method of Shipment:	
Relinquished by: <i>Jessica Penetac</i>		Date/Time: <i>2/22/21 1300</i>		Company: <i>CES</i>		Received by: <i>[Signature]</i> 1325	
Relinquished by: <i>[Signature]</i>		Date/Time: <i>2/23/21 1700</i>		Company: <i>[Signature]</i>		Date/Time: <i>2/23/21</i>	
Relinquished by: <i>[Signature]</i>		Date/Time: <i>2/24/21 9000</i>		Company: <i>[Signature]</i>		Date/Time: <i>2/24/21 9000</i>	
Custody Seals Intact: <input type="checkbox"/> Yes <input type="checkbox"/> No		Custody Seal No.:		Cooler Temperature(s) °C and Other Remarks: <i>3.6 9=1.4</i>			



Login Sample Receipt Checklist

Client: Cascade Earth Sciences Inc.

Job Number: 580-101288-1

Login Number: 101288

List Source: Eurofins TestAmerica, Seattle

List Number: 1

Creator: Antonson, Angeline D

Question	Answer	Comment
Radioactivity wasn't checked or is </= background as measured by a survey meter.	True	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <6mm (1/4").	True	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	

ANALYTICAL REPORT

Eurofins TestAmerica, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-101928-1
Client Project/Site: Alsea Quarries

For:

Cascade Earth Sciences Inc.
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
3/27/2021 4:30:07 PM*

Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

LINKS

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results through
TotalAccess

Have a Question?



Visit us at:

www.eurofinsus.com/Env

This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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QC Sample Results	6
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Sample Summary	9
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Case Narrative

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101928-1

Job ID: 580-101928-1

Laboratory: Eurofins TestAmerica, Seattle

Narrative

**Job Narrative
580-101928-1**

Comments

No additional comments.

Receipt

The sample was received on 3/23/2021 11:30 AM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 2.0° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

Definitions/Glossary

Client: Cascade Earth Sciences Inc.
Project/Site: Asea Quarries

Job ID: 580-101928-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101928-1

Client Sample ID: DP-001

Lab Sample ID: 580-101928-1

Date Collected: 03/19/21 10:20

Matrix: Water

Date Received: 03/23/21 11:30

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.5		mg/L		03/24/21 14:49	03/24/21 17:45	1
Total Suspended Solids	18		2.0		mg/L			03/25/21 12:25	1

QC Sample Results

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101928-1

Method: 1664A - HEM and SGT-HEM

Lab Sample ID: MB 580-352769/1-A
Matrix: Water
Analysis Batch: 352815

Client Sample ID: Method Blank
Prep Type: Total/NA
Prep Batch: 352769

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
HEM (Oil & Grease)	ND		5.2		mg/L		03/24/21 14:48	03/24/21 17:45	1

Lab Sample ID: LCS 580-352769/2-A
Matrix: Water
Analysis Batch: 352815

Client Sample ID: Lab Control Sample
Prep Type: Total/NA
Prep Batch: 352769

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
HEM (Oil & Grease)	40.6	34.5		mg/L		85	78 - 114

Lab Sample ID: LCSD 580-352769/3-A
Matrix: Water
Analysis Batch: 352815

Client Sample ID: Lab Control Sample Dup
Prep Type: Total/NA
Prep Batch: 352769

Analyte	Spike Added	LCSD Result	LCSD Qualifier	Unit	D	%Rec	%Rec. Limits	RPD	RPD Limit
HEM (Oil & Grease)	41.2	34.3		mg/L		83	78 - 114	1	18

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-352861/1
Matrix: Water
Analysis Batch: 352861

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			03/25/21 12:25	1

Lab Sample ID: LCS 580-352861/2
Matrix: Water
Analysis Batch: 352861

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	468		mg/L		94	80 - 120

Lab Chronicle

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101928-1

Client Sample ID: DP-001

Lab Sample ID: 580-101928-1

Date Collected: 03/19/21 10:20

Matrix: Water

Date Received: 03/23/21 11:30

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Prep	1664A			352769	03/24/21 14:49	FCG	TAL SEA
Total/NA	Analysis	1664A		1	352815	03/24/21 17:45	FCG	TAL SEA
Total/NA	Analysis	SM 2540D		1	352861	03/25/21 12:25	HCC	TAL SEA

Laboratory References:

TAL SEA = Eurofins TestAmerica, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101928-1

Laboratory: Eurofins TestAmerica, Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	WA100007	11-05-21

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Sample Summary

Client: Cascade Earth Sciences Inc.
Project/Site: Alsea Quarries

Job ID: 580-101928-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received	Asset ID
580-101928-1	DP-001	Water	03/19/21 10:20	03/23/21 11:30	

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Chain of Custody Record

Client Information Client Contact: Christopher Cotton Company: Cascade Earth Sciences Inc. Address: 3511 Pacific Blvd SW City: Albany State, Zip: OR, 97321 Phone: 541-812-6621 (Tel) Email: Christopher.Cotton@valmont.com Project Name: General/Range Work Site: Alsea Quasies		Sampler: J. Penstar Lab PM: Lewis, Nathan A. Phone: 609-227-1195 E-Mail: Nathan.Lewis@Eurofinset.com PWSID:		Carrier Tracking No(s): State of Origin:		COC No: 580-42376-13462.1 Page: Page 1 of 1 Job #:	
Due Date Requested: TAT Requested (days): Compliance Project: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No PO #: Purchase Order not required WO #:		Analysis Requested		Preservation Codes: A - HCL B - NaOH C - Zn Acetate D - Nitric Acid E - NaHSO4 F - MeOH G - Amchlor H - Ascorbic Acid I - Ice J - DI Water K - EDTA L - EDA Other:		Preservation Codes: M - Hexane N - None O - AsNaO2 P - Na2O4S Q - Na2SO3 R - Na2SO3 S - H2SO4 T - TSP Dodecahydrate U - Acetone V - MCAA W - pH 4.5 Z - other (Specify)	
Sample Identification DP-001		Sample Date: 3/19/21 Sample Time: 1020 Sample Type (C=Comp, G=grab): G Matrix (W=water, S=solid, O=soils, B=BT, T=TBSS, A=Air): Water		Field Filtered Sample (Yes or No): Perform MSM/SD (Yes or No): 1664A - HEM 2540D - Solids, Total Suspended (TSS)		Total Number of Containers:	
Possible Hazard Identification <input type="checkbox"/> Non-Hazard <input type="checkbox"/> Flammable <input type="checkbox"/> Skin Irritant <input type="checkbox"/> Poison B <input type="checkbox"/> Unknown <input type="checkbox"/> Radiological		Sample Disposal (A fee may be assessed if samples are retained longer than 1 month) <input type="checkbox"/> Return To Client <input type="checkbox"/> Disposal By Lab <input type="checkbox"/> Archive For _____ Months		Special Instructions/Note: 580-101928 Chain of Custody		Special Instructions/QC Requirements:	
Empty Kit Relinquished by:		Date:		Method of Shipment:		Received by: [Signature] Date/Time: 3/22/21 9:35 Relinquished by: [Signature] Date/Time: 3/23/21 1130 Relinquished by: [Signature] Date/Time:	
Custody Seals Intact: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Custody Seal No.:		Cooler Temperature(s) °C and Other Remarks:		Company: [Signature] Company: [Signature] Company: [Signature]	



Login Sample Receipt Checklist

Client: Cascade Earth Sciences Inc.

Job Number: 580-101928-1

Login Number: 101928

List Number: 1

Creator: O'Connell, Jason I

List Source: Eurofins TestAmerica, Seattle

Question	Answer	Comment
Radioactivity wasn't checked or is </= background as measured by a survey meter.	True	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <6mm (1/4").	True	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	

Attachment 3.

Field notes and pH calibration

12/22/20 Alsea Quarries ²⁷
Stormwater sampling, Chris Cotton

pH Calibration

908 AM 2 pt cal w/ 7.0 and
10.0

Buffer... 7, read 6.68
prior to cal.

Buffer... 10, read 10.13
prior to cal.

932 cal complete

1155 sample grab, met McKenzie

Foster to show me to oil/water
separator outfall. Heavy flow
at site. Sunny, ~45°F. pH of
sample = 7.13, 10°C

- Chris Cotton 12/22/20

1/28/21

Alsea Quarries

8:35 J. Penlar of CES on-site for stormwater sampling.

Current weather: foggy, cloudy, rain overnight prior to sampling.

Calibrate pH meter.

7.00 buffer = 7.00

4.00 buffer = ~~4.00~~ ^(JP) 3.98

10.00 buffer = 9.99

847 Collect DP-001 for TSS, O₂ + ZINC

pH = 7.88

Note: HNO₃ preservative vial not quite full.

