

7328400

side of the center line of the present existing graveled road located on the following described property:

The South one-half of the Southeast one-quarter of Section 19 Township 19 South Range 2 West of the Willamette Meridian in Lane County, Oregon.

beginning at the Quarter Corner common to Sections 19 and 30 Township 19 South Range 2 West of the Willamette Meridian in Lane County, Oregon, and running North along the center line of said Section 19 to the south line of the John Booy D.L.C. No. 18; thence west along the said south line to the southwest corner of said plain and continuing west on a line straight with said south line for a total distance of 320 feet; thence south on a line parallel to the center line 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.

The Northeast quarter of the Northwest quarter of Section 30 Township 19 South, Range 2 West of the Willamette Meridian, Lane County, State of Oregon.

Lot 2 of Section 19 Township 19 South Range 2 West of the Willamette Meridian in Lane County, Oregon.

3. Jack L. Bradford and Gloria L. Bradford do hereby grant, bargain, sell and convey to Frank G. Bradford and Vera J. Bradford, husband and wife, Ross H. Bradford and Norma L. Bradford, husband and wife, Bettie L. Troxclair, Edward T. Troxclair and Robert J. Troxclair, a non exclusive easement and right of way for roadway purposes sixty (60) feet in width extending thirty (30) feet on each side of the center line of the present existing graveled road located on the following described property:

The Southeast one-quarter of the Northwest one-quarter of Section 30 in Township 19 South, Range 2 West of the Willamette Meridian, Lane County, Oregon.

4. Bettie L. Troxclair, Edward T. Troxclair and Robert J. Troxclair do hereby grant, bargain, sell and convey to Frank G. Bradford and Vera J. Bradford, husband and wife, Ross H. Bradford and Norma L. Bradford, husband and wife, and Jack L. Bradford and Gloria L. Bradford, husband and wife, a non exclusive easement and right of way for roadway purposes sixty (60) feet in width extending thirty (30) feet on each side of the center line of the present existing graveled road located on the following described property:

7328100

The North one-half of the Southwest one-quarter and the Southwest one-quarter of the Northwest one-quarter of Section 30, Township 19 South of Range 2 West of the Willamette Meridian, in Lane County, Oregon.

5. It is mutually understood and agreed that these easements shall run with the respective lands of the Owners.

IN WITNESS WHEREOF the parties have caused this mutual easement to be executed this day of June, 1970.

Frank G. Bradford
FRANK G. BRADFORD

Jack L. Bradford
JACK L. BRADFORD

Vera J. Bradford
VERA J. BRADFORD

Gloria L. Bradford
GLORIA L. BRADFORD

Ross H. Bradford
ROSS H. BRADFORD

Bettie L. Troxclair
BETTIE L. TROXCLAIR

Ross L. Bradford
ROSS L. BRADFORD

Edward T. Troxclair
EDWARD T. TROXCLAIR

Robert J. Troxclair
ROBERT J. TROXCLAIR

STATE OF OREGON,)
COUNTY OF LANE.) ss

Personally appeared the above named FRANK G. BRADFORD and VERA J. BRADFORD, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated: June July 7, 1970

Arlene L. Hamilton
Notary Public for Oregon
My Commission Expires June 25, 1974

STATE OF OREGON,)
COUNTY OF LANE.) ss

Personally appeared the above named ROSS H. BRADFORD and ROSS L. BRADFORD, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Dated: June 1970

Raymond
Notary Public for Oregon
My Commission Expires 7-70-74

STATE OF OREGON,
COUNTY OF CLATSOP,

Personally appeared the above named JACK L. BRADFORD and
his wife, and acknowledged the foregoing
instrument to be their voluntary act and deed. Before me:

Witness my hand and seal this 14th day of June, 1970

Patricia Lee
Notary Public for Oregon
My Commission Expires: 11-13-71

STATE OF OREGON,
COUNTY OF CLATSOP,

Personally appeared the above named BETTIE L. TROXCLAIR
and acknowledged the foregoing instrument to be her voluntary act
and deed. Before me:

Witness my hand and seal this 15th day of June, 1970

Ann Edwards
Notary Public for Oregon
My Commission Expires: 3-7-71

STATE OF OREGON,
COUNTY OF CLATSOP,

Personally appeared the above named EDWARD T. TROXCLAIR
and acknowledged the foregoing instrument to be his voluntary act
and deed. Before me:

Witness my hand and seal this 17th day of June, 1970

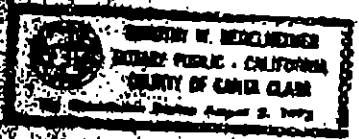
John F. F.
Notary Public for Oregon
My Commission Expires: December 22, 1970

STATE OF OREGON,
COUNTY OF CLATSOP,

Personally appeared the above named ROBERT J. TROXCLAIR
and acknowledged the foregoing instrument to be his voluntary act
and deed. Before me:

Witness my hand and seal this 23rd day of June, 1970

Dorothy N. Hegelheimer
Notary Public for Oregon
My Commission Expires: Aug 2, 1972



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State of Oregon
County of Linn
I, B. M. [unclear], Registrar of the
Department of Recording & Elections,
do hereby certify that the within and foregoing are
correctly recorded for record in

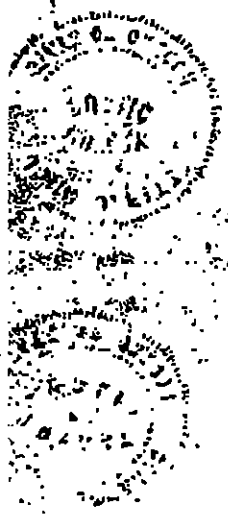
WTS JUN 21 PM 2 06

Book 643 R

Linn County OFFICIAL, Registrar,

D. M. [unclear], Director of the
Department of Recording & Elections,

[Signature]
DMS-041-09



File Copy

MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room -- 125 East 8th Avenue

March 2, 1999
7 p.m.

PRESENT: Stephen Moe, Chair; Clay Myers, Pauline Rughani, Juanita Kirkham, Heidi Pollock, members; Jerry Kendall, Thom Lanfear, staff.

ABSENT: Chris Clemow, Marion Esty, Carrieanne Davis, members.

Mr. Moe called the Lane County Planning Commission Public Hearing to order and made changes to the agenda to allow the most people to leave earlier because of a severe storm.

PUBLIC HEARING

1. Approval of Minutes

Mr. Myers, seconded by Ms. Davis, moved to approve the minutes of January 5 and January 19, 1999. The motion passed unanimously.

Mr. Moe stated that because of the storm and the number of people wanting to testify, Item 4 would be moved to the front of the agenda. He stated that election of officers would be continued to another meeting.

2. PA 98-5144

Mr. Lanfear submitted the application to the commission and introduced the applicant and his representative. He described the location of the site in question. Mr. Lanfear also suggested that the Planning Commission follow the procedures in the staff report and leave the record open or continue the hearing.

Mr. Moe asked for the applicant's statement.

Jim Spickerman, 975 Oak Street Suite 800, representing the applicant, BJ Equipment company. He stated that the proposal was a quarry operation and not an asphalt patch plant. He said that all access to the site would be on Bear Creek Road to Cedar Croft Road. Mr. Spickerman indicated the site on an access map that he had prepared. He said that the site connects to a private road on the applicant's property and that South Bradford Road would not be utilized. He showed the commission the 1,500' impact area that the administrative rule spoke of. He also showed a 2,100' range and stated that by that distance all noise from the quarry would be reduced to residential acceptable levels according to the Department of Environmental Quality (DEQ) standards. He stated that the first residential home is approximately 3,300 feet to 3,400 feet from the site. He said that the main area of concern was along Cedar Croft Road, close to a mile from the site.

Mr. Moe asked about RR5 zoning in the area. Mr. Spickerman replied that it was an RR5 property.

Mr. Spickerman stated that the forest soil in the quarry area was very thin and that it was the rock underneath that soil that the applicant wanted. He said that the Goal 5 rule was made to avoid the emotional arguments that cloud the issue. He said that the quarry would meet the DEQ requirements for air, water, and noise. He went on to say that BJ Equipment is under no requirement to resurface roads. He also said that BJ would accept dust retardant as a condition of the permit.

Ms. Rughani asked about the frequency of blasting at the site. Mr. Spikerman clarified the frequency of blasting.

Chris Jeremiah, the general superintendent for BJ Equipment Company, provided the commission with background information on the company.

Mr. Phelps asked about comparison decibel levels of blasting operations at other sites mentioned in the applicant's report. Mr. Jeremiah said that those figures were correct, and went on to add that this site was an ideal location because it was so far away from residential areas. He said that fly rock and the vibration from blasting would not be an issue.

Ms. Rughani asked Mr. Jeremiah to show on the map where the quarry property ended and residential property began. Mr. Jeremiah indicated the property on the map. Ms. Rughani asked about the chemicals used in the mining process. Mr. Jeremiah replied that the chemicals were only the diesel fuel that was used in the trucks and equipment and ammonium nitrate-based explosives.

Mr. Phelps asked if the blasting crews would use the same practices that they would use if they were blasting in closer proximity to residential areas. Mr. Jeremiah replied that all of the blasters were licensed both federally and by the State and that they took their profession very seriously.

Mr. Moe opened the public testimony part of the hearing and asked that each person limit themselves to three minutes.

Doug DuPriest, the attorney for the Bear Creek Neighbors, spoke about concerns of the neighbors about traffic impacts, wildlife and big game impacts, and agricultural impacts. He submitted the Goal 5 rule itself as evidence and recognition that houses are sensitive to the kind of discharges the quarry would make. He asked the Planning Commission to make a site visit and stressed the importance of the commission actually seeing the area to make an informed decision. He listed intersections that would be effected by the increased truck traffic. He mentioned that the truck route was also a school bus route. He said that the applicant's traffic study was not adequate for the area and that the Planning Commission should take traffic safety seriously.

Mr. DuPriest went on to mention the impacts on wildlife and big game in the area. He said that the applicant had underestimated the quality of the big game range in the vicinity of the quarry. He cited the nature of the information contained in the applicant's report to show the inadequacy of the study done. He showed forage areas and areas identified as security cover that would be effected by the quarry. He read a quote from a wild life biologist discussing the effects of the quarry on the area.

Discussing the impact of the quarry on agricultural use, Mr. DuPriest discussed farm animals' sensitivity to blasting vibrations and human disturbance. He said that the level of analysis provided so far with respect to impacts on EFU land is not sufficient to comply with the Goal 5 rule.

Regarding Forestry, Mr. DuPriest said that the proposed quarry property had a forest plan designation and was in an F1 zone.

Rick Millhollin, Bradford Road, read a statement from the community that said the community was united in opposition. He had a petition signed by the residents of the effected area.

Bob Antoine of South Bradford Road talked about safe stopping distances and the increased truck traffic. He mentioned that the intersection of South Bradford Road and Bear Creek is on a curve and on a down grade. He said that this did not allow much of a safety zone for trucks breaking in different kinds of weather conditions. He stated that there was no shoulder on the intersections where loaded trucks would be passing every eight minutes.

Lorraine Still, 83076 North Bradford Road, submitted two letters from Emerald Junior Academy and Creswell School District stating safety concerns about increased truck traffic on school bus routes. She also requested (personally) that the zone change be denied.

Chuck Swenson, 82813 Bear Creek Road, stated that he lived along the stretch of road where the proposed truck traffic would reach it's maximum speed. He voiced his concerns for the safety of his daughter and her playmates that play and ride horses in that area. He also mentioned that there were no curbs, shoulders, or sidewalks on the road.

Gerald Fleischli, 34977 Meadow Lane, Creswell, read a prepared statement. He said that the diesel trucks make people sick. He submitted a bag of chunks of aggregate stone that he called "ankle breakers." The stone had fallen from trucks going by his house during the summer quarry test period. He also raised concerns about run off from the quarry polluting the water table. Mr. Fleischli raised concerns about the level of noise, not only from the blasting but from the increased truck traffic. He criticized the accuracy of the applicant's report.

Marla Swenson, 82813 Bear Creek Road, showed the commission a picture of the natural amphitheater that the quarry sits in. She raised concerns about dust, noise, roads, and structural damage due to blasting.

