

W6b

AGENDA COVER MEMO

DATE: March 3, 2003 (Date of Memo)
March 19, 2003 (Date of First Reading)
April 16, 2003 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Thom Lanfear/Land Management Division

AGENDA ITEM TITLE: ORDINANCE PA 1188 ---IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE: MINERAL", REZONE FROM "F-1/NON-IMPACTED FOREST LANDS" TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 99-5144; B. J. EQUIPMENT COMPANY)

I. MOTION

1. ALTERNATIVE MOTIONS AFTER DELIBERATIONS:

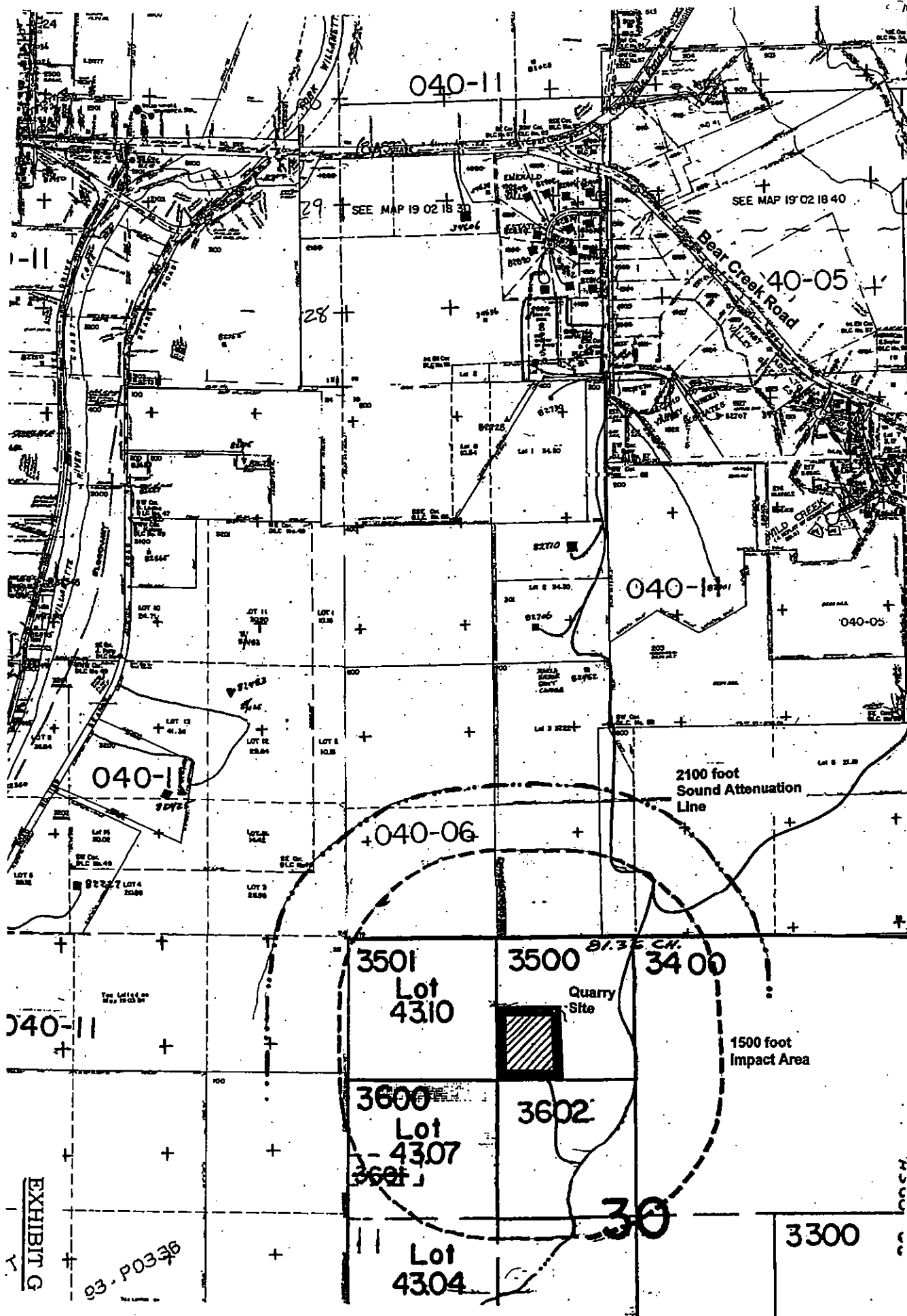
A. I MOVE TO APPROVE ORDINANCE NO. PA 1188 WITH THE CURRENT FINDINGS.

OR

B. I MOVE TO TENTATIVELY APPROVE ORDINANCE NO. PA 1188 SUBJECT TO REVISED FINDINGS TO BE PREPARED FOR FINAL ACTION.

OR

C. I MOVE TO TENTATIVELY DENY THE APPLICATION IN FILE PA 99-5996 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.



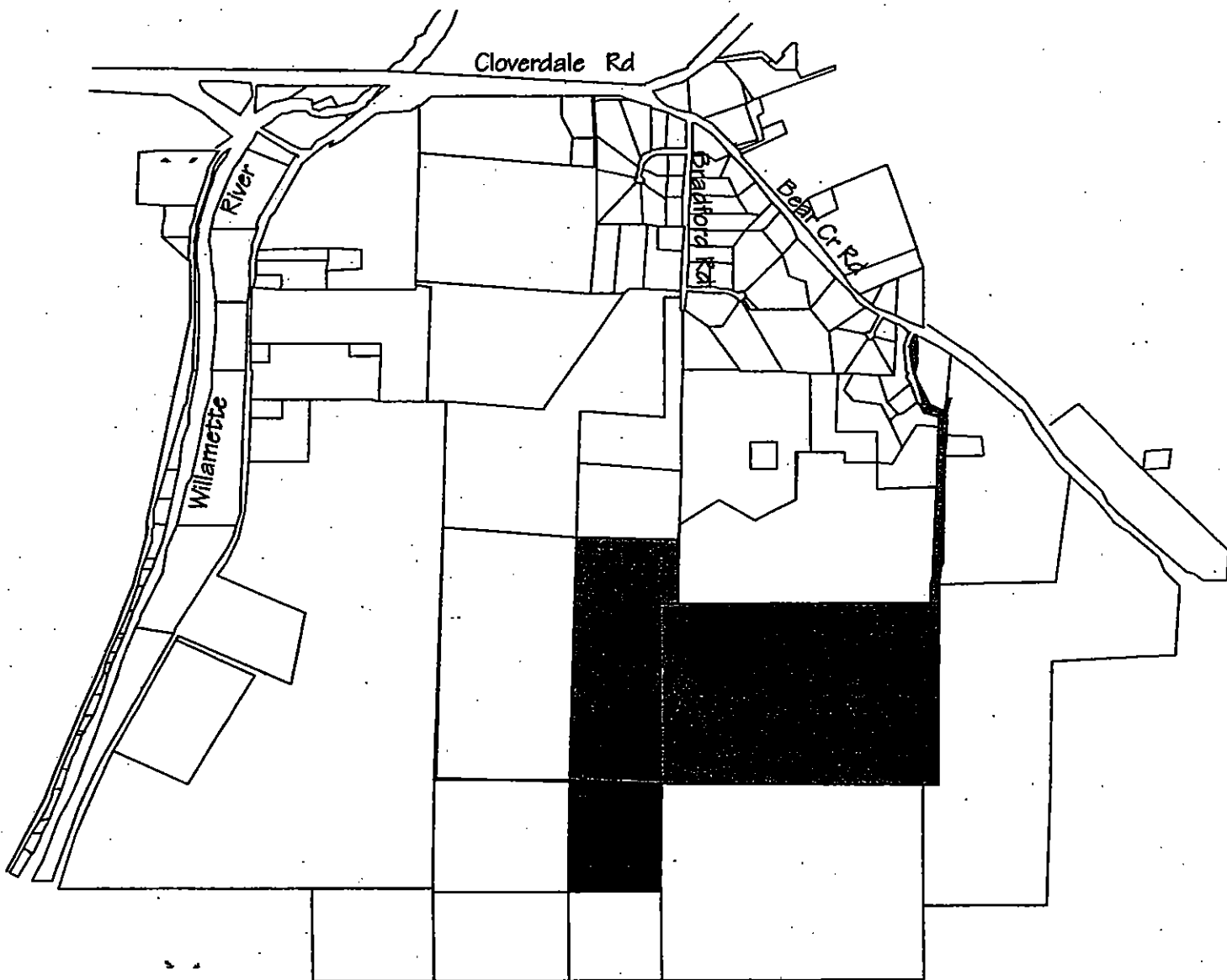
II. ISSUE

An application has been received for a Post Acknowledgement Plan Amendment (PAPA) from B. J. Equipment Company to add a site to the Lane County Goal 5 Inventory of Significant Mineral and Aggregate Sites. In conjunction with that request, the Plan Designation is proposed to be changed from "Forest" to "Natural Resource: Mineral" and the zoning changed from "F-1/Non-Impacted Forest Lands" to "QM/Quarry and Mine Operations". The Planning Commission has forwarded this matter to the Board with a recommendation. This Ordinance, accompanied by findings prepared by the applicant, sets the matter before the Board for adoption, modification, or denial.

III. PROCEDURE

The Board of Commissioners has established these hearing procedures:

1. Announce the hearing is de novo and explain the rules of conduct;
2. Disclose any ex parte contacts and call for abstentions;
3. Request the Director or staff to present an introductory report, explain any graphic or pictorial displays which are a part of the report, read findings and recommendations, if any, and provide such information as may be requested by the Board of County Commissioners ("Board", hereinafter);
4. Allow the applicant to be heard first, on his own behalf or by representatives;
5. Allow other persons to be heard;
6. Allow the Director to present any further comments or information in response to testimony and evidence offered by any interested persons.
7. Allow the applicant to rebut, on his own behalf or by representative, any testimony previously presented to the Board.
8. Conclude the hearing of testimony at this time and close the record, unless the Board continues the hearing or leaves the record open.
9. At the conclusion of the public testimony, the Board has several options:
 - a) Continue the hearing to a date and time certain for the purposes of hearing additional testimony before commencing with deliberations; or
 - b) Leave the record open for additional written testimony. The Board must determine and announce reasonable time periods for the record to remain open for the submittal of additional written information by the applicant and opponents; or
 - c) Close the record and set deliberations for a time specified by the Board, and make a decision based on findings of fact and conclusions in response to the record and testimony.
 - d) Close the record and move directly to deliberations, and make a decision based on findings of fact and conclusions in response to the record and testimony.
10. Staff recommends that the Board conduct the deliberations in 6 segments that correspond to the steps outlined in the Goal 5 rule and the Lane Code Plan Amendment/Rezone requirements:
 - Step 1. Determine if the PAPA information is adequate;
 - Step 2. Determine if the resource site is significant;
 - Step 3. Determine if conflicts from mining can be minimized;
 - Step 4. Weigh the ESEE consequences and determine whether to allow mining;
 - Step 5. Determine the ESEE consequences of potential new conflicting uses within the impact area;
 - Step 6. Develop a program to allow mining.



FILE # PA 98-5144
EXHIBIT # 3

11. At the conclusion of deliberations, the Board has several options:
 - a) the Board may adopt the Ordinance with the supporting findings of fact prepared by the applicant; or
 - b) the Board may assign the drafting of revised findings of fact and conclusions to the applicant for adoption at a subsequent reading; or
 - c) the Board may assign the drafting of an Order for denial to the Director.

IV. DISCUSSION

A. Background

On September 24, 1998, an application was received from B. J. Equipment Company to amend the Lane County Goal 5 Inventory of Significant Mineral and Aggregate Sites to include the subject property and designate it in the Rural Comprehensive Plan for mining. The application is a "Post-Acknowledgement Plan Amendment" (PAPA) as provided for by LCDC Statewide Planning Goal 5 Administrative Rule for mineral and aggregate resources, OAR 660-023-180.

The Lane County Planning Commission received public testimony at two public hearings held on March 2 and March 16, 1999. In a public meeting held on April 6, 1999, the Planning Commission deliberated on the application. Based on those deliberations, the Planning Commission found unanimously that the PAPA application meets the Goal 5 Rule requirements for inclusion on the Lane County Goal 5 Inventory of Significant Mineral and Aggregate Sites. The Planning Commission also found by a vote of 5-2 that the proposal could meet all the conflict minimization requirements of the Goal 5 Rule necessary to allow mining. The Planning Commission did not determine the exact level of road improvements necessary to minimize the conflict with the local roads: Cedarcroft Road and Bear Creek Road.

1. Location

The subject property is identified as Assessor's Map 19-02-00 Taxlot 3500 located within Section 30, east of Creswell. The applicant proposes to use contiguous ownership for access to Cedarcroft Road. The contiguous parcels are identified as Map 19-02-19 Taxlots 100, 700, & 800.

The subject property is zoned Non-Impacted Forest Lands (F-1) within the Rural Comprehensive Plan on Zoning Plot Map #440B. The current Plan Designation for the property is Forest Lands.

All properties surrounding the subject parcel are zoned as Forest Lands with the exception of the parcel immediately to the north which is zoned Exclusive Farm Use. This parcel is in common ownership as the subject parcel. The access road follows through this resource land until it reaches the end of Cedarcroft Road where there is a Developed and Committed Lands Area containing residentially-zoned properties.

2. Services & Resources

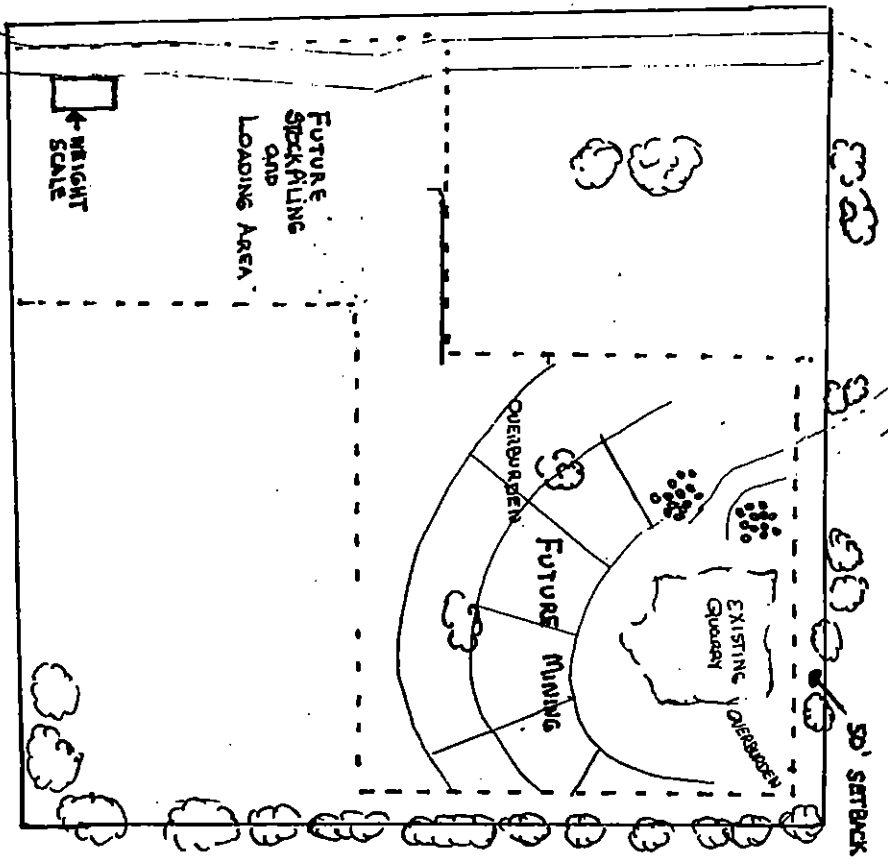
Fire:	The site is not within a Rural Fire Protection District.
Sewer:	No sewage disposal systems have been approved on the subject property.
School District:	The property is located within the Creswell School District #40
Power:	Electricity is provided in this area by Emerald Peoples Utility District (EPUD)

BRADFORD QUARRY

SITE PLAN
BRADFORD QUARRY
PERMIT No. DOGAMU
ID # 2D-0149
BJ EQUIPMENT Co
PO Box 543
Cottage Grove OR 97124
(541) 747-6261

TO CEDARCROFT RD

TO S. BRADFORD RD



- Key**
- EXISTING QUARRY
 - - - DOGAMU PERMIT BOUNDARY (200'
 - PROPERTY BOUNDARY
 - ⊗ STOCK PILE
 - ⋯ EXISTING ACCESS
 - (X) SLOPE
 - 50' SETBACK FROM BOUNDARIES

Scale:
1" = 200' ± 20'

Access: Access is provided to Bear Creek Road (County) by Cedarcroft Road (County). Taxlot 100, an 80 ft. wide access lot, provides frontage onto the end of Cedarcroft Road for the proposed quarry.

Class I Stream; No Class I Streams are identified within the Rural Comprehensive Plan on the subject property

Historical: No historical resources are identified on the subject property.

Archaeological: No archaeological sites are identified near the subject parcel in the Historical Resources Exhibit A of the Lane County General Plan Policies.

Sensitive Habitat: The subject property is not located within an area designated as sensitive bird habitat in Lane Manual 11.400.

Water Quantity: The area is not located within a groundwater limited area identified in Lane Manual 13.010(2).

Water Quality: The subject property is not located in an area that has been designated as a water quality limited area in Lane Manual 13.010(1). However, the area is known to contain elevated levels of arsenic in groundwater.

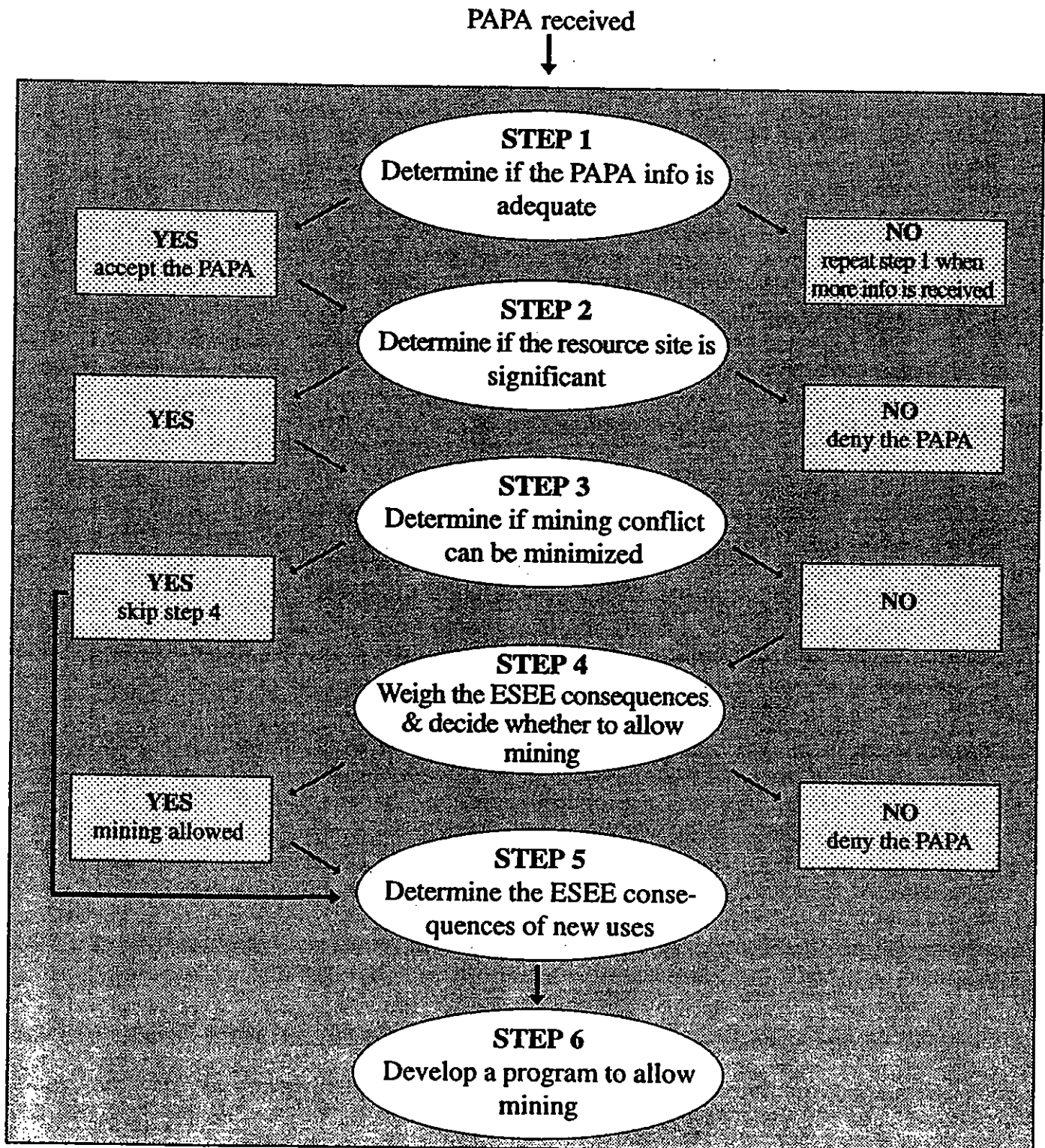
Wetlands: There are no wetlands identified on the subject property as identified on the National Wetlands inventory map for Jasper (3). However, there is a wetlands shown on the map south of Cedarcroft Road and the panhandle access crosses over the wetland.

3. Referral Comments Received

Request for comments was sent out on November 25, 1998 to all persons owning property within 500 feet of the owner's contiguous property, other persons specifically requesting notice and the following agencies with noted responses:

- **Oregon Department of Fish & Wildlife (ODFW):** "You asked about the potential impacts of the proposed rock quarry off Bradford Road on the population of elk in that area. During the 1980's elk numbers and elk damage problems increased dramatically in the Sears Road/Bradford Road area. Through a meeting with landowners, the Oregon Department of Fish & Wildlife (ODFW) agreed to reduce and maintain the elk herd in this area at low densities to minimize damage conflicts. ODFW has trapped and removed (transplanted) elk from this area and we have an annual damage control hunt in this area. The proposed rock quarry does not conflict with ODFW's management objective of maintaining elk at low population densities in this area."
- **Division Of State Lands (DSL):** No response received.
- **Department of Geology and Mineral Industries (DOGAMI):** "DOGAMI-MLR has completed the circulation of the Bradford quarry permit application and reclamation plan to other resource agencies. We received comments from Lane County, the landowner, and the Department of Agriculture. The Department of Agriculture comments related to storm water controls for the site. We will be working with the permittee on a continuing basis to insure that the site is in compliance with the NPDES rules. I have enclosed a copy of the site map prepared by DOGAMI for your reference. An operating permit can be issued when the \$7,500 reclamation bond for the site has been submitted."
- **Department of Land Conservation and Development (DLCD):** No response received.
- **Lane Regional Air Pollution Authority (LRAPA):** No response received.
- **Oregon Department of Forestry (ODOF):** No response received.

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



- **Lane County Surveyors:** "Cedarcroft Road was established on March 10, 1982 by Board Order 82-3-10-5. The right-of-way width is variable but never less than 60 feet wide. I will provide you with the Order and a legal description with an accompanying map."
- **School District 40:** No response received.
- **Lane County Environmental Health:** No response received.

4. File Record

The complete file record is listed on the File Record Content Sheet, Attachment "2" to this report. Evidence submitted for this application consists of the 137 Exhibits listed.

B. Analysis

If the applicable criteria are satisfied, Lane County is required by OAR 660-023-0180(2) to amend the acknowledged mineral and aggregate inventory in response to this application for a Post Acknowledgement Plan Amendment (PAPA). The Rule evaluation criteria for a PAPA are separated into six analytical steps.

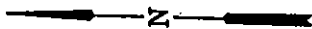
- Step 1. Determine if the PAPA information is adequate.
- Step 2. Determine if the resource site is significant in terms of quantity and quality.
- Step 3. Determine if conflicts from mining can be minimized.
- Step 4. If a significant conflict is identified that can not be minimized by imposition of conditions, then that conflict must be analyzed (ESEE) to determine the environmental, social, energy, and economic effects of allowing, limiting, or not allowing mining at the site.
- Step 5. Determine the ESEE consequences of potential new conflicting uses within the impact area.
- Step 6. Develop a program to allow mining.

