

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY MAR 16 1982

STATE OF OREGON

IN THE MATTER OF ACCEPTING AND ESTABLISHING)
CEDARCROFT ROAD AS A COUNTY ROAD)

D. M. PENFOLD, Director of the
Dept. of Gen. Serv. of Lane County
BY *[Signature]* DEPUTY

O R D E R 82-3-10-5

FILE No. 3762

The following road described below, being the centerline of Cedarcroft Road, and being further described in Exhibit "A" attached hereto, and made a part hereof by this order, is located in and adjacent to Cedarcroft P.U.D. as platted and recorded in File 73, Slide 235, Lane County Oregon Plat Records and has been dedicated to public use for road purposes and to comply with the terms of ORS Chapter 368 for establishment as a county road:

<u>ROAD NAME</u>	<u>DEDICATION</u>	<u>RECORDING INFORMATION</u>
Cedarcroft Road	Nash/Cedarcroft, Inc. Wallis G. Nash, President Patricia W. Nash, Secretary	Plat of Cedarcroft P. U. D., as platted and recorded in File 73, Slide 235 Lane County Oregon Plat Records
	Wallis Gifford Nash	Reel 993-R, Recorder's Reception Number 7927770
	Nickey R. Bradford Nancy D. Bradford	Reel 993-R, Recorder's Reception Number 7927771
	Nash/Cedarcroft, Inc. Patricia W. Nash, President Howard E. Speer, Secretary	Reel 993-R, Recorder's Reception Number 7927772

This road meets the criteria established for acceptance of roads into the county road system, its acceptance as a county road will benefit the general public; and the Director of the Department of Public Works recommends that it be accepted; now, therefore, it is hereby

ORDERED that the following road as generally described below, and being more particularly described on the said attached Exhibit "A", constituting a contiguous strip of land, be accepted and established as a county road:

ORDER

Cedarcroft Road 19-02-19-NE 1/4

EXHIBIT "A"

CEDARCROFT ROAD

LEGAL DESCRIPTION

A parcel of land lying in the Northeast one-quarter (NE1/4) of Section 19, Township 19 South, Range 2 West, Willamette Meridian, said parcel being a strip of land 60.0 feet in width, lying 30.0 feet on each side of the following described centerline, the right-of-way being extended or shortened as need be, to define a continuous right-of-way parallel to the below described centerline as said road was surveyed in 1978.

Beginning at a point on the Southwesterly right-of-way line of County Road Number 696 (Bear Creek Road), said point being North 474.01 feet and West 132.47 feet of the brass cap marking the most Southerly Southeast (SSE) corner of the H. Buoy Donation Land Claim Number 57, Township 19 South, Range 2 West, Willamette Meridian; RUN thence South $31^{\circ} 54' 03''$ West 83.59 feet; thence along the arc of a 119.98 foot radius curve left (the long chord of which bears South $8^{\circ} 10' 52''$ West 96.53 feet) a distance of 99.34 feet; thence South $15^{\circ} 32' 19''$ East 257.70 feet; thence along the arc of a 963.20 foot radius curve left (the long chord of which bears South $19^{\circ} 07' 05''$ East 120.27 feet) a distance of 120.35 feet; thence South $22^{\circ} 41' 50''$ East 263.00 feet and there ending, all in Lane County, Oregon; said point being 297.05 feet South and 19.53 feet East of the said Southerly Southeast (SSE) corner of the H. Buoy Donation Land Claim Number 57, in said Section 19, Township 19 South, Range 2 West, Willamette Meridian.

ALSO: A connecting parcel of land being more particularly described as follows:

Beginning at the angle point on the easterly boundary of Cedarcroft P. U. D. as platted and recorded in File 73, Slide 235 Lane County Oregon Plat Records; said point being North $89^{\circ} 52'$ West 144.0 feet from the South Southeast corner of the said H. Buoy Donation Land Claim Number 57, said township, range and section; RUN thence, along said easterly boundary, North $0^{\circ} 33' 15''$ West 30.32 feet to a point on the westerly right-of-way line of Cedarcroft Road; thence, leaving said easterly boundary and along said westerly right-of-way line, along the arc of a 993.20 foot radius curve to the left (the long chord of which bears South $19^{\circ} 44' 03''$ East 102.68 feet) a distance of 102.73 feet; thence, continuing along said westerly right of way line, South $22^{\circ} 41' 50''$ East 22.34 feet to the said easterly boundary of said Cedarcroft P. U. D.; thence, along the said boundary, North $26^{\circ} 19'$ West 96.99 feet to the True Point of Beginning and, there ending, all in Lane County, Oregon.

The bearings used herein are based on Cedarcroft P. U. D. subdivision as platted and recorded in File 73, Slide 235, Lane County Oregon Plat Records and the dedication deed recorded on Reel 993-R, Recorder's Reception Number 7927772.

EXHIBIT "A"

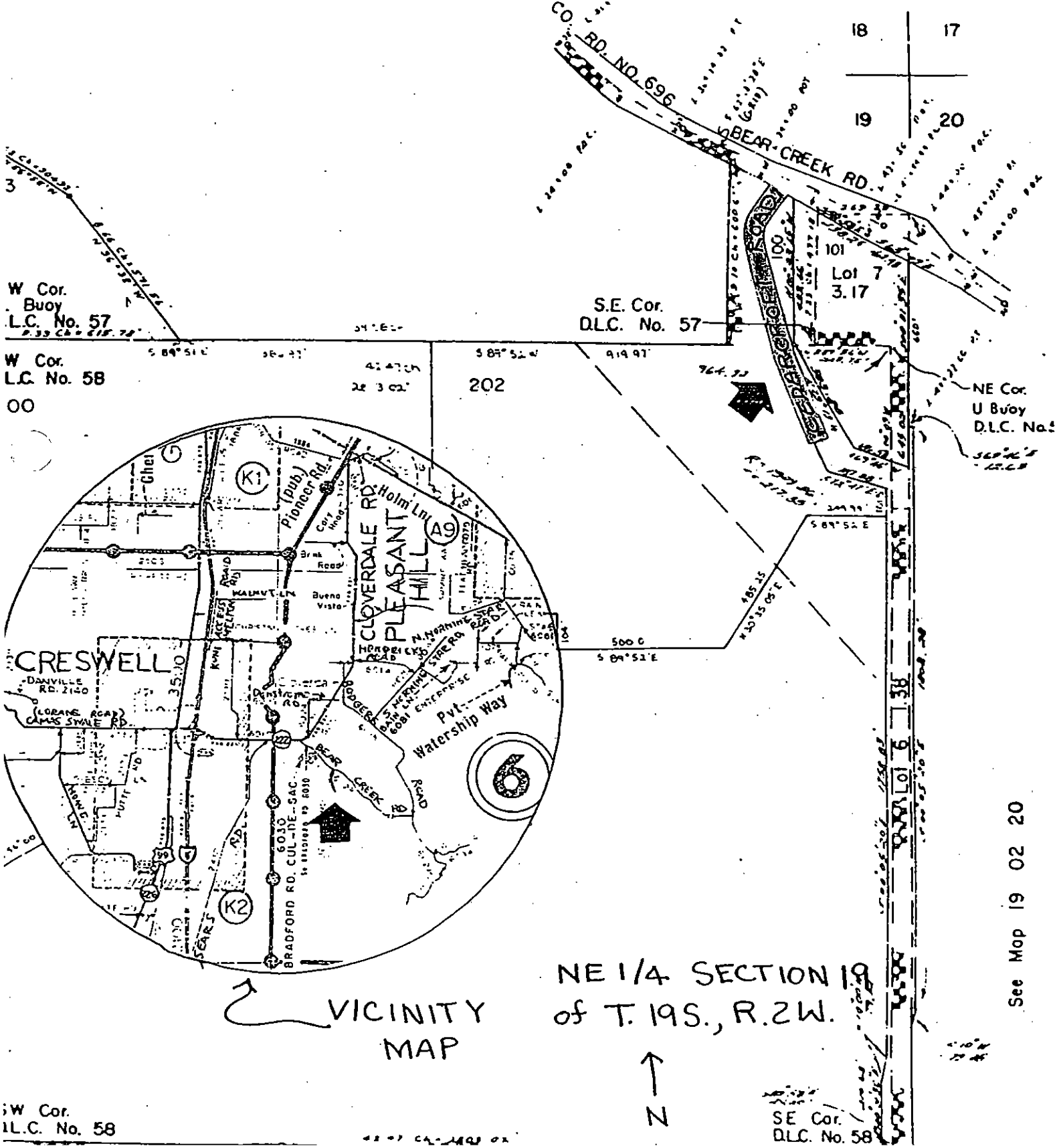
ORDER

Cedarcroft Road 19-02-19-NE 1/4

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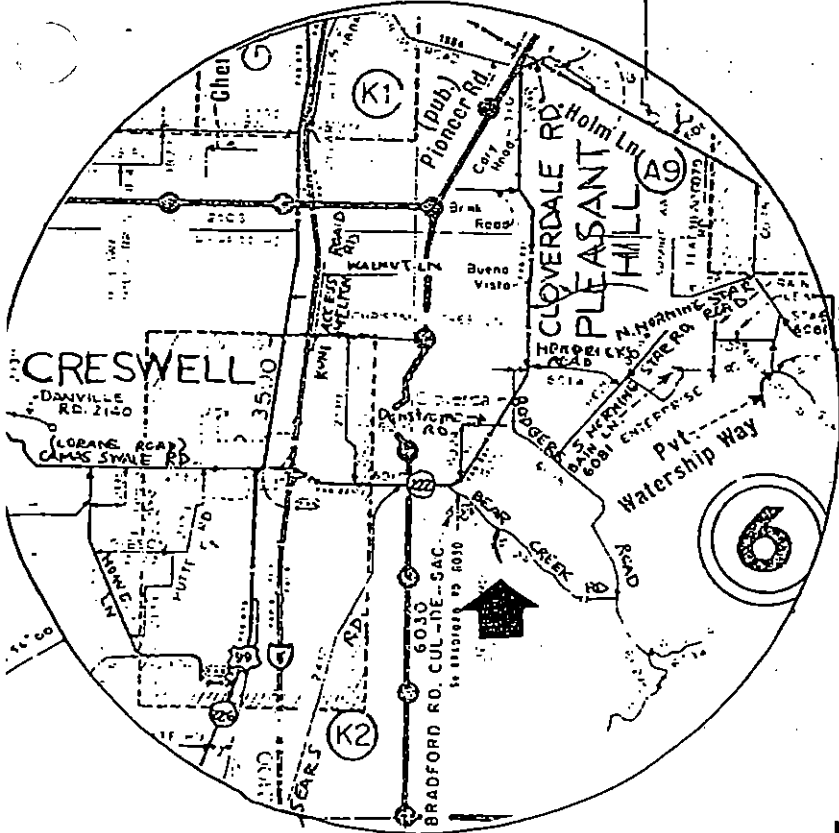


W Cor. Buoy L.C. No. 57

S.E. Cor. D.L.C. No. 57

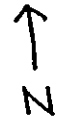
W Cor. L.C. No. 58 00

NE Cor. U Buoy D.L.C. No. 58



VICINITY MAP

NE 1/4 SECTION 19 of T. 19S., R. 2W.



W Cor. L.C. No. 58

SE Cor. D.L.C. No. 58

See Map 19 02 20



Oregon

John A. Kitzhaber, M.D., Governor

ATTACHMENT "G"

Department of Geology & Mineral Industries
Mined Land Reclamation
1536 Queen Avenue S.
Albany, OR 97321-6687
(541) 967-2039
FAX (541) 967-2075

December 10, 1998

RECEIVED BY
LAND MANAGEMENT

DEC 17 1998

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

Lane County Planning Dept.
125 East 8th Avenue
Eugene, OR 97401
Attn: Thom Lanfear

RE: ID No. 20-0149, Lane County ID# 98-5144

Dear Thom:

DOGAMI received the Lane County's "referral notice and opportunity to comment on a proposed development" for the Bradford Quarry. DOGAMI-MLR has completed the circulation of the Bradford quarry permit application and reclamation plan to other resource agencies. We received comments from Lane County, the landowner, and The Department of Agriculture. The Department of Agriculture comments related to storm water controls for the site. We will be working with the permittee on a continuing basis to insure that the site is in compliance with the NPDES rules.

I have enclosed a copy of the site map prepared by DOGAMI for your reference. An operating permit can be issued when the \$7,500 reclamation bond for the site has been submitted

Sincerely,

Peter J. Wampler
Reclamationist
Mined Land Reclamation

Enclosure: Copy of Aerial photo Map

c: Kristofer Jeremiah

LANFEAR Thom

From: HOLT CAMP Lloyd
Sent: Tuesday, December 15, 1998 4:17 PM
To: LANFEAR Thom
Subject: Cedarcroft Rd., zone chg. F1 to Quarry and mining, comp plan amendment, Forest to Natural Resource, 190200. t.l. 3500, Owner:Bradford

Comments from the Lane County Transportation Planning Section as follows:

Cedarcroft Road

This is a paved 24' wide County maintained road functionally classified as a local road in the Lane Coded 15.027. No traffic counts were taken on Cedarcroft Road

Bear Creek Road

This is a paved 24' wide County maintained road functionally classified as a minor collector. The average daily traffic (ADT) just east of Cloverdale Road published in Lane County's 1997 Traffic Volume Tables is listed as 700 vehicle trips per day.