Dale Burgess, 82613 Meadow Lane, talked about his relations with Mr. Bradford. He raised concerns about dust, blasting, and truck traffic. He also mentioned a lube oil spill that had leached into the ground near his property.

Linda Fleischli, 34977 Meadow Lane, talked about an aesthetic quality in the neighborhood. She stated that the fumes from the trucks made her ill. She mentioned the problem of the extensive dust raised by the trucks passing her home. She said that her quality of life would be adversely affected by the proposed quarry.

Bob Meyers, 82701 South Bradford Road, urged the planners to deny the application for rezoning. He stated that the proposed zoning would conflict with Goal 5 objectives. He said that the rock quarry was a continuous assault on every amenity of a rural residential area. He also raised concerns about the famous Sears Road elk herd and its movements over the quarry site.

Diane Lane, 82841 Bradford Road, said that she walks on the roads that will be impacted by the proposed quarry. She reiterated Mr. Meyers' concerns for the local elk herd and raised concerns for other wildlife in the area. She spoke against the quarry, asking that one person not benefit at the expense of the many.

Carl Cartmill, 82710 South Bradford Road, reiterated the previous concerns of the other neighbors and mentioned his own concern about compliance with County Regulations and guarantees of enforcement. He also stated that the proposed quarry affected more than the 80 people that were mentioned.

Vicky Curry, 82766 South Bradford Road, read a prepared statement. She mentioned her walls and windows shaking due to blasting. Another blasting concern was arsenic being knocked loose and polluting the local wells. She stated that it was too late for her to move out without being financially devastated. Finally, she stated safety concerns about the increased level of truck traffic.

Bob Still, 83076 North Bradford, was concerned with the water quality of the area. He stated that "you can't gamble on what another guy says." He discussed the blasting at the proposed quarry and the possibility of arsenic being knocked loose in the wells in the area.

Kim Meyers, 82701 South Bradford Road, was concerned with where the runoff from the proposed quarry was going to go. She stated that the topography of the area was such that all the runoff from the proposed quarry went into the valley where the bulk of the residents of the area live. She had doubts as to whether the applicant had properly addressed the water problem. She also had concerns about the oil being leaked on to the road by the increased truck traffic and that oil subsequently washing off into the surrounding land.

Bill Kent, 82865 Bradford Road, was also concerned with the runoff from the proposed quarry. He stated that the creek where the runoff would go is a tributary of the Willamette River. He was also concerned about noise pollution from the proposed quarry and requested a site visit from the commission.

Marie Woods, 82846 South Bradford Road, raised the same concerns for traffic safety, dust, property damage compensation, blast noise, and water quality. She stated that the impact was cumulative.

Jan Burgess, 82613 Meadow Lane showed a picture of her home at the intersection where the applicant's trucks would drive past two sides of her property. She stated that if the residents lost now there would be no way to recuperate the land later and asked the Planning Commission to please think carefully before approving the proposal.

Lori Jenson, 30474 Lone Pine Drive, Junction City, sympathized with the residents of the proposed quarry area and asked that the proposal be denied.

Christa Bruder stated that she knew the applicant. She wanted to know why her own quarry was shut down by the County for the same reasons stated by the residents. She said that if this proposed quarry was approved then she was going to try to have her quarry situation re-examined by the Planning Commission.

Gary Woods, 82846 South Bradford Road, raised runoff concerns. He stated that drilling and blasting creates fissures and cracks in basalt that leads to the water table.

Randy Henderson, 91455 River Road, asked about areas that would be strictly zoned for quarries.

Mr. Moe allowed the applicant time to rebut.

Mr. Spickerman requested that the record could remain open. He said that at a later time he would take the opportunity to address the concerns of the residents in the context of the Goal 5 rule. He said that the Goal 5 rule is designed so that matters are decided on a factual basis.

Mr. Phelps, seconded by Ms. Rughani, moved to leave the public hearing open due to the inclement weather and the number of people who could not testify. The motion passed unanimously. The public testimony carried over to March 16.

Ms. Pollock asked how truck traffic in the past compared with the truck traffic proposed.

Mr. Spickerman said that the applicant wanted to be open and show as much information as possible even though it was not required.

Mr. Moe discussed a site visit. Mr. Spickerman was concerned that only himself and Mr. DuPriest accompany the commission on a site visit and not a large crowd of people.

Ms. Rughani had some questions that she hoped could be answered at the March 16 meeting. She asked about Mr. Meyers' photographs regarding the refuse piles dumped along the side of the road. She brought up stop lights at the problem intersections.

Ms. Kirkham asked about a current inventory list of mines and quarries in Lane County and asked staff to provide such a list.

Mr. Moe moved the meeting to the next agenda item.

3. PA 98-2230

Mr. Kendall briefed the commission in order to establish a quorum. He said that the key item was to address Goal 14 Curry County Standards. He said that those standards had not been addressed. Stating that a case proving that an urban level of services would not be required had not been made, staff had no choice but to make a recommendation of five-acre density. He said that if that case was made then staff would recommend a RR2 zoning as originally requested. He went on to make some clarifications on the application.

Mr. Phelps said that he could see no reason why the application should not be forwarded on as recommended.

Ms Rughani asked about the annexation of the property. Mr. Thomas Miller representing Wade Doak, the applicant, answered the questions about annexation to the Dexter Sanitary District.

Mr. Myers, seconded by Mr. Phelps, moved that the plan amendment portion of the application PA 98-2230 be approved changing the planned designation from agricultural land to rural in a zone designation of RR5. The motion passed unanimously.

Mr. Moe asked for any other business. He adjourned the meeting at 9:45 p.m.

(Recorded by Joe Sams)

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MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room -- 125 East 8th Avenue

March 16, 1999
7 p.m.

PRESENT: Stephen Moe, Chair; Carrieanne Davis, Marion Esty, Stephen Moe, Delbert Phelps, Chris Clemow, Pauline Rughani, Juanita Kirkham, members; Jerry Kendall, Kent Howe, Thom Lanfear, Lloyd Holtcamp (Lane County Transportation Planning), staff.

ABSENT: Clay Myers, Heidi Pollock, members.

In the absence of the chair and the vice-chair, Mr. Phelps called the Lane County Planning Commission meeting to order.

1. Election of Officers

Mr. Phelps asked for nominations for chair of the Lane County Planning Commission.

Ms. Esty nominated Mr. Myers as chair of the Lane County Planning Commission. Ms. Kirkham seconded the nomination.

There being no further nominations for chair, Mr. Phelps closed the nominations and opened the nominations for vice-chair.

Ms. Kirkham nominated Mr. Clemow as vice-chair of the Lane County Planning Commission. Ms. Esty seconded the nomination.

There being no further nominations for vice-chair, Mr. Phelps closed the nominations.

Ms. Esty moved, seconded by Ms. Kirkham, to cast a unanimous ballot for Mr. Myers as chair and Mr. Clemow as vice-chair of the Lane County Planning Commission. The motion passed unanimously.

Mr. Phelps turned the meeting over to the newly elected vice-chair, Mr. Clemow.

FILE # PA 98-5144
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PUBLIC HEARING

2. **Continued Hearing for PA 98-5144**, previously heard on March 2, 1999. Amend the Rural Comprehensive Plan (RCP) 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

Mr. Clemow opened the public hearing and reminded members and those present that the first hearing was a continuation hearing for PA 98-5144.

Mr. Clemow determined that he was the only member who had engaged in an *ex parte* contact or had a potential conflict of interest and therefore excused himself from the deliberations.

Mr. Moe arrived at the hearing at 7:20 p.m. There was a brief interruption in the proceedings while Margaret Thumel, past chair and member of the Lane County Planning Commission, made a presentation to Mr. Moe on behalf of the planning commissioners, Kent Howe and the planning staff, and the Board of County Commissioners. Ms. Thumel acknowledged the commissioners for all of the hours of time that they volunteered. She noted that Mr. Phelps drove to Eugene from Florence to attend the meeting. She pointed out that Mr. Moe had been an active member of the community for many years and had given thousands of hours in service to this community. She and Mr. Howe presented Mr. Moe with a memento titled "Mr. Glenwood."

Mr. Moe thanked everyone for supporting him. He said that he was retiring from the Lane County Planning Commission because his term was expiring. He added that he would continue to contribute by serving on the Springfield Planning Commission. He commented that the current Lane County Planning Commission was a wonderful group of people with which to work.

Mr. Clemow continued the hearing by asking for staff comments. Mr. Lanfear explained that the hearing had been held open for public testimony and also for rebuttal by the applicant. He reported that since the last hearing he had received an email from Bill Castillo (Oregon Department of Fish and Wildlife) regarding the elk herd, and a letter commenting on the special hunt that occurred in the area from the neighborhood agent. He distributed those communications to the commissioners.

Mr. Lanfear introduced Mr. Holtcamp from the Lane County Transportation Planning staff. Mr. Holtcamp said that he had not been able to schedule the necessary equipment to test the quality of the structure of Cedar Croft Road and Bear Creek Road, and that he hoped to have that done and the information for the commissioners in a week.

Mr. Holtcamp responded to comments made at the previous hearing about the possibility of traffic control devices being installed. He said that requests for traffic control devices were processed through the Lane County Traffic Engineer to see that the requests met a set of criteria contained in the Manual on Uniform Traffic Control Devices.

Mr. Clemow returned to the public hearing and reminded those present that this would be the last opportunity to give oral testimony on this request. Mr. Lanfear noted that the record remain open for written testimony.

Mr. Spickerman representing the applicant BJ Equipment Company, said that he would not add to the opening statement he made at the March 2, 1999, hearing and that he would save his comments for the applicant's rebuttal.

Mr. Clemow then invited the public to present testimony.

David Matthews, 82750 Bradford Road South, Creswell, said that he had a statement expressing his and his wife's concerns about the requested amendment and that he had a statement about the planned site visitation for the commissioners.

Mr. Matthews explained that he and his family moved to Bradford Road South from Creswell for the following specific reasons: they valued the quality of life, they valued having a quiet neighborhood, they valued being able to jog or ride bikes on the roads and they valued country living enough to live there with the limitations for land use planning. He said that with the present zoning they thought that the neighborhood they would be moving into would be stable and would remain a quiet non-impacted area. He said that they accepted the limitations that they would not be able to divide their own property or put more than one house on the property. He reiterated that they accepted those limitations for the quality of life and the stability of the environment.

Mr. Matthews said that the approval of the quarry would have a very negative impact on the area. He said that the present road were not designed to withstand the impact of up to 86 truckloads of rock a day. He said that this zoning change could establish an example that would allow for similar proposals in the future.

Mr. Matthews, while referring to a large map, described the route from I-5 through Creswell, onto Bear Creek Road, past the intersection with Bradford Road South, onto Cedar Croft Road, through the wildlife area, to the proposed quarry site. He asked commissioners to consider as they were visiting the site that school buses travel Bear Creek Road about eight times a day, the narrowness of Cedar Croft Road, the wildlife habitat, and the poor visibility at the stop sign on Bradford Road where it meets Bear Creek Road.

Trevor Millican, 82621 Meadow Lane, Creswell, reported that two of his friends had mentioned having trouble negotiating around the dump trucks that were working in the area last summer. He said that there were many kids in the neighborhood and that many people used the roads for walking. Mr. Millican said that he appreciated the wildlife in the area and that he did not want to see the quiet and the wildlife disappear. He said that he thought that the blasting would have a big impact on the area.

Mr. Millican responded to comments made by the vice-president of the blasting company at the previous hearing. Mr. Millican said that blasting was not the only concern about the quarry operation, and that traffic, noise, and the impact on the environment were also concerns. He added that it was hard to speculate about all the impacts of the blasting. He urged the commissioners to listen to the neighbors and deny the proposal.

