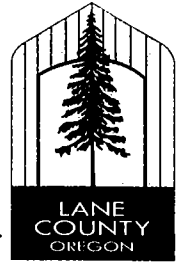


W. a. b.

**NOTICE AND FINAL LAND USE DECISION  
BY THE LANE COUNTY PLANNING DIRECTOR**



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

**Department File:** PA05-6151

**Applicant/Owner:** Delta Property Company  
999 Division Avenue  
Eugene, OR 97404

**Agent:** P. Steven Cornachia  
Hershner Hunter, LLP  
180 E. 11<sup>th</sup> Avenue  
Eugene, OR 97401

**Assessor's Map & Tax Lot:** Map 17-04-12-20, tax lot 3600  
Map 17-04-12-00, tax lots 3600, 3601, 3700  
Map 17-04-12-31, tax lots 5600, 6200, and a portion of 100  
Map 17-04-12-40, tax lots 300, 400, and a portion of 600

**Existing Operation Acreage:** 474 acres  
**Proposed Expansion Acreage:** 72.3 acres  
**Comprehensive Plan:** Eugene/Springfield Metropolitan Area General Plan

You have been party to or own or occupy property near the above referenced property that is the subject of a land use application and this final decision for **Denial** of the application by the Lane County Planning Director.

The purpose of this notice is to inform you about the process leading up to this decision, the final decision and where you may receive more information about this application.

**PROPOSAL:** Amend the "Significant Mineral and Aggregate Resources Inventory" to allow mining pursuant to the Goal 5 Oregon Administrative Rules OAR 660-023; and Amend the Metro Plan Designation from "Agriculture" to "Sand and Gravel" and Rezone Lands from "Exclusive Farm Use" (E-RCP) Zone" to "Sand, Gravel & Rock Products (SG-RCP) Zone" for 72.3 acres pursuant to Lane Code (LC) 12.225 and 16.252. Applicant's proposal includes a request for two administrative variances to LC 16.217 for construction of a low permeability barrier within the 150 ft. setback to retain surrounding groundwater during excavation of the subject property.

On February 20, 2008, the Lane County Board of Commissioners enacted Ordinance No. PA 1238 approving a Metro Plan amendment requested by Delta Property Company to allow an expansion of their quarry operation to adjacent property. On July 28, 2008, the Eugene City Council enacted Ordinance No. 20413 denying Delta Property Company's proposed Metro Plan amendment. Because the two actions were not identical as required by the Metro Plan amendment procedures, the matter was referred to the Metropolitan Policy Committee (MPC). On August 14, 2008, the MPC was unable to resolve the conflict and pursuant to the Metro Plan amendment procedures (LC 12.235(5)) within 5 days the Planning Director of the home jurisdiction where the application originated shall issue a denial decision on the amendment containing findings and conclusions on why the proposed amendment does not meet the approval criteria.

**FINDINGS OF FACT AND CONCLUSIONS  
ON WHY THE PROPOSED AMENDMENT DOES NOT MEET  
THE EUGENE-SPRINGFIELD METRO PLAN APPROVAL CRITERIA**

1. The application was made pursuant to Lane Code 12.225 through 12.235 and Eugene Code 9.7700 through 9.7750 which sets forth the respective procedures for Lane County and Eugene to amend the Metro Plan, and pursuant to Lane Code 16.252 which sets forth procedures for Lane County to rezone lands outside the Metro Plan Urban Growth Boundary and within the Metro Plan Boundary.
2. The application also was made pursuant to Oregon Administrative Rules (OAR) Chapter 660 Division 23 which sets forth procedures and criteria for amendment of the Goal 5 Inventory of Significant Mineral & Aggregate Sites within Lane County as well as the applicable procedures for a post-acknowledgement plan amendment.
3. The Lane County Planning Commission reviewed the proposal with the Eugene Planning Commission in public hearings on November 15, 2005, and January 25, 2006, deliberated jointly on July 25, and August 30, 2006, and forwarded the matter to the Board of Commissioners and Eugene City Council with their respective Planning Commission recommendations.
4. The Board of County Commissioners conducted joint public hearings with the Eugene Council and on February 20, 2008, found that for reasons set forth in Ordinance No. PA 1238 incorporated here by this reference, evidence existed in the record indicating that the proposal meets the requirements of Lane Code Chapters 12 and 16, and the requirements of applicable state and local law.
5. The Eugene City Council participated in the joint public hearings and on July 28, 2008, found that for reasons set forth in Ordinance No 20413 incorporated herein by this reference, evidence existed in the record indicating that the proposal did not meet the requirements of Eugene Code Sections 9.7700 through 9.7750, and the requirements of applicable state and local law.
6. On August 14, 2008, the Metropolitan Policy Committee was unable to resolve the conflict because of lack of consensus and this decision hereby denies the application pursuant to applicable law based on the findings and conclusions previously adopted by the Eugene City Council in Ordinance No 20413 adopted and incorporated herein by this reference.

The application, all documents and evidence relied upon by the applicant, the applicable criteria, Ordinance No. PA 1238 adopted by the Lane County Board of Commissioners, Ordinance No. 20413 adopted by the Eugene City Council and a copy of the Lane County Planning Director's decision are available for inspection at the Lane County Land Management Division at no cost, and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact is **Stephanie Schulz**. Her telephone number where more information can be obtained is **541/682-3958**.

This decision shall become final upon execution at 5 P.M. on August 19, 2008, and may be appealed to the Oregon Land Use Board of Appeals as provided by ORS chapter 197 and OAR 661, Division 10. Please call LUBA at 503-373-1265 if you have questions about appeals.

Authorized by:  Date: 19 Aug 08  
Kent Howe, Planning Director