SAND AND GRAVEL ORDINANCES IN LANE COUNTY, OREGON: A STUDY IN THE FORMULATION OF RESOURCE POLICY
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INTRODUCTION

Lane County, Oregon recognized a need for the protection of gravel producing land in the county a few years ago. This need for protection was first observed by a few sand and gravel owners and then by the Lane County Board of Commissioners. These two interests met and discussed various methods to protect the important sand and gravel deposits in the county, and at the same time, control the extraction and processing procedure of the sand and gravel industry. Hard work and many compromises produced an alluvial sand and gravel ordinance and established a district designed specifically for the extraction and processing of sand and gravel.

Rock quarry operations of Lane County were omitted from the first county ordinance because alluvial sources and quarry sources of sand and gravel have entirely different extraction techniques. It was felt that separate controls were needed for each method in order to properly protect and control each phase of the industry. The establishment of a quarry industry ordinance was delayed until the alluvial sand and gravel ordinance became operable.

This paper will trace the development of the alluvial sand and gravel district ordinance of Lane County and will discuss its effect upon the community.
BACKGROUND

Sand and gravel are non-renewable, fixed position mineral resources. At present, deposits are plentiful throughout the nation, but the location of the resource in proximity to a city's growing parts is of the greatest importance. In order to understand the complete problem, a simple definition is needed. Sand and gravel is a common mineral aggregate consisting of inert fragments which are used as land fill for a firm foundation or added to a cementing material to form a rigid substance. The primary function is to provide bulk, and therefore, the material needs to be abundant and cheap. (7 p. 6)

From this definition, it can be seen that conservation measures must be applied to gravel resources near the cities in order to provide adequate reserves for future uses. Communities and gravel industries must cooperate to establish the guidelines for these conservation measures. These measures must be in the form of privileges and limitations so each will recognize their responsibilities in this area. The power to establish and control these conservation guidelines stems from the police power of the state. (1 p. 16) Police powers provide for zoning ordinances, variances, conditional use permits, and easements. These are the tools that have long been used to regulate competition among urban land users. Recently, these administrative tools have also become a prime method
for preserving highly productive lands such as farmlands, grazing lands, and timber lands from diversion to urban uses. (17 p. 40)

The zoning ordinance, the most powerful of these tools, divides an area into various parcels of land in an effort to protect its use for the most beneficial purpose. It is a highly complex instrument, little understood by the general public, and sometimes not completely understood by the planners and municipal officials that adopt these tools. Since zoning procedure generally represents a compromise between limited hopes and existing reality, planning officials' minds can become clouded with concern over details to such a degree that the most significant issues of planning are lost in the shuffle. (4 p. 62)

In order to correct this misdirection, planners and other officials must investigate the effect of various zoning strategies. Restrictions that work in one community, may not work in another. It has been shown that the greatest success of zoning lies in the prevention of flagrant misuse or abuse of the land. (4 p. 62) In summary, zoning is a regulated procedure for insuring the orderly development of land areas in the interest of an entire community.

The orderly development of industrial areas is enhanced by communication. The industry and the community should be made aware of all of the problems involved in the development of a gravel operation. Both sides usually view the gravel development with only their interests in
mind. The sand and gravel developers view the operation with an economic eye while the community sees the ecological and restrictive side of the gravel development. Each side must realize the need for a balanced solution. The industry must realize they cannot force cheap extraction of gravel if it disturbs the spawning grounds of anadromous fishes or if it destroys existing urban developments. The community, on the other hand, should recognize that the construction of roads and buildings for their community hinges on the availability of cheap gravel. Both the industry and the community have to be flexible and be willing to compromise in order to establish a workable relationship that will protect the rights of each side.

There are four limitations that guide a sand and gravel company in finding the location of its extraction and processing plants in relation to the central consumer market. These limitations are: quantity of material available, distance to the central consumer market, access and availability of the resource, and the land cost of the resource. (6)

Sand and gravel plants can be million dollar investments. A company must have enough sand and gravel reserves to pay for all the equipment needed to operate one extraction and processing site. It would be uneconomical to develop a million dollar plant knowing that in a few short years the operation would be shut down due to the lack of processing material. Most of the bigger operations across the nation
have yearly production quotas of over one million tons of processed material. (23 p. 54)

Since sand and gravel is a high bulk, low per unit value commodity, it has high place value. In order to compete with the other gravel operators, a sand and gravel operator must locate as close to the central consuming market as possible. This does not necessarily mean that just because one company is closer to a market that its product will be cheaper. There are other factors that are involved in the economy of a gravel operation that affect the pricing of the products. If everything else is equal, the company closest to the market will have the edge because its transportation charges will be less. It is very hard for a company that is involved strictly in sand and gravel to absorb the transportation costs as easily as higher value, lower bulk commodity producers can.

Access and availability of the reserves are very important in the consideration of the location. The first two considerations may have been met, but if the access to and from the property is hindered by residential developments or rugged or swampy terrain, it may be uneconomical to develop the site. The availability of the reserve must be such that the removal of overburden and debris is not economically restrictive. Also, the development of a producing pit takes time and money. Roads must be constructed and unwanted material such as topsoil must be removed. A sand and gravel developer must certainly consider the access
and availability of the reserve before he can hope to economically operate a producing pit.

The last limitation to be considered here is the cost of the land to the operator. This alone can be the limiting factor in the development of a plant. The land cost must be such that the company can make a profit after absorbing the debts acquired in the building and operation of the plant.

The community, on the other hand, objects to the proximity of the extraction and processing plant to the urbanized area. Sand and gravel plants can drastically alter the landscape, create noise and dust, and burden the area with heavy traffic volumes. These factors along with the persistent creation of unsightly land in the form of steep-walled pits, barren earth mounds, and stagnant ponds sparks a negative public attitude toward the sand and gravel industry and creates conflicts within the community. In order to survive, the sand and gravel operators must search for a resource supply (deposits) close enough to a market area. The community, however, recognizes the inconveniences caused by sand and gravel plant locations and what appears to be land waste when used for the extraction of sand and gravel. These two different viewpoints create a sand and gravel dilemma.

Urbanization is leading to a greater concentration of people which provides larger and more concentrated market outlets for the industry. Urbanization creates the
opportunity for bigger units which operate at greater efficiency and economies of scale. (24 p.7) But, urban growth and development can also diminish the accessibility of resources in several ways. Urban areas can expand by sending out spokes of developments that move in on, surround, and then engulf the nearby existing operations. Urban expansion can also cover up suitable deposits rendering them useless by indiscriminate building and scattered growth. (28 p.14) In most areas, there are regulations (zoning) controlling the spread of communities in desirable directions such as isolating commercial or farming regions. However, in these same areas, mineral regions containing commercial quantities of industrial materials are virtually unprotected from urban sprawl. Some metropolitan areas such as in the Portland area are experiencing the problem of the reduction of sand and gravel reserves. Mr. Curtis Close, senior planner for Multnomah County Planning Commission, summed up the Portland problem with this statement:

The point is rapidly being reached where all the local gravel supply is being covered with houses, so that economical-size gravel pits, free from complaints of adjoining houses are nearly mined out. According to a report of the Metropolitan Planning Commission, the present operating pits will exhaust their resources within the next one to two decades. Future gravel sources will have to be outside the local area. (8 p.21)

Commercial sand and gravel deposits are being made inaccessible. Urbanization has masked these potential deposits with buildings and developments, and has rendered them useless. With the lack of appropriate regulations based
upon a community master plan, many future reserves are going to be encroached upon by the growing urbanized area.

It is difficult to regulate either the sand and gravel industry or the community without interfering with their desires. However, it is important that communities, regardless of size, determine their present and future sand and gravel needs. The community leaders should then take the appropriate steps through various police powers to conserve this valuable resource and give the industry a chance to produce and survive.

Lane County, Oregon recognized this need a few years ago, and unlike many other counties, decided to take action. Both the industry and the county were willing to develop this needed control through zoning. They met with other federal and state agencies and developed a series of zoning ordinances to insure both the residents and the industry of a continuing supply of relatively cheap sand and gravel into the next century.
Lane County is fortunate to have many rivers flowing through its boundaries. The McKenzie River, plus the main stream, the middle fork, and the coast fork of the Willamette River all produce valuable sand and gravel resources. These rivers and their tributaries form an extensive flood plain, and because this plain is unsuitable for residential housing in most instances, it is a logical place to protect industrial sand and gravel deposits. (10)

The government and the aggregate industry of Lane County both recognized these potential sources of sand and gravel in the late 1950's and began to develop some long term plans for the protection of these mineral lands.

At the present time, Lane County has the highest total production of sand and gravel of all the counties in Oregon. (34 p.621) The production of sand and gravel in the Eugene metropolitan area has steadily increased in quantity and in dollar value in the past decade. (See Table I) After a slight decline from 1956 to 1959, peaks were hit in 1962 and 1963 due to large dam construction programs in Lane County. The industry produced over one million tons in 1955, and in 1965 it had increased the production to over 2.2 million tons. The value for the sand and gravel production in the beginning and end of this ten year period totaled $1.1 million and $2.5 million respectively. The year of 1968 was a record year. Production totals in 1968 recorded
Table 1

Production and Value of Sand and Gravel
In the Metropolitan Area
1955 - 1969

<table>
<thead>
<tr>
<th>Year</th>
<th>Quantity (Short Ton)</th>
<th>Value (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>1,025,565</td>
<td>$1,058,724</td>
</tr>
<tr>
<td>1956</td>
<td>1,027,929</td>
<td>1,032,326</td>
</tr>
<tr>
<td>1957</td>
<td>972,832</td>
<td>1,014,627</td>
</tr>
<tr>
<td>1958</td>
<td>863,273</td>
<td>845,896</td>
</tr>
<tr>
<td>1959</td>
<td>764,295</td>
<td>733,667</td>
</tr>
<tr>
<td>1960</td>
<td>1,695,618</td>
<td>1,610,645</td>
</tr>
<tr>
<td>1961</td>
<td>1,273,567</td>
<td>1,381,570</td>
</tr>
<tr>
<td>1962</td>
<td>2,940,438</td>
<td>2,876,875</td>
</tr>
<tr>
<td>1963</td>
<td>2,555,739</td>
<td>2,660,433</td>
</tr>
<tr>
<td>1964</td>
<td>2,153,000</td>
<td>2,514,000</td>
</tr>
<tr>
<td>1965</td>
<td>2,222,000</td>
<td>2,470,000</td>
</tr>
<tr>
<td>1966</td>
<td>2,808,000</td>
<td>2,898,000</td>
</tr>
<tr>
<td>1967</td>
<td>2,695,000</td>
<td>2,558,000</td>
</tr>
<tr>
<td>1968</td>
<td>3,183,000</td>
<td>3,087,000</td>
</tr>
<tr>
<td>1969</td>
<td>2,635,000</td>
<td>2,637,000</td>
</tr>
</tbody>
</table>

