

- (b) **Blasting Records.** Each operator shall maintain a record of each blast for at least two years. These records shall be available to the County, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. Such records shall show the following for each blast:
- (i) Name of quarry or mine.
 - (ii) Date, time and location of blast.
 - (iii) Description of type of explosives and accessories used.
 - (iv) Time interval of delay in milliseconds.
 - (v) Number of different delays.
 - (vi) Number of holes per delay.
 - (vii) Nominal explosive weight per hole.
 - (viii) Total explosive weight per delay.
 - (ix) Total weight of explosives per blast.
 - (x) Blast hole diameter, depth, spacing and stemming height.
- (8) **Property Development Standards.**
- (a) **Property Line Setbacks.** No structure other than a fence or sign shall be located closer than:
 - (i) 20 feet from the planned right-of-way of a State road, County road or a local access public road specified in Lane Code Chapter 15; and
 - (ii) 20 feet from an existing right-of-way of a State road, County road or a local access public road; and
 - (iii) 10 feet from all other property lines except as provided below.
 - (b) **Class I Stream Riparian Setback Area.** The riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met.
 - (c) **Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area.** Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the rural Comprehensive Plan must comply with the provisions of LC 16.253(2).

2-17-99

25th Week • 172nd Day

SA^T

REF.

NAME OR PROJECT

DETAILS OF MEETINGS • AGREEMENTS • DECISIONS

RECEIVED
LAND MANA.

Re: File # PA 985144

FEB 19 1999

AM
7,8,9,10,11,12,1,2,3,4,5,6

Dear Mr. Jampher
I've had time to study Mr. Bradfords proposal to amend the R.C.P. to allow his quarry.

Initially, like others, I opposed this change.

However, now that I have had time to think about it, I think it is his right as a property owner to do with his land as he wants to.

Part of the reason for my change in mind is due to the many many problems I have had with my neighbors (The Kent family) as I've tried to make improvements on my property.

Although I believe the quarry should be allowed, I also believe that Cedar Croft + Bear Creek are far too populated and impacted for this use.

So, I propose Mr. Bradford be allowed to change the R.C.P. provided he use his own road (101st).

FILE # PA 98-5144
EXHIBIT # 43

REF.	NAME OR PROJECT	DETAILS OF MEETINGS • AGREEMENTS • DECISIONS	TIME HRS. 1/10
2		South Bradford road for the entry	
3		and exit of the increased traffic	
4		associated with this business. South	
5		Bradford is far less populated & less	
6		impacted.	
7			
8			
9		The only other way to do this	
10		as I see it would be to have Mr.	
11		Bradford build a road from his	
12		quarry site over to Sears road	
13		(Possibly using the old railroad pass) where all	
14		the other quarry activity & rock trucks	
15		currently run.	
16			
17			
18			
19			
20			
21			
22		Thank you	
23		Dan O'Gorman	
24		82852 Bear Creek Rd.	
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			

AMENDED
APPLICATION FOR
POST ACKNOWLEDGEMENT PLAN AMENDMENT (PAPA),
MINOR RURAL COMPREHENSIVE PLAN AMENDMENT,
AND ZONE CHANGE

Date: February 17, 1999

Applicant: BJ Equipment Company, LLC as agent for Ross Bradford,
property owner

Prepared by: James W. Spickerman
Gleaves Swearingen Larsen Potter Scott & Smith
P.O. Box 1147
Eugene, OR 97440-1147

Request: A Post Acknowledgement Plan Amendment (PAPA) to allow
mining pursuant to OAR 660-23-180; Rural Comprehensive
Plan Amendment from Forest designation to Natural Resources:
Mineral designation; and zone change from Non-Impacted
Forest Lands zone (F-1 - RCP) to Quarry and Mine Operation
zone (QM-RCP).

The subject 40-acre parcel is described as Assessor's Map No.
19-02 30, tax lot 3500.

Amended Application: This Amended Application supersedes and supplements the
previously filed Application and Addendum to Application.

RECEIVED BY
LAND MANAGEMENT

FEB 17 1999

AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

FILE # PA 98-5144
EXHIBIT # 44

TABLE OF CONTENTS

Background Information 1

Goal 5 Rule: Mining and Aggregate PAPA Review Pursuant to OAR
660-23-180 4

Statewide Planning Goals Analysis..... 16

Lane County Rural Comprehensive Plan Amendment Criteria 23

Zone Change Approval Criteria 32

Conclusion 33

Attachments:

- Exhibit A Century West Engineering Corporation report,
September 10, 1998
- Exhibit B Conceptual Site Reclamation Plan, Bradford Pit Site
Plan, Blasting Procedures
- Exhibit C Traffic Impact Analysis
- Exhibit D Art Noxon, P.E., Noise Impact Study
- Exhibit E Applicant's LRAPA Permit
- Exhibit F Zoning Map
- Exhibit G Map of area showing residences, impact area
- Exhibit H Topography map
- Exhibit I Soils map
- Exhibit J Hydrologist's report
- Exhibit K DOGAMI report

AMENDED
APPLICATION FOR PAPA, RURAL COMPREHENSIVE
PLAN AMENDMENT, AND ZONE CHANGE

I. Application

- A. Applicant: Ross Bradford
82452 Bradford Road
Creswell, OR 97426
- B. Agent: BJ Equipment Company, LLC
P.O. Box 543
Cottage Grove, OR 97424
- C. The applicant seeks approval of the following:
1. Pursuant to OAR 660-023-0180, the applicant seeks to have Lane County's acknowledged inventory of mineral and aggregate resources amended to include the parcel that is the subject of this application in response to the applicant's request for a Post Acknowledgement Plan Amendment (PAPA);
 2. As part of the same application, the applicant seeks to have the Rural Comprehensive Plan Diagram amended to designate the subject parcel Natural Resources: Mineral; and
 3. The applicant seeks to have the subject parcel zoned Quarry and Mine Operation zone (QM-RCP).

II. General Information

A. Description of the site.

This 40-acre parcel is a portion of 256 acres owned by Ross Bradford. The remainder of the acreage, all zoned E-40 and F-1, lies to the north and east of the subject 40-acre parcel. In addition to the F-1 land owned by the applicant to the north and the east, F-1 land in the ownership of others abuts this property on the south and west.

The closest residence to the quarry site is approximately 2300 feet away, to the south, behind a hill. The next closest residence is 3300 feet away from the quarry site and on Bradford-owned property. Existing and potential land

uses in the area will be further delineated herein in the form of graphics and discussion of the relevant criteria.

B. Description of the site.

The subject site has been logged in the past and a portion of the site has been replanted with pine and fir trees.

There presently exists on the site a small quarry that has been used primarily for extraction of rock for purposes of building logging roads on adjacent forest lands. The quarry operation will be a hilltop removal located in the southwest quadrant of the 40-acre parcel with scales, stockpiles and loading areas located at the northeast quadrant of the 40-acre parcel.

III. Proposed Mining and Processing Operation

There are a number of restrictions that will be applicable to this mining operation. First, the Quarry and Mine Operation zone (QM-RCP) has a provision requiring site review for such a mining operation, allowing the Board of Commissioners to impose conditions deemed necessary. Additionally, the applicant is required to and has submitted an Operating and Reclamation Plan to the Oregon Department of Geology and Mineral Industries and the applicant is bound by that plan. The plan contemplates use of approximately 20 acres of the 40-acre site and a specific site plan has been submitted detailing the manner in which various portions of the site will be utilized. The actual mining operation will cover only 12 acres. The site plan also specifies setback from property lines, hours of operation and blasting procedures. Both the zoning district and the blasting procedures of the permit specify notice to surrounding residences.

The applicant's operation is also subject to Lane Regional Air Pollution Authority regulations and is specifically subject to the conditions of the applicant's permit to operate the portable rock crusher and ancillary equipment on the site. That permit restricts visible emissions from the equipment, requires water spray to minimize emissions and requires that air pollution control equipment be operated and maintained to meet the manufacturer's specifications. The DOGAMI permit prohibits any discharge of stormwater or process water from the site.

Equipment used in conjunction with the mining at the site will be subject to Department of Environmental Quality noise restrictions. The applicant has agreed to use only Cedarcroft Road for access to the site. The portion of the road near existing residences will be treated with a biodegradable dust retardant during any periods of hauling activity.

The applicant is required by DOGAMI to reclaim the site in accord with the reclamation plan. This will include replacing the original top soil and replanting disturbed areas.

IV. The Aggregate Resource

The last inventory of mineral and aggregate resource sites was completed and made a part of the Mineral and Aggregate Resources Working Paper in 1982. In 1997, LCDC adopted a new Statewide Goal 5 Rule that included specific provisions for the identification of significant aggregate resource sites and determination whether an acknowledged comprehensive plan should be amended to permit mining at the site. The administrative rule and applicable Lane County requirements are addressed herein.

