

FILED

MAY 07 1992

BOOK 150 PAGE 0049

BY County Clerk *Ann Dubois* IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO PA 951) IN THE MATTER OF ADOPTING AN
) AMENDMENT TO THE RURAL COMPREHENSIVE
) PLAN TO CHANGE THE PLAN DESIGNATION
) FROM "FOREST" TO "NATURAL RESOURCE"
) AND TO REZONE FROM "IMPACTED FOREST
) LAND, F-2/RCP" TO "QUARRY AND MINING
) OPERATIONS, QM/RCP" ON MAP 21-03-02,
) TAX LOTS 600 AND A PORTION OF 606.
) (FILE #PA 3399-87; OVERHOLSER/MATHEWS)

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 jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, a procedure exists in Lane Code Chapter 16.400, as adopted by ordinance I-84 and II-84, for amending land use designations within the jurisdiction of the Lane County Rural Comprehensive Plan, and for concurrent rezoning to maintain compliance with such amended designations; and

WHEREAS, an application has been received for the amendment of the Rural Comprehensive Plan from "Forest" to "Natural Resource" with concurrent rezoning from "Impacted Forest Land, F-2/RCP" to "Quarry and Mining Operations, QM/RCP" for tax lots 600 and a portion of 606, map 21-03-02; and

WHEREAS, the Lane County Planning Commission, in the regular meeting and public hearing of December 1, 1987 and a special public hearing of February 16, 1988, voted unanimously to recommend the Board of County Commissioners approve the proposed plan amendment/zone change application, and these matters have been reported to the Board; and

WHEREAS, evidence exists within the record indicating that the application meets applicable requirements, including the requirements of Lane Code 16.400 and LC 16.252, and the requirements of 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:


1. As identified on Exhibit "A" attached hereto, the Rural Comprehensive Plan (Plot #421) for Lane County is Amended from a designation of "Forest" to a designation of "Natural Resource".
2. As identified on Exhibit "B" attached hereto, the rural zoning designation is changed from "F-2/Impacted Forest Land" to "QM/Quarry and Mining Operations."

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "C" in support of this ordinance.


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 of the remaining portions hereof.

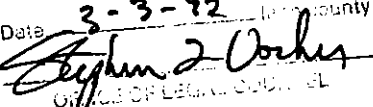
ENACTED this 6th day of May, 1992



Chairperson, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

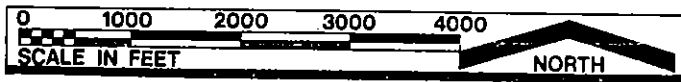
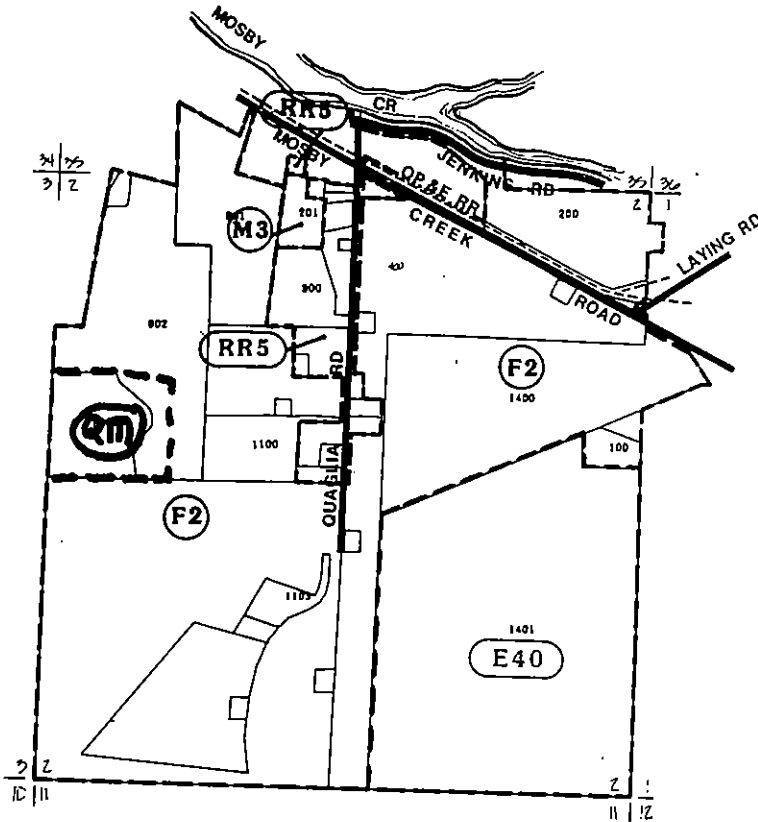
APPROVED AS TO FORM
Date 3-3-92 (in county)

