

STEP 3: MINIMIZE CONFLICTS

The applicant has addressed the requirement on Pages 7 through 12 with corresponding Exhibits "D", "E", and "J" in the submittal.

Impact Area

The applicant has identified an impact area of 1500 feet, but based upon the report from the acoustical engineer, it appears that the distance should be extended outward to 2100 feet to encompass all area subject to noise impacts elevated above DEQ daytime limits. The expansion of the impact area does not cause additional properties to be included in the analysis, only additional portions of the properties. There are 9 properties located within the 2100 foot area:

1. Map 19-02-00 Taxlot 3501; owned by Sears Ranch LLC
2. Map 19-02-00 Taxlot 3600; owned by Bettie Troxclair
3. Map 19-02-00 Taxlot 3602; owned by Burnell & Helen Falk
4. Map 19-02-00 Taxlot 3400; owned by Columbia Pacific Inc.
5. Map 19-02-19 Taxlot 600; owned by Sears Ranch LLC
6. Map 19-02-19 Taxlot 700; owned by Ross Bradford
7. Map 19-02-19 Taxlot 800; owned by Ross Bradford
8. Map 19-03-24 Taxlot 3201; owned by Sears Ranch LLC
9. Map 19-02-25 Taxlot 100; owned by US Government

Of the 6 owners of the above listed properties, only Helen Falk has submitted a written response through her representative, Robert Ackerman. Her property is located immediately to the south of the subject property. Mr. Ackerman states: "My client has no objection (to) the proposed zone change, as long as it will not impact her real property by decreasing its value, causing real property taxes to raise, or place any increased burden on any easements which the applicant may have across her property."

Bettie Troxclair, adjacent property owner of taxlot 3600, called and stated her concerns regarding the boundaries of the property being adequately determined to prevent trespass on her property, and maintenance of the shared access to South Bradford Road. Conflicts regarding property boundaries can be minimized by the performance of a boundary survey and clear demarcation of the boundaries. This has been recommended by staff as a condition of approval. There is a short portion of the shared road that will be used by the truck traffic when leaving the mining area prior to turning east to get to the panhandle lot for access to Cedarcroft Road. A condition to maintain the road in proper condition should minimize any potential conflict. However, no information is in the record concerning the width of the surface of the road and adequacy of the road to accommodate the truck traffic and vehicles

travelling to the Troxclair residence at 82704 South Bradford Road. Additional information should be requested of the applicant.

Impacts from Truck Traffic outside of Impact Area

Several of the comments received from nearby property owners outside of the impact area pertain to dust and noise impacts from the trucks transporting the rock from the mining area to the public roads. The primary issue for the Planning Commission to decide is whether those impacts are required to be minimized by the applicant. It appears from a review of the definitions contained within OAR 660-023-180 that noise and dust impacts need only be minimized when the source is the mining and processing area. The applicant has addressed this issue on page 8. Although it may not be specifically required under OAR requirements, the applicant has agreed to control dust on Cedarcroft Road by the application of a biodegradable substance at periodic intervals.

Wildlife Impacts

The applicant has incorrectly identified the area as located within the Impacted Big Game Range. The correct designation is the Major Big Game Range. No objection has been received from the Oregon Department of Fish and Wildlife. Several comments from nearby property owners, raise concern regarding the impacts to wildlife from the mining activity. The applicant has not submitted any detailed analysis of the potential effect on wildlife with the exception of some general statements.

Wetlands Impacts

The panhandle property used for access, taxlot 100, crosses a wetland south of the end of Cedarcroft Road. No information is in the record regarding any plans to widen the road to accommodate the proposed truck traffic. Any widening of the crossing would need to comply with the requirements of the Division of State Lands. No other wetlands are identified on the National Wetlands Inventory for the subject property.

Public Roads

Lane County Transportation Planning has identified improvements that need to occur to Cedarcroft Road and Bear Creek Road to accommodate the proposed use. "Based on revised information from Branch Engineering (40 loaded dump trucks per day/5days per week/per 20year period) the indication is asphalt overlays on both Cedarcroft and Bear Creek Roads to Cloverdale Road would be needed to support the planned use. The initial indication is a 4.5 inch and 3.5, asphalt overlay would be needed for Cedarcroft and Bear Creek Roads respectively. Lane County Facility Permits are required for any work within the road right-of-ways. A licensed Oregon Civil engineer must prepare the construction plans and provide inspection and testing services. The County may do inspection and testing at its option on a billable basis."

“If this use is approved, the County will investigate the need for a Stop sign on Cedarcroft road at the Bear Creek Rd. intersection. County crews will address brush within the right-of-way that may be limiting sight distance. The applicant may need to address brush removal on private property at this intersection if that is an issue.”

Comments were received regarding the Bear Creek Road & South Bradford Road intersection, and conflicts with people, pets, pedestrians, and bicycles on Bear Cr. Road. Review of these potential conflicts appear to be outside of the scope of OAR 660-023-180(4)(b)(B).

Adequacy of existing sites

Review of this request does not require a review of the existing supply of mineral aggregate in the surrounding area to determine if a need exists for the resource. The review standards of OAR 660-023-180 apply only to the site proposed for inclusion on the Lane County Mineral & Aggregate Resource Sites.

Other Issues

Other miscellaneous issues are raised within the comments received from nearby property owners. However, no specifics regarding the issues are given. These issues are:

1. Impacts to property values
2. Increase in taxes
3. Liveability
4. Health impacts

STEP 4:WEIGH ESEE ANALYSIS

The applicant has addressed the requirement on Page 12 in the submittal.

STEP 5: DETERMINE ESEE CONSEQUENCES OF NEW USES

The applicant has addressed the requirement on Pages 12 through 14 in the submittal.

The applicant's analysis regarding the potential impacts to the mining that could occur from uses approved by the Planning Director under the Lane Code provisions of LC 16.210(a) – (u) needs to be revised. Contrary to the analysis contained on Page 13 of the submittal, the uses of LC 16.210(a) – (u) are not required to meet the criteria contained within LC16.210(5)(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.* The referenced provision of LC 16.210(4) applies only to uses requiring

Hearings Official approval and requires review of the more difficult compatibility standard of "livability", and potential conflicts with adjacent "uses" on nearby lands. By contrast, the uses of LC 16.210(a) – (u) subject to Director Approval are reviewed only for potential conflicts with accepted "farming or forest practices". The Director Approval uses cannot be limited by existing Lane Code provisions on the basis of conflict with the mining operation.

STEP 6: DEVELOP A PROGRAM TO ALLOW MINING

The applicant has addressed the requirement on Pages 14 and 15 in the submittal.

The applicant has proposed a series of conditions to be imposed upon the mining activity. These conditions are contained on Pages 12 and 15 and Exhibit "B" of the submittal. They are summarized as follows:

1. Mining and processing shall be limited to daytime operating hours, usually five days per week but occasionally six days per week.
2. Access to and from the site shall be limited to Cedarcroft Road..
3. The rock crushing machinery shall be operated in accordance with both DOGAMI permit and LRAPA permits, including the release of particulate into the air..
4. Discharge of water at the site shall be limited by the DOGAMI permit.
5. The applicant shall provide prior 24 hour notice of the time and date of blasting at the site to the persons specified by the Planning Commission.
6. Blasting shall only be conducted between the hours of 10:00 A.M. and 4:30 P.M., Monday through Friday.
7. Seismographs will be set at the nearest dwellings to monitor all blasting operations. (These dwellings need to be identified.)
8. The applicant shall apply a biodegradable substance to the unpaved portion of Cedarcroft Road at the intervals specified by the Planning Commission to control dust.
9. The applicant shall direct all drivers using Cedarcroft Road to not use jake brakes in the vicinity of residences.

The following additional conditions are recommended by staff for consideration by the Planning Commission:

10. The applicant shall comply with the requirements of Lane Code 16.216 regarding 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.*
11. The applicant shall maintain a 50' setback from adjacent properties for all mining and processing operations.
 12. The applicant shall survey and clearly identify the subject parcel boundaries.

The following additional conditions are recommended by the Branch Engineering traffic analysis (Page 4) for consideration by the Planning Commission:

13. The applicant shall request Lane County to install a stop sign at the intersection of Cedarcroft Road and Bear Creek Road.
14. The applicant shall request Lane County to regularly cut back, as far as possible, the vegetation adjacent to Bear Creek Road, particularly east of the intersection of Cedarcroft Road.

