

AGGREGATE AND MINERAL RESOURCES¹

Introduction:

There are no known mineral and aggregate Goal 5 resources within the City of Newport's urban growth boundary (UGB); however, a mineral and aggregate resource site does exist immediately outside the current UGB and city limits. That site, known as the Iron Mountain Rock Quarry, has been identified as a significant Goal 5 resource in the Lincoln County Comprehensive Plan.

Mineral and Aggregate Resources:

Even though the actual resource is outside the city's UGB, the quarry is close enough that a Goal 5 analysis must be performed. A complete set of findings and conclusions is attached as Appendix "A," and, by reference, is incorporated herein.

The basic conclusion of the analysis--based on economic, social, environmental, and energy consequences--is that the consequences of conflicts between the quarry and nearby uses are primarily economic and social. Surrounding land uses do not threaten the rock resource itself, but complaints about quarry activities can severely constrain or prohibit the use of the resource. The inability to use the resource for highway maintenance and construction projects increases the cost of these projects. Transportation is the key component in the price of aggregate. Forced reliance on sites more distant from Newport will dramatically increase the cost of construction on the central coast.

Once the analysis has been done, the Goal 5 rule (OAR 660-16-010) provides: "Based on the determination of the economic, social, environmental, and energy consequences, a jurisdiction must develop a program to achieve the Goal."

The rule allows three methods for implementing a program to achieve the goal of resource protection. The first method requires preserving the resource site regardless of the effect on conflicting uses. The second method involves protecting the resource to a desired extent but allowing identified conflicting uses in a limited fashion. The third method is to allow the conflicting uses fully, regardless of any adverse effects on the resource. This last choice is permissible only if (1) conflicting uses are found to be more valuable than the resource and (2) there is no ability to mitigate the adverse consequences of conflicts between the resource and uses in the impact area.

¹ Section added by Ordinance No. 1691 (11-15-93).

The requirements to implement a decision to limit conflicting uses are found in OAR 660-16-010(3). The Comprehensive Plan and land use regulations must specify what uses and activities will be prohibited, what uses are allowed fully, and what uses are conditionally allowed. The implementation program, including development regulations, must include clear and objective standards.

Conclusion:

In light of the above, the City of Newport recognizes that the Iron Mountain Rock Quarry is a significant Goal 5 mineral and aggregate resource. However, the property within the current UGB is important for the provision of adequate housing. It is therefore necessary to allow conflicting uses on the adjacent property subject to use limitations and design criteria.

GOALS/POLICIES
AGGREGATE AND MINERAL RESOURCES

Goal: To protect the Iron Mountain Quarry and allow conflicting uses, subject to the limitations and development criteria contained in the City of Newport Zoning Ordinance.

Policy 1: The city shall create an Iron Mountain Impact Area, or IMIA (see Figure 1 on page 80c), where limitations and development criteria shall be introduced. The development criteria shall be established to balance the need to protect the resource site and development rights of property within the impact area, and the criteria shall be both clear and objective.

Policy 2: Any City of Newport urban growth boundary amendment within Lincoln County's Iron Mountain Impact Area shall address this section and Goal 5 of the Statewide Planning Goals. Adequate findings of fact that speak to all the criteria shall be made before any urban growth boundary modification may be made.

IRON MOUNTAIN IMPACT AREA WITHIN CITY UGB



APPENDIX A
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(The following attachments are hereby, by reference, incorporated herein. They are found in Planning Department File No. 5-CP-92.)

- Attachment A Lincoln County Comprehensive Plan - Mineral and Aggregate Resources
- Attachment B ODOT Letter to the City of Newport
- Attachment C DLCD Technical Bulletin - Planning for Mineral and Aggregate Resources
- Attachment D Iron Mountain Geophysical Investigation
- Attachment E Iron Mountain Quarry Report
- Attachment F Impact Area Map
- Attachment G Noise Control Regulations
- Attachment H Vibration and Air Blast
- Attachment I DLCD Model Comprehensive Plan Policies
- Attachment J DLCD Model Mineral and Aggregate Resources Ordinance

1.0 NATURE OF THE REQUEST

The Oregon Department of Transportation (ODOT) requests that Lincoln County and the City of Newport adopt comprehensive plan amendments for the Iron Mountain Rock Quarry. ODOT requests that the respective comprehensive plans accurately identify Iron Mountain as a significant Goal 5 resource site, and that the county and city adopt a program to protect this resource.

This report presents information to support findings and conclusions to amend the respective comprehensive plans.

2.0 BACKGROUND

2.1 History of Iron Mountain

ODOT surveyed the Iron Mountain site as a material source in 1937 in conjunction with construction of the Coast Highway. The State of Oregon, through ODOT, has owned and operated the site as a noncommercial quarry since 1942. The state and its contractors have used material from Iron Mountain for a variety of public projects, including construction of the old Alsea Bay bridge.

Various users have extracted more than 300,000 cubic yards of material from the site since the state bought it in 1942. Although the amount of material removed in recent years has only averaged between 3,000 and 4,000 cubic yards per year, the site is an extremely important resource because of its public ownership, location, quality of material, and quantity of reserves.

2.2 Purpose of Public Resource Sites

ODOT maintains a network of state-controlled or state-owned material source sites throughout Oregon. The state bought many sites years ago in conjunction with a specific highway project but did not sell them upon completion of a project because of the continuing need for stone and gravel. ODOT needs large amounts of high quality material protected for use in maintenance activities, reconstruction or safety projects, and highway modernization projects.

The 1991 Oregon Highway Plan estimates that nearly 2,000 miles of state highways require modernization and over 1,100 miles of pavement require immediate treatment in order to achieve ODOT's goal of achieving 90 percent fair or better road pavement conditions by the year 2010. Furthermore, many highway bridges are nearing the end of their 50 year expected lifespan and require major rehabilitation or replacement. Meeting the needs of the highway system requires large amounts of high quality material. For example, repaving just one mile of a two-lane highway requires between 4,000 and 5,000 tons of quality aggregate.

State-owned or state-controlled material sources serve two primary functions. First, they are a source of aggregate material for maintenance activities (so the state does not have to purchase rock from suppliers or pay royalties to land owners). Second, state-controlled material sites are prospective sources available to any contractor on major highway projects. ODOT offers these sites to contractors without charging a royalty for the rock. This arrangement helps ensure an economical source of material for rock and fosters more competitive bids for highway contracts. More competitive bids result in more efficient use of taxpayers' money and allows ODOT to maintain and improve more highway miles.

2.3 Lincoln County Comprehensive Plan

The Land Conservation and Development Commission acknowledged the Lincoln County Comprehensive Plan to comply with the Statewide Planning Goals in December 1982. The plan identifies the Iron Mountain site as one of 58 significant Goal 5 mineral and aggregate resource sites. The plan includes an estimate of demand for aggregate material in Lincoln County and concludes that crushed quarry rock is the major source of aggregate. Iron Mountain is one of six major sites identified in the plan as available for crushed rock production. Attachment A.

Iron Mountain is listed in the county plan as a Category 1 site. These sites are found on land zoned for forestry uses and, according to the county plan, are not adversely affected by uses allowed in the zone. The county plan states: "Other uses of forest land which are permitted or reviewed on a conditional basis will not conflict with or preempt the use of the forest quarries." [Comprehensive Plan, Goal 5 inventory, Part III, p. 13]

By designating the Iron Mountain resource as a Category 1 site, the county determined that the site would not be affected by conflicting uses. This designation is consistent with a determination to preserve the resource in accordance with the Goal 5 administrative rule (OAR 660-16-005(1)). If conflicting uses did not threaten the resource, the county's original decision would be sufficient. However, both the county and city have authorized uses that either individually, or cumulatively, may adversely affect the Iron Mountain resource.

Today, Iron Mountain can no longer be classified as a forest quarry, far removed from conflicting uses. It is on the periphery of an urbanizing area. The exiting program to protect the site from conflicting uses through case-by-case review of applications for conflicting uses on nearby properties is insufficient to protect the

resource and does not comply with Goal 5. The goal does not allow resource protection decisions to be deferred to a permit review stage. Local comprehensive plans must clearly identify what conflicting uses will be allowed, prohibited, or conditionally allowed under clear and objective standards.

2.4 Need for Present Action

Iron Mountain and ODOT's ability to obtain materials from this resource is threatened. Urban development is encroaching on the boundary of the site, thus increasing the likelihood of future conflicts between quarrying activities and neighbors of the site. In 1980, ODOT expressed its concerns to the City of Newport about the annexation of land (including state-owned property) adjacent to the Iron Mountain quarry. Attachment B. Although the state's property was not included, land next to the southern boundary of the site was annexed to the city and, in 1990, rezoned to allow high density residential use.

In September 1990, the city proposed annexing and rezoning an additional 15 acres bordering the state-owned quarry site for residential use. In recent years, the city has approved requests for high density residential zoning totaling 36.12 acres adjacent to the Iron Mountain Rock Quarry site. Complete buildout at densities, authorized by the Newport Zoning Ordinance, could result in more than 800 new dwelling units. A large increase in residential densities is likely to result in more complaints about the quarry and threaten ODOT's ability to use the site.

ODOT appealed the city's most recent action to the Oregon Land Use Board of Appeals (LUBA). On June 29, 1992, LUBA remanded the annexation and rezoning decision to the city. In doing so, LUBA sustained ODOT's contention that the city misconstrued the applicable law, made a decision not supported by evidence in record, and violated Goal 5 by not adequately analyzing the impacts nearby residential uses may have on the protected aggregate resource.

Finally, ODOT has objected to Newport's final periodic review order, contending that the city's recent actions approving development near Iron Mountain are inconsistent with the county's plan to protect the resource. ODOT believes the city must consider protection of Iron Mountain during periodic review.

These reasons--previous approval of conflicting uses near the quarry, LUBA's remand of the most recent decision to allow conflicting uses, and the city's periodic review--require further examination of land use plans for the Iron Mountain area. The county and city should adopt comprehensive plan amendments that recognize the site's significance and enact a program to protect the site from conflicting uses.

2.5 Description of Proposed Mining Activities

ODOT will develop Iron Mountain gradually over many years. The site has not been used and is not intended to be used for commercial production. Therefore, use of the site will be intermittent and dependent on ODOT demand for rock. Full use of the estimated five million cubic yards of high-quality aggregate will take place over at least 50 years.

The Iron Mountain development plan calls for mining the resource using hill removal and multiple benching techniques. Seven "lifts," or phases, are planned. Each lift will remove approximately 25 to 30 vertical feet of material. The hill removal technique is planned for the first four lifts; benching will be employed for additional mining below 325 feet elevation. Because of the extremely hard nature of the basalt, quarry operators will occasionally use controlled blasting to prepare the material for excavation.

During the hill removal phase of the operation, each lift will be mined so that material is first extracted from the northern through southeastern portions of the site. A berm will be retained on the western and southwestern portion of the site to screen adjacent land uses from the effects of dust and noise. The western and southern portions of the site will be mined last in each phase of the operation, with the berm retained until the next lower lift is developed. For safety reasons, the berm must be removed and redeveloped when the next lower lift of the mine is excavated. ODOT will require that quarry operators retain all vegetation in all unmined areas to screen the site from view.

Below the 325 foot level, operations will mine using a vertical benching technique. Lifts will be removed to create 12 foot wide benches with nearly vertical slopes. ODOT proposes to backfill the three benches dug into the mountain; reclaimed slopes will be in accordance with Department of Geology and Mineral Industries (DOGAMI) standards.

Approximately 40,000 cubic yards of soil and 400,000 cubic yards of overburden will be removed during mining. Overburden will be trucked down the mountain to the stockpile site in the southwestern portion of the property. Stockpiles will be seeded and mulched to control erosion and will be contoured to screen properties west of the site from haul road traffic.

ODOT will ensure that the site is reclaimed in accordance with state regulations administered by DOGAMI. The department has filed a reclamation plan with DOGAMI for its approval.

3.0 COMPLIANCE WITH STATEWIDE PLANNING GOAL 5

3.1 Goal 5

Statewide Planning Goal 5 states in part--

"To conserve open space and protect natural and scenic resources.

"Programs shall be provided that will

- (1) insure open space,
- (2) protect scenic and historic areas and natural resources for future generations
- (3) promote healthy and visually attractive environments in harmony with the natural landscape character...

"Where conflicting uses have been identified, the economic, social, environmental, and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal."

In addition to the mandatory language of the Goal, the goal guidelines suggest the following--

"In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected."

3.2 Goal 5 Administrative Rules (OAR Chapter 660, Division 16)

The Goal 5 rule specifies the requirements and procedures local government must follow to comply with Goal 5. Goal compliance involves six basic steps:

- 1.) Identify a resource's location, quality, and quantity
- 2.) Determine the resource's significance
- 3.) Identify the conflicting uses
- 4.) Analyze the economic, social, environmental, and energy consequences of conflicts
- 5.) Determine the level of protection for the resource
- 6.) Implement a program to protect significant resources

3.3 Effect of Goal 5 Compliance

Goal 5 requires local governments to inventory resources and develop programs to protect significant resources. In the case of mineral and aggregate resource sites, the goal requirement to protect resources translates to protecting the site for its eventual use through mining. See Eckis v. Linn County, ___Or___ LUBA (LUBA No. 90-132, September 11, 1991).

Planning for mineral and aggregate resources under Goal 5 is explained in Attachment C.

Because development of the aggregate resource is synonymous with protection of the site, identification of an impact area and analysis of conflicting uses must recognize the nature of surface mining activities. Not only is mining at aggregate resource sites adversely affected by surrounding land uses, but mining may affect the use of property near the site.

4.0 REQUIREMENTS OF THE GOAL 5 ADMINISTRATIVE RULE

4.1 Inventory Requirements

The Lincoln County Comprehensive Plan already identifies the Iron Mountain site as a significant Goal 5 resource site. As such, ODOT is not obligated to defend or rejustify the importance of this resource site. The following inventory information augments information in the Lincoln County and Newport comprehensive plans concerning the site's significance.

4.11 Location

The Iron Mountain quarry is located on approximately 49 acres in Section 20, Township 10 South, Range 11 West, Willamette Meridian. The property is also identified as Lincoln County tax lots 600 and 700, Section 20, Township 10 South, Range 11 West. The state also owns tax lot 800, a stockpile site which is an integral part of the Iron Mountain surface mining operation.

Iron Mountain is an intrusive basalt formation. This formation consists of very hard, fine-grained material suitable for many highway uses and is very consistent in its make-up. ODOT conducted tests on the mountain to determine the quality and extent of the resource. See attachments D and E. It believes that the resource most certainly extends underneath adjacent property not owned by the state.

The protected Goal 5 aggregate resource site must include the entire state property and portions of the mountain under ownership by the Boise Cascade Corporation. Protection of this area is critical to ensure that other valuable construction materials are protected for use and that areas necessary for aggregate processing are protected consistent with Goal 5.

ODOT will not mine the entire property. Instead, it will leave a large amount of material in place to buffer operations for surrounding land uses, provided that surrounding land uses are similarly restricted. The development plan proposes mining laterally to the 325 foot contour line on the western and southern flanks of the mountain.

