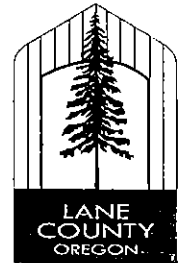


W. T. C.

AGENDA COVER MEMO



DATE: October 11, 2004 (Date of Memo)
October 27, 2004 (Date of First Reading)
November 10, 2004 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Thom Lanfear/Land Management Division

LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

AGENDA ITEM TITLE: ORDINANCE PA 1217---IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE: MINERAL", REZONE FROM "F2/IMPACTED FOREST LANDS" TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 02-6065; EGGE SAND & GRAVEL LLC)

I. MOTION

1. OCTOBER 27, 2004: I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE NO. PA 1216 AND SETTING THE SECOND READING AND PUBLIC HEARING FOR OCTOBER 27, 2004 AT 1:30 P.M. IN HARRIS HALL.

2. NOVEMBER 10, 2004: ALTERNATIVE MOTIONS AFTER DELIBERATIONS:
 - A. I MOVE TO APPROVE ORDINANCE NO. PA 1217 WITH THE CURRENT FINDINGS.

OR
 - B. I MOVE TO TENTATIVELY APPROVE ORDINANCE NO. PA 1217 SUBJECT TO REVISED FINDINGS TO BE PREPARED FOR FINAL ACTION.

OR
 - C. I MOVE TO DIRECT STAFF TO PREPARE AN ESEE ANALYSIS FOR CONFLICTS THAT ARE NOT MINIMIZED FOR FURTHER DELIBERATIONS.



II. ISSUE

An application has been received for a Post Acknowledgement Plan Amendment (PAPA) from Egge Sand & Gravel LLC to add a site to the Lane County Goal 5 Inventory of Significant Mineral and Aggregate Sites. In conjunction with that request, the Plan Designation is proposed to be changed from "Forest" to "Natural Resource: Mineral" and the zoning changed from "F-2/Impacted Forest Lands" to "QM/Quarry and Mine Operations". The Planning Commission has forwarded this matter to the Board with a recommendation. This Ordinance, accompanied by findings prepared by the applicant, sets the matter before the Board for adoption, modification, or denial.

III. PROCEDURE

The Board of Commissioners has established these hearing procedures:

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

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

IV. DISCUSSION

A. Background

On October 18, 2002, an application was received from Egge Sand & Gravel LLC to amend the Lane County Goal 5 Inventory of Significant Mineral and Aggregate Sites to include the subject property and designate it in the Rural Comprehensive Plan for mining. The application is a "Post-Acknowledgement Plan Amendment" (PAPA) as provided for by LCDRC Statewide Planning Goal 5 Administrative Rule for mineral and aggregate resources, OAR 660-023-180.

The subject property is identified as a 40-acre portion of Map 17-03-03 Taxlots 402 & 500. The site is located on Coburg Ridge, east of Interstate 5 and north of the McKenzie River.

The Lane County Planning Commission received public testimony at two public hearings held on March 2 and April 6, 2004. In a public meeting held on April 6, 2004, the Planning Commission deliberated on the application. Based on those deliberations, the Planning Commission found unanimously that the PAPA application meets the Goal 5 Rule requirements for inclusion on the Lane County Goal 5 Inventory of Significant Mineral and Aggregate Sites and mining should be allowed.

B. Analysis

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

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

The Staff report and other documents produced for the Planning Commission's review of this proposal are attached; please refer to it for additional details on the proposal, location of the property, etc. The Planning Commission minutes are included for your review. Also attached is Ordinance PA 1217 with exhibits, including the draft findings prepared by the applicant.

STEP 1: ADEQUACY OF THE INFORMATION

The applicant has submitted reports to address the requirements of the Administrative Rule OAR 660-023-0180(6). The reports include:

- Egge Sand & Gravel, L.L.C. Resource Evaluation, Lane County October 2002 by EGR & Associates, Inc.
- Operation Plan, Mining and Reclamation at Spores Point by EGR & Associates, Inc.
- Traffic Impact Study by Access Engineering
- Coburg Ridge Quarry Site Goal 5 Report for Vernon Egge/Egge Sand and Gravel LLC Post Acknowledgement Plan Amendment by Jeffrey R. Tross

STEP 2: SIGNIFICANCE OF THE RESOURCE

The applicant has demonstrated that the mineral resource at the site is “significant” in quality and quantity as required by OAR 660-023-180(3). There exists more than 2,000,000 tons of material at the site that meets the applicable ODOT standards. Details are found in finding #13 on pages 7 & 8 of the proposed findings.

STEP 3: MINIMIZE CONFLICTS

The applicant has adequately addressed the minimization of potential impacts as required by OAR 660-023-180(4)(a). Details are found on pages 9 through 13 of the proposed findings. In summary:

- The primary discharge conflict from the mining is associated with noise. The conflict is addressed through the use of berms to reduce the noise impacts to a level that meets the applicable DEQ noise requirements. The discharge of “fly rock” is controlled through the proposed blasting techniques.
- No conflicts with local roads have been identified.
- No conflicts with public airports were identified.
- No conflicts with other Goal 5 resources were identified. No water will discharge to the McKenzie River. The Spores House, a historic structure, has burned and no longer exists. No rare or endangered plants were found on site in the rare plant survey.
- No conflicts with agricultural practices were identified.

Reasonable and practicable measures to minimize the conflicts from noise and fly rock from blasting are contained in the proposed Conditions of Approval. These measures require the mining to occur in conformance with the noise reduction recommendations of the Acoustical Engineer and to employ measures recommended by the Blasting Engineer to prevent fly rock from leaving the site.

STEP 4: WEIGH ESEE ANALYSIS

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

STEP 5: DETERMINE ESEE CONSEQUENCES OF NEW USES

The applicant has determined that the acknowledged policies and land use regulations are sufficient to protect the resource site. Details are found on pages 13 & 14 of the proposed findings.

STEP 6: DEVELOP A PROGRAM TO ALLOW MINING

If the Ordinance is passed by the Board, the Plan Designation and Zone District are changed to the appropriate designations for the mining of the resource: Natural Resource: Mineral and Quarry Mine Operations Zone.

The post-mining use will replace the topsoil and overburden, planted with native vegetation and left as open space.

The Planning Commission recommends to the Board by unanimous vote that mining be allowed.

Proposed Conditions of Approval

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

1. **No crushing or production of concrete or asphalt shall be conducted on site.**
2. **Operations shall be conducted between 7:00 a.m. and 5:30 p.m.**
3. **There shall be a maximum of 80 haul truck round-trips per day.**
4. **No truck traffic shall use McKenzie View Drive east of Egge Road.**
5. **Controlled blasting practices shall control the creation of “fly rock”.**
6. **All mining activities will take place behind the working face or a visual/noise screen (berm). A rock wall shall be retained between the mining area and the residences to the east, west and south.**
7. **The dozer and rock drill shall not operate at the top surface of the mine at the same time.**
8. **A ten (10’) to fourteen (14’) foot high berm shall be constructed along the west boundary of the mining area as shown on Figure 5 of the Noise Study.**
9. **A berm that is a combination of 15 feet above the surface of the mine and 20 feet above the surface of the mine shall be constructed as shown on Figure 5 of the Noise Study.**
10. **All dust emissions shall conform to LRAPA standards.**

C. Alternatives/Options

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

1. If the Board finds that the application meets all applicable criteria for approval:

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

D. Recommendations

Staff recommends Option 1(a).

Based upon the record in this matter, the Planning Commission and staff have concluded that the applicant has demonstrated that the aggregate resource on the property can be considered to be a "significant" Goal 5 resource and the minimization measures identified in the findings can reduce the identified conflicts below the level of "significant".

E. Timing

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

V. IMPLEMENTATION/FOLLOW-UP

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

VI. ATTACHMENTS

1. Proposed Ordinance PA 1217 with Exhibits "A", "B", and "C"
2. LCPC Staff Report for March 2, 2004 hearing
3. LCPC Staff Report for April 6, 2004 hearing
4. LCPC Minutes of March 2, 2004
5. LCPC Minutes of April 6, 2004
6. Applicant's original submittal (binder)*

* A copy of the applicant's original submittal in binder form is attached to each Board member's packet. A complete copy of the submittal is available for review in the Board of Commissioners office.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1217 (IN THE MATTER OF AMENDING THE LANE COUNTY RURAL
(COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT
(MINERAL AND AGGREGATE RESOURCES INVENTORY",
(REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE:
(MINERAL", REZONE FROM "F2 / IMPACTED FOREST LANDS"
(TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW
(MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE
(16.400 AND 16.252 AND THE GOAL 5 OREGON
(ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING
(SAVINGS AND SEVERABILITY CLAUSES (FILE PA 02-6065;
(EGGE SAND & GRAVEL LLC)

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

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

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

WHEREAS, in October 2002, application no. PA 02-6065 was made for a major amendment to add to the Lane County Goal 5 Inventory of Significant Mineral & Aggregate Sites, redesignate from "Forest" to "Natural Resource: Mineral" and concurrently rezone from "F-2/Impacted Forest Lands" to "QM/Quarry and Mine Operations" a 40-acre portion of tax lots 402 and 500 of map 17-03-03; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing on March 2, 2004, deliberated on April 6, 2004 and forwarded the matter to the Board with formal Planning Commission recommendations; and

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

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

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

Section 1. The subject site, consisting of a 40-acre portion of tax lots 402 and 500 of map 17-03-03 as depicted on Exhibit "A" attached and incorporated here, shall be added to the Lane County Rural Comprehensive Plan Inventory of Significant Mineral and Aggregate Sites identified as Appendix "D" of the "Mineral and Aggregate Resources Working Paper" based on findings and conclusions as described in Exhibit "C" attached and incorporated herein.

Section 2. The Lane County Rural Comprehensive Plan is amended by the redesignation of a 40-acre portion of tax lots 402 and 500 of map 17-03-03, from "Forest" to "Natural Resource: Mineral", such territory depicted on Plan Plot 395 and further identified as Exhibit "A" attached and incorporated herein.

ORDINANCE NO. PA 1217---IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE: MINERAL", REZONE FROM "F2/NON-IMPACTED FOREST LANDS" TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 02-6065; EGGE SAND & GRAVEL LLC)

Section 3. A 40-acre portion of tax lots 402 and 500 of map 17-03-03, is rezoned from "F2/Impacted Forest Lands" (Lane Code 16.210) to "QM/Quarry and Mine Operations" (Lane Code 16.216), such territory depicted on Rural Zoning Plot 395 and further identified as Exhibit "B" attached and incorporated herein, and the mining and processing of aggregate resources shall be authorized pursuant to Lane Code 16.216 and subject to the Conditions of Approval contained within Exhibit "C" attached and incorporated herein.

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


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

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

ENACTED this _____ day of _____, 2004

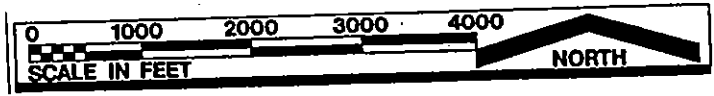
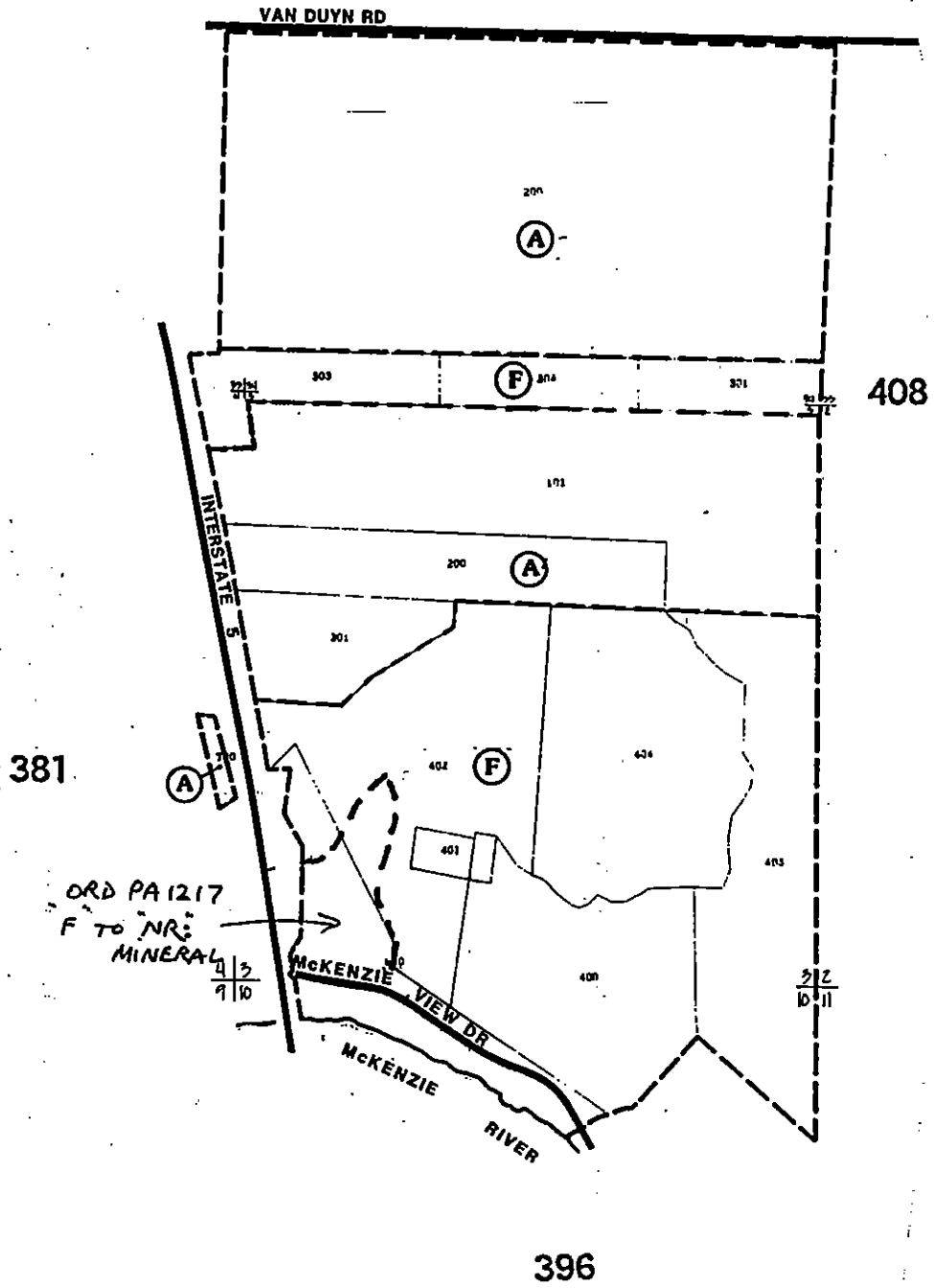
Bobby Green, Chair
Lane County Board of Commissioners


Recording Secretary for this meeting of the Board

APPROVED AS TO FORM
Date 10-19-2004 Lane County

OFFICE OF LEGAL COUNSEL

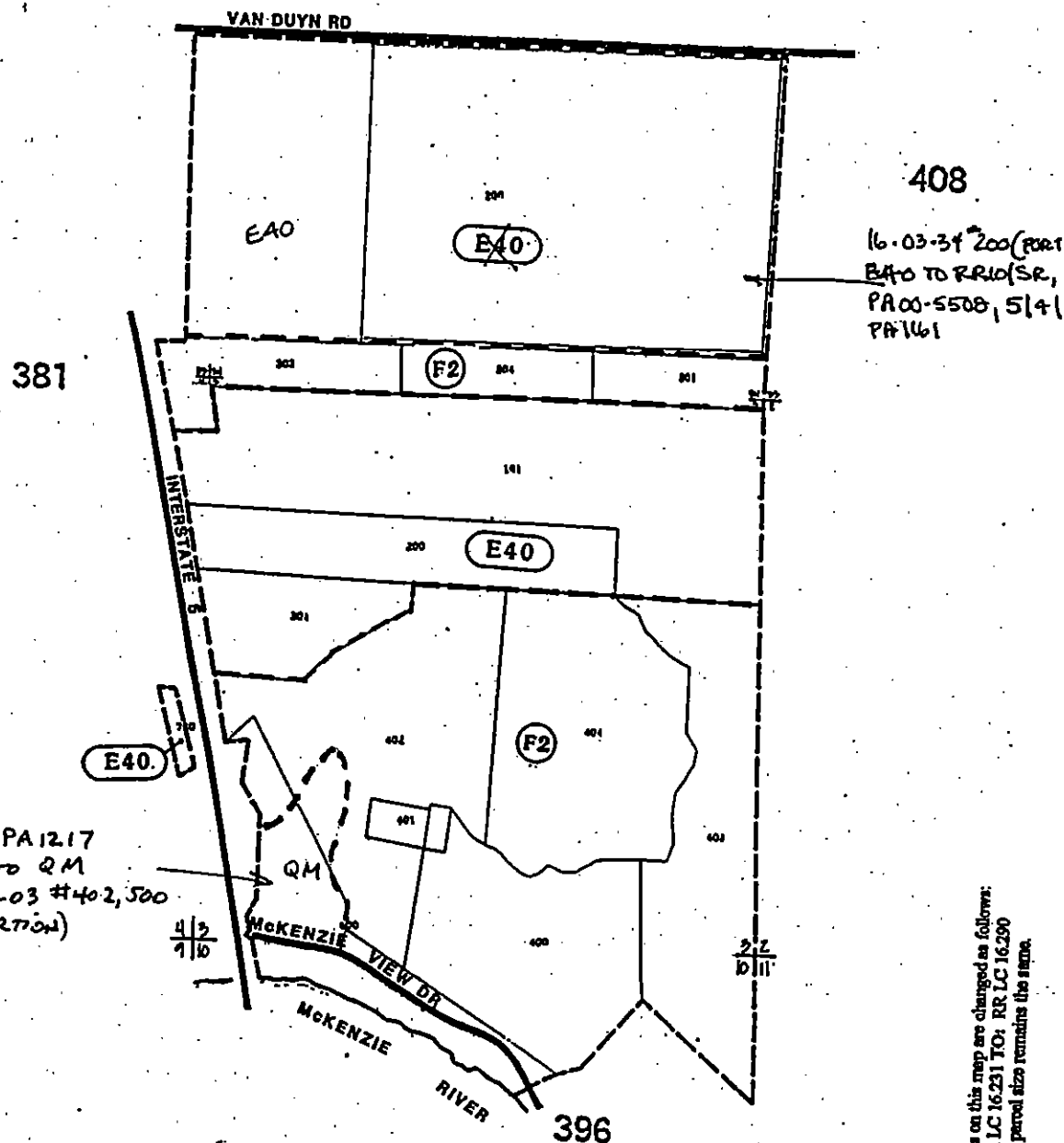
ORDINANCE NO. PA 1217—IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE FROM "FOREST" TO "NATURAL RESOURCE: MINERAL", REZONE FROM "F2/NON-IMPACTED FOREST LANDS" TO "QM/QUARRY AND MINE OPERATIONS" AND ALLOW MINING FOR 40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252 AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR 660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 02-6065; EGGE SAND & GRAVEL LLC)

Ordinance No. PA 1217 Exhibit "A"
394A



	OFFICIAL PLAN MAP	PLOT# 395
Twntp Range Section 16 03 34		17 03 03
ORIGINAL ORD. #	PA 884	DATE 2/29/1984 FILE #
REVISION #	ORD #	DATE FILE #

394A



ORD. PA 1217
 F-2 TO QM
 17-03-03 #402,500
 (PORTION)

16-03-31 200 (PORT
 E40 TO RR10(SR,
 PA 00-5508, 5141
 PA 161

The zones on this map are changed as follows:
 From: RG, RA To: RR2
 From: CR, C1, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation



The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.290
 The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT# 395

Township Range Section
 16 03 34

17 03 03

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
LANE COUNTY, OREGON

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL)
COMPREHENSIVE PLAN TO REVISE THE "SIGNIFICANT MINERAL)
AND AGGREGATE RESOURCES INVENTORY", REDESIGNATE)
FROM "FOREST" TO "NATURAL RESOURCE: MINERAL",)
REZONE FROM "F2 / IMPACTED FOREST LANDS" TO)
"QM / QUARRY AND MINE OPERATIONS AND ALLOW MINING FOR)
40 ACRES OF LAND PURSUANT TO LANE CODE 16.400 AND 16.252)
AND THE GOAL 5 OREGON ADMINISTRATIVE RULES (OAR)
660-023); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES)
(FILE PA 02-6065; EGGE SAND & GRAVEL LLC))

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND CONDITIONS
IN THE MATTER OF ORDINANCE PA 1217

1. Egge Sand & Gravel, LLC (the Company) is a long-time supplier of sand and gravel aggregates, and concrete and asphalt products, to the Eugene-Springfield metro area and outlying areas. The Company operates from its aggregate excavation and processing site located west of Coburg Road, about a mile south of the city of Coburg. This location on the Willamette Valley floor provides the Company with its source of sand and gravel, and is also the location of its crushing and stockpile activities, concrete and asphalt processing facilities, equipment maintenance operations, and administrative offices. However, certain projects require or specify that basalt rock be used. These include base rock for road construction, ballast in railroad beds, rip-rap for erosion control along stream banks, and stabilizing steep slopes, among others. Basalt rock is found in the volcanic flows that form the uplands that rise above the valley floor. This material is not found in the river-deposit excavations that provide the sand and gravel that is used to produce concrete and asphalt. By using local sources of basalt rock for base rock, rip-rap, and other uses, the local supply of sand and gravel aggregates found on the Valley floor that are used for asphalt and concrete may be prolonged.