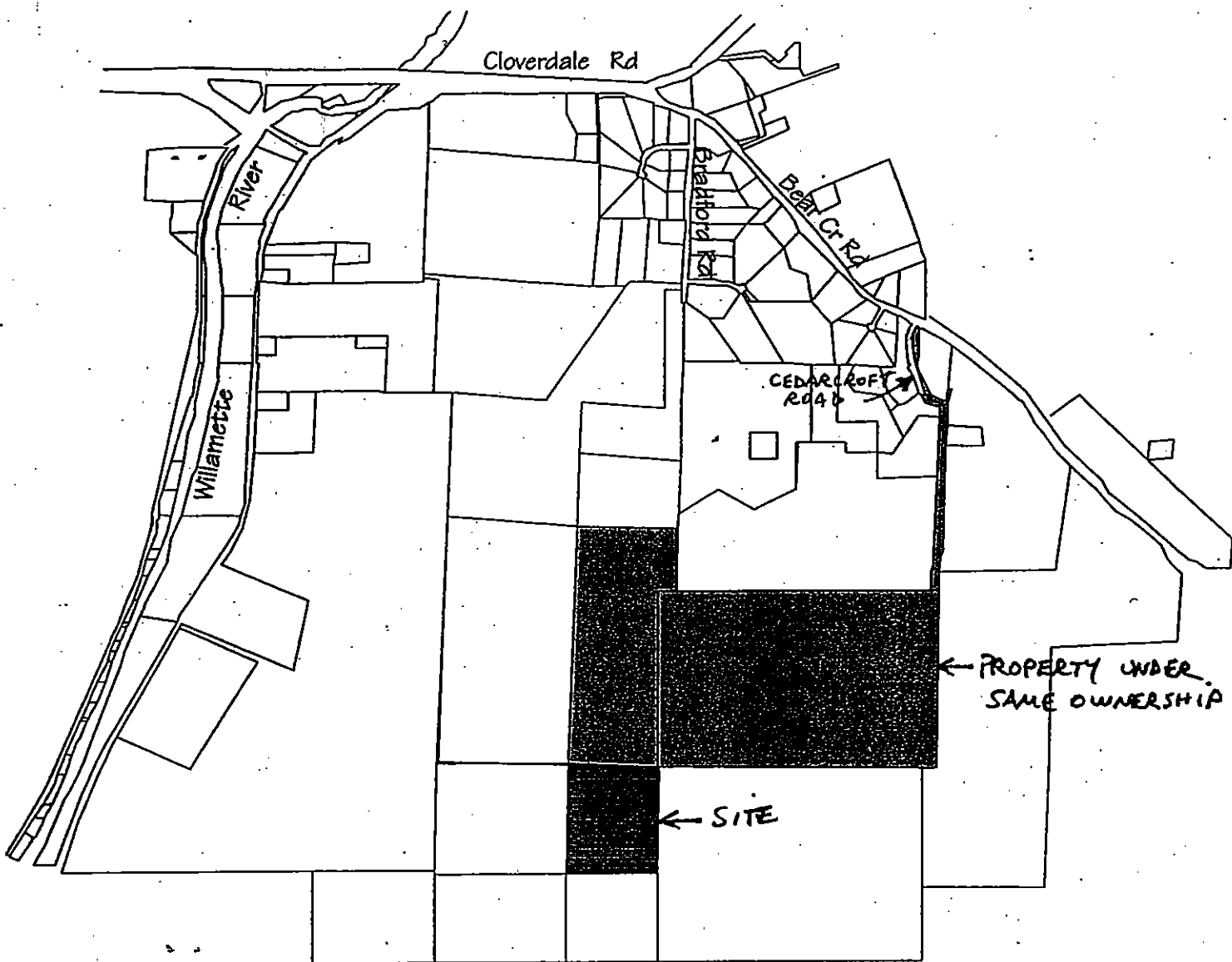
The following additional condition is requested by Transportation Planning Staff:

15. Lane County Facility Permits are required for improvements to Cedarcroft Road and Bear Creek Roads prior to the start of mining at the site. The initial indication is a 4.5 inch and 3.5, asphalt overlay would be needed for Cedarcroft and Bear Creek Roads respectively. A licensed Oregon Civil engineer must prepare the construction plans and provide inspection and testing services. The County may do inspection and testing at its option on a billable basis.

V. ATTACHMENTS

- A. Amended Application for a Post Acknowledgement Plan Amendment (PAPA)
- B. Application for a Plan Amendment and a Zone Change
- C. Addendum to Application for a Plan Amendment and a Zone Change
- D. Information Guide to OAR 660-023-180
- E. Comments from Nearby Property Owners
- F. Referral Comment from Lane County Surveyors Program
- G. Referral Comment from DOGAMI
- H. Referral Comment from Lloyd Holtcamp, Lane County Transportation Planning

- I. Additional Referral Comment from Lloyd Holtcamp, Lane County Transportation Planning
- J. Big Game Habitat Map
- K. National Wetlands inventory Map



OAR 660-23-180 for Mineral and Aggregate Resources

Introduction. This information was prepared to explain the Post Acknowledgment Plan Amendment, PAPA, requirements in OAR 660-23-180, the Rule, for mineral and aggregate resources. The Rule is written in a typical regulatory style that relies on a maze of cross references and exclusions, and a sequence of stating the requirements that bears no relationship to the sequence in which compliance work should be done. This information is a user friendly guide to the Rule. It organizes the requirements of the Rule into six steps that are generally easy to understand and that generally correspond to the sequence in which the compliance work should be performed.

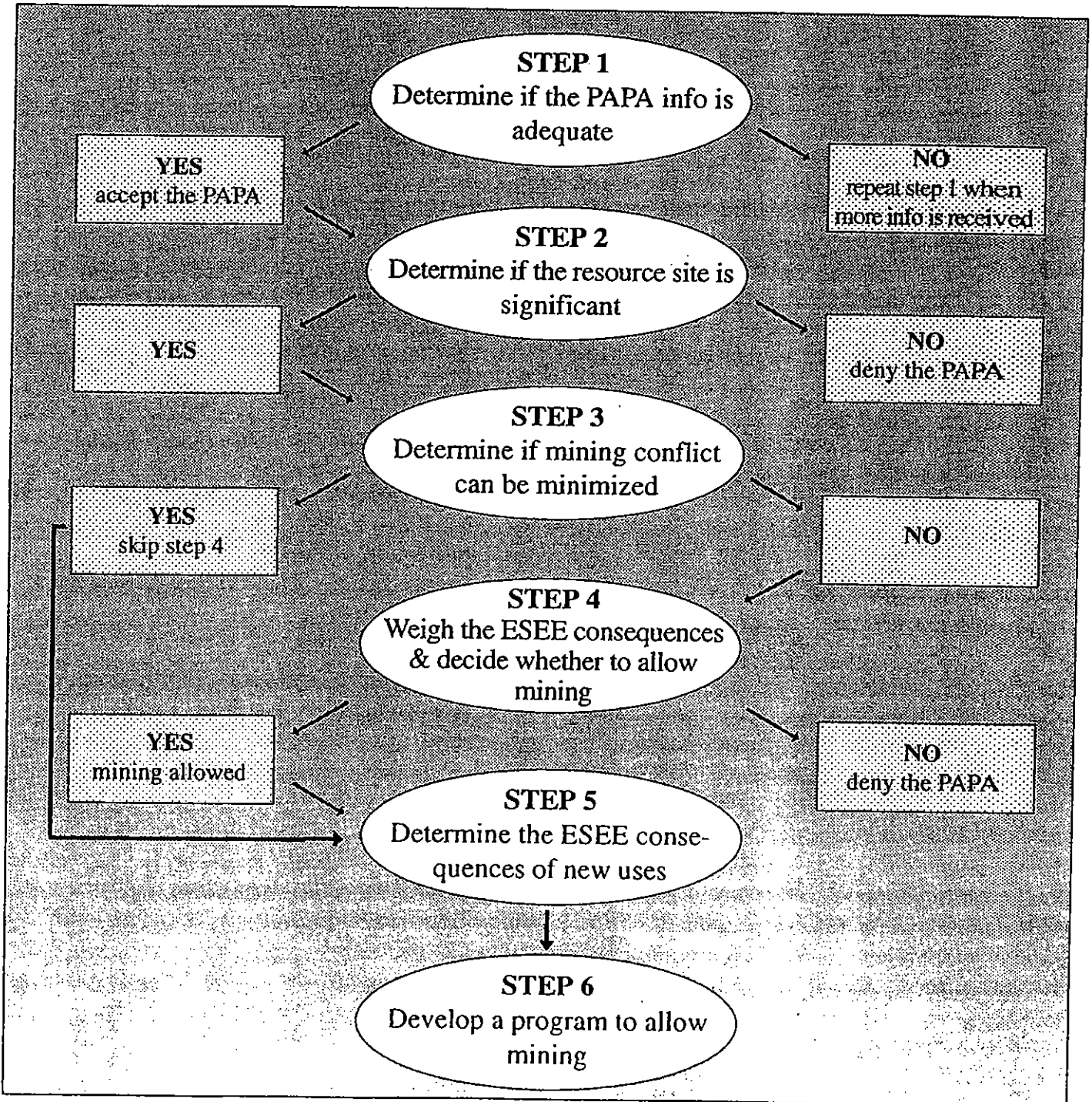
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*Prepared By: Jim Mann, Senior Planner
Frederique Chateau-Gruner, Technician
Lane County Land Management Division
August 1, 1996*

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

PAPA received



SUMMARY OF OAR 660-23-180 (MIN. & AGG.)

- Step 1. Determine If The PAPA Information Is Adequate.** Following OAR 660-23-180(6), "determine whether information in a PAPA submittal for an aggregate site is adequate." This step constitutes the essential completeness check for a PAPA. OAR 660-23-180(4) requires a local government to complete the Goal 5 process within 180 days after receipt of a complete PAPA for a significant aggregate site.
- Step 2. Determine If The Resource Site Is Significant.** Following OAR 660-23-180(3), determine whether the aggregate resource site is significant. If a site is determined to be significant, then proceed to Step 3. If a site is determined to be not significant, then the PAPA cannot be approved pursuant to the Rule, and no additional work is necessary.
- Step 3. Determine If Conflicts From Mining Can Be Minimized.** Following OAR 660-23-180(4)(a)-(b), identify an impact area, existing uses within the impact area, and determine whether mining would create any conflicts with these existing uses. Next, following OAR 660-23-180(4)(c), determine whether any conflicts can be minimized. If it is determined that there are no conflicts or that conflicts can be minimized, then proceed to step 5. If it is determined that there are conflicts that cannot be minimized, then proceed to step 4.
- Step 4. Weigh The ESEE Consequences and Determine Whether To Allow Mining.** For only those conflicts identified in Step 3 that cannot be minimized, follow OAR 660-180-(4)(d) to determine and weigh the ESEE consequences of allowing, limiting or not allowing mining. Next, decide whether to allow or prohibit mining of the site. If a decision is made to allow mining, then proceed to Step 5. If a decision is made to not allow mining, then the PAPA cannot be approved, and no additional work is necessary.
- Step 5. Determine The ESEE Consequences Of Potential New Conflicting Uses Within The Impact Area.** Following OAR 660-23-040(2)-(4), determine any potential new uses that could occur in the impact area and whether these uses would conflict with the mining. Next, evaluate the ESEE consequences of allowing these conflicting uses and determine whether to prohibit, limit or outright permit the conflicting uses. Then proceed to Step 6.
- Step 6. Develop A Program To Allow Mining.** Following OAR 660 23-050 and 660-180(4)(e)&(f), develop and adopt comprehensive plan and implementation measures to achieve Goal 5. This work must be supported by and consistent with the findings, conclusions and recommendations developed in Steps 2-5 above.