4.12 Quality

Local governments in Oregon rely on three tests to help determine the relative quality of an aggregate resource. The tests are--Resistance to Abrasion (OSHD Test Method 211), Sodium Sulfate Soundness (OSHD Test Method 206), and the Oregon Air Degradation test (OSHD Test Method 208). These tests are the best indicators of quality aggregate for use as road base, asphalt, and concrete. Lesser quality materials are used for fill and embankment.

Samples from the Iron Mountain quarry have been tested by the Central Highway Laboratory in Salem against these and other tests. The test results show that material from the Iron Mountain quarry substantially exceeds these tests and is highly desirable for a wide range of highway construction uses. See Attachment E, pp. 4-5.

The inventory of mineral and aggregate resources in the Lincoln County plan does not refer to specific quality measures. Sites are rated as having poor, marginal, variable, or good quality. Among the 58 sites inventoried in the comprehensive plan, 15 are characterized as having good quality, 8 as having variable quality, 2 as having marginal quality, 19 as having poor quality, and 14 with unknown quality. Iron Mountain's rating in the current plan is variable.

Available information shows that Iron Mountain's quality is excellent. Variability of the resource is minimal. Because similar test data is unavailable for other sites, a comparison of the resource at Iron Mountain with other similar sites in Lincoln County is difficult. However, assuming that the quality ratings in the county comprehensive plan are accurate, Iron Mountain has better quality rock than most other sites in the region.

4.13 Quantity

The Lincoln County Comprehensive Plan identifies the quantity of material at inventoried sites as large, medium, small, and unknown. The plan identifies the Iron Mountain site as a small resource.

Based on field reconnaissance and subsurface exploration, ODOT estimates the total volume of usable rock will be more than 5 million cubic yards. This estimate only takes into account the volume of material that could be economically extracted from state property. Land not owned by the state contains additional reserves of the same rock resource.

4.14 Conclusion

The large reserve of high-quality rock found at Iron Mountain is uncommon in the coastal region of Oregon. Most basalt historically surveyed by ODOT in the coast range is highly weathered and does not meet quality specifications for highway use. The large amount of high-quality rock makes the Iron Mountain site one of the most important sources owned by ODOT.

The location near U.S. Highway 101 makes this source even more valuable since transportation of aggregate to any project in the Newport vicinity is relatively easy. The nearest commercial source to Newport is the Cedar Creek Quarry, over 20 miles from the center of Newport. In contrast, Iron Mountain is a mere 5 miles from the center of Newport.

The Iron Mountain quarry is a significant resource site by virtue of its location, quality, and quantity, and should be retained on the inventory of significant Goal 5 resources in the Lincoln County Comprehensive Plan.

4.2 Conflicting Uses

Identifying conflicting uses to a significant resource site requires two principal steps: (1) designating and justifying an impact area surrounding the resource and (2) determining conflicting uses allowed by the zoning ordinance and identifying conflicts with other significant Goal 5 resources.

4.21 Impact Area

The Goal 5 rule (OAR 660-16-000(2)) requires identification of an impact area surrounding the resource site if different from the resource site itself. The impact area is the area in which identified conflicting uses may adversely affect the resource. Although "impact area" is not defined in either the goals or in the Goal 5 rule, the impact area for a mineral and aggregate resource site must be the area which includes uses that could adversely affect the resource, but also the area including those uses which could be affected by the presence of a significant resource. See Portland Audubon Society v. Clackamas County, 14 Or LUBA 433, 442 (1986).

Noise, dust, odor, and blasting effects may adversely affect surround land uses. Conversely, the complaints expressed by surrounding property owners about these effects, as well as complaints about traffic and the effects to visual quality influence whether, or how, a resource may be mined.

To assess potential impacts surrounding the resource site, ODOT believes that an impact area between 400 and approximately 1,400 feet from the property boundary is an appropriate impact area. See Attachment F. Land west and south of the quarry is committed to or contemplated for residential uses. The impact area here must be larger to reflect the sensitivity of home owners to surface mining. Land east and north of the quarry is undeveloped forest land zoned for forestry use. Few conflicts exist, and few conflicting uses would be allowed in this zone. The impact area on the northern and eastern boundaries of the site can be much smaller than the area on western and southern boundaries.

4.211 Noise

The identified impact area is appropriate to evaluate the consequences attributable to noise for several reasons. First, existing vegetation on the perimeter of the quarry site is dense and can help minimize noise produced by either quarry operations or haul trucks.

Second, most noise-sensitive properties, as defined by the Department of Environmental Quality (DEQ) regulations (OAR 340-35-015(38)), are located west of the Iron Mountain site. Most of these properties within the impact area are separated by roughly the same distance from mining operations at Iron Mountain as they now are from traffic noise on Highway 101.

Any noise from quarry activities is not expected to exceed noise control standards at these properties because of the level of background noise.

Third, ODOT requires, as a condition of any contract with the state, that contractors comply with state environmental regulations.

Noise control regulations are described in Attachment G.

4.212 Dust

The identified impact area is appropriate to evaluate impacts of fugitive dust because of prevailing winds off the Pacific Ocean that will blow dust generated by the operation away from settlements. Furthermore, dense vegetation will be retained to capture fallout on surrounding properties.

4.213 Blasting

The air pressure (noise) and seismic (ground vibration) effects of blasting are not regulated by any Oregon state agency, except when DOGAMI regulates mine activities to protect groundwater or minimize adverse effects to surrounding wells. Based on the proposed mining plan, no blasting will occur any closer than 100 feet to the nearest property line. Contractors using state-controlled quarries are required to use safe blasting techniques and conduct pre-blast inspections to minimize effects to surrounding property. The possible effects of blasting and mitigation techniques are discussed in Attachment H.

4.214 Visual

The existing quarry site is largely invisible to surrounding properties. Neither Iron Mountain nor the surrounding area are identified as a significant Goal 5 visual resource in either the county or city comprehensive plans. The mine development plan calls for continuing the existing practice of mining behind a screen of the existing landform and vegetation.

4.215 Traffic

Traffic is not expected to be a significant conflict or consequence of protecting the Iron Mountain Quarry. ODOT owns and maintains exclusive ownership of the haul road leading to the public road system. Trucks serving the regional landfill located north of Iron Mountain, residents of the area, and the state police office currently use the same road system that serves Iron Mountain. ODOT has committed to share the cost of improvements at the intersection with Highway 101. Improvements may include left and right turn refuges.

4.216 Conclusion

Quarry activities may affect surrounding property. Goal 5, however, requires that significant resource sites be protected from conflicting uses. For aggregate resources, protection from conflicting uses requires analyzing the consequences of allowing uses that will likely result in future complaints or requests for restriction on lawful mining activities. ODOT believes that the appropriate impact area in which to analyze conflicting uses includes all land near the quarry that could be developed with conflicting uses. Special emphasis is placed on land near the site which is either or may be developed in the future, based on current zoning.

4.22 Conflicting Uses

The Goal 5 rule (OAR 660-16-005) requires identification of conflicting uses. A conflicting use is one which, if allowed, could adversely affect a Goal 5 resource site. Identifying conflicting uses is primarily done by examining uses authorized by zoning districts within the impact area. Within the impact area, three zoning districts exist: Public Facilities (P-F) and Timber Conservation (T-C) in Lincoln County's jurisdiction and High Density Residential (R-4) in the City of Newport's jurisdiction.

4.221 Public Facilities (P-F)

The quarry site and the State of Oregon's property containing material stockpiles (Tax Lot 800) are within the impact area. Typically, ownership of property is not a factor in determining whether conflicting uses to a resource are present. However, in this case, public ownership of property directly associated with surface mining operations means that uses which are not compatible with aggregate operations will not be developed, or will be developed with the full understanding of potential effects on the resource. Clearly, it is not in the interests of the state for ODOT to develop incompatible uses. Therefore, any uses allowed by the Public Facilities zoning district should not be treated as conflicting uses to the aggregate resource.

4.222 Timber Conservation (T-C)

Most of the property surrounding the Iron Mountain quarry is zoned Timber Conservation. The Timber Conservation zone allows 20 permitted and conditional uses. However, new requirements of Goal 4 and the Goal 4 administrative rule (OAR 660, Division 06) will apply to Lincoln County no later than February 1993. As such, the following analysis only considers uses allowed by the Goal 4 rule and their likelihood of representing conflicts to the aggregate resources.

4.2221 Allowed uses not applicable to the analysis. The following uses may be allowed pursuant to the Goal 4 rule but are not appropriately considered in the analysis:

- Exploration for mineral and aggregate resources;
- Exploration and production of geothermal, gas, and oil;
- Solid waste disposal sites ordered established by the Environmental Quality Commission;
- Mining and processing of oil, gas, and other subsurface resources;
- Mining and processing of mineral and aggregate resources;
- Temporary asphalt and concrete batch plants;
- Expansion of existing airports;
- Public road and highway projects;

Activities involving development of a mineral resource cannot conflict with mineral or aggregate resource protection since the purpose of protecting the resource is for its eventual use through mining.

The Environmental Quality Commission does not have the authority to order establishment of a solid waste disposal site in Lincoln County. Therefore, such a facility is not a conflict.

No airport exists anywhere near Iron Mountain and, therefore, cannot conflict with surface mining. The area's terrain limits serious consideration of a future airport.

No public roads and highways exist on the resource site and cannot adversely affect protection or use of the resource. Road construction projects, in fact, will directly benefit from protection of the Iron Mountain site.

4.2222 Allowed uses that will not conflict with the mineral and aggregate resource:

- Forest operations or forest practices;
- Temporary onsite auxiliary structures;
- Physical alterations to the land auxiliary to forest practices;
- Farm use;
- Local distribution lines within existing rights-of-way;
- Temporary portable facilities for processing of forest products;
- Towers and fire stations for forest fire protection;
- Widening of roads within existing rights-of-way;
- Water intake facilities, canals, and distribution lines for farm use;
- Uninhabitable structures accessory to fish and wildlife enhancement;
- Permanent facilities for the processing of forest products;

Permanent logging equipment repair and storage;
Log scaling and weigh stations;
Solid waste disposal site;
Communication facilities and transmission towers;
Fire stations for rural fire protection;
Utility facilities for generating 5 megawatts or less of power;
Aids to navigation and aviation;
Firearms training facility;
Cemeteries.

The above uses fail to satisfy the DEQ definition of noise sensitive property and do not have other characteristics that would make them sensitive to quarry operations. These uses, if allowed within the impact area surrounding the Iron Mountain Quarry, would pose no threat to quarry operations or force a significant change in mining activities.

4.2223 Allowed uses that may pose conflicts with surface mining activities, but are unlikely to be sited near the resource site:

Forest management dwellings;
Private hunting and fishing operations without lodging;
Caretaker residences for public parks and fish hatcheries;
Temporary forest labor camps;
Destination resorts;
Water intake, treatment and pumping facilities, and distribution lines;
Reservoirs and water impoundments;
Private seasonal accommodations for fee hunting operations;
New electrical, gas, oil, and geothermal distribution lines;
Private accommodations for fishing occupied on a temporary basis;
Forest management research and experimentation facilities.

The above uses may meet the definition of noise sensitive property or could be adversely affected by mining activities such as blasting and ground vibration (e.g., reservoirs or water, gas, and utility distribution lines). However, they are activities that have specific requirements for their location and, as such, are highly unlikely to be sited at or near Iron Mountain. They will generally be treated as conflicting uses to aggregate development at the site.

4.2224 Allowed uses that may pose a conflict to the mineral and aggregate resource:

Maintenance, repair, or replacement of existing dwellings;
Parks and campgrounds;
Home occupations;
Mobile homes as a temporary dwelling for the term of a hardship;
New non-forest dwellings.

The above-listed uses meet the definition of noise sensitive property in DEQ noise control regulations. OAR 340-35-015(38) defines noise sensitive property as:

...real property normally used for sleeping, or normally used as schools, churches, hospitals, or public libraries. Property used in industrial or agricultural activities is not noise sensitive property unless it meets the above criteria in more than an incidental manner.

Nine residences are located within the impact area. All the residences are sited on existing parcels zoned Timber Conservation west of Iron Mountain. The nearest residence to the quarry is approximately 100 feet west of the ODOT property boundary. All other existing residences are located adjacent to the old Coast Highway (Avery Street). The nearest of these residences is over 1,000 feet from the present quarry site.

The potential for additional homes on T-c zoned parcels west of the quarry is limited since few, if any, vacant parcels exist. It is possible to site a residence on one of the larger forest parcels north and east of Iron Mountain. Regardless of any program to protect Iron Mountain, approval of a residence would be subject to strict regulations of the county zoning ordinance. Although the likelihood of siting a non-forest dwelling in the forest surrounding Iron Mountain is remote, dwellings will be treated as conflicting uses.

Parks or campgrounds are unlikely to be developed at or near Iron Mountain because of the availability of similar sites in the Newport area. Nevertheless, existing zoning does not prohibit such uses, and they should be treated as potential conflicting uses to the aggregate resource.

4.223 High Density Residential (R-4)

All property zoned R-4 within the impact area is vacant; therefore, there are no existing conflicting uses. The identification of conflicting uses must focus on those uses authorized by the R-4 zone.

4.2231 Noise sensitive uses. Most uses allowed in the R-4 zone could fall under the definition of "noise sensitive property" as defined in DEQ noise regulations.

The following uses are authorized by the R-4 zone, could meet the definition of noise sensitive property, and will be treated as conflicting uses:

- Residential Uses
- Parks
- Hospitals and Clinics
- Schools
- Libraries and Museums
- Churches
- Clubs and Lodges
- Tourist Accommodation Facilities
- Child Care Facilities

4.2232 Commercial or truck gardening and nurseries represent potential conflicting uses to a quarry operation to the extent that dust-sensitive crops could be grown. Although the likelihood of such activities becoming established in the impact area is remote, they will be treated as potential conflicting uses.

4.2233 Nothing about the nature of utility facilities indicates that such activities or structures would conflict with nearby quarrying operations. They should not be considered conflicting uses.

4.2234 A golf course is not a conflicting use to a gravel quarry. Courses are often sited near land uses, such as airports, which produce much noise. Furthermore, a regulation 9 hole golf course generally includes at least 65 acres of land. Only 21 acres of land zoned R-4 exists within the Iron Mountain impact area. Golf courses will not be treated as conflicting uses for this analysis.

4.224 Other Goal 5 Resources

Neither the Lincoln County nor the City of Newport comprehensive plans identify the Iron Mountain site or the surrounding proposed impact area as the site of another significant Goal 5 resource. Consideration of other natural resource values is not necessary to enact a protection program for the Iron Mountain site.

4.23 Conclusion

Within the impact area surrounding Iron Mountain, few conflicting uses are found. Uses authorized for

the state-owned property zoned Public Facilities (P-F) should not be characterized as conflicting uses.

Existing conflicting uses to the quarry site are limited to nine dwellings within approximately 1/4 mile west of the site. These dwellings represent few conflicts with future quarry operations as they have been established since original development of the quarry and have not significantly threatened the resource. These uses will be examined as conflicting uses, however, so that quarry operations can be modified, if necessary, to minimize conflicts with them.

Other uses allowed by forestry zoning are unlikely to be sited near Iron Mountain. However, to the extent that these uses are noise sensitive or may otherwise be affected by surface mining, they should be treated as conflicting uses to the aggregate resource.

