

9437901

EXHIBIT "A"
PAGE 2

PARCEL 5: 4.74 acres

A 60 foot wide strip of land for roadway purposes beginning at a point 2428.83 feet South 89° 52' East of the Northwest corner of the John Buty D.L.C. No. 58 in Township 19 South, Range 2 West of the Willamette Meridian in Lane County, Oregon; run thence South 26° 19' East 421.45 feet; thence South 69° 46' East 181.38 feet; thence South 0° 05' 20" East 1761.18 feet; thence South 10° 43' West 79.52 feet; thence South 0° 01' 35" East 210.68 feet; thence South 89° 58' East 60.00 feet; thence North 0° 01' 35" West 205.48 feet; thence North 10° 43' East 79.52 feet; thence North 0° 05' 20" West 1808.28 feet; thence North 69° 46' West 199.21 feet; thence North 26° 19' West 383.85 feet; thence North 0° 33' 15" West 432.66 feet to the Southerly right of way line of County Road No. 696; thence North 58° 58' West 70.44 feet along said right of way line; thence leave said right of way line and run South 0° 33' 15" East 483.30 feet to the point of beginning.

Including and subject to, as appropriate, the rights, duties and obligations contained in the following easements:

- (1) That certain road and easement agreement dated November 24, 1974, and recorded December 24, 1974, in the Lane County Oregon Deed Records at Reel 722 R, Instrument No. 74-53998, between Wallis Gifford Nash, James R. and Dorothy A. Shoop, Nickey R. and Nancy D. Bradford, and Ross H. and Norma L. Bradford.
- (2) An easement dated June, 1970, between Frank G. and Vera J. Bradford, Ross H. and Norma L. Bradford, Jack L. and Gloria L. Bradford, and Betty L., Elliot T. and Robert J. Troxclarr, and recorded in Reel 643, Instrument No. 73-28400, Lane County Oregon Deed Records.
- (3) That certain easement dated July 14, 1970, between Ross H. and Norma L. Bradford and Pacific Power and Light Co., and recorded August 4, 1970, at Reel 489 R, Instrument No. 14676, Lane County Oregon Deed Records.

Subject to roads, highways, easements, covenants, and restrictions of record, and rights of the public therein.

9437901

State of Oregon,
County of Lane--ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

18 MAY 94 2: 18

Reel **1952R**

Lane County OFFICIAL Records,
Lane County Clerk

By: 
County Clerk

"state and national trend" information to assist in compliance with ORS 197.712 (2)(a).

(3) The Land Conservation and Development Commission shall develop model ordinances to assist local governments in streamlining local permit procedures.

(4) The Department of Land Conservation and Development and the Economic Development Department shall establish a joint program to assist rural communities with economic and community development services. The assistance shall include, but not be limited to, grants, loans, model ordinances and technical assistance. The purposes of the assistance are to remove obstacles to economic and community development and to facilitate that development. The departments shall give priority to communities with high rates of unemployment. [1983 c.827 §18; 1995 a.s. c.3 §36h; 1996 c.6 §10]

197.725 [1973 c.482 §4; repealed by 1977 c.665 §24]

197.730 [1973 c.482 §6; repealed by 1977 c.665 §24]

GOAL EXCEPTIONS

197.732 Goal exceptions; criteria; rules; review. (1) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas which do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(2) "Compatible," as used in subsection (1)(c)(D) of this section, is not intended as an

absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) The commission shall adopt rules establishing:

(a) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (1)(c)(A) of this section; and

(b) Which uses allowed by the applicable goal must be found impracticable under subsection (1) of this section.

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards of subsection (1) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(6) Upon review of a decision approving or denying an exception:

(a) The board or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (1) of this section have or have not been met; and

(c) The board or commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards of subsection (1) of this section have or have not been met.

(7) The commission shall by rule establish the standards required to justify an exception to the definition of "needed housing" authorized by ORS 197.303 (3).

(8) As used in this section, "exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

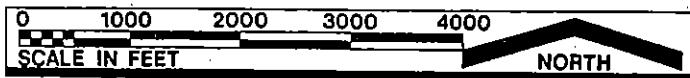
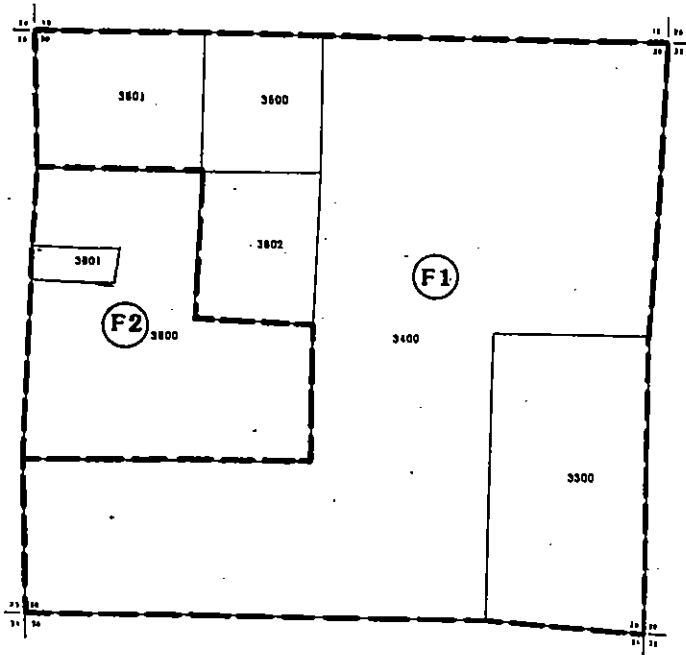
(c) Complies with standards under subsection (1) of this section.

(9) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement Part) on or before August 9, 1983, shall continue to be valid and shall not be

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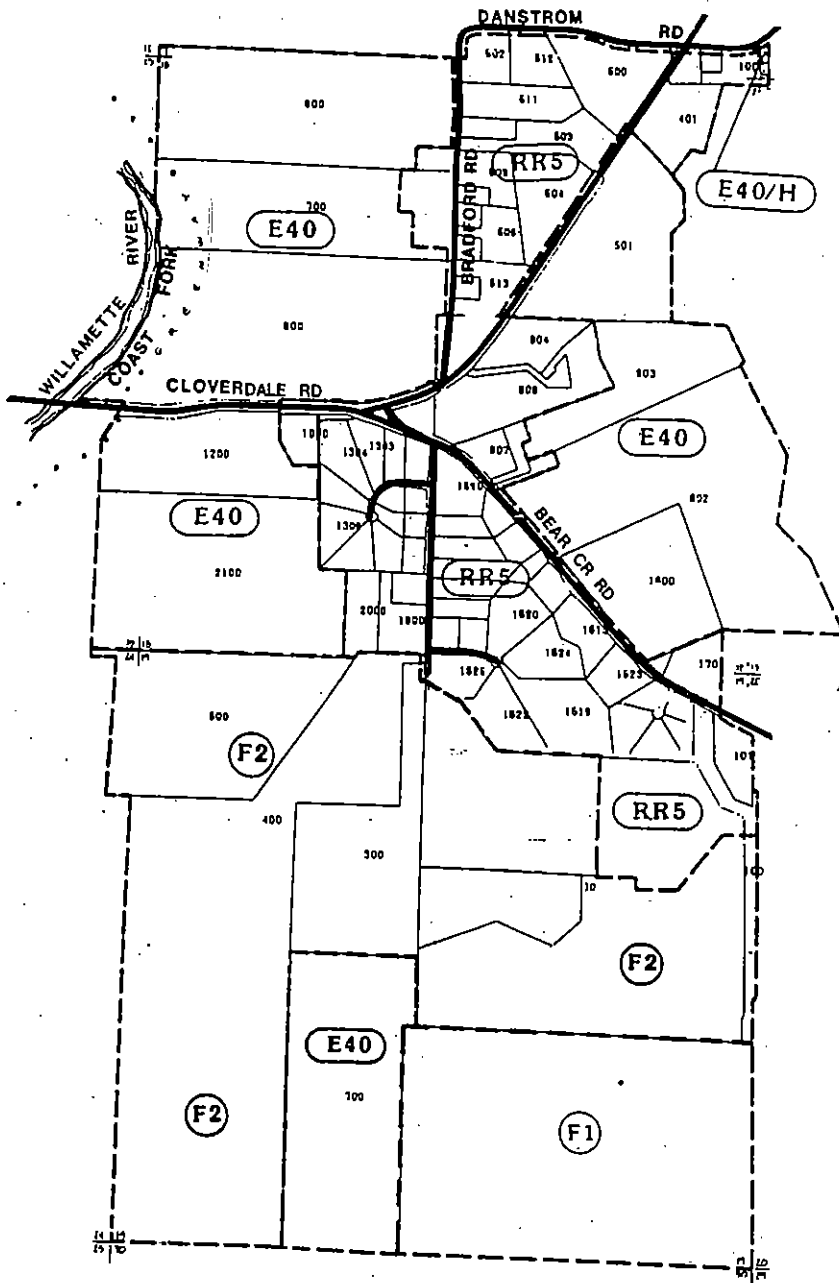
OFFICIAL ZONING MAP

PLOT# 440B

Twtnsh	Range	Section
19	02	30

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____

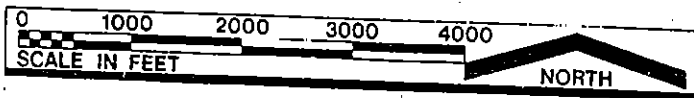
439



429

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440B



OFFICIAL ZONING MAP

PLOT # 440

Township Range Section

19 02 18

19 02 19

INAL ORD. # PA 884

DATE 2/29/1984 FILE #

SION # ORD #

~~CONFIDENTIAL - SECURITY INFORMATION~~

- ✓(10) ~~Bob DuPriest~~ Doug DuPriest
- ✓(11) ~~Rick Millhollin~~ Rick Millhollin

- Nuggets:
- ✓(2) Bob Antoine
 - ✓(3) Lorraine Still
 - ✓(4) Chuck Swenson
 - ✓(5) Jerry Fleischli
 - ✓(6) Marla Swenson, ~~Larry Weiss~~
 - ✓(7) Dale Burgess
 - ✓(8) Linda Fleischli
 - ✓(9) Bob Meyers - Doug wants to NOT mention alternate route
 - ✓(10) Diane Lane
 - ✓(11) Carl Cartmill

High points or all of narratives:

- ✓(11) Vicki Curry
- ✓(12) Bob Still
- ✓(13) Kim Meyers
- ✓(14) ~~Kim Myerson~~ Bill Kent
- ✓(15) Marie Woods
- ✓(16) Jan Burgess

~~CONFIDENTIAL - SECURITY INFORMATION~~

FILE # PA 98-5144
 EXHIBIT # 52

~~CONFIDENTIAL - SECURITY INFORMATION~~

QUARRY HEARING

PLANNING COMMISSION SIGN-UP SHEET

NAME

MAILING ADDRESS

Ken Sparrow

- 82722 Bear Creek Rd.

Catherine D Wells

ROBERT & KARLA ANTOINE

- 82771 BRADFORD RD., CRESWELL



AGENDA

LANE COUNTY PLANNING COMMISSION

DATE: TUESDAY, March 2, 1999

TIME: 7:00 P.M. Public Hearing

LOCATION: Main Room Harris, Hall, 125 E. 8th Ave., Eugene, Oregon 97401

The meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided within 48 hours notice prior to the meeting.

