

As stated above, the impact area is the area measured from the mining activity itself and the impacts must be from the mining or processing activities and not from transportation of the product. For a use to be conflicting, it must interfere with or be adversely affected by mining or processing activity [OAR 660-023-0180(1)(b)]. The Board finds that the rule requires that if a conflict is identified, the mining be allowed if the conflict is minimized. To "minimize a conflict" within the rule means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts that are addressed by local, state or federal standards (such as DEQ standards for noise and dust levels), a conflict is deemed minimized when there is compliance with those standards. [See OAR 660-023-0180(1)(f).]

The testimony in opposition included concerns with noise from mining activity, including blasting and crushing. The Board finds that the report of the acoustical engineer, Exhibit D, establishes that, assuming the worst case acoustically, sound levels from the crusher and loading of trucks would be at DEQ specified levels for exposure to a residence at a distance of 2100 feet and diminish from there. There are no residences within this impact area. The acoustical engineer also establishes that the sound from blasting will be well below DEQ limits for blasting, and with modern sequential blasting, will be practically inaudible even at ¼ mile.

The testimony included concern with effects of blasting in the quarry operation on water quality. The report of Ralph Christensen, hydrologist, Exhibit E attached hereto, points out that the level of the quarry is well above that of properties owned by those expressing a concern, therefore, would not affect groundwater for wells that will be far below the quarry floor level. As to water quality concerns, the hydrologist points out that the only possibility is a fuel spill from the mining operation if it were to infiltrate the ground through the quarry floor. As pointed out by the hydrologist, a spill prevention and cleanup plan must be prepared for the site as required by law which includes the requirement that cleanup materials be kept at the site and be readily available at all times. As discussed in the hydrologist's report, DEQ allows onsite remediation of hydrocarbon spills much larger than would occur in this situation and any risk of temporary groundwater pollution is minimal.

Concern was expressed with the possibility of discharge of water from the mining site. The DOGAMI permit does not allow discharge of stormwater or process water from the site. Obviously, the mining operation cannot function without a DOGAMI permit, therefore, the applicant must adhere to these conditions. Any discharge of stormwater from the site could only occur upon issuance of a stormwater discharge permit after satisfying DEQ requirements for such a permit.

Some of the testimony presented suggested that blasting would release arsenic and other chemicals into the groundwater. The Board finds that there

is no scientific or factual basis for this concern. The same is true of fears of debris being thrown into the air. The Board finds that there is no credible evidence that objects could be propelled beyond 2300 feet from the mining area.

The Board acknowledges that there is much testimony in the record concerning dust caused by trucks but the rule contemplates impacts from mining itself. The potential of release of dust into the air by the mining and processing activity is addressed by the requirements of the Lane Regional Air Pollution Authority (LRAPA) permit under which the processing equipment operates. The level of release of particulate into the air must meet DEQ standards as locally regulated by LRAPA and involves the wetting of materials during the processing. The issue of dust on Cedarcroft Road will be addressed by the applicant even though that is not required by the applicable criteria.

The Board finds that other impacts of truck traffic on Cedarcroft Road and Bear Creek Road are not impacts of the mining and processing operation and only the specific conflicts considered under OAR 660-023-0180(4)(b)(B) as discussed below, may be considered.

The Board finds the written testimony submitted by Art Noxon, acoustical engineer, and Ralph Christensen, engineer and hydrologist, is credible and not rebutted by the evidence in opposition.

With respect to the impacts of the mining and processing activities, in summary, the Board finds there are no conflicts with existing and approved uses and associated activities.

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

“Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding site distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and the capacity that haul other materials;”

The standards for assessing projected traffic impacts on roads are AASHTO standards adopted in the 1980 Lane County Transportation Plan

(adopted by Ordinance 3-80), which was subsequently amended by the 1984 Lane County Rural Comprehensive Plan.

The 1980 Lane County Master Road Plan includes among the plan recommendations the following:

“Road System.

14. AASHTO uniform standards for highway design along with typical section and right of way guidelines in 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.”

Item 4 of 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 Recommendation within it shall be applied where appropriate. These Recommendations shall be considered mandatory actions which are ultimately binding on the County.”

The application addresses potential conflicts to local roads used for access and egress to the mining site within the area to include the intersection with the nearest arterial identified in the local transportation plan. The nearest arterial within the meaning of OAR 660-023-0180(4)(b)(B) is the Cloverdale Highway. The Cloverdale Highway connects Pleasant Hill and Creswell and connects two state highways. The applicant’s initial traffic analysis addresses connection to the nearest arterial and establishes that acceptable impact levels and levels of service are maintained assuming maximum traffic generation by the use.

The evidence establishes that there are no conflicts pertaining to road capacity, horizontal and vertical alignment of affected roads or similar items that would conflict with the AASHTO standards.

The report of Branch Engineering establishes that sight distances at the intersection of Cedarcroft Road and Bear Creek Road exceed AASHTO standards. The record reflects that since the time of the Planning Commission

hearing, a stop sign has been placed on Cedarcroft Road at its intersection with Bear Creek Road. The Branch Engineering report also establishes that the sight distances at the Bear Creek Road/Cloverdale Road intersection exceed AASHTO standards.

The Board acknowledges that the sight distance for vehicles turning from Bradford Road to the right on Bear Creek Road is less than would be indicated in the AASHTO standards. Bradford Road, however, is not a road used for access or egress to the mining site, therefore, is not subject to the above stated administrative rule. The situation at this intersection represents a pre-existing condition that is unchanged by the aggregate use of the subject site. As a pre-existing problem, the County can correct the condition by obtaining a sight line easement to the extent necessary. The Board notes that Bear Creek Road has long been used by log trucks and other loaded trucks and no evidence has been received of a notable accident history at this intersection.

As stated above, the Lane County Transportation Plan adopted in 1980 and amended in the 1984 Lane County Rural Comprehensive Plan indicates AASHTO standards shall be used for highway design issues. The AASHTO methodology and development of pavement design is specified in the AASHTO Guide for Design of Pavement Structures. The Lane County staff has developed a pavement design necessary to accommodate the increased use of county roads by trucks removing aggregate from the subject quarry. The AASHTO pavement design guide was used in this assessment. The design was based on loaded truck usage and its effects on roads traveled from the site. The staff has determined that a 2.5 inch structural AC overlay is immediately needed to accommodate truck traffic on Cedarcroft Road. The use of the road for quarry access will result in a conflict to that road requiring mitigation by the applicant. A condition is imposed requiring the applicant to pay the cost of the overlay for Cedarcroft Road within one year of commencement of operation of the quarry.