903 Filled out COC. Probe to shed - No one there.

JP off-site

James Penlar

S

Alsea Quarries

2/19/21

1030 J. Penetar of CES on-site for SW sampling

weather: Mostly cloudy, rained at JP yesterday and last night. \rightarrow Scattered showers (JP)

Clean up / improve path to sampling point.

1045 Calibrate pH meter.

7.00 buffer: 7.02

4.00 buffer: 3.98

1100 Collect DP-001 for TSS + O+C

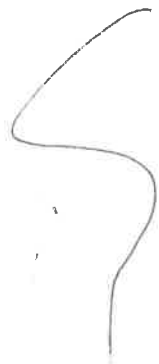
pH = 7.72

temp = 9.0°C

1115 Stopped by office - no one there,

JP off-site

Jim Penetar



CES - Alsea Quarries

3/19/21

1006 J. Penetar of CES on-site for SW sampling

Weather: passing showers

Calibrate pH meter: pH¹⁰ buffer 7.00 = 7.00
4.00 buffer = 4.01

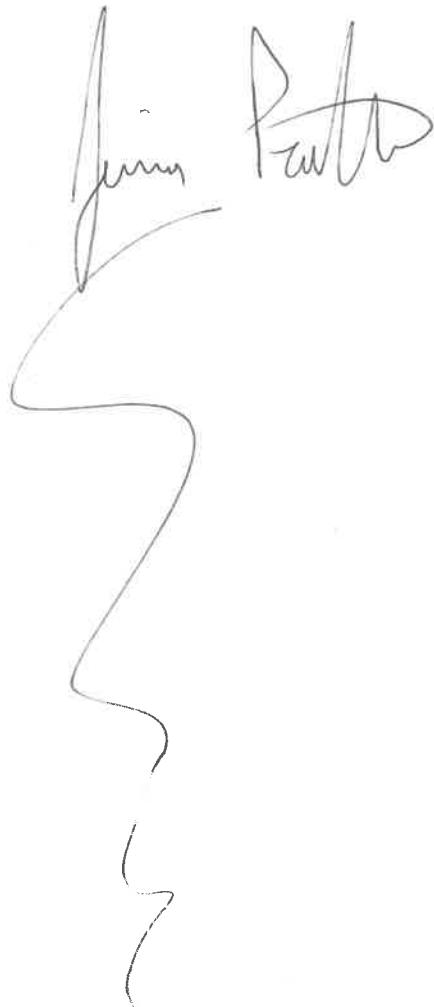
1020 Collect DP-001 for TSS + O+G.

pH = 7.74

Temp = 9.6°C

1030 Clean up JP off-site

Jimm Penetar





A **valmont**  COMPANY

3511 Pacific Blvd SW
Albany, OR 97321
P: +1 541.926.7737
valleyirrigation.com/se

July 26, 2022

Ms. Lisa Reinhart
Department of Geology and Mineral Industries
229 Broadalbin Street
Albany, OR 97321

**SUBJECT: Stormwater Quality Monitoring Report for NPDES General Permit 1200-A
File Number 110087; DOGAMI Number 02-0005
Alsea Quarries 1 LLC, 19331 South Fork Road, Alsea, Oregon**

Dear Ms. Reinhart:

Valley Science and Engineering (Valley) has prepared this report to present the results of the stormwater quality monitoring program conducted at Alsea Quarries 1 LLC (Site) for the 2021-2022 monitoring period. This monitoring and reporting is required under the National Pollution Discharge Elimination System (NPDES) general permit 1200-A. The permit is administered by the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Environmental Quality (DEQ). The 1200-A permit was modified and renewed in 2007. An updated version of the 1200-A permit was issued in 2012 and assigned to Alsea Quarries in November 2013. The current permit expired on December 3, 2017 and a new permit has not yet been written; however Alsea Quarries is covered under the expired permit, per the DEQ website.¹ Enclosed is a copy of the Industrial Stormwater Discharge Monitoring Report (Attachment 1). A hard copy will be mailed separately. Also enclosed are the analytical results and chain of custody records for four grab samples collected by Valley for laboratory analysis (Attachment 2) and the monthly monitoring performed by Alsea Quarry staff (Attachment 3).

All of the samples were below the benchmark for total suspended solids (TSS) and total settleable solids. Therefore, Alsea Quarries requests a monitoring waiver for TSS and settleable solids until a new permit is issued as the condition in Schedule B4.a.i. of the permit has been satisfied. A monitoring waiver for pH and oil and grease (O&G) was granted following the results of the 2020-2021 sampling year, and were therefore not analyzed during this reporting year.

Please contact me at (541) 812-6621 or jessica.penetar@valmont.com if you have any questions or concerns.

Sincerely,

Jessica Penetar, PE
Project Engineer

JP/mjb

Enc: Attachments 1-3

c: Mackenzie Foster - Alsea Quarries 1 LLC (1)

Disclaimer: The contents of this document are confidential to the intended recipient at the location to which it is addressed. The contents may not be changed, edited, and/or deleted. The information contained in this document is only valid on the date indicated on the original project file report retained by Valley Science and Engineering. By accepting this document, you understand that neither Valley Science and Engineering nor its parent company, Valmont Industries, Inc. (Valmont) accepts any responsibility for liability resulting from unauthorized changes, edits, and/or deletions to the information in this document.

¹ Oregon Department of Environmental Quality Industrial Stormwater Permits.
<https://www.oregon.gov/deq/wq/wqpermits/Pages/Stormwater-Industrial.aspx>. Accessed July 8, 2021.

Attachments

- Attachment 1. Industrial Stormwater Discharge Monitoring Report**
- Attachment 2. Analytical Reports and Chain of Custody Forms**
- Attachment 3. Monthly Stormwater Monitoring Forms**

Attachment 1.

Industrial Stormwater Discharge Monitoring Report



Industrial Stormwater Discharge Monitoring Report - 1200-A Permit

Permittee Legal Name:	George Foster		
Facility Common Name:	Aisea Quarries 1 LLC	ODEQ File No./Facility ID:	110087
Facility Location:	19331 South Fork Road	Reporting Period:	July 1, 2021 to June 30, 2022
County:	Benton	Laboratory Name:	Eurofins TestAmerica
		Laboratory ORELAP #:	OR100021

Monitor for the following pollutants at sampling point(s) specified in your SWPCP and use the sampling point name or number from your SWPCP. Add more sheets if necessary (e.g., if more than 4 samples are collected per pollutant or facility has more than 4 sampling points). You **MUST** also attach a copy of laboratory results sheet(s).

Benchmark/Limit Sampling: 4 times per year, every year

Name or Number of Sampling Point(s) (group data per sampling point)	Sample Date	pH	Suspended Solids, Total mg/L	Oil and Grease, Total mg/L	Settleable Solids mg/L
Outfall 001	11/19/21	W	9.8	W	0.00
	12/09/21	W	6.8	W	0.00
	01/31/22	W	4.0	W	0.00
	03/02/22	W	31.0	W	0.00
Geometric Mean (Note 4)			10	W	0.00
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Permit Benchmark		5.5 - 9.0	100	10	0.20

Fill out only those rows and columns that apply to your specific site.

Note 1: Submit this report to the appropriate DEQ regional office or agent (see below) annually by July 31st. The report must contain the results of all stormwater monitoring conducted during the year. If you have a monitoring waiver for one or more of the pollutant(s), please report "W" in the column(s)-see permit-Schedule B.3.

Note 2: Non-detects must be reported as "ND" along with the applicable method detection limit or minimum quantification limit in parentheses - e.g. ND (0.001).

Note 3: If a stormwater sampling result exceeds any of the benchmark values, the permit registrant must, within 30 calendar days of receiving the sampling results, investigate the cause of the benchmark exceedance(s), review the SWPCP and summarize the results and corrective actions, and revise the SWPCP as necessary.

Note 4: For non-detect sampling results, use 1/2 the detection limit to calculate the geometric mean. You are not required to report the geometric mean for pollutant(s) that have a monitoring waiver. The geometric mean value is automatically calculated if using the Excel version of the DMR form. Tier II Corrective Action requirements (permit section A.13) are based on results of geometric mean evaluation during the second year of permit coverage.

Note 5: If a sampling event is missed or a sampling parameter is not analyzed or sampled, enter "NS" in each applicable column for that row.

Note 6: If there was no discharge then state "No Discharge" in the row after the sampling date for any applicable sampling point.

Note 7: If you are required to conduct effluent limit sampling for pH or total suspended solids, you do not need to conduct benchmark sampling for those parameters.

Note 8: The permit registrant is not required to conduct monitoring for the remainder of the permit term if a site is inactive and has effective erosion and sediment control measures in exposed areas. Please provide documentation with the DMR form indicating that the site is temporarily inactive.

