

# BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR MULTNOMAH COUNTY, OREGON

In the Matter of Adopting an Economic, )  
Social, Environmental, and Energy (ESEE) ) **FINAL ORDER** #90-59  
Analysis for Mineral and Aggregate )  
Inventory Site #4, Angell Brothers, Inc. )

Oregon Revised Statute 197.640 requires counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up to date and in compliance with the statewide planning goals. A Proposed Local Review Order intended to bring the County into compliance was presented to the Department of Land Conservation and Development (DLCD) on February 28, 1989. DLCD recommended changes to selected items in the Proposed Local Order which included revising the Statewide Planning Goal 5 Economic, Social, Environmental, and Energy Analysis of the mineral and aggregate sites. The Oregon Administrative Rule guiding this analysis is found in Chapter 660, Division 16.

During the process of revising the subject mineral and aggregate ESEE Analysis public hearings were held before the Board of County Commissioners on December 19, 1989, January 9, 1990, February 20, 1990, March 6, 1990, March 27, April 17, and April 24. On each of those dates written and oral testimony was taken and heard regarding this site.

Based upon that testimony the Board adopts the following ESEE Analysis for Site #4, Angell Brothers, Inc. Quarry, which concludes the following:

1. The appropriate classification of the 113.22 acres in the easterly center of the site, as depicted on the attached map as existing quarry site (cross hatching) and area for expansion (large dot pattern), is "3C, Specifically Limit Conflicting Use".
2. The ESEE Analysis for the remainder of the site, 283.37 acres, is at "Step 2, Identify Conflicting Uses" until on-going wildlife studies described in the analysis are completed at the time schedule specified.

The Board further finds that, with the encouragement of the Board, an agreement regarding mine operation expansion during the wildlife corridor study has been reached at the conclusion of three informal meetings of the quarry operator and neighborhood groups representatives. The Board is in agreement with the following results of those discussions which were confirmed at the Board Hearing of April 17, 1990:

1. An additional 42 acres of aggregate and clay material should also be included with the present operation area in an ESEE analysis designation of "3C" in order to ensure a continued amount of aggregate and clay material needed for operation of the mine during the wildlife study period.
2. This expansion area should be toward the south as shown on the attached map. The southerly boundary line is at two angles drawn as to have the least protrusion.

sion into a potential wildlife corridor area to the southwest and also provide a 100 foot buffer to a stream to the southeast.

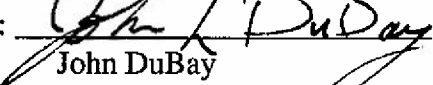
3. The attached map also shows two areas which Angell Bros. Inc. has agreed not to mine during the study time period. The areas are:
  - A. A 400 foot by 800 foot area in the northwest corner of tax lot "2" which may be important for scenic view considerations; and
  - B. An 111 acre area which was the subject of a conditional use approval for clay mining in 1989. The southerly 42 acre expansion area will provide the clay material that would have been mined from the 111 acres to the north and west of the present operation. Where possible, existing trees and vegetation will be preserved on the 111 acre area.
4. The reclamation plan for a site will have a very important influence on wildlife and views. The neighborhood groups and wildlife organizations with an interest in the reclamation plan are to participate in an informal review of any proposed reclamation plans before the plans are submitted with a conditional use application. There are five guidelines which should be part of the reclamation plan which are in addition to those required by State regulations:
  - A. Twenty four inches of top soil for adequate reforestation;
  - B. Where possible, six feet of top soil around streams to insure reforestation and wildlife habitat;
  - C. Landscaping for wildlife access and ease of moving across restored area;
  - D. Streams restored to the land surface (not confined to drain pipes); and
  - E. A bond to insure that the above reclamation is achieved.

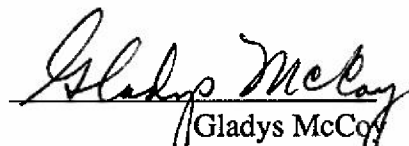
This order and the foregoing are to become attachments to the Local Review Order to be submitted to the Department of Land Conservation and Development.