Step 1. Determine If The PAPA Information Is Adequate.

Introduction. When accepting a PAPA for mining, a local government must verify that it contains the information termed "adequate" as identified in OAR 660-23-180(6). This information is the minimum needed by a local government to determine the significance of the aggregate resource site and to determine if any conflicts from the mining can be minimized. However, an applicant should provide additional information in a PAPA to address other applicable local and state requirements. OAR 660-23-180(4) requires a local government to complete the Goal 5 process within 180 days after receipt of a complete PAPA for a significant aggregate site. Therefore, this is another reason to perform the adequacy check for a PAPA when it is submitted.

1. OAR 660-23-180(6) requires a PAPA to contain the following minimum information:

- a. Details about the quantity, quality and location that are sufficient to determine whether the standards and conditions in section (3) of this rule are satisfied."
- b. A conceptual site reclamation plan;
- c. A traffic assessment within one mile of the entrance to the mining area pursuant to section 660-23-(4)(b)(B);
- d. Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500 foot impact area; and
- e. A site plan indicating the location, hours of operation, and other pertinent information for all proposed mining and associated uses.

2. A PAPA should contain the following additional information:

- a. OAR 660-23-180(4)(a) requiring a local government to expand the 1,500 foot impact area where, "factual information indicates significant potential conflicts beyond this distance";
- b. OAR 660-180-(4)(d) requiring a local government, where there are conflicts from the mining that cannot be minimized, to determine and weigh the ESEE consequences of allowing, limiting, or prohibiting the mining;
- c. OAR 660-23-040(2)-(4) requiring a local government to determine any new uses that could potentially occur in the impact area that would conflict with the mining and to evaluate the ESEE consequences of allowing these conflicting uses; and
- d. The applicable requirements of local comprehensive plans and implementing ordinances.

Step 2. Determine If The Resource Site Is Significant.

Introduction: Follow OAR 660-23-030(2) and -180(3) to determine whether the aggregate resource site is significant. If a site is determined to be significant, then proceed to Step 3. If a site is determined to be not significant, then the PAPA cannot be approved pursuant to the Rule, and no additional work is necessary.

1. Collect information about the resource site. OAR 660-23-030(2).

A local jurisdiction must notify applicable relevant state and federal agencies and request any current information about the proposed aggregate site. A local jurisdiction must consider other information submitted in the local process.

2. Determine the significance of the resource sites. OAR 660-23-180(2)(b)&(3)

The information mentioned in Step 1 must be adequate before a significance determination can be done. An aggregate site shall be considered significant if adequate information regarding the quantity, quality and location of the site demonstrates that the site meets any one of the following criteria:

- (a) The rock meets ODOT specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley or 100,000 tons outside the Willamette Valley;
- (b) The materials meet local standards establishing a lower threshold; or
- (c) The site is on an inventory of significant sites in an acknowledged plan on September 1, 1996.
- (d) Notwithstanding (a)-(b) above, a site is not significant if:
 - more than 35% of the proposed mining area consists of soil classed as Class I on NRCS maps as of September 1, 1996; or
 - more than 35% of the proposed mining area consists of soil classed as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on September 1, 1996, unless the average width of the aggregate layer within the mining area exceeds 60 feet.

Step 3. Determine If Conflicts From Mining Can Be Minimized.

Introduction. A progression of four things must happen in this step. First, the impact area must be defined. The impact area is limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates substantial conflicts beyond this distance. Second, existing uses within the impact area must be identified. Third, potential conflicts from the proposed mining on the existing uses must be identified. Fourth, potential conflicts must be evaluated to determine whether they can be minimized. If it is determined that there are no conflicts or that conflicts can be minimized, then proceed to step 5. If it is determined that there are conflicts that cannot be minimized, then proceed to step 4.

1. Determine The Impact Area. 660-23-180(4)(a)

- a. The impact area shall be large enough to include existing or approved land uses in the impact area that will be adversely affected by proposed mining activities and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates substantial conflicts beyond this distance.
- b. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed area rather than the boundaries of the aggregate site, and shall not include the aggregate site.

2. Determine The Existing Uses Within The Impact Area. 660-23-180(4)(b)

- a. Determine the existing or approved land uses within the impact area by individually identifying the parcels within the impact area and the uses that occur on each of them. This information should be provided in map and tabulated forms.
- b. Any adopted comprehensive plan land use inventory information for the impacted area should be included.

3. Determine Any Conflicts 660-23-180(4)(b(A)&(B))

- a. Determine which of the existing or approved land uses (approved land uses are dwellings allowed by residential zones on platted lots, or other uses for which conditional uses or final approvals have been granted by Lane County). For determination of conflicts from proposed mining of a significant aggregate site, the consideration shall be limited to:
 - (A) Conflicts due to dust, noise or other discharges with regards to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;
 - (B) Potential conflicts to local roads 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 Transportation

Plan. Conflicts shall be determined based upon clear and objective standards regarding sight 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 to other trucks of equivalent size, weight, and capacity that haul other materials.

- (C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments. This paragraph shall not apply after the effective date of commission rules adopted pursuant to Chapter 285, Oregon Laws 1995;
- (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;
- (E) Conflicts with agricultural practices; and
- (F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede DOGAMI regulations adopted pursuant to ORS 517.780.

4. Determine Measures That Would Minimize Conflicts. 660-23-180(4)(c)

The purpose of this step is to determine reasonable and practicable measures that would minimize the conflicts identified in 3. above. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site. If identified conflicts cannot be minimized, then proceed to Step 5 below. To determine whether proposed measures would minimize conflicts with agricultural practices, the requirements of ORS 215.296 shall be followed:

- (a) The aggregate use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) The aggregate use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm and forest use.
- (c) A demonstration that the standards for approval set forth in (a) and (b) above will be satisfied may be made through the imposition of clear and objective conditions.

Step 4. Weigh The ESEE Consequences And Determine Whether To Allow Mining.

Introduction. For only those conflicts identified in Step 3 that cannot be minimized, follow OAR 660-180-(4)(d) to determine and weigh the ESEE consequences of allowing, limiting or not allowing mining. Next, decide whether to allow or prohibit mining of the site. If a decision is made to allow mining, then proceed to Step 5. If a decision is made to not allow mining, then the PAPA cannot be approved, and no additional work is necessary. The ESEE consequences of either allowing, limiting or not allowing mining at the site shall be determined by weighing these ESEE consequence with consideration to the following:

- (A) The degree of adverse effect on existing land uses within the impact area;
- (B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
- (C) The probable duration of the mining operation and the proposed post-mining use of the site.

STEP 5. Determine The ESEE Consequences Of Potential New Conflicting Uses Within The Impact Area.

Introduction. OAR 660-23-180(5) directs local governments to follow 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 the mining. Next, evaluate the ESEE consequences of allowing any conflicting new uses and determine whether to prohibit, limit or outright permit the conflicting uses. Then proceed to Step 6.

1. Identify Conflicting Uses. 660-23-040(2)

- a. Examine the uses permitted outright or conditionally by the zoning applied to the resource site and its impact area and determine which uses might conflict with the mining. Identification of no conflicting uses must be based on zoning and not ownership. Identification of no conflicting uses may rely on acknowledged policies and land use regulations to protect the resource site.
- b. Examine the existing permanent uses in the impact area. If these uses occupy their sites and make it unlikely that other uses allowed by the zoning would occur, then findings to that effect should be adopted, and no further analysis of conflicting uses is necessary for these sites.

2. Determine the Impact Area. 660-23-040(3)

- a. The impact area shall be drawn to include only the area in which the allowed uses could adversely affect the identified resource. This area would not include the sites identified in 1.b. above.
- b. The impact area defines the limits in which to conduct the ESEE analysis.

3. Analyze the ESEE Consequences. 040(4)

- a. The analysis must address consequences that could result from decisions to allow, limit or prohibit conflicting uses;
- b. The analysis may address each of the identified conflicting uses or it may address a group of similar conflicting uses;
- c. A single analysis may be conducted for 2 or more resource sites in the same area or that are similarly situated and subject to the same zoning;
- d. A matrix of commonly occurring conflicting uses may be established and applied to particular resource sites;
- e. A single analysis may be conducted for a site with more than 1 significant Goal 5 resource;
- f. The analysis must consider any applicable statewide goal or acknowledged plan requirements;
- g. The ESEE analysis must be adopted as part of the plan or as a land use regulation.

Step 6. Develop A Program To Allow Mining.

Introduction. Following OAR 660-23-050 and 660-180(4)(e)&(f), develop and adopt comprehensive plan and implementation measures to achieve Goal 5. This work must be based upon and supported by the findings, conclusions and recommendations developed in Steps 2-5 above. This work may include measures to prohibit, limit or fully allow new uses in the impact area that would conflict with the mining.

Applicable requirements of OAR 660-23-050 for uses that conflict with mining are:

1. The plan and implementing ordinances shall clearly describe the potential uses that conflict with mining and that are allowed and the specific standards or limitations that apply to the allowed uses.
2. A program to achieve Goal 5 may include zoning measures that partially or fully allow potential uses that are conflicting with mining.
3. Implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. See the criteria in OAR 660-06-050(2)(a)-(b) to determine whether standards are clear and objective.

