

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON**

ORDINANCE NO. PA 1376

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN (RCP) TO ADD A NEW QUARRY SITE (RATTLESNAKE QUARRY OFF OF WARDS BUTTE ROAD) TO THE LANE COUNTY INVENTORY OF SIGNIFICANT MINERAL AND AGGREGATE SITES; TO AUTHORIZE MINING AND PROCESSING PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 660-023-0180; TO REDESIGNATE LAND FROM FOREST (F) TO NATURAL RESOURCE: MINERAL (NR:M) AND REZONE LAND FROM NON-IMPACTED FOREST LAND (F-1) TO QUARRY AND MINE OPERATIONS (QM), AND TO REQUIRE SITE REVIEW PURSUANT TO LANE CODE 16.257(4)(A) THROUGH (J); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (FILE NO. 509-PA18-05008; APPLICANT: OREGON DEPARTMENT OF TRANSPORTATION).

**WHEREAS**, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 884 has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

**WHEREAS**, Lane Code 16.400 sets forth procedures to amend the Rural Comprehensive Plan, and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

**WHEREAS**, on January 5, 2018, application was made for a major amendment to add to the Lane County Goal 5 Inventory of Significant Mineral & Aggregate Sites, Map 21-04-14, Tax Lot 1100 and a portion of Map 21-04-00, Tax Lot 200, and redesignate the area from "Forest" to "Natural Resource: Mineral"; concurrently rezone from "F-1/Non-Impacted Forest Land" to "QM/Quarry Mining Operations"; and approval of site review; and

**WHEREAS**, the applicant subsequently revised its application to remove the request for rezoning tax lots 200 and 1100; and

**WHEREAS**, the Lane County Planning Commission reviewed the proposal in a public hearing on February 5, 2019, deliberated on March 19, 2019, and voted to forward a recommendation of denial to the Board of County Commissioners ; and

**WHEREAS**, the applicant subsequently notified County planning staff that it wished to revise its application to include the rezone request; and

**WHEREAS**, the Lane County Planning Commission held another hearing on the revised application on July 16, 2019 , deliberated on August 20, 2019, and forwarded the matter to the Board with formal Planning Commission recommendations; and

**WHEREAS**, the Board of County Commissioners conducted a public hearing on November 12, 2019;

**WHEREAS**, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16 and the requirements of applicable state and local law; and

**NOW, THEREFORE**, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. The Lane County Rural Comprehensive Plan is hereby amended to add the subject property (Map and tax lots Map 21-04-14, Tax Lot 1100 and a portion of Map 21-04-00, Tax Lot 200) to the Goal 5 Inventory of Significant Mineral and Aggregate Sites identified and included in Appendix “D” of the “Mineral and Aggregate Working Paper” as known mineral resources to be conserved for present and future mineral and aggregate use based on findings and conclusions as described in Exhibit "C" attached and incorporated herein.

Section 2. The Official Lane County Rural Comprehensive Plan is amended to redesignate Map 21-04-14, Tax Lot 1100 and a portion of Map 21-04-00, Tax Lot 200, from "Forest" to "Natural Resource: Mineral." This is depicted on the Official Lane County Plan maps and further identified as Exhibit "A" attached and incorporated herein.

Section 3. The Official Lane County Zoning Map is amended to change the zone for Map 21-04-14, Tax Lot 1100 and a portion of Map 21-04-00, Tax Lot 200, from "Non-Impacted Forest Land (F-1)" to "Quarry and Mine Operations (QM)." This is depicted on the Official Lane County Zone maps and further identified as Exhibit "B" attached and incorporated herein.

**FURTHER**, although not a part of this Ordinance, the Board of County Commissioners adopts Findings of Fact and Conclusions of Law as set forth in Exhibit "C" attached, in support of this action.

The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity to the remaining portions hereof.

ENACTED this 3rd day of December, 2019



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Peter Sorensen, Chair  
Lane County Board of County Commissioners



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Recording Secretary for this Meeting of the Board

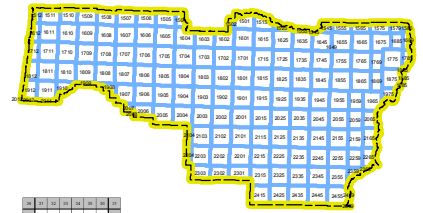
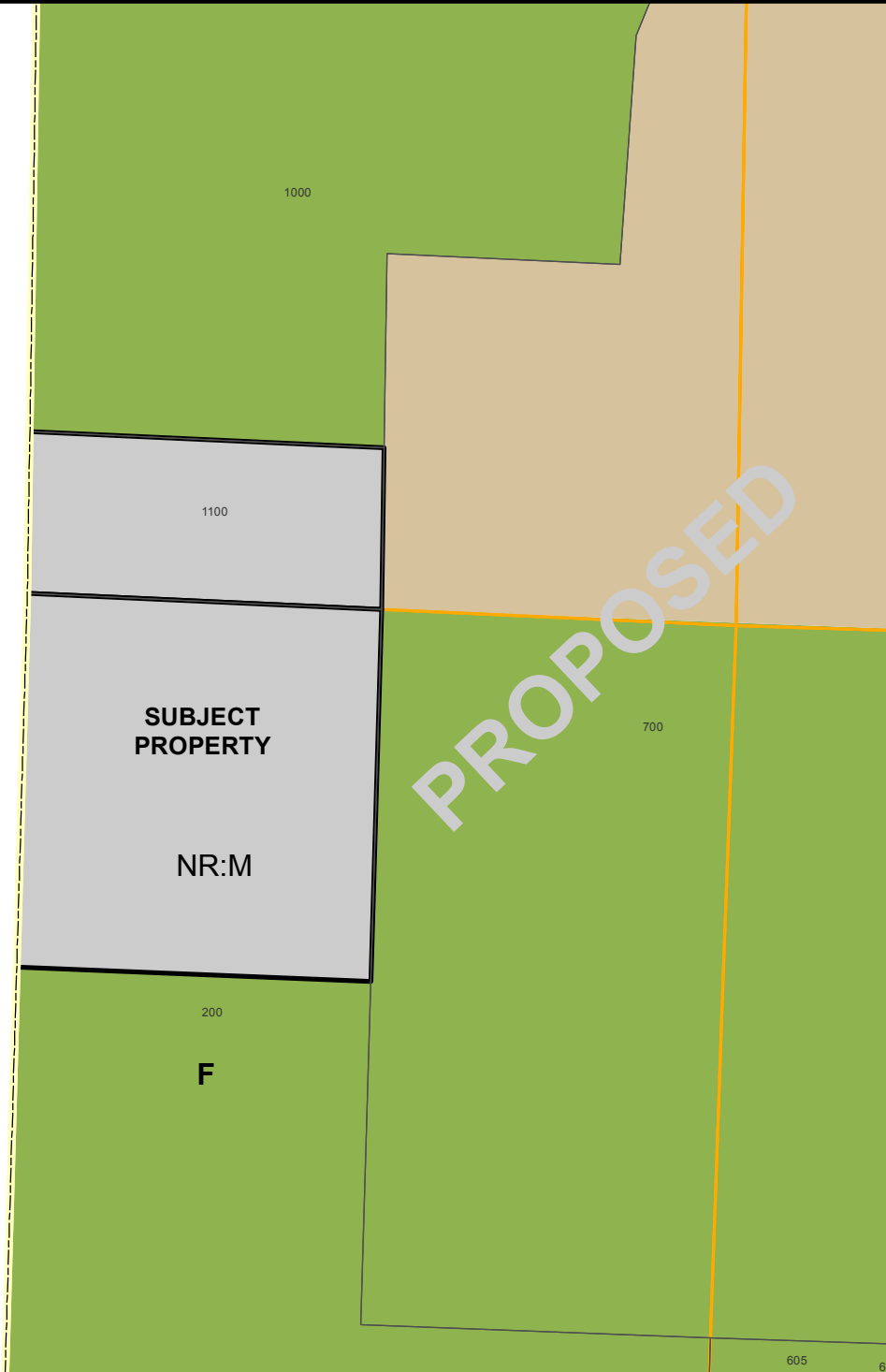
APPROVED AS TO FORM