Source:
Lane County Dept. of Public Works &
Jerry J. Gray (Geologist)
Albany Minerals Supply Field Office
Bureau of Mines
Dept. of the Interior
3.2 million tons of sand and gravel which had a value of over three million dollars. (16)

George Griffin of the Lane County Public Works Department prepared a report concerning the future needs for sand and gravel in Lane County. Even with Lane County's high production rate, there will be a need for 99.5 million tons of sand and gravel between the years of 1966 and the year 2000 according to Griffin. This future need for the commodity will probably be produced from the gravel deposits located throughout the flood plain of the county. Griffin also calculated that it would take 2,250 acres of gravel producing earth extracted to a twenty foot depth to meet these demands. If the extraction were deepened, which will more than likely occur, the acreage needed to meet the future requirements will be much less. These requirements are represented in Table II. (25 p.16; 28)

Lane County can extract to these greater depths because an abundant supply of gravel exists in the lower strata. In some locations, the largest percentage of sand and gravel deposits lies in the 20 to 80 foot stratum. (25 p.17)
Table II

Surface Area At Varying Depths Required
To Meet Demand Between the Years
1966-2000

<table>
<thead>
<tr>
<th>Depth in Feet</th>
<th>Acres of Surface Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>2,250</td>
</tr>
<tr>
<td>40</td>
<td>1,137</td>
</tr>
<tr>
<td>60</td>
<td>836</td>
</tr>
<tr>
<td>80</td>
<td>709</td>
</tr>
<tr>
<td>100</td>
<td>612</td>
</tr>
</tbody>
</table>

Source:
Lane County Dept. of Public Works
The prime location for the production of sand and gravel in the Eugene metropolitan area for the future will occur at the confluence of the Willamette and McKenzie Rivers known as the Delta region. (See Figure I) This area naturally meets most of the qualifications for establishing cheap extraction of sand and gravel. The only limitation is the accessibility to this area. (21)

In 1960, the unzoned land in this Delta region was used for farming, cattle and sheep grazing, and some gravel extraction. The only roads were unimproved farm and gravel haulage roads. With the completion of the first section of Belt Line Road between Coburg and River Roads in 1961, the area was no longer inaccessible. The ease of access to the general area was improved again with the construction of the Delta Highway which was completed in 1965. (21)

The construction of these roads allowed the River Road - Santa Clara residents access to downtown Eugene in much less time. Therefore, this large unzoned plot of land around the rivers became very attractive to both urban sprawl and industrial development. It was also attractive to industrial developers because the land was cheaply priced in relation to other areas of Eugene, and no major restrictions for the use of the land or buildings existed. (3)

This ease of access to the metropolitan area created many problems for the County Board of Commissioners.
Figure I
Location of Highways and Rivers In the Delta Region
Various groups wanted to restrict this land for diverse personal reasons. The following are some of the typical incidents that the County Commissioners had to deal with.

In 1965, protection of the land in the Santa Clara area was asked for by a group of concerned citizens and property owners. They wanted help from the County in restricting the removal of sand and gravel on land near the Willamette River. They were concerned that excavations in the old river channels would pose a danger to nearby property during the flood seasons. Only a year earlier, a record flood had covered this area with water. (37)

Also in 1965, the Eugene Sand and Gravel Company requested the use of this area. John Alltucker, owner of the company, wanted to move his plant from downtown Eugene to the area north of Delta Highway at Belt Line Road. An extended discussion developed from this request. The residents of the Delta area were against the relocation of the plant. Since this area was considered the prime reserve for sand and gravel in the area, the request to relocate and to mine the product overruled the public protest. (31)

In 1966, a full scale controversy developed when Thomas Winn requested the removal of 150,000 cubic yards of gravel from a site located about one half mile east of Interstate Five on the McKenzie River. The controversy revolved around the removal of this material and the destruction of the natural beauty of the river, causing harm to salmon
spawning beds and the lowering of the water table in the area. After considerable debate, the proposal was denied. (14)

The County Commissioners felt the Delta area should be protected by zoning regulations. These regulations would indicate what could and what could not be done within this area. The County had the responsibility to control this area in respect to what would be best for the county as a whole, and it also had the responsibility of trying to eliminate the confusion and prevent future controversies concerning the Delta area. Because of the complexity of the problems and the diversity of interests, it was not until 1970 that a workable, compromising ordinance was established.
John Alltucker, who came from the Los Angeles area, proved to be a key figure in the promotion and adoption of a sand and gravel ordinance for Lane County. Coming from Los Angeles where sand and gravel costs have doubled due to the problem of increased transportation and the sprawl of the city over gravel deposits, Mr. Alltucker had fresh in his mind what could happen to the gravel industry in the Eugene area in just a few short years. (2)

Suggestions from Mr. Alltucker and other persons concerned about the gravel industry's future lead to the idea that the industry needed a well planned operation procedure that each company could follow. The reason for wanting this operation procedure was that some of the industrial companies had little regard for the land other than for mineral production. Some procedures by the small and large companies were not in the best interests of both the industry and the community. The operations were short termed and unplanned. Many acres were torn-up, poorly maintained, and once production stopped, completely abandoned. Conservation of land and resources was almost non-existent. The only consolation was that sand and gravel could be produced very cheaply. Small, cheap processing plants could be constructed, process the sand and gravel and then leave the area abandoning the scarred land behind. A large multi-million dollar company with
planned operations was completely unfeasible until the whole industry had standards which would control the flagrant misuse of the land and its resources. (2)

This idea for standards failed because there was no internal control of the sand and gravel industry. In 1964, the industry went to the County for a study on a County controlled zoning ordinance. The industry met several times with the Planning Commission to establish a new sand and gravel classification for the Delta region around the confluence of the Willamette and McKenzie Rivers. The Commission wanted to zone this land for agriculture, cattle grazing, and timber growing (AGT) with sand and gravel extraction as a conditional use. This use would be compatible with other major uses, but would require a conditional use permit issued by the Commission to extract gravel. (3; 18)

The policy at the time of these meetings can be recognized in a public hearing held on March 24, 1964. The hearing was held by the Lane County Planning Commission to study the feasibility of zoning the area to AGT, while reserving most of the flood plain for sand and gravel production and related industries through the conditional use permit. At the conclusion of the hearing, it was decided that the area should be zoned, but the Commission agreed with the gravel interests that further consideration should be given to a new classification which would apply to the
gravel lands in the general area of the rivers. The zoning was tabled for further study. (18)

The Planning Commission initiated a study of a sand and gravel zoning classification. It was assumed a category would be developed which would allow the extraction of sand and gravel plus allow associated operations that are incidental to the sand and gravel industry to exist. Associated operations such as concrete products or cement batching plants would be allowed. (18) The study on the feasibility of a controlled sand and gravel district was conducted by the Lane County Planning Commission, headed by Frank Hruza and representatives from the industry. The committee received information from many sand and gravel ordinances established across the nation. Joint sessions with the Public Works Department followed. A step-by-step procedure was followed through each phase of the ordinances examining each and every clause. In this manner, it could be decided if such a clause would be beneficial in a Lane County ordinance. (2)

By late 1964 progress on the Lane County Sand and Gravel Ordinance was being made, but the first of a series of set-backs developed. The Planning staff of the County became busy with many administrative decisions and wanted some time to catch-up on the back-log of unattended matters. The sand and gravel ordinance had to wait until the Planning staff had more time. (3)
The Planning Department agreed with Mr. Alltucker and the industry that none of the unzoned land in the Delta area would be zoned without first talking to the industry and establishing the proper language for the sand and gravel ordinance. Alltucker was particularly interested because he was attempting, at this time, to move his operations from a downtown site to its present location at Belt Line Road and the Delta Highway. Alltucker needed the approval of the County Board of Commissioners for this move. (3; 18)

Within the next year, many controversies developed concerning the zoning of the Delta area. Conflicts arose between residents, conservationists, sand and gravel developers, and a concerned public. This diversity of interests put a great deal of pressure upon the Planning Department officials. On February 23, 1966 the Board of Commissioners zoned a portion of land around the confluence of the Willamette and McKenzie Rivers as AGT without first consulting the sand and gravel industry. Most of the area zoned was east of River Road and extended to the west bank of the Willamette River, but somehow, a considerable part of the Delta region was also slipped into this zone. The Commissioners tried to amend the zoning, but failed to secure a second on the motion to delay the proposed zoning. The postponement would have given time to omit the land around the two rivers which were originally being held for sand and gravel extraction. Commissioner Elliot declared
the intention of the Board to seek a special sand and gravel zoning category of the Delta region. He directed the Planning Commission to start a formal draft for the zoning of the Delta region for this stated purpose. The AGT ordinance that was passed that same day had a freeze placed on new construction until the study was completed. (3: 35)

In March of 1966, the Board of Commissioners asked the Public Works Department to complete a study on the sand and gravel reserves in Lane County. In the months that followed this request, progress continued on the ordinance. Meeting between the County and the industry were held along with public hearings. A small complication developed in September of 1966 when Frank Hruza resigned as the head of the Planning Commission. (19) Before leaving, Hruza submitted the first official draft for a sand and gravel district ordinance, but with his resignation, the adoption of the ordinance was doubtful. Frank Hruza was very cooperative with the sand and gravel industry and he recognized their operation and management problems. He attempted to work the ordinance around these problems for the benefit of both the industry and the County. Hruza's ordinance draft was not accepted and conditions were at a standstill. (2: 11)

A Lake Oswego man, Pat Gordon, became the head of the Planning Commission. Coming from outside the county, he did not know all of the problems and characteristics of the area. Gordon postponed further action on the sand and
gravel ordinance until he had time to familiarize himself with the county and the work that had been accomplished on the sand and gravel ordinance.