Name/Title Principal Executive Officer or Authorized Delegate

(Please Print) **Mackenzie Foster** Representative
 Telephone: **501-487-4783** Email: **foster.ag.construction@gmail.com**

I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Sign here: Date **7.25.22**

Attachment 2.

Analytical Reports and Chain of Custody Forms

ANALYTICAL REPORT

Eurofins FGS, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-107741-1
Client Project/Site: Alesa Quarries

For:

Valley Science and Engineering
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
12/8/2021 1:48:10 PM*

Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

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www.eurofinsus.com/Env

This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-107741-1

Job ID: 580-107741-1

Laboratory: Eurofins FGS, Seattle

Narrative

Job Narrative
580-107741-1

Comments

No additional comments.

Receipt

The sample was received on 11/23/2021 10:23 AM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 1.1° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Valley Science and Engineering
Project/Site: Asea Quarries

Job ID: 580-107741-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Valley Science and Engineering
Project/Site: Alesa Quarries

Job ID: 580-107741-1

Client Sample ID: DP-001
Date Collected: 11/19/21 14:05
Date Received: 11/23/21 10:23

Lab Sample ID: 580-107741-1
Matrix: Water

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	9.8		2.0		mg/L			11/23/21 17:08	1

- 1
- 2
- 3
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- 7
- 8
- 9
- 10
- 11

QC Sample Results

Client: Valley Science and Engineering
 Project/Site: Alsea Quarries

Job ID: 580-107741-1

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-374201/1
Matrix: Water
Analysis Batch: 374201

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			11/23/21 17:08	1

Lab Sample ID: LCS 580-374201/2
Matrix: Water
Analysis Batch: 374201

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	506		mg/L		101	80 - 120



Lab Chronicle

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-107741-1

Client Sample ID: DP-001

Lab Sample ID: 580-107741-1

Date Collected: 11/19/21 14:05

Matrix: Water

Date Received: 11/23/21 10:23

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Analysis	SM 2540D		1	374201	11/23/21 17:08	R1K	FGS SEA

Laboratory References:

FGS SEA = Eurofins FGS, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-107741-1

Laboratory: Eurofins FGS, Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	4167	07-07-22

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Sample Summary

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-107741-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received
580-107741-1	DP-001	Water	11/19/21 14:05	11/23/21 10:23

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

Login Sample Receipt Checklist

Client: Valley Science and Engineering

Job Number: 580-107741-1

Login Number: 107741

List Source: Eurofins FGS, Seattle

List Number: 1

Creator: Greene, Ashton R

Question	Answer	Comment
Radioactivity wasn't checked or is \leq background as measured by a survey meter.	N/A	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <math><6\text{mm}</math> (1/4").	N/A	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	



ANALYTICAL REPORT

Eurofins FGS, Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-108281-1
Client Project/Site: Alsoo Quarries

For:

Valley Science and Engineering
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
12/26/2021 6:23:24 PM*

Tracy Dutton, Client Relations Manager
(253)380-6574
Tracy.Dutton@Eurofinset.com

Designee for

Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

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This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Valley Science and Engineering
Project/Site: Alseo Quarries

Job ID: 580-108281-1

Job ID: 580-108281-1

Laboratory: Eurofins FGS, Seattle

Narrative

Job Narrative
580-108281-1

Comments

No additional comments.

Receipt

The sample was received on 12/10/2021 9:50 AM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 3.6° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Valley Science and Engineering
Project/Site: Alseo Quarries

Job ID: 580-108281-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Valley Science and Engineering
Project/Site: Alseo Quarries

Job ID: 580-108281-1

Client Sample ID: DP-001
Date Collected: 12/09/21 10:00
Date Received: 12/10/21 09:50

Lab Sample ID: 580-108281-1
Matrix: Water

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	6.8		2.0		mg/L			12/15/21 15:32	1

- 1
- 2
- 3
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- 5
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- 8
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- 10
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QC Sample Results

Client: Valley Science and Engineering
 Project/Site: Alseo Quarries

Job ID: 580-108281-1

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-375975/1
Matrix: Water
Analysis Batch: 375975

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			12/15/21 15:32	1

Lab Sample ID: LCS 580-375975/2
Matrix: Water
Analysis Batch: 375975

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	402		mg/L		80	80 - 120



Lab Chronicle

Client: Valley Science and Engineering
Project/Site: Alseo Quarries

Job ID: 580-108281-1

Client Sample ID: DP-001

Lab Sample ID: 580-108281-1

Date Collected: 12/09/21 10:00

Matrix: Water

Date Received: 12/10/21 09:50

<u>Prep Type</u>	<u>Batch Type</u>	<u>Batch Method</u>	<u>Run</u>	<u>Dilution Factor</u>	<u>Batch Number</u>	<u>Prepared or Analyzed</u>	<u>Analyst</u>	<u>Lab</u>
Total/NA	Analysis	SM 2540D		1	375975	12/15/21 15:32	MLT	FGS SEA

Laboratory References:

FGS SEA = Eurofins FGS, Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Valley Science and Engineering
Project/Site: Also Quarries

Job ID: 580-108281-1

Laboratory: Eurofins FGS, Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	4167	07-07-22

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Sample Summary

Client: Valley Science and Engineering
Project/Site: Alseo Quarries

Job ID: 580-108281-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received
580-108281-1	DP-001	Water	12/09/21 10:00	12/10/21 09:50

1

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Chain of Custody Record

580-108281 Chain of Custody

Client Contact: Christopher Cotton <i>Jessica Paneta</i>	Sample: <i>J. Paneta</i>	Lab PM: Lewis, Nathan A	Carrier Tracking No(s):	COC No: 580-46151-14752.1
Company: Valley Science and Engineering	Phone: <i>541-812-6621</i>	E-Mail: Nathan.Lewis@Eurofinset.com	State of Origin:	Page: Page 1 of 1

Address: 3511 Pacific Blvd Sw City: Albany State, Zip: OR, 97321 Phone: 541-812-6621(Tel) Email: <i>Jessica Paneta</i> Christopher Cotton <i>Alsea Quarries</i>		Due Date Requested: TAT Requested (days): Compliance Project: <input type="checkbox"/> Yes <input type="checkbox"/> No PO #: Purchase Order not required WO #: Project #: 58008847 SSOW#:		Analysis Requested		Job #:	
Project Name: <i>Alsea Quarries</i>		Project #: 58008847		Field Filtered Sample (Yes or No)		Preservation Codes:	
Site:		SSOW#:		Perform MS/MSD (Yes or No)		A - HCL M - Hexane B - NaOH N - None C - Zn Acetate O - AsNaO2 D - Nitric Acid P - Na2O4S E - NaHSO4 Q - Na2SO3 F - MeOH R - Na2S2O3 G - Amchlor S - H2SO4 H - Ascorbic Acid T - TSP Dodecahydrate I - Ice U - Acetone J - DI Water V - MCAA K - EDTA W - pH 4-5 L - EDA Z - other (specify)	

Sample Identification	Sample Date	Sample Time	Sample Type (C=Comp, G=grab)	Matrix (Water, Solid, Oil, Tissue, Air)	Field Filtered Sample (Yes or No)	Perform MS/MSD (Yes or No)	25400 - Solids, Total Suspended (TSS)	Total Number of Containers	Special Instructions/Note:
<i>DP-001</i>	<i>12/9/21</i>	<i>1000</i>	<i>G</i>	<i>Water</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

Possible Hazard Identification <input type="checkbox"/> Non-Hazard <input type="checkbox"/> Flammable <input type="checkbox"/> Skin Irritant <input type="checkbox"/> Poison B <input type="checkbox"/> Unknown <input type="checkbox"/> Radiological		Sample Disposal (A fee may be assessed if samples are retained longer than 1 month) <input type="checkbox"/> Return To Client <input type="checkbox"/> Disposal By Lab <input type="checkbox"/> Archive For _____ Months	
Deliverable Requested: I, II, III, IV, Other (specify)		Special Instructions/QC Requirements:	

Empty Kit Relinquished by:	Date:	Time:	Method of Shipment:
Relinquished by: <i>from Ruth</i>	Date/Time: <i>12/9/21 11:00</i>	Company: <i>Valley</i>	Received by: <i>[Signature]</i>
Relinquished by:	Date/Time:	Company:	Received by:
Relinquished by:	Date/Time:	Company:	Received by:
Custody Seals Intact: <input type="checkbox"/> Yes <input type="checkbox"/> No	Custody Seal No.:	Cooler Temperature:	Therm. ID: <i>IR88</i> Cor: <i>3.6</i> ° Unc: <i>3.9</i> °
		Cooler Temp:	Cooler Desc: <i>SMBI</i>
		Cooler Temp:	Packing: <i>BUB</i>
		Cooler Temp:	FedEx: <input type="checkbox"/>
		Cooler Temp:	UPS: <i>NDA</i>
		Cooler Temp:	Lab Cour: _____
		Cooler Temp:	Blue Ice: <input checked="" type="checkbox"/> Wet, Dry, None
		Cooler Temp:	Other: _____

Login Sample Receipt Checklist

Client: Valley Science and Engineering

Job Number: 580-108281-1

Login Number: 108281

List Source: Eurofins FGS, Seattle

List Number: 1

Creator: Greene, Ashton R

Question	Answer	Comment
Radioactivity wasn't checked or is </= background as measured by a survey meter.	N/A	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <6mm (1/4").	True	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	



ANALYTICAL REPORT

Eurofins Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-109833-1
Client Project/Site: Alesa Quarries

For:
Valley Science and Engineering
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Jessica Penetar



*Authorized for release by:
2/15/2022 4:18:18 PM*

Nathan Lewis, Project Manager I
(253)922-2310
Nathan.Lewis@Eurofinset.com

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This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-109833-1

Job ID: 580-109833-1

Laboratory: Eurofins Seattle

Narrative

Job Narrative
580-109833-1

Comments

No additional comments.