STEP 1: ADEQUACY OF THE INFORMATION

OAR 660-023-0180(6) states:

In order to determine whether information in a PAPA submittal concerning an aggregate site is adequate, local government shall follow the requirements of this section rather than OAR 660-023-0030(3). An application for a PAPA concerning a significant aggregate site shall be adequate if it includes:

- (a) *Information regarding quantity, quality, and location sufficient to determine whether the standards and conditions in section (3) of this rule are satisfied;*
- (b) *A conceptual site reclamation plan; (NOTE: Final approval of reclamation plans resides with DOGAMI rather than local governments, except as provided in ORS 517.780)*
- (c) *A traffic impact assessment within one mile of the entrance to the mining area pursuant to section (4)(b)(B) of this rule;*
- (d) *Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500 foot impact area; and*
- (e) *A site plan indicating the location, hours of operation, and other pertinent information for all proposed mining and associated uses.*



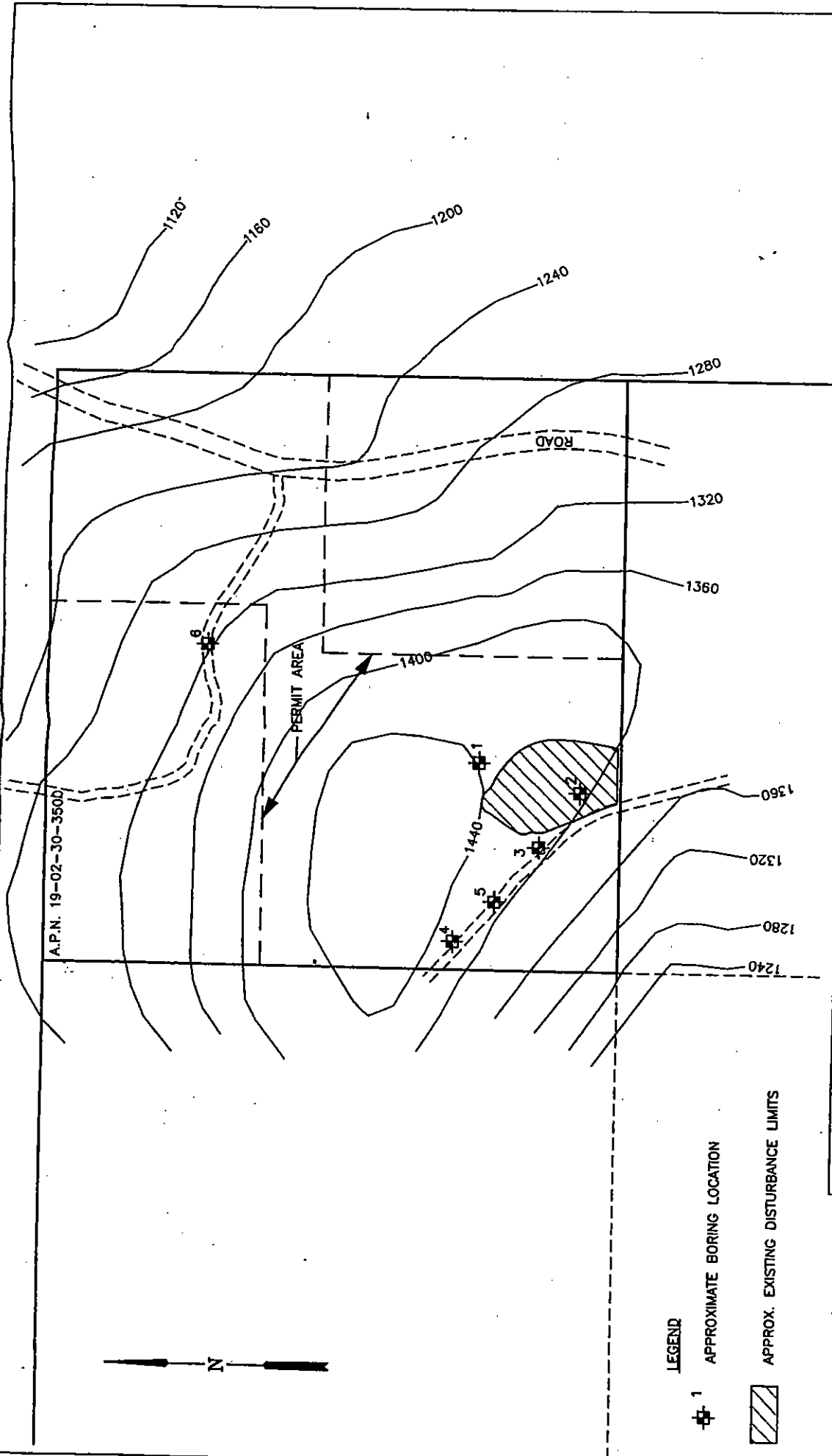
LEGEND



APPROXIMATE BORING LOCATION



APPROX. EXISTING DISTURBANCE LIMITS



DESIGNED BY: GEC	DATE : 7/22/98
DRAWN BY : GOW	SCALE : 1"=200'
CHECKED BY : GEC	SEC. : C:\DWG
PROJECT NO. : 12327001	



Centurywest
ENGINEERING CORPORATION

SITE MAP
AGGREGATE RESOURCE
B. J. EQUIPMENT
EUGENE, OREGON

FIGURE

2

The applicant has submitted reports to address the above requirements of the Administrative Rule. These include:

- Geotechnical Investigation dated September 10, 1998 by Century West Engineering Corporation
- Operating and Reclamation Plan
- Traffic Impact Analysis and Supplement by Branch Engineering
- Application for a Plan Amendment and Zone Change and Addendum by B.J. Equipment Company

The Planning Commission found by a vote of 5:1 that there was adequate information in the PAPA application to satisfy the above Goal 5 Rule requirements.

STEP 2: SIGNIFICANCE OF THE RESOURCE

OAR 660-023-180(3) states:

An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

- (a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;*

The report from Century West Engineering Corporation, combined with the letter of March 2, 1999, documents that the resource at the property meets the ODOT specifications for abrasion, air degradation, and sulfate soundness. The report estimates the amount of material available at the site to be 2,560,000 tons of high quality rock.

- (b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or*

Lane County has not established a lower threshold for significance than Subsection (a) above.

- (c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.*

The site is not contained within the acknowledged Mineral and Aggregate Resource Sites for Lane County identified as Revised Appendix "D" of the Mineral And Aggregate Resources Working Paper.

- (d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:*

- (A) *More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule;*
or
(B) *More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:*
(i) *60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;*

No soils on the property are classified as Class I, II, or Unique in the "Soil Survey of Lane County Area, Oregon" containing the maps of the Natural Resource and Conservation Service.

The Planning Commission found by a unanimous vote that the resource site was significant.

STEP 3: MINIMIZE CONFLICTS

OAR 660-023-180(4)(a) states:

The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance.

The local government (Lane County) must determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities.

The area of impacts is limited to 1500 feet from the boundaries of the "mining area." The definition of "mining area" in OAR 660-23-180(1) restricts the review of impacts beyond 1500 feet from "*the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized*", unless factual information indicates significant potential conflicts beyond this distance. The applicants Noise Impact Study finds the noise from the "mining" and "processing activities" comes into conformity with the Department of Environmental Quality daytime standards at a distance of 2100 feet from the mining area.

The expansion of the impact area from 1500 feet to 2100 feet does not cause additional properties to be included in the analysis, only additional portions of the properties. There are 9 properties located within the 2100 foot area:

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

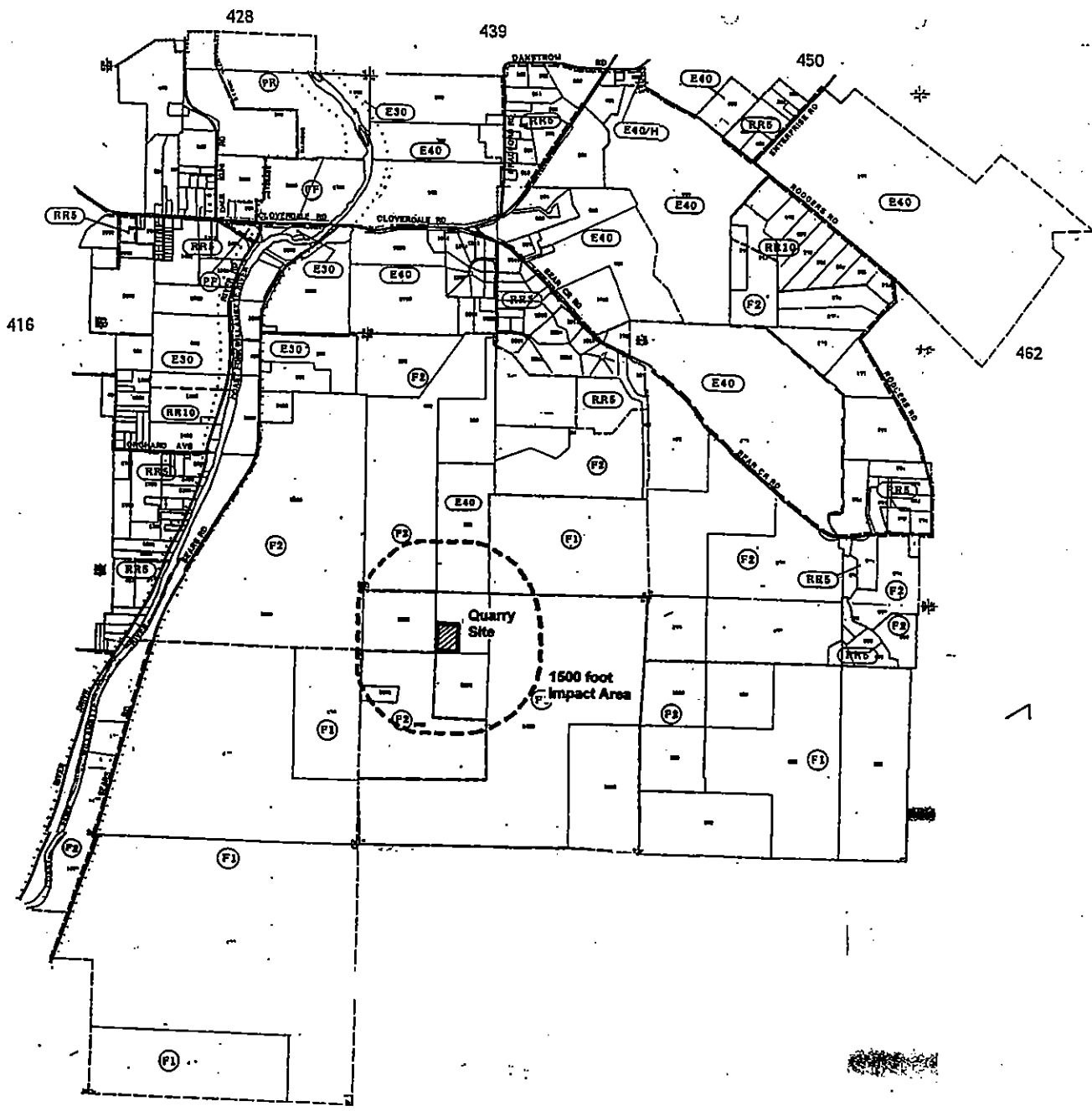


EXHIBIT F

The Planning Commission found by a vote of 4:2 to identify an impact area of 2100 feet from the perimeter of the proposed quarry site.

(b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government.

There are no residential zoned properties located within the impact area. Only one approval for a residence has been issued on a property that lies within the impact area, the Troxclair residence at 82704 South Bradford Road. This is the residence that is identified in the applicants' submittal as the nearest residence to the proposed quarry. The residence is located outside of the proposed impact area, approximately 2300 feet from the proposed quarry. No other conditional or final approvals have been granted by Lane County within the impact area.

For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;

The review is limited to conflicts from proposed "mining." Only forest uses are existing within the 2100' proposed impact area. No conflicts from noise, dust or other discharges have been identified with forest uses.

The record contains many comments from nearby property owners outside of the 2100' impact area, pertaining to dust and noise impacts expected from the trucks transporting the rock from the mining area on the two public roads: Cedarcroft Road and Bear Creek Road. It appears that the following definitions contained within OAR 660-023-180 limit the review of noise and dust from proposed "mining" to those originating within the mining and processing area.

"Mining" is the extraction and processing of mineral or aggregate resources, in the manner provided under ORS 215.298(3) which states: *"mining includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.*

"Processing" means the activities described in ORS 517.750(11 which states: "Processing" includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and portland cement concrete located within the operating permit area.

"Mining area" is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.

Conflicts occurring on public roads are limited to those components identified under section (B) immediately below. These conflicts do not include dust or noise generated on the public roads. There is dispute in the record between the applicant and other parties regarding the

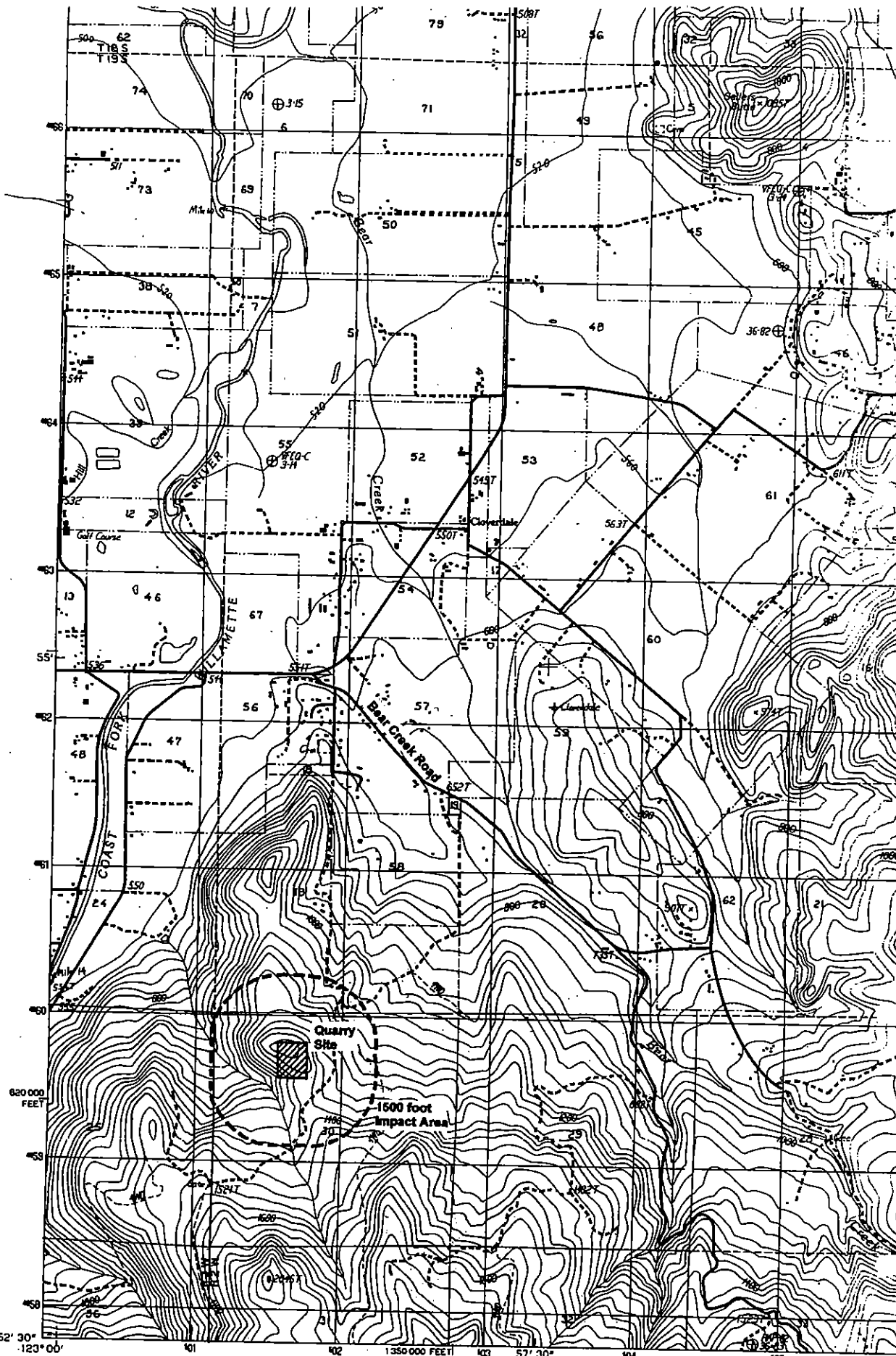
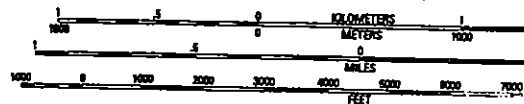


EXHIBIT H

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS NOAA AND STATE OF OREGON
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1962-63
 FIELD CHECKED 1984. MAP EDITED 1986
 PROJECTION LAMBERT CONFORMAL CONIC
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 18
 1000-FOOT STATE GRID TICS OREGON, SOUTH ZONE
 UTM GRID DECLINATION 1° 12' EAST
 1983 MAGNETIC NORTH DECLINATION 1° 19' EAST
 VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 To place on the predicted North American Datum of 1983,
 move the projection lines as shown by dashed corner stakes.

PROVISIONAL MAP

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
 SUPPLEMENTARY CONTOUR INTERVAL 20 FEET

appropriate level of regulation exercised under the DEQ Noise regulations with regards to the trucks transporting the material. That dispute is not part of the requirements for land use review of this application. The applicant is required to meet the DEQ noise regulations regardless of any land use approval from the County. Although it may not be specifically required under the Goal 5 OAR requirements, the applicant has agreed to control dust on Cedarcroft Road by the application of a biodegradable substance at periodic intervals.

(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 sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

The entrance of the mining site is located at the end of Cedarcroft Road (County). This local road connects to Bear Creek Road (County). Bear Cr. Road travels past South Bradford Road to connect to Cloverdale Road (State).

Nearest Arterial

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 identified by Lane County Transportation Planning staff is Interstate 5. In the 1980 Lane County Transportation Plan, Cedarcroft Road (County) is identified as a local road (LC 15.030). Bear Creek Road (County) is classified as a minor collector and Cloverdale Road (State) is classified as a major collector. The applicant's initial traffic analysis addresses connection to the nearest arterial and establishes those acceptable impact levels and levels of service are maintained assuming maximum traffic generation by the use.

Cedarcroft Road is a paved 24' wide County maintained road functionally classified as a local road in the Lane Coded 15.027.

Bear Creek Road is a paved 24' wide County maintained road functionally classified as a minor collector. The average daily traffic (ADT) just east of Cloverdale Road published in Lane County's 2001 Traffic Volume Tables is listed as 700 vehicle trips per day.

Bradford Road South is also a County maintained road of Bituminous construction. This road is not going to be used for access to the proposed site.

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

Proposed Quarry Operation (supplied by Branch Engineering by applicant):

Maximum Rock Production: 100,000 cu. yds per year

250 work days per year

400 cubic yards per day

40 - 10 cu. yd. trucks per day

On site employees : 3

Total trips = 86 vehicles = 86 trips per day maximum

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

Conflicts from OAR 660-023-0180(4)(b)(B) to be evaluated are sight distance, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan implementing ordinances.". These categories are evaluated below in the order listed above.

Road Standards to Evaluate Conflicts

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."

Sight Distance

Sight distance criteria for intersections are outlined in AASHTO A Policy on Geometric Design of Highways and Streets 2001. This measurement is to ensure a vehicle has adequate sightline to detect another vehicle entering a travel lane and adequate distance to stop, if necessary, to prevent contact.

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 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. The situation at this intersection represents a pre-existing condition that is unchanged by the aggregate use of the subject site. No notable accident history has been recorded at this intersection.

Road Capacity-Pavement Structural Capacity

The Goal 5 rule does not define the term "capacity". The CONSTRUCTION DICTIONARY, Library of Congress Catalog Card No. 81-83651, 3rd Printing January 2001 second definition defines capacity as, "The load carrying limit of a structure." The AASHTO Guide for Design of Pavement Structures is employed by Lane County Material Laboratory staff to determine the pavement structure (capacity) needed to accommodate vehicle loads. Addressing pavement capacity also addresses the need to identify conflicts which are "similar items in the transportation plan and implementing ordinances" (OAR 660-023-0180(4)(b)(B)).

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. County staff determined there would be a conflict to the existing road system subject to study. Additional pavement

structure is needed to accommodate just the applicant's vehicles exclusive of background traffic. Loaded trucks have the most impact on a pavement structure. County staff priorities did not allow time to analyze the impact of unloaded trucks on the return trip to the quarry site. The front axle alone on a dump truck can legally weigh up to 20,000 pounds or roughly 5-6 times the weight of a passenger vehicle concentrated on one axle. County staff indicate there is impact to the pavement structure by unloaded trucks. 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 Guide for Design of Pavement Structures 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 intended to accommodate just the applicant's truck traffic on Cedarcroft Road prior to commencement of subject operations. The pavement structural analysis was based on vehicle trip generation figures supplied by the applicant.

The use of Cedarcroft 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 for and construct a 2.5 inch full street width asphalt overlay on Cedarcroft Road prior to commencement of quarry operations.

The County staff has prepared an analysis of possible impact of quarry traffic on Bear Creek Road based on applicant's vehicle generation numbers. County staff has projected the probable life of the present pavement design of 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.

The public record indicates the applicant believes up to 40 loaded trucks per day will be generated by the proposed use. Based on applicant's information, County staff prepared calculations to determine the pavement structure needed to maintain the existing estimated 20 year design life on both Cedarcroft Road and Bear Creek Road. County Engineering staff has determined that Bear Creek Road will need an asphalt overlay sometime within 5 to 10 years.

The projected costs are:

Cedarcroft Road	2.5" full pavement width overlay prior to quarry operation	\$12,500
Bear Creek Road	1.5" full pavement width overlay to be scheduled	\$34,000
	when the PCR drops to or below 70.	

The amounts above did not include engineering, administration and overhead. The County engineer indicates this will amount to 15% of project costs. This would amount to \$14,375 and \$39,100 respectively for Cedarcroft and Bear Creek Roads. The staff's computations are based upon the effects of loaded trucks on Bear Creek Road. County staff have not done an analysis of the effect of empty trucks on lane used for return trips to the quarry but there is an impact. Applicant maintains they should only be required to pay for the cost of loaded trucks on one lane of travel. Providing a short taper or "feathering" asphalt onto the next lane of travel to account for the elevation difference by just overlaying one lane is not an accepted County practice for structural overlays. Not only does ride suffer, but also the thin overlay is subject to raveling and premature pavement failure. County staff do not feel applicant's approach to mitigating road impacts meets with Goal 12 intent, "To provide and encourage a safe convenient and economic transportation system." County staff have calculated the cost to replace one lane is more expensive (\$74,000) due to labor and material costs to remove asphalt, replace disturbed base rock, compact the rock and pave it. County Engineering staff do not recommend replacing the one lane of the road structure because of the increased cost.

The adopted 1980 Lane County Transportation Plan and implementing ordinances (Lane Code 15.100-15.105) indicate improvements related to development approval are to be provided for without general public cost.

Note: County Transportation Planning staff made the Planning Commission aware the Board may also consider posting weight limitations on the affected roads to protect public investment in the existing road in the event asphalt overlays are not selected as a method to mitigate conflicts. This was an approach taken by a previous Board in posting roads accessing a quarry located on Molitor Hill Road.

The Bear Creek Neighbors association have submitted a petition to the County Public Works Department requesting the County place a load limit restriction on Cedarcroft Road. This request references PA 98-5144.

There are road capacity conflicts which are wholly related to the proposed quarry operation and the Lane County Transportation plan implementing code LC 15.100-15.105 directs these costs be borne by the property owner. Barring other land use applications which generate impacts to the roadway Lane County would not need to address structural improvements to these roads within the existing design life if it were not the proposed use. The standards used to determine the conflicts were based on a methodology equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials. County staff recommends the applicant be required to construct the pavement overlay on Cedarcroft Road prior to commencement of quarry operations. The County will accept payment for the cost of the Bear Creek Road pavement overlay from the applicant upon planning approval. The County will schedule and contract for the work to be done as part of the County's capital improvement program in order to exercise control over the construction process.

Traffic Volume Capacity

As mentioned previously there is no definition of "capacity" in Goal 5. The 1994 AASHTO Policy on Geometric Design of Highways and Streets indicates capacity, "is used to express the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or a roadway during a given time period under prevailing roadway and traffic conditions." The methodology for doing this analysis is the Highway Capacity Manual (HCM) and associated software that is a delay based evaluation of capacity as measured in this instance by Level of Service (LOS). LOS is measured in a range from A to F. LOS A represents a condition of free flow and LOS F represents forced or breakdown flow. Gridlock might be a more recognizable term for this condition.

Branch Engineering prepared a Traffic Impact Analysis to address this definition of "capacity". The County roads analyzed (Bear Creek Road and Cedarcroft Roads) are of relatively low Average Daily Traffic (ADT) volumes. Bear Creek Road has an ADT of 700 registered for the year 2000. The Traffic Impact Analysis (TIA) indicated the County LOS D performance standard would be intact. The study found the performance levels of the affected roads leading to the nearest arterial retained the County's LOS performance level.

Cross Section Elements

The 1994 AASHTO A Policy on Geometric Design of Highways and Streets list several categories and sub elements which make up a road cross section. They include pavement, lane

widths, shoulders, horizontal clearance to obstructions, drainage channels, and sideslopes. Other elements are also noted relating to urban and higher design facilities.

The first element is pavement. The AASHTO guide for Design of Pavement Structures is used to make this determination if the pavement is adequate for the proposed use. That discussion takes place under the "capacity" discussion above and is not repeated here.

The AASHTO Guide for Design of Pavement Structures is employed by Lane County Material Laboratory staff to determine the pavement structure (capacity) needed to accommodate vehicle loads. Addressing pavement capacity also addresses the need to identify conflicts which are "similar items in the transportation plan and implementing ordinances" (OAR 660-023-0180(4)(b)(B)).

County staff determined there would be a conflict to the existing road system subject to study. Additional pavement structure is needed to accommodate just the applicant's vehicles exclusive of background traffic.

Lane Widths

Cedarcroft road is functionally classified as a local road in Lane Code 15.030. The paved County maintained road section is 24' in width. The paved County maintained section of road was established in accordance with the width criteria in Lane Manual 15.460 for the Cedarcroft P.U.D. There is no centerline pavement marking which is typical on local roads.

Bear Creek Road is a paved County maintained road functionally classified as a minor collector with an inventoried width of 24 feet.

The 1994 AASHTO, A Policy on Geometric Design of Highways and Streets indicates a " 3.6 meter lane provides desired clearances between large commercial vehicles on two lane, two-way rural highways when high traffic volumes particularly high percentages of commercial vehicles are expected." A 3.6meter equates to a 12 foot lane width.

There are no conflicts with the lane widths of Cedarcroft Road or Bear Creek Road.

Horizontal and Vertical Elements

Horizontal elements in its most recognizable form are the sharpness of a curve or curve radius. Vertical elements are the hills and valleys. In today's road construction design process designer's adopt a design speed for the road segment based on the road's function. Horizontal and vertical curves ideally would allow vehicles to travel at the design speed without a reduction in safe stopping sight distance.

The applicant's engineer and County Transportation Planning staff are not aware of conflicts with existing horizontal vertical sight distance which would reduce design speed.

There are no conflicts with horizontal or vertical alignments.

Similar Items in the Transportation Plan and Implementing Ordinances

Lane Code 15.105(1)(b) Dedication and Improvement Requirements which appear in the 1980 Transportation Plan and subsequently in Lane Code states:

(1) Any commercial, industrial, professional, group dwelling, multiple family or community facility use, or a subdivision or partitioning adjoining a road designated by the Master Road

Plan as a Type "A" or "C" road shall meet the following minimum standards and requirements for dedication and improvement

(1)(b) The right-of-way has been improved by the installation of paving, curbs, gutters, sidewalks, street drainage facilities and other facilities needed for traffic control as may be required by the Lane Code and Director of the Department of Public Works.

County staff indicate Cedarcroft Road and Bear Creek Road are both Lane County Roads and therefore as per Lane Code 15.020(5)(a) are Type A roads.

The improvements discussed under previous Goal 5 criteria meet the requirements of LC 15.

The Planning Commission found by a vote of 6:0 that there were conflicts with local roads that could be minimized if the necessary agreements were reached between the applicant and Lane County. The Planning Commission expressed serious concerns about the potential damage to the roadway from the increased traffic volumes, the need for rapid intersection improvements at Cedarcroft and Bear Creek Roads, and the need to require a dust maintenance program for the haul road. The level of improvements necessary to minimize the conflicts were not determined by the Planning Commission.

(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 1,500 foot impact area.

(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;

Goal 5 resources include: Historical Resources, Archaeological Resources, Mineral & Aggregate Resources, Wetlands Resources, Open Space, Scenic Areas, Rare Plants, Riparian Vegetation, Sensitive Fish & Waterfowl Areas, Water Resources, and Energy Resources. The Rural Comprehensive Plan does not identify any Goal 5 resource sites within the proposed impact area. Although there has been a substantial amount of testimony regarding the potential wildlife impacts in the area, no significant wildlife habitats have been acknowledged as a significant Goal 5 resource in the Plan.

(E) Conflicts with agricultural practices; and

No agricultural practices have been identified to conflict with the proposed mining and processing activities.

(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.

(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 (STEP 4).