Bradford Road South

This road is also County maintained road of Bituminous construction. No analysis of the suitability of the this road for this use was made as it was staff understanding this road was not going to be used for access to the proposed site.

Cloverdale Road

This road is under State Highway jurisdiction at the point of intersection with Bear Creek Road

Traffic Impact Analysis (TIA)

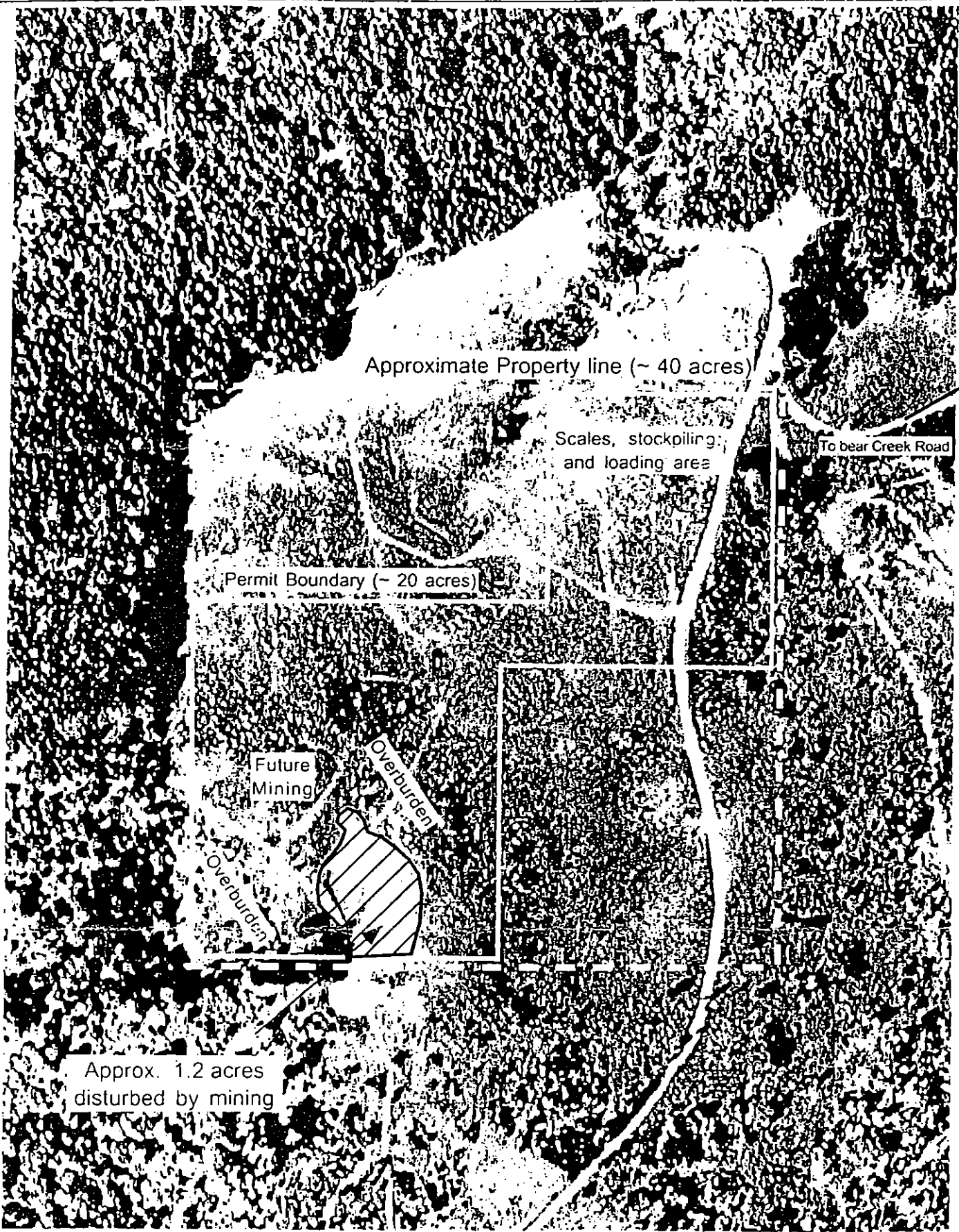
The TIA was done by Branch Engineering. The study assumes use of Cedarcroft Road and Bear Creek Road to get to Cloverdale Road. No Level of Service capacity problems were identified for the proposed use. This is to be expected given the low existing traffic volumes and the stated trip generation.

Roadway Structures

County staff felt there was no need for additional structure to be added to Cedarcroft or Bear Creek Road for this use. This was based on the figures supplied by the Loren Chilson of Branch Engineering for removal of 50, 000 cu. yds per year in non continuous usage over the projected 20 year life of the site. The analysis was based on an average 13 loaded trucks per day, per year for a 10 year period.

Lane County Facility Permit

A Facility Permit is required for any construction within the right-of-way of road under County jurisdiction. This includes, but is not limited to, such activities as driveway or street approach construction.



Approximate Property line (~ 40 acres)

Scales, stockpiling, and loading area

To bear Creek Road

Permit Boundary (~ 20 acres)

Future Mining

Overburden

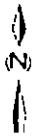
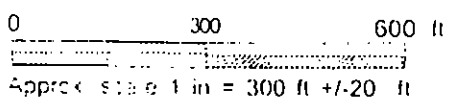
Overburden

Approx. 1.2 acres disturbed by mining

DOGAMI ID#: 20-0149
Permittee: Kristofer Jeremiah
Site Name: Bradford Quarry
Photo Source: / Date: WAC 5/7/94

Approved By: _____
Date: _____

File name: C:\Users\jcr\Documents\200149_5-04_CVS



LANFEAR Thom

ATTACHMENT "I"

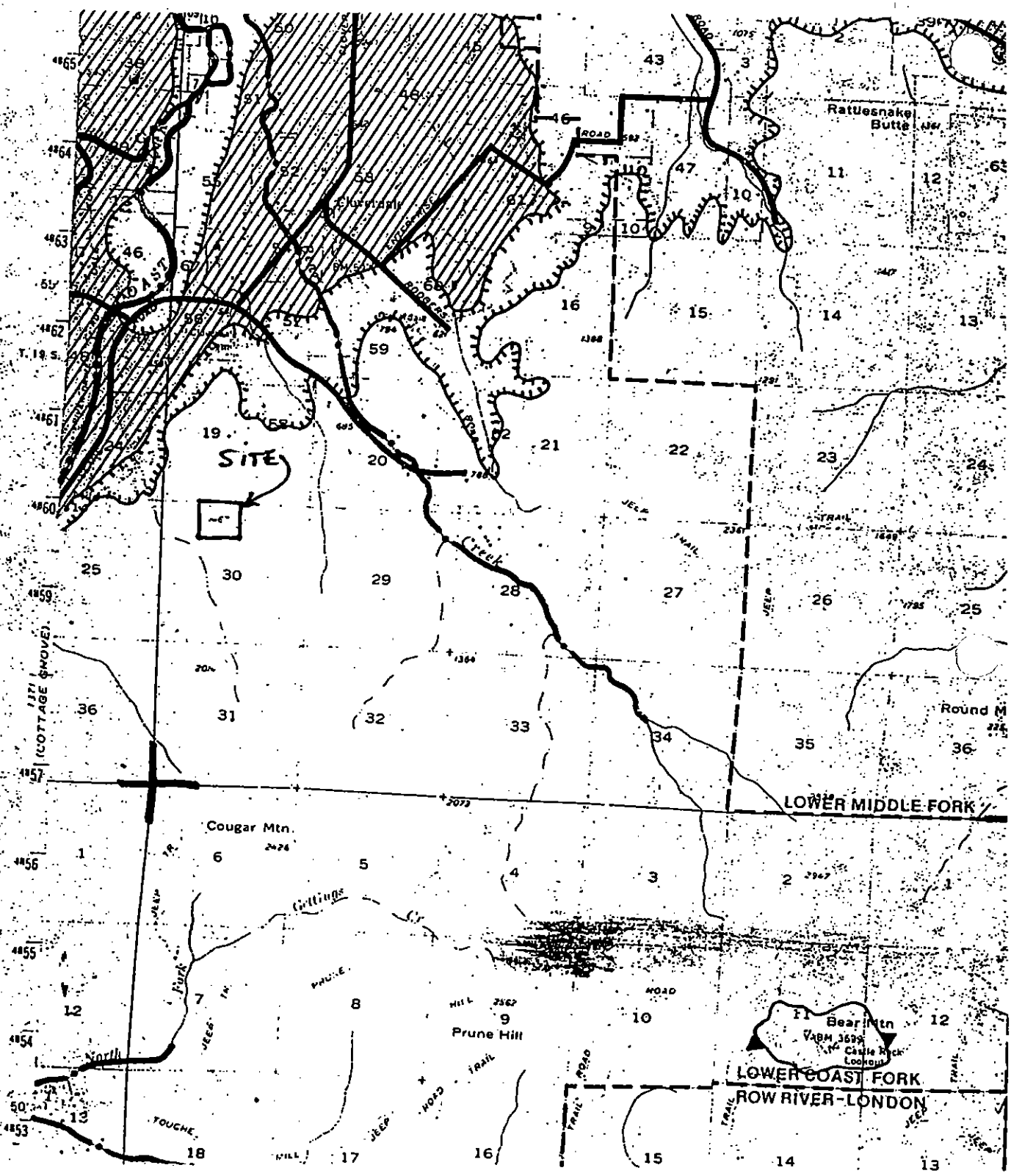
From: HOLT CAMP Lloyd
Sent: Friday, February 19, 1999 5:37 PM
To: LANFEAR Thom
Subject: PA 98-5144, Cedarcroft Road, proposed Quarry operation

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.

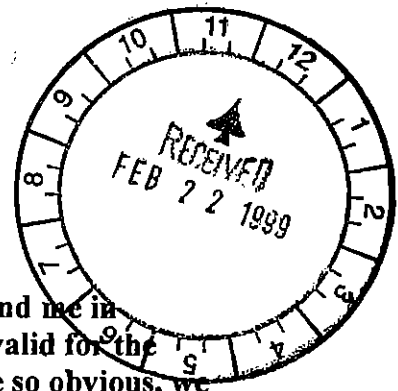
19

20



BIG GAME DESIGNATIONS

-  - Peripheral
-  - Impacted
- REMAINDER - Major



Note: The following letter was written 12/29/98 by my son Steven and me in response to the original application, but most of its points are still valid for the February 17 amended application. Because many of our points are so obvious, we withheld submitting until now, thinking that the amended application would obviate this submission. It has not and therefore we submit this now.

Mr. Thom Lanfear
Lane County Management Division
Public Service Building
12~~2~~ East 8th Avenue
Eugene, OR, 97401

Dear Mr. Lanfear:

This letter provides further comments on the Application for a Plan Amendment and Zone Change (hereinafter "Application") submitted by Ross Bradford ("Applicant"), to amend the Comprehensive Plan designation and zoning on 40.0 acres of land from Forest/F-1 to Natural Resource/QM ("Plan & Zoning Amendment"). For the reasons provided below it is clear that the applicant has failed to meet the necessary requirements for such an amendment. We therefore respectfully request that you recommend the Application be denied.

THE APPLICANT HAS FAILED TO MEET THE REQUIREMENTS OF THE APPLICABLE PLAN AMENDMENT CRITERIA.

According to Lane Code 16.400(6)(h)(iii) the Board may amend or supplement the Rural Comprehensive plan upon making the following finding:

(aa) for Major or Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Laws.

The Applicant has failed to demonstrate compliance with all applicable requirements of local and state laws. The limited analysis that has been done by the Applicant is heavily biased in favor of the Applicant and fails to even remotely address impacts to the neighboring community. OAR 660-23-180(4)(a) requires local government to expand the 1,500 foot impact area where factual information indicates significant potential conflicts beyond this distance, which factual information has been described in the neighboring community. For the reasons expressed in our prior correspondence and explained more fully below, the proposed project fails to comply with the requirements for a major or minor plan amendment, Goal 5, the ESEE analysis and numerous other provisions of law.

FILE # PA 98-5144
EXHIBIT # 47

1. THE APPLICANT HAS FAILED TO MEET THE REQUIREMENTS OF A MAJOR OR MINOR AMENDMENT

According to LC 16.400(6)(h)(iii)(bb) the Board may only make major or minor amendments if the Plan amendment or component is:

- (i-i) necessary to correct an identified error in 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, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

It is undisputed that the Applicant has failed to meet the requirements of Sections (bb) (i-i), (ii-ii), (iv-iv) or (v-v). Indeed, the Applicant has not raised these as a basis for this Application and we believe the Applicant cannot meet the requirements of these provisions. Instead, the Applicant cites the only basis for this change as Section (bb)(iii-iii)("necessary to comply with the mandate of local, state or federal policy or law"). The Applicant's reliance on this provision, however, is seriously flawed.