The County staff has prepared an analysis of possible impact of quarry traffic on Bear Creek Road and in the process of doing so has projected the probable life of the present pavement design on Bear Creek Road. The County has no record of the present mix of trucks and cars on that road or the type of trucks used on that road. Using as part of the analysis the assumption that the full maximum allowable 40 trucks per day will exit the quarry each day for 20 years, the staff has determined that Bear Creek Road will need an asphalt overlay sometime within 5 to 10 years. The projected cost of that overlay is \$34,000. The staff's computations are based upon the effects of loaded trucks on Bear Creek Road. In consideration of the applicant bearing full costs of paving of Cedarcroft Road and the reduced impact of empty returning trucks on Bear Creek Road, the Board finds that contribution of \$17,000 within 5 years to the County for the cost of improvement of Bear Creek Road will mitigate the impacts to the road.

OAR 660-023-0180(4)(b)(C):

“Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments. This paragraph shall not apply after the effective date of Commission rules adopted pursuant to Chapter 285 Oregon Laws 1995;”

There are no public airports within the impact area.

OAR 660-023-0180(4)(b)(D):

“Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;”

This portion of the rule references only “Goal 5 resource sites” within the impact area which are shown on an acknowledged list of significant resources. There are no such sites in or near the impact area that are on such a list which would have to be part of the Comprehensive Plan or adopted by a land use regulation. [See OAR 660-023-010(9).]

The Board notes that testimony was received pertaining to possible impact on elk within the major big game range within which the quarry site is located. The existence of the game range does not render the area a Goal 5 resource site as contemplated by the Administrative Rule. The same is true of open space. There is no inventory or resource list identifying open space resources in Lane County.

OAR 660-023-0180(4)(b)(E):

“Conflicts with agricultural practices;”

The Board finds that no agricultural practices have been identified with which the proposed mining and processing activities would conflict.

OAR 660-023-0180 contains a particular provision with regard to the relationship of potential aggregate sites to agriculture. The rule specifically directs that local government consider specifically “conflicts with agricultural practices.” This provision contemplates conflicts with practices rather than conflicts with uses. No farming practices or mode of operations have been identified that would conflict with the aggregate extraction use nor have conflicts been identified in the form of farming practices that would impact the extraction use.

OAR 660-023-0180(4)(c) provides that, to determine whether proposed measures would minimize conflicts with agricultural practices, the requirements of ORS 215.296 shall be followed:

- “(a) The aggregate use will not force a significant change in accepted or farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) The aggregate use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm and forest use.”

The most likely use of the nearby EFU land is for pasture, given the character of the terrain and vegetation. With controls in place relative to discharge of water, particulate matter into the air, and the controlled nature of the blasting, no significant change will be caused to farm practices. This is also true with respect to forest practices. As discussed above, the sound from the operation, given the distances involved and the nature of the sound, will not adversely affect farm or forest use.

Even if it is assumed that “agricultural practices” includes farm uses such as raising sheep, chicken or horses as suggested by the opponents, no conflicts with those uses have been identified. It is suggested that those animals are sensitive to noise, vibration and similar disturbances. A “conflicting use” must be a use or activity that would interfere with or be adversely affected by the mining or processing activities. The mining activity will involve fairly constant sound at moderate levels as described in the acoustical engineer’s report. The acoustical engineer’s report also establishes that with modern sequential blasting techniques, the sound will be practically inaudible at a distance of ¼ mile. There is no information submitted that would establish a significant potential impact upon livestock use.

In considering the issue of conflict of the extraction use with agriculture uses, it is worthwhile to note that ORS 215.213(2)(d)(B) allows mining, crushing or stockpiling of aggregate and other minerals on EFU land subject to ORS 215.298, which allows mining under our local land use permit on acknowledged sites. The fact that mining is allowed under statute on EFU lands is an indication of the consistency of the aggregate extraction use with agricultural practices.

There is no evidence to suggest that the aggregate use will significantly increase the cost of accepted farm or forest practices on the surrounding lands devoted to farm or forest use. Presently, the adjacent EFU land remains in primarily forest use, which will be unaffected by the mining operation.

OAR 660-023-0180(4)(b)(F):

“Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780;”

ORS 517.780 states that the provisions of ORS 517.702 to 517.989 and the rules and regulations adopted thereunder shall not supersede any zoning laws or ordinances in effect on July 1, 1972. There are no such Lane County ordinances that would, by these terms, supersede the DOGAMI regulations.

OAR 660-023-0180(4)(c):

“The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.”

The Board finds that no conflicts have been identified within the impact area of 2100 feet from the mining and processing activity, therefore, no measures are necessary to minimize conflicts with that activity.

The Board finds that there are conflicts to local roads as a result of the impact of loaded aggregate trucks using those roads to exit the site. The Transportation Planning staff has determined that the existing roadbed of Cedarcroft Road is inadequate to support the truck traffic proposed and that the existing roadbed of Bear Creek Road will need improving at an earlier time due to the anticipated quarry use.

The impact to these roads will be minimized by the previously discussed measures requiring contribution to the County for road costs. Those measures will be conditions of this approval and part of the ordinance adopted approving this PAPA.

Step 4: Weigh ESEE analysis.

OAR 660-023-0180(4)(d):

“The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either allowing, limiting, or not allowing mining at the site. Local government shall reach this decision by weighing these ESEE consequences, with consideration of the following:

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

The Board finds that the only conflict identified, that pertaining to conflict to local roads, has been minimized, therefore, an ESEE analysis is unnecessary.

Step 6: Develop a program to allow mining.

OAR 660-023-0180(4)(e):

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

- (A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;”**

The Board finds that sufficient information was provided in the PAPA application and that the application is complete. The Board's action herein sets forth clear and objective measures to address the only identified conflict, that pertaining to roads.

“(B) Not requested in the PAPA application;”

Additional land use review is not required. Any new proposal other than that of the PAPA would be reviewed under the Site Review Provisions of LC 16.257.

“(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.”

A change in the operation from that reviewed under the PAPA application would be reviewed under site review provisions of LC 16.257.

“(f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local government shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.”

The Board finds that the post-mining use will be forest use under the reclamation plan filed with DOGAMI. Forest uses are a permitted use within the Quarry and Mining operation zone as per LC 16.216(4)(f).

“(g) Local governments shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the local government.”

This criterion is inapplicable to the proposal.