Receipt

The sample was received on 2/1/2022 10:00 AM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 0.5° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.

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Definitions/Glossary

Client: Valley Science and Engineering
Project/Site: Asea Quarries

Job ID: 580-109833-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
DER	Duplicate Error Ratio (normalized absolute difference)
Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
DLC	Decision Level Concentration (Radiochemistry)
EDL	Estimated Detection Limit (Dioxin)
LOD	Limit of Detection (DoD/DOE)
LOQ	Limit of Quantitation (DoD/DOE)
MCL	EPA recommended "Maximum Contaminant Level"
MDA	Minimum Detectable Activity (Radiochemistry)
MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-109833-1

Client Sample ID: DP-001
Date Collected: 01/31/22 10:08
Date Received: 02/01/22 10:00

Lab Sample ID: 580-109833-1
Matrix: Water

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	4.0		2.0		mg/L			02/04/22 14:07	1

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QC Sample Results

Client: Valley Science and Engineering
 Project/Site: Alsea Quarries

Job ID: 580-109833-1

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-380389/1
Matrix: Water
Analysis Batch: 380389

Client Sample ID: Method Blank
Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			02/04/22 14:07	1

Lab Sample ID: LCS 580-380389/2
Matrix: Water
Analysis Batch: 380389

Client Sample ID: Lab Control Sample
Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	426		mg/L		85	80 - 120

Lab Chronicle

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-109833-1

Client Sample ID: DP-001
Date Collected: 01/31/22 10:08
Date Received: 02/01/22 10:00

Lab Sample ID: 580-109833-1
Matrix: Water

Prep Type	Batch Type	Batch Method	Run	Dilution Factor	Batch Number	Prepared or Analyzed	Analyst	Lab
Total/NA	Analysis	SM 2540D		1	380389	02/04/22 14:07	JHR	FGS SEA

Laboratory References:

FGS SEA = Eurofins Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310

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Accreditation/Certification Summary

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-109833-1

Laboratory: Eurofins Seattle

The accreditations/certifications listed below are applicable to this report.

<u>Authority</u>	<u>Program</u>	<u>Identification Number</u>	<u>Expiration Date</u>
Oregon	NELAP	4167	07-07-22

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Sample Summary

Client: Valley Science and Engineering
Project/Site: Alsea Quarries

Job ID: 580-109833-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received
580-109833-1	DP-001	Water	01/31/22 10:08	02/01/22 10:00

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Login Sample Receipt Checklist

Client: Valley Science and Engineering

Job Number: 580-109833-1

Login Number: 109833

List Number: 1

Creator: Blankinship, Tom X

List Source: Eurofins Seattle

Question	Answer	Comment
Radioactivity wasn't checked or is \leq background as measured by a survey meter.	True	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	True	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	N/A	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <math><6\text{mm}</math> (1/4").	N/A	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	

ANALYTICAL REPORT

Eurofins Seattle
5755 8th Street East
Tacoma, WA 98424
Tel: (253)922-2310

Laboratory Job ID: 580-110984-1
Client Project/Site: Stormwater

For:

Valley Science and Engineering
3511 Pacific Blvd Sw
Albany, Oregon 97321

Attn: Christopher Cotton



*Authorized for release by:
3/11/2022 4:13:11 PM*

Kristine Allen, Client Service Manager
(253)248-4970

Kristine.Allen@Eurofinset.com

Designee for

Nathan Lewis, Project Manager I
(253)922-2310

Nathan.Lewis@Eurofinset.com

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This report has been electronically signed and authorized by the signatory. Electronic signature is intended to be the legally binding equivalent of a traditionally handwritten signature.

Results relate only to the items tested and the sample(s) as received by the laboratory.



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Case Narrative

Client: Valley Science and Engineering
Project/Site: Stormwater

Job ID: 580-110984-1

Job ID: 580-110984-1

Laboratory: Eurofins Seattle

Narrative

Job Narrative
580-110984-1

Comments

No additional comments.

Receipt

The sample was received on 3/3/2022 10:00 AM. Unless otherwise noted below, the sample arrived in good condition, and where required, properly preserved and on ice. The temperature of the cooler at receipt was 3.3° C.

General Chemistry

No analytical or quality issues were noted, other than those described in the Definitions/Glossary page.



Definitions/Glossary

Client: Valley Science and Engineering
Project/Site: Stormwater

Job ID: 580-110984-1

Glossary

Abbreviation	These commonly used abbreviations may or may not be present in this report.
α	Listed under the "D" column to designate that the result is reported on a dry weight basis
%R	Percent Recovery
CFL	Contains Free Liquid
CFU	Colony Forming Unit
CNF	Contains No Free Liquid
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Dil Fac	Dilution Factor
DL	Detection Limit (DoD/DOE)
DL, RA, RE, IN	Indicates a Dilution, Re-analysis, Re-extraction, or additional Initial metals/anion analysis of the sample
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LOQ	Limit of Quantitation (DoD/DOE)
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MDC	Minimum Detectable Concentration (Radiochemistry)
MDL	Method Detection Limit
ML	Minimum Level (Dioxin)
MPN	Most Probable Number
MQL	Method Quantitation Limit
NC	Not Calculated
ND	Not Detected at the reporting limit (or MDL or EDL if shown)
NEG	Negative / Absent
POS	Positive / Present
PQL	Practical Quantitation Limit
PRES	Presumptive
QC	Quality Control
RER	Relative Error Ratio (Radiochemistry)
RL	Reporting Limit or Requested Limit (Radiochemistry)
RPD	Relative Percent Difference, a measure of the relative difference between two points
TEF	Toxicity Equivalent Factor (Dioxin)
TEQ	Toxicity Equivalent Quotient (Dioxin)
TNTC	Too Numerous To Count

Client Sample Results

Client: Valley Science and Engineering
Project/Site: Stormwater

Job ID: 580-110984-1

Client Sample ID: DP-001

Lab Sample ID: 580-110984-1

Date Collected: 03/02/22 10:40

Matrix: Water

Date Received: 03/03/22 10:00

General Chemistry

Analyte	Result	Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	31		2.0		mg/L			03/09/22 08:57	1

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

QC Sample Results

Client: Valley Science and Engineering
 Project/Site: Stormwater

Job ID: 580-110984-1

Method: SM 2540D - Solids, Total Suspended (TSS)

Lab Sample ID: MB 580-383273/1

Matrix: Water

Analysis Batch: 383273

Client Sample ID: Method Blank

Prep Type: Total/NA

Analyte	MB Result	MB Qualifier	RL	RL	Unit	D	Prepared	Analyzed	Dil Fac
Total Suspended Solids	ND		2.0		mg/L			03/09/22 08:57	1

Lab Sample ID: LCS 580-383273/2

Matrix: Water

Analysis Batch: 383273

Client Sample ID: Lab Control Sample

Prep Type: Total/NA

Analyte	Spike Added	LCS Result	LCS Qualifier	Unit	D	%Rec	%Rec. Limits
Total Suspended Solids	500	406		mg/L		81	80 - 120

Lab Chronicle

Client: Valley Science and Engineering
Project/Site: Stormwater

Job ID: 580-110984-1

Client Sample ID: DP-001

Lab Sample ID: 580-110984-1

Date Collected: 03/02/22 10:40

Matrix: Water

Date Received: 03/03/22 10:00

Prep Type	Batch Type	Batch Method	Run	Dilution Factor	Batch Number	Prepared or Analyzed	Analyst	Lab
Total/NA	Analysis	SM 2540D		1	383273	03/09/22 08:57	S1B	FGS SEA

Laboratory References:

FGS SEA = Eurofins Seattle, 5755 8th Street East, Tacoma, WA 98424, TEL (253)922-2310



Accreditation/Certification Summary

Client: Valley Science and Engineering
Project/Site: Stormwater

Job ID: 580-110984-1

Laboratory: Eurofins Seattle

The accreditations/certifications listed below are applicable to this report.