In explaining its basis for reliance on Section (iii-iii), the Applicant claims that the law mandates that "all aggregate sites be inventoried pursuant to the Goal 5 Rule." See Application at p. 4. (no reference citation given). The applicant then makes the conclusion that this rule not only mandates an inventory of the proposed site, but also mandates a rezoning of this property as well. The Applicant is incorrect.

In no way does Goal 5 mandate that an inventory change occur to include the Applicant's site. Instead, the thrust of Goal 5 only mandates that the County develop a program to achieve the Goal. In achieving this objective, Goal 5 establishes a three-part procedure for the evaluation of sites for Goal 5 protection. See Section 660-016-0000(5)(a)-(c). A "valid" inventorying these sites was conducted by the County many years ago, when Appendixes D-F of the Comprehensive Plan Revision for Mineral & Aggregate Resources were compiled¹. This plan resulted in the inclusion of thirty sites to be protected under Appendix D, with another 150 or so sites listed on Appendixes E-F. These later sites are those which have been deemed to be not as critical for development and have remained zoned for other purposes such as rural residential, farming, etc.

Furthermore, even if Goal 5 could be interpreted as an indication that the County should continuously inventory existing or potential aggregate sites, which we dispute, the fact remains that in no way would this inventorying mandate rezoning of the area in question. Instead, the County could just as easily place this site on Appendix E or F. The County could then reevaluate, through a full scale Goal 5 evaluation, the information at such time when it is clear that this site will be needed. See Addendum to Working Paper, Mineral

& Aggregate Resources, at p.10 (November 1983). See also Goal 2, Policy 22, Lane County Rural Comprehensive Plan. The point is that all of this is within the County's discretion. Therefore, it is not subject to the amendment allowance under LC Section 16.400(6)(h)(iii)(bb)(iii-iii).

In addition, within all of these amendment categories, the need for the rezoning is premised on an external public need being met. To argue that rezoning is needed to comply with the law does not demonstrate that public need. It is as if we declared that the law needs to be changed to allow us to rob a bank, because we plan to do so and if the law were not changed we would be in violation of the law. To change the zoning solely so the quarry would not be in violation of the law serves no public purpose. Further, it strikes against good public policy to allow a redesignation which could violate other laws. For example, does it make any sense to allow a zone change when a private or public nuisance will result from such activity? To us, this smacks against the core of the intent of this provision.

2. THE EMPLOYMENT BENEFITS ARE MINIMAL

The Applicant believes that "full operation at the proposed quarry site is expected to fluctuate between one to five people." (Application at p. 11.) We all agree that jobs are very important, and thanks to good planning, the Oregon economy is doing much better than it was in the past. But we ask you: Is it more important to create one to five jobs, at the expense of 50 to 150 people in this community? We believe that this level of employment is hardly enough to justify the project.

Moreover, in the traffic analysis, three on site employees are projected. These, plus the owner, would split the gross annual revenue, which is estimated to exceed \$100,000, minus expenses. Thus, we might expect an annual income of \$25,000 at most for these employees. Considering the owner would take a larger share and there are expenses, the income of these three employees would be only slightly above minimum wage. Is this the kind of jobs we want to create in Lane County?

3. TAX BENEFITS TO COUNTY ARE SPECULATIVE AND FAIL TO CAPTURE THE IMPACT TO ADJACENT LAND VALUES.

The Applicant claims that the "net tax income increase to Lane County will be positive." Application at p.12. Yet the applicant has offered no proof of this claim. Instead, we ask whether people will be willing to purchase homes in this community if 86 trucks are driving down these small roads nearly everyday for the next 20-40 years. This loss in the tax base must be considered in the overall analysis of the project.

For example, the projected \$60,000 increase in property assessment for these forty acres (\$1,500 times 40 acres) would be more than offset by the decline in property values for residential homes in the neighborhood if there were only a 2% decrease in their home assessments. (20 homes at \$200,000 each is \$4,000,000; 2% of that is \$80,000, which is

more than the applicant's increase.) This example also ignores the claimed \$57.40 estimated value of the land currently as forest land. With that basis the current value of this land would be \$57.40 times 40 acres, or \$2,296. At this value, maybe we should all just buy the property from the Applicant and put an end to the entire issue. (Could the current assessment be too low?)

The impression is also given that the employees working at the quarry would add to the tax rolls. They might generate income taxes, but the county does not benefit from that directly. In addition, if these employees are displaced from other productive jobs in Lane County, there is no net tax gain. Only if these employees are new to Lane County would there be a tax gain to the state. The county would then be required to provide the infrastructure for the presence of these new residents, which subtracts from any apparent property tax increase.

4. THE APPLICANT HAS FAILED TO DEMONSTRATE ADEQUATE PUBLIC SERVICES

Most importantly, the Applicant claims that the roadway impacts will be lessened because of the project. The Applicant admits that the quarry "will operate more intensively than an equivalent amount of farm or forestland" and "it will require proportionately more highway services by contributing more wear on the roads." Application at p.12. The Applicant then ignores this harm by claiming that this will actually reduce wear on the roads because of shorter haul distances. The Applicant fails, however, to demonstrate where those markets are located. In addition, the Applicant has failed to demonstrate that other local quarries will not be just as capable of providing any necessary aggregate, with even less wear and tear on roads.

Moreover, the Applicant has failed to demonstrate that other services are available for this site. Instead, the Applicant simply states that these may be needed in the future. We do not believe that is the intent of this provision. The intent is to ensure that these services are available. This should not be circumvented simply by stating that if they are needed they will be put in. It should be to ensure that everything is in place before it is needed.

THE PROPOSED PROJECT DOES NOT COMPLY WITH GOAL 5

Even if the proposed site were included to be considered for inclusion in the inventory it would need to comply with the requirements of Goal 5. Goal 5 requires an analysis of the significance and importance of the site, an examination of conflicting uses, and an analysis of the economic, social, environmental and energy consequences of the site (an "ESEE analysis"). The Applicant fails on all counts.

1. THE PROPOSED PROJECT VIOLATES GOAL 5, POLICY 10:

Policy 10 states that: "[M]ineral and aggregate extraction and accessory uses shall be *substantially compatible with the with the livability of existing development of abutting property and the surrounding vicinity.*" (emphasis added). The Applicant claims, in conclusory fashion, that the quarry designation is compatible with surrounding land uses. This is clearly not the case.

As we have previously stated, the noise from blasting and trucks over the years will be unbearable as is evidenced from the operations of last summer. The quarry itself may be half a mile from the nearest home, but because of the shape of the valley, blasting and truck noises can be heard throughout the valley and are very disturbing. One resident attributes recent cracks in her walls to this blasting. Additionally, the truck access route passes right alongside several residential homes. This traffic will be hazardous to residents and playing children alike.

On page 7 of the application, the Applicant explains an "extraction rate of 50,000 to 100,000 cubic yards per year ... for 20 to 40 years". This is equivalent to five to ten thousand truckloads per year or fifteen to thirty truckloads per day every day of the year, including weekends, or alternatively twenty to forty truckloads per weekday, every weekday for 20 to 40 years. This equates to 40 to 80 truck passages along access road every weekday - one truck passage every 6 to 12 minutes for the rest of our lives!

In addition, the access road also is a dust hazard. Dust will coat our homes, plants and cars. Reassurances that this will be minimized are not comforting in view of the recent history of operation: One resident returned from a trip noting that his green metal roof was now tan. This was dust from the quarry trucks passing by. When the applicant was notified, he wetted the gravel road with motor oil to reduce dust - a clear environmental violation. When further notified of the inappropriateness of this action, the applicant then used an approved dust reduction agent. This was done only reluctantly, in hopes of quelling the homeowner's fears and thus minimizing their objection to the proposal. It appears promises are kept by the Applicant only when required by threat, not in anticipation of potential harm they might alleviate.

The fact that numerous people have already complained of these problems simply from one summer's minor activity demonstrates that this project is not "substantially compatible" as is required by law.

2. THE PROPOSED PROJECT VIOLATES GOAL 5, POLICY 7:

Policy 7, much like Policy 10, requires that "[a]ny site evaluation shall also address possible impacts on agricultural lands, forest lands, and residential development (existing or planned)." For all the reasons expressed for Policy 10, the project would fail under Policy 7 if it were included in Appendix D of the Rural Comprehensive Plan. In addition, the Applicant has made no consideration of the impact of this project on future residential development in the area, as Policy 7 mandates.

3. THERE IS NO BASIS FOR THE COUNTY TO DETERMINE THIS SITE IS SIGNIFICANT OR IMPORTANT, AS THIS SITE IS NOT PRESENTLY NEEDED

There is ample evidence in the record to conclude that this additional quarry site is not needed. The Working Paper for Mineral & Aggregate Resources (Feb. 1982) acknowledges that aggregate resources are abundant in many portions of Lane County. See pp. 6, 7.

If one examines the South Section only, the supply of 15,912,500 tons seems to approximate high projected demand for year 2000 of 14,106,840, as if we are about to run out of aggregate in the south section. However, most mines in the east section are less than 20 miles from our area and the East section has adequate supply for another 30 years it appears. (Supply 34,659,200 vs. high projected demand of 10,804,200). This is a good indication that this site is not critical to the future of aggregate supply in the County.

4. THE PROPOSED PROJECT FAILS A CONFLICTING USE EXAMINATION

This site is and has been zoned as F-1 (exclusive forest use). In years passed the Applicant cleared this site of most, if not all, of its productive timber. Now that the trees are gone, the Applicant wants to expand the rock quarry. This decision, however, violates the provisions of Goal 4, Policy 11, which states that it is Oregon policy to "[e]ncourage the conversion of under-productive forest lands through silvicultural practices and reforestation efforts."

Evidence in the record demonstrates that this is a strong possibility for this site. In particular, undated Examination Report and Recommendation from an original application to log the land acknowledges that, once the land is harvested, Douglas Fir should be replanted at many locations. To our knowledge reforestation has not occurred. These reports also indicated, under cover Type 10, that "[t]he surrounding stands of timber should be considered in the development plans for the quarry." It does not appear that these stands have been considered.

Changing this valuable land use can only be allowed if the proposed land use (here, quarrying) is recognized and identified as being more important through an ESEE analysis. For the reasons expressed below, this argument also fails.

5. THE PROJECT FAILS THE ESEE ANALYSIS

The Applicant contends that the proposal meets ESEE requirement because the impact area is solely that area within 1/4 mile of the site. (Application at p. 14.) This is also untrue.

In reality, Goal 5 (Mineral and Aggregate Resources) Policy 10 clearly envisions that impact areas can and should include the surrounding community. The impact area should not only be considered that area recommended by the Applicant, but all area impacted by the operations. Thus, the impact area should include that area to be impacted from blasting noise and dust and from increased traffic hazards, noise and dust. This impacted area includes areas zoned RR-5, despite Applicant's implications to the contrary. (See Application at p. 15.) For the Applicant to exclude the immediate community from this consideration seems to avoid the real implication of allowing a project like this to go forward. The project also fails the ESEE process in terms of economic, social, environmental and energy consequences, as is more fully explained below.

A. ECONOMICS WEIGH AGAINST THE PROJECT

The Applicant relies heavily on the supposed economic benefits associated with this project. However, as we have documented above, these economic considerations are misleading, if not entirely inaccurate. Money will not be generated for the County because of this project, but will only be lost through wear and tear on roads, and depreciation of property values in the neighboring community.

B. THESE SOCIAL CONSEQUENCES WEIGH AGAINST THE PROJECT

As we have also documented above, the social consequences of this activity can only be negative. The Applicant, however, concludes that "[t]here are therefore no negative social consequences which might result from the recognition of the quarry site." (Application at 17.) The Applicant even concludes that "the impacts of the quarry at this location are limited due to its road access that does not pass by any developed properties." (Application at 17.)

The reality is that there are homes which directly abut the access road referenced by Applicant. The noise, traffic, dust, hazards and potential property value decreases cannot be outweighed by the Applicant's interests. In addition, the Applicant also ignores its own prior acknowledgment that "[t]he social impacts from the elimination of future potential conflicting uses would be ... a disincentive to landowners to construct dwelling units ... in the nearby vicinity of the quarry." Application at 16. We agree and believe this undermines the project's ability to be substantially compatible with future livability. And, as is more fully discussed herein, this could decrease the desirability (and value) of properties in the community.

C. POTENTIAL ENVIRONMENTAL CONSEQUENCES WEIGH AGAINST THE PROJECT

The Applicant acknowledges that the site is located in a Major Big Game Range. (Applicant p.17.) Indeed, many of us regularly enjoy seeing deer or elk on our properties. This area is also home to many other beautiful animals including pheasants, wild turkey and occasionally bears. That is in fact why many people live here, and is our way of escaping the ever-growing cities.