Jerome Garder, 1644 Rosy Turn, Eugene, thanked the commissioners for their time and for the opportunity to express his opinions. He said that he had resided in Eugene for 30 years and that he had recently retired from teaching at Lane Community College. Mr. Garder explained that since 1993 he had been invited by a friend and colleague, Diane Lane, to take many walks throughout the seasons with her and others in the Bear Creek Road area. He described these walks as, until recently, being a respite from the increasing noise, bustle, traffic and pollution in Eugene. He said that last summer the

walks were interrupted by truck traffic and its accompanying noise, dust, smell of exhaust fumes, danger, and oil on the road. He said that from his experiences he could imagine what it would be like to have a loaded gravel truck going by every five minutes ten hours a day.

Mr. Garder said that he had been looking for property to purchase somewhere in the country and had been focusing on the Bear Creek Road area. He said that he hesitated to look there now and conjectured that property values would drop if the proposed zoning change and its subsequent damage to the 80 home owners in the area was approved. Mr. Garder said that if the commission approved the rezoning, it would be putting the rights of one property owner over the rights of many, it would be opening the door to large scale commercial industrial development in the middle of a beautiful neighborhood, and looking at a profound issue with shortsightedness rather than with long-term vision. He urged the commission to vote against the rezoning request. He thanked the commissioners for the consideration of his viewpoint.

William Helmer, 82886 Bradford Road South, Creswell, reported that he was also concerned about the unsafe entry from Bradford Road onto Bear Creek Road and worried about the impact of adding 172 daily trips by gravel trucks to an already unsafe traffic entry.

Mr. Helmer said that he had worked for a land management agency for 32 years where he was introduced to the concept of allocation versus integration of land uses. He commented that with increased and conflicting demands, this issue had now become a very complicated and tough issue. He said, for example, how does one integrate a campground, a clear-cut, and a grazing allotment. Mr. Helmer said that this request for rezoning was an attempt to integrate a new use, gravel mining, which was incompatible with existing uses as well as with the local ecology and environment. He listed the elk herd habitat, the water shed and excess runoff in Wild Creek, the existing residences and property uses, and the road system and public safety as examples of already existing uses.

Mr. Helmer reported that he had looked up "mitigation" in the dictionary and learned that it meant "to make less severe, less painful, or less intense." He asked how one would mitigate the following: the loss of 340 acres of elk habitat, the impact on the infrastructure and the roads, the hazards to public safety, the impact on the water shed, the noise and dust pollution, and the loss of value to existing properties and residences. Mr. Helmer said that in his opinion there was no acceptable level of mitigation to the significant impacts which would be caused by the proposed mining operation. He said that his conclusion was that the proposed change was an incompatible use with no overriding public benefit and that it would result in the loss of property values. He added that the proposed mining operation should be allocated to another part of the county where it would represent a compatible use. He thanked the commission for its time.

Von Foster, 82728 Bradford Road South, said that he agreed with most of the testimony he had heard. He asked that if the rezoning occurred what recourse did the neighbors have if the agreements and rules were not followed by the mining company and who the neighbors would contact.

Mr. Clemow determined that no one else wished to testify on this issue and asked for the applicant's rebuttal.

Jim Spickerman, 975 Oak Street, Suite 800, Eugene, representing the applicant BJ Equipment Company said that the point of his presentation was to encourage the commissioners to address the

criteria for approval of the application and to follow what the law indicated. He said that he was confident that if the commissioners did those two things that BJ Company would get a fair hearing and would be successful with their request.

Mr. Spickerman addressed the comments and questions about enforcement. He noted that certain aspects of the mining operation were regulated by the DOGAMI permit. He said that Land Use Enforcement of Lane County would also monitor and enforce any regulations.

Mr. Spickerman responded to comments that the mining operation should be located somewhere else. He said that all the quarry sites in Lane County had been identified in 1982 when the Mining and Aggregate Resources Working Paper was researched. He said that he did not know of any other places that would be zoned for quarry and mining. Mr. Spickerman said that he suspected that any other quarries would be located on EFU land or forest land zoned F-1 or F-2 and that the issues would be the same as the issues with this application. He said that he looked forward to the commissioners viewing the site and noticing how distant it was, how far from residences, and how it was buffered by vegetation. Mr. Spickerman said that according to Lane County code F-1 and F-2 quarries were "special uses" and were allowed.

Mr. Spickerman noted that he was submitting more written information about the Goal 5 Rule with respect to aggregate resources. He noted that the rule called for standards to be met and for the County to adopt specific standards. He said that this then allowed an application to be evaluated by whether or not it met the standards. He said that the mining operation machinery would be regulated by the Lane Regional Air Pollution Authority (LRAPA), the noise would be regulated by the DEQ, and the water run-off would be regulated by the DOGAMI permit. In regards to the wildlife in the area, Mr. Spickerman pointed out that the area had not been identified as a Goal 5 site to be protected for wildlife. He also stated that the County had not yet adopted any specific standards in regards to transportation. He said that Goal 5 was a facilitating rule to help minimize the conflicts in applications such as this.

Mr. Spickerman concluded by asking the commissioners to review the map and the land use patterns in the area, to look at the distances involved in the area, and to make the decision based on the laws.

Mr. Phelps asked Mr. Spickerman if the applicant was open to certain mitigating restrictions. Mr. Spickerman said that the applicant was always willing to listen, wanted to be a good neighbor, and would be willing to go beyond what the law required as long as the operation was still feasible.

Ms. Esty expressed concern about the intersection at Bradford Road South and Bear Creek Road. She asked who would be responsible for correcting the dangerous situation that existed at that intersection. Mr. Spickerman said that it was a County road and that therefore the County would be responsible for reconfiguration of that intersection. Mr. Holtcamp said that he had not read Mr. Branch's submittal. He said that he would review the recommendations and inform the commissioners about any suggested improvements in the roads or intersections. He noted that Lane Code 15.105 did relate to dedication and improvement requirements that could be made on any commercial or industrial dwelling, facility, or use. He said that there was some latitude in this code for requiring improvements.

Mr. Clemow closed the public hearing to any more oral testimony from the public. He asked for additional comments from staff.

Mr. Lanfear noted that the applicant had submitted a report from Branch Engineering about the traffic in the area.

Mr. Clemow announced that as indicated by Mr. Lanfear the record would be open for written testimony from the public until 5 p.m on March 23, 1999. He said that the applicant would then have until 5 p.m. on March 30, 1999, to respond to any new written testimony. The final record would be available to the commissioners before the final deliberation on April 6, 1999. Mr. Lanfear clarified that the board could reopen the hearing on April 6, 1999, for testimony. Mr. Phelps observed that if questions were asked and new evidence was presented, the hearing could be prolonged. Mr. Clemow suggested that anyone interested attend the April 6, 1999, meeting of the Lane County Planning Commission.

3. PA 5149-98. RCP amendment from Forest Land to Marginal Land with zone change from F-2 to ML for 43.39 acres, on Wallace Creek Road, Springfield, pursuant to Lane Code 16.400 and 16.252. Map 18-02-14 tax lot 1000. Applicant: Taylor

Mr. Clemow opened the hearing on PA 5149-98. He asked for staff's review and comments.

Mr. Kendall explained that if this amendment was approved, it would allow division of this property into two parcels of twenty acres minimum with a dwelling on each parcel. He described the property and said that there were no objections to the amendment from any referral agency. He reported that the application had passed the income test that was required for any marginal lands application. He said that he agreed with the consultants conclusion that the property was not capable of supporting \$10,000 annual in forest production.

Mr. Kendall said that the second test for an application for marginal land was broken into three choices and that the applicant had chosen to demonstrate that 52.1 percent of the soils fell into agricultural capability class 6 or greater. He said that the standard was simply that the class be 5 or greater.

Mr. Kendall reported that the applicant satisfactorily addressed the policy questions and the plan amendment, Lane Code 16.400, and the individual purpose section of the marginal lands ordinance, Lane Code 16.214.

Determining that there were no questions for staff, Mr. Clemow asked for any declarations of *ex parte* contact or potential conflicts of interest. There being none, Mr. Clemow asked for the applicant's statement.

Rob Lilly, P.O. Box 1420, Veneta, said that he was an associate of Harry Taylor and that he was representing Ann Leith, the resident and owner of the subject property. He said that Ms. Leith was applying for a redesignation and a rezone of the property from forest land to marginal land. He said that the property was developed with a number of outbuildings and one residence. He said that approval of the request would allow a future separate application to be submitted for one new twenty acre parcel and one additional residence on that property. He noted that the characteristics of the property were discussed on page two of the applicants statement and also on exhibit A, the plot plan. He reviewed the characteristics.

Mr. Lilly reiterated that the request did meet the marginal lands standards, both the income test and the soils test. He noted that there was a typographical error in the affidavit in the applicant's statement regarding the amount of annual forest income. The figure should be \$10,000 instead of \$20,000. He said that the intent and the factual statement was \$10,000 annual limit. Mr. Lilly said that the application included reports prepared by a retired Lane County Agricultural Agent and by a professional forester to substantiate the information.

Mr. Lilly pointed out that the claim was not that the property had no resource use what-so-ever, but that the property was limited in resource use.

Mr. Clemow determined that there were no questions of the applicant, no testimony from the public, and therefore no rebuttal. Mr. Clemow closed the hearing on PA 5149-98.

Mr. Phelps commented that he had read through the application and found no reason to deny the application. Ms. Rughani agreed and asked how the wetlands issue would be handled. Mr. Phelps answered that before any development could happen on the property, any wetland areas would have to be identified and dealt with at that time. Mr. Kendall said that DSL, the State regulator of wetlands did not respond to this particular application. He said that if any development threatened the wetlands, the DSL would insist on a permit or mitigation or replacement. He said that with this much acreage he did not anticipate any problem.

In response to a question from Ms. Esty, Mr. Kendall said that there was no archeological involvement on the property.

Mr. Moe moved, seconded by Mr. Phelps, to approve PA 5149-98 to amend the Rural Comprehensive Plan (RCP) from Forest Land to Marginal Land with zone change from F-2 to ML for 43.39 acres, on Wallace Creek Road, Springfield, pursuant to Lane Code 16.400 and 16.252. The motion passed unanimously, 6:0.

4. PA 1739-97. RCP amendment from Agricultural Land to Marginal Land with zone change from E25 to ML for 35 acres, on Dillard Road, pursuant to Lane Code 16.400 and 16.252. Map 18-03-34, tax lot 211. (Continued from 12-2-97) Applicant: Couper

Mr. Clemow opened the hearing on PA 1739-97. He noted that this was a continued hearing from December 2, 1997. He asked for staff's comments.

Mr. Kendall reviewed the request for a change from Agricultural Land to Marginal Land with zone change from E25 to ML for 35 acres on Dillard Road. He noted that the land was adjacent to rural residential land. He said that the applicant had met the mandatory income test and had chosen to apply under the parcelization test which was completed in 1997.

Mr. Kendall explained that the hearing had been continued in order to allow the applicant time to address the following four items: wildlife habitat and stream management, endangered plant species, certification of parcel size of a contested lot, and additional information on groundwater. He said that a letter from Al Couper, agent for the applicants; and reports concerning these items were included in the information provided to the commissioners.

Mr. Kendall said that staff recognized that the resource of water was lacking on this property and that storage of water would be needed. He said that staff recommended approval of the proposal provided that the applicant agreed to provide a covenant which stated that a storage unit would be constructed as part of the domestic water system for both dwellings.

After determining that there were no declarations of *ex parte* contact or potential conflicts of interest, Mr. Clemow asked for the applicant's statement.

Al Couper, 2258 Harris Street, Eugene, said that he was representing Jay and Marta Gregory. He noted that Ralph Christensen from EGR & Associates, Inc., the company that performed the aquifer test and analysis for the property, was not present at the meeting. He said that because of the concern about the water on the property that he would probably ask for a continuance of the hearing in order to have someone from EGR & Associates, Inc. present. He proceeded with the rest of his statement.

Mr. Couper gave a brief history of the legislative decision to create the category of Marginal Lands, which came out of the 1983 Legislature in response to a governor's task force. He noted that the applicant had met the income test and had chosen to meet the criteria for change with the parcelization tests.