OAR 660-023-0180(7) provides:

“Local governments shall amend the comprehensive plan and land use regulations to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. Until such local regulations are adopted, the procedures and requirements of this rule shall be directly applied to local government consideration of PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided:

- (a) Such regulations were acknowledged subsequent to 1989; and**
- (b) Such regulations shall be amended to conform to the requirements of this rule at the next scheduled periodic review, except as provided under OAR 660-023-0250(7).”**

The Board finds that Lane County has not amended its comprehensive plan and land use regulations to include procedures and requirements consistent with the new Goal 5 Rule for consideration of PAPAs. All that exists in Lane County is the Mineral and Aggregate Resources Working Paper, which contains a list of significant sites at the time of its adoption. The Lane County Rural Comprehensive Plan does contain specific criteria for plan amendment, therefore, criteria applicable to this application.

The Board further finds that the application does positively address the Lane County Rural Comprehensive Plan amendment criteria. Those findings follow the statewide goal findings set forth below.

E. Statewide Planning Goals.

Positive findings are made on the Statewide Planning Goals as follows.

Goal 1: Citizen Involvement

To provide for widespread citizen involvement.

This goal requires that citizens and affected public agencies be provided an opportunity to comment on the proposed plan amendment and zone change. Public notification in the form of a mailed notice was sent by Lane County to affected public agencies, including Department of Land Conservation and Development (DLCD), Oregon Department of Fish and Wildlife (ODFW),

Department of Forestry, Department of State Lands and DOGAMI. No negative responses have been received. All owners of record within 500 feet of the subject properties have been notified. Public hearings will be provided both at the Lane County Planning Commission level and before the Lane County Board of Commissioners.

Goal 2: Planning

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

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

A concern was expressed by the Creswell School District pertaining to possible conflict between school buses and trucks hauling aggregate from the site. A condition was adopted by the Planning Commission and is adopted by the Board restricting hours of operation in order to accommodate, to the extent possible, the interest of the School District in this regard. It is noted, however, that Bear Creek Road has been used for many years for such vehicles as loaded logging trucks and school buses have operated on these roads safely.

The second part of Goal 2 relates to exceptions to Statewide Goals. An issue raised concerning the necessity of an exception to Goal 4 is discussed below.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

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

The Soil Conservation Service and Soil Survey identifies soils on the subject parcel as containing only 1.126 acres Class III soil and 7.954 acres Class IV soil. This means that approximately 4.5 percent of the entire parcel is the Class II soil and 28.5 percent is the Class IV soil with the remainder of the site not being agricultural soils.

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

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

OAR 660-023-0180(4)(b)(E) specifically requires that conflicts with agricultural practices be addressed as part of a PAPA application. The potential of such conflicts has been addressed in the findings pertaining to the Goal 5 Rule and is incorporated herein by reference.

Goal 4: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically-efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

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

A view of the site bears out what is described in the report. The quarry site is located on a rocky knoll. While some soil covers the rock, particularly on the lower portions of the knoll, the poor conditions are demonstrated by existing small trees that are the result of replanting. Growth has been minimal. Additionally, under the conditions of the Department of Geology and Mineral Industries Permit, upon conclusion of the quarry operation, the

reclamation plan must be put into effect which will require the replacement of soils.

The Board further finds that the administrative rules pertaining to Goal 4 Forest Lands demonstrate that an exception is not necessary. Those rules provide there are five general types of uses that may be allowed in the forest environment subject to the standards in Goal 4 and the administrative rules. Those include:

“(c) Locationally dependent uses, such as . . . mineral and aggregate resources, etc.,” [OAR 660-006-025(1).]

OAR 660-006-025(4) provides:

“The following uses may be allowed on forest lands subject to review standards in Section (5) of this rule:

(f) Finding and processing of oil, gas, or other subsurface resources . . . and mining and processing of aggregate in mineral resources as defined in ORS Chapter 517;”

The referenced subparagraph (5) allows the uses as long as they do not force a significant change in forest practices, increased fire hazard and would allow forest operations on adjacent land. The use of this site for aggregate extraction will not force a significant change in forest practices or increase fire danger. Forest operations on adjacent lands will be unaffected.

The PAPA process assures that there will not be conflicts between the forest use and the aggregate use in that the PAPA process requires that the aggregate use does not adversely affect or conflict with the surrounding uses, including forest uses.

The Lane County Land Management staff has contacted DLCDC and the DLCDC staff confirmed that it is their view that an exception is not necessary to allow mining on lands previously designated Forest Lands under the Goal 5 Rule. The Board adopts this position.

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

To protect natural resources and conserve scenic and historic areas open spaces.

As previously stated, the new Goal 5 Rule for mineral and aggregate resources specifically addresses the other Goal 5 resources and limits consideration to “Goal 5 resource sites” that have been identified in the County’s Comprehensive Plan.

Beyond the fact that the new Goal 5 Rule specifically limits the considerations regarding Goal 5 resources to identified sites, no conflicts have been identified. In response to the referral sent by Lane County, ODFW described its plan to reduce elk numbers in the area and expressed the conclusion that the rock quarry does not conflict with the department's management objective of maintaining elk at low population densities in the area.

There are no wetlands identified on the 40-acre site nor will any wetlands offsite be affected by activity allowed by the new zoning district.

Goal 6: Air, Water and Land Resources Quality

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

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

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

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

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from Natural Disasters and Hazards.

Under this goal, areas of natural disasters and hazards are described as areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.

The Board finds that this area is not subject to such hazards and the risk of such hazards are not increased by the activity allowed by the plan amendment and rezoning. A condition of the DOGAMI permit restricts areas of storage of materials so as to minimize any potential for landsliding.

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

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including Destination Resorts.

The inventories of state and local recreational facilities indicate no recreational facilities on the site. The site is not a likely one for the siting of a destination resort. As explained elsewhere, campgrounds cannot be located on forest land near the site.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The goal contemplates that comprehensive plans and policies will contribute to a stable and healthy economy in the state. The goal primarily addresses commercial and industrial development within urban areas. To the extent the goal is applicable to the application, the operation will contribute to the economy of the local area by its employment of persons and by providing the natural resource for construction of roads, which in turn facilitate the economy of the state.

Goal 10: Housing

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

This application does not directly relate to the housing goal of the state except to the extent an adequate supply of aggregate facilitates the construction of housing in the form of foundations, driveways, and streets and roads to provide access to such housing.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

This application does not directly relate to this goal. The public facilities and services in the form of roads exist to provide access to and from the site. The approval does not result in the extension of public facilities and services beyond those existing.

Goal 12: Transportation

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

The application contains both the initial traffic impact analysis and a supplemental analysis that addresses the sufficiency of the transportation system to accommodate traffic associated with this use. Cloverdale Road is a county road providing connection between Creswell and Pleasant Hill. The roadway is 32 feet wide and the project vicinity has a posted speed of 55 miles per hour.