Yet the same impacts that the human community will suffer from this project will also befall the animals as well. The Applicant dismisses these concerns by simply stating that the animals "can easily locate alternative habitats on nearby forested lands." (Application at 17.) The Applicant fails to note that many of the nearby lands have been clear cut, so where would these creatures go? The Applicant also completely fails to acknowledge the potential on- and off-site impacts of blasting. What is the impact of dynamite blasting on big game, or even the typical pheasant and other animals that frequent this area? Maybe some of the animals can relocate. Should they be forced to, though? And where will they go?

Even so, the Applicant, again without support, claims that dwelling or recreational uses could have greater impacts than this quarry. What is not recognized is that most residents have learned to live quite peacefully with the natural environment. And, even if a few additional people were to utilize this area, none of these people would be driving massive trucks or detonating explosives.

Finally, we ask whether the Lane County Flora and Fauna Committee has been consulted regarding this proposal. See Goal 5 (Flora and Fauna) Policy 14. Clearly, Goal 5 envisions full consideration of the effects on wildlife habitats and natural areas prior to operations. See Goal 5 (Flora and Fauna) Policy 1. There is no evidence that this has occurred. This is particularly relevant given the State's express desire to "maintain all species of wildlife at optimum levels." See Rural Comprehensive Plan, Flora & Fauna Exhibit A, Cooperative Agreement Between Oregon State Board of Forestry and Oregon State Fish and Wildlife Commission, at 32.

D. ENERGY CONSEQUENCES WEIGH AGAINST THE PROJECT

The Applicant acknowledges that "[d]ue to the operation of trucks and heavy machinery, a quarry site is energy intensive," (Application at p. 17.) but that other uses could be far more energy intensive. It is hard to imagine that a residential home could generate anywhere near this type of energy requirement. Moreover, if there is little or no need, because of other operations in the area, what is the benefit?

THE PROPOSED PROJECT VIOLATES LANE CODE 16.252(2)

As Applicant acknowledges, this code section requires that rezonings "shall not be contrary to the public interest." For all the reasons expressed above, this project is contrary to the public interest and would violate this requirement.

**THE OPERATING PERMIT APPLICATION (FORM SMLR1-OP Rev 10/97)
MAKES MANY PROMISES, BUT PROVIDES FEW CONCRETE
ASSURANCES.**

- 3b - "as soon as any area is not needed for mining purposes we will recover w/ original topsoil and replant area according to forest practices replanting regulations"
- 4m - "plant w/annual rye w/other species as recommended by DOGAMI"
- For 5e the Applicant states that it will "apply appropriate BMPs to control turbidity and control erosion to contain storm water on site." What BMPs will be implemented and when. Will quarry activities be allowed during the winter rainy season? Prior reports indicate that harvesting of trees on portions of the property should occur only in dry weather to help reduce erosion and compaction. In addition, what BMPs will be used to reduce/eliminate sediment tracking on local roads? Has a Storm Water Pollution Prevention Plan been prepared?
- For 5g-h the Applicant lists the name of streams, but doesn't include Wild Creek, as a stream, which flows almost directly from the site down to the valley.
- For 5j when asked if settling ponds/dams will be constructed, Applicant states, "yes... as needed." Yet, in 5k Applicant responds "n/a" when refers to water impounded in 5j. How can this be "as needed" if Applicant concludes "not applicable". What assurances do neighbors have that any of these promises will be kept?

**THERE ARE MANY INACCURACIES AND INCONSISTENCIES
THROUGHOUT THE TRAFFIC ANALYSIS.**

- The Traffic Impact Analysis concludes that "[q]uarry mining and rock crushing operations will be conducted between the hours of 7:00AM and 5:00PM Monday through Friday." Id. at p. 2. This is contrary to what had been happening in August through September when operations began at 6:00AM, or earlier, six or seven days a week, through 6:PM or later. Is the plan to **scale back** operations once a permit is approved? What assurances do we have that these promises will be followed?
- On page 2, the report indicates that "[t]he count hour was selected to analyze the highest Cloverdale and Bear Creek traffic volumes during the quarry's hours of operation." Note that Figure 2 shows traffic volume of 2 onto Cedarcroft and 1 off of Cedarcroft per hour at this peak time, going west. No traffic goes east. This is the **maximum** traffic estimate. Using the data below, we can estimate truck traffic at a minimum of 10 per hour at peak times. This represents a 7 to 10 fold increase in traffic volume at this intersection, or 700% to 1000% increase. This estimated increase is based on the best case estimates. That is, if we looked at mid day lower routine traffic volumes the percentage increase from quarry trucking would be much larger.
- "...Quarry is projected to generate a maximum of 86 trips per day..." This is based on the estimated maximum production of 100,000 cubic yards per year. It assumes the maximum production is maintained exactly every weekday throughout the year to attain the maximum. Since the maximum will not be attained daily, there will be some days with higher production, and traffic, and others with lower. Using statistical methods, a distribution should show a maximum traffic load perhaps 50% higher or one trip per 4 minutes. If trucks with greater than 10 cubic yards are used, to decrease traffic

volume, this will increase the noise and traffic hazard. Larger trucks will need more braking coming down hill (noise) and will have slower start up time entering Bear Creek Road (collision hazard).

· On page 4 - "Site distance in the field were compared to the MINIMUM stopping sight distance recommended..." and "Adequate distance is provided for vehicles on bear Creek Road and Cloverdale Road to slow or stop as necessary allowing trucks to accelerate to travel speeds." These figures show an ideal situation. For the Cedarcroft/Bear Creek left turn the Measured distance is 580 feet with the Recommended (minimum?) distance of 550 ft. If the road were wet (which we all know happens frequently in Oregon) or leaves have fallen or driver were exceeding speed limit (which is common on Bear Creek road), these estimates would be grossly inadequate. Thus, the conclusion is highly suspect.

· On page 5 - "Both roadways were found to be in good condition and no significant grooves or cracks were noted" This is contrary to what residents have observed. The county has deemed necessary to repave this road twice in the past eight years. Since the time period which required the repaving only had low traffic volume, could the road be actually weaker than it appears?

CONCLUSION

We fully embrace the idea that individuals should be allowed to use their own land as they see fit. However, we believe it is critical that such use be limited or restricted when it interferes with others' ability to use and enjoy their land as well. This is precisely what will occur if this inventory and rezoning application is granted. In addition, there are so many questions and concerns about this proposal and the public need for this activity that it should be summarily disallowed.

Sincerely,

 990222

Gerald Fleischli, M.D.
34977 Meadow Lane
Creswell, OR, 97426-9469

¹ Indeed, ORS 197.250 mandates that compliance be achieved within one year of adoption of the Goal. To interpret the law as Applicant claims, would be an admission by the County that it has been in violation of this requirement for some 15 years.

March 2, 1999

Lane County Planning Commission
Public Service Building
125 East 8th Avenue
Eugene, OR 97401

Re: PA 98-5144
BJ Equipment Application for Plan Amendment

Dear Commissioners:

This submittal is to address issues raised in the staff report and otherwise arising subsequent to the February 17, 1999 Amended Application.

The New Goal 5 Rule – OAR 660-023-180

The new Goal 5 rule, adopted in the summer of 1996, recognizes aggregate resources as a resource, as farm lands and forest lands are resources, and requires local jurisdictions, when a site has been identified as having a significant amount of this resource, to designate the site as a resource site and protect the site. The rules are designed to specify the type of impact to be considered and to measure impact by particular standards, such as DEQ standards. The rule prohibits imposition of conditions on a site that do not relate to impact which can be considered under the rule, particularly such conditions as would prevent the preservation and utilization of the resource.

Attached as Exhibit A is a synopsis of some of the more significant provisions of OAR 660-023-180. Those include definitions crucial to understanding the rule, provisions to specifying conflicts to be considered, and conditions that might be imposed. This reference may be of some assistance to the Commissioners.

ODOT Specifications

At page 8, the staff report indicates that the laboratory analysis of Century West Engineering Corporation pertaining to the quality of the aggregate material at the site is difficult to interpret relative to ODOT standards. The report mislabels the standards as OSHD (Oregon State

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FILE # PA 98-5144
EXHIBIT # 48

Of Counsel
Harold D. Gillis

Highway Division), the previous name for ODOT (Oregon Department of Transportation). A supplemental report by Century West clarifying the findings will be submitted. The supplemental report will confirm that the aggregate material in the deposit exceeds specifications for base rock for air degradation, abrasion, and sodium sulfate soundness. This establishes that the resource is "significant," as required by the administrative rule.

Impact Area

OAR 660-023-180 specifies that the impact area shall be limited to 1500 feet from the boundaries of the mining area "except where factual information indicates significant potential conflicts beyond this distance." The application contemplates the impact area extends to 2100 feet, particularly to the north, for purposes of sound impact. Beyond 2100 feet, the noise level of the mining activity is less than the maximum acceptable noise levels for residential uses. At this point, there is no information that would indicate impact beyond 1500 feet for any other operating characteristic of the use.

Wildlife Impacts

The site is within a Major Big Game Range.

If one looks to the Flora and Fauna section of the Goal 5 portion of the Lane County Rural Comprehensive Plan ("LCRCP") policies, the relationship of uses of land within the major Big Game Range and allowable impact is better understood. Policy 1 states:

"Implement construction, development and other land use activities which significantly alter natural systems only after evaluation of effects on wildlife habitats and natural areas."

The policies plainly do not contemplate that there will be no development within habitat area. The development proposed here will not "significantly alter natural systems." As pointed out in the Amended Application, mining has taken place on this site and the operator of the mining indicates no significant impact on wildlife patterns. The activity takes place on a relatively small portion of the parcel and the site is required to be restored upon conclusion of the mining activity. With exception of a relatively small area, the site will remain as it does presently, in forest use.

Policy 11 of the LCRCP Flora and Fauna policy states:

“Oregon Department of Fish and Wildlife recommendations on overall residential density for protection of big game shall be used to determine the allowable number of residential units within regions of the county. Any density above that limit shall be considered to conflict with Goal 5 and will be allowed only after resolution in accordance with OAR 660-16-000. The County shall work with Oregon Department of Fish and Wildlife officials to prevent conflicts between development and Big Game Range through land use regulation and resource areas, siting requirements and similar activities which are already part of the County’s rural resource zoning program.”

This policy points out that one of the big conflicts is the development of rural residential properties in relationship to Big Game Range. With respect to cooperation with Oregon Department of Fish and Wildlife, a referral has been made and no response received.

With regard to potential conflict between the proposed use and wildlife and the change from the Forest designation, it should be noted that mining activity is permitted in the forest zones, therefore, the change in land use is the same which could occur in the forest zone and impact upon wildlife no greater. The information submitted pertaining to sound emanating from the use is also pertinent to any potential effect upon wildlife. Given the overall size of the parcel and the minimal area of disturbance, the effect will be negligible.

Wetlands Impacts

As indicated by the staff, there is only one wetland area on the site and only one that could be affected by the use. The panhandle the property uses for access, tax lot 100, crosses a wetland at the south end of Cedarcroft road. The staff suggests that if the road was to be widened, any widening would need to comply with the requirements of the Division of State Lands. The applicant has no present plans to widen or alter the road in the area of the wetlands. The applicant is amenable to a condition being imposed that would require that at such time any alteration of the road takes place in this area, the applicant would be compelled to adhere to the requirements of the Division of State Lands with regard to the wetland area.

Potential Impacts of New Uses on the Mining Use

At page 11 of the staff report, the staff indicates that the uses listed under Lane Code ("LC") 16.210(a)-(u) are not subject to the criteria contained in the LC 16.210(5)(d). It appears the intended reference is to the uses listed at LC 16.210(3)(a)-(u). While it is the case that those uses are not subject to the restriction of LC 16.210(5)(d), the uses are not such that they will conflict with mining use.

There are few of the listed uses that would have any real possibility of occurring on adjacent F-1 property and none of the uses would conflict with mining activity. The uses in subparagraphs (a)-(u) include: logging equipment repair and storage, log scaling and weigh stations, parks, campgrounds for overnight temporary use, communication towers, fire stations, cemeteries, new distribution lines, asphalt and concrete batch plants, temporary mobile homes in conjunction with existing dwelling and disposal sites for solid waste. Some of the potential uses have not been listed as there is no reasonable likelihood they would occur in this area (water intake facilities, private accommodations for fishing, cemeteries and others).

Of the uses listed, some merit specific discussion. While parks and campgrounds could occur, given the large parcel sizes in the area, the nature of the mining use and considering what impacts the uses could potentially have that would affect the mining use, adverse impact on the mining uses are difficult to contemplate. Campgrounds and parks could be located far enough away that their users would not interfere with the mining use. This is in addition to the fact that it is a very unlikely place for such uses.

While home occupations are listed in subsection (n), those uses are subject to conditions that include the condition that they "[w]ill not interfere with existing uses on nearby land or with other uses permitted under LC 16.210(2) above."

