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**AGENDA COVER MEMO
SUPPLEMENTAL**

DATE: January 16, 2004 (Date of Memo)
February 3, 2004 (Date of Third Reading)

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 98-5144; B. J. EQUIPMENT COMPANY)

I. MOTION

1. ALTERNATIVE MOTIONS AFTER DELIBERATIONS:

A. I MOVE TO ADOPT 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 98-5144 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.

II. ISSUE

The Board held public hearings on this Ordinance on April 30, 2003. At the close of the public hearing, the Board left the record open for the submittal of additional information prior to conducting deliberations on the Ordinance. A copy of the submittals has been forwarded to the Board under separate cover. Issues raised in the additional submittals to the Board during and after the Board hearing in April are identified below. Staff has not attempted to reiterate the entire arguments presented for each issue in the submittals but has provided a reference to the source document for Board review.

III. PROCEDURE

The Board of Commissioners has established these hearing procedures:

1. Announce the hearing is closed to testimony and the purpose of the meeting is for the Board of Commissioners deliberations;
2. Disclose any ex parte contacts;
3. Call for abstentions due to ex parte contacts or biases;
4. 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 Commissioners ("Board", hereinafter);
5. Staff recommends that the Board conduct the deliberations in 6 segments that correspond to the steps outlined in the Goal 5 rule:
 - 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; if any significant conflicts are not minimized, direct staff to prepare an ESEE analysis for Board review prior to continuing to Step 4;
 - 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.
6. 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. File Record

The complete file record is listed on the File Record Content Sheet, Attachment "1" to this report. Evidence submitted for this application consists of the 193 Exhibits listed. Exhibits 1 through 138 were transmitted to the Board as a bound record eight weeks prior to the public hearing of April 30, 2003. Exhibits 139 through 156 were given to the Board attached to the Supplemental Cover Memo of April 28, 2003. Items 157 through 174 were submitted at the public hearing on April 30, 2003. Following the hearing, the record was left open for submittal of additional information by both sides consisting of Exhibits 175 through 193.

These exhibits have been routed to the Board under a separate cover on January 20, 2004. At each step in the supplemental submittal process, the applicant provided detailed responses to the evidence and arguments presented by the opponents of the project, primarily the "Bear Creek Neighbors" represented by Eben Fodor. Responses by the applicant to the opponents' submittals at the Board hearing (Exhibit 174) are found in Exhibit 177. Responses to the opponents' post-hearing submittal (Exhibit 178) are found in Exhibit 189. Responses to the opponents' final submittals (Exhibits 187, 188) are found in Exhibit 193.

B. Analysis of Issues Contained in Supplemental Submittals

1. PROCEDURAL ISSUES

a. Termination of application

On page 3 of Exhibit 174, the neighbor's consultant presents argument that the application should be terminated due to excessive processing time. The applicant's response is found on page 1 of Exhibit 177. The cited Lane Manual provision (LM 12.120) must be read in context with the preceding provision Lane Manual 12.105 which states: *"Introduction. Lane Code Chapter 12 does not specifically provide a procedure for initiation of plan amendments by individual applicants. Pending study and possible revision of LC Chapter 12, an interim procedure not inconsistent with LC Chapter 12 as currently written is hereby adopted."* The effective date of this interim Lane Manual procedure was 12/22/76. Since that time, the procedures for Plan amendments have been placed into Lane Code at Chapter 16.400. Those are the procedures being followed in the review of this application. There are no provisions within that section of the Lane Code that require the termination of this application due to excessive processing time. The Goal One concerns raised in the submittal do not demonstrate errors in the processing of the application. Notification of surrounding property owners and agencies occurred in accordance with Lane Code Chapter 14 at the time of original submittal and hearings before the Planning Commission. The notice list was updated prior to the mailing of notice for the Board of Commissioners hearings in April of 2003. These procedures allowed all interested persons the opportunity to participate in the review of this application at each step of the process.