The new rule, OAR 660-023-180, and the plans and policies of Lane County recognize that, much the same as agricultural lands and forest lands, aggregate is a resource that must be identified, protected by appropriate land use designation, and utilized.

GOAL 5 RULE: MINING AND AGGREGATE

PAPA REVIEW PURSUANT TO OAR 660-23-180

This application proposes a Post Acknowledgment Plan Amendment (PAPA) adding the subject site to Appendix "D" of the Mineral and Aggregate Sources Working Paper as a significant site and changing the Comprehensive Plan Designation from F-1 Non-Impacted Forest Lands to NR Natural Resources: Mineral. OAR 660-23-180 sets forth the review and decision process for consideration of PAPAs involving a mining site. Jim Mann, Senior Planner, and Frederique Chateau-Gruner, Technician of the Lane County Land Management Division, have prepared a summary of the analysis to be followed to consider PAPAs. The format of this information provided by the County will be used here to address the administrative rule.

Step 1. Adequacy of the PAPA information.

A general discussion of PAPA information is set forth in this step. A more thorough discussion of potential conflicts among land uses is set forth below in addressing the particular criteria.

1. Minimum information. OAR 660-23-180(6).

a. Details about the quantity, quality and location that are sufficient to determine whether the standards and conditions of section (3) of the Administrative Rule are satisfied.

This requirement is met if samples of the aggregate material on the site meet Oregon Department of Transportation (ODOT) specifications for base rock or air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley. Attached as Exhibit A is the September 10, 1998 report of Century West Engineering Corporation establishing the requisite quality and quantity of rock at the site. The conclusion of the report is that the quarry site meets requirements as a high quality rock source and the report establishes that approximately 2,560,000 tons of high quality rock is available for construction aggregate processing at this site. As noted by the report, there, in fact, may be substantially more rock at the site than that estimate indicates.

b. A conceptual site reclamation plan.

A conceptual site reclamation plan is attached as Exhibit B. Reclamation will be completed in accord with the DOGAMI requirements.

c. A traffic assessment within one mile of the entrance to the mining area pursuant to OAR 660-23-(4)(b)(B).

Attached as Exhibit C is the traffic impact analysis for proposed Bradford Pit Quarry prepared by Branch Engineering on June 1998, followed by a supplemental report.

d. Proposals to minimize any conflicts with existing uses preliminarily identified by applicant within a 1,500 foot impact area.

The quarry site is located on a 40-acre F-1 zoned parcel and is approximately 2300 feet from the nearest residence which is on the opposite side of a hill and is well over one-half mile from the nearest residence to the north. There are no existing uses within the 1500 foot radius of the site with which the mining use will conflict.

e. A site plan indicating the location, hours of operation and other pertinent information for all proposed mining and associated uses.

The Bradford Pit site plan is included in Exhibit B, and consists of two pages.

2. Additional information in support of PAPA.

a. OAR 660-23-180(4)(a) requires a local government to expand the 1500-foot impact area for the purpose of identifying conflicts with proposed mining and processing activities where factual information indicates significant potential conflicts beyond this distance.

Attached as Exhibit D is the report of Art Noxon, Acoustical Engineer. That report establishes that, assuming the worst case acoustically, sound levels from the crusher and loading of trucks will be at Department of Environmental Quality ("DEQ") specified levels for exposure to a residence at a distance of 2100 feet from the quarry site and will diminish from there. Within this potential impact area, there is nothing but forest lands. As stated above, the quarry site is approximately 3300 feet from the nearest residence on the north side of the hill and, as demonstrated in the Noxon report, due to elevation of the quarry site, existing vegetation, terrain, and the distance, the nearest residential uses will not be impacted by the mining operation.

The Noxon report also addresses the minimal effects of blasts at the site for the mining operation. The sounds of drilling will be well below DEQ limits

and modern sequence blasting is practically inaudible even at a distance of one-quarter of a mile.

It might be claimed that the effects of truck traffic on the roads utilized to haul the resource from the site will create a significant impact beyond the 1500-foot impact area. OAR 660-023-0180(4) references "conflicts with proposed mining and processing activities." That language is specific and references only that which takes place at the site in the process of mining and crushing rock and does not include the impact of transportation of the material. The applicant has agreed to and will control dust by means of application of a biodegradable substance on the private portion of Cedarcroft Road and will discourage the use of jake brakes in the area of residences. Furthermore, the noise aspect of truck operations is regulated by DEQ noise standards to which the applicant must adhere.

There will be no significant potential conflicts as a result of dust or other particulate matter entering the air due to the crushing activity. DEQ rules regulate such considerations and the DOGAMI permit regulates creation of dust and requires watering to assure that there would not be any impact beyond the site. (See Exhibit E, Applicant's LRAPA Permit.)

b. OAR 660-180(4)(d) requires that where conflicts could not be minimized, there should be an ESEE analysis.

The information submitted with the application demonstrates that there will not be conflicts caused by the mining and processing activities, therefore, no analysis is necessary.

c. OAR 660-23-040(2)(4) requires local government to determine any new uses that could potentially occur in the impact area that would conflict with the mining activity.

Attached as Exhibit F is a zoning map of the general area and attached as Exhibit G is a map showing existing residences and the subject site. Exhibit H is a topography map.

As shown in Exhibit F, the properties surrounding the 40-acre parcel upon which the mining site is located are all zoned F-1, Non-Impacted Forest Zone, F-2, Impacted Forest Zone or EFU zone. The uses which can occur in these zones and the potential of conflicts are discussed below.

d. The applicable requirements of local comprehensive plans and implementing ordinances.

These requirements are addressed in the application.

**Step 2. Determination whether the resource site is significant.
OAR 660-23-180(2)(b) and (3).**

Pursuant to the administrative rule, a site shall be considered significant if it meets the following standard:

“A representative set of samples of aggregate material in the deposit on the site meets the Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley. . . .” OAR 660-23-180(3)(a).

Attached as Exhibit A, is the September 10, 1998 report of Century West Engineering Corporation establishing the requisite quality and quantity of the rock at the site. The conclusion of the report is that the rock meets requirements as a high quality rock source and the report establishes that approximately 2,560,000 tons of high-quality rock is available for construction aggregate processing at this site. As noted by that report, there well may be substantially more rock at the site than that estimate indicates.

Even though the rock meets ODOT specifications, a site is not significant if more than 35 percent of the proposed mining area consists of soils classed as Class I on the NCRS maps as of September 1, 1996 or more than 35 percent of the proposed mining area consists of Class II, or a combination of Class II and Class I or Unique Soil on the NCRS map on September 1, 1996.

As shown in Exhibit I, the soils map produced by Lane Council of Governments from the NCRS map, the only high value soils on this parcel are located at the northeast corner of the parcel. This is far removed from the area of the pit itself and is not within the disturbance area for the pit and not within the permit area which occupies primarily the southwest and northeast quadrants of the tax lot. The geotechnical investigation by Century West further demonstrates that in the area where the mining will occur, there is virtually no soils.

Step 3. Determine if conflicts from mining can be minimized.

1. The impact area. OAR 660-23-180(4)(a).

The administrative rule provides that the local government shall determine an impact area for the purpose of identifying conflicts for the proposed mining and processing activities. The rule states this area shall be limited to 1500 feet from the boundaries from the actual mining area except where factual information indicates significant potential conflicts beyond this

distance. The term "mining area" is defined at OAR 660-023-180(1)(g) as "the area of a site within which mining is permitted or proposed, excluding undisturbed buffer or areas on a parcel where mining is not authorized."

Only forest lands exist within 1500 feet of the mining operation itself and there are no existing uses within that distance which could be impacted. Potential impacts of the mining operation would be dust and noise. The matter of dust is regulated by Lane Regional Air Pollution Authority ("LRAPA") regulations and, specifically, a permit for the rock crushing equipment. Specifications of the permit require the use of water to reduce dust and there are specific limitations on the amount of particulate that can enter the air. There is no cause to believe that any amount that might create an impact would extend beyond 1500 feet.

The applicant has retained an acoustical engineer and his report is attached as Exhibit D. That report establishes that assuming the worst possible facts, including an amphitheater type setting for the rock crushing equipment at the quarry and all sound directed to one point, and not considering the elevation of the quarry above surrounding land uses and the existence of vegetation around those land uses, at a distance of 2100 feet from the quarry, the noise level from the quarry would be below DEQ daytime limits. In terms of impact area, this 2100 foot distance would seem to be a maximum impact area if the 1500 foot distance did not apply.

a. Consideration of any possible conflicts. OAR 660-23-180(4)(b)(A) and (B).