2. In order to provide basalt rock, Egge Sand & Gravel proposes to operate a basalt rock quarry in proximity to its existing operation. An available source of this material exists on Coburg Ridge, which rises immediately east of I-5 and north of the McKenzie River. This location is approximately a half mile from the Company's existing processing plant on Coburg Road, using the existing public roads. The location and the existing transportation system makes it economical and practical to transport the basalt material to the existing plant site for processing, and because of this proximity the quarry proposal only involves excavation. It does not include processing activities.

3. The proposed quarry site lies within two properties owned by Vernon Egge. These properties are identified as parcels 402 (114.31 acres) and 500 (27.38 acres) on County Assessor map 17-03-03. The quarry site totals approximately 40 acres within the 141.69 acre ownership. The proposed quarry site includes two old quarries, which supplied rock materials for the construction of I-5. As shown in the application materials, the elevation of the proposed quarry will range from approximately 740'+msl to approximately 500' +msl, whereas the elevation of the valley floor to the west of the ridge is approximately 405' +msl. Access to the quarry site is provided by Egge Road, which is a paved, gated, private road that extends up the north side of the ridge from its intersection with McKenzie View Drive. Egge Road joins McKenzie View Drive near its

intersection with Coburg Road. Because of the limited nature of the proposed operation, its location on the ridge and elevation that separates it from surrounding uses on the valley floor, the private road access, and the short distance to the processing site, the Board of Commissioners (the Board) finds that the potential for conflicts with other uses is far lower than is typically associated with this type of activity.

4. The proposal is to add the proposed quarry site to the Lane County Comprehensive Plan Inventory of Significant Mineral and Aggregate Sites, and to amend the Rural Comprehensive Plan to allow mining, through a Statewide Planning Goal 5 "Post Acknowledgment Plan Amendment" (PAPA), as provided for in OAR 660-23-180; and to amend the Rural Comprehensive Plan Designation from "Forest" to "Natural Resource", and to Rezone Lands from F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone", pursuant Lane Code 16.400 and 16.252.

5. An Operation Plan for the proposed quarry was prepared by EGR & Associates, of Eugene. The Operation Plan is included in the application as Exhibit 3. EGR has extensive experience in researching and designing mineral and aggregate operations in Lane County and in western Oregon, including basalt rock quarries. The Operation Plan shows the proposed mining area, and preliminary cross-sections of the excavation. As shown, mining will begin at the north edge of the site, where the existing access road enters the site. Mining will involve removing material to an initial floor level, then excavating progressively downward into the hillside along a series of stepped horizontal benches. Mining could proceed to the base of the mineable rock, at an elevation of about 500'+msl. A series of figures in the Operation Plan shows geologic cross sections of the site. The mining operation will leave a wall of natural rock on the south, east, and west sides of the excavated area. Mining activity will progress from north to south, and will progress away from the western ridge face.

Rock will be loosened from its natural formation by controlled blasting. Blasting at the proposed site is expected to occur about once a month. Each blast is expected to provide 5,000-10,000 cubic yards of material. Blasting is typical of basalt quarries in western Oregon, and blasting at the site has been reviewed with BJ Equipment Co. This company is well-known for its overall experience with basalt quarries, and has previously prepared blasting plans and conducted blasting for basalt rock quarries that are adjacent to I-5.

Rock will be removed from the deposit by tracked excavators and loaded onto haul trucks for transport to the existing Egge Sand & Gravel processing site on Coburg Road. The operation will only involve extraction. No processing operations are proposed for the site, and the mining plan does not include a permanent operating area for fixed-base equipment, as is normally provided for in operations that include crushers, concrete or asphalt plants, etc. The Company plans to mine the site as market conditions warrant, and the site may not be in use every day. When the site is operated a typical working day will run about ten hours, between 7:00 a.m. and 5:30 p.m.

The access to the proposed quarry site is Egge Road, a private access road. The quarry site will not have direct access to any public road. Egge Road includes a bridge across I-5, which is a part of the private access. This bridge was designed for use by heavy trucks. ODOT has reviewed the use of this bridge by the quarry traffic, and has stated no objections as long as legal load limits are observed. The ODOT comments are included in the record.

The mining area will be enclosed on three sides, the east, west and south, by a wall of the remaining natural material. This will provide a visual barrier and noise buffer. Existing trees and vegetation outside the mining area will provide additional screening. The site is separated from I-

5 and the valley floor by its location on the ridge. With the enclosing wall, the vegetation outside of the mining area, and its elevated location, the view of the mining activities will be minimized.

Site reclamation is also described in the Operation Plan. Overburden of soil and rock removed prior to excavation will be stockpiled either in a previously completed excavation area, or in an area to the northeast of the excavation area. This material will be retained for reclamation. Reclamation will occur progressively, as possible, as mining proceeds, and will consist of spreading the stockpiled overburden and replanting of native vegetation. Any future uses of the site will be determined by the activities allowed by zoning in place at the time.

6. Based on the information in the entire record, the Board finds that the proposed quarry operation will be compatible with, and have no significant affect upon, land uses in the surrounding area. The proposed quarry site is located on the top of Coburg Ridge and along its south face. The existing access road extends along the north face, which will remain as at present. Property on the ridge bordering the quarry site consists of woodland and open fields. Below the quarry site the ridge is bordered by I-5 to the west, vacant land to the north, and by McKenzie View Drive to the south. A narrow river terrace, and the McKenzie River, lie south of the road.

The surrounding lands on the ridge are characterized by scrub woodlands of oak, maple, and fir, open areas in grasses and shrubs, and exposed rock. The open areas are on the moderate slopes on the top of the ridge. There is no commercial farm or forest use on the quarry site or the surrounding ridgeland. The north face of the ridge is woodland, which is not managed for commercial production. Since the access road to the quarry site is a private road which already exists, there will be no additional disturbance to the woodlands that occupy the north side of the ridge as a result of operations at the proposed quarry.

All of this land is zoned F2, as shown on the County zoning map (Plot #395).

The south side of the ridge has been disturbed by the two old quarry sites, which have partly revegetated. The locations of the old quarries relative to the proposed site are shown on the F-N-F and EGR site maps.

Telecommunications towers are located on parcel 601, 1.15 acres, at the top of the ridge. EPUD power lines currently traverse the site, and may be relocated as necessary.

There are scattered dwellings within 1500' of the boundaries of the proposed mining area (the Goal 5 initial "impact area"). One is to the east on parcel 403, which is the residence of Vernon Egge. Another, occupied by David and Lucille Egge, is also located to the east, on parcel 404. A dwelling is located to the south, on the terrace between McKenzie View Drive and the river, on parcel 3200 (17-03-10) (Sherman dwelling). A dwelling located approximately 1000' to the west, across I-5, is on the valley floor along Coburg Road. Several dwellings are located south of the river and west of I-5.

The west face of the ridge borders I-5. A narrow strip of land between the western ridge face and the travel lanes is highway right of way. An open field on the north side of Egge Road, between the base of the ridge and I-5, is owned by Vernon Egge. There are no other bordering land uses between I-5 and the ridge face. The elevation of I-5 adjoining the ridge is about 450'+msl, and the quarry will remain above the road surface elevation. The quarry will have no direct access to I-5.

Egge Road parallels the west side of I-5, west of the Egge bridge. Directly west of Egge Road is

the access drive to a construction contractor's equipment yard. Farm land is located to the west of the contractor's yard. These lands are zoned E40 (Plot #381). Because of the separation provided by I-5 and the difference in the terrain and elevation, there is no relationship in land usage between the lands on either side of the freeway. Due to these factors, the Board finds that the proposed quarry will not affect land uses to the west of I-5.

The McKenzie River runs to the south of the ridge and McKenzie View Drive. The south end of the quarry site is about 150' from the north bank of the river. The quarry will be enclosed by a rock wall or a berm on this side, which will screen quarry operations from view from the river. There will be no access from the quarry directly to McKenzie View Drive. The Board finds that the quarry operation, as described on the Operating Plan, will not affect the McKenzie River.

Armitage Park is located south of the McKenzie River, along Coburg Road and I-5, and is zoned PR. Quarry operations will not affect activities at the park. Noise from quarry operations will not be an intrusion at the park due to the ambient noise conditions generated by traffic on I-5, and traffic generated by quarry operations will travel north on Coburg Road away from the park, and will not impact Coburg Road at the Park access.

The lands surrounding the site to the north, south and east are sparsely settled and are zoned F2, E40 and E30. Armitage Park is zoned PR. The lands to the west, across I-5, are zoned E40. The F2, E40 and E30 zones are resource land zones, which severely limit the opportunity for new conflicting uses including dwellings. All new uses other than resource activity require review and approval by the County. The review requirements of these zones provide a means to evaluate and limit potential conflicting uses.

7. The Board finds that the proposed quarry site is extremely well located with regards to its relative isolation, the small number of surrounding land uses that could result in a potential conflict, the private access road, its access to the local transportation system, and its proximity to the existing Egge Sand & Gravel processing site. The small number of potential conflicting uses on surrounding lands within the Goal 5 impact area helps to make this a valuable resource site, and it can serve as a long-term source of quarry rock through the protection afforded by the Goal 5 process. Including the site on the Comp Plan Inventory of Significant sites will provide the appropriate recognition to preserve the site for long-term resource use.

8. Oregon Administrative Rule (OAR) 660-23-180(6)(a)-(e) lists the information that must be provided with the application in order for it to be considered "adequate". This application is supported by substantial evidence in the case record, which includes extensive technical information that was provided by qualified specialists in fields directly related to the proposed quarry operation. The requirements of OAR 660-23-180 are addressed in a report by Jeffrey R. Tross, Land Planning and Development Consultant, titled Goal 5 Report for Vernon Egge/Egge Sand and Gravel, LLC - Post Acknowledgment Plan Amendment for Coburg Ridge Quarry Site. The technical information that is included in the case record includes detailed Site Plan Maps prepared by Ford-Ness-Fassbinder, Surveyors, and EGR & Associates, Geologists and Engineers, included with the application as Exhibit 1; a report by EGR & Associates, Inc., titled Egge Sand & Gravel L.L.C. Resource Evaluation Lane County March 2001, included as Exhibit 2; a report by EGR & Associates, Inc., titled Operation Plan, Mining and Reclamation at Spores Point, Egge Sand and Gravel, LLC, included as Exhibit 3; a report by Access Engineering, Eugene, titled Egge Sand & Gravel Traffic Impact Study, Lane County, Oregon, August 21, 2001, included as Exhibit 4; a report by Daly-Standlee & Associates, Inc., Portland, titled Egge Sand & Gravel's Egge Quarry Goal 5 Application Noise Study, included as Exhibit 5; and a report by Argentea Environmental, Wilsonville, Oregon, titled Rare Plant Survey of Potential Quarry Site, prepared

for Egge Sand & Gravel, June, 2000, included as Exhibit 6. In addition, an additional report was submitted for the record at the public hearing on March 2, 2004, by Daly-Standlee Associates, to address an additional potential noise impact; an additional report was submitted by Access Engineering with revised traffic volume projections, and an additional statement was submitted by EGR to address the disposition of storm water runoff. In addition, the Lane County Engineering Division submitted as report during the open record period following the public hearing which examined the potential impact of the projected quarry traffic on the structural capacity of Coburg Road and McKenzie View Road. This report concluded that the quarry traffic would not have a significant impact on the structure of these roads. The Board finds that the information that has been provided for the record by the Applicant in support of the application satisfies the requirements of OAR 660-23-180(6)(a)-(e).

9. No information from similar qualified sources, or technical information of any kind, was submitted for the record by any parties other than the Applicant. No testimony from any expert or similar qualified sources other than those appearing on behalf of the Applicant was presented at the public hearing. No information has been presented with a sufficient degree of specificity that contradicts or calls into question any of the information provided by the Applicant. The Board finds that the only substantial evidence in the record has been provided by and on behalf of the Applicant.

10. The Planning Commission held a public hearing on the application on March 2, 2004, at which time the Applicant and its representatives presented testimony in support of the proposal. Two persons appeared in opposition to the application. Donald Nelson expressed concerns about noise impacts to the north of the quarry site, about noise from the trucks going up Egge Road, and for traffic at the intersection of McKenzie View Road and Coburg Road, which he stated was a "blind" intersection. Tina Owens noted a correction that the owner of parcel 404 was David Egge, and expressed concerns that the proposal could cause changes in property values in the Coburg Hills, questioned the effect on water wells, and questioned the cost of relocating the EPUD power lines.

The Applicant responded to these concerns. With regards to the noise questions, Mr. Standlee, the Acoustic Engineer, said the ridge to the north of the quarry will not be removed, leaving a barrier that will mitigate the noise. Mr. Standlee also noted the trucks will not be driving to the top of the ridge, they will load on the quarry floor, and the existing noise from traffic on I-5 will mask the truck noise. Mike Weishar, a Traffic Engineer with Access Engineering, stated that the sight distance at the intersection of McKenzie View Road and Coburg Road was adequate, and during times of darkness the view of oncoming traffic would be actually be easier due to headlights. Mr. Larry Thorp, the Applicant's Attorney, stated that the cost of relocating the EPUD power lines is the Applicant's responsibility. Chris Jeremiah of BJ Equipment, the Applicant's Blasting Engineer, described the way blasting would be conducted, controlled, and monitored to limit ground vibration, air pressure, and fly rock. Ralph Christiansen, the Applicant's Geologist, submitted a letter date March 2, 2004, which stated that blasting conducted in the manner described and with the blasting controls that were also described, would not adversely affect wells or foundations in the area due to the manner in which vibration associated with blasting dissipates over distance.

The Board finds that the questions that were presented to the Planning Commission in opposition to the proposal were general in nature, and were not supported by specific facts or evidence. The Applicant responded to the questions with information from qualified specialists, and these responses adequately addressed the concerns that were presented. The Board concludes that the Applicant presented sufficient information in adequate detail to address and satisfy the questions

and concerns that have been presented in opposition to the proposal.

11. In addition to the testimony at the public hearing, three communications were received by the Planning Department and made a part of the record. A County "request for comment" sheet was received from David and Lucille Egge on Jan. 12, 2004. Their comments consist of six points, which include the issues presented by Tina Owens at the public hearing, and in addition question the "right of way access" to their home on parcel 404, and noise levels from "truck/blasting operations". The Board finds that these issues have been adequately addressed by the Applicant through testimony at the public hearing, and in the written submittals.

A letter from H. Andrew Clark, Attorney for LeRoy Sherman, dated January 27, 2004 and received by the County on January 28, 2004, raises questions regarding noise impacts, the effects on blasting on Mr. Sherman's home, which is stated as "roughly 400 feet from the southern boundary of the proposed mining site"; dust impacts, traffic impacts, impacts to groundwater, stormwater runoff, and ground stability. Neither Mr. Clark nor Mr. Sherman appeared at the public hearing.

The Board finds that these issues have been adequately addressed by the Applicant, in testimony and in the written submittals. The potential impacts of blasting, dust, and ground stability have been addressed by the Applicant's Geologist and Blasting Engineer. This information shows that with the blasting controls to be employed the impacts will be mitigated. The question of stormwater runoff has been addressed by the Applicant's Geologist. Stormwater will drain to the north of the quarry, not to the south. Traffic impacts have been addressed by the Applicant's Traffic Engineer and by the County Road Department. The affected roads and the intersection are adequate for the projected volume of traffic, and in any case the Sherman residence is located to the east of Coburg Road and the quarry access road, and quarry traffic will be traveling to the west. The potential for impacts to groundwater have been addressed by the Applicant's Geologist, who stated that there will be no adverse impact. The Board finds that record shows that the concerns presented in the letter from Mr. Clark on behalf of Mr. Sherman have been adequately addressed, and that the potential impacts will be mitigated.

An email was received by the County from Donald Nelson on March 3, 2004, during the open record period following the public hearing. The concerns expressed in the email are the same as those Mr. Nelson expressed during his testimony at the public hearing. As noted, these concerns have been adequately addressed by the Applicant.

12. In order to qualify for a PAPA the application must satisfy the requirements of OAR 660-23-180. The Applicant has addressed these requirements in the extensive and detailed materials and testimony that are a part of the record. As previously noted, the Board finds that the information provided by the Applicant satisfies the requirements of OAR 660-23-180(6)(a)-(e). The information provided by the Applicant includes the following:

A resource evaluation for the proposed quarry site was conducted on the property by EGR Associates of Eugene to address OAR 660-23-180(3). This firm has extensive experience in researching and designing mineral and aggregate operations in Lane County and in western Oregon, including basalt rock quarries. The evaluation included an exploration pit, three test drillings, and quality testing on rock from the site. The rock tests confirmed that the material meets the Goal 5 standards for quantity and quality. The results of these explorations and tests are presented in full in the EGR report, Exhibit 2. The research performed by EGR confirms that the site contains a "Significant" quantity of high-quality rock.

A Transportation Impact Study was prepared by Access Engineering of Eugene to determine the traffic impact of the proposed operation on local roads, as required by OAR 660-23-180(6)(c) to address -180(4)(b)(B). The traffic impact analysis was based on a study area that was specified by the County, in addition to the Goal 5 requirement. The traffic study found that the traffic to be generated by the proposed quarry operation will not create conflicts on the local roads that provide ingress or egress to the mining site, or adversely affect the capacity or function of the local transportation system. This report is included as a part of the application as Exhibit 4. In addition, a study was made by the County Engineering Division to determine the structural capacity of the affected roads. This study found that the County roads were capable of supporting the traffic to be generated by the proposed quarry operation.

A study of potential noise impacts from the proposed quarry operation was conducted by Daly-Standlee Associates, Acoustic Engineers, to address OAR 660-23-180(4)(b)(A). This study found that quarry operations will meet the DEQ noise limitations in all but a “worst case” scenario, which would involve the occasional operation of the rock drill or excavator at the top of the rock wall. At these times the applicable DEQ noise standard could be exceeded at three nearby residences (one of which is the home of Vernon Egge, the Applicant). The “worst case scenario” is expected to occur for a week, once or twice a year. Regardless, reasonable and practicable measures can be employed to reduce the noise from even this worst case scenario to meet the applicable DEQ noise standard. These measures consist of constructing berms along the west and south sides of the mining area, as described in the Noise Study. By meeting the DEQ standards for noise the potential conflict is considered to be minimized. The Daly-Standlee report is included as Exhibit 5. An additional study of the noise impacts at a residence located to the southwest of the quarry site found that, with an additional mitigating measure consisting of a higher berm to the west of the excavation, the noise impact would meet the DEQ standards. This report was provided at the public hearing and is a part of the record.

The Comprehensive Plan identifies no other Goal 5 resources at the site, however, the Applicant had a rare plant survey conducted on the site by Argentea Environmental Natural Resource Consulting. The purpose of this survey was to determine whether any listed threatened or endangered plant species were present on the site. None were found. The Argentea Environmental report is included as Exhibit 6.

13. In addition to satisfying OAR 660-23-180(6)(a)-(e), the other requirements of OAR 660-23-180 have been addressed as follows:

OAR 660-23-180(3) presents the Significance Test, and states:

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

This proposal meets the requirements of part (a), as follows:

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

Rock samples from this site were tested at the ODOT Materials Laboratory for the applicable quality factors. The results of the lab tests are provided in Appendix E of Exhibit 2. As shown on the test result sheet, the material meets the ODOT quality specifications.