Mr. Couper referred to his letter of March 8, 1999 and the reports contained in the material provided for the commissioners in answering concerns from the December 2, 1997, hearing. The following items were addressed:

- Surveyor's report regarding the size of one adjacent tax lot - Mr. Couper said that Les Roberts, a licensed surveyor, had reviewed the calculations of the acreage of Tax Lot 201 and had determined that the land area of 29.67 acres made by Mr. Couper and Ms. Hancock was accurate.
- Wildlife habitat and stream management - The property was bisected by a small stream which provided a corridor for wildlife and a riparian environment. The applicants were willing to voluntarily put restrictions on that area so that it would not be developed or cleared.
- Endangered plant species - Mr. Couper said that Shane Hughs of EGR & Associates did a detailed inventory of the area and reported that no Bradshaw's Lomatium were observed on the property. In regards to the Fender's blue butterfly, the applicant sought the advice of the Corvallis Environmental Center. The program coordinator, Anne Minnich, advised the applicant that the true Fender's blue was found only in alpine areas. Mr. Couper pointed out that the applicant was not obligated to have made the inquiry about the Fender's blue.
- Additional information on groundwater availability - Mr. Couper said that EGR & Associates was hired to augment the existing information about the water resource on the property. He said that he would give a layman's summary of the report since Mr. Christensen was not at the meeting. Mr. Couper said that water moved slowly through this aquifer and that therefore it would have to be pumped slowly over a long period of time and be stored so that the demand was on the cistern and not on the well. He said that not operating pumps conservatively was the chief cause of well failures. Mr. Couper used a graphic to explain that because the water did not move laterally on the property, that a well would not impact a neighboring well. He apologized that an

expert was not present and again offered to have Mr. Christensen attend the next commission meeting.

Mr. Moe said that he would welcome having Mr. Christensen at the next meeting so that commissioners could ask him questions. He also clarified that the subject parcel was 35 acres.

Ms. Rughani asked what Ms. Minnich's qualifications were. Mr. Couper said that he would provide that information. She also asked how often and when Mr. Hughes had walked the property looking for the Bradshaw's Lomatium. Mr. Couper replied that he had walked the property once during April, and that he had been on the site more than once in the process to find areas suitable for a sewer. He added that two sites for sewage fields had been identified.

Ms. Esty commented that she remembered the concern about water from the 1997 hearing. She thought that the diagram provided by Mr. Couper was interesting, but added that the soil might be tighter creating more run-off and that there was a chance of the ground shifting underneath.

Mr. Clemow asked for public testimony.

Eben Fodor, a land use planning consultant, spoke representing the neighbors in the Dillard Road Area. He showed photos of the property on Dillard Road and of the Gregory home. He described the property as a very nice parcel of farm land that would not be improved by parcelization or development. He said that the land was basically good class 3 farm soil and that 1,000 feet to the east was class 4 soil that was being farmed.

Mr. Fodor explained that the Marginal Lands Ordinance had been eliminated by the 1993 Legislature and that the Legislature had grandfathered in Lane County and Washington County. He said that these were the only two counties that had the Marginal Lands classification.

Mr. Fodor commented that there were a lot of affidavits in the application, but not much good data.

Mr. Fodor said that he had not had time to investigate the income test data for this application, but that he had seen records that the property was a farm from 1978-1982.

Mr. Fodor said that the application claimed that 50 percent of the lots around the parcel were 20 acres or less and that the parcelization criteria was just barely met. Using a map of the area, Mr. Fodor said that lots 206 and 207 had been considered separate parcels when in fact a parcel was not a tax lot, but rather any two pieces adjoined and owned by the same person or relatives. He said that lots 206 and 207 fit into this category and would keep the property from passing the Marginal Lands Test.

Mr. Fodor said that the Lane Code had its own test for rezoning which was that the rezoning must not be contrary to the public interest. He argued that this change would hurt property values, create a loss of farm land, and negatively impact the quality of life in the area. He said that these impacts had to be weighed against the benefits of the proposed change.

William J. Looney, 84527 South Hideaway Hills Road, expressed his objection to the application. He submitted a letter which he said detailed errors made in the computations of the road width which were

used to see if the property met the parcelization test. Mr. Looney said that the applicants should provide details of their calculations.

Mr. Looney said that it was in the public interest to preserve as much farm land as possible.

Mr. Looney noted that his well had collapsed because of over pumping. He said that his new well was now producing only 3.8 gallons a minute.

Chelsea Perkins, 84525 South Hideaway Hills Road, submitted a letter from Richard and Mary Ellen Yost of 84544 South Hideaway Hills Road. The letter encouraged commissioners to refuse the application. The letter described the water shortage and the sand in the water as experienced by the Yosts. The Yosts said that they were concerned about having enough water in the area to fight a fire.

Ms. Perkins said that her experience of living in the area was that as more houses were built in the area, the need to conserve water increased. She said that she had dug a new well which was yielding two gallons a minute and that she had to use a holding tank. She said that it would be irresponsible to allow two more houses to pump wells with such a small yield.

Ms. Perkins added that the commissioners were the gatekeepers to protect farmland.

Nathan Tublitz, 85439 Eagles Aerie Road, said that he was opposed to the request. He questioned the reports about not finding Bradshaw's Lomatium on the property. He said that the flower was hard to identify and that it might have bloomed after the examination of the property took place. He also refuted Ms. Minnich's report by saying that the Fender's blue butterfly was found throughout the Willamette Valley and that the butterfly lived on Kincaid Lupin which was found on the property. Mr. Tublitz said that the Bradshaw's Lomatium and the Fender's blue butterfly were both listed on the federal and State endangered species list.

Mr. Tublitz questioned whether the property was marginal. He showed the commissioners two aerial photographs of the property, taken in 1936 and 1982. He claimed that the color of the property indicated that it was being farmed just as intensively as the surrounding land.

Mr. Tublitz concluded by saying that as a biologist he thought that agricultural was a preferred use to development as far as protecting endangered species.

Cathy Wasil, 84517 South Hideaway Hills Road, stated that she was opposed to the request for zone change. She described the water shortage and how her family collects rainwater and hauls water from town to meet the family's water needs. She said that .73 gallons per minute could not provide enough water for two homes.

Ms. Wasil said that Lane County was fifth on a list of threatened agricultural areas. She urged the commissioners to keep the property zoned as farmland.

Ms. Wasil challenged the criteria used by the applicants for meeting the parcelization test. She presented a letter from a former property owner which said that he had not farmed the land in 1978 and 1983 due to illness. She also mentioned the following lots that were divided and counted as separate

when some of them should have been combined: lots 206,207, 401, 400, and 301. She said that with the removal of these separate lots, the parcelization test would not be met.

Ms. Wasil asked the commissioners to weigh the matter of the impact on the wildlife and the stream very carefully. She said that as subdivisions had been developed on Dillard Ridge Road, she had seen an impact on the wildlife.

Ms. Wasil entered two letters written by neighbors voicing concerns about the water resource in the area into the record.

Marvin Lake, 84655 South Hideaway Hills Road, said that he had lived there for 19 years. He said that his tax lots, 300 and 304 were adjacent to the southeast corner of the Gregory property. Mr. Lake said that he was concerned about the water and said that adjacent wells were affected by the level of water. He said that 2.2 gallons per minute with an average of .73 gallons per minute over 24 hours was an inadequate supply of water. He said that an average household used 500 gallons a day if there were no livestock to water. Mr. Lake pointed out that the property was in the Creswell Fire District and that the nearest fire station was six miles.

Mr. Lake also said that the applicant had used land inaccurately in the parcelization test. He noted that lots 304 and 300 should be counted together because he owned them both.

Mr. Lake submitted a letter from his wife, Rebecca Lake, in which she described losing 1,000 newly planted Christmas trees in 1988 because of the lack of water during a very dry summer.

After discussion about the lateness of the hour, commissioners decided to continue the hearing.

Greg Wasil, 84517 South Hideaway Hills Road, opposed the application. Mr. Wasil referred to a sheet that was distributed at the December 2, 1997, hearing. The sheet was titled *Information Sheet, Requirements for Marginal Land Designation and Zoning Y23*. He referred to page two while reading a bylaw that the commissioners were required to adhere to. The bylaw stated the following: false or inaccurate information may be cause for invalidation of this application. Mr. Wasil said that he had found the following three areas where false or inaccurate information was submitted:

- The application stated that the average well in the area produced 20 gallons of water per minute. Mr. Wasil said that this figure was the focus of discussion at the first hearing and questioned the data that was used to arrive at this figure. He said that the applicant had now changed the figure to .73 gallons per minute, a mere .03 more than the required .7 gallons per minute for two houses. He said that he would question qualifying by such a small amount and wondered what the plus/minus margin of error was. He added that he thought that it was irresponsible for the County to suggest that .35 gallons per minute was adequate for a single household.
- Mr. Wasil pointed out that the omission of tax lots 206 and 207, 32.29 acres, in the 20 acre and above column was an error that allowed the property to pass the parcelization test. He also noted that tax lots 401, 400, and 301 were put in the wrong column as they were all tax lot 302 in 1978 and 1983. He said that the property that the Gregorys' house was on was owned by the same people in 1978 and 1983.

- Mr. Wasil referred to page 7 of the original application and quoted, "the property owner has attempted to grow hay on this property without success." Mr. Wasil said that he had seen hay crews every year since before the Gregorys purchased the property through the few years that the Gregorys had lived on the property. He said that hay crews were there in the spring of 1998.

Mr. Wasil said that a petition had been presented to prove that the overwhelming majority of neighbors strongly opposed this action. He said that the Dillard Ridge Road was and should be a natural line where development should stop and farmland begin. He said that the zone change would open the floodgates and upset the obvious boundary.

Mr. Wasil said that the use of misinformation to manipulate this application was a fraud. He wondered who was responsible for checking the facts. He said that he felt fortunate to participate in such important matters, but that the burden of proof should not be the responsibility of the affected neighbors but rather the responsibility of the planning staff.

In conclusion, Mr. Wasil said that much time and expense had been put out by the neighbors. He suggested that if Mr. Couper were licensed, that it would be appropriate for the license to be revoked. He said that he would also like an apology from the Gregorys and their agent for the excessive use of misinformation in the application and would welcome reimbursement for providing the correct information. He respectfully asked the commissioners to deny the request and to forward the denial to the County Commissioners. Mr. Wasil said that he did not want to sound so harsh, but that the issue was very important to the neighbors in the area.

Anita Klock, 845275 South Hideaway Hills Road, said that she opposed the request because she supported preserving forest and farm land.

Jean James, 84562 South Hideaway Hills Road, said that she supported the application. Ms. James pointed out that all of the people who had testified except for one lived on parcels smaller than what the applicant was proposing. She said that she had 10 acres, and that there were small parcels all around her. Ms. James said that she had always had plenty of water. She said that her well was used as the control well for the water test on the property in question. She said that her well had not been affected by the 24-hour pumping during the test. Ms. James said that she could not see how two more houses in a neighborhood that was all small parcels would change the character of the neighborhood.

Ms. James acknowledged that the property had been farmed for hay but that the land produced very few bales of hay. She also said that it was not great quality hay.

Ms. James concluded by saying that she thought that the Gregorys should be allowed to put two more houses on their property. She did not think that two more houses, each on 15 acres, was a major subdivision.

John Nolte, 84556 Hideaway Hills Branch Road, said that he owned 525 acres on which he raised hay, cattle, and grass seed. Mr. Nolte reported that he had four wells on his property, but that he would not have enough water for his cattle if he did not have ponds and springs. He said that in the winter time he caught rainwater from the roof, and pumped water into a pressure tank from a pond. He said that

water for his small garden also came from the pond. Mr. Nolte said that the four wells produced about six gallons per minute total.

Mr. Nolte said that the acreage did not "jive" with what had been presented in the application.

Mr. Nolte said that he would not want to live on property where he had to pump his well all day and store the water in a tank.

Mr. Nolte said that the Gregory property had been farmed before the Gregorys had purchased it.

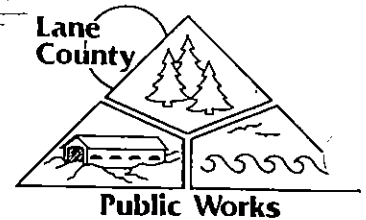
Mr. Nolte said that he did not think that dividing the property into two pieces was feasible

Mr. Clemow set the hearing to continue at the April 6, 1999, meeting unless notice was given otherwise.