In January of 1967, the Public Works Department completed its study of the sand and gravel reserves of Lane County. The study outlined the location of sand and gravel resources and recommended the zoning of seven different locales in the metropolitan area for future sand and gravel production. These areas were put on a zoning priority list. The first area was located at the confluence of the McKenzie and Willamette Rivers (Delta region). The second area on the list was located on the middle and coast fork of the Willamette River near the Wildish Sand and Gravel Company. The third area was located at the McKenzie River near the Weyerhaeuser Company. These and the other four areas can be seen in Figure II. These areas were strategically located across the valley to take advantage of the future demands of these resources. (28) Prior to the Public Works Department report, the County Commissioners had no data on which to base their opinions as to the future sand and gravel needs of the County, and therefore could not really appreciate the importance of protecting certain sand and gravel reserves.

When Gordon did reconvene the sand and gravel issue, he placed a second ordinance draft on the bargaining table. His draft was very restrictive to the sand and gravel
Figure II

Showing Gravel Resources
Where the Sand & Gravel
Zoning District may apply
According to the Updated
Comprehensive Plan.

Source: Lane County
Public Works
Department
industry. The following are Gordon's main proposals as outlined in his draft of July 1967.

1. Establishment of a sand and gravel industry within the presently zoned regions of the County, most of which would lie in the metropolitan area.

2. Operators in these districts would apply for five year renewable permits which would be granted after public hearings.

3. Before obtaining a permit, a firm or individual would have to submit a plan of operation, file a land rehabilitation plan, submit surveys and aerial photographs of the site in question and other data.

4. Gravel operators would have to remove and stockpile the topsoil on the excavated area of their operation to be replaced later during the rehabilitation plan. Backfill in the exhausted gravel pits had to be clean, porous, and permeable.

5. Certain performance standards would also be built into any new regulations including controls on the amount of noise and the degree of air or water pollution a gravel operator could cause. (31)

The industry objected to many parts of Gordon's draft. The industry felt a sand and gravel district should be established with certain rules and regulations which would be compatible with the interests and welfare of the general public and which were practical and workable for the industry. The district should automatically grant the right to mine and process sand and gravel. (10) The industry vigorously opposed the permit system of operation and the re-use provisions in Gordon's draft. The industry felt that under the permit system, the administrative decisions could be completely subjective and almost any prohibition
or restriction could be placed on any given operator. The industry felt that operators should be able to coordinate operations over an extended timetable without having to stop every five years and be subjected to pressure and antagonisms that could put the operation out of business. Under Gordon's proposal, an operation could be closed if in the opinion of a Review Committee, the company was violating the ordinance. The operator would then have to prove that a violation did not exist. The industry felt this procedure would be expensive for the sand and gravel companies and placed the burden of proof on the operator rather than on the Review Committee. The industry felt that an operator should only be closed through a court order which was based upon the noncompliance of the operator to one or more of the ordinance regulations. Furthermore, under Gordon's plan, a company could comply with all the subjective rules and regulations and establish a workable organization and then in five short years, he may have to close his operation due to the Review Committee's opinion that his operation was not compatible with newer adjacent land uses. No matter how well the sand and gravel operator performed his duty, new uses on adjoining lands could force him out of business. (10)

Another reason the sand and gravel industry opposed Gordon's plan for the permit system concerned loaning ability. Loans from investors of financial institutions would not be available under a five year renewable permit
system because the operator had only a short-term life expectancy. Money to build or expand an operation would be extremely hard to obtain. The industry felt the only reasonable time limit on an operation would be the length of the life expectancy of the resource in the area or the time needed to remove the materials that were economically mineable at the time of the operation. (2; 10; 33)

The other point in Gordon's plan that the sand and gravel industry strongly opposed was the re-use provision. To fully understand the controversy around the re-use of the land after the depletion of the reserves, a background must be reviewed concerning the industry in general, and then contrast it with the situation that Lane County operators face.

All ordinances or controls over sand and gravel industries include the overseeing and the examination of the final use of the land since the gravel industry is only an interim use. (11) Stringent regulations on rehabilitation are very common. These regulations strive for the highest use of the land. Plans can include subdivisions surrounding a planned lake if the defunct gravel operation used a wet method of extraction, or parking spaces below ground level for office buildings and commercial buildings where dry extraction methods were used. These planned re-uses of the land allow it to be used to its fullest capacity taking advantage of every square foot of reclaimed area. Generally, the plan at the completion
of the project is coordinated with the surrounding landscape to make the setting aesthetic to the users. (1) The primary reason that total reclamation should not be carried out everywhere involves the location of the gravel pit. The pit may not be large enough for planned rehabilitation or it may lie on a flood plain which would restrict the type of uses to which the area could be converted. (30; 11) While total rehabilitation is not always feasible, some type of clean-up must be incorporated into the overall extraction plan so the land can revert back to its natural status or as close as possible in a minimum period of time.

The important point in rehabilitation provisions is that each situation may require different types of clean-up procedures because of various re-use possibilities. Any rehabilitation regulation should incorporate this flexibility into its provisions. Part of Lane County's problem stems from the use of the flood plain for sand and gravel extraction. Most of the gravel producing pits are located in old river channels very close to the main stream flow. In 1964, much of this area was inundated from the record breaking rains during the flood season. Because of the high possibility of other floods, re-use of this type of land could only be for low intensity land use, such as golf courses, driving ranges, seasonal camp sites, game preserves, river marinas or just open space. This type of land could not be re-used at a high intensity level, and
therefore, it would be uneconomical to require complete restoration of the land as demanded by many rehabilitation regulations. (11)

Under Gordon's plan, it was stated that backfill in a pit had to be done with a porous and permeable material. This implied that after the gravel was extracted, the site had to be refilled with a porous material such as gravel which is the only type of porous and permeable material in the area. "It would be like taking gravel from one hole and filling another." (32) Also, the clause requiring the removal and storage of topsoil in order to recover the filled in area is infeasible in many cases due to the lack of topsoil in the first place. (10)

The sand and gravel industry wanted controls and regulations established that would require the elimination of debris, extraction of material to an adequate depth to eliminate underwater vegetation, and other controls intended to keep the general appearance of the area as orderly as possible. The resultant effect would enhance the value of the peripheral area and make it suitable for a variety of uses as dictated by the needs of the future. Plant operations may be based on a forty to sixty year timetable. Sometimes it is impossible to foresee the best and most practical use for the area at the time of the beginning extraction. Rehabilitation regulations must be flexible enough to accommodate individual situations fairly. (10)
Leonard Wildish of Wildish Sand and Gravel Company voiced another reason against the County's (Gordon's) rehabilitation provisions. Wildish's firm now excavates to a depth of 18 to 20 feet along the Willamette River using a dragline excavation system. Later the company plans to return to some of their old digging sites and re-excavate to a greater depth using a suction dredge excavation method. In this way, Wildish Sand and Gravel Company insures itself an economical supply that will last for many years. (33)

In this type of situation, it would be impractical to complete detailed rehabilitation designs.

Gerry Attig, Director of Lane County Public Works Department, expressed a view similar to that of Wildish. Attig declared that if extraction methods of today are utilized for some years to come, extraction will continue to a depth of 15 to 20 feet. If these areas that were once worked with the dragline are rehabilitated after or during excavation with backfill, future extractions using a dredging operation would be almost impossible. (5)

Due to the sand and gravel industry's strong opposition to many of the proposals included in Gordon's ordinance draft, his plan was not accepted and the County and the sand and gravel industry were still without a workable ordinance.

Early in 1968, the industry banded together and formed the Lane County Rock Products Association. The industry felt that if united as one solid unit, they would have a better opportunity to deal with the County. Following one
of the meetings with the County, a Rock Products member realized that the drafting of the ordinance up until this point, was trying to protect the hopes and desires of private property owners by restricting the operations of the sand and gravel industry. After conferring with legal council, it was discovered that under present laws, a person or operator cannot devalue another person's property or invade on another's privacy. If a person or company does violate this law, he can be taken to court and be held responsible. It was also discovered that an ordinance cannot restrict one particular industry with nuisance controls that are not just characteristic to that industry. Basic nuisances such as traffic noise, pollution, and drainage problems are not just characteristic to the sand and gravel industry, but are problems inherent in all society. (3)

With the realization of the power of the existing laws, the sand and gravel industry drafted their own version of a sand and gravel ordinance which they felt was fair to the general public, and at the same time, workable for the industry. From this, the third proposal, the sand and gravel industry and the County reconvened and began to discuss the issues again. The industry's proposal contained the following ideas:

1. Since residences are incompatible with sand and gravel extraction, the local government through the use of zoning should help keep residential districts away from sand and gravel operations and away from roads adjacent to these operations.
2. Public agencies should help build new roads for sand and gravel transport so the industry's heavy trucks will no longer be in conflict with local residential traffic.

3. Noise and air pollution laws should be adopted by the cities and the County in order to establish standards that apply equally to the entire community.

4. The County should assist in developing re-use plans including future sanitary land fill requirements and other ideas for re-use of exhausted quarries and pits. (26)

The industry's proposal helped to close the gap between the industry and the County and provided a strong communication link. The County officials agreed with many parts of the proposal, but could not accept all of the industry's ideas so the sand and gravel ordinance was still undecided, but major points of disagreement were slowly diminishing.