No conflicts have been identified within the impact area of 2100 feet from the proposed quarry. The impact area for conflicts with roads extends to Cloverdale Road. Conflicts have been identified with Cedarcroft Road and Bear Creek Road and measures that would minimize the conflicts have been proposed under the road conflict section (B) above. The findings attached to the proposed Ordinance will need revision to accurately reflect the Board tentative decision regarding the appropriate measures to minimize the road conflict.

The Planning Commission found by a vote of 4:2 that there were no conflicts within the 2100' impact area. The Planning Commission also found by a vote of 6:0 that there were conflicts with local roads that could be minimized if the necessary agreements were reached between the applicant and Lane County. The Planning Commission expressed serious concerns about the potential damage to the roadway from the increased traffic volumes, the need for rapid intersection improvements at Cedarcroft and Bear Creek Roads, and the need to require a dust maintenance program for the haul road. The level of improvements necessary to minimize the conflicts were not determined by the Planning Commission.

STEP 4: WEIGH ESEE ANALYSIS

OAR660-023-180(4)(d) states:

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 governments 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.*

No significant conflicts have been identified that cannot be minimized, therefore, an ESEE analysis is not required.

The Planning Commission found by a vote of 4-2 that all conflicts could be minimized.

STEP 5: DETERMINE ESEE CONSEQUENCES OF NEW USES

OAR 660-023-180(5) states:

Local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement does not apply if, under section (4) of this rule, the local government decides that mining will not be authorized at the site.)

OAR 660-023-040(1) states:

Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

- (a) Identify conflicting uses;*
- (b) Determine the impact area;*
- (c) Analyze the ESEE consequences; and*
- (d) Develop a program to achieve Goal 5.*

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

No conflicting uses have been identified within the impact area of the significant resource site. In addition to the reasons stated in the applicant's submittals, OAR 660-006-0025 restricts the development of campgrounds within Forest Zones on a parcel located within 3 miles from an Urban Growth Boundary (UGB). The entire proposed impact area is located within 3 miles of the UGB of Creswell. All but one of the parcels are Forest zoned parcels. As discussed in the applicant's submittal, the acknowledged policies and land use regulations are considered sufficient to protect the resource site.

(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

No significant Goal 5 resource sites have been identified within the impact area by the acknowledged Rural Comprehensive Plan.

The Planning Commission found unanimously that the existing zoning laws were sufficient to protect the resource from potential new conflicting uses.

STEP 6: DEVELOP A PROGRAM TO ALLOW MINING

OAR 660-023-180(4)(e) states:

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

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

No conflicts have been identified within the impact area.

(B) Not requested in the PAPA application; or

Any new proposal for the site other than that reviewed under the PAPA application would be reviewed under the Site Review provisions of Lane Code 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.

Any change in the operation than that reviewed under the PAPA application would be reviewed under the Site Review provisions of Lane Code 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 governments 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 post-mining use is proposed to be forest use under the reclamation plan filed with DOGAMI. Forest Uses are a permitted use within the Quarry and Mines Operations Zone as per Lane Code 16.216(4)(f).

Lane County's Goal 5 Mineral and Aggregate program consists of the adopted list of significant resource sites (Appendix "D" of Ordinance 892), Rural Comprehensive Plan (RCP) Goal 5 policies, and the Lane Code for the QM Zone and the SG Zone. Since the zones and policies have not been amended since the LCDC adoption of Goal 5 changes in 1996, the

Administrative Rule is being applied directly to the review of this application. However, once the site is determined to be significant and all relevant conflicts have been minimized, the Administrative Rule directs the local government to amend the plan to allow mining. The process for amending the RCP and adopting the applicable Plan and Zone designations for the site is found in Lane Code 16.400 and LC 16.252 below.

1. Plan Amendment Criteria

The applicant has addressed the following criteria but has made the assertion that the Oregon Administrative Rule provisions for Goal 5 are the only criteria that are applicable to the request for mining a significant Goal 5 resource. Staff maintains that the Lane Code, as presently adopted, is also applicable to all requests for amendments to the Lane County Rural Comprehensive Plan.

a. Lane Code 16.400(6)(h)(iii)

The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

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

The proposed amendment to the Plan is identified as a "Major Amendment" as defined in Lane Code 16.400(8)(a) since the request is not limited to the Plan diagram only. This amendment adds a site to the inventory of "significant" resource sites in Lane County in addition to changing the Plan Diagram.

Conformance with the applicable requirements of the Oregon Administrative Rules is determined under Section IV(B) above. Other applicable state law requirements necessary prior to the development of a quarry on the site are administered by the Department of Environmental Quality and the Department of Geology and Mineral Industries. The applicant has addressed the Statewide Planning Goals in the Amended Application (Exhibit 44) on pages 16 through 22.

The opponents have raised an issue that it is necessary to take an exception to Goal 4 Forest Lands in order to change the Plan Designation from Forest to Natural Resource. Their arguments are found in the Memorandum of the Bear Creek Neighbors, pages 1 through 3 (Exhibit 50). The applicant has rebutted the argument in the Response to Testimony pages 2 and 3 (Exhibit 80). When the question was posed by Lane County staff to the Department of Land Conservation and Development, DLCD Staff did not feel that an exception was necessary to allow mining under the Goal 5 Rule. Staff does not believe that an exception to Goal 4 is warranted since OAR 660-006-0025(4)(g) allows mining within Forest Lands provided it can meet two criteria: 1) be shown that the proposed use will not force a significant change in, or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands; and 2) be shown that the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. No conflict with adjacent forestry or farming operations has been identified in the record.

An issue was also raised regarding the Easement requirements of Lane Code Chapter 15. Opponents argue that the access route to the quarry site is burdened with easements to the extent that the access route does not meet the requirement of LC 15.055(1): *"A private access easement shall be intended to provide access only to four or less lots or parcels or dwelling units, whichever the case may be, unless approved for access to more than four lots through a subdivision, partition or planning action taken pursuant to Lane Code Chapter 14 or 15."* Staff has reviewed the details of the argument and does not agree with the opponents. The proposed access road from the quarry site to Cedarcroft Road crosses only property held in common ownership with the quarry site. The owner has direct access to the public road (Cedarcroft). No easement is necessary for this use. If there does exist separate legal lots within the ownership, at such time that each legal lot is proposed to be developed with other uses, access will be reviewed for compliance with the Lane Code easement provisions. Note that the Lane Code provision does not prohibit outright the use of an easement by more than 4 parcels, but rather allows the approval of more than 4 parcels under the appropriate processes of Lane Code Chapter 14 or 15. This process allows the placement of appropriate conditions to assure safe and adequate access. No easement is proposed under this application for access to a public road.

(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, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

The Plan Amendment is in conformity with section (iii-iii). Provided the request meets the applicable criteria of the Goal 5 Rule, Lane County is required by Oregon Administrative Rule (OAR 660-23-180(2)) to amend the acknowledged Mineral & Aggregate inventory in response to an application for a Post-Acknowledgement Plan Amendment.

The Planning Commission found by a vote of 5:1 that the application met the Plan Amendment requirements of Lane Code 16.400.

2. Zone Change Criteria

Lane Code 16.252(2) Criteria. Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone 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 the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

Consistency with the applicable Rural Comprehensive Plan elements and components is determined above. Discussion of the general purpose of the chapter (Chapter 16) and the specific purposes of the Quarry and Mine Operations Zone follows:

- a. ***Lane Code 16.003 Purpose.*** *This Chapter is designed to provide and coordinate regulations in Lane County governing the development and use of lands to implement the Lane County Rural Comprehensive Plan. To these ends, it is the purpose of this Chapter to:*
- (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 the public health, safety, convenience and welfare.*
 - (2) Protect and diversify the economy of the County.*
 - (3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.*
 - (4) Conserve farm and forest lands for the production of crops, livestock and timber products.*
 - (5) Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.*
 - (6) Conserve all forms of energy through sound economical use of land and land uses developed on the land.*
 - (7) Provide for the orderly and efficient transition from rural to urban land use.*
 - (8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.*
 - (9) Provide for and encourage a safe, convenient and economic transportation system within the County.*
 - (10) Protect the quality of the air, water and land resources of the County.*
 - (11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.*
 - (12) Provide for the recreational needs of residents of Lane County and visitors to the County.*
 - (13) Conserve open space and protect historic, cultural, natural and scenic resources.*
 - (14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.*

The applicant has adequately addressed this criterion in the Amended Application.

b. Specific Purpose of Proposed Zone Classification

Lane Code 16.216 Quarry and Mine Operations Zone

- (1) Purpose. The purpose of the Quarry and Mine Operations Zone (QM-RCP) is to:*

- (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.*
- (c) *Establish procedures for the protection of public health and safety on and adjacent to land where quarry and mine blasting operations are occurring.*
- (d) *Establish County standards in the Lane Manual to be used in reviewing referrals from State and Federal Agencies of Operation and Reclamation Plans, pollution control permits and similar permits.*
- (e) *Provide for cooperation between private and governmental entities in carrying out the purposes of this Chapter.*
- (f) *To implement the policies of the Lane County Rural Comprehensive Plan.*
- (g) *Establish procedures to insure compatibility of a Quarry and Mine Operation use with the area in which it is to be located, establish permitted uses and property development standards.*

The rezoning is consistent with (b) above, the need to protect major deposits of rock. The applicant has demonstrated that there is a significant amount of high quality rock at the site. The rezoning is also consistent with (f) above, to implement the policies of the Lane County Rural Comprehensive Plan (RCP). RCP Goal 5, Policy 1 requires known mineral resource sites to be conserved through the application of compatible land use regulation measures.

The Planning Commission found by a vote of 4:2 that the application met the rezoning requirements of Lane Code 16.252.

Proposed Conditions of Approval

A series of Conditions of Approvals were developed during the review at the Planning Commission:

- 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).**

The Board needs to determine the limits on hours and days of operation for the quarry. The Planning Commission recommends a condition to limit the days of operation to Monday – Friday only and limit the hours of operation to 7:30 AM to 5 PM during the school year and 7 AM to 5 PM from June 15 through Labor Day. The Planning Commission concerns were traffic conflicts with school buses and parents taking children to school and general livability in the area. The applicant would like to operate year-round during all daylight hours and the flexibility to operate on an occasional Saturday.

- 2. Access to and from the site shall be limited to Cedarcroft Road..**
- 3. The rock crushing machinery shall be operated in accordance with both DOGAMI permit and LRAPA permits, including the release of particulate into the air..**
- 4. Discharge of water at the site shall be limited by the DOGAMI permit.**
- 5. The applicant shall provide prior 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 (82452 and 82704 Bradford Road) to monitor all blasting operations.
8. The applicant shall apply a dust abatement substance which meets Federal, State and local laws and standards for use and application procedures 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 requirements of Lane Code 16.216 regarding blasting records:
Each operator shall maintain a record of each blast for at least two years. These records shall be available to the County, the State Department of Geology and Mineral Industries and other governmental agencies with appropriate jurisdiction upon request. Such records shall show the following for each blast:
 - (i) Name of quarry or mine.
 - (ii) Date, time and location of blast.
 - (iii) Description of type of explosives and accessories used.
 - (iv) Time interval of delay in milliseconds.
 - (v) Number of different delays.
 - (vi) Number of holes per delay.
 - (vii) Nominal explosive weight per hole.
 - (viii) Total explosive weight per delay.
 - (ix) Total weight of explosives per blast.
 - (x) Blast hole diameter, depth, spacing and stemming height.
11. The applicant shall maintain a 50' setback from adjacent properties for all mining and processing operations.
12. The applicant is required to restore the site to forest use consistent with the reclamation plan upon conclusion of the mining operation.
13. To mitigate impact on Cedarcroft Road, the applicant will pay to Lane County the sum of 14,375.00 no later than one year after commencement of the operation. The applicant shall pay the sum of \$39,100 to Lane County to mitigate impact to Bear Creek Road within 5 years of commencement of operation.

The applicant's attached findings propose \$12,500 for Cedarcroft Road and \$17,000 for Bear Creek Road. This condition needs to be reviewed by the Board for determination of the appropriate level of road improvements to be required of the applicant to minimize the conflict with local roads.

14. 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.
15. Any proposal for 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.

C. Alternatives/Options

Upon conclusion of Board deliberations, a variety of options are available to the Board:

1. If the Board finds that the application meets all applicable criteria for approval:
 - a) Move to adopt the Ordinance as presented with the applicant's findings; OR
 - b) Move to tentatively approve the application for mining and direct the applicant to prepare revised findings corresponding to the Board deliberations for subsequent final adoption.
2. If the Board finds that the application does not meet all applicable criteria for approval, move to tentatively deny the application and direct staff to prepare a Board Order for denial of the application for subsequent final adoption;
3. If the Board finds that the resource is not significant, move to tentatively deny the application and direct staff to prepare a Board Order for denial of the application for subsequent final adoption.

D. Recommendations

Staff recommends Option 1(b).

Based upon the record in this matter, staff has concluded that the applicant has demonstrated that the aggregate resource on the property can be considered to be a "significant" Goal 5 resource and the minimization measures identified in this report can reduce the identified conflicts below the level of "significant". The applicant's findings will need to be reviewed and revised to assure that they reflect the actual findings made by the Board during deliberations.

E. Timing

The Ordinance will take effect immediately upon final adoption by the Board.

V. IMPLEMENTATION/FOLLOW-UP

At the Board's direction, staff will bring the Ordinance with revised findings back to the Board for review and action, or prepare a Board Order for Board adoption.

VI. ATTACHMENTS

1. Proposed Ordinance PA 1188
2. File Record Content Sheet
3. LCPC Minutes of March 2, 1999
4. LCPC Minutes of March 16, 1999
5. LCPC Minutes of April 6, 1999
6. Summary of Goal 5 Rule for Mineral & Aggregate

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1188 (IN THE MATTER OF AMENDING THE LANE COUNTY RURAL
(COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL
(AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE
(FROM "FOREST" TO "NATURAL RESOURCE: MINERAL",
(REZONE FROM "F1/NON-IMPACTED FOREST LANDS" TO
("QM/QUARRY AND MINE OPERATIONS AND ALLOW MINING FOR
(40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252
(AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR
(660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES
((FILE PA 98-5144; B. J. EQUIPMENT COMPANY)

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, Oregon Administrative Rules (OAR) Chapter 660 Division 23 sets forth procedures for amendment of the Goal 5 Inventory of Significant Mineral & Aggregate Sites within Lane County as well as addressing requests for a post-acknowledgment plan amendment (PAPA); and

WHEREAS, in September 1998, application no. PA 98-5144 was made for a major amendment to add to the Lane County Goal 5 Inventory of Significant Mineral & Aggregate Sites, redesignate from "Forest" to "Natural Resource: Mineral" and concurrently rezone from "F-1/Non-Impacted Forest Lands" to "QM/Quarry and Mine Operations" a 40-acre portion of tax lot 3500 of map 19-02-00 (30); and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearings on March 2, and March 16, 1999, deliberated on April 6, 1999 and forwarded the matter to the Board with formal Planning Commission recommendations; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted public hearings and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. The subject site, consisting of a 40-acre portion of tax lot 3500 of map 19-02-00 (30) as depicted on Exhibit "A" attached and incorporated here, shall be added to the Lane County Rural Comprehensive Plan Inventory of Significant Mineral and Aggregate Sites identified as Appendix "D" of the "Mineral and Aggregate Resources Working Paper" based on findings and conclusions as described in Exhibit "C" attached and incorporated herein.

Section 2. The Lane County Rural Comprehensive Plan is amended by the redesignation of a 40-acre portion of tax lot 3500 of map 19-02-00 (30), from "Forest" to "Natural Resource: Mineral", such territory depicted on Plan Plot 440B further identified as Exhibit "A" attached and incorporated herein.

ORDINANCE PA 1188 —IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE: MINERAL", REZONE FROM "F-1/NON-IMPACTED FOREST LANDS" TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 99-5144; B. J. EQUIPMENT COMPANY)

Section 3. A 40-acre portion of tax lot 3500 of map 19-02-00 (30), is rezoned from "F-1/Non-Impacted Forest Lands" (Lane Code 16.210) to "QM/Quarry and Mine Operations" (Lane Code 16.216), such territory depicted on Rural Zoning Plot 440B, and further identified as Exhibit "B" attached and incorporated herein, and the mining and processing of aggregate resources shall be authorized pursuant to Lane Code 16.216 and subject to the Conditions of Approval contained within Exhibit "C" attached and incorporated herein.

FURTHER, although not a part of this Ordinance except as described above, the Board of County Commissioners adopts Findings and Conclusions as set forth in Exhibit "C" attached, in support of this action.

The prior designation and zone repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED this _____ day of _____, 2003

Peter Sorenson, Chair
Lane County Board of Commissioners

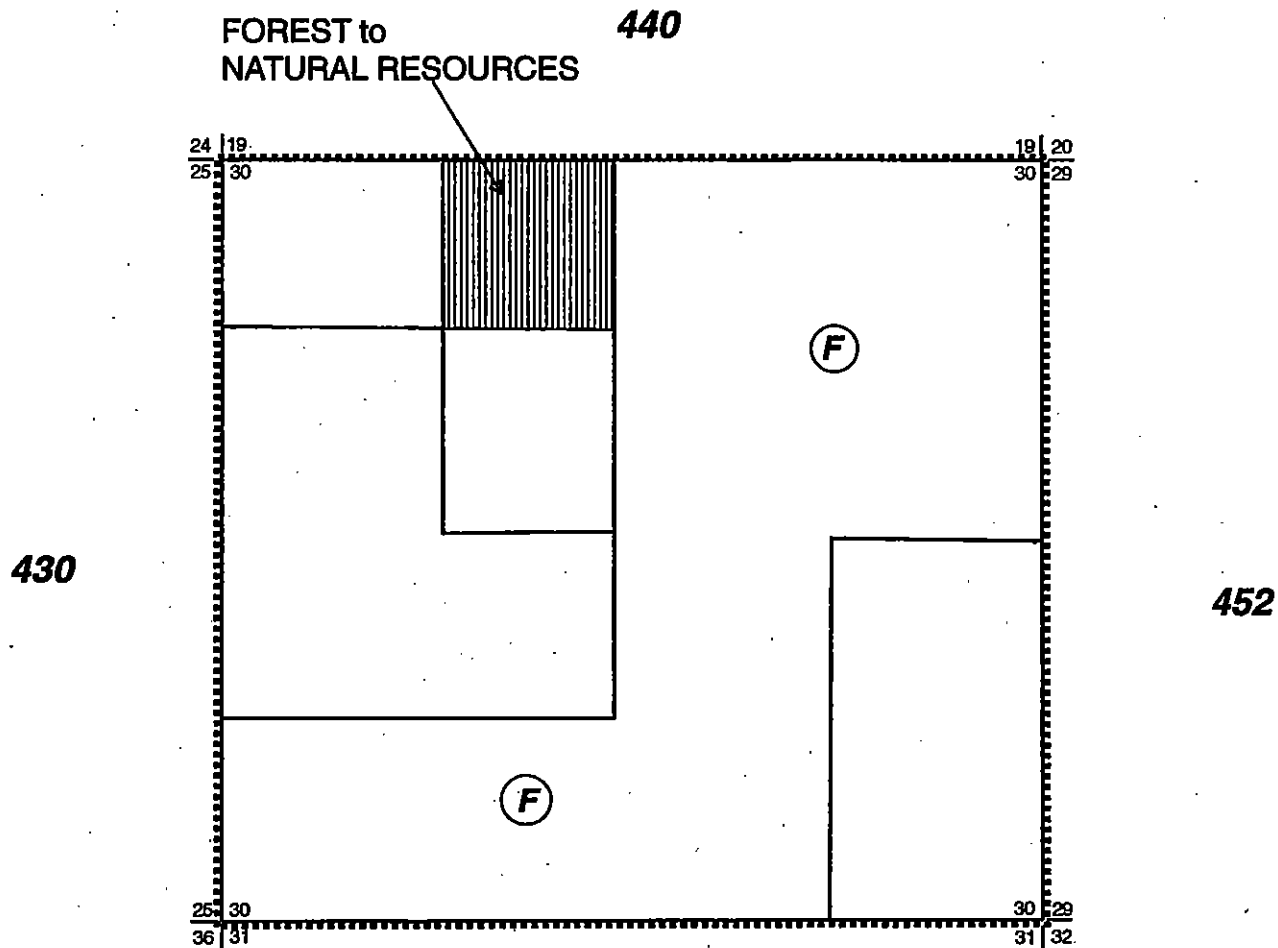
Recording Secretary for this meeting of the Board

APPROVED AS TO FORM

Date 3-11-2003 lane county


OFFICE OF LEGAL COUNSEL

ORDINANCE PA 1188 ---IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE: MINERAL", REZONE FROM "F-1/NON-IMPACTED FOREST LANDS" TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 99-5144; B. J. EQUIPMENT COMPANY)



lane county

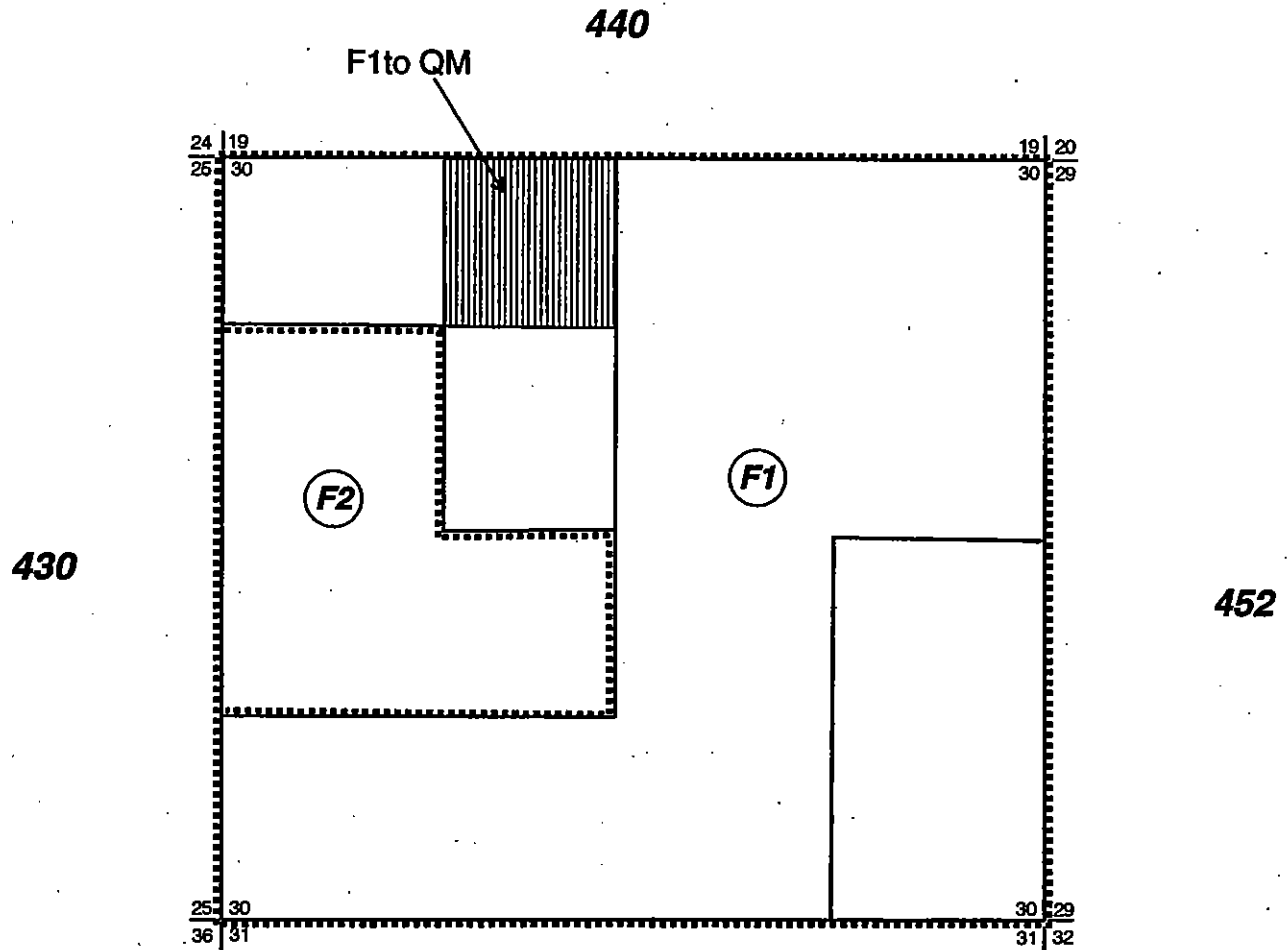


OFFICIAL PLAN MAP

PLOT #440B

Twship Range. Section
19 02 30

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



lane county



OFFICIAL ZONING MAP

PLOT #440B

Twnshp Range Section

19 02 30

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

REVISION # ORD# DATE FILE #

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
LANE COUNTY, OREGON**

IN THE MATTER OF THE POST ACKNOWLEDGMENT)
 PLAN AMENDMENT (PAPA) TO REDESIGNATE LAND)
 FROM F-1, NON-IMPACTED FOREST LAND TO)
 QM-RCP, QUARRY AND MINE OPERATION ZONE)
 (PA 98-5144; ROSS BRADFORD))
 _____)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND CONDITIONS IN THE MATTER OF PA 98-5144**

A. The Application.

The applicant and property owner, Ross Bradford, by and through his agent, BJ Equipment Company, LLC, has submitted an original Application and Amended Application seeking approval of the following:

1. Pursuant to OAR 660-023-0180, amendment to Lane County's acknowledged inventory of mineral and aggregate resources to include the parcel designated in the application by means of a Post Acknowledgment Plan Amendment (PAPA);
2. Amendment to the Rural Comprehensive Plan Diagram to designate the subject parcel Natural Resources: Mineral; and
3. Rezoning of the subject parcel from F-1 (Non-Impacted Forest Land) to Q-M (Quarry and Mine Operations zone).

B. Lane County Planning Commission action.

On March 2, 1999 and March 16, 1999, the Lane County Planning Commission held public hearings and the record remained open for written material until March 30, 1999. The Lane County Planning Commission toured the site of the request. On April 6, 1999, the Lane County Planning Commission deliberated in public meeting and recommended by a vote of 5-2 to approve the PAPA and rezoning and adopt certain conditions.

C. Legal criteria applicable to the decision.

The substantive criteria for approval of a PAPA are set forth below in the text of the findings.

The procedural rules applicable to the Board's decision are as follows:

- Lane Code 14.200, 14.300 – General Hearing Rules, De Novo Hearing Procedure.
- Lane Code 16.252 – Procedures for Zoning, Rezoning and Amendments to Requirements.
- Lane Manual 3.915 – Procedural Rules for Conduct of Hearings.

