

PASSED

PASSED

BOOK 101 PAGE 1187

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

FILED
ORDINANCE PA 1116
DEC 01 1998
COUNTY CLERK
M. Bullock

(IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
(PLAN TO REDESIGNATE LAND FROM "AGRICULTURE" TO
("NATURAL RESOURCE: MINERAL" AND REZONING THAT
(LAND FROM "E-30/EXCLUSIVE FARM USE" TO "SG/SAND,
(GRAVEL & ROCK PRODUCTS"; AND ADOPTING SAVINGS AND
(SEVERABILITY CLAUSES (file PA 2191-97; Egge)

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, in November 1997, application no. PA2191-97 was made for a minor amendment to redesignate tax lots 700, 800, 1000, 1100 and 1301 of map 17-03-05 and tax lot 1602 and a six-acre portion of tax lot 1200 of map 17-03-04, from "Agriculture" to "Natural Resource: Mineral" and concurrently rezone the property from "E-30/Exclusive Farm Use " to "SG/Sand, Gravel & Rock Products"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of March 3, 1998, deliberated on April 21, 1998 and on that date forwarded the matter to the Board with formal Commission recommendation; 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 Lane County Rural Comprehensive Plan is amended by the redesignation of tax lots 700, 800, 1000, 1100 and 1301 of map 17-03-05, and tax lot 1602 and a six-acre portion of tax lot 1200 of map 17-03-04, from "Agriculture" to "Natural Resource: Mineral", such territory depicted on Plan Plots 363 and 381 further identified as Exhibits "A-1" and "A-2" attached and incorporated herein.

Section 2. Tax lots 700, 800, 1000, 1100 and 1301 of map 17-03-05, and tax lot 1602 and a six-acre portion of tax lot 1200 of map 17-03-04, are rezoned from "E-30/Exclusive Farm Use" (Lane Code 16.212) to "SG/Sand, Gravel & Rock Products " (Lane Code 16.217), with a Site Review suffix (Lane Code 16.257) to assure compliance with conditions set forth in Exhibit "C" attached and incorporated here as if fully set forth, such territory depicted on Rural Zoning Plots 363 and 381, and further identified as Exhibits "B-1" and "B-2" attached and incorporated herein.

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

The prior designation and zone repealed by this Ordinance 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 effect the validity to the remaining portions hereof.

ENACTED this 24th day of November, 1998.

[Signature]
Chair, Lane County Board of County Commissioners

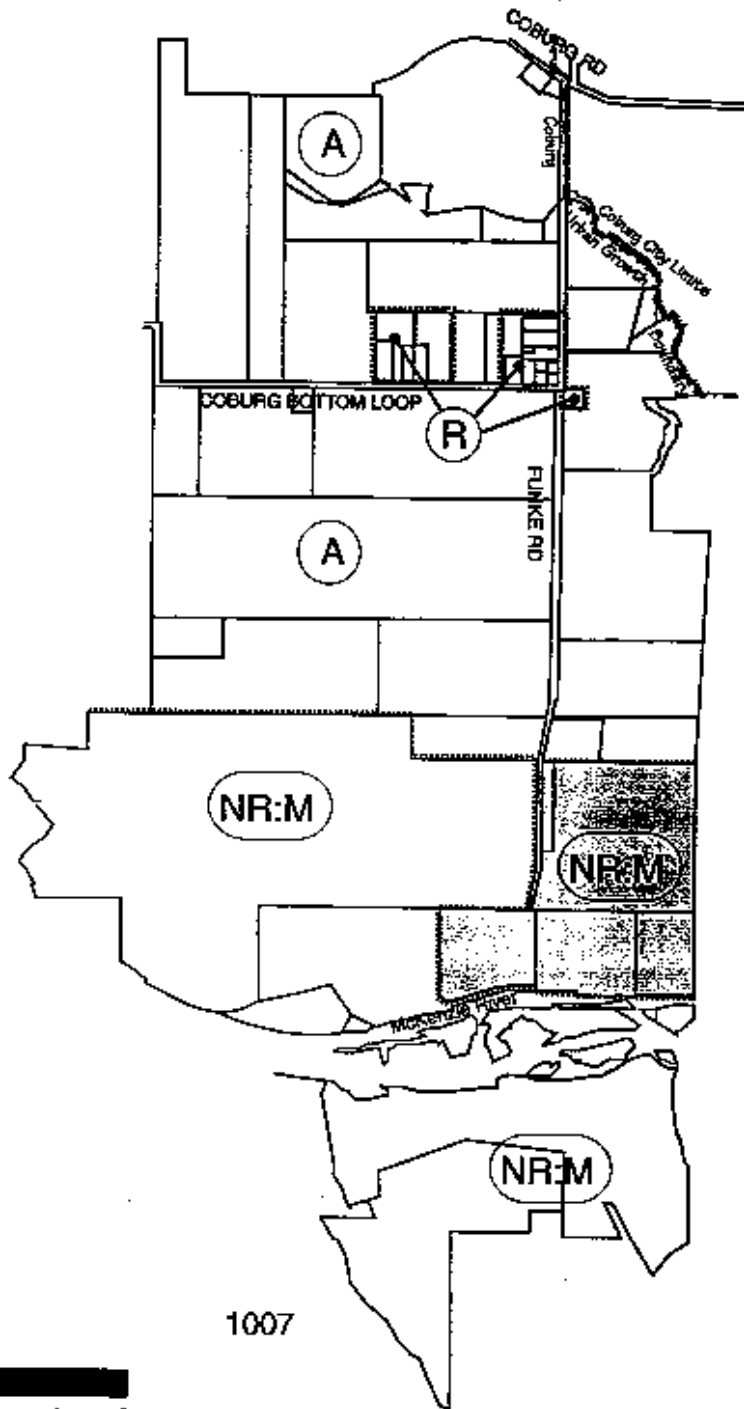
Melissa A. Zimmer
Recording Secretary for this Meeting of the Board