b. Goal 5 process

On page 5 of Exhibit 174, the neighbor's consultant presents argument that the County has used an incorrect guide to the Goal 5 process to review the application (Issue #2). The applicant's response is found on page 2 of Exhibit 177. While the guide prepared by Lane County staff differs somewhat from the guide produced by the Department of Land Conservation and Development (DLCD), the provisions for review of the application used to create both guides are found within OAR 660-023. Both guides attempt to simplify the complex language found in the OAR provisions into comprehensible steps for use by citizens and decision makers alike. The actual review of the application has followed the OAR provisions exactly and conforms to the requirements of the State law.

c. Compliance with Statewide Planning Goals and Local Land Use Regulations

On page 18 of Exhibit 174, the opponents present argument that all state and local laws relevant to this case are applicable where they are not inconsistent with Goal 5 and where they are not specifically excluded by Goal 5 (Issue #7 & #8). The applicant's response is found on page 4 of Exhibit 177. Staff agrees that the Statewide Planning

Goals are relevant to the review of this application, but the application of local code provisions has been found to be an error in the LUBA decision *Eugene Sand & Gravel, Inc. v. Lane County*, LUBA No. 2002-068. Approval or denial of this application must rely solely upon the State Goals and the applicable Administrative Rules governing Goal 5 resources (OAR 660-023).

d. Coordination with School Districts

Within Exhibits 160D and 169, the Creswell School District expresses concern for the safety of the school buses traveling on Bear Creek Road. On page 31 of Exhibit 174, the opponents present argument that the County has failed to consider the legitimate concerns of the School District. The applicant has addressed the issue on page 9 of Exhibit 177. Goal 2 requires the local government to make a reasonable effort to accommodate legitimate interests of the District as much as possible. To this extent, the Planning Commission proposed a limitation on the operating hours of the quarry to limit the amount of conflict. Another option available to the Board to address the safety of school buses entering Bear Creek Road from South Bradford Road is to set a 50 mph speed limit on Bear Creek Road in that vicinity.

e. Revised Findings

On page 31 of Exhibit 174 and page 2 of Exhibit 178B, the opponents present argument that the proposed findings are inadequate and provide alternative findings for Board consideration. Staff agrees that a revision to the findings will likely be necessary in order to reflect the outcome of the Board deliberations. Staff will coordinate the revision of the findings to reflect the tentative Board decision.

2. SIGNIFICANCE OF THE RESOURCE

a. Soil ratings Classification

In Exhibit 168, Mr. Bianco objects to the approval of the mining site because it will remove productive area from timber production. His argument relies upon the classification of the soil types existing at the mining area. While the Goal 5 Rule does have a provision that restricts a mining site from being classified as "significant" if there are certain percentages of Class I or Class II soils at the site, those classifications must be the ones determined by the Natural Resources Conservation Service (NRCS) study for Lane County and not the Department of Forestry (ODOF) ratings as contained in the exhibit. Although Mr. Bianco states the ODOF considers the soils to be Class I and Class II for timber production, the NRCS study classifies the same soils as Class VI (Witzel), Class IV and VI (Bellpine) depending on the slope.

3. MINIMIZE CONFLICTS

a. Impact Area

On page 7 of Exhibit 174 and page 1 of Exhibit 187A, the opponents present argument that the impact area must be increased to include conflicts to all uses within 1500 feet of the haul road that extends from the mining area to the public road. This issue regarding the identification of an impact area for purposes of analyzing conflicts is already addressed on page 8 of the original staff report. DLCD has provided comments on the determination of the impact area (Exhibit 144) but was silent regarding the haul road issue. The opponents' are addressed at length by the applicant on page 2 of Exhibit 177. Staff's review of the applicable OAR provisions supports the applicant's position

regarding the review of conflicts from the transportation of material from the “mining area” to the local road (Cedarcroft Road) on the panhandle haul road. The Administrative Rule apparently limits the review of conflicts to those conflicts produced at the “mining area” and limits the review of any transportation conflicts to those road elements specified in the rule. Conflicts due to dust and noise are limited to the area surrounding the “mining area” and not the haul road.

b. Conflicts due to noise, dust, or other discharges

1. Noise

During the Board site visit, questions were raised about the noise study. The applicant responded with an additional report from Arthur Noxon, P.E. (Exhibit 177 exhibit C) dated May 17, 2003. The opponents submitted reports by Daly-Standlee & Associates, Inc. which include Exhibit 178A dated May 21, 2003, a review of the original Noxon noise study, and a second report dated June 9, Exhibit 187B. Mr. Noxon addressed the criticisms contained in the Daly-Standlee reports in detail in Exhibit 189B dated June 1, 2003. Those four documents are recommended reading for the full discussion on the noise issue.