D. Findings of fact and conclusions of law: PAPA review pursuant to OAR 660-023-0180, the Goal 5 analysis.

Statewide Planning Goal 5 was amended June 14, 1996 and the amendment became effective September 1, 1996. Oregon Administrative Rules, Chapter 660, Division 23 was amended and became effective the same day. The Board makes the following findings required by the Administrative Rule.

Step 1. Adequacy of the PAPA information.

The Board finds that the information contained in the original Application, the Amended Application submitted February 17, 1999 and subsequent written submittals by the applicant provided the information required by OAR 660-023-0180(6). The following is a brief discussion of the information provided and its adequacy.

1. Minimum information. OAR 660-023-0180(6).

a. Details about the quantity, quality and location that are sufficient to determine whether the standards and conditions of section (3) of the Administrative Rule are satisfied.

This requirement is met if samples of the aggregate material on the site meet Oregon Department of Transportation (ODOT) specifications for base rock or air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley. Attached as Exhibit A is the September 10, 1998 and the March 2, 1999 reports of Century West Engineering Corporation establishing that standards and conditions of Section (3) of the Administrative Rule are satisfied.

b. A conceptual site reclamation plan.

The Application contained a conceptual site reclamation plan and that plan is attached as Exhibit B to these findings.

c. A traffic assessment within one mile of the entrance to the mining area pursuant to OAR 660-023-0180(4)(b)(B).

Attached as Exhibit C is the Traffic Impact Analysis for the proposed Bradford Pit Quarry prepared by Branch Engineering on June 1998, and the October 15, 1998 addendum to that report, followed by supplemental reports from Mr. Branch.

d. Proposals to minimize any conflicts with existing uses preliminarily identified by applicant within a 1500 foot impact area.

The mining site is located in the southwest quadrant of a 40-acre F-1 zoned parcel and is approximately 2300 feet from the nearest residence which is on the opposite side of a hill and is well over one-half mile from the nearest residence to the north. There are only forestry uses within the 1500-foot radius of the site. The impact area and potential impacts are discussed further below.

e. A site plan indicating the location, hours of operation and other pertinent information for all proposed mining and associated uses.

The Bradford Pit site plan is included in Exhibit B.

**Step 2. Determination whether the resource site is significant.
OAR 660-023-0180(2)(b) and (3).**

OAR 660-023-0180(3):

"An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;"

The reports of Century West Engineering Corporation, attached as Exhibit A, establish the requisite quality and quantity of the rock at the site to satisfy the Administrative Rule.

“(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or”

The Board finds that Lane County has not established a lower threshold for significance than subsection (a) above.

“(d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:

(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or

(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:

(i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;”

The information submitted including Exhibit I, a soils map produced by Lane Council of Governments from the NRCS map, establishes that the only high value soils on this parcel are located at the northeast corner of the parcel. This area is far removed from the location of the pit itself, as shown on the site plan, and the geotechnical investigation by Century West establishes that the area where the mining will occur contains virtually no soils. The Board finds that this site qualifies as a significant site in that far less than 35 percent of the proposed area consists of Class I, Class II or Unique soils.

The Board concludes that the resource site is “significant.”

Step 3. Determine if conflicts from mining can be minimized.

The impact area. OAR 660-023-0180(4)(a).

"The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance."

The Board notes that the term **"mining area"** as used above is defined at OAR 660-023-0180(1)(g) as:

"... the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized."

The rule defines **"mining"** as:

"... the extraction and processing of mineral or aggregate resources, in the manner provided under ORS 215.298(3)." [OAR 660-023-0180(1)(e).]

The rule defines **"processing"** as:

"... the activities described in ORS 517.750(11)" to include refinement of the mineral in some manner such as crushing, washing, milling and screening. [OAR 660-023-0180(1)(h).]

The Board finds that this portion of the rule, which addresses conflicts with mining and processing activities, clearly limits consideration of conflicts to those uses that conflict with the extraction of the rock from the ground and its processing. The Board finds that transport of the product is not a mining or processing activity as defined in OAR 660-023-0180, therefore, is not relevant to the establishment of an impact area. (Impact to roads, pursuant to subsection (4)(b)(B), is addressed separately under the Goal 5 rule.)

The Board finds that the definition of "mining area" restricts the review of impacts to 1500 feet from the area where the mining and processing occurs unless factual information indicates significant potential conflicts with mining and processing beyond this distance. The Noise Impact Study prepared by Art Noxon, attached as Exhibit D, establishes that noise from mining and processing activities comes into conformity with Department of Environmental Quality (DEQ) daytime standards for exposure to residences at a distance of 2100 feet from the mining area. The Board finds that this 2100-foot perimeter from the proposed quarry site is the impact area. No impacts, in addition to that of noise, have been identified or established by the evidence beyond the minimum 1500-foot impact area.

Attached as Exhibit F is a zoning map of the general area and attached as Exhibit G is a map showing existing residences and the subject site. Exhibit H is a topography map. There are a total of 9 properties that are, at the least, in part within the 2100-foot area:

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

Within the potential impact area, only forest uses exist. The quarry site is approximately 2300 feet from the nearest residence, which is on the opposite side of the hill from the quarry and is approximately 3300 feet from the nearest residence on the north side of the hill.

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

"(b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government."

There are no residentially zoned properties located within the impact area. The closest residence is 2300 feet from the mining activity on the opposite side of a hill. No other conditional or final approvals have been granted by Lane County within the impact area.

For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

"(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;"

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.

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 identified by Lane County Transportation Planning staff is Interstate 5. In the 1980 Lane County Transportation Plan, Cedarcroft Road (County) is identified as a local road (LC 15.030). Bear Creek Road (County) is classified as a minor collector and Cloverdale Road (State) is classified as a major collector. 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. 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 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 \$12,500 for a 2.5-inch full street width asphalt overlay on Cedarcroft Road within one year of the commencement of quarry operations.

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 agricultural 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 pursuant to local land use permit on acknowledged sites.

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 requested in the PAPA application would be reviewed under the Site

Review Provisions of LC 16.257 as required by the quarry and mine operations zone.

“(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 as required by the quarry and mine operations zone.

“(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. The Lane County Rural Comprehensive Plan does contain specific criteria for plan amendments, 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 were 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 DLCD and the DLCD 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. The traffic impact analysis establishes that the plan amendment will not "significantly affect" any transportation facility within the meaning of OAR 660-12-0060.

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. Cloverdale Road at its intersection with Bear Creek Road is a State highway. Lane County does have jurisdiction of Cloverdale Road in the section north of Hendricks Road to Highway 58.

Lane County Ordinance No. 3-80 adopted the 1980 Rural Transportation Plan as a component of the County comprehensive plan. The Transportation Plan designated Cloverdale Road a major collector from Hendricks Road to Highway 99.

Interstate 5 is not functionally classified in the 1980 Rural Transportation Plan. It does meet the criteria of an "arterial" as defined in LCDC Goal 12, OAR 660-012-0065(2)(b)(C).

The Board finds Interstate 5 is an arterial for the purposes of the Goal 12 analysis.

Bear Creek Road is a county roadway extending east from Cloverdale Road. The road is paved with a 24-foot width in the project vicinity. There is no posted speed. State "basic rule" provisions with a 55 mph maximum are in force. Land surrounding Bear Creek Road is zoned for residential, agricultural and forest uses. 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. The paved 24-foot-wide portion of Cedarcroft Road was established as a public road in conjunction with the approval of Cedarcroft PUD, a residential subdivision. The record shows the road was constructed of two inches of asphaltic concrete over ten inches 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 subdivision designer's engineer to accommodate greater vehicle loads or compensate for poor soil conditions.

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. The AASHTO street design manual indicates a minimum 550 feet is needed for a 55 mph design speed on wet pavements. Sight distance at the intersection of Cedarcroft and Bear Creek Roads were measured at 580 feet to the west and 680 feet to the east. Again, these distances exceed AASHTO minimum 550-foot distance for a 55 mph design speed.

In conclusion, the Branch Engineer traffic impact analysis 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 traffic analysis indicates the additional vehicle trips would not reduce the performance standards below those identified in the County Transportation System Plan.

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. 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 applicant's 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 new Goal 5 Rule also has set forth specific items to be evaluated in determining impact of traffic associated with the mining and processing operation on existing roads. The findings which address OAR 660-023-0180(4)(b)(B) are incorporated herein by reference. The Board finds that there is substantial evidence that the existing road system is suitable provided the identified conflicts are minimized as described above. The Board further finds that the application is also consistent with Goal 12.

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 approval to amend the acknowledged mineral and aggregate inventory in response to the application achieves compliance with the Goal 5 rule and the applicable Lane County Rural Comprehensive Plan Policies as 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 and by approval of this application is identified as such in the county by inclusion on Appendix “D”. 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 adds the site to Appendix "D", which is the Lane County inventory of significant aggregate sites to be preserved 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.

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.

“(ii) Major Amendment. Any amendment that is not classified as a minor amendment.”

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 inventory of aggregate sites for the County will be changed as well. The amendment is classified as a “Major Amendment.”

No exception to Statewide Planning Goals is required.

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 (82452 and 82704 Bradford Road) to monitor all blasting operations.
8. The applicant shall apply a dust abatement substance which meets Federal, State and local laws and standards for use and application procedures 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-foot setback from adjacent properties for all mining and processing operations.
 12. The applicant is required to restore the site to forest use consistent with the reclamation plan upon conclusion of the mining operation.
 13. 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.
 14. 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.
 15. Any proposal for 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

GEOTECHNICAL INVESTIGATION

**AGGREGATE RESOURCE
QUALITY/QUANTITY
EVALUATION**

LANE COUNTY, OREGON

September 10, 1998

EXHIBIT A



LEADING THROUGH EFFECTIVE SOLUTIONS

September 10, 1998

Mr. Kristofer Jeremiah
B J Equipment Company
34964 Hwy 58
Eugene, OR 97405
(541)747-6261
(541)988-4320 Fax

**AGGREGATE RESOURCE QUALITY/QUANTITY EVALUATION
40 ACRE PARCEL DESIGNATED AS 19 02 30 TAX LOT 3500
LANE COUNTY, OREGON
Project NO.: 12327.001.01**

Dear Mr. Jeremiah:

As requested, personnel from Century West Engineering observed, logged and sampled 6 test borings at the above referenced site. The site is within Section 30, Township 19S, Range 2W and is located south of Bear Creek Road, directly south-west of Cedarcroft Road. See vicinity map, figure 1, for project location.

The subject site consists of 40 total acres of which approximately 20 acres will be permitted for the mining operation. The mining will be a hill top removal located in the south west quadrant of the subject 40 acres parcel with scales, stockpiles and loading areas located at the north east quadrant of the 40 acre parcel. An existing excavation, known as Bradford Quarry, now exists on the hill top with stockpiled crushed material located south and east of the existing excavation. Some overburden materials have been graded and stockpiled north-east and west of the existing quarry. Our evaluation includes laboratory testing of on site materials to be used as construction aggregate material. The laboratory testing is per the requirements of the Statewide Planning Goal 5 for Aggregate Resources and includes Oregon Air Degradation, Soundness and L. A. Rattler(LAR) tests.

SUB-SURFACE CONDITIONS

The site sub-surface soil and rock conditions were investigated using 6 test borings done in the south-west quadrant of the subject site. See site map, Figure 2, for boring locations. The borings were excavated by BJ Equipment Company using a Gardner-Denver SCH 5000C rock drill unit. Borings 1, 2 and 3 were done in the area of the existing quarry where the overburden materials had been removed and stockpiled. Borings 4 and 5 were done in relatively undisturbed areas and indicated overburden soil materials of approximately 10 feet. Boring 6 was done north of the proposed mining area and indicated overburden material to a depth of 35 feet below existing surface. The overburden soils consist of a silty sand material with a mixture of gravels, cobbles and boulders. The site rock is of an Igneous-Volcanic configuration which was formed directly from molten rock that cooled quickly on or near the earth's surface. The rock is gray brown in color and of basaltic composition and is low to non vesicular. Borings 1 through 5 were excavated to a depth of 70 feet

below the existing elevation at each boring. The boring logs can be found in the appendix of this report.

LABORATORY TESTING

Per the Goal 5 Rules the site rock was tested for the following:

Los Angeles Rattler (LAR) ASTM C-131, OAHDM 211

Test Result	Percent Loss 18.8%	Specification	<30.0%
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Oregon Air Degradation OSHD TM 208

Test Result	Percent Passing #20 17.8%	Specification	<30.0%
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Sediment Height	1.5"	Specification	<3.0"
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Soundness ASTM C-88, OSHD TM 206

Test Result	Total Coarse Loss 5.7%	Specification	12.0% Max
-------------	------------------------	---------------	-----------

The test results indicate the site rock meets requirements as a high quality rock source. Test data results can be found in the appendix of this report.

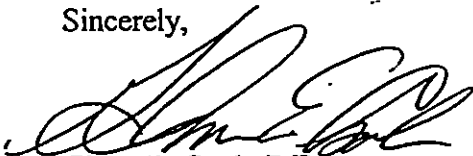
CONCLUSIONS

In reviewing a "Report of Onsite Inspection" dated July 23, 1998, by Mr. Peter J. Wampler of the Oregon Department of Geology & Mineral Industries, the mining operation will cover an area of approximately 12 acres located in the south-west quadrant of the subject site with the total permitted area consisting of 20 acres. Our field investigation and site observation indicates that the subject site has varied depths of overburden soil material that range from 0 to 10 feet below existing surface. Below the overburden material is a basaltic rock that extends to a depth in excess of 70 feet below existing surface.

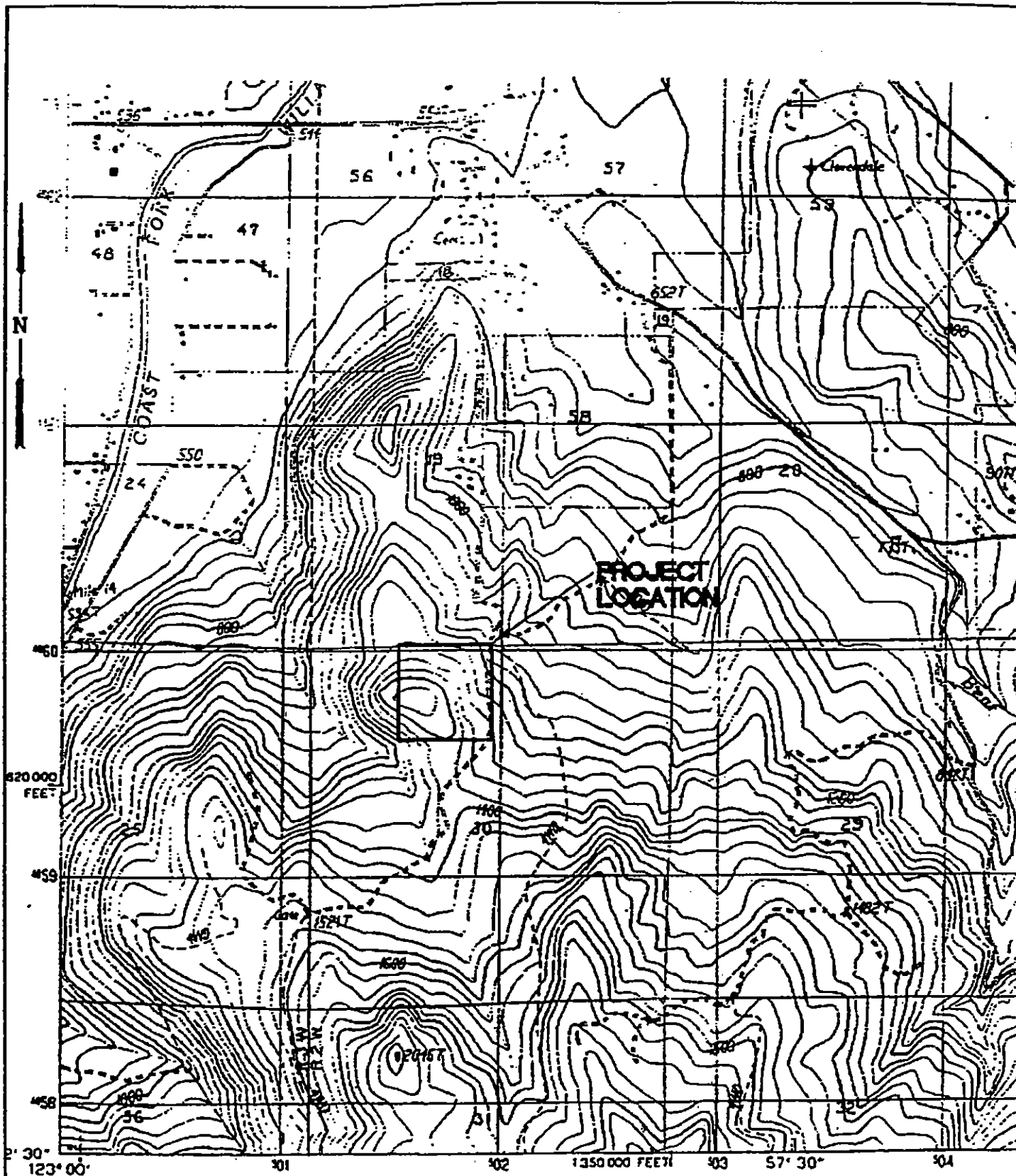
The proposed mining operation will consist of removing and stockpiling the top soil and excavating and processing the basaltic rock material for use as construction aggregate. It is estimated that approximately 120,000 cubic yards of overburden material will be generated in the stripping operation and approximately 2,560,000 tons of high quality rock is available for construction aggregate processing. These calculations have assumed an average of a 6 foot depth of overburden and 70 feet of rock excavation. It is most likely that the rock extends to depths greater than the 70 foot depth used for the quantity calculation.

If you have any questions concerning this report or the exploration, do not hesitate to contact our office at (541) 388-3500.

Sincerely,



Glenn E. Cook, P.E.
Geotechnical Engineer




FROM "JASPER, OREGON"
U.S.G.S. QUAD SHEET, 1986

VICINITY MAP
1" = 2000'

DESIGNED BY: GEC	CHECKED BY: GEC
DRAWN BY: GGW	SCALE: 1"=2000'
PROJECT NO.: 12327001	

VICINITY MAP
AGGREGATE RESOURCE
B. J. EQUIPMENT
EUGENE, OREGON

DATE: 7/22/98	FIGURE: 1
 century west ENGINEERING CORPORATION 1444 NW COLLEGE WAY, BEND, OR 97701 (541)388-3500 (541)388-5062 FAX	

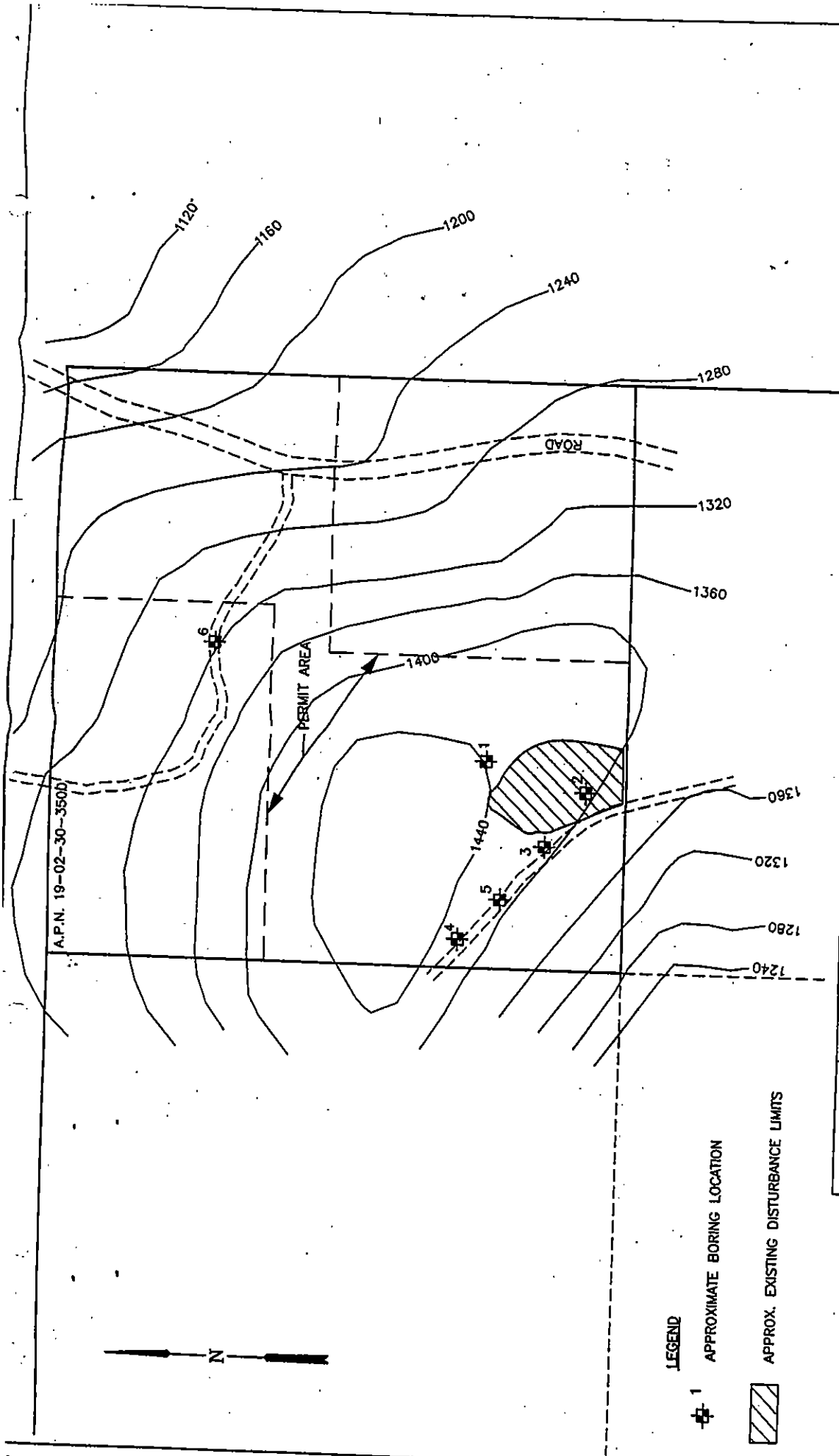


FIGURE
2

SITE MAP
AGGREGATE RESOURCE
B. J. EQUIPMENT
EUGENE, OREGON



DESIGNED BY: GEC	DATE : 7/22/98
DRAWN BY : GOW	SCALE : 1"=200'
CHECKED BY : GEC	SEC. : C\DWG
PROJECT NO.: 12327001	

13. RECLAMATION PROCEDURES - LAND SHAPING

Long continuous slopes should be avoided or broken up with surface contours, ditches, or complex slope shape.

a) What will be the:

i) -steepest above-water excavated slopes left after mining? (1½:1 is generally maximum) 1½:1

ii) -steepest above-water fill slopes left after mining? (2:1 is generally maximum) 2:1

b) What will be done to ensure the stability of excavated slopes?

Seeding and mulching and reforestation

c) What will be done to ensure the stability of fill slopes?

Same as above

d) Will this site be shaped or backfilled to blend in with surrounding topography? ☒ yes ☐ no

14. POST-MINING WATER IMPOUNDMENT(S)

a) Number of impoundment(s) N/A

b) Use of impoundment(s) N/A

c) Total surface area in acres N/A

d) Average depth N/A

e) How much is the water level expected to fluctuate annually? N/A

f) What will be the steepest and flattest in-water slopes left after mining? N/A

Generally 3:1 in-water slopes are the steepest allowable, except off islands. To increase potential for wetland habitat establishment, 5:1 to 20:1 slopes are needed.

g) Will shallow ponds, shorelines, or other areas conducive to wetland plant development be left? ☐ yes ☒ no

h) What will be the impoundment water source? N/A

WRD A water right for the water source may be needed from the Water Resources Department.

i) What will be done for wildlife & fish enhancement, e.g. fish structures, islands, peninsulas, and irregular shorelines? N/A

j) If wetlands are to be constructed, explain the methods and final configuration. N/A

15. OTHER PERMITS

In order to assist other agencies in the review of this plan and their ability to ascertain compliance with their laws, list all permits by type and number that are held (or applications filed) for this mine site or processing equipment (such as fill/removal permits, water rights, air quality and stormwater or waste water permits).

Permit Type	Permit Number
<u>Lane County / Conditional Use Permit</u>	

in proc

16. LANDOWNER CONSENT

As surface or mineral rights owner, I concur with the proposed subsequent use for any mining operation and with the operating reclamation plan as submitted. I also agree to allow access to the State Department of Geology and Mineral Industries or their agent for reclamation of the mine site if it is declared abandoned by the Department of Geology and Mineral Industries.

Appropriate signatures are needed for EACH land parcel.