Applicable requirements of OAR 660-180(4)(e)&(f) for the mining are:

1. Where mining is allowed, the plan and implementing ordinances must be amended to allow such mining.
2. Any required measures to minimize conflicts, including special conditions and measures to minimize conflicts, shall be clear and objective.
3. Additional land use review (e.g., site plan review) shall not exceed the minimum review necessary to assure compliance with the site review requirements and shall not provide opportunities to deny mining for reasons unrelated to the site review requirements, or to attach additional approval requirements, except with regard to mining and processing activities:
 - a. For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;
 - b. Not requested in the PAPA application; or
 - c. For which a sufficient change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.
4. The post mining use must be determined and provided for in the comprehensive plan and land use regulations.

The space on this page is provided for your written comments.

File No.: PA.98-5144
 Applicant: Ross Bradford B.J. Equipment Company
 TRS/TL: 19-02-00 #3500

You may write your comments on this page and return this document to the attention of Thom Lanfear, Lane County Land Management Division, Public Service Building, 125 East 8th Ave., Eugene, OR. 97401. ... Fax 687-3947 ...

Date: - November 30, 1998

From: Robert A. Still

83076 North Bradford Rd.

Creswell, OR 97426

Comments:

The extensive increase in the number of heavytrucks on Bear Creek Road, Cloverdale, and possibly South Bradford adds to the danger already present when logging trucks and other gravel hauling trucks. This is also compounded by the damage to the roads. We travel these roads 4 to 6 times a day.

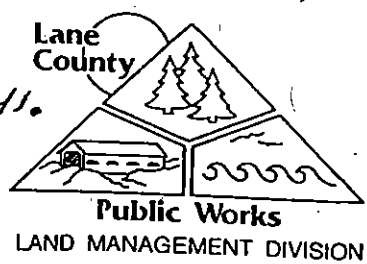
There is a possiblity of water contamination and a threat to the loss of water supply for our personal use(including for animals).

The blasting that will be required will be a constant aggravation. It is now from the same facility. We have had to bring some of our animals in when the sound is more pronounced by wind changes.

The value of our property can and no doubt will be decreased by all of the above conditions. This will also be reflected in the damage to flora and fauna and the wildlife may be affected.

This commercial operation would also seriously impact the surrounding forest area. Many new animals have moved into this area due to all the construction in Creswell. E2

Referral Notice and Opportunity to Comment on a Proposed Development



Date: November 23, 1998

Department File No.: PA 98-5144

Property Owner: Ross Bradford
82452 Bradford Road
Creswell, Oregon 97426

Agent: B.J. Equipment Company
P.O. Box 543
Cottage Grove, Oregon 97424

Location (Address): Cedarcroft Road

Tax Assessment Map: 19-02-00 #3500

RECEIVED BY LAND MANAGEMENT

DEC - 2 1998

Tentative Lane County Planning Commission Hearing Date: February 16, 1999 8,9,10,11,12,1,2,3,4,5,6 AM PM

Nature of the pending development application: Amend the Rural Comprehensive Plan from "Forest" to "Natural Resource" and Rezone that Land from "F-1/Non-Impacted Forest Land" to "QM" ("Quarry and Mine Operations") for 40 acres, pursuant to Lane Code 16.400 and 16.252. Map 19-02-00 (30) Taxlot 3500.

Lane County has received an application for the proposed development. This notice includes copies of relevant materials from the application file.

Agencies/Districts: The proposed development would be located in your district or service area and may place demands on you for the services your agency provides. This referral is being made to you to facilitate your participation in the Lane County decision process for the application described here. If no comment is received from you by the due date, it will be concluded that you have no comment to make and/or you have no objection to the application's approval.

Landowners: The proposed development is located within the distance required for notification with individual notice, or you have requested the notification. Additional notice will be provided when the Hearing Date for the Planning Commission is scheduled.

The purpose of this notice is to provide you with an opportunity to review and comment on the proposed development and to submit your comments to Lane County prior to the Lane County Planning Commission's Hearing.

The application and related materials are available for inspection at the Lane County Land Management Division at no cost and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact concerning this application is Thom Lanfear. The telephone number where more information can be obtained is 687-4054.

Please submit in your written comments regarding the proposed development to the Lane County Land Management Division by 1 P.M. on December 11, 1998. If you need additional time to submit comments, please contact Thom Lanfear.

The space on this page is provided for your written comments.

File No.: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

You may write your comments on this page and return this document to the attention of Thom Lanfear, Lane County Land Management Division, Public Service Building, 125 East 8th Ave., Eugene, OR. 97401. ... Fax 687-3947 ...

Date: 11-28-98

From: Daniel O'Gorman

82852 N. Bear Creek Rd.

Creswell, Or , 97426

Comments:

This is a rural residential community. Allowing commercial mining here would seriously impact this community. The people living on the current access road have already complained because their houses, yard, trees + shrubs were covered with rock dust when Mr. Bradford operated the quarry this year. The noise from the trucks + rock crusher + blasting would also seriously impact this community. Bear Creek road is used by hundreds of people + pets for walking, jogging, bicycle riding + horseback riding. The volume of the rock trucks would cause a serious danger for these people. The current access road is breaking down as would Bear creek road if this were allowed. Lastly, to allow this big, dirty, noisy business to operate here would cause a major reduction in the property values of the home owners here. If Mr. Bradford is allowed to have this business here, he should be made to pay back 25-50% of their current

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File No.: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

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Date: DEC. 7. 1998

From: DALE BURGESS

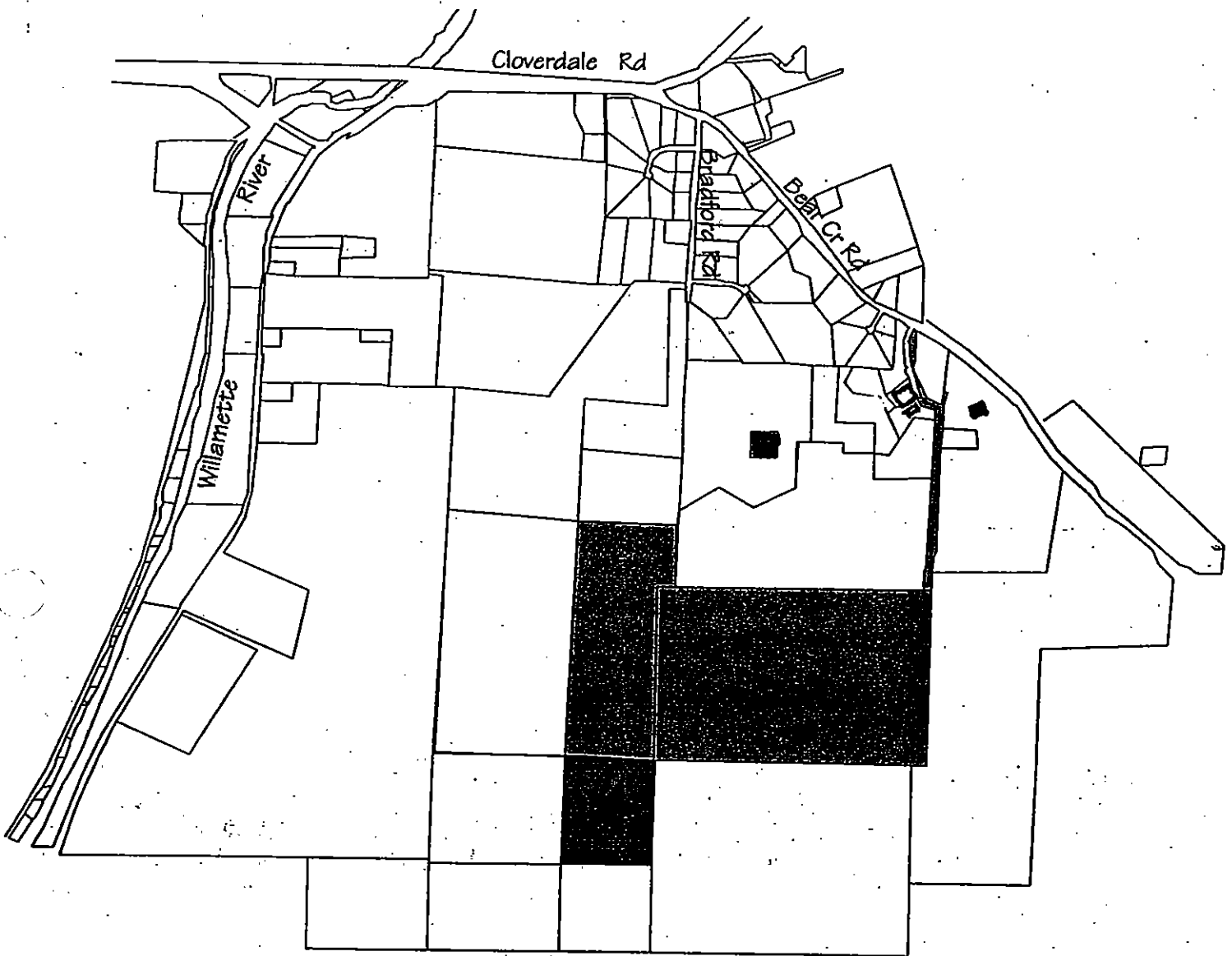
82613 MEADOW LANE.

CRESWELL DR. 97426

Comments:

SEE REPLY ON ATTACHED PAGES.

Thank you. Dale Burgess



- LINDA-JERRY FLEISCHLI.
- CAROL-MOTVER.
- JAN-DALE BURGESS.
- NANCY-NICK BRADFORD.

File No. PA 98-5144
Applicant: Ross Bradford B. J. Equipment Company
TRS/TL: 19-02-00 #3500

Date Dec. 7 1998

From: Dale Burgess
82613 Meadow Lane
Creswell, OR. 97426

Comments, Complaints ,Reasons to REFUSE Mining Application !!