Within 2100 feet of the mining site, only natural vegetation and forest lands exist. The closest residence to the quarry is 2300 feet to the south but this residence is separated from the quarry by a hill. The closest residence to the north is 3300 feet away and is owned by the applicant. All other residences are over 4000 feet from the mining site and, again, under the worst possible noise scenario, would have noise levels well below the daytime DEQ limit.

For the determination of conflicts of proposed mining of a significant aggregate site, the administrative rule specifies the type of conflicts to be considered. Those are addressed below.

OAR 660-23-180(4)(b)(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;"

With regard to these potential conflicts, it must be noted that this portion of the rule relates only to conflicts between the mining operation and potential

affected uses. For purposes of this portion of the rule, noise, dust or other discharges associated with the transportation of product from the site of the mining to its destination are not at issue. Even if these factors were considered in relationship to the transportation of material, there would still not be a significant conflict under the conditions that the applicant will agree to as part of the approval process.

In terms of potential conflict between the mining activity in itself and potential conflicts due to noise, there are three potential sources of conflict, the sound of blasting, that from operation of the rock crusher at the mining site and the dumping of product into trucks. The report of the acoustical engineer (Exhibit D) addresses all of these issues.

The blasting will only occur approximately 12 times per year and due to the techniques used in modern blasting, distances involved, topography and existing vegetation, the residential land uses will not be adversely affected. The applicant will monitor the impact of the blasting by the use of seismographs and is required to keep records of blasts. Although the ordinances only require notice to the range of 500 feet from the site, the applicant is willing to give notice beyond that distance.

The acoustical engineer's report demonstrates that the noise level from the rock crushing at the site will be at less than DEQ prescribed levels at the closest of the surrounding residences. The same is true of the loading of trucks at the site. The sound of the mining activity will not conflict with the surrounding uses at any distance as a result of noise.

The potential for conflict due to dust is addressed by LRAPA regulations and the applicant's LRAPA permit to operate his rock crushing equipment. The existing permit (attached as Exhibit E) limits discharge of particulate matter and requires that material be watered during the course of rock crushing. Even without the conditions attached to operation of the rock crushing equipment and the measures to be taken, it would be unreasonable to anticipate the dust that emanates from that equipment or the loading of gravel into trucks would be of such quantity and would have the ability to travel such distances that any existing residences would be affected.

There are no other discharges that would be attendant to the mining operation that could potentially conflict with surrounding uses.

As stated above, this provision of the administrative rule does not pertain to the operation of trucks. It is pointed out, however, the sound of the trucks is subject to DEQ regulation. The applicant has agreed to maintain the surface of the unpaved portion of Cedarcroft Road. As was done previously, a biodegradable substance which controls dust will be applied to the road or the

road will be paved. The applicant has agreed, as well, to direct all drivers using Cedarcroft Road to not use Jake brakes in the vicinity of residences.

OAR 660-23-180(4)(b)(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 site 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 the capacity that haul other materials;”

A traffic impact analysis and supplemental report has been prepared by Branch Engineering pertaining to conflicts to local roads. Cloverdale Road is described as a county arterial roadway which provides connection between Creswell and Pleasant Hill. Bear Creek Road is a county roadway extending east from Cloverdale Road and is 24 feet wide in the project vicinity and has a posted speed of 50 miles per hour. The roadway has been used by the timber industry as a haul road for many years. Cedarcroft Road is a rural county roadway extending south from Bear Creek Road. The road has a paved width of 24 feet for approximately 750 feet, followed by a 22-foot-wide gravel surface.

The traffic engineer's report concludes that the Bear Creek Road/Cloverdale Road and the Cedarcroft Road/Bear Creek Road intersections have adequate sight distance for vehicles to slow or stop as necessary for trucks entering the highway. The report recommends a stop sign be placed at the Cedarcroft/Bear Creek Road intersection, and that vegetation on Bear Creek Road, east of the Cedarcroft Road intersection, be regularly cut back as far as possible to maximize the available sight distance for vehicles approaching from the east. The report concludes that the additional trips generated by the use would not be expected to have significant adverse impact on the operating characteristics of the existing roads and intersections.

As the traffic report indicates, Bear Creek Road and Cedarcroft Road have been used as timber and rock haul roads for many years. The site distances, grades, and radii of curvature on these roads are found by the engineer to be suitable for large trucks. In addition to the traffic engineer's report, Lloyd Holtcamp of Lane County Public Works has reported that the road capacity, in terms of the composition of the roads, is sufficient to accommodate the traffic from the mining operation.

OAR 660-23-180(4)(b)(C):

“Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments.”

This potential conflict is inapplicable.

OAR 660-23-180(4)(b)(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;”

The Wildlife Habitat Maps show the subject site is within the Impacted Big Game Habitat. No conflicts with wildlife are apparent or likely. Previous mining has taken place in the site without conflicts and the mining activity would take place on a relatively small portion of the parcel, leaving the remainder as presently exists. Also, in accordance with the conditions of the DOGAMI permit, reclamation will be required upon conclusion of the mining activity completely restoring the nature of the site.

OAR 660-23-180(4)(b)(E):

“Conflicts with agricultural practices;”

There is nothing in the nature of the mining operation that will, in any manner, impact or conflict with agricultural practices. The DOGAMI permit prohibits water runoff, therefore, preventing any potential problem for agricultural lands in the distance. A hydrologist’s report is attached as Exhibit J and demonstrates that there will be no adverse impact on groundwater sources. Any effect of the sound of blasting on farm animals will be negligible given the distance to agricultural lands and the controlled nature of the blasting.

OAR 660-23-180(4)(b)(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;”

There are no such Lane County ordinances which supersede the DOGAMI regulations.

b. Measures that would minimize conflicts. OAR 660-23-180(4)(c).

The administrative rule provides that local government "shall determine reasonable and practicable measures that would minimize the conflicts identified" above. As indicated, the applicant believes that conflicts do not exist. If conflicts did exist due to noise, dust or other discharges with regard to existing uses, the following measures would minimize those conflicts:

- i. The limitation on operating hours to day hours, usually five days per week but occasionally six days per week.
- ii. The limitation to use of Cedarcroft Road for access to and from the site.
- iii. The requirement that the rock crushing machinery must be operated in accordance with both DOGAMI permit and LRAPA permits.
- iv. The limitations of the DOGAMI permit with regard to discharge of water at the site.
- v. The agreement by the applicant that the applicant could be required to notify residents within the given distance of intent to blast.

As indicated above, no potential conflict has been identified or can be identified with agricultural practices.

Step 4. Weighing the ESEE consequences when conflicts cannot be minimized.

This section is inapplicable as, if there are any conflicts, they can be reasonably minimized in the manner set forth above.

Step 5. The ESEE consequences of potential new conflicting uses within the impact area.

OAR 660-23-180(5) directs local governments, pursuant to OAR 660-23-040(2)-(4), to determine any potential new uses that could occur in the impact area and whether these potential new uses would conflict with mining.

1. Identifying conflicting uses. OAR 660-23-040(2).

The site and adjacent parcels sharing boundaries with the site on the west, east, and south sides are zoned F-1, Nonimpacted Forest Lands Zone. The uses permitted outright or conditionally in that zone are not such that they will conflict with mining. The permitted uses found at Lane Code (LC) 16.210(2) include primarily forest operations or practices and uses auxiliary to

those uses, farm use, exploration for natural resources in the ground, and hunting and fishing operations. None of these uses will adversely impact the mining and process use.

LC 16.210(3) sets forth additional uses subject to planning director approval. These include logging equipment repair and storage facilities, parks, campgrounds, transmission towers, cemeteries, temporary asphalt and concrete batch plants and distribution lines. These uses do not have the operating characteristics that would conflict with the mining and process use. This issue is not left to chance, however. LC 16.210(3) provides that the uses subject to director approval in subsections (a) through (u) subject to meeting the requirements of LC 16.210(5). That section contains several criteria including the following:

“(d) For uses authorized above in LC 16.210(4), the proposed uses will not significantly conflict with the livability and appropriate uses on adjacent and nearby lands.”

This criterion prevents uses which might otherwise be authorized from being authorized if they will conflict with appropriate uses on adjacent lands, which would include the mining and processing use. It is additionally noted that, with respect to home occupations, which are subject to director approval, those uses have a specific applicable criterion as follows:

“Will not interfere with existing uses on nearby land or with other uses permitted under LC 210(2) above.” LC 16.210(3)(n)(v).