Date 11-26-19 Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

EXHIBIT A

Douglas County



Section Legend

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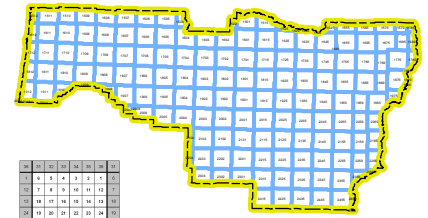
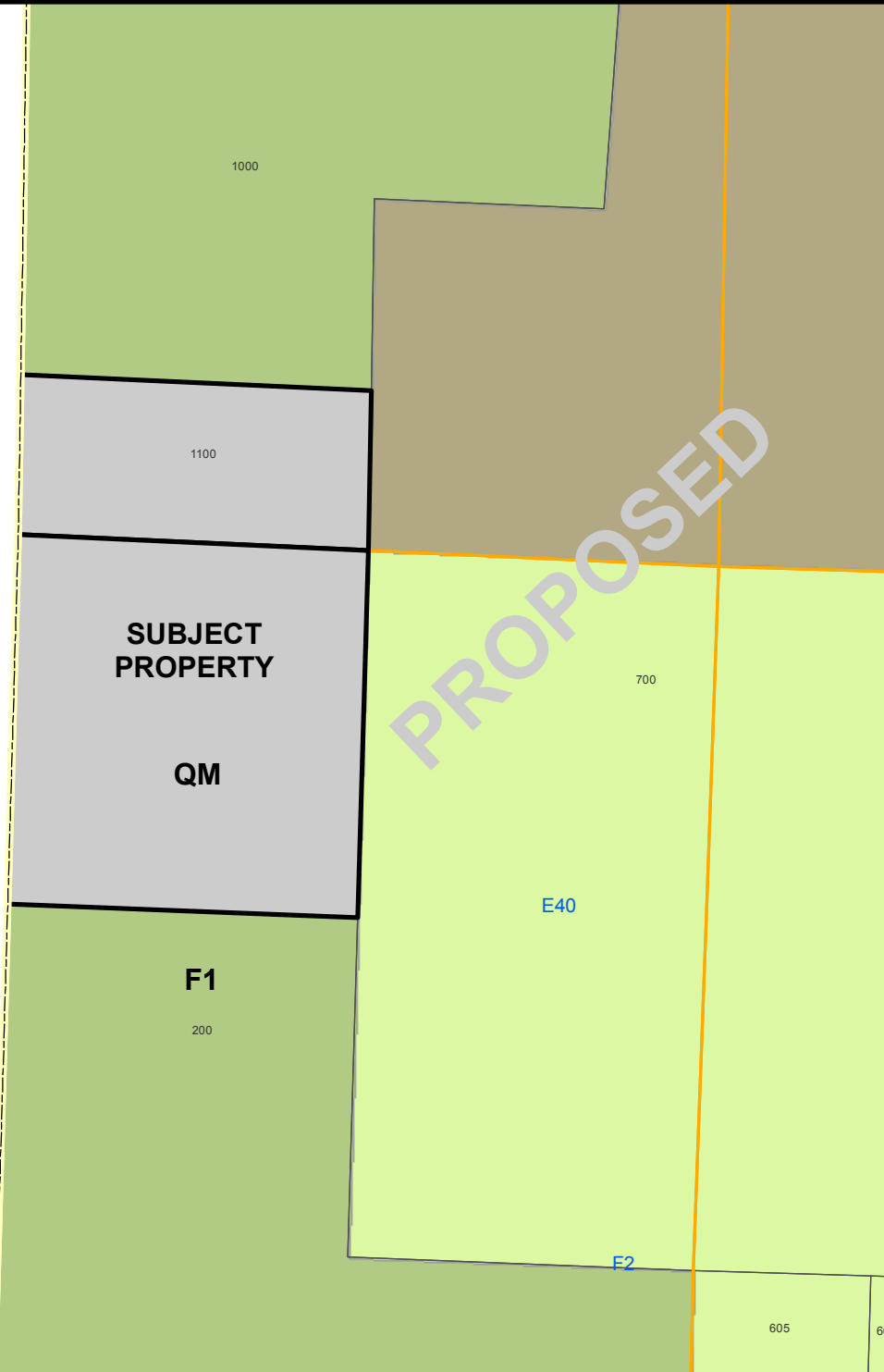
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**Official Lane County  
Plan Map**

EXHIBIT B

Douglas County

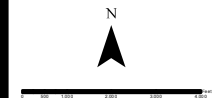


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**Official Lane County Zoning Map**

EXHIBIT C  
ORDINANCE NO. PA1376  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

**I. PROPOSAL DESCRIPTION**

**A.**

**Owner/Applicant:**  
Oregon Department  
of Transportation,  
3500 NW Stewart  
Parkway  
Roseburg, OR 97470

**Owner:**  
US Department of Interior,  
Bureau of Land  
Management,  
PO Box 10226  
Eugene, OR 97440

**Agent:**  
Virginia Elandt,  
Transportation Planner,  
Oregon Department of  
Transportation,  
3500 NW Stewart Parkway  
Roseburg, OR 97470

**B. Proposal**

In the matter of Amending the Lane County Rural Comprehensive Plan (RCP) to add a new quarry site (Rattlesnake Quarry off of Wards Butte Road) to the Lane County Inventory of Significant Mineral and Aggregate Sites; to authorize mining and processing pursuant to Oregon Administrative Rule (OAR) 660-023-0180; to redesignate land from Forest (F) to Natural Resource: Mineral (NR:M) and rezone land from Non-Impacted Forest Land (F-1) to Quarry and Mine Operations (QM), and to require Site Review pursuant to Lane Code 16.257(4)(a) through (j); and adopting savings and severability clauses.

**II. SITE AND PLANNING PROFILE**

**A. Location**

The subject property, identified as Map 21-04-14, Tax Lot 1100 and a portion of Map 21-04-00, Tax Lot 200, hereafter referred to as the “subject property” or “property,” is located four miles south of Cottage Grove at the end of Wards Butte Road in Douglas County.

**B. Zoning**

The subject property is currently zoned Non-Impacted Forest Land (F-1).