The potential of a temporary mobile home is only in conjunction with an existing legal dwelling, and, as indicated, those are substantially distant from the site of the mining activity. In fact, the closest residence on the north side of the quarry is a mobile home.

Most telling in considering both the potential impact of the mining use on uses which could be lawfully established on surrounding properties and the potential impact of new nearby development on the mining use is a comparison of the F-1 and the QM zoning districts. The zoning

districts have many permitted and conditionally permitted uses in common, including many forestry uses. The fact that forestry uses are allowed outright in the quarry and mining zone is an indication of the compatibility of the mining and forestry uses.

The F-1 district allows mining and processing of aggregate and mineral resources subject to Hearings Official approval pursuant to LC 16.210(4)(a). This is further confirmation of the absence of conflict between the mining use and the uses that can be allowed in the F-1 district.

Although not an issue in the staff report, it is notable with respect to the relationship of the mining use to agricultural uses, that farm uses are allowed in the QM zone as well.

Correction in Hydrologist's Report

Exhibit J of the Amended Application is a report of Ralph Christensen of EGR & Associates, Inc. pertaining to effects of the proposed use on groundwater. In the first paragraph of page 3 of that report there is reference to "impact on wells 200 feet away," which should be a reference to "impact on wells 2,000 feet away."

Staff Recommended Conditions

At OAR 660-023-0180(4)(e), the Goal 5 rule states:

"Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e.g., site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or 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 significant change to the type, location, or duration of the activities shown on the PAPA application is proposed by the operator.”

The applicant agrees to all suggested conditions including those initially put forth by the applicant, with the exception of conditions pertaining to paving of public roads and any condition relative to a further survey of property lines or further road maintenance agreements. The conditions agreed to by the applicant likely go beyond what is allowed to be imposed under the above-quoted portion of the Goal 5 rule. This rule is obviously intended to prevent conditions that can unnecessarily impede or prevent a mining operation.

With regard to the conditions, it must be realized that the mining uses subject to the Department of Environmental Quality regulations and enforcement and the restrictions of the Lane Regional Air Pollution Authority permit under which the machinery is operated at the site and other LRAPA regulations. Additionally, the applicant is bound by the site plan and specifications of the Department of Geology and Mineral Industries permit, including the setback requirements of that permit.

The conditions not acceptable to the applicant are discussed below.

Condition 12: Requirement of a survey and identification of the parcel boundaries.

The requirement of a survey does not relate to the criteria and is not one that is capable of being required under the above-quoted administrative rule. Issues of property boundary are civil matters between property owners and there is no reason to propose this requirement as part of a zone change.

The text of the staff report suggests that a condition to maintain the road that is used, in part, by both the mining operation and the Troxclair property to the south be imposed. Again, this is a civil matter between two parties. In reality, it is not a problem. The original application contained a portion of an easement agreement between the owner of the subject property, the Bradfords and the Troxclairs (Ross Bradford and Mrs. Troxclair are brother and sister). A copy of the entire easement agreement is being obtained. To the extent the easement agreement does not have specific requirements for

maintenance, provision is made by statute in ORS 105.170 to 105.185. In any event, it is not a matter for a condition of site review.

Potential requirement for improvements to Cedarcroft Road and Bear Creek Road.

On February 19, 1999, Lane County Transportation Planning submitted a statement "based upon revised information from Branch Engineering" stating that "the initial indication is a 4 to 5 inch and 3 to 5 (inch) asphalt overlay would be needed for Cedarcroft and Bear Creek Roads respectively." Mr. Holtcamp has now indicated that a further report may be submitted at or shortly before the hearing in this matter. The applicant opposes the suggested exaction and believes that there is no legal means to impose the requirement upon the applicant the paving of public roads of collector status.

The Oregon Administrative Rules are very specific in delineating the nature of potential conflicts to local roads that must be addressed in an application. OAR 660-023-0180(4)(b)(B) states:

"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 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 for other trucks of equivalent size, weight, and capacity that haul other materials;"

The Branch Engineering report satisfactorily addresses all considerations of sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items according to generally acknowledged standards. It is notable that, in reality, all that can be enforced are "items in the transportation plan and implementing ordinances." This means that there must be specific standards in those documents as a basis of any finding of potential conflict.

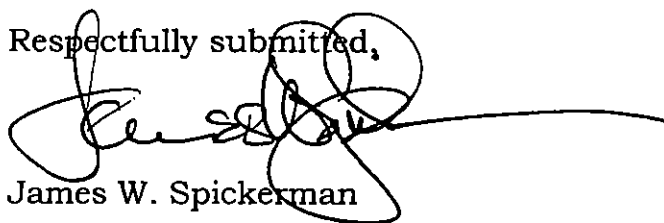
The most significant aspect of the above-quoted administrative rule, relative to the recommendation of Transportation Planning to repave public roads, is that none of the listed "items" including a standard involving the composition, pavement thickness and durability of public roads. All of the items relate to just what is discussed in the Branch Report, safety considerations. There is, therefore, no basis for the conditions suggested and it would be contrary to the administrative rule to impose such a condition.

Beyond the fact that the law does not allow the conditions suggested, it would be poor policy to make such a requirement. It would be the sort of condition that is exactly contrary to the rule in the sense that it would prevent the use of the resource, as a practical matter. Additionally, maintenance and construction of public roads is to be accomplished from the County Road Fund and by fuel taxes, the Federal Heavy Vehicle Use Tax, special registration fees and annual permit fees for heavy vehicles, weight mile taxes and road use assessment fees. The roads involved here were constructed to facilitate logging and have been used for that purpose and continue to be used for that purpose.

The requirement that one landowner reconstruct roads that have been and will be used for log trucks, other gravel trucks and other vehicles for years and will be so used in the future would not be proportional to the impact of the applicant's use of the roads, therefore, contrary to the Dolan case.

The applicant appreciates the staff's attention to issues in this application and remains ready to provide additional information helpful to the Planning Commission and respond to issues raised at the public hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James W. Spickerman", with a long horizontal line extending to the right.

James W. Spickerman

jca

cc: BJ Equipment Company, LLC

Attachment: Exhibit A

Significant Portions of OAR 660-023-180

Definitions

(1)(b) “**conflicting use**” is a **use** or activity that is subject to land use regulations and **that would interfere with, or be adversely affected by, mining or processing activities** at a significant or aggregate resource site.

(1)(e) “**mining**” is the extraction and processing of mineral or aggregate resources in a manner provided under ORS 215.298(3).

(1)(f) “**minimize a conflict**” means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as Department of Environmental Quality standards for noise and dust levels) to “**minimize a conflict**” means to **insure conformance to the applicable standard.**

(1)(g) “**mining area**” is the area of a site **within which mining is permitted or proposed**, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.

(1)(h) “processing” means the activities described in ORS 517.750(11).

Impacts

OAR 660-023-0180(4)

“(a) The local government shall determine an impact area for the purpose of identifying conflicts **with proposed mining and processing activities**. The impact area shall be large enough to include . . . [existing or approved land uses which would be adversely affected by the mining operation]and shall be limited to 1500 feet from the **boundaries of the mining area**, except where factual information indicates **significant potential conflicts** beyond this distance. . . .”

“(b) **The local government shall determine** existing or approved land **uses** within the impact area that will be **adversely affected by proposed mining operations** and shall specify the predicted conflicts. . . . **For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:**

EXHIBIT A

Page 2 of 2

(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”

Potential Conflicts to Local Roads

OAR 660-023-0180(4)(b)(B) states:

“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 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 for other trucks of equivalent size, weight, and capacity that haul other materials;”

(4)(c) minimizing conflict:

“The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. . . .”

Conditions That Can be Imposed

(4)(e) provides:

“Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required **measures** to minimize conflicts, including special conditions and procedures regulating mining, **shall be clear and objective.** Additional land use review (e.g., **site plan review**), if required by the local government, **shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:**”



LEADING THROUGH EFFECTIVE SOLUTIONS

March 2, 1999

Project No.: 12327.001.01

Mr. Kristopher Jeremiah
BJ Equipment Company
34964 Highway 58
Eugene, Oregon 97405

Re: Aggregate Resource Evaluation, Assessors Map 19 02 30, Tax Lot 3500

Dear Mr. Jeremiah,

At the request of Mr. James W. Spickerman, we are providing additional information which can be referenced for your project on the subject property. This is to clarify the use of certain acronyms used in our report dated September 10, 1998. The following table presents the common test name, corresponding Oregon Department of Transportation (ODOT) Test Method, acceptance specification for aggregate base, and test result.

Common Test Name	ODOT Test Method	Base Rock Specification	Test Result
Abrasion (Los Angles Rattler)	TM 211	≤35.0%	18.8%
Oregon Air Degradation	TM 208	≤30.0% ≤75mm	17.8% 37.5mm
Sodium Sulfate Soundness	TM 206	NA	5.7%

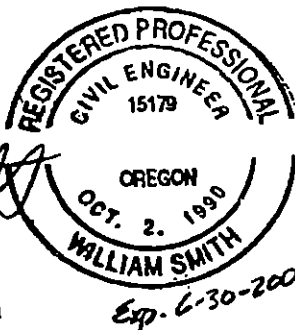
The acronyms used in our report which were unclear to the County staff are as follows:

- ASTM - American Society for Testing Materials.
- OSHD - Oregon State Highway Department (now ODOT).
- OAHD - a typing error, should read OSHD.

The results of the testing remain unchanged. All tests meet the specifications for base rock used for ODOT projects. Century West hopes this information clarifies the previously reported investigation results.

Sincerely,

William A. Smith, P.E.



fax: James W. Spickerman

FILE # PA 98-5144
EXHIBIT # 49

BEFORE THE LANE COUNTY PLANNING COMMISSION

IN THE MATTER OF THE PROPOSED AMENDMENT)
OF THE RURAL COMPREHENSIVE PLAN AND ZONING)
DISTRICT TO CONVERT 40 ACRES OF F-1/NON-IMPACTED)
FOREST LAND TO QUARRY AND MINE OPERATIONS) PA 98-5144

MEMORANDUM OF THE BEAR CREEK NEIGHBORS IN OPPOSITION
TO THE PROPOSED RURAL PLAN AMENDMENT
AND ZONE CHANGE REQUEST

INTRODUCTION

The Bear Creek Neighbors consist of a group of residents who live in and around Cedarcroft, Bear Creek, and Bradford Roads east of the town of Creswell, Oregon, who have joined together in opposition to the proposed Bradford rock quarry that is the subject of these proceedings. The names and addresses of the members of this group are attached. The following testimony and arguments explain, in part, the legal and factual basis for the Bear Creek Neighbors decision to challenge the proposed quarry. This written testimony is supplemented by oral testimony of the Bear Creek Neighbors and their representatives, as well as evidence already submitted into the record, including the letter from Dr. Gerald Fleischer to Thom Lanfear, submitted in February, 1999, all of which are incorporated herein by reference.

ARGUMENT

- I. The Applicant Has Failed To Address The Requirements For A Goal 2 Exception To Goal 4, The Forest Lands Goal.

The land that is the subject of this application is currently planned and zoned for forest use. Statewide Land Use Planning Goal 4 requires local governments to

FILE # PA 98-5144
EXHIBIT # 50

protect forest lands for forest uses. The plan and zone change would convert the subject property from forest land to a use that is incompatible with forest land uses and values.¹

Before land may be taken out of a Goal 4 forest designation or a Goal 3 agricultural designation, an Exception must be taken. Exceptions must be taken in accordance with the requirements of Goal 2, Part II and ORS 197.732. The application here fails to address these requirements, as the Applicant mistakenly takes the position that a Goal 2 Exception to Goal 4 is not required.

Moreover, the Exceptions process (both state and Lane County rules) requires that each notice of a hearing at which an Exception is to be taken must state that fact and summarize the issues in an understandable manner. ORS 197.732(5). See also Goal 2, Part II(c) and Lane Code 16.400(6)(B)(iii). The notice of this hearing does not state that any exception is to be taken. Also, the required form of notice for post-acknowledgment amendments (under ORS 197.610 et seq), which local governments must provide to DLCDC, asks whether an exception is being taken. This matter should be re-noticed, to comply with these requirements.

The recent amendments to Goal 5 and the Goal 5 rule do not purport to modify the requirements of Goals 2 or 4. The new Goal 5 rule does address how the Goal 5 changes affect certain other goals. OAR 660-23-240 states that the requirements of Goal 5 do not apply to measures required by Goals 6 and 7 and also states that Goals 15, 16, 17 and 19 supercede Goal 5. But Goals 2, 3 and 4 are not mentioned. Moreover, the Exceptions process has been codified into state statute and it would be the legislature, not LCDC, that would have the authority to modify the Exceptions process. Since the Oregon legislature has not removed the requirement of taking an Exception before farm or forest lands are converted to

¹ This is true notwithstanding the fact that, some 20 or 40 years hence, the area might be reclaimed and replanted in trees.

mining and quarry use, those requirements must be addressed here. At least so far, they have not been. Since the Applicant has not addressed Goals 2 and 4, the application must be denied.