The most likely use that is allowed subject to director approval is that of a temporary mobile home in conjunction with an existing dwelling or mobile home which is listed at LC 16.210(3)(o). As stated above, this approval is subject to the criterion that would prevent its approval if it would interfere with the existing uses on nearby lands. As set forth previously, there are only two residences existing remotely near the impact area that could be the location for a hardship mobile home. If such a mobile home was to be located, it would be up to the applicant for that approval to mitigate whatever conflicts he or she perceived between the mobile home use and the then existing quarry operation. The uses listed at LC 16.210(3)(v) through (v)(b) are not subject to the criteria of LC 16.210(5) but they are of a nature that will not conflict with the mining use. The uses include uses to conserve soil, air and water quality and to provide for wildlife and fishery resources, distribution lines, temporary portable facilities for processing of forest products, construction of roads and temporary forest labor camps. None of these uses will conflict with the mining use.

The F-2, Impacted Forest Lands Zone (F-2 RCP), allows many of the same uses as the F-1 district but does allow forest management dwelling and non-forest dwellings. There is F-2 land northeast and southeast of the subject

property. There would, however, be no practical likelihood of conflict of uses due to the minimum parcel size requirements for the forest districts. Parcels would be of such size that any new dwelling could be sited far from the potential impact area.

Tax lot 700, north of the subject property is zoned Exclusive Farm Use Zone (E-RCP), 30 acre minimum. The uses allowed in the farm zone will not conflict with the quarry uses. Uses allowed in the zone such as churches, schools and dwellings may be sited outside the impact area due to the size of the E-30 zoned parcel.

2. The impact area. OAR 660-23-040(3).

The impact area is to be drawn to include only the area in which the allowed uses could adversely affect the identified resource. Such impact area would not extend beyond 2100 feet from the processing operation and, even then, would not affect the identified resource.

3. Analyze the ESEE consequences. OAR 660-23-040(4).

There are no conflicts with Goal 5 resources, therefore, the mining and process use should be allowed without the necessity of weighing any ESEE consequences.

Step 6. Program to allow mining.

There are two basic elements of a program to allow mining. That which would provide for measures to reduce the conflict of other uses with the mining use and measures imposed by means of site review or other conditions to minimize the impact of the mining use on existing uses.

As discussed above, there are no legally-existing uses nor uses which can be legally established in the impact area around the quarry site that would conflict with and adversely impact the resource use. Similarly, the facts establish that the mining and processing use will not conflict with uses within in the 1500-foot impact area or a larger potential impact area. There will be no conflicts with regard to dust or other discharges with existing and approved uses. There will not be conflicts due to noise of the mining and processing equipment at the site. The sound of blasting on possibly 12 occasions per year may or may not be audible off-site but those sounds will not be of such frequency or of sufficient level of sound to adversely affect the existing or approved land uses.

The potential conflicts to local roads used for access have been addressed in the traffic impact analyses submitted and discussed above.

Based upon considerations of sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items, which are the standards for potential conflicts relating to transportation, there are no conflicts to be mitigated. The administrative rule provides that standards for the trucks used in the mining operation shall be equivalent to the standards for other trucks, e.g., log trucks.

While no conflicts have been shown to exist, to mitigate any potential conflict with respect to noise, dust, or other discharges, the applicant has agreed to the following restrictions:

1. A limitation on operation of hours of each day of operation;
2. Days of the week of operation;
3. A requirement that the applicant give prior notice of time and date of blasting at the site;
4. Conduct seismographic monitoring of blast impact;
5. Release of particulate into the air relative to equipment operation be controlled in accord with LRAPA rules;
6. Discharge of water from the processing activity be controlled as required by the DOGAMI permit; and
7. Dust will be controlled on the unpaved portions of Cedarcroft Road.

Under these conditions, if any conflict could be said to exist, it is satisfactorily mitigated by implementation of these measures.

STATEWIDE PLANNING GOALS

An amendment to the Lane County Rural Comprehensive Plan requires that the Statewide Planning Goals be addressed.

Goal 1: Citizen Involvement

To provide for widespread citizen involvement.

This goal requires that citizens and affected public agencies be provided an opportunity to comment on the proposed plan amendment and zone change. Public notification in the form of a mailed notice is sent by Lane County to affected public agencies, including DLCD, Oregon Fish and Wildlife, Department of Forestry, Department of State Lands and DOGAMI. No negative responses have been received. All owners of record within 500 feet of the subject properties have been notified. Public hearings will be provided both at the Lane County Planning Commission level and before the Lane County Board of Commissioners.

Goal 2: Part I - Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

This goal requires governmental units to adopt land use plans and implementation ordinances after public hearing as has been done in Lane County. The County legislation is required to provide for review and comment by citizens and affected governmental units during any revision of the adopted plans and implementation ordinances. Lane County's planning documents specifies certain criteria which must be met to justify an amendment to the comprehensive plan. The criteria are addressed in this application, therefore, the amendment is consistent with Goal 2.

The second part of Goal 2 relates to exceptions to Statewide Goals. An exception is not sought here.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

This goal recognizes the importance of maintaining agricultural lands as those are defined under the goal. In western Oregon, agricultural land consists of predominantly Class I through IV soils identified by the Soil Conservation Service and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing

and future availability of water for farm and irrigation purposes, existing land use patterns, technological and energy input required for accepted farm practices.

The Soil Conservation Service and Soil Survey identifies soil on the subject parcel as containing 1.126 acres being Class III soil and 7.954 acres being Class IV soil. This means that approximately 4.5 percent of the entire parcel is the Class II soil and 28.5 percent are the Class IV soil.

It should be noted that, while there are some amounts of Class III and IV soils on the 40-acre site, those soils are not in the immediate vicinity of the quarry operation itself. If there is long-term value to those soils, it will be unaffected by the mining use which will be followed by reclamation of the site for forest use.

The information submitted also establishes mineral resources on the site of the quantity and quality that, pursuant to Goal 5 and the Oregon Administrative Rules adopted thereunder, the site is a significant resource site for aggregate purposes. The statutes and administrative rules recognize that such resources can be mined in the area of agricultural soils.

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 of forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Contained in the original application is a detailed "Timber Management Plan" addressing the timber production capability of the entire 256-acre site owned by Ross Bradford. Of particular note is Area 10, the area specifically involved in this application. The description of the area states: "[t]his is a cleared area consisting of rock." The "growth potential" is described as: "Rocky site. No growth potential."

A view of the site would bear out what is described in the report. The quarry site is located on a rocky knoll. While some soil covers the rock, particularly on the lower portions of the knoll, the poor conditions are demonstrated by existing small trees which are the result of replanting. Growth has been minimal. Additionally, under the conditions of the Department of Geology and Mineral Industries Permit, upon conclusion of the quarry operation, the reclamation plan must be put into effect which will require the replacement of soils.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

This application is shown elsewhere herein to specifically comply with Goal 5 by meeting the requirements contained in OAR 660-23-180 (Goal 5 guidelines for mineral and aggregate resources). In that discussion, the area's Goal 5 resources that may be affected by the mineral resource use are considered and evaluated under the Goal 5 rule. Upon conclusion of the mining operation, the soil will be restored and all aspects of the present open space and scenic and natural resources of the site will be restored.

Goal 6: Air, Water and Land Resources Quality

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

As applied to this specific application, this goal would require adequate protection measures for preservation of air, water and land quality.

LRAPA rules and permit requirements regulate the release of particulate matter into the air and require water be used in processing material to control any dust emissions that might be associated with the operation of the equipment. The same is true with regard to wastewater discharge from the site. Such discharge is prohibited under administrative rules and the requirements of the specific permit held by the applicant. There are no onsite systems for domestic water or sewage disposal. As is noted above, a reclamation plan has been prepared and approved by DOGAMI with respect to restoring land quality.

The hydrologist's report, Exhibit J, establishes that groundwater will not be adversely affected by mining practices.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from Natural Disasters and Hazards.

Under this goal, areas of natural disasters and hazards are described as 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, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

This area is not subject to such hazards and the risk of such hazards are not increased by the activity allowed by the plan amendment and rezoning. A

condition of the DOGAMI permit restricts areas of storage of materials so as to minimize any potential for landsliding.

The site is not subject to stream flooding, erosion or other particular natural hazards.

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 inventories of state and local recreational facilities indicate no recreational facilities on the site. The site is not a likely one for the siting of a destination resort.

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.

The goal contemplates that comprehensive plans and policies will contribute to a stable and healthy economy in the state. The goal primarily addresses commercial and industrial development within urban areas. To the extent the goal is applicable to the application, 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.

Goal 10: Housing

To provide for the housing needs of the citizens of the state.

This application does not directly relate to the housing goal of the state except as the provision of necessary aggregate resource facilitates the construction of housing in the form of foundations, driveways, and streets and roads to provide access to such housing.

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.

This application does not directly relate to this goal. The public facilities and services in the form of roads exist to serve access to and from the site as well as other rural facilities in the area.