**C. Site Characteristics/History**

Rattlesnake Quarry is the second largest state-owned quarry in ODOT Region 3 (Roseburg area, Rogue Valley, and South Coast). The entire site comprises 82.75 acres, including three separate tax lots in both Lane and Douglas counties (Map 21-04-14, Tax Lot 1100; Map 21-04-23, Tax Lot 1000; and a portion of Map 21-04-00, Tax Lot 200). Land under Lane County jurisdiction is zoned Non-Impacted Forest Land (F-1) and designated Forest Land in the RCP. About a quarter of the site is located in Douglas County (24.55 acres), and the remaining area (58.37 acres) is located in Lane County. The area located in Lane County is comprised of Tax Lot 1100 (18.27 acres) and a portion of Tax Lot 200 (40.1 acres). Tax Lot 1100 is owned by ODOT while Tax Lot 200 is owned by the Bureau of Land Management (BLM). Rock from the quarry has been used over the years for repaving projects, passing lane construction, and slide repair projects along Interstate-5, OR 38, and OR 138. ODOT hopes to include Rattlesnake Quarry on the county's inventory of aggregate sites to secure its resources to support Oregon's growing economy.

The quarry has been in operation for over 50 years, initially authorized in 1952 for a portion of Tax Lot 200 through a BLM Material Site Permit. However, it was never planned or zoned for quarry mining, and was never included on the County's inventory of Significant Mineral and Aggregate Sites. The use in Lane County is confirmed as a non-conforming use through a Lane County planning action (PA2401-96). Approximately 18.1 acres are currently being excavated in Lane County. Approximately 14.5 acres in Douglas County are used for processing and stockpiling only.

The property is identified as an area designated as "Impacted Big Game" and does not contain any known unique environmental resources or habitat sites.

#### **D. Surrounding Area**

Properties to the north and south are zoned Non-Impacted Forest Lands (F-1), including BLM land to the south and private timber land to the north. Properties to the east are part of a large ranch zoned Impacted Forest Lands (F-2) and Exclusive Farm Use (E-40). Properties to the west are under Douglas County jurisdiction.

### **III. APPROVAL CRITERIA/ANALYSIS**

#### **A. Evaluation**

These findings are organized according to the kinds of standards that apply. They address the Statewide Planning Goals and implementing administrative rules, the Rural Comprehensive Plan Policies, the criteria in LC 16.400 for plan changes, the criteria in LC 16.252 for zone changes, and the criteria in LC 16.257 applicable to site review approval. The applicable criteria appear below in bold, with relevant findings below.

The starting point is Oregon Administrative Rules (OAR) 660-023-0180, the administrative rule implementing Goal 5 for purposes of mineral and aggregate resources, which authorizes Lane County to add the site to the Lane County Rural Comprehensive Plan "Significant Mineral and

Aggregate Resources Inventory" and authorizes mining and processing of the resource.

## **1. Classification of Amendment**

**LC 16.400(8)(a): Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:**

- (i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.**
- (ii) Major Amendment. Any amendment that is not classified as a minor amendment.**

This application request is characterized as a Post-Acknowledgement Plan Amendment (PAPA) to the Lane County Rural Comprehensive Plan (RCP). The applicant requests that the subject property be recognized as a significant Goal 5 aggregate resource, added to the Lane County Significant Mineral and Aggregate Resources Inventory, and granted approval to conduct mining and processing of the resource. In addition, the applicant is requesting a zone change from Non-Impacted Forest Lands (F-2) to Quarry and Mine Operations (QM), and to change the RCP designation from Forest Land to Natural Resource, and issuance of a Site Review permit. Because the proposal does not require an amendment to the Plan Diagram only, the Board of Commissioners finds that the amendment is classified as a Major Amendment.

## **2. Plan Amendment Criteria**

- a. Lane Code 16.400(6)(h)(iii): The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:**
  - (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.**

There are two components to the requested plan amendment: first, adding the subject property to the County's Inventory of Significant Mineral and Aggregate Sites; second, a re-designation of the property from Forest Land to Natural Resource: Mineral. To a large degree, the Goal 5 rule for mineral and aggregate, OAR 660-023-0180, establishes a regulatory scheme that governs both plan amendment aspects. Accordingly, the analysis begins with that administrative rule. The Statewide Planning Goals are evaluated later in this report.

- b. Lane Code 16.400(6)(h)(iii)(bb): For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**
  - (i-i) necessary to correct an identified error in the application of the Plan; OR**
  - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**
  - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR**



**(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

This request is in conformance with Lane Code 16.400(6)(h)(iii)(bb)(iv-iv) and (v-v) above. Rattlesnake Quarry has been in existence and operation for in excess of 50 years. In the 1980's, when the County was creating its inventory of significant aggregate resource sites, Rattlesnake Quarry, like several other ODOT sites, were omitted from the exercise. The site is clearly a significant aggregate resource site. RCP Goal 5, Mineral and Aggregate Policy 1 requires that significant aggregate sites be designated and protected as such. The Board of Commissioners finds that it is necessary to amend the Rural Comprehensive Plan for the implementation of adopted Plan policy.

### **3. Goal 5 Administrative Rule**

Oregon Administrative Rule Chapter 660, Division 23, sets forth a step-by-step process for analyzing a plan amendment to add a site to the inventory of significant aggregate and mineral resources. See OAR 660-023-0180(2)(b)<sup>1</sup> and 660-023-0180(9).<sup>2</sup>

- Step 1: Determine Significance
- Step 2: Define the Impact Area
- Step 3: Identify Conflicts
- Step 4: Minimize Conflicts
- Step 5: Evaluate ESEE consequences (if conflict cannot be minimized)
- Step 6: Decide whether to allow mining

#### **a. Step 1: Determine Significance**

**OAR 660-023-0180(3): An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:**

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<sup>1</sup> OAR 660-023-0180(2)(b) provides: "Local governments shall apply the criteria in section (3) or (4) of this rule, whichever is applicable, rather than OAR 660-023-0030(4), in determining whether an aggregate resource site is significant."

<sup>2</sup> OAR 660-023-0180(9) provides: "Local governments shall amend the comprehensive plan and land use regulations to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. Until such local regulations are adopted, the procedures and requirements of this rule shall be directly applied to local government consideration of a PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided:

- (a) Such regulations were acknowledged subsequent to 1989; and
- (b) Such regulations shall be amended to conform to the requirements of this rule at the next scheduled periodic review after September 1, 1996, except as provided under OAR 660-023-0250(7).

Lane County has not amended the RCP or land use regulations to comply with the Goal 5 rule since it was adopted in 1996. Accordingly, the Goal 5 rule applies directly to this PAPA application.

- (a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;**
- (b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or**
- (c) The aggregate site was on an inventory of significant aggregate sites in an acknowledged plan on September 1, 1996.**

**(a) Quality of the Resource**

As described in the application, the project geologists evaluated a total of three drill holes. Samples were submitted to ODOT Materials Lab, and the results concluded that the rock met ODOT standard specifications for air degradation, abrasion, and soundness. The three evaluated drill holes were located exclusively within the already mined area on Tax Lot 1100 and the very northern portion of Tax Lot 200. Therefore, this information did not demonstrate a representative sample of aggregate material within the area proposed to be added to the inventory of significant aggregate material. The applicant supplemented the application by providing testimony from an ODOT Region 3 Professional Geologist and a map demonstrating the underlying geologic formation at the site that demonstrated the area sought to be added to the inventory contains the same geologic formation as the area from where the drill holes were located. Based on this information, the mining site meets minimum standards for quality.