APPROVED TO FORM

Date: 11-18-98, Lane County

[Signature]
OFFICE OF LEGAL COUNSEL

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381

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lane county



OFFICIAL PLAN MAP

PLOT #363

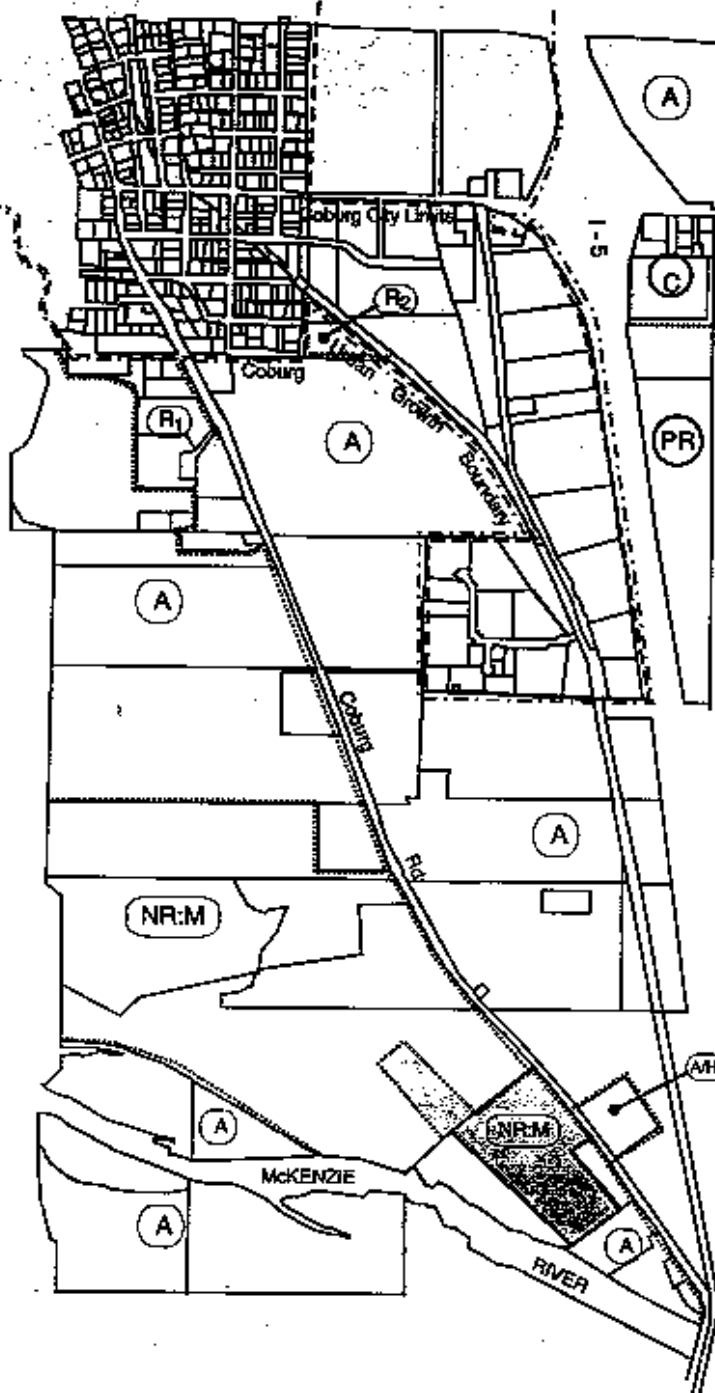
Township Range Section

16 03 32

17 03 05

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

REVISION # ORD# DATE FILE #



363

395

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lane county



OFFICIAL PLAN MAP

PLOT #381

Township Range Section

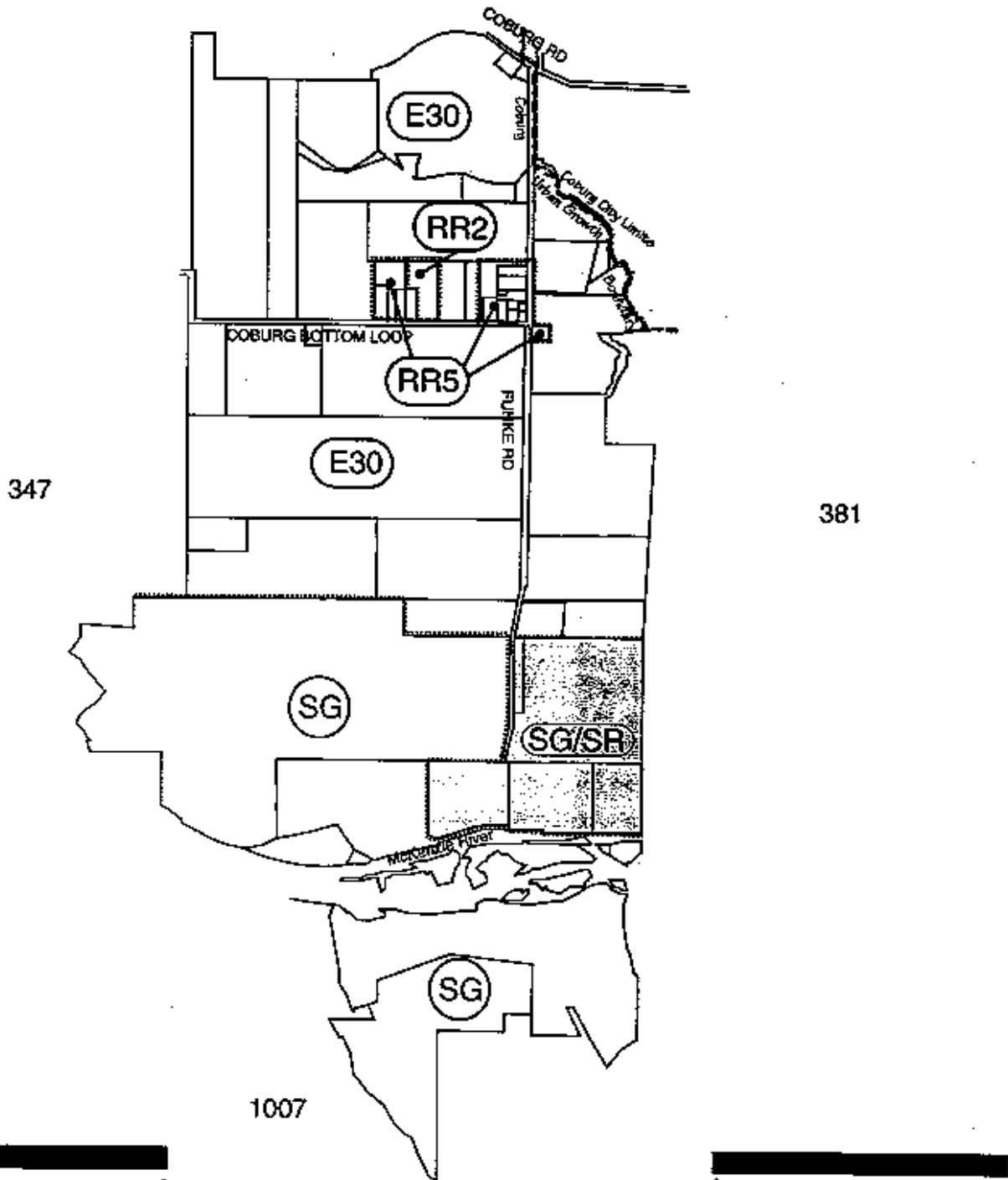
16 03 33


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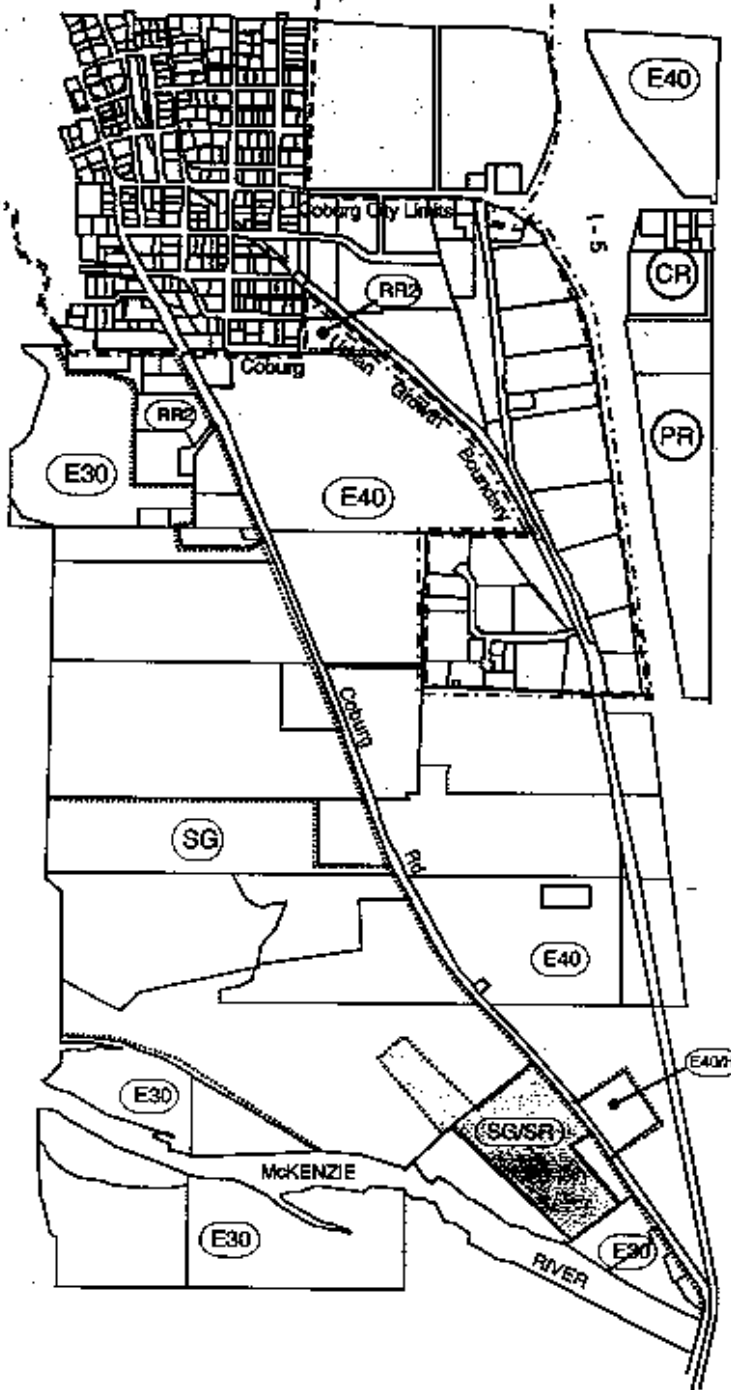
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	OFFICIAL ZONING MAP		PLOT #363
	Township Range Section 16 03 32 / 17 03 05		
ORIGINAL ORD. # <u>PA 884</u>	DATE <u>2/29/1984</u>	FILE # _____	
REVISION # _____	ORD# _____	DATE _____	FILE # _____



363

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lane county



OFFICIAL ZONING MAP

PLOT #381

Township Range Section

16 03 33

17 03 04

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

REVISION # _____ ORD# _____ DATE _____ FILE # _____

Ordinance PA 1116

