

W.9b.

## SUPPLEMENTAL AGENDA COVER MEMO

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**DATE:** MAY 12, 2007 (memo)  
MAY 23, 2007 (Eighth reading/deliberation)

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**DEPT:** PUBLIC WORKS DEPARTMENT/LAND MANAGEMENT DIVISION

**PRESENTED BY:** STEPHANIE SCHULZ / PLANNER

**TITLE:** ORDINANCE NO. PA 1238; IN THE MATTER OF AMENDING THE EUGENE SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TO REVISE THE GOAL 5 SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY, REDESIGNATE FROM "AGRICULTURE" TO "SAND & GRAVEL", REZONE FROM "E30/EXCLUSIVE FARM USE ZONE" TO "SG/SAND GRAVEL AND ROCK PRODUCTS ZONE", AND ALLOW MINING ON 72.31 ACRES OF LAND PURSUANT TO THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File No. PA 05-6151; Applicant: Delta Property Co.)

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### I. BACKGROUND / ANALYSIS

On May 1, 2007, the Board completed Steps 1, 2, and most of Step 3 in the Goal 5 Rule decision process for the Metro Plan Amendment proposal to expand Delta Sand & Gravel.

- Step 1. Determine if the PAPA information is adequate.
- Step 2. Determine if the resource site is significant.
- Step 3. Determine if conflicts from mining can be minimized.

The results are summarized from the May 1, 2007 deliberations on Attachment 1. The Step 3 deliberation discussion and vote will resume with Noise. Attachment 2, the Exhibit C to Ordinance No. PA1238 shows the minimization conditions for all proposed conflicts, including noise. It is provided again in this packet, along with the color diagram of the 'noise zones' referred to in the conditions.

After completing discussion and vote for Step 3, the Board could continue through the Goal 5 Rule decision steps.

- Step 4. Weigh the ESEE consequences of un-minimized conflicts and determine whether to allow mining.
- Step 5. Determine the ESEE consequences of potential new conflicting uses within the impact area.
- Step 6. Determine if the rezoning requirements of LC16.252 are met, and if the variance setback request should be granted under LC 16.271(7). This rezoning decision, including whether to allow the setback variance is a Lane Code Chapter 16 amendment that informs the Metro Plan amendment decision.
- Step 7. Develop a program to allow mining.

After the Board completes deliberations, determining the next step with city of Eugene would follow.

### II. ATTACHMENTS

Attachment 1 – Summary of May 1, 2007 Deliberation Votes  
Attachment 2 -- Exhibit C to Ordinance No. PA 1238, with noise diagram

Attachment 1

May 25, 2007  
8th reading/deliberations

**Ordinance No. PA 1238 Delta Sand & Gravel  
DELIBERATION VOTES  
Metro Plan Amendment and Rezone**

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- Step 1.** Determine if the PAPA information is adequate. Lane County Eugene  
5 yes 0 no 5 yes 3 no
- Step 2.** Determine if the resource site is significant. Lane County Eugene  
4 yes 1 no 4 yes 5 no  
(Quality & Quantity)
- Step 3.** Can identified conflicts from mining be minimized to acceptable standards and/or levels of no significant impact? Lane County Eugene  
yes no yes no

The votes taken by the BCC on May 1, 2007 for each specific conflict are tallied below, and the final answer to question 3 will be determined from the final vote on the specific conflicts.

**Traffic**

- Is there a conflict due to traffic? Lane County Eugene  
1 yes 4 no yes no
- Is there factual information in the record that indicates the traffic conflict extends beyond 1500' from the boundary of the expansion area? Lane County Eugene  
n/a yes no
- Can the conflict due to traffic be minimized through the conditions proposed by the applicant to a level of no significance? Lane County Eugene  
n/a yes no

**Groundwater**

- Is there a conflict due to groundwater? Lane County Eugene  
5 yes 0 no yes no
- Is there factual information in the record that indicates the groundwater conflict extends beyond 1500' from the boundary of the expansion area? Lane County Eugene  
5 yes 0 no yes no

- Can the conflict due to groundwater be minimized through the conditions proposed by the applicant to a level of no significance?