Authority	Program	Identification Number	Expiration Date
Oregon	NELAP	4167	07-07-22

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Sample Summary

Client: Valley Science and Engineering
Project/Site: Stormwater

Job ID: 580-110984-1

Lab Sample ID	Client Sample ID	Matrix	Collected	Received
580-110984-1	DP-001	Water	03/02/22 10:40	03/03/22 10:00

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Login Sample Receipt Checklist

Client: Valley Science and Engineering

Job Number: 580-110984-1

Login Number: 110984

List Number: 1

Creator: Vallelunga, Diana L

List Source: Eurofins Seattle

Question	Answer	Comment
Radioactivity wasn't checked or is <=/ background as measured by a survey meter.	N/A	
The cooler's custody seal, if present, is intact.	True	
Sample custody seals, if present, are intact.	N/A	
The cooler or samples do not appear to have been compromised or tampered with.	True	
Samples were received on ice.	True	
Cooler Temperature is acceptable.	True	
Cooler Temperature is recorded.	True	
COC is present.	True	
COC is filled out in ink and legible.	True	
COC is filled out with all pertinent information.	True	
Is the Field Sampler's name present on COC?	True	
There are no discrepancies between the containers received and the COC.	True	
Samples are received within Holding Time (excluding tests with immediate HTs)	True	
Sample containers have legible labels.	True	
Containers are not broken or leaking.	True	
Sample collection date/times are provided.	True	
Appropriate sample containers are used.	True	
Sample bottles are completely filled.	True	
Sample Preservation Verified.	True	
There is sufficient vol. for all requested analyses, incl. any requested MS/MSDs	True	
Containers requiring zero headspace have no headspace or bubble is <6mm (1/4").	N/A	
Multiphasic samples are not present.	True	
Samples do not require splitting or compositing.	True	
Residual Chlorine Checked.	N/A	

Attachment 3.

Monthly Stormwater Monitoring Forms

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: July 21

Ponds:

#2: NO oil sheen
#3: No oil
#4: No oil
#5: no oil

Freeboard:

3.5 ft
3 ft
5 ft
4 ft

Discharge Point Notes (Pond #1 - D1):

No discharge - No oil sheen or debris found

Mining Area Notes:

No crushing, no debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: August 2021

Ponds:

#2: No oil/debris
#3: No oil / D
#4: No oil / D
#5: No oil / D 4ft

Freeboard:

3.5ft
3ft
5ft

Discharge Point Notes (Pond #1 - D1):

Not discharging
No oil sheen or debris found

Mining Area Notes:

None - No oil/debris

Additional Notes:

None

Mackenzie Foster

Name of Person who made report



Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Sept. 2021

Ponds:

#2: No oil sheen
#3: No oil / debris
#4: No oil / debris
#5: No oil

Freeboard:

3 ft
2.5 ft
4.5 ft
4 ft

Discharge Point Notes (Pond #1 - D1):

Not discharging - oil separator no debris or
oil found.

Mining Area Notes:

No oil sheen - debris not found

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Oct. 2021

Ponds:

#2: No oil seen
#3: No oil seen
#4: No oil seen
#5: No oil

Freeboard:

3 ft
2.5 ft
4.5 ft
4 ft

Discharge Point Notes (Pond #1 - D1):

Not discharging - no oil/debris

Mining Area Notes:

No oil/debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: NOV. 2021

Ponds:

#2: No oil sheen / debris
#3: No oil sheen / D
#4: No oil sheen / D
#5: No oil sheen / D

Freeboard:

x
+
+
x

Discharge Point Notes (Pond #1 - D1):

Discharging started Nov. 19 - water tested by CES.

Mining Area Notes:

No oil sheen / debris found. Clean water run-off

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Dec 2021

Ponds:

#2: NO 0+0
#3: NO 0+0
#4: NO 0+0
#5: NO 0+0

Freeboard:

Discharge Point Notes (Pond #1 - D1):

Discharging - no oil sheen / debris found

Mining Area Notes:

No 0+0

Additional Notes:

None - water sample collected Dec. 9 by
CES

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Jan. 2022

Ponds:

Freeboard:

#2: No oil / debris - clean
#3: No oil / debris
#4: No oil / debris
#5: No oil / debris

Discharge Point Notes (Pond #1 - D1):

Discharging - sample collected Jan. 31 by CFS
No oil / debris

Mining Area Notes:

No oil / debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Feb. 2022

Ponds:

#2: No oil/debris
#3: No oil/debris
#4: No oil/debris
#5: No oil/debris

Freeboard:

Discharge Point Notes (Pond #1 - D1):

Dis Not discharging - no oil sheen or debris

Mining Area Notes:

No oil sheen/debris

Additional Notes:

None
Water separator needs cleaned out when no discharge

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: Mar. 22

Ponds:

Freeboard:

#2: No oil/debris
#3: No oil/debris
#4: No oil/debris
#5: No oil/debris

Discharge Point Notes (Pond #1 – D1):

Discharging - sample collected March 2 by CES.
No oil sheen/debris

Mining Area Notes:

No oil sheen/debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Alsea Quarries 1, LLC
19331 S Fork Rd
Alsea, OR 97324
541-487-4783

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: April 2002

Ponds:

#2: No oil / D
#3: No oil / D
#4: No oil / D
#5: No oil / D

Freeboard:

Discharge Point Notes (Pond #1 - D1):

No discharge
No oil sheen
No debris

Mining Area Notes:

All good - no oil sheen or debris found

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: May 22

Ponds:

#2: NO O + D
#3: NO O + D
#4: NO O + D
#5: NO O + D

Freeboard:

Discharge Point Notes (Pond #1 - D1):

NO Discharge, no oil, no debris - pond looks good

Mining Area Notes:

NO oil or debris found

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

Monthly Stormwater Monitoring Form

Inspectors: Mackenzie Foster

Month: June 2022

Ponds:

#2: NO oil sheen
#3: NO oil sheen
#4: NO oil sheen
#5: NO oil sheen

Freeboard:

Discharge Point Notes (Pond #1 - D1):

No discharge - no oil or debris

Mining Area Notes:

No oil sheen or debris

Additional Notes:

None

Mackenzie Foster



Name of Person who made report

Signature

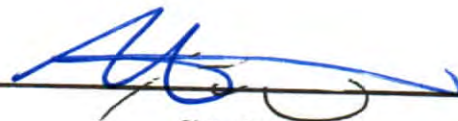
Monthly Settleable Solids Form

Date:	Levels of water / runoff	SS level
July 2021	NO discharge	X
August 2021	No discharge	X
Sept. 2021	No discharge	X
Oct. 2021	No discharge	X
Nov. 2021	Discharging - clean/clear	0.0
Dec. 2021	Discharging - clean/clear	0.0
Jan. 2022	Discharge - C/C	0.0
Feb. 2022	NOT discharging	X
Mar. 2022	Discharge - slight turbid	0.0
April 2022	No discharge	X
May 2022	No discharge	X
June 2022	NO discharge	X

- All settleable solid tests done using a Imhoff Cone

Mackenzie Foster

Inspector Name



Signature



Industrial Stormwater Discharge Monitoring Report - 1200-A Permit

Permittee Legal Name:	George Foster		
Facility Common Name:	Aisea Quarries 1 LLC	ODEQ File No./Facility ID:	110087
Facility Location:	19331 South Fork Road	Reporting Period:	July 1, 2021 to June 30, 2022
County:	Benton	Laboratory Name:	Eurofins TestAmerica
		Laboratory ORELAP #:	OR100021

Monitor for the following pollutants at sampling point(s) specified in your SWPCP and use the sampling point name or number from your SWPCP. Add more sheets if necessary (e.g., if more than 4 samples are collected per pollutant or facility has more than 4 sampling points). You **MUST** also attach a copy of laboratory results sheet(s).

Benchmark/Limit Sampling: 4 times per year, every year

Name or Number of Sampling Point(s) (group data per sampling point)	Sample Date	pH	Suspended Solids, Total mg/L	Oil and Grease, Total mg/L	Settleable Solids mg/L
Outfall 001	11/19/21	W	9.8	W	0.00
	12/09/21	W	6.8	W	0.00
	01/31/22	W	4.0	W	0.00
	03/02/22	W	31.0	W	0.00
Geometric Mean (Note 4)			10	W	0.00
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Geometric Mean (Note 4)					
Permit Benchmark		5.5 - 9.0	100	10	0.20

Fill out only those rows and columns that apply to your specific site.