Goal 12: Transportation

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

The application contains both the traffic impact analysis and a supplemental analysis that addresses the sufficiency of the transportation system to accommodate traffic associated with this use. Cloverdale Road is a county arterial roadway providing connection between Creswell and Pleasant Hill. The roadway is 32 feet wide and the project vicinity has a posted speed of 55 miles per hour. Bear Creek Road is a county roadway extending east from Cloverdale Road. That road is 24 feet wide in the project vicinity has a posted speed of 50 miles per hour and has been used by the timber industry as a haul road for many years. Cedarcroft Road is a rural county roadway extending south from Bear Creek Road. The roadway has a paved width of 24 feet for approximately 750 feet, followed by a 22-foot-wide gravel surface. Cedarcroft Road was originally constructed for the hauling of timber and rock from the area surrounding the site of the proposed quarry.

A stop sign is needed at the intersection of Cedarcroft Road with Bear Creek Road as no traffic control presently exists. The traffic impact analyses demonstrate that the level of service (LOS) will remain at LOS A for the affected roads and that sight distances are adequate to serve trucks entering the roadways relative to acknowledged standards. At the intersection of Bear Creek and Cloverdale Roads sight distance is 940 feet with the recommended distance being 550 feet. At the intersection of Cedarcroft and Bear Creek Roads, the northbound left turn measure distance is 580 feet compared to the recommended distance of 550 feet and for a northbound right turn, the sight distance is 680 feet relative to the 550 feet recommended distance. The sight distance evaluation indicates the intersections are expected to operate safely with large trucks entering the existing roadways. Adequate distance is required for vehicles on Bear Creek Road and Cloverdale Road to slow or stop as necessary allowing trucks to accelerate to travel speeds.

The roadway structural analysis shows that both Bear Creek Road and Cedarcroft Road are in good condition and no significant grooves or cracks were noted. Those roads were under Lane County jurisdiction and inventories

in the County's Pavement System. The information from Lloyd Holtcamp confirms that the roadway structure is sufficient to accommodate the traffic associated with the quarry site. Scales will be installed at the quarry site to ensure that trucks leaving the quarry will meet legal weight requirements.

In conclusion, the report notes that the quarry and rock crushing operations is projected to generate a maximum of 86 trips per day and 11 trips during the PM peak hour. The report indicates that additional trips are not expected to have significant adverse impact on the operating characteristics of the existing roadways and intersections.

The report does indicate the need to add a stop sign at the intersection of Cedarcroft Road and Bear Creek Road and recommends that vegetation along Bear Creek Road, particularly east of the Cedarcroft Road intersection, be regularly cut back as far as possible to provide the greatest available site distance for vehicles approaching from the east.

As noted in the report of the traffic engineer, Bear Creek Road and Cedarcroft Road have been used as timber and rock haul roads for many years. Sight distances, grades, and radii of curvature on these roads were found to be suitable for large trucks.

Goal 13: Energy Conservation

To conserve energy.

This goal contemplates that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

To the extent that this goal is relevant to this application, the application will make aggregate resource available close to an area where substantial road construction will take place in the near future, thus reducing fossil fuel use for transportation purposes.

Goal 14: Urbanization

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

The subject property is not within an urban growth boundary and is not urbanizable, therefore, this goal does not have relevance to this application.

Goal 15: Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

This property is not located within the Greenway boundary nor in proximity to the Willamette River, therefore, this goal is not applicable to this application.

Goals 16, 17, 18 and 19.

These goals are geographically oriented to coastal resources, therefore, are not applicable to this application.

LANE COUNTY RURAL COMPREHENSIVE PLAN AMENDMENT

LC 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, of reasons briefly set forth in its decision, to be desirable, appropriate or proper.”

Statewide Goal 5 requires that the location, quality and quantity of mineral and aggregate resources be inventoried. The Lane County “Working Paper: Mineral and Aggregate Resources,” identified the then known existing aggregate resource sites in Lane County. That working paper and Lane County Rural Plan Policies recognized that not all significant mineral resource sites had been identified and inventoried. The subject site has now been identified and qualifies under the Oregon Administrative Rules as a significant resource site. It is necessary, therefore, that the site be added to the inventory and list of significant sites and the Plan must be amended.

The amendment is also necessary to assist in fulfillment of an identified public need, the adequate provision of aggregate resources in areas throughout the county in order to provide the resource in proximity to areas of need.

LC 16.400(6)(h)(iii)(cc):

“For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.”

Applicable Rural Comprehensive Plan policies are discussed below:

Goal 2: Land Use Planning

Policy 25 states:

“Outside of designated ‘community’ areas, all changes to Plan Diagram designations shall be evaluated through the county’s plan amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.”

This change in designation is evaluated herein through the plan amendment procedure and satisfaction of the relevant criteria is demonstrated.

Goal 3: Agricultural Lands

Policy 15 of this Rural Comprehensive Plan goal states:

“Lane County recognizes ORS 215.253 shall apply on land zoned EFU.”

The Lane County comprehensive plan policies recognize that aggregate use may take place on agricultural lands. Here, little of the subject site contains agricultural soils and those portions which do will not be utilized for the quarry use. This is consistent with Policy 5 which states:

“Use planning and implementation techniques that reflect appropriate uses and treatment of each of type of land.”

Goal 4: Forest Lands

Policy 14 states:

“Lane County recognizes that the Oregon Forests Practices Act shall be the only mechanism regulating the growing and harvesting of forest tree species on commercial forest lands unless Goal No. 5 Resource Sites have been recognized and identified as being more important through analysis of ESEE consequences and conflict resolution as per Goal No. 5. No other findings, assumptions, goal policy or other planning regulation shall be construed as additional regulation of forest management activities.”

This policy recognizes that Goal 5 resource sites, such as aggregate sites, can occur on forest lands. Their identification is subject to Goal 5 analysis which is manifested presently in the Goal 5 administrative rule which is addressed herein.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

In the Mineral and Aggregate Resources portion of this policy element of the Plan, Policy 1 states:

“Known mineral sites within the county, which are limited to those identified in the Appendix ‘D’ of the ‘Mineral and Aggregate Resources Working Paper’, shall be conserved for both present and future uses through the application of plan designation and compatible land use regulation measures. Such designation and regulation is to take place after 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’.”

Pursuant to administrative rule, the subject site is identified as a significant mineral resource site now identified as such in the county. It should, therefore, be conserved for future use through the application of the appropriate plan designation and zoning.

Policy 6 states:

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

Identification of this significant aggregate resource site and its designation for that use will protect the deposits from encroachment of incompatible uses. Uses located in any proximity to the site will be required to be compatible or take measures to mitigate impact on the natural resource use.

This will insure that this aggregate material will remain available in close proximity to the surrounding area of use which is a substantial distance from the largest aggregate deposits in Lane County, those adjacent to the Willamette and McKenzie Rivers.

Policy 7 states:

“Mineral and aggregate resource sites, which on the basis of substantial evidence, are considered for inclusion in Appendix ‘D’ of the ‘Mineral and Aggregate Resources Working Paper’ pursuant to the application of the Goal 5 rule (OAR 660-16-000/025), shall also show evidence of substantial resource utility over time. Any site evaluation shall also address possible impacts on agricultural lands, forest lands and residential development (existing or planned)”

Pursuant to the present administrative rule, this has been identified as a significant resource site by means of meeting specific resource quality and quantity requirements of the rule, establishing that there will be resource utility over time. The present rule also requires consideration of the resource use relative to soils that exist on the site which would bear upon agricultural or forest use. The standards of the rule are met in that there is a minimal amount of high-grade soils on the entire site and none located in the quarry area itself.

Policy 8 states:

“Encourage farm and forestry use of aggregate land prior to extraction; minimize negative environmental impacts during extraction; require reclamation after extraction which is compatible with adjacent uses.”

This entire property has been utilized for forestry use prior to this extraction activity. Negative environmental impacts will be minimized during use by prohibition of discharge of water or dust from the processing activity and utilization of existing roads through the forest lands, as well as specific limitation on the extraction area. Reclamation after extraction is assured by the requirements of the DOGAMI permit.

The plan amendment and rezoning are consistent with Policy 9, which provides:

“Lane County shall apply the appropriate district (SG, SG/CP, /QM) to sites listed in Appendix ‘J’ of the ‘Mineral and Aggregate Resources Working Paper’. Those sites with potential conflict shall be placed in the SG/CP or QM/SR Districts.”

With identification of the site as a significant resource site, the equivalence of a listing on Appendix “D” is achieved and the appropriate designation should be put in place.

Goal 6: Air, Water and Land Resources

In the Air Quality portion of this plan element, Policy 2 states:

“The county shall encourage practices and developments which can meet air quality standards.”

The subject mining and processing activity is required to and can meet air quality standards established by LRAPA.

