

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

RESOLUTION NO. T4-02-001

In the matter of Recommending Amendments to the Howard Canyon Reconciliation Report a part of the Multnomah County Comprehensive Plan.

The Planning Commission Finds:

- a. Multnomah County exercises land use planning and permitting authority over land within the jurisdiction of Multnomah County lying outside the Portland Metropolitan Urban Growth Boundary; and
- b. Multnomah County has adopted and applies its acknowledged land use regulations and Comprehensive Plan to those portions of Multnomah County lying outside the Metro Urban Growth Boundary, and Multnomah County's land use regulations and Comprehensive Plan have been acknowledged by the Department of Land Conservation and Development as being consistent with all of the State-wide Planning Goals, including Goal 5; and,
- c. The Howard Canyon Quarry is located in unincorporated Multnomah County, outside the Portland Metro UGB on rural land and is an active rock quarry, currently producing less than 5,000 cy of rock per year under permit from the Oregon Department of Geology and Mineral Industries; and,
- d. Multnomah County evaluated the Howard Canyon Quarry and in 1994 attempted to designate the Quarry as an aggregate source under Goal 5. In response the Department of Land Conservation and Development directed the County, through a revised Periodic Review Work Program, to reconcile stream, wildlife, scenic view and mineral and aggregate resource issues in separate reconciliation reports for each designated resource site, including the Howard Canyon Quarry; and,
- e. Multnomah County released in 1996 the Howard Canyon Reconciliation Report (HCRR) that addressed the information known at that time about natural resources and residential and farm areas that could be impacted by a mining operation in the Howard Canyon Quarry. The HCRR assessed and evaluated the Economic, Social, Environmental and Energy consequences (ESEE analysis) of a particular type and level of aggregate rock mining operation in the Quarry; and
- f. The particular type of mining operation proposed by the property owner and analyzed by Multnomah County in the HCRR was a construction concrete aggregate operation with a crusher and with a particular mix of machinery which generated a particular level of noise, and based on this noise generation, the surrounding "impact

zone” analyzed in the HCRR was limited to 1,200 feet and did not include any analysis of impacts to recognized farm uses under state law or the county code; and

g. Based on the particular nature of the mining operation proposed by the Quarry owner at that time, the County’s ESEE analysis concluded that the impacts from such a mining operation were acceptable and that the Quarry should be designated for resource extraction and protected from near-by conflicting uses and the HCRR became an acknowledged part of Multnomah County’s Comprehensive Plan and State-wide Goal 5 compliance; and

h. Despite the specific assumptions and recommendations of the HCRR and DLCD’s acknowledgment of the Report, neither the County nor the Quarry owner acted on the HCRR and neither sought to apply the recommended zoning for Protected Aggregate Mineral (PAM) sites as provided by the County’s land use regulations, and instead the Quarry retained its Commercial Forest Use (CFU-4) designation, which allows aggregate mining as a conditional use; and

i. In 1998, the National Marine Fisheries Service (NMFS) declared Lower Columbia River Steelhead, which is native to and still survives in east Multnomah County, as threatened under the Federal Endangered Species Act (ESA), and in 1999, NMFS listed 8 additional salmon populations in Oregon as threatened under the ESA; and

j. In February 2000, NMFS designated the critical habitat necessary for the survival of the species previously listed as threatened under the ESA, and declared the 300 feet on either side of the Sandy River and several of its tributaries to be critical habitat for the survival of these species, most notably Steelhead; and

k. The Sandy River lies approximately 1000 feet from the Howard Canyon Quarry property and three tributaries of the Sandy River, *i.e.*, Big Creek, Knieriem Creek and Howard Canyon Creek, either pass through or adjacent to the Howard Canyon Quarry property and stand to be severely impacted by mining operations in the Quarry; and

l. In response to the ESA listings of Lower Columbia River Steelhead and 8 other salmonid species and the designation of critical habitat for these species in east Multnomah County, both Metro and Multnomah County adopted extensive measures to protect these species and their critical habitat from incompatible development; and

m. In 2000, the County, acting on behalf of the Quarry owner, applied to change the zoning of the Howard Canyon Quarry and of the private property surrounding the Howard Canyon Quarry and apply the County’s PAM zoning protections designed to protect aggregate and mineral sites and restrict the use of surrounding private property; and

n. On June 13, 2000, the Board of County Commissioners tabled indefinitely that zone change request and directed staff to reopen and revise the HCRR and the County’s