Pat Gordon resigned from the Planning Commission in March of 1968, but continued with the sand and gravel project as a consultant for a few months. Tom Kerr took over his duties until a permanent director could be appointed. (19) On May 6, 1968, Gordon sent a memorandum to Kerr reversing his opinion on the permit system. "Permit procedures which may shut down an entire operation as contained in the staff proposal Draft #2 appears to be unreasonably harsh, and other alternatives must be found." Gordon also toned down his strict rehabilitation requirements at the same time. (12)
The industry, upon learning of this memorandum, met with Kerr and many points were rapidly agreed upon. In reassessing their common goals, the group established the following ideas as to who and what to protect within a sand and gravel district:

1. The protection of the sand and gravel resource from being used for other purposes.
2. The protection of public health, safety, and general welfare from potential hazards that could develop during a gravel operation.
3. The protection of the surrounding property during surface mining operations.
4. The provision that the resource-exhausted lands would be made useful after production had ceased. (3; 12)

There was also agreement that aerial photographs and some type of identification maps or diagrams be required of all sand and gravel operations. Also, from time to time, operators would have to file general plans showing proposed areas to be mined and a general operations plan. The inclusion of these materials would enable the County to determine whether the operations were in compliance with County laws and not as a basis for telling the operator how to proceed or whether he could operate. (20)

It was the intention of the industry and the County to include all phases of sand and gravel production under the control of the sand and gravel district ordinance. As the work progressed, it was learned that quarry operations were significantly different than that of the alluvial
gravel industry. Quarry operations have characteristically steep vertical walls and include the use of explosives in their operations. On June 29, 1968, the three largest quarry operators of Jone County met with County officials and agreed to exclude quarry-type sand and gravel operations from the district ordinance and formulate a separate ordinance for this phase of the industry later on. (22)

The County finally agreed that a sand and gravel district should allow sand and gravel extraction as the primary and permitted use of the district. This was what the industry wanted from the beginning; the stated use of the district and the abandonment of the five year renewable permit system. (20)

A final sand and gravel ordinance draft was written on January 6, 1969 and public hearings were held in February and March concerning this ordinance. The last major disagreement was resolved during these discussions. It involved the method of controlling the extraction and processing operation. The industry wanted the administrative responsibility to be controlled by the Director of Public Works. The Director would review the plans of new or remodeled operations, and if necessary, suggest changes and help incorporate these changes in the plan of operation. The County, on the other hand, felt that a Review Committee of three persons which had the power to appoint an advisory board was the answer to the problem of administrative control. This Review Committee would have more authority
than the Director of Public Works. The Committee could review an operation, evaluate it, and approve or disapprove of the plans of the operation. The industry objected to the Review Committee idea because its function was not only reviewing plans, but also granting approval or disapproval to filed operating permits. The industry felt the ordinance should outline standards to be followed. Once these standards were established, they could be enforced, but should not be enforced by an additional committee stacked on top of all the operational standards of the ordinance.

The final ordinance was somewhat of a compromise. The County won its recommendations with some alterations. The Review Committee had to consist of the following four people: the Planning Director, the Public Works Director, the Parks and Recreation Director, and the Director of Building and Sanitation. The Review Committee could only approve or require amendments to an operation; they could not completely disapprove of an operation. (20)

On May 14, 1969, Sand and Gravel Ordinance #325 was passed. It amended Lane County Zoning and Land Use Regulation Ordinance #4 by adding Section XVI-III, S-G Sand, Gravel And Rock Products District. A copy of the sand and gravel ordinance #325, as on file in the County Commissioners' office, is included in the appendix.

The passage of this sand and gravel ordinance did not eliminate Lane County's sand and gravel problems. The
ordinance failed to outline areas that could be used for sand and gravel extraction or processing. The sand and gravel industry and the community landowners still had land-interest conflicts that needed to be resolved.
ADOPTION OF A SAND AND GRAVEL DISTRICT

In May of 1969, Lee Miller became the head of the Planning Commission. Tom Kerr resigned as director, but continued to participate in the sand and gravel district ordinance project. (19) Following the acceptance of Sand and Gravel Ordinance #325, a year passed before further action occurred. This action concerned the establishment of resource districts as recommended in the Report by the County Public Works Department. The industry confronted the County Commissioners and asked why no action had been taken in the formation of a district in the first priority area of gravel reserves. The Commissioners said that no action would be taken until the property owners in the area decided that zoning was required for resource protection. (36)

McKenzie Sand and Gravel Company produced from this first priority area so they made a formal request to the Planning Commission to establish a sand and gravel district in the area. Director Lee Miller asked for a combined request for the zoning of the Delta region from all the concerned property owners in the area. On February 11, 1970 the gravel interests prepared a request for the zoning of the Delta region to a sand and gravel district, and the County then had sixty days to proceed with the drafting of this request or give reason for its refusal. (36)

When the industry finally met with the County, Lee Miller proposed an amendment to the sand and gravel
ordinance that had been adopted the preceding year. This proposal surprised the industry because they did not know that the County would favor an amendment to the new ordinance. Miller convinced the County Board of Commissioners that tighter controls were needed on the location of the sand and gravel processing plants and he wanted to amend the ordinance in that direction. There were no provisions for the placement of processing plants in the ordinance except for the minimum set-back restrictions from property lines. The Planning Department felt that the residents around the future sand and gravel districts should be protected from the sight and sounds of the processing plants. (19; 36)

The Planning Department suggested the following three methods to protect the public by controlling the location of processing plants:

1. The development of a 1,000 foot belt around the zoned district in which no processing plant could be placed.

2. The establishment of a conditional-use permit which would only allow processing plants in certain areas after careful consideration by the Review Committee.

3. The establishment of an anti-processing plant sub-zone in the gravel district. In order to build a processing plant in this sub-zone, the owner would have to meet strict requirements concerning appearance and conservation methods. This procedure would only control the establishment of plants in this buffer or sub-zone and would ignore the major sand and gravel district. (19)
Formal discussions were held to review the proposals for processing plant restrictions. The first two proposals were completely unworkable according to the industry, but the third proposal showed some promise.

The County Commissioners held a public hearing in May of 1970 to try to resolve the problem of the location of processing plants, but an agreement could not be reached and the meeting was adjourned. The August 1970 meeting also ended with the recommendation for further investigation of the problems. (15; 27)

Work continued on the establishment of a sand and gravel district and on restrictions to the processing plants. Recommendations resulting from the October meeting called for the establishment of a separate Controlled Processing District (SG/CP) that could be incorporated into any further sand and gravel districts. It would give the Review Committee the authority to deny a request to locate a gravel processing plant in the SG/CP zone. The gravel industry would face much tougher restrictions if trying to locate a processing plant in the SG/CP zone than in a gravel (S-G) district. (13)

The SG/CP zone in the first district was recommended to occur in three areas. The largest area would lie along the east bank of the Willamette River, and the second area would occur just north of the Belt Line and Delta Highway intersection. The third area would lie along the southern boundary of the S-G district, east of the Willamette River.
and north of Ayers Road. (See Figure III) The SG/CP zone would cover about 20% of the total S-G district. (13; 19)

On November 12, 1970 the Board of County Commissioners passed Lane County Zoning and Land Use Ordinance #416. It amended Lane County Zoning and Land Use Ordinance #4 by adding Section XVI-IV, Sand, Gravel and Rock Products - Controlled Processing District (SG/CP). (See appendix) This ordinance placed tighter restrictions on the location of sand and gravel processing plants. Also on this day, the Board of County Commissioners passed Ordinance #417 which zoned or re-zoned the land in the Delta region into Sand, Gravel and Rock Products-Controlled Processing District (SG/CP) and Sand, Gravel and Rock Products District (S-G). (See appendix) This ordinance established a sand and gravel district in the first priority area as recommended by the County Public Works Department.

After six years of compromises, debates, and conflicts, Lane County now had a fairly complete sand and gravel ordinance that would begin to protect both the sand and gravel industry and the community land owners, and at the same time, try to insure relatively cheap sand and gravel supplies into the next century.
Figure III

Zone and Sub-zone in the First Priority Area (Delta Region)

Sand, Gravel & Rock Products District (S-G)

Sand, Gravel & Rock Products - Controlled Processing District (SG/CP)

Source: Ordinance #417
CONCLUSION

Observations

Lane County now has a sand and gravel ordinance and also a district reserved for the extraction of sand and gravel. The basic ordinance was passed on May 14, 1969, but there was no district upon which the ordinance had jurisdiction. It was not until a revision to the basic ordinance occurred which allowed for the creation of a sub-zone that a sand and gravel district was developed.

On November 12, 1970, Commissioner Omlid of the Lane County Board of County Commissioners signed ordinances #416 and #417 and sixty days from that date (or on January 11, 1971) the Lane County sand and gravel ordinance became effective. This sixty day period was to allow operators the time needed to file legal descriptions of their properties and general plans of operation in the new district to the Director of the Department of Public Works of Lane County.

Will the ordinance be effective? Could this lengthy procedure have been shortened? Did the County follow logical sequences? Are other ordinances necessary? Events of the future will have to determine the effectiveness of the ordinance, but these other questions can be examined at the present time.

The project was unnecessarily lengthy. When the sand and gravel industry came to the County Board of Commissioners in 1964 with the request for investigation of resource
requirements and the need for zoning protection, a comprehensive plan for the County should have been initiated. Prior to the start of the sand and gravel ordinance draft, there was no economic study available for reference. The industry and the County only assumed certain facts when they met at the conference table. It was not until January 1967 that an economic study was attempted and completed by the County Public Works Department. This report gave the County economic facts and projections on which to base their plans. Nothing could really have been planned without this data.

The County Public Works Department report contained only the future requirements of sand and gravel and the need to protect seven areas in the County from urban encroachment. It contained nothing about a river plan that would designate the use of and would provide protection for the rivers of Lane County involved in sand and gravel extraction. The rivers and the flood plain of the rivers are essential units in Lane County's sand and gravel industry, and therefore should have been one of the first considerations in the establishment of sand and gravel regulations. The need for a river plan was recognized in the General Plan of 1969 which was written by the Lane Council of Governments (L-COG). The writing of this plan began in 1967, but was not published until 1969. The 1990 plan is general and just recognizes the need for a river plan. It does not establish guidelines or a framework for this plan. (9)
The County recognized the need for a river plan in 1969, at which time Central Lane Planning Council began to think about possible objectives for the plan. At present, the river plan's purpose is to provide data for gravel regulations, flood and land-use planning, and conservation of the river environment. This data is to be provided through the accumulation of information by most of the county, state, and federal agencies that are involved with some aspect of the river and the flood plains. After the raw facts and figures are assembled, attention would shift from the specifics to the general needs of the river, namely the land-use and the environment. (19)

If in the early sixties, a comprehensive river plan had been developed which directed a logical plan of implementation of ideas in the fields of flood plain management, river location, recreation developments, soil conservation, and water quality standards, a sand and gravel ordinance would probably have evolved sooner and easier regardless of the people who were involved in the drafting of the ordinance.