ITEM

FORMAT

7:00 P.M. Public Hearing

- | | |
|---|---|
| 1. Approval of January 19, 1999 Minutes | - Commission Members |
| 2. Election of Officers | - Commission Members |
| 3. CONTINUED HEARING for PA 98-2230, a Plan Amendment and Zone Change from E-40/RCP to RR-2/RCP, previously heard on 1-5-99. No Public testimony will be allowed. Applicant: Miller | - Staff: Jerry Kendall, Assoc. Planner
- Planning Commission Closed Hearing
- Deliberation/Recommendation |
| 4. PA 98-5144. Amend the Rural Comprehensive Plan from "Forest" to "Natural Resource" and Rezone that land from "F-1/Non-Impacted Forest Land" to "QM" ("Quarry and Mine Operations") for 40 acres, pursuant to Lane Code 16.400 and 16.252. Map 19-02-00 (30) Tax Lot 3500. Applicant: BJ Equipment Company | - Staff: Thom Lanfear, Assoc. Planner
- Declaration of Exparte Contact or Potential Conflicts of Interest
- Applicant's Statement
- Testimony
- Applicant's Rebuttal
- Planning Commission Close Hrg.
- Deliberation/Recommendation |

FILE # PA 98-5144
EXHIBIT # 53

Lane County Planning Commission Members: Stephen Moe, Chair; Clay Myers; CarrieAnne Davis; Marion Esty; Pauline Rughani; Delbert Phelps; Juanita Kirkham; Heidi Pollock; Chris Clemow

Lane County Commissioners
125 E. 8th
Eugene, OR 97401

Re: Gravel Pit - Bradford Road, Creswell

I & my family live out towards the end of Bear Creek Road. We travel this road several times a day & feel that the continual presence of dump trucks & other equipment in the area would cause a level of congestion that isn't safe or suitable for Bear Creek.

Additionally, I feel that the wildlife in the area would be endangered by the extra activity.

Sincerely,

Suzanne Amos (Amos)
35731 Willis Rd.
Creswell, OR 97426
895-2897

FILE # PA 98-5144
EXHIBIT # 54



Environmental Solutions
Nancy Holzhauser: Consultant
2540 Pierce Street
Eugene, Oregon 97405

(541) 343-6585

March 1, 1999

Liam Sherlock, Attorney
Doug DuPriest, Attorney
Hutchinson, Anderson, Cox, Coons, and DuPriest P.C.
777 High Street, Suite 200
Eugene, OR 97401-2782

BIOLOGICAL REVIEW of the PROPOSED QUARRY SITE
Identified as Tax Map 19-02-00(30), Tax Lot # 3500, Creswell, Oregon

Dear Liam and Doug:

A Biological Review was conducted for the above-referenced property at your request, in order to determine the biological impacts of converting the 40-acre site into a quarry.

1.0 GENERAL INFORMATION

1.1 Site Location

Approximately 2 miles south of the intersection of Cloverdale Road with Bear Creek Road, near the intersection of Cedarcroft and Bradford Roads
Creswell, Oregon
T. 19S, R 2W, NE 1/4, NW 1/4 sec. 30

1.2 Background and Purpose

The site being reviewed with this report is a 40-acre parcel presently zoned as F-1 Non-impacted Forest Land, which includes a 2-acre quarry presently in operation. The landowner has requested a zoning change with Lane County to QM Quarry and Mine Operations. This would result in converting the entire site into an industrial-type quarry operation, with extraction accomplished by blasting, processing conducted on-site, and hauling up to 80 trucks per day, 5-6 days per week. Blasting is anticipated to be conducted an average of once per month. The haul route would be north along Cedarcroft Road to Bear Creek Road.

The Lane County Rural Comprehensive Plan (RCP) has identified the site and surrounding area as Major Big Game Habitat, the primary species being Roosevelt elk and black-tailed deer. According to local residents, the Bear Creek watershed is used year-round by a herd of approximately 100 Roosevelt Elk, as well as blacktailed deer, black bear, and cougar.

The purpose of this review is to determine the impacts to big game species with the conversion of

the site from forested use to quarry and mining operations. In addition, potential impacts to other species of concern and special interest/sensitive areas (such as wetlands) that may be present on or near the site are discussed.

1.3 Methods

Potential impacts to big game, other wildlife species, and other species of concern were determined and assessed from the following information:

- Aerial photographs and topographic maps were used to characterize the site and determine the type and condition of big game habitat, as well as the potential presence of rare, threatened, and endangered species.
- Experts on big game were consulted to identify potential concerns with the proposed quarry site development. Information from the Oregon Natural Heritage Program, local botanists, and the Native Plant Society of Oregon was reviewed in order to determine other species that may be present in the area, and if the site is potential habitat for rare, threatened, and endangered animal and plant species. Observations of animals and sign from local residents were used to determine species present in the area, approximate numbers of animals, and the areas of greatest use.
- The site was viewed from the nearest public right-of-ways in order to assess its condition and location with respect to the surrounding area.

2.0 SUMMARY

Potential impacts to big game and big game habitat, wetlands, and five Federally and State-listed species of concern were identified.

Two potential impacts to big game species were identified with the proposed project:

- Removing 40 acres from designated Major Big Game Habitat would reduce the carrying capacity of the Bear Creek drainage. This could lead to increased animal damage on adjacent properties from displacement into areas where they would conflict with existing use, such as the residential and agricultural areas located to the north. The Oregon Department of Fish and Wildlife (ODFW) discourages activities that could result in increased animal damage and conflict with human activities.
- Harassment from mining operations and truck traffic would result in a reduction in the use of forage and security cover adjacent to the quarry site and the haul route. This would result in a decrease in the habitat quality of these areas, which conflicts with the guidelines for Big Game Habitat in the Rural Comprehensive Plan.

A possible area of wetlands was identified on the southeast portion of the site from aerial

photographs. Other areas of wetlands may be present on the site, due to the number of springs typical for this area. Wetlands cannot be impacted with fill without review by the Oregon Division of State Lands (DSL) and the US Army Corps of Engineers (CE).

There is a potential for the proposed project to impact other species of concern (including Federally-listed species and State-listed Threatened and Endangered Species, and Species of Concern) that may be present in the area, based on review of the ONHP publication *Rare, Threatened, and Endangered Species of Oregon*. These include:

- Peregrine falcon (Federally-listed endangered)
- Common Nighthawk (ODFW Species of Concern)
- Yuma Myotis (Federally-listed Species of Concern)
- Fringed Myotis (Federally-listed Species of Concern)

Because the site has been disturbed through the quarry operation and recent logging, there is a low probability that any plant species of concern are present.

3.0 SITE DESCRIPTION

The Bear Creek drainage is approximately 30 square miles in size. It consists of bottomlands in agricultural use, rural-residential use at the lower elevations, and managed forest at higher elevations. The proposed quarry site is located midway up the west side of the drainage, along the ridgetop at an elevation between 1000 and 1400 feet. The site has a northeast to east facing slope, with a fairly steep topography.

The majority of the western portion of the Bear Creek drainage is in a big game forage condition, dominated by herbaceous and shrub vegetation. Very little high quality forested security cover for big game is present. The proposed quarry site is in a forage condition, and is bordered to the north and west with a band of second-growth douglas-fir forest approximately 1/4-mile wide. This patch of forest appears to provide high quality security cover, and separates the forage area from agricultural and residential development area to the north.

The land adjacent to the east and south of the site is covered with herbaceous and shrub species and scattered oaks. This functions primarily as forage with limited security cover, and is approximately 1 square mile in size. According to local residents, it receives high use from elk and deer. An area of high quality coniferous forest security cover is located to the east of this large forage area at a distance of approximately 1 mile east of the site (refer to Figures 2 and 3). There are two areas of wet meadows in the vicinity of the site that could provide good calving habitat.

Cedarcroft and Bradford Roads serve as access to the site and surrounding area. Present traffic use in this area is from log and rock trucks, as well as residential and hunting use. Heavy traffic along Cedarcroft Road, the proposed haul route for the quarry operation, has the potential to separate a large forage area (east of the site) from high-quality security cover (to the west, south,

and north of the site). In addition, heavy truck traffic on Cedarcroft Road would prevent maximum use of the area of mixed forage and security cover located north of Cedarcroft Road. Local residents report that it is common to see both of these areas being used year-round by the local herd of elk, and that they have seen several calves in the summer months.

Other species observed in the area of the proposed quarry site, based on sightings and observations of sign by local residents include blacktail deer, black bear, cougar, chipmunk, chickadee, osprey, various species of songbirds and hawks. Other wildlife species expected to occur in the area include coyote, brush rabbit, long-eared bat, mountain quail, ruffed grouse, northern flicker, Cooper's hawk, and red-tailed hawk.

4.0 FINDINGS AND CONCLUSIONS

4.1 Big Game Species and Habitat

Roosevelt elk, black-tailed deer, black bear, and cougar have been observed in the vicinity of the site. Numerous deer and elk trails criss-cross the area, based on information from local residents and from observations during the site visit. It is typical for elk and deer to have traditional trails from foraging areas into security cover. Security cover is an especially critical component of big game habitat during periods of harassment and high-stress, such as during calving and hunting season.

Research on elk behavior 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, not counting the loss of habitat by converting the 40-acre forested site to a quarry.

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.

In addition, research indicates that the use of habitat within the line-of-sight distance of a heavily-used road or other form of high-use activity such as the quarry, is reduced. This would suggest that the heavily-used forage habitat to the east of the road would not be used as frequently since it is within line of sight distance from the quarry and Cedarcroft Road. This would reduce the quality of that habitat for big game use.

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

serve to diminish the carrying capacity of the Bear Creek drainage for big game. This could displace the animals into areas of human activity located to the north of the site, which could result in increased animal damage and conflict with human activities.

4.2 Other Species of Concern

The conversion of the forested site into an industrial quarry site, with associated activities such as blasting, processing operations, and truck haul has the potential to impact the following species that may use the site and surrounding area for feeding and nesting:

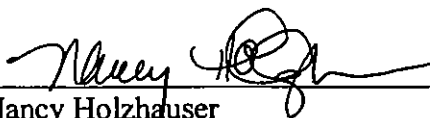
- Peregrine falcon (Federally-listed endangered): feeding
- Common Nighthawk (ODFW Species of Concern): feeding and nesting
- Yuma Myotis (Federally-listed Species of Concern): feeding and roosting in adjacent woods
- Fringed Myotis (Federally-listed Species of Concern): feeding and roosting in adjacent woods

4.3 Wetlands

Based on review of the aerial photo dated 4-24-98, there appears to be an area of wetlands in the southeast corner of the proposed quarry site. Seeps and springs area common in this area, and some others may be present on the site. Prior to placing or removing fill on any wetlands, the wetland needs to be reviewed by the Oregon Division of State Lands and the US Army Corps of Engineers.

4.4 CONCLUSIONS

It is my professional opinion that the placement of an industrial quarry operation of 40 acres in the Bear Creek drainage is in conflict with big game habitat. The proposed operation would reduce the quality of forage and security cover for big game within the vicinity of the quarry and along the haul route. The proposed quarry operation would also reduce the carrying capacity of the Bear Creek drainage for big game. This is in conflict with the RCP guidelines. In addition, the effects of this proposed project on other Federally-listed and State-listed plant and animal species needs to be studied. Lastly, the site needs to be assessed for wetlands, and any impacts to wetlands need to be reviewed by the DSL and the CE.



Nancy Holzhauser
Wildlife Biologist

3.1.99

Date

5.0 REFERENCES

Literature:

Atlas of Oregon Wildlife. B. Csuti et al, Oregon State University Press, 1997.

California Wildlife and Their Habitats. Jared Verner and Allan Boss, US Forest Service Publication, 1980.

Threatened and Endangered Vascular Plants of Oregon. R. Meinke, US Forest Service Publication, 1980.

Rare, Threatened, and Endangered Species of Oregon. Oregon Natural Heritage Program, March 1998.