Uses allowed in the City of Newport R-4 zone that meet the DEQ definition of noise sensitive property, or which otherwise may be adversely affected by quarrying activities, shall be considered conflicting uses to the aggregate resource.

4.3 ESEE Analysis

The Goal 5 rule (OAR 660-16-005(2)) requires that if conflicting uses to the resource are identified, the economic, social, environmental, and energy (ESEE) consequences of the conflicts must be determined. "Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process."

For clarity, the ESEE consequences will be analyzed by examining (a) the effect on use of the aggregate resource if conflicting uses are allowed fully without restriction and (b) the effect on the conflicting uses if development of the aggregate resource is allowed fully without restriction.

4.31 Economic

4.311 Effect on use of the aggregate resource if conflicting uses are allowed fully

The economic consequences of allowing conflicting uses to be established next to the Iron Mountain site are significant. Although urban encroachment upon an aggregate site does not have any measurable effect on the resource itself, extraction of the resource can be severely curtailed or prohibited by complaints from neighbors. Because the intent of aggregate resource protection under Statewide Planning Goal 5 is to allow mining of the resource, protection programs must ensure mining operations are not made completely uneconomical because of neighbor complaints.

Economic consequences of allowing conflicting uses fully can be characterized in at least three ways. First, uses of the resource may be completely prevented. Second, use of the resource may be constrained by costly mitigation measures that would otherwise be unnecessary if conflicting uses were not present. Third, complaints about quarry activities may delay permit decisions at key times during the construction bid process.

Total loss of the resource would have severe economic ramifications. Iron Mountain contains an exceptionally valuable source of material. Based on the estimate of 5 million cubic yards of mineable, high-quality material, the value of the resource is between \$35 million and \$49 million. This assumes \$7.00 to \$9.85 per cubic yard of material as the price of pit-run aggregate in the region.

In other terms, Iron Mountain alone contains enough material to pave a significant part of the Oregon Coast Highway. ODOT's Lincoln Beach/Fogarty Creek project used more than 31,000 cubic yards of material for a 1.9 mile reconstruction project. This quantity is less than three percent of the volume Iron Mountain reserve. At this rate of use, Iron Mountain contains enough material to reconstruct approximately 68 miles, or 17 percent, of the coast highway in Oregon. Highway 101 runs 64.7 miles through Lincoln County.

ODOT estimates that the cost of hauling material by a standard 10-yard dump truck to be about \$45 per hour. Any increase in haul distance because a more convenient site is una-

vailable increases the cost of the raw material by \$4.50 per yard per hour. Historically, projects on the north coast and the Portland metropolitan area have required hauling aggregate as much as 75 miles to a project site. Such long distance hauling of material dramatically increases the cost of roadbuilding, and it is unnecessary if sufficient sources of material are available where needed.

Even assuming that use of a resource site is not totally precluded, constraints on quarry operations to eliminate conflicts with surrounding property may be costly. Economic use of certain portions of the quarry site could be curtailed, or the operator would have to establish elaborate measures to eliminate conflicts with surrounding properties. Additional measures to reduce conflicts with quarrying activities increases the cost of surface mining. The increased cost of surface mining translates into higher costs for raw materials. Higher raw material costs adversely affect the amount and size of highway projects.

Lack of a clear program to protect and allow the needed development of a resource also has economic consequences. In the permitting process, highway projects may be much more sensitive to delays caused by neighbor opposition than is a commercial quarry. Opposition to surface mining can be equally successful by delaying a decision as obtaining an outright denial.

Highway project managers must balance precise time schedules. Delay in the permit process may cause a manager to select another, less desirable source of material in order to meet other construction deadlines.

However, alternative sources of rock are not always economically viable. For example, based on ODOT calculations, using the next nearest source of quality aggregate (Cedar Creek Quarry) for a project similar to Lincoln Beach in Newport would cost approximately \$105,000 more than if material were obtained from Iron Mountain.

Additional costs of material due to delay or use of another source depletes money budgeted for a specific project. Projected budget overruns can force cancellation of a project. If a project is not canceled, another project may be scaled back, delayed, or canceled to overcome higher material costs on another project.

4.312 Effect on conflicting uses if development of the resource is allowed

The need for affordable housing in the City of Newport has driven recent actions to rezone land adjacent to the quarry for high density residential development. The Newport Comprehensive Plan anticipates a need for 800 additional multiple-family dwelling units. The city's buildable lands inventory indicates land zoned to accommodate 2,000 units; however, site constraints--such as steep slopes or wetlands and development of single-family dwellings on property zoned for high density residential--lower the amount of land actually available.

ODOT does not foresee any adverse economic consequences on surrounding property that can be directly attributed to quarry activities at Iron Mountain. ODOT is not aware of any diminished property values surrounding any of its material source sites in the state. The economic consequences to undeveloped property are speculative at this point.

Since ODOT's primary goal is to prevent future conflicts arising between quarry activities at Iron Mountain and surrounding properties, it expects that newly established uses will assume a portion of the obligation to mitigate conflicts. Mitigating surface mining impacts typically involves building design and orientation considerations, sound insulation, and visual and noise screening. The cost of such measures to the developer may influence the economics of a housing development.

Development of housing on land currently zoned for high density residential will result in more people adjacent to quarry activities and increase the likelihood that ODOT must respond to complaints about accepted and lawful mining practices. High density housing, on the other hand, allows a developer to spread the cost of mitigation built into the project among more units. Compared to low density development, the unit cost of the same mitigation measures will be less for high density development.

4.32 Social

4.321 Effect on use of the aggregate resource if conflicting uses are allowed fully.

The consequences of allowing conflicting uses adjacent to quarry operations are not directly applicable to protection of the rock resource itself. However, the social consequences of development upon surrounding land uses may cause significant modification of quarry operations.

Based upon current zoning near the quarry, more than 450 new residential units could be constructed. This represents the potential for more than 450 complaints about use of the aggregate resource for highway projects.

If conflicting uses are allowed near the site, it is possible that the resource could not be developed because of the inability to meet environmental regulations designed to protect the livability of surrounding property. Requiring measures to protect conflicting land uses from the impacts typically generated by quarry operations could result in additional costs to mine as explained in the discussion of economic consequences.

The inability to use the source or the constraints on its use because of local opposition could have an adverse effect on the quality of the region's highway system. The level of development contemplated for Highway 101 could be scaled back or significantly delayed.

4.322 Effect on conflicting uses if development of the resource is allowed.

The consequences to conflicting uses resulting from development of the quarry resource can be characterized in two ways. First, residents near the quarry may be directly affected by noise, dust, and traffic associated with mining activities. Second, the city may experience indirect effects if the ability to develop high density housing is restricted near the quarry and not accounted for at another location in the community.

Noise from quarry operations could adversely affect individual perceptions about the livability of their property. ODOT anticipates that the distance separating the quarry from existing and potential conflicting uses will mitigate noise impacts. Ensuring that newly established conflicting uses mitigate newly created conflicts will further protect the aggregate resource.

It is nearly impossible to positively determine, in advance, the effects or magnitude of potential noise from quarry activities. This site is not presently being mined on any large scale. The cost of setting up the necessary equipment (loaders, crushers, processing equipment, etc.) to conduct noise tests is prohibitive and is not contemplated by ODOT.

Because the site is not and will not be a permanent, year-round commercial operation, the adverse effects, if any, on surrounding noise sensitive properties should be minimal.

Operations of the quarry will typically only occur when there is a need to supply aggregate materials for a nearby public road project. Larger projects, such as those on Highway 101, are widely publicized with a beginning and ending date identified. When the quarry operates, area residents will have prior knowledge of the duration of any potential noise impacts.

Nevertheless, intermittent use of the quarry could affect surrounding residents. Noise, while measurable, is also based on people's perceptions. If people are accustomed to only occasional activity at the site, they may perceive that periods of very intensive quarry activity are more disruptive than a steady, predictable level of use. ODOT will take steps so that the effects of any activity at the site will be mitigated.

While it is not certain that any adverse effects will occur, ODOT and its contractors will take measures to avoid conflicts with surrounding properties. The mine development plan calls for retention of an earthen berm on the west and southwest boundaries of the pit. This will create an amphitheater effect to direct sound brought about as part of the operations to the east and southeast, away from sensitive properties. Retention of existing vegetation surrounding mining and processing activities should also help attenuate any noise

generated.

Additionally, DEQ regulations require operations to meet quantifiable standards for noise levels. All ODOT contractors must comply with these regulations.

Adverse effects of any blasting activities will be significantly more limited than the effects of noise due to processing activities. The intent of blasting is not to cause loud noises or to cast flyrock onto surrounding property. Instead, it is occasionally employed to loosen deposits for their extraction. How blasting occurs--and the potential impacts resulting from it--depends upon the structure of the rock resource, the geologic composition of surrounding land, and meteorological conditions at the time of blasting. Blasting professionals rigorously monitor the conditions under which safe blasting can occur to avoid injury or damage to property.

Dust impacts are similarly expected to be intermittent and insignificant. Prevailing ocean breezes should direct any fugitive dust away from the most sensitive properties west of the quarry operation. Thick vegetation surrounding the site should capture dust generated by truck traffic, minimizing adverse effects on surrounding properties. Retention of vegetative buffers and watering, oiling, or paving the haul road are expected to further minimize dust. ODOT will also retain the forested hillsides of the site through each phase of the mine's development. Doing so will keep the majority of the quarry screened from view and minimize visual impacts to surrounding properties.

Additional traffic will occur during times of active mining. This will create the potential for noise, dust, and vehicle conflicts. The volume of traffic using the ODOT haul road is difficult to determine in advance, since usage depends on the size of the highway project being constructed. Federal law regulates the noise impacts from construction vehicles. Dust can be mitigated by treatment of haul road and retention of vegetation buffers. Vehicle conflicts should not be significant.

The area already experiences regular truck traffic due to the nearby regional landfill. Additionally, any construction project in the immediate vicinity for which rock from the Iron Mountain quarry is used would affect vehicle movement in a manner typical of major highway construction projects. Safety hazards between quarry truck traffic and surrounding residents is a possibility, although unlikely given the level of traffic management associated with highway construction projects. The potential for conflict can be reduced by maintaining distance between residential development and roadways and by installing fences or barrier vegetation.

4.33 Environmental

4.331 Effect on use of the aggregate resource if conflicting uses are allowed fully

ODOT does not expect that any adverse environmental consequences would result from allowing conflicting uses near the aggregate resource. However, if a new noise sensitive use is sited in such a manner that causes the quarry to violate noise control standards, ODOT will be forced to modify or curtail operations at the quarry. The consequences of such action are discussed above as economic consequences.

4.332 Effect on conflicting uses if development of the resource is allowed

The environmental consequences if development of the aggregate resource were allowed have been discussed above as social consequences. Quarry development has the potential of adversely affecting air quality (dust and noise) and visual quality of the immediate area. State law requires that mined land be reclaimed for a future beneficial use. Because the effects of mining can be mitigated or corrected, there should not be a significant adverse environmental effect.

4.34 Energy

4.341 Effect on use of the aggregate resource if conflicting uses are allowed fully

The energy consequences of allowing conflicting uses to the extent of precluding use of the resource for a local highway project could be extensive. The distance traveled between an aggregate resource site and a job site is the most critical part in assessing energy consumption.

If material from Iron Mountain is unavailable for projects in the Newport area, energy use to bring rock from other locations could be extensive. For example, contractors trucking aggregate over the coast range from the Willamette Valley will consume much more energy than usage of a local source. Even hauling rock from the nearest major commercial source, the Cedar Creek Quarry, will use much more energy than hauling from Iron Mountain. As discussed above, energy savings translate into economic savings.

ODOT has the authority to require use of state-controlled sources for highway projects. Requiring any contractor to use the Iron Mountain site for Highway 101 projects near Newport is likely in order to save energy and money.

4.342 Effect on conflicting uses if development of the resource is allowed

Allowing the quarry operation at the Iron Mountain site is not expected to influence energy consumption of the conflicting uses. If, however, a developer of high density housing is severely restricted in building in the impact area and must look elsewhere in the community, the effects could be beneficial. High density development is more efficient if constructed near employment opportunities and community services near the Newport commercial core.

4.35 Requirements of other applicable statewide planning goals

4.351 Goal 4 - Forest Lands

The Iron Mountain quarry site is inventoried as forest land in the Lincoln County Comprehensive Plan. Aggregate operations on this site are not expected to conflict with the protection of forest land, forest practices, or other activities necessary and appropriate for management of soil, air, water, fish and wildlife resources, the provision for recreational opportunities, and agricultural uses. Use of the quarry is a transient or temporary land use which should not preclude forest activities on surrounding lands.

Mining and processing of aggregate and mineral resources are permissible uses of forest lands as specified by the Goal 4 administrative rule (OAR 660-06-025 (4)(f)). No aspects of the quarry's development, as envisioned by ODOT, would force a significant change in or significantly increase the cost of accepted forest or farming practices on surrounding lands dedicated for resource use. Similarly, no aspects of proposed operations are expected to significantly increase the fire hazards, the cost of fire suppression, or the risks to fire suppression personnel.

4.352 Goal 6 - Air, Water, and Land Resources Quality

Compliance with Goal 6 does not necessarily require that compliance with applicable environmental quality standards have been met prior to approval. Compliance with the goal can be shown if the proposed use can meet environmental standards via conditions on operations. See Eckis v. Linn County, 19 Or LUBA 15, 34-6, (1990). The nature of this quarry operation is such that any environmental effects will be limited. As discussed in the discussion of ESEE consequences, the effects of dust and noise resulting from quarry operations can be mitigated by mining and reclamation techniques.

No processing method is contemplated at present. Any crushing equipment used on the site will require permits from DEQ; state contractors are required to obtain and comply with all permits.

To date, mining at Iron Mountain has been exempt from state reclamation requirements by virtue of the limited amount of material removed from the site. ODOT has submitted a reclamation plan to DOGAMI for its approval. DOGAMI's approval of the reclamation plan

and operating permit will be based on consistency with local land use requirements.

4.353 Goal 10 - Housing

Protection of the Iron Mountain Quarry site as a significant Goal 5 resource may have consequences for Newport's ability to demonstrate continued compliance with Goal 10. Compliance with Goal 10 requires local governments to provide for needed housing units within urban growth boundaries.

As identified above, development of property immediately adjacent to the Iron Mountain site has been rezoned for high density residential development. This approximately 20 acre tract is potentially valuable land for affordable housing.

Newport's Comprehensive Plan anticipates a need for 800 new multiple family dwelling units before the year 2010. Land currently zoned to allow high density housing could provide for 2,000 additional units; however, the city planning department believes that this number is overly optimistic for several reasons.

First, because the Zoning Ordinance allows single-family dwellings in the high density zoning district (R-4), some available parcels have been developed at significantly less than planned densities.

Second, the inventory of buildable lands does not precisely identify physical development constraints. An unknown portion of the inventory consists of small or irregularly-shaped lots that will not contribute significantly to satisfying the need for high density housing. The inventory of R-4 land also includes steep land generally unsuitable for apartment development. According to the city, those lands that are relatively flat and suitable for apartment development may, upon further investigation, be wetlands.

Third, the availability of sewer and water may further limit the amount of buildable R-4 land.

Because of development constraints, the estimate of land in Newport available for high density residential development may be high. Land on the southern boundary of the ODOT property could be desirable for future apartment development.