A step in the direction of river planning occurred in September of 1967. The Oregon legislature passed a law (O.R.S. 274) which coordinates the agencies that enforce river activities. Prior to this law, efforts to regulate the sand and gravel industry encountered problems because of the difficulty in coordinating the various county, state, and federal agencies. Now any waterway activity which involves the movement of materials comes under the control of the
natural resource agencies of the State of Oregon, particularly the State Land Board. The Land Board requires that a permit be obtained before sand and gravel can be extracted from the river. The Board reviews the application for the extraction permit and informs other agencies involved in river control. These agencies make recommendations to the Land Board which are considered and usually incorporated into the extraction permit. When the permit is issued, an attempt has been made to establish conditions satisfactory to both the industry and the conservationists. O.R.S. 274 is a beginning in the effort to coordinate various waterway agencies and in the development of a river plan. (20)

The blame for the length of this project cannot be placed solely on the County. The sand and gravel industry could have facilitated the development of the sand and gravel ordinance by forming the Lane County Rock Products Association early in the sixties instead of waiting until 1968. This move would have given the sand and gravel industry greater bargaining power with the County and would have united the various sand and gravel companies into a common goal. The united companies could generate a great deal more pressure and influence than just a single company. Without an organization, the individual sand and gravel companies fought for their own interests and not necessarily for the industry as a whole. After forming their Association, the industry hired legal counsel to help represent their interests and ideas. If this move would have occurred in
the early sixties, the County would probably have recognized the industry's views sooner, and the sand and gravel ordinance would probably have evolved at an earlier date.

A quarry extraction ordinance is being considered for Lane County, but it is impossible, at this time, to determine if other sand and gravel ordinances will need to be developed. Lane County should, however, continue to insure its sand and gravel future by protecting other sand and gravel reserves. This first sand and gravel district (Delta region) should be followed by the establishment of other districts in the second, third, and probably the fourth priority areas as recommended by the Lane County Public Works Department in 1967. (28) This move would insure the complete control of the reserves for the industry, and indirectly, the community.

Recommendations

Other county and regional planning councils can benefit from the experience that Lane County sustained in its struggle for a sand and gravel ordinance. From this County's experience, it can be seen that a definite plan of attack is a must if any ordinance is to be constructed logically and concisely. The following eight points are the prominent features that should be included in a plan establishing regulatory controls if a successful and speedy conclusion is to be acquired.

Develop a Comprehensive Regional Plan. Before any type of control of a natural resource can begin, a comprehensive
A regional plan should be developed by the regional planning office. This plan should take into account such things as: residential requirements, industrial requirements, recreational developments, river location plans, flood plain management, resource management, biota management, soil conservation, and water quality control standards. This regional plan would act as a blueprint to show the general expansion plans for the region based upon data received from the above mentioned factors. With this type of study, a total picture of the need for the natural resource could be recognized. From this information, planners would have basic facts upon which to construct controls over any natural resource such as sand and gravel deposits. The regional plan is a very large and costly task for any planning agency, but would be well worth the time and money if it would establish guidelines that could be used to help construct future regulatory controls.

**Develop an Economic Report Concerning the Resource. (Sand and Gravel)** An economic report should be undertaken to establish the present and future needs of sand and gravel in the region. This study should include such things as:

a. Present production totals and past production trends of sand and gravel

b. A fifty year population projection

c. Projected per capita use of the resource

d. An estimate of the total amount of sand and gravel needed in the next fifty years
e. An estimate of the acreage presently being reserved for sand and gravel resources, and then calculate the acreage required to furnish the future needs of the material at a specific extraction depth.

f. Location of the sand and gravel deposits in the region and the employment of extensive testing to prove these deposits as firm reserves.

g. Establish priority areas of sand and gravel in which zoning controls could be developed to protect these commercial deposits from urban encroachment.

h. A study of the present operational characteristics of the industry including the locations of the present plants, the types of extraction methods used, and the source of the material (i.e.) consolidated rock, river gravel, glacial outwash.

An economic report of this magnitude would furnish the necessary information about the specific resource so intelligent controls could be established. This report coupled with the regional plan would identify any resources that needed protection and indicate the necessary controls.

Formulate Ordinance Objectives. A committee consisting of members of the regional planning commission, the sand and gravel industry, and the private community should establish objectives for the ordinance. These objectives should be based upon information received from the regional plan and the economic report and should also include any major desire of the concerned parties. This list of objectives could form a starting point in the negotiations for regulatory control.

Review Other Ordinances Pertaining to Resource Control. The sand and gravel committee should acquaint themselves with the ordinances that have been passed by other counties.
that pertain to resource control. Perhaps in this manner, general ideas concerning organization and composition from these other ordinances can be used in the drafting of their ordinance. It should be kept in mind however, that what is beneficial for one county may not be good for another.

Form a Sand and Gravel Association. The sand and gravel industry should form an association in order to present a solid front united in a common goal. Without a coordinating organization, the industry could flounder and bickering could develop between private owners bent on improving their own interests. United companies with united ideas can generate more pressure and influence than individual companies. United companies can also hire legal council to represent and protect their interests. The forming of an association and the acquiring of legal council should occur before ordinance proceedings begin. The forming of associations is not limited to companies; private citizens can also form an association to represent their views if they feel the County planners are not representing them adequately.

Draft Various Ordinances. Each major group concerned with the ordinance should construct a tentative proposal that they feel controls the sand and gravel industry and the gravel reserves fairly. This procedure of drafting individual ordinances could eliminate many of the problems of disagreement by showing the other parties how far each
group is willing to compromise. Many areas that were thought to be conflicts might turn out to be very similar in each proposed ordinance. The issues in agreement could be the starting point for the drafting of a group ordinance. The points of wide disagreement could be discussed and possibly compromised. In this manner, ideas for an ordinance would be presented by all parties and not just by a dominant member of a committee such as the director of the regional planning council.

Contact State and Federal Agencies. State and federal agencies should be given an opportunity to express their ideas concerning the resource ordinance. These agencies should have helped to evolve the regional plan, but sometimes thoughts and ideas are overlooked or forgotten. Also, state and federal laws may prohibit or overrule a particular section of the proposed ordinance thereby making the ordinance void or redundant. Keeping these state and federal agencies concerned with resources informed of the progress of the ordinance draft could prove to be beneficial and save time in the long run.

Eliminate Detail. The ordinance should be simple in wording and eliminate unnecessary detail. Nuisance controls should not be included in the ordinance unless the nuisance is peculiar to the industry. The purpose of the ordinance is to protect the broad interests of the community and the industry, and therefore, should not be overloaded with
elaborate detail on any one issue. The ordinance should outline basic opportunities and restrictions without being fastidious.

If the above ideas were followed in the establishment of a sand and gravel ordinance, many hours of toil could be eliminated. Construction of the ordinance would probably occur rather quickly and with greater ease than the Lane County sand and gravel ordinance experienced. The regional and economic reports would establish necessary guidelines and each side would have to adapt their desires to these guidelines. Retirement of a spokesman or planner would not injure or postpone the ordinance draft because the basic guidelines would already have been established and only the wording and a few compromises would have to be negotiated.

**Summation**

Perhaps the amount of time spent and some of the steps ensued during the formation of Lane County's sand and gravel ordinance can be criticized, but the fact that the ordinance was established and is workable and seemingly fair to all concerned parties cannot be overlooked. Lane County has now, under its protection, a large resource area of sand and gravel situated in the Delta region. This region is located fairly close to a major consuming area which will help keep delivery costs at a minimum. The
County has constructed and paved many roads to and from this Delta region. These roads help to eliminate some of the objections of residents who live close to the access roads. Delta Highway and Belt Line Road both carry heavy volumes of truck traffic, thus eliminating the need to travel through residential areas. The industry has almost total control of the Delta land at present because of past real estate transactions. The agreements between the gravel producers and the property owners have given the industry control of this resource land at a relatively cheap price which will help to insure a profit for the sand and gravel industry.

In its struggle for protection, the sand and gravel industry has sacrificed many freedoms just for the right to mine and process sand and gravel close to a central consuming market without fear of community reprisals. Through this, the industry received the assurance of longevity which allows for projected expansion and increases their borrowing capacities. The community, on the other hand, received the satisfaction of containing the sand and gravel industry in a specific area, thereby reducing the nuisance of sand and gravel processing plants. The community also gained the right to close a gravel plant if it does not comply with all of the restrictions outlined in the ordinance.

The establishment of Lane County's sand and gravel ordinance is beneficial to both the community and to the
sand and gravel industry. The ordinance states its objectives in a strong, concise manner. There is a definite lack of obscurring detail, and therefore, the ordinance establishes clear guidelines for sand and gravel management without being fastidious. This ordinance will help to insure the availability of high quality, low priced sand and gravel in the Lane County area for many years to come.
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APPENDIX

1. Lane County Zoning And Land Use Ordinance No. 325
2. Lane County Zoning And Land Use Ordinance No. 416
3. Lane County Zoning And Land Use Ordinance No. 417
Lane County Zoning And
Land Use Ordinance 325
IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND LAND
USE ORDINANCE NO. 325

In the matter of an Ordinance to amend Lane County Zoning and Land Use Regulation Ordinance No. 4, SECTION XVI-III.

The Board of County Commissioners of Lane County ordains as follows:

That Lane County Zoning and Land Use Regulation Ordinance No. 4 be amended in accordance with the amendments in Exhibit "A" attached hereto and made a part hereof as if set out in full herein.

This ordinance being enacted by the Board of County Commissioners in the exercise of its police power and for the purpose of meeting an emergency, and being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon being enacted:

Enacted this 14th day of May, 1969.

Chairman of the Board of County Commissioners of Lane County

Recording Secretary of the Board
at the meeting at which this ordinance was enacted

Approved and recommended for enactment by the affirmative vote of the Lane County Planning Commission this 22nd day of April, 1969, after giving due notice of public hearing and holding a public hearing on the 22nd day of April, 1969.

Chairman
 Acting Secretary
IN THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY

In the Matter of

AMENDING LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 4)

ORDINANCE NO. 55

The Board of County Commissioners of Lane County ordains that Lane County Zoning and Land Use Ordinance No. 4 be amended as follows:

ADD:

SECTION XVI-III, S-G SAND, GRAVEL AND ROCK PRODUCTS DISTRICT

The following regulations shall apply in the S-G Sand, Gravel and Rock Products District:

A. DESCRIPTION AND PURPOSE

The intent of the S-G Sand, Gravel and Rock Products District is to:

1. Recognize that sand and gravel deposits within the county are an unrenewable natural resource, and beneficial to the economy of the county and welfare of its people;

2. Identify and zone under this district major deposits of sand and gravel, rock and related material resources;

3. Provide for the utilization of this resource in a manner compatible with other land uses in the area;

4. Encourage the regular, systematic and uninterrupted extraction and processing of such resources;

5. Establish procedures for assuring protection of public health and safety on and adjacent to land used for extraction and processing;

6. Prevent irresponsible extraction of material resources, to the detriment of the public;

7. Provide standards to be observed during the extraction process with a view to ultimate utilization of the site;

8. Carry out these purposes with the recognition of a need for said resources and the right of each property owner to make a reasonable use of his land.