**FINDINGS OF FACT, CONCLUSIONS AND CONDITIONS
IN THE MATTER OF PA 2191-97****Vernon Egge dba Egge Sand & Gravel, L.L.C.**Background Facts

Vernon Egge as property owner and Egge Sand & Gravel L.L.C. as the operator (hereinafter referred to as "Applicant") submitted an amended land use application (PA 2191-97) requesting approval by the Lane County Board of Commissioners (hereinafter referred to as the "Board") of a post-acknowledgment plan amendment (hereinafter referred to as "PAPA") to the Rural Comprehensive Plan from "Agriculture" to "Natural Resources: Mineral", with accompanying zone change from E30/Exclusive Farm Use to SG/Sand, Gravel & Rock Products for approximately 110 acres located west of Coburg Road and north of the McKenzie River and south of the City of Coburg. The PAPA includes an 84-acre tract consisting of tax lots 700, 800, 1000, 1100, and 1301 of Assessor's Map 17-03-05, located to the west of the Applicant's existing mining operation; a 20-acre parcel designated as tax lot 1602 of Assessor's Map 17-03-04, located to the southeast of the mining operation; and a 6-acre portion of a parcel designated as tax lot 1200 of Assessor's Map 17-03-04, located within the southeastern portion of the existing mining operation (collectively the "Subject Parcels").