Mr. Clemow adjourned the meeting at 10:15 p.m.

(Recorded by Elise Self)

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MEMORANDUM

DATE: April 6, 1999

TO: Lane County Planning Commission
FROM: Lloyd Holtcamp
Lane County Transportation Planning staff

c: Thom Lanfear, Lane County Land Management Division

SUBJECT: PA 98-5144, plan amendment/zone change to QM zone, applicant: BJ Equipment, Cedarcroft Rd., assessor's map 190230, taxlot 3500.

There was discussion during the public hearing whether the County had an adopted Transportation Plan and had adopted AASHTO standards to evaluate transportation impacts. I'd like to offer the following clarification and comments:

The standards for assessing projected traffic impacts on roads are AASHTO standards adopted in the 1980 Lane County Transportation Plan and subsequently amended in the 1984 rural comprehensive plan (LC 16.400(4)(b)(i) "*Special Purpose Plan (adopted by Ordinance 3-80)*"), as illustrated below:

1980 Lane County Master Road Plan

IV. PLAN RECOMMENDATIONS

"Road System

14. AASHTO uniform standards for highway design along with typical section and right-of-way guidelines and local road design requirements should be utilized by Lane County Department of Public Works, unless excepted for substantial reason, in order to provide needed safety, capacity and uniformity of the highway system."

The following Lane Code cite referencing ordinance No. 883 and an excerpt from ordinance No. 883 follow:

LC 16.400(4)(a)(i)

"General Plan Policies and Plan Designations applying throughout Lane County outside the of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883)"

FILE # PA 98-5144
EXHIBIT # 107

Item #4, Goal 12 in Ordinance No. 883 states, "*The adopted Lane County Rural Transportation Plan is a special-function Plan concerned with Goal 12 requirements, and containing a number of Goals, Objectives and Recommendations on various components of the County's transportation systems and Goal 12 requirements. The 1980 Rural Transportation Plan, as amended, shall continue to be used as the primary guideline toward transportation matters. Goal and Objective statements within it are incorporated into the above County Policies, and Recommendations within it shall be applied where appropriate; these Recommendations shall be considered mandatory actions which are ultimately binding on the County.*"

Application of Lane County Transportation Plan to Goal 5

Goal 5, OAR 660-23-180(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 on clear and objective standards regarding site distance, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and the capacity that haul other materials."

As referenced earlier the Lane County Transportation Plan adopted in 1980 and amended in 1984 into the Lane County Rural Comprehensive plan indicates AASHTO standards shall be used for highway design issues. The AASHTO methodology in developing a pavement design is specified in the AASHTO Guide for Design of Pavement Structures. Sight distance methodology is outlined in the AASHTO A Policy on Geometric Design of Highways and Streets.

County staff developed a pavement design necessary to accommodate the increase in use of County Roads by the quarry. The AASHTO pavement design guide was used in this assessment. This design was based on loaded truck usage projected by the applicant.

The pavement design is based on the number of 18kip (18,000 pound) equivalent axle loads. In this case, approximately 40 loaded dump truck trips per weekday were estimated by the applicant. The greater the number of such axle loads over time, the greater the road structure is needed to retain the design life.

County staff indicated the road structure in place now will serve existing traffic for the projected design life of 20 years. Twenty (20) years is a common design life for low volume roads. As was shown in my earlier correspondence this 20 year design life will be reduced to a projected 10 years for Bear Creek Road and a 2.5" asphalt overlay would be needed prior to commencement of hauling operations in the proposed use to prevent projected near term failure of Cedarcroft road and retain its 20 year design life.

Based on adopted AASHTO design methodology, the proposed use will shorten the existing 20 year design life of both Cedarcroft and Bear Creek roads, based on existing traffic. Based on this same design methodology and provisions of OAR 660-23-180(4)(b)(B) that a conflict has been established based on clear and objective standards that existing County Roads will be damaged and existing design life shortened as a result of the proposed use.

Lane Code 16.400(8)(c)(iii)(ee) states, (iii) *An assessment of the probable impacts of implementing the proposed amendment, including the following"*

(ee) *" For a proposed amendment to a non residential, non agricultural use or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;"*

As stated in a previous 3/23/99 memo there will be public costs incurred if no improvement to County Roads is done prior to initiation of the proposed use.

A weight limit posting of Cedarcroft and Bearcreek Roads is an option the Planning Commission may wish to impose in order to avoid public costs as a result of damage to existing County Roads. The County may pursue this option independently of the proposal under consideration as per the provisions of ORS 810.030.

Unless the applicant requests an extension to address the identified conflicts Its recommended the application as submitted be denied.

MINUTES

Lane County Planning Commission
Main Room, Harris Hall--125 East 8th Avenue

April 6, 1999
7 p.m.

PRESENT: Clay Myers, Chair; Stephen Moe, Marion Esty, Pauline Rughani, Delbert Phelps, Juanita Kirkham, Heidi Pollock, members; Thom Lanfear, Lane County Land Management; Lloyd Holtcamp, Lane County Transportation.

ABSENT: Chris Clemow, Carrieanne Davis, members.

Mr. Myers called the Lane County Planning Commission work session to order. He introduced other members of the commission present.

1. APPROVAL OF FEBRUARY 2, 1999, MEETING MINUTES

Mr. Moe moved, seconded by Mr. Phelps, to approve the minutes of February 2, 1999. The motion passed, 6:1:0; Mr. Myers abstaining because he was not present at the meeting.

2. CONTINUED HEARING FOR PA 98-5144

Mr. Myers said that the commission had heard testimony on the item on March 2 and March 16 and had visited the site. He said that the application was to amend the Rural Comprehensive Plan designation for the site from Forest to Natural Resource, and rezone the land from F-1 Non-impacted Forest, to Quarry Mining Operation.

Mr. Myers referred to a procedure outlined on page 2 of the supplemental staff report and indicated that the commission would follow the procedure as it deliberated.

Mr. Myers called for *ex parte* contacts or conflicts of interest. None were declared.

Mr. Lanfear provided the staff report. He said that the complete record of the proceedings was present if the commission wished to view any portion of it. Mr. Lanfear said that the staff report was incomplete as to the Goal 5 process for road conflicts, and Mr. Holtcamp was present to discuss a memorandum regarding the subject he had submitted to the commission.

1. *Determine if the Post Acknowledgment Plan Amendment (PAPA) information is adequate.*

Ms. Rughani questioned whether the commission received an adequate amount of information regarding noise and decibel counts. She had done research into mining applications in other states, and those applications list each aspect of the mining process, in relation not just to the blasting at the

blasting site, but the number of diggers, crushers, conveyors as well as truck noise. Ms. Rughani said that because the commission only had a decibel count at the blasting site, it needed more information about how the truck noise will impact the nearby residential houses or expand the area of impact to include the houses near the road.

Mr. Lanfear clarified that the step was focused on the adequacy of the resource at the site.

Mr. Phelps believed the Goal 5 regulations were satisfied by the information the applicant produced regarding noise.

Mr. Phelps moved, seconded by Ms. Esty, that the PAPA information was adequate. The motion passed, 5:1; Ms. Rughani voting no.

2. Determine if the resource site is significant.

Responding to a question from Ms. Rughani, Mr. Lanfear said that the Goal 5 rule specifies that a site would be considered significant if it could be demonstrated that it contained more than 2 million tons of rock at the site, and that it met the specifications related to air degradation, abrasion, and sodium sulfate soundness administered by the Department of Transportation.

Mr. Moe observed that the determination was based upon factual evidence.

Mr. Moe moved, seconded by Mr. Phelps, that the resource site was significant. The motion passed unanimously, 6:0.

3. Determine if conflicts from mining can be minimized. The commission can direct any party to prepare an ESEE analysis on unresolved conflicting uses to be completed prior to the close of the record.

Mr. Lanfear said the commission first needed to determine the area of impact within which it would review conflicts. The rule begins with 1,500 feet from the mining area and the area can be extended if the information indicated significant conflicts exist beyond that area. He had recommended 2,100 feet based on the noise study submitted by the applicant, and because at that point the noise level comes into conformance with the Department of Environmental Quality's day time noise limit. Mr. Phelps asked if the commission could establish different impact areas for different conflicts. Mr. Lanfear said yes. He pointed out that the commission was required to review impacts to roads going out to the nearest arterial, which in this case was Highway 58, considerably further than 2,100 feet. Mr. Holtcamp concurred. He suggested that traffic would travel down Cedarcroft Road to Bear Creek Road to I-5.

Mr. Phelps asked if an ESEE analysis was required. Mr. Lanfear said that an ESEE analysis would be required if the commission determined that conflicts could not be minimized. He noted that there were no other Goal 5 resource sites identified within the impact area at this time.

Mr. Myers asked if the nearby houses were within 2,100 feet. Mr. Lanfear said that the nearest houses were 2,300 feet to the southwest, and 3,300 feet to the northeast. He indicated he had a list of properties in the area. He used a map in the record to identify the location of those houses for the benefit of the commission and audience.

Ms. Rughani said she continued to be concerned about noise and air quality. Those conflicts must be minimized, although she was unsure how. She asked the commission to consider expanding the area of impact to include the areas near the houses where the trucks would be continually passing by. Ms.

Rughani said that people have the right to a peaceable existence in their neighborhoods. She said that air quality was a health and safety issue. Ash, dust, and particulate matter breathed into the lungs can result in silicosis and fibrotic lung disease, leading to death. She believed the impact area should include the farthest site potentially affected by the dust.

Ms. Esty suggested that accepting Ms. Rughani's suggestion would mean the impact area was quite large, and it would require considerable investigation to discover the farthest point affected by dust.

Mr. Lanfear clarified that in cases of road conflicts, the commission was limited to examination of the impacts on the road system itself.

Mr. Moe said that the commission would have to extend the impact area over a mile to include the houses, which was outside the area the mining would affect. He believed it would take a very windy day to move the dust that far.

Responding to a question from Mr. Phelps, Mr. Holtcamp was unaware of any regulatory agency that dealt with dust from the roads. Mr. Lanfear said that the applicant recommended as a condition of approval that the gravel portion of the access to the road be kept free of dust. James Spickerman, representative for the applicant, indicated that information regarding the applicant's intent to control dust on Cedarcroft Road was included in the meeting record.

Mr. Moe acknowledged the dust created by mining operations but said that mitigation measures were available to reduce dust.

Ms. Esty moved, seconded by Mr. Phelps, to accept the staff recommendation of 2,100 feet for the impact area. The motion passed, 4:2; Ms. Kirkham and Ms. Rughani voting no.

Mr. Lanfear asked the commission to establish the existence of conflicts within the impact area and whether the conflicts can be minimized.

Mr. Phelps moved, seconded by Ms. Pollock, that there were no conflicts within the impact area. The motion passed, 4:2; Ms. Kirkham and Ms. Rughani voting no.

The commission discussed conflicts with existing roads. Ms. Esty asked about the potential of widening the roadway to improve the sightlines of the intersection at Cedarcroft and Bear Creek roads. Mr. Holtcamp said it was possible. Staff was in concurrence that the situation was preexisting and not caused by the proposed use. Ms. Esty said that the situation was one that should be addressed. Mr. Holtcamp said that the County could address the intersection as a safety improvement project or capital improvement project. Ms. Esty asked how urgent the project would be considered. Mr. Holtcamp said that staff would have to determine the scope of the project and whether property acquisition was required. If the project required acquisition and realignment of the intersection, it was possible the

project would have to be placed in the Capital Improvement Program and prioritized in competition with other projects. If the project was a matter of removing trees in the right-of-way, staff could address it. Mr. Moe said that the problem was mainly one of vision clearance. Mr. Phelps concurred. He said that the commission was told during the site visit that there was ample right-of-way for more adequate vision clearance. Mr. Holtcamp said that he would ask staff to examine the intersection and determine what vegetation removal in the right-of-way was needed.

Mr. Myers asked if a stop sign could be installed at the intersection. Mr. Holtcamp said that staff had indicated earlier that it would sign the intersection. Responding to a question from Mr. Phelps, Mr. Holtcamp confirmed that a stop light was not warranted, even with the added traffic from the mining operation.

