

**PLANNING COMMISSION  
DRAFT MINUTES**

January 22, 2018  
6:30 p.m., DSB Auditorium

Commissioners present: John Drentlaw, Brian Pasko, Tom Peterson, Christine Drazan, John Gray, Gail Holmes, Mark Fitz, Mary Phillips

Commissioners absent: Michael Wilson

Staff present: Martha Fritzie, Mike McCallister, Darcy Renhard

1. Commission Chair Drentlaw called the meeting to order at 6:32 p.m. There was no public comment on things outside of the agenda items. Planning Commission members had no *ex parte* conflicts to disclose.
2. Martha Fritzie reviewed the staff report for Z0568-17-CP, Z0569-17-MAO, and Z0571-17-Z for Parker NW Paving Co. There are 3 new exhibits that the applicant has added to the record, numbered Exhibits 3, 4, and 5. The CPO is inactive in this area, so there was no notification to a CPO and thus no comments received. The only comment that staff received was from ODOT, who finds that there are no significant impacts to the transportation system if this application is approved. Notice was sent to all property owners within 2500 feet of the subject site. The notice was sent roughly 60 days in advance of this hearing, even though we are statutorily required to send notice 35 days in advance.

The proposal is for a Post Acknowledgement Plan Amendment (PAPA) to designate roughly 117 acres as a Goal 5 significant mineral and aggregate resource site, and to then apply a Mineral and Aggregate Overlay (MAO) to the subject properties as well as approve the operational aspects of the mining proposed on the site. The site is located on Hwy 99E, directly across from the City of Barlow. It is surrounded on three sides by other mining sites that are in various states of being mined. The relevant policies and criteria for this application are Statewide Planning Goal 2, Goal 3, Goal 5, Goal 6, and Goal 12. Our Comprehensive Plan goals are not actually applicable, so the staff report will be revised to reflect this. ZDO sections 1202, 708, 1006, and 1010 are also applicable. In order for an application to be deemed complete, it must include the quality, quantity, and location of the resource as well as a conceptual site reclamation plan, a traffic impact assessment, and proposals to minimize conflicts, the site plan, operational characteristics, and proposed mining uses. A site may be considered significant if it meets quality and quantity standards. The applicant has done boring and has dug trenches to conclude that there is aggregate materials that meet the standards. The average, thickness of the aggregate is estimated at 40 feet, which is well over the 25-foot standard required because the site contains predominantly Class II agricultural soils. Once a site has been determined to be significant, the impact area must be determined. This is limited to 1500 feet from the mining operations, unless there is evidence that the impacts will go beyond that area. Then you must identify any conflicting uses within the impact area. Generally, the impact area for this site consists of commercial industrial and other mining operations. There are two residences that may be impacted. One is the historic Barlow House, and the other is referred to as the Hanes House, which is not on the historic registry. If conflicts can be minimized, then mining can be allowed. If conflicts cannot be minimized, then an ESEE analysis must be done. Potential conflicts include noise, dust, diesel, groundwater impacts, and stormwater. Generally a noise expert performs a noise study, which was done in this case. The noise study found that with certain mitigation, the proposed mining plan would be able to mitigate all of the adverse noise impacts to the residences and other uses in the area. Regarding dust, the applicant is proposing wet mining which creates less dust. The applicant proposes a buffer around the Hanes residence of about an acre, as well as a buffer around the Barlow House. The applicant is already following these practices when operating the Canby Sand & Gravel site that is already performing mining adjacent to this property. Access to this site would use the existing Canby Sand & Gravel site which already exists. No access is proposed from Barlow Road, There are no impacts expected to the City of Barlow wells because the wet mining will not affect the water table.

Other Goal 5 resources must also be considered, which in this case is the Barlow House, other MAO sites, and streams and wetlands within the Molalla River Corridor. Mining sites do not conflict with mining sites, so no mitigation is necessary for those. The area that abuts the Molalla River is not within the proposed mining area. The buffers that the applicant is proposing would mitigate any impacts to the Barlow House. Therefore, staff finds that

the conflicts with other Goal 5 resources can be mitigated. There are no expected impacts that would affect the Aurora airport, and the traffic study shows no significant impacts. There are not a lot of agricultural operations within the impact area, and there was no evidence that a mining site would have any additional impacts on agricultural operations in the area. An ESEE analysis is not necessary in this case, since all of the impacts can be mitigated.