B. DEFINITIONS

1. "Board" means the Board of County Commissioners of Lane County.
B. DEFINITIONS, Con. d.

2. "Director" means the Director of the Department of Public Works of Lane County.

3. "Overburden" means all materials lying on top of valuable sand and gravel deposits which must be moved in order to extract those valuable sand and gravel deposits.

4. "Review Committee" means the Sand and Gravel Review Committee authorized to administrate the provisions of this ordinance.

C. USE

No building, structure or land shall be used, and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, except for the following uses:

1. Sand and gravel operations which entail the extraction, stockpiling and processing of sand, gravel, overburden and topsoil shall be permitted, subject to the requirements of the subsections of this section, but quarrying, smelting, ore reduction and other similar uses shall be excluded.

2. The following uses shall be permitted, subject to the requirements of the subsections of this section, when conducted in conjunction with a sand and gravel operation as defined in C.1 on the same parcel or contiguous parcels of land on which the operation is being conducted.
   a. Asphalt paving-mix plant
   b. Cement concrete batching plant
   c. Aggregate products fabrication and sale
   d. Sand and gravel resource-related contractor's equipment storage yard
   e. Sand and gravel resource-related equipment maintenance and storage buildings
   f. Offices and warehouses appropriate to the uses permitted in this district
   g. Retail or wholesale sales of products related to the use of sand, gravel and related products.

3. Other uses permitted:
   a. Agriculture, grazing or timber raising
   b. Dwellings for owners, operators or help required to carry out "a" above.
   c. Accessory buildings normally required in "a" above.
   d. Public parks and recreation areas
   e. Extraction of sand, gravel and overburden, any combination of which does not exceed 1,000 cubic yards in any calendar year.

4. Conditional uses, subject to the provisions of Section XXI "F":
   a. Garbage dump, sanitary land fill
   b. Golf course
   c. Shooting preserves
   d. Stable and academy, commercial riding
   e. Drive-in theaters

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C. USE, Cont'd.

4. Conditional Uses, Cont'd.

f. Private parks

g. Extraction, processing and stockpiling of sand, gravel and overburden on a parcel or contiguous parcels less than twenty acres in size.

h. Other uses similar to "a" through "f" above which require limited investment in improvements upon extensive areas of land.

5. Signs to be used in connection with sand and gravel operations:

a. Identification signs (exterior) shall be limited to two per business establishment, and shall be designed as a part of the building.

b. Directional signs may be placed along roadways, but shall not exceed eight square feet, nor be higher than four feet from ground level. No signs shall be placed within twenty feet of an intersection.

D. MATERIALS TO BE FILED

The following materials must be filed with the Director by any person conducting the use specified in C.1 within a Sand, Gravel and Rock Products District:

1. Vertical aerial photograph of all land included in the plan of operations required in Part 5, below, enlarged to a scale no smaller than one (1) inch to two hundred (200) feet, which is certified by the photographer to have been photographed not more than one year prior to submission. Photographs taken prior to one year from the date of submission may be submitted, if accompanied by a signed declaration of the owner that there have been no substantial changes in land form;

2. A legal description of the property described above;

3. A general boundary map, in reproducible form, of the property under the applicant's control, drawn on assessor's maps or the equivalent, or an overlay for the aerial photograph showing boundaries of the property;

4. Identification of public roads providing direct access to the property;

5. A general plan of operation in transparent overlay form shall be filed with the Director, containing the following information:

   a. Areas of existing and proposed settling ponds and washing plant facilities;
   b. Areas of existing and proposed processing facilities and stockpiles;
   c. Areas of existing and proposed facilities for resource-related operations;
   d. Areas proposed for excavation, showing adjacent setback areas;
   e. A statement on the transparent overlay or in text form, specifying the approximate acreage for each of said areas and the average thickness of overburden and topsoil in the areas proposed for excavation;
D. MATERIALS TO BE FILED, Cont'd.

f. A series of typical cross sections of excavated areas and areas proposed for excavation which are related directly to the aerial photograph of the area, for the purpose of evaluating the possible flood and erosion hazards of the proposed operations, and of determining compliance with provisions of a river plan which may be adopted by the Board.

g. Approximate locations of the areas specified in (a) through (d) above, and of the typical cross sections, shall be identified on either the boundary map of the area or the aerial photograph. Approximate acreage for each of the said areas shall be specified.

6. If an operation shall have facilities or stockpiles which existed prior to the enactment of this district for any specific area which do not conform to the setback or other standards set forth herein and which are not required to conform, the operator or owner shall also submit specific information as to the location of such nonconforming facilities or stockpiles with identifying maps showing actual locations and distances from property lines.

E. FILING PROCEDURES

1. The materials required to be filed by Subsection D shall be filed with the Director:

a. Within sixty (60) days after an area in which the sand and gravel operation is being conducted is zoned as a Sand and Gravel District;

b. Prior to the commencement of excavation of sand and gravel in an area zoned as a Sand and Gravel District.

2. Whenever any person conducting the use specified in C.1 plans any operation or facility in conflict with or not covered by the plan of operation which was required to be filed by Subsection D.5, the operator shall file with the Director, for evaluation, a revised plan of operation and aerial photograph meeting the requirements of Subsections D.1 and D.5.

F. PERFORMANCE BOND

1. Except during the sixty day period provided by E.1.a., no excavation shall be permitted within this district in areas which are not covered by a performance bond in the amount of Five Hundred Dollars ($500.00) per acre which has been submitted to the Director and accepted by the Board. The amount of acreage to be bonded shall be left to the choice of the operator, but no excavation shall be permitted in any area which has not been bonded.

a. The performance bond shall be issued by a corporate surety licensed to issue surety bonds in the state of Oregon, or shall be in another form approved by the Director.

b. The bond shall guarantee the faithful performance of all applicable site improvement standards specified in "G" below for all areas excavated after the land is zoned hereunder.

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F. PERFORMANCE BOND, Cont'd.

2. The operator may at any time make application to the Board for release of any bond as to specified acreage which either has not been excavated or has been excavated and restored to the standards contained herein. Within thirty days after the date of such application the Board shall consider the application and, if the Board shall determine that the site improvement standards have been performed on specified acreage, then the bond shall be released as to such acreage.

3. If acreage excavated is not restored according to the applicable site improvement standards, the county or its designated representative may enter upon such property, make the required improvements, and present the operator and the corporate surety with a statement of expenses. The surety bond shall guarantee payment to the county for its expenses incurred, not to exceed Five Hundred Dollars ($500.00) per acre.

G. SITE IMPROVEMENT STANDARDS

1. General. Site improvement standards hereunder are minimum standards to be observed during extraction processes to assure that the site shall be clean and orderly and left in a condition conducive to appropriate uses after extraction has been completed. Improvement of the site shall be a continuing process of planning so that the ultimate redevelopment will be assisted by the extractive process.

2. Minimum Site Improvement Standards. The following minimum standards of site improvements shall be met during the extraction process.

a. Slopes and Grading

   (1) Excavations made to any setback lines shall meet the following requirements:

      (a) Excavations not made to water-producing depth:

         (i) All banks will be left with slopes no steeper than the natural contours of the immediately surrounding area, except that steeper slopes will be permitted if the slopes are designed to be stable by a soils engineer licensed in the state of Oregon. If slopes are steeper than one vertical to one and one-half horizontal, provisions will be made so that a person can find safe egress from any point on the shoreline of the excavation.

         (ii) The bottom of any excavation shall be gradually sloped and graded so that surface water shall drain into one low area of the excavation. If normal natural drainage is practicable, the excavated areas shall be graded to drain surface waters.

      (b) Excavations made to water-producing depth which are not subject to periodic redepositing of extractive material by inundation of stream or river:
(i) The minimum depth of excavation must be not less than eight feet below low water mark measured in the year of excavation, provided that if subsurface conditions shall prevent excavation to such depth the depth may be less, if an administrative variance is granted or the operator has provided a reasonable alternative which will substantially prevent stagnation of water and growth of water vegetation.

(ii) All banks shall be sloped at a ratio no steeper than one vertical to two horizontal (1:2) to a water depth of three (3) feet, measured from low water mark.

(2) The operator shall not be required to comply with the standards of 2.a.(1) in areas currently under excavation which are not adjacent to setback lines, provided that such areas shall remain bonded until the standards of 2.a.(1) are met.

b. Drainage. Upon completion of operations, the condition of the land shall allow sufficient drainage to prevent water pockets or undue erosion. Natural and storm water drainage shall be maintained so as to prevent harmful effects on surrounding property.

c. Topsoil. Topsoil removed shall be retained on the property in sufficient quantities to restore all graded or backfilled areas and on bank slopes above high water level. Such areas shall be covered with four inches of topsoil of at least equal quality to that removed; provided that if the average depth of topsoil prior to excavation was less than four inches, then the depth required shall be such lesser average.

d. Cover and Planting. Upon replacement of topsoil the operator shall provide ground cover of his own selection adequate to control erosion.

e. Setbacks for Excavation. Excavation shall not be conducted closer than one hundred fifty (150) feet to any property boundary, except as herein provided.

(1) The Director may grant an administrative variance to decrease the setback upon showing that the eventual utilization of the site is compatible with a smaller setback up to the following minimums:

(a) Fifty feet from the boundary of any non-residential district, or the right-of-way of an existing street or road.

(b) One hundred feet from the boundary of a residential district.
G. SITE IMPROVEMENT STANDARDS, Cont'd.

(2) The Director may grant an administrative variance to waive the setback from adjoining property in a Sand, Gravel and Rock Products District, if no flood hazard will result.

(3) The setback area may be excavated to reduce the elevation thereof to the grade of an adjoining public street or road.

(4) Excavation may be conducted within the setback area under a plan approved by the Director through an administrative variance whereby the excavated area will be refilled with other materials which will neither decompose nor pollute underground waters.