Mr. Holtcamp reviewed a memorandum he had prepared for the commission regarding the impact on the roads. He said using AASHTO standards as mandated by the County's Transportation Plan, staff found that additional paving structure was needed on the road or there would be a public impact and the County would lose the public's investment in the roads. Mr. Holtcamp said that based on the Goal 5 criteria regarding road conflicts, staff did not feel the cross-section elements criteria was addressed by the applicant and wanted to give the applicant the opportunity to do so. However, based on what was proposed to this point, he recommended denial of the application based on failure to address the criteria. He added that the County had the authority to post roads to protect its investment in a road, and that could be in the form of a weight-limit posting. Mr. Holtcamp said that the commission could consider that in its recommendation, but staff could pursue that approach independent of the application review. Mr. Myers asked how effective weight limits were. Mr. Holtcamp said that it would ensure the County got the design life of the road. He said that trucks were required to get permits from Lane County to exceed the weight limit, and the County would be able to use that information to analyze the impact of the truck use. Mr. Holtcamp said that in other cases the County has imposed seasonal or operational hour limits on road use.

Mr. Phelps suggested imposing a weight limit on the road would increase truck traffic on the road because more trucks would be needed to haul the same amount of aggregate. Mr. Holtcamp said that the County's concern was in preserving the design life of the existing roadway. Mr. Phelps asked if the County had considered imposing a systems development charge to pay for the costs of bringing such roads up to standard. Mr. Holtcamp said that the County had no process to administer such a charge but could consider such an approach.

Mr. Myers suggested the commission forward its concerns about the impact on the road to the Board of County Commissioners. There was general concurrence.

Ms. Esty moved, seconded by Mr. Phelps, to express to the Board of County Commissioners the Planning Commission's serious concerns about the potential damage to the roadway from the increased traffic volumes and the need for rapid intersection improvements at Cedarcroft and Bear Creek roads and the need to require a dust maintenance program for the haul road. The motion passed unanimously, 6:0.

Mr. Phelps moved, seconded by Ms. Esty, that conflicts within the impact area can be minimized if the necessary agreements are reached between the applicant and Lane County.

Mr. Lanfear clarified that the effect of the motion would be to place upon the Board of County Commissioners the responsibility of determining what conditions would minimize the conflict. The commission concurred.

The motion passed unanimously, 6:0.

4. *Weigh the ESEE consequences and determine whether to allow mining.*

Mr. Phelps said that he did not perceive any conflicts that could not be minimized.

Mr. Phelps moved, seconded by Mr. Moe, to allowing mining on the site. The motion passed, 4:2; Ms. Kirkham and Ms. Rughani voting no.

5. *Determine the ESEE consequences of potential new conflicting uses within the impact area.*

Mr. Lanfear said that there were no uses allowed on the zones near the site that might conflict with the mining. In response to a question from Mr. Moe, he confirmed that construction of a house on the property line near the mine would be conflicting use. He said that all the properties adjacent to the site appeared to have adequate room to locate a home site outside the impact area.

Ms. Esty asked if a campground could be located in the impact area. Mr. Lanfear said that the Goal 4 rule restricted campgrounds from being developed within a certain distance of an urban growth boundary, and no campground could be located in the area.

Mr. Phelps moved, seconded by Ms. Esty, that there were no consequences of potential new conflicting uses within the impact area. Land use regulations are considered sufficient to address the resource site. The motion passed unanimously, 6:0.

6. *Determine if the application meets the plan amendment requirements of Lane Code 16.400.*

At the request of Mr. Phelps, Mr. Lanfear reviewed the staff recommendation, reflected on page 21 of the supplemental staff report.

Mr. Phelps asked if the issue related to Goal 5 was addressed by the size of the impact area. Mr. Lanfear responded that the County needed to be assured that the applicant had legal access to the County road. There is a portion of the road within the impact area subject to easements. It is used by the house nearest the site to access the public road. That property owner has a valid easement but has not raised an issue about a conflict with the mining from the use of that easement.

Ms. Esty moved, seconded by Ms. Pollock, that the application met the plan amendment requirements of Lane Code 16.400. The motion passed, 5:1; Ms. Kirkham voting no.

7. *Determine if the application meets the Lane Code rezoning requirements of Lane Code 16.252.*

Mr. Lanfear said that it was the staff contention that the application met the requirements of Lane Code 16.252.

Mr. Moe moved, seconded by Ms. Pollock, that the application met the rezoning requirements of Lane Code 16.252, and to rezone the land from F-1 Non-impacted Forest Land to Quarry and Mine Operations.

Responding to a question from Ms. Esty, Mr. Lanfear said that staff was not recommending site review at this point. He said that the need for site review would be determined by the conditions set by the commission during Step 8.

The motion passed, 4:2; Ms. Kirkham and Ms. Rughani voting no.

8. Develop a program to allow mining.

Mr. Lanfear said that the site review requirements of the County's Quarry and Mining zone were applicable to a wide variety of commercial and industrial uses occurring near residential properties and allow for considerable discretion. The Goal 5 rule specifically limits the County's ability to require site review. The Goal 5 rule is all that could be used to review conflicts with adjacent properties. Mr. Lanfear said that there was an inherent conflict between the existing code and the Goal 5 rule, which was fairly new law. Staff was recommending that the commission develop a finding that the site review requirements of the zone were not applicable to the proposal unless the commission wished to impose a specific condition that required follow-up by County staff.

The commission considered a list of conditions recommended by staff.

Regarding condition 1, Ms. Rughani said that she wanted to propose that hours of operation be limited to day time hours, 8 a.m. to 5 p.m., five days a week, Monday through Friday. She said that people have the right to peaceable enjoyment of their own property.

The commission discussed Ms. Rughani's proposal. Ms. Esty noted her agreement with the limit on days of the week but suggested that because most construction work began at 7 a.m. the time of day limits may be too restrictive.

Ms. Pollock concurred with Ms. Rughani's proposal. She did not think a sixth day of operations should ever be allowed.

Mr. Myers concurred with Ms. Esty's remarks about the time of day restrictions proposed by Ms. Rughani.

Ms. Pollock expressed concern about potential conflicts between trucks and school buses and parents taking their children to school. She said that the situation was one that required give and take, and she wanted to ensure that the neighbors already there were considered.

Residents of the area indicated there were school buses present on the road at 7 a.m. No one knew what time the last bus operated on the road.

Mr. Moe agreed with Mr. Myers that it was very limiting to the mining operation to not allow truck traffic on the road until after 8 a.m. He said that trucks would have to reach the site in the first place, which took time.

Ms. Rughani asked about restricting the hours of operation on a seasonal basis. Mr. Myers said that construction activities were less affected by the seasons than in the past. He indicated his support for restricting the hours of operation to Monday through Friday.

Ms. Rughani moved, seconded by Ms. Pollock, to restrict the days of operation from Monday through Friday, from 7:30 a.m. to 5 p.m. during the school year, and from 7 a.m. to 5 p.m. during the summer months (June 15 to the day after Labor Day).

Mr. Phelps said that the motion was a statement to the board that the Planning Commission would like it to give deference to the neighborhood regarding the hours of operation.

The motion passed unanimously, 6:0.

The commission indicated acceptance of recommended conditions 2-4.

The commission discussed condition 5 related to notice of blasting. Mr. Moe asked what "notice" meant: could it refer to a sign at the intersection? Mr. Lanfear indicated there was latitude in how notice could be given. Ms. Rughani said that more than 24 hours' notice should be required. Mr. Moe suggested that written notice be provided to neighbors 48 hours prior to a blast. Ms. Esty said that the commission should ensure that mailed notice was done in a timely fashion.

Ms. Kirkham suggested that notice could also be posted at the intersection. Mr. Holtcamp indicated that if the commission chose a sign for notice, the applicant would have to go through the County's facility permit process to install the sign.

Mr. Lanfear asked who the commission wished to receive notice.

Mr. Moe suggested that signage would be more effective in the long-term. Ms. Esty pointed out that people might not see a sign if they came home after work in the dark during winter hours.

Mr. Phelps preferred telephone notice and a sign. He said that most people now have answering machines. Mr. Moe said that such an approach would require a lot of telephone calls. Ms. Rughani agreed, saying that approach would place an unfair burden on the applicant. She said that notice to all area homeowners should be postmarked three business days before a blast.

Mr. Phelps pointed out that the applicant could use an automatic telephoning system.

Mr. Moe considered three days to be excessive.

Ms. Kirkham supported notice by letter.

Ms. Esty moved, seconded by Mr. Moe, that notice of blasts to all area residents be provided by a letter postmarked three business days prior to a blast and by a sign posted at a central location where most residents would be likely to see it. The installation of the sign would require a County facilities permit. The motion passed unanimously.

The commission accepted condition 6 as recommended by staff.

The commission considered condition 7, regarding the location of seismographs at the nearest dwellings. Staff requested that the commission identify the nearest dwellings. Mr. Lanfear reiterated that the nearest dwellings were 2,300 feet and 3,300 feet from the site. Mr. Moe suggested that the nearest two dwellings as identified by staff were sufficient.

Mr. Moe moved, seconded by Ms. Rughani, that the nearest dwellings were specified as the first two houses closest to the site. The motion passed unanimously.

Regarding condition 8, Mr. Moe noted that the dust maintenance program was specified in an earlier motion.

Ms. Rughani raised the issue of enforcement of the condition. Mr. Lanfear said that the Land Management Compliance Program was available to all residents.

The commission accepted conditions 9-13 without change.

Ms. Pollock moved, seconded by Ms. Kirkham, to accept conditions 2, 3, 4, 6, 8, 9, 10, 11, 12, and 13 without change, and conditions 1, 5, and 7 as revised. The motion passed unanimously, 6:0.

Mr. Lanfear recommended that the commission act to waive the code's site review requirements.

Mr. Phelps moved, seconded by Ms. Esty, that the site review provisions of Lane Code 16.216 be waived. The motion passed unanimously.

Responding to a question from Mr. Myers, Mr. Lanfear explained that the applicant's statements regarding the manner in which business would be conducted on the site had been largely incorporated into the conditions proposed by staff and revised by the commission. He said that the Land Use Board of Appeals had ruled that the operations must be in conformance with what was proposed in an application. Any changes must be approved by the County.

Ms. Esty moved, seconded by Mr. Phelps, to recommend to the Board of County Commissioners approval of the request to amend the Rural Comprehensive Plan from Forest to Natural Resource and to rezone the site 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, subject to the conditions for approval recommended by the commission. Tax lot 3500, Map 19-02-00-30. The motion passed, 5:2; Ms. Kirkham and Ms. Rughani voting no.

Mr. Phelps moved, seconded by Ms. Pollock, to direct the applicant to prepare findings in support of the commission's recommendation. The motion passed unanimously, 6:0.

Mr. Lanfear briefly reviewed next steps in the application approval process.

The meeting adjourned at 8:55 p.m.

((

(Recorded by Kimberly Young)

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**Gleaves
Swearingen
Larsen
Potter
Scott
& Smith LLP**

April 20, 1999

BY FACSIMILE 682-8799

Lloyd Holtcamp
Lane County Transportation Planning
Department of Public Works
3040 North Delta Highway
Eugene, OR 97408

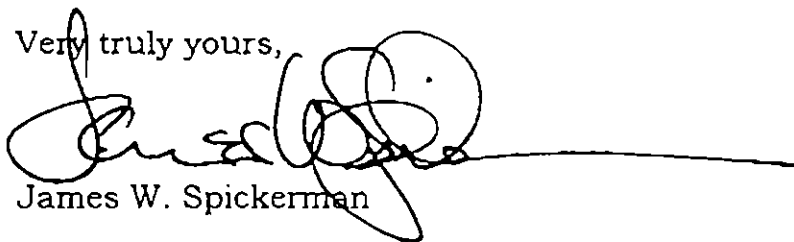
Re: PA 98-5144, BJ Equipment Application, Cedarcroft Road

Dear Mr. Holtcamp:

I would appreciate receiving a copy of your calculations in the process of evaluation of the overlay requirements for Cedarcroft and Bear Creek Roads relative to the above application. Your memorandum references a pavement design necessary to accommodate the increased use of county roads by the quarry and made certain projections concerning the effect of quarry traffic on the design life of the roads. I would like to consider that design methodology and your calculations would be of assistance to me.