Staff has reviewed all the submittals and concludes that the information prepared by the applicant’s noise expert is sufficient for a finding that the noise from the mining area conforms to the applicable DEQ standards at the nearest residences. The Noxon reports are based upon actual field measurements with equipment operating on the subject site and another mining site in Saginaw. Distance measurements from the mining area were verified through the use of a GPS device at the location of the house to the south. The measurements in the first report relying upon a hill located between the residence to the south and the mining area have been reevaluated and corrected. The argument by the opponents that the site must comply with the DEQ standards for a “new site” is not supported by the evidence in the record which demonstrates that mining, including blasting, has occurred on the subject property site since at least 1968. Although the boundaries of the “Cavinee” property to the north, formerly owned by Mr. Bradford, fall within 2100 feet of the proposed mining area, the house site is further than 2100’ away. The DEQ “noise sensitive receiver” provisions only apply to the homesite and the noise level at the homesite is in conformance with the DEQ provisions.

2. Haul Road Noise

On page 11 of Exhibit 174, the opponents present argument that the impact area must be expanded to include the noise generated by the trucks on the haul road (Issue #3) and the public roads (Issue #4). The applicant’s response is found on page 3 of Exhibit 177. For reasons stated above under “Impact Area”, the noise from the trucks on the haul road and the public roads does not appear to be part of the consideration of conflicts allowed under the Goal 5 Rule. Although not part of the conflict analysis authorized under the Goal 5 Rule, the level of noise produced by trucks on the haul road and public roads is subject to the standards of the Department of Environmental Quality (DEQ).

3. Haul Road Dust

On page 14 of Exhibit 174, the opponents present argument that the impact area must be expanded to include the potential dust generated by the trucks on the

haul road (Issue #5). The applicant's response is found on page 11 of Exhibit 177. For reasons stated above under "Impact Area", conflicts from the dust created by trucks on the haul road and the public roads does not appear to be part of the consideration of conflicts allowed under the Goal 5 Rule. Although not part of the conflict analysis authorized under the Goal 5 Rule, control of dust on the haul road is regulated by Lane Regional Air Pollution Authority (LRAPA) and the proposed mining operation must comply with the applicable standards under the LRAPA Permit.

4. Mining Area Dust

Within Exhibit 178F, the opponents have submitted evidence regarding dust impacts that have previously been submitted into the record during the review of the Eugene Sand & Gravel application. The applicant has responded on page 5 of Exhibit 189A. Staff notes that the prior application involved the mining of aggregate on a scale many times greater than that proposed in the subject application. It also included an asphalt batching plant and the production of concrete, both producing substantial particle emissions. The dust produced by the operation reviewed in that application was emanating from the "mining area" and impacting adjacent agricultural activities. By contrast, the record for this application does not demonstrate that there is a large amount of dust emanating from the subject "mining area" and the nearest agricultural property is located almost 2000 feet away.

5. Discharges onto Public Roads

On page 17 of Exhibit 174, the opponents present argument that the applicant must address a conflict resulting from a "discharge" of rocks and debris from the gravel trucks onto the public roads (Issue #6). The applicant's response is found on page 13 of Exhibit 177. Any discharge from the trucks on the public roads does not appear to be part of the consideration of conflicts allowed under the Goal 5 Rule, since the conflict does not originate within the "mining area". Analysis of conflicts with local roads occurs below.

6. Fire hazards

On page 30 of Exhibit 174, the opponents present argument that there will be a significant increase in fire hazard from the mining site and haul road (Issue #14). The applicant's response is found on page 14 of Exhibit 177. No details are provided on the expected source of the fire hazard that would raise this concern to a level that is considered significant. Contrary to the opponents' submittal, there is a secondary access from the mining area to South Bradford Road that could be used for egress in case of emergency.