Lane County                      Eugene  
 3 yes 2 no                      yes no

#### Wetlands & Sensitive Habitat

- Is there a conflict due to wetlands or sensitive habitat?

Lane County                      Eugene  
 5 yes 0 no                      yes no

- Is there factual information in the record that indicates the wetland or sensitive habitat conflict extends beyond 1500' from the boundary of the expansion area?

Lane County                      Eugene  
 1 yes 4 no                      yes no

- Can the conflict due to wetlands or sensitive habitat be minimized through the conditions proposed by the applicant to a level that meets the Division of State Lands fill/removal permit requirements of OAR141-85?

Lane County                      Eugene  
 3 yes 2 no                      yes no

#### Flooding

- Is there a conflict due to flooding?

Lane County                      Eugene  
 1 yes 4 no                      yes no

- Is there factual information in the record that indicates the impact of flooding extends beyond 1500' from the boundary of the expansion area?

Lane County                      Eugene  
 1 yes 4 no                      yes no

- Can the conflict due to flooding be minimized through the conditions proposed by the applicant to a level that meets the state, local, or federal standard that applies?

Flooding standard is a federal FEMA standard to conduct no activity nor build any structure that would raise floodwaters higher than one foot above the FEMA flood elevation for any project or site.

Lane County                      Eugene  
 n/a                      yes no

#### Agricultural Practices

- Is there a conflict due to agricultural practices?

Lane County                      Eugene  
 3 yes 2 no                      yes no

- Is there factual information in the record that indicates the impact of agricultural practices extends beyond 1500' from the boundary of the expansion area?

Lane County                      Eugene  
 1 yes 4 no                      yes no

**Step 6.** Determine if the applicant meets requirements for rezoning (LC16.252), and decide on the variance request under criteria in LC 16.217 (7).

Lane County

\_\_\_\_\_ *yes*    \_\_\_\_\_ *no*

**Step 7.** Develop a Program to Allow Mining.

Lane County

Eugene

\_\_\_\_\_ *yes*    \_\_\_\_\_ *no*    \_\_\_\_\_ *yes*    \_\_\_\_\_ *no*

**Ordinance No. PA 1238  
Metro Plan Amendment and Rezone  
Delta Property Company**

**Conditions Necessary to Minimize Conflicts are Required to Become Part of Any  
Operation Plan Reviewed or Approved under LC 16.217**

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**NOISE mitigation**

**All Zones:**

1. Begin first and second lift mining operations no earlier than 7:00AM and end mining operations no later than 10PM.
2. Retain the administrative controls of restricting the location of mining equipment to reduce mining noise.
3. Take advantage of the screening effect provided when the equipment is below grade.
4. First and second lift mining operations may be conducted separately or simultaneously.

**Zone 1**

5. No additional restrictions beyond adhering to the time limit above, conduct normal mining procedures for all three lifts.

**Zone 2**

6. Excavator removes a second lift of 18' of material by digging from the base of the second lift (digging from below) when the excavator is within 800' of the western boundary of the Expansion Area.
7. If the front end loader is operating at the same time as the excavator, the excavator must be 1500' or more away from any point on the western boundary of the Expansion Area that is within 800' of the front end loader.

**Zone 3**

Same restrictions as Zone 2 plus the following additional controls:

8. After overburden is removed, the front end loader removes a first lift of 13' of material by digging from the base of the first lift when the front end loader is within 550' of the western boundary of the Expansion area.

9. Excavator removes a second lift of 18' of material by digging from the base of the second lift (digging from below) when the excavator is within 800' of the western boundary of the Expansion Area.
10. If the excavator is operating at the same time as the front end loader, it must be 1500' or more away from any point on the western boundary of the Expansion area that is within 550' of the front end loader.