On March 3, 1998, the Lane County Planning Commission (hereinafter referred to as "Commission") heard the matter in a *de novo* hearing and received testimony and evidence. Following the closure of the public hearing, written comments were submitted into the record.

On April 21, 1998, the Commission deliberated in a public meeting and recommended that the Board approve the PAPA and rezoning and, pursuant to OAR 660-23-0180(4)(c), adopt recommended conditions to minimize conflicting uses alleged by interested parties.

On July 8, 1998, the Board held a *de novo* hearing and received exhibits, testimony and evidence concerning the Applicant's request. The Board tentatively approved the plan amendment and rezoning, identified conflicts between the proposed mining and existing and approved land uses in the area surrounding the Subject Parcels and approved measures to minimize the conflicts as required by OAR 660-023-0180. The Board directed the Applicant's counsel, in consultation with Lane County counsel, to draft proposed findings and mitigating measures consistent with the Board's tentative decision and submit them to the Board for final action. The Applicant has done so and the Board hereby adopts the following findings, conclusions and measures to mitigate each conflict with existing and approved land uses in the surrounding area.

Legal Criteria Applicable to the Decision

Following is a list of legal rules applicable to the Board's decision.

Oregon Revised Statutes 517.750-.870 - Reclamation of Mining Lands
 Oregon Administrative Rule 660-23-0180 - Mineral and Aggregate Resources
 Lane Code 14.200, 14.300 - General Hearing Rules, De Novo Hearing Procedure
 Lane Code 16.217 - Sand Gravel & Rock Products SG/RCP
 Lane Code 16.252 - Procedures for Zoning, Rezoning and Amendments to Requirements
 Lane Code 16.400 - Rural Comprehensive Plan Amendments
 Lane Code 3.915 - Procedural Rules for Conduct of Hearings

Findings of Fact and Conclusions of Law

- A. Applicable criteria for all RCP amendments and rezoning are found in Lane Code 16.400(6) Rural Comprehensive Plan Amendments and Lane Code 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.

The Applicant's findings of fact and conclusions addressing the applicable state-wide planning goals, the Rural Comprehensive Plan Policies, the criteria of Lane Code 16.400(6) and Lane Code 16.252, and other applicable rules and supporting the proposed PAPA and zone change are found on pages 13 through 25 in the Applicant's Amended Land Use Application. Those findings and conclusions are adopted by this reference as if fully set forth.

- B. The Applicant's Land Use Application, as amended, includes uncontradicted evidence from GEM Consultants, agent for the Applicant, attesting to an estimated 11.6 million tons of material in the Subject Parcels. The tonnage is based on a final excavation depth of 50 feet. Oregon Department of Transportation (ODOT) materials laboratory test results of aggregate samples demonstrate that the material exceeds the quality requirements for base aggregate contained in OAR 660-023-0180(3)(a).

The Board finds that the evidence in the record establishes that the quality, quantity and location of the aggregate materials within the boundaries of the combined Subject Parcels constitutes a significant aggregate resource pursuant to OAR 660-23-0180(3) and (6).

- C. Evidence was submitted of potential adverse impacts of the mining on existing and approved land uses in the area surrounding the Subject Parcels. The possibility of an adverse impact on the City of Coburg's existing water wells located over 1,500 feet from the expanded mining area was raised before the Commission. The Applicant's existing mining operation has been conducted in the same area for over thirty years without any identified adverse impact on Coburg's wells. The existing mining operation is more likely to adversely impact the existing wells than the expanded operation because of its location relative to the wells and the general direction of the aquifer flow. The Board

finds based on the evidence in the record that the approval of the Applicant's request will not adversely affect Coburg's existing wells.

No other potential adverse impacts were identified more than 1,500 feet from the Applicant's proposed expanded mining operation. Therefore, the Board finds pursuant to OAR 660-23-0180(4)(a) that the impact area for the purposes of identifying conflicts is 1,500 feet from the expansion area.

- D. The Applicant has presented evidence that the effects of the proposed mining operation on existing and approved land uses in the impact area can be minimized by reasonable and practicable measures. The Board finds that conflicts between the proposed mining and any existing or approved land uses within the 1,500-foot impact area can be minimized with the reasonable and practicable measures adopted pursuant to OAR 660-023-0180(4)(c) set forth below. As a result, there is no need to determine the ESEE consequences of the proposal under OAR 660-023-0180(4)(d).
- E. Pursuant to OAR 660-023-0180(4)(b), the Board finds that there are existing or approved land uses within the 1,500-foot impact area which the Board predicts will be adversely impacted by the expansion of mining resulting from approval of the proposed plan amendment and zone change. Those conflicts are set out below along with the reasonable and practicable measures approved by the Board to minimize those conflicts.
- F. Some witnesses have urged denial of the Applicant's request because of the generally undesirable nature of the mining activity or because of factors not listed in OAR 660-023-0180(4)(b) such as a dispute between the Applicant and the Division of State Lands and Army Corps of Engineers over the Applicant's compliance with a fill permit to construct a revetment along the McKenzie River adjacent to the Applicant's existing operation. Such objections are not relevant to the Applicant's request and the Board does not consider them conflicts under of OAR 660-023-0180(4)(b).
- G. The Board is required to determine the post-mining use of the Subject Parcels under OAR 660-020-0180(4)(f). The Board finds that the Subject Parcels are not Class I, II or Unique farmland. The Applicant proposes in the Reclamation Plan dated January 13, 1998 filed with DOGAMI and Lane County (Appendix "A") that the post-mining use be recreation and open space suitable for wildlife habitat and other uses which may be authorized by LC 16.217. The Board recognizes such post-mining uses of the Subject Parcels as appropriate provided they comply with applicable plan and zone requirements and the Board recognizes other uses may be appropriate as a result of future plan amendments and zone changes.
- H. The Board finds that all of the land in the impact area is planned and zoned for either sand and gravel mining, park and recreation, farming or forestry. The Board has reviewed the uses permitted in such zones (LC 16.211, 16.212, 16.215 and 16.217) to determine if any new uses would adversely affect the Applicant's mining operation on the Subject Parcels and therefore require an ESEE analysis under OAR 660-023-0180(5). The Board finds that no permitted new uses in the impact area will adversely affect the

Applicant's mining operation on the Subject Parcels and therefore there are no such uses which require an ESEE analysis to determine whether to allow, limit or prevent any of those uses.