OFFICE OF LEGAL COUNSEL

FILE # PA 3399-87
EXHIBIT # B

420

405

434



lane county



OFFICIAL ZONING MAP

PLOT# 421

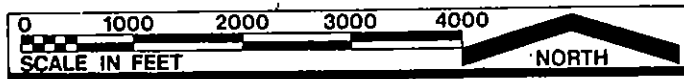
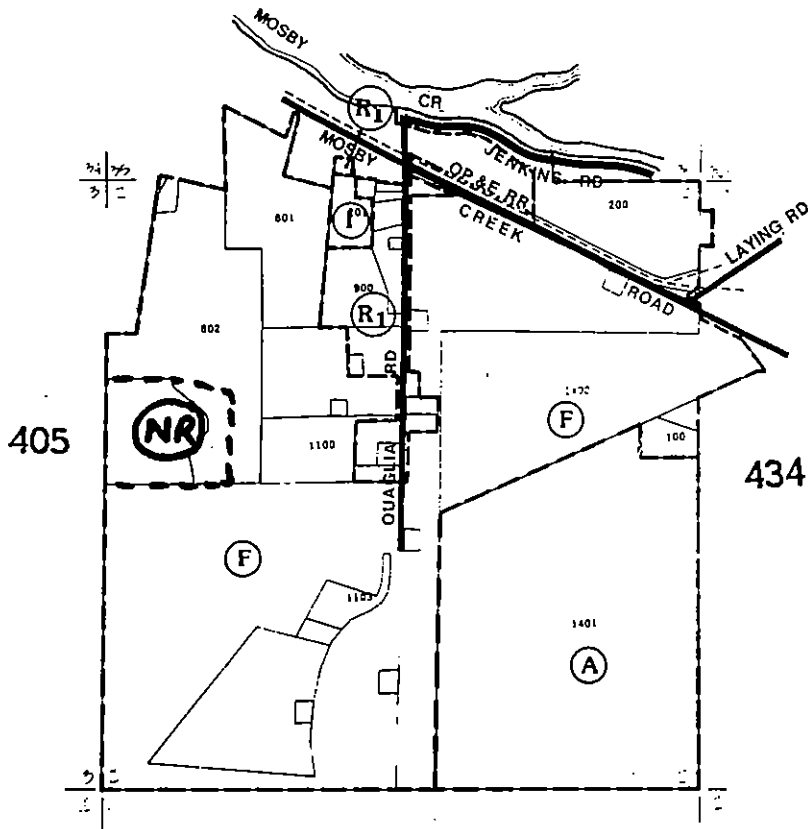
Township Range Section
21 03 02

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

REVISION # ORD. # DATE FILE #

FILE # PA 3399-87
EXHIBIT # A

420



OFFICIAL PLAN MAP **PLOT# 421**

Township Range Section
21 03 02

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

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

PA Ordinance NO. 951 Exhibit "C"

