

W. G. A.

SUPPLEMENTAL AGENDA COVER MEMO

DATE: JANUARY 11, 2007 (memo)
FEBRUARY 14, 2007 (Fourth Reading)

TO: LANE COUNTY BOARD OF COMMISSIONERS
EUGENE CITY COUNCIL

DEPT: PUBLIC WORKS / LAND MANAGEMENT DIVISION

PRESENTED BY: STEPHANIE SCHULZ / PLANNER

TITLE: ORDINANCE NO. PA 1238; IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY"; AMENDING THE METRO PLAN DESIGNATION FROM "AGRICULTURE" TO "SAND & GRAVEL"; REZONING FROM "E30/EXCLUSIVE FARM USE ZONE" TO "SG/SAND GRAVEL AND ROCK PRODUCTS ZONE"; TO ALLOW MINING ON 72.31 ACRES OF LAND PURSUANT TO LANE CODE 12.225 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File No. PA 05-6151; Applicant: Delta Property Co.)

BACKGROUND

The Board and Council concluded the public hearing on this proposal on December 12, 2006. The written record was held open to receive additional testimony from all interested parties until January 8, 2007. This memo will distribute copies of testimony received into the record and staff responses to City Councilor questions submitted by that date.

The written record remains open until January 22, 2007 for responses to testimony received through January 8, and there will be a final open record week for the applicant to respond to all testimony. The written record closes January 29, 2007.

The Board will hold a fourth reading on February 14, 2007 and schedule a fifth reading and deliberation at that time for a date after the City Council conducts deliberations. The City Council is scheduled to deliberate on this issue on February 21, 2007.

ATTACHMENTS

Attachment A: Interested Parties Summary Spreadsheet

Attachment B: Updated File Record Content Sheet

Attachment C: Staff Response to Questions from Councilor Bettman

Copies of Exhibit's 268 through 280 and Exhibit 33

**Delta Sand and Gravel Expansion
Interested Parties**

Ord. PA 1238
Attachment A

Last Name	First Name	City	State	Zip Code	Affiliation	Support	Oppose	Comments	Exhibit No.	Date
Fong	Tony H.	Eugene	OR	97404	Homeowner		X		1	10-31-05
Moehle	Mark G.	Eugene	OR	97404	Homeowner		X		2	11-05-05
Henderson	Brian & Karina	Eugene	OR	97404	Homeowners		X		3	11-07-05
Sweet	Kristen & Jeff	Eugene	OR		Homeowner		X		4	11-11-05
Knepler	James A.	Eugene	OR	97404	Homeowner		X		5, 39, 63, oral	11-13-05 01-17-06 03-17-06 12-12-06
Anderson	Davin & Jeanine	Eugene	OR	97404	Homeowner		X		6, 39	11-13-05 10-30-06
Guentner	Brock & Kari	Eugene	OR	97404	Homeowner		X		7, 7a	11-13-05 11-14-05
Eaton	Kurt & Michele	Eugene	OR	97404	Homeowner		X		8	11-13-05
Lauch	Jonathan	Eugene	OR	97402-5024	School Dist. 4J Facilities Mgmt.			Neutral	9	11-15-05
Fairman	Donald M.	Eugene	OR	97404	Homeowner		X	Flooding and BFE misunderstanding	10	11-15-05
Hughes	Shane	Eugene	OR	97401	EGR & Associates, Inc. Engineer	X		DELTA consultant	No. 18	11-15-05
Standlee	Kerrie G.	Beaverton	OR	97005	Daly Standlee & Associates, Inc.	X		DELTA noise consultant	1f, No. 19, 20, 21, Ex. 58, 221, oral, 270	11-15-05 02-16-06 11-01-06 12-12-06 01-08-07
Oppenheimer	Charles	Beaverton	OR	97005	Daly Standlee & Associates, Inc.	X		DELTA consultant	oral, 52, 56	11-15-05 01-17-06 02-16-06
Hatch	Candice	Lake Oswego	OR	97035	Bridgewater Group, Inc.	X		DELTA consultant	1g, 52, 56	11-15-05 01-17-06 02-16-06
Biggs	Charles	Eugene	OR				X		11	11-15-05
Handy	Rob	Eugene	OR		River Road Community Organization			Chairperson	12	11-15-05
Ruth	Dick	Eugene	OR	97440-1491	LRAPA, retired Environmental Consultant			Wind Rose Diagrams	53, oral, 217	11-15-05 11-01-06 12-12-06
Stotter	Daniel J.	Eugene	OR	97401	Bromley Newton LLP		X	Attorney, Concerned Santa Clara Residents Organization (CSCRO)	13, 33, oral, 54	11-11-05 11-15-05 01-17-06
Funk	Robert	Eugene	OR	97404	CSCRO President		X		14, oral, 64	11-15-05 01-17-06 03-17-06 12-12-06
Narva	Joel & Therese	Eugene	OR	97404	Homeowners		X		15, oral, 67, 265, 269	11-15-05 01-17-06 03-27-06 12-12-06 01-08-07
Perle	Kate	Eugene	OR	97404	Full Circle Community Farm (FCCF)		X		16, 33i, 33j, 40, oral, 268	11-15-05 01-17-06 12-12-06 01-06-07

**Delta Sand and Gravel Expansion
Interested Parties**

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Last Name	First Name	City	State	Zip Code	Affiliation	Support	Oppose	Comments	Exhibit No.	Date
Alltucker	Mike	Eugene	OR	97404	President, Eugene Sand & Gravel, Inc.	X			17, oral, 266	11-15-05 12-12-06
Jones	Kevin	Eugene	OR	97404	FCCF		X		18, oral, 33i, 33j, 40	11-15-05 01-17-06
Reed	Mark H.	Eugene	OR	97404	U of O Dept. of Geological Sciences		X	CRSCO consultant, Mineral Resource Geologist	19, 33a, 62, oral, 262, 272	11-15-05 01-17-06 12-12-06 01-08-07
Reed	Karen	Eugene	OR	97404			X		46, 271	01-17-06 01-08-07
Lawrence	Karen	Eugene	OR	97404	Homeowner		X		20	11-15-05
See	Greg & Renee	Eugene	OR	97404	Homeowner		X		21, 22	11-15-05
DuPriest	Douglas M.	Eugene	OR	97401-2782	Hutchinson, Cox, Coons, DuPriest, Orr, & Sherlock PC		X	Representing Joel and Therese Narva	23, 65, oral, 70, 100a, 100b, 214, 251, 252, 260, 261, 33	11-15-05 01-17-06 10-11-06 08-30-06 10-27-06 11-01-06 11-22-06 12-12-06 12-15-06
Hofer	Dewey	Eugene	OR		H & E Feeds			Farming site, neutral.	24, oral	11-15-05 12-12-06
Lawrence	Coquette	Eugene	OR	97404	Homeowner		X		25	11-16-05
Smith	Scott A.	Eugene	OR	97401	Homeowner	X		Need gravel, good neighbor.	26	11-25-05
Paige	Diane	Eugene	OR	97404	Homeowner		X		27	01-03-05
Whitely	Coralee	Eugene	OR	97404	Homeowner		X		oral	11-15-05
Perle Jones	Gene Odell	Eugene	OR	97404	FCCF		X		oral	11-15-05
Ankeny	Jeff	Eugene	OR	97404	Homeowner	X		Need for gravel.	oral	11-15-05
Hill	Steve	Eugene	OR	97404			X	Property ownership rights.	oral	11-15-05
Hledick	Randy	Eugene	OR	97401	Wildish Sand & Gravel	X		Need gravel.	oral	11-15-05
Beat	Clyde	Eugene	OR	97404	Farmer	X		Grows nursery stock on property, creates dust without complaints.	oral	11-15-05 12-12-06
Landgreen	Scott A.	Eugene	OR	97404	Homeowner		X		oral	11-15-05
Fish	Russ	Eugene	OR	97404	Homeowner		X		oral	11-15-05
Trumball	Tyler	Eugene	OR	97404	Homeowner		X		oral	11-15-05
Christensen	Ralph	Eugene	OR	97402	EGR & Associates, Inc. Senior Geologist	X		DELTA consultant	1e, 1h, 1i, 28, oral, 47, 48, 55, 57, 216, 219, 259	11-15-05 01-17-06 02-16-06 11-01-06 12-12-06
Hector	John							Independent Noise Consultant	59	02-16-06
Holmes	Janis	Eugene	OR	97404	Homeowner			Mixed feelings.	31	01-17-06

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Evonuk	Phil	Eugene	OR		Lane County Farm Bureau		X	President	32	01-17-06
Mishka-Sloan	Michael						X	CSCRO consultant	33k, 35	01-17-06
Sears	Camille Marie	Ojai	CA	93023			X	CSCRO consultant	33b, oral	01-17-06
Kimberley	Stephen L.	Eugene	OR	97405	M. D. Incova Group Inc.		X	CRSCO consultant	33b, oral, 263	01-17-06 12-12-06
Perkins	Ethan	Eugene	OR	97405	Ph. D Botanist		X	CSCRO consultant	33c, oral	01-17-06
Kupillas	Malia R.	Mulino	OR	97042	Senior Hydrogeologist, Pacific Hydro-Geology, Inc.		X	CSCRO consultant	33d, oral, 36	01-17-06
Noxon	Arthur M.	Eugene	OR	97408	Acoustical Engineer, PE		X	CSCRO consultant	33e, oral, 37, 264	01-17-06 12-12-06
Penhallegon	Ross	Eugene	OR	97402-3999	OSU Extension Horticulture Agent		X	CSCRO consultant	33f	01-17-06
Siegal	Laurie	Portland	OR	97204-2597	1000 Friends of Oregon		X	CSCRO consultant	oral, 33g, 34	01-17-06
Lovinger	Nena	Eugene	OR	97401	LandWatch Lane County Board Member and Secretary		X	CSCRO consultant	33h, oral, 45	01-17-06
Higbe	Debra	Eugene	OR		Sierra Club		X	CSCRO consultant	oral, 43	01-17-06
Snider	Jennifer	Eugene	OR	97404	Homeowner		X		68	10-05-06
Pressler	Klaus	Eugene	OR	97404	Santa Clara resident		X		69	10-09-06
Caughell	Scott A.	Junction City	OR	97448	Delta Employee	X			71	10-23-06
Cowdry	Tim				Delta Employee	X			72	10-23-06
Boyd	Cody	Cottage Grove	OR	97424	Delta Employee	X			73	10-23-06
Hoefer	Chuck	Eugene	OR	97404	Delta Employee	X			74	10-23-06
Heideman	John B.	Eugene	OR	97405	Delta Employee	X			75	10-24-06
Silva	Arthur M.				Delta Employee	X			76	10-23-06
Slinker	Mark J.	Elmira	OR	97437	Delta Employee	X			77	10-24-06
Gosslein	Bertrand R.				Delta Employee	X			78	10-24-06
Collman	Allan	Veneta	OR		Delta Employee	X			79	10-24-06
Brown	Cliff				Delta Employee	X			80	10-25-06
Cline	Adam	Halsey	OR	97348	Delta Employee	X			81	10-25-06
Villalobos	Ramon				Delta Employee	X			82	10-25-06
Robinette	Jerry	Eugene	OR	97401-1866	Delta Employee	X			83	10-25-06
Cooper	Robert	Cottage Grove	OR	97424	Delta Employee	X			84	10-25-06
Agnes	Steve	Eugene	OR	97402	Delta Employee	X			85	10-25-06
Holmes	Mike	Eugene	OR	97404	Delta Employee	X			86	10-25-06
Horn	Frank	Corvallis	OR	97330	Delta Employee	X			87	10-25-06
Fringer	Meg & Evan	Dorena	OR	97434	Delta Employee	X			89, 108	10-25-06 10-27-06
Williams	Michael	Creswell	OR	97426	Delta Employee	X			90	10-25-06
Rocha	Gene	Marcola	OR	97454	Delta Employee	X			91	10-25-06