Note 1: Submit this report to the appropriate DEQ regional office or agent (see below) annually by July 31st. The report must contain the results of all stormwater monitoring conducted during the year. If you have a monitoring waiver for one or more of the pollutant(s), please report "W" in the column(s)-see permit-Schedule B.3.

Note 2: Non-detects must be reported as "ND" along with the applicable method detection limit or minimum quantification limit in parentheses - e.g. ND (0.001).

Note 3: If a stormwater sampling result exceeds any of the benchmark values, the permit registrant must, within 30 calendar days of receiving the sampling results, investigate the cause of the benchmark exceedance(s), review the SWPCP and summarize the results and corrective actions, and revise the SWPCP as necessary.

Note 4: For non-detect sampling results, use 1/2 the detection limit to calculate the geometric mean. You are not required to report the geometric mean for pollutant(s) that have a monitoring waiver. The geometric mean value is automatically calculated if using the Excel version of the DMR form. Tier II Corrective Action requirements (permit section A.13) are based on results of geometric mean evaluation during the second year of permit coverage.

Note 5: If a sampling event is missed or a sampling parameter is not analyzed or sampled, enter "NS" in each applicable column for that row.

Note 6: If there was no discharge then state "No Discharge" in the row after the sampling date for any applicable sampling point.

Note 7: If you are required to conduct effluent limit sampling for pH or total suspended solids, you do not need to conduct benchmark sampling for those parameters.

Note 8: The permit registrant is not required to conduct monitoring for the remainder of the permit term if a site is inactive and has effective erosion and sediment control measures in exposed areas. Please provide documentation with the DMR form indicating that the site is temporarily inactive.

Name/Title Principal Executive Officer or Authorized Delegate

(Please Print) **Mackenzie Foster** Representative
 Telephone: **501-487-4783** Email: **foster.ag.construction@gmail.com**

I certify, under penalty of law, that this document and all attachments were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Sign here: Date **7.25.22**

LU-22-047

Conditional Use Permit

Application: To expand a rock quarry boundary to gain access to rock products

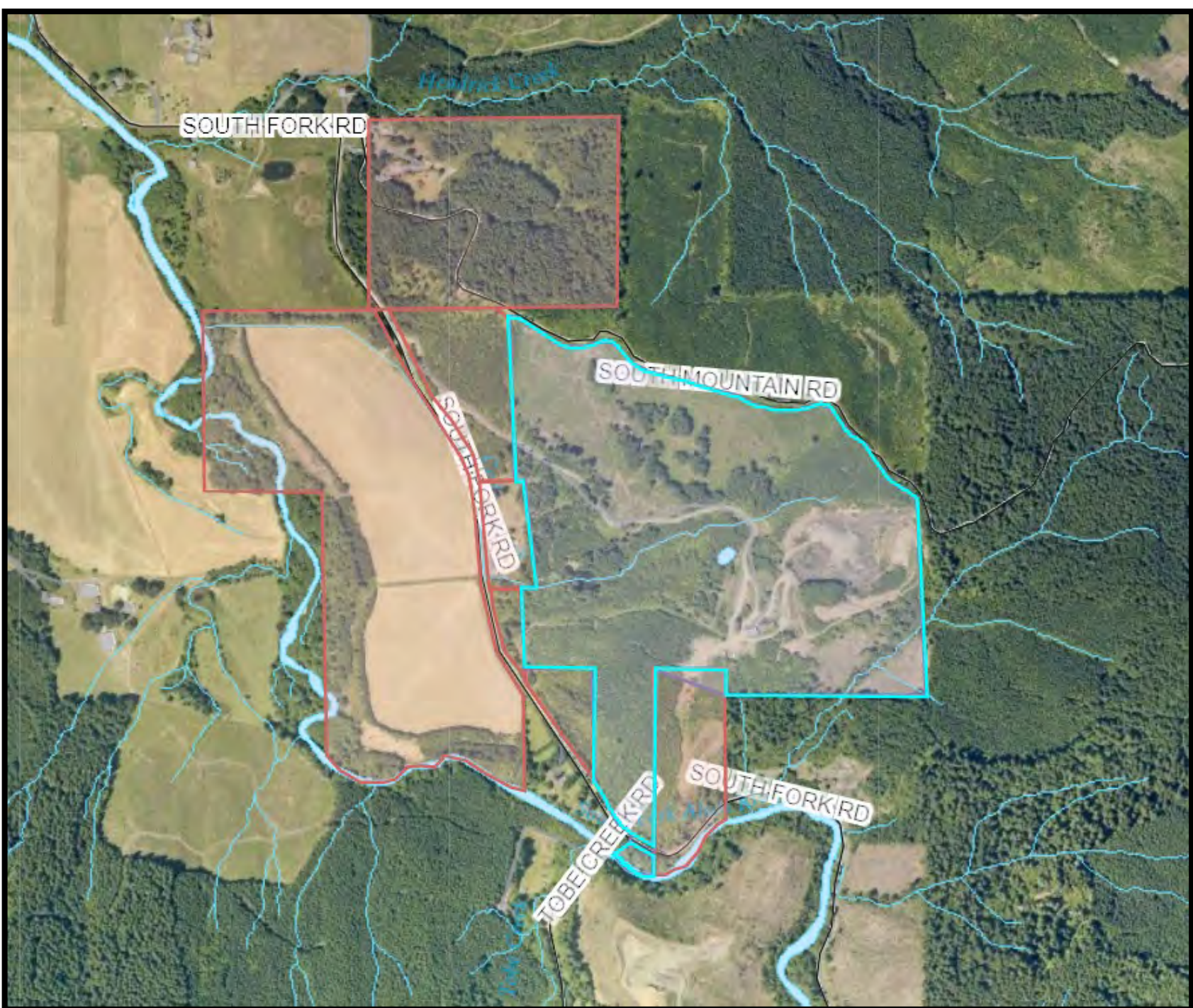
Applicants:
George and Tracy Foster,
Asea Quarries I, LLC

Inga Williams, Associate Planner

1/3/2022

This slide presentation does not replace the formal staff report sent December 27, 2022.





Criteria for review

- **Conditional Use criteria of Chapter 53**
 - Sections 53.205 through 53.235
- **Chapter 56, Multi-purpose Agriculture zone**
 - Section 56.010 (Standards for Application) directs the County to utilize the criteria in the Exclusive Farm Use zone
 - Sections 56.005 and 56.010 are needed to answer to the Purpose of the Zone [for criteria 53.215, EFU]
- **Chapter 55, Exclusive Farm Use (EFU) zone**
 - Section 55.210 which allows a mining operation as a Conditional Use when approved by the Planning Commission
 - Section 55.215 which outlines the criteria for a Conditional Use to meet in the EFU zone
- **Chapter 91 Specific Use Standards**
 - General mining criteria, Section 91.905
 - Exclusive Farm Use mining criteria, Section 91.910

Testimony Received

- **Gordon Kurtz, Associate Engineer, Benton County Public Works**
 - Concerned about the integrity of South Mountain Road
- **Vaughn Balzer, Department of Geology and Mineral Industries, Floodplain Mining Reclamationist**
 - Information related to the stormwater permit
- **Derek Wilson, Habitat Conservation Biologist, Oregon Department of Fish and Wildlife [late submittal not included in the Staff Report]:**
 - Has a wetland delineation been conducted in the expansion footprint?
 - How would storm water run off be contained and treated within the proposed expansion footprint? It appears that runoff from the gravel pit enters a seasonal tributary which flows into a salmon stream.
 - Has a slope stability study been conducted for the new proposed area?
 - How and when will reclamation be completed in unused quarry sections? Is there a native vegetation planting plan and invasive species control plan?
 - Has the applicant checked with adjacent private and federal landowners to see if there are any threatened/endangered species of concern (i.e., raptor species or marbled murrelet nesting sites) within a half mile of the expansion?

Section 53.215

53.215 Criteria. The decision to approve a conditional use permit shall be based on findings that:

- (1) The proposed use does not seriously interfere with uses on adjacent property, with the character of the area, or with the purpose of the zone;**
 - Non-high value soils, steep slopes - not ideal agricultural land
 - Quarry is hidden, except from South Mountain Road
 - Adjacent uses are agriculture, forestry, and two quarries
 - An expansion of the quarry should also have little impact on surrounding uses if the property is maintained in accordance with requirements of Oregon state agencies that regulate the development and operation of the quarry. [P1, P3, P5, Op4, Op5, and Op6]
- (2) The proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area; and**
 - None
- (3) The proposed use complies with any additional criteria which may be required for the specific use by this code. [Ord 90-0069]**

Section 53.220

Conditions of Approval. The County may impose conditions of approval to mitigate negative impacts to adjacent property, to meet the public service demand created by the development activity, or to otherwise ensure compliance with the purpose and provisions of this code. On-site and off-site conditions may be imposed. An applicant may be required to post a bond or other guarantee pursuant to BCC 99.905 to 99.925 to ensure compliance with a condition of approval.

