



## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and First Public Hearing  
Land Use & Transportation; County Counsel (CPOs 6 and 10)

**Agenda Title:** **CONSIDER PROPOSED ORDINANCE NO. 854 – AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN TO EXPAND DISTRICT A AND B OVERLAYS ASSOCIATED WITH BAKER ROCK RESOURCES FARMINGTON QUARRY AND ADD A RELATED AREA OF SPECIAL CONCERN**

**Presented by:** Stephen Roberts, Interim Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

#### SUMMARY:

Ordinance No. 854 proposes to amend the Rural/Natural Resource Plan (RNRP) to expand overlays associated with the Baker Rock Farmington Quarry relating to identification and protection of aggregate as a significant Goal 5 resource consistent with state rule. This private application is being processed as both a quasi-judicial (Casefile 19-128-PA) and legislative action. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

At its July 24, 2019 public hearing for this ordinance, the PC voted 6-0 to recommend the Board adopt Ordinance No. 854 as filed. A staff report will be provided to the Board prior to the Aug. 27 hearing and posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk's desk prior to the hearing.

Consistent with the Board's Rules of Procedure, the applicant will be allowed 12 minutes initially and then three minutes in rebuttal. Supporters of the action shall be given three minutes per individual or organization. Opponents are allowed 12 minutes total for recognized organizations, with the amount of time to be divided as directed by the Chair; individual opponents shall have three minutes per person to testify.

(continued)

The Staff Report is hyperlinked here and available at the Clerk's desk.

#### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 854 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 854 with Casefile 19-128-PA and associated findings.

#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No.	<u>4.b.</u>
Date:	08/27/19

**CONSIDER PROPOSED ORDINANCE NO. 854 – AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN TO EXPAND DISTRICT A AND B OVERLAYS ASSOCIATED WITH BAKER ROCK RESOURCES FARMINGTON QUARRY AND ADD A RELATED AREA OF SPECIAL CONCERN  
BOC 08/27/19**

**ADDITIONAL INFORMATION:**

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**Community Feedback:**

Four residents testified at the Planning commission hearing – one in favor, one opposed, and others undeclared. Issues included questions about standards and concerns about impacts to their properties and surroundings. Comments are addressed in the staff report.

**Legal History/Prior Board Action:**

The existing Baker Rock Farmington quarry has operated since 1956. With original RNRP adoption in 1983, the Board adopted the existing District A and District B overlays associated with this quarry.

The Board was briefed on Ordinance No. 854 at your Aug. 20 Work Session.

**Budget Impacts:** No direct impacts.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 854

An Ordinance Amending the Rural/Natural Resource Plan to Expand District A and B Overlays Associated with Baker Rock Resources Farmington Quarry and Add a Related Area of Special Concern

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, and subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, 740, 753, 764, 772, 776, 796, 809, 813-814, 822, 824, 828, and 840.

B. At the request of Baker Rock Resources, changes are proposed to the Rural/Natural Resource Plan, an element of the Comprehensive Plan, to expand protective District A and B overlays associated with expansion of the Farmington Quarry and set forth conditions applicable to land within the identified expansion area. The request is consistent with the state’s Goal 5 provisions for mineral and aggregate resource protection. The Board recognizes that such changes are necessary for the health, safety and welfare of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the  
2 Department of Land Use and Transportation has carried out its responsibilities, including  
3 preparation of notices, and the County Planning Commission has conducted one or more  
4 public hearings on the proposed amendments and has submitted its recommendations to the  
5 Board. The Board finds that this Ordinance is based on that recommendation and any  
6 modifications made by the Board are a result of the public hearings process.

7 D. The Board finds and takes public notice that it is in receipt of all matters and  
8 information necessary to consider this Ordinance in an adequate manner and finds that this  
9 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan  
10 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
11 County Charter, the Washington County Community Development Code, the Washington  
12 County Transportation System Plan, and the Washington County Comprehensive Plan.

13 SECTION 2

14 The following exhibits, attached hereto and incorporated herein by reference, are  
15 adopted as amendments to the Rural/Natural Resource Plan as follows:

- 16 A. Exhibit 1 (5 pages), amends Policy 7, Mineral and Aggregate Resources.  
17 B. Exhibit 2 (2 pages), amends the "Goal 5 Resources" Map.

18 SECTION 3

19 All other Comprehensive Plan provisions that have been adopted by prior ordinance,  
20 which are not expressly amended or repealed herein, shall remain in full force and effect.

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1     SECTION 4

2             All applications received prior to the effective date shall be processed in accordance  
3 with ORS 215.427.

4     SECTION 5

5             If any portion of this Ordinance, including the exhibits, shall for any reason be held  
6 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be  
7 affected thereby and shall remain in full force and effect.

8     SECTION 6

9             The Office of County Counsel and Department of Land Use and Transportation are  
10 authorized to prepare planning documents to reflect the changes adopted under Section 2 of  
11 this Ordinance, including deleting and adding textual material and maps, renumbering pages  
12 or sections, and making any technical changes not affecting the substance of these  
13 amendments as necessary to conform to the Washington County Comprehensive Plan format.