(5) When excavation is completed adjoining a setback, the setback area shall be smoothed, all excavation debris removed, and all trees which are in an unsafe condition removed. However, such setback areas may be used for permitted uses under C.2 and C.3 hereof, subject to other provisions of this ordinance.

f. Cleanup and Removal of Structures

(1) During operations the site shall be kept free of debris. All overburden shall be stockpiled or disposed of and all stumps, brush or other debris resulting from cleaning or excavating shall be burned or otherwise disposed of.

(2) Within 3 years after the termination of an operation as defined in C.1 all buildings, structures or plants which were used incidental to the operation and were abandoned with the termination of the operation shall be dismantled and removed.

g. Site Improvements for Nonconforming Pre-existing Uses

(1) To the extent to which operations upon property have been completed when said property is included within the Sand, Gravel and Rock Products District, the provisions of the District shall not be applicable.

(2) If the operator shall resume excavations on property which had been excavated when it was included in the Sand, Gravel and Rock Products District, then:

(a) If banks cannot be sloped to the ratios required because the same are within minimum setback areas, or if the excavation is within the minimum setback areas, the operator shall either:

(i) Obtain an administrative variance from the minimum setback in order to accomplish such sloping; or
(ii) Erect a fence along such nonconforming banks according to specifications ordered by the Director.

(b) Grading shall not be required after securing an administrative variance if such area has been covered by brush or vegetation which would make such work burdensome and uneconomic.

(c) Additional depth of excavation shall not be mandatory to conform to minimum depth standards.

(d) The operator shall not be required to change nonconforming setback areas.

H. OPERATION STANDARDS

All facilities shall be constructed, maintained and operated, and all operations shall be conducted in the District in accordance with the standards set forth in this Section.

1. Setbacks
   a. All equipment for processing operations shall not be built, erected or located closer than fifty feet to the perimeter boundary line of the property under the ownership or control of the operator or the right-of-way of an existing road, except when said boundary adjoins a residence or residential (R) district, in which case no equipment shall be located within one hundred fifty feet of said residence or district.

   b. Stockpiling of sand and gravel and sedimentation ponds shall not be located closer than twenty-five feet to the perimeter boundary line or the right-of-way of an existing road.

   c. If provisions of the Lane County Building Ordinance as existing or hereinafter amended shall require greater setbacks than provided herein, then such Ordinance shall apply.

   d. The Director may allow smaller setbacks after following administrative variance procedure.

2. Frontage and Access. Each tract of land used for uses permitted in C.1 and C.2 shall have sixty foot frontage on a public road or easement of access to a public road connecting with the public road system of Lane County.

3. Screen Landscape. Existing trees and natural vegetation along a public park or public road, or adjoining a residential (R) district, shall be preserved for a width of twenty-five feet or within the minimum setback, whichever is less.

4. Signs
   a. Business and Directional Signs. See C.5 of this Ordinance.
b. **S-6 District Identification.** The County, at its expense, shall have the right to put signs on the boundaries of any active operation which read: **THIS PROPERTY MAY BE USED FOR SAND AND GRAVEL EXTRACTION PROCESSING.**

5. **Road Condition.** All private access and service roads shall be maintained in a dust-free condition during intensive operations.

6. **Offstreet Parking – Parking Areas.** All parking facilities for employees and customers shall be located within the boundaries of the property under the control of the operator.

7. **Safety Fencing.** During operations, when any open excavation will have a depth of ten feet or more, and will create a slope steeper than one vertical to two horizontal (1:2) for a period of more than one hundred twenty days, and is located within two hundred feet of residentially occupied structures or a public road, a fence shall be erected at least ten feet outside the edge of such excavation at least four feet in height, to control access to such excavation.

8. **Stream Operations.** Operations in or adjacent to streams shall conform to the following standards:

   a. The turbidity of the stream adjacent to the operations shall not be increased by more than five Jackson Turbidity Units.

   b. There shall be no direct discharge of gravel-washing waters into an adjacent stream.

   c. Operators shall work behind dikes which are of sufficient height to control turbidity during low water seasons. Where the dike forms the permanent river bank according to a river plan which may be adopted by the Board, the berm of the dike shall be of sufficient width and height to contain annual high water.

   d. Equipment shall not be operated in the flowing streams except to construct or maintain berms or to make channel improvements according to a river plan that may be adopted by the Board.

   e. After a river plan is adopted, the river channel shall not be diverted from its normal course unless a permanent river channel is developed.

   f. The Director may waive the requirements of subsections "d" and "e" for limited periods of time.
I. ADMINISTRATION

1. Sand and Gravel Review Committee

A Sand and Gravel Review Committee, hereinafter designated the Review Committee, is hereby established and authorized to determine if operating plans or revised plans comply with the requirements of this ordinance and with a river plan which may be adopted by the Board.

a. Membership. The Review Committee shall consist of the following members:

1. The Planning Director, who shall act as Review Committee Secretary;
2. The Public Works Director;
3. The Parks and Recreation Director;
4. The Director of Building & Sanitation Department (Chief Sanitarian).

b. Advisory Board. The Review Committee may appoint an advisory board of at least five members. Meetings of the advisory board shall be called by the Review Committee for the purpose of assisting in the development of a river plan, and in particular to make recommendations regarding operations along rivers and streams.

The advisory board shall include:

1. A member of the Soil Conservation Service;
2. A member from a local conservation group;
3. A member from the general public;
4. A member from the Sand and Gravel Industry and an alternate, in case this member's firm is being considered by the Review Committee;
5. A member of a Lane County farm organization;
6. Any other appropriate person.

c. Written Records. The Review Committee and advisory board shall keep written records of all their deliberations.

d. Referrals. Upon receiving the operating plan or revised plan, the Director shall immediately forward, together with notification of scheduled meeting time and place of the Review Committee, eight copies to the clerk of the Oregon State Land Board, two copies to the U. S. Corps of Engineers or other appropriate hydrologic agency, and one copy to the State Water Resources Board. One copy of the plan, or a summary thereof, shall also be referred to each member of the advisory board.

e. After obtaining the necessary permits of the Oregon State Land Board or the U. S. Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall, within seven days, approve the plans or require modification in the plans to conform with the requirements of this ordinance and with a river design plan which may be adopted by the Board.

f. The operator shall be allowed to proceed in accordance with the approved or modified plans. The Director of Public Works shall be charged with the duty of determining if there has been compliance with the plans through inspection of the property and examination of
the aerial photographs submitted. When an operator fails to proceed in accordance with the plan, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of Section XVII of this Ordinance. The operator shall then be subject to the penalties of Section XXX of this ordinance, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

g. (1) The operator may appeal to the Board from the modification of an operations plan within a ten-day period after such modification.

(2) Appeal shall be taken by filing with the Planning Director a written notice of appeal. Thereupon the Planning Director shall transmit to the Board all papers constituting the record upon which the action of the Review Committee was taken. Not later than ten days after the filing of appeal, the Board shall hear the appeal in public session; provided, however, that the time for such a hearing may be extended for not more than ten additional days when the Board finds that such extension is necessary for a fair and thorough hearing of the appeal. The Board shall grant or deny the appeal on the basis of the record of the Review Committee, the evidence presented by the appellant, or any other relevant information.

2. Administrative Variances

The Director is hereby authorized to approve, partially approve, or disapprove of variances to dimensional standards such as setbacks and slope ratios within this district.

a. Written Application. Any person desiring an administrative variance from the dimensional standards of this district shall file a written application on forms provided by the Director, together with a reproducible map not less than one (1) inch to two hundred (200) feet, and typical sections, where applicable, at the discretion of the Director.

b. Referral. Within three days of receiving the application the Director may, at his discretion, forward copies of the variance request to such county departments or other governmental agencies as may be necessary to provide information to evaluate the merits of the request.

c. Approval. Within twenty-five days from the date of the request, the Director shall approve, or partially approve, the request, if he finds that:

(1) The variance is not in conflict with the general purpose and intent of the district;

(2) There are exceptional or extraordinary circumstances applicable to the property involved;
(3) The denial of the request would result in undue and unreasonable property loss to the applicant;

(4) The variance will not be detrimental to the public welfare or convenience, nor injurious to the property or improvements of other owners of other property.

The Director may, at his discretion, refer the request to the Review Committee.

d. **Appeal.** The operator may appeal from the denial of an administrative variance in the manner provided by I.1.g, above.
Lane County Zoning And Land Use Ordinance 416
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

Amending Lane County Zoning and Land Use Ordinance #4 to Include Section XVI-IV, Sand, Gravel & Rock Products - Controlled Processing District (SG/CP)

The Board of County Commissioners of Lane County ordains as follows:

That Lane County Zoning and Land Use Ordinance No. 4 be amended by adding the following Section:

SECTION XVI-IV - SAND, GRAVEL & ROCK PRODUCTS - CONTROLLED PROCESSING DISTRICT (SG/CP)

A. PURPOSE

The provisions of the Sand, Gravel & Rock Products - Controlled Processing District (SG/CP) are intended to provide more restrictive control of processing activities than the Sand, Gravel and Rock Products District (S-G), for the purpose of encouraging the preservation and orderly extraction of sand and gravel deposits and for the protection of surrounding properties by the exercise of greater control over the location and operation of sand and gravel extraction processing activities. It is further intended by the establishment of the SG/CP District that the Comprehensive Plan for Lane County and any pertinent special studies shall be used as a basis to determine where this district would be more appropriate than the S-G District.

B. REGULATIONS

The requirements of the SG/CP District shall be the same as provided in Section XVI-III for the S-G District, except as expressly provided in this Section.

1. Land Use Compatibility as Operation Standard

The Sand and Gravel Review Committee shall evaluate, in its consideration of operational plans as provided in Section XVI-III-I, the location for the erection or enlargement of all processing equipment and activities, including but not limited to asphalt paving-mix and cement concrete batching plants, by the criteria set forth for conditional use permits in paragraph 5 of Subsection D of Section XXI of this Ordinance. In addition to these criteria, the Review Committee shall consider compliance with the adopted Comprehensive Plan of Lane County and shall further consider special studies which have been developed for the subject area. Notwithstanding the provisions of subparagraph "e" of paragraph 1 of Subsection I of Section XVI-III, the Committee shall disapprove all or a part of any portion of any operations plan involving such processing equipment or activities which, in the Committee's judgment, do not conform to the above-described criteria, plans, or studies.