The volume of material available from this site is estimated at 7.1-9.6 million tons, as detailed in the calculation presented in Exhibit 2. This calculation incorporates data obtained from test drillings performed on the property, which are also described in Exhibit 2. The drill tests show the depth of the rock resource as at least 100'. A mining area of approximately 40 acres is planned. The estimated amount of material from the site exceeds the requirement of 2 million tons for a site in the Willamette Valley (Lane County is included in the definition of the area that makes up the "Willamette Valley", OAR 660-23-180(1)(k)).

By meeting the specified quality and quantity requirements, part (a) is satisfied.

Subsections (b) and (c) do not apply.

Subsection (d) describes exceptions to the significance test of 660-23-180(3)(a-c). The site is not subject to these exceptions, as shown below:

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

(A) The site is not significant if the proposed mining area consists of more than 35% Class 1 soils as shown on the NRCS maps, or

(B) The site is not significant if the mining area consists of more than 35% Class 2, or a combination of Class 2 and Class 1 or Unique soils as shown on the NRCS map, unless the average width of the aggregate layer within the mining area exceeds:

(i) 60 feet in...Lane County....

As described in the EGR report, the soil on the proposed mining area is Class 6 Witzel very cobbly loam. There are no Class 1 or 2 soils on the site. Therefore, the site is not subject to these exceptions to the significance test.

Because the material meets the quality and quantity requirements of subsection (a), and the site is not subject to the limitations of subsection (d), 660-23-180(3) is met and the resource must be considered Significant. The Board finds that the site is Significant because it contains a volume of aggregate material that is in excess of the 2 million ton standard, the material meets the ODOT standards for quality, and the mining area is not subject to the exception for Class 1 or 2 soils.

With regards to locational considerations, the Board finds that the site is very well located as a quarry for the basalt rock resource. The site is in an isolated location and the potential for significant conflicts with surrounding land uses is low. The site is served by a private access road, and it is about a half-mile from the processing site. As a result of this proximity, on-site operations will be limited to mining, which reduces the potential for conflicts with other uses in the 1500' impact area. The lands along the public road route to the processing site are zoned for resource use, which minimizes the potential for conflicting uses in the area. The potential impacts of the operation on surrounding uses will be minimized since the only potential conflict, noise, will be diminished by the method of mining the site, the terrain, and existing ambient noise from I-5. For these reasons, the Board concludes that the site is well located for the proposed use.

OAR 660-23-180(4), "Deciding Whether to Allow Mining", states:

For a PAPA application involving a significant aggregate site, the process to decide whether to allow mining is set out in subsections (a) through (g) of this section:

(a) Determine the impact area for the purpose of identifying conflicts with proposed mining and

processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1500 feet from the boundaries of the mining area except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site, and shall not include the existing aggregate site.

The 1500' impact area boundary is shown on the EGR mining site plan map, Exhibit 1. This map shows a 1500' impact area measured from the boundaries of the mining area. The only potential impact that exceeds 1500' is noise, as shown in the report from the Acoustical Engineer, Exhibit 5. The noise impact area extends 1775' to the west of the mining area.

(b) Determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and specify the predicted conflicts. For purposes of this section, "approved land uses" are dwellings allowed by a residential zone on existing platted lots, and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

(A) Noise, dust or other discharges with regard to those existing and approved uses that are sensitive to such discharges;

(B) Local roads used for access and egress to the mining site within one mile of the entrance to the mining site, unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan;

(C) Safety conflicts with existing public airports due to bird attractants, i.e. open water impoundments;

(D) Other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

(E) Agricultural practices;

(F) Consideration for other conflicts necessary to carry out ordinance that supersede DOGAMI regulations pursuant to ORS 517.780.

The determination of conflicts from the proposed operation is limited to those specified in subsections (A) through (F). The only identified potential conflict from the mining operation is noise. The existing land uses within the noise impact area that could be adversely affected by the proposed operation are dwellings. Two dwellings within the noise impact area are located to the east on the ridge, two are to the west of I-5 on the valley floor, one to the north and one to the south of Coburg Road; one is to the south of McKenzie View Road on the river terrace, and one is to the west of I-5 south of the river. There are no "approved land uses" within the noise impact area.

The original Noise Study, Exhibit 5, and the additional noise report submitted at the public hearing on March 2, 2004, show that noise from the mining operation will meet the applicable DEQ standard at the location of all dwellings within the noise impact area, with the use of recommended mitigation measures. The recommended mitigation measures are reasonable and practicable for minimizing the noise impact. By meeting the DEQ noise standard the potential conflict is considered to be minimized, OAR 660-23-180(1)(f).

With regards to "other discharges", as included in (A), another potential conflict could result if "fly rock" from blasting reached a dwelling or the travel lanes of I-5. Blasting will be utilized at the site to loosen the rock for excavation from its natural formation. Blasting is expected to occur about once a month. Fly rock could potentially leave the site if blasting is not controlled and monitored. However, blasting controls will be utilized to minimize the potential for fly rock to

leave the site, as described in Exhibit 2, and as further explained in testimony by the Applicant's Blasting Engineer at the public hearing on March 2, 2004. These measures will include limiting the force of the blast, using a "bottom loading" blasting technique, and employing mats or soil cover to suppress loose materials from becoming airborne. All blasting at the site will be controlled and monitored by a firm experienced in these matters. By controlling the force of the blasting, employing the appropriate measures to suppress and control the possibility of fly rock, and monitoring the blast, the potential for this conflict to occur will be minimized.

There are no other discharges as provided for in (A) that could cause conflicts with existing or approved uses within the impact area.

With regard to (B), the local roads used for access and egress to the mining site are McKenzie View Drive and Coburg Road. A Transportation Impact Study has been prepared by Access Engineering of Eugene to determine the traffic impact of the proposed operation on local roads, as required by OAR 660-23-180(6)(c) to address -180(4)(b)(B). The traffic impact analysis also addressed a study area determined by the County. The traffic study found that the type and volume of traffic to be generated by the proposed quarry operation will not create conflicts on the local roads that provide ingress or egress to the mining site, or adversely affect the capacity, function, or level of service (LOS) of the local transportation system. This report is included as a part of the application as Exhibit 4. In addition, the Lane County Engineering Division has concluded that the volume of traffic expected to be generated by quarry operations will not have a significant impact on the structural capacity of these roads.

In addition, the dwellings on the ridge will not be directly affected by traffic from the quarry, since Egge Road runs along the north face of the ridge and quarry traffic will not pass these dwellings. The homes along McKenzie View Drive to the east of Coburg Road will not be affected by quarry traffic, because the route to the Coburg Road operation is to the west, away from these homesites. The traffic study determined that the McKenzie View Drive-Coburg Road intersection will not be significantly affected. Quarry truck traffic will travel on Coburg Road between the quarry and the processing site, but the road is classified as a major collector and its structural condition is appropriate for the proposed use.

With regard to (C), safety conflicts with existing public airports due to bird attractants, there are no public airports in the vicinity and the proposal will not create a bird attractant such as a water impoundment.

Part (D) refers to conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated. The McKenzie River is within the 1500' impact area. The proposed mining site does not border the river and extraction will remain at an elevation above the water surface. There will be no withdrawal of water from the river or discharge of water to the river. The mining site will not affect the river banks or riparian vegetation. Noise from the operation will be controlled to meet the DEQ standards. A rock wall or berm will screen mining activity from the water surface. For these reasons the proposal will not adversely affect the river or river users.

The Spores House historic site is located north of Coburg Road, west of I-5. The house burned and no longer exists. The quarry operation will have no effect on this site.

With regards to rare or endangered plants, the Applicant had a rare plant survey conducted on the site by Argentea Environmental Natural Resource Consulting, Exhibit 6. The purpose of this

survey was to determine whether any listed threatened or endangered plant species were present on the site. None were found.

With regard to (E), conflicts with agricultural practices, there are no agricultural practices on the lands surrounding the quarry site on the ridge. There is a farm field within the 1500' impact area located on the valley floor, to the west of I-5 and about 300' below the elevation of the quarry site. This appears to be a grass seed field. The quarry operation will have no effect on the ability to conduct agricultural practices on this farm field. The quarry will not border or intrude on farm field, or use groundwater from a source that could potentially be used for farm irrigation. Because the resource is a basalt quarry located on the ridge, rather than an alluvial deposit, and because of the limited operation that is proposed, the quarry will present no conflicts with the farm uses of the field on the valley floor west of I-5.

With regard to (F), consideration for other conflicts necessary to carry out ordinances that supersede DOGAMI regulations pursuant to ORS 517.780, there are no local ordinances that supersede DOGAMI regulation.

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

Noise from the quarry operation is identified in subsection (b) as a potential conflict. The potential for a noise conflict would occur only under the described "worst case scenario", which involves equipment operating on top of the bench. The potential for a noise conflict affects four dwellings within the impact area. The report from the Acoustic Engineer identifies a mitigation measure, which is a noise control berm along the west and south boundaries of the mine site. This is a reasonable and practicable mitigating measure, which will serve to reduce the noise level to meet the applicable DEQ standard. This recommended noise reduction measure serves to "minimize the conflict" consistent with the definition of this term in 660-23-180(1)(f). Under this definition, meeting the DEQ standard means the conflict is no longer significant.

The other potential conflict is "fly rock" from blasting reaching the travel lanes of I-5. The potential for this conflict can be minimized by controlling the size of the blast, and employing mechanical methods to suppress rock from leaving the site. Prior to operations a blasting plan will be prepared to specify the procedures to be employed to control blasting and minimize fly rock. These are reasonable and practicable measures that would serve to minimize the conflict.

With regards to potential conflicts with agricultural practices, no such conflicts have been identified. However, the requirements of ORS 215.296(1) are addressed to determine whether there are conflicts to agricultural practices, as follows:

(a) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The only surrounding land devoted to farm use is the property to the west across I-5. This appears to be a grass field. The farm use is on the valley floor at an elevation approximately 300' below the quarry site. It is not adjacent to the quarry site, or to the ridge. The quarry will not intrude on the farm land, use water from a source that could be used for farm irrigation, or create traffic conflicts that would interfere with farm vehicles on Coburg Road. There are no farm

stands in this area that sell locally produced farm products and attract customers from outside of the local farm area. For these reasons the proposed quarry will have no effects on the farm practices at this location.

The surrounding lands on the ridge are zoned F-2, a forest zone. However, none of the surrounding F-2 lands are used or managed for commercial forest uses, and there are no forest practices or operations conducted on these lands. These are unmanaged woodlands that do not support a commercial forest operation, and which do not support merchantable timber. For these reasons, the proposed quarry will have no effect on forest practices on surrounding lands.

The farm practices employed for the farm activities in the impact area will not be affected by operation of the proposed quarry. There are no forest practices in the area. The quarry will not occupy farm land or cause surrounding farm land to be removed from production. The operation will not withdraw groundwater from below the valley floor and the availability of groundwater from an aquifer below the valley floor will not be affected. The quarry operation will not be affected by the operation of farm machinery or by the application of agricultural chemicals, and the farming practices associated with the identified farm uses will not be impaired, interfered with, or affected by activities on the quarry site such as drilling, blasting, excavating, and loading. Noise will not affect any of the existing farm activities, or the surrounding forest land, and the quarry operation will not create significant off-site noise levels. Traffic generated by the quarry will use Coburg Road but will not affect the movement of farm traffic in the area. Based on these considerations, the quarry will not force a significant change in accepted farm or forest practices on the surrounding land devoted to farm or forest use.

(b) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

For the reasons as described in (a), the proposed quarry will not force a significant change in farm practices on the surrounding lands in farm use. The surrounding farm use appears to be a grass field, located on the valley floor to the west of I-5. The quarry will not create dust that could settle on crops that would require additional handling over present practices, it will not draw down or deplete water from a source that could be used for farm irrigation, and the traffic volumes generated by the quarry will not interfere with farm vehicles on Coburg Road. Farm practices, including the type of crop that is raised, cultivation methods, access to the fields, and water sources, will not be affected. The farm zoning category on the surrounding lands will not change. Without any verified affect on accepted farm practices, their cost will not be affected.

Also as described in (a), there are no surrounding lands that are managed for forest use, on which forest practices are conducted, or which sustain a tract of commercial timber. The surrounding forest lands consist of mixed, scrub timber, which is not being managed for commercial purposes. The quarry will have no affect on these lands or on their ability to be used for forest practices in the future. The forest zoning category will not change.

For these reasons, the use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. Based on these two criteria, the proposed quarry will have no significant affects on accepted farm practices, or their costs, on the surrounding lands that area devoted to farm use.

As specified under this section (660-23-180(4)(c)), reasonable and practicable measures have been identified to minimize the identified conflicts, which are noise within the impact area and potential fly rock from blasting. Therefore, mining shall be allowed at the site and subsection (d) does not apply.

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

Based on consideration of the information provided in entire record, including all of the testimony in the record, the Board of Commissioners concludes that mining shall be allowed and the Plan and its implementing measures shall be amended as required by this decision.

In this case, the identified potential conflicts are noise, and fly rock from blasting. The measures required to minimize these conflicts are to follow the recommendation of the Acoustical Engineer with regards to noise reduction, and to employ the measures recommended by the Blasting Engineer to prevent fly rock from leaving the site. The Conditions of Approval adopted as a part of this decision require these measures. With the recommended noise mitigation measures, noise from the quarry operation will meet the DEQ standard at the affected dwellings within the impact area. Controlled blasting practices will minimize the potential for fly rock to leave the site and reach the travel lanes of I-5, or the nearby residence to the south. These are the only conditions that are required to minimize the potential for conflicts.

(f) Where mining is allowed, the local government shall provide for the post-mining use and provide for this use in the comprehensive plan and land use regulations.

The post mining use will be a function of the site's physical features at the completion of mining. At completion the site will consist of a series of successive benches ascending from the finished floor level. The future use of the site will be limited to uses included in the zone, which at present is F2. In this case, the post-mining use calls for topsoil and overburden that was stockpiled prior to excavation to be replaced within the extraction area as practical, and planted with native vegetation. The site will be left as open space.

(g) Refers only to processing materials from a new site at an existing site, and does not apply to this case.

(5) Local governments shall follow the standard ESEE process of OAR 660-23-040 and -050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site.

The Applicant has addressed the ESEE process of OAR 660-23-040 and -050. Based on the facts and evidence in the record, the Board concludes that the resource site is significant. Based on the examination of the uses allowed outright or conditionally in the zones that occur within the impact area, the Board finds that approval of the mining operation does not need to limit or prohibit new conflicting uses on F2 and EFU land within the impact area. The conflicting use is dwellings within the noise impact area. The potential for new dwellings is already severely restricted by the requirements and standards of the F2 and EFU zones. The existing regulations that serve to restrict dwellings on resource land are sufficient to protect the resource site. With the mitigating measures, noise from the mining site will meet the DEQ standards within the impact area. In this case, the acknowledged policies and land use regulations are sufficient to protect the resource site and no additional measures are needed. This is consistent with OAR 660-23-040(2)(a). Because the potential conflict from the quarry operation will be mitigated, it is not necessary to further limit or prohibit new conflicting uses within the impact area. As a result of the ESEE analysis, the Board concludes that there are no significant conflicts to mining at this

location, and that it is not necessary to impose further restrictions on development in the area beyond the measures that are imposed by current zoning.

14. The Board of Commissioners finds that, based on the facts and evidence in the entire record, the proposed quarry site satisfies the qualifications as a “Significant” resource, that all potential adverse impacts have been minimized, that mining shall be allowed in accordance with the Operation Plan provided as a part of the application, and in accord with the adopted conditions of approval, and that conflicts will be balanced by the review process required in order to evaluate proposals for new dwellings in resource zones within the impact area.

15. Conclusions

Based on the facts and evidence in the entire record, the Board of Commissioners concludes that this quarry site represents a significant quantity of high quality material. The site is located in proximity to the processing plant, and to the Eugene-Springfield metro area, which is a major market for the material. The transportation system that serves the site is adequate to accommodate the proposed use in terms of both its ability to accommodate traffic volume and its structural capability. These quantity, quality, and location factors qualify the site as a Significant aggregate resource under this Rule. Including the site on the Comp Plan inventory of Significant aggregate resources will protect it and keep it available for future utilization, consistent with Goal 5 and the Comprehensive Plan.

The site is surrounded by unmanaged woodlands, farmlands, I-5, scattered residences, a County park, and the McKenzie River. The identified potential noise conflict between the quarry and the existing dwellings in the area can be minimized with reasonable and practicable measures. The potential for new dwellings within the surrounding resource zones in the impact area is severely restricted by the requirements of the zones, and requires review and approval by the County. Due to these measures, the Board concludes that there is no reason to further limit or prohibit new conflicting uses within the impact area.

The addition of the site to the inventory of Significant aggregate sites is consistent with the Statewide Planning Goals and the Administrative Rules. Based on the facts and information that have been provided with regard to its resource characteristics, and the measures to minimize the identified potential conflict, the site qualifies for inclusion on the inventory of Significant aggregate resource sites and mining shall be allowed subject to the conditions of approval..

16. Conditions of Approval

1. No crushing or production of concrete or asphalt shall be conducted on site.
2. Operations shall be conducted between 7:00 a.m. and 5:30 p.m.
3. There shall be a maximum of 80 haul truck round-trips per day.
4. No truck traffic shall use McKenzie View Drive east of Egge Road.
5. Controlled blasting practices shall control the creation of “fly rock”.
6. All mining activities will take place behind the working face or a visual/noise screen (berm). A rock wall shall be retained between the mining area and the residences to the east, west and south.
7. The dozer and rock drill shall not operate at the top surface of the mine at the same time.
8. A ten (10’) to fourteen (14’) foot high berm shall be constructed along the west boundary of the mining area as shown on Figure 5 of the Noise Study.
9. A berm that is a combination of 15 feet above the surface of the mine and 20 feet above the surface of the mine shall be constructed as shown on Figure 5 of the Noise Study.
10. All dust emissions shall conform to LRAPA standards.