**(b) Quantity of the Resource**

The criteria above require that an aggregate site within the Willamette Valley contain more than 2,000,000 tons of aggregate to qualify as “significant.” The subject property is within the Willamette Valley. The applicant’s analysis in the original application included aggregate from both Douglas and Lane counties. The applicant later submitted a supplement, which purported to estimate the tonnage of rock located solely on the Lane County property. It appears that there is adequate rock on the Lane County portion of the quarry to satisfy the minimum requirements.

**(c) Location of the Resource**

The site is in the Willamette Valley and straddles Lane and Douglas counties. It is a relatively short distance from I-5 and is therefore situated conveniently to provide aggregate to southern Oregon.

**OAR 660-023-0180(3)(d): Notwithstanding subsections (a) and (b) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:**

- (A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on June 11, 2004; or
  - (B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds:
    - (i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;
- \* \* \*

This provision is inapplicable because there are no Class I or II soils on the subject property.

Step 1 Conclusion: Satisfies Significance

**b. Step 2: Define the Impact Area**

**OAR 660-023-0180(5)(a):** The local government shall determine an impact area for the purposes of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

Once it is determined that a particular aggregate resource is significant, OAR 660-023-0180(2)(c) requires application of subsections (5) or (6) to determine whether to authorizing mining at the site. Subsection (6) applies to aggregate sites on farmland. The subject site is not farmland, so subsection (5) applies. Subsection (5)(a) begins with the determination of an impact area. The applicant has identified a 1,500 foot impact area, consistent with this approval criterion.

**c. Step 3: Identify Conflicts**

**OAR 660-023-0180(5)(b):** The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, “approved land uses” are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

- (A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges.

- (B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials.**
- (C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments as specified under OAR chapter 660, division 013.**
- (D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated.**
- (E) Conflicts with agricultural practices.**
- (F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780.**

#### Noise

The proposed increase in operations at the site will create noise in the area. It is unclear whether the noise impacts will intensify from what is already present at the site. However, applicant did not attempt to tease out the difference in impact, so staff will treat the anticipated noise as a whole in its analysis of the noise impacts. Applicant submitted a 2016 noise study of ODOT-owned quarries. The study demonstrates that the operations conducted as part of the expansion will meet applicable Department of Environmental Quality (DEQ) standards within the impact area. With the proposed conditions of approval, staff concludes that conflicts can be minimized.

#### Dust

Topsoil/overburden removal, stockpiling, drilling for blast holes, aggregate extraction, truck traffic, and aggregate processing are all potential sources of dust, which could conflict with nearby uses. Standard dust-suppression methods that are uniformly accepted in the industry will be used to monitor and minimize any impacts related to dust.

#### Other Discharges

Use of mining equipment and vehicles generate diesel engine exhaust, which could potentially conflict with nearby uses. Applicant also identified stormwater runoff as a possible discharge.

#### Local Roads

A proposal of this nature, i.e., adding a site to the county's inventory of significant aggregate sites, has the potential of impacting the local road system.

### Public Airports

The nearest airport is in Cottage Grove, approximately 8 miles away; accordingly, this criterion is not applicable.

### Other Goal 5 Resources

The subject property falls within a Major Big Game area. Applicant has not identified any other Goal 5 resources.

### Agricultural Practices

The rule indicates that this analysis should follow the criteria set forth in ORS 215.296: i.e., a demonstration that the proposed change will not force a significant change in, nor significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm and forest uses. To the extent there are agricultural uses within the impact area, those uses are potentially conflicting.

### Ordinances that Supersede DOGAMI Regulations

This provision is inapplicable because Lane County has not adopted any ordinances that supersede DOGAMI regulations.

#### **d. Step 4: Minimize Conflicts**

**OAR 660-023-0180(5)(c): The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. . . . If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.**

OAR 660-023-0180 does not require a complete reduction in conflict. The term “minimize conflict” means to reduce the conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels), to “minimize a conflict” means to ensure conformance to the applicable standard. In other cases, minimize conflict can be ensured by applying “reasonable and practicable measures” through conditions of approval.

Pursuant to the administrative rule, if reasonable and practicable measures are identified to minimize the conflict, then mining shall be allowed, subject to satisfying the conditions of approval. If identified conflicts cannot be minimized, then the applicant must conduct an Economic, Social, Environmental, and Energy (ESEE) analysis (Step 5) of the conflict in order to determine whether to allow, limit, or not allow mining on the site.

As set forth in Step 3, above, the applicant identified several potential conflicts: noise, dust, stormwater discharge, fumes, impact to local roads, and Big Game habitat. These potential

conflicts and proposed conditions of approval are discussed below.

### Local Roads

The applicant's Transportation Impact Analysis (TIA) studied three intersections: Wards Butte Road at Frontage Road; Frontage Road at Longview Lane; and Longview Lane at Highway 99. The TIA recommended a small change to the signage at the intersection of Wards Butte Road and Frontage Road, outside of Lane County's jurisdiction. Lane County Transportation Planning staff identified additional sight distance issues at the intersection of Longview Lane and Highway 99, and recommended additional signage on Highway 99 to mitigate the issue. That recommendation is included as Condition of Approval 1, set forth below. Transportation staff also recommended a condition of approval addressing maintenance of vegetation in the right of way, which the Planning Commission revised as set forth in Condition of Approval 2, set forth below.

At the request of the County, the applicant also conducted a pavement analysis of Longview Lane. That analysis demonstrated that there is a soft spot for .2 miles of a portion of the northbound lane of Longview Lane. The applicant recommended a condition of approval requiring a future 3" overlay "when the quarry will be used with a large construction project." The Planning Commission amended that condition requiring that the road maintenance be done prior to commencement of any activity related to the expansion. See Condition of Approval 3, set forth below.

Finally, the TIA predicted that the traffic generated by the operation would not significantly increase from its current level; i.e., approximately 200 round trip truck trips per day at its highest levels. Accordingly, the Planning Commission recommended Condition of Approval 4, set forth below. With the imposition of these conditions of approval, the Board of Commissioners concludes conflicts can be minimized. For a more in depth discussion of transportation impacts, see the discussion under Statewide Planning Goal 12 and under LC 15.697.

**COA 1: Signage must be placed north of the intersection of Longview Lane and Highway 99 on Highway 99 to alert motorists of truck traffic entering the roadway during construction activity. The signs are to read "Trucks Entering Roadway" and "45 MPH".**

**COA 2: Prior to the next significant construction project, the applicant/owner shall obtain a Road Construction Permit from the County Road Department to conduct a one-time vegetation clearing to ensure adequate sight distance on Longview Lane.**

**COA 3: For the soft area of Longview Lane from MP 0.2 – 0.4 (.2 miles west to .4 miles west of the intersection of Longview Lane and Highway 99), a 3" overlay shall be completed prior to the expansion of the quarry into Tax Lot 200.**

**COA 4: Traffic generated from the quarry shall be limited to 200 round trip truck trips per day as projected by the TIA submitted by the applicant.**

### Stormwater

The site contains berms for managing runoff and undisturbed areas (detention pond) for natural filtration, and, according to applicant, will meet DOGAMI, DEQ and County requirements for stormwater runoff. Staff agrees that regulations adopted by DOGAMI and DEQ, which have joint authority of the treatment and discharge of stormwater at mine sites, will be adequate to address impacts from stormwater discharged from the site. Condition of Approval 5, set forth below, ensures compliance with applicable state regulations.