Step # 3. Conflict # 3. 660-23-180(4)(b(A)&(B)

(a) Our home is LEGAL ,PERMITTED , and approved by LANE COUNTY BUILDING DEPT. In a very legal Subdivision by David Keller as part of the CEDARCROFT P.U.D. 6-9-1986. Our property is part of the South East boundary of Cedarcroft road. We are very- very close to the IMPACTED HOUSING AREAS, that have been ignored in applications for zoning changes.

(A) Dust, noise, soil and gravel roads with heavy truck traffic cause large clouds of dust, the soil is red and white clay. Truck tires on clay produce dust as fine as talcum powder. Our LOG HOME, freshly refinished, was covered, the green metal roof was white. A terrible dust problem exists, plants , trees and all foliage are covered with dust, look very sick. Of course, no one steps up to the expense of repairs or redo's. MORE trucks And MORE OF THE SAME DUST !!

NOISE, trucks running produce noise, trucks running up hill make more Noise! Trucks loaded make more noise any time , any place, especially Up hill !! Down hill another noise maker, the engine brake or Jake brake which , in conjunction with transmission gear restricts speed of vehicle, VERY NOISY !!

Other truck noise, RATTLES and SQUEAKS, traveling over dirt and gravel, busy narrow roads, all can be very damaging to equipment. In the cities these days FOLIAGE is not good enough for a sound barrier !! A high masonry wall is used !! Other object able concerns are Diesel exhaust emissions need to be approached and investigated in the confines of this valley. With the number of vehicles to be used , added to the vehicles in use, could be a CLEAN AIR QUALITY pollution problem.

Property lines, boundaries are ignored, south east corner of property is being over run with truck turning right going up to mine also coming down loaded ,left turn is cut short across our land. Not a satisfactory condition.

ALL GOOD REASONS TO DENY ZONING CHANGES !!

(B) Conflicts with local roads for access and egress to mining site.

The intersection at Bear Creek road, and Cedarcroft is being badly abused by Truck Traffic !! The south east corner road shoulders are being over run across the unpaved culvert area BRAKING DOWN asphalt edges of road. A section from the edge of Bear Creek road to the white painted line outside edge of traffic lane, The damaged asphalt is an area about 3' (Three Feet),long .

I suppose Lane County Road Dept. Will make repairs?? This type damage is all they need to keep them busy. Who Is responsible for repair cost?

Cause of damage could be from dump truck drivers pushed by Mine Principles, to hurry to get ANOTHER load! Some drivers RACE for better Position , Drivers also are PAID by loads hauled, Unsafe conditions ?

Sharp crushed Quarry rock (about 3/4"+) accumulate on the roads making walking difficult, hard on car tires. Spills of larger quantities occur at intersections from turning trucks, more trucks, more rock spills!

THESE EXPENSIVE DAMAGES ARE FURTHER REASONS TO DENY ZONING CHANGE!!!.

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Applicant: Ross Bradford B.J. Equipment Company
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Date: Dec. 7 - 1998

From: M.W. Harroun and Kathleen D. wells
82722 Bear Creek Rd.
Creswell, Or. 97426

Comments:

1. This area is prime Elk and Deer habitat
2. Flood plain and Wetlands
3. Road maintenance. Increased maintenance cost
4. Traffic and frequency of trucks going and returning.
5. Noise and dust and dirt
6. Rock was removed from R. Bradford property - either sold or donated to County road maintenance very recently.
7. Property value is sure to decline
8. A gravel and rock mine is already located near us on Sears Rd.

File No.: PA98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

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LAND MANAGEMENT

Date: December 7, 1998

DEC - 8 1998
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From: Julie A. Cartmill
82710 South Bradford Road
Creswell, Oregon 97426

I object to granting Mr. Bradford and B.J. Equipment Company's application to rezone 40 acres of F-1/Non-Impacted Forest Land to QM (Quarry and Mine Operations) for the following reasons:

1. The current access onto Bear Creek Road from South Bradford Road is treacherous due to a blind curve on Bear Creek Road. Cars traveling on Bear Creek are traveling at a high rate of speed and do not slow down measurably for that curve. With 86 trucks a day traveling down Bear Creek to Cloverdale Road, it makes the entrance onto to Bear Creek Road from South Bradford Road extremely dangerous and harmful for any resident of or around South Bradford as well as all school buses servicing the area.

2. Our well is currently fed by an underground aqueduct. It is our fear that the dynamiting for rock might impact on that aqueduct, changing its course and causing our well to either lose water or dry up altogether. This is a good possibility over a 40 year period.

3. Any use of South Bradford Road for hauling in or out of the quarry will not be permitted. The use of South Bradford Road for hauling, would require trucks to pass over our property. Currently, Mr. Bradford holds an easement across our property for ingress and egress to his property only. This easement does not allow commercial use. The road is a one lane gravel road and was not designed for commercial use nor will it be permitted by this owner.

4. The mining destroys the quiet enjoyment of country property by use of dynamite to extract rock and the constant use of large machinery and flow of dump trucks (an estimate of 86 trucks per day). I moved to the country for peace and quiet and to surround myself with forest land and wildlife. If I wanted to listen to machinery, trucks and blasting, I would have remained in town.


Julie A. Cartmill

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File No.: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

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Date: 12-7-98

From: James D Crews
82714 Bear Creek
Creswell Ore. 97426

Comments:

We have several concerns regarding this proposal

- 1. Increased truck traffic + speed
- 2. Noise from trucks
- 3. Predawn hours of activity
- 4. Possible decrease in property value

all of this is due to the close proximity of CedarCrest road to our home.

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File No.: PA98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

Date: December 7, 1998

From: Carl E. Cartmill
82710 South Bradford Road
Creswell, Oregon 97426

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Carl E. Cartmill

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File No.: PA 98-5144
 Applicant: Ross Bradford B.J. Equipment Company
 TRS/TL: 19-02-00 #3500

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Date: 12-7-98

From: FRANCIS W. ROGERS
82724 BEARCREEK
CRESWELL, ORE

Comments:

I OBJECT!

- Increases Truck Traffic thru a 5 acre + residential area many fold - look at proposed yardage and truck loads on applications
- Not necessary - 3 rock pits within 5 miles - Sears Rd - 2 at Siginaw + easy access to Eug. Spfg pits.
- Bad faith - operations this summer (98) of thousands of yards to many places as far away as south Eugene - I followed several beyond the top of Dillard Rd headed W. to
Many rock haulers participated - Bob Quick, Northwest access, SEARS, JACO - many others - info available - photo's, lists
DO NOT DO THIS WITH NO PERMIT



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Date: 12-7-96

From: Beverly R. Rogers, M.D.
82724 Bear Cr Rd
Creswell, Oregon 97426

Comments:

The location of our home is such that traffic noise from Bear Cr. Rd is quite loud. It seems like sound is funneled down our hill to our house. The traffic noise from the dump trucks is problematic - the crushing machinery is also very noisy and disturbing to me - when rock was being hauled this past summer, I believe without a permit, the noise was quite a problem. Part of our property is in the flood zone & I am concerned about polluted water runoff from the mining operation onto our property.

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DEC - 3 1998

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E 10

Mr. Thom Lanfear
Lane County Management Division
Public Service Building
125 East 8th Avenue
Eugene, OR, 97401

December 6, 1998

Dear Mr. Lanfear:

I am writing in response to your invitation to comment on the proposed development by Ross Bradford and B.J. Equipment Company which requires an amendment to the Rural Comprehensive Plan and Rezoning, listed as File No. PA 98-5144.

In my telephone conversation with you, you indicated that one of the purposes of this comment invitation is to identify areas where further information is needed from the applicant, in order that the application may be properly evaluated. I have identified needs for further information and describe these below, along with the reason such data are needed. I ask that you require the applicants to provide such data in order that the application be fairly evaluated. If the Planning Commission does not have this data, they could easily make a faulty decision.

1 - Ask the applicant to provide a current aggregate resource inventory along with current projected demand for aggregate.

The Planning Commission needs current mineral and aggregate resource inventory data. The document provided with the application is a draft prepared in 1982 and projects "supply and demand for aggregate resources in Lane County for the next 20 years." At the present, we are almost seventeen years into a twenty-year projection. Much has changed in these twenty years, both on the supply and demand side. For example, we know of quarries nearby that are not listed in the site inventory. Clearly, we need current data regarding sites and their capacity before any meaningful assessment of this application can be done. If we could also have current projected demand that would be similarly helpful.

2 - The analysis needs to be revised, or amended, to include access roads as a component of the impact area.

You'll recall that I had called you to clarify the meaning of "accessory uses" which I'd noted on p.7 under Goal 5 ... Policy 10: "aggregate extraction and accessory uses shall be substantially compatible with the livability of existing development of the abutting property and the surrounding vicinity...". I had thought accessory use might be the access roads. You replied that the access roads are a core element of the project not merely accessory. "Accessory" refers to tool sheds and other minor items, not something as substantial as the road access. When the impact area is more correctly defined, and analyzed, this will correct many glaring errors such as "no area zoned RR-5 exists within the impact area..."

3 - We need clarification of the employment impact on page 11.

The statement "gross annual revenue expected from the operation will exceed \$100,000" needs more precision. Will this revenue be approximately \$110,000, \$200,000, \$1,000,000 or even more. The relevance of this has to do with both the economic contribution of this project to the area as well as the wage level of the employees. Identifying the specific range of employee wages and benefits, such as retirement and health insurance, is also needed to see whether these are family wages or mere subsistence. If the latter, these employees may pose more of a burden on the county than a contribution. Obviously, these data cannot be provided as exact known quantities, since we can't foresee the future. A range of values for total revenue and employee compensation would be adequate to assess that aspect of the project impact.

4 - Clarify worst case scenario for the Branch Engineering traffic analysis.