Newport may have other options to satisfy demand for affordable housing. Replanning and redirected development in the center of the city could result in more efficient provision of public and private services. Concentrating development in the existing city would also take pressure off land on the urban fringe, including land near Iron Mountain.

4.354 Goal 12 - Transportation

Statewide Planning Goal 12 requires local governments "[t]o provide and encourage a safe, convenient, and economic transportation system." The primary purpose of state ownership of the Iron Mountain quarry site is to ensure the low-cost availability of rock products for highway construction. The site is less than one mile from U.S. Highway 101 and will be used for highway projects near Newport. Protection of the site furthers Goal 12 by assisting economical development of the transportation system.

4.355 Goal 13 - Energy Conservation

Energy conservation benefits depend upon the relationship of aggregate resource to the places the material will be used. Protection and availability of the Iron Mountain site offers ideal opportunities to conserve energy. If the Iron Mountain site were not available, use of other--more distant--sites for projects in the Newport area would result in longer transportation distances and greater energy consumption.

4.356 Goal 14 - Urbanization

Goal 14 requires the orderly and efficient transition from rural to urban land uses. Development of mineral or aggregate resources is not strictly a rural land use; however,

quarry activities are more incompatible with urban development than they are with sparsely developed rural areas. The goal requires that changes in urban growth boundaries consider the economic, social, environmental, and energy consequences of the change.

The consequences of urban development near the Iron Mountain site are discussed above. Based on this analysis, the adverse effects of urban development on the quarry could be significant without appropriate mitigation.

5.0 DETERMINATION AND PROGRAM TO ACHIEVE THE GOAL

5.1 Summary of ESEE Analysis

ODOT has clearly documented the significance of the Iron Mountain resource. The site contains at least five million cubic yards of material. The material has been found to meet ODOT specifications for its use in highway projects. The site is one of the most valuable sources owned by the state.

The impact area includes land surrounding the site which may be developed with a conflicting use according to existing zoning. Land already committed to development, or developable under existing zoning, is the major area of impact at this time and requires a larger impact area west of the site. Commercial forest land borders more than half of the state-owned property. Uses allowed by the county forest zone are unlikely to conflict with development of the quarry. The impact area can be smaller. Any future plan or zone change from forestry use to urbanizable land would require a reevaluation of the impact area surrounding Iron Mountain on the southern, eastern, and northern boundaries.

Conflicting uses to the Iron Mountain quarry are mainly those that meet the definition of noise sensitive in the DEQ noise control regulations. Eleven existing residences and the majority of uses allowed in the Newport zone are conflicting uses. Uses allowed by the Lincoln County public facilities zone or forestry zone pose few, if any, conflicts. Other uses, although not provided for by current zoning, could be compatible with quarry activities. Industrial and commercial uses not sensitive to noise or dust could be appropriate near the quarry in the future.

The consequences of conflicts between the quarry and nearby uses are primarily economic and social. Surrounding land uses do not threaten the rock resource itself. Complaints about quarry activities can severely constrain or prohibit ODOT's use of the resource. The inability to use the resource for highway maintenance and construction projects increases the cost of these projects. Transportation is the key component in the price of aggregate. Forced reliance on sites more distant from Newport will dramatically increase the cost of construction on the central coast.

5.2 Program to Achieve the Goal

The Goal 5 rule (OAR 660-16-010) states: "Based on the determination of the economic, social, environmental, and energy consequences, a jurisdiction must develop a program to achieve the Goal."

The rule allows three methods for implementing a program to achieve the goal of resource protection. The first method requires preserving the resource site regardless of the effect on conflicting uses. The second method involves protecting the resource to a desired extent but allowing identified conflicting uses in a limited fashion. The third method is to allow the conflicting uses fully, regardless of any adverse effects on the resource. This last choice is permissible only if conflicting uses are found to be more valuable than the resource and there is no ability to mitigate the adverse consequences of conflicts between the resource and uses in the impact area.

The ESEE analysis shows that development of Iron Mountain may have adverse effects on nearby property. The analysis also shows that urban development of nearby property may have adverse effects on the Iron Mountain resource. Therefore, the most appropriate method to comply with Goal 5 is to protect the resource site with limitations on conflicting uses.

The requirements to implement a decision to limit conflicting uses are found in OAR 660-16-010(3). The comprehensive plan and land use regulations must specify what uses and activities will be prohibited, what uses are allowed fully, and what uses are conditionally allowed. The implementation program, including development regulations, must include clear and objective standards.

The Lincoln County and City of Newport program should include several elements:

- 1.) The county needs to amend the plan to identify Iron Mountain as a Category 3 site. A category 3 site is a potential site located in probable conflict areas.
- 2.) The county needs to adopt updated comprehensive plan policies and zoning regulations to ensure protection of significant Goal 5 resources. Model policies and zoning regulations found in attachments I and J. The model policies and land use regulations address the procedure for designating a significant site consistent with Goal 5 and contain suggested substantive development standards.
- 3.) The county needs to adopt an extraction area and impact area as comprehensive plan and zoning designations. The city concurrently needs to adopt an impact area designation for affected property within its jurisdiction. Both designations are implemented by policies, site specific conditions adopted as part of this Goal 5 decision, and zoning regulations.

5.3 Quarry Development Conditions

- 1.) The haul road between the quarry and the public road system shall be paved or treated with dust suppression emulsion to control dust.
- 2.) ODOT shall retain vegetation suitable as a visual screen within a 50 foot setback from property boundaries.
- 3.) No operation shall commence without approval of all applicable state agency permits.
- 4.) All overburden stockpiles shall be stabilized from erosion as required by DOGAMI.
- 5.) All quarry operations and vehicles shall comply with applicable DEQ noise control standards.
- 6.) Blasting shall be restricted to 9:00 a.m. - 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays, or the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, or Christmas Day.
- 7.) Notice of blasting events shall be provided in a manner calculated to be received by occupants of noise sensitive property within the impact area at least 48 hours prior to the blasting event.
- 8.) Berms or screening shall be developed or incorporated into the mining plan for the active mine area as defined by the DOGAMI operating permit. Overburden stockpiles shall be placed so as to screen quarry operations from surrounding properties as best is practicable and shall be stabilized in accordance with the operating permit and reclamation plan approved by DOGAMI.
- 9.) The entire site shall be developed and reclaimed in a manner that permits uses allowed by the underlying zone.

5.4 Uses in the Impact Area

- 5.41 The following uses authorized by existing zoning may be allowed within the impact area subject to the underlying zone requirements:

Forest operations or forest practices;

Temporary onsite auxiliary structures;
Physical alterations to the land auxiliary to forest practices;
Farm use;
Local distribution lines within existing rights-of-way;
Temporary portable facilities for processing of forest products;
Towers and fire stations for forest fire protection;
Widening of roads within existing rights-of-way;
Water intake facilities, canals, and distribution lines for farm use;
Water intake, treatment and pumping facilities, and distribution lines;
Reservoirs and water impoundments;

New electrical, gas, oil, and geothermal distribution lines;
Uninhabitable structures accessory to fish and wildlife enhancement;
Permanent facilities for the processing of forest products;
Permanent logging equipment repair and storage;
Log scaling and weigh stations;
Solid waste disposal site;
Communication facilities and transmission towers;
Fire stations for rural fire protection;
Utility facilities for generating 5 megawatts or less of power;
Aids to navigation and aviation;
Firearms training facilities;
Cemeteries;
Commercial or truck gardening and horticultural nurseries;
Future urban uses which are not sensitive or otherwise conflicting with surface mining activities, subject to planning and zoning in accordance with the statewide planning goals.

5.42 The following uses authorized by existing zoning shall be prohibited within the impact area:

County zoning:

Private hunting and fishing operations without lodging;
Caretaker residences for public parks and fish hatcheries;
Parks and campgrounds;
Temporary forest labor camps;
Destination resorts;
Private seasonal accommodations for fee hunting operations;
Private accommodations for fishing occupied on a temporary basis;
Forest management research and experimentation facilities.

City zoning:

Hospitals, sanitariums, or nursing homes;
Schools, libraries, colleges, churches, clubs, lodge halls, and museums;
Motels, hotels, condominium hotels, and time-share projects;
Bed and breakfast facilities;
Boarding, lodging, or rooming houses;
Golf courses;
Recreational vehicle parks;
Hostels.

5.43 The following uses authorized by existing zoning may be allowed, subject to criteria and standards of the underlying zone and the program to protect Iron Mountain:

Child care facilities;
Condominiums;
Dwellings;
Mobile home parks.

5.5 Impact Area Development Standards

Uses listed in subsection 5.43, above, may be allowed in the impact area upon demonstrating that the proposed use satisfies the following criteria and standards:

- 1.) The proposed use will not directly interfere with or cause an adverse impact on lawfully established and lawfully operating mining activities.
- 2.) The proposed use will not directly interfere with or threaten to cause the mining operation to violate environmental standards contained in permits issued by state agencies.
- 3.) The proposed use will not cause the mining operation to violate noise control standards and ambient air quality and emission standards as measured at the proposed use.

- 4.) The applicant for a use in the impact area shall submit an analysis prepared by an acoustical engineer demonstrating that the applicable DEQ noise control standards are met or can be met by a specified date by the mining activities at Iron Mountain. Noise impact analysis must address activities proposed through the life of the quarry. If noise mitigation measures are necessary to ensure mining activities' continued compliance with noise control standards, such measures shall be a condition of approval. If the applicant for a use in the impact area cannot demonstrate that DEQ noise control standards will be met, the use shall not be approved in the impact area.
- 5.) As a condition of approval for a new use in the impact area, the permittee shall execute a waiver of remonstrance and restrictive covenant in favor of ODOT. The waiver of remonstrance and restrictive covenant shall specify that owners and tenants of uses within the impact area cannot object to the terms of a permit sought by ODOT or its contractors from the city, county, a state agency, or a federal agency, and may not object to lawful mining activities at Iron Mountain.
- 6.) Any proposal to change existing comprehensive plan and zone designations within the impact area shall consider whether the impact area and program to protect the resource will continue to protect Iron Mountain.

6.0 NATURE OF THE REQUEST

The City of Newport is considering expanding the urban growth boundary (UGB) into an area that is within the Iron Mountain Impact Area. That area has been already identified as next to and affected by a Statewide Planning Goal 5 resource, the Iron Mountain Quarry. In order for the city to accept the UGB extension, adequate findings of fact that address the Aggregate and Mineral Resources of the Newport Comprehensive Plan and Goal 5 must be made. This report presents information to support findings and conclusions to meet the policy requirement.

The background material, compliance with Statewide Planning Goal 5, inventory requirements, and a definition and method of determining conflicting uses have already been discussed and adopted as part of the Comprehensive Plan. Those materials can be found in the first four sections of this appendix. It is, therefore, not necessary to repeat that information here. However, the identification of conflicting uses, the environmental, social, energy, and economic analysis, and a program to achieve the goal must be done for the current request. The rest of this report will address those issues.

7.0 CONFLICTING USES

The Goal 5 rule (OAR 660-16-005) requires identification of conflicting uses. A conflicting use is one which, if allowed, could adversely affect a Goal 5 resource site. Identifying conflicting uses is primarily done by examining uses authorized by zoning districts within the impact area.

7.21. Light Industrial (I-1)

The proposed zoning on the subject property is I-1/"Light Industrial." All property zoned I-1 within the impact area is vacant, so there are no existing conflicting uses. The identification of conflicting uses must focus on those uses authorized by the I-1 zone.

- 7.211. Noise sensitive uses. Many uses allowed in the I-1 zone could fall under the definition of "noise sensitive property" as defined in DEQ noise regulations.

The following uses authorized by the I-1 zone could meet the definition of noise sensitive property, will be treated as conflicting uses, and are not allowed:

Agricultural Production--Crops
 Veterinary Services
 Animal Services (Except Veterinary)

Sections 6.0 - 9.5 of Appendix "A" added by Ordinance No. 1701 (March 21, 1994).

Dog Grooming
 Farm Labor and Management Services
 Manufacturing of Glass Products Made of Purchased Glass
 Manufacturing of Office, Computing, and Accounting Machinery
 Manufacturing of Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and clocks
 Communication
 General Merchandise Stores
 Food Stores
 Automotive Dealers and Gasoline Service Stations
 Apparel and Accessory Stores
 Furniture, Home Furnishing, and Equipment
 Miscellaneous Retail
 Finance, Insurance and Real Estate Offices
 Hotels, Rooming Houses, Camps and Other Lodging Places
 Personal Services
 Business Services
 Motion Pictures
 Theatrical Producers (Except Motion Pictures), Bands, Orchestras, and Entertainers
 Health Services
 Legal Services
 Educational Services
 Social Services
 Arboreta, Botanical, and Zoological Gardens
 Membership Organizations
 Miscellaneous Services
 Public Administration
 Manufacturing of Food and Kindred Products
 Glass and Glassware Pressed or Blown
 Residences

- 7.212. Some uses may or may not be in conflict depending on how they are developed. These uses must be looked at on a case-by-case basis and conditioned to meet the goals of this section and the Goal 5 requirements. Hence the following uses are conditional uses subject to the review and approval standards contained in the Zoning Ordinance:

Manufacturing of Beverages
 Miscellaneous Manufacturing Industries
 Building Materials, hardware, Garden Supplies, and Mobile Home Dealers
 Eating and Drinking Places
 Dance Halls, Studios, and Schools
 Commercial Sports
 Miscellaneous Amusement and Recreation Services
 Miscellaneous Services
 Tobacco Manufacturing
 Manufacturing of Wood Containers
 Leather and Leather Products
 Manufacturing of Fabricated Metal Products (Except machinery and Transportation Equipment)
 Manufacturing of machinery (Except Electrical)
 Manufacturing of Electric and Electronic Machinery, Equipment, and Supplies
 Manufacturing of Transportation Equipment
 Pipe Lines (Except Natural Gas)
 Electric, Gas, and Sanitary Services

- 7.213. Some uses may be allowed in the Impact area and not pose a conflict because they are not sensitive uses. Those uses are hereby permitted and are as follows:

Forest Services
 Building Construction--General Contractors and Operative Builders
 Construction Other Than Building Contractors--General Contractors

Construction--Special Trade Contractors
Manufacturing of Apparel and Other Finished Products Made from Fabrics and Similar Materials
Manufacturing of Furniture and Fixtures
Printing, Publishing and Allied Industries
Local and Suburban Transit and Interurban Highway Passenger Transportation
Motor Freight Transportation and Warehousing
U.S. Postal Service
Transportation by Air
Transportation Services
Wholesale Trade--Durable Goods
Wholesale Trade--Nondurable Goods
Automotive Repair, Services and Garages
Miscellaneous Repair Services
Bowling Alleys and Billiard and Pool Establishments

7.22. Conclusion

Within the I-1 zone surrounding Iron Mountain, no conflicting uses are currently found. However, the I-1 zone does allow many uses that are conflicting, many that may be conflicting, and many that are not conflicting.

8.1 ESEE ANALYSIS

The Goal 5 rule (OAR 660-16-005(2)) requires that if conflicting uses to the resource are identified, the economic, social, environmental, and energy (ESEE) consequences of the conflicts must be determined. "Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process."