Personal Communications:

Cheryl Friessen, US Forest Service Biologist from the Willamette National Forest

Dan Edge, Oregon State University Wildlife Professor and Research Biologist

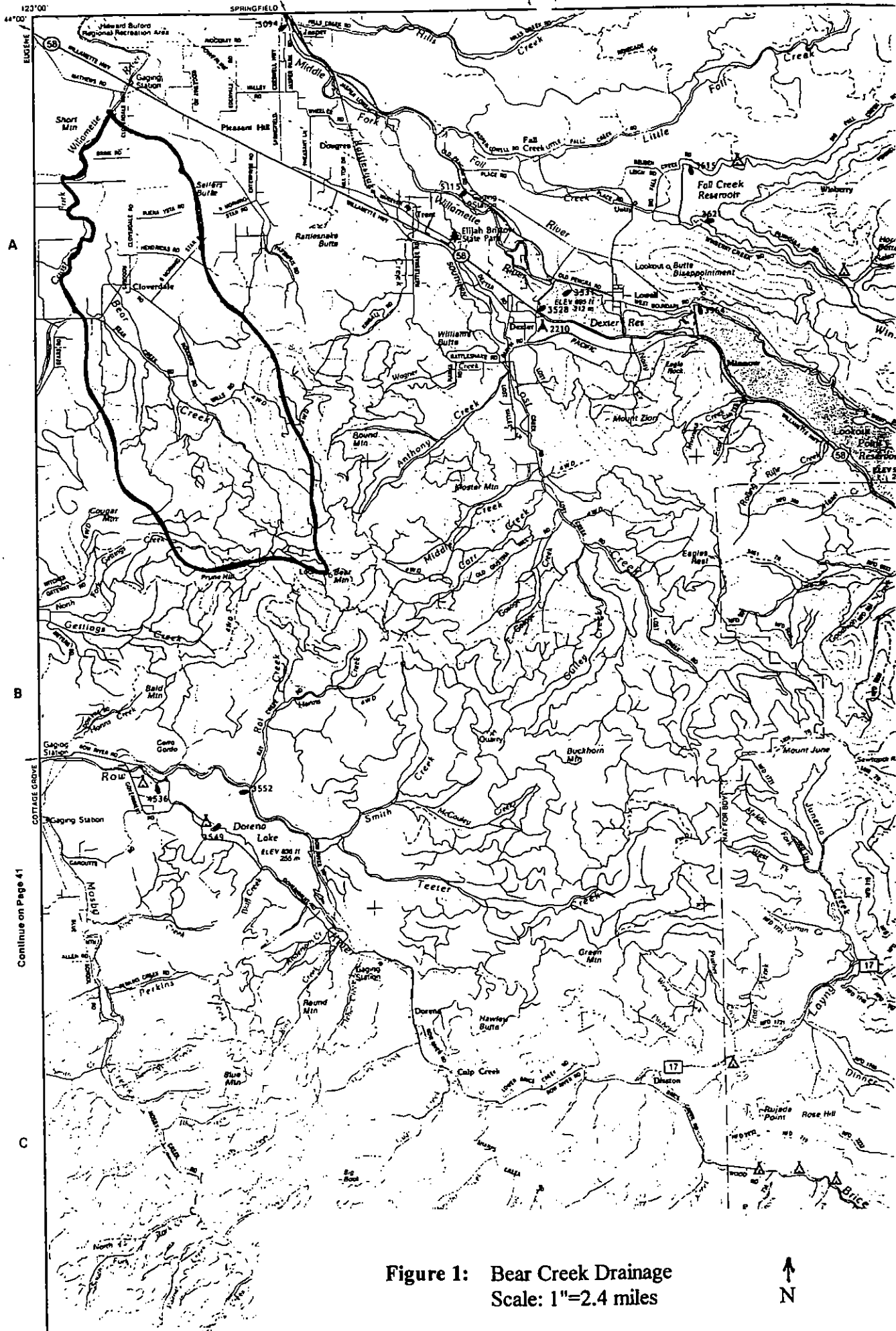


Figure 1: Bear Creek Drainage
Scale: 1"=2.4 miles



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B

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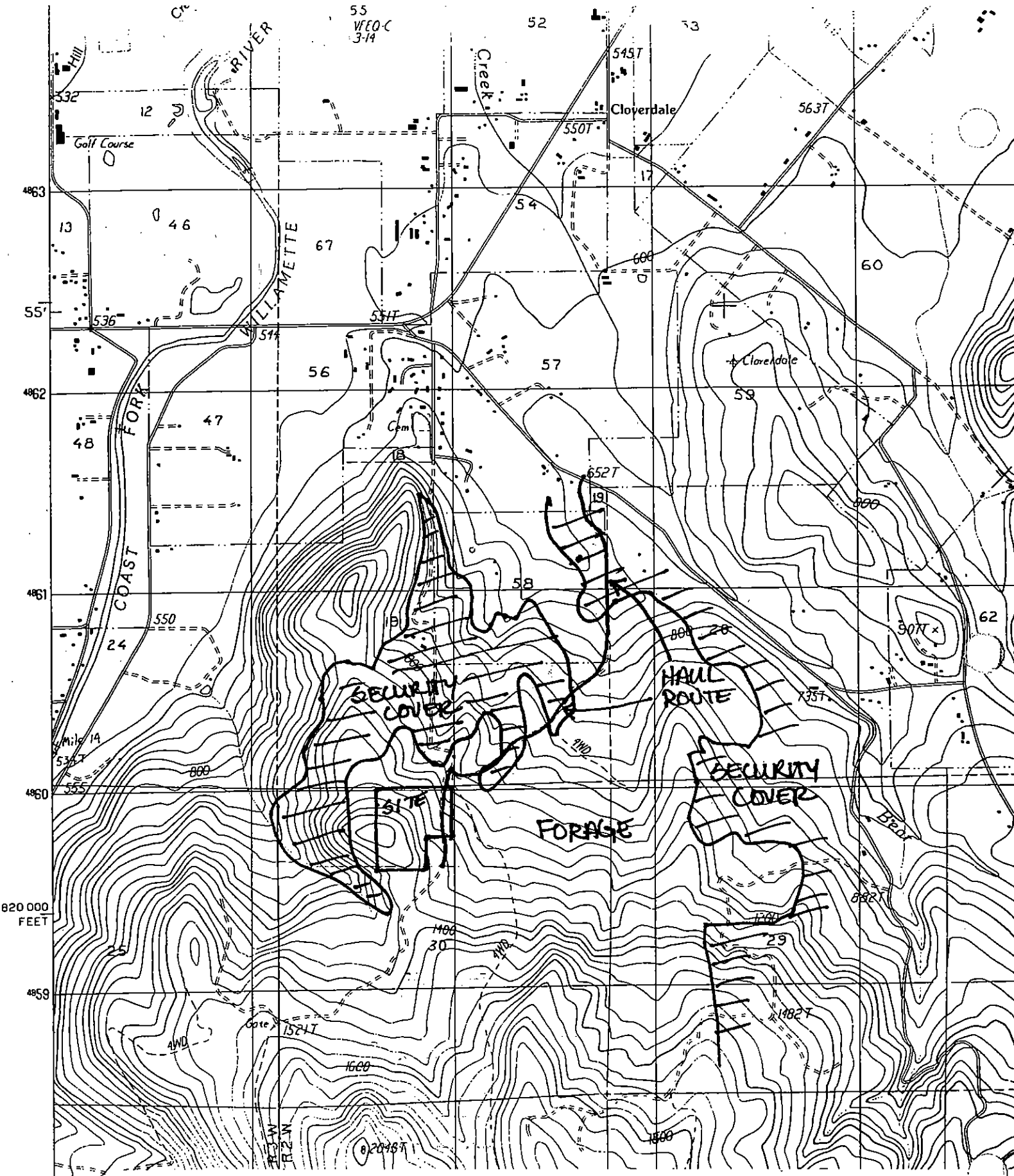


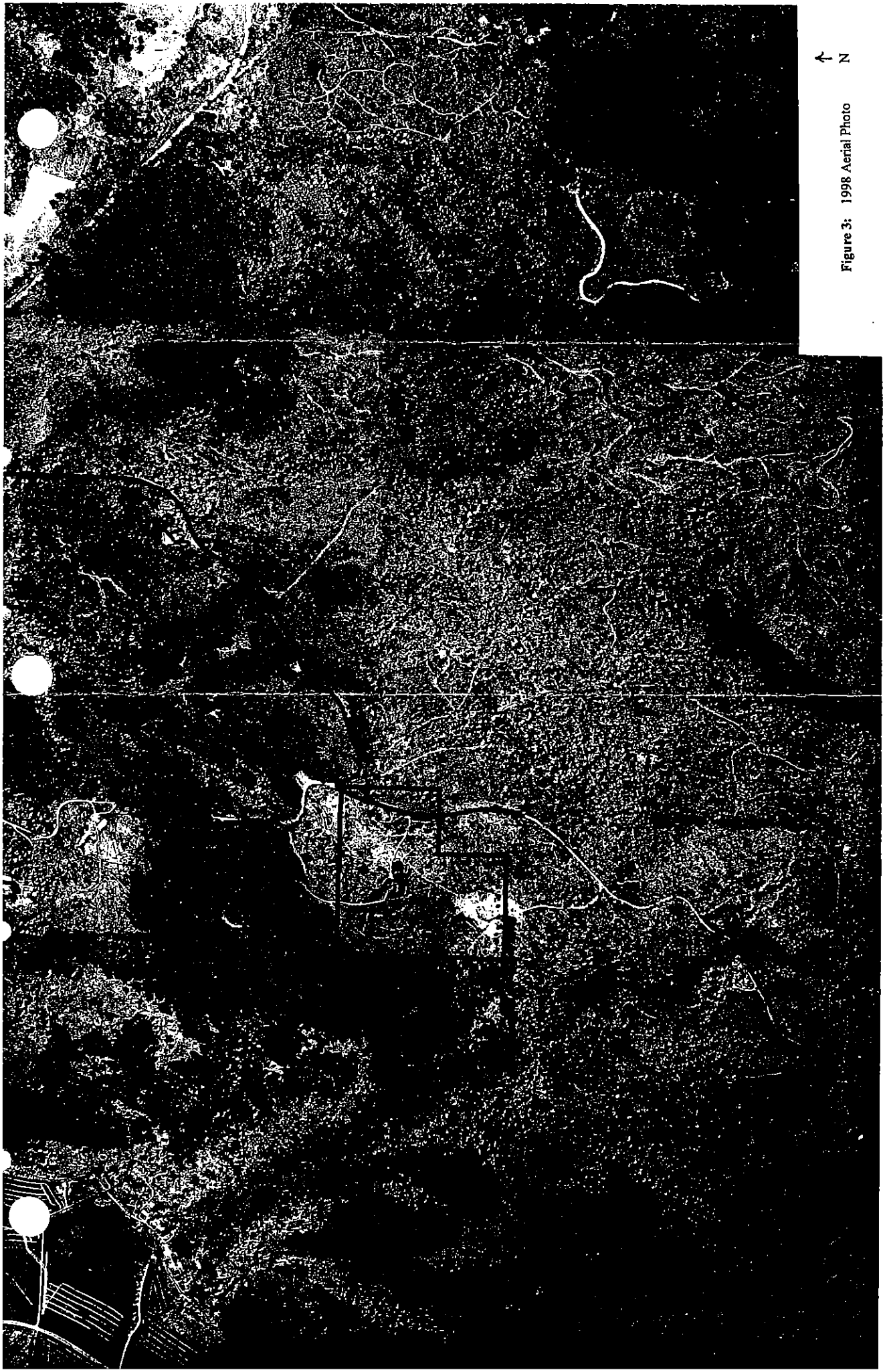
Figure 2: Big Game Habitat in the Area of the Proposed Quarry Site

□ Area Anticipated to be Reduced in Quality from Harassment
Due to Quarry Operations and Truck Traffic

Scale: 1.5" = 1 mile



PRODUCED BY THE
CONTROL BY
PREPARED FROM AERIAL



↑ N

Figure 3: 1998 Aerial Photo



Figure 4: Aerial Photo Showing Big Game Sightings from Observations from Local Residents

N →



Environmental Solutions

Nancy Holzhauser: Consultant
2540 Pierce Street
Eugene, Oregon 97405

(541) 343-6585

Statement of Qualifications

- Education:** University of California, Davis. B.S. 1974: Wildlife and Fisheries
University of California, Davis. M.S. 1976: Ecology
1976: Publication of Masters Thesis in Journal of the American Fisheries Society
- Accreditation:** 1997: Wetland Delineation Training Certification from the Wetland Training Institute
1998: Wetland Mitigation, Construction, and Installation from the Wetland Training Institute
- Memberships:** The Wildlife Society
Society of Wetland Scientists
The Native Plant Society of Oregon

Representative Projects:

- *Biological Assessments and Evaluations* for Federally-listed threatened, endangered, and sensitive species for various projects, including timber sales and road improvement projects. Clients include the City of Eugene and Systems West Engineering for the City of Veneta.
- *Wildlife and Plant Management Plans* for threatened, endangered, sensitive, and species of concern that included cavity nesters, goshawk, osprey, and big game.
- *Interdisciplinary team member* to assist in preparation of Environmental Analyses for timber sales and other large projects that address impacts to wildlife, fish, and sensitive species.
- *Streamside Management Plans and Projects* including surveying, mapping, and designing instream projects for fisheries habitat improvement for various anadromous and resident fish species. This included coordinating with timber sale plans and logging operations to ensure that Federal regulations in terms of stream and water quality protection measures were met.
- *Wetlands Determination and Delineation Projects* including permit applications and mitigation plans. Clients include the Union Pacific Railroad, the City of Burns, and the Fern Ridge Public Library.
- *Wetland Inventories and Assessments (using the OFWAM Methodology), including Riparian Corridor Assessments.* Clients include the cities of Madras and Burns.
- *Fisheries Assessments* for anadromous and resident fish species, including evaluation of stream quality, and recommendations for habitat improvement projects.
- *References provided upon request*



