

T.C.A.

SUPPLEMENTAL
AGENDA COVER MEMO

DATE: April 30, 2007 (memo)
May 1, 2007 (seventh reading/deliberations)
TO: LANE COUNTY BOARD OF COMMISSIONERS
DEPT: PUBLIC WORKS DEPARTMENT/LAND MANAGEMENT DIVISION
PRESENTED BY: STEPHANIE SCHULZ / PLANNER
TITLE: ORDINANCE NO. ~~PA 1238~~ 1238; IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY"; AMENDING THE METRO PLAN DESIGNATION FROM "AGRICULTURE" TO "SAND & GRAVEL"; REZONING FROM "E30/EXCLUSIVE FARM USE ZONE" TO "SG/SAND GRAVEL AND ROCK PRODUCTS ZONE"; TO ALLOW MINING ON 72.31 ACRES OF LAND PURSUANT TO LANE CODE 12.225 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File No. PA 05-6151; Applicant: Delta Property Co.)

I. BACKGROUND

The Board scheduled a seventh reading to begin deliberations on Delta's proposed amendment to the Metro Plan for May 1, 2007. The Eugene City Council took the following action on this proposed amendment on April 18, 2007:

Item C: Delta Sand and Gravel Metro Plan Amendment

Move/second: Ortiz/Pryor

Move to direct staff to prepare a resolution that finds that there is not sufficient evidence that a significant resource exists on the subject site consistent with the attached draft findings.

Friendly amendment: Direct staff to prepare an ordinance rather than resolution.

Move/second: Poling/Solomon

Substitute motion: Move to direct that the findings cannot be supported because on further review, there is sufficient evidence that there are significant resources on the site, and ask the City Manager to schedule work sessions for continued deliberations on the remaining issues.

Vote on substitute motion: Failed 3:5 (Bettman, Taylor, Ortiz, Zelenka, Pryor opposed)

Vote on original motion: Passed 5:4 (Bettman, Taylor, Ortiz, Zelenka in support, Mayor Piercy breaking tie in support)