**COA 5: The applicant/owner shall comply with all regulations and requirements of other local, state, and federal regulatory agencies. A violation of any such provision constitutes a violation of the County's requirements for this approval.**

### Noise/Big Game

Applicant submitted a 2016 noise study of ODOT-owned quarries performed by SLR International Corporation. Noise levels at Rattlesnake Quarry for clearing and drilling range from 52.0 dB to 77.4 dB. The study demonstrates that these levels are within the acceptable range per DEQ standards. The record also includes blasting reports from a 2011 event at Rattlesnake Quarry. The measurements indicate an average noise level of 120dB 900 feet from the property. Although the impact area includes only land within 1,500 feet of the property, and the nearest noise sensitive property is approximately 2,233 feet away, the study found that the noise level at that nearest property would be 112dB. The study concluded that with additional natural berms and vegetation, blasting noise levels would be within the acceptable range.

The SLR study was completed in December, 2016 with the specific intent of determining the impact of the noise generated from ODOT quarries on sage grouse habitat. Accordingly, the study did not specifically address impacts to other sensitive uses such as nearby residences or big game habitat and did not propose specific mitigation elements to minimize those impacts.

The County recognizes Big Game habitat as an important resource, and has classified the distinctions of big game habitat into three categories (Major, Peripheral, and Impacted), and has mapped the classifications across the County. The subject property is designated "Major" Big Game habitat. In its June 14, 2019 submittal, the applicant submitted two letters from the Oregon Department of Fish and Wildlife (ODFW). One of the letters asserts that the subject property is low quality habitat for both elk and deer. The other letter finds that quarry noise impacts to black-tailed deer and elk are expected to be minor, primarily because the deer have a small home range and elk are very mobile. Therefore, there are no impacts to big game habitat that must be minimized.

### Dust

Standard dust-suppression methods that are uniformly accepted in the industry will be used to monitor and minimize any impacts related to dust. Those methods include various forms of watering to control the dust. Blasting and drilling do not create significant dust, and will not impact the closest home, which is almost half a mile from the mine site. Lane Regional Air

Pollution Agency (LRAPA) and DEQ regulations will be complied with.

### Fumes

Trucks will remain idling at the mining site, which will generate diesel fumes. The applicant asserts that diesel emissions from idling trucks will not pose a potential conflict as the nearest home is approximately 2,233 feet from the mine site, and homes that are close to the truck route on Wards Butte Road should not experience adverse effects from fumes as the trucks will be in transit at this point.

### Agricultural Practices

Hawley Land & Cattle is located roughly 1.5 miles northwest of the mine site, which lies outside the impact area. Trucks will not go past the ranch. Otherwise, the quarry operation has coexisted with surrounding properties since 1948. Based on the evidence in the record, staff agrees that the proposed change will not conflict with agricultural practices.

### **e. Step 5: Evaluate ESEE**

**OAR 660-023-0180(5)(d): The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:**

**(A) The degree of adverse effect on existing land uses within the impact area;**

**(B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and**

**(C) The probable duration of the mining operation and the proposed post-mining use of the site. . . .**

The Board of Commissioners finds that it has identified reasonable and practicable measures to minimize all identified conflicts, as set forth in the conditions of approval. An economic, social, environmental, and energy (“ESEE”) analysis is required only in the event that one or more identified applicable conflicts under Division 23 are not successfully minimized. In this instance, and based upon substantial evidence in the record, the Board of Commissioners finds, based on the reasons listed above in Steps 1-4, that the applicant has successfully minimized conflicts and that OAR 660-023-0180(5)(d) is not applicable. Therefore, the Board of Commissioners finds that mining must be allowed at the site, and no ESEE analysis is necessary.

Applicant did provide an ESEE analysis related to Major Big Game Habitat within the impact area. However, the mitigation measure proposed with conditions of approval 6 and 7 to address noise conflicts with Major Big Game Habitat successfully minimized the conflict. Therefore, the ESEE analysis was not necessary and is not evaluated here.



**f. Step 6: Decide Whether to Allow Mining**

**OAR 660-023-0180(5)(e):** Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e.g., site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:

**(A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;**

**(B) Not requested in the PAPA application; or**

**(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.**

Because the outcome of Steps 1-4 are to allow mining, subsection (5)(e) applies. It directs the County to amend the Goal 5 resource inventory and the comprehensive plan land use designation and zoning designation on the subject property. The applicant has requested concurrent plan designation and zone changes consistent with this criterion. Further, all conditions of approval are clear and objective. Finally, site plan review is the minimum review necessary to assure compliance.

**g. Reclamation**

**OAR 660-023-0180(5)(f):** Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

The application includes a proposed operating and reclamation plan submitted to DOGAMI by the applicant. The plan includes revegetation with native vegetation and grasses to return it to its original state. The aggregate site is not located on Class I, II or Unique farmland. Therefore, the land will likely return to farm or forest use after reclamation, consistent with permitted uses within the proposed QM zone and similar to other properties within the vicinity.

**B. Compliance with Statewide Planning Goals**

Amendments to local plans and code must comply with the Statewide Planning Goals. ORS 197.175(2)(A); LC 16.400(6)(h)(iii)(aa). This Section addresses each relevant goal and explains why the proposal complies. This application requires no goal exceptions.

### **Goal 1: Citizen Involvement**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

Goal 1 is a process goal. This proposal complies with Goal 1 because it will be processed as a quasi-judicial application through the County's acknowledged public process for individual plan and zone changes. This process includes public hearings before the Planning Commission and the Board of County Commissioners. Notice of the request was sent to the Oregon Department of Land Conservation and Development Department (DLCD) on December 28, 2018 and notice of revisions to the proposal was provided to DLCD on June 18, 2019. A legal advertisement was published in the Register Guard newspaper, notices were mailed to adjacent property owners and agencies, and notice was posted on the subject property announcing the upcoming Lane County Planning Commission public hearing. A public hearing was conducted on February 5, 2019 and the hearing was closed. The written record was held open for both sides to submit evidence and argument. The record closed on March 5, 2019. On March 19, 2019, the Planning Commission deliberated on the matter and voted to recommend denial to the Board of County Commissioners. The applicant revised their proposal and a second public hearing was held on July 16, 2019. The required notices described above were posted, published and mailed for the second public hearing. Timely notice in accordance with Lane Code Chapter 14 will be provided prior to the Board's second reading and public hearing. The County has a citizen involvement program, and it has been followed.

### **Goal 2: Land Use Planning**

Part I of Goal 2 requires local governments to establish procedures and policies for land use decisions.

**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 assure an adequate factual base for such decisions and actions.**

Part II of Goal 2 authorizes exceptions to the goals – land use decisions that are not in compliance with the goals under certain circumstances. Statutes also describe when exceptions are authorized. See ORS 197.732.

This application complies with Goal 2 because it is being processed under the Rural Comprehensive Plan and Lane Code and no exception to any resource goal is proposed.