Environmental Solutions

Nancy Holzhauser: Consultant
2540 Pierce Street
Eugene, Oregon 97405

(541) 343-6585

Representative Projects and Activities

Biological and Habitat Evaluation and Management

- City of Veneta: conducted Biological Assessment for Wastewater Treatment Plant Expansion Project
- Lane County Department of Public Works: conducted Biological Assessments for road improvement projects.
- City of Eugene: conducted a Rare Plant Habitat Assessment for a bike path project.
- City of Madras: conducted a riparian assessment and wetland inventory, using the Oregon Freshwater Method (OFWAM).
- Conducted Biological Assessments and Evaluations for threatened, endangered, and sensitive species with regard to timber sales, recreation site development, and trail planning on the McKenzie Ranger District. Surveying and population monitoring plans were a part of these assessments. This included monitoring specie activities in the areas of planned activities, and completing recommendations in order to avoid impacting the species of concern. Species addressed included the Northern spotted owl, the goshawk, the osprey, and numerous plant species.
- Completed Streamside Management Plan for Deer Creek, a major tributary to the McKenzie River. This included designing individual habitat enhancement projects, assisting in the survey work for each project, supervising construction activities, and monitoring the success of the projects. In addition, coordinated streamside habitat management plans with timber contractors on active logging operations.
- Participated as an interdisciplinary team member for planning timber sales and road systems on the McKenzie Ranger District. Responsibilities included addressing concerns and designing management plans for threatened, endangered, and sensitive plant and animal species, big game, cavity nesters, watershed and erosion control management.
- Assisted in the preparation of Environmental Impact Statements and Environmental Assessments, in compliance with the National Environmental Policy Act (NEPA), for projects on the district, especially timber sales.
- Conducted Fisheries Assessments, especially in coordination with timber sale planning. Completed fisheries surveys and designed habitat enhancement plans on major fish-bearing

tributaries to the McKenzie River, including Kink Creek and Deer Creek. Included coordinating with Oregon Department of Fish and Wildlife.

Wetlands

- Completed a Wetland Inventory and Assessment (including the use of the Oregon Freshwater Assessment Methodology) for the City of Burns, to be used for long-term planning and zone changes for their 20-Year Growth Plan.
- Union Pacific Railroad: conducted wetland delineations for several bridge right-of-ways between Junction City and Harrisburg. All of these right-of-ways had been significantly modified through a past history of alteration.
- Scio Fire District: completed a wetland delineation for the construction site for their new fire station site, and assisted in incorporating this information into the site plan.
- Fern Ridge Library: conducted a wetland delineation, presented information to the Library Board, and completed a Mitigation Plan and Joint Removal/Fill Permit Application for the project.
- Completed wetland determinations and delineations ranging in size from 1- to 40-acre parcels, for numerous confidential clients. This work included coordinating with local planning agencies, and filing Joint Permit Applications with Mitigation Plans where necessary.

Environmental Education

- Design and conduct outdoor learning activities with regard to raptors, raptor ecology and biology, sensory and outdoor awareness, and general ecological concepts for grades K-12 for the Cascades Raptor Care Center in Eugene, Oregon. These activities and presentations are conducted at the facility as well as at schools.
- Designed and conducted an outdoor education program for grades K-6 at the McKenzie Elementary School, in Blue River, Oregon. This included studying stream properties, ecology, and watershed management concepts, conducting stream surveys, aquatic insect studies, and basic forest ecology concepts, including conducting stand exams and plant surveys.
- Designed and conducted nature walks, boat trips, and campfire programs and slide shows relating to the natural history, limnology, human history, and ecology of the Tahoe Basin for the US Forest Service. This included presentations to an audience of up to 600.
- Designed and supervised the construction and installation of self-guided trails around the Lake Tahoe Forest Service Visitor Center.
- Designed informational brochures and displays for three Forest Service visitor centers in Lake Tahoe.

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

Enclosed is a petition from the neighbors of the Bear Creek community in opposition to the land-use zoning change requested by Ross Bradford. We are deeply concerned that this process to date has ignored the real impact of such a change. On the pages that follow you will see the signatures of those who will bear the real, adverse impacts of such a change. Please observe that we are a community united in opposition, not just a few vocal, disgruntled individuals.

Sincerely,

The Bear Creek Neighborhood

FILE # PA 98-5144
EXHIBIT # 56

The following is a petition opposing the proposed zone change requested by Ross Bradford from F-1 to QM. We feel the zone change would have a negative impact on the surrounding area and its residents for the following reasons:

1. Damage to adjacent properties and pollution to the streams and watersheds due to the continuous heavy dust and silt caused by the mining and runoff from the quarry property.
2. The gravel truck and heavy equipment traffic on Cedarcroft would be dangerous because of limited visibility. Further, a continuous heavy dusting (similar to what occurred this summer when gravel was hauled to the bridge construction site) would be detrimental to plant and animal life in that neighborhood and would present other problems for dwellings in the area.
3. Property values for all land and homes adjacent to or near the site, as well as adjacent to or near the access routes, will be adversely affected.
4. The blasting could potentially disrupt the fragile water supply in this vicinity. The proposed mine seems to sit on top of a water table that feeds wells as far away as North Bradford Rd (on the north side of Cloverdale Rd).
5. The potential for a fatal accident at the intersection of Bear Creek and S. Bradford Rd is greatly increased. Vision is restricted on Bear Creek just prior to the intersection with Bear Creek and S. Bradford; cars entering Bear Creek Rd. from S. Bradford would be at risk.
6. No mention is made in the application as to the intended use of S. Bradford as an access road to or from the proposed mine; it has been omitted as a part of the "impact area". On top of the more obvious noise and pollution problems, a serious safety hazard exists at the crest of the hill (by the graveyard) if the trucks were to use this road. The visibility is quite limited; it is currently dangerous even for passenger vehicles. (One resident was nearly killed at this site several years ago.)
7. The continuous gravel truck and heavy equipment traffic on Bear Creek would cause an increase in wear and tear on Bear Creek Road along with an increase in litter. Both these consequences are already evident from the limited traffic generated from this past summers hauling of gravel to the bridge. The road has begun to shift and crack near the intersection with Cloverdale and the litter along the road increased drastically.
8. Noise pollution from the blasting and the truck traffic (including the jake brakes of the trucks coming down off the hill) would be detrimental to the peace and quiet that currently exist in this community.
9. Although the commissioners aren't interested in hearing an emotional appeal it is true that the proposed mine would have a deleterious affect on the 'way of life' in this tranquil, serene community.
10. This is basically a 5 acre residential setting. This ^{is} not basically a forested area as stated in the petition.

Having read the above concerns I want to acknowledge that because of these concerns I am against the zone change that is being requested; I don't want a commercial gravel pit at the proposed site.

	Signature Address	Print Full Name Phone Number
1.	Vicky Curry 82766 S. Bradford Rd	VICKY CURRY 895-5509
2.	D Dale Burgess 82413 MEADOW LANE	895 3303
3.	J. Diane Lane 82841 Bradford Rd	Judy Diane Lane 895-4137
4.	Rick Millhollin 82841 Bradford Rd	Rick Millhollin 895-4137
5.	Carol J Matthews 82750 S. Bradford Rd.	CAROL J. MATTHEWS 895-4349
6.	Chuck Swenson 82813 Bear Creek Road	Chuck Swenson 895-5299
7.	Marla Swenson 82813 Bear Creek Road	Marla Swenson 895-5299
8.	Sally Foster 82728 Bradford Rd. S	SALLY FOSTER 895-3318
9.	Laura Ann Foster 82728 Bradford Rd. S.	Laura Ann Foster 895-3318
10.	Robert J. Antoine 82771 BRADFORD Rd	ROBERT J. ANTOINE 895-3969
11.	Hart	895-2982

82706 S. Bradford

12 Evelyn E. Lemon 895-2982

82706 S. Bradford PO Box 235 Creswell, OR 97426

13 TREVOR M. Millican 895-5383

82621 Meadow Lane Creswell, OR 97426

14 CAROL L. McIVER 895-5383

82621 MEADOW Lane Creswell OR 97426

15 Jerry R. Clark 895-4566

82878 N BEAR CR Rd CRESWELL OR 97426

16 Robert Meyers 82701 S BRADFORD 895-4079

17) Roxanne Still 83074 N Lorraine Still Bradford 895-2534

18) Robert A. Still 83076 N. Bradford Rd 895-2534

19) Cheryl Husom 82810 Bear Cr Rd. 895-2693

20) Rod Husom 92810 Bear Creek Rd 895-2693

21) Kimber L. Meyers 82701 S. Bradford Creswell 895-4079.

22) 19 W Larran 82722 Bear Creek Rd 895-2041

23) Carolyn S. Kent 82865 Bradford S. 895-4898

24) 28 Marilyn Calder 34606 E. Cloverdale Rd 895-3668

25) David Calder " " "

26) Linda Fleischli 34977 Meadow Lane Linda Fleischli 895-2147

27) Gerald Flew " "

28) 22 Paul Rogan 82724 Bear Creek

29) Kristin Clark Kristin Clark 895-4478
83132 Mickelson Rd

30) William N. Kent
82865 Bradford Rd
WILLIAM N. KENT
895-4898

31) ~~David R. Mathem~~
82750 Buford Rd S
David R Mathem
895-4349

32) Tami Durrans
82874 Bradford Rd
Tami Durrans
895-2552

33) Elsa Hoffmann
82906 Bradford Rd.
ELSA HOFFMANN
895-2933

34) Walter Hoffmann
82906 Bradford Rd.
WALTER HOFFMANN
895-2933

35) Karla Antoinie
82771 Bradford Rd.
Karla Antoinie
895-3969

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Ross Bradford's proposal to commercialize his private gravel pit is of grave concern to the following neighbors for one or more of the following reasons:

1. The blasting could potentially disrupt the fragile water supply in this vicinity. The proposed mine seems to sit on top of a water table that feeds wells as far away as North Bradford Rd (on the north side of Cloverdale Rd).
2. Damage and pollution to the stream and the watershed from the mining
3. The gravel truck and equipment traffic on Cedarcroft would be seriously detrimental to the way of life for those who reside there, would drastically reduce their property values, and would be dangerous for their children and animals.
4. The greatly increased gravel truck and equipment traffic on Bear Creek would be detrimental to the way of life for residents along that road, and a safety hazard (particularly with the limited visibility as the road curves and then intersects with Cloverdale Rd.
5. The potential for a fatal accident at the intersection of Bear Creek and S. Bradford Rd is greatly increased. The heavy trucks may have adequate visibility to stop at Cloverdale but do not seem to have adequate vision to stop in time if a car is entering Bear Creek from S. Bradford Rd.
6. The anticipated increase of traffic (for employees, if not for gravel trucks) on S. Bradford would be detrimental to the way of life for those who reside there. It would reduce their property values, and would be extremely dangerous to drivers, children and animals (in part, because of the blind hillcrest at the S. end of the graveyard).
7. Noise pollution from the blasting and the truck traffic (jake breaks coming off the hill) would be detrimental to the way of life for all within earshot.
8. The anticipated increase in litter because of the commercial traffic would be unsightly.

Having read the above concerns I want to acknowledge that because of these concerns I am against the zone change that is being requested; I don't want a commercial gravel pit at the proposed site.

Signature	Print Full Name
Address	Phone Number
36) <u>Elfriede J. Dubord</u>	<u>ELFRIEDE J. DUBORD</u>
<u>36014 E. WILLS Rd. CRESWELL</u>	<u>895-2230</u>
37) <u>Joseph Dubord</u>	<u>Joseph Dubord</u>
<u>36014 E. WILLS Rd. Creswell</u>	<u>895-3855</u>
38) <u>Hider Kimm</u>	<u>895 2702</u>
<u>390 D STREET CRESWELL</u>	
39) <u>Larry N. Heaton</u>	<u>895-2239</u>
<u>36094 Wills Rd Creswell Or 97426</u>	

40) Signature Address Print Full Name Phone Number
1. Suzanne Jones 895-2897

35731 Wills Rd.

41) Ulla Hacker Ulla Hacker
2. Ulla Hacker

42) 390 D St Orswell, OR 97426 895-2708

43) Robert Armstrong Robert Armstrong

1. 36014 E Wills Rd 97426 895-5596

2. Susan Ordonez
02313 Beard Cr Rd 97426 895-4957

6.
7.
8.
9.
10.