- I. The Applicant has requested that the Board waive the setbacks required by Lane Code 16.217 from property lines of parcels adjacent to the Subject Parcels owned by the Applicant which are zoned for sand and gravel mining. The Board finds that granting such requests as set forth below will not create a flood hazard.

Ultimate Findings of Fact and Conditions for Allowing the PAPA

The Board has identified existing or approved uses in the 1,500 foot impact area which the Board predicts will be adversely affected by approval of the Applicant's proposal and for which the predicted conflicts shall be minimized by the following conditions of approval which the Board hereby adopts.

1. The McKenzie River is a Class I Stream (Type F) and a significant riparian corridor that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. It is designated as a "significant" Goal 5 resource and protected by the Rural Comprehensive Plan (RCP) Plan Policies and Lane Code regulations.

Mining of tax lots 1000, 1100 and 1301 of map 17-03-05 adjacent to the McKenzie River could result in damage to the aquatic and riparian areas. The adverse affects on the aquatic and riparian areas along the McKenzie River from the proposed mining activities on those tax lots shall be minimized in the following manner:

- a. Excavation is prohibited on tax lots 1000, 1100 and 1301 of assessor's map 17-03-05 within 150 feet of the ordinary high water line of the McKenzie River. All uses, including but not limited to removal or placement of fill materials and alteration or removal of vegetation on such tax lots within 100 feet of the ordinary high water line of the McKenzie River shall be in compliance with the Class I Stream Riparian Regulations of Lane Code 16.212(8)(c) and (d), and Lane Code 16.253.
- b. Prior to any excavation for overburden, loam or aggregate materials within tax lots 1000, 1100 or 1301 of map 17-03-05, the Applicant shall document the 100 and 150-foot setbacks from the ordinary high water of the McKenzie River within the metes and bounds of tax lots 1000, 1100, and 1301. For the purpose of this condition, the definitions of "overburden", "processing" and "surface mining refuse" shall be as defined in ORS 517.750(10), (11) and (16), respectively.

Documentation of the setback line shall be accomplished through compliance with Conditions I.c. - I.d. below.

- c. The ordinary high water line (hereinafter "OHW") of the McKenzie River shall be identified through coordination between the Oregon Department of Fish and Wildlife, the Oregon Division of State Lands, and the Applicant.
- d. The Applicant shall record with the Lane County Surveyor's Office, a survey depicting the linear frontage of the McKenzie River and tax lots 1000, 1100 and 1301 of assessor's map 17-03-05. The survey shall clearly depict the OHW line, the 100-foot riparian setback line from the OHW, the 150-foot excavation setback line from the OHW, and the legal metes and bounds of the three Subject Parcels.
2. The Jacob Spores Historical House listed on the National Register of Historical Places is identified as a "significant" Goal 5 resource by the Lane County Historical Resources Working Paper (Aug. 1981) and protected by Rural Comprehensive Plan (RCP) Plan Policies. The house was largely destroyed by fire in 1996 and has not been rebuilt. The owners propose to rebuild the house but have provided no evidence of when it will be done or their ability to do so. The owners have received approval to use the property for storage of a sightseeing passenger bus used in their tour business. The mining of tax lot 1602 has temporal limits. If the house is ever restored, it is likely that it will occur when the mining is largely completed. But in order to minimize the predicted conflicts between mining tax lot 1602 and the Jacob Spores house (if rebuilt) from dust and noise, the Applicant shall establish and comply with a setback of 250 feet between the location of the existing Jacob Spores Historical House on tax lot 1701 of map 17-03-04, and the nearest point or line of excavation for overburden, loam or aggregate materials on tax lot 1602 of map 17-03-04.
3. A six-acre parcel zoned Exclusive Farm Use (E30) within tax lot 1200 of map 17-02-04 was added to this PAPA application in 1998 by the Applicant's Addendum dated January 12, 1998. The same site was excluded by the Board of Commissioners in 1994 from the Applicant's prior PAPA and rezoning application (PA 4001-93, Ordinance PA 1165) because of concern that it may have been archaeologically significant. It is not on the County's inventory of historical resources. Unless it is, it may not be considered a conflicting use under OAR 660-023-0180(4)(b). Therefore, the Board finds that it does not conflict with the Applicant's request.

Determination of the archaeological significance of the six-acre parcel is the responsibility of the State Historical Preservation Office of the Oregon Parks & Recreation Department (hereinafter "SHPO"). It is the responsibility of the Applicant, as legal owner of tax lot 1200, to resolve with SHPO the issue of "archaeological significance" of the site and to comply with all applicable SHPO regulations.

4. The Muddy Creek irrigation canal runs parallel to the northeast side of tax lot 1602 of map 17-03-04. It supplies water from the McKenzie River to farmers further north for irrigation. The excavated mine will be to a depth below the bottom of the canal. The Oregon Department of Geology and Mineral Industries has recommended a 75-foot excavation setback from the irrigation canal. The Applicant shall minimize the predicted conflict between the proposed excavation on tax lot 1602 by establishing and complying

with a 75-foot excavation setback from the top of the bank line of the irrigation canal to protect the canal as an irrigation water source and recipient of stormwater drainage from the surrounding agricultural lands and to protect the riverine wetlands and riparian areas associated with the irrigation canal. The setback may be reduced through approval of an administrative variance pursuant to Lane Code 16.217(7)(b). The setback shall apply to the entire length of the irrigation canal as it traverses along or within the northern or eastern boundaries of tax lot 1602 of map 17-03-04.