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Kirkland	Girdon C.	Springfield	OR	97477	Delta Employee	X			92	10-25-06
Roe	Michael Roy	Eugene	OR	97402	Delta Employee	X			93	10-25-06
Bruington	Ray	Dexter	OR	97431	Delta Employee	X			94	10-25-06
Lanini	Dennis	Eugene	OR	97402	Delta Employee	X			95	10-25-06
Zwettler	Tim	Eugene	OR	97404	Delta Employee	X			96	10-25-06
Morrison	Mike & Debra	Eugene	OR	97402	Delta Employee	X			97, 182, 202	10-25-06 10-31-06
Grigsby	Joe	Springfield	OR	97477	Delta Employee	X			98	10-25-06
Roles	Denis A.	Cottage Grove	OR	97424	Delta Employee	X			99	10-25-06
Primrose	Butch & Joy	Elmira	OR	97437	Harold Primrose Excavating LLC	X			101	10-27-06
Pollard	Eileen	Eugene	OR	97404	Neighborhood resident		X		102	10-27-06
Johnson	Jolene	Springfield	OR	97477	Delta Employee	X			103	10-27-06
Shulmire	Terry	Eugene	OR	97402	Delta Employee	X			104	10-27-06
Gardener	John & Theresa	Eugene	OR	97408	Delta Employee	X			105	10-27-06
Taylor	John	Cottage Grove	OR	97424	Delta Employee	X			106	10-27-06
Wallace	David	Oakridge	OR	97463	Delta Employee	X			107	10-27-06
Fritz	Bud	Springfield	OR	97477	Delta Employee	X			109	10-27-06
Fuentes	Jose	Eugene	OR	97402	Delta Employee	X			110	10-27-06
Druy	Davin D.	Eugene	OR	97402	Delta Employee	X			111	10-27-06
Sonntag	Carl W.	Eugene	OR	97404	Delta Employee	X			112	10-27-06
Silvanus	William	Springfield	OR	97478	Delta Employee	X			113	10-27-06
Crumley	Cody	Eugene	OR	97405	Delta Employee	X			114	10-27-06
May	Michael D.	Junction City	OR	97408	Delta Employee	X			115	10-27-06
Parker	Mike	Eugene	OR	97405	Delta Employee	X			116	10-27-06
Keegan	Rick	Eugene	OR	97405	Delta Employee	X			117	10-27-06
Mackey	Denis	Eugene	OR	97404	Delta Employee	X			118	10-27-06
Austin	Justin	Springfield	OR	97477	Delta Employee	X			119	10-27-06
Greene	Tyler J.	Monroe	OR	97456	Delta Employee	X			120	10-27-06
Yearous	Paul	Cottage Grove	OR	97424	Delta Employee	X			121	10-27-06
Cooper	Wendal	Springfield	OR	97478	Delta Employee	X			122	10-27-06
Mobley	Brent	Veneta	OR	97487	Delta Employee	X			123	10-27-06
Fuller Jr.	Lester D.	Springfield	OR	97478	Delta Employee	X			124	10-27-06
May	Shane	Monroe	OR	97456	Delta Employee	X			125	10-27-06
Holly	Michael R.	Springfield	OR	97477	Delta Employee	X			126	10-27-06
Mark	J. D.	Lowell	OR	97542	Delta Employee	X			127	10-27-06
Randall	Cory	Springfield	OR	97478	Delta Employee	X			128	10-27-06
Hunt	Chris S.	Springfield	OR	97477	Delta Employee	X			129	10-27-06
Gibson	Lawrence	Springfield	OR	97478	Delta Employee	X			130	10-27-06
Childs	Roger	Elmira	OR	97437	Delta Employee	X			131	10-27-06

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Parmer-Boyd	Sue	Eugene	OR	97405	Delta Employee	X			132, oral	10-27-06 12-12-06
Farley	Josh	Eugene	OR	97478	Delta Employee	X			133	10-27-06
Boyd	William Dennis	Eugene	OR	97405	Delta Employee	X			134	10-27-06
Muren	Jeff P.	Eugene	OR	97402	Delta Employee	X			135	10-27-06
Brewer	Gary	Junction City	OR	97448	Delta Employee	X			136	10-27-06
Perino	Mike	Eugene	OR	97402	Delta Employee	X			137	10-27-06
Threalt	Eric				Delta Employee	X			138	10-27-06
Anderson	Davin L. & Jeanine C.	Eugene	OR	97404	Homeowner		X		139	10-30-06
Brinkman	Bob	Albany	OR	97321-2039	Department of Oregon Geology and Mineral Industries			DOGAMI Hydrogeologist	140	10-30-06
Laskey	Don M.	Reedsport	OR	97467	Laskey-Clifton Corp.	X		General Contratoing Business	141	10-30-06 oral
Solomon	Mike	Eugene	OR	97402		X			142	10-30-06
Weinhold	Paul				ABD Insurance & Financial Services	X			143	10-30-06
Houston	Robert A.	Albany	OR	97321-2039	DOGAMI	X		Natural Resource Specialist	144	11-01-06
Jones	Curtis	Cheshire	OR	97419	Delta Employee	X			145	10-31-06
Mills	Levi	Junction City	OR	97448	Christ's Center School	X			146	10-31-06
Miller	Kim	Springfield	OR	97477	Delta Employee	X			147	10-31-06
Fuller	Russ	Springfield	OR	97478	Delta Employee	X			148	10-31-06
Kimel	Patrick	Junction City	OR	97448	Delta Employee	X			149	10-31-06
Boyles	James	Cottage Grove	OR	97424	Delta Employee	X			150	10-31-06
Glaspey	Ed	Junction City	OR	97448	Restoration Ministries	X		Christ Center Schools affiliate	151	10-31-06
Cervantes	George	Creswell	OR	97426	Delta Employee	X			152	10-31-06
Diaz	Oscar	Springfield	OR	97477	Delta Employee	X			153	10-31-06
Miller	Scott	Springfield	OR	97477	Delta Employee	X			154	10-31-06
Clifford	Al	Springfield	OR	97477	Delta Employee	X			155	10-31-06
Hillsman	Travis	Harrisburg	OR	97446	Delta Employee	X			156	10-31-06
Baker	Edwin M. & Marie R.	Eugene	OR	97405		X			157	10-31-06
Bowers	Jonathan	Junction City	OR	97448	Christ's Center School	X			158	10-31-06
Jeff	Larry	Springfield	OR	97478	Delta Employee	X			159	10-31-06
Bruhn	Andy	Springfield	OR	97478	Delta Employee	X			160	10-31-06
Gonzales	Jesus	Springfield	OR	97478	Delta Employee	X			161	10-31-06
Coon	Mark	Cottage Grove	OR	97424	Delta Employee	X			162	10-31-06
Hale	Christopher E.	Creswell	OR	97424	Delta Employee	X			163	10-31-06
Baker	John H.	Veneta	OR	97487	Delta Employee	X			164	10-31-06

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Toolson	Kay L.	Coburg	OR	97408	Monaco Coach Corp.	X			165	10-31-06
Skeie	Richard & Anne	Eugene	OR	97405		X			166	10-31-06
Ehinger	Paul F.	Eugene	OR	97401	Paul F. Ehinger & Associates	X		Forest Products Consultants	167	10-31-06
Wendell	Stephen	Eugene	OR	97405		X			168	10-31-06
Taylor	Ronald F.	Eugene	OR	97405		X			169	10-31-06
Hansen	Richard I	Eugene	OR	97401		X			170	10-31-06
Coglietti	Glen	Eugene	OR	97404	Delta Employee	X			171	10-31-06
Trease	Robert	Eugene	OR	97401	Delta Employee	X			172	10-31-06
Hernandez	Robert	Eugene	OR	97401	Delta Employee	X			173	10-31-06
Dull	Jason	Eugene	OR	97401	Delta Employee	X			174	10-31-06
Norbest	George M.	Cheshire	OR		Delta Employee	X			175	10-31-06
Crowson	Ron	Eugene	OR	97404	Delta Employee	X			176	10-31-06
Edmundson	Deric	Eugene	OR	97401	Delta Employee	X			177	10-31-06
Taylor	Josh	Eugene	OR	97403	Delta Employee	X			178	10-31-06
Kevelt	Bradley S.	Eugene	OR	97408	Delta Employee	X			179	10-31-06
Reynolds	Ron	Eugene	OR	97402	Delta Employee	X			180	10-31-06
Tatum	Twyla & Joe	Junction City	OR	97448	Delta Employee	X			181	10-31-06
McNatt	Judith C.	Marcota	OR	97454	Delta Employee	X			183	10-31-06
Boyd	Ted	Yoncalla	OR	97499	Delta Employee	X			184	10-31-06
Green	Mike	Junction City	OR	97448	Delta Employee	X			185	10-31-06
Hardin	Brian	Monroe	OR	97456	Delta Employee	X			186	10-31-06
Whaley	Tom	Springfield	OR	97478	Delta Employee	X			187	10-31-06
Heideman	Hal	Eugene	OR	97405	Delta Employee	X			188	10-31-06
Laharty	Mark	Creswell	OR	97426	Delta Employee	X			189	10-31-06
Haxby	John A.	Eugene	OR	97404	Delta Employee	X			190	10-31-06
Larsen	Jonathan	Eugene	OR	97404	Delta Employee	X			191	10-31-06
Anderson	Jeff & Kathleen	Eugene	OR	97404	Delta Employee	X			192, 196	10-31-06
Crippen	Steve	Eugene	OR	97402	Delta Employee	X			193	10-31-06
Staples	George D.	Eugene	OR	97404	Delta Employee	X			194, oral	10-31-06 12-12-06
Boyd	Daniel	Pleasant Hill	OR	97455	Delta Employee	X			195	10-31-06
Bierman	Craig P.	Eugene	OR	97404-1020	Delta Employee	X			197	10-31-06
Bruington	Mike	Dexter	OR	97431	Delta Employee	X			198	10-31-06
Bryan	Gene	Springfield	OR	97448	Delta Employee	X			199	10-31-06
Rhoades	William	Eugene	OR	97401	Delta Employee	X			200	10-31-06
Spalding	Randy	Eugene	OR	97404	Delta Employee	X			201	10-31-06
Allwander	Robert C.	Eugene	OR	97404	Delta Employee	X			203	10-31-06
Smith	Dustin M.	Eugene	OR	97404	Delta Employee	X			204	10-31-06
Roemer	Todd	Eugene	OR	97402	Delta Employee	X			205	10-31-06
Bennett	David	Dorena	OR	97404	Delta Employee	X			206	10-31-06
Falk	Kent	Eugene	OR	97404	Delta Employee	X			207	10-31-06
Sandhorst	Gerald	Eugene	OR	97405	Delta Employee	X			208	10-31-06
Kennedy	Betty	Eugene	OR	97401	Delta Employee	X			209	10-31-06