44) ~~48~~ Hilda Mae Petty Hilda Mae Petty
ph. 895-2785 82755 N. Sears Rd - Creswell Ave.

45) ~~49~~ Richard M. Grossman RICHARD M. GROSSMAN
82718 BEAR CREEK RD 895-3332

46) ~~50~~ Emil S. Grossman EMIL S. GROSSMAN emidich@pres45.com
82718 BEAR CREEK RD 895-3332

47) ~~51~~ Elias E. Corndia Vaerman
82716 N. Bear Creek Rd. 895-2790

48) ~~52~~ Janice M. Konow JANICE M. KONOW
82822 Bear Cr Rd. 895-2476

49) ~~53~~ Nancy A. Clark Nancy A. Clark
82838 Bear Cr. Rd. 895-4566

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Having read the above concerns I want to acknowledge that because of these concerns I am against the zone change that is being requested, I don't want a commercial gravel pit at the proposed site.

	SIGNATURE	ADDRESS	PRINT FULL NAME	PHONE NUMBER
			Karen Rich	
50)	<u>Karen Rich</u>	<u>35879 Wills Rd</u>	<u>Karen Rich</u>	<u>895-3633</u>
51)	<u>John Glasburn</u>	<u>35982 Wills Rd</u>	<u>John Glasburn</u>	<u>Creswell, OR 895-2993</u>
52)	<u>Lisa Attyden</u>	<u>35995 Wills Rd</u>	<u>Lisa Attyden</u>	<u>Creswell OR 895-3121</u>
53)	<u>Robert W Keeter</u>	<u>35995 E Wills Rd</u>	<u>ROBERT W KEETER</u>	<u>Creswell 895-3123</u>
54)	<u>Joanne Cordon</u>	<u>34638 E. Cloverdale Rd</u>	<u>Joanne Cordon</u>	<u>Creswell 895-3149</u>
55)	<u>Carl Cartmill</u>	<u>82710 So- Bradford</u>	<u>Carl Cartmill</u>	<u>895-4834</u>
56)	<u>Jerry Hildebran</u>	<u>82950 River Dr.</u>	<u>Jerry Hildebran</u>	<u>895-3459</u>
57)	<u>Iris O Hildebran</u>	<u>82950 River Dr.</u>	<u>IRIS HILDEBRAN</u>	<u>895-3459</u>
58)	<u>Larry Pine</u>	<u>P.O. Box 189</u>	<u>LARRY PINE</u>	<u>Creswell 895-5420</u>
59)	<u>Donald L. Bowers</u>	<u>34184 E. Cloverdale Rd</u>	<u>Donald L. Bowers</u>	<u>Creswell 895-5405</u>
60)	<u>Walter A Sands</u>	<u>83130 N Bradford Rd</u>	<u>Walter A Sands</u>	<u>Creswell, Or 97426 895-5405</u>

- 67) ~~36~~ ³⁶ Denny Rogers Beverly B. Rogers
82724 Bear Cr Rd 895-4948
- 68) ~~37~~ ³⁷ Kathleen D Wells Kathleen D Wells
82724 Bear Cr Rd 895-2041
- 69) ~~38~~ ³⁸ John Menegat Jr John Menegat Jr
82303 N BEAR CRK 895-4283
- 70) ~~39~~ ³⁹ Audrey Menegat Audrey Menegat
82303 N Bear Crk Rd. 895-4283
- 71) ~~40~~ ⁴⁰ Allen R. Murphy Allen R. Murphy
82506 N. Rodgers RD 895-2695
- 72) ~~41~~ ⁴¹ PATRICIA J. MURPHY Patricia Murphy
82506 N-RODGERS RD- 895-2695

Having read the above concerns I want to acknowledge that because of these concerns I am against the zone change that is being requested; I don't want a commercial gravel pit at the proposed site.

	PRINT FULL NAME	ADDRESS	SIGNATURE	PHONE #
61)	A Marie Woods	82846 Bradford Rd Cresswell 7400	<i>A Marie Woods</i>	895-4174
62)	Randy W. Wood	Cresswell GR 97426 82846 BRADFORD RD	<i>Randy W. Wood</i>	895-4170
Dup # 10	ROBERT J. ANTOINE	82771 BRADFORD	<i>Robert Antoine</i>	895-3969
63)	PATRICK J. ANTOINE	82771 BRADFORD RD	<i>Patrick J. Antoine</i>	895-3969
64)	KATRINA J. ANTOINE	82771 BRADFORD RD	<i>Katrina J. Antoine</i>	895-3919
65)	LANNY G. JONES	82719 So. Bradford Rd	<i>Lanny G. Jones</i>	895-4502
66)	Linda M. Jones	82719 So. Bradford Rd	<i>Linda M. Jones</i>	895-4502
73)	JANET E. BURGESS	82613 HEADROW BL.	<i>Janet E. Burgess</i>	895-3303
74)	JEROME S. GARGER	1644 Rosy Turn	<i>Jerome S. Garger</i>	461-4916
75)	Vicki L. Wootten	1644 Rosy Turn	<i>Vicki L. Wootten</i>	461-4916

Having read the above concerns I want to acknowledge that because of these concerns I am against the zone change that is being requested, I don't want a commercial gravel pit at the proposed site.

SIGNATURE
ADDRESS

PRINT FULL NAME
PHONE NUMBER

76) Linda Helmer LINDA LOU HELMER - 895-516
82886 Bradford Rd, Creswell, OR 97426

77) W Helmer William P HELMER
82886 BRADFORD RD, CRESWELL, OR, 97426 895-5168

78) Jean Justice
82725 N. Bear Creek Rd 895-4248

Janet E. Burgess JANETE BURGESS 895-3303
82613 MEADOW LN. CRESWELL, 97426

79) Thomas J Cordor THOMAS J Cordor
34538 E Cloverdale Rd 895 3149

90) 36 Ruth M. Ellison
83648 N Rodgers Rd Creswell Or 995-2588

91) 37 ~~Albert J. Ellison~~ Albert J. Ellison
83648 N Rodgers Rd Creswell Or 746-2025

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Creswell School District

182 South Second Street
Creswell, OR 97426
Phone: 541-895-6000
Fax: 541-895-6019
www.creswell.k12.or.us

Bob Still
83076 North Bradford Road
Creswell, OR 97426

Dr. James P. Ford, Superintendent
jford@lane.k12.or.us

Gay McKinlay, Learning Leader
gmckinla@lane.k12.or.us

Jennifer Heiss, Business Manager
jheiss@lane.k12.or.us

Dear Bob:

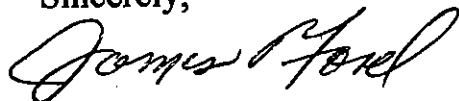
I have spoken with the school board and Cortney Burrus, our transportation supervisor, about the proposed zone change (F-1 to QM) requested by Ross Bradford for his property. District officials feel strongly that such a change would jeopardize the safety of Creswell students who ride school buses in the vicinity of the proposed quarry. We are strongly opposed to Mr. Bradford's application to rezone his property, as outlined above.

Guy "Zak" Zakrevsky, Technology Leader
gzakrev@lane.k12.or.us

Our specific concerns follow. Eight times a day Creswell school buses, while picking up and delivering students, travel on the road where loaded gravel trucks could be traveling every 7-8 minutes. We also have two bus stops in the immediate vicinity of the proposed quarry. And finally, when our school buses turn left off of Bradford Road on to Bear Creek Road, visibility to the right, from where the gravel trucks would be coming, is less than desirable.

For the reasons listed above, we are asking that the request for a zone change be denied. Granting it would seriously jeopardize the safety of our students.

Sincerely,



James P. Ford, Superintendent



Camassia quamash

**Learning
PARTNERS
COMMITTED
to Student
ACHIEVEMENT**

FILE # PA 98-5144
EXHIBIT # 57

January 6, 1999

Lane County Planning commission

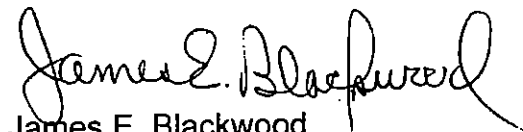
It has come to our attention that a zone change is being considered that would allow the opening of a rock quarry in the Bear Creek area approximately two miles east of Creswell, Oregon.

The opening of a quarry in this area would concern us due to the heavy trucks that would be using Cloverdale Road, Bear Creek Road and possibly other roads on which we operate one of our school bus routes. We would be concerned not only with the size of the heavy trucks but the number of trucks and the number of trips to and from the quarry.

Emerald Junior Academy runs a bus route to Creswell and Cottage Grove Monday through Friday of each week from September 1 through June 10 of each school year. We use Cloverdale Road as our main route from Pleasant Hill to Creswell. At times we have had stops for students on Bear Creek Road also.

Due to the above concerns we are asking that the request for a zone change be denied. If the zone change is granted we would be very concerned for the safety of our students and would request that truck traffic on Bear Creek and Cloverdale Roads be limited during the hours that school buses are using the road for student transportation needs.

Sincerely yours,



James E. Blackwood
Principal

FILE # PA ⁵⁸ 9/44
EXHIBIT # 58

To: Lane County Planning Commission
From: Rick Millhollin
82841 South Bradford Road
Creswell, Oregon
Date: February 27, 1999

File No: PA 98-5144
Applicant: Ross Bradford
BJ Equipment
TRS/TL: 19-02-00 #3500

My name is Rick Millhollin and my wife and I live at 82841 South Bradford Road, less than a mile north of the proposed Bradford quarry site. *[See large map and house picture #1]* We moved here in 1992 after living in the same small house in Eugene for nineteen years. During this time we built our home equity and saved as much as possible with the dream of someday affording a home and small acreage in the country. We purchased our current home because it met two of our primary criteria; a quiet rural neighborhood location on a road with little traffic, and a productive well with good water. We have enjoyed a wonderful quality of life in this peaceful little valley for over six years. Now we and scores of other residents in the immediate area find that quality of life, the safety of our children, and the very worth of our properties threatened by the Bradford quarry proposal. Most of the current residents would not have purchased the homes they currently own if the quarry had been present, and future buyers will feel the same way.

The simple fact is that the primary negative impact of the quarry operation will not be limited to the small circle of denuded forest land surrounding the actual quarry site, but also include the rural residential neighborhood through which the only access roads pass. It is ludicrous to claim that up to eighty-six large gravel trucks per day plus miscellaneous other related traffic, a rate of one every six minutes, is not worthy of consideration as a serious and undesirable impact. The limited operation already conducted last summer had major negative impact on the residences near Cedercroft Road in terms of noise, fumes, and dust pollution. Dust abatement attempts were tardy and left a section of the road an oily mess near the Wild Creek wetlands. The intersection of South Bradford and Bear Creek is already a very dangerous blind corner, and the increased danger to the many vehicles per day passing through it, including school buses, can not be mitigated. *[See intersection pictures #2, #3]* In fact the Creswell School District and Emerald Junior Academy both oppose the rezoning because of the traffic danger to the children riding their buses.

Weather permitting, my wife walks daily on many of the effected roads for exercise and pleasure, often joined by friends from out of the neighborhood. Other families, many with children, use these roads for walking, bicycling, and horseback riding. These activities were largely curtailed during the previous summer operation, and would be totally impossible to continue safely given the proposed traffic. Yet we are told that these roads are not considered a part of the primary impact.