Although designated a "collector" at LC 15.027, Cloverdale Road is an arterial under the Goal 5 Rule where the term "arterials" is defined as:

"... state highways and other public roads that principally provide service to through traffic between cities and towns, state highways and major destinations or as specified in an acknowledged comprehensive plan;" [OAR 660-012-0065(2)(b)(C).]

The Board finds Cloverdale Road is an arterial for purposes of the Goal 5 Rule.

Bear Creek Road is a county roadway extending east from Cloverdale Road. That road is 24 feet wide in the project vicinity, has a posted speed of 50 miles per hour and has been used by the timber industry as a haul road for many years. Cedarcroft Road is a rural county roadway extending south from Bear Creek Road. The roadway has a paved width of 24 feet for approximately 750 feet, followed by a 22-foot-wide gravel surface. Cedarcroft Road was originally constructed for the hauling of timber and rock from the area surrounding the site of the proposed quarry.

A stop sign has been placed at the intersection of Cedarcroft Road and Bear Creek Road. The traffic impact analyses demonstrate that the level of service (LOS) will remain at LOS A for the affected roads and that sight distances are adequate to serve trucks entering the roadways relative to acknowledged standards. At the intersection of Bear Creek and Cloverdale Roads, the sight distance is 940 feet with the recommended distance being 550 feet. At the intersection of Cedarcroft and Bear Creek Roads, the northbound left turn measure distance is 580 feet compared to the recommended distance of 550 feet and for a northbound right turn, the sight distance is 680 feet relative to the 550 feet recommended distance. The sight distance evaluation indicates the intersections are expected to operate safely with large trucks entering the existing roadways.

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

As above stated, sight distance to the right for traffic exiting South Bradford Road to Bear Creek Road has less than optimum sight distance. South Bradford Road, however, will not be used for access to and from the site by aggregate trucks. The situation is a pre-existing situation that can be addressed by the County acquiring additional sight easements. It is further noted that there is posted an "intersection ahead" symbol sign warning drivers approaching Bradford Road on Bear Creek Road.

As noted in the report of the traffic engineer, Bear Creek Road and Cedarcroft Road have been used as timber and rock haul roads for many years. Sight distances, grades, and radii of curvature on these roads were found to be suitable for large trucks. The Board finds that there is substantial evidence that the existing road system will remain safe and adequate.

The Board finds that the new Goal 5 Rule has set forth the specific items to be evaluated in determining impact of traffic associated with the mining and processing operation on existing roads. The application addresses in a positive manner those standards, therefore, it is consistent with Goal 12. The findings which address OAR 660-023-0180(4)(b)(B) are incorporated herein by reference.

Goal 13: Energy Conservation

To conserve energy.

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

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

Goal 14: Urbanization

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

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

Goal 15: Willamette River Greenway

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

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

Goals 16, 17, 18 and 19.

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

F. Lane County Rural Comprehensive Plan Amendment Criteria.

The existing criteria for amendment of the Lane County Rural Comprehensive Plan are applicable to this PAPA to the extent that those plan amendment criteria are consistent with the administrative rule. The plan amendment criteria are addressed below.

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

“For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; OR

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

(v-v) otherwise deemed by the Board, of reasons briefly set forth in its decision, to be desirable, appropriate or proper.”

Statewide Goal 5 requires that the location, quality and quantity of mineral and aggregate resources be inventoried. The Lane County “Working Paper: Mineral and Aggregate Resources,” identified the then known existing aggregate resource sites in Lane County. That working paper and Lane County

Rural Plan Policies recognized that not all significant mineral resource sites had been identified and inventoried. The subject site has now been identified and qualifies under the Oregon Administrative Rules as a significant resource site.

The plan amendment is in conformity with Section (iii-iii). In that the PAPA meets the applicable requirements of the Goal 5 Rule, Lane County is required by administrative rule [OAR 660-023-0180(2)] to amend the acknowledged mineral and aggregate inventory in response to the application.

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

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

LC 16.400(8)(a) defines a minor amendment to the Plan as one which is limited to amendment to the Plan Diagram only. The application seeks only a change in the Plan Diagram’s designation of the subject site.

The applicable Lane County Rural Comprehensive Plan Policies are discussed below. Policies not discussed are not relevant or applicable to the application or, to the extent they are relevant, are addressed by the Board’s findings herein with respect to the corresponding Statewide Goals.

Goal 1: Citizen Involvement

Policy 2 of this goal states, in pertinent part:

“Plan implementation shall include participation by the general public through a citizen involvement program in the . . . application of codes and ordinances needed to carry out the County General Plan Requirements.”

The discussion of Statewide Goal 1 is also applicable to this Lane County Rural Comprehensive Plan policy. As indicated, there have been several hours of public hearings allowing public participation.

Goal 2: Land Use Planning

Policy 25 states:

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

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

Goal 3: Agricultural Lands

Policy 15 of this Rural Comprehensive Plan goal states:

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

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

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

As found by the Board relative to OAR 660-023-0180(4)(b)(E) and Statewide Goal 3, the amendment will not result in adverse impact on agricultural practices.

Goal 4: Forest Lands

Policy 14 states:

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

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

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

The new Goal 5 Rule specifically limits consideration of Goal 5 resources to identified Goal 5 resource sites. The resource site at issue does not conflict

with any other Goal 5 resource sites. The Board, however, makes additional findings of consistency with the policies of the Rural Comprehensive Plan.

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

“Known mineral sites within the county, which are limited to those identified in the Appendix ‘D’ of the ‘Mineral and Aggregate Resources Working Paper’, shall be conserved for both present and future uses through the application of plan designation and compatible land use regulation measures. Such designation and regulation is to take place after the requirements of the Goal 5 Rule (OAR 660-16-000 through 660-16-025), which is addressed in Appendix ‘J’ of the ‘Mineral and Aggregate Resources Working Paper’.”

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

Policy 6 states:

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

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

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

Policy 7 states:

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

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

Policy 8 states:

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

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

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

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

The action herein identifies this site as a significant resource site within the meaning of Goal 5. The action places the site on Appendix “D”, which is the list of identified sites to preserve for aggregate resource use. Consistent with the Rural Comprehensive Plan policies, this site is designated Quarry Mining (QM) District.

Goal 6: Air, Water and Land Resources

In the Air Quality portion of this Plan Element, Policy 2 states:

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

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

Policy 3 states:

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

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

The Water Resources policies include the following:

“Adequacy of water supply, particularly those relying on groundwater sources, shall be a major concern in reviewing major land use changes. For the purpose of applying this policy, major land use change shall be any application reviewed by the Hearings Official or the Planning Commission.”