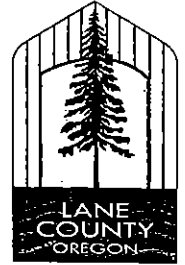
LANE COUNTY PLANNING COMMISSION

Staff Report

Hearing Date: March 2, 2004

File: PA 02-6065

Report Date: February 24, 2004



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

I. PROPOSAL

A. Applicant: Egge Sand & Gravel, LLC
 90520 Coburg Road
 Eugene, OR 97408-9467

Owner: Vernon Egge
 90520 Coburg Road
 Eugene, OR 97408-9467

Agent: Jeffrey R. Tross
 1720 Liberty St. SE
 Salem, OR 97302

B. Proposal:

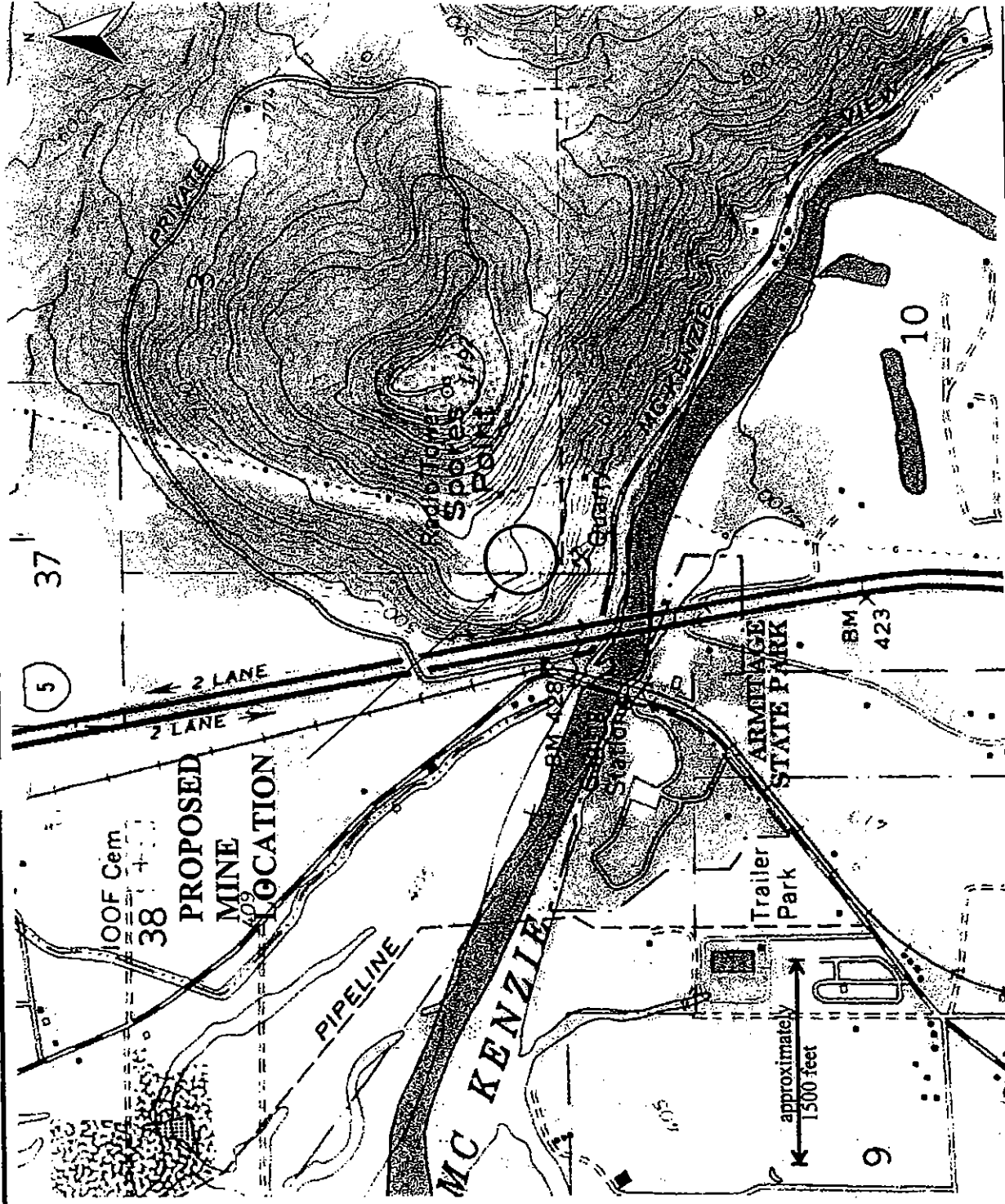
Amend the "Significant Mineral and Aggregate Resources Inventory" of the Lane County Rural Comprehensive Plan to allow mining pursuant to the Goal 5 Oregon Administrative Rules OAR 660-023; and Amend the Rural Comprehensive Plan Designation from "Forest" to "Natural Resource" and Rezone Lands from "F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone" for 40 acres pursuant to Lane Code 16.400 and 16.252.

II. PROCEDURE

The Planning Commission may follow these hearing procedures on March 2:

1. Announce the hearing is de novo and explain the rules of conduct.
2. Disclose any ex parte contacts.
3. Call for abstentions due to ex parte contacts or biases.
4. Request the Director or staff to present an introductory report, explain any graphic or pictorial displays which are a part of the report, read findings and recommendations, if any, and provide such information as may be requested by the Planning Commission ("Commission", hereinafter).
5. Allow the applicant to be heard first, on his own behalf or by representative.
6. Allow persons in favor of the applicant's proposal to be heard next in the same manner as in the case of the applicant.





Section 3, Township
 17 South, Range
 3 West of
 Willamette Meridian

Adapted from:
 United States Geologic Survey
 7.5 minute quadrangle maps
 Eugene East

EGR & Associates, Inc.
 Engineers and Geologists
 2535 B Prairie Road
 Eugene, Oregon 97402
 (541) 688-8322

**EGge Sand & Gravel
 Quarry Resource Evaluation
 Figure 1: Site Location**

7. Allow other persons to be heard next in the same manner as in the case of the applicant.
8. Upon failure of any party to appear, the Commission may take into consideration written material submitted by such party.
9. Allow the Director to present any further comments or information in response to testimony and evidence offered by any interested persons.
10. Allow the applicant to rebut, on his own behalf or by representative, any testimony previously presented to the Commission.
11. Questions may be asked at any time by the Commission. Questions by the applicant, parties testifying, or County staff may be allowed by the Commission upon request. Upon recognition by the Commission, questions may be submitted directly to the persons being questioned. The persons questioned shall be given a reasonable amount of time to respond solely to the questions.
12. Conclude the hearing of testimony.
13. At the conclusion of the public hearing, the Commission has several options:
 - It can move directly to deliberations, make a recommendation based on findings of fact and conclusions in response to the record;
 - It can leave the record open for a specified period for the submittal of written testimony; or
 - It can continue the hearing to a date and time certain for the purposes of hearing additional testimony or commencing with deliberations.
14. With any option, the Commission may assign the drafting of the recommendations and supporting findings of fact and conclusions to the Director or request proposed findings of fact and conclusions from any party to the hearing.
15. Upon adoption of findings, conclusions and recommendations, the Commission shall submit the minutes of the public hearing and the recommendations to Board of Commissioners in compliance with Lane Code 16.400(6)(d).

III. SITE AND PLANNING PROFILE

A. Location

Map 17-03-03 Taxlots 402 & 500. The site is located on Coburg Ridge, east of Interstate 5 and north of the McKenzie River.

B. Zoning

The property is currently zoned Impacted Forest Lands, F2.

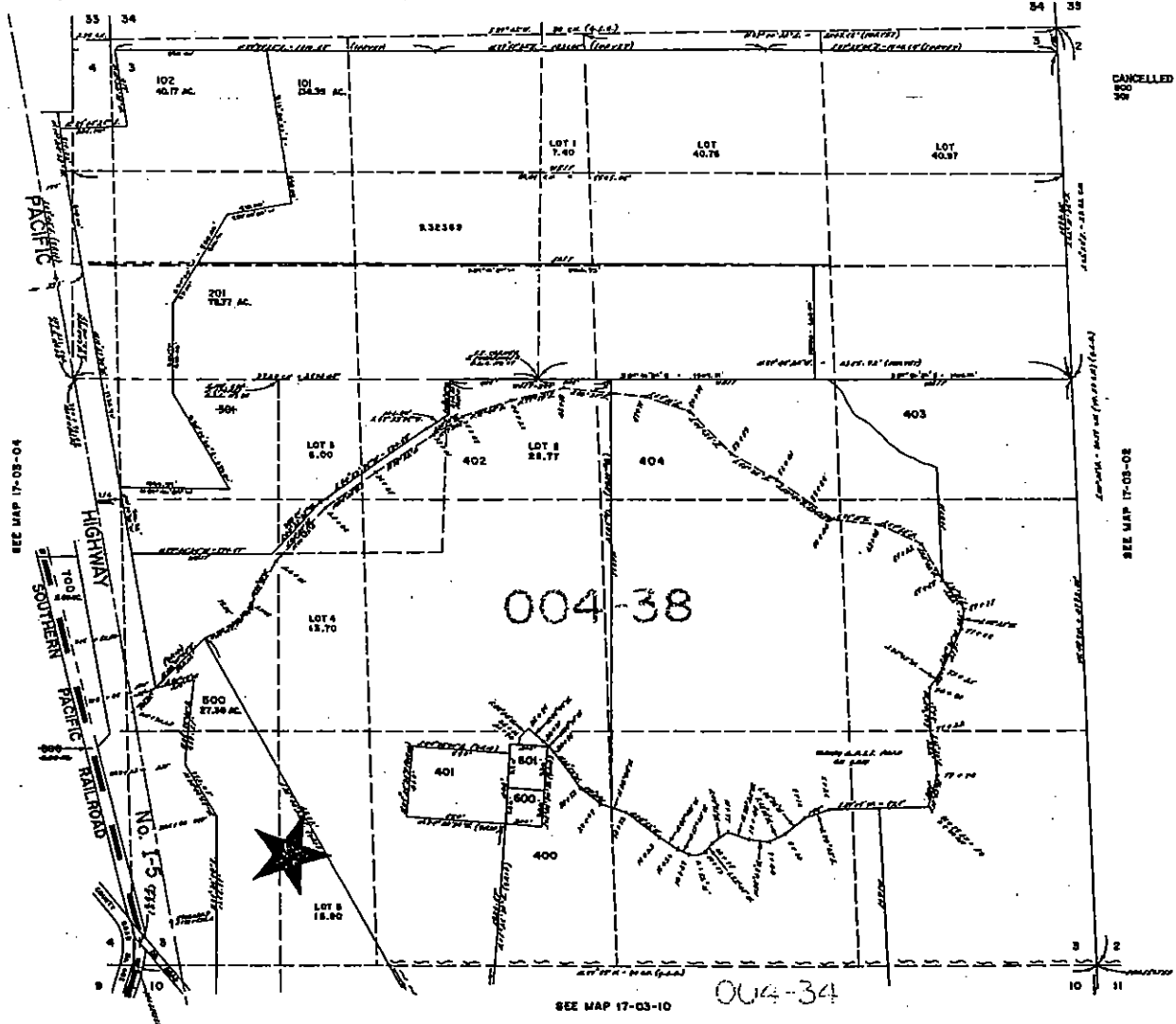
C. Site Characteristics

The quarry will be located on 40 acres of the 141 acres contained in the two taxlots listed above. Mining occurred on the site during construction of Interstate 5 in the early 1960's. The mine site is located on the west end of Coburg Ridge.

LANE COUNTY

1" = 400'

SEE MAP 16-03-34



D. Surrounding Area

Property to the north is identified as Map 17-0303 taxlot 201 is zoned Exclusive Farm Use E40. There is no dwelling on the property.

Properties to the east are identified as Map 17-03-03 taxlots 400, 401, 404, 600, & 601. Each of these parcels are zoned Impacted Forest Lands, F2. Taxlot 400 is owned by Richard Pierce and is developed with a residence at 33387 McKenzie View Dr. Taxlot 401 is owned by the applicant and is developed with a residence at 90263 Egge Rd. Taxlot 404 is owned by David & Lucille Egge and is developed with a residence at 90375 Egge Rd. Taxlot 600 is owned by the US Government and managed by Bonneville Power Administration. There is no dwelling on the property. Taxlot 601 is owned by the applicant and is developed with communication towers.

Property to the south is identified as Map 17-03-10 taxlot 3200 located between McKenzie View Drive and the McKenzie River. The property is owned by Leroy & Verda Sherman and is developed with a residence at 33260 McKenzie View Dr. The property is zoned Impacted Forest Lands, F2.

Property to the west is located across Interstate 5 and is identified as Map 17-03-03 taxlot 700. This property is zoned Exclusive Farm Use, E40. The property is owned by GAW Inc. and is developed with a manufactured home and a contractors equipment yard. The site has addresses of 90344 Egge Road (MH) and 90364 Egge Rd. (commercial).

E. Services & Resources

Fire: Coburg Rural Fire Protection District.

Police: County Sheriff, State Police

Sewer: proposed portable toilets

Water: on-site well

School District: Eugene 4J

Power: EPUD

Access: McKenzie View Drive (County) to Egge Road (private).

Class I Stream: none identified on the subject property

Historical: none identified on the subject property

Archaeological: none identified on the subject property

Sensitive Habitat: The property is within the Major Big Game Range

Water Quantity: The property is not located within a water quantity limited area.

Water Quality: arsenic may occur

Wetlands: No wetlands are identified on the subject property.

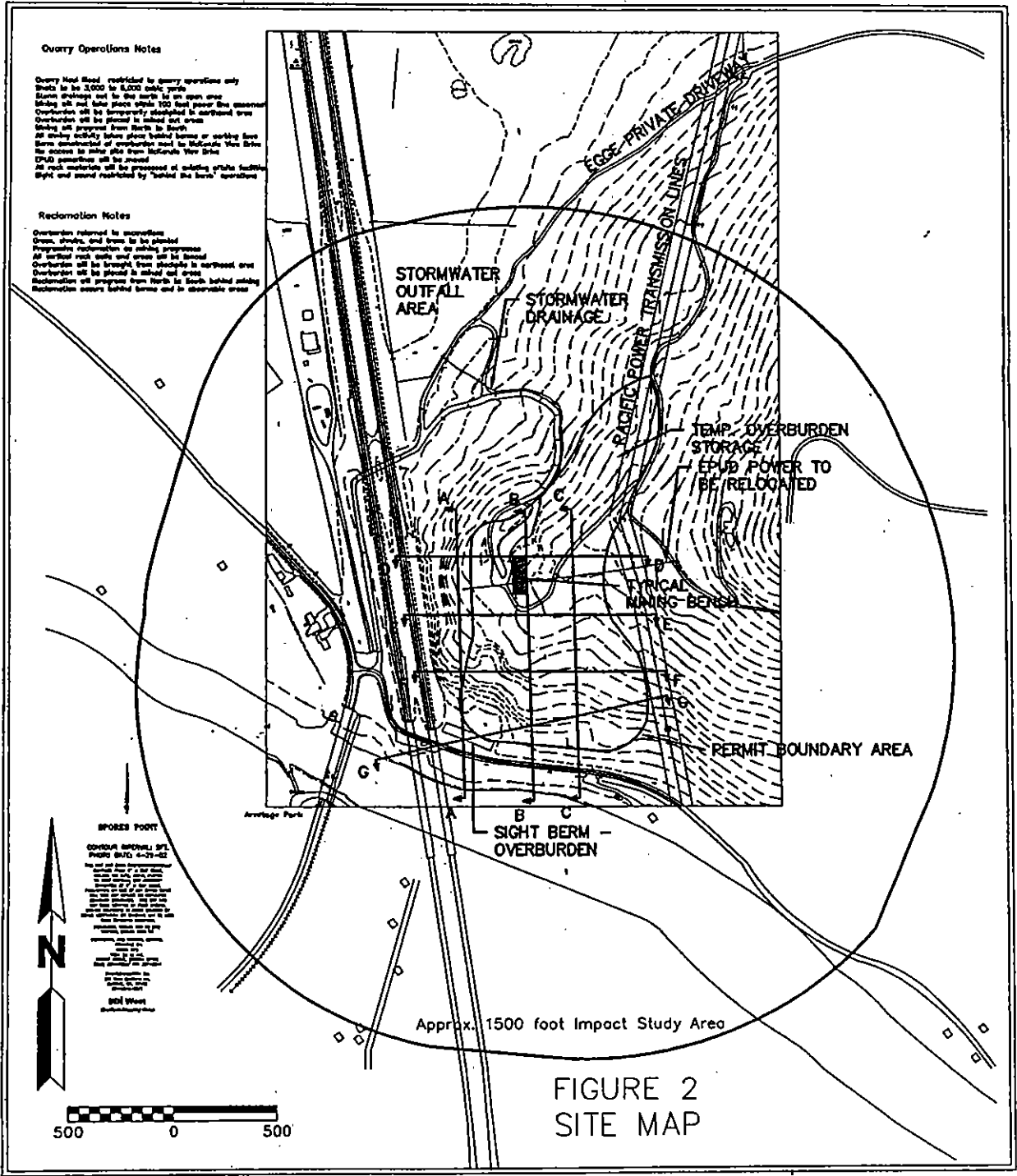
F. Referral Comments Received

Quarry Operations Notes

Quarry feed road restricted to quarry operations only
 shall be 3,000 to 5,000 cubic yards
 Storm drainage out to the north in an open area
 Mining pit and take place within 100 feet from the stream
 Overburden will be temporarily stockpiled in northeast area
 Overburden will be placed in mined out areas
 Mining will proceed from North to South
 All mining activity takes place behind berm or working face
 Berm constructed of overburden used to McKeane View Drive
 No access to mine pit from McKeane View Drive
 DPO permitting will be issued
 All rock materials will be processed at existing pit/face facility
 Sight and sound restricted by "Behind the berm" operators

Reclamation Notes

Overburden returned to geotextile
 Grass, shrubs, and trees to be planted
 Progressive reclamation as mining progresses
 All surface rock bery and areas will be covered
 Overburden will be brought from stockpile in northeast area
 Overburden will be placed in mined out areas
 Reclamation will proceed from North to South behind mining
 Reclamation occurs behind berm and in observable areas



**FIGURE 2
SITE MAP**

1. Oregon Department of Fish & Wildlife (ODFW): No response received.
2. Department of Geology and Mineral Industries (DOGAMI): No response received.
3. Department of Land Conservation and Development (DLCD): No response received.
4. Lane Regional Air Pollution Authority (LRAPA): No response received.
5. Pacific Power & Light (PP&L): No response received.
6. EPUD: No response received.
7. Bonneville Power Administration: The Bonneville Power Administration currently owns and operates a communication facility on the hilltop just northeast of the proposed quarry. In addition, BPA has easement rights for access to this facility. BPA would like to be assured that impacts from the proposed quarry would not adversely impact BPA's ability to access, operate and maintain this communication facility.
8. Oregon Department of Transportation (ODOT): No response received.
9. Eugene School District #4J: No response received.
10. Lane County Transportation Planning: see comments under conflicts with local roads section below.

In addition to the responses from agencies, comments were submitted by two neighboring property owners: David & Lucille Egge and H. Andrew Clark on behalf of Leroy Sherman. These comments are attached to this report..

IV. CRITERIA AND ANALYSIS

A. Character of the Request

The applicant requests approval from the County to mine 40 acres of the subject property. In order to gain approval, the applicant has addressed the Goal 5 requirements of Oregon Administrative Rules (OAR) 660-023 to add the site to the "Significant Mineral and Aggregate Resources Inventory" of the Lane County Rural Comprehensive Plan. If mining is allowed, the Plan designation and the Zone designation will need to be changed "Forest" to "Natural Resource" and from "F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone" pursuant to Lane Code 16.400 and 16.252.

B. Evaluation

1. Classification of Amendment

LC 16.400(8)(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

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

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

The applicant requests that the Lane County Goal 5 Inventory for Significant Mineral and Aggregate Sites be amended to include the subject property. Since the proposal involves an amendment to more than the Plan Diagram only, it is classified as a Major Amendment.

2. Plan Amendment Criteria

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

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

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

LUBA has determined that the Goal 5 rule for aggregate establishes a comprehensive regulatory scheme that is intended to supersede local review standards for aggregate. *Eugene Sand & Gravel, Inc. v. Lane County*. LUBA No. 2002-068 The requirements for use in the review of this application are found in the OAR's and the Statewide Planning Goals only.

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

- (i-i) *necessary to correct an identified error in the application of the Plan; OR*
- (ii-ii) *necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR*
- (iii-iii) *necessary to comply with the mandate of local, state or federal policy or law; OR*
- (iv-iv) *necessary to provide for the implementation of adopted Plan policy or elements; OR*
- (v-v) *otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

Lane County is required to comply with the Oregon Administrative Rule (OAR), OAR 660-023-180(2) which states: "Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a PAPA, or at periodic review as specified in OAR 660-023-0180(7)". This proposal is a request for a Post Acknowledgement Plan Amendment (PAPA) to add this site to the significant Mineral &

Aggregate Resource Inventory. Upon a decision by the Board of Commissioners to allow mining, the plan must be amended as mandated by the rule. This is in conformance with (bb)(iii-iii) above. In addition, RCP Mineral and aggregate Policy #1 states: Known mineral resource sites within the County, which are limited to those identified in Appendix "D" of the "Mineral and Aggregate Resources Working Paper", shall be conserved for both present and future uses through the application of Plan designations and compatible land use regulation measures. Such designation and regulation is to take place after the requirements of the Goal 5 rule (OAR 660-16-000 through 660-16-025), which is addressed in Appendix "J" of the "Mineral and Aggregate Resources Working Paper".

While the new Rule replaces the old OAR provisions referenced in the policy, the remainder of the policy is consistent with the new Rule in order to protect the resource and implement the minimization measures. In conformance with both that policy and the Goal 5 Rule mandate, the Plan Designation is proposed to be changed from "Forest" to "Natural Resource" and the zoning changed from "F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone".

3. Oregon Administrative Rules (OAR)

Statewide Planning Goal 5 was amended on June 14, 1996 and the Amendment became effective September 1, 1996. Accompanying Oregon Administrative Rules 660, Division 23 was amended and became effective on the same date. This application is being reviewed pursuant to the provisions of OAR 660, Division 23 regarding mineral and aggregate resources.

A. PROCESS

OAR 660-23-180 is the portion of Administrative Rules 660, Division 23 that applies specifically to mineral and aggregate resources. OAR 660-23-180(2) states:

"Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a PAPA, or at periodic review as specified in OAR 660-023-0180(7). The requirements of this rule either modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:

Lane County is required to amend the acknowledged mineral and aggregate inventory in response to this application for a Post Acknowledgement Plan Amendment (PAPA). The Rule evaluation criteria for a PAPA are separated into six analytical steps:

- Step 1. Determine if the PAPA information is adequate.
- Step 2. Determine if the resource site is significant.
- Step 3. Determine if conflicts from mining can be minimized.
- Step 4. Weigh the ESEE consequences and determine whether to allow mining.
- Step 5. Determine the ESEE consequences of potential new conflicting uses within the impact area.
- Step 6. Develop a program to allow mining.