Discussion with an Oregon State Department of Transportation engineer revealed that usually this type of analysis is based on a best case scenario. We know that roads have increased stopping distances when wet or covered by leaves, or if vehicles are exceeding the speed limit. All of these occur, quite often actually, on Bear Creek road. Of particular concern is the left turn from Cedarcroft onto Bear Creek with a measured distance of 580 feet and a recommended distance of 550 feet. This is a mere 5% safety factor. If a best case scenario was used, this safety factor could easily be eliminated when conditions are worse. This may require a reanalysis by Branch or simply a clarification of worst case conditions they have already used. Depending on that result, a traffic signal may be needed on Bear Creek Road to provide an adequate safety margin.

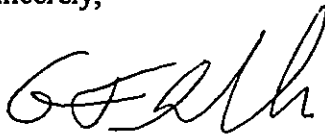
5 - Obtain records from BJ Equipment Company on the activity this past July through October at proposed site.

We have observed a significant, and disturbing, level of truck traffic this past Summer. Since we were not able to count each and every truck that came and left, we have no idea how this past level of activity compares to what is being proposed. It could be about average, way below or significantly above what we could expect for the next 20 to 40 years. This needs to be known so those impacted can clarify how our experience in this past Summer would relate to the proposed future activity. (It is my understanding that such records of truck activity are available to the public for a variety of purposes, including this.)

Unless the above five items are provided by the applicants, the application would be incomplete and Step 1 of the PAPA Review and Decision Process must be answered in the negative.

Thank you for inviting me to comment. Please let me know how the application is progressing and if I can be of further help in speeding resolution of this application.

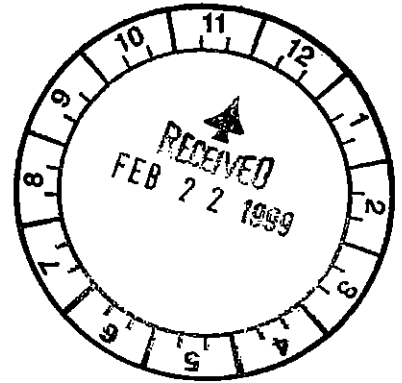
Sincerely,

A handwritten signature in cursive script, appearing to read 'G. Fleischli'.

Gerald Fleischli, M.D.
34977 Meadow Lane
Creswell, OR, 97426-9469
(541) 895-2143

Personal Observations Relevant to Quarry

By Gerald Fleischli, 34977 Meadow Lane, Creswell, OR 97426-9469



Road Hazard

Being somewhat of a creature of habit, I am accustomed to walking the third of a mile to our mailbox and back each morning between 5 and 6 AM to get our newspaper. It is usually dark at this time, so I bring a flashlight. Sometimes, if there's no cloud cover, the stars are out and you can identify the various constellations. It had been OK to walk and gaze at the stars because Cedarcroft is paved and flat. One morning this past Fall, I stumbled while walking like this. When I stooped down I found a chunk of aggregate I'd accidentally stepped on, lying right in the middle of the street. It must have fallen off a gravel truck the day before. (Since then I've gathered a whole bag of chunks that fell off the trucks.) I'd think nothing of this, except that my mother years ago actually fractured her ankle stumbling on a smaller chunk than these. When the gravel trucks are running, I've become afraid to admire nature while walking on Cedarcroft.

Our Well

We are fortunate to have a well that tests at 60 gpm at the end of the drought season. We use that water not only for drinking and washing but also to irrigate our commercial holly orchard, our vegetable garden and our developing arboretum. During the drought season, we service several thousand feet of drip lines, 24 hours a day from our well, to prevent plants from dying. We would be totally unable to handle these needs using trucked in water if our well were to fail.

Cedarcroft, The Road

If Cedarcroft Road is so sturdy, I wonder, why has the county resurfaced it twice in the seven years we've lived here? Why also have cracks developed along its edges and at the corner with Bear Creek Road just since the quarrying last Fall? Could it be that the road really is not up to that load?

Cedarcroft Traffic

Cedarcroft is a VERY quiet country road. We see this in the Branch traffic analysis when they show a PEAK rate of one vehicle per hour. When I used to walk our dog down the middle of the street to the mailbox, I'd joke with her to look both ways at the Bear Creek corner as we were approaching a busy street (hardly ever did we encounter any traffic on Bear Creek Road either). This all changed when the quarry was in operation last Fall.

Encounter with Sightseers

A few weeks ago an unfamiliar car was driving slowly on Cedarcroft. Since people rarely use the road unless they are lost, I waved them over to see if they needed directions. They said they had been looking at the home for sale on South Bradford road and were just checking out the neighborhood (*Cedarcroft and South Bradford actually are in the same neighborhood*). They remarked how beautiful and peaceful it was out here in the country. They'd love to live here if they could just find the right size home. (The one they'd just looked at was too small for their growing family.) I asked if it would make a difference to them if there were to be gravel trucks going by every ten minutes for the next thirty years. The wife started laughing almost hysterically. "Of course", she said. "No way would we want to live here then." Our property values clearly would be affected.

Bear Creek Road Traffic

It is three quarters of a mile from Cedarcroft to Cloverdale on Bear Creek Road. Rarely do I encounter other cars on Bear Creek Road, but when I do it's usually at the intersection where South Bradford enters Bear Creek Road. You can see those cars timidly hovering at the bottom of South Bradford, hoping to get an opportunity to enter Bear Creek Road. I'm glad they hover timidly because on the few occasions when they boldly dash on to Bear Creek, I've almost hit them as it's hard to see them when coming around the curve.

Groundwater

Register Guard 1/7/98, from AP- "Traces of plutonium from a test blast in the Nevada desert migrated nearly a mile through groundwater" ... "Until recently it was believed that significant amounts of plutonium would not move through groundwater ..." I'm sure lots of research went into this issue years ago, showing groundwater wouldn't be contaminated. They were wrong apparently.

It was only the white man who thought this was a wilderness and it needed to be conquered. The native American never saw it that way. We are only now beginning to realize that our natural world is necessary for our basic survival needs. Nature is a refuge for our survival. It is a refuge from our automated world.

With that belief in mind, I wish to set forth my personal experience in Creswell and my goals for my small, but totally unique piece of property on Meadow Lane in Creswell.

Much of my land runs adjacent to Cedarcroft. When I first bought these 6-acres the land along Cedarcroft was run over with poison oak and blackberries. But hidden in there, I knew instinctively there was a great deal of aesthetic beauty and wonder. Occasionally, I would glimpse some wild flowers in the early springtime peeping through the brush.

Beyond my forested land is a different kind of living vegetation. The former owner of this land was a dreamer. Despite herds of elk, deer, and freezing temperatures, he laboriously planted an orchard of primarily variegated holly trees. Hundreds of those seedlings never survived. However, about 150 are struggling to survive and many are downright magnificent.

I need to tell you all this land is divided into two additional buildable lots besides our homestead. With the shortage of homesites in Creswell I know that I could sell these pieces in a "New York minute." However, when we purchased this land, I made a decision never to sell. I would preserve it for as long as I was able and that would be my legacy. It bothered some of my neighbors that I was not "using" the land. I tried to explain to them my love of trees. I came here from Nebraska. My neighbors laughed at me and said Oregon has nothing but trees. They had never lived in a place which was virtually treeless, except for what man has laboriously planted. They do not know that a tree can save one's life in a blizzard and save one's life in scorching heat. They did not know that the first pioneers cried out in longing for the trees of their homeland. There was just endless prairie and empty space. The soul needs more.

Alas, lest this be too wordy --back to my blackberry patch. Over a period of 5 years I have "by hand" made good progress at removing the brush. What is now there along Cedarcroft is the beginning of an arboretum. Some of the trees there naturally include Savannah oak, grand fir, Douglas fir, madrone, vine maple, cedar. I have begun planting

rhodies, hellebores, lilac, lavender, butterfly bushes. Each year I planned to add specimen trees and continue to care for this remarkable place.

But something different happened this summer. Huge gravel trucks were coming down Cedarcroft at alarming regularity. Something had changed. The frogs weren't chirping at night. The deer were not hanging out in my woods. There were blasts coming from up the mountain. The kind of blasts that make you stop whatever you are doing and say "what was that?" When I tried to work, I would become nauseated after a truck went by. As the summer went on I developed an allergy which had never bothered me before. My flowers were not thriving, even though I kept watering. My young andromeda plants looked like they were dying. The hostas never did much of anything. It slowly came into my consciousness that the environment was not the same. When I tried to take my evening walks down Cedarcroft or go out to the mailbox, I was very uncomfortable. I had to watch for huge trucks going by and move out of the way. Sometimes they overlapped—one entering and one exiting. I saw tire ruts on the land where one truck had pulled over to allow another one to pass. Rocks were on the road which one had to avoid. At one point the trucks were coming through—some at considerable speed—from 5 a.m. until dark, seven days a week.

At this point, I began to seek the help of the Planning Department and began to understand how different my neighbor's goals were from my own. In fact, they are totally incompatible. We absolutely cannot live together. Every time he blasts I feel personally the pain of the earth. Every time a truck leaves here I feel another blow is being struck upon our planet. The ecosystem here is being totally challenged and altered forever if this is allowed to continue. We have a choice today. We can't save the whole world, but we can take a step here and now to save this wondrous little ecosystem on Cedarcroft. Are we so overcivilized there will be no place for the trees, the wildlife, and the dreamers?

To: Thom Lanfear
Lane Co. Land Management Div.

11E

The space on this page is provided for your written comments.

File No.: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

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Date: 12-10-98

From: Jesse Castillo, P.O. Box 235
82706 S. Bradford Rd
Croswell Oregon, 97426

Comments:

Negative Impact on streams, water supply
Animal life, noise and dirt pollution
and causing property values to decrease.
The biggest problem would be the amount
of traffic on all road involved,
especially during the school season.

Jesse Castillo

To: Thom Lanfear,
Lane Co. Land Management D.V.