Policy 3 states:

“The county shall cooperate with state and federal agencies to achieve enforcement of existing noise control regulations.”

The mining and processing activity is also subject to noise regulations of LRAPA.

Goal 7: Areas Subject to Natural Disasters and Hazards

Policy 2 states:

“Development shall be commensurate with the type and degree of any natural hazard(s) present and appropriate safeguards against flooding, ponding, landslides, land slippage, erosion or other natural hazards applicable shall be assured”

The DOGAMI permit specifies areas for stockpiling of rock material to prevent hazard of land slippage.

Goal 11: Public Facilities and Services

This plan policy element discusses land designations and service levels and, at subparagraph (d) states:

“Natural Resource: Mineral (QM or SG)

Description: Lands that have an exploitable resource and are of sufficient significant size and/or duration to warrant designation on the plan diagram. Any mineral resource extraction activity such as surface or subterranean mining, quarries and excavation of alluvial aggregate (sand or gravel) is included in this category.

Service Level: No minimum level of services is established. Category is intended for resource management and not habitation.”

While no level of service is required, the Oregon Administrative Rules does contemplate adequacy of public roads for the use and those standards have been positively addressed.

LC 16.400(6)(h)(iii)(dd):

“For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.”

The proposed plan amendment follows the structure of the comprehensive plan in that it addresses the criteria for amendments to the diagram of the plan. The structure of the plan is unaffected by the plan amendment and zone change. The plan contemplated from its outset recognition of significant aggregate sites and their appropriate designation under the plan, as is accomplished here.

LC 16.400(8)(a)(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.”

The application proposes an amendment to the Lane County Rural Comprehensive Plan by changing the plan designation in Plan Plot No. 440B from “Nonimpacted Forest” to “Natural Resources: Mineral.” The resource information for the county will be changed as well.

No exception to Statewide Planning Goals is required.

LC 16.400(8)(c):

“Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(ii[i]) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.”

The required description of the proposal has been set out above. The application contains a complete description of the proposal and addresses the policies and other applicable portions of the Plan.

LC 16.400(8)(c)(ii):

“An analysis responding to each of the required findings of LC 16.400(6)(h)(iii) above.”

The analysis responding to the criteria of the cited section is set forth above.

LC 16.400(8)(c)(iii):

“An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;”

A complete evaluation of the land use and ownership patterns of the area as well as possible impacts are discussed thoroughly above relative to the PAPA pursuant to the Goal 5 rules.

LC 16.400(8)(c)(iii)(bb):

“Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;”

The only public facilities necessary for the proposed use is the roadway system, and its adequacy is addressed above. This being an area designated for resource management, no minimum level of service is set by county policy.

LC 16.400(8)(c)(iii)(cc):

“Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 ‘ESEE’ conflict analysis where applicable;”

The need for a Goal 5 ESEE analysis is addressed in findings pertinent to the applicable Oregon Administrative Rules as part of the PAPA Goal 5 process.

LC 16.400(8)(c)(iii)(dd):

“Natural hazards [e]ffecting or affected by the proposal:”

There are no identifiable natural hazards that might affect the property or which would be affected by the quarry use.

LC 16.400(8)(c)(iii)(ee):

“For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;”

1. Employment: The full operation at the proposed quarry site is expected to fluctuate between the employment of one and five employees depending on production demands. Gross annual revenue expected from the operation will exceed \$100,000. This revenue would include salaries, materials and other operating expenses, and income from the resource. The proposed quarry is, by its nature, located on thin soils which are not considered as agricultural land and are poorly suited on timber production.

For purposes of comparison, a forestry operation would involve, on this site, some additional planting in some areas. Portions of the parcel have in recent years been replanted. There would be minimal employment in tree farm maintenance for the first six years after planting. At approximately 35 years from planting, there would be some employment in thinning the trees and at 50 years, a short, intense period of employment in harvesting the trees.

It should be noted that only about 12 acres of the 40-acre site will be actively involved in any aspect of the quarry and mining use. The remainder of this 40-acre site will continue to support the replanted trees, providing that employment source as well during the course of the mining operation. In any event, the number of hours of employment will be greater with the proposed mining and extraction use.

2. Tax Revenue Impacts: Use of the mining site for timber production will eventually yield timber severance taxes at the time of the timber harvest. Those taxes will be delayed with respect to the portion of the site that is put in mining use as timber production on that portion of the site will not commence until the mining is completed.

The present assessed value of the land, as forest land, is \$2,304.00 resulting in property taxes in the amount of \$47.51 for this past fiscal year. The value of the property will significantly increase based upon market value as a quarry site. The net tax income increase to Lane County will be positive.

3. Public Service/Facility Costs: Both forestry and quarrying require a well-maintained highway system for the hauling of products. Neither of those activities require any other significant public services or facilities. The quarry use will put a source of product in proximity to an area in which it will be needed, i.e., the Highway 58 improvement project.

LC 16.400(8)(c)(iii)(ff):

“For a proposed amendment to a nonresidential, nonagricultural or non-forest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendments;”

The original inventory for the aggregate resources is set forth in the Mineral and Aggregate Resources Working Paper of February 1982. At Appendix D is a list of 30 identified aggregate sites as of 1982. Of those sites, only four are in the same township and only one is in the same range as the site identified here. The inventory lists both active and inactive sites as of the time of its adoption. The working paper projected adequate supplies for a 20-year planning period and we are now nearing the end of that planning period. No new inventory has been conducted. The proposed site will add to the inventory a site that has recently been examined and determined to have a resource that is, under the administrative rules, significant in its quality and quantity of product available.

LC 16.400(8)(c)(iii)(gg):

“For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, ‘Working Paper: Marginal Lands’ (Lane County, 1983).”

This criterion relates to redesignation to a marginal lands designation or Non-Resource/Non-Exception Lands designation so residences may be constructed. That is not proposed here.

The plan amendment is consistent with all aspects of the Lane County Rural Comprehensive Plan.

ZONE CHANGE APPROVAL CRITERIA — LC 16.252(2)

LC 16.400(6)(i) allows a change of zoning to implement a comprehensive plan amendment to be considered concurrently with the amendment. This allows the designation from F-1, Non-Impacted Forest Zone, to QM/SR, Quarry and Mining Zone with Site Review.

LC 16.252(2):

“Zoning and Rezoning . . . shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest. In addition . . . rezoning shall be consistent with a specific purpose of the zoning classification proposed, applicable Rural Comprehensive Plan elements and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with Statewide Planning Goals by the Land Conservation and Development Commission.”

LC 16.003 sets forth 14 statements of purpose for the land use and development code. Some of these statements reflect goals and policies previously addressed and a full discussion of those issues will not be repeated here. The relevant statements are addressed below:

“(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 public health, safety, convenience and welfare.”

The application establishes that the site contains a significant aggregate resource and is suitable for the quarry and mining operation. The portion of the site that is to accommodate the quarry and mining operation is poorly suited for forestry use. The quarry and mining operation will not unnecessarily adversely impact surrounding forestry use on the same site.

Measures have and will be taken to assure the public health by restrictions on impacts of noise, dust or water from the site.

“(6) Conserve all forms of energy through sound economical use of land and land uses developed on land.”

This mining operation will be close to the point of use of its products for construction of roads, therefore, resulting in energy savings.

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

The mining operation is regulated by LRAPA for air quality and is prohibited from discharging waste water. Washwater and water used for dust control is kept onsite.

LC 16.217 — Consistency with Zoning Classification

The purposes of the quarry and mining operation zone (QM-RCP) include the following:

(a) Recognize minerals and materials within the County are a nonrenewable resource, and that extraction and processing are beneficial to the economy of the County and the welfare of the people.

(b) Protect major deposits of minerals, rock and related material resources with appropriate zoning.

Recognition of this site as a significant natural resource site and its plan and zoning designation for that purpose is consistent with paragraphs (a) and (b) above. This action will assure protection of the deposits and allow their extraction for the benefit of the economy, the County and the welfare of the people.

(c) Provide for the utilization of this resource in a manner compatible with the other land uses in the area.

The zoning district does establish certain restrictions to assure the protection of the public health and safety of the occupants of adjacent land in the form of notification requirements for blasting and other regulations. Additionally, other restrictions can be placed upon the mining operation by means of site review.

(h) Carry out these purposes with the recognition of a need for said resources and the right of each property owner to make a reasonable use of his or her land.

This language of the Lane Code is consistent with the intent of the new Goal 5 Rule to recognize the need for mineral resources and the right of the property owner to make reasonable use of his or her land to obtain the resources.

CONCLUSION

The applicant seeks only appropriate recognition of a resource on his land and proposes to develop that resource in an appropriate manner. The proposed quarry is located on land that has been used for the forest resource

and now will be used for another resource. The type of activity, including transportation of the resource, is consistent with the forestry use that took place on the site and the nature of the area. It would be difficult to find an area more appropriate for the proposed use.