5. Williams Gas Pipelines - West operates a 10 3/4 inch, high pressure, liquified natural gas pipeline which traverses underground through the six-acre parcel on tax lot 1200 of map 17-03-04. Although it is not clearly an activity which may be considered under OAR 660-023-0180(4)(b), mining around the line poses safety hazards. The Applicant has agreed to waive any limitation of OAR 660-023-0180(4)(b) and accept the imposition of conditions to minimize the conflict. Therefore, excavation within the six-acre portion of tax lot 1200 shall occur in the following manner.
 - a. A 55-foot wide strip of land shall be established as an excavation setback area along the William's pipeline easement corridor within the six-acre site of tax lot 1200 on map 17-03-04, and shall be left undisturbed by any mining excavation. The pipeline setback area is defined as a strip of land being 27.5 feet on each side of the existing natural gas pipeline, for a total width of 55 feet.
 - b. All excavated slopes abutting the Williams Gas Pipeline-West pipeline within the six-acre site shall not be steeper, above a depth of twenty feet, than 1 horizontal: 1 vertical.
6. Predicted conflicts including dust, noise, and the potential for trespass exist between the proposed excavation of tax lot 1602 of map 17-03-04, and three residences located to the east and south of tax lot 1602. The residences are on tax lots 1600, 1602 and 1801 of map 17-03-04.

In order to minimize those predicted conflicts, no excavation shall be conducted closer than 150 feet from the common boundary of tax lot 1602 of map 17-03-04 and tax lots 1600 and 1801 without prior approval by the Lane County Public Works Director of an administrative variance pursuant to LC 16.217(4)(b)(v)(aa)(i-i) and LC 16.217(7)(b). This setback requirement shall not apply to the house located on tax lot 1602. No setback shall be required from the common boundary of tax lots 1602 and 1200 which are both owned by the Applicant and zoned for sand and gravel mining.

7. The property owner of tax lot 400 of map 17-03-05 (which is zoned for exclusive farm use) to the north of tax lots 700, 800, 1000, 1100, 1301 of map 17-03-05 has alleged potential conflicting uses between the proposed expansion of the aggregate operation and the agricultural practices on tax lot 400 including flood control, and stormwater drainage, as well as concerns about dust and noise. The Board predicts that a conflict exists related to stormwater drainage, flood control and dust from the mining. In order to minimize those conflicts and conclude that the proposed mining will not force a

significant change in or significantly increase the cost of accepted farming practices on agricultural land devoted to farm use within the impact area, the Board adopts the following measures:

- a. No excavation shall be conducted closer than 150 feet from any exterior property boundaries of tax lots 700, 800, 1000, 1100, or 1301 of map 17-03-05 (treated as a single parcel) without prior approval by the Lane County Public Works Director of an administrative variance pursuant to LC 16.217(4)(b)(v)(aa)(i-i) or LC 16.217(4)(b)(v)(bb), and LC 16.217(7)(b). There shall be no setback requirement for common boundaries between any contiguous parcels owned by the Applicant which are zoned for sand and gravel mining.
 - b. Prior to any excavation for overburden, loam or aggregate materials within tax lots of 700, 800, 1000, 1100 or 1301 of map 17-03-05, the Applicant shall provide the topographic plot plan to Lane County Land Management Division which the Applicant is required to submit to the Oregon Department of Geology and Mineral Industries identifying all natural drainages flowing off-site from tax lots 400 and 600 of map 17-03-05 onto tax lots 700, 800, 1000, 1100 and 1301. The Applicant shall also identify on the topographic plot plan, all existing man-made diversions of stormwater including but not limited to irrigation ditches, road side ditches and public roadway culverts, which flow east and south from adjacent parcels onto tax lots 700, 800, 1000, 1100 and 1301.
 - c. Prior to any excavation for overburden, loam or aggregate materials within tax lots of 700, 800, 1000, 1100 or 1301 of map 17-03-05, the Applicant shall prepare an onsite stormwater plan as required by the Oregon Department of Geology and Mineral Industries, designed to ensure that flood waters and stormwater collected or conveyed by the existing terrain and systems identified in 7.b. above shall continue to flow unimpeded from the adjacent parcels and disposed of in a manner in compliance with all applicable Lane County, state and federal regulations.
 - d. Prior to excavation for overburden, loam or aggregate materials within tax lots of 700, 800, 1000, 1100 or 1301 of map 17-03-05, the Applicant shall secure approval for all applicable floodplain regulation permits pursuant to Lane Code 16.244 Floodplain Combining Zone, addressing the requirements of 7.b. and 7.c. above.
 - e. No excavation of overburden, loam or aggregate materials is allowed within tax lots 700, 800, 1000, 1100 and 1301 of map 17-03-05 without prior approval of an operations plan by the Oregon Department of Geology and Mineral Industries.
8. Groundwater is a Goal 5 resource. Therefore, conflicts between the proposal and groundwater quality and availability in the impact area may be considered under OAR 660-023-0180(4)(b)(D). Assertions have been made that the proposed mining will adversely affect the groundwater and well production in the impact area. The Board

finds there is no substantial evidence to support that assertion. All of the wells in the impact area are deeper than the proposed mining excavation. The evidence establishes that no sedimentation will result from the mining which would adversely affect the wells in the impact area nor will the excavation reduce the availability of groundwater to such wells. The lack of adverse impact from the Applicant's existing operation and evidence of the northwesterly flow of the aquifer in the impact area supports the conclusion that no adverse impact from the proposed mining will result. The Board finds that no conflict exists and no mitigation measures are necessary.