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Swanertt	Ike	Eugene	OR	97404	Delta Employee	X			210	10-31-06
Cherney	Bob	Eugene	OR	97404	Homeowner		X		211	10-31-06
Lopez	Sandra	Springfield	OR	97477	LRAPA			Operations Manager	218, 222	11-01-06
Friedman	David S.	Salem	OR	97312-1000	SAIF Corp. Industrial Hygiene Services			Risk Management Services	223	11-01-06
Hendrickson	Sarah	Eugene	OR	97401	Lane County Public Health			Public Health Officer	224	11-01-06
Stiffler	Mark & Debra	Eugene	OR	97404	General Contractor	X			225, 250	11-01-06 11-21-06
Ballin	Robert A.	Eugene	OR	97405	Delta Employee	X			226	11-01-06
Gross	Steve	Eugene	OR	97401		X			227	11-01-06
Higgins	Mike	Eugene	OR	97408		X			228	11-01-06
Spears	Rodger	Eugene	OR	97440	Pape Machinery, Inc.	X		President	229	11-01-06
Findley	Reid	Eugene	OR	97404		X			230	11-01-06
Olafson	John	Springfield	OR	97478		X			231	11-01-06
Gregor	John	Eugene	OR	97401	Rock Products Inc. and Gregor Professional Corp.	X		Director, RPI President & CPA, GPC	232a, 232b	11-01-06
Garber	Owen J. & A. S.	Junction City	OR	97448	Bravo Excavation LLC	X			233	11-15-06
Tidball	Cynthia	Elmira	OR	97437		X			234	11-01-06
Nedele	John Wesley	Culp Creek	OR	97427	Delta Employee	X			235	11-01-06
McMurren	Mike	Creswell	OR	97426	Delta Employee	X			236	11-01-06
Kersten	Thomas T.	Eugene	OR	97404	neighbor		X		237	11-01-06
Brooks	Svevo	Creswell	OR	97426				unclear if support or deny	238	11-01-06
Hern	Frank	Alsea	OR	97324	Delta Employee	X			239	11-01-06
Hammer	John P.	Eugene	OR	97402		X			240	11-07-06
Woodard	Carlton	Cottage Grove	OR	97424		X			241	11-07-06
Woodard	Casey	Eugene	OR	97405		X			242	11-07-06
Campbell	Larry	Salem	OR	97301	The Victory Group, Inc.	X			243	11-07-06
Hilton	Susan	Eugene	OR	97404		X			244	11-07-06
Shelley	Phil	Springfield	OR	97477	Shelley Real Estate & Builders, Inc.	X		President	245	11-07-06
Hoepfl	Randy	Eugene	OR	97401	Wyatts Tire Co.	X		General Manager	246	11-07-06
Morris	Julie M.	Eugene	OR	97402	Oregon Rubber Co.	X		President	247	11-14-06
Goggin	Jeff	Springfield	OR	97478	Peterson Machinery Co.	X			248	11-21-06
Blackburn	Michael & Mary	Eugene	OR	97405		X			249	11-21-06
Stokes	Richard D.	Eugene	OR	97401		X			253	11-21-06
Powers	Quincy	Eugene	OR	97401		X			254, 255	12-05-06

**Delta Sand and Gravel Expansion
Interested Parties**

Ord. PA 1238
Attachment A

Last Name	First Name	City	State	Zip Code	Affiliation	Support	Oppose	Comments	Exhibit No.	Date
Babb	Avon Lee	Eugene	OR	97404	Delta Owner	X			256, 257 oral	11-15-05 12-05-06 12-12-06
Revell	Daniel E.	Eugene	OR	97404	LibertyBank		X	Vice President	258	12-12-06
Wildish	Gary	Eugene	OR	97404	Wildish Co.	X			258a	12-12-06



FILE RECORD CONTENT SHEET
Delta Sand & Gravel Co. Metro Plan Amendment
Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>	LAND MANAGEMENT DIVISION http://www.LaneCounty.org/PW_LMD/
1.	Application for Plan Amendment and Zone Change	8/12/05	
	a) Exhibit A – Lane County Tax Assessor's Maps		
	b) Exhibit B – Legal Property Description		
	c) Exhibit C – Official Zoning Map Plot # 1005		
	d) Exhibit D –LRAPA Air Containment Discharge Permit #202119		
	e) Exhibit E – Evaluation of Aggregate Resources: Delta Sand & Gravel Expansion Area (EGR & Associates, Inc.)		
	f) Exhibit F – Noise Study for Delta Sand & Gravel New Mining Site (Daly Standlee & Associates, Inc.)		
	g) Exhibit G – Air Quality Evaluation Proposed Expansion of the Existing Delta Sand & Gravel Co. Aggregate Resource Site (Bridgewater Group, Inc.)		
	h) Exhibit H – Evaluation of Potential Flood Impacts: Delta Sand & Gravel Proposed Expansion Area (EGR & Associates, Inc.)		
	i) Exhibit I – Digital Model of Existing Excavation Site and New Expansion Area (EGR & Associates, Inc.)(Groundwater Study)		
	j) Exhibit J – DOGAMI Operating and Reclamation Plan		
2.	Referral Letter to Agencies and nearby property owners	8/16/05	
3.	DLCD Notice of Proposed Action	8/19/05	
4.	Register Guard Legal Ad # 8616911	10/19/05	
5.	Exhibit 1 -- Letter from Tony Fong	10/31/05	
6.	Exhibit 2 – Letter from Mark Moehle	11/05/05	
7.	Exhibit 3 – Letter from Brian & Karina Henderson	11/07/05	
8.	Referral Response from City of Springfield, no regional impact	11/04/05	
9.	Exhibit 4 – email from Kristen Sweet	11/11/05	
10.	Exhibit 5 – email from James E. Knepler	11/13/05	
11.	Exhibit 6 – email from Davin & Jeanine Anderson	11/13/05	
12.	Exhibit 7 – email from Brock Guentner	11/13/05	
13.	Exhibit 8 – letter from Kurt Eaton	11/13/05	
14.	Exhibit 9 – letter from Jonathan P. Lauch, 4J Facilities Mgmt.	11/15/05	
15.	Referral Response from Lane Co. Transportation Planning	11/15/05	
16.	Lane County Staff Report for Joint PC's Public Hearing	11/15/05	
17.	DOGAMI Pre-Amendment Renewal of Operating & Reclamation Plan	11/15/05	
18.	Memo from Shane Hughes, PE, EGR & Associates, Inc.	11/15/05	
	response to staff concerns re: Rock Resource Quality		
19.	Updated Noise Map with Mitigation submitted by Daly Standlee & Associates, Inc. at the Public Hearing (Expanded Zone 4)	11/15/05	
20.	Letter from Daly Standlee clarifying noise physics as stated in RG	11/14/05	
21.	Letter from Daly Standlee clarifying staff report statement regarding ambient noise	11/15/05	
22.	Exhibit 10 – Letter from Donald Faiman	11/15/05	
23.	Exhibit 11 – email from Charles Biggs	11/15/05	
24.	Exhibit 12 – email from Rob Handy	11/15/05	

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Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
25.	Exhibit 13 – letter from Bromley Newton LLP	11/15/05
26.	Exhibit 14 – letter from Robert Funk	11/15/05
27.	Exhibit 15 – letter from Joel Narva	11/15/05
28.	Exhibit 16 – letter from Kate Perle	11/15/05
29.	Exhibit 17 – letter from Mike Alltucker	11/15/05
30.	Exhibit 18 – notes from Kevin Jones’ oral testimony	11/15/05
31.	Exhibit 19 – letter from Mark H. Reed	11/15/05
32.	Exhibit 20 – memo from Karen Lawrence	11/15/05
33.	Exhibit 21 – letter from Greg & Renee See	11/15/05
34.	Exhibit 22 – letter from Greg & Renee See	11/15/05
35.	Exhibit 23 – letter from Hutchinson, Cox, Coons, DuPriest, Orr, & Sherlock, P.C.	11/15/05
36.	Exhibit 24 – memo from Dewey Hofer, H & E Feeds	11/15/05
37.	Exhibit 25 – email from Coquette Lawrence	11/16/05
38.	Exhibit 26 – letter from Scott A. Smith	11/25/05
39.	Exhibit 27 – letter from Diane Paige	01/03/06
40.	Exhibit 28 -- Applicant response to County request for data	01/03/06
41.	Exhibit 29 -- Eugene Transportation Analyst response	01/06/06
42.	Exhibit 29a – Eugene Planning staff comments	01/09/06
43.	Exhibit 29b – Eugene Planning staff memo addressing resources	01/10/06
44.	Exhibit 30 –Lane Co. Waiver from Traffic Impact Analysis under LC 15.697 (2)	01/13/06
45.	Minutes -- Joint Lane County & Eugene Planning Commission Hearing -- 11-15-05	01/17/06
46.	Staff Responses to Planning Commissioners Questions from 11-15	01/17/06
47.	Exhibit 31 – email from Janis Holmes	01/17/06
48.	Exhibit 32 – email from Phil Evonuk, Lane County Farm Bureau	01/17/06
49.	Exhibit 33 – Testimony of Concerned Santa Clara Residents on Delta Mining Expansion Proposal – PA05-6151	01/17/06
	a) Aggregate/Geology Resource Report responding to EGR report submitted by applicant – Mark H. Reed, author	
	b) Air Pollution Report on Fallout Impacts from the Proposed Expansion of Delta Sand & Gravel – Camille Marie Sears, author also includes Stephen Kimberley, Ph D. report on particulate matter.	
	c) Natural Resources/Wetlands Report – Ethan Perkins Ph.D., author	
	d) Groundwater/Hydrology Report – Malia R. Kupillas, R.G., C.W.R.E., author (same as Exhibit 36)	
	e) Noise Impacts Report – Arthur M. Noxon, PE, author (see also his written testimony presented at hearing and resume, Exhibit 37)	
	f) Agricultural Impacts Report – Ross Penhallegon, author (includes crop specific cost assessments of dust effects	
	g) Exhibit 34 -- Farmland Protection flier Q&A, 1000 Friends of Oregon, author	
	h) letter from Land Watch Lane County (same as Exhibit 45)	
	i) memo from Kate Perle (same as Exhibit 40)	
	j) memo from Kevin Jones (same as Exhibit 40)	
	k) Exhibit 35 – memo from Michael Mishka Sloan	
50.	Exhibit 36 – Hydrology-Geology Report, Malia Kupillas, author	01/17/06

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Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
51.	Exhibit 37 – Testimony and resume for acoustical engineer Noxon	01/17/06
52.	Exhibit 38 – viewpoints of concerned residents, photographs	01/17/06
53.	Exhibit 39 – memo from James E. Knepler	01/17/06
54.	Exhibit 40 – Estimate for Cost of Change in Agricultural Practices at Full Circle Community Farm, K. Jones & K. Perle	01/17/06
55.	Exhibit 41 – photo of culvert at Miles Lane and Taito	01/17/06
56.	Exhibit 42 – photos of flooding on Summer St. and Gerald Ave.	01/17/06
57.	Exhibit 43 – letter from Sierra Club Debra Higbee, author	01/17/06
58.	Exhibit 44 – letter from Paul Atkinson, Laughing Stock Farm	01/17/06
59.	Exhibit 45 – letter from Land Watch Lane County	01/17/06
60.	Exhibit 46 – Letter from Karen Reed	01/17/06
61.	Exhibit 47 – Rebuttal to opposition from EGR & Assoc. addressing groundwater mitigation, flooding, alternative to alluvial aggregate, sampling (DLCD & ODOT Guide to Planning for Aggregate Resources in Oregon)	01/17/06
62.	Exhibit 48 – Rebuttal to opposition from EGR & Assoc. addressing underground dam concerns, BFE datum adjustment	01/17/06
63.	Exhibit 49 – letter from George Staples, applicant's geologist includes DOGAMI update to Reclamation Plan and revised <u>noise</u> mitigation map & implementing measures	01/17/06
64.	Exhibit 50 – letter from Steve Cornacchia, applicant's attorney	01/17/06
65.	Exhibit 51 – memo from LRAPA	01/17/06
66.	Exhibit 52 – email from Charles Oppenheimer, noise consultant calibration certificate for noise analysis instrument used to conduct analysis.	01/17/06
67.	Exhibit 53 – Wind Rose Diagrams from Dick Ruth, retired LRAPA Environmental Consultant	01/17/06
68.	Exhibit 54 – Letter from Dan Stotter, attorney for the opposition	01/17/06
69.	Minutes – Joint EPC & LCPC Hearing Continuation	01/17/06
70.	Cover letter from Steve Cornacchia, attorney for applicant	02/16/06
71.	Exhibit 55 – EGR & Associates Inc. rebuttal to M. Reed & M. Kupilas regarding significance of the resource and groundwater	02/16/06
72.	Exhibit 56 – Bridgewater Group, Inc. rebuttal C. Sears air quality/dust	02/16/06
73.	Exhibit 57 – EGR & Associates, Inc. rebuttal to E. Perkins regarding wetlands	02/16/06
74.	Exhibit 58 – Daly Standlee & Associates, Inc. response to A. Noxon regarding noise	02/16/06
75.	Exhibit 59 – Peer review testimony from John Hector of Daly Standlee & Assoc. & of A. Noxon (noise)	02/16/06
76.	Exhibit 60 – Applicant response to A. Noxon testimony (noise)	02/16/06
77.	Exhibit 61 – Peer review testimony from Environmental Associates Inc. of A.Noxon study (noise) and C. Sears (air pollution)	02/16/06
78.	Exhibit 62 – Response to EGR's assertion of significance of the resource from Mark. H. Reed	03/17/06
79.	Exhibit 63 – Response to Bridgewater testimony (dust) J. Knepler	03/17/06

