

APPROVED July 14, 1993



# NOTICE OF BOARD ACTION

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## LANE COUNTY BOARD OF COMMISSIONERS

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*This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.*

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

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June 2, 1993  
1:30 p.m.

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

Chair Steve Cornacchia presided with Marie Frazier, Jack Roberts and Jerry Rust present. Ellie Dumdi excused. Leslie Barrett, Recording Secretary.

11. COMMISSIONERS' ANNOUNCEMENTS

None.

12. PUBLIC COMMENT

None.

13. PUBLIC HEARINGS

- a. ORDER 93-6-2-17/In the Matter of Amending Chapter 60 of Lane Manual to Revise Planning Program Fees (LM 60.851).

Jim Mann, Planning Supervisor, reminded the Board that they had asked for changes on an earlier presentation of fee amendments, specifically amending zone changes and hearings officers to \$750 each and increasing subdivision fees.

MOTION: Approval of the Order. Rust, MOVED; Roberts, SECONDED.  
VOTE: 4-0

The following item was taken out of order

#13. PUBLIC HEARINGS

- c. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1040/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Agricultural Lands" to "Residential" and Amending the Zoning Map

from "Exclusive Farm Use" (E-30) to "Rural Residential" (RR-5) for Map No. 17-15-18, Tax Lot 1600 (part) (Applicant: Reed).

Cornacchia asked for ex parte disclosure. There being none he opened the public hearing. There being no one present to testify, Cornacchia closed the public hearing.

Al Couper, Associate Planner, gave background information on the item, indicating the parcel was located eight miles outside of Springfield and three miles east of Walterville, and includes a portion of an island in the McKenzie River.

Mike Evans, 1071 Harlow Road, Springfield, Oregon representing Applicant Reed spoke about the proposed zoning change. Mr. Evans stated that a portion of Tax Lot 1600 includes part of the island, but it is intended that it remain classified as EFU.

After further discussion, MOTION: Set a Third Reading for final determination on June 23, to allow time to review findings of fact and supporting documents. Roberts, MOVED; Frazier, SECONDED. VOTE: 4-0

- b. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1039/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Agricultural Lands" to "Natural Resources" and Amending the Zoning Map from "Exclusive Farm Use" (E-60) to "Quarry Mining" (QM) for Map No. 17-01-20, Tax Lot 201 (Applicant: Henton).

Cornacchia asked for ex parte disclosure regarding this Ordinance. None were reported.

Al Couper then gave background information on the application, including outlining the Goal #5 analysis process.

Cornacchia opened the public hearing.

Mike Evans, 1071 Harlow Road, Springfield, Oregon representing Applicant Henton, spoke in favor of the Ordinance and introduced several consultants who had assisted in the preparation of site reports. Mr. Evans stated that the applicant had personally used the quarry in 1991, but decided that he would like to use it for commercial purposes in 1992.

Ralph Christenson, 2545K Prairie Road, Eugene, Oregon 97402, a geologist, commented that he had done a site review on the Henton property, stating that the quality of rock was excellent, and spoke in favor of the Ordinance.

Dave Weaver, 1284 Court Street, N.E., Salem, Oregon 97301, transportation engineer with JRH Transportation's Salem office, stated that he had 38 years experience and spoke in favor of the

Ordinance. He mentioned that there was almost no impact on traffic safety.

Arthur Noxon, 3690 County Farm Road, Eugene, Oregon 97401, acoustical engineer, spoke in favor of the Ordinance. Mr. Noxon stated that he had followed DEQ noise codes, which are generally the strictest codes in the state, which incorporate not just how loud something is, but how much louder than before, as well as the issue of absolute sound levels. He visited the site in January, 1993 when the quarry was in full operation, and his review included truck activity on the road. The truck operation on Camp Creek Road meets and exceeds noise impact levels due to quarry operation. He further commented that the noise level will lessen even more as the quarry deepens due to noise being thrust skywards.

Larry Gildea, 342 E. 12 Avenue, Eugene, Oregon, attorney representing the applicant, spoke in favor of the Ordinance, stating that the quarry site contained large quantity of "primo" rock, constituting a significant resource as defined under Goal #5.

Dewayne Tiller, 4869 G Street, Springfield, Oregon, spoke in favor of the Ordinance. Mr. Tiller stated that he works a farm on Camp Creek Road, and was "excited" to hear that a local rock quarry would be available, citing the economic value to farmers for road building and other purposes.

Alan Peterson, 39188 Upper Camp Creek Road, Springfield, Oregon, also spoke in favor of the Ordinance, commenting on the value of quarry rock as opposed to river rock. He also mentioned that he felt Mr. Henton was trying to be a good neighbor, willing to work through problems.

Harold C. Lloyd, 38931 Upper Camp Creek Road, Springfield, Oregon, added his comments in favor of the Ordinance. Mr. Lloyd felt that the quarry would be an economic boost, commenting on the value of quarry rock as opposed to river rock in maintaining a mile of roadway on his property. Previously, Mr. Lloyd had to get rock from Springfield.

Al Putnam, 37740 Upper Camp Creek Road, Springfield, Oregon spoke in favor of the Ordinance, stated that he had a one-quarter mile road built from river rock that would not hold, and that he currently has to get his rock from town.

The meeting was recessed at 3:35 and resumed at 3:45 p.m. (Commissioner Frazier arrived late at 3:46 p.m.)