Approved the 24th day of April, 1990.

(Seal)

Reviewed:  
Lawrence Kressel, Multnomah County Counsel

By:   
John DuBay  
Chief Deputy County Counsel

  
Gladys McCoy  
Multnomah County Chair

**Angell Brothers, Inc.**  
**Existing & Proposed**  
**Quarry Site**

Multnomah County-Columbia River Hwy

**Legend**

MUF-19 MULTIPLE USE FOREST  
19 ACRES

MUF-38 MULTIPLE USE FOREST  
38 ACRES



NEW AREA FOR  
QUARRY EXPANSION  
(APPROX. 42 ACRES)

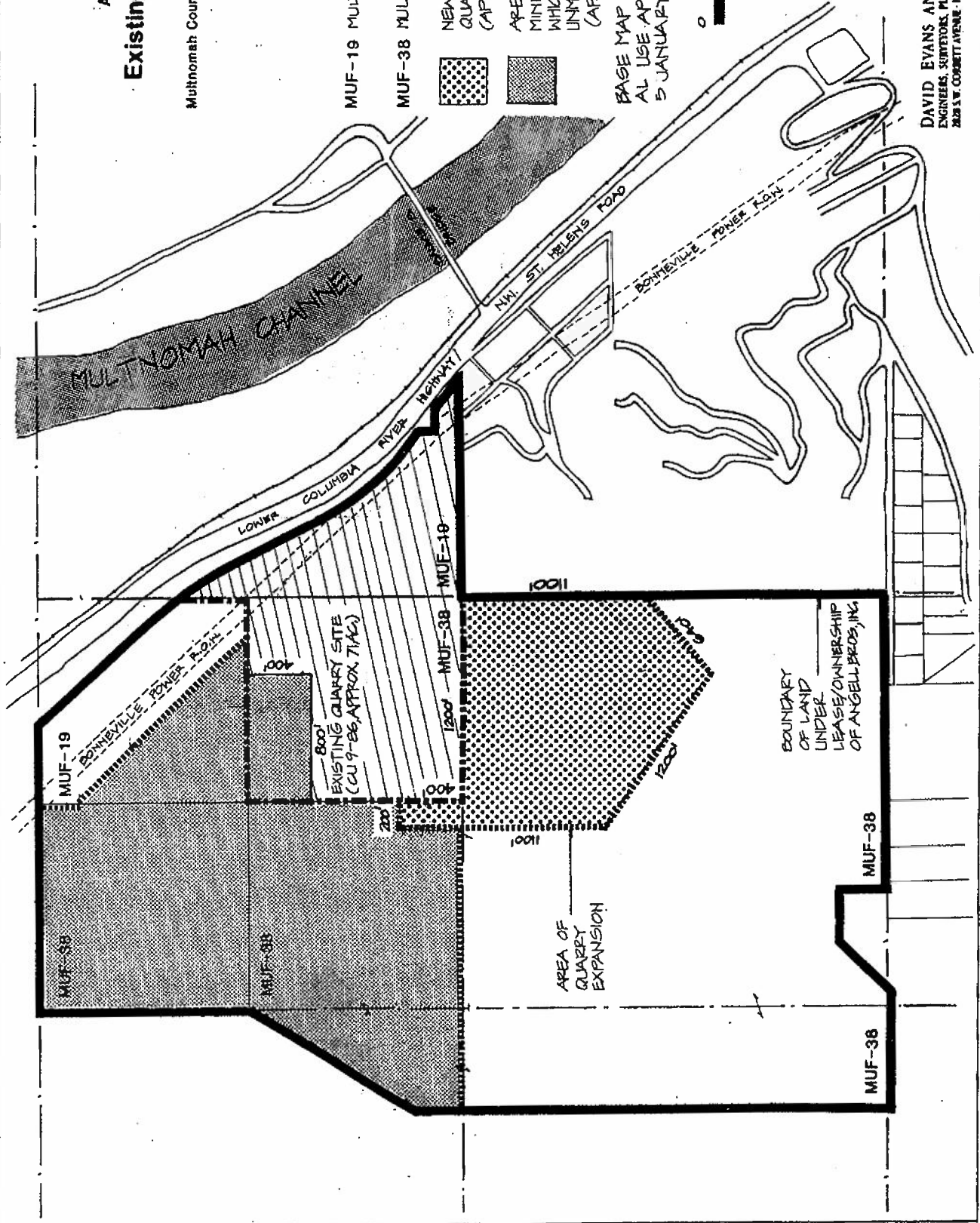


AREA APPROVED FOR  
MINING OF OVERBURDEN  
WHICH WILL BE LEFT  
UNMINED  
(APPROX. 111 ACRES)

BASE MAP FROM CONDITION-  
AL USE APPLICATION OF  
5 JANUARY 1990.



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**Multnomah County**  
**GOAL 5 INVENTORY**  
(4/24/90)

**Type of Resource:** Mineral and Aggregate  
Mult. Co. Inv. Site #4  
**Angell Brothers, Inc.**

**Location:**

Tax Lot '12 in the Northwest 1/4 of Sec. 28, T. 2 N., R. 1 W.; Tax Lots '2', '6', '8', and '11' in the eastern one-half of Sec. 29, T. 2 N., R. 1 W.

**Description:**

DOGAMI I.D. #26-0019

This operating rock quarry is located on the west side of State Highway 30, just north of the Sauvie Island Bridge. The present size of the approved extraction activities cover the majority of two tax lots totalling 71.22 acres in area. The easternmost parcel of 31.22 acres (TL '12', Sec. 28, T. 2 N. R. 1 W.) contains the processing equipment and stockpiles. The existing general mining and operations master plan calls for retaining the north and south knob type hills at the entrance for screening of the operation to viewing from the east.

A 1978 DOGAMI publication estimated that reserves of the mineral and aggregate resource were 7 million cubic yards of material. A study by H. G. Schlicker and associates was submitted in August, 1989 which covered an adjoining 325.37 acres. That report concluded that based upon their materials tests, borings, and seismic studies, the potential expansion area most likely contains approximately 220 million cubic yards of very good aggregate material.

**A. Available information indicates site is important (ability to yield more than 25,000 cubic yards of material in less than 5 years):**

NO-Designate 1A: Do not include in plan inventory.