II. The Applicant Failed To Identify Or Analyze Impacts To Other Goal 5 Resources That May Result From The Conversion Of F-1 Forest Land To Quarry Operations.

The Statewide Land Use Goal 5 requires local governments to "adopt programs to protect natural resources and conserve scenic and historic areas and open space resources" Among the resources that must be so protected are wildlife habitat and open space. The administrative rule that implements Goal 5 states that as part of evaluating a proposed quarry site, the applicant must identify potential conflicts with other Goal 5 resource sites within the impact area. OAR 660-23-180(4)(b)(D). Once these conflicts have been identified, the County must "determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b)." OAR 660-23-180(4)(c).

If significant conflicts cannot be minimized, the County must determine the economic, social, environmental, and energy ("ESEE") consequences of either allowing, limiting, or not allowing mining at the site. OAR 660-23-180(4)(d). As shown below, the Applicant has not adequately identified conflicts with at least two Goal 5 resources or explained how the conflicts created by the proposed mining might be minimized.

A. Wildlife and Big Game Habitat

The February 22, 1999, staff report for the proposed plan amendment states that "the applicant has incorrectly identified the area as located within the Impacted Big Game Range. The correct designation is the Major Big Game Range.... The applicant has not submitted any detailed analysis of the potential effect on wildlife with the exception of some general statements" Staff Report at 10.

Designated Major Big Game Range "is considered the highest quality habitat as man's intrusion with developments is the least." Lane County Comprehensive Plan Flora and Fauna Working Paper, at 23 (1982). The Working Paper further notes that "[m]anagement of land for timber production does not conflict with big game habitat." *Id.*, at 24.

Hence, leaving the land as forest land would not conflict with the recognized Goal 5 wildlife habitat resource. In contrast, conversion of 40 acres of forest land to a commercial quarry operation that is projected to produce between 50,000 and 100,000 tons of aggregate per year for as long as 40 years will effectively eliminate big game habitat around of the quarry site and significantly degrade habitat in surrounding forest lands, particularly along haul roads. As explained by wildlife biologist, Nancy Holzhauser, in her report dated March 1, 1999 (attached):

"A direct loss of 40 acres of big game habitat in an area designated Major Big Game Habitat in the Rural Comprehensive Plan would result from the proposed quarry operations." (Emphasis added.)

More than just the quarry area would be affected, as the biologist further states:

"Research on elk habitat indicates that roads, especially those that are heavily-used, result in a substantial reduction in habitat use by as much as 300-400 meters each side of the road. For the proposed quarry operation, that would equate to a reduction in use (and therefore quality) of up to 230 acres in forage, and up to 115 acres of the security cover, both of which are receiving high use at present. This impact would degrade the quality of those areas for use as forage and security cover. The amount of designated Major Big Game habitat as outlined in the Rural Comprehensive Plan would be reduced in quality by approximately 345 acres" (Emphasis added.)

The quarry would interfere with elk and deer use of the ridgetop as a preferred route between feeding and resting areas:

"Research has shown that elk and deer prefer to use ridgetops and streams as travel corridors. The proposed quarry site is located along a ridgetop. This, in addition to the increased traffic on the haul route, could hinder travel between the heavily-used forage area to the east of the site and the

forested security cover to the north and west of the site." (Emphasis added.)

The biologist further states that those portions of the forage area east of the road that are within the line of sight of a high-use area (quarry or road), would receive decreased big game use, and would result in a reduction in the quality of big game habitat.

In light of the wildlife biologist's conclusion that the proposed quarry will in fact conflict with use of the land as big game habitat, the Applicant erred by claiming that "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." Revised Application at 14. Because the proposed use would convert forest land to quarry land and thereby eliminate or seriously degrade its usefulness as big game habitat, it is highly unlikely that the conflict between the competing Goal 5 resources can be minimized. Accordingly, an ESEE analysis is required pursuant to OAR 660-23-180(4)(d).²

B. Open Space

The Lane County Rural Comprehensive Plan Policy for "Open Space and Scenic Areas" states that "Lane County has determined that all resource lands in the County are also open space lands.... [and] development standards shall be applied which minimize loss of open space." LCRCP at 29. This determination is consistent with OAR 660-023-220(1) which defines "open space" as "parks, forests, wildlife preserves, nature reservations, or sanctuaries, and public or private golf

² The ESEE analysis is also required under the Lane County Rural Comprehensive Plan Policy for Flora and Fauna:

"If uses are identified (which were not previously identified in the Plan) which would conflict with a Goal 5 resource, an evaluation of the economic, social, environmental, and energy consequences shall be used to determine the level of protection necessary for the resource."

LCRCP at 27.

courses." (Emphasis added). A commercial rock quarry is clearly a development and use of land that does not resemble any of the uses that are listed under the rule as open space. Therefore, conversion of forest land, which is defined as being open space, to a large scale quarry operation eliminates this protected Goal 5 resource. Hence, the proposed development is subject to the required ESEE analysis for this reason as well.

III. The Applicant Failed To Prepare An Adequate Traffic Analysis, Especially As To Traffic Conflicts At The Intersection Of South Bradford And Bear Creek Roads, In Violation Of OAR 660-23-180(4)(B)(B).

The Goal 5 rule states that the County must address "[p]otential 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 **sight distances, [and] road capacity**" OAR 660-23-180(4)(b)(B) (emphasis added). The Applicant has failed to provide the County with sufficient information to make this determination for two reasons:

First, the rule states that the traffic analysis must extend to the nearest arterial. The Applicant's traffic report only went as far as the intersection of Bear Creek/Cloverdale roads. Bear Creek Road is classified in the Lane Code as a "minor collector", LC 15.027. **Cloverdale Road is identified as a "major collector", and is not an arterial as claimed by the applicant and its traffic engineer.** Id. In light of the Applicant's inadequate traffic study, the County cannot make a finding of compliance with OAR 660-23-180(4)(b)(B).

Second, the traffic analysis in the application covered only the intersections of Cedarcroft/Bear Creek roads, and Bear Creek/Cloverdale roads. **The Applicant's traffic engineers failed to examine the level of service or sight distance at the intersection of Bradford and Bear Creek Roads which lies in between the above two**

intersections. This omission is significant given that a majority of the area residents that will be adversely impacted by the proposed quarry access Bear Creek road via the Bradford Road intersection. In light of the Applicant's failure to include this intersection in its traffic analysis, the Bear Creek Neighbors retained Balzhiser & Hubbard Engineers to evaluate the traffic safety issues at this junction. The engineering firm determined that:

"The sight distances measured in the field were compared to the minimum sight distance recommended by the American Association of State Highway Transportation Officials (AASHTO), A policy on Geometric Design of Highways and Streets, 1990. **The recommended sight distance to the left or right for vehicles turning onto Bear Creek Road is 550 feet.** The actual sight distance to the left is > 500 feet which is adequate. **The actual sight distance to the right was measured to be 415 feet which is not adequate.**"

See letter attached (emphasis added). Compounding the sight distance problem, Balzhiser & Hubbard found that:

"[n]orthbound vehicles on Bear Creek Road approach Bradford on a slight downgrade.... **the intersection is not visible due to its location on the inside of a horizontal curve and the topography.** . . . Also, northbound vehicles on Bear Creek have not yet begun to significantly decelerate for the intersection at Cloverdale." *Id.* (emphasis added).

The engineer concluded that the "[s]ight distance at the Bradford/Bear Creek Road intersection is not adequate in the existing condition nor with the addition of the proposed quarry." *Id.* (emphasis added).

Therefore, due to this clear, but heretofore unidentified traffic conflict, the application is inadequate under OAR 660-23-180(4)(b)(B) and OAR 660-23-180(6) and must be denied for this reason as well.

IV. The Access Route Between The Quarry And The End Of The County Road (Cedarcroft) Is Burdened By Easements Serving Many Lots And Parcels, Contrary To Lane Code Chapter 15 Access And Road Requirements.

The access route between the quarry and the end of the county road (Cedarcroft) is burdened by many private access easement interests. Lane Code

15.055(1) states that a private access easement is to serve four or fewer lots or parcels. The proposed haul road, with many easement rights does not comply with this requirement with respect to the proposed quarry use.

The Applicant has submitted copies of two easements. One easement connects to the end of Cedarcroft and originally served four separate ownerships (Nash, Shoop, Nickey and Nancy Bradford, and Ross and Norma Bradford). The Meyers are successors to most of the Nash property, but the Burgesses (who own Tax Lot 215 at the end of Cedarcroft) are also successors to Nash and the easement runs with their property. Thus, there are currently at least five separate ownerships that are subject to this easement.

The other easement burdens the tax lot the quarry is on (and other property) and serves four separate ownerships, some of which are different from the ownerships listed in the first easement (Frank and Vera Bradford, Ross and Norma Bradford, Jack and Gloria Bradford, and the Troxclairs). This is illustrated by page three of a deed (attached) conveying the road parcel into the Bradford Living Trust, subject to both of these easements.

Moreover, Lane Code 15.055(1) does not talk in terms of ownerships, but in terms of "lots or parcels". The tax maps submitted by the Applicant reveal that the Bradford Trust owns the following tax lots (and maybe more) along the route from the end of Cedarcroft Road to the quarry:

Tax Lot 100

Tax Lot 800 (formerly Lots 4 and 5)

Tax Lot 3500

The deeds reflect those tax lots have long been discrete parcels since well before subdivision and partition laws first went into effect. Thus, one of the ownerships consists of three or four lots or parcels. Adding that to the other benefited properties

under the first easement, results in six (6) or seven (7) lots or parcels being served by this easement.

Neighbors have reported a structure being outfitted as a dwelling on Bradford property along the proposed haul route to the quarry (probably illegally). Traffic from the quarry, and traffic to and from that structure, would represent two different users related to the Bradford ownership alone. This helps to illustrate why the Lane Code refers to lots and parcels and not just ownerships.

Based upon the description contained in the attached deed, those tax lots were based on early divisions of property in the area and are likely legal lots and separately transferable properties. For example, if title to one of the Bradford parcels between Cedarcroft and the quarry were sold, that would create a fifth ownership.

The haul road must comply with the access requirements of Chapter 15, but does not. Since the current private access route from the proposed quarry to the nearest public road is burdened by multiple private access easements, which provide access to more than four parcels or lots, the proposed haul route does not comply with the County Code as to the nature and extent of access, and the application should be denied.

V. Under Lane Code 16.400(8)(C)(Ii) The Applicant Must Assess The Probable Impacts Of Implementing The Proposed Amendment On Land Use And Ownership Patterns Of The Area Of The Amendment.

The Applicant claims its analysis under the Goal 5 rule as satisfying this criteria. This is mistaken, since the Applicant's analysis looks at an exceedingly limited area and range of effects and this Lane Code criteria expressly requires a broader assessment of impacts. To put it differently, the "area" affected includes the properties along Cedarcroft and South Bradford Roads, despite the Applicant's claims that it need not address affects of this change on those properties.

VI. The Applicant Has Not Provided The County With An Inventory Of Reasonable Alternative Sites In Accordance With Lane Code 16.400(8)(C)(Iiii)(Ff).

The Applicant's handling of this criterion is similarly cursory. One cannot tell the distance or relative location or nature of the nearby mining and quarry sites. The Applicant has not provided sufficient information that would allow the County to find this criterion has been met.

VII. The Applicant Has Failed To Demonstrate That The Proposed Use Will Be Compatible With Surrounding Land Uses In Accordance With Lane Code 16.217(C).

As noted in the revised application, one of the purposes of the Lane Code Zoning regulations for the Sand, Gravel and Rock Products Zone is to "provide for the utilization of this resource in a manner compatible with other land uses in the area." LC 16.217(c) (emphasis added). The Applicant attempts to address this requirement by claiming that "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." Revised Application at 33 (emphasis added).

This response, however, begs the requirement imposed by the code provision. The utilization of any aggregate resource necessarily includes transportation of the rock from the processing site to market. The statements and evidence submitted by the Bear Creek Neighbors indicates that the noise and dust caused by the small scale hauling of rock from the proposed quarry site along the proposed transportation routes last summer negatively affected the residential land uses in the area to a significant extent. If the number of gravel trucks traveling to and from the quarry expands to 40 to 80 per day, for 20 to 40 years, the already significant adverse impacts noted by the area residents would likely increase proportionally.

Furthermore, the Applicant's assumption that the compatibility requirement of LC 16.217(c) only applies to adjacent property owners is misplaced. The code provision allows utilization of the resource but only in a manner compatible with other land uses "in the area". A separate subsection, LC 16.217(e), requires "the protection of health and safety on and adjacent to land used for extraction and processing." (Emphasis added.) The term "area" in section (c) refers to a larger geographic area than the term "adjacent" in section (e). In this case, the code mandates that utilization of a quarry be compatible with existing land uses in the area. The record demonstrates that the proposed quarry will not be compatible with the residential land uses in the Bear Creek neighborhood, and should therefore be denied.