Bill Kloos, 767 Willamette, Suite 200, Eugene, Oregon stated that he was representing several individuals and spoke at length against the Ordinance, encouraging the Board to "just say no" to the application, citing his perception of several "Goal 5 myths." He

also indicated that 45 households in the area reported hearing truck traffic, 30 reports had been received concerning a lowered quality of life, and 27 reports from individuals expressing concern about the quarry possibly lowering their property values. Mr. Kloos commented that due to the geographic location of the quarry that the people living on Upper Camp Creek Road cannot hear all the quarry noise that others do who live closer to the quarry site based on topography, referring to a survey based on 77 households who can hear quarry noise.

Philip Mahone, 38422 Kickbusch Lane, Springfield, Oregon spoke against the Ordinance. Mr. Mahone stated that he lives closer to Walterville than Springfield, in the impacted area, and has been bothered by equipment noise from the quarry site and had to stay inside his house to escape the sounds. He stated his concern that a permit might be granted to operate the quarry 24 hours a day, 365 days a year. Mr. Mahone further remarked that he, and other neighbors, had made substantial investments in their homes, and did not want their property devalued.

Terry Tanton, 38814 Upper Camp Creek Road, Springfield, also spoke against the Ordinance, commenting that her brother had hoped to speak to the Commissioners, but due to the time had left. She also mentioned others who would have liked to appear before the Commissioners, but due to work schedules were unable to do so.

She remarked further that she is a child care provider, in charge of as many as 10 children, and stated her concerns for safety due to heavy truck traffic going to and from the quarry. She was especially concerned for school children boarding/diseimbarking school busses. Ms. Tanton voiced her concern of how quickly a fully loaded gravel truck would be able to stop. She was also concerned about lowered property values due to the presence of a quarry.

Doug Putschler, 88090 Millican Road, Springfield, Oregon spoke against the Ordinance, stating some points he would like to share with the Board had been previously covered. In addition, he stated he had no problem with the applicant or industry, but did have a problem with the impact on the community, and did not want long-term residents of the community to suffer that impact.

Mr. Putschler commented that there were other gravel sites near this community, one being one mile from this site. Crushed river rock is available at the site nearest Springfield. He also stated that he had to spend last summer in the house to escape the quarry noise. Mr. Putschler also remarked that logging operations have taken place within the community, but that they are of a short-term duration. He expressed his concern that the quarry would be a long-term operation, and did not feel that the community was ready for long term, 24-hour a day noise.

Wayne Endicott, 39739 Flowerdale, Springfield, Oregon, stated that he had resided in the area for 76 years, and spoke against the Ordinance, saying that the applicant had been operating a permit to use rock on his own property last summer, not to sell it out of the quarry.

Mr. Endicott stated that the environment of country living had changed and commented on the noise level of the gravel operation, as well as the dust from the trucks. He further indicated that the ascent to the quarry was steep, with a 17% grade in some places, attributing to the noise through brake use. Mr. Endicott remarked further on the tremendous responsibility facing the Board in deciding this issue. He stated there was no need to develop this resource, and asked the Commissioners to go and view the road to the quarry.

Caroline Stephens, 38958 Camp Creek Road, Springfield, Oregon, spoke against the Ordinance, citing the amount of dust that comes over and into the house, and her concern that the trucks come down the hill too fast. She stated that she felt that the quarry would not do anything for their community.

Victor Witcmer, 88600 East of Eden Road, Springfield, Oregon, stated that he resided east of the quarry. On the elevation table the quarry is about 900 feet plus or minus, and Mr. Witcmer's residence is at approximately 860 feet. Mr. Witcmer spoke in opposition of the Ordinance, asking what happens to the water table (i.e., his well) as the quarry deepens. He expressed his concern that his residence was not included in the "impact zone." Mr. Witcmer further said that he is unable to hear car traffic on the quarry road from his residence, or traffic from the highway, but is bothered by the truck traffic when the quarry is in constant operation. He expressed his opinion that a "small owl is more protected than people here."

Ruediger Schmoll, 38093 Camp Creek Road, Springfield, Oregon had been listed as "neutral" on the Public Hearing sign up sheet. He stated that he had moved to his residence about six months ago. He did not know of the quarry operation, and was quite surprised to hear of it. He stated that he was very much concerned about the impact on lifestyle, air pollution, and property values.

Mike Evans responded at length to some of the comments made, saying that Mr. Henton is sensitive to his neighbors. He stated that Mr. Henton had operated the quarry in early 1992, but had received no complaints from his neighbors. Mr. Evans reiterated that truck traffic/noise levels were substantially within DEQ requirements. He also commented that he disagreed with Mr. Kloos' interpretation of Goal 5.


Mr. Evans said that Mr. Henton wants to be a good neighbor, and feels that the quarry can be operated in a manner that addresses the concerns of his other neighbors. He stated that Mr. Henton is willing to consider operating the quarry on a specific days/hours schedule and to provide a surface to the quarry road, which would mitigate the dust problem.

Cornacchia closed the public hearing at 5:16 p.m.

The Board discussed their opinions to see if a consensus could be reached. Cornacchia expressed his concern regarding the Planning Commission recommendation lacking detailed information concerning the deliberations and how their recommendation was reached. He felt more detail was needed to make an informed decision.

After discussion it was decided to leave the record open for 30 days. MOTION: To leave the record open for 30 days, allowing two weeks for the applicant and respondents to try to work out a compromise on some of the concerns raised, and then an additional two weeks to respond to their recommendations for conditions of site review to be imposed upon the operation, returning to the Board for a third hearing and action on July 21st. Rust, MOVED; Roberts, SECONDED. VOTE: 4-0.

There being no further business, the meeting was adjourned at 5:37 p.m.

  
Leslie Barrett  
Recording Secretary