8.11. Economic

8.111. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.311 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

8.112. Effect on conflicting uses if development of the resource is allowed:

The need for additional industrial land within the City of Newport has driven recent actions to rezone land adjacent to the quarry for light industrial development. The Newport Comprehensive Plan anticipates a need for additional commercial and industrial lands in significant quantities. The area around Iron Mountain is one of the few areas within or outside the city that can accommodate that need.

In addition to the need question, the subject I-1 property within the Iron Mountain Impact Area has been considered for other zoning designations. The residential and commercial zones allow too many conflicting uses to be appropriate next to the quarry. Other city zoning designations, such as the Water and Public zones, are also not appropriate since the property is not near the water and it is not publicly owned. The only remaining zoning is the industrial zoning.

The city has three industrial zones, I-1, I-2, and I-3. The I-3 zone is heavy industrial and allows uses such as lumber mills and other factories. While this may be appropriate if the quarry were the only consideration, properties to the west and south are within residential districts. In fact, the intent of the I-3 is outlined in the Zoning Ordinance and reads as follows:

The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

Because of the proximity of the residential uses and zones, the I-3 zone is not appropriate for the

subject property.

The I-2 zone has similar considerations. The intent of the I-2 zone states:

The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

Again, because of the proximity of the residential uses and zones, the I-2 zone is not appropriate.

The I-1 zone, however, has this as the intent:

The intent of this zone is to provide for commercial and industrial uses that can be located near residential or commercial zones. Uses that are associated with excessive noise, dust, vibration, or fumes shall be prohibited.

The I-1 zone thus becomes the most appropriate because it may be located near residential zones. Also, because the zone does allow many uses that will not conflict with the quarry, it is the most appropriate next to the quarry. Through the process of elimination, the I-1 zone becomes the most logical for the subject property.

The I-1 zoning also gives the private property owner a use for the property that is compatible with the neighborhood. ODOT is on record that the subject property should not be developed with sensitive uses. Residential and commercial zones do not comply with that criterion. The I-1 is a logical zone to apply to the land so as to serve the dual goal of protecting the quarry and providing the owner with an economical use of the property.

8.12. Social

8.121. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.321 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

8.122. Effect on conflicting uses if development of the resource is allowed:

The consequences to conflicting uses resulting from development of the quarry resource can be characterized in two ways. First, persons working near the quarry may be directly affected by noise, dust, and traffic associated with mining activities. Second, the city may experience indirect effects if the ability to develop industrial uses is restricted near the quarry and not accounted for at another location in the community.

These consequences can be easily mitigated, however, by either limiting the types of uses to those that are not sensitive to the impacts from the quarry operation, by developing property in such a way so that uses that may be sensitive are sited and built to mitigate negative impacts, or by both. Uses that have been identified as allowed or conditional in this analysis are such uses. Uses that are identified as sensitive should not be allowed under any circumstance. Therefore, the best way to address the potential social consequences is to develop a program to assure that conflicting uses are prohibited or built in such a way as to not be affected by the quarry operation.

8.13. Environmental

8.131. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.331 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

8.132. Effect on conflicting uses if development of the resource is allowed:

The environmental consequences, if development of the aggregate resource were allowed, have been

discussed above as social consequences. Quarry development has the potential of adversely affecting air quality (dust and noise) and visual quality of the immediate area. State law requires that mined land be reclaimed for a future beneficial use. Because the effects of mining can be mitigated or corrected, there should not be a significant adverse environmental effect.

8.14. Energy.

8.141. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.341 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

8.142. Effect on conflicting uses if development of the resource is allowed:

Allowing the quarry operation at the Iron Mountain site is not expected to influence energy consumption of the conflicting uses.

8.15. Requirements of other applicable statewide planning goals.

8.151. Goal 4 - Forest Lands:

See section 4.351 of this appendix.

8.152. Goal 6 - Air, Water, and Land Resources Quality:

See section 4.352 of this appendix.

8.153. Goal 9 - Economic Development:

Statewide Planning Goal 9 requires the each city provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas must provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies. The city has already determined that the subject property is necessary to meet the industrial land needs consistent with this goal.

8.154. Goal 10 - Housing:

Because the property under consideration does not allow housing, this goal will not be affected by the proposed inclusion into the Iron Mountain Impact Area other than that the I-1 zoning is the most appropriate zoning considering the proximity of residential zoning and uses.

8.155. Goal 12 - Transportation:

See section 4.354 of this appendix.

8.156. Goal 13 - Energy Conservation:

See Section 4.355 of this appendix.

8.157. Goal 14 - Urbanization:

See Section 4.356 of this appendix.

9.0 **DETERMINATION AND PROGRAM TO ACHIEVE THE GOAL**

9.1 Summary of ESEE Analysis

ODOT has clearly documented the significance of the Iron Mountain resource. The site contains at least five million cubic yards of material. The material has been found to meet ODOT specifications for its use in highway projects. The site is one of the most valuable sources owned by the state.

The consequences of conflicts between the quarry and nearby uses are primarily economic and social. Surrounding land uses do not threaten the rock resource itself. Complaints about quarry activities can severely constrain or prohibit ODOT's use of the resource. The inability to use the resource for highway maintenance and construction projects increases the cost of these projects. Transportation is the key component in the price of aggregate. Forced reliance on sites more distant from Newport will dramatically increase the cost of construction on the central coast.

9.2. Program to Achieve the Goal

The Goal 5 rule (OAR 660-16-010) states: "Based on the determination of the economic, social, environmental, and energy consequences, a jurisdiction must develop a program to achieve the Goal."

The rule allows three methods for implementing a program to achieve the goal of resource protection. The first method requires preserving the resource site regardless of the effect on conflicting uses. The second method involves protecting the resource to a desired extent but allowing identified conflicting uses in a limited fashion. The third method is to allow the conflicting uses fully, regardless of any adverse effects on the resource. This last choice is permissible only if conflicting uses are found to be more valuable than the resource and there is no ability to mitigate the adverse consequences of conflicts between the resource and uses in the impact area.

The ESEE analysis shows that development of Iron Mountain may have adverse effects on nearby property. The analysis also shows that urban development of nearby property may have adverse effects on the Iron Mountain resource. Therefore, the most appropriate method to comply with Goal 5 is to protect the resource site with limitations on conflicting uses.

The requirements to implement a decision to limit conflicting uses are found in OAR 660-16-010(3). The comprehensive plan and land use regulations must specify what uses and activities will be prohibited, what uses are allowed fully, and what uses are conditionally allowed. The implementation program, including development regulations, must include clear and objective standards.

9.3. Uses in the Impact Area that are zoned I-1

9.43. The following uses authorized by the existing I-1 zone shall be prohibited with the impact area:

- Agricultural Production--Crops
- Veterinary Services
- Animal Services (Except Veterinary)
- Dog Grooming
- Farm Labor and Management Services
- Manufacturing of Glass Products Made of Purchased Glass
- Manufacturing of Office, Computing, and Accounting Machinery
- Manufacturing of Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and clocks
- Communication
- General Merchandise Stores
- Food Stores
- Automotive Dealers and Gasoline Service Stations
- Apparel and Accessory Stores
- Furniture, Home Furnishing, and Equipment
- Miscellaneous Retail
- Finance, Insurance and Real Estate Offices
- Hotels, Rooming Houses, Camps and Other Lodging Places
- Personal Services
- Business Services
- Motion Pictures
- Theatrical Producers (Except Motion Pictures), Bands, Orchestras, and Entertainers
- Health Services
- Legal Services

Educational Services
Social Services
Arboreta, Botanical, and Zoological Gardens
Membership Organizations
Miscellaneous Services
Public Administration
Manufacturing of Food and Kindred Products
Glass and Glassware Pressed or Blown
Residences

- 9.32. The following uses authorized by the existing I-1 zone may be allowed, subject to criteria and standards of the underlying zone and the issuance of a conditional use permit consistent with the program to protect the Iron Mountain quarry:

Manufacturing of Beverages
Miscellaneous Manufacturing Industries
Building Materials, hardware, Garden Supplies, and Mobile Home Dealers
Eating and Drinking Places
Dance Halls, Studios, and Schools
Commercial Sports
Miscellaneous Amusement and Recreation Services
Miscellaneous Services
Tobacco Manufacturing
Manufacturing of Wood Containers
Leather and Leather Products
Manufacturing of Fabricated Metal Products (Except machinery and Transportation Equipment)
Manufacturing of machinery (Except Electrical)
Manufacturing of Electric and Electronic Machinery, Equipment, and Supplies
Manufacturing of Transportation Equipment
Pipe Lines (Except Natural Gas)
Electric, Gas, and Sanitary Services

- 9.31. The following uses authorized by existing zoning may allowed within the impact area subject to the underlying zone requirements:

Forest Services
Building Construction--General Contractors and Operative Builders
Construction Other Than Building Contractors--General Contractors
Construction--Special Trade Contractors
Manufacturing of Apparel and Other Finished Products Made from Fabrics and Similar Materials
Manufacturing of Furniture and Fixtures
Printing, Publishing and Allied Industries
Local and Suburban Transit and Interurban Highway Passenger Transportation
Motor Freight Transportation and Warehousing
U.S. Postal Service
Transportation by Air
Transportation Services
Wholesale Trade--Durable Goods
Wholesale Trade--Nondurable Goods
Automotive Repair, Services and Garages
Miscellaneous Repair Services
Bowling Alleys and Billiard and Pool Establishments

9.5. Impact Area Development Standards

Uses listed in subsection 9.43 above, may be allowed in the impact area upon demonstrating that the proposed use satisfies the criteria and standards contained in Sections 2-4-14.025 and 2-5-3 of the Zoning Ordinance.

10.0 NATURE OF THE REQUEST (3)

3 Section 10.0 -14.2 of Appendix "A" added by Ordinance No. 1878 (October 18, 2004)

The City of Newport is considering expanding the urban growth boundary (UGB) into an area that is within the Iron Mountain Impact Area. The properties included within the proposed UGB expansion that are also within the Iron Mountain Impact Area include Lincoln County Assessor's Map # 10-11-20 Tax Lots 200, 300, 301, 400, 500, and 501. Those properties would be designated on the Newport Comprehensive Plan Map as "Industrial".

The "Industrial" map designation is implemented by three possible industrial zone classifications: I-1/"Light Industrial", I-2/"Medium Industrial", and I-3/"Heavy Industrial". The proposed UGB expansion includes property to be designated with both I-2 and I-3 zone classifications. In order for the city to accept the UGB expansion, adequate findings of fact that address the Aggregate and Mineral Resources of the Newport Comprehensive Plan and Goal 5 must be made. The I-1/"Light-Industrial" designation has been previously addressed in this appendix and therefore the analysis for I-1 zone property has been completed. This report presents information to support findings and conclusions to meet the policy requirements for I-2 and I-3 zone designations.

The background material, compliance with Statewide Planning Goal 5, inventory requirements, and a definition and method of determining conflicting uses have already been discussed and adopted as part of the Comprehensive Plan. Those materials can be found in the first four sections of this appendix. It is, therefore, not necessary to repeat that information here. However, the identification of conflicting uses, the environmental, social, energy, and economic analysis, and a program to achieve the goal must be done for the current request. The rest of this report will address those issues.

11.0 CONFLICTING USES

The Goal 5 rule (OAR 660-16-005) requires identification of conflicting uses. A conflicting use is one which, if allowed, could adversely affect a Goal 5 resource site. Conflicting uses (as established in Section 4.216) are those uses that will likely result in future complaints or requests for restriction on lawful mining activities. Identifying conflicting uses is primarily done by examining uses authorized by zoning districts within the impact area. Three types of impacts were previously evaluated (in Section 4.322) for the effect on conflicting uses if development of the resource (Iron Mountain) is allowed. To summarize from Section 4.322

- noise impacts may affect surrounding residents even if the noise impact is intermittent;
- effects from blasting will be significantly more limited than the effects of noise due to processing activities; and
- dust impacts are similarly expected to be intermittent and insignificant.

The ESEE analysis reached the conclusion in Section 5.1 (Summary of ESEE Analysis) that "Industrial and commercial uses not sensitive to noise or dust could be appropriate near the quarry in the future."

ODOT has established a set of Quarry Development Conditions in Section 5.3 of Section 5.0 (Implementation and Program to Achieve The Goal) that further limit the potential for impacts on surrounding properties. ODOT, for example, to implement the Goal 5 program, restricts blasting activities to 9:00 a.m. – 5:00 p.m. Monday through Friday and does not blast on a number of holidays. Additionally, as part of the implementation of Goal 5, ODOT provides notice to noise sensitive properties at least 48 hours prior to the blasting event.

11.21. Medium Industrial (I-2) and Heavy Industrial (I-3)

Proposed zoning on the subject property is I-2/"Medium Industrial" and I-3/"Heavy Industrial". All property to be zoned I-2 or I-3 within the impact area is vacant or is in an existing residential use, so there are no existing conflicting uses other than the existing residential use. The identification of future conflicting uses must focus on those uses authorized by the I-2 and/or the I-3 zone.

11.211. Noise, dust or blast sensitive uses. Very few uses allowed in the I-2 and/or I-3 zone would fall under the definition of "noise sensitive property" as defined in DEQ noise regulations. Additionally, few uses would generally be considered dust sensitive uses or would be considered blast/ground vibration sensitive uses. As the adopted Goal 5 analysis, prepared by the ODOT and adopted by the City as Appendix A of the Aggregate and Mineral Section of the Comprehensive Plan, concludes that ground/vibration and dust issues are minimal concerns, the main focus is on uses that may be considered noise sensitive properties. Because a conflicting use is one that may object to the continued operation of the Iron Mountain quarry, an easement in favor of the owner and operators of the Iron Mountain Quarry to protect the continued use of the quarry is required by the Newport Zoning Ordinance of the owner/developer of land in the Iron Mountain Impact Area. All uses of the

property will therefore be subject to the easement requirements. Additionally, some uses will be prohibited outright while other uses will be allowed upon a showing that the use meets the development criteria and standards 1 through 5 found in Section 5.5 (Impact Area Development Standards).

The following uses authorized by the I-2 and/or I-3 zone could meet the definition of noise sensitive property. These uses will be treated as conflicting uses and will not be allowed:

Hotels, Rooming Houses, Camps and Other Lodging Places
Residences

The following uses authorized by the I-2 and/or I-3 zone could meet the definition of noise sensitive property and will be allowed as authorized (either permitted outright or conditionally by the I-2 and/or I-3 zone) subject to the requirement that the proposed use satisfies the criteria and standards 3 through 5 found in Section 5.5:

Veterinary Services
Animal Services (Except Veterinary)
Dog Grooming
Finance, Insurance and Real Estate Offices
Eating and Drinking Places
Miscellaneous Amusement and Recreation Services
Personal Services
Business Services
Motion Pictures
Educational Services (Correspondence & Vocational Schools)
Social Services (Day Care)
Membership Organizations
Miscellaneous Services
Public Administration

- 11.212. Some uses may or may not be dust and/or blast sensitive uses depending on how they are developed. As dust and blast impacts have been determined to be negligible, these uses will be allowed in the I-2 and/or I-3 zone (either permitted outright or conditionally as specified in the Zoning Ordinance) subject to standard 5 of Section 5.5.