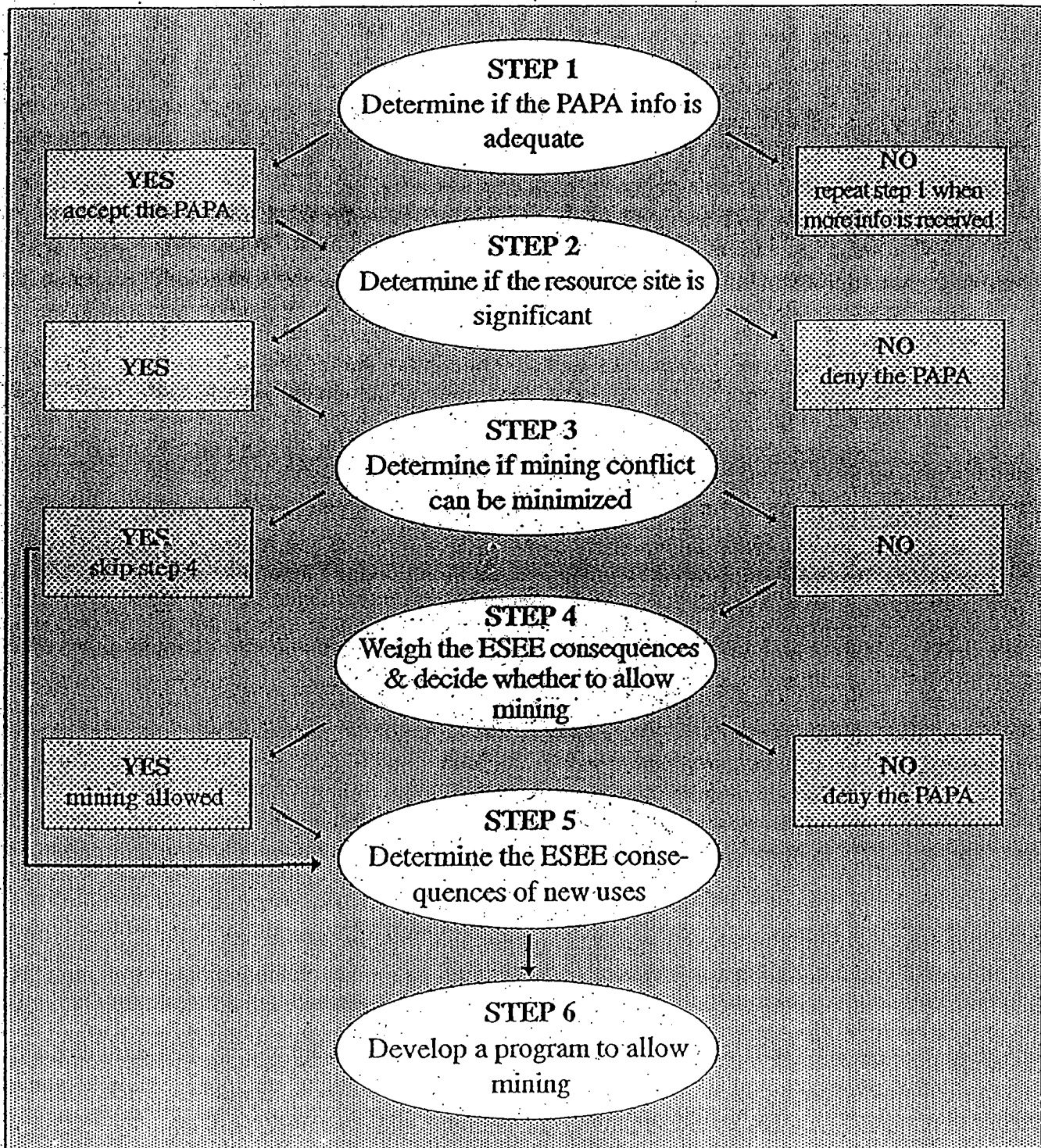
II. RECOMMENDATION / ATTACHMENTS

Staff recommends the Board begin deliberation and discuss the criteria using the attached checklist and flowchart, referring to previous material and analysis provided under the March 7, 2007 agenda cover memo.

- A. Goal 5 Rule PAPA Review and Decision Process Flowchart
- B. Deliberation Tally Sheet for tracking votes at each step of the Goal 5 Rule

GOAL 5 RULE: MINING AND AGGREGATE
OAR 660-23-180
PAPA REVIEW AND DECISION PROCESS

PAPA received



PA05-6151: Delta Sand & Gravel

DELIBERATION VOTES

Metro Plan Amendment and Rezone

- | | | | |
|----------------|---|-----------------------------|------------------------|
| Step 1. | Determine if the PAPA information is adequate. | Lane County
___yes ___no | Eugene
___yes ___no |
| Step 2. | Determine if the resource site is significant.

(Quality & Quantity) | Lane County
___yes ___no | Eugene
___yes ___no |
| Step 3. | Can identified conflicts from mining be minimized to acceptable standards and/or levels of no significant impact?

(Specific conflicts tallied below) | Lane County
___yes ___no | Eugene
___yes ___no |

Traffic

- Is there a conflict due to traffic?

Lane County	Eugene
<u> </u> yes <u> </u> no	<u> </u> yes <u> </u> 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
<u> </u> yes <u> </u> no	<u> </u> yes <u> </u> no
- Can the conflict due to traffic be minimized through the conditions proposed by the applicant to a level of no significance?

Groundwater

- Is there a conflict due to groundwater?

Lane County	Eugene
_____ yes _____ 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
_____ yes _____ 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
 _____ yes _____ no _____ yes _____ no

Wetlands & Sensitive Habitat

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

Lane County Eugene
 _____ yes _____ 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
 _____ yes _____ 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
 _____ yes _____ no _____ yes _____ no

Flooding

- Is there a conflict due to flooding?

Lane County Eugene
 _____ yes _____ 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
 _____ yes _____ 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
 _____ yes _____ no _____ yes _____ no

Agricultural Practices

- Is there a conflict due to agricultural practices?

Lane County		Eugene	
_____ yes	_____ 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	
_____ yes	_____ no	_____ yes	_____ no

- Can the conflict due to agricultural practices be minimized through the applicant's proposed conditions to a level that will not force a significant change in accepted farm use nor increase the cost to conduct farming significantly?

The agricultural practices standard is found under the provisions of ORS 215.296.

Lane County		Eugene	
_____ yes	_____ no	_____ yes	_____ no

Dust

- Is there a conflict due to dust?

Lane County		Eugene	
_____ yes	_____ no	_____ yes	_____ no

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

Lane County		Eugene	
_____ yes	_____ no	_____ yes	_____ no

- Is there factual information in the record that shows the dust conflict can be minimized to a level that meets DEQ & LRAPA standards through the conditions proposed by the applicant?

Lane County		Eugene	
_____ yes	_____ no	_____ yes	_____ no

Noise

- Is there a conflict due to noise?

Lane County		Eugene	
_____ yes	_____ no	_____ yes	_____ no

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

Lane County		Eugene	
_____ yes	_____ no	_____ yes	_____ no

- Is there factual information in the record that shows the noise conflict can be minimized through the applicants proposed conditions?

Lane County	Eugene
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Step 4. Should mining be allowed? Weigh the ESEE consequences and determine whether to allow mining.

Lane County	Eugene
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Step 5. Are there any potential new conflicting uses? Determine the ESEE consequences of potential new conflicting uses within the impact area.

Lane County	Eugene
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

identified new uses:

Step 6. Develop a Program to Allow Mining.

Lane County	Eugene
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

Step 7. Should the request for variance to Lane Code setback criteria be granted?

Determine if the application meets the Lane Code Rezoning requirements of LC16.252 and if the variance to the mining setback should be granted under LC 16.217(7).

Lane County
<input type="checkbox"/> yes <input type="checkbox"/> no