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<u>No.</u>	<u>Item</u>	<u>Date</u>
80.	Exhibit 64 – Letters from Robert Funk (dust, groundwater, noise)	03/17/06
81.	Exhibit 65 – Rebuttal to applicant from Doug DuPriest, attorney for Joel & Therese Narva (dust, noise, groundwater, wetlands)	03/17/06
82.	Exhibit 66 – Applicant's final rebuttal to Planning Commissions	03/31/06
83.	Exhibit 67 – Letter from J. Narva	03/27/06
84.	Exhibit 29c – Eugene staff memo re: groundwater & city dry wells in vicinity of site	05/01/06
85.	Supplemental Staff Memo for Deliberations	07/17/06
86.	Minutes – Joint EPC & LCPC Deliberations	07/25/06
87.	Minutes - Joint LCPC & EPC Deliberations	08/29/06
88.	Staff Memo for second deliberations meeting	08/08/06
89.	Notice, Legal Ad, Mailing List for BCC/ECC Hearing	10/12/06
90.	Staff Memo for BCC/ECC Public Hearing	10/04/06
91.	Ordinance No. PA1238, Maps, Findings and Conditions	11/01/06
92.	Exhibit 68 – email from Jennifer Snider	10/05/06
93.	Exhibit 69 – email from Klaus Pressler	10/09/06
94.	Exhibit 70 – letter from Doug DuPriest, attorney for opposition raising process issue on accepting new evidence	10/11/06
95.	Exhibit 70.1 response to DuPriest from County Counsel Process issue - conduct of hearing	10/19/06
96.	Exhibit 71 – letter from Scott Caughell	10/23/06
97.	Exhibit 72 – letter from Tim Cowdry	10/23/06
98.	Exhibit 73 – letter from Cody Boyd	10/23/06
99.	Exhibit 74 – letter from Chuck Hoefer	10/23/06
100.	Exhibit 75 – letter from John B. Heideman	10/23/06
101.	Exhibit 76 – letter from Arthur M. Silva	10/24/06
102.	Exhibit 77 – letter from Mark J. Slinker	10/24/06
103.	Exhibit 78 – letter from Bertrand R. Gosslein	10/24/06
104.	Exhibit 79 – letter from Alan Collman	10/24/06
105.	Exhibit 80 -- letter from Cliff Brown	10/25/06
106.	Exhibit 81 – letter from Adam Cline	10/25/06
107.	Exhibit 82 – letter from Ramon Villalobos	10/25/06
108.	Exhibit 83 – letter from Jerry Robinette	10/25/06
109.	Exhibit 84 – letter from Robert Cooper	10/25/06
110.	Exhibit 85 – letter from Steve Agnes	10/25/06
111.	Exhibit 86 – letter from Mike Holmes	10/25/06
112.	Exhibit 87 – letter from Frank Horn	10/25/06
113.	Exhibit 88 – letter from anonymous Delta employee	10/25/06
114.	Exhibit 89 – letter from Meg & Evan Fringer	10/25/06
115.	Exhibit 90 – letter from Michael Williams	10/25/06
116.	Exhibit 91 -- letter from Gene Rocha	10/25/06
117.	Exhibit 92 – letter from Girdon C. Kirkland	10/25/06
118.	Exhibit 93 – letter from Michael Roy Roe	10/25/06
119.	Exhibit 94 – letter from Raymond L. Bruington	10/25/06
120.	Exhibit 95 – letter from Dennis Lanini	10/25/06
121.	Exhibit 96 – letter from Tim Zwettler	10/25/06
122.	Exhibit 97 – letter from Mike Morrison	10/25/06

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Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
123.	Exhibit 98 – letter from Joe Grigsby	10/25/06
124.	Exhibit 99 – letter from Denis A. Roles	10/25/06
125.	Exhibit 100a – letter from DuPriest to County re: bifurcate	10/27/06
126.	Exhibit 100b – letter from DuPriest to City re: bifurcate	10/27/06
127.	Exhibit 101 – letter from Butch & Joy Primrose	10/27/06
128.	Exhibit 102 – phone msg. from Eileen Pollard	10/27/06
129.	Exhibit 103 – letter from Jolene Johnson	10/27/06
130.	Exhibit 104 – letter from Terry Shulmire	10/27/06
131.	Exhibit 105 – letter from the Gardner family	10/27/06
132.	Exhibit 106 – letter from John Taylor	10/27/06
133.	Exhibit 107 – letter from David Wallace	10/27/06
134.	Exhibit 108 – letter from Evan Fringer	10/27/06
135.	Exhibit 109 – letter from Bud Fritz	10/27/06
136.	Exhibit 110 – letter from Jose Fuentes	10/27/06
137.	Exhibit 111 – letter from Davin D. Druy	10/27/06
138.	Exhibit 112 – letter from Carl W. Sonntag	10/27/06
139.	Exhibit 113 – letter from William Silvanus	10/27/06
140.	Exhibit 114 – letter from Cody Crumley	10/27/06
141.	Exhibit 115 – letter from Michael D. May	10/27/06
142.	Exhibit 116 – letter from Mike Parker	10/27/06
143.	Exhibit 117 – letter from Rick Keegan	10/27/06
144.	Exhibit 118 – letter from Denis Mackey	10/27/06
145.	Exhibit 119 – letter from Justin Austin	10/27/06
146.	Exhibit 120 – letter from Tyler J. Greene	10/27/06
147.	Exhibit 121 – letter from Paul Yearous	10/27/06
148.	Exhibit 122 – letter from Wendal Cooper	10/27/06
149.	Exhibit 123 – letter from Brent Mobley	10/27/06
150.	Exhibit 124 – letter from Lester D. Fuller Jr.	10/27/06
151.	Exhibit 125 – letter from Shane May	10/27/06
152.	Exhibit 126 – letter from Michael R. Holly	10/27/06
153.	Exhibit 127 – letter from J. D. Mark	10/27/06
154.	Exhibit 128 – letter from Cory Randall	10/27/06
155.	Exhibit 129 – letter from Chris S. Hunt	10/27/06
156.	Exhibit 130 – letter from Lawrence Gibson	10/27/06
157.	Exhibit 131 – letter from Roger Childs	10/27/06
158.	Exhibit 132 – letter from Sue Parmer-Boyd	10/27/06
159.	Exhibit 133 – letter from Josh Farley	10/27/06
160.	Exhibit 134 – letter from Wm. Dennis Boyd	10/27/06
161.	Exhibit 135 – letter from Jeff D. Muren	10/27/06
162.	Exhibit 136 – letter from Gary Brewer	10/27/06
163.	Exhibit 137 – letter from Mike Perino	10/27/06
164.	Exhibit 138 – letter from Eric Threalt	10/27/06
165.	Exhibit 139 – email from Davin & Jeanine Anderson	10/30/06
166.	Exhibit 140 – DOGAMI review of low permeability barrier (aquaclude) and permit conditions required	10/30/06
167.	Exhibit 141 – letter/email from Laske-Clifton Corporation	10/30/06
168.	Exhibit 142 – email from Mike Solomon	10/30/06

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Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
169.	Exhibit 143 – email from Paul Weinhold	10/30/06
170.	Exhibit 144 – DOGAMI geologist review of onsite aggregate deposit	10/30/06
171.	Exhibit 145 – letter from Curtis Jones	10/31/06
172.	Exhibit 146 – letter from Levi Mills	10/31/06
173.	Exhibit 147 – letter from Kim Miller	10/31/06
174.	Exhibit 148 – letter from Russ Fuller	10/31/06
175.	Exhibit 149 – letter from Patrick Kimel	10/31/06
176.	Exhibit 150 – letter from James Boyles	10/31/06
177.	Exhibit 151 – letter from Ed Glaspey	10/31/06
178.	Exhibit 152 – letter from George Cervantes	10/31/06
179.	Exhibit 153 – letter from Oscar Diaz	10/31/06
180.	Exhibit 154 – letter from Scott Miller	10/31/06
181.	Exhibit 155 – letter from Al Clifford	10/31/06
182.	Exhibit 156 – letter from Travis Hillsman	10/31/06
183.	Exhibit 157 – letter from Edwin M. & Marie R. Baker	10/31/06
184.	Exhibit 158 – letter from Jon Bowers	10/31/06
185.	Exhibit 159 – letter from Larry Jeff	10/31/06
186.	Exhibit 160 – letter from Andy Bruhn	10/31/06
187.	Exhibit 161 – letter from Jesus Gonzales	10/31/06
188.	Exhibit 162 – letter from Mark Coon	10/31/06
189.	Exhibit 163 – letter from Christopher E. Hale	10/31/06
190.	Exhibit 164 – letter from John H. Baker	10/31/06
191.	Exhibit 165 – letter from Kay L. Toolson	10/31/06
192.	Exhibit 166 – email from Richard Skeie	10/31/06
193.	Exhibit 167 – email from Paul F. Ehinger & Associates	10/31/06
194.	Exhibit 168 – email from Stephen Wendell	10/31/06
195.	Exhibit 169 – email from Ronald F. Taylor	10/31/06
196.	Exhibit 170 – email from Richard I. Hansen	10/31/06
197.	Exhibit 171 – email from Glen Coglietti	10/31/06
198.	Exhibit 172 – letter from Robert Trease	10/31/06
199.	Exhibit 173 – letter from Robert Hernandez	10/31/06
200.	Exhibit 174 – letter from Jason Dull	10/31/06
201.	Exhibit 175 – letter from George M. Norbest	10/31/06
202.	Exhibit 176 – letter from Ron Crowson	10/31/06
203.	Exhibit 177 – letter from Deric Edmundson	10/31/06
204.	Exhibit 178 – letter from Josh Tayor	10/31/06
205.	Exhibit 179 – letter from Bradley S. Kevelt	10/31/06
206.	Exhibit 180 – letter from Ron Reynolds	10/31/06
207.	Exhibit 181 – letter from Twyla & Joe Tatum	10/31/06
208.	Exhibit 182 – letter from Debbie Morrison	10/31/06
209.	Exhibit 183 – letter from Judith C. McNatt	10/31/06
210.	Exhibit 184 – letter from Ted Boyd	10/31/06
211.	Exhibit 185 – letter from Mike Green	10/31/06
212.	Exhibit 186 – letter from Brian Hardin	10/31/06
213.	Exhibit 187 – letter from Tom Waley	10/31/06
214.	Exhibit 188 – letter from Hal Heideman	10/31/06
215.	Exhibit 189 – letter from Mark A Laharty	10/31/06