14     ///

15     ///

1 SECTION 7

2 This Ordinance shall take effect 30 days after adoption.

3 ENACTED this 27 day of August, 2019, being the 1st reading  
4 and 1st public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 **ADOPTED**

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

7  
8 *[Signature]* 08/30/19  
CHAIR KATHLEEN HARRINGTON

9  
10 *[Signature]*  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First August 27, 2019  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

12 First August 27, 2019  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

18 VOTE: Aye: 5

Nay: 0

19 Recording Secretary: *[Signature]*

Date: 8.27.19

Policy 7 (Mineral and Aggregate Resources) of the RURAL/NATURAL RESOURCE PLAN is amended to reflect the following:

### **POLICY 7, MINERAL AND AGGREGATE RESOURCES**

**It is the policy of Washington County to protect identified Significant Mineral and Aggregate Resource sites from incompatible uses, and to minimize potential impacts from resource extraction at these sites upon adjacent uses. Additionally, the County shall identify a process to address other mineral and aggregate resource sites.**

#### **Implementing Strategies**

The County will:

- a. Utilize the Mineral and Aggregate Overlay District to protect identified mineral and aggregate resource sites and to reduce potential impacts of resource extraction on adjacent uses.
- b. Protect identified mineral and aggregate resources located in the EFU, EFC, AF-20, AF-10, AF-5, RR-5, MAE, and R-IND Land Use Districts needed by the County or the Region. In determining the resource requirements, consideration shall be given to population growth, area or regional needs, proximity to the utilization area, fluctuations in the construction industry, and the quality and quantity of mineral and aggregate resources available at other identified sites.
- c. Protect identified mineral and aggregate resource sites from incompatible uses which would prevent or seriously hinder resource extraction and ~~to~~ identify all such lands that are subject to LCDC Goal 5.
- d. Regulate land use actions which are incompatible with mineral aggregate sites in order to provide for extraction of mineral deposits and to ensure that future availability of mineral resources will not be precluded by other development.
- e. Require applications for expansion of existing or establishment of new mineral and aggregate resource extraction operations to identify all uses, including farm and forest uses, dwelling units, and significant natural and cultural resources which may be adversely affected by mineral and aggregate resource extraction.
- f. Require new or expanded mineral and aggregate extraction operations to develop programs based upon economic, social, environmental and energy consequences analysis, that will minimize any negative effects of mineral and aggregate-related activities on surrounding affected uses.
- g. Require that all mineral and aggregate sites be reclaimed for future use in accordance with the Rural/Natural Resource Plan Element.
- h. Prohibit the extraction of sand and gravel from streambeds when necessary to protect fish and wildlife habitats, prevent soil erosion or prevent water pollution.
- i. Ensure in the Mineral Aggregate Overlay District that all excavated sites will be reclaimed for future use in accordance with the Rural/Natural Resource Plan Element.

j. Apply the following Area of Special Concern:

1. Area of Special Concern (ASC) 1 - Farmington District A Expansion Area

This Area of Special Concern is the expansion area of the Farmington Quarry Mineral and Aggregate Overlay District (District A) as illustrated on the map below. The quarry is located on the west side of Cooper Mountain. This expansion has two portions. Both are south of the Cobb Rock quarry and west of and adjacent to the existing Farmington Quarry. Land within the expansion area is specifically described as a portion of tax map and lot 1S2 26 4400 (Northwest Expansion Area); and map 1S2 26C, tax lots 400, 500, 600, 700, 702, 800, 900 and 1000 (Main Expansion Area).

Land use applications for this expansion area are subject to the following conditions:

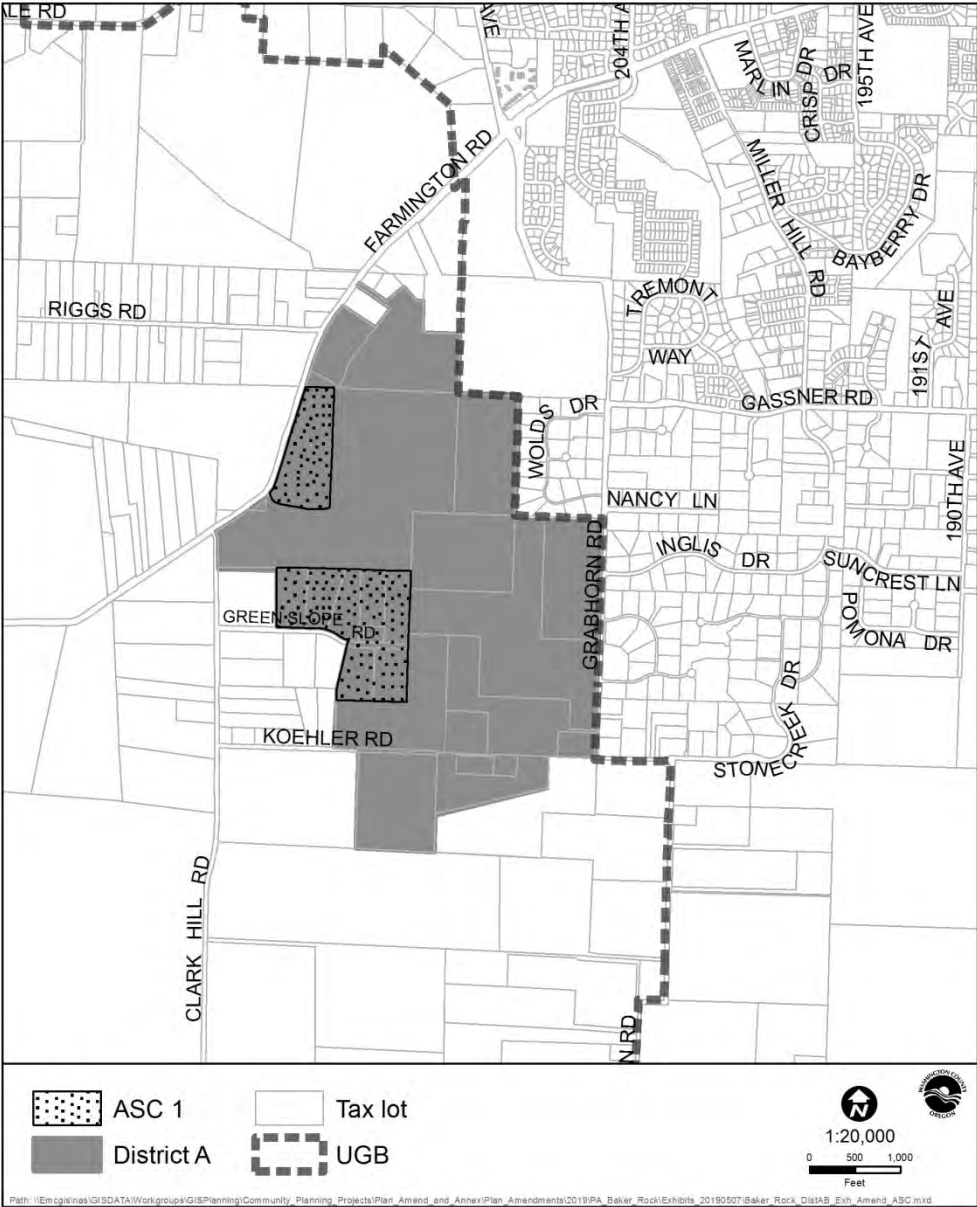
- a) Allowed Mining Uses. Mining is only allowed as proposed in the application, and as otherwise limited in these conditions. Allowed uses include extraction, temporary stockpiling, sorting, hauling, blasting, storage of overburden, and activities necessarily incident to the foregoing. The following activities are not allowed: processing, permanent stockpiling, and sale of aggregates; crushing, washing and screening of mineral and aggregate materials; asphalt batch plants or concrete batch plants.
- b) Stormwater. Operator shall obtain an amended Storm Water Pollution Control Plan and DEQ NPDES permit extension from Oregon Department of Geology and Mineral Industries (DOGAMI) for the expansion area prior to excavation therein.
- c) Other Agency Permits. Operator shall at all times remain in compliance with these conditions and with applicable state and federal agency permits and shall retain copies of these conditions and agency permits onsite.
- d) Operating and Reclamation Permit and Bond. Operator shall obtain an approved amended Operating and Reclamation Plan Permit from DOGAMI prior to excavation in the expansion area and shall maintain it during the life of the mine, including reclamation. Operator shall obtain and maintain adequate security for reclamation, as required by DOGAMI, during the life of the mine.
- e) Noise. Operator shall take the following noise mitigation measures:
  - 1) Construct a berm ranging in height from 15 to 35 feet at the west-southwest corner of the Main Expansion Area, within the proposed 100-foot wide perimeter buffer. The total length of the berm shall be approximately 2,500 feet. Prior to mining the existing ridge north of the Main Expansion Area, the berm shall be constructed, hydroseeded and planted to provide adequate vegetative screening from adjoining uses. Subsequently, the berm shall be maintained in place until all mining at the existing and expanded Farmington Quarry site is complete, in order to shield residences along Green Slope Road from aggregate-processing activities. In the Northwest Expansion Area, operator shall maintain trees and vegetation to the west to the extent practicable.
  - 2) During the final phase of the expansion, which entails mining the Northwest Expansion Area, operator shall limit the schedule of mining at the working face to the hours of 7 a.m. to 10 p.m.
- f) Dust Mitigation. Operator shall minimize fugitive dust emissions from the expansion area by application of water, erosion control and management, and similar best



practices recommended by DOGAMI and Oregon DEQ for control of dust at aggregate mining sites, and pursuant to operator's DEQ Air Contaminant Discharge Permit. Operator shall also ensure equipment operating on internal haul roads does not exceed 20 mph to reduce dust impacts.

- g) Hours of Operation. Mining operations shall be limited to Monday through Friday from 7 a.m. to 10 p.m. and limited to loading and transport activities on Saturdays 7 a.m. to 5 p.m., except where an exception is granted by the Review Authority pursuant to CDC 379-13.4. C. No extraction or transport activities will occur on Sundays or the following holidays: January 1, Memorial Day, July 4, Labor Day, Thanksgiving Day and December 25. Blasting will occur on the site in accordance with the notice and hours requirements of CDC 379-13.4 to minimize blasting conflicts: 9 a.m. to 6 p.m. Monday – Friday only, and not during any of the above-listed holidays, except where an exception is granted by the Review Authority consistent with CDC provisions. This condition shall not prohibit processing of extracted material at the previously approved and existing quarry facility during its approved hours of operation.
- h) Fire and Access. Prior to obtaining land use approval, operator shall obtain acknowledgment from the Fire Marshal that the subject portion(s) of the expansion area have adequate access for fire apparatus.
- i) Baseline Survey. Prior to initial blasting in the expansion area, operator shall conduct a preblast survey to document the baseline condition of structures, foundations, and windows of existing residences within 1,500 feet of ASC 1 for which access is granted by owners. The survey shall be submitted to the County and made available to anyone upon request.
- j) Groundwater Monitoring. Operator shall continue to monitor wells on the expansion area as mining proceeds and comply with any conditions from DOGAMI permits related to groundwater protection.
- k) Setback. All mining and extraction in the expansion area is subject to a minimum setback of 100 feet from the District A boundary.
- l) Screening. As part of its land use application, operator shall be required to provide adequate screening around the site pursuant to CDC Section 411, consistent with that required at its existing and approved facility, and in coordination with DOGAMI permit requirements.
- m) Right-of-Way Vacation. The required land use application for quarry expansion shall include evidence that Green Slope Road right-of-way within District A has been vacated.
- n) Easements. As part of its land use application, operator shall provide, prior to mining in the Main Expansion Area, evidence of:
  - 1) Permission from Bonneville Power Administration (BPA) to place overburden in berms within the BPA easement area on the SW corner of Lot 1, Clark Hill Acres. If operator cannot obtain such permission, operator shall ensure such berms are located outside the applicable easement area prior to mining in the Main Expansion Area.
  - 2) Termination of the Portland General Electric (PGE) easement affecting Lots 2 and 3, Clark Hill Acres.