While this policy is not stated as a criterion, the Planning Commission and Board review includes review of the application to ascertain that groundwater sources will not be affected by the quarry use or the blasting use involved in the mining operation. The hydrologist’s report clearly establishes that groundwater will not be affected by the activity.

Goal 7: Areas Subject to Natural Disasters and Hazards

Policy 2 states:

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

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

Goal 11: Public Facilities and Services

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

“Natural Resource: Mineral (QM or SG)

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

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

This plan policy language indicates clearly that, with the designation of land to Natural Resource, a showing of availability of public facilities is not necessary.

Goal 12: Transportation

The Rural Comprehensive Plan Goal 12 states as part of the first policy:

“1. Lane County shall strive for a coordinated and balanced transportation system which complies with LCDC Goal 12 and is responsive to the economic, social and environmental considerations, and which will work toward the following objectives:

(a) Safe, convenient and economical transportation for all people, materials and services.”

At paragraph 4 of the policies, more specific direction is given:

“4. 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 system and Goal 12 requirements. The 1980 Rural Transportation Plan, as amended shall be applied where appropriate; these Recommendations shall be considered to be mandatory actions which are ultimately binding on this County.”

As directed by Goal 12 of the Rural Comprehensive Plan Policies, the AASHTO standards recommended by the Lane County Rural Transportation Plan have been applied and where “conflicts” have been found to exist, those conflicts have been minimized by conditions imposed upon the approval. With these conditions, the cited policies of the Rural Comprehensive Plan are addressed.

Policy 3.j of Goal 12 of the Rural Comprehensive Plan Policies states:

“Maintain County roads and bridges adequately to meet the needs of the trucking industry consistent with adopted land use plans for the area.”

While this language is primarily a direction to the County to adequately maintain the public infrastructure, conditions have been imposed on the applicant to assist in maintaining the particular county roads affected by this use. The mitigation measures adopted are consistent with this policy.

To the extent relevant, additional findings have been made pertaining to transportation considerations as a part of the findings required by the Goal 5 rule (OAR 660-023-0180) and in addressing Statewide Planning Goal 12. Those findings are incorporated herein by reference.

Goal 13: Energy Conservation

This goal directs implementation of the Lane County Energy Task Force recommendations and other recommendations. There is no language in the goal that is directly applicable to this application.

Goal 14: Urbanization

While this goal encourages new residential, commercial and industrial development to locate within existing and incorporated cities or rural communities, it does not give that direction with regard to natural resource sites. The goal policies are not applicable to this application.

Goal 15: Willamette River Greenway

The Lane County Rural Comprehensive Plan policies under this goal are not applicable to this development as it is not located within or near the Willamette Greenway.

The Coastal Resources Management Plan Policies are not applicable.

Goals 16, 17, 18, and 19 are not, by their nature, applicable to this application.

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

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

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

LC 16.400(8)(a)(i):

“Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.”

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

No exception to Statewide Planning Goals is required.

LC 16.400(8)(c):

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

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

This section is addressed but the Board notes that it does not contain criteria for approval but is only a requirement for information in an application.

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

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

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

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

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

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

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

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

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

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

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

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

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

The necessary analysis relative to Goal 15 is set forth in the pertinent portion of the findings addressing OAR 660-023-0180.

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

“Natural hazards affecting or affected by the proposal:”

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

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

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

The Board finds that the language of this section does not contain a criterion for approval of a plan amendment. By its terms it contemplates a

comparison of certain matters and does not set a standard for approval. Nonetheless, the Board makes the comparison below. Additionally, as found above, such language is inconsistent with the requirement of the new Goal 5 Rule making exclusive the particular standards of the rule unless local standards have been adopted subsequent to the Goal 5 rule.

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

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

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

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

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

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

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

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

The Board finds that this provision calls for information but does not establish a criterion for approval of a plan amendment. The section does point up the conflict with and preemptive nature of the new Goal 5 Rule. Unlike previously required by the Goal 15 rule and required by the Mineral and Aggregate Resources Working Paper of February 1982, an inventory of aggregate sites is not necessary in order to have a site designated as significant.

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

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

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

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

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

G. Zone Change Criteria.

The Board makes the following positive findings on the Lane County zone change criteria.

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

LC 16.252(2):

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

LC 16.003 sets forth 14 statements of purpose for the land use and development code. Some of these statements reflect goals and policies previously addressed and a full discussion of those issues will not be repeated here. The Board finds the following to be relevant statements and addresses them as follows:

“(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect public health, safety, convenience and welfare.”

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

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

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

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

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

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

LC 16.217 — Consistency with Zoning Classification

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

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

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

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

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

The zoning district does establish certain restrictions to assure the protection of the public health and safety of the occupants of adjacent land in the form of notification requirements for blasting and other regulations. These findings contain a complete analysis of potential conflicts between the utilization of the resource and other land uses in the area.

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

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

H. Conclusion.

The Board finds the criteria for a PAPA are met and the Rural Comprehensive Plan designation for the subject site shall be amended from "Forest" to "Natural Resource" plan designation and the subject site rezoned from "F-1 (Non-Impacted Forest Land)" to "QM (Quarry and Mine Operations)" pursuant to LC 16.400 and 16.252 for property at Assessor's Map 19-02-00(30), tax lot 3500.

The Board adopts the following mitigating measures:

1. Mining, processing, and hauling shall be limited to Monday through Friday, 7:30 A.M. to 5:00 P.M. during the school year, and 7:00 A.M. to 5:00 P.M. during the summer months (June 15 to the day after Labor Day).
2. Access to and from the site shall be limited to Cedarcroft Road.
3. The rock crushing machinery shall be operated in accordance with both DOGAMI permit and LRAPA permits, including restrictions upon the release of particulate into the air.
4. Discharge of water at the site shall be limited by the DOGAMI permit.
5. The applicant shall provide prior notice of the time and date of blasting at the site to all residents north of the mining site and south of that portion of Bear Creek Road between its intersection with Cedarcroft Road and Cloverdale Road by means of letter postmarked three business days prior to the blasting date and by posting a sign at a central, visually prominent location.
6. Blasting shall only be conducted between the hours of 10:00 A.M. and 4:30 P.M., Monday through Friday.
7. Seismographs will be set at the two nearest dwellings to the site to monitor all blasting operations.
8. The applicant shall apply a biodegradable substance to the unpaved portion of Cedarcroft Road at regular intervals to control dust.
9. The applicant shall direct all drivers using Cedarcroft Road to not use Jake brakes in the vicinity of residences.
10. The applicant shall comply with the following requirements of LC 16.216 regarding blasting records:

Each operator shall maintain a record of each blast for at least two years. These records shall be available to the County, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. Such records shall show the following for each blast:

- (i) Name of quarry or mine.
 - (ii) Date, time and location of blast.
 - (iii) Description of type of explosives and accessories used.
 - (iv) Time interval of delay in milliseconds.
 - (v) Number of different delays.
 - (vi) Number of holes per delay.
 - (vii) Nominal explosive weight per hole.
 - (viii) Total explosive weight per delay.
 - (ix) Total weight of explosives per blast.
 - (x) Blast hole diameter, depth, spacing and stemming height.
11. The applicant shall maintain a 50' setback from adjacent properties for all mining and processing operations.
 12. The applicant shall request Lane County to regularly cut back, as far as possible, the vegetation adjacent to Bear Creek Road, particularly east of the intersection of Cedarcroft Road.
 13. The applicant is required to restore the site to forest use consistent with the reclamation plan upon conclusion of the mining operation.
 14. To mitigate impact on Cedarcroft Road, the applicant will pay to Lane County the sum of \$12,500.00 no later than one year after commencement of operation. The applicant shall pay the sum of \$17,000 to Lane County to mitigate impact to Bear Creek Road within 5 years of commencement of operation.
 15. Any aspect of operation of the subject site at variance with the use proposed as allowed by this ordinance is subject to enforcement pursuant to LC 16.262.

16. Any proposal for minor modification to any mitigation measures or other physical aspects or operational characteristics of the use shall be subject to site review procedures as set forth at LC 16.257.

Attachments:

- Exhibit A: September 10, 1998 and the March 2, 1999 Reports of Century West Engineering Corporation
- Exhibit B: Site Reclamation Plan
- Exhibit C: Traffic Impact Analysis and addenda by Branch Engineering
- Exhibit D: Noise Impact Study by Art Noxon
- Exhibit E: Ralph Christensen Report
- Exhibit F: Zoning Map of general area
- Exhibit G: Map of existing residences and the subject property
- Exhibit H: Topography map
- Exhibit I: Soils map

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

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

Sincerely,

The Bear Creek Neighborhood

3-23-01

PLEASE ADD EACH OF THE PEOPLE TO
THE MAILING LIST FOR PA 98-5144
(BRADFORD)

THANKS

TZ

✓
Af 3/26/01

FILE # PA 98-5144
EXHIBIT # 126

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

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

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

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

82706 S. Bradford

12 Evelyn E. Lemon 895-2932

82706 S. Bradford PO Box 235 Creswell, OR 97426

13 TREVOR M. Millican 895-5383

82621 Meadow LANE Creswell, OR 97426

14 CAROL L. McIVER 895-5383

82621 MEADOW lane Creswell OR 97426

15 Jerry R. Clark 895-4566

82838 N BEAR CR RD CRESWELL OR 97426

16 Robert Mumpus 82701 E BRADFORD 895-4079

17) Lorraine Still 83074 N Bradford 895-2534

18) Roberta Still 83076 N. Bradford Rd 895-2534

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

20) Rod Husom 82810 Bear Creek Rd 895-2693

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

22) H. L. Harrison 82722 Bear Creek Rd 895-2041

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

24) Marilyn Cullen 34606 E. Cloverdale Rd 895-3668

25) David Cullen " " "

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

27) Gerald Flehr " "

28) L. L. Rogan 82724 Bearcreek

29) Kristin Clark Kristin Clark 895-4478

83132 Mickelson Rd

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

31) David R. Matthews David R. Matthews
82750 Radford Rd S 895-4349

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

33) Elsa Hoffmann 895-2933

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

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

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

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

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

	Signature Address	Print Full Name Phone Number
36)	<u>Elfriede J. Dubord</u> 36014 E. WILLS Rd. CRESWELL	<u>ELFRIEDE J. DUBORD</u> 895-2230
37)	<u>Joseph Dubord</u> 36014 E. WILLS Rd. Creswell	<u>Joseph Dubord</u> 895-3855
38)	<u>Hider Kimm</u> 390 D STREET CRESWELL	<u>895 2702</u>
39)	<u>Larry N. Heaton</u> 36024 Wills Rd Creswell Or 92426	<u>895-2239</u>

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

35731 Wills Rd.

41) Ula Hacker Ula Hacker
2. ULA HACKER 895-2708

42) 390 D ST Orswell, DN 97426 895-2708

3. Robert Armstrong Robert Armstrong

43) 36014 E WILLS Rd 97426 895-5596

4. Susan Ordonez
82313 Beard Cr Rd 97426 895-4957

6.

7.

8.

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10.

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

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

46) ~~50~~ End S Grossman ERIC S. GROSSMAN enidich@presys.com
82718 BEAR CREEK RD 895-3332

47) ~~51~~ Elias & Cordelia Vaerman

82716 N. BEAR CRK RD. 895-2790

48) ~~52~~ Janice M Konow JANICE M KONOW
82822 BEAR CR RD 895-2476

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

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

SIGNATURE
ADDRESS

PRINT FULL NAME
PHONE NUMBER

Karen Rich

- 50) Karen Rich 35879 Wills Rd 895-3633
- 51) John Glasburn 35982 Wills Rd Creswell, OR 895-2993
- 52) Lisa Attyden 35995 Wills Rd Creswell OR 895-312
- 53) Robert W Keeter 35995 E. Wills Rd Creswell 895-3123
- 54) 34638 E. Cloverdale Rd
Creswell Joanne Cordon 895-3149
- 55) CARL CARTMILL 82710 So- 895-4834
BRADFORD
- 56) Jerry Hildebran Jerry Hildebran
82950 River Dr. 895-3459
- 57) Iris O Hildebran IRIS HILDEBRAN
82950 River Dr. 895-3459
- 58) Nancy June LARRY Pine 895-5420
P.O. Box 189 Creswell
- 59) Donald L. Bowers Donald L. Bowers
34184 E. Cloverdale Rd Creswell 895-5405
- 60) Walter A Sands Walter A Sands 895-5405
83130 N Bradford Rd Creswell, Or 97426