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Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
216.	Exhibit 190 – letter from John H. Haxby	10/31/06
217.	Exhibit 191 – letter from Joe Larsen	10/31/06
218.	Exhibit 192 – letter from Jeff Anderson	10/31/06
219.	Exhibit 193 – letter from Steve Crippen	10/31/06
220.	Exhibit 194 – letter from George D. Staples	10/31/06
221.	Exhibit 195 – letter from Daniel Boyd	10/31/06
222.	Exhibit 196 – letter from Kathleen M. Anderson	10/31/06
223.	Exhibit 197 – letter from Craig P. Bierman	10/31/06
224.	Exhibit 198 – letter from Mike Bruington	10/31/06
225.	Exhibit 199 – letter from Gene Bryon	10/31/06
226.	Exhibit 200 – letter from William Rhoads	10/31/06
227.	Exhibit 201 – letter from Randy Spalding	10/31/06
228.	Exhibit 202 – letter from Debbie & Mike Morrison	10/31/06
229.	Exhibit 203 – letter from Robert C. Allwande	10/31/06
230.	Exhibit 204 – letter from Dustin M. Smith	10/31/06
231.	Exhibit 205 – letter from Todd Roemer	10/31/06
232.	Exhibit 206 – letter from David Bennett	10/31/06
233.	Exhibit 207 – letter from Kent Falk	10/31/06
234.	Exhibit 208 – letter from Gerald Sandhorst	10/31/06
235.	Exhibit 209 – letter from Betty Kennedy	10/31/06
236.	Exhibit 210 – letter from Mike Swanertt	10/31/06
237.	Exhibit 211 – email from Bob Cherney	10/31/06
238.	Exhibit 212 – email from Yeiter to Eugene City Council re: DuPriest process issue, Piercy reiterate new evidence OK	10/30/06
239.	Exhibit 213 – email from Yeiter to Bettman & staff re: process	10/31/06
240.	Exhibit 214 – handout re: Procedural Code diff's. (from DuPriest)	11/01/06
241.	Exhibit 215 – previous LUBA decision re: Goal 5 process supercedes local process	11/01/06
242.	Exhibit 216 -- Sample Log of bore hole & pit wall profiles from ODOT, illustrates resource configuration & significance.	11/01/06
243.	Exhibit 217 – letter from Dick Ruth, clarifications for the record re: LRAPA Permit Compliance (dust)	11/01/06
244.	Exhibit 218 – letter from Sandra Lopez, LRAPA Operations Manager haul road emissions analysis	11/01/06
245.	Exhibit 219 – EGR recommendation for Aquaclude modification in design, diagram attached	11/01/06
246.	Exhibit 220 – DOGAMI publication re: Mine Dewatering and Groundwater Protection – Aquaclude technology	11/01/06
247.	Exhibit 221 – memo from DSA re: additional analysis re: noise	11/01/06
248.	Exhibit 222 – letter from Sandra Lopez, LRAPA Operations Manager terminating Delta Stipulated Final Order 06-2753.	11/01/06
249.	Exhibit 223 – letter from SAIF Corp. re: Industrial Hygiene Services monitoring of personal exposure to dust and silica at the quarry screening plant.	11/01/06
250.	Exhibit 224 – memo from Sarah Hendrickson, M. D. re: general nature of medical testimony from opposition expert	11/01/06
251.	Exhibit 225 – email from Mark & Debra Stiffler	11/01/06

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Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
252.	Exhibit 226 – letter from Robert A. Ballin	11/01/06
253.	Exhibit 227 – letter from Steve Gross	11/01/06
254.	Exhibit 228 – letter from Mike Higgins	11/01/06
255.	Exhibit 229 – letter from Rodger Spears	11/01/06
256.	Exhibit 230 – letter from Reid Findley	11/01/06
257.	Exhibit 231 – letter from John Olafson	11/01/06
258.	Exhibits 232a & b – letters from John Gregor	11/01/06
259.	Exhibit 233 – letter from Bravo Excavation, LLC	11/15/06
260.	Exhibit 234 – letter from Cynthia Tidball	11/01/06
261.	Exhibit 235 – letter from John Nedele	11/01/06
262.	Exhibit 236 – letter from Mike McMurren	11/01/06
263.	Exhibit 237 – letter from Thomas T. Kersten	11/01/06
264.	Exhibit 238 – letter from Svevo Brooks	11/01/06
265.	Exhibit 239 – letter from Frank Hern	11/01/06
266.	Exhibit 240 – letter from John P. Hammer	11/07/06
267.	Exhibit 241 – letter from Carlton Woodard	11/07/06
268.	Exhibit 242 – letter from Casey Woodard	11/07/06
269.	Exhibit 243 – letter from Larry Campbell	11/07/06
270.	Exhibit 244 – email from S. Hilton	11/07/06
271.	Exhibit 245 – letter from Phil Shelley	11/13/06
272.	Exhibit 246 – letter from Randy Hoepfl	11/14/06
273.	Exhibit 247 – email from Julie M. Morris	11/14/06
274.	Exhibit 248 – email from Jeff Goggin	11/14/06
275.	Exhibit 249 – email from Michael & Mary Blackburn	11/31/06
276.	Exhibit 250 – email from Mark & Debra Stiffler	11/31/06
277.	Exhibit 251 – letter from DuPriest requesting bifurcate hearings	11/31/06
278.	Exhibit 252 – letter from DuPriest re: limits on discretion and scope of review by City Council	11/31/06
279.	Exhibit 253 – email from Richard D. Stokes, Jr.	11/31/06
280.	Exhibit 254 & 255 – letter from Quincy Powers	12/05/06
281.	Exhibit 256 – letter from Avon Lee Babb to Steve Lee	12/05/06
282.	Exhibit 257 – letter from A. Lee Babb	12/05/06
283.	Exhibit 258a – letter from Gary Wildish	12/07/06
284.	Exhibit 258 – email from Dan Revell	12/12/06
285.	Exhibit 259 – Documentation of Groundwater Hydraulic Barriers and Slurry Walls –applicant submittal	12/12/06
286.	Exhibit 260 – Summary of Planning Commission Recommendations	12/12/06
287.	Exhibit 261 – Excerpts from McKenzie-Willamette Medical Ctr. TIA and color map of Eugene	12/12/06
288.	Exhibit 262 – testimony from Mark Reed	12/12/06
289.	Exhibit 263 – testimony from Stephen L. Kimberley M.D.	12/12/06
290.	Exhibit 263a – Curriculum Vitae, Dr. Kimberley	12/12/06
291.	Exhibit 264 – testimony from Arthur Noxon	12/12/06
292.	Exhibit 265 – letter from Joel Narva	12/12/06
293.	Exhibit 266 – letter from Mike Alltucker	12/12/06
294.	Exhibit 267 – DVD of Delta Trucks Working in the Existing Pit	12/12/06
295.	Resubmittal of Exhibit 33 from Doug DuPriest	12/15/06

FILE RECORD CONTENT SHEET

Ordinance No. PA 1238

<u>No.</u>	<u>Item</u>	<u>Date</u>
296.	Exhibit 268 – resubmittals from Kate Perle and Kevin Jones Full Circle Community Farm (Ex. 33i, 33j, 40)	01/06/07
297.	Exhibit 269 – letter from Joel C. Narva	01/08/07
298.	Exhibit 270 – letter from DSA responding to A. Noxon testimony (noise)	01/08/07
299.	Exhibit 271 – letter from Karen Reed	01/08/07
300.	Exhibit 272 – letter from Mark Reed	01/08/07
301.	Exhibit 273 – email from Betty Taylor to LRAPA staff and related documents	01/10/07
302.	Exhibit 274 – submittal from Doug Dupriest w/attachments	01/08/07
303.	Exhibit 275 – letter from Edith Nelson	01/08/07
304.	Exhibit 276 – letter from Norman R. and Lillian E. Christensen	01/08/07
305.	Exhibit 277 – memo from Beth Crawford	01/08/07
306.	Exhibit 278 – summary conclusion from Noxon	01/08/07
307.	Exhibit 279 – Notice to Interested Parties re: Taylor ex-parte contact	01/10/11

Attachment C

MEMO

Date: January 11, 2006

To: Lane County Board of Commissioners
Eugene City Council

From: ~~Stephanie Schulz~~, Planner, Land Management Division, Lane County
~~Kurt Yenter~~, Senior Planner, Planning & Development Department, Eugene

Subject: PA1238 Delta Sand & Gravel Expansion Ordinance
Responses to Questions posed by Councilor Bettman to staff

Councilor Bettman submitted the following questions to staff (in bold).
Responses direct the reader to the public record for detailed discussion on these issues.

Production Projections;

Can you substantiate the applicant's assertion that there will be NO increased production at the site?

The applicant's assertion is that the level of production at any given time is driven by market forces and that their business plan is to remain in production as long as possible, which supports the assertion for sustained limited production per year from the finite amount of gravel available in the proposed expansion area.

Can you demonstrate that the timeline and the projected mined, processed, and transported tonnage reconcile such a conclusion?

There has been no projection of actual amount to be mined per year.

Is there any condition in the permit that requires production to remain consistent with the stated projection (of no increased production?) Under what circumstances could the underlying assumption that production will remain stable, (therefore creating no additional impacts on air, water, traffic etc,) be modified or changed? What processes would be triggered if demand peaked and they increased production (despite this application being based on no increase?)

DOGAMI issues an Operation and Reclamation Plan permit and Lane County is authorized to determine that gravel operating plans and revised plans comply with the requirements of Lane Code 16.217. The permit does limit production to 2,000,000 tons per year, 13,200 tons per day. *See Exhibit 1D, the LRAPA permit in the application.* The operating plan is reviewed by local, state and federal agencies, including but not limited to the Oregon State Land Board, Natural Resources Conservation Service, DOGAMI, US Corps of Engineers, and Lane County Farm Board.

If circumstances change, and the company desires to modify their Operation and Reclamation Plan, they would submit a revised plan to the Sand and Gravel Review Committee under LC 16.217 for referral, review, and approval.

Transportation;

What would council need to do in order to require a traffic impact analysis?

County transportation staff concurs that impacts to city streets should be included in traffic impact analysis if concerns are expressed by City Transportation Engineers. This would allow the City to require a traffic impact analysis (TIA) pursuant to EC 9.8650 through EC 9.8680 should production cause traffic to increase in the future.

The existing and proposed access points for the site are on Division Avenue and the loop to River Avenue, which are Major Collectors under City of Eugene jurisdiction. There has been a substantial increase in background traffic volumes on Beltline, Division and River Avenue since the mining operation began, and anticipated continued increases, given additional development and buildout within the proximity of this site. The City Public Works Transportation Analyst notes that the applicant makes the assertion that their anticipated volumes and classification of traffic are not expected to change, in spite of continued operation of the facility for 12-15 years beyond the anticipated 10 year life of the current mining operation, however there is no data submitted to document that usage. The application does not include findings demonstrating compliance with the provisions of EC 9.8650 through EC 9.8680. If the decision making bodies find that the application may have a significant impact to the transportation system, a traffic analysis could be required by finding that the impacts are not minimized to local standards. *See Exhibit 29* for City Engineering input at the Planning Commission Hearing.

Land & Water

Isn't part of the Oxbow a goal 5 protected resource? Please summarize briefly those protections. What are the implications of the aquaclude's effect on hydrology as it pertains to Goal 5 protections i.e. it is an untested technique and could conceivably result in more surface runoff, flooding, redirecting groundwater flows, or depleting the aquifer in discreet locations? How do you reconcile those potential consequences with the objectives of G5? What happens if any adjacent properties flood as a direct or indirect result of the aquaclude, who is liable? What if nearby wells go dry, who is liable?

Both the oxbow wetland and the gravel underground on the subject property are considered Goal 5 resources. The Oxbow is identified on the Eugene Water Resources Conservation Inventory as Site E57C, a section of the East Santa Clara Waterway. E57C is described as a Type D waterway, which has a 20' plus any mapped riparian vegetation setback. Type D was assigned through ESEE analysis to sites which are surrounded by primarily low density residential or agricultural uses, or industrial uses, and are somewhat vulnerable to adverse impacts. A Sand and Gravel site, designated as a significant Goal 5 natural resource, is to be protected in accordance with the Goal 5 rule if it is determined that there are no conflicts or that conflicts can be minimized.

Use of an aquaclude is not an untested technique. See *Exhibit 259* for documentation of groundwater hydraulic barriers and slurry walls (aquacludes) in use today around the world. Examples are given for constructed facilities in Sheridan, Oregon that are containing a DNAPL plume at a superfund site, Miyakojima Islands in Japan to store groundwater, and in Adams County, Colorado to reclaim a mine as a water storage facility. Other locations discussed in this exhibit are in Colorado, Texas, Florida, Mexico, New Orleans, Boston, the Caribbean Islands, and several cities in California.