Findings

1. The property involved is known as tax lot 600 (16.94 acres) and a portion of tax lot 606 (3.48 acres), map 21-03-02. The 20.42 acres are forested (except 2 acres where the existing quarry is located) and are undeveloped.
2. The property is currently designated Forest on the Rural Comprehensive Plan and is zoned Impacted Forest Land (F-2/RCP).
3. The quarry is an established site which has in the past been used for aggregate extraction and holds a current exemption permit with the Oregon Department of Geology and Mineral Industries, identified as Site Number 20.0125.
4. The quarry site itself is not suited for farming or forestry due to landform and shallow soils. Its continued use as a quarry will therefore have no measurable impact on the supply of agricultural or forest land.
5. The quarry is located in a Major Big Game Range Habitat area, however it is not known to be in a migration path or uniquely suited for big game use. Since the site currently has an existing quarry, further impacts are anticipated to be minimal or nonexistent.
6. A total of 10 residences along Quaglia Road would be affected by truck traffic along this road.
7. Tests for determining the eligibility of property for the Natural Resource designation exist in the form of Goal 5 Mineral and Aggregate Policies 1, 7 and 10, and Goal 4 Forest Land Policy 14. Tests for evaluating a Plan amendment/zone change exist in the form of Lane Code Chapter 16.400.
8. The proposed redesignation of the subject property from Forest to Natural Resource appears to meet applicable criteria in that:
 - a. There is an estimated annual need for 20,000 to 40,000 cubic yards of material within the region primarily for use on local County and forest road systems.
 - b. A 30 year supply of material is available at this location, intended to provide annual extraction of rock of 20,000 cubic yards. 50,000 cubic yards is currently exposed with a total estimated volume of up to 600,000 cubic yards at the site.

- c. No other designated aggregate sites are located South and East of Cottage Grove. This site is conveniently located for economical transportation of materials to certain job sites within the area.
- d. The site is not located within the Willamette River Greenway nor near any other Goal 5 resource.
- e. The site is listed as a '1B' aggregate resource site in appendix 'F' of the Lane County Mineral and Aggregate Working Paper. Goal 5 mineral and Aggregate Policy 10 requires evaluation of '1B' sites no later than the next periodic review which is expected in 1993.
- f. The site is on a forested hillside surrounded by 20 to 120 acre parcels. Most of the surrounding parcels are developed with a residence and the residences are located from 1200 to 2000 feet from the quarry site.
- g. The property obtains access via a private easement which extends from the site East approximately 1800 feet to Quaglia County Road.
- h. The quarry operation will not have an adverse affect on forest management activities because it occurs on lands consisting of exposed or thinly buried rock and is not well suited for the growing of trees.
- i. There are no known natural hazards which exist on or near the subject property.
- j. In assessing the impacts on employment, tax revenue, and public service/facility costs: the gross annual income of the quarrying operation is expected to be over thirty times greater than that for forestry with the number of employees per acre being significantly greater than that for the same amount of forest land; the expected valuation of the property will increase over ten fold to about \$1500 per acre based on market value as a nonforest/quarry site which will increase tax revenues; and the quarry's proximity to market will result in an overall reduction in the use of the general road system due to a shorter haul distance, and will not require greater amounts of other public services, such as fire protection, schools, electric or telephone facilities.

k. The marketing area for this quarry would primarily serve the B.L.M., the U.S. Forest Service, and private forest land owners in southern Lane County located South and East of Cottage Grove. Ten residence along Quaglia County Road would be affected by the truck traffic. While it is possible to haul quarry rock from other locations, the cost per mile per ton is significant, and provides a definite cost limitation in addition to the impact of hauling within more populated areas.