2. Administration

a. In addition to the same administrative procedures as provided in subparagraphs "a" through "d" of Section XVI-III-I-1, the following procedures shall apply for (1) processing equipment and activities, including, but not limited to, asphalt paving-mix and cement concrete batching plants, and for (2) operations plans which include a request to vary the minimum setback dimensions provided in Section XVI-III-H-1 from an SG/CP district boundary.
(1) **Review Committee Action.** Within seven days after obtaining the necessary recommendations of the Oregon State Land Board or the U.S. Corps of Engineers or other appropriate hydrologic agency, the Review Committee shall (a) approve the plans or require modification in the plans to conform with the requirements of this ordinance and with a river design plan which may be adopted by the Board, or (b) disapprove the plans as authorized in paragraph 1, above.

(2) **Notice.** In the event of approval, modified approval, or disapproval of any operations plan, the Planning Director shall, within five days of such action, give notice of the action of the Committee, a general description of the area involved, the effective date of the action, the location where and the time when the operation plan may be inspected, and procedure for filing an appeal by:

(a) Posting in three conspicuous places within five hundred feet of the applicant's property, and,

(b) Mailing to the applicant and to property owners within three hundred feet of the applicant's property.

The action of the Committee shall become effective fifteen days from the date of approval, unless an appeal is made as provided in this Ordinance.

(3) **Appeal.**

(a) Any person aggrieved by the Committee's approval, modified approval, or disapproval of an operations plan may appeal to the Board within a fifteen-day period after such approval.

(b) Appeal shall be taken by filing a written notice of appeal with the Planning Director. Thereupon the Planning Director shall transmit to the Board all papers constituting the record upon which the action of the Review Committee was taken. Not later than ten days after the filing of appeal, the Board shall hear the appeal in public session; provided, however, that the time for such a hearing may be extended for not more than ten additional days when the Board finds that such extension is necessary for a fair and thorough hearing of the appeal. The Board shall grant or deny the appeal on the basis of the record of the Review Committee, the evidence presented by the appellant, or any other relevant evidence or information, basing the decision on the criteria established in this Ordinance.

(4) **Approved Plans.** The operator shall be allowed to proceed in accordance with the plans as finally approved by the Sand and Gravel Review Committee, or Board of Commissioners in the event of appeal. The Director of Public Works shall be charged with the duty of determining if there has been
compliance with the plans through inspection of the property and examination of the aerial photographs submitted. When an operator fails to proceed in accordance with the plans, the operation shall be treated as an unauthorized use, and the Director may proceed under the authority of Section XXVII of this Ordinance or other applicable law. The operator shall then be subject to the penalties of Section XXX of this Ordinance or other applicable law, and the continuation or the expansion of the operation may be enjoined to the extent permitted by law.

b. Variances to minimum setback dimensions in Section XVI-III-H-1 from an SG/CP district boundary shall be considered by the Review Committee as a part of the consideration of operations plans, and approval of such variances shall require findings by the Review Committee as provided in Section XVI-III-I-2-c. Variances to other dimensional standards provided in Section XVI-III-H shall be processed by the Public Works Director as provided in Section XVI-III-I-2.

Enacted this 12th day of November 1970.

Chairman, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board
Lane County Zoning And Land Use Ordinance 417
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

LANE COUNTY ZONING AND LAND USE)

ORDINANCE NO. 417

Zoning and/or rezoning from AGT Agricultural, Grazing, Timber Raising District and RA Suburban Residential District to Sand, Gravel & Rock Products - Controlled Processing District (SG/CP) and Sand, Gravel & Rock Products District (S-G) and area lying within Sections 5, 6, 7, 8, 9, 18 and 31 of Township 17 South, Range 3 West, W.M.; and Sections 1, 12 and 13 of Township 17 South, Range 4 West, W.M.

The Board of County Commissioners of Lane County ordains as follows:

The land described on Exhibit "A", attached hereto and made a part hereof as though fully set forth herein, and indicated on the attached map, is hereby rezoned or zoned to Sand, Gravel & Rock Products - Controlled Processing District (SG/CP); and the land described on Exhibit "B", attached hereto and made a part hereof as though fully set forth herein, and indicated on the attached map, is hereby zoned or rezoned to Sand, Gravel & Rock Products District (S-G), all of the above-described land being subject to the regulations provided therefor in Lane County Zoning and Land Use Regulation Ordinance No. 4, as amended, known as "The Zoning Plan of the County of Lane, State of Oregon," pursuant to ORS Chapter 215.

Enacted this 12th day of November 1970.

[Signature]
Chairman, Lane County Board of Commissioners

[Signature]
Recording Secretary for this Meeting of the Board
EXHIBIT "A"

TRACT A:
BEGINNING at the Northeast corner of the John Taylor Donation Land Claim No. 53, Township 17 South, Range 4 West, W.M., run thence South 10° West 1300 feet; thence South 20° East 1350 feet; thence South 40° East 2500 feet; thence South 15° West for 3200 feet to a Point on the Northerly margin of Lot 8 in Section 12, Township 17 South, Range 4 West; thence West 1170 feet to a Point on the Westerly margin of said Lot; thence South 800 feet; thence South 47° 30' East 900 feet; thence South 1600 feet more or less to a Point on the Northerly right-of-way of Beltline Road; thence Northwesterly along said Northerly right-of-way 650 feet more or less; thence North 830 feet more or less to the West bank of a slough; thence Northwesterly along said West bank 510 feet more or less to its intersection with the Easterly right-of-way of Beaver Street, County Road No. 1226; thence Northwesterly along said right-of-way 580 feet more or less; thence North 2050 feet; thence East 244.86 feet; thence North 88° 01' East 481.4 feet; thence North 84° 57' East 670.5 feet; thence North 77° 30' East 193.38 feet; thence North 63° 41' East 325 feet more or less to a Point on the Easterly bank of a Westerly tributary of the Willamette River; run thence Northerly along said Easterly bank 7200 feet more or less to its intersection with the Northerly line of said John Taylor Donation Land Claim No. 53; thence East along the North line of said DLC 500 feet to the Point of Beginning in Lane County, Oregon.

TRACT B:
BEGINNING at a Point which is North 06° 50' 885.06 feet and South 88° 10' West 1173.25 feet from the Northwest corner of the Daniel Shelling Donation Land Claim No. 41, Township 17 South, Range 3 West, W. M., run thence North 87° 15' East 965 feet to a Point on the Easterly side of a 30 foot private roadway; thence South 06° 50' East 800 feet more or less to the intersection of the Westerly extension of the North line of said Daniel Shelling DLC No. 41; thence Easterly along said Westerly extension and the North line of said Claim 670 feet more or less to a Point on the Westerly right-of-way of the North Delta Highway; thence Southerly along said Westerly right-of-way 1040 feet more or less; thence North 87° 35' 57" West 160 feet; thence North 62° 07' 47" West 499.80 feet; thence West 180 feet; thence North 24° 17' 10" West 740.86 feet; thence North 06° 23' 34" West 276.85 feet; thence North 04° 53' West 420 feet more or less to the Point of Beginning in Lane County, Oregon.

TRACT C:
BEGINNING at the Southwest corner of Lot 8 of Section 7, Township 17 South, Range 3 West, W.M., run thence East 3730 feet; thence South 695.10 feet; thence West 1450 feet more or less to a Point which is 573.14 feet East of the Northwest corner of Stephens Donation Land Claim No. 40 of said Township and Range; thence North 315 feet; thence West 573.14 feet; thence South 315.0 feet to the Northwest corner of said Stephens Donation Land Claim No. 40; thence West 2070 feet more or less to a Point on the Easterly bank of the Willamette River; thence Northerly along said bank 130 feet; thence North, leaving said bank, 630 feet; thence East 400 feet more or less to the Place of Beginning in Lane County, Oregon.
BEGINNING in the Northeast corner of the John Taylor Donation Land Claim No. 53, Township 17 South, Range 4 West, Willamette Meridian, run thence South 10° West 1300 feet; thence South 20° East 1350 feet; thence South 40° East 2500 feet; thence South 15° West 3200 feet to a point on the Northerly margin of Lot 8 in Section 12, Township 17 South, Range 4 West; thence West 1170 feet to a point on the Westerly margin of said Lot; thence South 800 feet; thence South 40° 30' East 900 feet; thence South 1600 feet more or less to a point on the Northerly right-of-way of Beltline Road; thence Southeasterly along the Northerly right-of-way of said Road 1300 feet more or less to the center of the Willamette River; run thence downstream along the center of said River Northeasterly 1000 feet; thence leaving said River East 425 feet; thence South 44°09' East 150 feet; thence South 47°32'30" East 378.83 feet; thence North 06°23'34" West 276.85 feet; thence North 04°53' West 521.12 feet; thence North 0°49' East 552.24 feet; thence North 11°44'30" East 1153.88 feet; thence North 33°00' East 277.68 feet; thence North 14°27' East 701.13 feet; thence North 51°11'15" East 370 feet more or less to a point on the Easterly bank of the Willamette River; run thence Northerly along said Easterly bank 1500 feet; thence North, leaving said bank, 630 feet; thence East 7975 feet; thence South 28°30' East 430 feet; thence North 47°15' East 350 feet; thence North 63°00'10" East 205.75 feet; thence North 06°23'04" East 332.05 feet; thence North 76°48'35" West 280.22 feet to a point on the Easterly line of Section 5, Township 17 South, Range 3 West; run thence North 02°42'20" East along said Section line 1800 feet more or less to a point on the Northerly bank of the McKenzie River; run thence West along the Northerly bank of said River 1550 feet; thence North 1950 feet; thence South 80°09'30" West 1201.13 feet; thence North 422.42 feet; thence West 2930 feet; thence South 358.59 feet; thence South 89°57'43" West 544.5 feet; thence North 450 feet; thence West 480.8 feet; thence North 750 feet; thence West 1350 feet; thence North 1000 feet; thence West 786.0 feet; thence North 300 feet; thence West 1720 feet more or less to the Westerly line of Section 31, Township 17 South, Range 3 West; run thence South along said Westerly line and its Southerly extension 1700 feet more or less to the intersection with the Easterly extension of the North line of said John Taylor Donation Land Claim No. 53; thence West 425 feet more or less to the Place of Beginning in Lane County, Oregon.