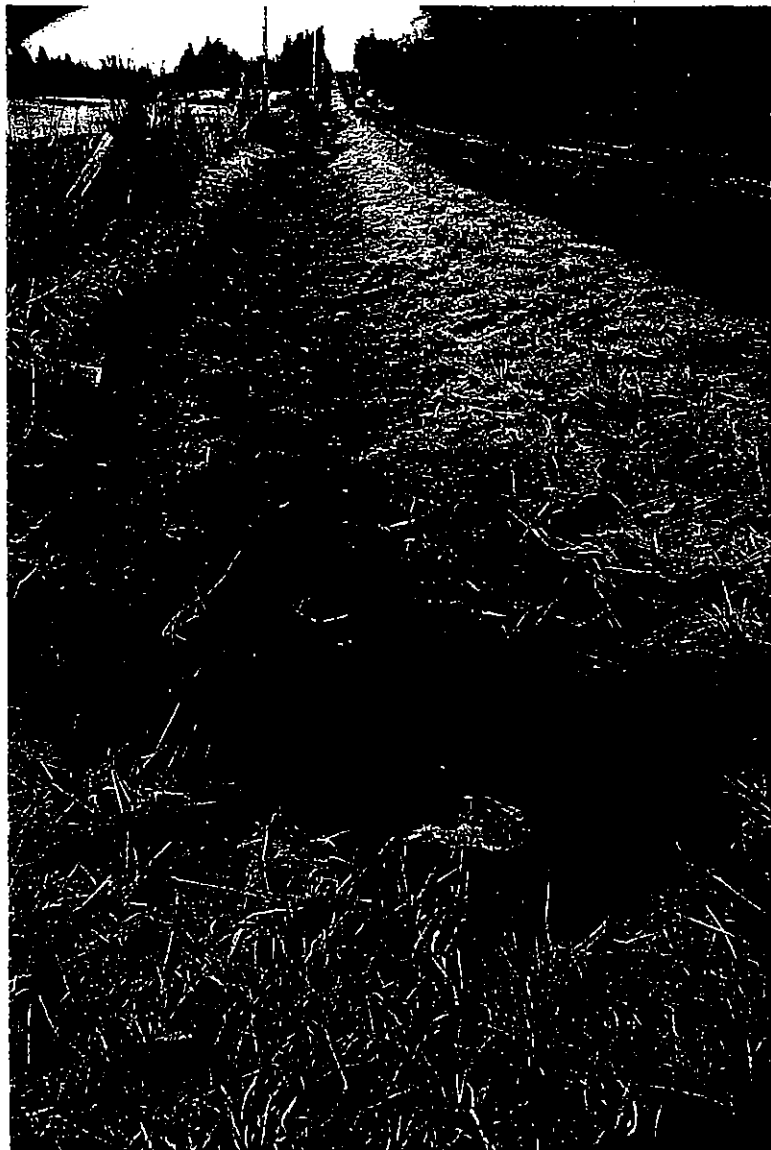
The proposed quarry site lies at the top of the north-sloping drainage into Wild Creek and Bear Creek. A large number of residences are dependent on this aquifer for their well water. Water availability varies widely in this area, with some wells providing good volume while other are barely adequate. For example our well produces over twenty-five gallons per minute while the neighbor's located approximately fifty feet away is deeper and produces less than five. Several residents have drilled multiple wells to obtain a suitable water supply. There is no way to guarantee that the blasting, excavating, and runoff would not have negative consequences on this

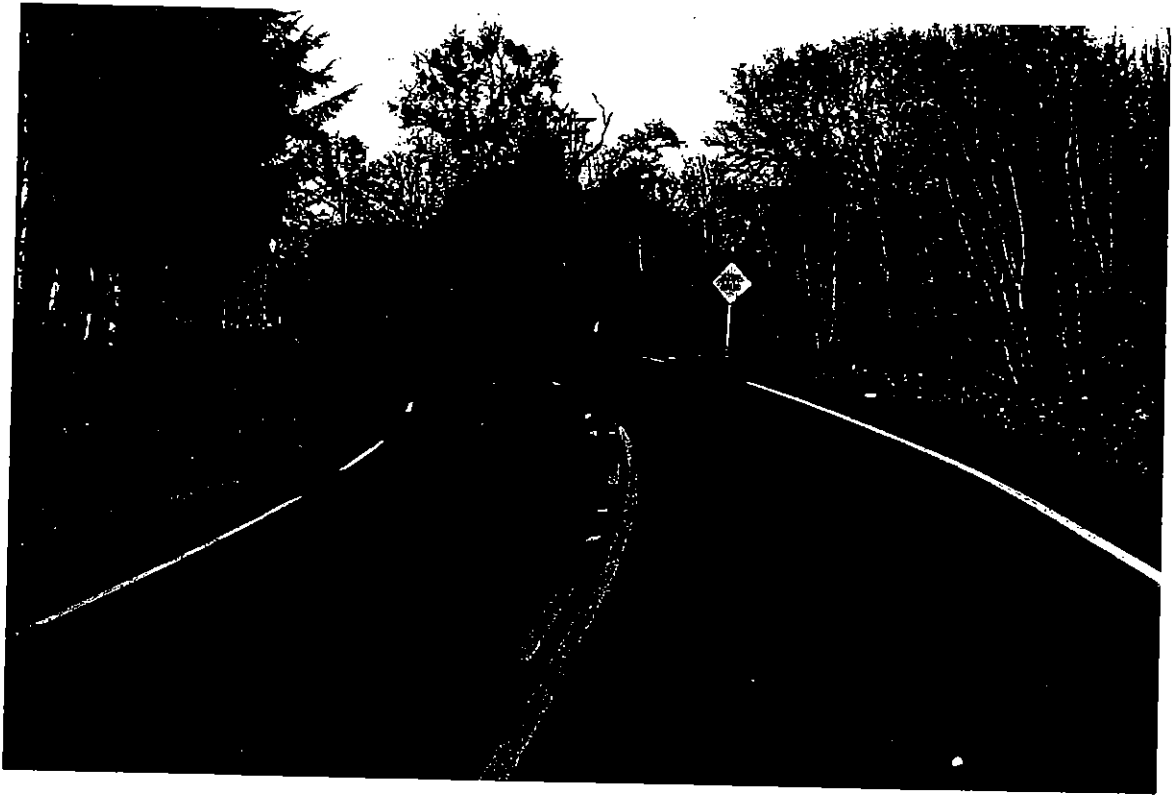
FILE # PA 98-5144
EXHIBIT # 59

unpredictable groundwater supply. Claims that runoff could be completely contained and not enter the groundwater or downhill streams carrying leachates and other undesirable materials during times like this winter seem highly dubious. Inspection of another quarry on Sears Road reveals significant amounts of such materials in the site and bordering ditches. *[See quarry picture #4]*

When I was younger living in Medford, our then new family home was situated downhill and probably somewhat over a mile from the hilltop construction site for the Rogue Valley Manor. During the process of conducting the same type of hilltop removal operation, considerable structural damage was caused to our house by the blasting. The fireplace, hearth, chimney, and patio all had to be replaced. Houses on either side were unaffected, but others around the neighborhood were similarly damaged in an unpredictable manner. The fact is that despite assurances, blasting damage to homes can not be ruled out with any degree of certainty. Damage to the aquifer is also at least a possibility, and would be catastrophic to well owners if it occurred. At best the blasting would be, and already has been, quite noticeable to residents across a wide area to the north of the site due to the shape of the valley, and is not compatible with existing residential land use.

For these reasons, I respectfully request that the application for rezoning submitted by Ross Bradford be denied. My feelings are shared by over eighty other citizens who have signed the petition to this effect, almost every one of them a resident of the immediate area. The application completely ignores the true residential nature of nearby properties, and would have serious negative social and economic impact on scores of families living on the over eighty residences in the neighborhood. *[See large map]*





February 18, 1999

Dear Sirs,

I have one major objection to the rock quarry. It is the safety of my children. They are in grade school and middle school (grades 3 and 6). They frequent Bear Creek Road on foot, bicycle and pony. It is bad enough with the occasional log truck and rock truck as the road is narrow with little or no shoulder for traffic other than cars and trucks.

I think you will agree that trucks of this type are usually in a hurry to get where they are going.

I have objections such as noise and air pollution (dust) which will surely affect our neighborhood for the worse. Nobody would like to have this increased traffic in his or her front yard. But, the safety of my children goes to the top of the list.

If for no other reason this project should be stopped or at leased postponed until the road can be made safe for all users.

Thank you for considering my opinion.



Chuck Swenson

FILE # PA 98-5144
EXHIBIT # 100

Quarry Comments for Hearing

I am Gerald Fleischli, 34977 Meadow Lane, Creswell, OR, 97426-9469.

To paraphrase Samuel Johnson: "It really concentrates the mind to contemplate one's own hanging". Anticipating this hearing has concentrated my mind.

Because of the alertness of our neighbors, we became aware of the threat to our neighborhood roughly six months ago. My wife and I have spent many sleepless nights trying to figure out how to explain to you why the proposed zoning change is not in the best interests of our neighborhood or the county. The sleeplessness was worsened by considering what our life might be like if we were not successful and had to live with the horror of this quarry operation in our backyard. Should we move? Should we forget our dreams of country living and inviting grandchildren to play here? How might we deal with this tragedy if we were unable to persuade you of the inappropriateness of such a zoning change? I do not know the answer to these nightmarish questions, but just appreciate the opportunity to present what I see as the facts and the issues.

Fact: Fumes from diesel trucks make some people sick. Have you ever wondered why even tailgaters don't drive close behind busses? Remember the last time you were stuck behind a bus in traffic? That's why my wife gets nauseated working in our yard with the gravel trucks going by. She has had to stop working on occasion because of this.

Fact: People can sprain or break their ankle stepping on chunks of aggregate lying on an otherwise flat road. Because of this our neighbor nicknames these chunks "ankle breakers". I've gathered a whole bag of these "ankle breakers" that fell off the trucks last summer. I'd normally think nothing of this, except that my mother years ago actually broke her ankle stumbling on a chunk smaller than these.

Fact: The surface water flow from the proposed quarry site is into the Wild Creek valley. This is shown by carefully analyzing topo maps in relation to that site. (Vicki shows overheads) It has also been observed in person by my wife and I as we walk along Cedarcroft and South Bradford roads, noting the direction of streamlets that pass near or under the road. Groundwater would likely have a similar flow, as it also tends to follow gravity.

FILE # PA 98-5144
EXHIBIT # 61

Fact: The Wild Creek valley distorts the way sounds travel. On our walk along South Bradford road we noted that at certain spots the traffic on Bear Creek road could be heard as if it were almost next door. Yet fifty feet further on, it couldn't be heard at all. The effect is similar to the well-known acoustics of a concert hall where whispers can be heard across the hall but not by those in the middle. The blasting sounds and shock waves seem to be similarly affected by the shape of the valley.

Fact: Hearing health can be damaged by noise. OSHA sets a limit of 85 dB for continuous noise exposure to avoid hearing loss. Truck traffic has been estimated at 90 dB, which exceeds that limit for those next to the traffic, such as my wife and I in our arboretum.

Fact: the original application and its two amendments contain many errors, inaccuracies, omissions and misleading statements. Curiously, all of those I've identified favor the applicant. For example:

The applicant would like us to believe that the area proposed for the quarry is not suited for forestry. Yet of the 40 acres proposed for rezoning, all but one acre (soil type 10) were designated for some type of tree planting in the 1984 timber management plan. This is a conflict with Goal 4.

The applicant further confuses the issue regarding conflicts by suggesting these only relate to the actual quarry operations themselves when an OAR (660-23-180(4)(b)(B)) clearly requires consideration of access roads to the nearest arterial. They've identified the nearest arterial as Cloverdale Road (p.10) and access to that includes Cedarcroft and Bear Creek Roads. The applicant just ignores the many conflicts this implies, as if no one lived here.

It is weird that they state "noise, dust or other discharges associated with the transportation ... are not an issue" (p.8), when an OAR (660-23-180(4)(b)) states "the local government shall limit its consideration to ... noise, dust or other discharges..."

At multiple points the applicant suggests that weighing ESEE consequences is pointless, as there are no conflicts. As mentioned above there are multiple conflicts which the applicant ignores. The ESEE consequences **must** be analyzed in relation to this proposal.

Having presented some facts let me move on to some issues:

1 - Credibility of the consultants:

The applicant has presented opinions from many **paid** consultants.

The acoustical engineer tries to give the impression that we won't hear any noise from the quarry operation. Yet many of us have personally felt the windows rattle from the blasting. This consultant totally ignores the noise of gravel trucks rumbling by our homes. I've tried to sneak up on frogs chirping in the gullies but, as quiet as I try to be, they hear me and stop chirping. I'm sure they stop chirping when the gravel trucks go by, although I can't verify this because of the noise of the trucks. If they stop chirping, they don't mate and our frogs (an environmental indicator) will be extinct.