If there are any questions, please give me a call. Thank you for your assistance and your cooperation.

Very truly yours,



James W. Spickerman

jca

cc: BJ Equipment Company, LLC

Phone
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Fax
(541) 345-2034

975 Oak Street
Suite 800
Eugene, Oregon
97401-3156

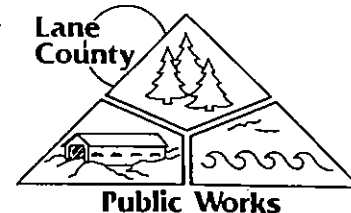
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- Eric L. Larsen
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- Malcolm H. Scott
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- A. J. Custina
- Douglas R. Schultz
- Stephen O. Lane
- William H. Martin
- Martha J. Rodman
- Michael E. Farthing
- James W. Spickerman
- Jon V. Boerstaete
- Frederick A. Hanson
- Thomas P. E. Herrmann
- James V. Shepherd
- Laure T. Z. Montpelier
- Chad C. Potter
- Jon T. Richardson
- Joshua A. Clark
- Kurt Wanless

FILE # PA 98-5144
EXHIBIT # 109

Of Course
Harold D. Galt



April 26, 1999

James W. Spickerman
Gleaves, Swearingen, Larson, Potter,
Scott and Smith LLP
975 Oak Street, Suite 800
Eugene, OR 97401

Re: PA 98-5144 Cedarcroft Rd. / Bearcreek Road pavement design analysis for proposed Quarry.

Dear Mr. Spickerman:

As requested, I've attached a copy of the calculations used by County staff to generate a pavement design needed to accommodate the proposed BJ Equipment quarry use.

It would be beneficial to County staff if they could review a copy of the pavement structural analysis calculations Branch Engineering used to arrive at their conclusions stated in their engineering report. If you could send a copy of this information I would appreciate it.

I can be reached at 682-6932 if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lloyd G. Holtcamp".

Lloyd G. Holtcamp
Senior Engineering Associate

FILE # PA 98-5144
COMMENT # 110A



Lane County Materials Testing Lab

Lane County Public Works Department
3040 N. Delta Highway, Eugene, Oregon 97408 (541) 682-6945

March 3, 1999

PRELIMINARY PAVEMENT ASSESSMENT, CEDARCROFT ROAD AND BEAR CREEK ROAD, FOR QUARRY DEVELOPMENT ON CEDARCROFT ROAD

As requested by Transportation Planning we have completed an assessment of the effect that the proposed development of Bradford Pit Quarry would have on the structural integrity of Cedarcroft and Bear Creek Roads. This study is limited to the structural ability of both roads to carry the existing traffic and proposed future traffic.

A traffic study was conducted by Branch Engineering and the results of this study were presented to Transportation Planning in a report titled, "Traffic Impact Analysis For Proposed Bradford Pit Quarry", and dated June, 1998. The report included estimates on the traffic the quarry operation would generate and thickness of the existing asphalt surface and base rock. The report includes only minimal information on the physical conditions of the asphalt surface materials and no information on the physical condition of the base rock. It also gives no information on the type or condition of the subgrade materials.

SUMMARY OF CURRENT PHYSICAL INFORMATION

The existing road structure was explored by Branch Engineering, by coring, and Lane County has coring records which showed the following thickness of Asphalt Concrete and Crushed Base Rock for Cedarcroft and Bear Creek Roads.

<u>Road Name</u>	<u>Mile Post</u>	<u>AC Thickness</u>	<u>Base Thickness</u>
Bear Creek Road	0.08	2.5"	16"
	0.67	2.0"	18"
Cedarcroft Road	0.02*	4.5"	15"
	0.02	3.5"	12"
	0.09	2.5"	14"

(* Data from Lane County road file)

FILE # PA 98-5144
LABOR # 1103

Asphalt core samples by Branch Engineering are reported to have compaction of 90.3 and 91.2 for Bear Creek Road and 90.7 and 88.4 for Cedarcroft Road. Compaction of new AC pavements is generally specified at either 90 or 91 percent for this type of road. Asphalt pavement materials generally experience measurable increases in compaction over time under traffic loading. These asphalt pavements have been in place for several years and therefore the degree of compaction should be higher than was reported. Asphalt content, gradation, strength or degree of stripping are also unknown.

Base rock information is limited to thickness only. No test information is available on the base rock concerning the degree of compaction or gradation. There is no information available concerning possible contamination or breakdown of the base rock on the roads.

The composition of the subgrade is not noted in the Branch Engineering report. Lane County road files show the same brown silty Clay subgrade material is present at all County core locations on Bear Creek Road, Bear Creek Cul-de-sac and Cedarcroft Road. However, there is no specific strength test information available for the subgrade soils.

SUMMARY OF KNOWN AND PROPOSED TRAFFIC.

Lane County Traffic Manuals show Average Daily Traffic (ADT) for most of the roads within Lane County. Bear Creek Road ADT's from 1978 to 1997 vary from a low of 430 in 1978 to a high of 700 in 1984 and 1997. Cedarcroft Road ADT's are not recorded. Lane County has no record of the mix of trucks and cars for either Bear Creek or Cedarcroft roads. There is also no record of what type of trucks uses these roads.

The Branch Engineering report estimates the traffic generated from the proposed quarry operation as summarized below.

Maximum rock production: 100,000 cubic yards per year.

250 work days per year.

400 cubic yards per day.

40, 10 cubic yard trucks per day.

On-site employees: 3.

Total trips = 86 vehicles = 86 trips per day maximum.

Total trips per day will be reduced by the use of trucks with more than 10 cu. yd. capacity.

PRELIMINARY ROAD STRUCTURAL CAPACITY ASSESSMENT

Currently there is insufficient information to conduct an in-depth analysis of the structural ability of Bear Creek and Cedarcroft roads to carry existing or proposed traffic. However, there is sufficient information to make a very general analysis of the future impact of present traffic and future proposed traffic. It must be recognized that this preliminary assessment is only approximate and will only indicate whether there is a likelihood of future problems and will not identify the magnitude or extent of future problems.

The preliminary assessment analysis is based on the information presented below. Many critical elements of the analysis are assumed and are based on general information on materials and traffic patterns found in Lane County and may not be accurate for these roads.

Subgrade soils were assumed to be a silty Clay soil of relatively low strength. This assumption is based on information found in the Lane County road files and testing of similar soils in Lane County. Typically the silty Clay soils found in Lane county have a range of R-values from 5 to 9 (Resilient Modulus ranging from approximately 3000 to 4500 psi). The preliminary analysis uses this range of R-values for all preliminary calculations.

The existing road structure were first evaluated for its ability to carry future traffic, without the additional traffic of the proposed quarry operation. This evaluation was based on a current traffic ADT of 700. This is the highest ADT recorded in the last 20 years and was reached in both 1984 and 1997. Annual growth rate was assumed to be zero percent per year. Truck traffic was assumed to one percent of the total traffic.

Bear Creek Road was assumed to have a uniform road section consisting of 2 inches of AC over 17 inches of Base Rock. Cedarcroft Road was assumed to have a uniform road section of 3 inches of AC over 14 inches of Base Rock. These typical sections are approximately equal to the average thickness' found in the coring summary presented earlier in this report.

Based on the above information, an estimate of the maximum allowable traffic these roads are currently able to support, for the next twenty years, was back calculated using AASHTO design procedures. Using this procedure a Structural Number of 2.74 was calculated. This Structural Number is equivalent to an approximately traffic equivalency of 45,000 (subgrade R-value 5) to 100,000 (subgrade R-value 9) Equivalent Single Axle Loads (ESAL). Current traffic would produce an approximately traffic equivalency of 25,000 ESAL.

Back calculation of the maximum allowable traffic and the current traffic suggest that the present road structure is capable of supporting the current traffic for more than 20 years. This is true only for the current traffic without the addition of the proposed new quarry traffic.

The structural road section needs for the proposed new quarry traffic was evaluated based on the traffic projections presented in the Branch Engineering report and the assumptions presented below.

1. Existing traffic has been considered to be insignificant in relation to the much heavier quarry traffic and therefore is not included in the design.
2. The out bound traffic lane will carry the heaviest traffic and will therefore control the structural design needs of the roads.
3. All trucks in the outbound lane are considered to be fully loaded to there maximum legal weight.
4. Outbound truck traffic will be a mix of Multi-unit and single-unit vehicles:
 - * 4 Multi-unit trucks at 15 cu. yds. each for 60 cu. yds. (10.5% of trucks).
 - * 34 Single-unit trucks at 10 cu. yds. each for 340 cu. yds. (89.5% of trucks).
5. Truck factors used are 1.31 for single-units and 2.39 for Multi-units.
6. Trucks will operate 250 days per year.

Based on this information and the materials characteristics used in the existing traffic analysis, a design ESAL of 270,500 was calculated.

Comparison of the estimated current maximum traffic ESAL's (45,000 to 100,000) with the estimated maximum traffic ESAL's (270,500) for the quarry operations suggest that the current road structure is significantly deficient in its capacity to support the additional traffic load imposed by the proposed quarry operations. These ESAL's suggest that at a minimum a structural overlay will be required to support the proposed increase in traffic.

All of the above calculations are approximate and may not represent the actual structural carrying capacity of either Bear Creek or Cedarcroft roads. However, they can be used to assess the potential for future road structure problems.

RECOMMENDATIONS AND CONCLUSIONS

Based of the information currently available and as indicated above, it appears that Bear Creek and Cedarcroft roads will not be able to support the proposed Bradford Pit Quarry traffic. However, there is insufficient information to make a positive assessment of the actual effect of current and proposed traffic.

It is our recommendation that additional testing be conducted to determine the actual structural capacity of Bear Creek and Cedarcroft roads. Its is our recommendation that this additional testing be non-destructive testing using either Benkelman Beam or Falling Weight Deflectometer. These test procedures should give the best assessment of the inplac load carrying ability of the current road structures.

Testing of the actual base rock and subgrade materials may be done to qualify the condition of the existing materials but is not recommended. This type of testing would require opening up the existing roadway, at several locations, and the information gained will be of an inferior quality, for design, to the information gained by the non-destructive testing suggested above.

Should there be any questions concerning the contents of this report, or how it was prepared, please do not hesitate to call.

Very truly yours,

Bill L. Cummings, P.E.
Materials Laboratory Supervisor

ADDENDUM NO.1

March 23, 1999

The effect of proposed quarry traffic on Cedarcroft and Bear Creek Roads was re-evaluated based on Benkelmen Beam Deflection testing information acquired on March 18, 1999. Based on this information and the original traffic projections, both roads were checked to see if a structural overlay is needed for the existing traffic and for the proposed quarry traffic. Presented below are the results of the overlay design study.

Benkelmen Beam Deflection testing was conducted on March 18, 1999 and the following Representative Rebound Deflection's (RRD) were calculated.

<u>Road Name</u>	<u>RRD</u>
Bear Creek Road	0.034"
Cedarcroft Road	0.041"

Overlay design for present traffic was based on an ESAL of 50,000. The structural overlay required for Bear Creek Road was determined to be zero inches, and Cedarcroft Road to be 0.3 inches.

The overlay design for the proposed quarry traffic was based on an ESAL 270,500. The structural overlay required for Bear Creek Road was determined to be approximately 0.75 inches, and Cedarcroft Road to be approximately 2.5 inches.

Using Lane Counties current structural overlay design procedures, a structural overlay would not be recommended for either Bear Creek or Cedarcroft roads based on current traffic needs. When the proposed quarry traffic is added the situation changes. Bear Creek Road would not be overlaid at this time but, an overlay need would be expected in the next 5 to 10 years. Cedarcroft Road would be recommended for a 2.5 inch structural overlay at this time.

Bill Cummings
Materials Laboratory Supervisor.