Flooding is not triggered by groundwater levels. Flooding results from excess surface water. The FEMA regulations address concerns about flooding and if met, have minimized any potential impact.

Because this is an urban area provided with urban levels of service, the use of groundwater for human needs is not relevant. The record indicates that the farming activity outside the UGB within the impact area would not be affected by the Sand & Gravel expansion. (*Mr. Beat oral testimony 12/12/07*)

Significant Resource Criteria;

Since much of the decision making pivots on whether the resource is proven to be significant, and there are credible experts presenting opposing conclusions; can the city require an independent objective sampling of the site to determine the significance of the resource? How would we go about doing so?

QUALITY:

Included in testimony from both sides of the issue, in *Exhibit 33a (Mark Reed)* and *Exhibit 47 (Ralph Christensen)* there are pages copied directly from the AASHTO ASTM handbook, the professional journal that guides the testing of all types of rock products. The AASHTO ASTM Standard Practice for Sampling Aggregates language describes the sampling protocol for roadside or bank run sand and gravel deposits under Appendix D75, section X2.3.2.

QUANTITY: Considering the size of the gravel deposit in the expansion area, during deliberations, City Planning Commissioner Duncan stated the scale of the issue in this way: He said he understood the sampling process was a way to make an estimate of the total amount of resource that was available. He said to be judged significant, it needed to be equal to or greater than 2 million cubic tons. He stressed that the applicant's sample showed 8 million cubic tons. He questioned whether a poorly taken sample could make up for a 6 million cubic ton difference. *See Joint PC Minutes, pg. 4 7-25-06*

If the elected officials feel the information in the record is inadequate to make a decision on this criteria, they could contract for the services of a third party to conduct a peer review of the applicants submittal.

Rock dust;

What happens if Lane County and Springfield pull out of LRAPA and the entity ceases to exist? Is DEQ then responsible for monitoring and compliance of the air impacts? How will the newly responsible agency's guidelines and policies differ from those outlined in the application/permit by LRAPA?

DEQ regulations in OAR 340 govern air emissions, and LRAPA has additional regulations and is the agency that enforces both sets of air regulations. Aggregate mining and processing companies are required to conduct operations under an Air Contaminant Discharge Permit. A newly responsible agency would most likely use the same type of permit that outlines limits and mitigation (minimization) measures necessary to meet the required limitations, and monitor compliance with those requirements.

Mr. Babb states in his testimony that they have never protested a rezoning of land in the area. Has there been testimony by the applicant, the city, development applicants, or anyone regarding the impending incompatibility of family homes with future expansion of the rock mining industry at this site? Did DS&G ever testify? Did the city know, and through what sources, of any long, mid, or short term plans to expand up to edge of the DS&G property? Can

you provide a timeline and very brief history of the land use apps and permits in the (approx) 1mile radius of the mine? I am interested to know in what manner this “ potential inevitability” was addressed as the surrounding area developed into residential neighborhoods, and by whom?

The Babb's built Silver Meadows subdivision. It was Mr. Babb that used the term 'potential inevitability', which does fit with his perspective as a large landowner with multiple uses planned for his land, including residential, parks and recreation, and gravel extraction.

Kate Perle
4740 Wendover St
Eugene, OR 97404

PAZC 05-6151
ORD PA1238
Date Jan. 6, 2007
Exhibit No. 268

Stephanie Shultz, mayor Piercy, city councilors, and county commissioners;

I am a farmer on E. Beacon Dr., approximately one mile northwest of the proposed expansion site. I am concerned about the rapid loss of prime farmland in the Eugene area. This proposed expansion site is made up of primarily Class 2 soils. Class 1 and 2 soils are referred to as **prime farmland** because these are the **most productive soil types we have** and give a much greater crop return for invested energy than lesser soil types.

"Prime farmland is of major importance in providing the nation's short- and long-range needs for food and fiber. The acreage of high-quality farmland is limited, and the US Dept. of Agriculture recognizes that government at local, state, and federal levels, as well as individuals, must encourage and facilitate the wise use of our nation's prime farmland."

Prime farmland soils, as defined by the US Dept of Agriculture, are soils that are best suited to producing food, seed, forage, fiber, and oilseed crops. Such soils have properties that are favorable for the economic production of sustained high yields of crops. The soils need only to be treated and managed using acceptable farming methods. Adequate moisture and a sufficiently long growing season are required. Prime farmland soils produce the highest yields with minimal units of energy and economic resources, and farming these soils results in the least damage to the environment." (Soil Survey of Lane County, p. 155)

This resource goes on to describe each soil type in the county. The expansion site is made up of Newburg fine sandy loam (soil type 95), Newburg loam (soil type 96), Chehalis silty clay loam (soil type 26) all **Class 2 soils** and a small portion of Camas gravelly sandy loam (soil type 22) a class 4 soil. The text that accompanies each of these soil types reads thus:

- **"Newburg fine sandy loam:**...typically the surface layer is dark brown fine sandy loam about 14 inches thick. The substratum to a depth of 65 inches is dark brown fine sandy loam and coarse sandy loam. In some areas the surface layer is loam...Effective rooting depth is 60 inches or more...This unit is used mainly for row crops, hay and pasture, small grain and orchards. This unit is suited to all climactically adapted crops. It is most valuable for root crops such as carrots, because the texture of the surface layer permits easy digging, even when the soil is wet, without excessive compaction of the soil."
- **"Newburg loam:**...typically the surface layer is dark brown loam about 14 inches thick. The substratum to a depth of 65 inches is dark brown fine sandy loam and coarse sandy loam. In some areas the surface layer is fine sandy loam, and in some areas layers of very gravelly sand are below a depth of 24 inches...Effective rooting depth is 60 inches or more....This unit is used mainly for row crops, hay and pasture. This unit is suited to all climactically adapted crops. It is most valued for root crops such as carrots, because the texture of the surface layer permits easy digging."
- **"Chehalis silty clay loam:**...Typically, the surface layer is dark brown silty clay loam about 13 inches thick. The subsoil is dark brown and brown silty clay loam about 42 inches thick. The substratum to a depth of 70 inches is brown silt loam...Effective rooting depth is more than 60 inches...Most areas of this unit are used for row crops, small grain, hay, pasture, and orchards...This unit is suited to all climactically adapted crops."
- **"Camas gravelly sandy loam:**...Typically the surface layer is very dark grayish brown gravelly sandy loam about 14 inches thick. The substratum to a depth of 60 inches or more is dark brown very gravelly sand...This unit is used mainly for cereal grain, pasture, hay and vegetables."

Much of Santa Clara next to the Willamette River has comparable soil type and structure. A trip out to the area adjacent to the proposed site and northward will prove out the argument that all these soil types are best suited to agricultural production. Thriving commercial farms make their living and feed the community of Eugene on these same soil types. Tom's Orchard, Thistledown Farm, and Corwin's berries and grains are on Chehalis silty clay loam. Riverbrook Farm is on both Chehalis silty clay loam and Newburg loam, NettleEdge Farm is on Newburg loam, Paula's Peaches is on both Newburg fine sandy loam and Newburg loam, and Dwayne Bush's filberts are on Chehalis silty clay loam.

In our neighborhood, Chehalis silty clay loam is being used to produce commercial quantities of filberts, nursery stock, cherries, raspberries, strawberries, blueberries, grapes, apples, alfalfa, all manner of vegetable crops, and trees for paper pulp. Newburg loam is producing commercial quantities of raspberries, strawberries, cherries, cane fruits, grains, prunes, apples, plums, and all manner of vegetable crops. Newburg fine sandy loam is producing commercial quantities of peaches, plums, walnuts and butternuts. Even the Camas gravelly sandy loam has been used productively in our neighborhood for decades by John Scott, a sixth generation farmer on the same land just 1.5 miles from the site. He used his large strip of soil type 22 (what we refer to as a "gravel bar" in an otherwise fertile field) for spring planted grains. It would dry out long before the siltier soils allowing him the opportunity to plant spring sown grains (oats, wheat, barley) in a timely manner and thereby diversify and amplify his production in a way those blessed with "better" soil couldn't.

The idea that the proposed expansion site is somehow unsuitable for agriculture is patently false. It is predicated on the idea that farming is a narrow, monocultural practice. Farming, at its best, is a creative and evolving dance between human and nature, not an adversarial position wherein people force the land to continually offer what it can without consideration for its limitations. When the farmer is willing to diversify their practice and work **with** the soil to produce the best and most abundant crops the soil can support, the outcome is astonishing. The 72-acre proposed site itself lacks nothing to be used productively for agriculture, it is the creativity of the present farmer that is lacking.

As I have pointed out above, the range of crops which could be produced on this site, and the adjacent agricultural lands, is tremendous. Many of those crops would be adversely affected by dust migrating from the gravel mining operation and a reduced level of groundwater to support their production. The adjacent agricultural lands need to be considered not only in light of how they are presently being used, but in how decisions on this application limit the usefulness of that prime farmland for generations to come. The seasonal nature of our rainfall requires the use of irrigation to bring crops to fruition. Without adequate groundwater, there can be no commercial agriculture production. With increased dust migration, cane-fruit, strawberries, peaches, greens, and other crops sensitive to washing become impossible to produce. Certain crop pests thrive when dusty conditions are exacerbated. Given that in our neighborhood, these soil types have proven themselves to be productive for all these sensitive crop types; it seems short sighted to extrapolate that the present neighbor's cropping being unaffected by the diminished water level and increased dust level will not affect neighboring farmers in the future.

Please refer to the testimony of Ross Penhallagon of the OSU extension service and Camille Sears. Ross is a recognized authority in the agricultural community and points out many important crop and dust related impacts to consider. Dr. Sears reveals that conclusions were drawn in the application about levels of dust that will migrate to surrounding areas without any data to support them. We rely on experts to help us understand the language of the application and to peel back the slick outer layer designed to assuage our concerns without actually mitigating them.

I encourage you to read the study provided by Malia Capella on the inadequacies of the applicant's groundwater data. It clearly shows that the a 1500 foot impact area is inadequate and arbitrary, that no adequate inventory of data from wells in the adjacent area has been made, and that the effects on our water table of the present level of mining has yet to be determined. Without adequate baseline data, no prediction for future effects can be statistically valid. Many long time residents in the area cite DSG's present level of mining as the cause of reduced flow of the East Santa Clara Waterway. With the understanding that chinook smolts use channels like this for overwintering, that these waterways greatly enhance our ability to contribute to the revitalization of their populations, we have an obligation to protect these natural resources. I have been working with both the Long Tom Watershed Council and the McKenzie River Trust to assess the value of this waterway for salmonid habitat, and they show an active interest in this waterway for those purposes.

I hold to the idea that you are called a planning commission because it is your duty to plan for future land use. By all indications the future will require us to produce more of our foods from within our community. This application runs counter to the idea of planning for a future where food will be available to the residents of our community. I urge you to consider that the highest and best use of prime farmland is for farming.

Thank you,
Kate Perle

January 6, 2007

Kevin Jones
4740 Wendover St.
Eugene, OR 97404

Lane County planning commission and Stephanie Shultz;

Please deny the application for Delta's gravel pit expansion. I farm just North of the impact zone on E. Beacon Dr. at Full Circle Community Farm. We're very concerned about our water table being harmed if mining continues to come north.

I've run the farm for ten years with my partner Kate Perle. We've experienced very dry years between 1995 and 2005 and our agricultural well has been reliable. Growing a healthy farm in this climate requires irrigation during the dry season; especially in times of drought when water tables are most likely to show stress or signs of tampering.

We are outside the stated "impact zone", but don't agree that this zone reflects the true extent of the impacts of the proposed mining activity. We believe we are well situated to feel an impact from such a deep mining operation. Please see the expert testimony of Malia Kupilla and the testimony of Clyde Beat in reference to possible effects of dewatering.

We ask that a hydrological impact study be conducted at the applicant's or county's expense. It seems appropriate that the county choose who would conduct the study.