The next step is to decide whether or not to allow mining. Once it is determined that mining should be allowed, a reclamation plan is required that is consistent with the Comprehensive Plan and ZDO. The reclamation plan is administered by DOGAMI, our review of it is just to determine if the reclamation plan is an allowed use under our rules. Then we must determine the future off-site conflicting uses in the impact area and any uses allowed by the underlying zoning district. In this case, since the MAO is only applied to the subject property, new dwellings would be prohibited to begin with. An ESEE analysis is not necessary at this step since all of the impacts have been determined to be mitigated. The final step is to amend the Plan and add the site to the Goal 5 inventory of significant sites, and to amend the zoning map to apply the MAO. Conditions must also be applied that must be clear and objective. Staff finds that all criteria under 1202 has been met, which means that the application can be approved. Once the site is approved, the applicant must still go through MAO site plan review to meet development standards and ordinance criteria. Conditions can be found in Section 4 of the staff report, most of which were proposed by the applicant. The applicant requested some clarification of some of the conditions, which staff is fine with. Staff recommend approval of Z0568-17, Z0569-17, and Z0570-17 subject to the recommended conditions of approval and the amendments as identified by the applicant in Exhibit 3.

Commissioner Pasko asked if the current sand and gravel has been mined out of the adjacent mining sites. Martha explained that the mining site is nearing the end of its use. The property has been cultivated in the past, but was used for grazing.

Commissioner Phillips asked if adding the processing of what is extracted from this site affect the existing permit or the reclamation on the Canby Sand & Gravel site. Martha answered that they will need to get a new permit through DOGAMI if they are proposing a revision of the current permit. One of the conditions of approval is that they get the required permits from DEQ and DOGAMI. Mike McCallister explained that the before they proceed with mining, they will have to get a permit from DOGAMI that includes consultation with the Oregon Department of Fish & Wildlife, DEQ, and other State agencies. If they cannot meet the standards for the DOGAMI permit, then mining would not be able to commence. Commissioner Phillips asked if the staff report is accurate when it states that no blasting or drilling are authorized. Martha said that this is correct.

**Steve Pfeifer (1120 NW Couch, Portland)**- Mr. Pfeifer is the attorney for the applicant. He would like to add that the rule was adopted in 1986, and it is the one instance in the State where LCDC decided to preempt local land use standards. There was inconsistency with decisions and processes throughout the different jurisdictions, which prompted LCDC to implement the rules for aggregate mining on a statewide level. He does not feel that the zone map amendment is applicable, but that the Statewide Planning Goals are all relevant. There are a couple of complications on this site. The Wilmes site has been mined out and will only have a haul road through it. The applicant is asking for approval for extraction as well as processing on the subject site, but really they are asking for approval to process on the existing Canby Sand & Gravel site. He does not believe that there is a County permit on the current site, as it has long been a non-conforming use. DOGAMI only regulates extraction and reclamation, they do not regulate processing. DEQ actually regulates the processing. The existing Canby Sand & Gravel site predates DOGAMI regulations, so there is no required reclamation plan. There is, however, a voluntary reclamation plan by the applicant. The applicant wishes to use the existing processing site at Canby Sand & Gravel instead of having to relocate the processing equipment over to the subject site, which is addressed in Condition 15.

**Nancy Traverso (29332 S. Needy Road, Canby)**- Mrs. Traverso is the applicant. She described the history and legacy of the business that her husband, Bob, started as well as his hopes for where the business would go.

Commissioner Pasko asked for clarification on whether the applicant is asking to be able to remove from the subject site and to process on the existing Canby Sand & Gravel site. Mr. Pfeifer answered that the applicant has the statutory right to process on the current site without this permit. They can haul product in from any site and process on the currently operating site. Mrs. Traverso explained that her goal is to mine from the subject site and

just move the mining product across the property to the adjacent Canby Gravel site for processing. The machines are stationary and have been there for years. It is not a simple thing to just move them. They are large enough to crush boulders.