Cedar Craft + Bear CK Rd Design Assumptions

(Based on Branch Engr. Report 6/98)

Report Estimate's

- * 100,000 Cubic Yards per year
- * 250 work days
- * 400 cubic yards per day.
- * 10 cubic yards per Truck
- * 40 Loaded Trucks per day
- * Higher load capacity Trucks will be used reducing total truck traffic numbers.

Lane County Traffic Information

*			
1998	—	1988	530
1997	700	87	550
1994	440	86	600
1993	550	85	700
1992	550	84	700
1991	650	82	600
1990	650	81	580
1989	550	79	560
		78	430

* Bear Creek Road only, no data available for Cedar Craft

22-142 100 SHEETS
 22-144 200 SHEETS
 (AMPRO)

Asphalt + Base Information

Lane County - Cedarcroft	MP 0.02	AC = 4.5"	Base 15.0"
BearCreek	MP 1.80	AC 5.5"	Base 12.0"
	1.92	AC 4.5"	Base 10.0"
Branch Engr/PSI - BearCk.	MP 0.08	AC 2 1/2"	Base 16"
	MP 0.67	AC 2"	Base 18"
Cedarcroft	MP 0.02	AC 3 1/2"	Base 12"
	MP 0.09	AC 2 1/2"	Base 14"

Assumed average road section

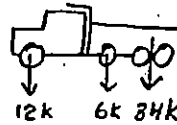
Bear Creek Rd. 2" AC over 17" Base, Subgrade Brown silty CLAY
 Cedarcroft Rd. 3" AC over 14" Base, Subgrade Brown silty CLAY

Assumed Design Trucks

Single Unit 10 yard Dump Truck

Gross wt 52,000 lbs

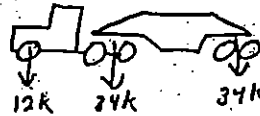
Truck Factor = 1.31



Multi Unit 15 yard belly Dump Truck

Gross wt. 80,000 lbs

Truck Factor = 2.39



22-142 100 SHEETS
22-144 200 SHEETS

Design Assumptions

1. The existing road is structurally able to carry the existing traffic for the next 20 years plus.
2. Existing Traffic is not included as part of the Design Traffic.
3. Design Lane is out bound lane.
4. Only gravel trucks used in design.
5. All outbound trucks are fully loaded.
6. Out bound Truck Mix
 - 4 Multi-units @ 15 yd^3 each for 60 yd^3 (10.5%)
 - 34 Single-units @ 10 yd^3 each for 340 yd^3 (89.5%)
7. Truck Factors
 - Multi-unit 2.39
 - Single-unit 1.31
8. Trucks will operate 250 days per year.

Traffic Analysis And Pavement Design Date 3-1-99

Road Name Bear Creek / Cedarcroft Road No. 6028/6029

Begin M.P. _____, End M.P. _____, PCI _____

Traffic History		Vehicle Type	Current ADT	Vehicle Factor*	Annual Design ESAL
Year	ADT				
_____	_____	Passenger Car and Pickups	3465	0.0006	76
_____	_____	2 Axle ; 6 Tire	_____	0.25	_____
_____	_____	3 or more Axle	3	0.85	931
_____	_____	Multi-Unit Trucks			
_____	_____	3 Axle	_____	0.60	_____
_____	_____	4 Axle	_____	0.89	_____
_____	_____	5 Axle	0.5	1.45	265
_____	_____	6 or More Axle		1.80	_____
Total Annual ESAL					1272

Avg Annual Growth 0 Two Way ADT 700 ; One Way ADT 350
 Percent Trucks 1% , Total No. of Trucks 3.5

Design Period 20 (Years), Est. Annual Growth Rate 0 , Growth Factor 20.00

Design Period ESAL 25,440 Back Calculated Allowable ESAL's 50,000

Deflection Testing and Overlay Design. Existing Structure

Date of Deflection Testing _____
 RRB Deflection _____ (in.)
 Tol. Deflection _____ (in.)
 Reccom. O.L. _____ (in.)
 Seasonal Correction Factor _____
 Corrected RRB Defl. _____ (in.)
 Tol. Deflection _____ (in.)
 Reccom. O.L. _____ (in.)

* Average Value. Assumes Truck loaded to 1/2 of its capacity.



Traffic Analysis And Pavement Design

Date 3-1-99

Road Name Bear Creek / Cedarcroft

Road No. ^{16029/}6029

Begin M.P. _____, End M.P. _____, P.C.I. _____

Traffic History

Year	ADT
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Vehicle Type	Current ADT	Vehicle Factor*	Annual Design ESAL
Passenger Car and Pickups	_____	0.0006	_____
2 Axle ; 6 Tire	_____	0.25	_____
3 or more Axle	34 (x250)	0.65 1.31	11,135
Multi-Unit Trucks			
3 Axle	_____	0.60	_____
4 Axle	_____	0.89	_____
5 Axle	4 (x250)	1.15 2.39	2390
6 or More Axle	_____	1.80	_____
Total Annual ESAL			13525

Avg Annual Growth _____

Two Way ADT _____, One Way ADT _____

Percent Trucks _____, Total No. of Trucks _____

Design Period 20 (Years), Est. Annual Growth Rate 0, Growth Factor 20

Design Period ESAL 270,500

Deflection Testing and Overlay Design.

Existing Structure

Date of Deflection Testing _____

RRB Deflection _____ (in).

Tol. Deflection _____ (in).

Recom. O.L. _____ (in).

Seasonal Correction Factor _____

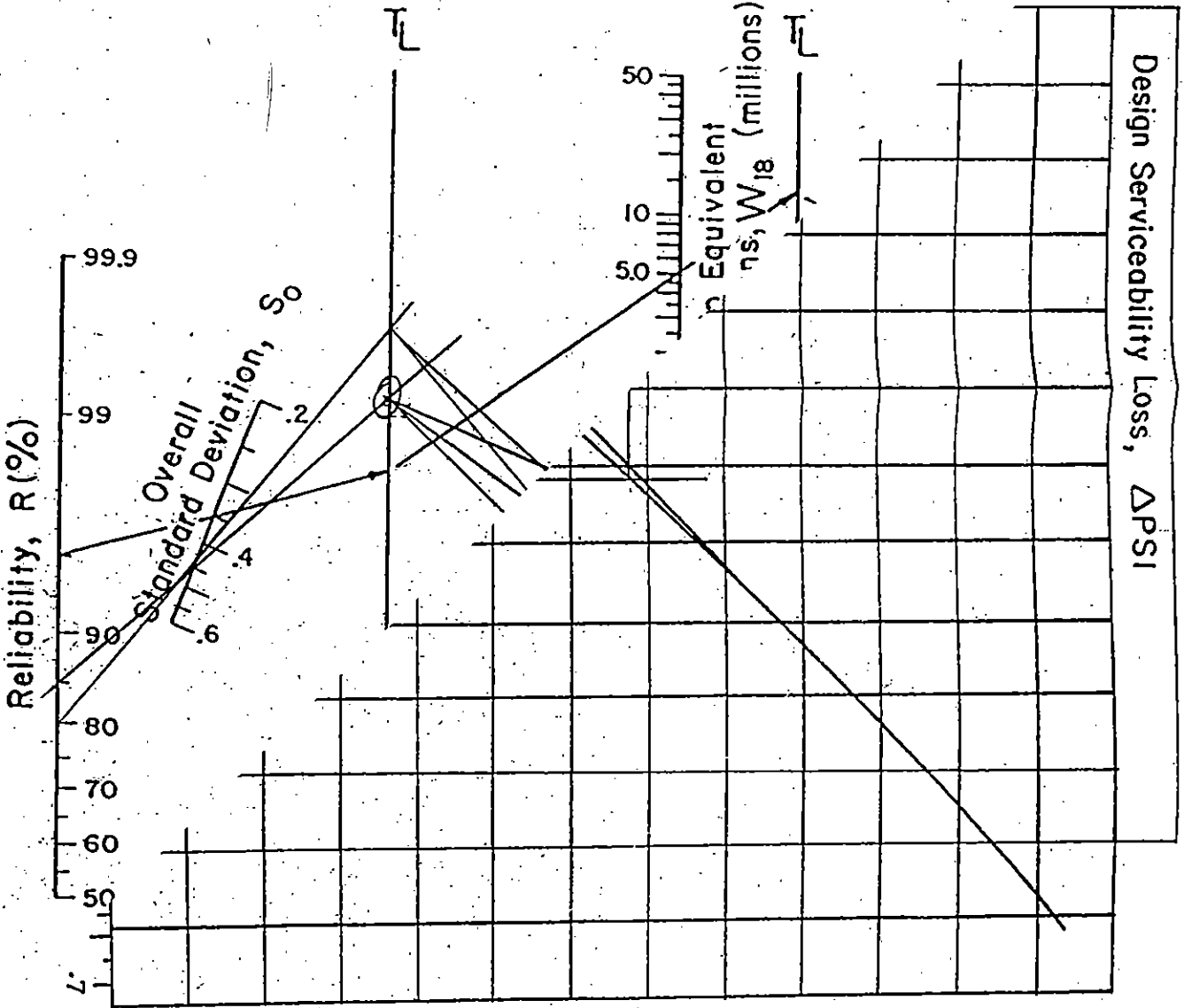
Corrected RRB Defl. _____ (in).

Tol. Deflection _____ (in).

Recom. O.L. _____ (in).

* Average Value. Assumes. Truck loaded to 1/2 of its capacity.





Traffic Analysis And Pavement Design Date 3-23-99

Road Name Cedarcroft / Bear Creek Rds Road No: 6027/6028

Begin M.P. _____, End M.P. _____, PCI _____

Traffic History		Vehicle Type	Current ADT	Vehicle Factor*	Annual Design ESAL
Year	ADT	Passenger Car and Pickups		0.006	
_____	_____	2 Axle ; 6 Tire		0.25	
_____	_____	3 or more Axle		0.85	
_____	_____	Multi-Unit Trucks			
_____	_____	3 Axle		0.60	
_____	_____	4 Axle		0.89	
_____	_____	5 Axle		1.45	
_____	_____	6 or More Axle		1.00	
Total Annual ESAL					

Avg Annual Growth _____, Two Way ADT _____, One Way ADT _____
 Percent Trucks _____, Total No. of Trucks _____

Design Period _____ (Years), Est. Annual Growth Rate _____, Growth Factor _____

Design Period ESAL 270,500 * See 3-1-99 Design

Deflection Testing and Overlay Design Existing Structure

Date of Deflection Testing 3-18-99

** At 50,000 lbsal
 Bear Creek needs ~~AD~~ 0.1,
 Cedarcroft needs 0.3" O.L.

RRB Deflection _____ (in).

Tol. Deflection _____ (in).

Recom. O.L. _____ (in). Cedarcroft

Bear Creek

Seasonal Correction Factor 1.0

Corrected RRB Defl. 0.041 (in.) 0.041

0.034 0.034

Tol. Deflection 0.026 (in.) 0.023

0.027 0.026

Recom. O.L. 2.0 (in.) 2.0

0.7" 0.8"

PRD % 36.6 43.9

20.6 23.5

AC Thickness 2.5" 3.5"

2.0 2.5

Recommended O.L. 2.5"

1.0"

* Average Value. Assumes Truck loaded to 1/2 of its capacity.

(ODOT Deflection testing Design Procedure)

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



1	323	303	20
0	313	224	27
0	331	304	25
1	315	281	24
0	316	294	22
0	327	231	34
1	328	303	25
0	314	220	34
0	334	304	32

1	303	220	23
0	327	307	20
0	332	307	25
0	326	303	23
0	329	229	40
0	310	220	30
1	335	315	20
0	300	217	23
0	307	225	22

X=0.0262 S=0.0059 C=1.0 TC=1.3 Q25"AC
TRD=0.0405

1	303	224	19
0	312	226	24
0	315	223	32
1	323	235	28
0	315	228	27
0	333	239	34
1	328	312	16
0	320	234	26
0	316	233	23

1	301	230	11
0	314	235	19
0	335	320	15
1	323	312	11
0	316	235	21
0	331	318	13
1	318	307	11
0	336	319	17
0	323	304	19

X=0.0204 S=0.0072 C=1.0 TC=1.3 Q2"AC
TRD=0.0344