If this is unreasonable or scientifically impossible, it may point to the probability that the technological and industrial proportion of the mining operation is out of step with the science possible to ensure all people's safety and well being.

Please see attached list of financial impacts related to dewatering of our farmland. As you can see, there is the distinct possibility that deepening our water table could cause financial hardship to a significant extent.

Thank you,
Kevin Jones

Kate Perle/Kevin Jones
Full Circle Community Farm
4740 Wendover St
Eugene, OR 97404

Jan. 6, 2007

Estimate for Cost of Change in Agricultural Practices at Full Circle Community Farm

In trying to cost out a new well option in the event of a loss of groundwater, I phoned local well digging company White Water Well Digging. In the ensuing conversation, the owner suggested it would be impossible to replace my 20 foot deep well that easily draws 200 gallons per minute. In his words, "the chances that we can get you one 20 foot well to supply you with 200 gpm is nil."

He went on to say he has experienced well drilling along the banks of both the McKenzie and Willamette Rivers where they drilled 500 feet and still came up dry. In his estimation, it would not be inconceivable to have wells that were 200-500 feet deep to achieve what we now have, and that to have one well to supply us with 200 gpm was not probable. He said that he **might** be able to come up with 10 wells that could each supply 20 gpm, or some other configuration of multiple wells at depths greater than 20 feet.

His clear indication that our present resource is irreplaceable is significant. A dry well would create substantial financial impacts to Full Circle Community Farm. We have been farming biodynamically here for 10 years. This means that we employ different practices that ensure a level of cleanliness of product that far exceeds USDA Organic. Part of this practice is our growing all feeds for the animals that provide all the fertility for the soil. This is an uncommon form of agriculture. To have to purchase feed because of reduced irrigation ability would be difficult and costly at best. I know of no biodynamic hay and grain source in Oregon. To my knowledge, replacement hay and grains might be available from California, South Dakota or New York. Without irrigation, the pastures would be nothing more than parking lots for the animals during late summer and fall resulting in lost revenue from reduced milk production due to lack of adequate forage. Fruit and vegetable crop production would decrease to a level of default of contract with our consumers.

Consider these possible costs

- Cost of drilling new wells
- Cost of new pumps of differing design
- Cost to bring power to new well sites.
- Cost of pump houses (approx. \$1,000.00 per site)
- Cost of new irrigation equipment to move the water where it is needed
- Electrical costs of running more pumps to achieve the same level of water supply (present annual cost of running one pump \$450.00)
- Cost of lost crops due to lack of irrigation (present annual revenue \$30,000.00)
- Cost of lost milk revenue (present annual milk revenue \$4,500.00)
- Cost of imported animal feed (present annual cost of \$6,000.00)
- Cost of restoring customer/clientele base built over a 10 year history
- Lost revenue from reduced educational programming based on farm production (\$14,000.00 annually)

These represent the possible costs if replacement levels of water can be found.

Should adequate levels of replacement water not be found, we would need to develop entirely new farming systems.

Please reference testimony of farmer Clyde Beat (appendix in testimony of Malia Kupillas) as to impacts of current DSG mining operations on his irrigation wells.

Thank you for your consideration,
Kate Perle and Kevin Jones at Full Circle Community Farm

Joel C. Narva
2830 Echo Lane
Eugene, Oregon 97404

PAZC 05-6151
ORD PA1238
Date 01-08-07 P03:47 RCVD
Exhibit No. 269

City of Eugene City Council
Lane County Board of Commissioners
c/o Lane County Planning Department
125 East 8th Street
Eugene, OR 97401

Hand Delivered

January 8, 2007

Dear Eugene City Councillors and Lane County Commissioners,

Thank you very much for your hard work and careful consideration of the proposed rezoning of Farmland to Sand and Gravel in Santa Clara. I am an 18 year resident and neighbor of this land and strongly oppose the application by Delta Sand & Gravel to mine this acreage in the midst of residential neighborhoods.

When Delta started mining this area many decades ago, it was at the edge of town, and conflicts with residents may have been minimal. This is no longer the case. The City of Eugene and the unincorporated areas of River Road and Santa Clara have grown around the current gravel mining operations in all directions. There are newer neighborhoods in the City of Eugene as far as Beacon Drive, a few *miles* northwest of Delta's operations. There are many new neighborhoods northeast of Delta's operations, including a hospital proposed just across the Willamette River. West of the current operation are the original silver Meadows subdivisions and the newer Silver Meadows subdivisions, immediately adjacent to Delta's property, encompassing about 50 homes. South of the current gravel pit is the Valley River Village community, the Hanna Del Estates, St. Vincent de Paul subsidized low-income housing, and other new high-density neighborhoods. The current gravel pit is virtually surrounded with residential developments, with the exception of land due north along the banks of the Willamette River. Looking ahead 10 or 20 years, it is unreasonable and unfair to allow mining operations in the midst of areas where thousands of people have made their homes.

The conflicts that arise from gravel mining adjacent to residential neighborhoods are so numerous and serious, that they cannot be reasonably, nor legally mitigated. These conflicts include airborne rock dust, excessive noise, and changes in flow of local groundwater. Additionally, there is the question whether the proposed farmland even contains the necessary amount and quality of resource to conform with state laws that allow such rezoning.

The health effects of airborne rock dust are a serious concern. The detrimental health effects of rock dust are more severe than those from the dust from the dirt of agricultural processes. Due to the smaller size of rock dust (PM10 and smaller) these particles "easily penetrate into the airways and lungs where they may produce harmful health effects such as the worsening of heart and lung diseases" (Cal/EPA -Air Resources Board "Ambient Air Quality Standards for Particulate matter, updated 6/14/2005). The size of rock dust particles is very small (PM10 particles are about a tenth the width of a human hair) so it is therefore not a surprise that the video shown by the applicant does not show dust emanating from digging. The applicant also claimed that rock dust is not a problem because it is moist where the digging occurs. It seems unlikely during the hot dry summer, that all the digging is as wet as depicted in the video created by the applicant. It is also during the hot dry summer when neighbors spend more time outdoors and would be subjected to dust particle intrusion.

In oral testimony in December, the applicants claimed that there have never been any complaints about their dust immersions. However, in 1999 a complaint about dust fallout from Delta was signed by 19 residents living just south of the gravel pit. This written complaint was filed with the Department of Public Works for the City of Eugene, and forwarded to LRAPA. If the applicant is allowed to mine the farmland to the west of their current pit, there will be many more residents living due south of the mining, many only a few hundred feet away. (See second paragraph above and relevant maps). Both the applicant and the neighbors opposing the application agree that during the summer months the winds come predominantly from the north, which means rock dust will be blown to the south onto these neighbors.

Although the applicant claims that their crushing operations will not change if they are allowed to expand their mining areas, it is important to recognize that current LRAPA regulations allow Delta to discharge 41 *tons* of dust into the air each year. While the amount of annual discharge may not change under this application, this quantity of discharge currently allowed would continue for an additional 20 years if the current application is approved.

The noise generated by gravel mining activities will seriously degrade the quality of life for the hundreds of neighbors living close by. The applicants claim that they have calculated that the noise created by these operations can be mitigated to within legal requirements. I claim that the emperor has beautiful new clothes! We already hear mining operations early in the morning: digging, back-up alarms, and haul-trucks accelerating. These activities are over 1000 feet away from our home. The current application would allow mining activities about 150 feet from our property, six times closer! The current mining operations, current crushing operations, and increasing traffic on Beltline Highway have all contributed to making our neighborhoods noisier and noisier. I invite all of you to spend some time on Hunsaker Lane or Echo Lane and hear for yourselves how loud the neighborhood is already. It is unfair to allow a new significant noise source near our homes.

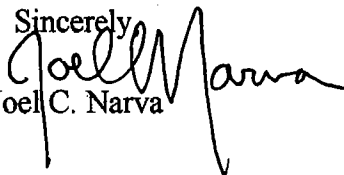
The applicant proposes to build an underground low-permeable barrier, "an aquaclude" to prevent the dewatering of local wells. Building this underground dam will cause problems with local groundwater in the rainy months, as the water is prevented from following its normal course. Applicant showed a video of a simulation made in a plexiglass box. They used it to claim that the aquaclude could not cause local flooding. The video did show that when more water was added to the box, you could see that there was more water outside of the aquaclude in the model.. That area would represent the property of neighboring residents, and it clearly becomes more saturated. There was no indication that this groundwater would simply "flow" quickly around the aquaclude as claimed.. Increased saturation of the soil can have serious detrimental ramifications on plant life including gardens, orchards, (I maintain a half-acre fruit orchard adjacent to the site), berries, and other coniferous and deciduous trees. Not only will more water be absorbed into the soil than there would be without an aquaclude, but the saturation will last longer than normal, as the groundwater is slowed and seeks to flow around the 2000+ foot-long barrier.

I explained in the December hearing how there is much more water in the East Santa Clara Waterway bordering the proposed mining site since the Silver Meadows Subdivision has been developed. These new neighborhoods drain their stormwater directly into the waterway. One stormwater channel is so large it took *three* 4-foot diameter pipes to culvert. In the last two winters since these developments have been built, we have seen the extent of the wetlands and waterways increase beyond boundaries on county maps and further out than anytime since the floods of 1996.

There are stringent state requirements for the quality and quantity of rock present before farmland can be rezoned. There are still questions about whether this application meets those requirements. During the oral testimony in December, the applicant claimed that the testing of the resource was checked by government agencies ODOT and DOGAMI giving the impression that there has been unbiased confirmation. After the hearing, however, it was divulged that these samples were actually taken by employees of Delta Sand and Gravel, which voids claims of impartiality.

It is bad planning for the county and the city to zone for residential development surrounding farmland, and then change the zoning on the farmland to allow gravel mining. If the commissions deny this application now, the rock below the farmland will remain and can be considered as a recoverable resource in the future. However, if the current rezoning application is approved, the quality of life for hundreds of neighboring citizens would be irreparably harmed.

Thank you for your attention to this important matter.

Sincerely,

Joel C. Narva

cc: Douglas DuPriest

PAZC 05-6151
ORD PA1238
Date 1-5-07
Exhibit No. 270



Daly • Standlee & Associates, Inc.
4900 S.W. Griffith Drive
Suite 216
Beaverton, Oregon 97005
(503) 646-4420
Fax (503) 646-3385

January 5, 2007

Lane County Board of Commissioners
Eugene City Council
c/o Lane County Land Management
125 East 8th Avenue
Eugene, Oregon 97401

Re: Comments Made by Mr. Arthur Noxon, P.E. During 12/12/06 Hearing on
Delta Sand & Gravel's Goal 5 Application to Extend Existing Mining Area

DSA File: 137045

On December 12, 2006, Mr. Arthur Noxon, P.E. submitted oral testimony and two written documents during the joint hearing held by the Lane County Board of Commissioners and the City of Eugene City Council to consider the Goal 5 application submitted by Delta Sand & Gravel. One of Mr. Noxon's documents was dated November 1, 2006 and the other document was dated December 12, 2006. The November 1 document appears to have been written to be submitted as part of testimony that would have been presented at the November 1, 2006 joint hearing on the application if testimony had been taken at that hearing. The December 12 document appears to have been written to address a Daly-Standlee & Associates, Inc. (DSA) memo submitted into the record by Delta Sand & Gravel during the November 1, 2006 hearing. That memo addressed measures that could be considered to mitigate noise generated during the construction of the aquaclude on the west side of the new mining area.

This letter is being sent to provide comment about Mr. Noxon's December 12, 2006 testimony and the two documents he submitted at the hearing.

During his testimony at the December 12 hearing, Mr. Noxon basically stated that the noise related information in Delta Sand & Gravel's application is full of errors and misrepresentations and that the mitigation measures proposed by the applicant will not ensure compliance with the DEQ noise regulation. Mr. Noxon's November 1, 2006 document basically makes these same statements in writing. Mr. Noxon's stated in the November 1 document that:

1. The background noise level data is flawed and significantly over-estimated.
2. The operational noise data is flawed and seriously under-estimates noise impacts and mitigation required.
3. The mitigation plan is at risk with no safety net to protect the quality of life in the area.