#### **Zone 4**

Same restrictions as Zone 3, *plus* one of the following additional controls when the front end loader is within 235' of the western boundary of the Expansion area:

either

11. Reduce noise generated by the front end loader by 2 dB relative to the CAT 980, either by adding a noise control package, or by replacing it with a quieter model.  
or
12. Limit the number of dump trucks loaded by the front end loader to 12 trucks per hour.

#### **DUST mitigation**

13. Implement standard dust minimization measures to minimize fugitive emissions from aggregate extraction. Dust suppressant shall be used as necessary. Add expansion area to the LRAPA-approved Fugitive Dust Control Program implemented on the currently permitted site.
14. Surface improvement to haul roads shall be smooth, compacted gravel surface.
15. Provide a water truck available at all times to sprinkle access roads, haul roads, and other vehicle traffic areas to keep dust emissions down.
16. Keep internal roadways used for onsite truck traffic away from property lines as far as practicable.
17. Trucks hauling dry, fine material and/or with visible emissions are required to be covered or wetted during transport off property.
18. Conduct the excavation in phases to minimize the size of the area being disturbed at any one time.
19. Maintain a minimum of 50' setbacks to all property lines at the boundary of the expansion area except near residential zoned properties where the setback shall be a minimum of 100'.

**Existing Conditions in the Approved LRAPA permit Covering Current Operations:**

20. Comply with the Fugitive Dust Control Program, required by LRAPA Permit No. 20119, at the expansion area, which will be added to the permit.
21. Conduct mining in phases to minimize the size of the disturbed area at any one time.
22. Vegetate mined areas to reclaim the land and minimize erosion and dust generation except where open water features exist in the reclamation plan.

**GROUNDWATER**

**Condition proposed by the applicant:**

23. Construct a low-permeability barrier (aquaclude) in advance of proceeding with excavation in the expansion area consistent with the recommendations of EGR. The highest point of the aquaclude will be one foot below the mapped wetland elevation in the drainage channel west of the excavation site. The wetland elevation is nominally 377.6 ft. above mean sea level, therefore, the top of the aquaclude would be constructed to an elevation of 376.6 ft. (NAVD 88).
24. The top of the aquaclude would be 6 to 8 feet below the natural grade in the vicinity of the adjacent drainage channel. The aquaclude would be topped with permeable materials and soil above the top elevation of the clay soil fill used to construct the aquaclude. Exhibit 219 in the PA1238 record is a cross-section schematic of the aquaclude in relation to the existing pit and the adjacent subdivision.