### **Goal 3: Agricultural Lands**

**To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the State's agricultural land use policy expressed in ORS 215.243 and 215.700.**

This goal strives to maintain and preserve agricultural lands. The subject property is not planned, zoned, or used for agricultural uses, and thus, Goal 3 is not applicable. The proposed plan amendment and zone change will not affect the county's ability to preserve and maintain agricultural lands, and complies with Goal 3. Further, the analysis provided to address OAR 660-023-0180 above demonstrates that the proposed mining area does not occur on any Class I and II soils and does not impact farm or forest practices on the surrounding lands.

#### **Goal 4: Forest Lands**

**To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

This goal strives to maintain and preserve forest lands. The site is primarily located on designated forest resource (F-1) land. A good portion of the land is not forested and has been used for mining for more than 50 years. Some of the subject property is forested. However, mining and processing of aggregate resources is permitted on forest lands under OAR 660-006-0025(4)(g). Accordingly, the Board finds the proposed amendment is consistent with Goal 4.

#### **Goal 5: Open spaces, scenic and historic areas, and natural resources.**

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

See discussion under the Goal 5 rule above.

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

**To maintain and improve the quality of the air, water and land resources of the State.**

**All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.**

Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are state or federal standards for quality in air sheds or river basins, then the carrying capacity, non-degradation, and continued availability of the resources are standards. There are no protected water resources on the subject property or nearby.

The subject property is already developed and has operated as a quarry for 50+ years. Although, the footprint of the quarry may increase with the approval of this amendment, the applicant attests that the mine will only be used to meet demand for aggregate material when other sources of material within ODOT's control and within the region are depleted. Therefore, the overall impact to land, water and air quality will remain neutral with the approval of this amendment.

**Goal 7: Areas Subject to Natural Disasters and Hazards.**

**To protect life and property from natural disasters and hazards.**

**Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.**

The phrase "areas of natural disasters and hazards" means "areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas." There are no such areas known on the subject property.

**Goal 8: Recreational Needs**

**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."

Goal 8 is not directly applicable to this proposal.

**Goal 9: Economic Development**

**To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Goal 9 is focused on commercial and industrial development. The Goal 9 Rule is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal. To the extent it is, however, the Board finds that the operation will contribute to the economy of the local area by its employment of persons and by providing the natural resource for construction of roads, which in turn facilitate the economy of the state. Accordingly, the Board of Commissioners finds that the amendments are consistent with Goal 9.

#### **Goal 10: Housing**

**To provide for the housing needs of citizens of the State.**

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal's definition of "buildable lands," for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

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

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.**

"Public facilities and services" is defined in the Statewide Planning Goals to include: "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." The Goal 11 Rule defines a "public facility." "A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-011- 0005(5).

Goal 11 addresses facilities and services in urban and rural areas. The proposed expansion will not require sanitary sewer or city water. The only public facility impacted by this project is the local street network. Those potential impacts are addressed above, and relevant conditions of approval are imposed to mitigate impacts. Accordingly, the Board of Commissioners concludes that the application meets Goal 11.

## **Goal 12: Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

**A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.**

Goal 12 requires providing a safe, convenient, and economic transportation system. The project will further the objective of this goal by providing aggregate material that is essential to the construction and reconstruction of a variety of transportation projects.

Goal 12 is implemented through the Transportation Planning Rule (TPR) (OAR 660-012) adopted in 1991. The Rule contains a section that specifically addresses proposals for amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-012-0060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”

The rule spells out clearly what constitutes a “significant affect.” OAR 660-012-0060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

**(a) Changes the functional classification of an existing or planned transportation facility;**

**(b) Changes standards implementing a functional classification system;**

**(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a**

**transportation facility; or**

**(d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

The determination of “significant affect” is relatively scientific and relies on a review of the “functional classification” of existing and planned transportation facilities. If the proposal does not change the functional classification of an existing or planned transportation facility, or other triggering event, then the TPR does not require or allow any further analysis or mitigation.

The applicant hired a transportation engineer to conduct a study concerning the potential traffic impacts of the proposed plan amendment/zone change. The study predicted no overall increase in traffic based on the proposed change. The subject property has been used as a quarry for decades, and the expansion of the site is not projected to increase the trip generation that the property has historically produced. While the expansion will not significantly affect the transportation system, the study recommended a minor change in the traffic control device at the intersection of Wards Butte Road and Frontage Road, which is located outside of Lane County’s jurisdiction. Therefore, the proposal complies with the TPR.

**Goal 13: Energy Conservation**

**To conserve energy.**

**Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.**

Goal 13 is primarily directed towards the development of local government land management implementation measures that maximize energy conservation.<sup>3</sup> It is not directly applicable to this application for a site-specific plan and zone change.

**Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use.**

This goal does not apply.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

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<sup>3</sup> See Brandt v. Marion County, 22 Or LUBA 473, 484 (1991), aff'd in part, rev'd in part, 112 Or App 30 (1992).

## Goal 19: Ocean Resources

These five goals are not applicable as they deal with resources that are not present on the subject property.

### C. Rural Comprehensive Plan Policies

Any plan and zone change must comply with the relevant Rural Comprehensive Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Comprehensive Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion under the Statewide Planning Goals.

## Goal Four: Forest Lands

### Policy 1:

**Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

The proposal seeks to remove forest designations on the subject property. Accordingly, RCP Goal 4 is implicated. See Findings under analysis of Statewide Planning Goal Four.

## Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources

### Mineral and Aggregate Policy 1:

**Known mineral resource sites within the County, which include those identified in Appendix "D" of the "Mineral and Aggregate Resources Working Paper", shall be conserved for both present and future uses through the application of Plan designations and compatible land use regulation measures. Such designation and regulation is to follow the requirements of the Goal 5 rule (OAR 660-16-000 through 660-16-025), which is addressed in Appendix "J" of the "Mineral and Aggregate Resources Working Paper".**



This Plan Amendment proposes to change the plan designation of the subject property to bring the designation of the property in line with the actual use, and to enable the expansion of an existing quarry operation. The proposal is thus consistent with this policy.

**Mineral and Aggregate Policy 3:**

**Mining operations are regulated by state and federal government agencies. County regulations shall supplement these actions only as necessary to ensure compatibility in the area, or to protect other resources.**

OAR 660-023-0180 provides some limitations on the extent to which the County can regulate mining operations. Those limitations, to a large degree, leave the County with the ability to regulate the proposed operation with regard to compatibility and protection of other resources, i.e., big game habitat. The Board of Commissioners acknowledges the jurisdiction that state and federal agencies have over the mining operation, and the proposed conditions of approval are crafted to avoid duplicative regulations. This policy is satisfied.

**Mineral and Aggregate Policy 6:**

**Protect aggregate deposits from encroachment of incompatible uses and ensure that aggregate material in close proximity to its point of use will be available when needed.**

Rattlesnake Quarry has provided aggregate for ODOT road projects in the vicinity of the quarry for several decades. This proposal will protect the quarry from encroachment and will ensure the availability of rock in close proximity to its point of use, consistent with this policy.