Respectfully submitted,



James W. Spickerman,
Of attorneys for applicant BJ Equipment
Company, LLC

Exhibits:

- A Century West Engineering Corporation report, September 10, 1998
- B Conceptual Site Reclamation Plan, Bradford Pit Site Plan, Blasting Procedures
- C Traffic Impact Analysis
- D Art Noxon, P.E., Noise Impact Study
- E Applicant's LRAPA Permit
- F Zoning Map
- G Map of area showing residences, impact area
- H Topography map
- I Soils map
- J Hydrologist's report
- K DOGAMI report

GEOTECHNICAL INVESTIGATION

**AGGREGATE RESOURCE
QUALITY/QUANTITY
EVALUATION**

LANE COUNTY, OREGON

September 10, 1998

EXHIBIT A



LEADING THROUGH EFFECTIVE SOLUTIONS

September 10, 1998

Mr. Kristofer Jeremiah
B J Equipment Company
34964 Hwy 58
Eugene, OR 97405
(541)747-6261
(541)988-4320 Fax

**AGGREGATE RESOURCE QUALITY/QUANTITY EVALUATION
40 ACRE PARCEL DESIGNATED AS 19 02 30 TAX LOT 3500
LANE COUNTY, OREGON
Project NO.: 12327.001.01**

Dear Mr. Jeremiah:

As requested, personnel from Century West Engineering observed, logged and sampled 6 test borings at the above referenced site. The site is within Section 30, Township 19S, Range 2W and is located south of Bear Creek Road, directly south-west of Cedarcroft Road. See vicinity map, figure 1, for project location.

The subject site consists of 40 total acres of which approximately 20 acres will be permitted for the mining operation. The mining will be a hill top removal located in the south west quadrant of the subject 40 acres parcel with scales, stockpiles and loading areas located at the north east quadrant of the 40 acre parcel. An existing excavation, known as Bradford Quarry, now exists on the hill top with stockpiled crushed material located south and east of the existing excavation. Some overburden materials have been graded and stockpiled north-east and west of the existing quarry. Our evaluation includes laboratory testing of on site materials to be used as construction aggregate material. The laboratory testing is per the requirements of the Statewide Planning Goal 5 for Aggregate Resources and includes Oregon Air Degradation, Soundness and L. A. Rattler(LAR) tests.

SUB-SURFACE CONDITIONS

The site sub-surface soil and rock conditions were investigated using 6 test borings done in the south-west quadrant of the subject site. See site map, Figure 2, for boring locations. The borings were excavated by BJ Equipment Company using a Gardner-Denver SCH 5000C rock drill unit. Borings 1, 2 and 3 were done in the area of the existing quarry where the overburden materials had been removed and stockpiled. Borings 4 and 5 were done in relatively undisturbed areas and indicated overburden soil materials of approximately 10 feet. Boring 6 was done north of the proposed mining area and indicated overburden material to a depth of 35 feet below existing surface. The overburden soils consist of a silty sand material with a mixture of gravels, cobbles and boulders. The site rock is of an Igneous-Volcanic configuration which was formed directly from molten rock that cooled quickly on or near the earth's surface. The rock is gray brown in color and of basaltic composition and is low to non vesicular. Borings 1 through 5 were excavated to a depth of 70 feet

below the existing elevation at each boring. The boring logs can be found in the appendix of this report.

LABORATORY TESTING

Per the Goal 5 Rules the site rock was tested for the following:

Los Angeles Rattler (LAR) ASTM C-131, OAHDM 211

Test Result	Percent Loss 18.8%	Specification <30.0%
--------------------	---------------------------	--------------------------------

Oregon Air Degradation OSHD TM 208

Test Result	Percent Passing #20 17.8%	Specification <30.0%
	Sediment Height 1.5"	Specification <3.0"

Soundness ASTM C-88, OSHD TM 206

Test Result	Total Coarse Loss 5.7%	Specification 12.0% Max
--------------------	-------------------------------	--------------------------------

The test results indicate the site rock meets requirements as a high quality rock source. Test data results can be found in the appendix of this report.

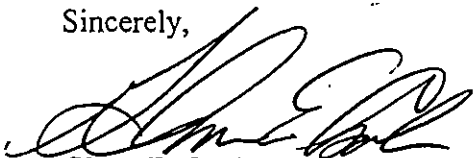
CONCLUSIONS

In reviewing a "Report of Onsite Inspection" dated July 23, 1998, by Mr. Peter J. Wampler of the Oregon Department of Geology & Mineral Industries, the mining operation will cover an area of approximately 12 acres located in the south-west quadrant of the subject site with the total permitted area consisting of 20 acres. Our field investigation and site observation indicates that the subject site has varied depths of overburden soil material that range from 0 to 10 feet below existing surface. Below the overburden material is a basaltic rock that extends to a depth in excess of 70 feet below existing surface.

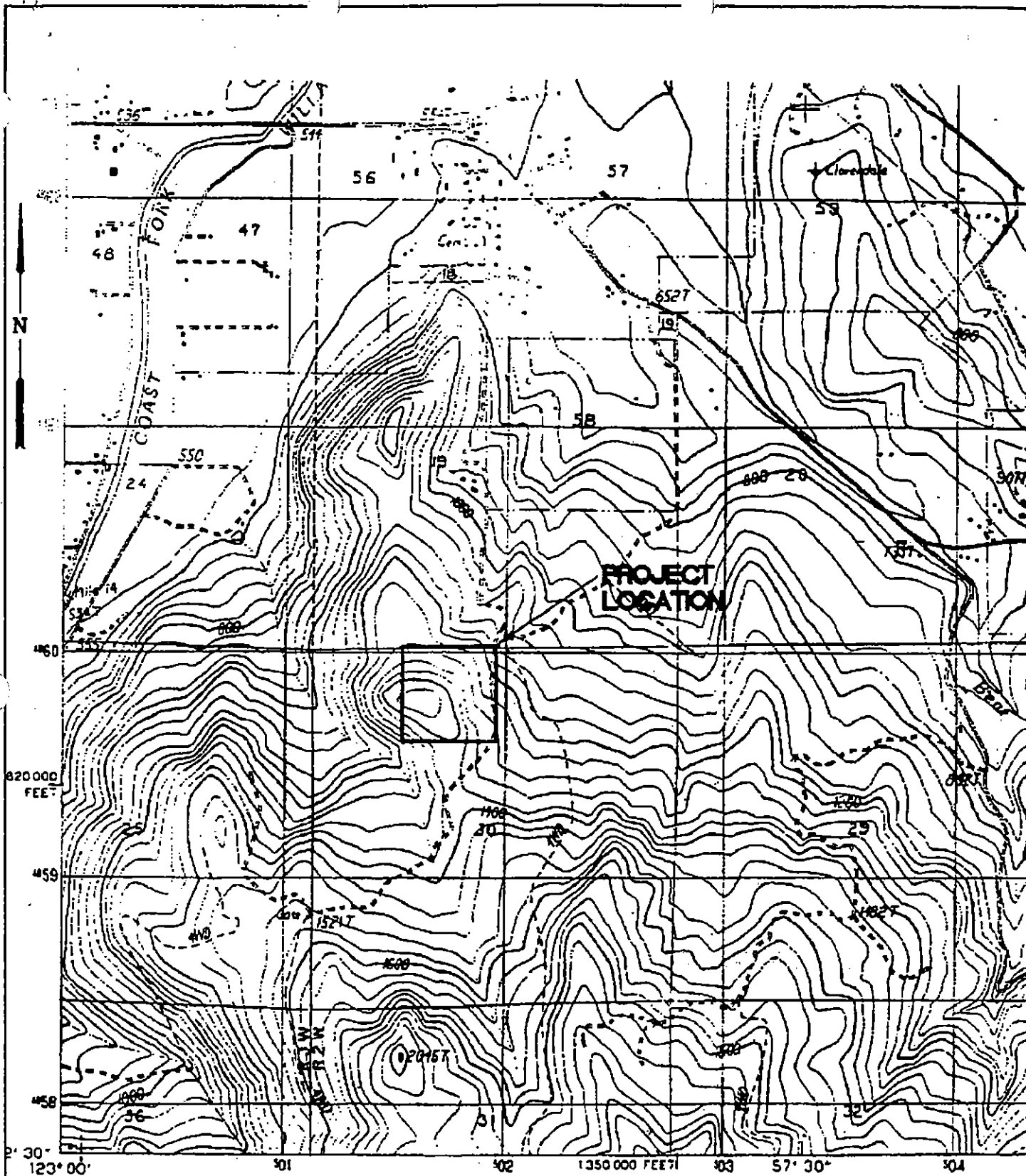
The proposed mining operation will consist of removing and stockpiling the top soil and excavating and processing the basaltic rock material for use as construction aggregate. It is estimated that approximately 120,000 cubic yards of overburden material will be generated in the stripping operation and approximately 2,560,000 tons of high quality rock is available for construction aggregate processing. These calculations have assumed an average of a 6 foot depth of overburden and 70 feet of rock excavation. It is most likely that the rock extends to depths greater than the 70 foot depth used for the quantity calculation.