Flat Glass and Glass and Glassware Pressed or Blown
Manufacturing of Beverages
Chemicals and Allied Products
Pipe Lines (Except Natural Gas)
Electric, Gas, and Sanitary Services
Manufacturing of Glass Products Made of Purchased Glass
Manufacturing of Office, Computing, and Accounting Machinery
Manufacturing of Measuring, Analyzing, and Controlling Instruments;
Photographic, Medical, and Optical Goods; Watches and clocks

- 11.213. Some uses may be allowed in the Impact area and not pose a conflict because they are not sensitive uses. Those uses are hereby permitted as allowed by the I-2 and/or I-3 zone designation and consist of those uses not mentioned above in Section 11.211 and Section 11.212.

11.22. Conclusion

Within the proposed I-2 zone and I-3 zones surrounding Iron Mountain, no conflicting uses are currently found other than the existing residential use. However, the I-2 and the I-3 zone does allow uses that are conflicting, uses that may be conflicting, and uses that are not conflicting.

12.1 ESEE ANALYSIS

The Goal 5 rule (OAR 660-16-005(2)) requires that if conflicting uses to the resource are identified, the economic, social, environmental, and energy (ESEE) consequences of the conflicts must be determined. "Both

the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process."

12.11. Economic

12.111. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.311 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

12.112. Effect on conflicting uses if development of the resource is allowed:

The need for additional industrial land within the City of Newport has driven recent actions to rezone land adjacent to the quarry for medium and heavy industrial development. The Newport Comprehensive Plan anticipates a need for additional commercial and industrial lands in significant quantities. The area around Iron Mountain is one of the few areas within or outside the city that can accommodate that need and is the best location to fulfill the need for industrial land as documented by the UGB application material.

The city has three industrial zones, I-1, I-2, and I-3. The I-3 zone is heavy industrial and allows uses such as lumber mills and other factories. The intent of the I-3 is outlined in the Zoning Ordinance and reads as follows:

The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

Because of the location near the quarry and away from residential zones, the I-3 zone is appropriate for the subject property.

The I-2 zone has similar considerations. The intent of the I-2 zone states:

The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

Again, because of the location away from residential zones, the I-2 zone is appropriate.

12.12. Social

12.121. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.321 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

12.122. Effect on conflicting uses if development of the resource is allowed:

The consequences to conflicting uses resulting from development of the quarry resource can be characterized in two ways. First, I-2 and I-3 zone uses near the quarry may be directly affected by noise, dust, and associated with mining activities. However, as noted in Section 4.322, "because the site is not and will not be a permanent year-round commercial operation, the adverse effects, if any, on surrounding noise sensitive properties should be minimal." Noise sensitive property under OAR 340-35-015 (38) is defined as "...real property used for sleeping, or normally used as schools, churches, hospitals, or public libraries." Very few allowed uses in the I-2 or I-3 zones meet this definition. The intent of both the I-2 and I-3 zones is to allow for uses that should be conducted away from residential areas. Therefore, most of the I-2 and I-3 zone uses will not be conflicting uses because of noise sensitivity. Additionally, the blasting and dust impacts from mining operations are expected to be minimal and ODOT will operate the quarry in such a manner as to minimize those impacts.

Second, the city may experience indirect effects if the ability to develop industrial uses is restricted near the quarry and not accounted for at another location in the community.

These consequences can be easily mitigated, however, by either limiting the types of uses to those that are not sensitive to the impacts from the quarry operation, by developing property in such a way so that uses that may be sensitive are sited and built to mitigate negative impacts, and/or by requiring potential conflicting uses to shoulder the consequences of the potential conflicting use choosing to site near the quarry. Uses that have been identified as allowed or conditional in this analysis are such uses. Some uses that are identified as sensitive, such as residences, should not be allowed under any circumstance. Therefore, the best way to address the potential social consequences is to develop a program to assure that conflicting uses are prohibited, built in such a way, and/or agree to shoulder the consequences of locating next to the quarry so that the quarry operation is not affected.

12.13. Environmental

12.131. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.331 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

12.132. Effect on conflicting uses if development of the resource is allowed:

The environmental consequences, if development of the aggregate resource were allowed, have been discussed above as social consequences. Quarry development has the potential of adversely affecting air quality (dust and noise) and visual quality of the immediate area. State law requires that mined land be reclaimed for a future beneficial use. Because the effects of mining can be mitigated or corrected, there should not be a significant adverse environmental effect.

12.14. Energy.

12.141. Effect on use of the aggregate resource if conflicting uses are allowed fully:

Section 4.341 of this appendix adequately addresses this factor. It is incorporated by reference into this section.

12.142. Effect on conflicting uses if development of the resource is allowed:

Allowing the quarry operation at the Iron Mountain site is not expected to influence energy consumption of the conflicting uses.

12.15. Requirements of other applicable statewide planning goals.

12.151. Goal 4 - Forest Lands:

See section 4.351 of this appendix.

12.152. Goal 6 - Air, Water, and Land Resources Quality:

See section 4.352 of this appendix.

12.153. Goal 9 - Economic Development:

Statewide Planning Goal 9 requires that each city provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas must provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies. The city has determined that the subject property is necessary to meet the industrial land needs consistent with this goal.

12.154. Goal 10 - Housing:

Because the property under consideration does not allow housing, this goal will not be affected by the proposed inclusion into the Iron Mountain Impact Area other than that the I-2 and I-3 zoning of the subject property is the most appropriate zoning considering the intent of the I-2 and I-3 zones.

12.155. Goal 12 - Transportation:

See section 4.354 of this appendix.

12.156. Goal 13 - Energy Conservation:

See Section 4.355 of this appendix.

12.157. Goal 14 - Urbanization:

See Section 4.356 of this appendix.

13.0 **DETERMINATION AND PROGRAM TO ACHIEVE THE GOAL**

13.1 Summary of ESEE Analysis

ODOT has clearly documented the significance of the Iron Mountain resource. The site contains at least five million cubic yards of material. The material has been found to meet ODOT specifications for its use in highway projects. The site is one of the most valuable sources owned by the state.

The consequences of conflicts between the quarry and nearby uses are primarily economic and social. Surrounding land uses do not threaten the rock resource itself. Complaints about quarry activities can severely constrain or prohibit ODOT's use of the resource. The inability to use the resource for highway maintenance and construction projects increases the cost of these projects. Transportation is the key component in the price of aggregate. Forced reliance on sites more distant from Newport will dramatically increase the cost of construction on the central coast.

13.2. Program to Achieve the Goal

The Goal 5 rule (OAR 660-16-010) states: "Based on the determination of the economic, social, environmental, and energy consequences, a jurisdiction must develop a program to achieve the Goal."

The rule allows three methods for implementing a program to achieve the goal of resource protection. The first method requires preserving the resource site regardless of the effect on conflicting uses. The second method involves protecting the resource to a desired extent but allowing identified conflicting uses in a limited fashion. The third method is to allow the conflicting uses fully, regardless of any adverse effects on the resource. This last choice is permissible only if conflicting uses are found to be more valuable than the resource and there is no ability to mitigate the adverse consequences of conflicts between the resource and uses in the impact area.

The ESEE analysis shows that development of Iron Mountain may have adverse effects on nearby property. The analysis also shows that urban development of nearby property may have adverse effects on the Iron Mountain resource. Therefore, the most appropriate method to comply with Goal 5 is to protect the resource site with limitations on conflicting uses.

The requirements to implement a decision to limit conflicting uses are found in OAR 660-16-010(3). The comprehensive plan and land use regulations must specify what uses and activities will be prohibited, what uses are allowed fully, and what uses are conditionally allowed. The implementation program, including development regulations, must include clear and objective standards.

13.3. Uses in the Impact Area that are zoned I-2 or I-3

13.31. The following uses authorized by the existing I-2 zone shall be prohibited within the impact area:
Hotels, Rooming Houses, Camps and Other Lodging Places
Residences

13.32. The following uses authorized by the I-2 could meet the definition of noise sensitive property and will be allowed as authorized (either permitted outright or conditionally by the I-2 zone) subject to the

requirement that the proposed use satisfies the criteria and standards 3 through 5 found in Section 5.5:

Veterinary Services
Animal Services (Except Veterinary)
Dog Grooming
Finance, Insurance and Real Estate Offices
Eating and Drinking Places
Personal Services
Business Services
Motion Pictures
Miscellaneous Amusement and Recreation Services
Correspondence Schools & Vocational Schools
Social Services
Membership Organizations
Miscellaneous Services
Public Administration

- 13.33. Some uses may or may not be dust and/or blast sensitive uses depending on how they are developed. As dust and blast impacts have been determined to be negligible, these uses will be allowed in the I-2 zone (either permitted outright or conditionally as specified in the Zoning Ordinance) subject to standard 5 of Section 5.5.

Flat Glass and Glass and Glassware Pressed or Blown
Manufacturing of Beverages
Chemicals and Allied Products
Pipe Lines (Except Natural Gas)
Electric, Gas, and Sanitary Services
Manufacturing of Glass Products Made of Purchased Glass
Manufacturing of Office, Computing, and Accounting Machinery
Manufacturing of Measuring, Analyzing, and Controlling Instruments;
Photographic, Medical, and Optical Goods; Watches and Clocks

- 13.34. The remaining uses (not mentioned in 13.32 and 13.33 above) authorized (either permitted outright or conditionally) by the existing I-2 zoning may allowed within the impact area subject to the underlying zone requirements and upon demonstrating that the proposed use satisfies applicable criteria and standards contained in Section 2-4-14.025 of the Newport Zoning Ordinance.

- 13.35. The following uses authorized by the existing I-3 zone shall be prohibited within the impact area:

Residences

- 13.36. The following uses authorized by the I-3 could be noise sensitive property and will be allowed as authorized (either permitted outright or conditionally by the I-3 zone) subject to the requirement that the proposed use satisfies the criteria and standards 3 through 5 found in Section 5.

Veterinary Services
Animal Services (Except Veterinary)
Dog Grooming
Social Services
Public Administration

- 13.37. Some uses may or may not be dust and/or blast sensitive uses depending on how they are developed. As dust and blast impacts have been determined to be negligible, these uses will be allowed in the I-3 zone (either permitted outright or conditionally as specified in the Zoning Ordinance) subject to standard 5 of Section 5.5.

Flat Glass and Glass and Glassware Pressed or Blown
Manufacturing of Beverages
Chemicals and Allied Products

Pipe Lines (Except Natural Gas)
Electric, Gas, and Sanitary Services
Manufacturing of Glass Products Made of Purchased Glass
Manufacturing of Office, Computing, and Accounting Machinery
Manufacturing of Measuring, Analyzing, and Controlling Instruments;
Photographic, Medical, and Optical Goods; Watches and Clocks

13.38. The remaining uses (not identified in 13.36 and 13.37 above) authorized (either permitted outright or conditionally) by the existing I-3 zoning (see 14.2) may be allowed within the impact area subject to the underlying zone requirements and upon demonstrating that the proposed use satisfies applicable criteria and standards contained in Section 2-4-14.025 of the Newport Zoning Ordinance.

14.0 USES ALLOWED OUTRIGHT AND CONDITIONALLY IN THE I-2 AND I-3 ZONES

14.1 Uses Allowed Outright and Conditionally in the I-2 Zone by Standard Industrial Classification (SIC):

Major Group 01: Agricultural Production—Crops - 013 (Field Crops, Except Cash Grains), 016 (Vegetables & Melons), 017 (Fruits & Tree Nuts), 018 (Horticultural Specialists), 019 (General Crops, Primary Crops)

Major Group 07: Agricultural Services - 071 (Soil Preparation Services), 072 (Crop Services), 076 (Farm Labor & Management Services), 078 (Landscape & Horticultural Svcs.), 074 (Veterinary Services), 075 (Animal Services, Except Veterinary), Dog Grooming

Major Group 08: Forestry - 084 (Gathering of Misc. Forest Products, Except Tree Seeds), 085 (Forest Services)

Major Group 14: Mining and Quarrying of Nonmetallic Minerals, Except Fuels - 142 (Crushed & Broken Stone, Including Riprap), 144 (Sand & Gravel), 145 (Clay, Ceramic, & Refractory Minerals), 148 (Nonmetallic Minerals Services, Except Fuels)

Major Group 15: Building Construction--General Contractors and Operative Builders
152 (General Building Contractors, Residential Bldgs), 153 (Operative Builders), 154 (General Building Contractors, Nonresidential Bldgs. & Residential Bldgs)

Major Group 16: Construction Other Than Building Construction --General Contractors
161 (Highway & Street Construction, Except Elevated Highways), 162 (Heavy Construction, Except Highway & Street Construction)

Major Group 17: Construction--Special Trade Contractors - 171 (Plumbing, Heating (Except Electric), & Air Conditioning), 172 (Painting, Paper Hanging, & Decorating), 173 (Electrical Work), 174 (Masonry, Stonework, Tile Setting, & Plastering), 175 (Carpentering & Flooring), 176 (Roofing & Sheet Metal Work), 177 (Concrete Work), 178 (Water Well Drilling), 179 (Misc. Special Trade Contractors)

Major Group 20: Manufacturing of Food and Kindred Products - 201 (Meat Products), 202 (Dairy Products), 202 (Canned & Preserved Fruits and Vegetables), 204 (Grain Mill Products), 205 (Bakery Products), 206 (Sugar & Confectionery Products), 207 (Fats & Oils), 208 (Beverages), 209 (Misc. Food Preparation & Kindred Products)

Major Group 21: Tobacco Manufacturing - 211 (Cigarettes), 212 (Cigars), 213 (Tobacco (Chewing & Smoking) & Snuff), 214 (Tobacco Stemming & Drying)

Major Group 22: Textile Mill Products - 221 (Broad Woven Fabric Mills, Cotton), 222 (Broad Woven Fabric Mills, Man-Made Fiber & Silk), 223 (Broad Woven Fabric Mills, Wool (Including Dyeing & Finishing)), 224 (Narrow Fabrics & Other Small wares Mills: Cotton, Wool, Silk, & Man-Made Fiber), 225 (Knitting Mills), 226 (Dyeing & Finishing Textiles, Except Wool Fabrics and Knit Goods), 227 (Floor Covering Mills), 228 (Yard & Thread Mills), 230 (Miscellaneous Textile Goods)

Major Group 23: Manufacturing of Apparel and Other Finished Products Made From Fabrics and Similar Materials - 231 (Mens', Youths', & Boys' Suits, Coats, & Overcoats), 232 (Mens', Youths', & Boys' Furnishings,

Work Clothes, & Allied Garments), 233 (Womens', Misses', & Juniors' Outerwear), 234 (Womens', Misses', Childrens' & Infants' Undergarments), 235 (Hats, Caps & Millinery), 236 (Girls', Childrens', & Infants' Outerwear), 237 (Fur Goods), 238 (Misc. Apparel & Accessories), 239 (Misc. Fabricated Textile Products)

Major Group 24: Lumber and Wood Products, Except Furniture - 241 (Logging Camps & Logging Contractors), 242 (Sawmills & Planning Mills), 243 (Millwork, Veneer, Plywood, & Structural Wood Members), 244 (Wood Containers), 245 (Wood Buildings & Mobile Homes), 249 (Miscellaneous Wood Products)