**Mineral and Aggregate Policy 9:**

**Lane County shall apply the appropriate district (SG, SG/CP, /QM) to the sites listed in Appendix "J" of the Mineral and Aggregate Working Paper. Those sites with potential conflicts shall be placed in the SG/CP or QM/SR Districts.**

The initial request is a proposal to add the subject property to the County's Inventory of Significant Mineral and Aggregate Sites. The Inventory is found in Appendix J of the County's Mineral and Aggregate Working Paper. The zone change request to the /QM zone is consistent with this policy and will serve to protect the resource, as is anticipated by the Goal 5 rule, discussed above.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 1:**

**Implement construction development and other land use activities which significantly alter natural systems only after evaluating the effects on wildlife**

**habitats and other areas.**

See Findings under Statewide Planning Goal Five. The analysis of the big game habitat, set forth in the Goal 5 findings, conducts the evaluation that is required and permitted by the Goal 5 rule. Because the conditions of approval (mitigating factors) adequately mitigate the potential conflicts the proposed use poses to the big game habitat, no ESEE analysis is required, or even allowed. This policy is satisfied.

**D. Traffic Impact Analysis Requirements**

Pursuant to LC 15.697(1)(c), a traffic impact analysis is triggered with a plan amendment proposal.

**LC 15.697(3):**

**Traffic impact analyses shall document compliance with the requirements and guidelines in LC 15.696 and shall:**

- (a) be prepared by an Oregon-certified engineer with expertise in traffic and road construction engineering;**
- (b) document compliance with:**
  - (i) the Road Design Standards in LC 15.700 through 15.708; and**
  - (ii) the Access requirements specified in LC 15.130 through 15.139; and**
  - (iii) the goals and policies of the applicable transportation system plan; and**
- (c) evaluate all road facilities where direct access is proposed, including proposed access points, nearby intersections, and the nearest major intersection with a traffic signal; and**
- (d) address the requirements for pavement structure analysis in LC 15.707 if the analysis is required pursuant to LC 15.697(1)(d); and**
- (e) be approved as to scope prior to proceeding with the analysis, as specified in the Traffic Impact Analysis Guidelines of the County Engineering Department. The County Engineer may alter the study requirements based upon the anticipated impact of the proposal. For example, a queue length analysis (based upon 95% probability) may be required.**

Applicant's TIA was prepared by an Oregon certified engineer and includes roadways along the haul route within one mile of the mine site. The scope was examined by a Senior Engineer Associate at Lane County Public Works and includes an off-tracking analysis and pavement analysis.

**LC 15.697(4):**

**The traffic impact analysis shall demonstrate the following:**

- (a) for plan amendments and zone changes, that the performance standard specified in LC 15.696(1) for the affected road(s) will not be exceeded as a result of the plan**

**amendment or zone change, within 20 years from the date the analysis was completed;**

**(b) for other development, that the performance standard specified in LC 15.696(1) for the affected road(s) will be achieved immediately and for the next five years.**

The TIA evaluates existing and future intersection conditions for the end of the 20-year planning horizon of the County's Transportation System Plan. This include determining the number of trips to the site based on historic use and future development and compares intersection operations to County and ODOT's mobility standards for the PM peak hour.

#### **E. Lane Code Criteria for Zone Changes**

This proposal requests a change from F-1 zoning to QM. LC 16.252 sets out standards for zone changes. The facts relevant to the zone change standards are largely redundant with the facts relevant to plan policies and the Statewide Planning Goals. The LC 16.252 standards are stated here and addressed, with appropriate references to other parts of this narrative.

#### **LC 16.252(2): Criteria.**

**Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable to Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures of this section.**

#### **1. General purposes of Chapter 16:**

LC 16.003<sup>4</sup> sets forth 14 broadly-worded purpose statements that include a provision to protect

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<sup>4</sup> LC 16.003 Purpose provides:

This chapter is designed to provide and coordinate regulations in Lane County governing the development and use of lands to implement the Lane County Rural Comprehensive Plan. To these ends, it is the purpose of this chapter to:

- (1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.
- (2) Protect and diversify the economy of the County.
- (3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.
- (4) Conserve farm and forest lands for the production of crops, livestock and timber products.
- (5) Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.
- (6) Conserve all forms of energy through sound economical use of land and land uses developed on the land.
- (7) Provide for the orderly and efficient transition from rural to urban land use.

natural resources. LC 16.003(13). Aggregate is protected as a natural resource, similar to wetlands and big game habitat, under Statewide Planning Goal 5. Rezoning from F-1 to QM will protect that resource and, further, implements the proposed plan amendment to the Natural Resource: Mining plan designation. Determination of conformance with the public interest is best accomplished by the demonstration of conformance with the Plan policies and zoning provisions articulated in the Plan amendment findings above.

## **2. Purpose of Quarry and Mine Operations Zone:**

- (a) Recognize that minerals and materials within the County are an unrenowable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of its people.**
- (b) Protect major deposits of minerals, rock and related material resources with appropriate zoning.**
- (c) Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mine blasting operations are occurring.**
- (d) Establish County standards in the Lane Manual to be used in reviewing referrals from State and Federal Agencies of Operation and Reclamation Plans, pollution control permits and similar permits.**
- (e) Provide for cooperation between private and governmental entities in carrying out the purposes of this Chapter.**
- (f) To implement the policies of the Lane County Rural Comprehensive Plan.**
- (g) Establish procedures to insure compatibility of a Quarry and Mine Operation use with the area in which it is to be located, establish permitted uses and property development standards.**

The proposal is consistent with the purposes of the Quarry and Mine Operations Zone because it will allow the continued operation and expansion of the existing Rattlesnake Quarry. The quarry is significant resource, and the zoning designation will serve to protect that resource, consistent with the purposes of the zone.

## **3. Rural Comprehensive Plan Criteria:**

The Rural Plan Policies provide the policy basis for comprehensive plan and implementing

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(8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.

(9) Provide for and encourage a safe, convenient and economic transportation system within the County.

(10) Protect the quality of the air, water and land resources of the County.

(11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.

(12) Provide for the recreational needs of residents of Lane County and visitors to the County.

(13) Conserve open space and protect historic, cultural, natural and scenic resources.

(14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.

regulations, provide direction for land use decisions, and fulfill LCDC planning requirements. Compliance with relevant Comprehensive Plan policies is addressed elsewhere in this narrative.

**G. Lane Code Criteria for Site Review**

Lane Code 16.216(5) requires Site Review approval for certain uses permitted by LC 16.216(4) in the QM zone. See also LC 16.257(2)(f). Lane Code 16.257(4) provides the approval criteria for Site Review. That said, OAR 660-023-0180(5)(e) provides that site review “shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities \* \* \* to attach additional approval requirements \* \* \*.”

**LC 16.257(4)(a): That the location, design, size, shape and arrangement of the uses and structures are sufficient for the proposal intent and are compatible with the surrounding vicinity;**

The proposal does not include the construction of any structures. The approval may facilitate expansion of the mining operations further south than currently exist. The quarry’s layout is designed to accommodate mining and processing of aggregate while minimizing conflicts to nearby properties by placing stockpiles and berms between nearby properties and processing activities. Based on substantial evidence provided by the applicant and its consultants, as well as the conditions of approval adopted for the project, the Board of Commissioners finds that the site is designed to minimize impacts to adjacent uses through the utilization of noise berms. The Board of Commissioners finds that the proposed location, design, size, shape and arrangement of the project’s uses meet the intent of the quarry operation and are compatible with the surrounding vicinity.