7. Mudslides

Within Exhibit 170, a neighboring property owner to the north expresses concern for potential mudslides due to blasting at the site. The submittal references past earth movements from the Bradford property subsequent to logging operations but no specific information regarding the location is provided. No potential for slope instability at the mining area has been identified in the record. The quarry site is comprised of rock and all mining will occur behind berms created from the overburden. This issue lacks the specificity needed for it to be addressed further.

8. Property values

The issue of decreased property values is raised in several exhibits (Exhibits 164, 172 & 178E). The issue is raised in response to the truck traffic and associated noise and dust on the haul road. These conflicts associated with the discharges along the haul road are not addressed under the Goal 5 Rule as discussed above regarding the haul road issue.

c. Conflicts to local roads

Both the applicant and opponents have submitted additional arguments regarding the conflict with local roads. These arguments are found in the opponents submittals of Exhibits 174, 178, 187 & 188 and the applicant's submittals of Exhibits 141, page 5 of Exhibit 177, 189, & 193.

1. Pavement Overlay requirements

Within the applicants submittals, particularly Exhibit 141, the applicant continues to argue that the imposition of requirements to pave the local roads is not authorized under the provisions of the Goal 5 Rule and represents an illegal exaction. DLCD comments in Exhibit 144 that the road standards must be those applied to other truck traffic of equivalent size, weight and capacity. The opponents submit arguments that the exactions are allowed and further must be adjusted for inflation and be paid by the applicant prior to operation. See the original BCC packet for this Ordinance for a complete discussion of the issue. As a way of compromise, the applicant offers to agree to the paving for Cedarcroft Road but not for Bear Creek Road.

Staff recommends that the paving of Cedarcroft is necessary to be done prior to operation to protect the road pavement. If the applicant does the work by permit, the cost will be what it costs at the time work is done. If the applicant pays the County to do the work, then it would be written in a way that the applicant pays the updated costs. For Bear Creek Road, the impact to the road will be felt over time and the County should determine the timing of the overlay. For this reason, Staff is recommending payment on an agreed amount within five years. The opponents argue for a binding agreement within 10 days of approval.

2. Bear Creek/Bradford S intersection

Arguments are submitted by the opponents that the sight distance at this intersection must be improved or the potential conflict with local roads must be found to be not minimized. The applicant maintains that there are not clear and objective sight standards in the Rural Transportation Plan. The Creswell School District expresses concern regarding the inadequate sight distance that exists now. This is apparently an existing condition that is not caused by the applicant's request and is not required to be addressed by the applicant. Branch Engineering recommends a speed zone study and perhaps more signing. Staff supports Board direction to initiate a speed zone study and address sight distance at the intersection. The landowner at the corner that would be impacted by any sight distance improvements has submitted Exhibits 161 & 162. The existing septic system may present an obstacle to any widening of the intersection.

3. Traffic Impact Analysis

In response to the opponents argument that a 20-year analysis is required, the applicant submitted additional material that predicts Level of Service (LOS) A and B in 2018 which is 20 years from the date of the original application. The applicant maintains that there is no adopted 20-year analysis requirement but has provided it anyway. The opponents argue that the analysis should look at a worst case scenario of 500 trucks per day. Staff does not agree that an analysis must include a greater volume of traffic than that proposed in the application. A condition of approval can be placed that limits the applicant to a maximum of 40 trucks per day. Any proposal to increase the amount of trucks would be evaluated under a new application. The Branch study shows no predicted LOS issue in 2018.

d. Conflicts with other Goal 5 resource sites

1. Riparian Resources

On page 25 of Exhibit 174, the opponents present argument that the applicant and the County have not adequately addressed conflicts with other Goal 5 resources in the area, particularly riparian resources and wetlands (Issue #9). The applicant's response is found on page 13 of Exhibit 177. The Administrative Rule limits review of conflicts with other Goal 5 resources to those resources identified on an acknowledged inventory. Lane County's riparian inventory (the 1980 maps) acknowledged by the State does not show any Class I Stream in the impact area. Wetlands identified on the State Wetlands Inventory Maps are limited to the small stream crossing under the existing haul road. Provided no widening of the road occurs, no impacts to the wetlands have been identified. If widening does occur, any conflict with the wetland resource is minimized by compliance with the applicable Removal/Fill Law requirements of the Division of State Lands.