Major Group 25: Manufacturing of Furniture and Fixtures - 251 (Household Furniture), 252 (Office Furniture), 254 (Partitions, Shelving, Lockers, & Office & Store Fixtures), 259 (Misc. Furniture & Fixtures)

Major Group 26: Paper and Allied Products - 261 (Pulp Mills), 262 (Paper Mills, Except Building Paper Mills), 263 (Paperboard Mills), 264 (Converted Paper & Paperboard Products, Except Containers & Boxes), 265 (Paperboard Containers & Boxes)

Major Group 27: Printing, Publishing, and Allied Industries - 271 (Newspapers; Publishing & Printing), 272 (Periodicals; Publishing & Printing), 273 (Books), 274 (Misc. Publishing), 275 (Commercial Printing), 276 (Manifold Business Forms), 277 (Greeting Card Publishing), 278 (Blankbooks, Looseleaf Binders, & Bookbinding & Related Work), 279 (Service Industries For the Printing Trade)

Major Group 28: Chemicals and Allied Products - 281 (Industrial Inorganic Chemicals), 282 (Plastics Materials & Synthetic Resins, Synthetic Rubber, Synthetic & Other Man-Made Fibers, Except Glass), 283 (Drugs), 284 (Soap, Detergents, & Cleaning Preparations, Perfumes, Cosmetics, & Other Toilet Preparations), 285 (Paints, Varnishes, Lacquers, Enamels, & Allied Products), 286 (Industrial Organic Chemicals), 287 (Agricultural Chemicals), 289 (Misc. Chemical Products)

Major Group 29: Petroleum Refining and Related Industries - 291 (Petroleum Refining), 295 (Paving & Roofing Materials), 299 (Misc. Products of Petroleum & Coal)

Major Group 30: Rubber and Miscellaneous Plastics Products - 301 (Tires & Inner Tubes), 302 (Rubber & Plastics Footwear), 303 (Reclaimed Rubber), 304 (Rubber & Plastics Hose & Belting), 306 (Fabricated Rubber Products, NEC), 307 (Misc. Plastics Products)

Major Group 31: Leather and Leather Products - 311 (Leather Tanning & Finishing), 313 (Boot & Shoe Stock & Findings), 314 (Footwear, Except Rubber), 315 (Leather Gloves & Mittens), 316 (Luggage), 317 (Handbags & Other Personal Leather Goods), 319 (Leather Goods, NEC)

Major Group 32: Stone, Clay, Glass, and Concrete Products - 321 (Flat Glass), 322 (Glass & Glassware Pressed or Blown), 323 (Glass Products, Made of Purchased Glass), 324 (Cement, Hydraulic), 325 (Structural Clay Products), 326 (Pottery & Related Products), 327 (Concrete, Gypsum & Plaster Products), 328 (Cut Stone & Stone Products), 329 (Abrasive, Asbestos & Misc. Nonmetallic Mineral Products)

Major Group 33: Primary Metal Industries - 331 (Blast Furnaces, Steel Works & Rolling & Finishing Mills), 332 (Iron & Steel Foundries), 333 (Primary Smelting & Refining of Non-Ferrous Metals), 334 (Secondary Smelting & Refining of Non-Ferrous Metals), 335 (Rolling, Drawing & Extruding of Non-Ferrous Metals), 336 (Nonferrous Foundries), 339 (Misc. Primary Metal Products)

Major Group 34: Fabricated Metal Products, Except Machinery and Transportation Equipment - 341 (Metal Cans & Shipping Containers), 342 (Cutlery, Hand Tools & General Hardware), 343 (Heating Equipment, Except Electric & Warm Air; & Plumbing Fixtures), 344 (Fabricated Structural Metal Products), 345 (Screw Machine Products, & Bolts, Nuts, Screws, Rivets & Washers), 346 (Metal Forging & Stamping), 347 (Coating, Engraving & Allied Svcs.), 348 (Ordinance & Accessories, Except Vehicles & Guided Missiles), 359 (Misc. Fabricated Metal Products)

Major Group 35: Machinery, Except Electrical - 351 (Engines & Turbines), 352 (Farm & Garden Machinery & Equipment), 353 (Construction, Mining & Materials Handling Machinery & Equipment), 354 (Metalworking Machinery & Equipment), 355 (Special Industry Machinery, Except Metalworking Machinery), 356 (General Industrial Machinery & Equipment), 357 (Office, Computing & Accounting Machinery), 358 (Refrigeration & Service Industry Machinery), 359 (Misc. Machinery, Except Electrical)

Major Group 36: Electrical and Electronic Machinery, Equipment and Supplies - 361 (Electric Transmission & Distribution Equipment), 362 (Electrical Industrial Apparatus), 363 (Household Appliances), 364 (Electrical Lighting & Wiring Equipment), 365 (Radio & Television Receiving Equipment, Except Communication Type), 366 (Communication Equipment), 367 (Electronic Components & Accessories), 369 (Misc. Electrical Machinery, Equipment & Supplies), 371 (Motor Vehicles & Motor Vehicle Equipment)

Major Group 37: Transportation Equipment - 372 (Aircraft & Parts), 373 (Ship & Boat Building & Repairing), 374 (Railroad Equipment), 375 (Motorcycles, Bicycles & Parts), 376 (Guided Missiles & Space Vehicles & Parts), 379 (Misc. Transportation Equip.)

Major Group 38: Measuring Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks - 381 (Engineering, Laboratory, Scientific & Research Instruments & Associates Equip.), 382 (Measuring & Controlling Equip.), 383 (Optical Instruments & Lenses), 384 (Surgical, Medical & Dental Instruments & Supplies), 385 (Ophthalmic Goods), 386 (Photographic Equipment & Supplies), 387 (Watches, Clocks, Clockwork Operated Devices & Parts)

Major Group 39: Miscellaneous Manufacturing Industries - 391 (Jewelry, Silverware, & Plated Ware), 393 (Musical Instruments), 394 (Toys & Amusement, Sporting & Athletic Goods), 395 (Pens, Pencils & Other Office & Artists' Materials), 396 (Costume Jewelry, Costume, Novelties, Buttons, & Misc. Notions, Except Precious Metals), 399 (Misc. Manufacturing Industries)

Major Group 40: Railroad Transportation - 401 (Railroads), 404 (Railway Express Service)

Major Group 41: Local and Suburban Transit and Interurban Highway Passenger Transportation - 411 (Local & Suburban Passenger Transportation), 412 (Taxicabs), 414 (Passenger Transportation Charter Service), 415 (School Buses), 417 (Terminal & Service Facilities for Motor Vehicle Passenger Transportation)

Major Group 42: Motor Freight Transportation and Warehousing - 421 (Trucking, Local & Long Distance), 422 (Public Warehousing), 423 (Terminal & Joint Terminal Maintenance Facilities for Motor Freight & Transportation)

Major Group 43: U.S. Postal Service - 431 (U.S. Postal Service)

Major Group 44: Water Transportation – 441 (Deep Sea Foreign Transportation), 442 (Deep Sea Domestic Transportation), 444 (Transportation on Rivers & Canals), 445 (Local Water Transportation), 446 (Services Incidental To Water Transportation)

Major Group 45: Transportation By Air – 451 (Air Transportation, Certified Carriers), 452 (Air Transportation, Noncertified Carriers), 453 (Fixed Facilities & Services Related To Air Transportation)

Major Group 46: Pipe Lines, Except Natural Gas – 461 (Pipe Lines, Except Natural Gas)

Major Group 47: Transportation Services – 471 (Freight Forwarding), 472 (Arrangement of Transportation), 474 (Rental of Railroad Cars), 478 (Misc. Services Incidental To Transportation)

Major Group 48: Communication – 481 (Telephone Communication (Wire or Radio)), 482 (Telegraph Communication (Wire or Radio)), 483 (Radio & Television Broadcasting), 489 (Communication Services, NEC)

Major Group 49: Electric, Gas, and Sanitary Services – 491 (Electric Services), 492 (Gas Production & Distribution), 493 (Combination Electric & Gas & Other Utility Service), 494 (Water Supply), 495 (Sanitary Services), 496 (Steam Supply), 497 (Irrigation Systems)

Major Group 50: Wholesale Trade--Durable Goods – 501 (Motor Vehicles & Automotive Parts & Supplies), 502 (Furniture & Home Furnishing), 503 (Lumber & Other Construction Materials), 504 (Sporting, Recreational, Photographic & Hobby Goods, Toys & Supplies), 505 (Metals & Minerals, Except Petroleum), 506 (Electrical Goods), 507 (Hardware, & Plumbing & Heating Equipment & Supplies), 508 (Machinery, Equipment & Supplies), 509 (Misc. Durable Goods)

Major Group 51: Wholesale Trade--Nondurable Goods – 511 (Paper & Paper Products), 512 (Drugs, Drug Proprietaries & Druggists' Sundries), 513 (Apparel, Piece Goods & Notions), 514 (Groceries & Related

Products), 515 (Farm-Product Raw Materials), 516 (Chemicals & Allied Products), 517 (Petroleum & Petroleum Products), 518 (Liquor Stores), 519 (Misc. Nondurable Goods)

Major Group 52: Building Materials, Hardware, Garden Supply and Mobile Home Dealers – 521 (Lumber & Other Building Materials Dealers), 523 (Paint, Glass & Wallpaper Stores), 525 (Hardware Stores), 526 (Retail Nurseries, Lawn & Garden Supply Stores), 527 (Mobile Home Dealers)

Major Group 53: General Merchandise Stores – 531 (Department Stores), 533 (Variety Stores), 539 (Misc. General Merchandise Stores)

Major Group 55: Automotive Dealers and Gasoline Service Stations – 551 (Motor Vehicle Dealers (New & Used)), 552 (Motor Vehicle Dealers (Used Only)), 553 (Auto & Home Supply Stores), 554 (Gasoline Service Station), 555 (Boat Dealers), 556 (Recreational & Utility Trailer Dealers), 557 (Motorcycle Dealers), 559 (Automotive Dealers, NEC)

Major Group 56: Apparel and Accessory Stores – 561 (Men's & Boys' Clothing & Furnishing Stores), 562 (Women's Ready-to-Wear Stores), 563 (Women's Accessory & Specialty Stores), 564 (Children's & Infants' Wear Stores), 565 (Family Clothing Stores), 566 (Shoe Stores), 568 (Furriers & Fur Shops), 569 (Misc. Apparel & Accessory Stores)

Major Group 57: Furniture, Home Furnishings, and Equipment Stores – 571 (Furniture, Home Furnishings, & Equipment Stores, Except Appliances), 572 (Household Appliance Stores), 573 (Radio, Television & Music Store)

Major Group 58: Eating and Drinking Places – 581 (Eating & Drinking Places)

Major Group 59: Miscellaneous Retail – 591 (Drug Stores & Proprietary Stores), 592 (Liquor Stores), 593 (Used Merchandise Stores), 594 (Misc. Shopping Goods Stores), 596 (Non-store Retailers), 598 (Fuel & Ice Dealers), 599 (Retail Stores, NEC)

Major Group 60: Banking – 601 (Federal Reserve Bank), 602 (Commercial & Stock Savings Banks), 603 (Mutual Savings Banks), 604 (Trust Companies Not Engaged in Deposit Banking), 605 (Establishments Performing Functions Closely Related to Banking)

Major Group 61: Credit Agencies Other Than Banks – 611 (Rediscount & Financing Institutions for Credit Agencies Other Than Banks), 612 (Savings & Loan Associations), 613 (Agricultural Credit Institutions), 614 (Personal Credit Institutions), 615 (Business Credit Institutions), 616 (Mortgage Bankers & Brokers)

Major Group 62: Security and Commodity Brokers, Dealers, Exchanges, and Services – 621 (Security Brokers, Dealers, & Flotation Companies), 622 (Commodity Contracts Brokers & Dealers), 623 (Security & Commodity Exchanges), 628 (Services Allied With the Exchange of Securities or Commodities)

Major Group 63: Insurance – 631 (Life Insurance), 632 (Accident & Health Insurance & Medical Service Plans), 633 (Fire, Marine & Casualty Insurance), 635 (Surety Insurance), 636 (Title Insurance), 637 (Pension, Health & Welfare Funds), 639 (Insurance Carriers, NEC)

Major Group 64: Insurance Agents, Brokers, and Service – 641 (Insurance Agents, Brokers & Service)

Major Group 65: Real Estate – 651 (Real Estate Operators (Except Developers) & Lessors), 653 (Real Estate Agents & Managers), 654 (Title Abstract Offices), 655 (Subdividers & Developers)

Major Group 66: Combinations of Real Estate, Insurance, Loans, Law Offices – 661 (Combinations of Real Estate, Insurance, Loans, Law Offices)

Major Group 67: Holding and Other Investment Offices – 671 (Holding Offices), 672 (Investment Offices), 673 (Trusts), 679 (Miscellaneous Investment)

Major Group 70: Hotels, Rooming Houses, Camps and Other Lodging Places – 701 (Hotels, Motels & Tourist Courts), 702 (Bed & Breakfast Inns), 703 (Camps & Trailer Parks), 704- (Organization Hotels & Lodging Houses, on Membership Basis)

Major Group 72: Personal Services – 721 (Laundry, Cleaning & Garment Services), 721 (Coinop Self-Service Laundry), 722 (Photographic Studios, Portrait), 723 (Beauty Shops), 724 (Barber Shops), 726 (Funeral Service & Crematories), 729 (Misc. Personal Services)

Major Group 73: Business Services – 731 (Advertising), 732 (Consumer Credit Reporting Agencies, Mercantile Reporting Agencies & Adjustment & Collection Agencies), 733 (Mailing, Reproduction Commercial Art & Photography & Stenographic Services), 734 (Services to Dwelling & Other Buildings), 735 (News Syndicates), 736 (Personnel Supply Services), 737 (Computer & Data Processing Svcs.), 739 (Misc. Business Services)

Major Group 75: Automotive Repair, Services and Garages – 751 (Automotive Rental & Leasing, Without Drivers), 752 (Automobile Parking), 753 (Automotive Repair Shops), 754 (Automotive Services, Except Repair)

Major Group 76: Miscellaneous Repair Services – 762 (Electrical Repair Shops), 763 (Watch, Clock & Jewelry Repair), 764 (Reupholstery & Furniture Repair), 769 (Misc. Repair Shops & Related Services)

Major Group 78: Motion Pictures – 781 (Motion Picture Production & Allied Services), 782 (Motion Picture Distribution & Allied Services), 7832 (Motion Picture Theaters, Except Drive-in), 7833 (Drive-in Motion Picture Theaters)

Major Group 79: Amusement and Recreation Services, Except Motion Pictures – 7932 (Billiard & Pool Establishments), 7933 (Bowling Alleys), 794 (Commercial Sports), 799 (Misc. Amusement & Recreation Services)

Major Group 82: Educational Services – 824 (Correspondence Schools & Vocational Schools)

Major Group 83: Social Services – 835 (Day Care Services)

Major Group 86: Membership Organizations – 861 (Business Associations), 862 (Professional Membership Organizations), 863 (Labor Unions & Similar Labor Organizations), 864 (Civic, Social, & Fraternal Associations), 865 (Political Organizations)

Major Group 88: Private Households – 881 (Private Households (Residences))

Major Group 89: Miscellaneous Services – 891 (Engineering, Architectural & Surveying Services), 892 (Noncommercial Educational, Scientific & Research Organizations), 893 (Accounting, Auditing & Bookkeeping Services), 899 (Services, NEC)