**X** YES – Go to B.

**B. Is available information sufficient to determine the location, quality and quantity of resource at the site ?**

NO – Designate 1B : Address the site in future when information becomes available.

**X** YES – Include in plan inventory and go to C.

**C. Zoning:**

Multiple Use Forest - 19 and Multiple Use Forest - 38

**OAR 660-16-005: *"It is the responsibility of local government to identify conflicts with inventoried Goal 5 Resource Sites."***

**Are there conflicting uses ?**

NO – Designate 2A : Preserve resource.

**X** YES – Go to D.

**D. Describe existing or potential conflicting uses:**

Single family residences: In the MUF-19 zone as a primary use on a lot of 38 acres, as a use under prescribed conditions on a new lot of between 19 and 38 acres with a forest or farm management plan, as a use under prescribed conditions on a lot of record of between 10 and 38 acres with a forest or farm management plan, or as a conditional use on a lot of record of less than 10 acres. The MUF-38 zone requirements are identical to the MUF-19 zone except that new lots must be at least 38 acres in area.

A range of potential conditional uses and community service uses are listed in the MUF zoning districts but to be approved the approval authority shall find that the proposed use "Will not adversely affect natural resources" (MCC 11.15.7120(B)). In the MUF zone such uses include churches, schools, cottage industries, service commercial, and tourist commercial establishments.

There is the possibility of a "Wildlife Corridor" in the West Hills that provides migrating routes and intermingling of species between Forest Park and the Coast Range. If such a corridor exists, the impact on this corridor by an expansion of the subject mineral and aggregate operation would be relevant. There are studies in progress that are investigating this potential conflict and until that research and field studies are completed during calendar year 1991, the County cannot adequately identify conflicting uses as required by OAR 660-16-005.

