

## CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

### Study Session Worksheet

**Presentation Date:** 10/1/13 **Approximate Start Time:** 1:30 **Approximate Length:** 45 minutes

**Presentation Title:** Aggregate Mining – The Goal 5 Decision Process

**Department:** Department of Transportation and Development, Planning and Zoning Division

**Presenters:** Mike McCallister, Planning Director

**Other Invitees:** Barb Cartmill, Acting DTD Director  
Nate Boderman, County Counsel

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

No action requested. This is an informational session to explain the criteria and process for making decisions on Goal 5 aggregate mining applications.

### EXECUTIVE SUMMARY:

Oregon Statewide Planning Goal 5 provides guidelines for Counties to protect open spaces, scenic and historic areas and natural areas. Goal 5 resources include riparian corridors, wetlands, wildlife habitat, scenic rivers and waterways, groundwater resources, recreation trails, natural areas, wilderness areas, mineral and aggregate resources, open space, scenic views and vistas.

Oregon Administrative Rules set forth the specific criteria and process for evaluating proposals to inventory, evaluate and protect or not protect Goal 5 resources, including aggregate sites. Applications to mine aggregate resources can be considered through a conditional use permit or through a specific process identified in the Oregon Administrative Rules which is commonly referred to as a Goal 5 PAPA (Post Acknowledgement Plan Amendment). In EFU zoning districts, all applications require review through the Goal 5 PAPA process.

The County has received and is currently processing a Goal 5 mining application. The purpose of this study session is to brief the BCC on the criteria and process for evaluating and rendering a decision on the application. The pending application is scheduled before the BCC in a public hearing on October 16 and October 30, 2013 (if necessary). Because this is a quasi-judicial application, the merits of that application will not be discussed during the study session.

**FINANCIAL IMPLICATIONS:**

None. This is an informational session only.

**LEGAL/POLICY REQUIREMENTS:**

None. This in an informational session only.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

None. This is an informational session only. However, notice for Goal 5 mining applications is provided to surrounding property owners within 2,250 feet of the boundary of the subject property, the CPO's, Hamlet or Village and affected agencies, service districts and nearby cities. Notice of the application is also published in the local newspaper.

**OPTIONS:**

No action is required.

**RECOMMENDATION:**

None. This is informational session only.

**ATTACHMENTS:**

Power Point Presentation: The Goal 5 Process for Aggregate Resources: The 10 Steps of Decision Making

**SUBMITTED BY:**

Division Director/Head Approval *R. B. Coffey 9-24-13*  
Department Director/Head Approval *Mike McCallister*  
County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Mike McCallister @ 503-742-4522.

# The Goal 5 Process for Aggregate Resources: The 10 Steps of Decision Making

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BCC Study Session

October 1, 2013

Mike McCallister, Planning Director

# Background

## Statewide Planning Goal 5 – Natural Resources

### Goal 5 Resources include:

Riparian corridors, wildlife habitat, scenic rivers, groundwater resources, mineral and aggregate resources

### Goal 5 Review Process

Criteria and Decision Making Process specified in Oregon Administrative Rules

Significance of the resource / allow or not allow mining

Comprehensive Plan Amendment / Add to Inventory

Zone Change to Apply Mineral Aggregate Overlay MAO

Public Hearing- Planning Commission / Recommendation

Public Hearing – BCC / Final Decision

# Step 1: Complete Application Determination

Complete Application must include:

Quality, Quantity and Location of the Resource

Conceptual Site Reclamation Plan

Traffic Impact Assessment

Proposals to minimize impacts (conflict analysis)

Site plan, operational characteristics, proposed mining  
uses

Final Decision within 180 days.

## Step 2: Determine if Site is “Significant”

• A site is “Significant” if:

Quantity Standard - 2,000,000 tons of aggregate material

Quality Standard – Meets ODOT specifications for base rock

Location – Site Characteristics, thickness of aggregate layer, soil characteristics

# Step 3: Identify Conflicting Uses

- Determine Impact Area: 1,500 feet
- Identify existing and approved uses
- Identify existing conflicting uses
  - Noise, Dust, Other Discharges
  - Conflicts to local roads
  - Safety conflicts with existing public airports
  - Conflicts with other Goal 5 resources
    - Rivers, streams, historic resources, etc.
  - Conflicts with agricultural practices

# Step 4: Conflict Analysis

- Determine whether identified “conflicts” can be minimized
- “Minimize a conflict” – to reduce a conflict to a level that is no longer significant or ensure conformance to a local, state or federal standard
- Noise – Equipment, rock crushers, blasting
- Groundwater Impacts – Domestic wells, water quality, changes in aquifer



## Step 4: Conflict Analysis (Cont'd)

- Natural Features – Rivers, streams, wetlands
- Dust – Mining, truck traffic, rock crushers, mining characteristics (wet mining vs. hard rock)
- Traffic – Truck traffic, capacity of road system, safety, weight limitations
- Impacts on Agricultural Operations (ORS 215.296)
  - If conflicts minimized, allow mining
  - If one or more conflict not minimized, analyze ESEE consequences

# Step 5: Analyze ESEE Consequences

• ESEE- Economic, Social, Environmental and Energy Consequences (positive and negative)

• Balancing Test

Degree of adverse affect on existing land uses

Reasonable and practical measures to reduce adverse effects

Duration of mining operation and post-mining use

# Step 6: Allow or Not Allow Mining

## • Mining allowed if:

- all conflicts are minimized (Step 4) or:  
ESEE Consequences warrants mining

## • If Mining is not allowed:

- No further analysis required
- Site may still be deemed a “Significant” site

# Step 7: Determine Post- Mining Use

- Reclamation Plan Required
- Post-mining use must be consistent with Comprehensive Plan and Zoning Ordinance
- Reclamation administered by Department of Geology and Mineral Industries (DOGAMI)

# Step 8: Identify Future Conflicting Uses

- Identify future off-site conflicting uses in the impact area (MAO)
- New uses allowed by underlying zoning district (dwellings, agricultural uses, etc.)

# Step 9: Allow or Not Allow Conflicting Uses

Complete ESEE Analysis addressing future conflicting uses

Based on ESEE Analysis, decide to:

Allow conflicting use

Limit conflicting use

Prohibit conflicting use

# Step 10 (Finally!): Amend the Plan

Amend the Comprehensive Plan to carry out the decision

    Add site to Goal 5 inventory of significant sites

Implementing measures / conditions must be clear and objective

# The Record: What You Will See and Hear

Application materials

Staff Report Findings and Recommendation

Planning Commission Findings and Recommendation

Complete Record (All exhibits, etc)

Conflicting Expert Testimony (verbal and written)

TBD – Testimony Limits