E12

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Applicant: Ross Bradford B.J. Equipment Company
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Date: December 10, 1998

From: Evalyn Z. Lemon

P.O. Box 235, 82706 S. Bradford Rd.
Creswell, OR, 97426

Comments:

I am opposed to the approval of this
mining claim. Current residents in the
immediate vicinity will be faced with
increasing levels of noise and dirt, excessive
levels of heavy truck traffic and decreased
property values if the mine is approved.
The mine ~~will~~ seeks to add approximately
85 heavily loaded trucks ^{per day} to secondary roads
over the next 30 to 40 years. Safety issues
presented by this increase have not been addressed,
nor have road maintenance costs. I feel the
only issues addressed in the application are
those advantageous to the developer. Disadvantages
and costs to the ² county and other taxpayers

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DEC 10 1998

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Date: 12-7-98

From: Carol and David Matthews
82750 South Bradford Rd.
Preswell Ore. 97426

Comments: The following is a list of reasons why a 40 acre quarry shouldn't go in above our neighborhood:

1. The present roads will not carry 86 trucks per day (it will cost the county "big" money to keep up the country roads). Already damage from summer trucks evident on Bear Creek Rd.
2. Trucks/traffic - huge impact on neighborhood - danger to homeowners in area - school buses -
3. Too many gravel pits in area already - can hear trucks on Sears Road etc.
4. Noise (traffic - blasting - machines)
5. Dust
6. Water - ground water concerns - impact on "Wild Creek" - impact on wells - run off, et
7. This neighborhood is full of homes, small acreages (1 to 6 acres). Terrific impact on the

Comment on File No. PA 98-5144 – Ross Bradford Zoning Change Application

December 10, 1998

Comments:

I oppose the zoning change requested to permit a quarry on land owned by Ross Bradford, for reasons including, but not limited to the following:

- 1) The impact area included in the application is not realistic. All activity and traffic from quarry operations will be funneled into the residential area located between Cedarcroft and Cloverdale roads. This is the true impact area that must be considered.
- 2) The application has substantial omissions in analysis. The traffic analysis in the application really amounts to a most favorable case, rather than a worst case scenario. The analysis conveniently omits the intersection of S. Bradford Road and Bear Creek Road. The S. Bradford Road intersection is even omitted from the map. There is a "blind corner" of limited visibility and stopping distance for west-bound Bear Creek traffic, and S. Bradford traffic entering Bear Creek. Traffic safety will be severely effected by the type and quantity of truck traffic from the proposed operations.
- 3) Impact on residential area: As stated in item 1 above, virtually all quarry activity will be through what is now a quiet, residential area. This IS the impact area. An obvious conflicting use exists between a quiet, residential area and an industrial zone that the proposed quarry would be. I beg the planners to consider the tangible adverse impact that would be created by 86 loaded rock trucks passing within 100 feet of your house each day. With empty truck returns, that amounts to a truck passing every 3-4 minutes.

In summary, the rezoning of this area will have significant adverse effects on the area. Most of these impacts have been conveniently omitted from the application. Please consider the real effects on property values, noise and dirt levels, and traffic safety, and deny this application.

Sincerely,



Robert Meyers
82701 S. Bradford Road
Creswell, OR 97426

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LAND MANAGEMENT

DEC 11 1998

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



quality of life in this residential area —
8. Will adversely effect the values of our properties

9. No objective analysis from the application - misleading picture. This is a neighborhood - not just forest land,

10. Impact on wild life (the deer - elk herd that lives on the area - the other wild-life i.e. Black bears)

11. Impact on wet lands - this area is an endangered wet lands -

12. The neighborhood is a neighborhood! If trucks go on S. Bradford, Bear Creek Rd, Meadow Lane - Cedar Croft, they will be going right past the yards and houses (some only 30 to 50 feet back from the road) of this neighborhood.

* Come see the neighborhood as it is now in 1998. You have some out-dated information in the application.

Comment on File No. PA 98-5144 – Ross Bradford Zoning Change Application

December 10, 1998

I oppose the proposed zone change; my concerns are:

Emotional Concerns:

1) I don't want to put my kids on the school bus each morning knowing that they are potentially on a collision course with a gravel truck at the intersection of S. Bradford and Bear Creek. I would feel remiss in my responsibility as a parent if I knowingly subjected my children to that risk.

2) A year ago I changed jobs and moved to this particular community, rather than to Eugene, because I fell in love with the peaceful serenity I found here; I invested in my "dream house" in this wonderful community. If the quarry zone change is made that dream will be shattered. My dream does not include dynamite blasting and near continuous gravel truck traffic in my back yard.

Objective Concerns:

1) The application states:

- * that the pit is "isolated from surrounding ownerships....2,600 feet".
- * that the impact from the site will be "site specific".
- * the "impact area ¼ mile.... [is] generally considered".
- *"would not have any substantial detrimental impact on the use of surrounding properties."

2) My response to all these statements is: The pit itself may be 2,600 feet from any building, but the activity (blasting, processing, and hauling) is not an "isolated" event. Further, it would have quite "substantial detrimental impact" on how livable my property is.

3) The application also states:

*there will be "social costs to those who live here"... [if the pit is not approved because of added transportation expenses incurred while obtaining needed gravel from distant locations.

My response to that is: What is the justification for this statement? His map shows 6-8 sites south of Eugene and north of Cottage Grove. Further, that particular chart appears to be quite old and at the end of it's intended life; it appears an updated study needs to take place to determine the actual needs of the area.

4) The application does not mention S. Bradford Road.

My response to this is: Why not? As a homeowner on S. Bradford I am concerned about the traffic impact here. There are safety issues (previously discussed) as well as maintenance issues to address; this road is only an oiled gravel road that would be destroyed with the volume of traffic potentially generated from his employees, vendors and/or trucks.

Sincerely,

Vicky Curry
Vicky Curry

82766 S. Bradford Road
Creswell, OR 97426
(541) 895-5509

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DEC 11 1998

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ROBERT L. ACKERMAN, P.C.
 ATTORNEY AT LAW
 870 WEST CENTENNIAL BOULEVARD
 SPRINGFIELD, OR 97477-5298

TELEPHONE (541)746-6589

FAX (541)746-3201

December 10, 1998

VIA FACSIMILE TO: 682-3947

Thom Lanfear
 Lane County Land Management Division
 Public Works Department
 125 E. 8th Avenue
 Eugene, OR 97401

Re: Your File : PA98-5144
 Property Owner : Ross Bradford
 Location : Cedar Croft Road
 Our File No : 4490-1

Dear Mr. Lanfear:

I represent Helen Falk in this matter. My client owns 40 acres of real property which is located immediately to the south of the subject property, and is designated on the map that you provided as Lot No. 3602.

My client has no objection the proposed zone change, as long as it will not impact her real property by decreasing its value, causing real property taxes to raise, or place any increased burden on any easements which the applicant may have across her property.

Very truly yours,

ROBERT L. ACKERMAN, P.C.


 Robert L. Ackerman

RLA/gen
 cc: Helen Falk

Mr. Tom Lanfear
Lane County Land Management Division
Public Service Building
175 E. 8th Ave.
Eugene, OR 97401

William N. & Carolyn S. Kent
82865 Bradford Rd., S.
Creswell, OR 97236-9459
(hm. ph. 895-4898)

December 10, 1998

RE: File No. 98-5144
Applicant: Ross Bradford / B.J. Equipment Co.
TRSTL / TL: 29-02-00 #3500

Dear Mr. Lanfear:

Thank you for this opportunity to comment on Mr. Bradford's application for an amendment to the Lane County Rural Comprehensive Plan from "Forest" to "Natural Resource" to construct a 40 acre open pit aggregate mine in our neighborhood.

We have reviewed his application for a Plan Amendment and Zone Change, with supporting documents. Also reviewed was the February, 1982 Comprehensive Plan Revision pertaining to Mineral & Aggregate Resources DRAFT.

We have many concerns regarding the proposed mining pit.

The 1982 Mineral & Aggregate Resources DRAFT details the aggregate mineral resources in Lane County. It is noteworthy that Lane County is particularly rich in aggregate materials. Because of this fact, we question the need for this particular mining pit.

This applicant's proposed site was not in The 1982 DRAFT. The DRAFT concludes there is a sufficient supply of aggregate to service Lane County's needs for many years to come, based on upon already identified sources.

We recently read an article in the Register-Guard concerning Wildish's request to construct a bridge over the McKenzie River, so Wildish can mine 500 acres of land they own on the Coburg side of the river. This would appear to raise the inventory of aggregate substantially for Lane County.

Before action on this application, we pose these questions:

1. Is there an update for the DRAFT planned?
2. If not, should an update be mandated before this unidentified aggregate resource zoning request be processed?
3. Is there really a need for this particular aggregate pit on a county basis?
and;
4. Is there already a sufficient supply in South Lane County? (There is already a producing operation on Sears Road, very near to the proposed site.)

Also worthy of consideration is the location of the proposed pit. We live in a rural residential neighborhood (1 to 5 + acre parcels) which virtually surrounds the proposed site. These neighbors are not mentioned in the application.

E18

John Bianco
PO Box 271
Creswell, OR 97426

Lane County Land Management
Eugene, OR
VIA FAX 682-3947

Dear Sir,

12/11/98

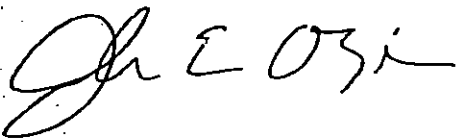
Yesterday I learned that a rock quarry is proposed for F-1 zoned land west of Creswell in the Bear Creek area. As a forest land owner, I am opposed to the conversion of forest land out of timber production.

I do not believe that there is a need for the proposed quarry. There is currently a quarry approximately 4 miles south west of the proposed development. This facility, on Sears Road, has a abundant supply of material and is not located near existing residences.