9. Geologist, Ralph Christensen, provided a number of findings:

- a. The site is well situated as a quarry with regard to minimal impacts on surrounding rural development.
- b. Much of the rock is rippable and will not require blasting to remove.
- c. The actual number of blasts required to remove the anticipated 20,000 yards per year may average less than 2 or 3 blasts per year.
- d. Any blasting that is required can very easily be done well within the bounds of accepted practice with very little likelihood of impact on the surrounding residents.
- e. Water supplies are rarely affected by blasting and not in the configuration and distances seen at this site.
- f. At this quarry only one well is in the same topographic zone and any dewatering at the quarry will have no direct affect on their water supplies.
- g. All other wells in the area are in a lower topographic zone and any dewatering at the quarry will have no direct affect on their water supplies.
- h. The site appears to be seismically and hydrologically isolated.
- i. Seven wells in the nearby vicinity were monitored before and after blasting with none showing visible turbidity before or after the blast.
- j. One well showed a slight increase in E. Coli bacteria which was probably related to naturally occurring problems.
- k. All of the wells were found to be within expected ranges at the low levels of arsenic.
- l. The maximum particle velocity (the greatest velocity of a particle caused by a shock wave) as established by the US Bureau of Mines, must not exceed 0.5 inches per second.

- m. The maximum particle velocity as a results of the blast was 0.42 inches per second at a distance of 400 feet. The nearest dwelling is at a distance of 1500 feet and would, therefore, have a very small maximum particle velocity.
 - n. The test blasts caused no damage to dwellings, did not damage or effect the monitored wells, and were within legal limitations.
10. The uses permitted as a result of this Plan amendment/zone change are subject to the Site Review provisions of Lane Code 16.257.
 11. The property's redesignation complies with Goal 5 Mineral and Aggregate Policy 1, 7 and 10 tests in that appropriate documentation has been presented, and has shown that no potential conflicts appear to exist with existing uses pursuant to the Goal 5 Conflict (ESEE) Analysis.
 12. Based upon the analysis of the Plan amendment/zone change proposal set forth in the applicant's submittal and the staff report, the County finds that a designation of Natural Resource and zoning of Quarry Mining Operations (QM) is appropriate.
 13. A Goal Exception is not needed because the new Goal 4 Rule (OAR 660-06-025(1)(c)) authorizes locationally dependent uses such as mineral and aggregate resources.
 14. Lane Code Chapter 16.400 provides the process for amending the Rural Comprehensive Plan from Forest Land to Natural Resource.
 15. To establish public or community "need", Lane Code Chapter 16.400(6)(h)(iii)(bb)(.2) does not require a supply/demand market analysis pursuant to OAR 660-04-022 (the Reasons Exception Process). The context for "need" to be identified in this section of the Code is specified "through the intended result of the amendment". In this context, the Goal 5 process (OAR 660-16-000 through 660-16-025) provides the direction for determining the sites that should be protected for a public or community need.
 16. Pursuant to LC 16.400(8)(c)(iii)(cc), the Goal 5 ESEE analysis has been performed addressing the location, quantity and quality requirements consistent with OAR 660-16-000(2) and (3).
 17. OAR 660-016-005 defines a conflicting use as one which, if allowed, could negatively impact a Goal 5 resource site..."
 18. Pursuant to OAR 660-16-000 through 660-16-025, the Goal 5 conflict resolution analysis concluded that the value of this '1B' resource site warranted its designation as Natural Resource zoned Quarry Mining and protected from other potential forest uses.
 19. An analysis of possible impacts from the proposed quarry on surrounding properties was provided pursuant to Rural

Comprehensive Plan Goal 5 Mineral and Aggregate Resources Policy #7. The applicants provided blasting impact information including seismic and water testing results and analysis from Russ Fetrow Engineering.

20. The 30 year supply of aggregate material demonstrates substantial resource utility over time.
21. Access to the proposed quarry is off Quaglia Lane, a County Road with a right-of-way of 50 feet. Portions of Quaglia Lane are only 12 feet in width. The Quarry/Minning Zone (LC 16.216(5), requires a Site Review prior to operation of the quarry. Pursuant to the Site Review requirements of LC 16.257(4)(f) adequate right-of-way and road improvements must be provided by the development in order to promote traffic safety and reduce traffic congestion.