Although OAR 660-16-000 (5) (c) states that when a site is included on the inventory then it "...must proceed through the remainder of the Goal 5 process", it is the County's position that the gathering of information on potential conflicting uses based upon a committed expenditure of funds and a published timetable is "proceeding" through the process. The County is at step designation "2" on the OAR flow chart at this time. Also see 3.A.(1).(b).in the Environmental section below and the Wildlife Habitat Goal 5 Inventory.

Another potential conflict which is under study are the scenic views of the Tualatin Mountains from the Multnomah Channel and the State owned wildlife areas on Sauvie Island. See Scenic Views Goal 5 Inventory.

#### **Describe consequences of allowing conflicting uses:**

***OAR 660-16-005 (2): "...Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites."***

#### **ECONOMIC:**

##### **1. Impacts on resource:**

Potential loss of site which is the largest in operation in the County which also contains significant remaining reserves of the resource. The location, less than one mile outside the Urban Growth Boundary and with direct access to a State Highway, has many advantages in supplying this resource to the metropolitan area.

## **2. Impacts on conflicting uses:**

Homes and tourist commercial uses too near the noise or dust of an extraction operation will have reduced value. This quarry has operated for many years, so reductions in value, if any, may have already occurred.

## **3. Requirements of other applicable State Goals:**

### **A. Transportation Goal 12:**

Direct access is onto State Highway 30 which is capable of handling all anticipated traffic.

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

The majority of the entire site is located in a slope hazard area. This should not present a problem due to the requirement in MCC 11.15.7325 (D) that all proposed operations be certified by competent professionals (such as a registered mining engineer) to not result in the creation of a geologic hazard to surrounding properties.

## **SOCIAL:**

### **1. Impacts on resource: N/A**

## **2. Impacts on conflicting uses:**

A. The nearest conflicting uses are two homes which are 700 feet away from the subject property. At 1000 feet away to the northeast are 29 houseboats. The impact on houseboats will decrease as the excavation area moves to the west or south. The closest house to the mapped 55 acre potential expansion area is approximately 1200 feet away to the south.

B. Residences near Multnomah Channel, houseboats on the channel, and residences on the southerly 2 miles of Sauvie Island which are east and northeast of the gap in the ridge at the entrance to the mining operation are able to view the slopes under excavation. Screening can mitigate part but not all of this potential impact.

## **3. Requirements of other applicable State Goals: N/A**

## **ENVIRONMENTAL:**

### **1. Impacts on resource: N/A**

### **2. Impacts on conflicting uses:**

- A. Noise, dust particulates, and blasting are potential impacts on such sensitive land uses as homes, schools, and public parks. However, the site is in compliance with DEQ noise and particulate regulations.
- B. Angell Bros. Inc. has been permitted to operate during the hours of 6:00 A.M. to 10:00 P.M. since 1980, which operating hours were confirmed in its 1986 permit. Because of few conflicting or sensitive uses nearby, this facility should be allowed to continue current operating hours.

### **3. Requirements of other applicable State Goals:**

#### **A. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources:**

##### **(1).Fish and wildlife areas and habitat:**

##### **(a).Existing 71.22 acre approved extraction operation:**

An intermittent stream flows northeasterly through the center of tax lot '12' (the 32 acre parcel fronting on the highway). In conjunction with the present operation most of the length of the stream near the mining has been enclosed in a culvert. The stream is classified Class II by the State Department of Forestry and the decision to allow piping through the site was made because "the stream is not considered a 'fishing' creek" and it dries up in late summer. The State Department of Environmental Quality has approved the water discharge system. The value of the mineral and aggregate resource in this location outweighs the value the stream may have for fish and wildlife habitat at this time, considering that at some time in the future the fish and wildlife potential may be restored. No significant wildlife area exists on the area currently approved for extraction activities.

##### **(b).Adjoining 325.37 acres (potential expansion area):**

Recent studies suggest that the wide variety of wildlife found in Forest Park may be directly attributable to the opportunity for species interaction with the Coast Range ecosystem. Such interaction may be possible due to the rural, relatively undeveloped



character of the Tualatin Range (West Hills), which enables this area to function as a "corridor" for animal movement. Thus, the wildlife diversity of Forest Park may result from either migratory patterns or general long-term recruitment from more rural reservoirs. If this is the situation, the "wildlife corridor" should be located and recognized for its role in maintaining the species diversity of Forest Park.