**ASC 1: Farmington District A Expansion Area**



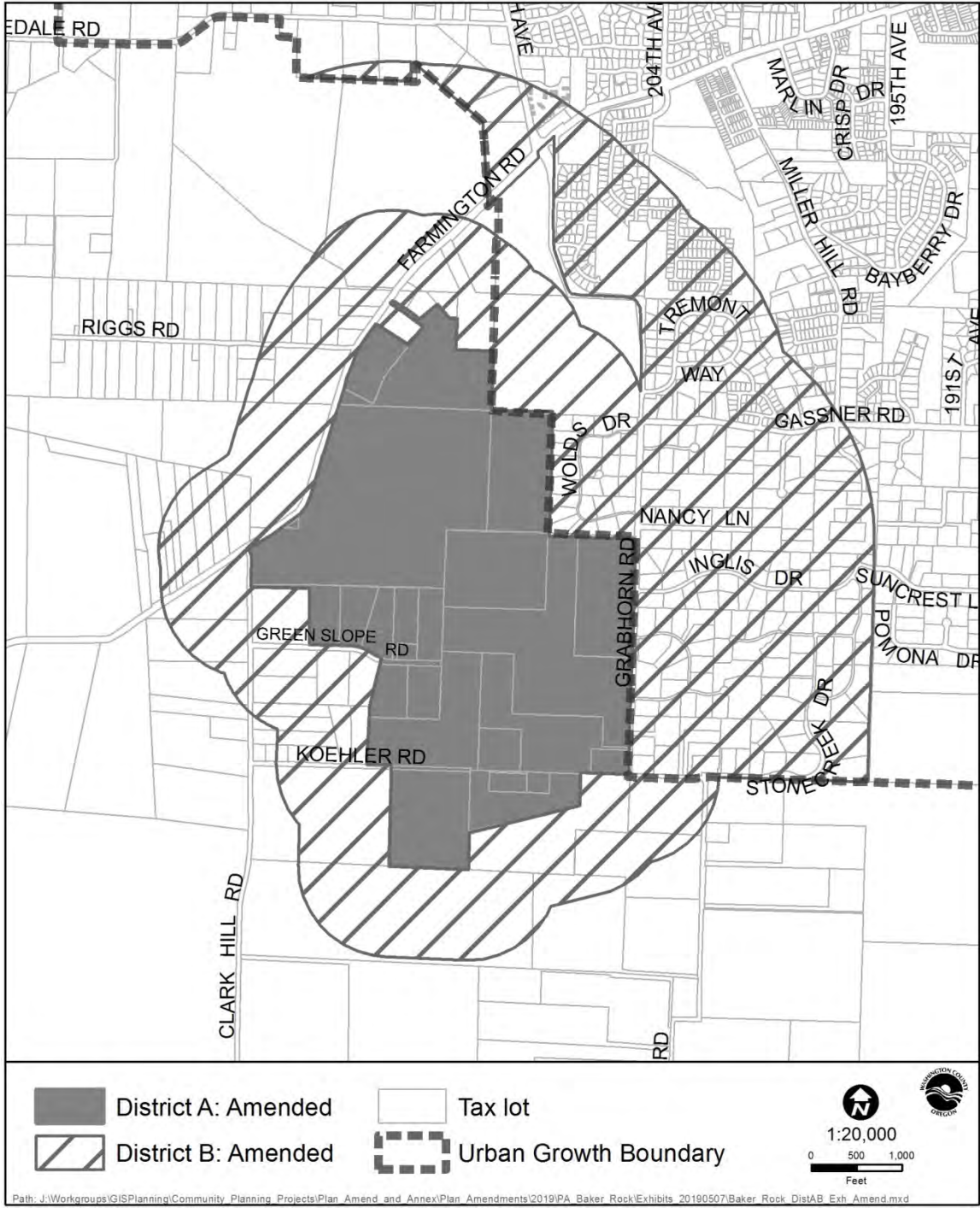
k. Development standards found in CDC Section 379 for District B shall apply to areas identified as District B, including but not limited to standards for setbacks, noise reduction, waiver of remonstrance, and notations on newly created lots or parcels. To the extent District B standards in Section 379 are amended, new development in District B shall be subject to the amended standards.

**Summary Findings and Conclusions**

Washington County has a limited supply of mineral and aggregate resources. Because rock material (clay, shale, gravel, sand and stone) is important for construction and road building purposes, the resources in the County are of significant economic importance.

Aggregate resource extraction may adversely affect surrounding land uses. Rural and urban development in areas of aggregate resource deposits often severely hinders or prohibits the extraction of the resource. Existing sources must be protected and future supplies must be assured by minimizing conflicts with adjacent uses.