2. Upper Willamette Spring Chinook

On page 31 of Exhibit 174, the opponents present argument that the applicant must evaluate the potential harm to the Upper Willamette Spring Chinook because there will be impacts to the water quality of several streams (Issue #17). The applicant has responded to this issue on page 14 of Exhibit 177. This does not appear to be a conflict to be considered under the Goal 5 process except indirectly under the review of conflicts with riparian resources. That review is limited to streams identified in the Plan on an acknowledged inventory and the water courses identified by the opponents are not listed on the inventory. However, potential impacts to water resources are addressed by a report prepared by EGR which is attached to the proposed Ordinance as Exhibit E.

e. Conflicts with agricultural practices

1. Dust on holly farm

Conflict from dust with a holly farm is raised in Exhibit 166, however no information is provided about the agricultural practices used on the farm. The farm is located near the haul road at the end of Cedarcroft Road beyond the identified impact area and does not appear to fall within the area subject to conflicts from the "mining area". In addition, not enough specific information is provided to determine what agricultural practices would be significantly changed, or costs that would be significantly increased.

2. Cavinee Property

On page 3 of Exhibit 178A, the opponents present argument that there will be a conflict with agricultural practices on a property to the north previously owned by the subject property owner (Issue #21). The applicant has provided responses on page 5 of Exhibit 189A and page 4 of Exhibit 193. The new property owner submitted a letter stating opposition at Exhibit 192. There is a lack of information provided about the agricultural practices that occur on the property to allow the Board to determine if a significant conflict exists from dust or noise. Although the noise produced by the operation increases the impact area to 2100 feet from the mining area, no information in the record demonstrates that dust conflicts exist at that distance.

4. ESEE ANALYSIS

An ESEE analysis is provided by the opponents at Exhibit 167B. An ESEE analysis is required only if there are found to be conflicts that cannot be minimized. Staff and Planning Commission recommendations consider that all conflicts can be minimized through the imposition of an appropriate set of conditions. If the Board finds that a conflict cannot be minimized, staff recommends continuing the deliberations to allow staff to provide an ESEE analysis for Board review that would consider all materials submitted into the record and other materials from the Lane County Rural Comprehensive Plan.

5. DETERMINE ESEE CONSEQUENCES OF NEW USES

On page 30 of Exhibit 174 and in Exhibit 144, the opponents and DLCDC respectively present argument that the County must conduct an ESEE analysis for potential conflicting land uses (Issue #13). This issue is addressed in the original Board packet. The applicant's response is found on page 14 of Exhibit 177. Since no conflicts to the mining area from potential land uses within the impact area have been identified, there is no requirement to conduct the ESEE analysis. Existing regulations for the Non-Impacted Forest Lands (F-1), Impacted Forest Lands (F-2), and Exclusive Farm Use Zone (E40) are sufficient to protect the resource and no additional restrictions on nearby lands are required.

6. CONDITIONS OF APPROVAL

On page 32 of Exhibit 174 and Exhibit 178C, the opponents present argument that additional conditions of approval are necessary to ensure operation of the mine in a safe and reasonable manner consistent with the information in the record (Issue #18). Imposition of any of the proposed conditions depends upon the outcome of Board deliberations on the issues above. The Board has the ability to impose reasonable conditions to assure that all relevant conflicts are minimized. The Board can also set conditions to clearly delineate the limits imposed upon the approval of the mining, such as the number of allowable truck trips per day.

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 there are conflicts that have not been minimized, direct staff to prepare an ESEE analysis for Board review and further deliberations;
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 minimization measures 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. File Record Content Sheet

FILE RECORD CONTENT SHEET

PA 98-5144

<u>No.</u>	<u>Item</u>	<u>Date</u>
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

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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	

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<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
138.	Agenda Cover Memo	3/3/03
139.	E-mail from Lloyd Holtcamp	12/31/02
140.	Legal Ad Request	3/7/03
141.	Letter from James Spickerman	3/12/03
142.	BCC Memo	3/24/03
143.	Legal Ad	3/26/03
144.	Letter from Gary Fish, DLCD	3/31/03
145.	Letter from James Spickerman	4/3/03
146.	Legal Ad Request	4/4/03
147.	Notice of Hearing	4/8/03
148.	Certification of Mailing	4/8/03
149.	E-mail from Eben Fodor	4/9/03
150.	Memorandum to BCC from Thom Lanfear	4/14/03
151.	Letter from Eben Fodor	4/14/03
152.	Letter from Gerald Fleischli	4/15/03