Commissioner Fitz stated that this business is paying far above the standard wage and providing 35 jobs within the County. This business goes back to the 1920s and has been a family business the entire time.

Commissioner Pasko asked if any reclamation is happening currently on the Canby Gravel site, and if Mrs. Traverso has a vision for what it eventually becomes. She answered that she would like to reclaim and redevelop the site eventually, possibly for rural industrial.

**Dorian Kuper (15115 SE Sequoia Pkwy, Tigard)** – Ms. Kuper performed an evaluation of the site to see if it met the standards for quantity and quality of resources. .. They dug 10 trenches and did 3 borings with monitoring wells. They determined the sand and gravel to be 40-60 feet thick across the site. It was determined that this aggregate meets ODOT standards for quality. Multiple technical studies were performed – groundwater analysis, engineering, civil engineering, acoustical analysis, and wetland analysis. The mining plan is designed to meet County, DOGAMI, and other agency requirements. DOGAMI is currently reviewing the mining plan, and once the County approval is in place they can move forward with their permitting. The plan is to mine in 3 phases with no dewatering. The actual mining will take place on approximately 79 acres of the subject property. Reclamation is to be concurrent when possible. According to the current plan, the site would end up as a 72-acre water feature and wetlands. The actual reclamation plan will go beyond the DOGAMI requirements with native grasses and trees.

**J. Douglas Gless (607 Main St., Oregon City)** – Mr. Gless is the hydrogeologist for the applicant. As such, it is his role to investigate the groundwater conditions of the site and make an analysis. He met with the City of Barlow to address their concerns regarding the wells. He has reviewed published and private reports on the geology and the hydrogeology of the area. He has drilled and analyzed the core samples from the property. He has monitored and reviewed logs of nearby wells and exploratory borings. The borings that were done encountered 3 feet of topsoils, then brown clay silt from 3 to 7 feet. Further down is the aggregate that will be mined. The groundwater is generally 20 feet below the surface. He analyzed the speed that the water will travel through the soil to determine the potential for contamination. His determination is that this soil has excellent conditions for mining. His recommendation to the applicant is that they maintain continuous monitoring of the wells for groundwater and water quality testing. He is also recommending that spill controls and prevention be implemented for the duration of the mining operations.

**Bernard Smith (15115 SW Sequoia Pkwy, Tigard)** – Mr. Smith is another consultant for the applicant. All of the stormwater is going to stay on the site through the grading process. The intent is for no stormwater to run off of the property. In the event that stormwater did need to leave the site, the applicant understands that they would need to obtain the necessary permits.

**Mike Raley (321 SW 4<sup>th</sup>, Portland)** – Mr. Raley is an acoustic analyst for the applicant. The DEQ noise regulations categorize this as a new noise source, which requires measurement, analysis, and mitigation. He looked at the residences that are closest and most impacted to the site. He performed a sound level analysis at these locations to get an accurate measurement of the existing sound levels, and then looked at what the worst case scenario could be as the mining operations move across the entire site, not just in one phase of the operations. With the berms in place as the applicant has proposed, the operations would comply with DEQ noise regulations.

Commissioner Peterson stated that this is a pretty clear cut case in his mind. He thinks that it is an excellent proposal. Commissioner Holmes likes the idea of bringing in a fish pond. It is good that not only are they employing people, but there will also be a neat resource when they are done. Commissioner Fitz disagrees with the final reclamation idea of a wetland or pond. This property borders 2 UGBs and being over a hundred acres it holds a whole different value. Commissioner Phillips said that both the application and the information provided were well presented, and there is nothing here that makes her uncomfortable.

Commissioner Peterson moved to recommend that we accept the County staff recommendation with an amendment to Condition 7 that drilling and blasting be prohibited. Commissioner Gray seconded the motion. *Ayes=8; Nays=0. Motion passes.*

Mike McCallister reminded members that we are still in the process of recruiting for 2 vacancies. Please feel free to refer people that you feel might be a good addition to our Commission.

Also, beginning on February 26<sup>th</sup> we will be videotaping the meetings. These will be available on the Planning Commission webpage.

There being no further business, the meeting was adjourned at 9:21 p.m.