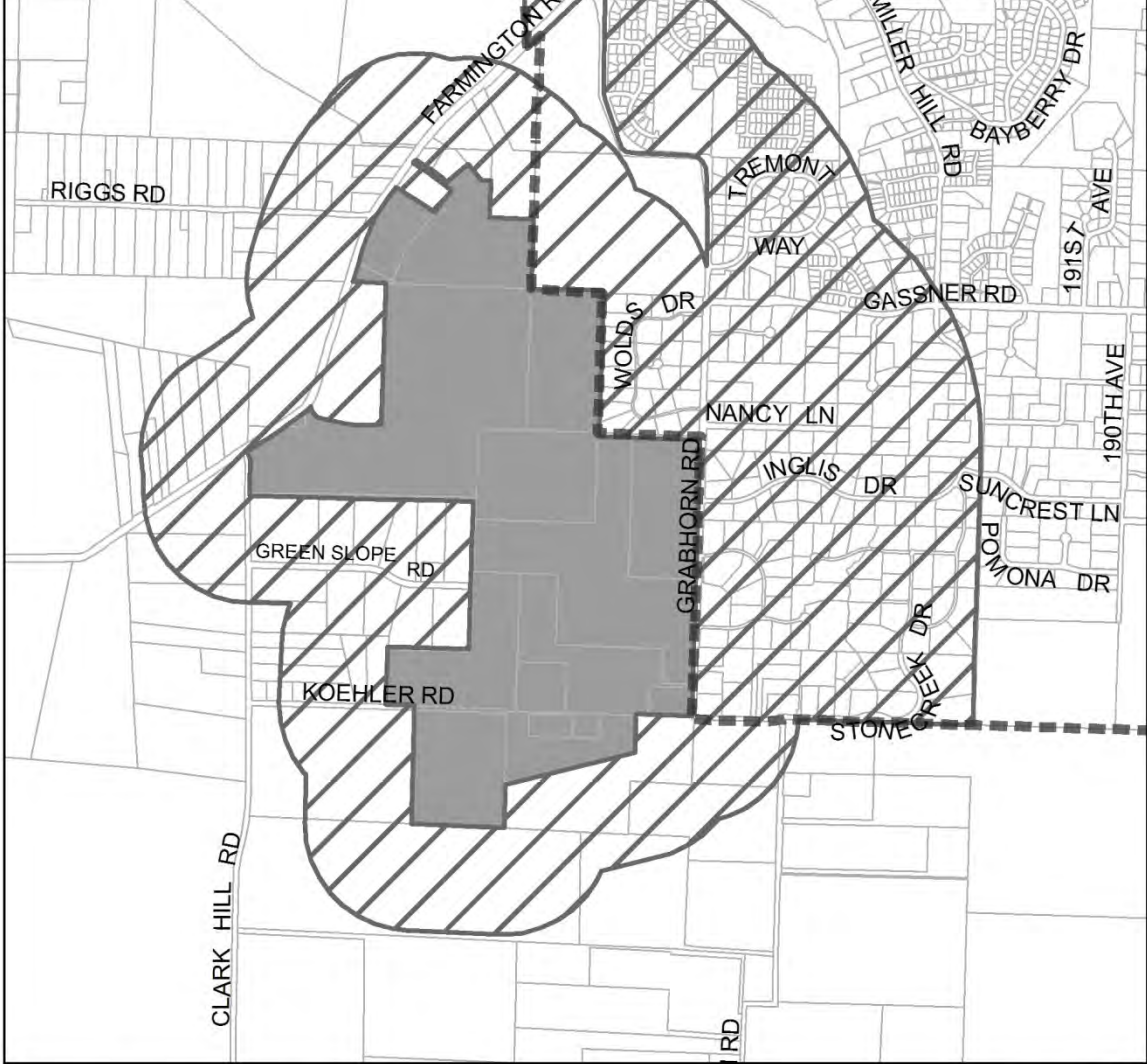
The 'Goal 5 Resources' Map of the RURAL/NATURAL RESOURCE PLAN is amended to expand the boundaries of Districts A and B of the Mineral and Aggregate Overlay District for the Farmington Baker Rock Resources quarry site as shown:








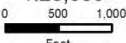
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DELETED



 District A: Current	 Tax lot
 District B: Current	 Urban Growth Boundary

  
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## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action - Land Use & Transportation (CPOs 6 and 10)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 854 (19-128-PA BAKER ROCK)

**Presented by:** Stephen Roberts, Interim Director of Land Use & Transportation

#### SUMMARY:

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Ordinance No. 854 amends the Rural/Natural Resource Plan to expand overlays associated with the Baker Rock Farmington Quarry relating to identification and protection of aggregate as a significant Goal 5 resource consistent with state rule. This private application is being processed as both a quasi-judicial (Casefile 19-128-PA) and legislative action. Ordinance No. 854 is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 854 with Casefile 19-128-PA. Prior to the Aug. 27, 2019 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

(continued)

Attachment: Resolution and Order

Exhibit A (Findings) is hyperlinked here and available at the Clerk's desk.

#### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 854 with Casefile 19-128-PA and authorize the Chair to sign the Resolution and Order memorializing the action.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 19-86

Agenda Item No.	<u>5.b.</u>
Date:	08/27/19

**ADOPT FINDINGS FOR ORDINANCE NO. 854  
BOC 08/27/19**

**ADDITIONAL INFORMATION:**

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**Community Feedback (Known Support/Opposition):**  
Refer to Ordinance No. 854 Board agenda.