9. The potential exists for conflicting uses of Funke Road (County Road No. 740) by residential and agricultural traffic with the Applicant's aggregate operation. Such conflict shall be minimized in the following manner.
 - a. Prior to excavation for overburden, loam or aggregate materials within tax lots 700 or 800 of map 17-03-05, the Applicant shall either:

Initiate a road vacation process with the Lane County Surveyor by submission of a Petition To Vacate pursuant to ORS Chapter 368 and Lane Code 15.305, requesting the vacation of the southern 1,235 feet of Funke Road; or

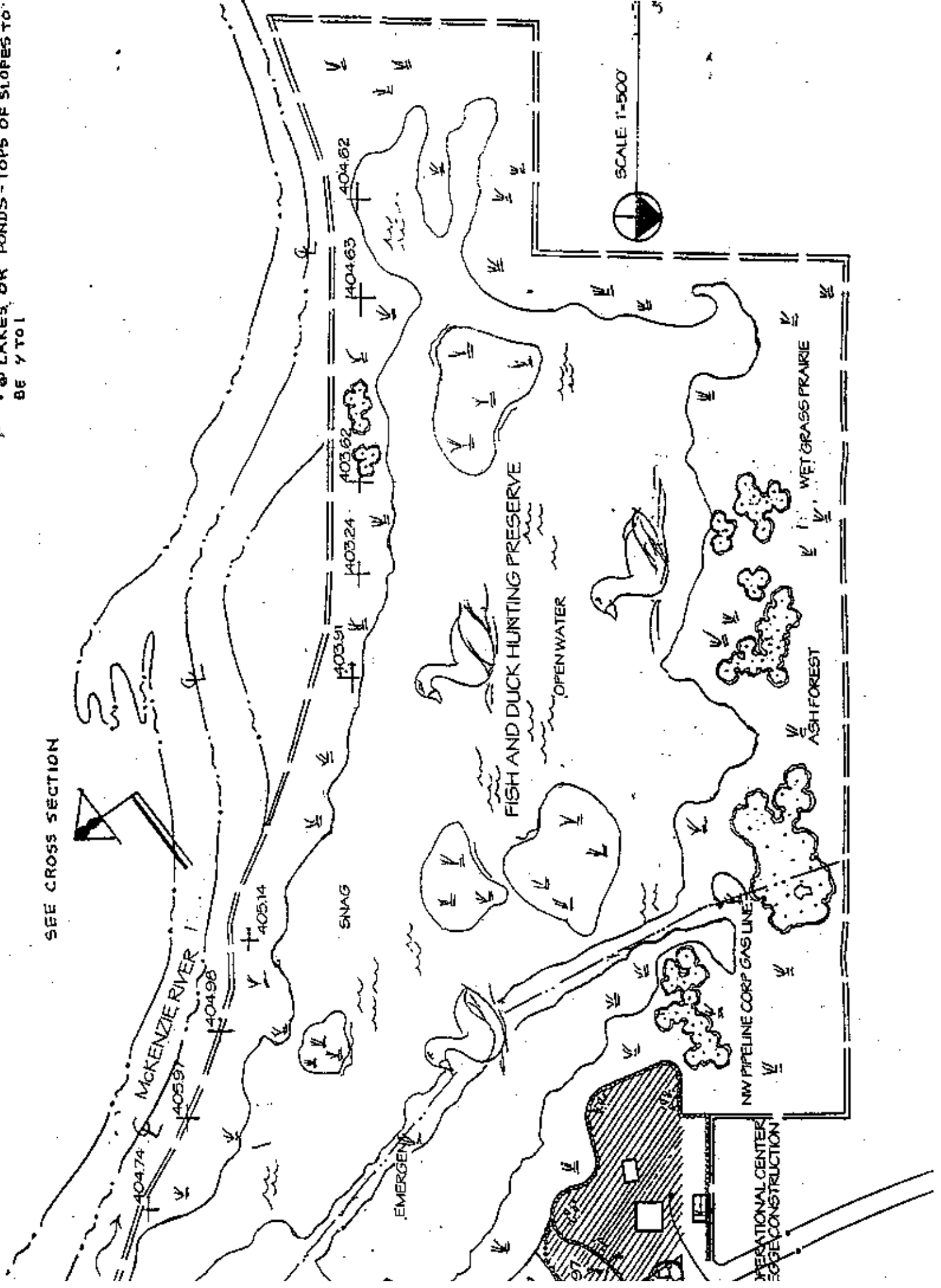
Request that Public Works Director initiate an amendment to the Master Road Plan pursuant to ORS 368.026 to withdraw the southern 1,235 feet of Funke Road from "county road" status and retain it in the inventory as a public road. At the time this reclassification is complete, maintenance of that section of Funke Road shall become the joint responsibility of the legal owners of the adjacent private properties.

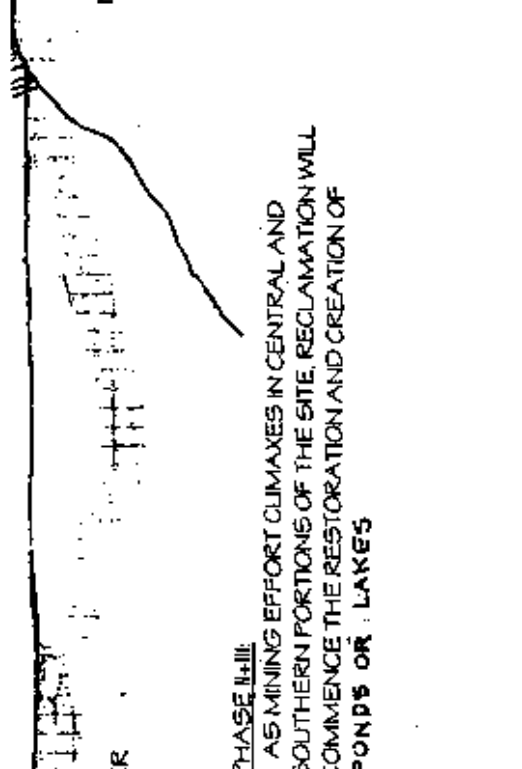
The portion of Funke Road to the north of tax lots 300 and 800 serving residential and agricultural uses shall be retained in the Lane County inventory with "county road" classification.
 - b. No haul truck use of the County maintained sections of Funke Road by the Applicant or any contractor or purchaser of aggregate materials from the Applicant's operation shall be allowed.
 - c. No excavation of overburden, loam or aggregate materials shall be allowed within 150 feet of any section of Funke Road under the jurisdiction and maintenance of Lane County without prior approval of an administrative variance by the Lane County Public Works Director pursuant to Lane Code 16.217(4)(b)(v) and 16.217(7)(b).
10. Use of Coburg Road (County Road No. 403) for residential and agricultural uses may conflict with the Applicant's aggregate operation. Such potential conflict shall be minimized in the following manner:

- a. The Applicant and agents of the Applicant are prohibited from short-haul use of Coburg Road for the purpose of moving overburden, loam or aggregate materials from one location on the Applicant's mining operation to another location.
- b. No excavation shall be allowed in tax lot 1602 within 150 feet of Coburg Road without prior approval of an administrative variance by the Lane County Public Works Director.
- c. Any change in the proposed access points to Funke Road and Coburg Road may require further review and a new facility permit from Lane County Public Works. Prior to the excavation within the Subject Parcels, the Applicant shall submit to the Lane County Public Works Department - Transportation Division, a copy of the Operating Plan filed with DOGAMI indicating the Applicant's operation will satisfy the conditions set forth herein related to Funke Road and Coburg Road. The Applicant shall be responsible for securing approval for and complying with any Public Works Facility Permit requirements.

• @ LAKES OR PONDS - TOPS OF SLOPES TO BE 4 TO 1

SEE CROSS SECTION





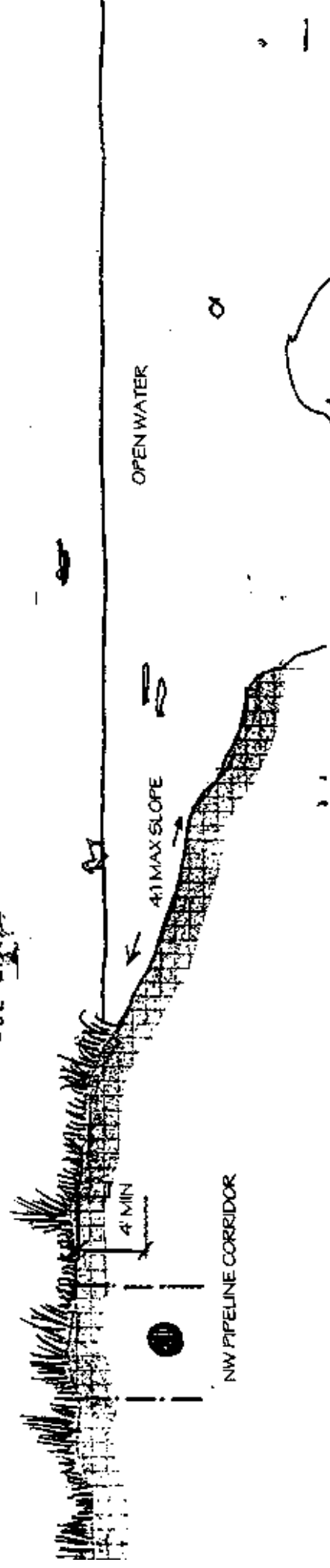
PHASE II-III

- AS MINING EFFORT CLIMAXES IN CENTRAL AND SOUTHERN PORTIONS OF THE SITE, RECLAMATION WILL COMMENCE THE RESTORATION AND CREATION OF PONDS OR LAKES

ON CONCURRENT WITH MINING IS FOCUSED FRONTING COBURG RD. 1-2 ACRES ANNUALLY. THIS PHASE OF RECLAMATION PROCEEDS. PERMS WILL SUBSEQUENTLY BE

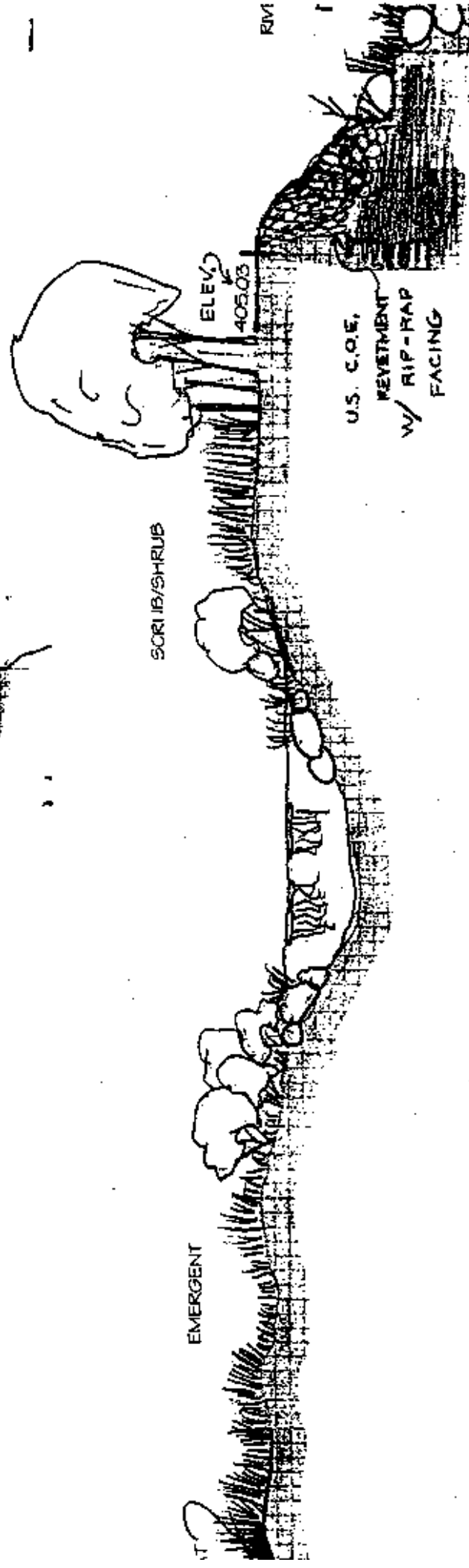
NOTE; RECLAIMED LAND WILL BE USED FOR HIGHEST AND BEST USE WITH - IN LIMITS OF APPLICABLE LAND USE LAW

GRASS PRAIRIE



SCRUB/SHRUB

EMERGENT



CONCEPTUAL RECLAMATION PLAN FOR LANDS MINED OF

HORIZONTAL SCALE: 1"=50'