I CONCUR (Surface Rights)

Name (Please Print or Type) _____

Signature _____

Title _____

Date _____

I CONCUR (Mineral Rights):

Name (Please Print or Type) _____

Signature _____

Title _____

Date _____

COPY

17. APPLICANT'S ACCEPTANCE

Name (Please Print or Type) _____

Signature _____

Title _____

Date _____

Kristofer R. Jernigh
Kristofer R. Jernigh
Gen. Superintendent
February 4, 1998

18. PREPARED BY (IF OTHER THAN APPLICANT)

Name (Please Print or Type) _____

Signature _____

Title _____

Company _____

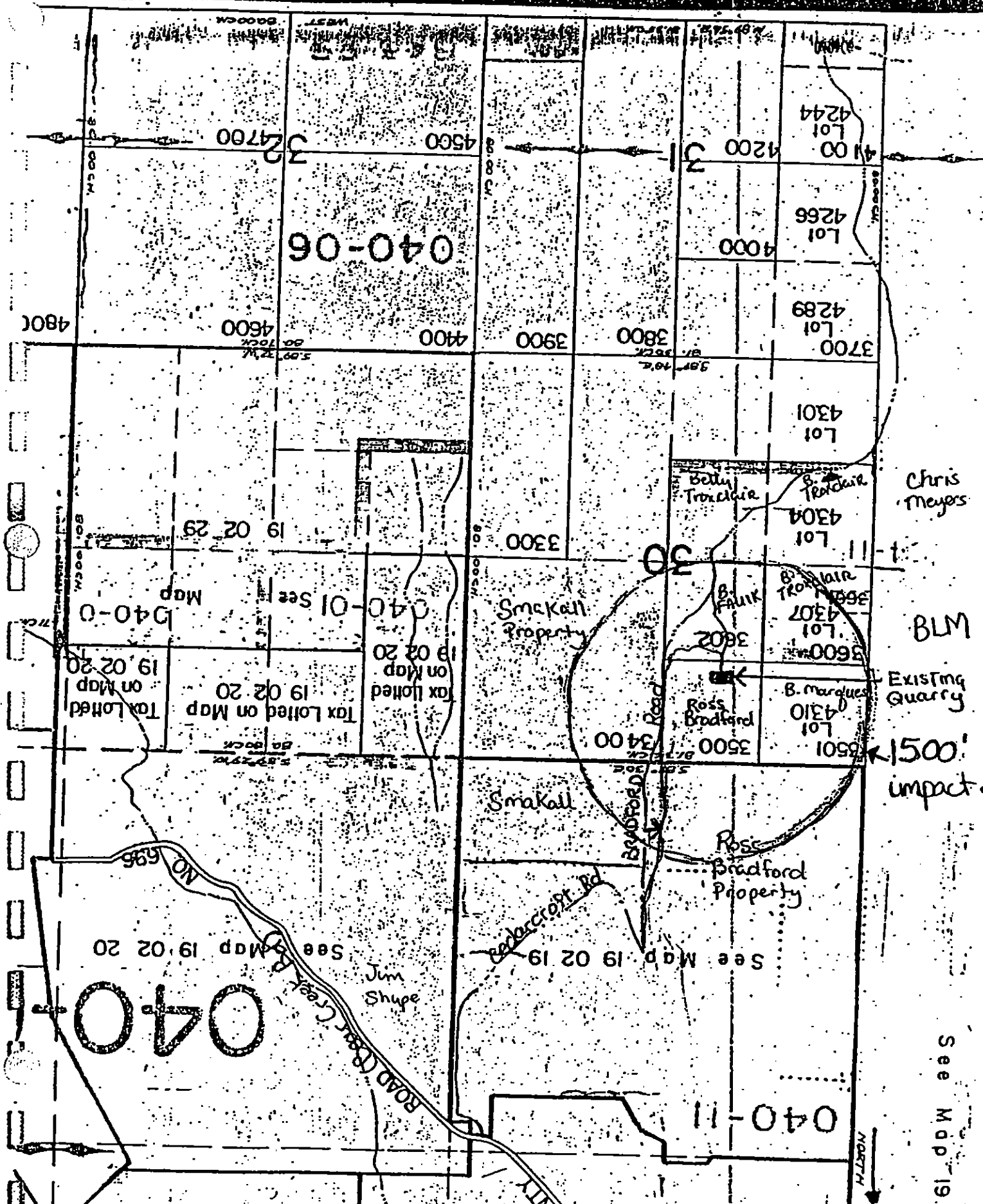
Date _____

Properties within 1,500 feet of purposed quarry site:

Tax Lot 3501	Bob Marques / Forest Property borders the west side of Tax Lot 3500
Tax Lot 3400	James Smakall / Forest Property borders the east side of Tax Lot 3500
Tax Lot 3600	Bettie, Robert & Ed Troxclair / Forest Property is located to the southwest of Tax Lot 3500
Tax Lot 3602	Barney Faulk / Forest Property borders the south of Tax Lot 3500

A map showing location of above tax lots and a circle indicating the 1500' impact area is attached hereto.

The tax lots listed above are the only tax lots within the 1500 feet impact area. All of these tax lots are under forest zoning. Ross and Norma Bradford own the property bordering the north side of Tax Lot 3500. As well as tax lot #800 and #100 which encompasses the access to the quarry property off of Cedarcroft Road.



BRADFORD PIT SITE PLAN:

1. See attached Site Plan
2. Dimensions of proposed quarry would encompass approximately 20 acres out of the total 40 acres parcel as shown on the attached site plan. This would include loading areas and stockpiles.
3. Setbacks: 50' from property line on all quarry perimeters.
4. Location: Off of Bear Creek to Cedarcroft to private road owned by Ross and Norma Bradford.
5. Hours of operation: Monday through Saturday, 7:00 a.m to 4:30 p.m. Normally, BJ Equipment Company operates Monday through Friday; however, if a special job was in progress and needed supplies from the quarry a Saturday would be implemented.
6. Blasting Procedures attached.



ENGINEERING CORPORATION

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Project No.: 12327.001.01

LOG OF BORING B1

(Page 1 of 1)

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C
Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0		ML	Sandy clay SILT, with gravels, reddish brown, moist, moderately firm.
5			BASALT bedrock, gray, dense, minor fractures.
10			
15			
20			
25			
30			
35		VL	
40			
45			
50			
55			
60			
65			
70			



centurywest
ENGINEERING CORPORATION

B.J. Equipment Co.

Eugene, Oregon

Aggregate Resource Evaluation

Project No.: 12327.001.01

LOG OF BORING B2

(Page 1 of 1)

Date Excavated : 7/7/98

Sampling Method : N/A

Hole Diameter : 6 inches

Logged By : Glenn Cook

Drilling Contractor : BJ Equipment Co.

Total Depth : 70 feet bgs

Drill Rig : Gardner-Denver SCH 5000C

Depth
in
Feet

GRAPHIC

USCS

DESCRIPTION

0

BASALT bedrock, gray, dense, minor fractures.

5

10

15

20

25

30

35

VL

40

45

50

55

60

65

70

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Project No.: 12327.001.01

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C

Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0		SM	Silty SAND, with gravels, reddish brown, dry, moderately dense.
5			BASALT bedrock, gray, dense.
10		VL	
15			BASALT bedrock, light brown, moderately dense, moderately fractured, some minor (6") soil seams.
20		VL	
25			BASALT bedrock, gray, dense, minor fractures.
30			
35			
40			
45		VL	
50			
55			
60			
65			
70			



centurywest
ENGINEERING CORPORATION

LOG OF BORING B4

(Page 1 of 1)

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation
Project No.: 12327.001.01

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C
Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0			Silty SAND, with gravels, cobbles and boulders.
5		SM	
10			BASALT, gray, dense, minor fractures.
15			
20		VL	
25			
30			
35			
35		SM	Silty SAND, with cobbles, reddish brown.
40			BASALT bedrock, gray, dense, minor fractures.
45			
50			
55		VL	
60			
65			
70			



centurywest
ENGINEERING CORPORATION

LOG OF BORING B5

(Page 1 of 1)

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Project No.: 12327.001.01

Date Excavated	: 7/7/98	Sampling Method	: N/A
Hole Diameter	: 6 inches	Logged By	: Glenn Cook
Drilling Contractor	: BJ Equipment Co.	Total Depth	: 70 feet bgs
Drill Rig	: Gardner-Denver SCH 5000C		

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0			Silty SAND, with cobbles.
5		SM	
10			BASALT, gray, dense, minor fractures.
15			
20		VL	
25			
30			
35		SM	Silty SAND, light brown.
40			BASALT bedrock, gray, dense, minor fractures.
45			
50			
55		VL	
60			
65			
70			

B.J. Equipment Co.
Eugene, Oregon
Aggregate Resource Evaluation

Project No.: 12327.001.01

Date Excavated : 7/7/98
Hole Diameter : 6 inches
Drilling Contractor : BJ Equipment Co.
Drill Rig : Gardner-Denver SCH 5000C

Sampling Method : N/A
Logged By : Glenn Cook
Total Depth : 70 feet bgs

Depth in Feet	GRAPHIC	USCS	DESCRIPTION
0			Clay SILT, with some gravels, medium brown, damp, moderately firm.
5			
10			
15			
20		ML	
25			
30			
35			
40			
45			
50			
55			
60			
65			
70			

Client: CWEC
 Project: BJ Equipment
 Sampled By:
 Sample Des: Rock

Date Received: 7/9/98
 Date Tested: 7/14/98
 Ordered By:
 Date Sampled:

Lab # 1180

AGGREGATE DURABILITY TESTS

LOS ANGELES RATTLER (LAR) ASTM C-131, OSHD TM 211

		PERCENT LOSS	SPEC.
INITIAL WT.	5005.8	18.8%	<30.0 %
FINAL WT.	4066.9		
GRADING	A		

OREGON AIR DEGRADATION, OSHD TM 208

Initial Weight	100.4		
Weight Retained On #20	82.5		
Percent Passing #20	17.8%	Specification	<30.0 %
Sediment Height	1.5"	Specification	<3.0"

SOUNDNESS ASTM C-88, OSHD TM 206

Coarse Fraction

Size	Grading	In. Wt.	Wt. After	Weighted Average Loss
1 1/2-3/4	33.0%	1511.1	1486	0.55%
3/4-3/8	33.0%	1000.8	941.6	1.95%
3/8-#4	33.0%	302.6	273.3	3.20%
Total Coarse Loss				5.7%
Specification				12.0% max

March 2, 1999

Project No.: 12327.001.01

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

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

Dear Mr. Jeremiah,

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

Common Test Name	ODOT Test Method	Base Rock Specification	Test Result
Abrasion (Los Angeles Rattler)	TM 211	$\leq 35.0\%$	18.8%
Oregon Air Degradation	TM 208	$\leq 30.0\%$ $\leq 75\text{mm}$	17.8% 37.5mm
Sodium Sulfate Soundness	TM 206	NA	5.7%

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

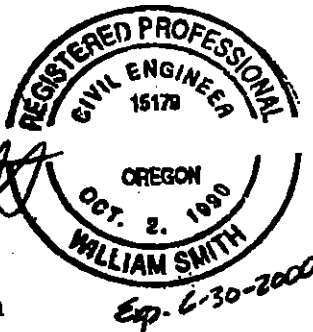
- ASTM - American Society for Testing Materials.
- OSHD - Oregon State Highway Department (now ODOT).
- OAHB - a typing error, should read OSHD.

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

Sincerely,



William A. Smith, P.E.



fax: James W. Spickerman

Operating and Reclamation Plan

For sites in sensitive locations, additional information may be required.
If more space is needed, attach additional sheets or use the blank sheet provided at the end of this form.

Oregon Department of Geology and Mineral Industries
Mined Land Reclamation Program
1536 Queen Avenue, SE
Albany OR 97321-6687
(541) 967-2039
Fax (541) 967-2075

EXHIBIT B

MUCH OF THE INFORMATION REQUESTED CAN BE EXPLAINED ON THE MINE PLAN MAP. SEE PAGE 7 FOR MAP REQUIREMENTS.

1. PRE-MINE CONDITIONS

- a) Current land use and zoning Forestry F1
- b) Average depth of topsoil 2' 0-5'
- c) Type and density of vegetation Douglas fir, black berry, az. grass
- d) Are there any springs, seeps, intermittent or perennial streams on or near the site? ☐ yes ☒ no
If yes, list here and locate on mine plan map.
- e) Has a wetland delineation been completed? ☐ yes ☒ no
If yes, attach report.
- f) Has a landslide investigation been completed on this property? ☐ yes ☒ no
If yes, attach report.

2. POST-MINING LAND USE

- a) What is the planned post-mining beneficial use of the permit area?
- ☐ Agriculture
- ☐ Range/Open Space
- ☒ Forestry
- ☐ Housing/Construction
- ☐ Wildlife/Wetland
- ☐ Recreation
- ☐ Other

The post-mining use must be compatible with the local comprehensive plan or have specific land-use approval. For significant aggregate sites, which are zoned for mining, local government must determine the post-mining land use.

3. RECLAMATION TIMING

Oregon law requires reclamation to be completed within 3 years after completion of mining on any segment of the mine area.

- a) How many days after mining is completed will reclamation begin?

OR

- b) If reclamation will be concurrent with mining, explain the procedure for concurrent reclamation.

As soon as any area is not needed for mining purposes we will recover w/ original topsoil and replant area according to Forest Practices replanting regulations

4. OPERATING PLAN

- a) Mining method(s) to be employed (mark all that apply)
- ☐ single bench ☒ multiple bench ☐ pond excavation
- ☐ placer mine ☐ side hill cut ☒ hill top
- ☐ other:
- b) Equipment to be used for mining:
drills, loaders, dozers, excavators, rock crushers.
- c) Will there be on-site processing? ☒ yes
If yes, check type of processing:
☐ wash water contained in a closed system
source of water:
☐ wash water discharged off site
☒ dry processing
☐ other:
- d) Will blasting be employed? ☒ yes
- e) Distance to closest structure not owned by permittee.
1/2 mile 2600'
- f) Disposition of removed vegetation.
burn or used as brush sediment barrier
- g) Soil types which will be disturbed by mining, processing, reclamation.
forest soil
- h) Average soil salvage depth all avail.
- i) Overburden removal depth 0'-3'
- j) Will soil, overburden, rock waste or crusher reject stockpiles be created during mining? ☒ yes
If yes, list the estimated volume of each at the end of form and locate on a mine plan map.

Additional information may be required for large dumps or those located on steep terrain.

- k) Will this plan require excavating across any property? ☐ yes
- l) How and where will soil or subsoils be stored for reclamation? Locate storage areas on mine plan map.
Vegetated berms along perimeter site
- m) What measures will be taken to reduce compaction and prevent water and wind erosion of the topsoil stockpiles when will they be implemented?
plant w/ annual rye w/ other species as recommended by DOGA

n) What will be the minimum property line setback:

for the excavation

50'

for processing or storage

50'

WATER RESOURCE PROTECTION

a) Will mining occur below groundwater level? ☐ yes ☒ no

b) Will mine site dewatering be necessary? ☐ yes ☒ no

If yes, explain procedure and estimated depth to which water will be drawn down inside of the mine and where water will be discharged.

A permit may be required from the

WRD Water Resources Department
for dewatering activity.

NA

c) Will process water be contained on site? ☐ yes ☒ no

d) Will storm water be contained on site? ☒ yes ☐ no

e) Will a pond(s) be used to contain water? ☒ yes ☐ no

Explain containment procedures.

apply appropriate BMP's to control
erosion and control erosion to
contain stormwater on site

If the answer to c) or d) is yes, please explain discharge procedures.

see above explanation.

A permit from the Department of Environmental
Quality may be required for off-site discharges and is
required for any discharge into public waters,
wetlands, streams or lakes.

DEQ

f) Will any drainages/streams be relocated? ☐ yes ☒ no
If yes, complete Section 11.

g) What will be the minimum undisturbed setback(s) of the operation from all stream(s) or drainage(s)? min 500'

List the name of stream(s) or drainage(s) and setback from each at the end of this form and locate on a mine plan map.

h) How will the buffer(s) be identified and protected during mining and reclamation?

leave Berms & trees as visual
screen.

i) Describe methods employed to control erosion in the permit area. Be specific, i.e., seeding and mulching, sediment basins or ponds, contour ditching, waterbars, etc.

Seeding & mulching any overland
that has been mined.

Any access roads will be ditched
and drained w/ French drains or water

j) Will settling ponds/dams be constructed? ☒ yes ☐ no
State the number and size of the impoundment(s) and how they will be built. Will the pond be excavated or will berm be constructed? Locate on a mine plan map.

Constructed as needed.

k) If dams will be constructed, how high will they be and what is the maximum amount of water (in acre feet) to be impounded behind each dam?

N/A

WRD

If a dam is higher than 10 feet, and stores more than 9.2 acre feet of water, approval from the Water Resources Dept. is required prior to construction.

N/A

If berms or a dam will be constructed, describe construction details and attach a sketch showing construction methods.

m) How deep will impoundment(s) be?

n) If the impoundment(s) are to be removed upon completion of mining, how will they be drained and/or filled?

o) Will settling ponds, wetlands, or a water impoundment be left upon final reclamation? ☐ yes ☒ no

6. GROUNDWATER INFORMATION

a) Proposed mine depth

120'

b) Groundwater depth

unknown

(Under static (pre-mine) conditions)

c) What is groundwater depth estimate based on?

no estimates

d) Flow direction of groundwater, if known. unknown

e) Distance to closest well outside the permit boundary,

approx 2000'

Wells within permit area must be shown on mine plan map. Attach a copy of the well log(s).

7. VISUAL AND NOISE SCREENING

Screening can be very effectively employed to isolate sites from public notice and to minimize noise from operations.

- a) Does a natural landform or vegetative screen currently exist along the permit boundary? ☒ yes ☐ no
If yes, what screen width will be maintained during mining?

outer edge maintained until quarry floor lowered

- b) Will a berm and/or vegetation be established to develop a visual screen for the operation? ☒ yes ☐ no
If yes, describe the height and width of the berms and/or the type and density of vegetation; show location on mine map.

(Crushed rock stockpiles, although not permanent, can also be used to reduce noise from the operation.)

overburden piles will be vegetated along perimeter.

8. EQUIPMENT AND STRUCTURES REMOVED

- a) Upon final reclamation, will all structures, visual berms, equipment, and refuse be removed? ☒ yes ☐ no
If no, explain what will be left.

9. RECLAMATION TECHNIQUES

- a) What will be done with oversized rock not used during mining?

Oversize will be reduced and crushed

- b) What will be the average depth of soil replaced on the area to be reclaimed? 2'

If less than 12" of topsoil is available, a substitute material may be required.

- c) Will additional material be utilized as a soil substitute to complete the revegetation? ☐ yes ☒ no
If yes, specify type(s), amount(s), and source(s).

- d) Will any waste products, such as tailings, crusher rejects, etc., be generated during mining? ☐ yes ☒ no
If yes, what will be done with them?

- e) How will processing and stockpile sites be reclaimed? If they are to be revegetated, explain procedures which will be employed to decompact areas prior to topsoiling/seeding.

yes, cover w/ soil where available or shoot floors to improve permeability

10. REVEGETATION TECHNIQUES

- a) Species to be seeded/planted by type and amount.

As recommended by DOBAM or State Forestry Department

- b) Describe method and time of year for planned plantings + stabilization - hand broadcast
tree reforestation - hand plan

- c) List fertilizers and lime to be used (include amount).
As recommended by DOBAM or State Forestry Department

- d) List type and amount of mulch or other erosion control techniques such as erosion netting.

Mulch as required
Seed as required

Vegetative survival comparable to the density of original ground cover will normally be considered acceptable.

11. RECLAMATION PROCEDURES - POST-MINE DRAINAGE CONTROL AND RECONSTRUCTION

- a) During reclamation, will stream channel and/or bank stabilization and rehabilitation be necessary? ☐ yes
If yes, attach plans. ☐

DSL

A Division of State Lands' permit is required for relocation of all perennial and some intermittent courses.

- b) How will surface water runoff and erosion be controlled upon completion of mining? Describe and list structures that will be used.

apply appropriate BMP's to control surface water runoff

12. RECLAMATION PROCEDURES - IMPOUNDMENTS & POND DECOMMISSIONING

- a) Will dewatering be required? ☐ yes
b) Will it be necessary to backfill a water filled excavation or pond? ☐ yes
c) How will settling ponds be stabilized and revegetated?

yes where applicable

- d) How will quality of imported backfill be monitored to protect groundwater quality?

no back fill needed

Monitoring may be required to ensure groundwater protection.

BRADFORD Quarry

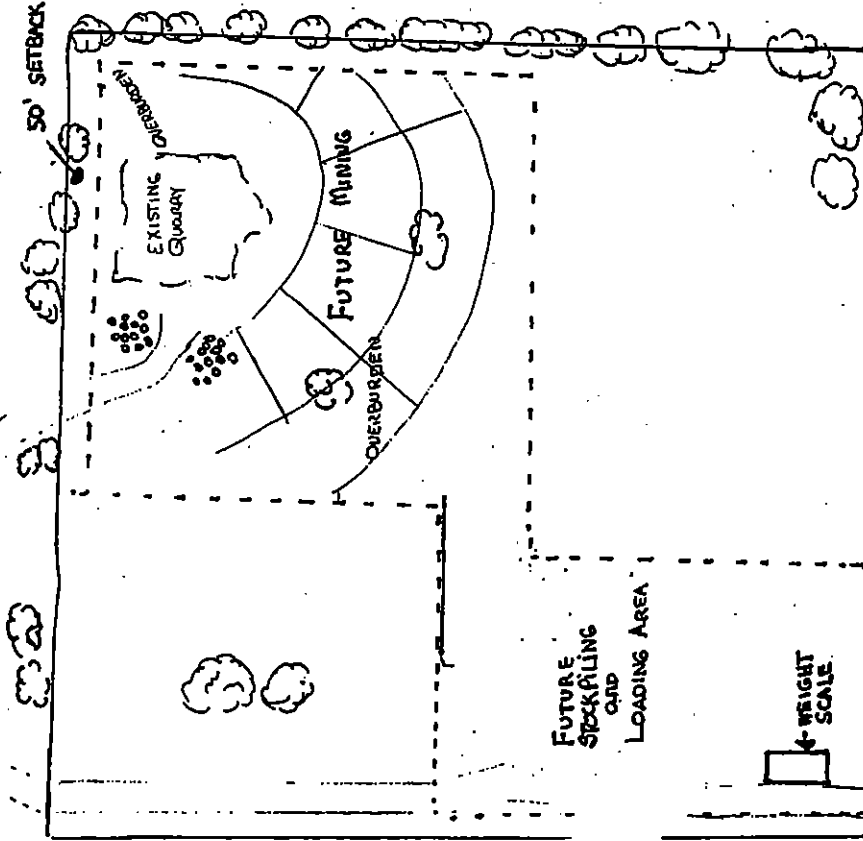
SITE PLAN	
BRADFORD Quarry	
Permit No. DOGAMI	ID #20-0149
BJ EQUIPMENT Co	
PO Box 543	
COTTAGE GROVE OR	
57124	
(541) 747-6261	