**Legal History/Prior Board Action:**  
The Board was briefed on Ordinance No. 854 during the Aug. 20 Work Session.

ORS197.615 and OAR 660-023-0180

**Budget Impacts:** No direct impacts.

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IN THE BOARD OF COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting Findings  
in Support of Ordinance No. 854  
and Proposed Plan Amendment  
Casefile 19-128-PA for Baker Rock  
Resources

) RESOLUTION AND ORDER  
)  
) No. 19-86  
)  
)

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of August 27, 2019 and

It appearing to the Board that the above-named applicants applied to Washington County for a Plan Amendment to expand existing District A and District B overlays on the Rural Natural Resource Plan for certain real property described in the Notice of Public Hearing (Exhibit A), attached hereto and incorporated by reference ; and

It appearing to the Board that the findings contained in Exhibit A summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, and Washington County's Comprehensive Plan relating to Ordinance No. 854; and

It appearing to the Board from evidence and findings in the Application (Exhibit B) and in the findings (Exhibit C) attached hereto and incorporated by reference, that the application does meet the requirements of the Rural/Natural Resource Plan for such a Plan Amendment; and therefore, that the application should be approved; and

It appearing to the Board that the findings in Exhibit C constitute appropriate findings with respect to the adopted plan amendment and ordinance and should be adopted by this Board; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on July 24, 2019 made a recommendation by vote which is in the record and has been reviewed by the Board, to recommend that the Board adopt 19-128-PA and Ordinance No. 854; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from



1 interested parties, together with a record of the Planning Commission's proceedings, and other  
2 items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,


3  
4 RESOLVED AND ORDERED that Ordinance No. 854 and Casefile No. 19-128-PA for a  
5 Plan Amendment for property described in Exhibit A are hereby approved, based on the findings  
6 in Exhibits B and Exhibit C, and that attached findings in Exhibit C in support of Ordinance  
7 No. 854 and Casefile 19-128-PA are hereby adopted, and that approval is subject to the  
8 conditions of approval set forth in the Summary of Decision (Exhibit D).

9 \_\_\_\_ votes Aye, \_\_\_\_ votes Nay.

10 DATED this 27th day of August, 2019.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

11  
12 APPROVED AS TO FORM:

13   
CHAIR 8/27/19  
KATHRYN HARRINGTON

14   
15 Sr. Assistant County Counsel  
for Washington County, Oregon

16   
RECORDING SECRETARY

	AYE	NAY	ABSENT
HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TREECE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## **FINDINGS FOR ORDINANCE NO. 854**

### **AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN TO EXPAND DISTRICT A AND B OVERLAYS ASSOCIATED WITH BAKER ROCK RESOURCES FARMINGTON QUARRY AND ADD A RELATED AREA OF SPECIAL CONCERN**

**Aug. 27, 2019**

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

Ordinance No. 854 amends the Rural/Natural Resource Plan (RNRP) to expand existing overlays associated with future quarry expansion and protection of Mineral/Aggregate resource sites, and to apply an Area of Special Concern (ASC) that sets forth conditions for the quarry expansion area.

The County and state recognize that a stable supply of aggregate, available from sources relatively near urban worksites, is necessary for maintaining adequate public transportation infrastructure.

#### **Key Ordinance Provisions**

Ordinance No. 854 amends the RNRP as follows:

- Expands the District A overlay that identifies a protected significant mineral and aggregate resource under Statewide Planning Goal 5 (Goal 5).
- Identifies the District A expansion area as an ASC and applies related conditions applicable to the future land use permit.
- Expands the District B overlay, applicable to properties within 1,000 feet of the proposed new District A boundary, to protect allowed quarry activities from potential conflicting future uses of nearby properties.

Amendments to the RNRP affect Policy 7 (Mineral and Aggregate Resources) and the Goal 5 Resources Map.

Because the ordinance would make certain changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Washington County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18

(Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County. The Applicant provided responses to each applicable Goal in the Application. The County is required to make findings that the amendment is consistent with all applicable Goals and with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP) and the Regional Transportation Plan (RTP). Findings are provided within the staff report and are specifically incorporated as findings as if set forth in this document.

The Board finds that Statewide Planning Goal 14 (Urbanization) is not applicable because this ordinance applies to land outside the urban growth boundary.

**Part 2:**  
**STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 854 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements and Metro's Urban Growth Management Functional Plan (UGMFP).

The County has not updated its Comprehensive Plan to be consistent with current Goal 5 Mineral and Aggregate Resource provisions. OAR 660-023-0180(9) requires local jurisdictions to apply the OAR directly if local standards have not been amended to incorporate its provisions. The Goal 5 administrative rule supersedes existing County plan policies and CDC approval criteria. Compliance with other applicable goals is addressed herein as well. No goal compliance issues were raised in the hearing proceedings described below.

The following findings are provided to demonstrate compliance with the statewide planning Goals.

**Goal 1 - Citizen Involvement**

The purpose of Goal 1 is to develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process. The Applicant has submitted a Goal 5 plan amendment application. Such an application requires public notification and public hearing(s) as well as notice to DLCD of the plan amendment under ORS 197.610. Notice of proposed Ordinance No. 854 was provided to DLCD June 17, 2019 and mailed to parties on the General and Individual Notification Lists (community participation organizations, cities, special service districts and interested parties) June 21. A display advertisement regarding the ordinance was published July 5 in *The Oregonian*. The County also mailed a Measure 56 notice to potentially affected owners of property within the proposed District B expansion area on July 12. This notice is required when a change to existing land use regulations may affect the permissible uses of properties in an affected area or zone, and potentially change property value as a result. Opportunities for citizen involvement have been addressed in accordance with Goal 1. See additional findings in the staff report.