The information presented in Mr. Noxon's November 1 document is not new information. It is basically the same information he presented during hearings at the Planning Commission level. It is also the same information that was reviewed and addressed by DSA. in a February 9, 2006



memo to Delta Sand & Gravel and it is the same information reviewed and addressed by Mr. John Hector of Hector Engineering in a February 2, 2006 letter to Delta Sand & Gravel. Mr. Hector was the manager of the DEQ Noise Control office for 11 years. During that 11 year period, Mr. Hector worked on the writing of the DEQ noise regulations and he managed the enforcement of the regulations once they were subsequently adopted by the DEQ. Delta Sand & Gravel believed Mr. Hector would be one of the best authorities on the DEQ noise regulations so they asked him to review the work conducted by DSA along with the comments made by Mr. Noxon and provide a 3rd party opinion on the completeness of the work performed by DSA and the comments made by Mr. Noxon. As the record will show, Mr. Hector found no fault in the work performed by DSA and he pointed out many errors in Mr. Noxon's interpretation of the DEQ noise regulation and his opinions about the accuracy of the DSA study. We submit that the DSA study as still as accurate and complete today as it was during the Planning Commission hearing phase and we submit that the opinions presented in Mr. Noxon's November 1, 2006 letter are still based on incorrect interpretations of the DEQ noise regulation and a misunderstanding of the analysis performed by DSA.

Mr. Noxon basically states in his December 12, 2006 letter that Delta Sand & Gravel and DSA now agree with the opponents that the noise generated during the excavation of the aquaclude must meet the DEQ noise regulations because of information discussed in a DSA memo dated October 27, 2006. Neither Delta Sand & Gravel nor DSA believe the noise generated by the excavation of aquaclude trench is regulated by the DEQ noise regulations. DSA stated in their June 14, 2005 report entitled "Noise Study for Delta Sand & Gravel New Mining Area" that the noise generated by the construction of the aquaclude will not fall under the DEQ noise regulations because the activity is considered a construction activity. The DEQ noise regulation exempts noise generated by construction activity and Mr. John Hector confirmed in his February 2, 2006 letter that the noise generated by the excavation of the aquaclude would be exempt from regulation under the DEQ noise regulations. Delta Sand & Gravel and DSA both still believe the aquaclude construction falls under the construction exemption clause of the regulation.

As I stated in my brief rebuttal comments on the night of December 12, the DSA October 27, 2006 memo to Delta Sand & Gravel was generated to answer the question of, "Are there any mitigation measures that could be used to ensure the noise radiating from the excavation of the aquaclude trench would not exceed the DEQ limits if the County Commissioners decided to those limits as a condition of approval." DSA analyzed the noise generated by the excavation and removal of material from the aquaclude trench and found that there were mitigation measures that could be used to ensure the noise levels at residences around the site would not exceed the DEQ limits. However, DSA never stated the noise generated by the excavation of the aquaclude had to be reduced to ensure compliance with the DEQ noise regulations.

Much of the discussion in Mr. Noxon's December 12, 2006 letter basically tries to restate his issue with the way in which DSA determined the ambient noise levels around the mining area. Mr. Noxon does not present any information into the discussion of the ambient noise issue that he has not already presented in the past. As I stated earlier in my comments, the issue of documenting the ambient noise at residences around the site has been reviewed by Mr. Hector, who in the past made decisions about the enforcement of the DEQ noise regulations on a daily



basis for over 10 years of his career, and he found no fault in the way in which the ambient noise was determined by DSA. Mr. Noxon's comments about the ambient noise issue appear to be just an effort to cast doubt on the work performed by DSA. However, Mr. Noxon would be more effective in his efforts if he would submit his own ambient noise study and show how his results more accurately describe the ambient noise than does the DSA results.

Finally, Mr. Noxon utilizes much of his December 12, 2006 letter discussing how, in his opinion, DSA has made significant errors in the analysis of the noise generated by the excavation and hauling of material from the aquaclude trench. He starts off by talking about how the analysis has not included any new truck traffic on City and County streets associated with the trenching operation and that there is bound to be off-site truck traffic associated with the construction of the aquaclude. He discusses how the equipment reference noise data used in the trenching analysis is questionable because it is not supported by actual measurement data. And finally, Mr. Noxon tries to show how, with his own simple analysis, the noise levels produced by the trenching operation can not be mitigated to be in compliance with the DEQ noise regulations.

Mr. Noxon has basically presented the facts as he would like to believe they exist. The excavation of materials from the aquaclude will be handled in the same manner as will be the materials excavated from the proposed mining area. That material not used to construct noise mitigation berms will be hauled by on-site trucks from trench area to the existing processing area. The material will not be hauled off-site at any rate faster than currently found at the site because it will be included in the mix of material currently being hauled off the site. The noise associated with the haul trucks expected to move the material from the trenching area to the processing facility was included in the analysis of the trenching operation.

As I stated during the December 12 hearing, the reference data used in modeling the noise that will radiate from trench excavation came from equipment manufacturer's data found on the manufacturer's website. That data is available to anyone who looks for it. DSA is not holding back information as private information as stated by Mr. Noxon.

Finally, the simple analysis presented in Mr. Noxon's letter to demonstrate why the trenching noise has to be louder than that predicted by DSA assumes the excavation operation in the trench will be the same as it will in the mining area. That is not the case. As part of the mitigation efforts in excavating the trench, Delta Sand & Gravel has agreed to use quieter equipment to do the work. As Mr. Noxon states in his letter, some of the quieter equipment has to be smaller in size than that used in the mining area. Therefore it may take longer to load a single truck during the trenching operation than it will in the mining area. The longer loading time period to load a truck in the trenching operation was taken into account in the analysis of the trench noise. In addition a fewer number of loads per hour were also taken into account in analysis. Mr. Noxon's analysis did not take that information into account and thus it does not accurately depict the trenching operation.

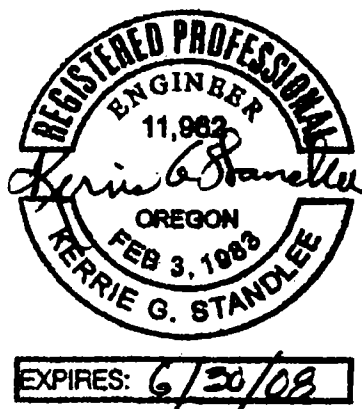


I hope this information will help you further understand how the noise study conducted DSA for the Delta Sand & Gravel application was made using the most appropriate engineering practices and procedures. It was not, as implied by Mr. Noxon, done with a total disregard for impacts the proposed activity will have on the public at large.

Sincerely,
Daly-Standlee & Associates, Inc.

A handwritten signature in cursive script that reads 'Kerrie G. Standlee'.

Kerrie G. Standlee, P.E.
Sr Principal



Re: PA 05-6151, Delta Sand and Gravel Proposed Expansion

Karen W. Reed
719 East Beacon Drive
Eugene, Oregon 97404

January 8, 2007

Lane County Commissioners
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Lane County Land Management Division
Lane County Public Services Building
125 East 8th Street
Eugene, Oregon 97401

PAZC 05-6151
ORD PA1238
Date 1-8-07
Exhibit No. 271

Dear Commissioners:

I previously submitted testimony to the Lane County Planning Commission regarding Delta Sand and Gravel's application (January 17, 2006). Most of my concerns expressed in that testimony remain. Below are some added or emphasized concerns.

1. Groundwater versus floodwater

In oral testimony before the joint planning commissions and before the Lane County Commissioners and Eugene City Councilors, Delta's consultant, Ralph Christensen, in an attempt to allay residents' concerns about increased flooding caused by the proposed in-ground dam or aquaclude, repeatedly asserted that floodwater and groundwater are two entirely separate bodies of water. His assertion is incorrect (unless he is talking about a flash flood due to a catastrophic upstream event, such as dam failure or flash flood).

The water in the river and the groundwater below the land surface beyond the river are in contact with each other, and there is no distinction between them. Essentially the river is the place where the land surface is incised to the point that the land surface intersects the water table, or where the surface of the water table is exposed to view. Immediately adjacent to the river the water table (or groundwater level) is at the same level as the surface of the water in the river. As the ground slopes up away from the river the water table also slopes up, paralleling the surface of the land. In an area with well-percolating soils, such as in the neighborhood of the proposed mine expansion, in the dry season, the water table drops, lowering the level of the river. With the onset of the rainy season, the water table rises, and the level at which it intersects the river channel rises, too. As the water table rises and intersects other low-lying spots, those spots fill with water, creating more places where the surface of the groundwater is exposed to view. With continued precipitation and the consequent rise of the water table and river level, the river will overtop its banks, flooding the surface of the land, and submerging some of the water-filled hollows that previously appeared to be separated from the river. There is no distinction between

the molecules of water that constitute the groundwater from those in the river water, and trying to draw a distinction is absurd.

An obstruction to the natural flow of groundwater, as the proposed in-ground dam would be, would mound up the groundwater behind it, raising the water table behind the in-ground dam, even if the dam did not reach all the way to the surface of the land. A raised water table means more flooding, in the common way of understanding— deeper water in the hollows, longer periods of saturation in low spots, soils that are saturated that weren't in the past, more problems with root rots, inability to work the land in the early spring, greater risk of wet basements, etc. The neighbors who worry about increased flooding caused by the aquaclude have legitimate reason to worry. Drawing a distinction between the water that is groundwater and the water that is floodwater is misleading, and misconstrues and demeans the neighbors' concerns.

2. Can't extrapolate "significance" from existing mining operation

Delta reasons that since the proposed expansion site is next to the existing mining operation, the commonsense conclusion is that the aggregate resource at the expansion site would meet the significance standards in Goal 5. The problem with that reasoning is that the existing pit was permitted before the Goal 5 rule was in place, and Delta never had to prove that the existing pit met the Goal 5 standards, so they cannot extrapolate from an unknown. Furthermore, Goal 5 requires that the deposit "on the site", not somewhere in the vicinity, meet the standards.

3. Neighbors moved in next to EFU-zoned land, not aggregate resource.

Several people testifying in favor of Delta's application have expressed the view that the neighbors who oppose the application should have known that they were moving in next to an aggregate resource and should not be objecting now. The truth is that the land in question is zoned EFU (exclusive farm use), not aggregate resource, and the neighbors had every reason to believe that they were moving in next to farmland, not a gravel mine.

4. Purpose of EFU is to preserve farmland

The citizens of Oregon have an interest in preserving productive farmland now and into the future. That is why we have EFU zoning. The zoning is meant to serve the long-term needs of the State, not just the short-term plans of one individual farmer. Even if the current farmer no longer desires to farm the land on which Delta proposes to mine, that does not mean that the State and local community no longer have an interest in preserving the land as farmland for the future. As high quality farmland becomes increasingly scarce and the cost of fuel to transport food rises, it becomes more and more clear that we cannot afford to squander what is left of our most productive farmland. Land with high quality farm soils adjacent to urban areas, such as the proposed Delta expansion site, is especially valuable as a potential source of fresh produce and other farm products for the local market.

5. Representative sampling

Councilor Bonny Bettman (at the December 12 public hearing) asked Delta's geologic consultant, Ralph Christensen, why Delta picked a sampling protocol that was not the most scrupulous, that could be questioned so easily. A set of representative samples are required by Goal 5 to demonstrate "significance". By choosing to ignore the sampling protocols that are spelled out for taking such a set of representative samples of a deposit in the ground, Delta has not met the burden of proof. Why Delta would take that risk is a good question. One has to wonder if Delta knew, or else feared, that proper sampling would reveal that the deposit is not "significant". After all the questions that have surfaced in connection with previous sand and gravel mining proposals about what constitutes representative sampling, Delta's consultant clearly was not ignorant of accepted sampling protocols for deposits in the ground and must have made a deliberate decision to sample differently.

Respectfully submitted,

Karen W. Reed