**LC 16.257(4)(b): That there is no unnecessary destruction of existing healthy trees or other major vegetation, and that due consideration is given to the preservation of distinctive historical or natural features;**

*Trees and Major Vegetation*

The only trees that will be removed from the site are those that overlay the quarry pit excavation area where expansion may occur. The existing mining area is devoid of healthy trees or other major vegetation, and has been for decades. Existing healthy trees will serve as a buffer to quarry operations at the perimeter. Topsoil and overburden will be stored along the quarry site as space permits. There will be little disturbance to other vegetation. The Board of Commissioners finds that there will not be unnecessary destruction of existing healthy trees or other major vegetation.

*Distinctive Historical or Natural Features*

The Board of Commissioners finds that, other than the big game habitat, there are no inventoried Goal 5 resources on the site that will be impacted by the mining operation. As discussed above, any potential impacts to the big game habitat are minimized through conditions of approval related to noise. There are no other identified distinctive historical or natural features. The Board of Commissioners therefore finds that this approval criterion is satisfied.

**LC 16.257(4)(c): That the quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purpose and have no undue adverse effect on existing or contemplated abutting land use;**

The Board of Commissioners finds that based on the information submitted by the applicant, the quarry will provide berms to screen sensitive uses from noise. These berms will be adequate to buffer noise impacts and will not have undue adverse effects on big game habitat or abutting land uses.

**COA 6: The applicant/owner must maintain existing berms and buffers in order to mitigate the noise impacts associated with the operations in the processing area.**

**COA 7: The applicant/owner must maintain vegetative ground cover on berms and buffers to mitigate noise impacts.**

**LC 16.257(4)(d): That suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust;**

The Board of Commissioners finds that there are no residences within the impact area. The County's analysis under OAR 660-023-0180 was limited to mitigating the impacts to conflicting uses. Because there are no sensitive uses within the impact area, the Board did not impose any conditions related to dust control. The mining operations themselves will be regulated by DOGAMI. Accordingly, the Board of Commissioners finds that the proposal satisfies this criterion.

**LC 16.257(4)(e): That the location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses;**

The Board of Commissioners finds that to the extent that the quarry requires community facilities and services, the quarry's needs are met. Services for the quarry will continue to be provided as they have been for the quarry in the past.

**LC 16.257(4)(f): That, based on anticipated traffic generation, adequate additional right-of-way, road improvements, and on-site vehicular, bicycle and pedestrian improvements connecting directly to off-site roads, paths and sidewalks must be provided by the development in order to promote traffic safety and reduce traffic congestion.**

The Board of Commissioners finds that the applicant's traffic analysis studied the anticipated traffic generation by the quarry. Based on the results of the traffic analysis, the Board of Commissioners adopted conditions of approval 1 through 4, which will require road improvements, signage, and coordination concerning in the right of way.

**Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such**

**additional improvements as lighting, sidewalks, bicycle lane and path connections, and turn and deceleration/acceleration lanes. Improvements shall be consistent with access management, spacing standards, and other requirements of LC Chapter 15;**

Transportation planning staff reviewed the application and determined that Longview Lane required improvement in one short section. Otherwise, improving and/or widening of streets abutting the quarry was not recommended. Longview Lane is classified as a rural local road (226300), outside of the urban growth boundary. The roadway is 22 feet wide from mile point 0.000 to 0.500 and 24 feet wide from mile point 0.500 to 0.891. Standards for this roadway classification are 24 feet. Travel lane striping and shoulders are not required. Sidewalks for this segment of roadway are not identified in the Lane County Transportation System Plan, and bike lanes are not required. The Board of Commissioners finds that the necessary upgrades to abutting streets, including such upgrades as lighting, sidewalks, bicycle paths and pedestrian connections were reviewed and considered for the quarry. No other improvements are required.

**LC 16.257(4)(g): That there is a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular, bicycle, and pedestrian entrances, exits, drives, walkways, buildings and other related facilities;**

The Board of Commissioners finds that the site plan provides safe and efficient circulation for the quarry activities. The Board of Commissioners finds that pedestrian paths and walkways are not appropriate for an active mining site due to safety considerations.

**LC 16.257(4)(h): That there are adequate off street parking and loading/unloading facilities provided in a safe, efficient and pleasant manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surfacing, lighting and landscaping;**

The Board of Commissioners finds that, at least with regard to this application, considerations related to parking and loading/unloading facilities fall outside the scope of what may be regulated by the County. There are no residences within the impact area, and the safety related to parking and loading issues are internal concerns and will not impact neighbors to the property.

**LC 16.257(4)(i): That all signs and illumination are in scale and harmonious with the site and area;**

The Board of Commissioners finds that the signs and illumination for the quarry are adequate to serve the quarry use and provide direction and safety. The signs are in scale and harmonious with the quarry use. Due to the remote location of the mine, any illumination of the site will not adversely affect nearby residents.

**LC 16.257(4)(j): That adequate methods are provided to ensure continued maintenance and normal replacement of facilities, landscaping and other improvements, etc. that are required by Site Review Permit.**

As detailed throughout these Findings, conditions of approval adopted by the Board of Commissioners will ensure that mitigation measures required to decrease significant impacts are implemented by the applicant. The applicant will also be responsible for on-going maintenance of the landscaping on the site.

**Lane Code 16.257(5): Conditions. Reasonable conditions may be established in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this section. Guarantees, evidence, dedications or bonding may be required to ensure that such conditions will be met.**

The Board of Commissioners finds that the conditions of approval adopted herewith will ensure that the applicant implements necessary mitigation measures for the project. To ensure such conditions will be met, the County will use its enforcement power to enforce the conditions of approval.

#### **IV. CONCLUSION:**

For the reasons stated above, the Board of Commissioners finds that the applications satisfy all applicable approval criteria, subject to imposing the identified conditions of approval. The adopted conditions of approval that respond to the above criteria are as follows:

1. Signage must be placed north of the intersection of Longview Lane and Highway 99 on Highway 99 to alert motorists of truck traffic entering the roadway during construction activity. The signs are to read “Trucks Entering Roadway” and “45 MPH”.
2. Prior to the next significant construction project, the applicant/owner shall obtain a Road Construction Permit from the County Road Department to conduct a one-time vegetation clearing to ensure adequate sight distance on Longview Lane.
3. For the soft area of Longview Lane from MP 0.2 – 0.4 (.2 miles west to .4 miles west of the intersection of Longview Lane and Highway 99), a 3” overlay shall be completed prior to the expansion of the quarry into Tax Lot 200.
4. Traffic generated from the quarry shall be limited to 200 round trip truck trips per day as projected by the TIA submitted by the applicant.
5. The applicant/owner must comply with all regulations and requirements of other local, state, and federal regulatory agencies. A violation of any such provision constitutes a violation of the County’s requirements for this approval.
6. The applicant/owner must maintain existing berms and buffers in order to mitigate the noise impacts associated with the operations in the processing area.
7. The applicant/owner must maintain vegetative ground cover on berms and buffers to mitigate noise impacts.



Accordingly, the Board of Commissioners takes the following actions:

- Amend the RCP text to add the subject property to the County’s Inventory of Significant Mineral and Aggregate Sites;
- Amend the RCP to redesignate the subject property from Forest (F) to Natural Resource: Mineral (NR:M);
- Amend the zoning designation of the subject property from Non-Impacted Forest Land (F-1) to Quarry and Mine Operation (QM);
- Issue Site Review approval for the proposed use pursuant to Lane Code 16.257, consistent with OAR 660-023-0180(5)(e).