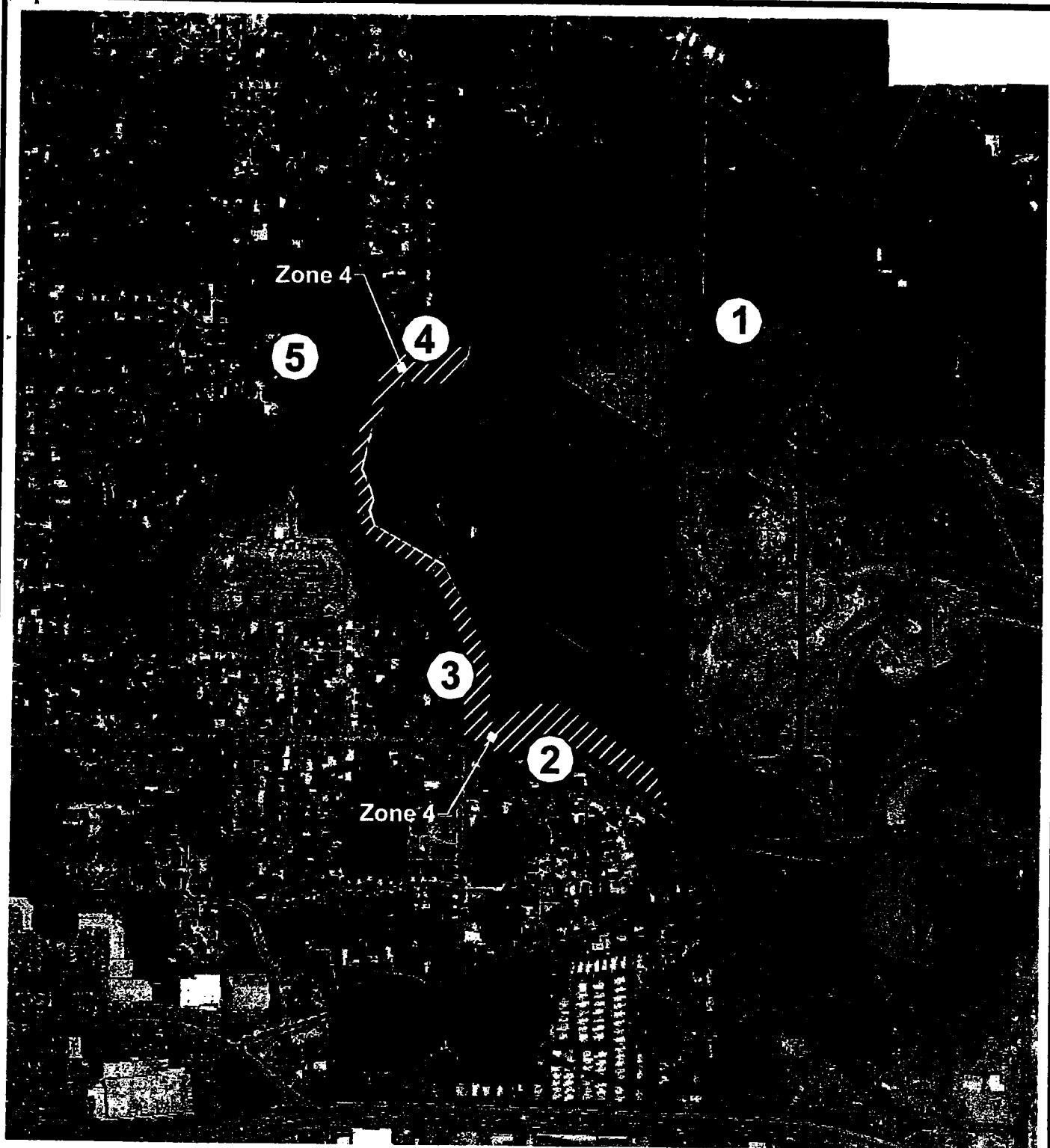
**Existing Conditions in the Current DOGAMI Operating Permit (PA 1238 file record index No. 17):**

**The permittee shall:**

1. be sure all water leaving this operation complies with DEQ's effluent quality requirements.
2. maintain the dike between the site and the Willamette River so that the river does not erode into the pit.
3. construct perimeter roads on Confluence Island in a manner that they are armored against erosion.
4. follow the reclamation and operating plan labeled site 20-0131 for reclamation on Confluence Island.

5. comply with DEQ requirements regarding the backfilling activities in the main Delta Pit.
6. respread a minimum of 12 inches of topsoil over all reclaimed areas.
7. create fill slopes not to exceed 2H:1V, excavated slopes not exceeding 1.5H:1V, and pond slopes not to exceed 3H:1V to 6 feet below the low water level.
8. submit a Plan for Mining to the Sand and Gravel Review Committee for review of criteria in Lane Code 16.217 for review and approval.
9. obtain any necessary permits from regulatory agencies with hydrologic responsibility for plan approval.
10. conduct operations under a performance bond in the minimum amount of \$500 per acre and any additional dollar amounts determined by the Director to be necessary for side restoration.





- New Mining Area
- - - - - Goal 5 - 1500' Boundary
- DEQ Noise Compliance Boundary with Mitigation

0' 1' 2' 651'

SCALE IN FEET

# Prediction Location

Map data provided by EGR and Associates, Inc.

**Daly-Standlee & Associates, Inc.**

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**Revised Site Generated Noise Analysis Map with Mitigation**

DESIGNED BY:

DRAWN BY:  
**C. OPPENHEIMER**

DATE:  
**November 2005**

PROJECT NO.  
**137041**