Goal 5 process regarding the Howard Canyon Quarry and “focus on several issues that would include the Endangered Species Act and the need for improved stream protections, the change in mining method and use of rock, associated noises and farm impact, and the lack of evidence for westerly one thousand foot extent of the resource;” and

o. On June 7, 2004 the Planning Commission further finds:

- The quarry has a significant negative impact on farms, primarily due to conflicts between truck noise and livestock despite noise mitigation measures and limiting the numbers of trucks including advance notification of blasting which would require change of accepted farming practices; and
- Potential quarry impacts to streams can be mitigated with erosion control and pollution plans so that the quarry is not likely to adversely impact water quality or ESA listed salmonid species in local streams; and
- The quarry will have no or minimal impact on the cost of mineral and aggregate rock products in the region or the county, because it represents less than one percent of the estimated regional demand for aggregate and therefore the quarry is expected to have minimal influence on the regional price of aggregate; and
- The quarry will have minimal impact on the local market area because the demand for aggregate is expected to be low given the surrounding area is rural in character and outside the Urban Growth Boundary with the vast majority of land designated as resource land; and
- The quarry may have an adverse impact on the quarry owners by lost income from future extraction opportunities. However, mitigation costs associated with larger scale extraction would be significant and might not result in a net benefit to the owner. In addition, a County determination to allow conflicting uses fully under Goal 5 does not prevent the quarry from continuing to operate under the terms of the Department of Geologic and Mineral Industries (DOGAMI) Grant of Total Exemption for a small scale quarry; and
- The quarry has been found to have a negative impact on surrounding property values due to noise impacts and application of the Protected Aggregate and Mineral overlay; and
- Truck Traffic from the quarry adversely impacts Springdale, a rural center, where many dwellings are closer to the road and the associated setback used for truck noise calculations causing increased noise levels and adverse noise impacts which in turn can decrease property values and decrease the attractiveness of Springdale for commercial development which may threaten the viability of existing businesses or discourage new businesses from locating in Springdale; and

- DEQ noise standards do not fully account for the extended duration and long term effects of the quarry activity and truck traffic despite noise mitigation measures, including speed restrictions, time and days of operation, prohibiting the use of “Jake” brakes, and limits on the number of trucks all designed to meet the DEQ noise standard which is an hourly standard that does not adequately account for the continuous operation and long-term effects of the quarry activity and truck traffic subsequently impacting the quality of life to surrounding property owners; and
- The Hogback Ridge is comprised of similar aggregate material as that previously found to meet Goal 5 significance yet is relatively small and will have marginal loss of economic value for the region and has the steepest and potentially unstable slopes that make erosion control difficult with increased risk of failure creating environmental impacts that cannot be resolved and is nearest to residences and farm uses and yet the most potential for adverse impacts from noise; and

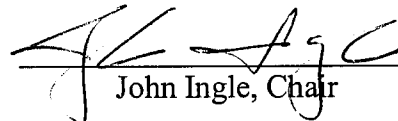
p. The Planning Commission therefore finds that by allowing conflicting uses fully and prohibiting mining under Goal 5 would resolve many of the negative impacts on the surrounding community while understanding that the Comprehensive Framework Plan policies will continue to allow the quarry to operate under the DOGAMI Grant of Total Exemption which will mitigate some of the negative impacts to the quarry owner.

The Planning Commission Resolves:

1. Resolution T4-02-001 and the corresponding text and plan amendments to the Howard Canyon Reconciliation Report, May 2004 and referenced amendments to the East of Sandy River Rural Area Plan, 1997 are hereby recommended for approval by the Board of County Commissioners.

ADOPTED this 7th day of June, 2004

PLANNING COMMISSION
FOR MULTNOMAH COUNTY


John Ingle, Chair