Major Group 91: Executive, Legislative, and General Government, Except Finance – 911 (Executive Offices), 912 (Legislative Bodies), 913 (Executive & Legislative Offices Combined), 919 (General Government, NEC)

Major Group 92: Justice, Public Order, and Safety – 921 (Courts), 922 (Public Order & Safety)

Major Group 97: National Security and International Affairs – 971 (National Security), 972 (International Affairs)

14.2 Uses Allowed Outright and Conditionally in the I-3 Zone by Standard Industrial Classification (SIC):

Major Group 01: Agricultural Production—Crops - 013 (Field Crops, Except Cash Grains), 016 (Vegetables & Melons), 017 (Fruits & Tree Nuts), 018 (Horticultural Specialists), 019 (General Crops, Primary Crops)

Major Group 07: Agricultural Services - 071 (Soil Preparation Services), 072(Crop Services), 076 (Farm Labor & Management Services), 078 (Landscape & Horticultural Svcs.), 074 (Veterinary Services), 075 (Animal Services, Except Veterinary), (Dog Grooming)

Major Group 08: Forestry - 084 (Gathering of Misc. Forest Products, Except Tree Seeds), 085 (Forest Services)

Major Group 14: Mining and Quarrying of Nonmetallic Minerals, Except Fuels - 142 (Crushed & Broken Stone, Including Riprap), 144 (Sand & Gravel), 145 (Clay, Ceramic, & Refractory Minerals), 148 (Nonmetallic Minerals Services, Except Fuels)

Major Group 15: Building Construction--General Contractors and Operative Builders - 152 (General Building Contractors, Residential Bldgs), 153 (Operative Builders), 154 (General Building Contractors, Nonresidential Bldgs. & Residential Bldgs)

Major Group 16: Construction Other Than Building Construction--General Contractors - 161 (Highway & Street Construction, Except Elevated Highways), 162 (Heavy Construction, Except Highway & Street Construction)

Major Group 17: Construction--Special Trade Contractors - 171 (Plumbing, Heating (Except Electric), & Air Conditioning), 172 (Painting, Paper Hanging, & Decorating), 173 (Electrical Work), 174 (Masonry, Stonework, Tile Setting, & Plastering), 175 (Carpentering & Flooring), 176 (Roofing & Sheet Metal Work), 177 (Concrete Work), 178 (Water Well Drilling), 179 (Misc. Special Trade Contractors)

Major Group 20: Manufacturing of Food and Kindred Products - 201 (Meat Products), 202 (Dairy Products), 202 (Canned & Preserved Fruits and Vegetables), 204 (Grain Mill Products), 205 (Bakery Products), 206 (Sugar & Confectionery Products), 207 (Fats & Oils), 208 (Beverages), 209 (Misc. Food Preparation & Kindred Products)

Major Group 21: Tobacco Manufacturing - 211 (Cigarettes), 212 (Cigars), 213 (Tobacco (Chewing & Smoking) & Snuff), 214 (Tobacco Stemming & Drying)

Major Group 22: Textile Mill Products - 221 (Broad Woven Fabric Mills, Cotton), 222 (Broad Woven Fabric Mills, Man-Made Fiber & Silk), 223 (Broad Woven Fabric Mills, Wool (Including Dyeing & Finishing)), 224 (Narrow Fabrics & Other Small wares Mills: Cotton, Wool, Silk, & Man-Made Fiber), 225 (Knitting Mills), 226 (Dyeing & Finishing Textiles, Except Wool Fabrics and Knit Goods), 227 (Floor Covering Mills), 228 (Yard & Thread Mills), 230 (Miscellaneous Textile Goods)

Major Group 23: Manufacturing of Apparel and Other Finished Products Made From Fabrics and Similar Materials - 231 (Men's, Youths', & Boys' Suits, Coats, & Overcoats), 232 (Men's, Youths', & Boys' Furnishings, Work Clothes, & Allied Garments), 233 (Women's, Misses', & Juniors' Outerwear), 234 (Women's, Misses', Children's & Infants' Undergarments), 235 (Hats, Caps & Millinery), 236 (Girls', Children's, & Infants' Outerwear), 237 (Fur Goods), 238 (Misc. Apparel & Accessories), 239 (Misc. Fabricated Textile Products)

Major Group 24: Lumber and Wood Products, Except Furniture - 241 (Logging Camps & Logging Contractors), 242 (Sawmills & Planning Mills), 243 (Millwork, Veneer, Plywood, & Structural Wood Members), 244 (Wood Containers), 245 (Wood Buildings & Mobile Homes), 249 (Miscellaneous Wood Products)

Major Group 25: Manufacturing of Furniture and Fixtures - 251 (Household Furniture), 252 (Office Furniture), 254 (Partitions, Shelving, Lockers, & Office & Store Fixtures), 259 (Misc. Furniture & Fixtures)

Major Group 26: Paper and Allied Products - 261 (Pulp Mills), 262 (Paper Mills, Except Building Paper Mills), 263 (Paperboard Mills), 264 (Converted Paper & Paperboard Products, Except Containers & Boxes), 265 (Paperboard Containers & Boxes)

Major Group 27: Printing, Publishing, and Allied Industries - 271 (Newspapers; Publishing & Printing), 272 (Periodicals; Publishing & Printing), 273 (Books), 274 (Misc. Publishing), 275 (Commercial Printing), 276 (Manifold Business Forms), 277 (Greeting Card Publishing), 278 (Blankbooks, Looseleaf Binders, & Bookbinding & Related Work), 279 (Service Industries For the Printing Trade)

Major Group 28: Chemicals and Allied Products - 281 (Industrial Inorganic Chemicals), 282 (Plastics Materials & Synthetic Resins, Synthetic Rubber, Synthetic & Other Man-Made Fibers, Except Glass), 283 (Drugs), 284 (Soap, Detergents, & Cleaning Preparations, Perfumes, Cosmetics, & Other Toilet Preparations),

285 (Paints, Varnishes, Lacquers, Enamels, & Allied Products), 286 (Industrial Organic Chemicals), 287 (Agricultural Chemicals), 289 (Misc. Chemical Products)

Major Group 29: Petroleum Refining and Related Industries - 291 (Petroleum Refining), 295 (Paving & Roofing Materials), 299 (Misc. Products of Petroleum & Coal)

Major Group 30: Rubber and Miscellaneous Plastics Products - 301 (Tires & Inner Tubes), 302 (Rubber & Plastics Footwear), 303 (Reclaimed Rubber), 304 (Rubber & Plastics Hose & Belting), 306 (Fabricated Rubber Products, NEC), 307 (Misc. Plastics Products)

Major Group 31: Leather and Leather Products - 311 (Leather Tanning & Finishing), 313 (Boot & Shoe Stock & Findings), 314 (Footwear, Except Rubber), 315 (Leather Gloves & Mittens), 316 (Luggage), 317 (Handbags & Other Personal Leather Goods), 319 (Leather Goods, NEC)

Major Group 32: Stone, Clay, Glass, and Concrete Products - 321 (Flat Glass), 322 (Glass & Glassware Pressed or Blown), 323 (Glass Products, Made of Purchased Glass), 324 (Cement, Hydraulic), 325 (Structural Clay Products), 326 (Pottery & Related Products), 327 (Concrete, Gypsum & Plaster Products), 328 (Cut Stone & Stone Products), 329 (Abrasive, Asbestos & Misc. Nonmetallic Mineral Products)

Major Group 33: Primary Metal Industries - 331 (Blast Furnaces, Steel Works & Rolling & Finishing Mills), 332 (Iron & Steel Foundries), 333 (Primary Smelting & Refining of Non-Ferrous Metals), 334 (Secondary Smelting & Refining of Non-Ferrous Metals), 335 (Rolling, Drawing & Extruding of Non-Ferrous Metals), 336 (Nonferrous Foundries), 339 (Misc. Primary Metal Products)

Major Group 34: Fabricated Metal Products, Except Machinery and Transportation Equipment - 341 (Metal Cans & Shipping Containers), 342 (Cutlery, Hand Tools & General Hardware), 343 (Heating Equipment, Except Electric & Warm Air; & Plumbing Fixtures), 344 (Fabricated Structural Metal Products), 345 (Screw Machine Products, & Bolts, Nuts, Screws, Rivets & Washers), 346 (Metal Forging & Stamping), 347 (Coating, Engraving & Allied Svcs.), 348 (Ordinance & Accessories, Except Vehicles & Guided Missiles), 359 (Misc. Fabricated Metal Products)

Major Group 35: Machinery, Except Electrical - 351 (Engines & Turbines), 352 (Farm & Garden Machinery & Equipment), 353 (Construction, Mining & Materials Handling Machinery & Equipment), 354 (Metalworking Machinery & Equipment), 355 (Special Industry Machinery, Except Metalworking Machinery), 356 (General Industrial Machinery & Equipment), 357 (Office, Computing & Accounting Machinery), 358 (Refrigeration & Service Industry Machinery), 359 (Misc. Machinery, Except Electrical)

Major Group 36: Electrical and Electronic Machinery, Equipment and Supplies - 361 (Electric Transmission & Distribution Equipment), 362 (Electrical Industrial Apparatus), 363 (Household Appliances), 364 (Electrical Lighting & Wiring Equipment), 365 (Radio & Television Receiving Equipment, Except Communication Type), 366 (Communication Equipment), 367 (Electronic Components & Accessories), 369 (Misc. Electrical Machinery, Equipment & Supplies), 371 (Motor Vehicles & Motor Vehicle Equipment)

Major Group 37: Transportation Equipment - 372 (Aircraft & Parts), 373 (Ship & Boat Building & Repairing), 374 (Railroad Equipment), 375 (Motorcycles, Bicycles & Parts), 376 (Guided Missiles & Space Vehicles & Parts), 379 (Misc. Transportation Equip.)

Major Group 38: Measuring Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks - 381 (Engineering, Laboratory, Scientific & Research Instruments & Associates Equip.), 382 (Measuring & Controlling Equip.), 383 (Optical Instruments & Lenses), 384 (Surgical, Medical & Dental Instruments & Supplies), 385 (Ophthalmic Goods), 386 (Photographic Equipment & Supplies), 387 (Watches, Clocks, Clockwork Operated Devices & Parts)

Major Group 39: Miscellaneous Manufacturing Industries - 391 (Jewelry, Silverware, & Plated Ware), 393 (Musical Instruments), 394 (Toys & Amusement, Sporting & Athletic Goods), 395 (Pens, Pencils & Other Office & Artists' Materials), 396 (Costume Jewelry, Costume, Novelties, Buttons, & Misc. Notions, Except Precious Metals), 399 (Misc. Manufacturing Industries)

Major Group 40: Railroad Transportation - 401 (Railroads), 404 (Railway Express Service)

Major Group 41: Local and Suburban Transit and Interurban Highway Passenger Transportation - 411 (Local & Suburban Passenger Transportation), 412 (Taxicabs), 414 (Passenger Transportation Charter Service), 415 (School Buses), 417 (Terminal & Service Facilities for Motor Vehicle Passenger Transportation)

Major Group 42: Motor Freight Transportation and Warehousing - 421 (Trucking, Local & Long Distance), 422 (Public Warehousing), 423 (Terminal & Joint Terminal Maintenance Facilities for Motor Freight & Transportation)

Major Group 43: U.S. Postal Service - 431 (U.S. Postal Service)

Major Group 44: Water Transportation – 441 (Deep Sea Foreign Transportation), 442 (Deep Sea Domestic Transportation), 444 (Transportation on Rivers & Canals), 445 (Local Water Transportation), 446 (Services Incidental To Water Transportation)

Major Group 45: Transportation By Air – 451 (Air Transportation, Certified Carriers), 452 (Air Transportation, Noncertified Carriers), 453 (Fixed Facilities & Services Related To Air Transportation)

Major Group 46: Pipe Lines, Except Natural Gas – 461 (Pipe Lines, Except Natural Gas)

Major Group 47: Transportation Services – 471 (Freight Forwarding), 472 (Arrangement of Transportation), 474 (Rental of Railroad Cars), 478 (Misc. Services Incidental To Transportation)

Major Group 48: Communication – 481 (Telephone Communication (Wire or Radio)), 482 (Telegraph Communication (Wire or Radio)), 483 (Radio & Television Broadcasting), 489 (Communication Services, NEC)

Major Group 49: Electric, Gas, and Sanitary Services – 491 (Electric Services), 492 (Gas Production & Distribution), 493 (Combination Electric & Gas & Other Utility Service), 494 (Water Supply), 495 (Sanitary Services), 496 (Steam Supply), 497 (Irrigation Systems)

Major Group 50: Wholesale Trade--Durable Goods – 501 (Motor Vehicles & Automotive Parts & Supplies), 502 (Furniture & Home Furnishing), 503 (Lumber & Other Construction Materials), 504 (Sporting, Recreational, Photographic & Hobby Goods, Toys & Supplies), 505 (Metals & Minerals, Except Petroleum), 506 (Electrical Goods), 507 (Hardware, & Plumbing & Heating Equipment & Supplies), 508 (Machinery, Equipment & Supplies), 509 (Misc. Durable Goods)

Major Group 51: Wholesale Trade--Nondurable Goods – 511 (Paper & Paper Products), 512 (Drugs, Drug Proprietaries & Druggists' Sundries), 513 (Apparel, Piece Goods & Notions), 514 (Groceries & Related Products), 515 (Farm-Product Raw Materials), 516 (Chemicals & Allied Products), 517 (Petroleum & Petroleum Products), 518 (Liquor Stores), 519 (Misc. Nondurable Goods)

Major Group 52: Building Materials, Hardware, Garden Supply and Mobile Home Dealers
521 (Lumber & Other Building Materials Dealers), 523 (Paint, Glass & Wallpaper Stores), 525 (Hardware Stores), 526 (Retail Nurseries, Lawn & Garden Supply Stores), 527 (Mobile Home Dealers)

Major Group 53: General Merchandise Stores – 531 (Department Stores), 533 (Variety Stores), 539 (Misc. General Merchandise Stores)

Major Group 55: Automotive Dealers and Gasoline Service Stations – 551 (Motor Vehicle Dealers (New & Used)), 552 (Motor Vehicle Dealers (Used Only)), 553 (Auto & Home Supply Stores), 554 (Gasoline Service Station), 555 (Boat Dealers), 556 (Recreational & Utility Trailer Dealers), 557 (Motorcycle Dealers), 559 (Automotive Dealers, NEC)

Major Group 59: Miscellaneous Retail – 598 (Fuel & Ice Dealers), 599 (Retail Stores, NEC)

Major Group 75: Automotive Repair, Services and Garages – 752 (Automobile Parking)

Major Group 83: Social Services – 835 (Day Care Services)

Major Group 88: Private Households - 881 (Private Households (Residences))

Major Group 91: Executive, Legislative, and General Government, Except Finance – 911 (Executive Offices), 912 (Legislative Bodies), 913 (Executive & Legislative Offices Combined), 919 (General Government, NEC)

Major Group 92: Justice, Public Order, and Safety – 921 (Courts), 922 (Public Order & Safety)

Major Group 97: National Security and International Affairs – 971 (National Security), 972 (International Affairs)