- 67) ~~Henry C Rogers~~ Beverly B. Rogers
82724 Bear Cr Rd 895-4948
- 68) ~~Kathleen D Wells~~ Kathleen D Wells
82725 Bear Cr Rd 895-2041
- 69) ~~John Menegat Jr~~ John Menegat Jr
82303 N BEAR CRK 895-4283
- 70) ~~Audrey Menegat~~ Audrey Menegat
82303 N Bear Crk Rd. 895-4283
- 71) ~~Allen R. Murphy~~ Allen R. Murphy
82506 N. Rodgers RD 895-2695
- 72) ~~PATRICIA J. MURPHY~~ Patricia J. Murphy
82506 N-RODGERS RD- 895-2695

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

	PRINT FULL NAME	ADDRESS	SIGNATURE	PHONE #
61)	Marie Woods	82846 Bradford Rd Cresswell 7400	<i>Marie Woods</i>	895-4174
62)	Ronald W. Wood	82846 Bradford Rd Cresswell 9740	<i>Ronald W. Wood</i>	895-4174
63)	ROBERT J. ANTOINE	82771 BRADFORD	<i>Robert Antoine</i>	895-3969
64)	PATRICK J. ANTOINE	82771 BRADFORD RD	<i>Patrick Antoine</i>	895-3969
65)	KATRINA J. ANTOINE	82771 BRADFORD RD	<i>Katrina J. Antoine</i>	895-3919
66)	LANNY G. JONES	82719 So. Bradford Rd	<i>Lanny G. Jones</i>	895-4502
67)	Linda M. Jones	82719 So. Bradford Rd	<i>Linda M. Jones</i>	895-4502
73)	JANET E. BURGESS	82613 MEADOW LN.	<i>Janet E. Burgess</i>	895-3303
74)	JEROME S. GARGER	1644 Rosy Turn	<i>Jerome S. Garger</i>	461-4916
75)	Vicki L. Wootten	1644 Rosy Turn	<i>Vicki L. Wootten</i>	461-4916

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

SIGNATURE
ADDRESS

PRINT FULL NAME
PHONE NUMBER

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

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

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

Dup

Janet L. Burgess JANETE BURGESS 895-330
82613 MEADOW LN. CRESWELL, 97426

79) Thomas J Cordor THOMAS J Cordor
34638 E Cloverdale Rd 895 3149

80) 36 Ruth M. Ellison

83648 N Rodgers Rd Creswell Or 995-2588

81) 37 ~~Ruth M. Ellison~~ Albert J. Ellison

83648 N Rodgers Rd Creswell Or 746-2025

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4/14/01 Holtcamp suggested revisions to Spickerman findings - addressing Lanfear and Vorhes comments

Page Paragraph

9 2nd to last par. Replace paragraph with " The evidence establishes conflicts pertaining to road capacity, both traffic volume and structural, horizontal and vertical alignment have been identified and mitigation measures prescribed."

10 3rd par -- Change 3rd Sentence form "Using as part of ..." to, " County staff have determined the 20 year design life of Bear Creek Road will be shortened as a result of the proposed quarry use. Staff indicates an asphalt overlay will be needed in 5 to 10 years. This is based on the applicant's submittal of 40 loaded trucks leaving the site each workday for 20 years. The projected cost of the overlay from Cedarcroft Road to Dale Kuni Road at today's cost is \$34,000. Staff recommends the applicant provide this amount to pay for the overlay and submit an irrevocable letter of credit to the County.

Applicant would be responsible for contracting for the overlay to be done. The applicant would be responsible for any cost adjustments above the \$34,000. All construction/asphalt overlay work would be conducted under authority of a Lane County Facility Permit. The overlays will be full pavement width. The overlay will be scheduled upon notice to the applicant that the Pavement Condition Rating (PCR) is at or below a rank of 70.

22 4th par. Delete the last sentence and add: " Lane County Surveyors staff indicate the paved 24' wide portion of Cedarcroft Road was dedicated as a public road in Cedarcroft P.U.D, a residential subdivision. The P.U.D approval conditions indicated the road was to have a 24' paved travel surface.

LMD records show the road was constructed of 2" asphaltic concrete over 10" of crushed aggregate base. This construction is typical of the minimum County requirements for a public road to serve light residential passenger vehicle loads unless a greater structure is indicated by the private engineer who designed the subdivision design.

22 last par. replace the sentence beginning, " At the intersection ... with, " At the intersection of Bear Creek Road and Cloverdale Road, the sight distance is 940 feet. The AASHTO street design manual indicates a minimum 550' is needed for a 55 mph speed on wet pavements. Sight distance at the intersection of Cedarcroft and Bearcreek roads were measured at 580' to the west and 680' to the east. These distances exceed the AASHTO minimum 550' distance for a 55 mph speed."

23 1st par. replace the last sentence with, " The Traffic Analysis indicates the additional vehicle trips would not reduce the performance standards below those specified in AASHTO (LOS C). AASHTO design standards are specified as those used by Lane County in the 1980 Lane County Master Road Plan."

23 last paragraph - replace this paragraph with "The Board finds State Goal 12 has been addressed, significant impacts identified and mitigation prescribed.

39 #13 (formerly 14) " To mitigate identified impacts on Cedarcroft Road, the applicant will enter into an agreement with Lane County for the County to provide an asphalt overlay prior to the commencement of quarry operations. Applicant will reimburse the County for the full cost of a full pavement width overlay of 2.5" depth. Full cost is defined as engineering, contract administration and overhead. The estimated cost for construction only at today's prices is \$12,500.

The applicant will provide a letter of credit to Lane County in the amount of \$ 34,000 for a full width pavement overlay of Bearcreek Road from Cedarcroft Road to Cloverdale Road within a 5 year period from the date of this approval. Lane County, at it's option, may provide for the overlay to be done in a manner similar to Cedarcroft Road where Lane County will do the design and contract administration. Otherwise, the applicant is responsible for the costs associated for design and contracting for construction of the overlay. Lane County Facility Permit for Private Construction on County Roads would indicate specific conditions. The overlay would be scheduled by Lane County when Lane County's Pavement Condition Rating is 70 or below.

GLEAVES SWEARINGEN LARSEN POTTER SCOTT & SMITH LLP
 Attorneys at Law
 975 Oak Street, Suite 800
 Eugene, Oregon 97401

Facsimile Transmission

4 page(s)

Date: April 24, 2001

To: Thom Lanfear
 Lane County Land Management Division
 Fax No.: 682-3947

From: James W. Spickerman

File Number: 170974.001

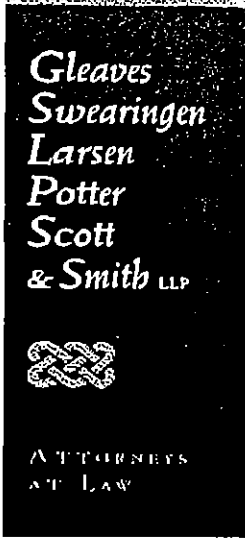
If you do not receive all pages, please call Jane Allen at
541-686-8833. Our fax number is 541-345-2034.