The County and City of Portland have budgeted and expect to spend up to \$25,000 on studies of this issue. Phase 1, the initial research, is currently underway. Phase 2, the field survey work and the application of research and field evaluation results to specific land use recommendations, will be completed by early 1991. Staff will then complete the ESEE Analysis and propose Plan amendments to complete the Goal 5 process for this factor by the end of 1991.

The property owner has requested a "3C" designation on the entire potential expansion area of 325.37 acres, but has agreed to an immediate "3C" designation of approximately 42 acres of the expansion area to permit operation during and after the corridor study. Following the study, the designation of the remaining expansion area of 283.37 acres would be determined.

The owner submitted a memorandum from Lawrence L. Devroy, Natural Resources Manager at David Evans & Associates, regarding a wildlife inspection on the proposed 42 acre expansion area performed on March 21, 1990. The report concludes that "... no well-defined wildlife corridor appears to exist in the (42 acre) area of the proposed expansion since no areas of heavy use were observed." In addition, the 42 acre area is located far to the eastern edge of the potential corridor area to minimize any impacts which the expansion may cause in the corridor.

(2). Outstanding scenic views and sites:

Testimony from several citizens at public hearings points to some concern over the potential adverse impacts on scenic views of the Tualatin Mountains at the subject property if the mining is extended into the adjoining lands. Considering the Sauvie Island Wildlife areas have the most public use of any other wildlife area in the Northwest, a great many people are exposed to those views. Therefore, a study of this potential conflicting Goal 5 resource has been started and the

timetable should closely follow that of the Wildlife Corridor studies. A "3C" designation of the 42 acre expansion area will minimize view impacts until such time as a view study is prepared relating to the entire area.

## **ENERGY:**

### **1. Impacts on resource:**

Allowing noise and dust sensitive uses too close to the resource could alter the manner, location and extent of extraction activities, resulting in greater use of energy to the operator. This close-in site is energy efficient for transporting the materials to the largest market.

### **2. Impacts on conflicting uses: N/A**

### **3. Requirements of other applicable State Goals: N/A**

## **CONCLUSION:**

### **The resource at this site should:**

Be fully protected – Designate 3A.

Not be protected due to overriding benefits from allowing conflicting uses – Designate 3B.

- X FOR THE MAPPED EASTERLY CENTER 113.22 ACRES CONTAINING THE EXISTING MINING OPERATION AND AN EXPANSION AREA: Be partially protected by conditions which minimize the impact of conflicting uses - Designate 3C.**
- X FOR THE ADJOINING REMAINDER OF THE SITE, 283.37 ACRES: No ESEE designation assigned until more information is available from on-going studies of potential conflicting uses. At this time the ESEE analysis is at step "2" on the OAR flow chart.**

## **PROGRAM:**

The existing approved mining operation of 71.22 acres and an expansion area of 42 acres are designated "3C". This designation will allow the mining operator to apply for renewal of the Conditional Use approval for the existing mining operation area and apply for an expansion area that would meet their aggregate needs for at least the wildlife and scenic views study period.

The expansion area is due south of the area to be worked next in the existing operation. This expansion direction appears to be the least intrusive into where a wildlife corridor would most likely be located. It is also in the direction of least visibility from Sauvie Island due to the ridgeline on the property to the east. This program will allow uninterrupted operation of the mine during the time needed to complete the wildlife studies and, if warranted, put appropriate protection measures in place.

Designation of the adjoining acreage of 283.37 acres will be completed when the needed information is obtained on potential conflicting uses. Multnomah County and the City of Portland expect to spend up to \$25,000 during the time period 1989-1991 in the contracting of studies in an attempt to verify the existence of a "Wildlife Corridor" in the area of further potential aggregate extraction expansion. The Goal 5 ESEE process for this remainder area is expected to be completed during 1991.