(a) A local government may inventory mineral and aggregate resources throughout its jurisdiction, or in a portion of its jurisdiction. When a local government conducts an inventory of mineral and aggregate sites in all or a portion of its jurisdiction, it shall follow the requirements of OAR 660-023-0030 as modified by subsection (b) of this section. When a local government is following the inventory process for a mineral or aggregate resource site filed under a PAPA, it shall follow only the applicable requirements of OAR 660-023-0030, except as provided in sections (3) and (6) of this rule;

These are the applicable provisions contained in the “Step 1: Adequacy of the Information” section of this report.

(b) Local governments shall apply the criteria in section (3) of this rule rather than OAR 660-023-0030(4) in determining whether an aggregate resource site is significant;

These are the applicable provisions addressed in the “Step 2: Significance of the Resource” section of this report.

(c) Local governments shall follow the requirements of section (4) of this rule in deciding whether to authorize the mining of a significant mineral or aggregate resource site; and

These are the applicable provisions addressed in “Step 3: Minimization of Conflicts” and “Step 4: Weigh ESEE Analysis” sections of this report.

(d) For significant mineral and aggregate sites where mining is allowed, local governments shall decide on a program to protect the site from new off-site conflicting uses by following the standard ESEE process in OAR 660-023-0040 and 660-023-0050 with regard to such uses.

These are the applicable provisions addressed in “Step 5: Determine ESEE Consequences of New Uses” section of this report.

B. DEFINITIONS

The evaluation steps outlined above include several terms or phrases which are defined in OAR 660-23-180(1). Four of the definitions are provided below:

- (b) *“Conflicting use” is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in 660-23-180(5) and OAR 660-23-180(4)(b)(A) through (f)).*
- (f) *“Minimize a conflict” means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to “minimize a conflict” means to ensure conformance to the applicable standards.*
- (g) *“Mining area” is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.*
- (i) *“Protect” means to adopt land use regulations for a significant mineral or aggregate site in order to authorize mining of the site and to limit or prohibit new conflicting uses within the impact area of the site.*

C. GOAL 5 ANALYSIS

This staff report is intended as a working document to facilitate the Commission’s hearings process and deliberations. The record before the Commission will consist of the applicant’s submittal, the written comments and recommendations of public agencies included as attachments to this report, and the written and oral testimony of interested parties received prior to or during the public hearing.

This report is structured to only briefly summarize the applicant’s finding of facts from the Application at each evaluation step. If the supporting evidence and findings are sufficient for a recommendation to move directly to the next step, staff will state that. In the instances where the record is not sufficiently documented or issues have not been adequately addressed, staff has identified the issues which require additional public testimony or documentation prior to the Commission’s deliberations.

Conflicting uses which are identified in the six-step evaluation must be minimized or resolved. The conflicts may be either from the impact area surrounding the proposed aggregate site or from an aspect of the proposed operation on a nearby use. If the Commission finds all existing or potential

conflict has been minimized by the proposed operations plan, then the amendment can be allowed outright. If any conflict can not be minimized by the proposed operations plan, then the issues must be resolved by limiting either the aggregate use or an off-site use. This would be done by imposing conditions of approval. If the conflicting uses can not be resolved by conditions, then an ESEE analysis is required to determine whether the mining should be allowed.

STEP 1: ADEQUACY OF THE INFORMATION

OAR 660-023-0180(6) states:

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

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

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

- *Egge Sand & Gravel, L.L.C. Resource Evaluation, Lane County October 2002 by EGR & Associates, Inc.*
- *Operation Plan, Mining and Reclamation at Spores Point by EGR & Associates, Inc.*
- *Traffic Impact Study by Access Engineering*
- *Coburg Ridge Quarry Site Goal 5 Report for Vernon Egge/Egge Sand and Gravel LLC Post Acknowledgement Plan Amendment by Jeffrey R. Tross*

STEP 2: SIGNIFICANCE OF THE RESOURCE

OAR 660-023-180(3) states:

An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource

demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:
(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

Information contained in the applicant's report *Egge Sand & Gravel, L.L.C. Resource Evaluation, Lane County October 2002* by EGR & Associates, Inc. demonstrates that the site contains more than 2,000,000 tons of material that meets the ODOT specifications.

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

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

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

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

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

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

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

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

These limitations on the identification of a significant resource are not applicable to this application because the soils on the property are identified as Witzel very cobbly loam with an Agricultural Capability Class of VIs.

Staff recommends a Planning Commission recommendation to the Board of Commissioners that the resource is considered "significant" under the requirements of the Goal 5 Rule.

STEP 3: MINIMIZE CONFLICTS

OAR 660-23-180(4) states:

For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving a significant aggregate site, the process for this decision is set out in subsections (a) through (g) of this section. For a PAPA involving a significant aggregate site, a local government must complete the process within 180 days after receipt of a complete application that is consistent with section (6) of this rule, or by the earliest date after 180 days allowed by local charter. The process for reaching decisions about aggregate mining is as follows:

(a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

The applicant has identified the 1500 foot impact area on Exhibit 1 in the application. On page 15 the applicant states that there is no factual information to indicate significant potential conflicts beyond that area. However, a review of the noise study map identified as Figure 4 shows the noise exceeds the DEQ noise regulations at a distance of 1800' to the west and northwest. This study constitutes factual evidence that the impact area should be expanded to add all areas shown within the "DEQ Noise Regulation compliance boundary without mitigation" of the Figure 4 Noise Study Map.

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

Existing uses within the proposed impact area consist of residences, Pacific Power Transmission Lines, communications towers, and Armitage Park. The properties within the impact area and the existing uses are as follows:

1. Map 17-03-04 Taxlot 2000 – Residence at 90200 Coburg Road;

2. Map 17-03-04 Taxlot 1800 – Residence at 90216 Coburg Road;
3. Map 17-03-04 Taxlot 1802 – Residence at 90230 Coburg Road;
4. Map 17-03-04 Taxlot 1801 – Residence at 90248 Coburg Road;
5. Map 17-03-04 Taxlot 1600 – Residence at 90280 Coburg Road;
6. Map 17-03-04 Taxlot 1701 – Spores House (destroyed by fire) at 90311 Coburg Road;
7. Map 17-03-04 Taxlot 1602 – farm field, house outside impact area;
8. Map 17-03-04 Taxlot 1700 – farm field, house outside impact area;
9. Map 17-03-03 Taxlot 700 – Residence at 90344 Egge Road; equipment storage
10. Map 17-03-03 Taxlot 201 – forested;
11. Map 17-03-03 Taxlot 404 – Residence at 90375 Egge Road and forested;
12. Map 17-03-03 Taxlot 401 – Residence at 90263 Egge Road;
13. Map 17-03-03 Taxlot 601 – communication facilities;
14. Map 17-03-03 Taxlot 600 – BPA communication facility;
15. Map 17-03-03 Taxlot 400 – Residence at 33387 McKenzie View Drive and forested;
16. Map 17-03-10 Taxlot 3200 – Residence at 33260 McKenzie View Drive;
17. Map 17-03-10 Taxlot 1600 – forested, house outside impact area;
18. Map 17-03-10 Taxlot 1500 – Residence at 90050 Armitage Road;
19. Map 17-03-10 Taxlot 1000 – forested;
20. Map 17-03-10 Taxlot 1100 – forested;
21. Map 17-03-10 Taxlot 1400 – Armitage Park; Residence at 90068 Armitage Road;
22. Map 17-03-09-11 Taxlot 100 - forested, house outside impact area;
23. Map 17-03-09-11 Taxlot 200 – Armitage Park.

This list includes all properties within the 1500' impact area and those within the expanded noise impact area. Identification of predicted conflicts with any individual properties occurs under the specific conflict sections below.

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

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

The applicant has identified discharges to include noise from the blasting, dozer, and drill; and “fly rock” from blasting. The primary conflict from the proposal is noise impacts to nearby residences. See applicant’s Noise Study for complete details on the noise issue. The applicant maintains that all noise generated from the proposal can be brought within applicable DEQ

requirements through noise mitigation techniques. These techniques include noise control berms are constructed on the west and south boundaries of the mine site and the restriction that the dozer and rock drill do not operate simultaneously on the upper bench at the quarry. See page 17 of the Noise Study for details. Provided that the noise can be reduced to meet the DEQ requirements, the conflict from noise can be considered to be minimized. The applicant has appeared to have accomplished that task with the exception of Map 17-03-04 taxlot 1801 which contains a manufactured home at 90248 Coburg Road. Figure 6 "DEQ Noise Regulation compliance boundary with mitigation" shows the residence in the far western area is still subject to noise in excess of the DEQ requirement. This issue needs to be addressed by the applicant.

There is a potential discharge of "fly rock" onto I-5 when blasting at the mining site. The issue of "fly rock" is discussed by the applicant on Page 17 of the Goal 5 Report by Jeffrey Tross. It appears that this conflict can be controlled by specific blasting techniques.

Another potential discharge is stormwater drainage. The maps provided by the applicant shows an area for "stormwater outfall" fed by a line entitled "stormwater drainage". This discharge is not addressed in the applicant's submittal except to state that it will go to an "open field". Additional information is needed on this issue.

Staff recommends that the applicant address the noise conflict with the residence at 90248 Coburg Road to determine if it can be minimized, and provide information on the stormwater discharge at the Planning Commission hearing. If the conflict with the residence can be minimized and there are no conflicts created by the stormwater discharge, then a finding could be made that all conflicts due to discharges can be minimized through the application of conditions. The conditions would direct the construction of sound berms, a limitation of the drill and dozer operating on the upper bench of the quarry at the same time, and the use of blasting practices that control "fly rock".

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

See the *Traffic Impact Study* by Access Engineering for a complete analysis of this issue. The distance from the entrance to the mining site to the existing processing site on Coburg Road is less than 1 mile. The local roads to be considered for potential conflicts are McKenzie View Drive and Coburg Road. Lane County Transportation Planning has made the following comments on the proposal:

It appears the application materials have satisfactorily addressed Goal 5 and 12 issues relating to capacity or function impacts to the local transportation system. All attempts have been made by the county through past construction and maintenance projects to improve sight distance at Coburg Road and McKenzie View Drive, and additional traffic added by this plan amendment will not significantly impact current conditions. Current plans are to signalize the intersection of Coburg Road and North Game Farm Road during 2005 in conjunction with a county Capital Improvement Project on Coburg Road. This should address the capacity issues reported in the traffic study.

Based on the information provided, we do not find any indication that the proposed traffic will significantly affect the structural life of either Coburg Road, or the portion of McKenzie View Drive the trucks will be operating on. Based on our analysis, the additional trucking operations for both roads reduced the remaining life by less than 1 year. Our calculations have an accuracy of plus or minus 1 year, so the reduction is not significant.

The structural calculations assumed a quarry life of 15 years. Initial truck traffic was assumed to be fully loaded in one direction and consisted of a one day maximum trucking of 80 round trips on one day a week. This works out to an Average Daily Traffic (ADT) of 11.5 trucks. It is assumed that growth will add more days of production but not more trucks per day.

Annual growth rates of 4.0% on Coburg Road and 2.0% on McKenzie view Drive were used. These rates match the current 30 year annual growth rates for these roads.

In conclusion, the overall increase in traffic for both Coburg Road and McKenzie View Drive related to this plan amendment represents only a minor fraction (less than 10%) of the anticipated design life Equivalent Single Axle Loads (ESAL's). Therefore, the proposed increase in truck traffic will have a negligible affect on the structural component of the two roadways.

Staff recommends a finding that the proposal does not create conflicts with the local roads.

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments. This paragraph shall not apply after the effective

date of commission rules adopted pursuant to Chapter 285, Oregon Laws 1995;

There are no public airports within the 1,500 foot impact area.

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

The Spores house is an identified site on the Lane County Goal 5 Inventory of Historic Structures. However, this house has been destroyed by fire within the past few years effectively removing it from the inventory.

The applicant has submitted a report that has surveyed the subject property for any indication of rare plants identified in the Lane County Goal 5 Inventory of Rare Plants. None were found on the property.

The McKenzie River is identified as a Class I Stream subject to the Riparian Vegetation protection standards. The mining area does not border the McKenzie River and no withdrawal of water is proposed. The mining activity will be screened from view by a rock wall or berm. The applicant states on Page 18 of the Goal 5 Report that there will be no discharge of water to the river. However, no details are provided about the stormwater drainage from the site. This issue needs to be addressed more fully.

Staff recommends that the applicant address the ability to control impacts to the McKenzie River from the proposed stormwater outfall area.

(E) Conflicts with agricultural practices; and

The applicant has addressed this criterion on Page 5 of the Goal 5 Study. No conflicts with agricultural practices have been identified.

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

ORS 517.780 states that the provisions of ORS 517.702 to 517.989 and the rules and regulations adopted thereunder shall not supersede any zoning laws or ordinances in effect on July 1, 1972. Lane County does not have any local ordinances that supersede DOGAMI regulation.

(c) The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize

conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies (STEP 4).

The applicant has proposed reasonable and practicable measures to reduce the noise conflict with residences in the area and the issue of "fly rock". Noise conflict at only one residence needs to be addressed by the applicant. This can most likely be accomplished through the modification of the proposed sound berm. Analysis of potential conflicts from the stormwater drainage needs to be conducted and it is likely that a reasonable and practicable measure can be identified that would eliminate the conflict (detention pond?).

If the Planning Commission finds that all potential conflicts have been minimized, then STEP 4 is not required. If any conflict is not considered minimized, then STEP 4 is required. Staff believes that all conflicts can be found to be minimized by reasonable and practicable measures and an ESEE analysis is not required.

STEP 4: WEIGH ESEE ANALYSIS

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

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

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

This analysis is required only if the Planning Commission concludes that there is a conflict that cannot be minimized.

STEP 5: DETERMINE ESEE CONSEQUENCES OF NEW USES

OAR 660-023-180(5) states:

Local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate

site. (This requirement does not apply if, under section (4) of this rule, the local government decides that mining will not be authorized at the site.)

OAR 660-023-040(1) states:

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

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

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

The following shall also apply in the identification of conflicting uses:

- (a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)*
- (b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).*

The applicant has adequately addressed this criterion in detail beginning on Page 24 of the Goal 5 report. Staff agrees with the analysis that the

acknowledged Lane County policies and land use regulations are sufficient to protect the resource site.

- (3) Determine the impact area. *Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.*

The impact area is defined as the area within which a dwelling could be adversely affected by unmitigated noise impacts from the mining operation.

- (4) Analyze the ESEE consequences. *Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.*

The identified conflicting use is dwellings. The proposed noise mitigation measures limit that conflict area to the boundary shown on Figure 6 of the noise study. All parcels located within that boundary are already developed with residences in portions of the property where the noise conflict has been minimized. The ESEE analysis contained in the Goal 5 Report is adequate to address this criterion. Existing land use regulations are sufficient to protect the resource site.

- (5) Develop a program to achieve Goal 5. *Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:*

- (a) *A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.*
- (b) *A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.*
- (c) *A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.*

Existing land use regulations severely restrict the potential for new dwellings in the impact area, and these measures are sufficient to protect the resource site. New dwellings within the impact area do not need to be further restricted in order to protect the resource site.

STATEWIDE PLANNING GOALS

The applicant has adequately addressed the Statewide Planning Goals adequately within the Goal 5 Study prepared by Jeffrey R. Tross. Staff has no additional comments on the analysis.

STEP 6: DEVELOP A PROGRAM TO ALLOW MINING

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

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

- (A) *For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;*
- (B) *Not requested in the PAPA application; or*
- (C) *For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.*

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

If all conflicts are minimized and mining is allowed, staff recommends approval of the Plan Amendment and Zone Change to apply the appropriate designations to the significant resource site. Reclamation will consist of spreading the stockpiled overburden and replanting native vegetation. All future uses will be limited to those activities allowed by the Quarry and Mine Operation Zone which include forest uses and farm uses.

The following conditions of approval are proposed:

1. No crushing, stockpiling, or production of concrete or asphalt shall be conducted on site.
2. Operations shall be conducted between 7:00 a.m. and 5:30 p.m. one day a week.
3. There shall be a maximum of 80 haul truck round-trips on days the site is operated.
4. No truck traffic shall use McKenzie View Drive east of Egge Road.
5. Controlled blasting practices shall control the creation of "fly rock".
6. All mining activities will take place behind the working face or a visual/noise screen (berm). A rock wall shall be retained between the mining area and the residences to the east, west and south.
7. The dozer and rock drill shall not operate at the top surface of the mine at the same time.
8. A ten (10') high berm shall be constructed along the west boundary of the mining area as shown on Figure f of the Noise Study.
9. A berm that is a combination of 15 feet above the surface of the mine and 20 feet above the surface of the mine shall be constructed as shown on Figure 5 of the Noise Study.
10. All dust emissions shall conform to LRAPA standards.

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

The existing processing site on Coburg Road will be used to process the minerals from this proposed quarry. No reauthorization of the existing site is required.

V. CONCLUSIONS

A. Summary and Recommendation

Staff recommends that the site be determined to be significant based upon the quality, quantity and location of the resource. Determination that all relevant conflicts have been minimized depends upon the ability of the applicant to limit the noise at one residence and provide information that the stormwater discharge will not create conflicts as a discharge or impact the McKenzie River. No potential uses on adjacent properties have been found to impact the resource site. A positive recommendation to the Board of County Commissioners may be possible for this proposal.

B. Materials Attached to this Staff Report

1. Comments from Lucille & David Egge
2. Letter from H. Andrew Clark
3. Letter from Bonneville Power Administration
4. Portion of Rural Addressing Map 17-03-04
5. Site Plan Map 17-03-04 Taxlot 1801
6. Figure 6 of Noise Study
7. Proposed Plan Map 395
8. Proposed Zone Map 395

The space on this page is provided for your written comments.

REC'D JAN 12 2004

File No.: PA 02-6065
Applicant: Egge Sand & Gravel, LLC
TRS/TL: 17-03-03 #402, 500

You may write your comments on this page and return this document to the attention of Thom Lanfear, Lane County Land Management Division, Public Service Building, 125 East 8th Ave., Eugene, OR. 97401. ... Fax 682-3947 ...

Date: January 7, 2004

From: David N. & Lucille V. Egge

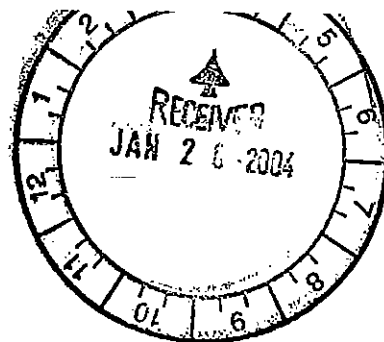
45821 S. Miller Ln *New mailing address/Ak.
Kenai, Alaska 99611-9698 Ph/907-776-7045

- Comments: OUR CONCERNS AS PROPERTY OWNERS OF PARCEL # 404
- #1. Correction (error Pg. 6 lists Vernon Egge owning parcel # 404. parcel # 404 is owned by David N. & Lucille V. Egge.
 - #2. Conjested right of way access to home on our land.
 - #3. Devaluation of property with Industrial operations.
 - #4. How water well for home might be affected by blasting, Also home structure.
 - #5. How EPUD existing power relocation will be paid?
 - #6. Noise level from truck/blasting operations.
- We sincerely hope Lane County Land Management Div. will address these concerns and use them in their considerations.

David N. Egge

David N. Egge & Lucille V. Egge

Lucille V. Egge



January 27, 2004

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

Re: Egge Sand & Gravel, LLC Application
PA 02-6064

Dear Thom:

This firm represents Leroy Sherman and this letter is submitted on his behalf pursuant to Lane County's notice and opportunity to submit written comments regarding the referenced application.

Mr. Sherman owns the property identified as map and tax lot no. 17-03-10-00-03200. The property address is 33260 McKenzie View Drive and it is located south and adjacent to McKenzie View Drive, along the banks of the McKenzie River. Due to the proximity of Mr. Sherman's property to Egge Sand & Gravel's proposed mining site, Mr. Sherman has a number of concerns regarding the application. I have not had an opportunity to thoroughly review the applicant's materials submitted in support of its application and these comments will, therefore, be somewhat cursory. However, we will likely prepare a more thorough response to the application prior to the Planning Commission hearing.