VII. The Applicant Fails Adequately To Address Impacts On Nearby EFU Land And Farming.

The Applicant's statements of impacts of the quarry on farming are brief, conclusory and mistaken. There is EFU zoned land within 1,500 feet of the area to be rezoned. Many common farm animals (e.g., sheep, chicken and horses) are sensitive to noise, vibration and similar disturbances. The fact that the nearest EFU land is owned by the Bradfords does not eliminate the need for the Applicant to properly identify and address those effects.

VIII. The Applicant Fails Adequately To Address The Proposed Quarry's Market Area, Existing Competing Quarries, Alternate Sites Not Requiring An Exception Or Public Need.

The application includes various conclusory statements, under various approval criteria, claiming existence of a need that would be served by this quarry, energy savings or similar benefits based on shortening the distance to the market based on the location of this quarry. Yet the Applicant provides scanty information on the market area and market segment the quarry would serve or the location and quality of the competition in that market area.

For example, there is a quarry nearby at Sears Road, that has better access to Interstate 5 and to points south. There is another quarry located a short distance to the north and east (on the Jasper-Lowell Road) that has better access to Highway 58. The application fails to provide sufficient information for the County to be able to determine that these criteria have been met.

IX. The Application Raises As Many Questions As It Answers.

For example, the Applicant's DOGAMI submittal contains various answers that are non-responsive to the information the DOGAMI form requested. The Applicant admits settling ponds will be needed, but doesn't say how this will be done.

Item 8. j), DOGAMI Question: "State the number and size of the impoundments(s) and how they will be built. Will the pond be excavated or will berms be constructed?"

Applicant's Response: "Constructed as needed."

"Constructed as needed" does not give number, size or manner of construction.

Similarly, the DOGAMI submittal admits the Applicant has not completed a wetland delineation. Item 1. e). None has been submitted. Wetlands are also Goal 5 resources.

Information provided by the Applicant is contradicted by known facts. For example, the DOGAMI submittal claims that mine site dewatering will not be necessary. Item 5. b). Yet color aerial photographs show blue water in the existing pit.

Information provided by the Applicant is unnecessarily vague. What is the biodegradable substance that will be used to control road dust? Neighbors will testify that significant amounts of oil leaking from dump trucks onto the roads has not helped the dust problems, but has produced a noticeable and unpleasant aroma.

Given the number and nature of these inconsistencies and omissions, the application should be denied.

X. Proposed Procedures Or Expert's Assumptions Or Comments Are Not Guarantees Or Conditions.

The Applicant's sound consultant based his analysis on what he refers to as modern sequence blasting. It is not clear that this method was used at this quarry last summer, based on the reports of area residents as to the impact and noise associated with quarry blasting last summer. It is not clear that the mine would only use that blasting method to limit noise as the report assumes. Unless it is clarified, described and made an express condition of approval, actual noise from blasting could be louder and affect a larger area than the consultant reports.

Residents explain that local topography, such as the perimeter of hills, actually results in sound carrying to places and in volumes that are unaccounted for by use of standard formulas.

The Applicant's proposed blasting procedures contain no restriction on how many times a day, a week or a month that blasting could occur. The Applicant says that it expects to blast just 12 times a year. That sounds more reassuring than it turns out to be upon further consideration. If there is not an express condition to that effect, the operator could exceed that amount without restriction or penalty.

Similarly, 12 times a year could mean no blasting in four months and four blasts in one month. If the blasts occur when elk are calving nearby or sheep are bearing lambs, the effects could be greater than at other times. Not all blasts are created equal.

The application makes various assumptions about how the blasting, crushing, loading and hauling might be conducted to reduce adverse effects, that may in fact not be implemented in reality. A notable example of this is the applicant

stating that it will "encourage" truck drivers not to use noisy "jake brakes". Encouraging does not assure compliance.

XI. The Applicant Has Not Adequately Addressed The Risk Of Property Damage From Blasting.

Testimony will be presented that structural damage to buildings can occur more than a mile from rock blasting activities and that quarries regularly are asked to pay such damage claims. The Applicant has treated the zone of impact as being limited to 1,500 or 2,300 feet, and has not addressed the effects from blast vibrations that can travel through the ground much further than that.

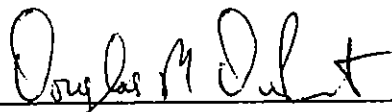
CONCLUSION

An important purpose of land use planning is to anticipate, identify and attempt to minimize adverse effects of one land use upon another. If allowed, the proposed quarry would irremediably alter life in the Bear Creek neighborhood for up to two generations. The Applicant has not demonstrated compliance with all the applicable criteria and the application should be denied.

Dated this 2d day of March, 1999.

Respectfully submitted,

HUTCHINSON, ANDERSON, COX,
COONS & DuPRIEST, P.C.

By: 
Douglas M. DuPriest
William H. Sherlock

Of Attorneys for Bear Creek Neighbors

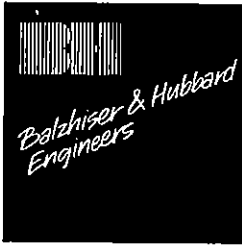
Bear Creek Neighbors		Petition Signers	Opposed to Bradford Quarry Rezoning		
#	FirstName	LastName	Address	CityStateZip	Phone
1	Vicky	Curry	82766 South Bradford Road	Creswell, OR 97426	895-5509
2	Dale	Burgess	82613 Meadow Lane	Creswell, OR 97426	895-3303
3	Diane	Lane	82841 South Bradford Road	Creswell, OR 97426	895-4137
4	Rick	Millhollin	82841 South Bradford Road	Creswell, OR 97426	895-4137
5	Carol	Matthews	82750 South Bradford Road	Creswell, OR 97426	895-4349
6	Chuck	Swenson	82813 Bear Creek Road	Creswell, OR 97426	895-5299
7	Marla	Swenson	82813 Bear Creek Road	Creswell, OR 97426	895-5299
8	Sally	Foster	82728 South Bradford Road	Creswell, OR 97426	895-3318
9	Lavaughan	Foster	82728 South Bradford Road	Creswell, OR 97426	895-3318
10	Robert	Antoine	82771 South Bradford Road	Creswell, OR 97426	895-3969
11	Paul	Horvath	82706 South Bradford Road	Creswell, OR 97426	895-2982
12	Evalyn	Lemon	82706 South Bradford Road	Creswell, OR 97426	895-2932
13	Trevor	Millican	82621 Meadow Lane	Creswell, OR 97426	895-5383
14	Carol	McIver	82621 Meadow Lane	Creswell, OR 97426	895-5383
15	Jerry	Clark	82838 Bear Creek Road	Creswell, OR 97426	895-4566
16	Robert	Meyers	82701 South Bradford Road	Creswell, OR 97426	895-4079
17	Lorrain	Still	83076 North Bradford Road	Creswell, OR 97426	895-2534
18	Robert	Still	83076 North Bradford Road	Creswell, OR 97426	895-2534
19	Cheryl	Husome	82810 Bear Creek Road	Creswell, OR 97426	895-2693
20	Rod	Husome	82810 Bear Creek Road	Creswell, OR 97426	895-2693
21	Kimber	Meyers	82701 South Bradford Road	Creswell, OR 97426	895-4079
22	K. L.	Harroun	82712 Bear Creek Road	Creswell, OR 97426	895-2041
23	Carolyn	Kent	82865 South Bradford Road	Creswell, OR 97426	895-4898
24	Marilyn	Calder	34606 East Cloverdale Road	Creswell, OR 97426	895-3668
25	David	Calder	34606 East Cloverdale Road	Creswell, OR 97426	895-3668
26	Linda	Fleischli	34977 Meadow Lane	Creswell, OR 97426	895-2143
27	Gerald	Fleischli	34977 Meadow Lane	Creswell, OR 97426	895-2143
28	Francis	Rogers	82724 Bear Creek Road	Creswell, OR 97426	895-4948
29	Kristin	Clark	83132 Mickelson Road	Creswell, OR 97426	895-4478
30	William	Kent	82865 South Bradford Road	Creswell, OR 97426	895-4898
31	David	Matthews	82750 South Bradford Road	Creswell, OR 97426	895-4349
32	Tami	Durrans	82874 Bradford Road	Creswell, OR 97426	895-2552
33	Elsa	Hoffman	82906 Bradford Road	Creswell, OR 97426	895-2933
34	Walter	Hoffman	82906 Bradford Road	Creswell, OR 97426	895-2933
35	Karla	Antoine	82771 South Bradford Road	Creswell, OR 97426	895-3969
36	Elfriede	Dubord	36014 East Wills Road	Creswell, OR 97426	895-2230
37	Joseph	Dubord	36014 East Wills Road	Creswell, OR 97426	895-2230
38	Hider	Kimm	390 D Street	Creswell, OR 97426	895-2708
39	Larry	Heater	36094 Wills Road	Creswell, OR 97426	895-2239
40	Suzanne	Amos	35731 Wills Road	Creswell, OR 97426	895-2897
41	Ulla	Hacker	390 D Street	Creswell, OR 97426	895-2708
42	Robert	Armstrong	36014 East Wills Road	Creswell, OR 97426	895-5596
43	Susan	Ordenez	82313 Bear Creek Road	Creswell, OR 97426	895-4957
44	Hilda Mae	Petty	82755 North Sears Road	Creswell, OR 97426	895-2785
45	Richard	Grossman	82718 Bear Creek Road	Creswell, OR 97426	895-3332
46	Enid	Grossman	82718 Bear Creek Road	Creswell, OR 97426	895-3332
47	Elias	Veerman	82716 Bear Creek Road	Creswell, OR 97426	895-2790
48	Janice	Konow	82822 Bear Creek Road	Creswell, OR 97426	895-2476
49	Nancy	Clark	82838 Bear Creek Road	Creswell, OR 97426	895-4566
50	Karen	Rich	35879 Wills Road	Creswell, OR 97426	895-3633
51	John	Glassburner	35982 Wills Road	Creswell, OR 97426	895-2993
52	Lisa	Strycker	35995 Wills Road	Creswell, OR 97426	895-3123
53	Robert	Keefer	35995 East Wills Road	Creswell, OR 97426	895-3123

54	Joanne	Cordon	34638 East Cloverdale Road	Creswell, OR 97426	895-3149
55	Carl	Cartmill	82710 South Bradford Road	Creswell, OR 97426	895-4834
56	Jerry	Hildebran	82950 River Drive	Creswell, OR 97426	895-3459
57	Iris	Hildebran	82950 River Drive	Creswell, OR 97426	895-3459
58	Larry	Pine	P. O. Box 189	Creswell, OR 97426	895-5420
59	Donald	Bowers	34184 Cloverdale Road	Creswell, OR 97426	895-5404
60	Walter	Sands	83130 North Bradford Road	Creswell, OR 97426	895-5405
61	Marie	Woods	82846 South Bradford Road	Creswell, OR 97426	895-4174
62	Ron	Woods	82846 South Bradford Road	Creswell, OR 97426	895-4174
63	Patrick	Antoine	82771 South Bradford Road	Creswell, OR 97426	895-3969
64	Katrina	Antoine	82771 South Bradford Road	Creswell, OR 97426	895-3969
65	Lanny	Jones	82719 South Bradford Road	Creswell, OR 97426	895-4502
66	Linda	Jones	82719 South Bradford Road	Creswell, OR 97426	895-4502
67	Beverly	Rogers	82724 Bear Creek Road	Creswell, OR 97426	895-4945
68	Kathleen	Wells	82722 Bear Creek Road	Creswell, OR 97426	895-2041
69	John	Menegat	82303 North Bear Creek Road	Creswell, OR 97426	895-4283
70	Audrey	Menegat	82303 North Bear Creek Road	Creswell, OR 97426	895-4283
71	Allen	Murphy	82506 North Rogers Road	Creswell, OR 97426	895-2695
72	Patricia	Murphy	82506 North Rogers Road	Creswell, OR 97426	895-2695
73	Janet	Burgess	82613 Meadow Lane	Creswell, OR 97426	895-3303
74	Jerome	Garger	1644 Rosy Turn	Eugene, OR	461-4916
75	Vicki	Wooten	1644 Rosy Turn	Eugene, OR	461-4916
76	Linda	Helmer	82886 Bradford Road	Creswell, OR 97426	895-5168
77	William	Helmer	82886 Bradford Road	Creswell, OR 97426	895-5168
78	Jean	Justus	82725 North Bear Creek Road	Creswell, OR 97426	895-4248
79	Thomas	Cordon	34638 East Cloverdale Road	Creswell, OR 97426	895-3149
80	Ruth	Ellison	83648 North Rogers Road	Creswell, OR 97426	895-2588
81	Albert	Ellison	83648 North Rogers Road	Creswell, OR 97426	895-2588

MAR 2 - 1999

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975 Lincoln St., Eugene, OR 97401
(541) 686-8478 • Fax (541) 345-5303

March 1, 1999



MECHANICAL, ELECTRICAL
CIVIL CONSULTANTS

William H. Sherlock
Hutchinson, Anderson, Cox, Coons & DuPriest, P.C.
200 Forum Building
777 High Street
Eugene, OR 97401

Re: Bradford Quarry Traffic Analysis

Dear William:

The following document summarizes my findings pertaining to traffic related issues which were raised concerning the proposed Bradford Quarry.