Added conditions limiting

- **Size and Location of the site**
 - The maximum acreage of the expansion [P8]
- **Fencing, screening and landscape separations**
 - from South Mountain Road [P7 and Op1]
- **Noise, vibration, air pollution and other environmental influences**
 - Cedar Creek and South Fork Alsea River impacts
 - Operating hours and blasting hours limited

EFU Section 55.215

Conditional Use Criteria.

- (1) A use allowed under BCC 55.205 or 55.210 may be approved only upon findings that the use meets the Conditional Use Criteria of BCC 53.215 and will not:
 - (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (2) An applicant for a use allowed under BCC 55.205 or 55.210 may demonstrate that the standards for approval set forth in subsection (1) of this section will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
- (3) Is not applicable

Specific Use Standards Section 91.905

91.905 Surface Mining Standards:

- (1) Obtain approval of a reclamation plan from the Oregon Department of Geology and Mineral Industries or the Oregon Division of State Lands. Operation and reclamation plans shall demonstrate consistency with the intended subsequent site use.
 - Added as a Condition of Preliminary Approval [P1 and P5]
- (2) If the mining is the primary cause of traffic on an unpaved public road, that road shall be kept dust-free by the applicant if dwellings are located within 300 feet of the roadway.
 - Mining is not the primary cause of traffic
- (3) Provide screening to obscure the mining site and to minimize dust and other annoyance to adjoining occupied property and adjacent public roads. Unless otherwise approved, the screening shall consist of an ornamental fence or wall, a landscaped berm or preservation of a natural slope, or vegetation.
 - The quarry is concealed from South Fork Road, Conditions of Preliminary Approval have been added for a buffer along South Mountain Road [P4, P5, Op2]

Continued...

Specific Use Standards, Section 91.905

91.905 Surface Mining Standards:

- (4) Ensure that the mining operation does not exceed the maximum sound level permitted by the Oregon Department of Environmental Quality. A berm or other similar method may be used to reduce the sound off site to the level permitted by the Oregon Department of Environmental Quality.
 - Oregon Administrative Rules outline noise standards, 340-035-0035
 - not enforced by Department of Environmental Quality, need to be enforced by the County
 - [Op4 and Op7]
- (5) Provide on-site parking for employees, customers, and visitors to the mining site.
 - 2 acres for accessory uses allowed.
- (6) Maintain a security fence between the mining operation and the public road when such road is located within 200 feet of the mining operation.
 - Required along South Mountain Road
- (7) Not excavate in a manner which would result in disturbance of perimeter fencing or screening, or would impair the intent of the reclamation plan.
 - Added as a Condition of Operating Approval [Op9]

Mining Standards for Exclusive Farm Use Zones, Section 91.910

91.910 Mining Standards for Exclusive Farm Use Zones.

- (1) For purposes of BCC Chapters 55 and 56, a land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.
- (2) A permit for mining of aggregate shall be issued only for a site included on an inventory in the Comprehensive Plan.
 - The quarry site is identified as Site 122 on the Inventory of Mineral and Aggregate Sites of the Benton County Comprehensive Plan. Site 122 is listed under the Sites Deemed “Significant”, with no conflicting uses identified.
- (3) Definition of Mining

Conditions of Preliminary Approval

Applicants have two years to complete

Applicants must:

- Submit copies of state permits
- Create a riparian buffer along Cedar Creek – conservation easement required
- Provide a 75-foot buffer from South Mountain Road, trees to be planted in areas lacking screening
- Place a security fence along the north boundary of property
- Provide a survey sketch of expansion area

Applicants' property must be inspected utilizing the DOGAMI 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report

Conditions of Operating Approval

In effect for the life of the quarry, and
beyond

Property owners shall:

- Maintain the buffer and the security fence
- Maintain the riparian vegetation
- Comply with noise requirements and conduct noise study if complaints are received
- Submit a copy of site inspection and maintenance reports to the county
- Limit operating hours and limit blasting hours
- Not disturb the perimeter fence or screening

Subject property shall be inspected once a year utilizing the DOGAMI 1200-A NPDES Industrial Stormwater Permit Facility Inspection Report

**Staff
Recommends:
Approval with the
proposed
Conditions of
Preliminary
Approval and
Operating
Approval**

Planning Commission Motions

I move that the Conditional Use Permit application for expansion of the Alsea Quarry be:

A) APPROVED, based on evidence in the record and findings in the Staff Report, and subject to the recommended conditions of approval contained in the Staff Report

Or, in the alternative:

I move that the Conditional Use Permit application for expansion of the Alsea Quarry be:

B) APPROVED WITH MODIFICATION, based on evidence in the record and findings in favor in the Staff Report, and subject to the recommended conditions of approval contained in the Staff Report and the following additional conditions: [PLEASE SPECIFY additional conditions]

OR, in the alternative:

I move that the Conditional Use Permit application for expansion of the Alsea Quarry be:

C) DENIED, based on evidence in the record and findings in opposition and conclusions developed at the public hearing.



At your service,
every day.



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OLD BUSINESS

BOC Agenda Checklist Master

Agenda Placement and Contacts

Suggested Agenda Date 03/21/23

View [Agenda Tracker](#)

Suggested Placement * BOC Tuesday Meeting

Department * Community Development

Contact Name * Inga Williams

Phone Extension * 6027

Meeting Attendee Name * Inga Williams, Community Development

Agenda Item Details



Item Title * Adoption of Order #D2023-036, In the Matter of Adopting Findings Approving a Farm-help Dwelling in Land Use Case #LU-22-023

Item Involves * Check all that apply

- Appointments
- Budget
- Contract/Agreement
- Discussion and Action
- Discussion Only
- Document Recording
- Employment
- Notice of Intent
- Order/Resolution
- Ordinance/Public Hearing 1st Reading
- Ordinance/Public Hearing 2nd Reading
- Proclamation
- Project/Committee Update
- Public Comment
- Special Report
- Other

Estimated Time * 5 Minutes

Board/Committee Involvement *
 Yes
 No

**Name of
Board/Committee**

Benton County Planning Commission

Advertisement*

- Yes
 No

Issues and Fiscal Impact

Item Issues and Description

Identified Salient Issues*

On March 7, 2023, the Board of Commissioners voted to approve the applicants' appeal of the Planning Commission's denial of the appeal and directed staff to prepare an order for Board adoption that 1) reverses the Planning Commission decision, and 2) approves the application for a relative Farm-help Dwelling, as submitted in Land Use Case #LU-22-023, with conditions.

Options*

Adopt Order #D2023-036

Decline to Adopt Order #D2023-036.

Fiscal Impact*

- Yes
- No

2040 Thriving Communities Initiative

Mandated Service? * Yes
 No

2040 Thriving Communities Initiative

Describe how this agenda checklist advances the core values or focus areas of 2040, or supports a strategy of a departmental goal.

To review the initiative, visit the website [HERE](#).

Mandated Service Description * If this agenda checklist describes a mandated service or other function, please describe here.

The process to appeal a decision of the Planning Official and the Planning Commission is provided by state law and Benton County Code, BCC 51.815, 51.825, and 51.830.

Values and Focus Areas

Check boxes that reflect each applicable value or focus area and explain how they will be advanced.

Core Values * Select all that apply.

- Vibrant, Livable Communities
- Supportive People Resources
- High Quality Environment and Access
- Diverse Economy that Fits
- Community Resilience
- Equity for Everyone
- Health in All Actions
- N/A

Explain Core Values Selections * N/A

Focus Areas and Vision * Select all that apply.

- Community Safety
- Emergency Preparedness
- Outdoor Recreation
- Prosperous Economy
- Environment and Natural Resources
- Mobility and Transportation
- Housing and Growth
- Arts, Entertainment, Culture, and History
- Food and Agriculture
- Lifelong Learning and Education
- N/A

Explain Focus Areas and Vision Selection * N/A

Recommendations and Motions

Item Recommendations and Motions

Staff Recommendations* Staff recommends the Board of Commissions Adopt Order #D2023-036 Adopting the Findings Approving a Farm-help Dwelling in Land Use Case #LU-22-023.

Meeting Motions* I move to ...
...adopt Order #D2023-036 Adopting the Findings Approving a Farm-help Dwelling in Land Use Case #LU-22-023.

Attachments, Comments, and Submission

Item Comments and Attachments

Attachments

Upload any attachments to be included in the agenda, preferably as PDF files. If more than one attachment / exhibit, please indicate "1", "2", "3" or "A", "B", "C" on the documents.