**Goal 2 - Land Use Planning**

The purpose of Goal 2 is to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to ensure an adequate factual base

for such decisions and actions. The county has adopted a Comprehensive Plan that was acknowledged as consistent with Oregon's Statewide Planning Goals. Key elements of the Plan related to this request include the Rural/Natural Resource Plan (RNRP) and the Community Development Code (CDC). The RNRP provides implementation strategies in Policy 1 ("Planning Process") that "[p]rovide for legislative plan amendments to apply or remove the Mineral and Aggregate Overlay Districts (Districts A and B) when the requirements of the RNRP, the Transportation Plan, Section 379 of the Community Development Code, and OAR 660-023-0180 are met." The Applicant requests the County amend the RNRP to identify the quarry expansion area as a significant aggregate resource area and authorize mining within it. Although CDC standards for Mineral and Aggregate Resources are not consistent with state Goal 5 provisions for such resources, this application has been reviewed against Goal 5 directly and found to comply. The Post Acknowledgement Plan Amendment (PAPA) process under OAR 660-023-0180 establishes procedures for amending a comprehensive plan and land use ordinances as they relate to aggregate resources and mining. No exception to any Goals is requested or necessary for the proposed use. The application provides the necessary factual support to demonstrate the project is compatible with Goal 2.

### **Goal 3 – Agricultural Lands**

The purpose of Goal 3 is to preserve and maintain agricultural lands for farm use. A portion of the future quarry expansion site is currently zoned AF-20 (an exclusive farm use designation). ORS 215.213 and 215.283 allow aggregate mining on resource farmland with local approval, provided it is consistent with the analysis required by ORS 215.296(1). OAR 660-023-180 requires minimization of significant potential conflicts using the analysis established by ORS 215.296(1). There are agricultural lands surrounding the site that support farm uses. The Applicant has conducted analyses of the project against the criteria of ORS 215.296(1) and OAR 660-023-0180(5)(b)(E), which concluded that existing farm practices would not be significantly impacted by the proposed mining operation. The application provides the necessary factual support to demonstrate the project is compatible with Goal 3.

### **Goal 4 – Forest Lands**

There are no Goal 4 resource forest lands within the proposed quarry expansion area or adjacent to it that are currently in forest use. Compliance with Goal 4 is not impacted.

### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

The application is intended to meet and implement the provisions of Goal 5 as set out in OAR 660-023-0180. As demonstrated in the application and staff report, the application satisfies the criteria for deeming the proposed quarry expansion area a significant aggregate resource site. The application also indicates that there are no other significant inventoried Goal 5 resources on the proposed expansion site. Findings supporting those conclusions are contained in the staff report and application.

The site is in proximity to the Jenkins estate, a mapped Goal 5 historic resource, but the proposed site is an expansion of the existing use; and is located farther than the existing quarry from the Jenkins Estate. There have been no reported conflicts between existing quarry operations and the Jenkins Estate. Further, the expansion area will not be used for processing or batching of asphalt and therefore will not create related conflicts. Thus, it does not appear there are any new potential conflicts with the existing Jenkins Estate Goal 5 historic resource.

Additionally, Tualatin River Basin tributaries, identified as Goal 5 resources within County maps, are located near the site. Potential impacts to these from site operations will be minimized by adherence to requirements of the Department of Geology and Mineral Industries (DOGAMI), the Department of Environmental Quality (DEQ), the Department of State Lands (DSL), and Oregon Water Resources Department (WRD) as applicable. Roles of these agencies are discussed in more detail under Goal 6, below.

The application provides the necessary factual support to demonstrate that the proposal complies with Goal 5 criteria for mineral and aggregate resources, and that mine operations can occur without significant conflicts to other Goal 5 resources.

#### **Goal 6 - Air, Water and Land Resources Quality**

The purpose of Goal 6 is to maintain and improve the quality of the state's air, water, and land. This Goal addresses waste and process discharges from future development and requires local governments to determine that the future discharges, when combined with existing development, would not threaten to violate applicable state or federal environmental quality statutes, rules, and standards. Within the context of Goal 6, the term "waste and process discharges" refers to solid waste and thermal, noise, atmospheric, or water pollutants, contaminants or other products. The term also includes indirect sources of air pollution that result in emissions of air contaminants for which the state has established standards. Consistent with the best management practices established by the Oregon Department of Environmental Quality's visible emission and nuisance requirements, dust will be minimized by controlling truck speed, graveling and wetting internal roads as necessary, and promptly removing dirt and other materials that might become airborne from any paved portions of those roadways.

Stormwater discharges will be directed on-site and will be handled through a National Pollutant Discharge Elimination System (NPDES) 1200A permit. Turbidity in groundwater associated with mining below the water table is not expected because mining will occur well above the elevation of the water-bearing zone and the wells will be monitored. A 100-foot buffer on all sides of the extraction site within the expansion area (except where adjacent to the existing quarry), along with water settling ponds, will help to ensure that turbid water does not move off-site.

Once approved locally, quarry operations require permits from DOGAMI. State agencies generally regulate development and operation of aggregate mining and processing as follows:

- DEQ – air quality, stormwater runoff, wastewater and noise
- DOGAMI – site reclamation and mine safety standards
- DSL – earth removal and fill permits for activities in wetlands, waterways and other state lands
- WRD – water rights

Amendments to the RNRP, as proposed by Ordinance No. 854, facilitate protections applied through regulatory agencies noted above, and include a number of related conditions aimed at ensuring compatibility of the proposed use with surrounding lands and uses. Ordinance No. 854 therefore complies with Goal 6 provisions.

### **Goal 7 - Areas Subject to Natural Hazards**

Goal 7 is intended to protect people and property from natural hazards. There are no known hazards or natural disaster areas in or near the quarry expansion area. No known mapped landslides occur within the Expansion Area. The Expansion Area is not mapped within the 100-year regulatory floodplain. There is no particular natural hazard related to this site which requires special protection for people or property. Therefore, the County can find that Goal 7 is met.

### **Goal 8 - Recreational Needs**

No recreational opportunities are known to be reduced or eliminated by the proposed mining operation. The site will not create new conflicts with the Jenkins Estate or its grounds, operated by the Tualatin Hills Park and Recreation District, and therefore will not reduce recreational opportunities for visitors and citizens of the state to that site. Ordinance No. 854 maintains compliance with Goal 8 and does not affect the County's ability to plan for recreational sites or facilities. To the extent applicable, Goal 8 is met.