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MESSAGE

*PA 98-8144
128*



April 24, 2001

BY FACSIMILE 682-3947

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

Re: Bradford Quarry - Holtcamp Revisions

Dear Thom:

I understand that you and Steve Vorhes will be reviewing Mr. Holtcamp's comments and determine what additions should be made to the findings.

I have the following comments concerning the suggestions. The numbers referenced are the page numbers referenced in Mr. Holtcamp's e-mail.

Page 9:

The suggested sentence has some problems both in terms of grammar and content. It can be read to mean there are conflicts pertaining to road capacity in terms of both traffic volume and structural (?). It is not clear whether the terms "horizontal and vertical alignment" relate to road capacity, particularly because of the word "both" earlier in the sentence.

In terms of the more substantive issue, no attempt is made to address my letter of October 23, 2000 wherein I point out that Mr. Holtcamp has acknowledged previously that "road capacity" relates to the type and amount of traffic that a road can accommodate. While he seems to have abandoned an effort to claim the right to exact under the term "cross section elements," there is no attempt to explain how an issue involving durability of a road is somehow part of a "road capacity."

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 Jon V. Buestatte
 H. Andrew Clark
 Joshua A. Clark
 Michael E. Farthing
 A.J. Givens
 Vernon D. Gleaves
 Thomas P.E. Hermann
 Todd R. Johnston
 Kristin E. Kernutt
 Stephen O. Lane
 William H. Martin
 Laura T. Z. Montgomery
 Sandlee C. Potter
 Ian T. Richardson
 Martha J. Rudman
 Douglas R. Schultz
 Malcolm H. Scott
 James V. Shepherd
 James W. Spickerman
 Arlen C. Swearingen
 Kate A. Thompson

Thom Lanfear
April 24, 2001
Page 2

Page 10:

There is an issue that pertains to more than one of these paragraphs. In spite of our discussions about proportionality of the amount exacted from my client to impact on the roads, Mr. Holtcamp is asking that the full cost of full width paving of the road be that of my client even though the loaded vehicles will only travel one direction and the number of trucks is the maximum number possible in any day (and we all know the nature of quarries). Furthermore, Mr. Holtcamp would have it that if the cost is more, that cost will fall on my client. Finally, there is no suggestion that, if the wear on the Bear Creek Road is not as suggested, the amount of money extracted under the "letter of credit" will be less.

I think it is interesting that we are talking about "impacts" on roads. If there was authority under the provision at issue to address this impact, the cost exacted from the individual is required to be proportional to the impact. That simply is not the case.

Page 22

I question whether there is evidence in the record concerning the origins of Ccdarcroft Road and the base that exists on that road.

Page 39

Whereas the talk previously was to require the applicant to provide the asphalt overlay for Ccdarcroft Road, now the County wishes to require the applicant to reimburse the County for the County providing engineering, contract administration and overhead and completing the asphalt overlay prior to the commencement of the quarry operations. Again, there is no maximum amount of the possible costs to have the County complete this project and it is urged that it be done prior to commencement of quarry operations. For purposes of moving the matter along, the applicant has agreed to pave the road within one year of commencing operation. The imposition of this condition would still be subject to challenge on appeal.

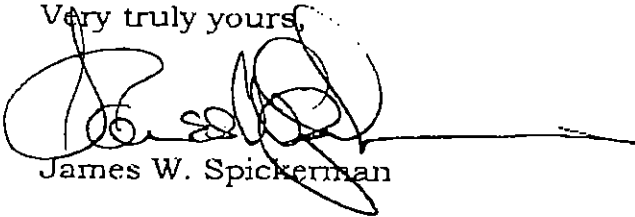
With regard to who does the paving, nothing has changed since these prolonged discussions commenced. There is no reason to add this additional burden caused by making this County project.

Thom Lanfear
April 24, 2001
Page 3

With regard to Bear Creek Road, the County now wishes the option to decide that it wishes to design and conduct contract administration on that project as well. Again, there is no reason for that additional open ended cost.

I would suggest that the basic problem with all of Mr. Holtcamp's proposals stems back to the point that the administrative rule was never intended to address wear and tear on roads. None of the terms in the rule pertain to wear and tear. If necessary, I can get beyond this point, but there has to be some consistency in the County's position and fairness in the conditions imposed.

Very truly yours,

A handwritten signature in black ink, appearing to read "James W. Spickerman", is written over a horizontal line. The signature is stylized and somewhat illegible.

James W. Spickerman

jca

cc: BJ Equipment Company
Stephen Vorhes

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY

STATE OF OREGON

BRADFORD

In the Matter of Releasing a Per-)
formance Bond #U05-94-36 submitted)
by Nash/Cedarcroft, Inc. in connec-)
tion with Approval and Recording)
of Cedarcroft P.U.D.)

FIVE
RECORDS
5/9/01

81-1-7-13

The new construction of the public and private roads in Cedarcroft P.U.D. have been inspected and approved by the Lane County Department of Public Works,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Performance Bond #U05-94-36 issued by United Pacific Reliance Insurance Company Eugene Branch Suite 20 Valley River Center Eugene, Oregon 97401 in the amount of twenty one thousand eight hundred twenty six and 20/100 dollars (\$21,826.20) submitted by Nash/Cedarcroft, Inc. be released by the Director of the Lane County Department of Finance.

Dated this 7th day of January, 1981.

Handwritten signature of Harold K. Rulph
Chairman, Lane County Board of County Commissioners

APPROVED AS TO FORM
DATE 12/30/80
Handwritten signature
OFFICE OF LEGAL COUNSEL

1496 73

PA98-5144
129

Handwritten initials

MEMORANDUM

lane county



TO Nea Lynn Jacobson

FROM Jack Thomas JACK

SUBJECT CEDARCROFT P.U.D.

Releasing Performance Bond

DATE December 17, 1980

Please find attached data for the Agenda:

1. Board Order
2. Copy of the Board Order

thanks,

JT/gm

MEMORANDUM

lane county



TO Pete Watson - Planning Division

FROM Jack Thomas - Subdivision Engineer JACK

SUBJECT CEDARCROFT P.U.D.

DATE December 17, 1980

The newly constructed public and private roads in the above named subdivision have been inspected and improvements are adequate for this P.U.D.

We have submitted a board order releasing the Performance Bond and sent it to Nea Lynn Jacobson to place on the Agenda.

thanks,

JT/gm