7.1 ORDER #D2023-036 Adopting Findings

Approving Farm-help Dwelling in Land Use Case 148.64KB

#LU-22-023.pdf

Comments (optional) If you have any questions, please call ext.6800

Department Approver MAURA KWIATKOWSKI

1.

Department Approval

Comments

Signature

Hanna Kwiatkowski

2.

Counsel Approval

Comments

Signature

Vance H. Cheney

3.

County Administrator Approval

Comments

Signature

Suzanne Hoffman

4.

BOC Final Approval

Comments

Signature

Hanna Kwiatkowski

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE STATE OF OREGON, COUNTY OF BENTON**

**In the Matter of Adopting Findings Approving)
A Farm-Help Dwelling in Land Use Case) ORDER #D2023-036
Number LU-22-023)**

WHEREAS, the Community Development Department received an application for an accessory farm-help dwelling for a relative of the farm operator on March 21, 2022 and deemed it complete; and

WHEREAS, the application was reviewed administratively by the Community Development Department and denied by the Planning Official who determined the application did not comply with BCC 55.120(1)(b); and

WHEREAS, the applicant and the property owner jointly filed a timely appeal of the Community Development Department decision to deny to the Planning Commission; and

WHEREAS, the Planning Commission held a duly advertised public hearing on the appeal on November 15, 2022, at which time the applicant's attorney requested the record be held open; and

WHEREAS, on December 6, 2022, the Planning Commission reconvened for deliberations and denied the appeal, upholding the Planning Official's decision to deny on the basis that the application did not comply with BCC 55.120(1)(b); and

WHEREAS, the applicant and the property owner jointly filed a timely appeal of the Planning Commission decision to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners held a duly advertised public hearing on February 21, 2023, and reconvened on March 7, 2023, for deliberations; and

WHEREAS, the Board of County Commissioners has considered the staff report, the application materials, the recommendation of the Benton County Planning Commission, public testimony, and voted to approve the applicants' appeal of the Planning Commission's denial of the appeal for the reasons listed below.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDERS AS FOLLOWS:

A. FINDINGS OF FACT

Among the various criteria required for approval of the application for a Farm-Help Dwelling for a Relative of the Farm Operator (the "Application"), Benton County Code ("BCC") Chapter 55.120(1)(b) requires that the relative's assistance in the management and farm use of the existing commercial farming operation is required by the farm operator.

The Planning Commission denied the Application for the following two reasons:

(1) the farm operation on the subject property was not a “commercial farming operation” as required by the statute and BCC 55.120(1)(b), and

(2) the relative’s assistance with the management and farm use of the existing farming operation was not “required.”

There were no other grounds for denial and thus, no other grounds for appeal were advanced.

Based on the findings below, as well as the information in the whole record in the Application file, the Board REVERSES the Planning Commission’s denial of the Application and finds that the Application meets all the criteria for approval for a Farm-Help Dwelling for a Relative of the Farm Operator (“Relative Farm-Help Dwelling”) pursuant to BCC 55.120(1)(b).

1. Clear and Objective Standards

The Applicants argued that the two criteria found in BCC 55.120(1)(b) that were the initial bases for denial by the Planning Official, and the bases for the Planning Commission denial of the Application, were not standards by which the County could deny the Application, because both standards used to justify denial were not clear and objective as required by ORS 197.307(4) (the so-called “Clear & Objective Statute”).

The Board concludes that an application for a Relative Farm-Help Dwelling is an application for the development of “housing” and is therefore subject to the Clear & Objective Statute.

The Board concludes that since the Application is for the development of housing, the standards for approval must be clear and objective to remain consistent with state law.

The Board also concludes that the two standards which are not clear and objective, cannot be applied to the Application.

a. Analysis of the Term “Commercial Farming Operation”

No state statute, rule or Benton County Code provision defines the term “commercial farming operation.” The term “farm use” is defined by the BCC in relevant part as “the current employment of land for the primary purpose of obtaining a profit in money...” BCC 51.020(15).

However, the Board concludes that the term “farm use” is not adequate for determining when a farm use “rises to the level” of a “commercial farming operation.”

The Board finds that the County has yet to legislatively adopt clear and objective standards that would permit an applicant to know precisely what must be done in order to obtain a permit for a Relative Farm-Help Dwelling following provisions in BCC 55.120(1)(b). The Board concludes that it has limited authority to interpret statutory provisions and declines to interpret BCC 55.120(1)(b) to impose a “clear and objective” standard.

While the state Land Use Board of Appeals (“LUBA”) has established three “safe harbors” to determine if a farm operation is a “commercial farming operation” these safe harbors do not relieve the County from its obligation to impose only clear and objective standards.

The Board concludes that LUBA caselaw that provides seemingly clear and objective paths for approving a Relative Farm-Help Dwelling, is not an alternative to the mandate of the Clear & Objective Statute.

b. Conclusion

The Board concludes, based on the findings above, that the Planning Commission erred when it applied the ambiguous term “commercial farming operation” to the Application and used the Application’s purported failure to satisfy that standard as a basis for denial of the Application.

The Board concludes that the Clear & Objective Statute prohibits such action by the County. The Board concludes that in order to impose such standards on future applications, the County must first legislatively amend the BCC to include clear and objective standards.

B. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

The Planning Commission decision is hereby reversed; and

The application for a Relative Farm-Help Dwelling, as submitted in LU-22-023 is hereby **APPROVED** with the following conditions:

The conditions of approval are those found in the Record at pages 35-36 (pages 8-9 of the original staff report, *LU-22-023, Staff Report*, which is incorporated herein by reference and made a part of this order.

Adopted this 21st day of March, 2023.

Signed this 21st day of March, 2023.

COMMISSIONERS

BENTON COUNTY BOARD OF

Pat Malone, Chair

Approved as to form:

Xanthippe Augerot, Vice Chair

Vance M. Croney, County Counsel

Nancy Wyse, Commissioner

Memorandum

From: Vance M. Croney, County Counsel
To: Benton County Board of Commissioners
Date: March 21, 2023
Re: Community Petition Regarding Landfill

Staff has become aware of a community petition being circulated on-line that would request the Board of Commissioners take a stance on a prospective land use application regarding Coffin Butte Landfill.

Staff, County Counsel and the Legal Issues Subcommittee of the Benton County Talks Trash Workgroup have reviewed the petition and determined Benton County does not have the authority to act in the manner requested in the petition. The memorandum from the Legal Issues Subcommittee goes into greater detail on this position.

In order to address the petition and to provide the public with a clear statement of the Board's stance on the matter, staff has prepared the attached position statement for the Board to consider. The statement summarily addresses the Board's position, based on the legal restrictions presented by the petition.

If the Board wishes to accept the position statement, it has three options:

1. It may choose to accept the position statement, and direct staff to disseminate it through the County's regular communication channels;
2. It may also choose to read the statement at the Board meeting to ensure its contents are included in the meeting record; and/or
3. It may choose to accept, by motion, the statement as the Board's formal position on the community petition.

The position statement is attached for consideration by the Board of Commissioners.

**DRAFT Statement from Benton County Board of Commissioners
RE: Board Response to Community Petition Regarding Landfill
Proposed For BOC Delivery March 21, 2023**

The Benton County Board of Commissioners is aware that advocates are circulating a petition asking the Board to delay its consideration of any land use action at Coffin Butte landfill until after the County has completed a sustainable materials management plan.

While we appreciate the level of interest in Benton County's solid waste and disposal future, we have consistently asked community members, including our Planning Commission, Solid Waste Advisory Council, and Disposal Site Advisory Committee to focus their comments to the Workgroup as the "One Table" for issues related to solid waste and disposal, including Coffin Butte landfill.

Over the past year, dozens of community members have invested substantial time and energy into that constructive effort and we continue to ask all interested community members to direct comments to the solid waste process work group at bentoncountytalkstrash@co.benton.or.us.

To be clear, Benton County has not received any new application at the landfill and the County will not prematurely judge or take a position on any land use application.

Regarding the petition, it asks the Board of Commissioners to take action that is outside of our scope of authority under Oregon law and is asking us to take one or more actions that could jeopardize the County's ability to manage the decision-making process, instead turning the action over to the landfill operator and Oregon courts.

Importantly, when any land use application is filed in the state of Oregon, a local government, including Benton County, must take final action within 150 days of receiving the complete application. If Benton County were to delay taking action, that would open the door for an applicant to take action in circuit court that could compel judicial approval of the proposal.

The Board is committed to keep land use decision-making authority here in our community, where we can hear from all voices directly, and then decide fairly and objectively what is right for our future.

We think that makes sense for the future of our community, for the Willamette Valley, and for Oregon. Thank you for your collaborative participation in this important discussion.