In evaluating Mr. Sherman's concerns, the County should bear in mind that his home is located roughly 400 feet from the southern boundary of the proposed mining operation. Consequently, Mr. Sherman and his wife will potentially be subject to greater impacts from the mining operation than any other interested party.

Noise Impacts

Due to its proximity to the proposed mining operation, the Sherman property is uniquely subject to potentially significant noise impacts from the mining operation. According to the application materials, it appears that mine operation will include the use of one or more bulldozers to remove overburden, a rock drill to bore holes for explosives, an excavator used to load mined rock into dump trucks and

Gleaves
Swearingen
Potter &
Scott LLP



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- Frederick A. Batson
- Jon V. Buerstette
- H. Andrew Clark
- Joshua A. Clark
- A. J. Giustina
- Vernon D. Gleaves
- Thomas P. E. Herrmann*
- Todd R. Johnston
- Kristin E. Kemutt
- Stephen O. Lane
- William H. Martin*
- Laura T. Z. Montgomery*
- Standlee C. Potter
- Ian T. Richardson
- Martha J. Rodman
- Douglas R. Schultz
- Malcolm H. Scott
- James W. Spickerman
- Arlen C. Swearingen
- Travis L. Sydow
- Kate A. Thompson
- Renée C. Wyser-Pratte

*Also admitted
in Washington

dump trucks for hauling away mined rock. Additionally, and significantly, the proposed mining operation will include the use of blasting to extract the minable basalt. The applicant proposes to operate the mine from 7:00 a.m. to 5:30 p.m. Moreover, the applicant indicates that mining operations will begin at the north end of the proposed site and move steadily southward. As a result, the noise impacts felt at the Sherman property will likely increase over time.

Given the nature of the proposed mining operation and its proximity to the Sherman property, mitigating noise impacts as felt at the Sherman home will be extremely difficult. The County should review any mitigation proposals very closely and any approval of the applicant's proposal should be accompanied by strict conditions of approval that ensure that the existing ambient sound levels in the area are not exceeded. It is unclear at this stage whether that can be accomplished.

Direct Effects from Blasting

Because Mr. Sherman's home is located roughly 400 feet from the southern boundary of the proposed mining site, Mr. Sherman is particularly concerned that the blasting operations at the site will create the significant danger of rock fly impacting his property. As noted above, as the mining operations proceed southward, this potential danger will increase. Obviously, rock fall in residential areas is unacceptable at any level. The potential danger to life and property imposes a substantial duty on the County to carefully review any proposed blasting operations to ensure that no potential hazards are created. Specific assurances and protective measures should be part of any approval condition.

Dust Impacts

Typically, mining operations create substantial dust impacts. While it is uncertain at this point whether basalt mining will prove to be as dust intensive at this site as at a typical gravel mining operation, the County should require complete mitigation measures as part of any application approval.

Traffic Impacts

The applicant's proposal indicates that all truck traffic to and from the mine will travel along a private access road, a short portion of McKenzie View Drive near its intersection with Coburg Road and Coburg Road to the applicant's processing plant. Accordingly, Mr. Sherman should not expect any mine traffic to be traveling on the portion of McKenzie View

Drive near his home. Nevertheless, the proposed access route to and from the mine should be made a condition of any approval of this application. Additionally, it would appear from maps and photographs of the proposed site location that traffic to and from the mine will need to negotiate a sharp corner where McKenzie View Drive meets Coburg Road. The County should determine whether any traffic improvements will be necessary to ensure the safety of cars and trucks in this area, including new signage and or road widening.

Impacts to Groundwater

Water is supplied to the Sherman property through an on-site well. Similarly, the proposed mine is served by a well. At this time, Mr. Sherman has concerns that blasting operations at the mine site may impact the groundwater in the area and disrupt the flow of water to his well. In our brief review of the application materials, it does not appear that any studies or tests have been done to rule out this potential impact. Obviously, the loss, reduction or contamination of the groundwater will have substantial negative consequences to the function of Mr. Sherman's well. The County should consider requiring a study to evaluate the potential impact to groundwater from the proposed mining operations.

Stormwater Runoff

In the past, Mr. Sherman has observed significant stormwater runoff from the area near former mining operations. While the applicant states that no water impoundment will be necessary at the mine, the application does state that excavation downward toward the available rock will be necessary. As a result, it should be expected that significant stormwater will accumulate in some areas of the mine. As shown by the maps and photos accompanying the application, Mr. Sherman's property is downhill from the proposed mining area. Stormwater runoff from the Egge property is already a significant issue at the Sherman property and the consequence of any additional runoff could be severely damaging to the property. Accordingly, the County should require, if the application is to be approved, that all potential stormwater drainage sites be engineered to avoid damage to McKenzie View Drive, the Sherman property and the McKenzie River.

Ground Stability

Finally, the County should analyze whether the blasting operations proposed for the mine will have any effect on the stability of the land in

the area. When Mr. Sherman obtained a permit to construct a home on his property, Lane County required that he install supporting piers that reach down to the bedrock. Apparently, this was required due to the County's concerns with the stability of the topsoil. The property is located approximately 400 feet from the proposed mine. It is not unreasonable to suspect that unstable soils could be catastrophically affected by blasting operations near to the property. Accordingly, we would propose that the County require the applicant to include a study evaluating the effect of the proposed blasting on land stability in the area.

Conclusion

As noted above, we have not had time to thoroughly evaluate the application and supporting materials. For the time being though, we feel it necessary for the County to note Mr. Sherman's concerns with the Egge Sand & Gravel proposal and consider appropriate conditions of approval if the application is otherwise found to meet the necessary criteria. If the likely impacts from the proposed mining operation cannot be eliminated or sufficiently mitigated through the application of strict conditions of approval, the application should be denied. Thank you this opportunity to provide our comments and concerns.

Very truly yours,



H. Andrew Clark
aclark@orbuslaw.com

jca
cc: Leroy Sherman

REC'D FEB 13 2004

ATTACHMENT 3



Department of Energy

Bonneville Power Administration
86000 Highway 99 South
Eugene, Oregon 97405

February 11, 2004

In reply refer to: Coburg Radio Station

Your Department File No.: PA 02-6065

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

Dear Mr. Lanfear:

Thank you for the opportunity to comment on the Egge Sand and Gravel, LLC proposed rock quarry in Section 3, Township 17 South, Range 3 West, Willamette Meridian, Lane County, Oregon.

The Bonneville Power Administration (BPA) currently owns and operates a communication facility on the hilltop just northeast of the proposed quarry. In addition, BPA has easement rights for access to this facility. BPA would like to be assured that impacts from the proposed quarry would not adversely impact BPA's ability to access, operate and maintain this communication facility.

Thank you for considering these comments.

Sincerely,

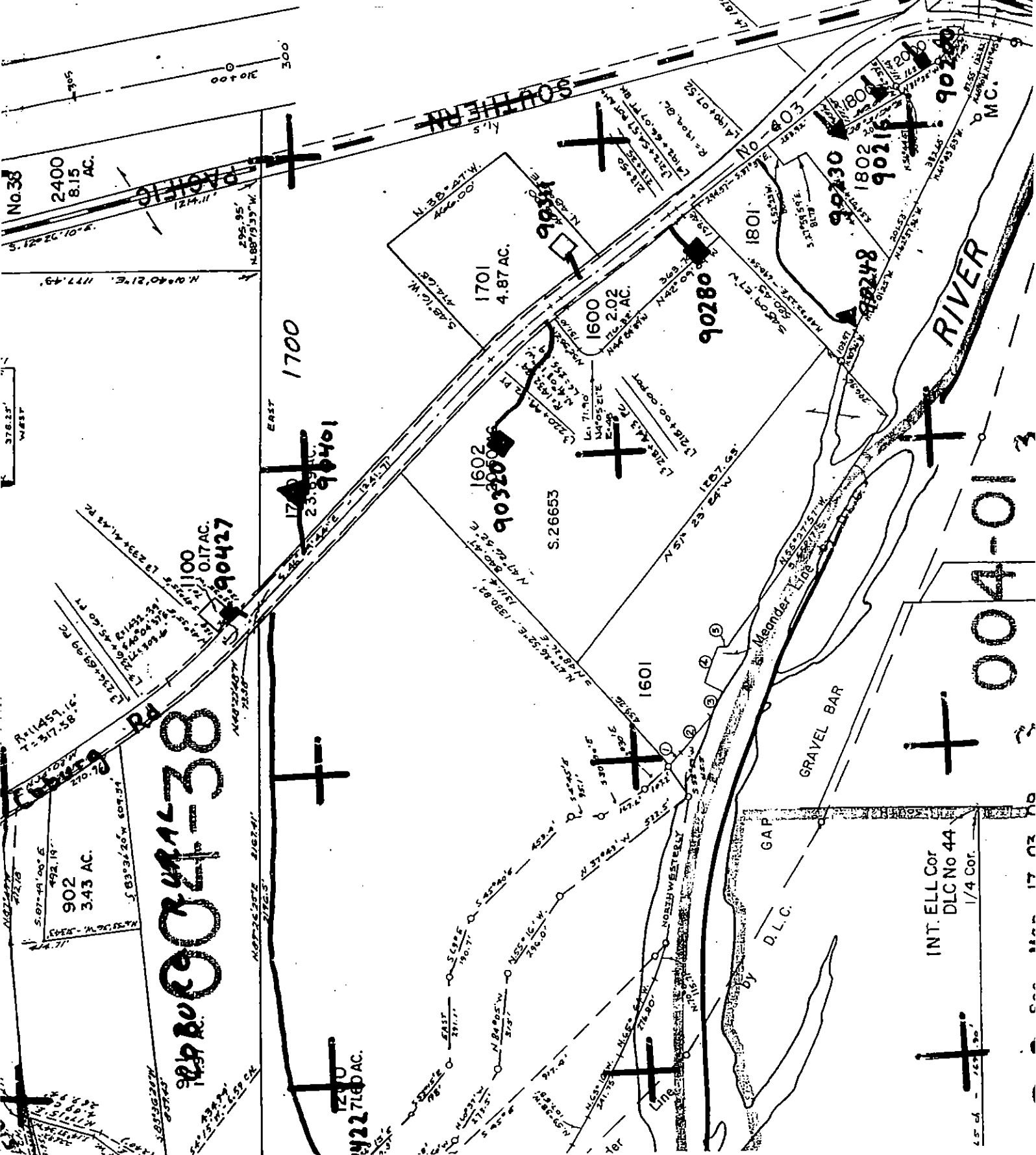
A handwritten signature in black ink, appearing to read "Donald D. Gerig", written over a large, stylized flourish.

Donald D. Gerig
Realty Specialist

- ATTACHMENT "4"

RURAL ADDRESSING MAP
17-03-04

See Map 17 03 03



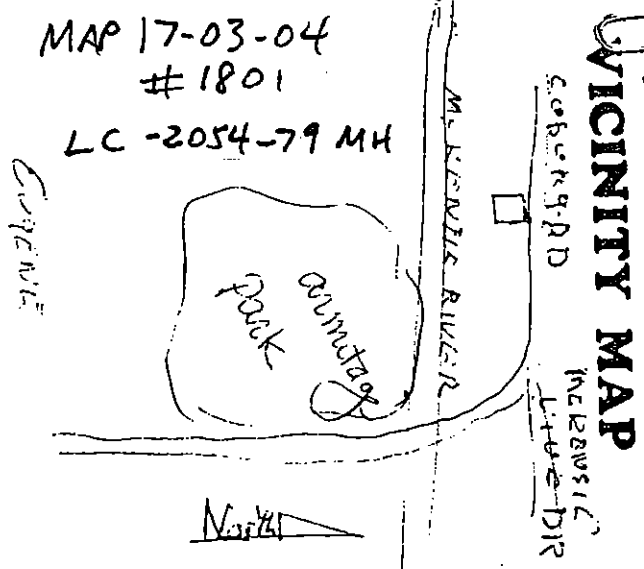
90241-38

004-01

INT. ELL Cor
DLC No 44
1/4 Cor.

See Map 17 03 03

Installer MARTELL
 By John Martell 5-31-79
 SIGNATURE DATE
 Applicant's Name/Mailing Address
SACK MARTELL
733 MILL AVE
SPRD ORC 97401
 BP# LC 1157-79



VICINITY MAP



Job Location (Street, mile post) 90230 Coburg Rd 97401 Lot 1702 (Block)

Subdivision _____

FOR SANITARIAN'S USE ONLY: System Approved System Disapproved Needs Correction

COMMENTS: Check grant before covering measured abn. 4" drop in a line - OK we need to some gravel, longer than 2 1/2" - no need for change

Applicant's copy hand-delivered
 Signature: Kelli M. Widdell Date: _____

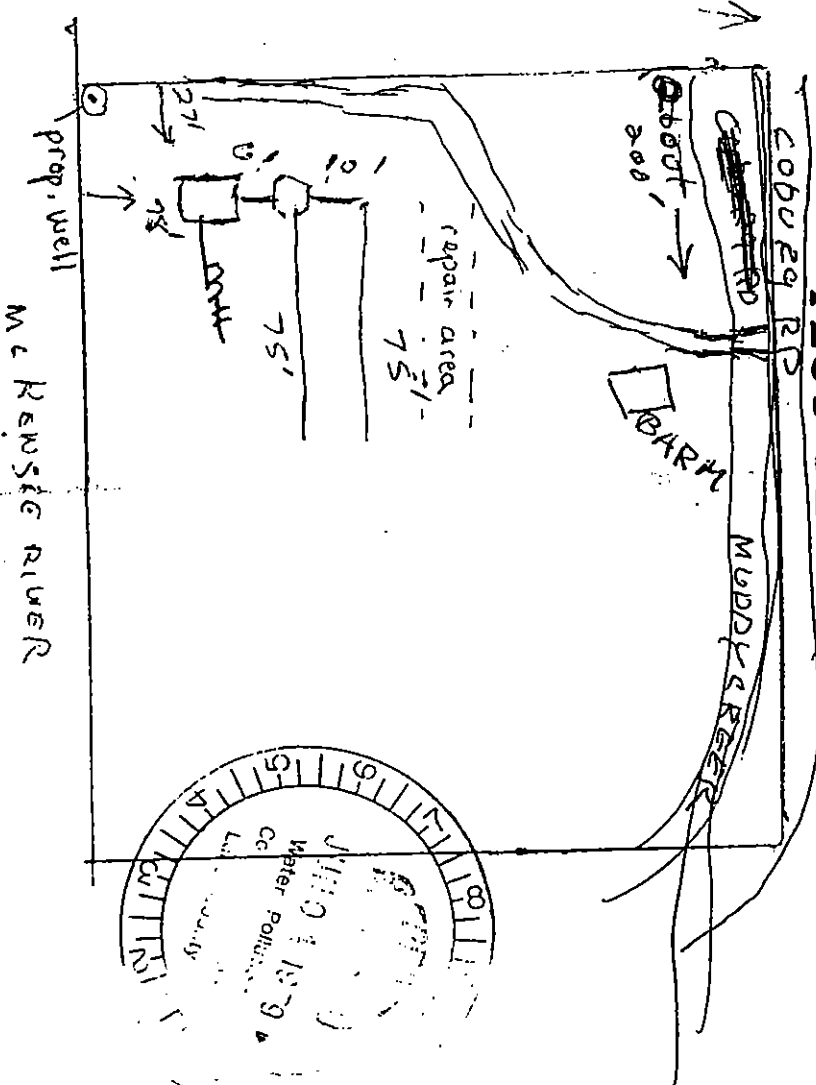
FOR INSTALLER'S USE: Trench Depth 30 in Filler Depth Below Tile 6 in

Tank Capacity Less Manufacturer 98' Super from drainfield 110'

Measured distance to well from tank _____

Coburg

PLOT PLAN

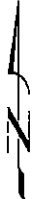
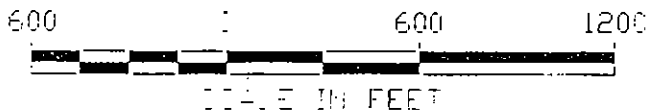
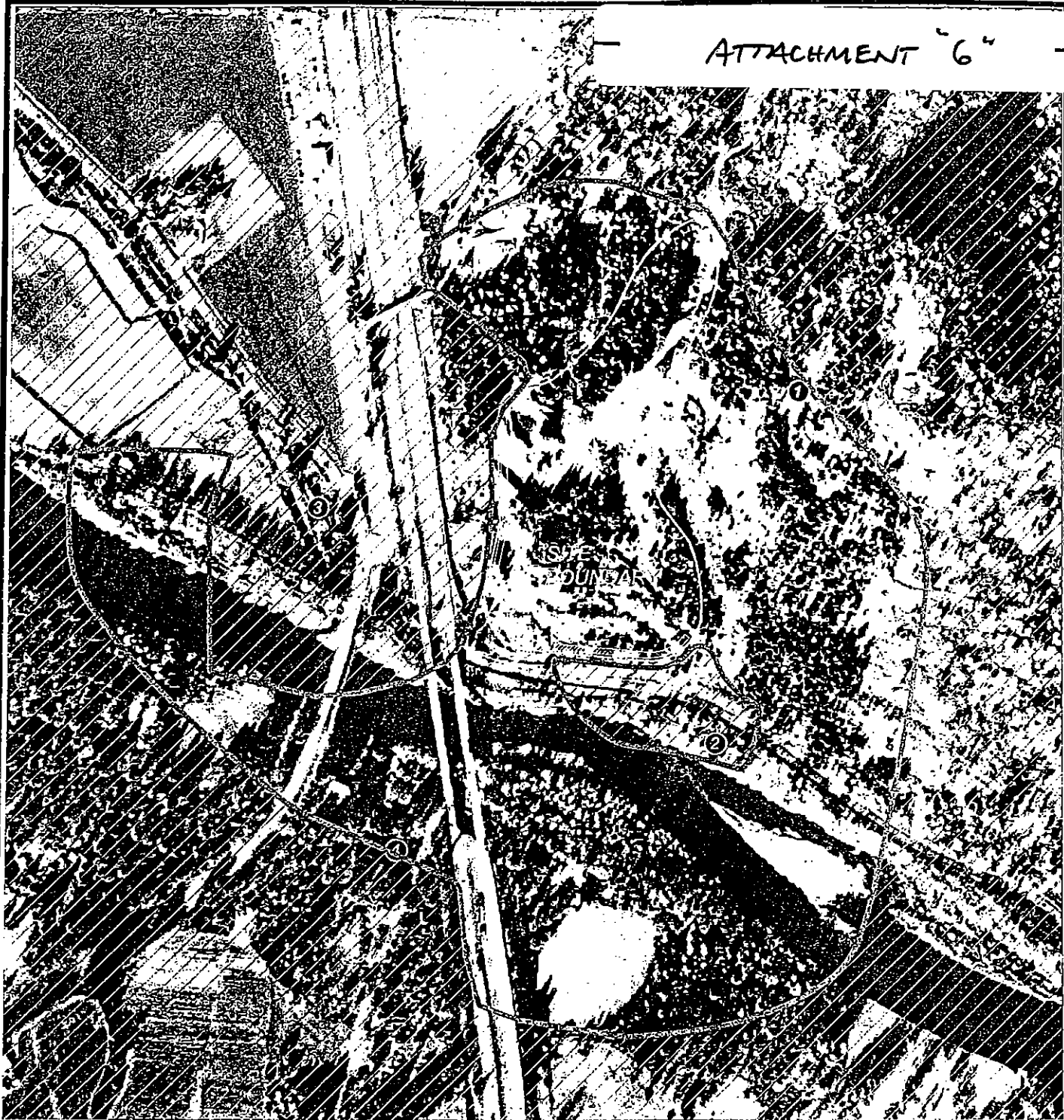


Scale:

INSTALLATION RECORD AND CERTIFICATE OF SATISFACTORY COMPLETION
 When signed by the County Sanitarian, this certificate is evidence as per ORS 454.665 of
 satisfactory completion of a subsurface sewage disposal system at the above location.

Return this form to: Permit Processing Section, Department of Environmental Management,
 Public Service Building, 125 East 8th Avenue, Eugene 97401





Map data and aerial photograph received in electronic format from EGR

Daly-Standlee & Associates, Inc.