Key

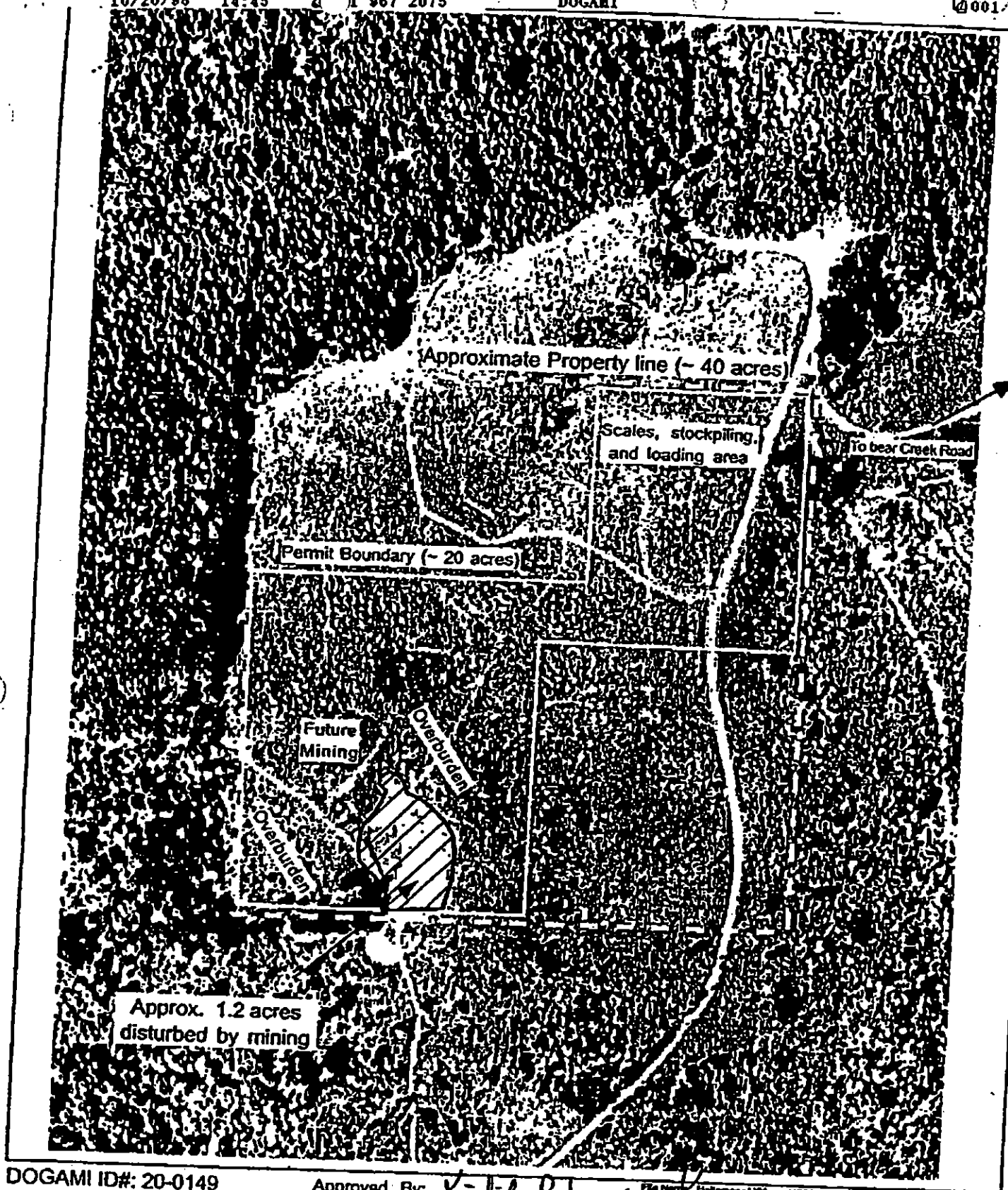
- ~~~~~ EXISTING QUARRY
- DOGAMI PERMIT
- BOUNDARY (200'±)
- PROPERTY BOUNDARY
- ⊗ STOCK PILE
- EXISTING ACCESS
- (X) SLOPE

50' SETBACK FROM
BOUNDARIES

Scale:
1" = 200' ± 20'



TO S. BRADFORD RD.



DOGAMI ID#: 20-0149

Permittee: Kristofer Jeremiah

Site Name: Bradford Quarry

Photo Source / Date: WAC 5/7/94

Prepared By / Date: Peter Wampler 7/30/98

Approved By: *Kristofer Jeremiah*Date: *Aug 28, 1998*

File Name: E:\dgm\p20\graph\2001\p20-0149-5-94.CVS

0 300 600 ft

Approx. scale 1 in = 300 ft +/- 20 ft

Oregon Dept. of Geology and Mineral Industries
Mined Land Reclamation ProgramRECEIVED
SEP 1 1998

MLR

C

BRADFORD QUARRY BLASTING PROCEDURES

Blasting will be performed intermittently Monday through Friday between the hours of 10:00 a.m. and 4:30 p.m.

24 hours notice will be given to any residence who wish to be notified before blasting.

Seismographs will be set at nearest dwellings to monitor all blasting operations.

All blasting procedures will conform with the Office of Surface Mining Recommendations.

All quarry access will be secured during blasting operations.

Blasting operations will be performed to assure the safety of all persons and property in the vicinity.

Blasting will be performed only by Federal and State licensed blasters.

**TRAFFIC IMPACT ANALYSIS
FOR
PROPOSED BRADFORD PIT QUARRY**

June, 1998

Prepared for:

**B.J. EQUIPMENT COMPANY
P.O. Box 543
Cottage Grove, OR 97424**

Prepared by:

**BRANCH ENGINEERING
310 Fifth Street
Springfield, Oregon 97477
Phone (541) 746-0637
FAX (541) 746-0389**

TRAFFIC IMPACT ANALYSIS FOR PROPOSED BRADFORD PIT QUARRY

June, 1998



Prepared by:

BRANCH ENGINEERING
310 Fifth Street
Springfield, Oregon 97477

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Figure 5	Core Sample Locations

Appendices

Level of Service Calculations
Core Sample Analysis

INTRODUCTION

The purpose of this report is to document the traffic impact analysis performed for the proposed Bradford Pit Quarry near Creswell, Oregon. The study addresses the existing traffic conditions in the project vicinity and forecasts the operating conditions of the roadway system during operation of the quarry. This report also summarizes results of a structural analysis performed for roadways on the travel route and recommends any improvements necessary to mitigate impacts to the existing transportation system.

Access to the Bradford Pit Quarry is proposed via a private road extending from the end of Cedarcroft Road, east of Creswell, as shown in Figure 1. Proposed development consists of a quarry and rock crushing operation on approximately 40 acres of previously logged and quarry mined land.

The proposed quarry and rock crushing facilities are expected to be complete by 1999 and have a service life of approximately 20 years. Quarry mining and rock crushing operations will be conducted between the hours of 7:00AM and 5:00PM Monday through Friday.

EXISTING CONDITIONS

Roadway System

Cloverdale Road is a county arterial roadway providing connection between Creswell and Pleasant Hill. The roadway is 32 feet wide in the project vicinity and has a posted speed of 55 MPH.

Bear Creek Road is a county roadway extending east from Cloverdale Road. The roadway is 24 feet wide in the project vicinity and has a posted speed of 50 MPH. The roadway has been used by the timber industry as a haul road for many years.

Cedarcroft Road is an 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. There is currently no traffic control at the intersection of Cedarcroft Road with Bear Creek Road, and no lane striping on the roadway. Cedarcroft Road was originally constructed for the hauling of timber and rock from the area surrounding the project site.

Existing Traffic Volumes

Existing peak hour traffic volumes were determined from a traffic count performed at the intersection of Bear Creek Road with Cloverdale Road. The count was conducted by Branch Engineering in June, 1998 from 4:30 to 5:30 PM. The count hour was selected to analyze the highest Cloverdale Road and Bear Creek Road traffic volumes during the quarry's hours of operation. The 1998 existing traffic volumes are shown in Figure 2.

FUTURE TRAFFIC VOLUMES

Bradford Pit Quarry is projected to generate a maximum of 86 trips per day based on maximum production capacity of the quarry and rock crushing facilities. The trip generation calculations used in this analysis are summarized below:

Maximum rock production: 100,000 cubic yards per year

100,000 cubic yards per year / 250 work days per year = 400 cubic yards per day

400 cubic yards per day / 10 cubic yards per truck = 40 trucks

On-site employees: 3

Total trips = number of vehicles (43) x (2) = 86 trips per day

Dividing the number of truck trips throughout the 10 hours of operation and adding on-site employees leaving the site equates to eleven trips in the PM peak hour, four entering and seven exiting.

A conservative approach was used in this analysis to project the maximum number of trips generated by the site. The actual number of trips per day is expected to be less than 86, as trucks with haul capacities greater than 10 cubic yards will be used in transporting rock from the quarry.

The site generated trips were distributed equally north and south on Cloverdale Road to estimate future conditions. Actual travel patterns will depend on the locations of construction projects throughout the southern Willamette Valley. The site generated traffic is shown in Figure 3 and the 1998 'Build' traffic (1998 existing traffic plus site generated traffic) is shown in Figure 4.

LEVEL OF SERVICE

Level of service (LOS) describes the quality of traffic flow at an intersection. It can be based on either vehicle delay or the volume to capacity ratio, and is classified by a letter scale from 'A' to 'F'. LOS 'A' represents optimum operating conditions and minimum delay. LOS 'F' indicates over capacity conditions causing unacceptable delay. LOS 'D' is considered the minimum acceptable level of service. Roadway or intersection improvements are often necessary when the level of service is below 'D'. The level of service determined by average delay per vehicle as

established in the Highway Capacity Manual is as follows:

<u>Level of Service</u>	<u>Average Delay per Vehicle Unsignalized Intersections</u>
A	≤ 5 sec
B	> 5 and ≤ 10 sec
C	> 10 and ≤ 20 sec
D	> 20 and ≤ 30 sec
E	> 30 and ≤ 45 sec
F	> 45 sec

A level of service analysis was performed for the PM peak hour at the Bear Creek Road/Cloverdale Road and Cedarcroft Road/Bear Creek Road intersections. Levels of service at these intersections were calculated using the computer program Highway Capacity Software (HCS) developed by McTrans. For unsignalized intersections, a level of service is reported only for movements which have to yield the right-of-way.

The following table indicates the projected levels of service at the studied intersections:

LEVEL OF SERVICE (PM Peak Hour)		
Intersection	1998 Existing	1998 'Build'
Bear Creek Road/Cloverdale Road		
Westbound Left Turn	A	A
Westbound Right Turn	A	A
Southbound Left Turn	A	A
Cedarcroft Road/Bear Creek Road		
Northbound Left Turn	A	A
Northbound Right Turn	A	A
Westbound Left Turn	A	A

The level of service analysis indicates all movements at the studied intersections are projected to operate at LOS 'A' with the proposed development and the additional trips generated by the development are not expected to have significant adverse impact on the roadway system.

SIGHT DISTANCE EVALUATION

The Bear Creek Road/Cloverdale Road and Cedarcroft Road/Bear Creek Road intersections were evaluated to determine if the existing sight distances are adequate to serve trucks entering the roadways. Site distances measured in the field were compared to the minimum stopping sight distance recommended by the American Association of State Highway and Transportation Official's manual, A Policy on Geometric Design of Highways and Street, 1990. The results of this evaluation are shown in the following table:

STOPPING SIGHT DISTANCE EVALUATION		
Intersection/Movement	Measured Distance	Recommended Distance
Bear Creek Road/Cloverdale Road Westbound Left Turn Westbound Right Turn	940 ft unrestricted	550 ft 550 ft
Cedarcroft Road/Bear Creek Road Northbound Left Turn Northbound Right Turn	580 ft 680 ft	550 ft 550 ft

The site distance evaluation indicates the intersections are expected to operate safely with large trucks entering the existing roadways. Adequate distance is provided for vehicles on Bear Creek Road and Cloverdale Road to slow or stop as necessary allowing trucks to accelerate to travel speeds.

ROADWAY STRUCTURAL ANALYSIS

The roadway structure on Bear Creek Road and Cedarcroft Road was analyzed to ensure adequate strength is provided to support the number of loaded haul trucks generated by the proposed quarry. Asphalt core samples were taken at four locations along the travel route, two on Bear Creek Road, and two on Cedarcroft Road as shown in Figure 5. Professional Service Industries (PSI) extracted the samples and conducted the core analysis, providing data on thickness, specific gravity, density, and percent compaction of the existing pavement structure. A summary of this data is provided in the table on the following page.

Field tests also included exploration of the base rock beneath the existing asphalt paving. The base rock thickness was determined at each of the core sample locations and is listed in the table below. Base rock at each location was found to be well compacted 1 ½"-0 aggregate.

CORE SAMPLE SUMMARY					
Sample No.	Base Rock Thickness	AC Thickness	Bulk Specific Gravity	Density (PCF)	Percent Compaction
1	16"	2.47"	2.22	138.2	90.3
2	18"	2.02"	2.24	139.4	91.2
3	12"	3.48"	2.23	138.8	90.7
4	14"	2.63"	2.18	135.7	88.4

The pavement surfaces on Bear Creek Road and Cedarcroft Road were examined during field visits to identify any defects in the pavement structure. Both roadways were found to be in good condition and no significant grooves or cracks were noted.

Bear Creek Road and Cedarcroft Road are under Lane County Jurisdiction and inventoried in the County's Pavement Management System. The County will review the core sample data, indicate the extent of impact to the roadway structure, and determine if mitigation of these impacts is necessary.

Scales will be installed at the quarry site to ensure trucks leaving the quarry meet legal weight requirements.

CONCLUSIONS AND RECOMMENDATIONS

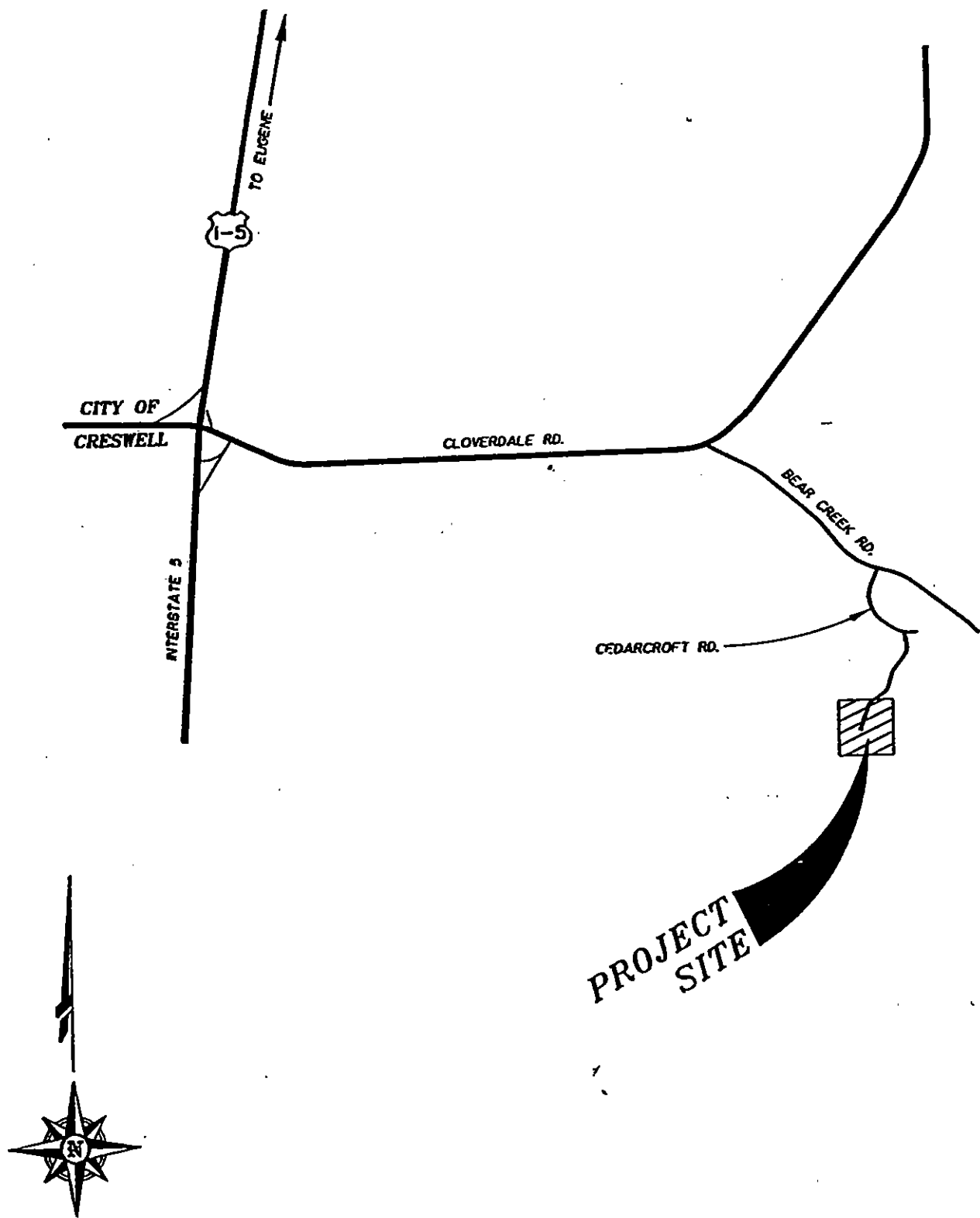
The proposed quarry and rock crushing operation is projected to generate a maximum of 86 trips per day and 11 trips during the PM peak hour. This report indicates the additional trips are not expected to have significant adverse impact on the operating characteristics of existing roadways and intersections. The Bear Creek Road/Cloverdale Road and Cedarcroft Road/Bear Creek Road intersections were found to have adequate sight distance for vehicles to slow or stop as necessary for trucks entering the roadway.

In order to minimize the risk of accidents at the studied intersections, it is recommended a stop sign be placed at the Cedarcroft Road/Bear Creek Road intersection. It is also recommended vegetation along Bear Creek Road, particularly east of the Cedarcroft Road intersection be regularly cut back as far as possible to provide the greatest available sight distance for vehicles approaching from the east.

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 roadways were found to be suitable for large trucks. The proposed project could be beneficial to the overall roadway system as construction projects in the Creswell vicinity are anticipated in the coming years. Availability of rock from a location near future construction projects would reduce the number of miles in the overall roadway system traveled by rock haul vehicles.

Figures

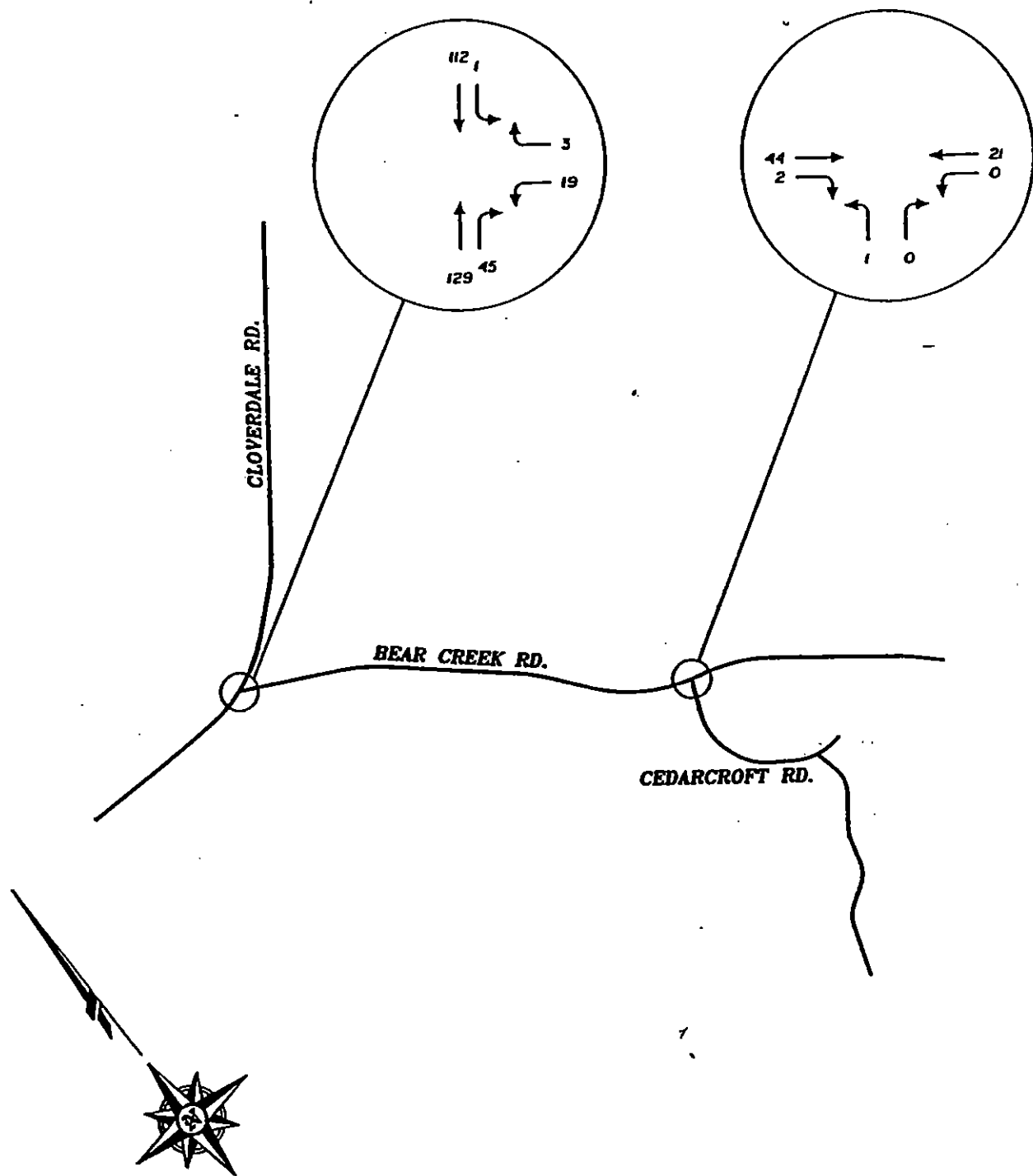
VICINITY MAP



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FIGURE 1

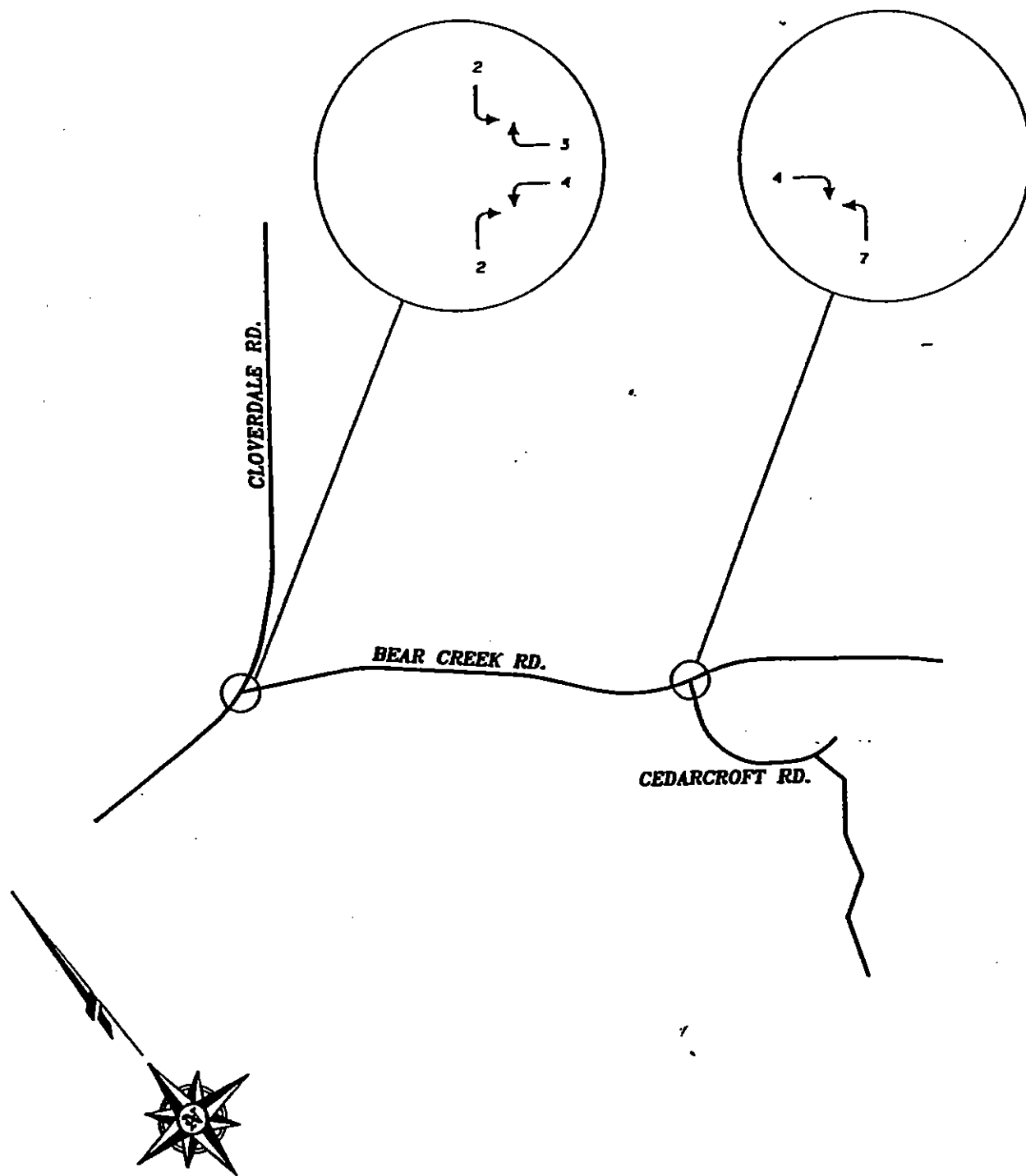
1998 EXISTING TRAFFIC VOLUMES (PM PEAK HOUR)



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FIGURE 2

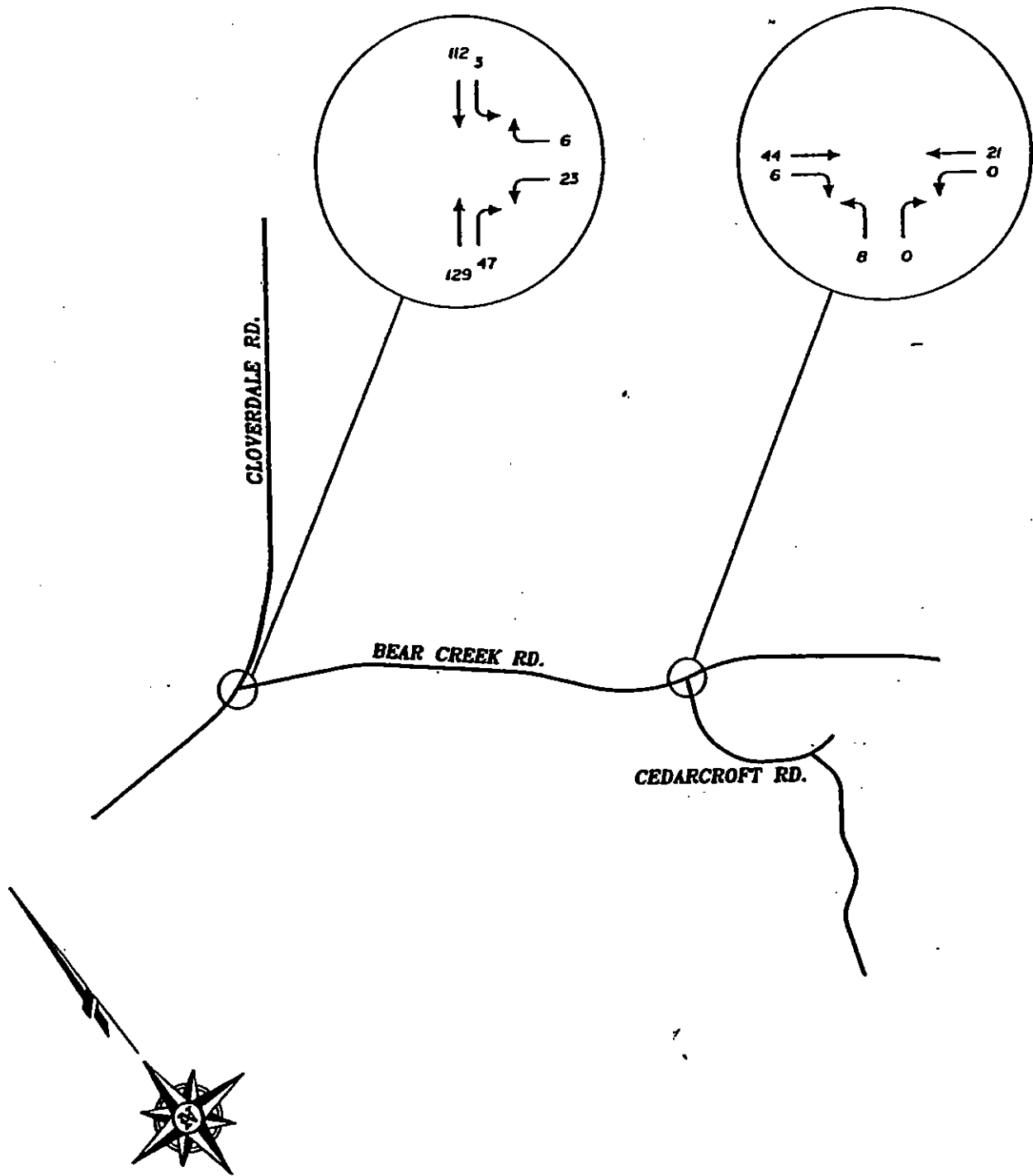
SITE GENERATED TRAFFIC VOLUMES (PM PEAK HOUR)



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FIGURE 3

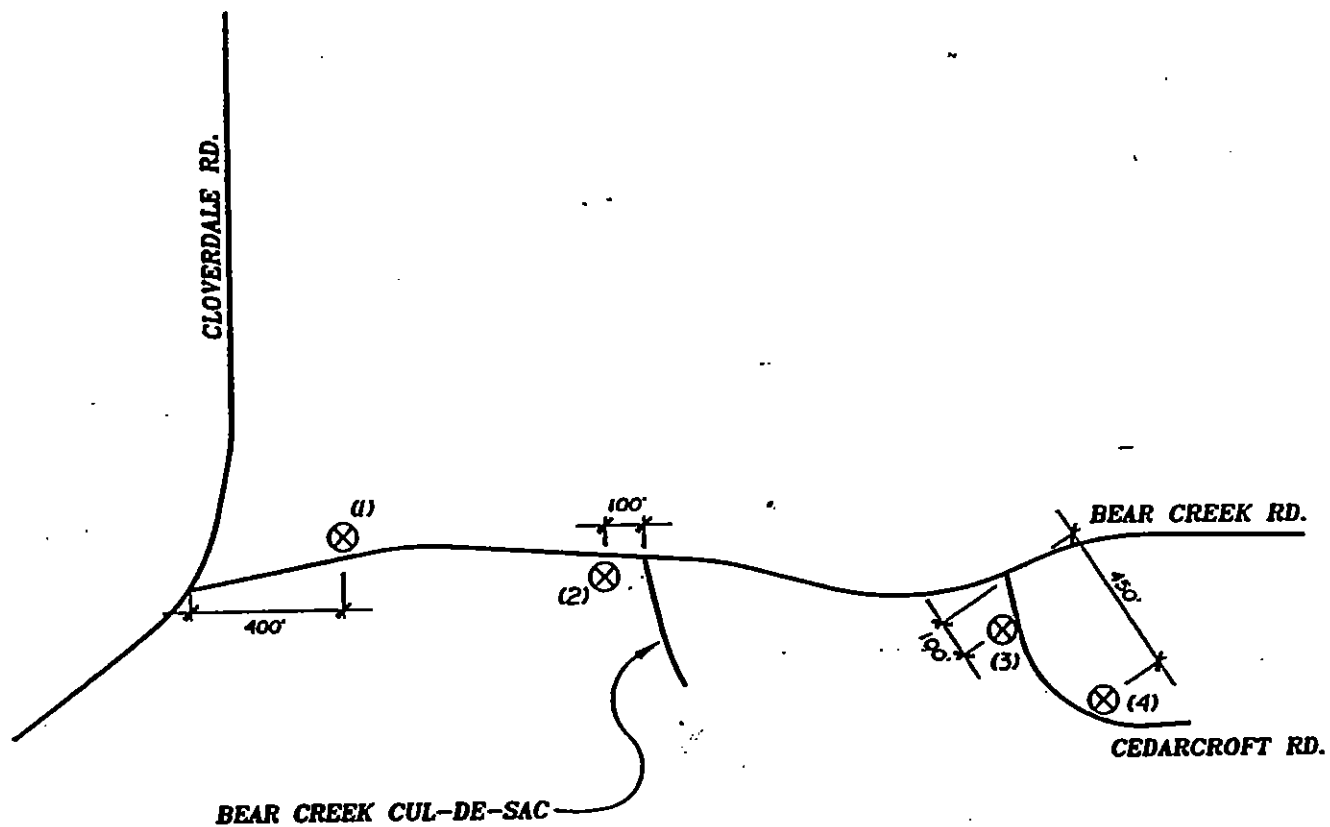
1998 'BUILD' TRAFFIC VOLUMES (PM PEAK HOUR)



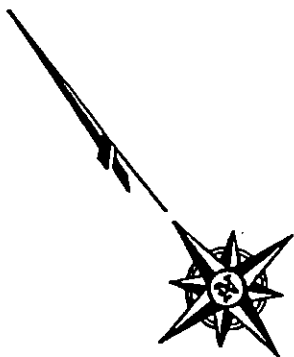
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FIGURE 4

CORE SAMPLE LOCATIONS



⊗ CORE SAMPLES TAKEN BETWEEN
WHEEL TRACKS ON SIDE OF
ROADWAY AS SHOWN ABOVE

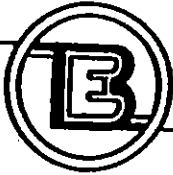


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FIGURE 5



Branch Engineering



Branch Engineering

October 15, 1998

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

310 5th Street
Springfield, Oregon 97477
(541) 746-0637
Fax (541) 746-0389

Re: Supplement to Traffic Impact Analysis for Proposed Bradford Pit Quarry

Dear Thom,

The Traffic Impact Analysis dated June, 1998 indicated 50 percent of the site generated trips were assigned to and from the north on Cloverdale Road and 50 percent were assigned to and from the south. Per your request, Branch Engineering performed additional analysis at the Cloverdale Road/Bear Creek Road intersection. The Cloverdale Road/Bear Creek Road intersection was evaluated to determine the impact at the intersection if 100 percent of the site generated trips were assigned to and from the north or south. Level of service calculations indicate assigning 100 percent of the site generated trips to and from the south would create the greatest impact. The calculations further indicate all movements at the Cloverdale Road/Bear Creek Road intersection are projected to operate at LOS 'A' in this "worst case scenario". The revised figures and calculations are attached for your use.

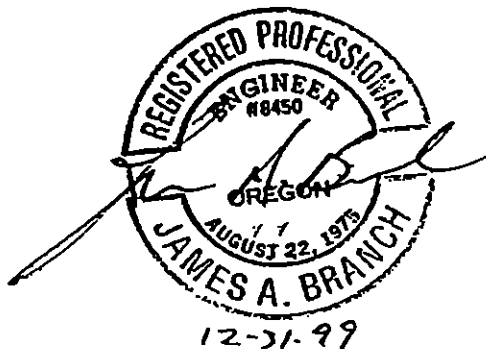
The conclusion of this analysis is the same as that stated in the Traffic Impact Analysis in that the additional trips will not have a significant adverse impact on the operating characteristics of the existing roadways and intersections.

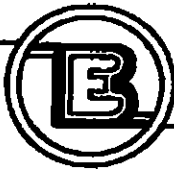
If you have any further questions please do not hesitate to call.

Sincerely,

James A. Branch, P.E.

cc: B.J. Equipment Co.





Branch Engineering, Inc.

310 5th Street
Springfield, Oregon 97477
(541) 746-0637
Fax (541) 746-0389

March 15, 1999

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

Re: Supplement to Traffic Impact Analysis for Proposed Bradford Pit Quarry

Dear Mr. Spickerman,

In response to your letter dated March 5, 1999, this supplement addresses the following two issues:

- (1) Extension of TIA to include Highway 58 / Cloverdale Road intersection
- (2) Sight distance on Bear Creek Road at Bradford Road

Branch Engineering extended the study of the subject project along Cloverdale Road to Highway 58 (the nearest arterial) per your request. I specifically investigated the level of services (LOS) at the intersection of Cloverdale Road with Highway 58.

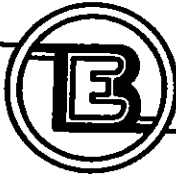
The existing LOS for the northbound approach was found to be LOS 'B'. Evaluating the worst case scenario with all project PM peak hour trips assigned to this intersection, the northbound approach is calculated to operate at LOS 'C'. All other movements were found to operate at LOS 'C' or better.

Also, I have been made aware of an unsafe existing condition on a nearby residential street. Christopher M. Clemow, P.E. identified inadequate sight distance to the right when entering left from South Bradford Road on to Cloverdale Road. South Bradford Road is not planned for access or egress with the proposed quarry. I agree with Mr. Clemow that there is less than desirable sight distance. However, this problem needs to be addressed with or without the proposed development. Mitigation may include tree removal, regrading of the cut slope, speed reduction measures and additional signing.

The conclusion of this analysis is the same as that stated in the Traffic Impact Analysis in that the additional trips will not have significant adverse impact on the operating characteristics of the existing roadways and intersections.

Respectfully Submitted,

James A. Branch, P.E.



Branch Engineering, Inc.

May 3, 1999

James W. Spickerman
Gleaves Swearingen Larsen Potter Scott & Smith LLP
975 Oak Street, Suite 800
Eugene, Oregon 97401

310 5th Street
Springfield, Oregon 97477
(541) 746-0637
Fax (541) 746-0389

Re: Supplement to Traffic Impact Analysis for Proposed Bradford Pit Quarry

Dear Jim,

This supplement to the Traffic Impact Analysis (TIA) is in response to your letter dated April 27, 1999.

Branch Engineering previously investigated levels of service (LOS) at the Highway 58/Cloverdale intersection per your request for a worst case scenario assuming Highway 58 to be the nearest arterial. Classifying Interstate 5 as an arterial would result in it being the nearest arterial instead of Highway 58. Therefore, the purpose of this report is to specifically investigate the LOS at the ramp intersections of Interstate 5 and Cloverdale Road/Oregon Avenue.