The traffic engineer in June 1998 noted no significant grooves or cracks. In October, after the brief Summer quarry operation, we noted crumbling at the corner of Cedarcroft and Bear Creek Roads. It was clear to **us** that the roads cannot handle this level of traffic and indeed the planning department has recommended 3 - 5 inches of asphalt overlay for strengthening. This recommendation poses significant difficulty to us in getting our lawn tractor on and off of Cedarcroft to maintain our arboretum, as well as unnecessary costs to the county.

The geologist indicates no adverse impact on groundwater. I recall an article in the Register Guard (1/7/98 from AP-) "Traces of plutonium from a test blast in the Nevada **desert** migrated nearly a mile through groundwater ... Until recently it was believed that significant amounts of plutonium would not move through groundwater..." I'm sure millions of government research dollars went into this issue years ago, showing groundwater wouldn't be contaminated. They were wrong. How sure can we be of this geologist's assessment? In a section on failures of engineering geology (in *The Heritage of Engineering Geology*, p. 491) I note "The water drained from the network of faults throughout the San Jacinto Mountain during the tunnel construction depleted the normal supply of ground water to springs and wells in the vicinity ... up to 20 km away."

Confidence in mitigation:

I find fascinating the list of mitigating restrictions the applicant has "voluntarily" subjected himself ~~or herself~~ to, even though, in their words "no conflicts have been shown to exist." (p.15) Already they have violated some of these restrictions, some of which are not even voluntary but requirements imposed by regulating agencies. Why would they voluntarily impose restrictions in the absence of any conflict? Why would they violate those which were externally imposed? Could it be that they recognize there really are major conflicts with this proposal and they hope to assuage concerns by empty promises?

All the applicants' promises to behave remind me of the controversy surrounding the paroling of pedophiles into neighborhoods. People are fearful that the pedophiles' histories demonstrate a lack of regard for the law and they demand notice and recourse. When the pedophile violates the terms of his parole he is sent back to prison. But our case is different. If mitigation efforts are violated we cannot revoke the rezoning. The violator is merely sent a letter. The violator is free to violate again and again. Perhaps we need a compliance office with power to revoke a zoning change.

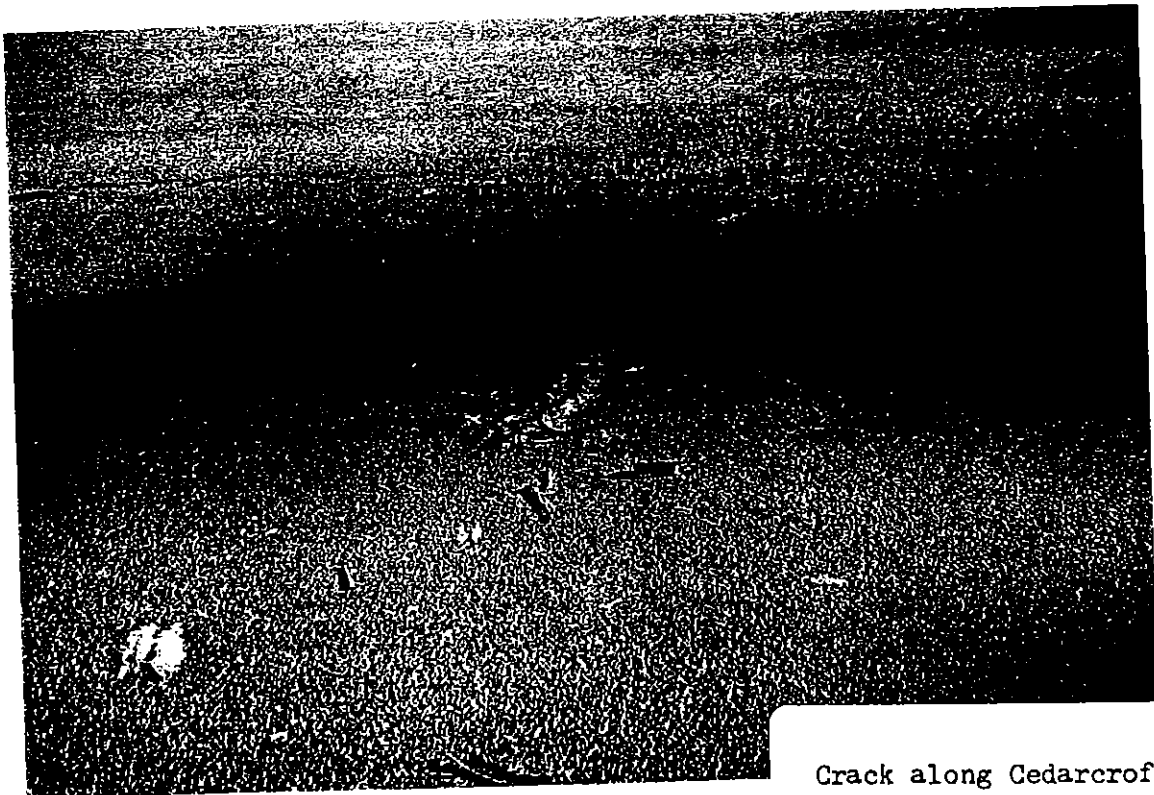
Role of Planing Commission and Board:

I note that "The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public **health, safety**, order, convenience, prosperity and **general welfare**." (LC 16.400(1)) My limited past experience and observations of the operation of the law is that the role of juries is to apply human values to resolution of conflicts. We often see where juries make decisions that, according to strict application of the law are in error, but when we look at them through human eyes and values we all agree with the jurors. I consider this planning commission, and the Lane County Board, as analogous to a jury. I am not a legal expert obviously. Just a citizen. I am hoping that the Commission has the power to decide the proper course of action that would recognize these human and community values.

In the midst of nightmares about our hanging, it helps to look for something positive. The positive that Linda, my wife, and I have found is the commonality that we have discovered with our very special neighbors in the lifestyle we seek. Yet none of us want to be hanged. We have done nothing wrong. We beseech you to allow all of us to pursue our common dream. Please find us innocent, commute the hanging, and deny this quarry application. We would like this horrible contemplation of hanging to end. Thank you.



Corner of Cedarcroft &
Bear Creek
Shoulder is crumbling



Crack along Cedarcroft
(Notice pen knife)

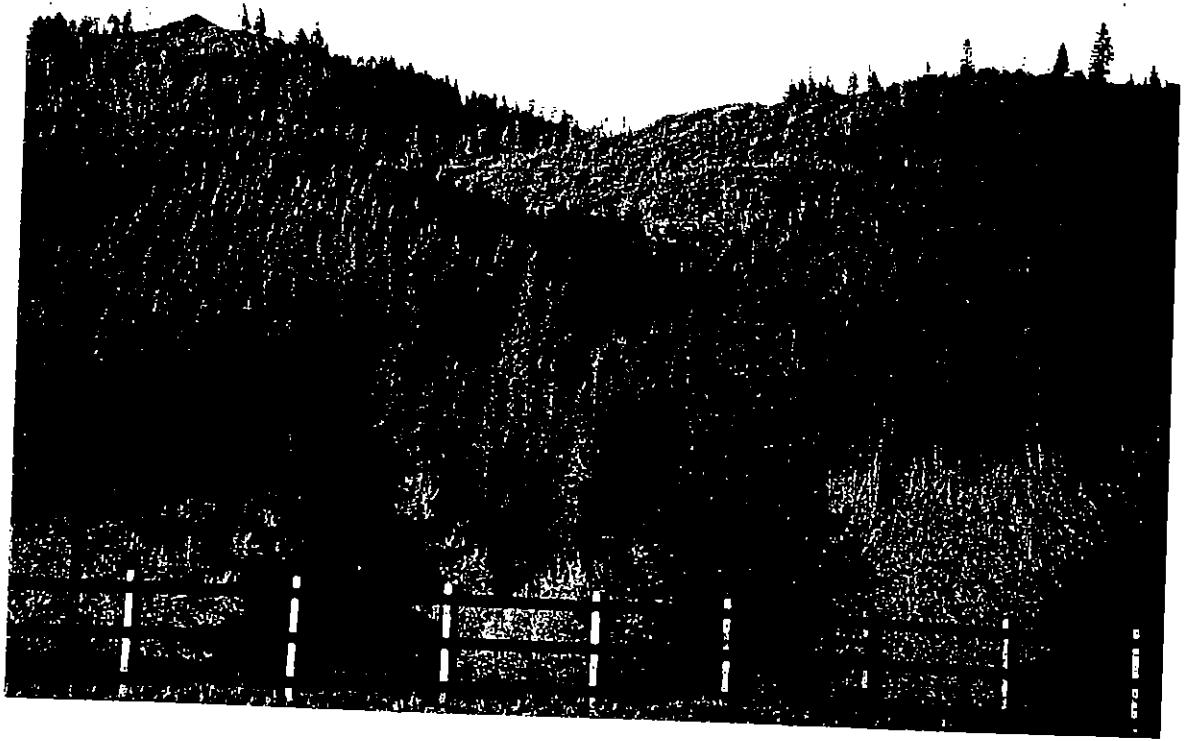
February 24, 1999

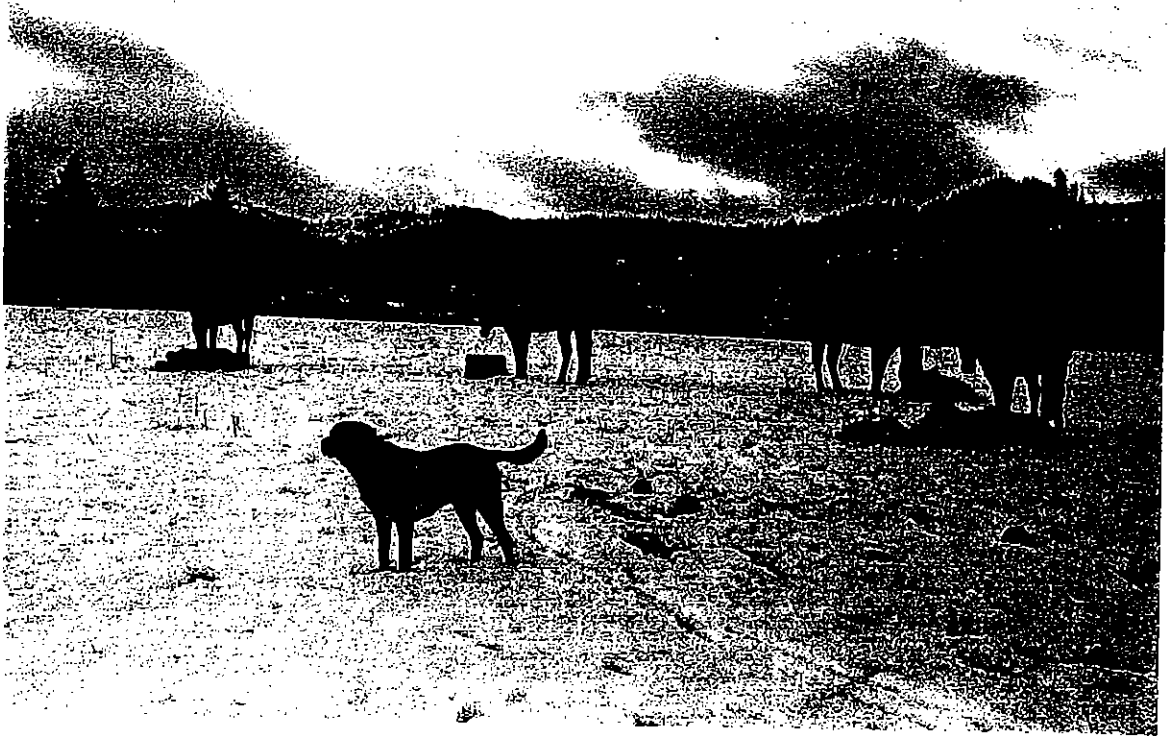
My name is Marla Swenson. I have lived in Lane County all of my life, except for a few years when I lived in Corvallis and attended Oregon State University.