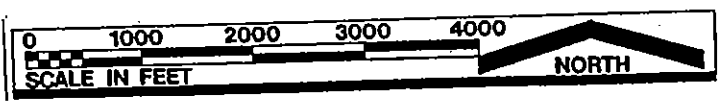
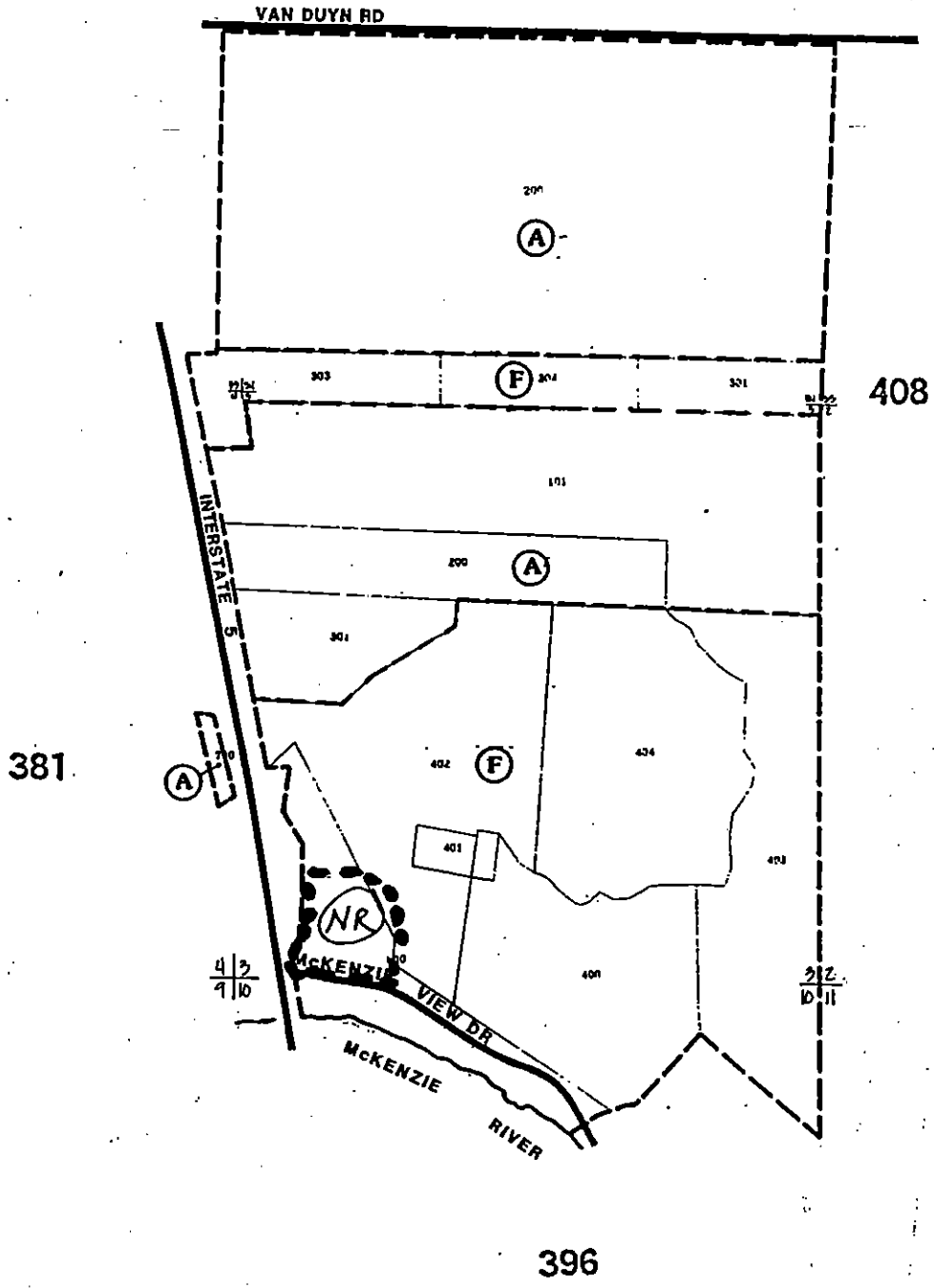
ph: 503-646-4420
fax: 503-646-3385
email: DSA@acoustechgroup.com

DEQ Noise Regulation compliance boundary with mitigation

PROPOSED

394A

ATTACHMENT 7



lane county



OFFICIAL PLAN MAP

PLOT # 395

Township Range Section
16 03 34

17 03 03

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

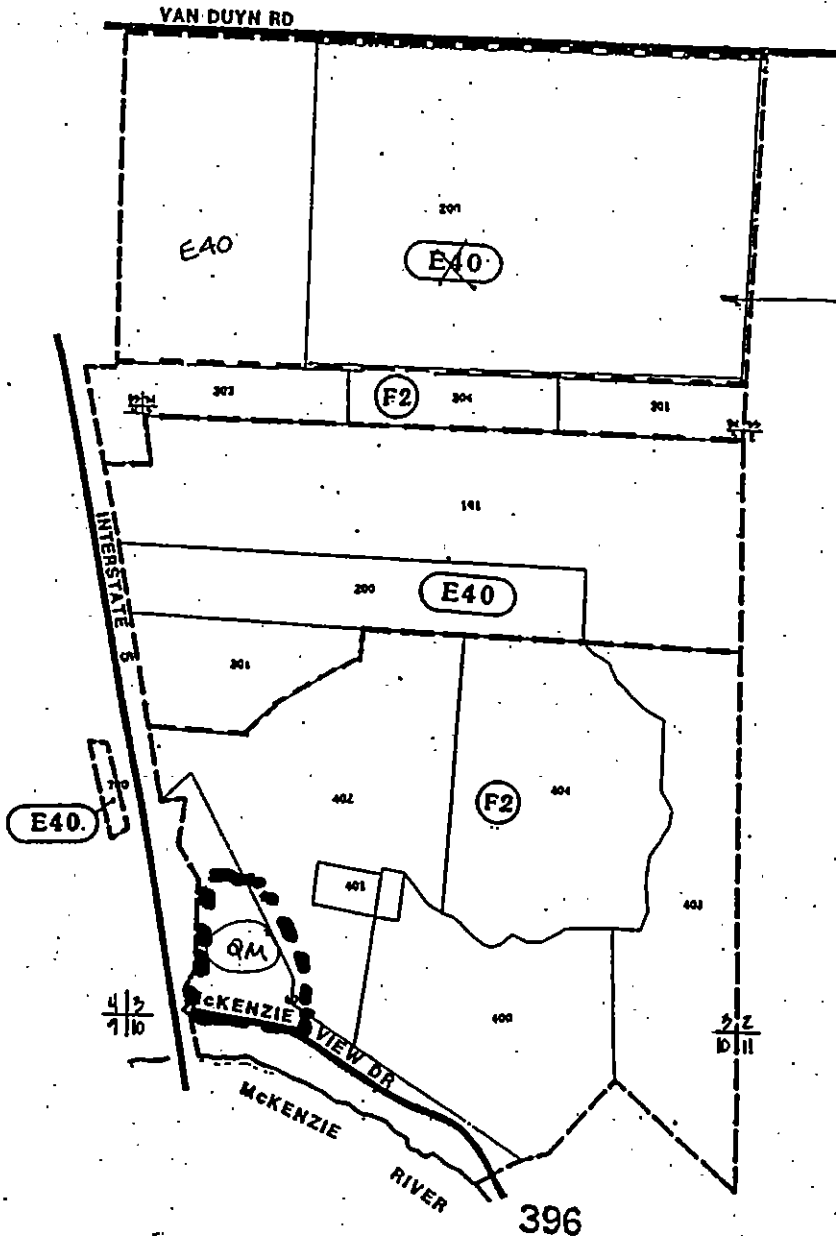
REVISION # _____ ORD. # _____ DATE _____ FILE # _____

394A

381

408

16-03-34 200 (R21)
E40 TO RR10(SR,
PA00-5508, 5141
PA1661



The zones on this map are changed as follows:
 From: RQ, RA To: RR2
 From: CR, C1, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation

The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.290
 The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT# 395

Township Range Section

16 03 34

17 03 03

ORIGINAL ORD. # PA 884

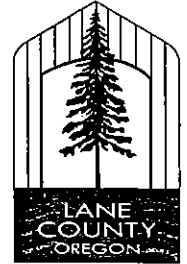
DATE 2/29/1984

FILE #

REVISION # ORD #

DATE

FILE #



LANE COUNTY PLANNING COMMISSION

Supplemental Staff Report

Meeting Date: April 6, 2004

File: PA 02-6065

Report Date: March 30, 2004

LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

I. PROPOSAL

A. Applicant: Egge Sand & Gravel, LLC
 90520 Coburg Road
 Eugene, OR 97408-9467

Owner: Vernon Egge
 90520 Coburg Road
 Eugene, OR 97408-9467

Agent: Jeffrey R. Tross
 1720 Liberty St. SE
 Salem, OR 97302

B. Proposal:

Amend the "Significant Mineral and Aggregate Resources Inventory" of the Lane County Rural Comprehensive Plan to allow mining pursuant to the Goal 5 Oregon Administrative Rules OAR 660-023; and Amend the Rural Comprehensive Plan Designation from "Forest" to "Natural Resource" and Rezone Lands from "F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone" for 40 acres pursuant to Lane Code 16.400 and 16.252.

II. PROCEDURE

The Planning Commission may follow these meeting procedures on April 6:

1. Announce the hearing is closed to testimony and the purpose of the meeting is to conduct Planning Commission deliberations in this matter.
2. Disclose any ex parte contacts.
3. Call for abstentions due to ex parte contacts or biases.
4. Request the Director or staff to present an introductory report, explain any graphic or pictorial displays which are a part of the report, read findings and recommendations, if any, and provide such information as may be requested by the Planning Commission ("Commission", hereinafter).
5. Conduct deliberations, make a recommendation based on findings of fact and conclusions in response to the record;
6. The Commission may assign the drafting of the recommendations and supporting findings of fact and conclusions to the Director or request proposed findings of fact and conclusions from any party to the hearing.



7. Upon adoption of findings, conclusions and recommendations, the Commission shall submit the minutes of the public hearing and the recommendations to Board of Commissioners in compliance with Lane Code 16.400(6)(d).

III. NEW WRITTEN SUBMITTALS

On March 2, the Planning Commission closed the public hearing to public testimony and left the record open for the submittal of additional written materials from any party. In particular, the Commission requested that the Transportation Planning submit additional information regarding the potential impacts to the local roads in the area. The analysis submitted by Bill Morgan from Transportation Planning is below. The only other written submittal was received from Donald Nelson, who testified at the public hearing in opposition, reiterating his statements made at the hearing.

IV. ANALYSIS

The staff report for the public hearing identified several issues that needed to be addressed prior to a positive staff recommendation on the application. These issues were:

1. Address the impacts to local roads from a revision to the anticipated number of vehicles;
2. Address the noise conflict with the residence at 90248 Coburg Road; and
3. Address the ability to control impacts to the McKenzie River from the proposed stormwater outfall area.

1. Local Road Impacts

The Lane County Engineering Division has completed an assessment of the affect that the proposed Egge Pit Quarry would have on the structural integrity of Coburg Road and McKenzie View Drive. This correspondence will summarize our findings and give opinion to the structural ability of both roads to carry the proposed traffic generated by the quarry.

Lane County Transportation Planning Section had previously reviewed the above referenced amendment to the Rural Comprehensive Plan to allow mining. Our comments were provided on January 23, 2004, and were based on information in the packet. Shortly before the Lane County Planning Commission meeting on March 2, 2004, the applicant informed the County that their assumptions for the average daily truck traffic volumes were underestimated. The Planning Commission directed the applicant and staff to re-evaluate the structural capacity component of the discussion and report back in three weeks.

Analysis

Mike Weishar of Access Engineering provided the County with revised estimates of truck traffic for the quarry, as detailed in a March 10th email. In summary, he estimates that 7.1 million tons of rock will be hauled over a 15-year period of time. At 30 tons per truck load, he predicts an average of 15,778 trucks/year, or an annual average daily truck volume of 43.2 trucks.

Based on the new information provided by the applicant, County staff has determined.

1. The increased truck traffic will not significantly reduce the life of the pavement on Coburg Road. Coburg Road was rebuilt (widen overlay) in 1997 with a 20-year design life. Today there is only 13 to 14 years left in its design life, but it appears that there is no significant impact to remaining life due to additional truck traffic.

2. For Coburg Road, the County will probably be programming a pavement overlay in the next 5 to 10 years to renew the road surface. This is not a structural overlay, for which the remaining lives above were calculated, but instead will address the driving surface course of the roadway. Coburg Road in the vicinity of the study area consists of 8" of asphalt over 16" of aggregate base.

3. For McKenzie View Drive, we analyzed the road assuming the 2 inch overlay planned for the summer of 2004 was in place. Based on this assumption, and that the trucks will only be operating for the next 15 years, the remaining life will be 20 years. In this case, the remaining life is the same as the normal design life.

A formal report was not completed in this instance because our analysis indicated that there was no significant detrimental effect to the design life of either road.

Recommendation

Coburg Road was originally designed to support heavy truck traffic and recent deflection testing has confirmed that it is performing as designed. It turns out that the additional trucking does not represent a large percentage change in overall traffic. Therefore, the current road structure should be able to support the additional traffic without significant detrimental effect on the road structure.

Our analysis further indicates that McKenzie View Drive has a large reserve capacity, which will be increased by the planned pavement overlay this summer. The primary reason for the planned overlay was not for structural carrying capacity but for removal of surface defects affecting ride quality. The net effect is that McKenzie View Drive also has the capacity to accommodate the additional truck traffic for the design life of 20 years.

Both roads will probably require some surface treatment to restore ride quantity before their design life is reached. However, this surface treatment is not directly related to the additional traffic but more a product of normal wear and tear of the surface.

2. Noise Conflict

The applicant has adequately addressed the noise conflict with the residence located at 90248 Coburg Road in the submittal by Daly Standlee & Assoc. received at the public hearing. The applicant has revised the height of the berm lying downslope of the quarry by four feet to bring the noise level measured at the residence in compliance with the DEQ noise regulation limit.

3. Stormwater Outfall

The potential conflicts from the stormwater drainage were adequately addressed by the applicant in the submittal by EGR & Associates, Inc received at the public hearing.

V. RECOMMENDATION

Staff supports a Planning Commission recommendation for approval of this proposal to the Board of County Commissioners subject to the following proposed modified conditions of approval.

1. No crushing or production of concrete or asphalt shall be conducted on site.
2. Operations shall be conducted between 7:00 a.m. and 5:30 p.m.
3. There shall be a maximum of 80 haul truck round-trips per day.
4. No truck traffic shall use McKenzie View Drive east of Egge Road.
5. Controlled blasting practices shall control the creation of "fly rock".
6. All mining activities will take place behind the working face or a visual/noise screen (berm). A rock wall shall be retained between the mining area and the residences to the east, west and south.
7. The dozer and rock drill shall not operate at the top surface of the mine at the same time.
8. A ten (10') to fourteen (14') foot high berm shall be constructed along the west boundary of the mining area as shown on Figure 5 of the Noise Study.
9. A berm that is a combination of 15 feet above the surface of the mine and 20 feet above the surface of the mine shall be constructed as shown on Figure 5 of the Noise Study.
10. All dust emissions shall conform to LRAPA standards.

VI. ATTACHMENTS

1. Access Engineering letter
2. Daly Standlee Letter
3. EGR & Associates Letter
4. Donald Nelson e-mail



March 1, 2004

Lane County Planning Commission
125 E. 8th Avenue
Eugene, OR 97401

RE: Addendum to "Egge Sand & Gravel Traffic Impact Study"

This letter is an addendum to the August 21, 2001 "Egge Sand & Gravel Traffic Impact Study". In that report it was incorrectly stated in two locations that trucks would be hauling between the quarry and plant on one day per week. In actuality, market conditions will determine how often the quarry will be operating. It is conceivable that trucks could haul as many as 5 days per week if demand is high. However, over the expected 15 year life of the quarry, this would occur only for a short periods of time during peak demand.

The second sentence under Description of Development section on page 1 states: "Egge Sand & Gravel is proposing to run 80 trucks per 10-hour day between the quarry and processor *once a week*." That sentence should be amended to read: "Egge Sand & Gravel is proposing to run 80 trucks per 10-hour day between the quarry and processor *up to 5 days per week during peak demand. Peak demand is expected to occur only for short periods of time during the expected 15 year life of the quarry.*" The first sentence under the Trip Generation section on page 3 of the report incorrectly states: "Egge Sand & Gravel plans to operate the rock quarry for 10 hours on *one day per week*." That sentence should be corrected to read: "Egge Sand & Gravel plans to operate the rock quarry for 10 hours per day on *up to 5 days per week.*"

Correction of this error does not change the traffic impact analyses or conclusions and recommendations of the study since the analyses are based on the traffic levels present during the peak hour of a day. The study analyzed the impacts of a maximum of 80 trips per day and a maximum of 10 trips during the peak hour. These maximum daily and hourly trips remain the same.

Sincerely,

Michael Weishar, P.E.
Access Engineering



Expires 6/30/04

1410 Oak Street, Suite 201
Eugene, Oregon 97401
Phone: 541-385-3215
Fax: 541-385-3253
accesseng@aol.com

Transportation Engineering
Urban Planning
Simulation Software
Landscape Architecture
Civil Engineering
Surveying

March 2, 2004



Lane County Planning Commission
125 East 8th Avenue
Eugene, Oregon 97401

Daly • Standlee & Associates, Inc.

4900 S.W. Griffith Drive
Suite 216
Beaverton, Oregon 97005
(503) 646-4420
Fax (503) 646-3385

Re: **Edge Quarry Goal 5 Hearings**
DSA File #: 118041

Mr. Jeff Tross, planning consultant, recently informed me that the Lane County Planning Department completed a review of the Edge Quarry Goal 5 Application Noise Study report generated by Daly-Standlee & Associates, Inc. and found that one residence remained inside the DEQ compliance boundary with the mitigation proposed in the report. It appears that the residence found by the County (a manufactured home on Map 17-03-04, Tax Lot 1801) was considered an "out" building during the study and not considered a "noise sensitive" structure. Because the structure has been identified as a residence and not an out building, the noise radiating from the quarry to that residence must be mitigated for the quarry to be in compliance with the requirements of Goal 5.

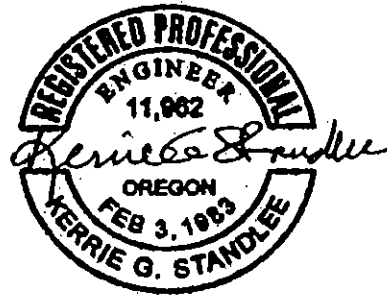
Additional calculations were made to address the noise radiating from the quarry to the residence on Tax Lot 1801 and it was found that by raising the western berm in that portion of the berm lying on the downhill slope of the quarry (see the revised Figure 5 of the report) by an additional four feet, the noise reaching the residence on Tax Lot 1801 will remain in compliance with the DEQ noise regulation limits when mining operations occur in the proposed Edge Quarry.

To help update the County's record, we attach an updated Figure 6 from the noise study report showing the DEQ compliance boundary for the berms shown in the updated Figure 5.

If you have any questions concerning this information, please feel free to call.

Sincerely,
Daly-Standlee & Associates, Inc.

Kerrie G. Standlee, P.E.
Principal



EXPIRES: 6/30/04



Map data and aerial photograph received in electronic format from EGR



Daly-Standlee & Associates, Inc.

ph: 503-646-4420
fax: 503-646-3385
email: DSA@acoustechgroup.com

Noise control berms.

DESIGNED BY:

DRAWN BY:

DATE:

3/2/2004

PROJECT NO.

118041 (150011)

FIGURE 5

150011 - Figure.dwg



SCALE IN FEET



Map data and aerial photograph received in electronic format from EGR

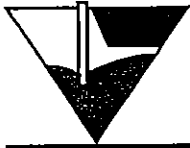
Daly-Standlee & Associates, Inc.

ph: 503-646-4420
 fax: 503-646-3385
 email: DSA@acoustechgroup.com

DEQ Noise Regulation compliance boundary with mitigation

DESIGNED BY:	DRAWN BY:	DATE: 3/2/2004	PROJECT NO. 118041 (150011)	FIGURE 6
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150011 - Figure.dwg



EGR & Associates, Inc.