The existing LOS of the Interstate 5 NB ramps/Cloverdale Road intersection was determined to be LOS 'A - B'. With all site generated PM peak hour trips assigned to this intersection, it is found that the LOS will remain the same (LOS 'A - B'). The LOS of the SB Interstate 5 ramps intersection with Oregon Avenue was also investigated and found not to change with the slight increase of traffic generated by the proposed quarry site.

The conclusion of this analysis is the same as that stated in the Traffic Impact Analysis in that the additional trips will not have significant adverse impact on the operating characteristics of the existing roadways and intersections.

Respectfully submitted,



James A. Branch, P.E.

c: BJ Equipment Company, LLC

ACOUSTICAL ENGINEER

Arthur M. Noxon, PE

FOR ACOUSTICS, NOISE AND VIBRATION CONTROL
engineering survey, analysis, design and project management

February 12, 1999

James Spickerman, Attorney
Citizen's Bank Building Suite 800
975 Oak St
Eugene, OR 97401

RE: Noise Impact Study for the Bradford Quarry

A noise study was commissioned at the Saginaw Quarry. The purpose was to use this site as a reference site in order to project an expected noise for an equivalent setup at the proposed Bradford Quarry site. The result of this testing is that the operation of the Bradford Quarry should not impose any negative noise impacts on the surrounding homes.

Background

The basis for expanding the noise field was achieved by measuring the process of the Saginaw Quarry at a range of 150'. The quarry was about 100' wide, 80' deep and 300' long. It was open at either end and the long sides of the quarry were sheer vertical cliffs of rock. The sound measurement point selected was on the rim of the quarry, midway along one of the long sides. From this vantage point the entire side of the rock crushing line of equipment was in full view. The noise measured included not only the direct sound from the crushing operation but the reflected sounds off the sheer vertical walls of the pit. It is difficult to imagine finding a reference point that could be more representative of the most extreme example for measuring the noise output from the rock processing equipment.

Test and Baseline Result

DEQ requires that the L50, L10 and L1 not be exceeded in the daytime by more than 50, 60 and 75 dB,A respectively at a dwelling. L50 means noise levels exceeded 50% of the time, the L10 and L1 are likewise. For the quarry measurements, the sound was very steady. The L10 was only 1 dB more than the L50 and the L1 registered no more than 2 dB,A more than the L50. Clearly, the L50 is the controlling component of the noise.

At the rim, the noise from the quarry operation produced an L50 of about 78 dB,A. The rule for expansion of sound is 6 dB reduction for every doubling of distance. This assumes a flat surface with no absorption. Following this rule, the DEQ daytime limit for the L50 of 55 dB,A would be reached at 2100 feet and beyond this, the quarry noise would fall below DEQ limits.

In fact, the surrounding area of the quarry is not flat. Hills block some of the expansion of sound and the ground falls away in many directions due to the elevated location of the quarry relative to the dwellings nearby. Both the hills and the downhill slopes contribute to further weakening the noise beyond that due to natural expansion on the flat. Sloped ground adds around 2 dB per doubling of distance. Hills that block out the view of the noise will easily attenuate an additional 15 dB over that on the flat.

Projections

The closest dwelling is some 2300' to the south and just outside the DEQ limit line of 2100' but it is also placed well behind a hill and that will easily reduce the quarry noise by an additional 15 dB. The next closest dwelling is 3300' to the north but the ground slopes away and the levels there will be attenuated an additional 9 dB beyond the projected 51 dB,A due to flat expansion. The next set of houses are ranging just over 4000' and are in a variety of directions. Noise levels just over 4000' from the quarry and projected for flat expansion is estimated at about 49 dB,A and the slope effect will reduce this an additional 10 dB. All the nearby houses will be exposed to noise levels well below the daytime DEQ limit of 55 dB,A.

Discussion

There are additional factors present in the operation of the quarry that were not measured. We have the noise from rocks being dumped into dump trucks and we have drilling and blasting. The dump truck loading is short in duration, less than 15 seconds typically and fairly intermittent depending on the number of trucks out per day. The L1 would be the only measure to apply here and DEQ sets the limit at 75 dB,A. A dump will register around 85 dB,A at 50' but that noise drops to 75 dB well within 200' and by 1600' the noise on the flat will drop an overall 30 dB, down to 55 dB,A. The dumping of rock into trucks will not be a noise problem.

Drilling and blasting is another source. Drilling machines attain up to 105 dB,A at distances of 10' but this expands out and by the distance of 2400' the noise level is reduced some 48 dB on the flat, down to 57 dB,A. Then when the sound shadowing effects of hills and sloping ground is added in, the levels drop an additional 10 to 15 dB and fall well below the DEQ limits, even when added to the quarry noise.

Modern sequence blasting is practically inaudible even at distances of 1/4 mile. DEQ levels allow upwards of 100 dB for blasting and at the distances involved here, the noise levels of sequenced blasting will range near below 50 dB, based on my experience with other quarry blasting measurements.

Conclusion

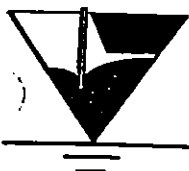
These predictions are based on the quarry noise being directed somewhat like a megaphone towards any one direction and still DEQ compliance is attained for every scenario.

Respectfully Submitted



Arthur Noxon, PE
Acoustical Engineer





EGR & Associates, Inc.

Engineers, Geologists and Surveyors

2535B Prairie Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-8087

February 12, 1999

Jim Spickerman, Attorney
Gleaves, Swearingen, Larsen, Potter, Scott & Smith
P.O. Box 1147
Eugene, OR 97440-1147

RE: PA 98-5144, Bradford Quarry Site, T19S R2W Section 30 TL 3500

Dear Mr. Spickerman:

I have reviewed the Application for the Bradford Quarry Site, PA 98-5144, and I have visited the site and toured the area surrounding the existing quarry. As you have requested, this letter offers my observations, conclusions and recommendations based upon the above mentioned review, relative to impacts to surface water and groundwater. Additionally, the issue of blast effects will also come up, if it hasn't already, and I will add my experience regarding that issue as well.

There are two issues of importance for any quarry site of any significant size. Those are any changes in recharge or groundwater flow that either increases or decreases groundwater resources. The other issue is whether the activity significantly or unacceptably will have an impact on water quality.

SITE DESCRIPTION

The proposed Bradford Quarry Site is located about 1.5 miles south of Cloverdale Road and 1 mile southwest of Bear Creek Road. Access is by way of Cedarcroft and Bradford Roads. The site is a 40 acre parcel in the NW Quarter of Township 19 South, Range 2 West, Section 30. Physically, the site is on the top of a small hillock, or butte, which lies along a ridge coming off of a much larger mountain. The site has already been in use as a quarry site with rock excavated from the hill top and apparently crushed and stockpiled.

EXHIBIT E

GROUNDWATER IMPACTS

A quarry operation has the potential to increase, or decrease, recharge to the aquifer and thus change surrounding users water supply. A quarry can also open pathways which could increase the potential for groundwater quality impacts.

Potential for Changes to Recharge at the Proposed Quarry Site

A quarry can, if it is constructed into water bearing materials and provides a drainage pathway or is consistently pumped out, cause groundwater to be discharged from the ground. If this condition occurs the groundwater resource will be depleted by the amount of water that otherwise would have stayed in the ground if the quarry were not present. Conversely, a quarry can capture precipitation water and hold it above the water table where, over time, it is recharged down through the rock and actually will increase the quantity of water that recharges the groundwater aquifers below. Not uncommonly, quarries are situated such that neither groundwater is intercepted in the excavation nor is precipitation held in the quarry and thus the overall net effect is negligible to the groundwater beneath.

In the case of the Bradford Quarry Site the excavation will be in an area where groundwater is being recharged to the aquifer. These areas are identified by: commonly being located in upslope positions (well away from streams), a greater distance to groundwater (relatively speaking only), and higher fluctuations in water levels (also relatively speaking). If the quarry is constructed to generally retain surface water (precipitation) then the net effect will be to increase recharge and additional water will be added to the groundwater aquifer. If the quarry is constructed to drain surface water then the impact on groundwater will be negligible.

Finally, as the quarry progresses deeper into the ground it may encounter naturally occurring groundwater. At these deeper excavation depths the amount of groundwater which will be intercepted by the excavation and discharged to surface water will not have a significant effect on the groundwater supply. This can readily be seen in the topographic expression of the ground. The elevation of the top of the quarry is about 1400 to 1440 feet above mean sea level (MSL). If the quarry were to remove 70 feet of material from the top of the hill the base elevation of the quarry will be at 1330 feet MSL. The nearest dwellings are at least 2,300 feet south and 3,500 feet north and an elevation below 1000 feet MSL (or 280 feet below the bottom of the quarry). The well at that location is no doubt drilled below that 1000 foot level.

It is impossible, hydrologically, for the quarry to lower the groundwater below the quarry floor level, and therefore impossible for the quarry to remove sufficient water for there to be an impact on wells 200 feet away drilled into rock some 300 feet plus below the bottom of the quarry, since groundwater levels will still be at the quarry floor level.

Water Quality Concerns

It is possible, any time a quarry site is in a recharge zone, that contamination could find a pathway to the aquifer through the quarry excavation. This possibility can be readily mitigated against with the implementation of some simple preventive measures. The primary concern is that fuels and lubricants from the mining operation equipment does not infiltrate the ground through the quarry floor. A spill prevention and clean-up plan must be prepared for the site (it is required by law anyway), and the proper spill clean-up materials kept on-site and readily available at all times. The risk from quarries, based upon long term experience, is that quarries present about the same level of risk as a heavily traveled road. Serious leaks from equipment are relatively uncommon one time events which are easily identified, easily cleaned-up, and of limited size. The history has been that quarries cause far fewer groundwater contamination problems than septic tank systems and other such sources that have long standing discharges.

Fuels and oils are most commonly spilled in small quantities, amounting to a few gallons which are then easily adsorbed with the proper clean-up materials and disposed of at a landfill facility. What cannot immediately be picked up biodegrades readily when the contamination is in small amounts and low concentrations. Even today the DEQ allows on-site remediation of hydrocarbon spills much larger than will occur from an isolated equipment failure. The risk is not zero, but it is well within the bounds of commonly accepted practice.

Blasting Effects

The quarry will require periodic blasting to loosen rock for removal by quarry equipment. The operators of the site expect that they might blast approximately 12 times per year. Quarry blasting, as carried out by those trained and certified to use explosives appropriately, is relatively safe. Three main concerns are generally expressed: ground shaking, projectiles, and air blast.

Ground shaking is the most commonly feared and the least likely to cause damage. Both wells and dwellings are only rarely damaged by ground shaking, and then only if they are very close to the blast area. In particular, it can be seen with the example of earthquakes that ground shaking does not damage wells. In earthquake areas, where the ground shaking is sufficient to collapse houses, only rarely are any wells damaged by the earthquake. Energy dissipates rapidly as it moves through the ground.

Of some concern is the possibility that loose rock or unknown fractures can allow for rocks to be thrown by a blast. With any blast of appropriate design no dwelling could possibly be struck from this quarry site. The closest house to the north, which is owned by Mr. Bradford, is approximately 3,500 feet from the quarry site. The closest house to the south is 2,300 away but is behind a hill.

Of most concern to the master blasters is the possibility of "air blast". This shock wave through the air can cause dwellings to shake with the result of cracked plaster and even broken glass. However, blasters carefully control conditions such that such shock waves do not occur. The natural configuration of this site is good for controlling shock wave effects because the dwellings to be protected are far away (>2000 feet), down hill, on the same slope, and there is open space (no nearby reflective hills) in all directions from the site. This configuration strongly dissipates any shock wave before it reaches any dwellings.

SUMMARY

The quarry site will not significantly impact the quantity of groundwater in the area. The quarry will not degrade groundwater quality simply by maintaining a spill prevention and clean-up plan, as required by law, and promptly removing any spilled oils or fuels from the quarry area using the appropriate clean-up materials. This is the same kind of effort that logging companies, construction companies, and farm operations use. Blasting will not adversely effect groundwater, wells, or dwellings when it is performed by professionals trained and certified to conduct it properly.

If I can be of any further assistance please let me know.

Sincerely,

Ralph Christensen

Ralph Christensen
Geologist G-870



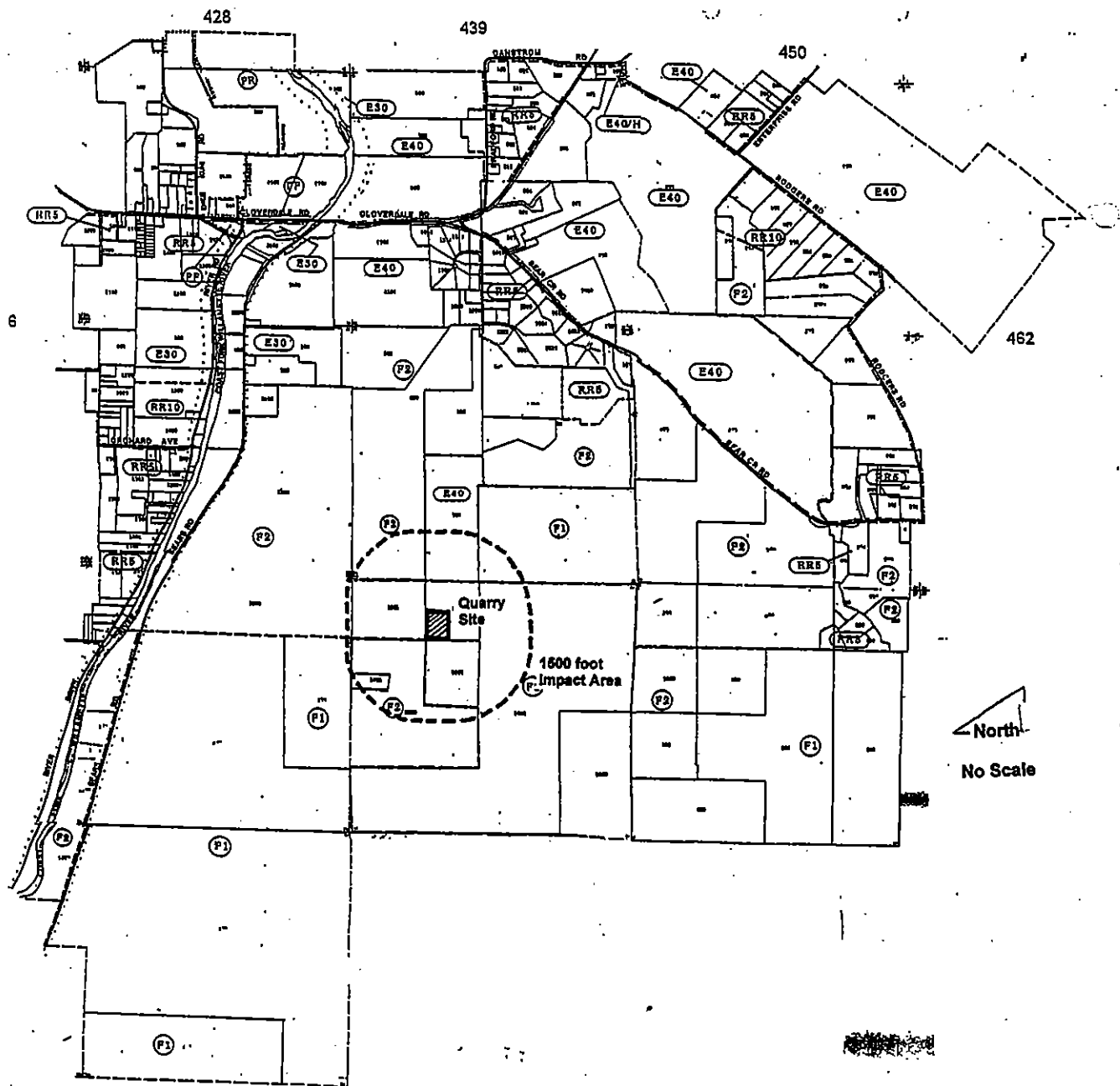
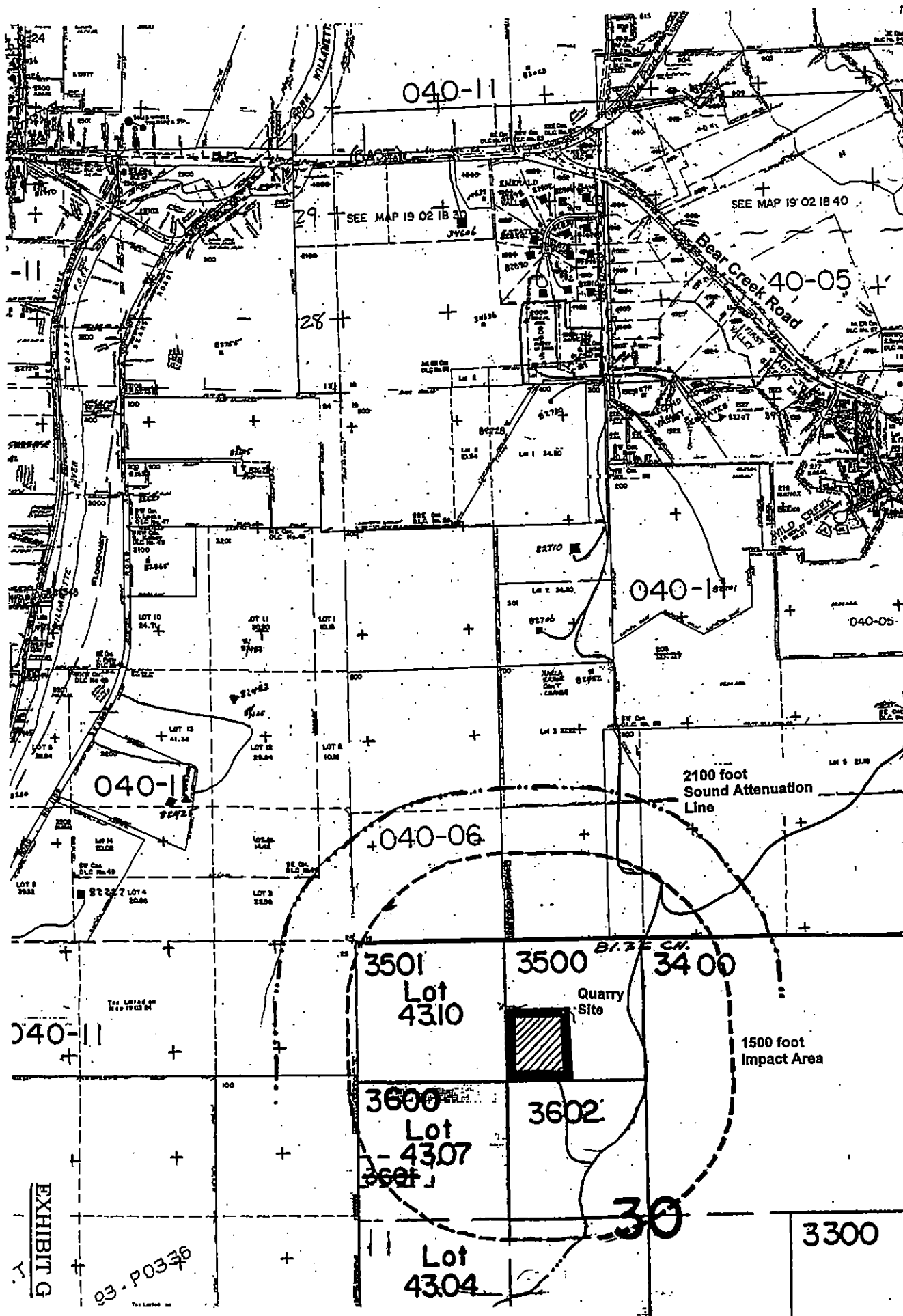


EXHIBIT F



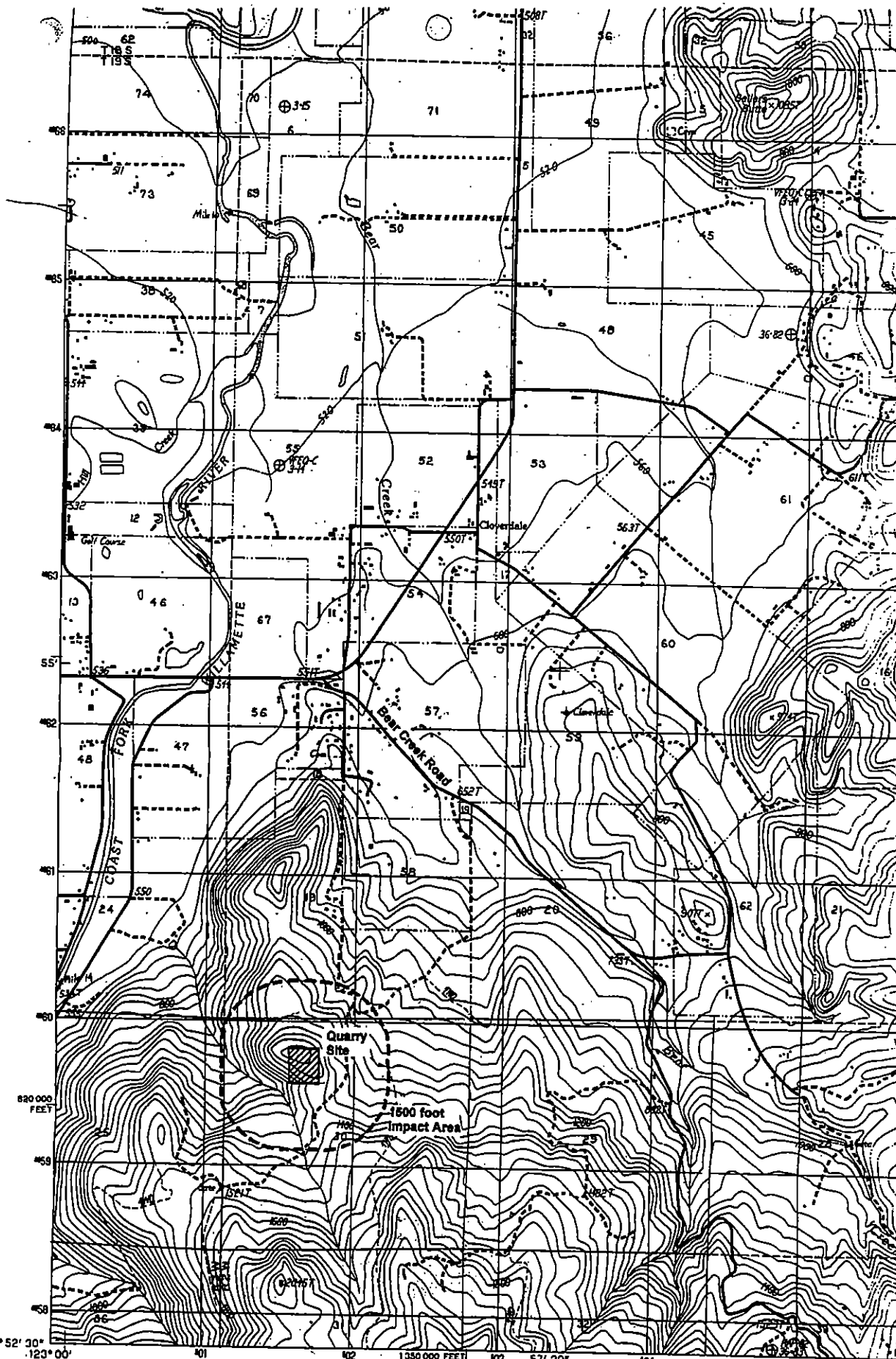
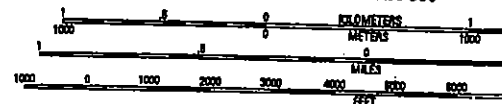


EXHIBIT H

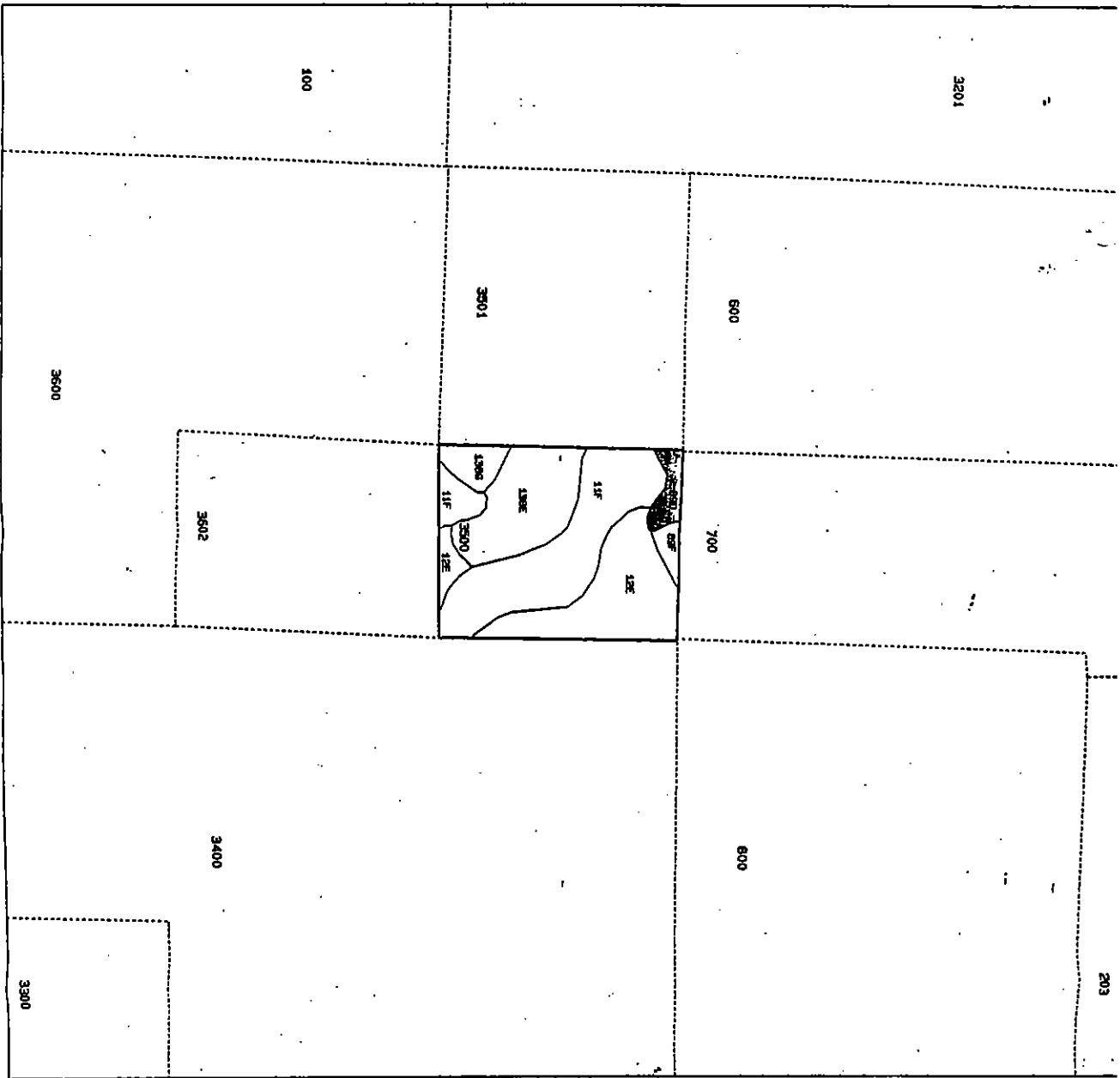
PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY U.S.G.S. NOS. 1000 AND STATE OF OREGON
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1962-63
 FIELD CHECKED 1964. MAP EDITED 1964
 PROJECTION 1000-METER UNIVERSAL TRANSVERSE MERCATOR
 GRID 1000-METER UNIVERSAL TRANSVERSE MERCATOR
 UTM GRID DECLINATION 1960 SOUTH ZONE
 UTM GRID DECLINATION 1960 SOUTH ZONE
 1960 MAGNETIC NORTH DECLINATION 11° EAST
 VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM
 To place on the predicted North American Datum of 1983,
 move the meridian line to show the shift.

PROVISIONAL MAP





SCALE 1:24 000



CONTOUR INTERVAL 40 FEET
 SUPPLEMENTARY CONTOUR INTERVAL 20 FEET



19020000 lot 3500

-  High Value Soils
-  Hi-rail if dewatered
-  Hi-rail if protected
-  Potential Hi-rail

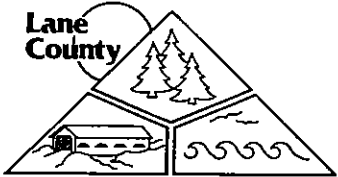
Scale 1:4800

Produced by
Lane Council of Governments

EXHIBIT I

FILE RECORD CONTENT SHEET

PA 98-5144

<u>No.</u>	<u>Item</u>	<u>Date</u>
		 Public Works LAND MANAGEMENT DIVISION http://www.LaneCounty.org/PW_LMD/
1.	Application for Plan Amendment and Zone Change,	9/24/98
2.	Owners Authorization,	9/24/98
3.	Notice Map	10/13/98
4.	Lane County Rural Addressing Map 19-02 Index (portion)	10/13/98
5.	Zoning Map Plot #440	10/13/98
6.	Zoning Map Plot #429	10/13/98
7.	National Wetlands Inventory Map, Jasper Quad	10/13/98
8.	Lane County Rural Addressing Map 19-03-13 (portion)	10/13/98
9.	Lane County Rural Addressing Map 19-03-24 (portion)	10/13/98
10.	Lane County Rural Addressing Map 19-02-18 (portion)	10/13/98
11.	Lane County Rural Addressing Map 19-02-19 (north portion)	10/13/98
12.	Lane County Rural Addressing Map 19-02-19 (south portion)	10/13/98
13.	Cedarcroft Road, recording Instrument Book 11 Page 309	10/13/98
14.	Notice of Incomplete Application, 2p.	10/13/98
15.	Supplement to Traffic Impact Analysis, 9pp.	10/15/98
16.	Addendum to PA 98-5144	10/30/98
17.	Letter from Kris Jeremiah, 4pp.	11/2/98
18.	Letter from Robert Still	11/30/98
19.	Letter from Daniel O'Gorman	12/2/98
20.	Letter from Dale Burgess	12/7/98