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<u>No.</u>	<u>Item</u>	<u>Date</u>
153.	Letter from Eben Fodor	4/16/03
154.	Letter from Eben Fodor (2)	4/16/03
155.	Certificate of Posting	4/16/03
156.	Letter from James Spickerman	4/28/03
157.	Letter from Lorraine Still	04/30/03
158.	Blase Anzalone	04/30/03
159.	Norma Anzalone	04/30/03
160.	Submittal by Bob Still	04/30/03
	a) Truck Traffic	
	b) Gravel Trucks	
	c) Emerald Junior Academy	
	d) Creswell School District	
	e) Gravel Trucks vs. School Buses	
	f) Tourism Impacts in Lane County	
	g) Visitor Statistics	
	h) Lane County Oregon Official Visitor Guide	
161.	Letter from D. R. McKillop	04/30/03
162.	Letter from Linda Drew	04/30/03
163.	Letter from Nena Lovinger	04/30/03
164.	Letter from Frank Brodersen	04/30/03
165.	Linda Fleischli	04/30/03
166.	John Fleischli	04/30/03
167.	Submittal by Gerald Fleischli	04/30/03
	a) Hearing Presentation	
	b) ESEE Analysis	
	c) Excerpts from Planning Commission Transcript	
168.	Letter from John Bianco w/map	04/30/03
169.	Letter from Creswell School District	04/30/03
170.	Letter from Carol Matthews	04/30/03
171.	Letter from David Matthews	04/30/03
172.	Letter from Kevin Hoselton	04/30/03
173.	BCC Public Hearing Sign-up Sheets	04/30/03
174.	Submittal from Eben Fodor	04/30/03
175.	Letter from Brenda Olsen	05/14/03
176.	Letter from Jeff Rich	05/15/03
177.	Applicant's Post-Hearing Submittal	05/21/03
178.	Submittal from Eben Fodor	05/21/03
	a) New Evidence	
	b) Proposed Findings	
	c) Conditions of Approval Clarifications	
	d) Safety Issues	
	e) Property Value Loss	
	f) Evidence related to Dust & Noise	
179.	Submittal from Tom Stinchfield	5/19/03
	a) E-mail to Thom Lanfear	
	b) Fax from James Spickerman to Thomas Stinchfield	

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<u>No.</u>	<u>Item</u>	<u>Date</u>
	c) Letter from Branch Engineering	
	d) Fax from Branch Engineering	
	e) Branch Engineering LOS Calculations	
180.	E-mail from Gerald Fleischli	5/20/03
181.	E-mail from Tom Lininger	5/22/03
182.	E-mail from Thom Lanfear to Gerald Fleischli	5/27/03
183.	E-mail from Eben Fodor	5/27/03
184.	E-mail from Gerald Fleischli	5/28/03
185.	Letter from Eben Fodor	6/3/03
186.	Submittal by Eben Fodor	6/6/03
	a) Letter of June 4, 2003	
	b) Letter of May 29, 2003	
187.	Submittal by Eben Fodor	6/10/03
	a) Final Rebuttal in Opposition	
	b) Review of Noise Study by Daly Standlee & Assoc.	
188.	Response to Applicant's Post-Hearing Submittal by Gerald Fleischli	6/10/03
189.	Submittal from James Spickerman	6/11/03
	a) Applicant's Rebuttal to Opponents' Post Hearing Submittal	
	b) Art Noxon Rebuttal Report June 1, 2003	
	c) LRAPA Minimal Air Contaminant Discharge Permit	
190.	E-mail from Tom Lininger	6/12/03
191.	Letter from Carl & Julie Cartmill (received in BCC office 5/20/03)	6/17/03
192.	Letter from William Cavinee (e-mail to BCC office 5/21/03)	6/17/03
193.	Applicant's Final Argument	6/18/03