Locating a new quarry in an area with numerous rural homes creates conflict with existing uses. Ground water resources will be effected by quarrying. Roads are not wide enough and may not be strong enough to support heavy truck traffic.

I request that I be informed of future developments in this matter, such as hearings or opportunity to submit comments.

Sincerely,



John Bianco

The proposed pit sits atop a 1000 foot hill which drains directly into Wild Creek watershed and sensitive wetlands. These environmental factors should be investigated.

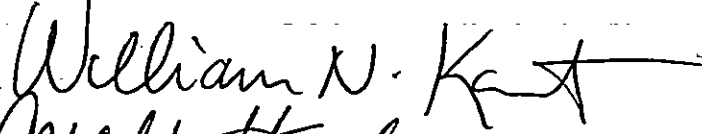

Also, other potential problems are evident. Disruption of the water table is an issue since all residents are dependent on private wells for their water, noise pollution (this small valley produces a huge echo), air pollution, excessive and dangerous road traffic, the impact on the roads themselves, and the impact on the wildlife (much of which is protected and endangered).

In sum, we submit there is no need for this pit and that the potential impact on this residential neighborhood would be profound and detrimental to all.

Please include us on your mailing list regarding all county actions on this application. Also, please advise us of all deadlines and hearing dates concerning this matter.

Thank you for your consideration.

Very truly yours,

William N. Kent
Carolyn S. Kent

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The space on this page is provided for your written comments.

File No.: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

DEC 14 1998
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You may write your comments on this page and return this document to the attention of Thom Lanfear, Lane County Land Management Division, Public Service Building, 125 East 8th Ave., Eugene, OR. 97401. ... Fax 687-3947 ...

Date: 12-9-98

From: David Calder
Marilyn Calder

Comments:

We live on Cloverdale Rd. about 1 block ^{west} of Bear Creek Rd.

We are concerned about the development of another gravel pit in our area for a # of reasons. (#1) There is already a gravel pit on Sean Rd with adequate gravel stores that result in heavy truck traffic on Sean Rd + Cloverdale, noise + dust.

#2) The proposed gravel pit in the area of Bear Creek Rd. will significantly affect our quality of life with increased dust, noise from the pit and dangerous truck traffic on Cloverdale Rd. He plans to haul out 80+ loads a day 7 AM to 5 PM, which is over 160 trips by our home each day or about one truck ever 4-5 min. The noise of the trucks plus the safety issue is a concern.

#3) Safety issues for people living on Cloverdale, due to the increased truck traffic. ²

January 4, 1999

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A

Thom Lanfear
Lane County Land Management Division
Public Service Building
125 East 8th Avenue
Eugene, OR 97401

File No: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

Date: January 4, 1999
From: Rick Millhollin

Comments:

I respectfully request that the above referenced application for rezoning submitted by Ross Bradford be denied for the reasons listed below. The application completely ignores the true land use nature of adjacent properties, and would have serious negative social and economic impact on dozens of families living on those properties.

- ◆ The application misrepresents the proximity of the proposed quarry site to a basically rural residential neighborhood on the north side, and ignores the fact that any access to the site would be via narrow roads that run directly through these residential areas. That makes this neighborhood a primary part of the impact area that needs to be considered. Thus the proposal is incomplete as well as totally incompatible with the current land use in the area. The operation already conducted last summer had major negative impacts on the residences along the access road used, in terms of noise and dust pollution, even though it was on a much smaller scale than that proposed.
- ◆ The potentially tremendous increase in heavy truck traffic on all of the effected roads would pose a serious safety problem, as well as a considerable nuisance given the residential nature of the area. These roads are frequently used by bicyclers and pedestrians as well as vehicular traffic, and are not wide enough to also accommodate the nature and volume of the proposed additional traffic. The intersection of South Bradford and Bear Creek in particular is already a very dangerous blind corner.
- ◆ Road maintenance required by the proposed truck traffic would increase greatly. It would be grossly unfair for residents of the area to have to pay the potential additional taxes required to cover this cost.
- ◆ The proposed quarry site lies at the very top of the entire north-sloping drainage into what is known as Wild Creek. A large number of residences are dependent on this forested

drainage for their well water. Water availability varies widely in this area, with some wells providing high volume while other are barely adequate. For example our well produces over 25 gpm while the neighbor's located less than 50 ft away is deeper and produces less than 5 gpm. Several properties have drilled multiple wells to obtain a suitable water supply. There is no way to guarantee that blasting and excavating on the proposed scale would not have catastrophic consequences on this unpredictable aquifer.

- ◆ As a teenager living with my parents, I saw the structural damage caused to our house by construction blasting being done a considerable distance away. My current home is closer to the proposed quarry than that house was to the blasting. Blasting damage to homes can not be ruled out with any degree of certainty. At best the blasting would, and already has, been quite noticeable across a wide area to the north of the site, and is not compatible with existing residential land use.
- ◆ All of the above factors would lead to an inevitable loss in property values throughout the entire neighborhood. Most of the current residents would not have purchased the homes they currently own if the quarry had been present, and future buyers will feel the same way. There is no justification for inflicting economic loss, not to mention a degraded quality of life, on so many families for the benefit of one.
- ◆ The actual need for the gravel to be extracted as cited in the application is based on an outdated inventory. It does not mention several nearby sources, either because they are newer than the inventory, or because of an artificial drawing of inventory boundaries.

Sincerely,



Rick Millhollin

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January 20, 1999

JAN 25 1999

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A

Thom Lanfear
Lane County Land Management Division
Public Service Building
125 East 8th Avenue
Eugene, OR 97401

Re: File No: PA 98-5144
Applicant: Ross Bradford B.J. Equipment Company
TRS/TL: 19-02-00 #3500

Dear Mr.Lanfear:

This letter is a request that the Lane County Land Management Division give careful consideration to the petition of Ross Bradford and B.J. Equipment Company to amend the Rural Comprehensive Plan from "Forest" to "Natural Resource" and rezone 40 acres of real property currently owned by Ross Bradford from F-1/Non-Impacted Forest Land" to "QM" ("Quarry and Mine Operations").

There certainly is no need for another quarry in this area. There are three existing and operating quarries within a ten mile radius of the proposed Bradford quarry which have supplied the needs of not only area residents over the last 20 years but also the needs of surrounding areas. I fail to see the need for rezoning presently existing forest land to provide for another quarry in this area. In this day and age of trying so hard to establish and maintain our forest lands, it seem rather out of place and against current land management standards to rezone forest land to establish a fourth quarry within a ten mile area.

If Lane County does allow Mr. Bradford's application with conditions and code requirements, I do not believe Mr. Bradford would comply with any conditions or code requirements that the County might require. We have been neighbors of Mr. Bradford's for six years. In that time, I have never known him to feel that County code applies to him. He has allowed refuse dumping on his property, subdivided his property for sale without the knowledge of the County and maintained a mobile home as a rental for approximately six years while allowing the County to believe that it was a hardship residence. While I have great faith in the County's desire to maintain the code and regulations, I do not feel that they have the manpower to enforce compliance of those regulations. I called the County repeatedly for two months trying to obtain some action regarding Mr. Bradford's rental and inquiring how he could subdivide land which I thought was zoned forest land. I still do not know if anything has been resolved regarding that matter.

Mr. Thom Lanfear
January 20, 1999
Page 2

Mr. Bradford recently completed a building on a portion of his property along Cedarcroft Road. Pursuant to conversations with him, he had planned to sell his current residence on Bradford Road and move into that structure. When he applied for an address, he was told by the County that if he tried to move into the dwelling, the County would condemn it. He currently has his residence on the market and I do believe that Mr. Bradford will move into that structure. Again, an example how Mr. Bradford does not feel the rules apply to him.

I do believe that if the County allows the rezoning and thus the operation of the quarry, that Mr. Bradford will run it as he sees fit and any regulations that the County might attach to that rezoning regarding blasting, road maintenance or changes would not be complied with nor would the County have the manpower to provide a constant vigil as to compliance.

Mr. Bradford fails even to complete an accurate application in omitting any reference to the residents on Bradford and Cedarcroft Roads and the effect of the truck traffic on the residents of Bear Creek Road. The application does not present the facts, other than those that might benefit the applicant and omits the remainder.

Sincerely,



Carl Cartmill
82710 South Bradford Road
Creswell, OR 97426

DIARY AND WORK RECORD

2-17-99

25th Week • 172nd Day • ~~JAN 27~~

SATURDAY

E 22
21

REF. NAME OR PROJECT

DETAILS OF MEETINGS • AGREEMENTS • DECISIONS

RECEIVED BY
LAND MANAGEMENT

Hrs. 1/10

Re: File # PA 985744

FEB 17 1999

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

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. amended

2-17-99

H

173rd Day • JUNE, 1997

SUNDAY 22

RE

NAME OR PROJECT

DETAILS OF MEETINGS • AGREEMENTS • DECISIONS

TIME
HRS. 1/10

1 South Bradford road for the entry
2 and exit of the increased traffic
3 associated with this business. South
4 Bradford is far less populated & less
5 impacted.

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10 The only other way to do this
11 as I see it would be to have Mr.
12 Bradford build a road from his
13 quarry site over to Sears road
14 (possibly using the old railroad pass) where all
15 the other quarry activity & rock trucks
16 currently run.
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22 Thank you
23 Dan O'Connor
24 82852 Bear Creek Rd.
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LANFEAR Thom

From: ERICKSON Ryan M
Sent: Tuesday, December 08, 1998 12:42 PM
To: LANFEAR Thom
Cc: DRECHSLER Thomas W
Subject: Cedarcroft Road

Cedarcroft Road was established on March 10, 1982 by Board Order 82-3-10-5. The right-of-way width is variable but never less than 60 feet wide. I will provide you with the Order and a legal description with an accompanying map.

Ryan Erickson
Engineering Technician II
Lane County Surveyors