### **Goal 9 – Economic Development**

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. The 2007 Governor's policy briefing on Aggregate Resources in Oregon recognizes that a stable source of quality aggregate for maintaining adequate public transportation infrastructure is vital to economic growth. Additionally, a 2005 projection by the OSU Institute for Natural Resources suggested that 50% of statewide demand for aggregate would be needed within the urbanizing Willamette River Basin. Ordinance No. 854 is consistent with efforts to increase access to local mineral and aggregate sources needed for ongoing transportation infrastructure projects, and residential and commercial development in and around Washington County during a time of vigorous economic growth. The proposed ordinance is consistent with Goal 9.

### **Goal 10 - Housing**

Goal 10 requires that local jurisdictions ensure an adequate inventory of buildable lands inside the Urban Growth Boundary (UGB) suitable and available for housing in adequate numbers, variety and price ranges to meet residents' needs. The Expansion Area includes six existing dwellings located outside the UGB. Goal 10, intended to retain/encourage housing in urban areas, does not directly relate to the six rural homes. The applicant's representative indicates, however, that the homes will remain, potentially available as residences for a considerable period, until the underlying expansion area is needed for mining. No urban residential lands will be lost or gained due to the proposed mining. Ordinance No. 854 maintains compliance with Goal 10.

### **Goal 11 - Public Facilities and Services**

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The aggregate removal activities

proposed within the expansion area will not require or increase demand for public facilities and services because, as proposed, the expansion site will not be mined until resources in the existing facility are depleted. The demand for public services such as fire and police response will not significantly change due to this expansion. Further, consistent with Goal 11, the ordinance may increase access to aggregate necessary for all new development, and for construction and maintenance of public transportation facilities needed to serve new development. See also, findings under Goal 9 above.

### **Goal 12 - Transportation**

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Ordinance No. 854 does not amend transportation provisions of the TSP, RNRP, Community Plans, or the CDC. The ordinance could, however, facilitate maintenance and construction of transportation system elements because it may increase the supply of aggregate needed for such projects and allow for sources nearer to various transportation facility construction sites.

The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule (TPR), implemented via OAR Chapter 660, Division 12). A brief summary of the compliance with TPR provisions follows:

OAR 660-012-0060 sets forth requirements for plan and land use regulation amendments.

The amendments in Ordinance No. 854 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060.

The application explains that the expansion of the site is not an intensification of the existing and approved Farmington Quarry site, since it is intended to be mined as existing resources are depleted. Rock extracted from the expansion area will be transported to areas within the existing quarry for processing. Truck volumes/traffic and associated impacts to public roads are therefore not expected to increase as a result of mining the Expansion Area. As such the proposal is not expected to change the functional classification of any existing or planned transportation facility in the area, the standards implementing the functional classification system, or the types or levels of travel or access such that they would be inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility. Further, the proposal is not expected to degrade the performance of any existing or planned transportation facility.

The existing road system currently provides an adequate level of service for traffic associated with the existing site as well as neighboring uses (farm and residential), and is expected to do so over the transportation planning horizon. See Tab C of the application. Based on the above, the application complies with Goal 12.

### **Goal 13 - Energy Conservation**

Goal 13 requires that land and uses developed on the land be managed to maximize the conservation of all forms of energy. As proposed, mining within the Expansion Area and processing extracted rock on the existing site will eliminate the need to transport it to an off-site

processing facility. Mining within the Expansion Area will provide a local source for rock to serve continuing growth and development in the county, close to urban markets. The potential need to ship rock necessary for road building, bridge repair and construction projects long distances from outside the area is therefore reduced, potentially reducing related fuel consumption consistent with the energy conservation intent of Goal 13. Based on the above, this application is compatible with Goal 13.

### **Goal 14 – Urbanization**

The subject property is not within an urban growth boundary and the applicant does not request any change in the surrounding area from a rural to urban use. Aggregate mining is considered a rural land use and does not promote urbanization; therefore, Goal 14 is not applicable.

### **Part 3:**

### **URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS**

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that County comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 854 findings have been prepared to address Title 8 and 12 of the UGMFP.

### **Title 8 - Compliance Procedures**

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

Consistent with Title 8, a copy of proposed Ordinance No. 854 was mailed June 17, 2019, to Metro. Metro provided no comments in response.

### **Title 12 – Protection of Residential Neighborhoods**

Title 12 protects existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services.

Ordinance No. 854 applies only to lands outside the UGB, but is in the vicinity of residential uses, urban and rural. Consistent with Title 12, standards of the ordinance focus largely on compatibility issues and protections from impacts of a proposed mineral/aggregate operation on surrounding uses, including residential uses.

### **Part 4:**

### **REGIONAL TRANSPORTATION PLAN FINDINGS**

This section addresses the consistency of Ordinance No. 854 with the applicable policies of Metro’s Regional Transportation Plan (RTP). The Board finds that the RTP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plan, as provided below, and that the amendments comply with the applicable goals and policies of the RTP.



Truck traffic associated with proposed activities may traverse the urban area and may impact urban roadways. These activities are expected to remain consistent with the adopted and acknowledged TSP. As described above under Goal 12, Ordinance No. 854 does not make or require amendments to transportation system designations. Furthermore, the amendments adopted by Ordinance No. 854 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060 or the Regional Transportation Functional Plan. Ordinance No. 854 maintains compliance with the RTP based on these findings and related findings in Part 2 under Goals 9, 11 and 12.

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