21.	Letter from K.L. Harroun & Kathleen Wells	12/8/98
22.	Letter from Julie Cartmill	12/8/98
23.	Letter from James Crews	12/9/98
24.	Letter from Carl Cartmill	12/9/98
25.	Letter from Francis W. Rogers	12/9/98
26.	Letter from Beverly Rogers	12/9/98
27.	Letter from Gerald Fleischli	12/9/98
28.	Letter from Jesse Castillo	12/9/98
29.	Letter from Evalyn Lemon	12/9/98
30.	Letter from Carol & David Matthews	12/10/98
31.	Letter from Robert Ackerman / Helen Falk	12/11/98
32.	Letter from Robert Meyers	12/11/98
33.	Letter from Vicki Curry	12/11/98
34.	Letter from William & Carolyn Kent	12/11/98
35.	Letter from John Bianco	12/11/98
36.	Letter from David & Marilyn Calder	12/14/98
37.	Letter from Rick Millhollin	1/5/99
38.	Letter from James Spickerman	1/11/99
39.	Letter from Carl Cartmill	1/20/99
40.	Certification of Notification/Delivery	2/3/99
41.	Certificate of Posting	2/4/99
42.	Certification of Mailing	2/10/99
43.	Letter from Dan O'Gorman	2/17/99
44.	Amended Application for Post Acknowledgement/Plan Amendment	2/17/99
45.	Electronic Mail from Lloyd Holtcamp to Thom Lanfear	2/19/99
46.	Planning Commission Staff Report	2/22/99
47.	Letter from Gerald Fleischli, M.D., 10pp.	2/22/99
48.	Applicant's Response to Staff Report, 10pp.	3/2/99



FILE RECORD CONTENT SHEET

PA 98-5144

<u>No.</u>	<u>Item</u>	<u>Date</u>
49.	Letter from Century West Engineering Corporation	3/2/99
50.	Memorandum of the Bear Creek Neighbors in Opposition, 29pp.	3/2/99
51.	Letter from Christopher Clemow to William Sherlock, 3pp.	3/2/99
52.	March 2, 1999 Planning Commission Sign-Up Sheets 2pp.	3/2/99
53.	Lane County Planning Commission Agenda	3/2/99
54.	Letter from Suzanne Amos	3/2/99
55.	Report from Environmental Solutions, 6pp. w/exhibits	3/2/99
56.	Bear Creek Neighborhood Petition, 13pp.	3/2/99
57.	Letter from Creswell School District	3/2/99
58.	Letter from Emerald Junior Academy	3/2/99
59.	Letter from Rick Millhollin, 2pp. w/photos	3/2/99
60.	Letter from Chuck Swenson	3/2/99
61.	Letter from Gerald Fleischli, 4pp. w/photo	3/2/99
62.	Letter from Marla Swenson w/photos	3/2/99
63.	Letter from Bob Meyers, 2pp.	3/2/99
64.	Letter from Diane Lane, 2pp.	3/2/99
65.	Letter from Linda Fleischli, 2pp w/photos	3/2/99
66.	Letter from Carl Cartmill, 2pp.	3/2/99
67.	Letter from Vicki Curry, 2pp. w/photos	3/2/99
68.	Letter from Robert & Lorraine Still, 3pp w/attachments	3/2/99
69.	Letter from Kim Meyers, 2pp w/photos	3/2/99
70.	Letter from Marie Woods, 3pp.	3/2/99
71.	Letter from Janet & Dale Burgess, 2pp. w/photo	3/2/99
72.	Letter from Bill & Carolyn Kent; 2pp. w/photos	3/2/99
73.	Letter from Ken Harroun & Kathleen Wells, 3pp.	3/2/99
74.	Letter from David & Carol Matthews, 2pp.	3/2/99
75.	Photos, 28pp.	3/2/99
76.	Letter from Chuck & Marla Swenson	3/3/99
77.	Electronic Mail from William Castillo to Thom Lanfear	3/9/99
78.	Memo to Planning Commission	3/10/99
79.	Planning Commission Sign-up Sheet	3/16/99
80.	Applicant's Response to Testimony, 12pp.	3/16/99
81.	Letter from Branch Engineering	3/16/99
82.	Letter from William Helmer, 2pp.	3/16/99
83.	Letter from Nancy Holzhauser, Wildlife Biologist	3/16/99
84.	Letter from Sue Ordonez	3/16/99
85.	Letter from Jerome Garger, 2pp.	3/16/99
86.	Letter from Tim Marshall	3/17/99
87.	Letter from Willard Evanson, Walter Hoffmann & D. Sogge	3/22/99
88.	Letter from Douglas Dupriest, 6pp.	3/23/99
89.	Letter from Jane Burgess to Ross Bradford, 12/3/98	3/23/99
90.	ODFW "Elk Management in Blue Mountain Habitats, 3pp.	3/23/99
91.	"Using Expert Opinion to Evaluate a Habitat Effectiveness Model for Elk in Western Oregon and Washington" by USDA, Forest Service, 2pp.	3/23/99
92.	Letter from Dale & Jan Burgess and Diane Lane, 2pp.	3/23/99
93.	Letter from Gary Woods	3/23/99

FILE RECORD CONTENT SHEET

PA 98-5144

<u>No.</u>	<u>Item</u>	<u>Date</u>
94.	Letter from Vicki Curry, 3pp.	3/23/99
95.	Letter from Gerald Fleischli	3/23/99
96.	Letter from Julie Cartmill	3/23/99
97.	Letter from Bob Still	3/23/99
98.	Letter from Diane Lane	3/23/99
99.	Letter from Evalyn Z. Lemon & Jesse Castillo, 2pp.	3/23/99
100.	Letter from William Helmer w/attachment	3/23/99
101.	Fax from Heritage Research Associates Inc.	3/23/99
102.	Electronic Mail from Lloyd Holtcamp to Thom Lanfear	3/23/99
103.	Supplemental Staff Report	3/29/99
104.	Applicant's Response to Post Hearing Submittals	3/30/99
105.	Lane County Planning Commission Minutes of March 2, 1999	3/30/99
106.	Lane County Planning Commission Minutes of March 16, 1999	3/30/99
107.	Memorandum from Lloyd Holtcamp, Transportation Planning	4/6/99
108.	Lane County Planning Commission Minutes of April 6, 1999	4/6/99
109.	Letter from James Spickerman	4/20/99
110.	Submittal by Lloyd Holtcamp	4/26/99
	a) Letter from Lloyd Holtcamp	
	b) Preliminary Pavement Assessment	
111.	E-Mail from Gerald Fleischli	4/28/99
112.	Letter from Greg Hume	5/3/99
113.	E-Mail from Lloyd Holtcamp	5/6/99
114.	Proposed Findings from Applicant	5/17/99
115.	Submittal from Bear Creek neighbors	7/23/99
	a) Letter from Bear Creek Neighbors	
	b) Findings of Bear Creek Neighbors	
	c) Luba Notes	
116.	Submittal from Bear Creek Neighbors	8/24/99
	a) Letter from Linda Fleischli	
	b) Petition to Post Weight Limit on Cedarcroft Road	
117.	Letter from ODOT	7/14/99
118.	Submittal from Gerald Fleischli	9/21/99
	a) Letter from Gerald Fleischli	
	b) Truck Noise Levels by Art Noxon	
119.	Letter to Stephen Vorhes	12/17/99
120.	Submittal by Jim Spickerman	1/25/00
	a) Fax Cover page	
	b) Truck Volume Graph	
	c) Legislative History, Appendix H	
	d) Memo to LCDC from Bob Rindy DLCD of June 12, 1996	
121.	Submittal from Linda & Gerald Fleischli	2/1/00
	a) Letter	
	b) "The Chronicle" January 26, 2000	
122.	Submittal from Jim Spickerman	2/16/00
	a) Letter to Stephen Vorhes	
	b) Letter to Bob Rindy dated 2/14/00	

FILE RECORD CONTENT SHEET

PA 98-5144

<u>No.</u>	<u>Item</u>	<u>Date</u>
	c) Appendix H Legislative History	
	d) Memorandum to JWS from SAC dated 1/28/00	
	e) Testimony of Karen Green	
	f) April 12, 1996 testimony draft	
	g) April 17, 1996 testimony draft pg.1	
	h) April 17, 1996 testimony draft pg. 37	
	i) Letter from Branch Engineering dated December 20, 1999	
	j) AASHTO Chapter IV Cross Section Elements	
123.	E-mail from Lloyd Holtcamp	3/2/00
124.	Letter from Stephen Vorhes to James Spickerman	3/23/00
125.	Submittal from James Spickerman	10/23/00
	a) Letter to Thom Lanfear	
	b) Draft Findings	
126.	Additions to Notice List	3/23/01
127.	Suggested Revisions to Findings by Lloyd Holtcamp	4/14/01
128.	Letter from James Spickerman to Thom Lanfear	4/24/01
129.	Road Construction Plans for Cedarcroft Road	5/9/01
130.	Letter from Thom Lanfear to James Spickerman	5/9/01
131.	Submittal from Jerry and Linda Fleischli	6/4/01
	a) Letter to Thom Lanfear	
	b) Noise Report from Arthur Noxon	
132.	Submittal from James Spickerman	11/8/01
	a) Letter to Thom Lanfear	
	b) Proposed Findings	
133.	Submittal from James Spickerman	11/27/01
	a) Letter to Thom Lanfear	
	b) Revision to Pg. 10 of Proposed Findings	
134.	Letter from James Spickerman	5/6/02
135.	Map of Bear Creek and Cedarcroft Roads	6/20/02
136.	E-mail from Lloyd Holtcamp	6/20/02
137.	Notice to DLCD	2/14/03

MINUTES

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

March 2, 1999
7 p.m.

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

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

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

PUBLIC HEARING

1. Approval of Minutes

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

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

2. PA 98-5144

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

Mr. Moe asked for the applicant's statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Moe allowed the applicant time to rebut.

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

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

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

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

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

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

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

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

3. PA 98-2230

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

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

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

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

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

(Recorded by Joe Sams)

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MINUTES

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

March 16, 1999
7 p.m.

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

ABSENT: Clay Myers, Heidi Pollock, members.

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

1. Election of Officers

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

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

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

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

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

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

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

FILE # PA 98-5144
EXHIBIT # 106

PUBLIC HEARING

2. **Continued Hearing for PA 98-5144**, previously heard on March 2, 1999. Amend the Rural Comprehensive Plan (RCP) from "Forest" to "Natural Resource" and rezone that land from "F-1/Non-Impacted Forest Land" to "QM" ("Quarry and Mine Operations") for 40 acres, pursuant to Lane Code 16.400 and 16.252. Map 19-02-00 (30) Tax Lot 3500. Applicant: BJ Equipment Company

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

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

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

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

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

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

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

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

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

Mr. Clemow then invited the public to present testimony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Clemow asked for public testimony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Recorded by Elise Self)

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MINUTES

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

April 6, 1999
7 p.m.

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

ABSENT: Chris Clemow, Carrieanne Davis, members.

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

1. APPROVAL OF FEBRUARY 2, 1999, MEETING MINUTES

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

2. CONTINUED HEARING FOR PA 98-5144

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

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

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

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

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

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

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

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

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

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

2. *Determine if the resource site is significant.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The motion passed unanimously, 6:0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. *Develop a program to allow mining.*

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

The commission considered a list of conditions recommended by staff.

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

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

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

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

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

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

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

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

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

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

The motion passed unanimously, 6:0.

The commission indicated acceptance of recommended conditions 2-4.

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

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

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

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

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

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

Mr. Moe considered three days to be excessive.

Ms. Kirkham supported notice by letter.

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

The commission accepted condition 6 as recommended by staff.

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

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

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

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

The commission accepted conditions 9-13 without change.

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

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

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

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

Ms. Esty moved, seconded by Mr. Phelps, to recommend to the Board of County Commissioners approval of the request to amend the Rural Comprehensive Plan from Forest to Natural Resource and to rezone the site from F-1 Non-Impacted Forest Land to QM Quarry and Mine Operations for 40 acres, pursuant to Lane Code 16.400 and 16.252, subject to the conditions for approval recommended by the commission. Tax lot 3500, Map 19-02-00-30. The motion passed, 5:2; Ms. Kirkham and Ms. Rughani voting no.

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

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

The meeting adjourned at 8:55 p.m.

(Recorded by Kimberly Young)

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OAR 660-23-180 for Mineral and Aggregate Resources

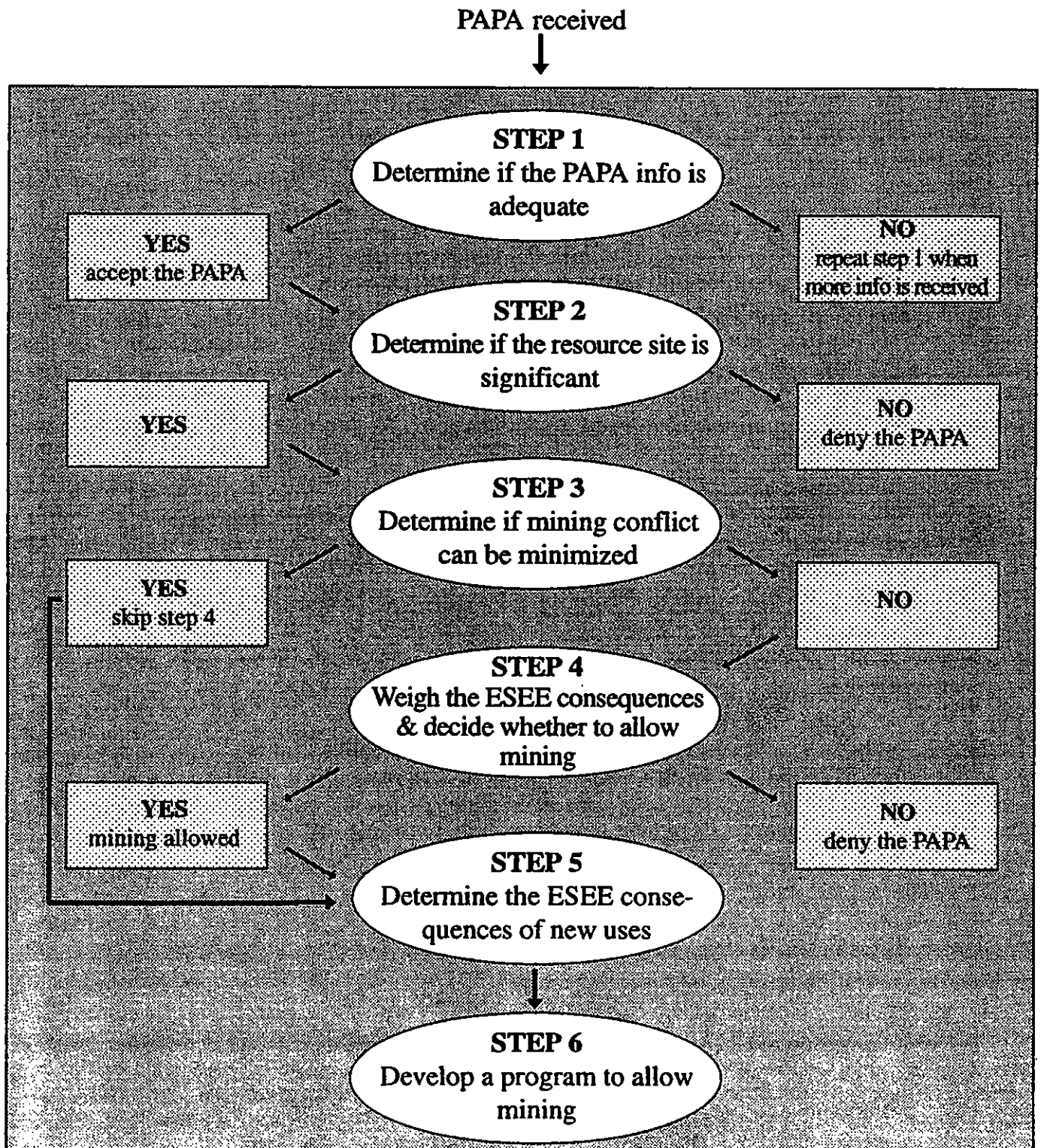
Introduction. This information was prepared to explain the Post Acknowledgment Plan Amendment, PAPA, requirements in OAR 660-23-180, the Rule, for mineral and aggregate resources. The Rule is written in a typical regulatory style that relies on a maze of cross references and exclusions, and a sequence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

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

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



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

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

Step 1. Determine If The PAPA Information Is Adequate.

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

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

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

2. A PAPA should contain the following additional information:

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

Step 2. Determine If The Resource Site Is Significant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Plan. Conflicts shall be determined based upon clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards to other trucks of equivalent size, weight, and capacity that haul other materials.

- (C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments. This paragraph shall not apply after the effective date of commission rules adopted pursuant to Chapter 285, Oregon Laws 1995;
- (D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;
- (E) Conflicts with agricultural practices; and
- (F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede DOGAMI regulations adopted pursuant to ORS 517.780.

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

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

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

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

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

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

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

Introduction. OAR 660-23-180(5) directs local governments to follow OAR 660-23-040(2)-(4) to determine any potential new uses that could occur in the impact area and whether these potential new uses would conflict with the mining. Next, evaluate the ESEE consequences of allowing any conflicting new uses and determine whether to prohibit, limit or outright permit the conflicting uses. Then proceed to Step 6.

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

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

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

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

3. Analyze the ESEE Consequences. 040(4)

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

Step 6. Develop A Program To Allow Mining.

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

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

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

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

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