ATTACHMENT "3"

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

March 2, 2004

Lane County Planning Commission
125 E. 8th Avenue
Eugene, Oregon 97401

RE: Egge Quarry Site

Dear Commission Members

The staff report indicated that the final disposition of stormwater was not clear in the original submittal. To provide clarification, all stormwater generated within the Egge quarry operation on Spores Point will be collected from within the excavation. Since excavation will only be open to the north, that is the direction all stormwater will flow. Stormwater will discharge through natural drainage ways as it travels down the hill to the north. It will cross the access road near the bottom of the hill where it will be channeled into a culvert. As the stormwater leaves the culvert it will discharge into a constructed stormwater detention and settling basin. This basin will be designed to allow infiltrate of the water into bottom and berm materials. This water will commonly re-emerge over a broad area, and flow in a dispersed manner across the Egge land north of the access road. It will not occupy a channel across this land. The water will then cross the grassy field and make its way to the existing drainage to the north and on into Muddy Creek, as presently occurs. Muddy Creek flows north and ultimately discharges into the Willamette River near Corvallis.

No stormwater from the active excavation will be routed such that it could enter the McKenzie River. All activity in the quarry operations will be from the north to the south and behind a berm or remnant of natural rock left to be a sound and sight barrier.

Sincerely,

Ralph Christensen
Senior Geologist, G-870
EGR & Associates, Inc.

LANFEAR Thom

From: HOWE Kent
Sent: Wednesday, March 03, 2004 11:02 AM
To: 'dancorp1@netzero.net'
Cc: LANFEAR Thom
Subject: RE: PA 02-6065

Thanks for your comments. They will be entered into the record for these proceedings.

—Original Message—

From: dancorp1@netzero.net [SMTP:dancorp1@netzero.net]
Sent: Wednesday, March 03, 2004 10:55 AM
To: kent.howe@co.lane.or.us
Subject: PA 02-6065

Mr. Kent Howe
Lane County, Oregon

Mr. Howe, My name is Don Nelson and I want to go on record in opposition to granting this change at this time. Egge Sand & Gravel is a for profit corporation that wants to take advantage of the use of public roads to transport their raw product.

If there is an intersection in Lane County worse than this one to have that number of trucks entering and leaving Coburg Road, I can't think of it. With the ODOT project in progress on the bridge over the river and McKenzie View and Coburg Road congestion now, it seems to me that delaying this request would be in the best interests of the public.

This is a very dangerous intersection and delaying any action now until the completion of the bridge work seems to be the prudent thing to do.

Donald A. Nelson
33855 Van Duyn Road
Eugene, Oregon 97408-9242

MINUTES

Lane County Planning Commission
Harris Hall
125 East 8th Avenue, Eugene

March 2, 2004
7 p.m.

PRESENT: Ed Becker, Jacque Betz, James Carmichael, Chris Clemow, Steven Dignam, Marion Esty, Mark Herbert, Juanita Kirkham, Vincent Martorello; Jerry Kendall, Thom Lanfear, Stephanie Schulz, Lane County Staff

ABSENT: NA

I. APPROVAL OF DECEMBER 2, 2003 MINUTES

Ms. Kirkham convened the meeting at 7 pm. She called for public comment from the audience. Seeing no one wishing to speak she called for approval of the December 2, 2003 minutes.

On page two paragraph six, Mr. Dignam noted that the statement should be inside rather than outside the McKenzie Watershed.

Mr. Clemow, seconded by Mr. Herbert, moved to approve the minutes of December 2, 2004. The motion passed unanimously.

II. CONTINUATION FROM 1/20/04: Deliberation Only on: PA 02-5838 – Plan Amendment and Zone Change from E-40/Exclusive Farm Use to Marginal Lands/ 18-04-11, Tax Lots 300 & 304, 3101 Timberline Drive, Eugene. 113.7 acres Owners: B. Ogle, M. Childs

Ms. Kirkham noted that some commissioners had not been present at the January 20, 2004 meeting. She established that all commissioners were up to date on the available information and material and could reasonably participate in the deliberation.

Jerry Kendall provided the staff report. He noted that a lot of new materials had been submitted at and after the public hearing on January 20. He said staff had been able to determine that the income test requirements had been met by the applicant. He added that the correct site indexes had been used to determine that the growth index requirement was also met. He went on to say that the use of Douglas Fir for the income test was acceptable since other marketable trees were of much less value on the market and could not result in more income than the Douglas fir figures. He said staff were recommending approval of the application.

In response to a question from Mr. Dignam regarding using well water on the site and whether there was adequate water, Mr. Kendall said it had been demonstrated with a large margin of error that there would be enough water to service the nine potential lots.

In response to a question from Mr. Becker regarding whether the nine proposed parcels could be further partitioned, Mr. Kendall said there had been no further plans from the applicant to divide the parcels. He said he doubted if it would happen but could not say with certainty. He noted that the aquifer study would not support more than nine parcels.

In response to a question from Mr. Becker regarding possible liability to the County if the water quality were less than expected, Mr. Kendall said a warning would be placed on the plat to show that there was arsenic present in the water. He added that filters could be used to address the arsenic problem.

Mr. Herbert said all of staff's concerns had been addressed to his satisfaction.

Mr. Herbert, seconded by Ms. Esty, moved to approve the application as submitted by staff.

Mr. Dignam said he would support the motion.

Mr. Martorello said he would support the motion.

The motion passed unanimously.

III. PA 02-6065: Amend the Significant Mineral and Aggregate Resources Inventory of the Lane County Rural Comprehensive Plan to allow mining pursuant to the Goal 5 Oregon Administrative Rules OAR 660-023; and amend the RCP designation from Forest to Natural Resource and rezone lands from F2/Impacted Forest Lands Zone to Quarry and Mine Operations Zone for 40 acres pursuant to Lane Code 16.400 and 16.252; Map: 17-03-03/TL 402, 500; Applicant: Egge Sand & Gravel

Ms. Kirkham called for declarations of ex parte contacts or conflicts of interest. None were declared.

Thom Lanfear provided the staff report. He provided an outline of the Goal 5 rule for the newer commissioners. He said all of the requirements of the state rules were provided in the written staff report.

Mr Lanfear outlined the steps needed for approval of the amendment.

1. Determine if the PAPA information is adequate
2. Determine if the resource site is significant
3. Determine if mining conflicts can be minimized
4. Weigh the ESEE consequences and decide whether to allow mining
5. Determine the ESEE consequences of new uses

Mr. Lanfear said that the only Goal Five resources that needed to be addressed were those in the County Plan. He cited riparian areas, historic resources, and the McKenzie River as examples.

Mr. Lanfear said denial of the amendment could only be based on a conflict that could not be minimized. He said the staff report contained the information of how the applicant addressed conflicts. He added that the applicant had submitted a binder of written information as well. He said new information would be submitted on the number of day per week operations would occur as well as traffic impacts.

Mr. Lanfear said the applicant intended to mine the site but would do rock crushing at the existing Egge Sand and Gravel processing site. He showed a map of the route the trucks would take to the processing site. He said his analysis showed a house identified in the impact area that was not covered by the noise impact requirements. He said the applicant planned to address that point.

In response to a question from Ms. Betz regarding the letter in the record from Andrew Clarke, Mr. Lanfear said the applicant had addressed the issues raised. He noted that the house in the impact area was owned by the applicant.

In response to a question from Mr. Dignam regarding the number of trips of trucks on the operating days of the week, Mr. Lanfear said the applicant would address that issue in his testimony.

In response to a question from Mr. Dignam regarding conditions recommended by staff for approval of the amendment and whether staff would recommend approval if they were met, Mr. Lanfear said he could not state a positive recommendation since there were still some issues that needed to be addressed by the applicant.

Ms. Kirkham opened the public hearing.

Larry Thorpe spoke as the applicant's representative. He said there was confusion about the traffic study in that the staff report said operation would be one day a week when in fact the applicant wanted to operate up to five days per week. He said the aggregate business was episodic and the quarry might operate for five days and not operate again for another month.

Vern Egge said the quarry had been operating "off and on" for the last 40 years. Mr. Egge said crushed rock was needed for road construction and erosion control that could only come from a quarry such as the one in question. He said the amount of dust from the site would be minimized and added that the quarry would not be seen from the valley floor. He said the stormwater from the site would run off to the north. He said a berm would be constructed to address noise issues and bring them within the DEQ limit.

Ralph Christensen, EGR and Associates, said the quarry was designed so all entrances and exits would access from the north site. He said all stormwater would go out to the north of the site. He said the water would follow a natural channel into a receiving area and would disperse into a field and eventually reenter the Muddy Creek system and travel to the Willamette River above Corvallis.

In response to a question from Mr. Carmichael regarding the size of the field and whether it was currently saturated, Mr. Christensen said the field was 10 acres and noted that it was saturated during the winter.

In response to a question from Mr. Carmichael regarding how much particulate matter would go into the field, Mr. Christensen said the amount would be miniscule since the rock quarried was coming out in the desired large sizes.

Mr. Christensen submitted written material into the record.

Mike Wishar, Access Engineering, said the change from one day a week to potentially five days per week would not change the traffic impact study since that was done during peak hours and there would only be 10 trips generated during peak hours.

Mr. Wishar submitted written material into the record.

In response to a question from Mr. Clemow regarding whether the trips generated from the site would have an impact on the road, Mr. Lanfear said that was an issue that still needed to be settled. He noted that there was a traffic analyst present in the audience and also suggested leaving the record open until the issue was sufficiently addressed.

Kerrie Standlee, Daly Standlee & Associates, spoke about the noise study done for the site. He said a berm had been constructed to address noise issues. He said the noise issue for the house within the affected area had also been addressed.

Mr. Standlee said the quarry would be on the north side of the hill and the only time people to the south would hear operations was when there was machinery on the top of the hill. He said the noise from the excavator would be masked by noise from the nearby highway.

In response to a question from Ms. Kirkham regarding ground vibration from the blasting going on, Mr. Stanley said the charges would be sized so there would be no effect to nearby residences.

Mr. Dignam clarified that the nearby highway ambient noise was louder than what would be generated by the quarry.

In response to a question from Mr. Carmichael regarding how blasting was controlled, Chris Jeremiah said the purpose was to minimize ground vibration and air pressure to surrounding areas as well as eliminate flying rock. He said seismographs would be set up in the surrounding areas to see if there were vibration issues. He said the charges would be sized to limit vibration.

Mr. Thorpe said the applicant had some changes to the conditions proposed by staff. He suggested eliminating the word "stockpiling" in condition #1. He said the changes in 2-3 were to address operating possibly more than one day per week. And the changes to condition 10 were to address the noise level concern for the house owned by Egge.

Mr. Thorpe suggested that the record be left open to address new information in the record and an additional seven days for the applicant to rebut those submissions. He said the decision could be made at the commission's April 6, meeting.

Mr. Thorpe stated for the record that the applicant did not necessarily agree with staff's condition over traffic impacts.

In response to a question from Mr. Clemow regarding stockpiling on the sites, Mr. Thorpe said there was no intent to have any stockpiles on the site excepting what was mined on that site and was waiting for transport.

In response to a question from Mr. Martorello regarding how trips would be enforced, Mr. Lanfear said enforcement would be complaint driven.

In response to a question from Mr. Carmichael regarding whether the Egges would be held to a higher standard of road degradation than other companies using the road, Mr. Lanfear said the standards would be based on the actual use of the road, the weight of the trucks, and the number of trips driven. He said other similar applications would be held to the same standard.

Ms. Kirkham called for testimony from those in favor of the application.

Bill Morgan, Lane County Transportation, said the traffic analysis had been reviewed but noted that with the extra trips potentially generated would generate different data. He recommended that the record be open to address those issues.

Ms. Kirkham called for testimony in opposition to the application.

Donald Nelson, 33855 VanDyne Road, raised concern over the proposed noise abatement and the proposed use of the intersection of Coburg Road and McKenzie View. He said it was a blind corner with a high possibility of accidents.

Tina Owings, Shilo Forestry, spoke as a representative of David Egge. She questioned whether there would be any discussion over property values affected by the quarry operation. She noted that there were well water issues in the area already and raised concern that blasting would aggravate those problems. She went on to raise concern over the relocation costs of EPUD power tower and who would be responsible for the cost.

Ms. Kirkham called for rebuttal from the applicant.

Mr. Thorpe said the relocation of the EPUD power tower would be paid for by the applicant.

Mr. Standlee said the noise generated by blasting would not be focused toward any residential area.

Mr. Wishar said the traffic analysis had taken the Coburg McKenzie View intersection into account. He said noise from blasting would not be audible over the traffic noise already generated.

Mr. Lanfear suggested leaving the record open for one week for new material and an additional two weeks for the applicant to address any new material submitted. He said staff could then prepare a recommendation to the April 6, commission meeting.

Mr. Herbert, seconded by Ms. Esty, moved to leave the record open as recommended by staff. The motion passed unanimously.

IV. PA 03-5883: Amendment to the Coburg Comprehensive Plan Diagram Plan Boundary to bring in 36 acres of exception land, east of Interstate Five, into the City and changing rural commercial and park recreation zoning to tourist commercial zoning.

Mr. Dignam declared for the record that he worked for Lane Council of Governments which was the same employer for the agent for the applicant. He noted that there had been no discussion on the matter with Mr. Darnielle and was not in a supervisory work relationship with him.

Stephanie Schulz provided the staff report. She read the entire staff report into the record. She said staff recommended approval of the application.

In response to a question from Mr. Martorello regarding whether staff had considered the Southern Willamette Valley Groundwater Assessment for 2001 and whether there was any material in it that spoke to break down of nitrogen load regarding agricultural influences versus sewage influences, Ms. Schulz said the problem was a combination of sewage and agricultural influences concentrated in a small area.

Ms. Kirkam called for the applicant's presentation.

Gary Darnielle, Lane Council of Governments, representing the applicant, submitted a correction to the materials the applicant provided. He said there had been an error in the trip generation table, exhibit 6 of the applicant's written materials. He said the document had been updated to show proposed use of the land by Ingram RV sales.

Mr. Darnielle said the development on the site shared a common sewage facility and a community water system. He said it was important for the City of Coburg to annex those properties so nitrate contamination of the aquifer could be addressed.

Regarding the Transportation Goal, Mr. Darnell said there had been concern on the part of ODOT that whatever development was done would not increase the traffic potential for the area.

In response to a question from Mr. Becker regarding whether DEQ was involved in the nitrate clean up, Mr. Darnielle said most of the funding for the clean-up was from DEQ.

In response to a question from Mr. Dignam regarding whether the undeveloped parcels could not be developed without further attention to transportation issues, Mr. Darnielle said that was correct if the plan amendment were approved.

In response to a question from Mr. Martorello regarding how the nitrogen load would be affected by the UGB expansion, Mr. Darnielle said Coburg's concern was about the impact of the nitrates on the City's well field.

In response to a question from Mr. Martorello regarding the origin of the nitrogen spreading in the area, Mr. Darnielle showed the area on the map where the contamination was spreading.

In response to a question from Mr. Martorello regarding whether the inclusion of the City of Coburg in the South Willamette Valley Groundwater Development Plan dependant on the extension of its UGB, Mr. Darnielle indicated that it was not.

In response to a question from Mr. Clemow regarding what the timing would be for extension of services, Mr. Darnell said that would be phase two of the development.

Mr. Clemow stressed that the first thing that needed to be done was to provide sewer service.

In response to a question from Mr. Clemow regarding trip generation from the site in question and whether so much capacity would be used that it would cause a moratorium on other development, Mr. Darnell said it would not.

Mr. Clemow said there needed to be a study of actual trip generation from the area in question.

Mr. Darnielle said the matter had been reviewed by Lane County Staff as well as ODOT and had been signed off on by local land owners.

In response to a question from Ms. Kirkham regarding why the proposed UGB expansion was not included in the expansion that had recently been approved, Mr. Darnielle said the timing was not right.

Anita Yap, City of Coburg, said staff had considered using actual trip counts but had concerns over making the existing properties even more nonconforming. She said the method used had been okayed by Bill Morgan of Lane County and Tom Boyatt of Oregon Department of Transportation.

Mr. Martorello said her statement had made him desire to see an actual traffic study for the area since the areas traffic use would continue to grow.

Ms. Kirkham called for testimony in favor of the application.

Paul Williams, said the current NPDES permit was in compliance and fully monitored. He said there had been no non compliance in the 3 ½ years he had owned the property. He noted that all of the properties were not using the same well.

In response to a question from Mr. Martorello regarding the scope of the monitoring of the sewage pond, Mr. Williams said the effluent was examined entering and exiting the lagoon and samples were taken twice a month.

In response to a question from Mr. Martorello regarding whether nitrates were monitored, Mr. Williams said he was not qualified to answer the question.

Donald Nelson said there would not be a current crisis if the development had not been allowed in the past. He said it was premature to extend the UGB because the problem had not yet been dealt with.

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Ms. Kirkham called for rebuttal from the applicant.

Mr. Darnielle said while the expansion would not immediately address the waste water issue, it would set the City up to address the problem when funding was available and Phase I was completed. He added that it would address community safety issues around water pollution.

Ms. Kirkham closed the public hearing.

Mr. Herbert said the applicant had met a significant number of tests and noted that the County supported the application. He stressed that there was an immediate need for action on the part of the commission.

Mr. Dignam said he would support the application.

Mr. Becker reiterated Mr. Herbert and Mr. Dignam.

Mr. Clemow raised concern over hypothetical traffic trip generations from the site.

Mr. Martorello called for more information regarding where the nitrate plume was originating from. He also called for more traffic information. He said without that information he could not support the application.

Mr. Herbert said he was looking at a balance of water quality, community of interest, and quality of life. He said there was significant data on the record, an immediate problem, and almost no opposition to the application. He stressed that there were immediate water quality issues. He said Mr. Martorello's questions were relevant but not compelling and recommended moving forward.

Mr. Herbert, seconded by Ms. Esty, moved to recommend approval of the application to the board of commissioners with the strong recommendation that the City of Coburg address the issues raised by Mr. Martorello. The motion passed 8:1 with Mr. Martorello voting in opposition.

The meeting adjourned at 10:40 pm.
(Recorded by Joe Sams)

MINUTES

Lane County Planning Commission
Harris Hall - Lane County Courthouse

April 6, 2004
7 p.m.

PRESENT: Ed Becker, Jacque Betz, Vincent Martorello, Steve Dignam, James Carmichael, members;
Tom Lanfear, Staff;

ABSENT: Marion Esty, Mark Herbert, Chris Clemow, Juanita Kirkham,

I. PUBLIC COMMENT

Mr. Dignam convened the meeting.

There were no members of the public wishing to speak.

II. DELIBERATION ONLY: Continued from March 2, 2004, PA 02-6065; Amend the "Significant Mineral and Aggregate Resources Inventory" of the Lane County Rural Comprehensive Plan to allow mining pursuant to the Goal 5 Oregon Administrative rules OAR 660-023; and amend the Rural Comprehensive Plan to Designation from "F2/Impacted Forest" to "Natural Resource" and rezone lands from "F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone" for 40 acres pursuant to Lane Code 16.400 and 16.252. Subject Property: Map 17-03-03, Tax Lots 402, 500; Applicant; Egge Sand and Gravel

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

Tom Lanfear provided the staff report. He said he had incorporated the new materials submitted into the record. He noted that the traffic analysis showed that there would be no impacts on Coburg Road by the proposed number of trucks.

Mr. Lanfear outlined the six steps for approval of the application.

1. Determine if the PAPA information is adequate
2. Determine the significance of the resource
3. Determine if mining conflict can be minimized
4. Weigh the ESEE consequences and decide whether to allow mining
5. Determine the ESEE consequences of new uses.
6. Develop a program to allow mining.

There was general consensus that the requirements of all the steps had been met.

Mr. Martorello, seconded by Ms. Betz, moved to amend the "Significant Mineral and Aggregate Resources Inventory" of the Lane County Rural Comprehensive Plan to allow mining pursuant to the Goal 5 Oregon Administrative rules OAR 660-023; and amend the Rural Comprehensive Plan to Designation from "F2/Impacted Forest" to "Natural Resource" and rezone lands from "F2/Impacted Forest Lands Zone" to "Quarry and Mine Operations Zone" for 40 acres pursuant to Lane Code 16.400 and 16.252.

Mr. Carmichael thanked Mr. Egge and the people who put the application together for their work in making the application very clear. He added that the applicant had made an effort to minimize conflicts before they were identified.

The motion passed unanimously.

The meeting adjourned at 7:30 pm.

(Recorded by Joe Sams)
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