If you have any questions concerning this report or the exploration, do not hesitate to contact our office at (541) 388-3500.

Sincerely,




Glenn E. Cook, P.E.
Geotechnical Engineer

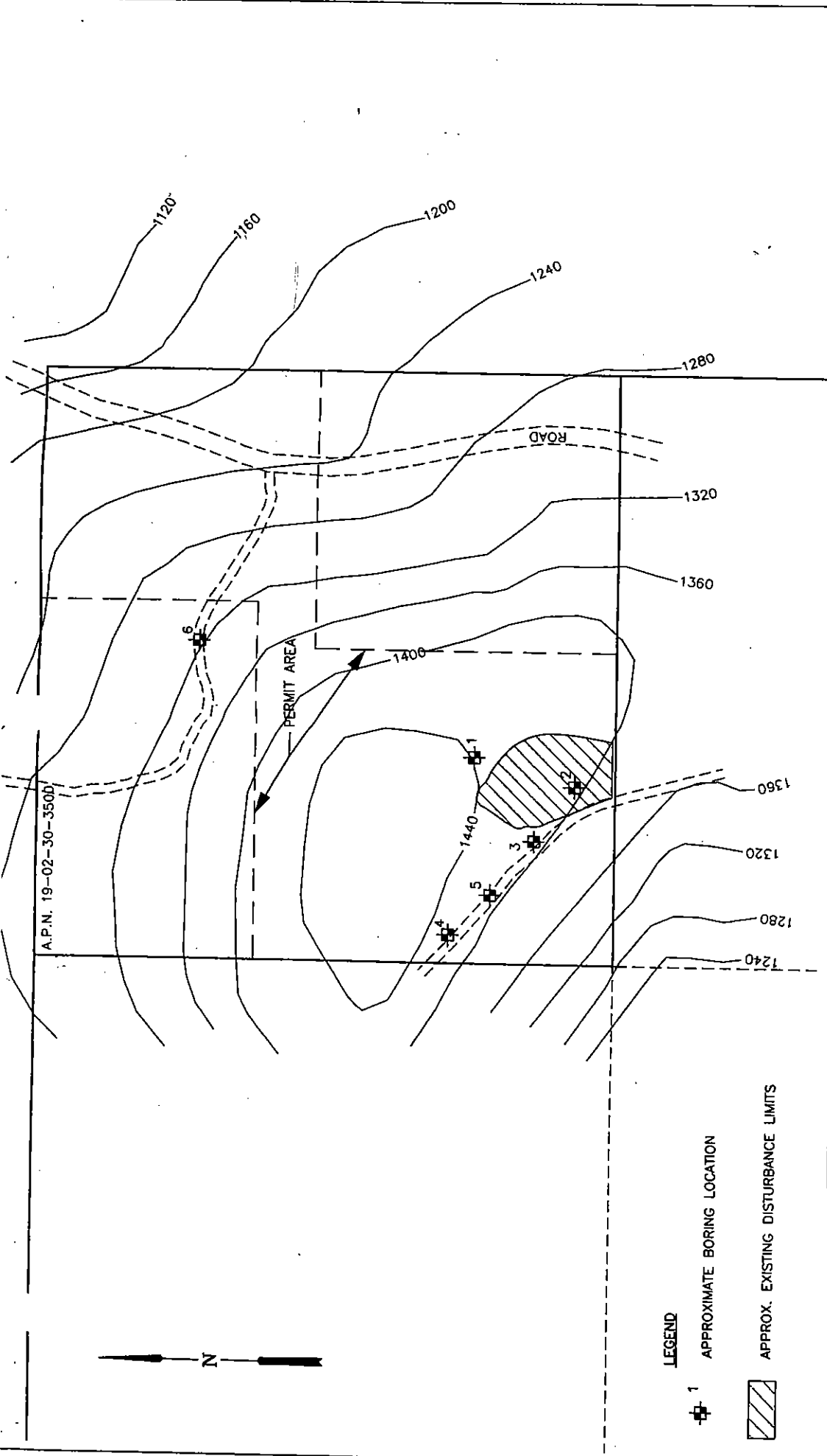


FROM "JASPER, OREGON"
U.S.G.S. QUAD SHEET, 1986

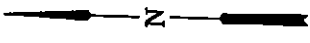
VICINITY MAP

1" = 2000'

DESIGNED BY: GEC	CHECKED BY: GEC	VICINITY MAP AGGREGATE RESOURCE B. J. EQUIPMENT EUGENE, OREGON	DATE: 7/22/98	FIGURE: 1
DRAWN BY: GGW	SCALE: 1"=2000'		 century west ENGINEERING CORPORATION 1444 NW COLLEGE WAY, BEND, OR 97701 (541)388-3500 (541)388-5062 FAX	
PROJECT NO.: 12327001				



A.P.N. 19-02-30-3500



LEGEND



1 APPROXIMATE BORING LOCATION



APPROX. EXISTING DISTURBANCE LIMITS

DESIGNED BY: GEC	DATE : 7/22/98
DRAWN BY : GGW	SCALE : 1"=200'
CHECKED BY: GEC	SEC. : C:\DWG
PROJECT NO.: 12327001	



SITE MAP
 AGGREGATE RESOURCE
 B. J. EQUIPMENT
 EUGENE, OREGON

FIGURE

2



centurywest
ENGINEERING CORPORATION

LOG OF BORING B1

(Page 1 of 1)

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation
Project No.: 12327.001.01

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C
Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0		ML	Sandy clay SILT, with gravels, reddish brown, moist, moderately firm.
5			BASALT bedrock, gray, dense, minor fractures.
10			
15			
20			
25			
30			
35		VL	
40			
45			
50			
55			
60			
65			
70			



centurywest
ENGINEERING CORPORATION

LOG OF BORING B2

(Page 1 of 1)

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Project No.: 12327.001.01

Date Excavated	: 7/7/98	Sampling Method	: N/A
Hole Diameter	: 6 Inches	Logged By	: Glenn Cook
Drilling Contractor	: BJ Equipment Co.	Total Depth	: 70 feet bgs
Drill Rig	: Gardner-Denver SCH 5000C		

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0			BASALT bedrock, gray, dense, minor fractures.
5			
10			
15			
20			
25			
30			
35		VL	
40			
45			
50			
55			
60			
65			
70			



centurywest
ENGINEERING CORPORATION

LOG OF BORING B3

(Page 1 of 1)

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Date Excavated : 7/7/98 Sampling Method : N/A
Hole Diameter : 6 inches Logged By : Glenn Cook
Drilling Contractor : BJ Equipment Co. Total Depth : 70 feet bgs
Drill Rig : Gardner-Denver SCH 5000C

Project No.: 12327.001.01

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0		SM	Silty SAND, with gravels, reddish brown, dry, moderately firm.
0 - 15		VL	BASALT bedrock, gray, dense.
15 - 25		VL	BASALT bedrock, light brown, moderately dense, moderately fractured, some minor (6") soil seams.
25 - 70		VL	BASALT bedrock, gray, dense, minor fractures.



centurywest
ENGINEERING CORPORATION

LOG OF BORING B4

(Page 1 of 1)

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C

Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs





Project No.: 12327.001.01

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0		SM	Silty SAND, with gravels, cobbles and boulders.
5			
10		VL	BASALT, gray, dense, minor fractures.
15			
20			
25			
30			
35			
40			
45			
50			
55			
55		SM	Silty SAND, with cobbles, reddish brown.
60			
65		VL	BASALT bedrock, gray, dense, minor fractures.
70			
75			
80			
85			

c:\ntech\68\Equipment\B4.bor
09-17-11

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation
Project No.: 12327.001.01

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C
Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0		SM	Silty SAND, with cobbles.
5			
10		VL	BASALT, gray, dense, minor fractures.
15			
20			
25			
35		SM	Silty SAND, light brown.
40			
45		VL	BASALT bedrock, gray, dense, minor fractures.
50			
55			
60			
65			
70			

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Date Excavated : 7/7/98
Hole Diameter : 6 Inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C

Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Project No.: 12327.001.01

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0 5 10 15 20 25 30 35 40 45 50 55 60 65 70		ML	Clay SILT, with some gravels, medium brown, damp, moderately firm.