Background

A traffic impact analysis has been prepared by Branch Engineering to address the transportation impacts associated with the quarry. This analysis addresses the operational impacts of specific studied areas; however, does not address the intersection of South Bradford Road and Bear Creek Road. South Bradford Road is not projected to carry any traffic generated by the quarry but the operation of the intersection is impacted by the quarry with the increase of pass-by traffic. This document presents a sight distance analysis of the intersection.

Existing Conditions

South Bradford Road (Bradford) intersects Bear Creek Road approximately 600 feet southeast of Cloverdale Road on the inside of a horizontal curve. Bradford Road is an approximate 24-foot wide County roadway extending to the south and serves 38 residences. The intersection of Bradford/Bear Creek is stop-controlled with Bear Creek being the major, unrestricted movement.

Sight Distance Analysis

The Bradford/Bear Creek Road intersection was evaluated to determine if the existing sight distance is adequate to serve vehicles entering Bear Creek Road from Bradford. For this analysis, the assumed design vehicle was a school bus/single unit truck. The sight distances measured in the field were compared to the minimum sight distance recommended by the American Association of State Highway Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 1990. (Specific calculations are shown on the attached worksheet.) Based on calculations the recommended sight distance to the left or right for vehicles turning onto Bear Creek Road is 550 feet. The actual sight distance to the left is ≥ 500 feet which is adequate. The actual sight distance to the right was measured to be 415 feet which is not adequate.

Northbound vehicles on Bear Creek Road approach Bradford on a slight downgrade. There is a posted 'intersection ahead' symbol sign warning drivers of the Bradford intersection. However, the intersection is not visible due to its location on the inside of a horizontal curve and the topography - Bradford at Bear Creek is located within a significant cut section. Also, northbound vehicles on Bear Creek have not yet begun to significantly decelerate for the intersection at Cloverdale.

FILE # PA 98-5144
EXHIBIT # 51

Conclusion/Recommendations

Sight distance at the Bradford/Bear Creek Road intersection is not adequate in the existing condition nor with the addition of the proposed quarry. It is recommended improvements be made to increase the sight distance south of the Bradford/Bear Creek Road intersection to prevent continued unsafe operation. Possible improvements include roadway realignment or regrading the cut slope to achieve adequate sight distance.

Sincerely,



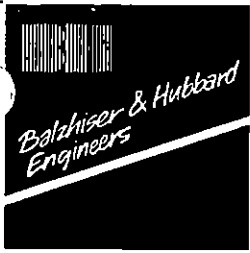
Christopher M. Clemow, P.E.
Transportation Engineer

CMC/kef

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EXPIRES 12/31/99



MECHANICAL, ELECTRICAL,
CIVIL CONSULTANTS
975 LINCOLN ST., EUGENE, OR 97401
P.O. BOX 10347, EUGENE, OR 97440
(541) 686-8478 FAX (541) 345-5303

WORKSHEET

Date 26 FEB 99

Project BRADFORD QUARRY SAFETY ANALYSIS

Project No. _____

Subject BRADFORD/BEAR CREEK SIGHT DISTANCE

Designer CMC Page 1 Of 1

Field Report Calculations Other _____

CALCULATIONS PER AASHTO "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS" 1990

CASE III B - TURNING LEFT INTO A MAJOR HIGHWAY

$$d = 1.47 V (S + t_a)$$

V [ft/s] DESIGN SPEED ON MAJOR ROADWAY

S [sec] PERCEPTION-REACTION TIME

t_a [sec] ACCELERATION TIME (≈ 1.5 * LANE WIDTH)

↳ ∴ TIME TO CROSS ≈ 1.5 * LANE WIDTH

V = 50 MPH

S = 2 SEC

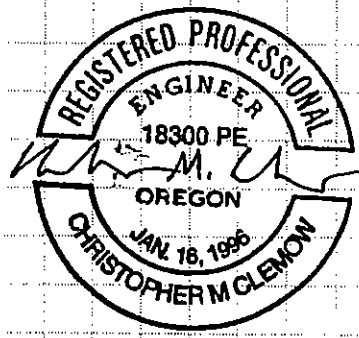
t_a = 1.5 (14 FEET) = 21 ⇒ USE FIGURE IX-33

ASSUME BUS APPROXIMATES SU TRUCK

t_a = 5.5 SEC

$$d = 1.47 (50) (2 + 5.5)$$

$$d = 551.25 \text{ FT} \approx \underline{\underline{550 \text{ FT}}}$$



EXPIRES 12-31-97

MASTER ROAD PLAN

15.020 Master Road Plan. In the development of an area, it is generally considered infeasible and undesirable to design all streets to safely and effectively handle both local and nonlocal trips. Therefore, a range of street classifications from collector to arterial are assigned to streets making up a circulation network that will adequately handle anticipated traffic demands without unduly disturbing local residential neighborhoods. Collector and arterial streets are designed to carry through traffic (nonlocal trips) and generally require wider rights-of-way and higher design standards in order to serve their intended function. Local roads primarily provide access to abutting property. Local roads generally require only the standard minimum right-of-way. The location or alignment of local roads is established during the development of abutting property. For these reasons, local roads are not listed in the Master Road Plan Schedule of Roads.

The purpose of this section is to identify those collector and arterial streets making up that circulation network and to establish projected requirements for those roads. Those requirements may include reserve areas for future widening, expansion or creation of roads and for further utilities, pedestrian ways, bikeways and other essential public services. Also included is the establishment of appropriate building setback lines to prevent or reduce deterioration of property values and promote conditions for desirable residential, commercial, industrial, institutional or public land uses.

15.025 Master Road Plan Content. The Master Road Plan shall consist of the following:

- (1) The text contained herein.
- (2) The Schedule of roads, including classification, type, planned right-of-way and additional setback (LC 15.027).
- (3) Diagrams of proposed alignments of Type "C" roads (LC 15.060).
- (4) The maps of Type "C" proposed roads showing established alignment and Type "D" proposed roads showing projected general alignment, which maps are on file in the Office of the Department of Public Works.
- (5) Maps of adopted Collector Road Systems, which consist of Type "D" proposed roads for developing areas and which maps are on file in the Office of the Department of Public Works.
- (6) Map entitled "Lane County Master Road Plan Map," which is on file in the Office of the Department of Public Works.

15.027

Lane Code

15.027

<u>Road</u>	<u>Section Length (Miles)</u>	<u>Classification</u>	<u>Planned R/W Width (Ft.)</u>	<u>Addtl. Setback</u>	<u>Type</u>
BEAR CREEK RD. (Cloverdale Rd. to Rodgers Rd.)	2.20	Minor Collector	60		A
BELTLINE EAST RD. (Gateway St. to Game Farm Rd. South)	0.43	Major Collector	100		A
BERNHARDT CREEK RD. (Sweet Creek Rd. to End County maint.)	8.21	Minor Collector	60	+20	A
BERTELSON RD. (West 18th Ave. to Bailey Hill Rd.)	0.59	Minor Arterial	80		A
BIG FALL CREEK RD. (Jasper-Lowell Rd. to End County maint.)	8.70	Major Collector	70	+20	A
BLACKFOOT AVE. (River Rd. to Hyacinth St.)	0.81	Minor Collector	60		A
BLUE RIVER DR. (McKenzie Hwy. to McKenzie Hwy.)	1.59	Minor Collector	60	+10	A
BODENHAMER RD. (Green Hill Rd. to Fir Butte Rd.)	1.34	Minor Collector	60		A
BOLTON HILL RD. (Territorial Hwy. to Crow-Vaughn Rd.)	3.25	Major Collector	70	+10	A
BOND LN. (Hwy. 99 to Green Hill Rd.)	0.68	Minor Collector	60		A

6-75; 3.26.75 8-75; 4.23.75
5-76; 5.7.76 20-78; 9.22.78
28-78; 4.6.79 4-80; 7.11.80
22-82; 9.24.82

15-8

WP 39041-LC16-10

15.027

Lane Code

15.027

<u>Road</u>	<u>Section Length (Miles)</u>	<u>Classification</u>	<u>Planned R/W Width (Ft.)</u>	<u>Addtl. Setback</u>	<u>Type</u>
CANARY RD. SOUTH (Canary Rd. to Siltcoos Station Rd.)	6.34	Major Collector	70	+10 ⁶	A
CENTENNIAL BLVD. (Eugene City Limits (at Cent. Loop) to Prescott St.)	2.34	Minor Arterial	90		A
CENTRAL RD. (Route F to M.P. 3.55) (M.P. 3.55 to Territorial Hwy.)	5.00	Major Collector	70 70		A
CLEAR LAKE RD. (Hwy. 99 to Territorial Hwy.)	8.65	Major Collector	80		A
CLEAR LAKE RD. (Canary Rd. to Hwy. 101)	4.26	Major Collector	70	+10	A
CLOVERDALE RD. (State Hwy. (Hendrick's Rd. to Hwy. 99))	3.51	Major Collector	80		A
CLOVERDALE RD. (Hwy. 58 to Hendrick's Rd.)	3.28	Major Collector	70		A
COBURG RD. (Beltline Rd. to McKenzie View Dr.)	2.44	Minor Arterial	90		A
COBURG RD. (McKenzie View Dr. to West End Coburg Bottom Loop Rd.)	3.75	Major Collector	80		A

6-75; 3.26.75 8-75; 4.23.75
5-76; 5.7.76 20-78; 9.22.78
28-78; 4.6.79 4-80; 7.11.80
22-82; 9.24.82

15-10

WP 39041-LC16-12

9437901

WARRANTY DEED

ROSS H. BRADFORD and NORMA L. BRADFORD husband and wife, Grantors, convey and warrant to ROSS BRADFORD and NORMA BRADFORD, trustees or their successors in trust, under the BRADFORD LIVING TRUST dated May 11, 1994, and any amendments thereto, Grantees, the following described real property free of encumbrances except as specifically set forth herein situated in Lane County, Oregon, to-wit:

See Exhibit "A" attached hereto and by this reference incorporated herein.

The liability and obligations of the Grantors to Grantees and Grantees' heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature, and terms of any right or indemnification available to Grantors under any title insurance policy, and Grantors shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantors under any such title insurance policy.

The true consideration for this conveyance is: \$-0-. (Here comply with the requirements of ORS 93.030) Other valuable consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENTS TO VERIFY APPROVED USES; AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.950.

Dated this May 11, 1994.

Ross H. Bradford
Ross H. Bradford

Norma L. Bradford
Norma L. Bradford

2709MAY.18'94#09REC 15:00
2709MAY.18'94#09PFLND 10:00
2709MAY.18'94#09A&T FLND 20:00

STATE OF OREGON, County of Lane) ss.

Personally appeared the above named Ross H. Bradford and Norma L. Bradford and acknowledged the foregoing instrument to be their voluntary act and deed this May 11, 1994.

Before me: *Milton E. Gifford*
Notary Public for Oregon

(Official Seal)

OFFICIAL SEAL
MILTON E. GIFFORD
NOTARY PUBLIC-OREGON
COMMISSION NO. 032088
MY COMMISSION EXPIRES APRIL 18, 1998

WARRANTY DEED

Ross Bradford and Norma Bradford, trustees
Deed Delivered to, (Grantee's Address, Zip)
After recording return to:
Milton E. Gifford
Until a change is requested, all tax statements
shall be sent to the following address:
Ross Bradford and Norma Bradford, trustees
82452 N. Bradford Road
Creswell, OR 97426

9437901

EXHIBIT "A"
PAGE 1

PARCEL 1: 135.89 acres

Lots 4 & 5, Section 19, Range 2 West of the Willamette Meridian, and the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 19, in Township 19 South, Range 2 West of the Willamette Meridian in Lane County Oregon.
Subject to Easements of record.

PARCEL 2:

Beginning at the $\frac{1}{4}$ corner common to Sections 19 & 30 in Township 19 South, Range 2 West of the Willamette Meridian in Lane County, Oregon, and run North along the centerline of said Section 19 to the South line of the John Buoy Donation Lane Claim No. 58; thence West along the said South line to the Southwest corner of said Donation Land Claim and continuing West on the line straight with said South line for a total distance of 320 feet; thence South on a line parallel to the centerline of said Section 19 to the North line of said Section 30; thence East 320 feet to the Point of Beginning in Lane County, Oregon.
Subject to Easements of record.

PARCEL 3: 40 acres

The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 19 South, Range 2 West of the Willamette Meridian in Lane County, Oregon.
Subject to Easements of record.

PARCEL 4: 62.16 acres

Lot 3, and the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 19, Township 19 South, Range 2 West of the Willamette Meridian, in Lane County, Oregon.
Subject to Easements of record.