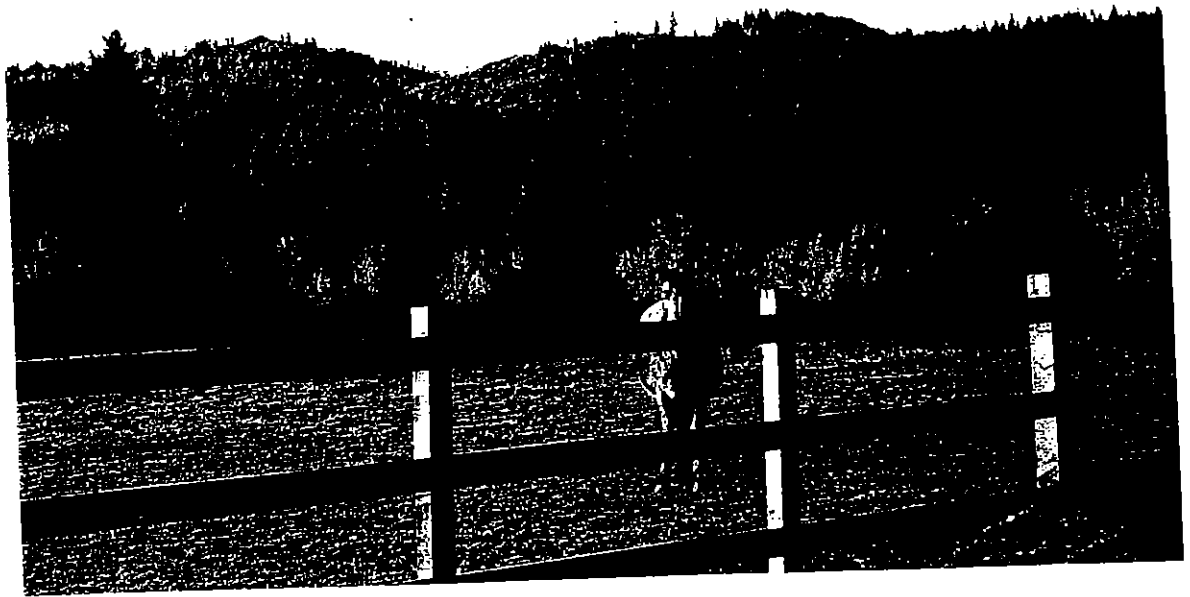
I grew up a country kid with horses and the outdoors as my hobbies. I also grew up with my father owning the largest quarry rock facility in Lane County. He's been in the quarry business for approximately 40 years. Quarry rock is in my blood. I worked there many summers and I can attest to the dusty, dirty, noisy nature of the business. He and I have had discussions regarding the proposed zoning change. He recalled a similar instance at his quarry in 1970. He was wanting to push a road through in an area that had residential homes. The County declined the quarry's request due to increased noise, dust and traffic, which would affect these people and their homes. The residents made known their resentments of these undesirable possibilities. The quarry could only use a road which was, and still is, accessed through an industrial area. We also discussed the many claims and subsequent payments to the unhappy home owners at the base of the quarry. Mining rock out of a river is a different process than drilling and blasting rock out of a quarry. Structural damage due to blasting was a constant complaint and a big pay out.

I am hopeful that you, the commissioners will take the time to carefully consider all the options available. We already have a rock quarry less than 3 miles from us. Please research what is best for this timberland and hear the voices of a neighborhood and not just the request of an individual.

FILE # PA 98-5144
EXHIBIT # 42







Lane County Planning Commission:

Subject: Proposed Bradford Quarry - File Number PA98-5144

Hello, My name is Bob Meyers. I have lived at 82701 S. Bradford Road with my family for 11 years. My property shares over ½ mile of common boundary with applicant Ross Bradford's property.

I oppose this application and urge the planners deny it. If permitted, this project would in effect encircle a quiet, rural residential neighborhood with a full-scale industrial complex. The proposed quarry operation would directly conflict with other Goal 5 resources and planning objectives.

The application frequently relates the proposed quarry operation to forest products activity of the area. This is not a fair or accurate comparison. Forest Products activity, such as timber production and harvesting, has proven over the years to be quite compatible with this rural-residential neighborhood, the rock quarry, in its brief, perhaps illegal operation, has already demonstrated blatant conflicts with existing, zoned, legal uses. The typical forest products scenario consists of a timber harvest, logs are hauled, the hauling completes, trees are replanted and the long term cycle begins again. A long period of peace and quiet begins. The next disturbance to a particular area of timber harvest will not be likely in any one generation's lifetime. Any disturbance to a residential area is for the brief, transitory period of time that it takes to harvest the product. My personal experience in the area has shown this is exactly how the process works. **This is not even close to the conflicts that would occur with the operation of a full-scale, full-time rock quarry.** The rock quarry is a continuous assault on every amenity a rural residential area possesses. I have personally experienced serenity and quiet transformed into a continuous, low frequency rumble of heavy equipment operating at a distance, enduring all the daylight hours; and this continuous annoyance, punctuated by the occasional shock of blasting, distressing to humans, farm and domesticated animals alike.

An important component of Goal 5 is preservation of forestland, wildlife habitat, and open spaces. The applicants addressing of conflicts with wildlife habitat are skimpy at best, not realistic and downright unacceptable. Nearly every outdoorsman in South Lane county can tell you something about the famous "Sears Road Herd" – a vigorous herd of elk who have chosen the area to the east of Sears Road as their home. I think I recall this same herd has been the subject of feature articles in the Register Guard over the years. The proposed quarry, and its access route lie at the heart of a large segment of habitat used by this herd. I personally have observed regular, consistent patterns of herd movement that directly cross over the proposed quarry site. I have counted herd sizes from 30 to 115, including large numbers of calves, in my front yard and pastures. All Elk access to my property, as well as any property to the north of the proposed quarry will require the elk cross directly though the quarry area. I want to hear someone tell me that

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cow elk are going to lead their calves directly through an area of heavy equipment operation, rock crushing, blasting, and trucks crossing as close as every 3-15 minutes. That just will not happen. I have personally observed the herd foraging, bedding and occupying the area of impact of the proposed quarry.

The applicants may argue that this herd is flourishing; and most would agree it has over the years. That actually supports the notion that this habitat is especially important, unique, and must be preserved. I worked in the forest products industry for over 10 years cruising/surveying timber stands throughout the Cascade range and foothills, on BLM, Forest Service and private timberlands. One quickly realizes (and any experienced Elk hunter will verify) that thriving big game herds are not common everywhere – there are certain habitats where they thrive, others where they never establish, die out or move away. The historical evidence of the habitat in and around the proposed quarry site overwhelmingly demonstrates the right conditions to foster healthy populations of big game animals. This habitat resource will be directly threatened if the proposed quarry is permitted.

The shallow wording and coverage of the application states, with regard to Impacted Big Game Habitat: “No conflict with wildlife are apparent or likely. Previous mining has taken place in the site without conflicts”. Please permit me now go on the record for a second time that there are likely conflicts. For many years there typically were several “Elk herd occupations” on my land each year, especially during certain times of the year. Last year I went on record via an official Oregon Dept of Fish and Wildlife “landowner survey” that I have observed NO elk on my land, or adjacent lands, as well as a drop in evidence of visits by elk herds, such as droppings, herd trails and other signs.

In summary, the many reasons this is not a good site for a rock quarry are overwhelming. Please show us the planning system works and deny this application. Do not permit valuable, proven wildlife habitat to be destroyed or damaged by a zone change. Do not permit an industrial operation to destroy a neighborhood community of legal zoned rural residences.

Robert P. Meyer

To: Lane County Planning Commission **File No:** PA 98-5144
From: Diane Lane **Applicant:** Ross Bradford
82841 South Bradford Road BJ Equipment
Creswell, Oregon **TRS/TL:** 19-02-00 #3500
Date: February 28, 1999

My name is Diane Lane and I live at 82841 Bradford Road. My husband and I bought our home and small acreage in 1992 after living in Eugene for 20 years.

I am a third generation Oregonian. I grew up in north Douglas County near the ranch where my great-grandparents settled in the late 1800's. My family raised cattle, sheep, horses, pigs, turkeys and chickens as well as many of our own fruits and vegetables. As usual in a ranching family, all members of the family, and occasionally friends and neighbors, were involved in the care and feeding of animals and harvesting of crops. This instilled in me a deep sense of caring and protectiveness for the land, wildlife and community that are a vital part of our livelihood.

I grew up roaming the hills and valleys of Douglas County as well as enjoying all manner of outdoor activities around the state of Oregon. This pursuit of outdoor activities is still extremely important to both my mental and physical health. A large part of choosing this area was the availability of my normal outdoor pursuits.

I walk or bicycle almost daily, frequently with friends and relatives, on many of the roads that are impacted by the proposed quarry. These walks take me through areas that are teeming with wildlife, much of which is on or adjacent to the proposed quarry site. Many times I have watched the resident elk herd grazing on the grasses and blackberries in this area. Two of their favorite areas to browse are on the hillside immediately below the proposed quarry and a clear-cut just below this hillside that has abundant blackberries. In fact, I found fresh droppings and signs of browsing as I walked on this hillside just yesterday. I see numerous signs of bear and cougar in this area. The bear leave their droppings and their butt prints next to the berries they love to dine on. I have plaster casts of the footprints the mother bear and her cub left on one of the trails. I constantly observe deer grazing, hawks and bald eagles hunting, and other birds and wildlife too numerous to list.

This past summer my walks were disrupted by the constant stream of trucks going to and from the quarry site. While all roads in the area are narrow, the road to the quarry is a steep one-lane gravel road with few turnouts. Since there are no shoulders on this road, I was frequently forced to step off into the brush and endure the dust, rocks and fumes from the trucks. Within a short period of time this road was covered in oil leaked by the trucks as they struggled to maneuver the steep terrain. Much of this oil could be observed where the road crosses Wild Creek and the neighboring wetland area. Many times the smell was so strong it was almost overpowering.

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As recently as last spring, I observed beaver working on their dams in this section of Wild Creek. Sometime during the late summer months when the quarry was active and trucks were roaring up and down the road, the beaver and their partially completed dam disappeared. Most of the neighboring families have expressed similar interest and concerns for the wildlife in our area. We are here because we love to observe the wildlife out our back doors! The wildlife that I love to see and hear virtually disappeared whenever trucks were present.

Because of my background, I am deeply respectful of the need to preserve the rights of the individual landowner. However, I was raised with a strong sense of community and the need to look out for the well being of **everyone** in the area. The proposed quarry would benefit one individual landowner at the expense of **all others** in the community. **This is not in the best interests of the citizens of Lane County.** Therefore, I strongly urge you to deny this application for rezoning.

Thank you for your consideration, and I will be available to answer any questions that you have about my concerns in this matter.

Rezoning Narrative

My name is Linda Fleischli and I live at 34977 Meadow Lane.

My husband and I bought our small acreage in 1991. Much of our land runs adjacent to Cedarcroft on the west side. (The gravel trucks come down Cedarcroft which connects to Bear Creek Road.) We have cleared this land of black berries, poison oak and other brush so that we may enjoy the existing trees, springtime native flowers, summer ferns and local wild life. I have also begun planting lavender, rhodies, andromeda and many other flowers and shrubs. We're trying to develop an arboretum.

Our home lies just west of this mini forest/garden. West of our home is our holly orchard which includes about 150 trees. We have a seasonal business when the demand for the holly is high.

There is an aesthetic quality in this neighborhood which our neighbors recognize. Most of the residents here have a " pride of ownership" which also adds to the area's beauty.

Last summer the beauty of this environment became challenged. Industrial-size trucks (sometimes 2 at a time) hauling rock came down Cedarcroft from dawn to dusk. The fumes from the trucks caused me to become nauseated when I gardened along Cedarcroft. The problem with our beautiful, still air in this part of the valley is that fumes tend to linger, sometimes as long as an hour. You can see the fumes in the attached picture.

Dust covered the plants as well as some of the holly orchard. Rocks fell onto the road and made it more difficult to walk along. Dust covered every flat surface in our home. If you have ever lived where new construction is going on, you well know what I am referring to. To live with this on a permanent basis would be a house keeper's nightmare.

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My family has enjoyed sitting under the trees during the summer. The noise from the trucks became very annoying (particularly on Sundays). The main reason we purchased our home here is to use and enjoy our land. The quarry activity has a chilling effect on this use and enjoyment.

We have a choice now--to preserve and continue to enhance this neighborhood or to alter it forever. I implore you to make the right choice and deny the application.

Thank you.

Linda Fleisckli